

Expecting Bad Luck

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This paper draws on Card's discussions of moral luck to consider the complicated moral life of people—described as pessimists—who accept the heavy knowledge of the predictability of the bad moral luck of oppression. The potential threat to ethics posed by this knowledge can be overcome by the pessimist whose resistance to oppression, even in the absence of hope, expresses a sense of still having a “claim” on flourishing despite its unattainability under oppression.

I

Many people who live under conditions that are oppressive but in which some form of sustained resistance is still possible—for instance, people who face entrenched and severe poverty, misogyny, and/or racism—draw upon hope or its more overtly religious correlate, faith, in order to find a way to go on trying to live well or to struggle against oppression, and to do so in a way that maintains their sense of morality and integrity. Some of these people, those who have not just hope but also an underlying expectation for success in their strivings, can even be described as optimists.¹ For instance, Martin Luther King, Jr., whose language was infused with references to his hope and his faith, was clearly an optimist; though he recognized and did not underestimate the difficulty of the struggle that he and other black people faced, and was realistic about the hardships and the suffering that both surviving and resisting racism would continue to entail, he nevertheless expected ultimate success.²

I will not undertake to argue that one ought not to have hope or, if religious, faith, and I recognize how central hope and faith have been to many political movements such as the Civil Rights Movement. However, even if hope is to be encouraged (if it is still possible) in the worst of circumstances, confident or optimistic expectation that these hopes will be realized may frequently be

unwarranted. Thus I must support a certain kind of pessimism, what Derrick Bell calls being “pessimistic in a *victory* sense” (1992, x; emphasis in the original); this kind of pessimism is compatible with hope—because one might still sustain hope that one’s prediction of failure will turn out to be wrong—but it is not necessarily accompanied by hope. In supporting this kind of pessimism, I am led to try to understand something about the moral life of a pessimist, a moral life that is not straightforward in the way that the moral life of an optimist is. I want to understand moral life in the absence of confident expectation of success, particularly success in resisting oppression, an absence that I think is quite well justified, given the conditions of life under some forms of oppression and given a realistic assessment of the likelihood of these conditions changing significantly enough. Bell, who speaks of the “permanence of racism” and yet never doubts the necessity of struggling against it, illustrates the idea of morality in the absence of the expectation or even the hope of success:

It was a quiet, heat-hushed evening in Harmony, a small black community near the Mississippi Delta. Some Harmony residents, in the face of increasing white hostility, were organizing to ensure implementation of a court order mandating desegregation of their schools the next September. Walking with her up a dusty, unpaved road toward her modest home, I asked one of the organizers, Mrs. Biona MacDonald, where she and the other black families found the courage to continue working for civil rights in the face of intimidation that included blacks losing their jobs, the local banks trying to foreclose on the mortgages of those active in the civil rights movement, and shots fired through their windows late at night.

Mrs. MacDonald looked at me and said slowly, seriously, “I can’t speak for everyone, but as for me, I am an old woman. I lives to harass white folks.”

. . . I realized that Mrs. MacDonald didn’t say she risked everything because she hoped or expected to win out over the whites who, as she well knew, held all the economic and political power, and the guns as well. Rather, she recognized that—powerless as she was—she had and intended to use courage and determination as a weapon to, in her words, “harass white folks.” (1992, xi–xii)

In this passage Bell points to a woman who, in the absence of optimistic expectation or anticipation of success, found a way to go on both morally and politically. She was able to sustain the moral virtues of courage and determination and the rest of what enabled her to be steadfast in her civil rights

work without ever expecting (in the sense of predicting) or, according to Bell, even hoping to achieve the sort of success that would yield a better life for herself or other black people.

The level of confident expectation that is appropriate depends, among other things, on what one is striving for; if one sets one's sights high—on something highly desirable but highly improbable—one has little reason to expect success in attaining the object of one's strivings. Some people who resist oppression may count small victories of activism or everyday survival and everyday achievements as successes, and, focusing on these successes rather than on the daunting task of eliminating all oppression, base their confident expectation on the probability that they will be able to enjoy more of these successes; others will acknowledge the difficulty and improbability of ending oppression in, say, their own lifetimes or even several generations, but stay confident and thus optimistic about what a far-off future may be like; still others confidently expect there will be many joys in life that spring forth in spite of oppression and find full (enough) satisfaction in these joys.

My focus in this paper will be on people who stand at the other end of the spectrum of confident expectation, people who are generally pessimistic about the prospects for attaining their ends. I am especially interested in those who lack reason to expect their ends to be realized precisely because they set their sights on the aim of ending oppression, and they realistically assess the likelihood of attaining this aim to be extremely small; they nevertheless refuse to lower their sights in such a way that would allow them to count small victories, better but long-off futures, or joys that exist in spite of oppression as sufficient for satisfying their strivings.³

