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Gambling for Certainty

Luck, Chance, and Uncertainty in Politics

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"*The most fundamental principle of all in gambling is simply equal conditions, e.g. of opponents, of bystanders, of money, of situation, of the dice box, and of the die itself. To the extent which you depart from that equality, if it is in your opponents favor, you are a fool, and if in your own, you are unjust.*"[1]

"The essence of gambling consists in an abandonment of reason, an inhibition of the factors of human control."[2]

Introduction

How much of what we do is the result of our will, and how much the result of chance or luck or fortune? This is a decidedly un-decidable question, but one that needs to be asked. The general assumption seems to be that a person's "lot" in life is physically, morally, politically, even romantically linked to choice. But the use of the term "lot" betrays the underlying uncertainty of what "causes" our "lot", laying bare questions of responsibility, burden, and even explanation. Much (perhaps at the very least 50% according to Machiavelli) of what happens in our lives can be attributed to forces outside of our own will, and in that sense are not a result of our choices. In this paper, we explain why the "Moral Luck" literature can be helpful as an analogy to political theory even without the use of morality. In doing so, we also highlight how radically close attention to the role of uncertainty, chance, and luck can undermine the ideals of rationality, institution and control. By even examining the role of luck in political thinking, one almost necessarily calls into question the very definition of what constitutes politics. Most significantly, we will explain how the arguments of the "Moral Luck" theorists can inform debates about redistribution in a democracy.

"Moral Luck" and the critique of the Kantian tradition

From our perspective, luck plays an important role in all aspects of life, affecting the type of person one is, the situations one is in, and the choices one makes. However, morality (and politics, which many conceive as based on a theory of morality) is often considered to be by

[1] Øystein Ore, *Cardano: The Gambling Scholar*. Princeton: Princeton University Press, 1953 (page 189), quoting Section 6 of Cardano's *Liber de ludo aleae.*
[2] John A. Hobson, "The Ethics of Gambling" in *International Journal of Ethics* Vol. 15 No. 2 (January 1905): 138.

definition within the control of the individual agent; how can one assess responsibility and therefore morality except by reference to agent choices? The use of the term "moral luck" calls both the concept and method of morality into question. As Daniel Statman explains, "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."[3] In developing moral luck, Bernard Williams and Thomas Nagel directly counter Kantian morality which conceives of morality as immune to luck. This treatment has brought about a serious rethinking of the implications of morality in the political, social and economic spheres, yet these luck-centered views have been controversial. Statman underscores the importance of moral luck in relation to larger issues: "The debate around moral luck turns mainly around the question of whether and to what extent our moral notions of responsibility, justification, blame, and so forth, are subject to luck."[4] In order to assess the framing of the question, we should first understand the evolution of moral luck in relation to the Kantian approach to morality.

Williams and Nagel criticize Kantian morality, the foundation of which is the superior nature of the human will. Kant states, "Nothing in the world- indeed nothing even beyond the world- can possibly be conceived which could be called good without qualification except GOOD WILL."[5] According to Kant, a good will (because of its independent nature) is in itself the object of moral assessments. By this understanding, it is unnecessary and irrelevant to consider anything besides the will when making and assessing moral decisions. Kant argues that "The good will is not good because of what it effects or accomplishes or because of its competence to achieve some intended end: it is good only because of its willing (i.e. it is good in itself)."[6] He maintains that the will alone determines whether a moral choice is good or bad; the subsequent

[3] Daniel Statman, Ed. *Moral Luck*. (Albany: State University of New York Press, 1993): 1
[4] Statman 2.
[5] Kant, cited in Forrest E. Baird and Walter Kaufmann. *Modern Philosophy: Philosophical Classics*. 3rd ed. Vol. 3. (New Jersey: Prentice-Hall, 2000): 606.
[6] Baird and Kaufmann 607.

effects of one's choice have no relevance whatsoever. Dismissing potential consequences, he explains that

> Even if it should happen that, by a particularly unfortunate fate or by the niggardly provision of a step-motherly nature, this will should be wholly lacking in power to accomplish its purpose, and if even the greatest effort should not avail it to achieve anything of its end, and if there remained only the good will- not as a mere wish, but as the summoning of all the means in our power- it will sparkle like a jewel all by itself, as something that had its full worth in itself.[7]

While Kant regards the will as superior in status and removed from all effects and external causes, however, his theory does not offer a clear explanation of why the will is superior and removed from luck. A chief omission in Kant's theory is the lack of expectation for the consequences and effects of both good and bad moral choices.

Williams, though not in agreement with Kant, recognizes the attractiveness of Kantian theory. Williams explains the appeal:

> The capacity for moral agency is supposedly present to any rational agent whatsoever . . .The successfulness of moral life, removed from considerations of birth, lucky upbringing. . .is presented as a career open not merely to the talents, but to a talent which all rational beings necessarily possess to some degree. Such a conception has an ultimate form of justice at its heart, and that is its allure. Kantianism is only superficially repulsive- despite appearances, it offers an inducement, solace to a sense of the world's unfairness.[8]

Regardless, Williams is doubtful of the consolation Kantian morality can offer. He explains that to claim that morality is immune to luck would also necessarily entail that one must also be at least partially immune to luck *through* morality. This would inevitably be linking and altering "a range of notions: rationality, justification, and ultimate or supreme value. The linkage between those notions, under **the** Kantian conception, has a number of consequences for the agent's reflective assessment of his own actions. . ."[9] Williams is critical of the "narrow and distorted" nature of Kantian-inspired theories of morality and instead believes they should be abandoned for

[7] Baird and Kaufmann 607.
[8] Bernard Williams, *Moral Luck: Philosophical Papers, 1973-1980*. (Cambridge: Cambridge University Press, 1981): 21.
[9] Williams 1981: 21-22.

something closer to the ancient Greek approach.[10] Williams' theory of morality focuses on different types of luck and the agent's self-reflection on moral decisions.

