

# Playing the Hand We've Been Dealt: On Constitutive Luck and Moral Education

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## INTRODUCTION

Two incidents this past summer — one in the UK and one in the US — have led me to reflect more deeply on the role of moral luck in a human life and the attendant implications for moral education. Put simply, moral luck is at play when we are (appropriately) praised or blamed for our moral actions despite the fact that at least some aspects of what we are being judged for lie beyond our control. The very idea of moral luck runs counter to the Kantian principle that we are morally accountable only for those actions over which we have control, a principle that is intuitively more appealing than accounts of morality that admit luck.<sup>1</sup> As Daniel Statman writes, “The idea of one’s moral status being subject to luck seems almost unintelligible to most of us, and the expression *moral luck* seems to be an impossible juxtaposition of two altogether different concepts.”<sup>2</sup> The control principle thus serves, in Bernard Williams’s words, as “an inducement, solace to a sense of the world’s unfairness.”<sup>3</sup> Moral luck can be both good and bad — that is, one can be both “morally lucky” and “morally unlucky” — and I will say more about its varieties and features below.<sup>4</sup> The main point of this essay, however, is to suggest that moral philosophers and educators have too long neglected the role education could play in mitigating the morally limiting effects of “constitutive bad luck.”

To set the stage I first describe the two incidents that sparked this inquiry. Next I outline the concept of moral luck, drawing mainly on Williams’s seminal essay, “Moral Luck,” Thomas Nagel’s response to Williams, and extensions of their work by Statman, Susan Wolf, Nicholas Rescher, and others.<sup>5</sup> Of course, luck also figures quite prominently in early Greek thought (especially in the Cynics, Epicureans, and Stoics, as well as in Plato and Aristotle),<sup>6</sup> but I will limit myself here to contemporary work. I then briefly revisit the two incidents through the lens of moral luck, and in the final section I consider potential implications for moral education.

## INCIDENT #1

On May 22 in Woolwich (in South East London), Ingrid Loyau-Kennett, a mother and Cub Scout leader, was on a bus returning home from a family visit when she saw a man lying bleeding on the road.<sup>7</sup> She jumped off the bus to see if she could help, but when she felt for a pulse she discovered the man was already dead. Looking up, she was confronted by Michael Adebolajo, who was covered in blood and holding a revolver in one hand and a meat cleaver in the other, telling her to back off the body. Realizing that this man must be the killer, Loyau-Kennett recalled thinking, “I had better start talking to him before he starts attacking somebody else.” As a crowd began to gather, and while waiting for police to arrive, Loyau-Kennett engaged Adebolajo in conversation, speaking to him directly and calmly. When she asked him why he had killed the young man, he replied that it was in retaliation

for British soldiers killing innocent women and children in Afghanistan and Iraq. “I was worried,” Loyau-Kennett said, “that if another British soldier walked by, he might see that and attack him. And I didn’t want him to see the police trying to do something. If possible, I wanted him to see nothing. I wanted him focused on me.... I just thought: ‘Talk to me, talk to me.’” When Adebolajo became distracted by the growing crowd and turned away to tell them to leave, Loyau-Kennett shifted her attention to a second man, Michael Adebowale, who was also standing nearby holding a bloodied knife. She approached him and asked if he would be willing to give her what he had in his hands: “He didn’t respond, but I could see in his face he was saying ‘no.’ He looked a bit overwhelmed. He didn’t dare to move and was just holding this thing. So I asked him if he would like to go and walk away, or sit down. He said: ‘No, no, no, no.’”