As Margaret Urban Walker has noted, people who lack confident expectation—presumably including people like those I have just described above—may in fact replace or augment confidence with hope, because in fact the presence of hope suggests that one believes success is possible though not assured and perhaps not even probable. Walker draws on a distinction between “normative expectations” and “merely predictive expectations” (2006, 68) to highlight the significance of this point; normative expectations are “expectations that people will act as they *should*,” and they “embody a sense of *entitlement* to what we expect, and not merely an anticipation of it” (2006, 67; emphasis in the original), and in fact, normative expectations may persist even when unaccompanied by a corresponding anticipation or predictive expectation: “With normative expectations we are set to make . . . demands even when we do not have a reason to be optimistic about compliance” (2006, 68). According to Walker, people who have such normative expectations still need to have hope that their expectations will be fulfilled, for trust requires either confident expectation, or, in its absence, hope, and trust is for Walker the cornerstone of our moral and social relations, and thus normative

expectations would be impossible without it. For Walker, then, where not even hopeful trust is possible, morality is threatened; she writes, “To lose the capacity for hopeful trust is to lose one’s grip on morality, for then we can only take up the demanding attitude of normative expectation—the attitude of holding others responsible—toward those whose compliance we have reason to confidently expect” (2006, 70). Hope, however—which I agree with Walker requires “the real *possibility* (non-zero probability, less than certainty) of what is hoped for, in the estimate of the one who hopes” (2006, 60)—does not seem to me to be always warranted, in that sometimes one can realistically predict that there is essentially *no* possibility of success. While there will sometimes be a basis for hope even when there is no basis for (predictive) expectation, such as when there is only a small, even tiny, probability of success, sometimes there will be no basis for either, a situation that may call for an especially deep pessimism, or a pessimism unaccompanied by hope.

My concern in the case of pessimists—both those who lack confident (predictive) expectations of success but who maintain hope (that is, they think there is a non-zero, but not very high, probability of success) and those who have neither (predictive) expectations nor hope for success—is about whether the dearth of confident/hopeful expectation constitutes a threat to ethics, and in particular a threat to both the committed pursuit of their morally praiseworthy ends, such as eradicating oppression, and the exercise of the virtues that must accompany such a pursuit. While Walker seems clear that moral relations are possible for those pessimists who at least have hopeful trust, but not for those who cannot even hope, I want to take a second look at the threat to ethics that arises for both hopeful and unhopeful pessimists, to see what may be salvaged. I am not focusing here, as Walker does, on the question of whether moral relations can be sustained without either confident or hopeful trust, but rather on the question of whether for the pessimist the committed pursuit of morally praiseworthy ends (especially those thought to be nearly impossible to attain) and the maintenance of the associated virtues are threatened.

Simon Blackburn has named “seven threats to ethics” (the death of God, relativism, egoism, evolutionary theory, determinism and futility, unreasonable demands, and false consciousness) nurtured by the “ethical climate” in which “we” live (Blackburn 2001, Introduction and Part I). However, some of “us” live under different conditions than others, and my contention is that people who live under oppression may face additional or different threats to ethics than those recognized by Blackburn. Claudia Card, by introducing the concept of moral luck into the discourse about oppression, has helped to bring some of these threats into focus. Card herself considers one such threat, the threat posed by moral damage. I will consider another threat: that posed by the heavy knowledge of the workings of the “unnatural lottery” and the pessimism—or at

the extreme, the despair or lack of hope—that such knowledge may give rise to. I believe that the pessimists that I am interested in—namely those whose expectation of success (and perhaps also whose hope) is vanishingly small because their sights are set high on the aim of radically transforming oppressive societies, and they realistically accept the heavy knowledge of the improbability of attaining this aim—*can* keep their moral selves intact despite the threat posed by this heavy knowledge. Nevertheless, I do think that the moral life of those whose understanding of the unnatural lottery leaves them pessimistic is complicated; it is complicated because their otherwise morally praiseworthy ends—at least those ends that they consider to be sufficiently good—appear to them as unrealizable (within what they take to be the relevant timeframe, say, several generations).

The (perceived) unrealizability of pessimists' ends turns these ends into idealizations. I will consider an end to be *idealized* (as distinguished from simply being a normative ideal) only if it is conceived of as ideal in the sense of perfect (or at least good enough) *and* unrealizable in the actual world. An optimist's ideal or goal, because it is conceived of as sufficiently good (though not necessarily best or perfect, if the optimist is realistic at all) *but still as realizable* in the actual world, is not idealized. A normative ideal becomes idealized when it is kept despite there being a gap between the normative ideal and that which is realizable in the actual world; the optimist, maintaining the expectation, hope, or faith that her ideal can in fact be reached eventually, denies that there is such a gap, and so her normative ideal functions as more than just an idealization.⁴

Using eudaimonistic terms, one could say that the optimist maintains a belief that the ideal of flourishing (*eudaimonia*) is realizable because oppression (and the barriers to flourishing that characterize oppression) can be either overcome to a significant enough degree or lived with (or in spite of) sufficiently well. If, continuing within a framework of eudaimonistic virtue ethics, one describes a morally praiseworthy optimist as one who practices the virtues—for their own sake—then at least some of these virtues can be traits that help one to strive toward what the optimist takes to be an attainable ideal of flourishing. It is not hard to understand why those traits should count as virtues or to make sense of the relationship between those virtues and the realizable ideal of flourishing. The path for the optimist is fairly clear (depending of course on the degree of optimism): she should exercise the virtues, which may include those that help her realize the attainable aims of overcoming oppression (to a significant degree) or living with/in spite of oppression sufficiently well, thus enabling (a significant degree of) flourishing, her own and that of others. Even the person who maintains confidence not because she thinks oppression can be overcome but rather because she gives weight to the successes that can take place under oppressive conditions (I will

count such a person as a sort of an optimist) has a fairly clear path of exercising the virtues associated with these everyday successes.