Williams' Gauguin example helps to clarify the meaning of luck, luck's effects, and self-reflection as a basis for moral evaluation. Gauguin is a professional painter with a family that depends on him and Gauguin must make a crucial moral choice. Recognizing his talent, he must choose between staying with his family and leaving his family to pursue his painting career.[11] Williams sees Gauguin's talent as "constitutive luck" in the sense that it is a reflection of "motives, intentions, and personality" which are intuitive and require no further explanation.[12] In Gauguin's case, a major difficulty in making his decision is the inability to know for certain whether he will succeed or fail; whether painting will result in a living wage for him and his family. With this example, Williams is primarily concerned with exploring the idea of justification or what makes Gauguin's choice justified or unjustified *retrospectively*. He explains that Gauguin "is putting a great deal on a possibility which has not unequivocally declared itself."[13] The success or failure of Gauguin's choice ultimately depends largely on luck. Statman clarifies that will and talent "is not sufficient to make one a great artist…Hence, justification of Gauguin's decision depends on factors that are a matter of luck."[14] Furthermore, even if one is a "great artist" one may still not be able to support a family, because beyond Gauguin's constitutive luck, other internal and external factors also affect the outcome of Gauguin's decision and justification.

Williams demonstrates that Gauguin can succeed or fail for different reasons; these reasons are unforeseen and therefore independent of Gauguin's moral choice from a Kantian perspective. Williams offers one possibility of what can happen to Gauguin: "If Gauguin sustains some injury on the way to Tahiti which prevents his ever painting again, that certainly means that

[10] Bernard Williams, "Moral Luck" in Daniel Statman, Ed. *Moral Luck*. (Albany: State University of New York Press, 1993): 4.
[11] Williams 1981: 23.
[12] Williams 1993: 5.
[13] Williams 1993:5.
[14] Statman 5.

his decision . . . was for nothing, and indeed there is nothing in the outcome to set against the other people's loss."[15] This series of events does not lead to the conclusion that Gauguin was morally wrong and unjustified in his decision, rather it demonstrates that the project failed, not that Gauguin himself failed.[16] Williams understands this type of luck to be extrinsic, or external to the agent, in that it does not "unjustify" the agent's decision. Yet, if the cause of Gauguin's failure were more internal, or intrinsic, Williams would claim that Gauguin would not be justified in his decision.[17] Despite this important characteristic, Williams' analysis is in contradistinction to Kantian morality. Though intrinsic luck may depend in some ways on the agent, this does not imply that the will of the agent or the agent alone is unaffected by luck as Kant's theory implies.

A particular improvement of Williams' moral theory is the means by which one can be justified, which is different from justification itself. Most theories rely on an objective justification; however, Williams believes that justification should be personal. In the Gauguin example, he explains:

> Even if Gauguin can be ultimately justified, that need not provide him with any way of justifying himself to others, or at least to all others. Thus he may have no way of bringing it about that those who suffer from his decision will have no justified ground for reproach. Even if he succeeds, he will not acquire a right that they accept what he has to say; if he fails, he will not even have anything to say.[18]

Because moral judgments are generally thought to be universal and objective, Williams has been criticized for his reliance on self-justification. The major objection is about the relationship between personal and objective justification: if a moral choice is right for me, it is right for others in similar circumstances as well, so there should be no problem justifying a moral choice in an objective sense. Nagel, for example, claims that if a moral decision cannot be justified objectively, then it is not a moral decision.

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[15] Williams 1981: 25.
[16] Williams 1981: 25.
[17] Williams 1981: 25-26.
[18] Williams 1981: 23-24.

Williams responds in two ways to critics of his idea of self-justification. First, he claims that it is only by the modern (Kantian) theory of morality that what is "moral" is defined so strictly. Secondly, Williams believes that the objection raised by Nagel and others is unwarranted because, "The idea that there has been a moral cost [known by the demand for justification] itself implies that something bad has been done, and very often, that someone has been wronged, and if the people who have been wronged do not accept the justification, then no-one can demand that they should."[19] Rather than focusing on what he thinks is a misplaced demand for justification, Williams wants to highlight the effects of luck at all stages of moral decision making, particularly those ignored by Kant.