#### INCIDENT #2

On August 20, bookkeeper Antoinette Tuff was working alone in the front office of an elementary school in Decatur, Georgia.<sup>8</sup> Although she was not scheduled to work that day, she had agreed at the last minute to change shifts with a coworker. In the middle of the afternoon a young man entered the school carrying an AK-47 and a backpack holding 500 rounds of ammunition. He had slipped in behind a parent who had been admitted through the locked doors. In the 25-minute recording of the 911 call we hear Tuff talking to Michael Brandon Hill, the would-be shooter, trying to reassure him and convince him to lay down his weapons and surrender to police.<sup>9</sup> After having fired shots at the police, but not hitting anyone, Hill told Tuff that he had gone off his medication and should have gone to the hospital instead, and that he knew he would die that day for his actions, but he had nothing to live for anyway. She responded by telling him about her experience raising a disabled son and her own recent emotional low point: “We all go through something in life,” she said. “You’re gonna be OK, sweetheart. I tried to commit suicide last year after my husband left me.” Speaking with remarkable calm and kindness, in between relaying messages back and forth to the 911 operator, Tuff eventually persuaded Hill to put down his weapons and lie on the floor while the police came to take him into custody. And once he had agreed to surrender, Tuff kept the police at bay long enough to give Hill the drink of water he had asked for.

In the days following each of these events, commentaries focused on Tuff and Loyau-Kennett as moral heroes despite their refusals of that label. Back home in Cornwall, Loyau-Kennett said, “I feel like a fraud. I don’t think I did something courageous.... I just instinctively did it. The same as if anyone had been crying and lying hurt on the ground. I am a mother... it was the right thing to do.”<sup>10</sup> And in interviews with various media, Tuff also deflected attention from herself, crediting her pastor’s teaching to “anchor yourself in the Lord” in times of difficulty or distress.<sup>11</sup> I will return to these incidents below, but first let me turn to the concept of moral luck itself and its role in the moral life, for it is clear that, regardless of their decisions to act in particular (in this case, morally exemplary) ways at the time, if Loyau-Kennett had caught an earlier bus, or if Tuff had not agreed to exchange shifts with her coworker, neither woman would have been in those situations in the first place.

## MORAL LUCK

In “The Moral of Moral Luck,” Wolf writes:

Whether we are naturally sociable or irritable, whether we find ourselves faced with particularly explicit or burdensome moral challenges, whether the arrows of our actions hit their targets — all constitute ways in which things we cannot control affect the moral quality of our lives. All, then, serve as examples of moral luck, which, taken as a group, make up one of the most philosophically perplexing and troubling features of ordinary moral experience.<sup>12</sup>

As I mentioned previously, luck figured quite significantly in early Greek thought, but in contemporary philosophy it was Williams and Nagel who revived the idea that, despite the compelling rationality and intuitive appeal of Kant’s control principle, luck in fact plays an important role in everyday moral life. Joel Feinberg had raised the broad problem of luck several years earlier in his essay, “Problematic Responsibility in Law and Morals,”<sup>13</sup> but he insisted that luck has no place in morality, so it is fair to say that Williams and Nagel were the first to address the phenomenon of “moral luck” per se. I will not rehearse their full arguments here, but instead focus on Nagel’s description of four (relatively independent, but often connected) kinds of moral luck to which agents are subject: outcome luck, causal luck, circumstantial luck, and constitutive luck.<sup>14</sup> I describe each in turn, paying particular attention to constitutive luck, since that is the category most often dismissed, or bracketed out, by moral philosophers (including Williams),<sup>15</sup> but one that I believe has important implications for moral education.

## OUTCOME LUCK

Put simply, outcome luck (sometimes referred to as “resultant” luck) is luck in the way things (for which one is held responsible) turn out. A paradigmatic example of outcome luck is Williams’s case of the truck driver who, through no fault of his own, runs over and kills a child who has darted into the road just as the driver approached.<sup>16</sup> While he may not be held legally responsible for the tragic outcome, we would still expect him to experience what Williams calls “agent-regret” because his actions resulted in the death of a child.<sup>17</sup> Outcome luck also figures in situations in which two people have the same intentions and perform the same action, but things turn out differently, and each is morally judged on the outcome of his action regardless of their similar lack of control over some aspects of the situation. For example, imagine that the next day another truck driver drives down the same road without incident and let us also imagine that both drivers had forgotten to have their brakes checked as recently as they should have. “What makes this a case of moral luck,” Wolf explains, “is that [the first] driver has much more moral weight on his shoulders” than the second driver who, although equally negligent, had no child run across his path.<sup>18</sup>