It is harder, within a eudaimonistic framework, to make sense of the exercise of the virtues in the case of someone who sets her sights high on the aim of overcoming oppression but is deeply pessimistic (and perhaps unhelpful) about attaining this aim, and who despite her pessimism (and perhaps lack of hope) remains fully motivated to carry on resisting oppression. Such a pessimist thinks that at least some version of flourishing—the sort of flourishing with which conditions of oppression interfere—is unattainable because there is no likelihood of significant victory (within what she takes to be a relevant timeframe) in struggles against oppression. I will call this sort of flourishing *idealized flourishing*; it is, in the pessimist's estimation, both sufficiently good and unrealizable in the actual world within what she takes to be a relevant distance into the future. One might think of it as “impossibly good.” The virtues of this sort of pessimist—virtues that include the traits necessary for engaging in resistance to oppression—cannot have the same connection to flourishing (which for the pessimist is idealized) as they do for the optimist; virtues that are practiced for their own sake would, contrary to what is typical of virtues in a eudaimonistic framework, not be constitutive of any ideal of flourishing, for the pessimist understands flourishing to be unattainable, and it does not quite seem right to say of virtues that their exercise is constitutive of something unattainable.

One can nevertheless make sense of a person who is fairly pessimistic holding onto a version of flourishing that she takes to be unattainable (*idealized flourishing*), whether or not she also relies on and works to achieve a version of flourishing, which I will call *conditioned flourishing*, that can be realized under the uncondusive conditions of ongoing oppression (of course, how conditioned flourishing is will be a matter of degree). This pessimist, believing that any version of flourishing that is good (enough) is also unrealizable in the actual world, must either strive only for something that is achievable but not according to her sufficiently good—conditioned flourishing—or (only or also) for something that would be sufficiently good but that cannot be attained—idealized flourishing. I will suggest that striving only for conditioned flourishing, a version of flourishing that is understood to be not good (enough), is insufficiently critical of the oppressive conditions themselves, though many virtues are linked only to conditioned flourishing and I would not deny that these virtues are also worthy. Thus the pessimist who is nevertheless committed to resisting oppression must strive for what she takes to be unattainable.

If in a eudaimonistic theory an unattainable ideal—such as idealized flourishing—were posited as the *only* value for the pessimist, such theory would be unable to make sense of the pessimist's resistance to oppression.⁵ However, I believe that in striving for what she takes to be unattainable, the pessimist

reveals several other values that emerge alongside the value of flourishing and that seem to buoy the pessimist, values such as self-respect, integrity, freedom, and even a sense of having a “claim” on the sort of flourishing that is unattainable under conditions of oppression. These values do not necessarily displace the centrality of flourishing and in fact can be said to re-express the centrality of flourishing; that is, they all can be expressive of a refusal to consent to oppression where oppression is understood as a set of unjust barriers to flourishing. I am suggesting that it is the strength of these values that guards against the threat to ethics, and that therefore the pursuit of morally praiseworthy ends and the maintenance of the associated virtues is possible even in the absence of both confident and hopeful trust. The pessimist committed to resisting oppression refuses to always lower her sights and accept conditioned flourishing as good enough, and—out of a sense of the values just mentioned—must insist on (only or also) pursuing the unattainable, idealized flourishing.⁶

I want to understand better the moral lives of those pessimists who are committed to resisting oppression and who refuse to lower their sights, and thus pursue an end that they never expect to reach; that is, I want to understand people like Mrs. Biona MacDonald, people who live morally admirable lives under the weight of the predictable bad moral luck of oppression. To do this I need to say more about the sort of bad moral luck that best characterizes oppression.

II

It is from Claudia Card that I learned to pay attention to luck, and therefore to vulnerability, specifically in the lives of those who are disadvantaged. Card—with her 1996 publication of *The Unnatural Lottery*—entered a discussion of moral luck and vulnerability that had been underway for a couple of decades. Initiated by Bernard Williams and Thomas Nagel’s 1976 work on moral luck, and taken in a somewhat different direction ten years later by Martha Nussbaum’s *The Fragility of Goodness*, philosophical attention to luck and vulnerability created a shift in twentieth-century moral theory, or perhaps a reorientation back to something that the ancient Greeks had recognized as important. A second change in moral theory also took place over the same couple of decades: with the emergence of feminist philosophy, and specifically feminist ethics, came a renewed recognition (with seeds in Marxist and other critical theory) that not all moral subjects are similarly positioned or similarly constituted, and that inequalities of power-structure relationships give rise to some of the most significant differences in social positioning. Card—along with a few others such as Walker, who has also worked on the issue of moral luck—brought the insights of these two lines of thought into contact with each other.

As a result, Card has made it possible to pose many new and fruitful questions about the moral self under the particular conditions of luck that typify oppression. I will focus on this self whose social positioning makes a certain sort of bad luck probable and predictable, a self whose pessimism, if it develops, is warranted. I will turn now to the analyses of luck that have been offered by both Nussbaum and Card.

Nussbaum's contribution toward reorienting moral theory was to show how luck and thus vulnerability are central features of human life—and of the moral self. In *The Fragility of Goodness*, she demonstrates that the recognition of our vulnerability to bad—including disastrous—luck is crucial for theorizing about human flourishing, because one of the most important facts about human flourishing is its very fragility. Moreover, she emphasizes that even if we want to protect ourselves from disastrous luck, an attempt to stamp out the likely sources of risk would be misguided, for these sources tend to be the very things that give value to human lives. Our attachments to others amplify the risks of bad luck because they increase the likelihood of devastating loss—such as the loss of a child or a lover—and yet eliminating these attachments would narrow our lives and remove from them what may be of most value. The very fact that we have values, and that these values are often plural and conflicting, makes us vulnerable to moral conflicts of the sort that Williams (1973) noted tend to give rise to moral remainders. When we encounter these conflicts through no fault of our own, they and the troublesome remainders they leave us with can be characterized as matters of luck. Yet we cannot avoid moral conflicts without, again, narrowing what we value so as to reduce the plurality of values; and this, too, would diminish our moral selves. Being creatures of emotion and not just reason makes us vulnerable, too, for our emotions are often tied to things that are beyond our control, that is, to sources of luck. And again, we cannot, without stripping ourselves of the richness of an emotional life, make ourselves immune to the effects of luck.