Self-justification is the foundation for examining moral choices and deciding what was justified or unjustified based on an agent's decision and certain kinds of luck. For Williams the *retrospective* self-justification of an unjustified moral decision is "agent-regret, which a person can feel only toward past actions . . . Agent-regret requires not merely a first-personal subject-mater, nor yet merely a particular kind of psychological content, but also a particular kind of expression."[20] This specific type of expression involves some desire to compensate for past actions. As an example of agent-regret Williams describes the feelings of a lorry driver who kills a child and compares the driver's feelings to the feelings of a spectator. The lorry driver will obviously feel agent-regret, while the bystander may feel only regret. The distinction between regret and agent-regret is that the past participation in an action involves feelings of personal responsibility or blame.[21] Williams describes this difference: "In these cases the relevant consciousness of having done the harmful thing is basically that of its having happened as a consequence of one's acts, together with the thought that the cost of its happening can in the circumstances fairly be allocated to one's account."[22] Self-justification and agent-regret are

[19] Williams 1981: 37.
[20] Williams 1981: 27.
[21] Williams 1981: 28.
[22] Williams 1981: 28.

inevitably subject to luck, but the feelings of agent-regret are normal. This normative claim suggests that all rational people should experience agent-regret as a consequence of harmful actions.

In an attempt to clarify his occasionally confusing approach, Williams explains the source of misunderstanding and separates his theory into three major questions in a Postscript to Statman's *Moral Luck*. Williams writes:

> The most important source of misunderstanding in Moral Luck was that I raised, as I now think, three different issues at once. . . One was the question . . . how important is morality in the narrow sense as contrasted with a wider sense of the ethical? The second question concerns the importance, for a given agent and for our view of certain agents, of the ethical even in the wider sense . . . The third question raised in the article is that of retrospective justification, and this is the widest, because it can arise beyond the ethical, in any application of practical rationality.[23]

The first question is answered with the example of the lorry driver. Williams explains that a narrow or modern-Kantian morality is worthless. So, debating whether or not the lorry driver's feelings of regret are moral feelings is only an attempt to make morality too narrowly defined and misses the point of the analysis. The second question is examined in the Gauguin example, "a story that invites reflection on the placing of ethical concerns- even in the wider sense- among values and, more broadly, among other human needs and projects."[24] The second question also deals with the "imperialist" nature of ethical concerns; Williams, again, is being highly critical of the objective and universal understanding of morality. The third question, dealing with retrospective justification and self-criticism is answered by Williams in a way that makes moral self-assessment of unjustified decisions not only possible, but necessary.

These three questions are the foundation of Williams' moral theory and are extremely complicated in themselves, but it is evident they can not be completely isolated. These questions are interrelated and require not only a greater understanding of morality, but also a general

[23] Williams 1993: 9, 255.
[24] Williams 1993: 9.

rethinking of Kantian theory, as Williams advocates. Williams emphasizes the importance of moral luck in each of these questions, demonstrating how it "penetrates into the practical realm" of morality, ethics, and rational agency.[25] By understanding Williams' intentions and exploring moral luck, "we may be able to penetrate the misplaced reassurances that morality offers, and ride ourselves of some of the perplexities that it encourages."[26] By embracing this "moral hazard" that Kantian morality---through a priori justification---attempts to eliminate, a more complete and accurate sense of moral responsibility and justification can be gained.

Nagel's Paradox

Like Williams, Nagel conceives of morality as subject to luck. Nagel explains that "Kant believed that good and bad luck should influence neither our moral judgment of a person and his actions, nor his moral assessment of himself."[27] Nagel interprets Kantian morality to involve no risk, because moral decisions are based on the will, which the agent has complete control over, with neither the will nor the moral agent being subject to luck.[28] Nagel has an appealing view on assigning moral responsibility and what exactly is within or beyond our control and thereby presumably blameworthy:

> This [Kantian] view seems to be wrong, but it arises in response to a fundamental problem about moral responsibility to which we possess no satisfactory solution. The problem develops out of the ordinary condition of moral judgment. Prior to reflection it is intuitively plausible that people cannot be morally assessed for what is not their fault, or for what is due to other factors beyond their control . . . when we blame someone for his actions we are not merely saying it is bad that they happened, or bad that he exists: we are judging him, saying he is bad, which is different from his being a bad thing. Without being able to explain exactly why, we feel that the appropriateness of moral assessment is easily undermined by the discovery that the act or attribute, no matter how good or bad, is not under the person's control.[29]

Kant's theory of moral responsibility and blame are deeply rooted in philosophical tradition and general understandings of morality. It is difficult to diverge from this overwhelming sense of

[25] Statman 10.
[26] Williams1993: 257-258.
[27] Thomas Nagel, *Mortal Questions.* (Cambridge: Cambridge University Press, 1979): 24.
[28] Nagel 24-26.
[29] Nagel 25.

responsibility and control by the will while ignoring all factors external to the will and claiming no responsibility for them. By disregarding everything except the will, morality and explanations for moral decisions are incomplete. Nagel emphasizes one of the central flaws in Kantian morality: "What we do depends in many more ways . . . on what is not under our control- what is not produced by a good or bad will, in Kant's phrase."[30] To account for luck or general circumstances beyond the will, Nagel creates his own counter-Kantian moral theory.

Nagel's seemingly minor theoretical differences amount to much greater implications when applied practically. He believes that moral justification must be justification in the objective sense and also that one cannot be held morally responsible and blameworthy for results that occurred without contributing to their occurrence, both of which Williams rejected.[31] The implications of Nagel's view would necessitate a universal understanding of justification and a greater focus on the voluntary aspect of moral decisions in their subsequent evaluation. Nagel has a significantly different understanding of the examples of moral luck that Williams presented, clearly demonstrating the differences of their theories.