## CAUSAL LUCK

In contrast to outcome luck, causal luck refers to particular preceding conditions that influence an action for better or worse. For Nagel, causal luck derives from the classic problem of free will in which one’s very intentions and motives are susceptible to luck and therefore not entirely free.<sup>19</sup> It thus extends both to the beliefs we hold (for example, about justice or desert), which are at least partially shaped by external

forces, and to more trivial antecedents, such as a sudden coughing fit, which, in a particular context, can end up playing a deciding role in the agent's action.<sup>20</sup>

#### CIRCUMSTANTIAL LUCK

Circumstantial luck refers to luck in the particular time, place, cultural context, and so on in which we find ourselves, and therefore in the kind of moral problems and situations we face. Nagel cites the example of Nazi collaborators in the 1930s in Germany as an example of circumstantial luck.<sup>21</sup> He says that if these same men and women had been transferred by their employers so that they were living and working in another country at the time, they may have gone on to lead morally unremarkable, or perhaps even exemplary lives. But we will never know. The point is that we are judged on what we *do*, not on what we did *not do* or what we might (or might not) have done had we been in different circumstances. Therefore, the collaborators were appropriately blamed for their moral actions, and we cannot ascribe blame to their imaginary counterparts for acts they did not commit, even if they held the same intentions and beliefs as the real collaborators.

#### CONSTITUTIVE LUCK

Constitutive luck is the most controversial category of moral luck because it rests on a claim that luck affects the sort of person one is (one's capacities, inclinations, and temperament),<sup>22</sup> and that those characteristic qualities — acquired through heredity, environment, early experiences, or other situations over which one has no control — play an important role in one's moral decisions and actions. However, some philosophers dismiss the very concept of constitutive luck as incoherent. Statman writes:

There seems to be something odd about this idea. Suppose somebody says, "Oh, how lucky I am to have such parents!" The natural response to this seems to be, "Well had you had different parents, you wouldn't have been the same person." That is, luck necessarily presupposes the existence of some subject who is affected by it. Because luck in the very constitution of an agent cannot be luck for anyone, the idea of one being lucky in the kind of person one is sounds incoherent.<sup>23</sup>

In a similar vein, Rescher describes the notion of constitutive luck as a category mistake.<sup>24</sup> He claims that the issue of control or lack of control over our capacities, inclinations, and temperament is irrelevant as a moral concern because, without those constitutive features, we would not be the same person we are today, and if we were the same person, those features were never *constitutive* in the first place: "One cannot meaningfully be said to be lucky in regard to who one is, but only with respect to what happens to one. Identity must precede luck."<sup>25</sup>

Andrew Latus, on the other hand, argues that we can make perfectly good sense of the idea of constitutive luck without appealing to some kind of "mysterious, propertyless self that can retain its identity while taking on any set of characteristics."<sup>26</sup>

Is it really the case that in order for me to be able legitimately to say "You're lucky to be clever," it must have been possible for you to exist without being clever? Surely not. There is nothing odd about saying both that we think being clever is an essential element of your character and that you are lucky to be clever... Why do we think you are lucky? Because most of us aren't clever. The way we think about [luck] is not in terms of the chance of *you* being constituted differently but in terms of the chance of *a person* being constituted that way (that is, so as to be clever). You're lucky because you're constituted in this unusual way.<sup>27</sup>

However, even if we accept the notion of constitutive luck, we are stuck with the problem of what moral weight (if any) ought to be given to those qualities. Nagel agrees with Kant that ideally we should not be praised or blamed for qualities of character that lie outside our control, but he (Nagel) also says that at the end of the day, we *are* assessed for what we are like. For example, person A's characteristic generosity and person B's characteristic stinginess will incline them to respond in (morally relevant) different ways to another person's request for help. Even if we can trace A's generosity to the fact that she was raised from infancy to share whatever she has with others, such that generosity has become second nature, while B was taught to hang onto what she has because you never know when it might all be taken away, both will be judged for the moral actions that ensue from their characteristic inclinations regardless of how they came to be that way.

