

Can the morality of an action depend on luck?

Let's start with an example from a very different court. In basketball, it often happens that a player attempts a shot so difficult, and with so many apparently better options available, that teammates and coaches are shouting recriminations at him – until the moment that the ball drops through the hoop.

Was the player's choice retrospectively justified by his success, even though it was a "lucky shot"?

The philosopher Bernard Williams addressed the following scenario. Imagine a successfully married man, with three children, in a stable and remunerative profession, who abruptly leaves everyone and everything behind to become a painter in the South Seas. Imagine further that he succeeds, and becomes one of the great painters of the day (here I leave you to make your own evaluation of Gauguin's work). Is the decision to abandon family retrospectively justified by the works of art he produces?

One might argue that a decision can only be evaluated based on the information available to the "decider" at the time of decision. The player could not know that his shot would go in; Gauguin could not know that he would produce great art; but they could each reasonably estimate the chances. The moral question then is whether the X percent chance of becoming a great artist justified the inevitable emotional harm inflicted by the decision. On this analysis, the outcome of the decision – whether the shot goes in or not – is irrelevant to the evaluation of the decision. There is no such thing as moral luck. But Williams' scenario, unlike my sporting analogy, was deliberately constructed to raise the possibility that an action can be justified despite being unethical. Perhaps when one is comparing apples to apples, odds are relevant. But when one is comparing apples to pottery, when there is no joint axis of value along which to make the comparison, the only metric of justification is success.

In other words, there may be no such thing as ethical luck, but if one believes that actions can be justified along multiple axes – ethics, moral, and holiness, to name a few – then justification may depend on luck, on how one's decisions actually turn out.

This is a radical suggestion, and one that I admit makes me uncomfortable. At the same time – as Mrs. Deborah Klapper realized immediately when I read her Rabbi Jonathan Sacks' presentation of and response to Williams in [The Great Partnership](#) – it puts me in mind of one of my favorite medieval sources, Rabbi Chaim Or Zarua's discussion of the apparent contradiction between the numerous Talmudic passages unequivocally condemning the learning of Torah not *lishmoh* and the famous statement of Rav Yehudah in the name of Rav encouraging learning not *lishmoh* because it leads to learning *lishmoh*. Here is the discussion:

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ושלא לשמה, הואיל ואתא לידן, נימא ביה מילתא - כי ר"ת אומר שני עיניי שלא לשמה יש, חד אסיר וחד שרי, ואני הדיוט ופעוט אומר דכל שלא לשמה חד הוא וכולם עבירה, א[ך] אותה עבירה הותרה, שסופה לבא לידי מצוה, כמו מציל אשה בנהר ומפקח גל בשבת. וכן משמע בנזיר, שמדמה אותה למעשה דיאל. אבל מי שמקשה ערפו לעולם לא יעשה מצוה, נוח לו שלא נברא.

Once *shelo lishmoh* has come up, I'll say something else about it. R. Tam said there are two types of *shelo lishmoh*, one forbidden and one permitted. But I, insignificant and small, say that all *shelo lishmoh* is the same, and all are transgressive. But that transgression is permitted if it will lead in the end to a mitzvah, like when a man saves a woman in a river or digs someone out of a pile on Shabbat. This is also implied by the comparison (of a mitzvah *shelo lishmah*) to Yael (whose seduction of Sisera is called a "sin *lishmoh*"). But one who stiffens his neck, never will he do the mitzvah, better for him not to have been created.

The key question of interpretation is whether he means that

"one who stiffens his neck and *never intends to do* the mitzvah" is better off not having been born,

or rather

"one who stiffens his neck and *in fact never does* the mitzvah".

The comparison to saving lives by transgressing Shabbat or Bal Tikrevu¹ may tend to indicate the former²; the comparison to Yael is worthy of study; but the argument itself strongly favors the latter.

Why? He critiques Rabbeinu Tam for saying that there are two kinds of *lo lishmoh*; but read the first way, he would himself be distinguishing between *lo lishmoh* with intent to reach *lishmoh*, and *lo lishmoh* without such intent.

It therefore seems to me that he means that the action of learning *lo lishmoh* can only be justified if one eventually comes to learn *shelo lishmoh*, regardless of what one initially intended **or of what the odds were of succeeding in getting to *lishmoh*.**

I generally use this responsum to raise the question of whether Judaism recognizes the validity, or necessity, of spiritual risk – particularly, whether one should understand Halakhic observance as a means of eliminating the chance that one will be held accountable for decisions that were properly made but turned out badly. Rabbi Sacks, by introducing me to Williams, has made me realize that acknowledging the reality of spiritual risk³ may entail acknowledging the reality of spiritual luck.

I welcome comments and arguments as to whether this acknowledgement is theologically acceptable. Shabbat shalom!

¹ Or whatever other prohibition(s) one thinks are implicated when men save drowning women

² Many thanks to Will Friedman and Jason Rubenstein for pointing out my sloppiness last week in stating without qualification that birkat erusin was a birkat hamitzvah. Let me try to do better here - I do not intend to imply that it is obvious that one does not sin when

- a) one violates Shabbat in the reasonable conviction that a life may be in danger, when it turns out that such was not the case, let alone when
- b) one violates Shabbat in the reasonable conviction that one might thereby save a life that is actually in danger, but it turns out that one's assistance was either unneeded or ineffectual.

³ Spiritual risk may regardless be real in the sense that required actions may place one in situations where the odds of sinning are raised. In that sense, mens' decisions to save attractive married-to-other-men women from drowning place them in spiritual risk. However, there is no question that those decisions in and of themselves are correct, and will retrospectively be valorized regardless of what happens afterward.