Nagel does not consider Williams' lorry driver example to be a case of moral luck because the driver was not acting in either a moral or immoral manner. Instead, Nagel simply calls this an example of luck because the driver exhibited no degree of negligence on his part (i.e. he did not personally contribute to the cause of the accident in any way). Nagel explains this difference between luck and moral luck particularly in this example: "if the driver was guilty of even a minor degree of negligence- failing to have his breaks checked recently, for example- then if the negligence contributes to the death of the child, he will not merely feel terrible. He will blame himself for the death."[32] Nagel's understanding adds another element to analyzing consequences, namely, whether or not the agent made a careless decision, in addition to the accidental element of a child running into the road. Nagel offers his own examples similar to that

[30] Nagel 25.
[31] Nagel 10.
[32] Nagel 29.

of the lorry driver. In his drunk driver example, Nagel claims that there is no difference in the degree of negligence in a drunk driver swerving and hitting nothing and a drunk driver swerving and killing several people.[33] In both scenarios the driver is guilty of the same level of negligence---driving drunk---but the difference is a matter of chance; swerving and hitting nothing, or hitting several people. Nagel categorizes the drunk driver examples as decisions involving negligence, and in so doing distinguishes acts of negligence from decisions made under uncertainty.

Nagel believes that in particular circumstances, it is possible to assess *some* moral decisions prospectively and retrospectively, though some "certain things are so bad in themselves, or so risky, that no results can make them all right. Nevertheless, when moral judgment does depend on the outcome, it is objective and timeless and not dependant on a change of standpoint produced by success or failure."[34] This understanding of justification makes moral assessment completely objective and much more difficult to attain than by Williams' standard of justification. This is the second point on which Williams and Nagel's theories differ drastically, with Williams' idea of self-justification being wholly subjective and determined only retrospectively.

Not only do Williams and Nagel disagree on what can be called moral and whether justification must be objective or subjective, but Nagel also delineates four particular forms of luck. The first form, constitutive luck, can impact the decision of a driver to drive drunk, or Gauguin's choice of career over family because it refers to "the kind of person you are, where this is not just a question what you deliberately do, but your inclinations, capacities, and temperament."[35] The second, circumstantial luck is "the kind of problems and situations one faces."[36] An example of circumstantial luck is being in Nazi Germany during the time of Hitler's rule as opposed to living in the United States in 2006. Clearly a moral agent in these two circumstances will face different moral decisions simply as a matter of course. Relatedly, the

[33] Nagel 29.
[34] Nagel 31.
[35] Nagel 28.
[36] Nagel 28.

third is causal luck or "the way one is determined by antecedent circumstances."[37] Finally, resultant luck refers to "the way one's actions and projects turn out."[38] The example of the several people being on the sidewalk or no one being on the sidewalk when the drunk driver swerves, is an instance of resultant luck. Perceiving these four different forms of luck as sometimes interrelated, but more importantly independent of one another has significant implications for the general acceptance of moral luck. Because Nagel places luck into four distinct categories, critics of moral luck must refute each form of luck in a given situation. Therefore, though Nagel's alteration of Williams' general luck principle has not resolved all of its difficulties it has strengthened the case for the plausibility of moral luck.

Conceptualizing morality as subject to luck involves a real paradox according to Nagel. He explains, "The view that moral luck is paradoxical is not a *mistake*, ethical or logical, but a perception of one of the ways in which the intuitively acceptable conditions of moral judgment threaten to undermine it all."[39] This paradox, as Nagel recognizes it, involves a complex understanding of moral justification and blame, in that affirming moral luck can lead to a lack of agent responsibility. Statman clarifies this paradoxical understanding: "On one hand, we believe that one can be held responsible only for what is under one's control and recognize the bitter truth that luck is everywhere, so that 'eventually nothing remains to be ascribed to the responsible self."[40] Nagel himself does not claim to have a solution to the paradox of moral luck but rather thinks that the problem must be understood in terms of internal moral agency and other types of value. As he puts it, "The degree to which the problem has a solution can be determined only by seeing whether in some degree the incompatibility between this conception and the various ways in which we do not control what we do is only apparent."[41] It is because Nagel believes moral justification must be objective that he finds himself in this dilemma. For Williams, the self-

[37] Nagel 28.
[38] Nagel 28.
[39] Nagel 29.
[40] Nagel 11.
[41] Nagel 38.

justification principle allows him to avoid some of the difficulties of objective justification and the insolvable paradox. Williams believes, instead, that the paradox is in "our conception of reality."[42]

Moral Luck after (and before) Williams and Nagel

Martha Nussbaum looks backward to explore conceptions of reality and therefore the existence of moral luck in ancient Greek thought. She sees two competing views in this regard. On the one hand, in most of Plato's dialogues he attempted to negate the effects of luck on the good life, while Aristotle, on the other hand, embraced the idea of luck and came up with a "mixed" theory whereby some aspects of life were subject to luck and others immune to luck. Nussbaum explains that the ancient Greeks "believed that the excellence of a good person is something of that person's own, for whose possession and exercise that person can appropriately be held accountable."[43] This concept of "excellence" is analogous to Kant's understanding of the good will. What is interesting about at least one ancient Greek view is that it presupposes a certain foundation or set of lucky circumstances: "We need to be born with adequate capabilities, to live in fostering natural and social circumstances, to stay clear of abrupt catastrophe, to develop confirming associations with other human beings."[44] This understanding of morality being immune to luck or "fortune," however, was not held by all ancient Greeks. For example, in Pindar's poem, he explains the impact of luck: "Our openness to fortune and our sense of value, here again, both render us dependent on what is outside of us."[45] Because of this external determination, there is a need in times of hardship to rely on others.