For Nussbaum (as a sympathetic interpreter of Aristotle), human flourishing—given the sorts of things that humans value and make for a life worth the living—is easily disrupted by luck, largely because flourishing is an activity rather than simply a good condition, and activity is vulnerable in several ways: activity often requires external resources, the absence of which can block or impede one from carrying out the activity, and furthermore, the very object of the activity (such as a friend in the case of the activity of forming or maintaining a friendship) may be destroyed, lost, damaged, or made more difficult to reach (1986, 327). Additionally, luck that is both persistent and sufficiently terrible may eventually result in an erosion of good character itself—a phenomenon that Card refers to as moral damage—and this loss of virtue poses another threat to flourishing because virtue is necessary for flourishing.

If Nussbaum can be credited with emphasizing the centrality of luck and vulnerability to the moral self and the magnitude of their impact on the possibilities for flourishing, Card has made an equally important contribution: she accepts the centrality of luck and vulnerability in human life, and points out that given this centrality, it is particularly significant and odious that there are systemically maintained differences in how people are positioned with respect to their vulnerability to bad moral luck. Oppression affects many aspects of human life. Card names one that had gone previously unremarked: oppression makes it more likely that one will be subject to certain kinds of bad moral luck. The more that luck is central to our moral lives, the more disturbing it is that oppressive systems have a role in directing bad luck to some more than to others.

I want to emphasize the importance of Card's contribution by dwelling for a moment on the distinctiveness of the sort of moral luck that is due to the "unnatural lottery," which I like to call *systemic luck*. It differs in some crucial ways from "natural" or nonsystemic luck.

Systemic luck—luck that is generated by systemic forces, for example, social, political, and economic, and that is funneled toward certain people by virtue of their social positioning—lacks the features of unpredictability and improbability that tend to characterize nonsystemic luck. Bad luck that has no systemic source tends to be unpredictable (though I will discuss exceptions below). One can perhaps predict that everyone will experience *some* form of nonsystemic bad luck; however, such a vague prediction does not accomplish much. Nonsystemic bad luck is unpredictable in the sense that there are many, many possible instances of bad luck each of which taken singularly is highly improbable, and one cannot generally predict which one will strike. Furthermore, the only way to decrease the likelihood of the occurrence of a particular instance of bad luck is to do a broad sweep that would cover all imaginable (though improbable) sorts of nonsystemic bad luck, but such a broad sweep to remove from one's life all of the sources of bad luck would also, as Nussbaum has pointed out, result in eliminating or reducing much of what is of value in life. Because of the unpredictability of this sort of bad luck, it would be impossible (without this narrowing of one's life) to plan a course of action for avoiding it, and thus useless to go around worrying about which variety of bad luck one might encounter; one could never accurately guess when and where bad luck will strike, or what shape it will take. Indeed, one is better off going about one's life under the assumption that one will not be struck in the next moment with an onslaught of this sort of bad luck. If one does otherwise and is constantly plagued with thoughts like "I'm about to be diagnosed with a terrible disease," or "an earthquake could hit tomorrow," or "my child may fall out a fifth floor window while playing at her friend's apartment," one is probably suffering from an anxiety disorder. Bad luck that is without a systemic

source is the sort of bad luck the risk of which we must simply learn to live with.⁷

I said that I would discuss exceptions to the unpredictability of nonsystemic luck. Some forms of nonsystemic bad luck, while they may remain improbable, can be predicted. For example, it is statistically improbable that any one person will be diagnosed with a form of breast or ovarian cancer associated with a deleterious mutation of the BRCA1 or BRCA2 genes; however, given the development of a genetic test for these mutations, one can indeed predict who is likely to be struck with this form of bad luck. The predictability or lack of predictability of an instance of bad luck is an epistemic matter—I may be able to know or not know that I will experience it, or I may or may not have some idea of the probability of something's occurring. What makes it still a matter of luck (namely luck to me) is that I did not choose it and cannot control it. If being able to predict something thereby gave me control over it, it would no longer count as luck. So if one could not just discover but could also repair deleterious mutations of the BRCA1 or BRCA2 genes and thereby prevent the associated cancers, developing these sorts of cancer would no longer be a matter of luck (except that one must first be lucky enough to have access to good health care). However, predictability and control do not always go together.

In contrast to nonsystemic luck that tends (with exceptions now noted) to be unpredictable, luck from systemic sources tends to be neither fully unpredictable nor improbable for those whose social positioning makes them vulnerable to such luck. However, the predictability of bad systemic luck does not help the self who experiences it as luck to control or avoid it; thus, it remains luck. For instance, if one is poor, it is quite probable and to this extent predictable that one's children will suffer through under-resourced schools; it is quite probable and to this extent predictable that one will be limited to living in neighborhoods with high crime rates and a high availability of drugs; it is quite probable and to this extent predictable that one's work-life will be unsatisfying, and so on. Being poor leaves one with the heavy knowledge that one is quite likely to be struck with all of these forms of bad luck, just as discovering that one has a deleterious mutation of the BRCA1 or BRCA2 genes leaves one with the heavy knowledge that one has an extremely high chance of developing breast and/or ovarian cancer. Because bad moral luck interferes with the fragile possibility of flourishing, the heavy knowledge is a knowledge that one's fragile possibility of flourishing will likely be assailed; it is a knowledge that warrants pessimism. I will be coming back to the issue of what this heavy knowledge does to the moral self of a person who must face the gap between the life that is possible for herself—at best a life of conditioned flourishing—and the sufficiently good flourishing life that may be open (only) to those not subject to so much bad luck—idealized flourishing.