Admittedly, the notion of constitutive luck may raise more problems than it solves, but I share Nagel and Latus's view that there are situations in which one's inclinations, capacities, or temperament are morally relevant, and therefore that the concept of constitutive luck is both coherent and worthy of further examination. First, however, I return to the two incidents described earlier.

#### MORAL LUCK IN WOOLWICH AND DECATUR

It goes without saying that it would have been far better if neither of these situations had arisen in the first place, but since they did happen, they afford us an opportunity to reexamine the workings of morality in everyday human lives and, for the purposes of this essay, to consider what we might learn about the relationship between moral luck and moral education.

In the first incident, looking only at the moral assessment of Loyau-Kennett (and not others' moral actions), both constitutive and circumstantial luck were at play. With regard to the former, Loyau-Kennett's insistence that her actions were unremarkable suggests that she may be endowed with dispositions and inclinations that would have made it uncharacteristic of her not to respond the way she did, thereby helping to avert further violence, while so many others stood by watching.<sup>28</sup> But even so, had she not been on that particular bus as it passed down that particular street at that particular time (circumstantial luck), she would have had no occasion to intervene and thus no reason (at the time) to be praised. Similarly, the fact that Tuff happened to be in the office that day, rather than her colleague, is an instance of circumstantial luck. While we will never know how the situation would have unfolded if her colleague had been there, it was Tuff whose compassion and kindness helped to calm Hill, so it is Tuff who was rightly praised for her actions. The point is that while nothing about these situations is "lucky" in the usual sense of that word (except perhaps that the Tuff and Hill encounter ended without harm to anyone), the idea of moral luck offers us a way to acknowledge *both* that Tuff and Loyau-Kennett were deserving of praise *and* that there were aspects of the situations that were outside their control.

As I mentioned before, in the immediate aftermath of both incidents, media accounts focused on the moral heroism of Loyau-Kennett and Tuff. Only later did some sources attempt to dig a bit deeper into the histories, motivations, and goals of the other central figures: Adebolajo, Adebowale, and Hill. In mulling over the

transcript of the encounter between Tuff and Hill in the days and weeks after it happened, it struck me that at least part of the reason it became a story of moral heroism, and not another school tragedy, was that Tuff's words were somehow able to cut through Hill's distress and desperation.<sup>29</sup> He was willing to receive her compassion and kindness, and to surrender peacefully without having hurt anyone. And in Woolwich, even though both Adebolajo and Adebowale had already killed Lee Rigby and still had the weapons in their hands, they were willing to talk to Loyau-Kennett when she addressed them. Referring to Adebolajo, she said, "He was not high, he was not on drugs, he was not an alcoholic or drunk, he was just distressed, upset. He was in full control of his decisions and ready to do everything he wanted to do," which, as he told her, was to "start a war in London tonight."<sup>30</sup> Obviously, deciding not to carry out a violent act one had originally set out to do does not merit praise as such, but I do think that all three men's decision to surrender without further incident warrants some reflection; and it is here that I want to turn the discussion to educational concerns.

#### MORAL LUCK AND MORAL EDUCATION

Since luck by definition refers to aspects of human life outside our control, it is no surprise that the topic of moral luck has been largely ignored in education. After all, why concern ourselves with something we can't do much about? A notable exception is Ron Glass's 2006 essay, "Left Behind Once Again," in which he examines the "ways in which matters of moral luck get turned into enduring life realities by current education policies and school practices, leaving the unlucky children in low-income, culturally and linguistically diverse ... families behind once again."<sup>31</sup> He notes:

It is easier to be a good person and meet moral standards in some settings than in others. Much like the race, class, and gender privileges/oppressions that one is born into, one is also just thrown into certain moral privileges (and disadvantages). It is easier not to steal when one is well-fed, clothed, housed, and employed. In some environments, goodness may be virtually beyond reach.<sup>32</sup>