Nussbaum interprets Pindar's poem to conceive of life as subject to luck in some instances and immune to luck in others. Yet, Pindar, like Kant, believes that reason and rationality place humans in a superior category, affording them the ability to overcome luck and

[42] Williams 1993: 237.
[43] Martha Nussbaum, "Luck and Ethics" in Statman, Daniel, Ed. *Moral Luck*. (Albany: State University of New York Press, 1993): 73. See also Martha Nussbaum, *The Fragility of Goodness* (New York: Cambridge University Press, 1986)
[44] Nussbaum 73.
[45] Nussbaum 74.

negate its negative effects.[46] To better understand the Greek treatment of moral luck, Nussbaum formulates three general questions. First, "How much should a rational plan of life allow for elements such as friendship, love, political activity, attachment to property or possessions, all of which, being themselves vulnerable, make the person who stakes his or her good to them similarly open to chance?"[47] It is difficult to conceive of a life devoid of all the above mentioned relationships; to call this life "good" without vulnerabilities would be contrary to most preferences. Second, do the elements of love, friendship, political activity and attachment "coexist harmoniously, or are they capable, in circumstances not of the agent's own making, of generating conflicting requirements that can themselves impair the goodness of the agent's life?"[48] In order to eliminate all possibility of conflict or risk involved in these components the agent's life would have to be much less attached and fulfilling. Lastly, Nussbaum questions the relationship between the "self-sufficiency and the more ungovernable parts of the human being's internal makeup . . . the ethical value of the so called 'irrational parts of the soul.'"[49] From these three general questions, it is clear that Nussbaum believes that luck can not be avoided or dismissed by ancient Greek understanding.

In this sense, Aristotle recognizes the high price of a life immune to luck, and disagrees with the Platonic drive to eliminate it. Nussbaum explains that Aristotle does not find character alone to be sufficient for the good life; rather a moral agent must perform actions. Aristotle composes a long list of instances of luck, which are not remarkable examples but occurrences that are common. Plato's understanding of luck impacting the good life is distinct from Aristotle's, but in many ways similar to Kantian formulations. As Nussbaum explains, "For Plato, the good person could not be harmed by the world: his life is no less good and praiseworthy because of adverse circumstances."[50] In this sense Plato and Kant have similar moral theories. Going back

[46] Nussbaum 75.
[47] Nussbaum 79.
[48] Nussbaum 79.
[49] Nussbaum 79.
[50] Nussbaum 88.

to what Aristotle calls the "price" of a life without of luck, acceptance of the Platonic moral theory would entail giving up any form of moral risk, including all relationships and dependency. Essentially, limiting one's vulnerability would also limit and negatively affect one's character and one's ability to have the good life. Aristotle compares the nature of human life to that of a plant, holding that the condition of moral risk is necessary to recognize its goodness: "Its yielding and open posture towards the world gives it the fragility, as well as the beauty, of a plant."[51] There is desirability to this fragility that other, more contemporary, theorists have picked up on.

In order to defend this fragility Margaret Urban Walker explores the possibility of two distinct worlds, one existing with luck and risk and other without. She calls morality being subject to luck impure agency and morality immune to luck pure agency.[52] Her basic claim is that a world of pure agency would be a horrible place to live because it would have hyper-individualistic people concerned with only the intention of their decisions, ignoring the actual consequences or results of luck. A world of pure agency would be filled with suffering and lack of care, because people would justifiably ignore the negative results of their actions.[53] Statman explains that in the world of impure agency "we can rely on each other in ongoing projects, and we need not fear that or friends will let us down when we need them, even if our need was not something that was within our control."[54] The three primary virtues of impure agency are integrity, grace, and lucidity, according to Walker. Therefore, on this account, a world with moral luck is more desirable and morally consistent.

Walker explains how her own work is indebted to Nussbaum's work on ancient Greek approaches to moral luck. For Walker, Nussbaum reveals "how the wish to deny or contain moral vulnerability is a philosophical quest as old as the Western tradition."[55] Clearly, the results of one's actions should be assessed in a way that did not concentrate on the will or "wish" alone.

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[51] Nussbaum 100.
[52] Statman 22.
[53] Statman 22.
[54] Statman 22-23.
[55] Margaret Urban Walker, "Moral Luck and the Virtues of Impure Agency" in Statman, Daniel, Ed. *Moral Luck*. (Albany: State University of New York Press, 1993): 238.

This understanding also complicates traditional understandings of causality and responsibility and how blame can be applied. Walker explains

> The fact is that our perfectly predictable entanglement in a causally complex world, with imperfectly predictable results . . . this fact requires us to understand and respond to our actual situation of being at moral risk; that is, of being subject to assessment both for results of what we have (uncontroversially) done and for what our actions under circumstances morally fraught, where these results and circumstances are determined in important part by luck.[56]

According to Walker, the impure agents bear a great burden of responsibility for circumstances beyond their control. However, this state of weighty consequence and blame is far better than one denying luck and responsibility. A world of impure agency leaves the moral agent open to vast possibilities of luck and risk. This vulnerability requires a dependence on one another, which, as Walker explains, is a highly attractive. She states, "To the extent that these agents are people of integrity, they will not fail us, even under the blows of bad . . . to the extent that we ourselves are such agents and possess integrity, we can depend, morally, on ourselves even in a bad spot."[57] Like Nussbaum, Walker believes that a theory which recognizes and accounts for moral luck is necessary.