First, however, I want to point to one more difference between systemic and nonsystemic luck. I noted that in the case of luck that has no systemic source, it is generally not possible to eliminate the sources of luck without also eliminating from one's life what makes it worth the living. Quite the opposite is true in the case of luck whose source is systemic, for the sources of bad systemic luck are at least the sort of thing that could potentially be eliminated by human intervention—this elimination is precisely what social justice struggles aim at—and their elimination does not entail a narrowing or reduction of what is of value in life. To the contrary: one would expect their elimination to enlarge the possibilities for a good life. Unfortunately, however, while the systemic sources of bad luck are potentially eliminable, many who have participated in movements against white supremacy, poverty, male dominance, and so on acknowledge that one struggles without a real expectation of victory in a foreseeable future (recall Mrs. Biona MacDonald's awareness of this).

This may leave the oppressed—all of whom are the victims of bad systemic luck—in a different position, emotionally and morally, from those whose bad luck has primarily a nonsystemic source. Those whose bad luck has primarily a nonsystemic source must learn to live with the risk of such bad luck, soothed and motivated by the knowledge that these risks are what come along with a life that is full of attachments, plural values and emotions, and a wide variety of human experiences. The same cannot be said about those who are subject to bad luck that is due to injustice. There is no reassuring knowledge that the vulnerability to this sort of bad luck is “worth” something. Instead, there is the disturbing knowledge that human wrongdoing and perhaps even evil is the source of the bad luck they experience, and the discouraging or depressing knowledge that its predictability gives one: one can *expect* to experience enough bad luck to negatively affect one's life's possibilities. People who are subjected to oppression and who acknowledge the predictability and probability of bad systemic luck are thereby saddled with the expectation of living a life that is diminished (to varying degrees) by the forms of bad luck that come predictably along with oppression, and perhaps with a keen sense of futility that the encounter with such luck brings. What is interesting is that even such pessimism about oppression need not lead the pessimist to treat systemic bad luck as if it were nonsystemic or natural and thus as something that one does well to accept; that is, pessimism need not lead to acceptance of or consent to conditions of oppression.

III

While it was indeed Claudia Card who started me thinking about the moral self who has been selected as a recipient of bad luck through the “unnatural

lottery,” she and I are taken with some different questions regarding this self. Card, interested in questions of moral responsibility, has emphasized the ways that this self becomes morally damaged through the experience of moral luck, especially constitutive luck. She largely follows Williams and Nagel into this consideration of the effect of luck on moral responsibility, creatively turning the discussion away from their concern with moral responsibility and justification for past decisions and actions that have been affected by luck, and toward the idea of a forward-looking sense of responsibility and the possibilities for people who have been morally damaged through bad constitutive luck taking responsibility in this way. This discussion of responsibility is illuminating, and shows especially well how focusing on the way that luck affects people under oppression leads one to insights that cannot be had by analyzing luck in the lives of those for whom bad luck is the unexpected interruption rather than the normal underpinning of everyday life.

In my portrait of the moral self who is subjected to bad systemic luck, I have emphasized some different aspects of the experience of such luck than Card has, because I want to consider not the question of moral responsibility (even in the forward-looking sense), but rather the problems that are created when the possibility of flourishing is negatively affected. Card’s focus on bad constitutive luck leads her to see the way that moral damage threatens the possibility of taking responsibility. I have focused instead on the heavy knowledge of the predictability of bad luck in one’s life in order to ask whether this heavy knowledge threatens ethics in a way different from the way the moral damage of bad constitutive luck does. I have characterized the moral self who is subjected to bad systemic luck as someone who has an expectation for a life that will be negatively affected by bad luck, because I think that there may be a threat to ethics that results from the shift from thinking of one’s own flourishing as realizable but fragile (because flourishing is fragile for everyone), to thinking that one’s own likely possibilities are only for a version of flourishing highly conditioned by oppression, while any good enough version of flourishing is not just fragile but in fact unrealizable.

Elsewhere (Tessman 2005) I have described virtues that are regularly unlinked from their bearer’s own flourishing as *burdened virtues*. The unlinking takes place in a patterned or regular way (rather than as a result of unpredictable and irregular natural luck) under conditions of oppression because, in the Aristotelian framework that I employ, virtue is necessary but not sufficient for flourishing, and good enough external conditions—which are also necessary for flourishing—tend to be lacking under the predictable and regular bad moral luck of oppression. Thus despite exercising the (burdened) virtues, including the virtues associated with political resistance, the moral self laboring under oppressive conditions will still be unable to reach what I am now calling idealized flourishing. If she is pessimistic about the likelihood of

ending oppression in the foreseeable future and thereby altering the pattern of bad moral luck that she otherwise will predictably encounter, she faces the gap between what is available to her—conditioned flourishing—and what she imagines would be possible if oppression were lifted—idealized flourishing. While oppressive conditions burden the virtues, for the pessimist this burden becomes especially heavy because not only are the virtues unlinked from flourishing, the pessimist also judges that they will remain so for her; that is, for her they will remain unlinked at least from the perspective of idealized flourishing. The optimist may rely on hope or faith or on an expectation of success, and this may “lighten” the burden of practicing the virtues of political resistance that are unlinked from their goal, for she might hope or confidently expect that although they are unlinked in the present they will not be at some point in the future; the optimist might be optimistic precisely because she has set her sights lower and therefore success for her is more likely and her hope may even shade into confidence. The pessimist does not take these paths. It seems, then, that the burden for the pessimist might be so heavy and her continued exercise of the virtues might be so without a sense of purpose that ethics, in this case, would be threatened.