Glass argues that we must stop blaming children for the detrimental effects of circumstances and constitutive experiences beyond their control, and start holding to account the adults who could in fact make a difference. He ends his essay with a call to political action: "We face a new abstract cruelty in politics, coupled with a destructive political righteousness that threatens an entire generation.... [N]ot only is this unconscionable, luck has nothing to do with it. It is up to each of us to respond to the plight of those being left behind once again."<sup>33</sup> I share Glass's concerns about the inappropriate ascription of blame. I also support his call to political action and his rejection of the term "luck," if and when it serves as an excuse for the unjust distribution of goods and resources. However, I also believe there is a middle ground between (a) rejecting the notion of constitutive luck as a morally relevant factor in a human life and (b) seeing it as a determining factor. That is, while constitutive luck itself is beyond our control, I think there is room to influence the extent to which it defines one's life, and that education has a key role to play in that process. (Note that constitutive bad luck affects not only those born into disadvantaged circumstances, but also those whose innate temperaments and inclinations may limit their capacity for moral response.)

What I am proposing is nothing radical. It involves lowering our sights a bit in moral education so that, rather than aiming for Kantian abstract moral reasoning or the cultivation of virtuous character, we focus on creating opportunities for students to develop a less luck-bound repertoire of moral capacities and inclinations so they can come to see a wide range of moral responses as real possibilities *for them* — as decisions and actions that they (and not just moral saints and heroes, or otherwise “constitutively lucky” people) could actually perform.

By responding to Hill, Adebolajo, and Adebowale as they did, both Tuff and Loyau-Kennett gave the young men opportunities to think and act differently. They treated them as people capable of making the right moral decision, thereby at least opening the possibility for a different response. Similarly, I believe that if we provide students with a wide range of genuine moral experiences (in which they are sometimes the agent and sometimes the recipient), they can learn to experience a range of emotions, make decisions with real consequences, and practice different responses. In this way, I suggest, moral situations that once would have been largely determined by factors of constitutive luck can become sites of genuine agency. Obviously, there is no guarantee: in the heat of the moment we may still tend to default to our habitual inclinations and actions. But we might not.

Richard Curwin recounts his experience working with “Bill,” a fourth-grade student designated “at-risk.”<sup>34</sup> Bill came from a turbulent home, was verbally abusive, violent toward his peers, and had already started to drink heavily in times of stress. Instead of constantly punishing Bill for his behavior, his principal, teacher, and counselor decided to make him responsible for assisting a wheelchair-bound first-grader on and off the bus every day, and for being her protector, with the sole stipulation that if he got into a fight, he could not help the younger child for the rest of that day. As Curwin recalls, “Bill did not become a model student. He still fought on occasion and struggled academically. But his attitude changed significantly. Someone was depending on him and he felt needed and important.”<sup>35</sup>

I am not suggesting that such interventions can either compensate for constitutive bad luck or substitute for political action. But I do believe that while we are working on the political level to “reshuffle the deck,” so to speak, so that the cards of constitutive luck are no longer stacked against some students in favor of others, we also need to be creating educational opportunities, here and now, for them to learn to play differently with the hand they’ve been dealt.

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1. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. Herbert James Paton (New York: HarperCollins, 1964).

2. Daniel Statman, “Introduction,” in *Moral Luck*, ed. Daniel Statman (Albany: State University of New York Press, 1993), 1.

3. Bernard A. O. Williams, “Moral Luck,” *Proceedings of the Aristotelian Society, Supplementary Volumes* 50 (1976): 116.

4. See also Samuel D. Rocha, “Erotic Study: Fortune, Baby-Talk and Jazz,” in *Philosophy of Education 2012*, ed. Claudia W. Ruitenberg (Urbana, IL: Philosophy of Education Society, 2013), 64–65.

5. Williams, “Moral Luck,” 115–135; Thomas Nagel, “Moral Luck,” in *Proceedings of the Aristotelian Society, Supplementary Volumes* 50 (1976): 137–151; Statman, “Introduction”; Susan Wolf, “The Moral

in Moral Luck,” in *Setting the Moral Compass: Essays by Women Philosophers*, ed. Cheshire Calhoun (New York: Oxford University Press, 2004), 113–127; and Nicholas Rescher, “Moral Luck,” in *Moral Luck*, ed. Statman, 141–166.