Consequences of Moral Luck for Just Desert and Distributive Justice

Moral luck drastically alters the concepts of praise and blame which have been central for determining a just system of distribution from the liberal perspective. Walker's notion of pure agency, with the maximum reliance on self and independence, is in some ways consistent with the libertarian and liberal theories of justice; these approaches to political theory rest on an almost unconditional conception of the self as a locus of control. However, just as traditional Kantian morality is altered by moral luck, the traditional approach to distributive justice (liberal theory) should incorporate luck and chance as well. The role of luck in moral theory and distributive justice is related, in both cases generating divergent attitudes to reward, punishment, equality and

[56] Walker 241.
[57] Walker 247.

fairness from more established conceptions. This can be seen most clearly in the case of John Rawls, considered by many to be the most important political thinker of the 20th century. Not coincidentally, Rawls situates his own work in the Kantian tradition of moral thinking. While his main concern is for political equality, the issues of morality and economics interact in important ways with how we should conceptualize political life.

For Rawls economic inequality clearly has an effect on political and social equality.[58] In refashioning the social contract in order to justify principles of a liberal democratic welfare state and ostensibly move beyond utilitarianism and intuitionism, Rawls is justly seen as one of the most important contributors to political philosophy in the twentieth century. In order to reformulate the social contract along these lines, Rawls uses a counterfactual of the "original position" in which we all imagine that we live under a "veil of ignorance" as to our actual chances in life vis-à-vis our talents. This is clearly inaugurated as a way to imagine a just society where talents may be rewarded, but *fairly* in the sense that talents are not the basis for infringing on the liberties of others. From this veil we can conceive of a set of principles that would order society in the fairest way. For Rawls the use of the "veil of ignorance" enables a fair conception of society to emerge. By imagining that we do not know our own talents or our propensity to risk, we can imagine a distribution of social goods that would be fair to everyone. In this way, he deduces the "difference principle" whereby

> All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless any or all of these goods is to the advantage of the least favored.[59]

In this sense Rawls is not concerned with removing *all* inequalities, but only those that would not benefit the least well-off. Because there may be a conflict of interest in what benefits are received regarding one least-advantaged group over another, Rawls establishes a priority by

[58] Will Kymlicka notes that Ronald Dworkin believes that equality is the defining feature of contemporary political philosophical inquiry. For Kymlicka's exegesis of contemporary debates, see his *Contemporary Political Philosophy: an Introduction* (New York: Oxford UP, 2002).
[59] John Rawls, *A Theory of Justice* (Cambridge: Belknap Press of Harvard UP, 1971): 303.

which we can judge. Priority is first given to liberty, which can only be restricted for the sake of liberty, that is, it can only be restricted if it "strengthen[s] the total system of liberty shared by all" and is acceptable to those who will have less liberty.[60] Similarly, any inequality of opportunity must "enhance the opportunities of those with the lesser opportunity" and "an excessive rate of saving must on balance mitigate the burden of those bearing the hardship."[61]

Rawls' view of individuals motivates his conception of justice. Because of this, his concern at all times is to respect individuals as ends and not means in the Kantian tradition of moral thinking. Rawls' concern is that under present conditions, much of the earned benefits of individuals are not morally significant in that they can be reduced to being a product of luck.

> I have tried to show that once we try to find a rendering of [the two principles] which treats everyone equally as a moral person, and which does not weight man's share in the benefits and burdens of social cooperation according to their social fortune or their luck in the natural lottery, it is clear that the democratic interpretation is the best choice among the four alternatives.[62]

The motivation behind retaining certain inequalities as just, if they work to the advantage of the less well off, is that it rewards individuals based on their *choices* in life rather than their initial endowments. But from the initial position under the veil of ignorance, one cannot predict what choices one will make nor what advantages they will have in life. As a result, Rawls argues that the rational individual, from this standpoint, will adopt a "maximin" strategy. This is the rational position because everyone in it will want to ensure that they have the best possible access to primary goods and in so doing will choose a principle of justice that maximizes said goods if one ends up being in the minimum, or least well-off, position.[63]

Commitments to egalitarianism, such as Rawls', can justify an unequal distribution of wealth with recourse to such conceptions of merit and talent. Elizabeth Anderson suggests that

[60] Rawls 302.
[61] Rawls 303.
[62] Rawls 75.
[63] Rawls 150-161.

many contemporary equality-based arguments run counter to an egalitarian impulse in this sense. She asks, "if much recent academic work defending equality had been secretly penned by conservatives, could the results be any more embarrassing for egalitarians?"[64] One of the many critiques that she offers focuses on the tendency of such theorizing to be "too narrowly focused on the distribution of divisible, privately appropriated goods, such as income and resources, or privately enjoyed goods such as welfare."[65] In this sense she suggests that they stray away from actually existing egalitarian movements, which have "much broader agendas."[66] She traces this focus back to the themes we have been developing: the domination of the view that the point of equality is to "compensate people for undeserved bad luck."[67] Rather, she argues that this is a mistaken view of the point of equality, which is "not to eliminate the impact of brute luck from human affairs, but to end oppression, which by definition is socially imposed."[68] Further, the aim is not to make sure that everyone gets what they deserve, but rather "to create a community in which people stand in relations of equality to others."[69]