IV

Consider the paths open to the pessimist facing the gap between the conditioned flourishing that is available to her and the idealized flourishing that she takes to be beyond reach.

Path #1 (sour grapes): The pessimist could close the gap by developing adaptive preferences, that is, preferences for what is within the range of options that are available to her. In this case conditioned flourishing comes to count as sufficiently good (preferred, in fact), the virtues come to be understood as traits that are linked to this conditioned flourishing, and there is no need for the traits that facilitate radical political resistance. The pessimist becomes no longer a pessimist (because what she now wants can be realized easily enough), meaning and moral motivation are restored, and high levels of oppression, having been adapted to, persist.

Path #2 (nihilism): The pessimist who buckles under the weight of the (especially) burdened virtues, and who finds nothing that can give meaning or provide a sense of purpose in the absence of the typical link between virtue and flourishing, has gone beyond pessimism and even beyond despair (that is, a lack of hope), to something that is akin to or exemplified by what Cornel West has observed and refers to as the “nihilism in Black America” (1993). It is not just confidence and/or hope regarding the possibility of attaining flourishing that is lacking in this case, but also the ability to sustain any other moral values in the face of the gap between what is attainable and the idealized ideal. Morally

disabled, the pessimist/nihilist no longer acts in opposition to oppression nor can she be expected to exercise other virtues.

Path #3: The pessimist refuses to (fully) develop adaptive preferences and finds moral meaning in (or makes moral meaning out of) her very refusal to adapt to or accept oppression; Mrs. Biona MacDonald's "I lives to harass white folks" expresses this. The pessimist's resistance continues, despite or alongside her expectation that it will be ineffective in actually overcoming oppression, because it is itself a source of moral value. This third path, which is the one that I advocate, needs more explanation, which I think can be aided by a naturalistic understanding of ethics, for a naturalized ethics can characterize the making of normativity as a social practice, and so can describe a practice of resistance together with the critical, social endorsement of the practice as establishing moral value (or at least clearing the ground for the establishment of new values).

The naturalized ethics that I find useful is the sort that takes morality to consist of (naturally) created human social practices that involve, among other things, the exercise of practical rationality.⁸ Walker (1998, 2003) has developed a version of this sort of naturalized ethics that demonstrates how moral values that are resistant to oppression can be created and can gain authority. Starting with the assumption that "morality is a naturally occurring structure of all human social groups" (2003, 108), Walker points out that "morality is not socially modular" (cf. 1998, 17; 2003, 107), namely it "cannot be extricated from other social practices" (1998, 17). One discovers what is of value morally by learning about the practices that actual moral communities engage in, and the normative status attributed to these practices. Particular practices and shared understandings of these practices only carry "the specifically moral authority of morality" (2003, 108) if they are able to sustain actual practitioners' confidence after having been critically reflected upon through a process that Walker calls "transparency testing" (cf. 1998, 11–12, 72–73, 219; 2003, 110). This testing allows one to "investigate whether specific moral arrangements are what they must present themselves to be" (2003, 108) in order to be recognized as carrying moral authority rather than just "the inertia of habit and tradition" (2003, 109). Walker's key claim is that if shared understandings are revealed when made transparent "to be driven by deception, manipulation, coercion, or violence directed at some of us by others, where all are nonetheless supposed to "share" in this purported vision of the good, then our trust is not sustained and our practices lose their *moral* authority, whatever other powers continue to hold them in place" (2003, 109; emphasis in the original). Moral authority—or the normative status of particular practices and the understandings of these practices—depends upon actual trust, and this trust, Walker believes, is liable to be withheld by those who would be oppressed by the practices: "Substantial parts of moral-social orders commonly fail to be credible to, or trustworthy for, many participants who are

less valued, protected, or rewarded than others in their orders' differential distributions of responsibility" (2003, 110).

Walker insists that oppressed people will be resistant to having confidence in practices of coercion, violence, and so on (that is, in the aspects, or "faces" of their oppression⁹), at least in modern Western societies that espouse an egalitarianism that is embarrassingly inconsistent with what practices of oppression reveal themselves to be when made transparent (1998, 73). I think it is also important to recognize that many oppressed people do *not* resist in this way. For instance, they may not engage in the critical reflection involved in transparency testing, and thus they may develop and maintain adaptive preferences; they may be pessimists who sink beyond despair into nihilism; they may be optimists who, instead of resisting, think that oppression will end on its own or through an act of God; or they may simply be apathetic or lack the courage to be actively critical of the status quo. Nevertheless, Walker is helpful to me here for understanding those, including the pessimist, who *do* resist. What I wanted to understand about the pessimist who is still committed to opposing oppression is what, in the absence of an attainable normative ideal, makes sense of her moral life of striving for the unattainable. What Walker's account provides is the claim that in the very refusal to consent to oppression—in the withholding of trust in the moral understandings that try to justify oppression—one participates in *creating* morality: one de-authorizes or steals the normative force from oppressive practices, and authorizes resistance (as long as this resistance itself passes a transparency test) as a moral practice and at least some of the virtues associated with resistance as normative in the sense that they are to be exercised, in Aristotelian language, for their own sake, "for the sake of the noble" (cf. Aristotle 1984, 1115b22–24).¹⁰