6. See Martha C. Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (New York: Cambridge University Press, 1986).

7. This account is taken from various TV and newspaper interviews, including Claire Duffin, “Mum Talked Down Woolwich Terrorists Who Told Her: ‘We Want to Start a War in London Tonight,’” *The Telegraph*, May 22, 2013; and Leo Hickman, “Woolwich Attack Witness Ingrid Loyau-Kennett: ‘I feel like a fraud,’” *The Guardian*, May 27, 2013. The direct quotations of Loyau-Kennett included in my account are drawn from these sources.

8. This account is taken from various TV and newspaper analyses including Tim Walker, “The Day Antoinette Tuff Lived Up To Her Name: School Clerk Talked Gunman into Putting Down Weapon,” *The Independent*, August 22, 2013.

9. See recording of 911 call, available at Josh Voorhees, “911 Tape Shows Just How Amazing Ga. School Clerk Antoinette Tuff Was Under Pressure,” *The Slate*, August 22, 2013, [http://www.slate.com/blogs/the\\_slate/2013/08/22/antoinette\\_tuff\\_911\\_call\\_listen\\_to\\_the\\_full\\_tape\\_of\\_ga\\_school\\_clerks\\_call.html](http://www.slate.com/blogs/the_slate/2013/08/22/antoinette_tuff_911_call_listen_to_the_full_tape_of_ga_school_clerks_call.html).

10. Hickman, “Woolwich Attack Witness Ingrid Loyau-Kennett.”

11. Walker, “The Day Antoinette Tuff Lived Up To Her Name.”

12. Wolf, “The Moral of Moral Luck,” 113.

13. Joel Feinberg, “Problematic Responsibility in Law and Morals,” *Philosophical Review* 71, no. 3 (1962): 340–351.

14. Nagel, “Moral Luck,” 140. There is disagreement among philosophers and critics of Nagel about whether there are in fact four distinct kinds of luck; however, I will stick with Nagel’s original four and his descriptions of the parameters of each.

15. Williams, “Moral Luck,” 116.

16. *Ibid.*, 124ff.

17. *Ibid.*, 123.

18. Wolf, “The Moral of Moral Luck,” 113.

19. Nagel, “Moral Luck,” 146.

20. *Ibid.*, 144.

21. *Ibid.*, 145–146.

22. *Ibid.*, 140.

23. Statman, “Introduction,” 12.

24. Rescher, “Moral Luck,” 156–157. See also Susan Hurley, “Justice Without Constitutive Luck,” *Ethics: Royal Institute of Philosophy Supplement* 35 (1993), 179–212.

25. Rescher, “Moral Luck,” 155.

26. Andrew Latus, “Constitutive Luck,” *Metaphilosophy* 34, no. 4 (2003): 464.

27. *Ibid.*, 471–472.

28. Further discussion of how Loyau-Kennett and Tuff came to hold their respective character traits is beyond the scope of this essay. On the development of moral courage in particular, see, for example, Eva Fogelman, *Conscience and Courage: Rescuers of Jews During the Holocaust* (New York: Doubleday, 1994).

29. It is important to note that Hill’s mental illness was a precipitating factor in the incident, and one reason I am steering away from any discussion of blame; but it was the interaction between the two, and not only Tuff’s praiseworthy actions, that led me to the broader question of the role of constitutive luck in a moral life.

30. Duffin, “Mum Talked Down Woolwich Terrorists.”

31. Ronald D. Glass, "Left Behind Once Again: What's Luck Got to Do with Current Education Policies and Practices?," in *Philosophy of Education 2006*, ed. Daniel Vokey (Urbana, IL: Philosophy of Education Society, 2007), 354–363.
32. *Ibid.*, 359.
33. *Ibid.*, 361–362.
34. Richard L. Curwin, "The Healing Power of Altruism," *Educational Leadership* 51, no. 3 (1993): 36–39.
35. *Ibid.*, 36.