The issue of luck and the question of desert have been central to theorizing equality and from Anderson's perspective this explains the poverty of the concept of equality today. The question of equality in this sense is really one of inequality: what types of inequality are permitted (ones that are a result of desert) and what kinds are not (those that result from luck). This then becomes the basis of a redistributive scheme whereby it is assumed that redistribution will, or could, help equalize that portion of a person's income that results from luck while preserving that which is deserved because of hard work. What makes this paradigm possible is the centrality of a notion of "choice" in liberal-democratic theory generally. The idea that we should be rewarded (and punished) for our choices has a complicated place in these discussions.

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[64] Elizabeth Anderson, "What is the Point of Equality?" *Ethics* 109.2 (1999): 287.
[65] Anderson 288.
[66] Anderson 288.
[67] Anderson 288.
[68] Anderson 288.
[69] Anderson 289.

For Rawls and other liberal thinkers (including Ronald Dworkin and Robert Nozick), a certain amount of inequality is to be accepted because otherwise we are not respecting people's choices or talents. In one reading this is merely a Kantian desire to regard persons as ends and not means, thereby taking seriously people's own choices as indicative of their desires with full knowledge of repercussions. Within a vast array of positions, Elizabeth Anderson points out that many theorists with a strong commitment to egalitarianism nevertheless accept inequalities that result from adults' voluntary choices. In this sense they

> place great stress on the distinction between the outcomes for which an individual is responsible—that is, those that result from her voluntary choices—and the outcomes for which she is not responsible—good or bad outcomes that occur independent of her choice or of what she could have reasonably foreseen. Luck egalitarians dub this the distinction between "option luck" and "brute luck."[70]

She links this discussion particularly to Ronald Dworkin and his insurance scheme, pointing out that this paradigm views the welfare state as "a giant insurance company that insures its citizens against all forms of bad luck."[71] Thus redistributive taxes are a form of "insurance premiums against bad luck."[72]

Not coincidentally, what motivates this is at least partly a desire to preserve risk-taking. In the sense in which it is used here, risk means the idea that a person takes chances by making certain decisions that could end up hurting them, though they may make the decisions based on a calculus in which they assume they will not. People are conceptualized as inherently conservative, to the extent that they will not necessarily make choices that could hurt them. The idea is that making risky choices is what propels progress and change. This is a desire to preserve risk-taking in that it is commonly believed that risk-taking is at the heart of what makes capitalist economics superior in producing economic growth. Anderson identifies four specific ways in which such risk-oriented thinking impinges on arguments for equality. The first is that it

[70] Anderson 291
[71] Anderson 292.
[72] Anderson 292.

abandons negligent victims, as in the case of a faulty driver who has no insurance but is hooked up to a respirator as a result of an accident that was ostensibly caused by her. Anderson cites Rakowski as arguing "the faulty driver has no claim of justice to continued medical care."[73] Similarly, the state is required to make special accommodations for the disabled, unless their disability is the result of their own faulty behavior.[74] Anderson calls this discrimination among the disabled. Further, there is the issue of geographic choices, as in those citizens that choose to live near a fault line or in an area with a high likelihood of hurricanes: a geographical discrimination among citizens. Lastly, there is the issue of occupational discrimination, as in the case of people who choose to be engaged in very dangerous work, such as mining or the armed forces. In all of these cases, Anderson critiques the "egalitarian" impulse that puts too much emphasis on people's choices as too unsympathetic and as working against the underlying point of equality as she sees it.[75] This is because the idea of risk-taking is seen as liable to create just rewards, but also just punishments. In the cases cited above, just punishments include lack of medical attention, lack of state assistance in rebuilding one's home, lack of handicapped services, and lack of worker's compensation for injury. Had the risks not turned out negatively, the same people would have been rewarded with insurance-free driving (at a lower cost), homes in places with ostensibly lower rent or mortgage payments, or in the case of the workers in high risk jobs, ostensibly higher income as a result of doing difficult and dangerous jobs.[76] The flip side of punishing risk-dependent problems should be entitlement to risk-dependent good fortune.

Anderson's intervention into debates on equality raises fundamental questions about the egalitarian project, as we know it. In an important respect it calls into question the notion of "choice" that is central to Rawls, Dworkin, and Nozick. As she points out, "free choice within a

[73] Anderson 296. See Eric Rakowski, *Equal Justice* (New York: Oxford University Press, 1991).
[74] See Rakowski, and also Richard Arneson, "Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare," *Philosophy and Public Affairs* (1990): 159-94.
[75] She is primarily responding in to Rakowski here.
[76] This is of course faulty reasoning because it is *not* the case that salaries are commensurate with risk. Mining, in fact, is the paradigmatic example of a high risk job that is not highly paid.