In this naturalized account, at least some of the virtues associated with the pessimist's resistance—including a determined ability to maintain self-respect, integrity, and a sense of oneself as free and as deserving to be treated as such (I picture Mrs. Biona MacDonald as having these traits)—are established as morally valuable to the extent that their practice withstands the critical reflection of transparency testing and can earn the confidence of a moral community. If they are themselves of trustworthy moral value, these virtues can be said to be practiced for their own sake; they do not need to gain their moral meaning through their connection to flourishing, a connection that has appeared problematic when flourishing is something that is not realizable. This makes sense of the pessimist's exercise of the virtues. After all, virtues are not (in an Aristotelian framework) defined in terms of flourishing, but rather, flourishing is normally defined in terms of virtues, which in turn are valued for their own sake. I am suggesting that these values are established by actual moral communities' practices and their critical reflection upon and consequent confidence in these practices.

Thus what now remains to be explained is how an idealized ideal such as idealized flourishing could gain its normative status, because in a naturalized account one might expect normative ideals to arise out of actual conditions and to be limited by the possibilities thought to realistically exist within those conditions, unlike the normative ideals posited by, for instance, a transcendental account, which one would expect to be idealized. Why would the pessimist participate in conferring moral value on idealized flourishing? Or put differently, why would what the pessimist takes to be idealized flourishing be given the status of a normative ideal? If flourishing is understood, as it is for Aristotle, as activity in accordance with the virtues (cf. Aristotle 1984, 1098a16–17), and the exercise of the virtues associated with refusing to consent to oppression will not, in the pessimists' view, bring one significantly closer to idealized flourishing, why wouldn't the normative ideal of pessimists instead be an ideal that is attainable through the exercise of those virtues that are possible?

Like the normativity of social/moral practices and understandings of these practices, the normativity of an ideal—such as flourishing—is itself established through social practices and shared understandings of these practices as trustworthy “under the right kinds of tests” (Walker 2003, 109). I believe that idealized flourishing emerges as a normative ideal through a social process that is both imaginative (one imagines different and less oppressive conditions) and comparative (one compares one's own life conditions with the lives of others not similarly positioned; one compares one's society's practices with practices of other societies that may not be similarly oppressive).¹¹ Furthermore, it would be a mistake to picture the pessimist as either removed from her relevant moral communities, or as embedded in moral communities peopled only by other pessimists. That is, normativity is established for the pessimist in community with others who are more optimistic, who help shape the normative ideal of flourishing while conceiving of it as a non-idealized ideal. Moral communities have both shared and contested moral understandings (cf. Walker 1998, 63), so those who are more on the optimistic end of the spectrum and those who are more on the pessimistic end may share a normative ideal while disagreeing about its realizability. It may be crucial that, despite the predictability and probability of bad systemic moral luck, we are not all pessimists.

As I have described the naturalized process through which normativity is established, it may seem as if the virtues and the idealized ideal of flourishing gain their normative status for the pessimist separately from each other, for if one is pessimistic then exercising the virtues associated with resistance is not connected to the normative ideal of flourishing in the typical way that virtues are connected to (an attainable ideal of) flourishing. However, even the pessimist's exercise of the virtues associated with resistance does still express recognition of (idealized) flourishing as a/the normative ideal, and of a connection between these virtues and idealized flourishing. This is so because

by announcing (through an exercise of virtues such as self-respect) a refusal to consent to oppression or to place one's trust in practices that are revealed through transparency testing to be oppressive, one rejects what stands in the way of idealized flourishing, and thereby asserts that one has a "claim" on such flourishing. One might do this because one believes oneself to be the same in relevant respects as others who, through privilege that is denied to oneself, have a chance at realizing a significantly more flourishing life.

Maintaining a claim on something does not require the belief that one has a realistic chance at getting it.¹² The pessimist has no expectation that she will be able to flourish (in more than a highly conditioned way), given the predictability of prolonged and severe systemic moral luck in her life. But, by withholding her assent to (or confidence in) the systemic practices that make her flourishing unattainable, the pessimist refuses to forfeit her claim to idealized flourishing. In the absence of optimism "in a *victory* sense" (Bell 1992, x; emphasis in the original), one can still recognize that bad systemic moral luck is, unlike bad non-systemic moral luck, not the sort of thing that one would do well to simply learn to live with.

NOTES

This paper was initially written for the 2006 "Cardfest," a conference in honor of Claudia Card on the occasion of her 65th birthday. I thank the participants in that conference, and especially Claudia herself, for their responses. Parts of this paper were also presented at the Radical Philosophy Association conference in 2006, and I likewise thank that audience. I have benefited from conversations with Selin Gürsözlü about flourishing and its relation to oppression. I would also like to thank guest editors Kate Norlock and Andrea Veltman for providing especially useful comments.

Author's note, added December 2008: This paper was written in 2006, before Barack Obama announced his candidacy for President of the United States in February 2007—telling his audience "In the face of despair, you believe there can be hope"—and began his campaign successfully fueled by hope. I would not have written this paper the same way, had I known then where this campaign would take us, a campaign in which I almost dared to (and, in hindsight, should have) become optimistic "in a victory sense." President-(elect) Obama has lured me back to hope. I am now even *expecting* some good luck.

1. For a critical reflection on optimism—and its alternatives including a sense of the "tragicomic"—in the face of anti-Black racism, see West 1999.

2. Martin Luther King, Jr., described himself as an optimist. See, for instance, his posthumously published "A Testament of Hope": "People are often surprised to learn that I am an optimist. They know how often I have been jailed, how frequently the days and nights have been filled with frustration and sorrow, how bitter and dangerous are my adversaries. They expect these experiences to harden me into a grim and desperate man. They fail, however, to perceive the sense of affirmation generated by the challenge of embracing struggle and surmounting obstacles. They have no comprehension of the strength that comes from faith in God and man. It is possible for me to falter, but I am

profoundly secure in my knowledge that God loves us; he has not worked out a design for our failure. Man has the capacity to do right as well as wrong, and his history is a path upward, not downward” (King 1968/1986, 314).

3. I say here that I will focus on those who lack a *reason* to expect success, but to be more precise I should say that I will focus on those who lack both *reason* to expect success and the sort of *faith* that could lead them to expect success, because presumably for some people (including perhaps Martin Luther King, Jr., as cited above) faith fills in where reason leaves off.

4. My consideration of idealization is inspired and highly informed by Charles Mills’s discussion of it in Mills 2004. I am using different terms, however, and making some different distinctions from those Mills makes, in part because I am interested in the idealization of the “ideal-as-normative” (or normative ideals) that he puts to the side because he is primarily interested in ideals as models, which he divides into “ideal-as-descriptive-model” and “ideal-as-idealized-model.” For Mills, the relevant and problematic gap is between the ideal-as-descriptive-model (an accurate model of something in the actual world) and the ideal-as-idealized model (a model, in the sense of perfect “exemplar,” of something that cannot exist in the actual world). The gap I am speaking of parallels Mills’s gap, in the sense that the gap he is concerned with is between actual and not-actual, and the gap I am concerned with is between actualizable and not-actualizable (Mills 2004, 165). I think our discussions of idealization are compatible, but of course Mills may not agree.

5. I do not think, however, that this would make such a eudaimonistic theory a case of what Mills (2004) calls “‘ideal theory’ as ideology”; that is, it would not idealize the moral subject or the background conditions in a way that obfuscates why a normative ideal cannot be achieved by actual (oppressed) subjects. It would in fact point directly to the fact that a particular normative ideal—flourishing—is not achievable under oppression. This still leaves open the question, though, of how the normative ideal of flourishing is arrived at, a point that I will address later in this paper when I discuss a naturalized approach to ethics.

6. Christine Swanton (2003) argues for the approach of lowering one’s sights with respect to the sort of virtue one aims to exercise (and thus, by implication, with respect to how fully flourishing one’s life could be); she advocates this because she thinks that in non-ideal worlds such as the one we live in, and given human imperfections and limitations, “it is vital that we form a conception of virtue that is appropriate for what Nietzsche has called ‘the convalescent’” (2003, 64). If we do not lower our sights but instead try to “directly emulate and cultivate the virtues of the strong,” Swanton argues, we risk overreaching, “possibly resulting not just in harm to the agent but in, for example, damaging, misguided altruism, which is based more on resentment than on genuine love for fellow human beings” (2003, 64). Swanton’s argument is a response to those who may try to be super-human to the point of impossible perfection, and it is not hard to agree with her that it is advisable to keep one’s sights on a version of virtue—and of flourishing—that recognizes human limitations. Thus even “idealized flourishing” need not be perfect—just good enough. However, I take Swanton’s claim to be different from the claim that oppressed people should lower their sights to the versions of virtue

and flourishing that are available under oppression (the “conditioned flourishing” that I take to be insufficiently good), a claim that I would not support.

7. If one learns to do this well, one will exhibit the virtues that Walker has dubbed “the virtues of impure agency” (2003, chap. 2).

8. The sort of naturalized ethics that takes morality to be naturally *made* by human social practices can be distinguished from the sort of ethical naturalism that takes morality to be naturally *given*. A naturally given morality might be determined by, for instance, a *telos* that is (naturally) attached to humans as a natural kind or species. Philippa Foot’s *Natural Goodness* (2001) exemplifies what I think of as the morality-as-naturally-given sort of ethical naturalism. My distinction between morality-as-naturally-given naturalism and morality-as-naturally-made naturalism, and my endorsement of morality-as-naturally-made naturalism, depends in part on a distinction made by John McDowell (1998). It is beyond the scope of this paper to argue for ethical naturalism, or this sort of naturalized ethics in particular.

9. The understanding of oppression as being composed of different “faces of oppression” comes from Young 1990.

10. One might object that resistance does not establish normativity, because it is negative or critical and as such can only *deauthorize* practices and does not itself count as the creation of a practice that is valuable for its own sake. It is beyond the scope of this paper to say more about the relationship between critique and creation of practices, or about whether resistance can itself count as a form of creation. Nevertheless, one can at least think about resistance as a step in the process of creating morality.

11. Comparing one’s own way of life with other ways may rely on “moral ethnography” or moral “fieldwork” (see Moody-Adams 1997; Walker 1998, 211–12, 221). Walker recognizes the role of comparison in the establishment of normativity, saying, for instance, “The relevant tests are those that reassure us that we do understand how we live and that how we live is indeed worthy, considered in its own conditions and effects or considered in comparison to some other way” (2003, 109).

12. Walker’s account of “normative expectations”—expectations that “embody a sense of *entitlement* to what we expect” (2006, 67), even when one may know one is unlikely to attain what one is entitled to—captures something similar to what I am describing as an expression of having a claim on something that one does not expect to attain. However, we differ in that Walker believes that hope is essential to holding normative expectations in the absence of relevant predictive expectations or confidence that one’s normative expectations will be met, and I believe that one may insist that one has a claim on something despite having neither a predictive expectation of attaining, nor any hope that one will attain, what one has a claim on.

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