set of options does not justify the set of options itself."[77] The problem with relying on market decisions as a basis for standards of equality is that "people's real or hypothetical market choices offer no guidance whatsoever to what citizens are obligated to provide one another on a collective basis."[78] Furthermore, she points out, following Hayek, that merit-based systems of equality have the effect of making people uniquely accountable to *other people's* standard of what kinds of decisions they should have made with their life.[79] That is, a person could be subject to the judgment that she may have "wasted her talent" in the eyes of another, though there may be perfectly good reasons that she decided to forego a market wage for whatever talent she allegedly wasted.[80] Such standards of equality also raise fundamental questions about non-wage work. The hypothetical individuals in the equality-based arguments she critiques seem to be autonomous in the sense that they do not go through major periods of dependency or care for others. However, as Anderson points out, "long periods of dependency on other's care taking are a normal and inevitable part of everyone's life cycle."[81] Many feminist theorists have brought this issue more concretely to the fore, showing how non-wage work, especially care taking, which significantly tends to be done by women, is undervalued in political theory. As Nagel explains, Rawls' egalitarian theory is not just because the final distribution itself depends so heavily on luck. Nagel recognizes the problem with both moral and economic thought that does not include luck: "A moral view that gives no weight to the value of overall outcomes cannot be correct."[82] Nagel contends that no more weight should be given to opportunity than equal outcomes, because luck in many ways is inherent in opportunity itself.

Another example of how attention to luck can impact the assumptions and models of liberal thinkers is the case of Robert Nozick's *Anarchy, State and Utopia*. Here Nozick advocates

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[77] Anderson 308-309.
[78] Anderson 309-310.
[79] Anderson 310. See also Friedrich Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960).
[80] If she has a talent for killing with her bare hands, should this talent be squandered? Talent is a morally and socially ambiguous term.
[81] Anderson 311.
[82] Nagel 123.

for a minimal state that violates the rights of the least amount of individuals. He believes that what an individual earns through their labor and mixing of resources, should not be redistributed. This theory emerges from the concept that an individual has a value, for example natural talent, and an individual is entitled to all that they earn from the sale of their talent. Nozick completely ignores the prospect of compensating for factors beyond an individual's control, instead focusing only on merit.

Nozick offers a famous but suspect example dealing with the relationship of luck, desert, and redistributive justice: African-American basketball player Wilt Chamberlain. This example ostensibly illustrates how the luck of possessing an advantageous talent can result in a greater amount of wealth. Nozick, however, does not understand talent to be a product of luck.[83] Instead, he conceptualizes a theory of entitlement, with talent being the result of merit or moral desert. This theory of entitlement underlies Nozick's greater understanding of a just distribution of wealth, namely, one in which each person is entitled to the rewards of their talent. Clearly, this theory of distributive justice fails to account for certain individuals being more or less deserving of talent. Like Nozick, most contemporary theorists have either neglected to consider luck's influence in distributive justice or attempted to account for luck in ways that aim to negate its perceived benefits. In the example of Wilt Chamberlain, this denial or attempt to abolish luck would either take the form of allowing Chamberlain to keep all of his profits or redistributing a portion of his profits, neither of which is satisfactory according to Nozick.[84] Barbara Fried offers an alternative interpretation of the Wilt Chamberlain example. In essence, Fried claims Chamberlain deserves only a *portion* of the money he earns from the sale of his basketball talent. Without society and social preference for Chamberlain's talents, it would not matter how talented Chamberlain was because he would generate no income. Therefore, it is reasonable to assume that some of the money that society contributed to realizing Chamberlain's basketball talent

[83] Nagel 161.
[84] Nozick, Robert. *Anarchy, State, and Utopia.* (New York: Basic, 1974): 161-163.

should go back to society in the form of redistributed wealth.

Fried, unlike Nozick, recognizes the tremendous effects of luck. She explains that Wilt Chamberlain owes a great deal of his natural talent to luck, even though he has mixed labor with his talent to produce income. His natural talent is a product of luck, which he did nothing to deserve, and society has contributed to his income by adding value to his talent.[85] Without the societal preference of Chamberlain's talent, it would not be as valuable or exploitable. Therefore, society should have some claim to the value of his talent because it had a hand in creating the value. This theory attempts to diminish some of the huge disparities in luck, and produce greater equality. If an individual has such good luck, as Chamberlain does, and did nothing under his own control to deserve this luck, he has an obligation to share some of the surplus value of his income with those who are not as lucky.[86] Fried emphasizes this point: "Chamberlain is wealthier the moment he is born."[87] When compared to any other individual born without basketball talent, Fried raises the question of which person's situation is more desirable. This choice is obvious, no matter how hard others who have an average level of basketball talent work, they will never be able to achieve the level of success or wealth that Chamberlain enjoys. Therefore, basing principles of desert on merit alone is a false notion, because merit itself involves at least some luck.

When considering the worth of Chamberlain's talent it is important to recognize that this is very much a product of what society deems desirable or undesirable, which is partly why the use of Wilt Chamberlain is suspect given the disparities of income according to race and gender in American society. Because possessing an exceptional basketball skill is a highly desirable talent in this context, the argument goes, it should be rewarded accordingly.[88] Yet, this understanding makes an implicit claim about individuals who possess undesirable characteristics

[85] Fried, Barbara. "Wilt Chamberlain Revisited: Nozick's 'Justice in Transfer' and the Problem of Market-Based Distribution." *Philosophy and Public Affairs.* Vol. 24.3 (1995): 234-236.
[86] Fried 237.
[87] Fried 242.
[88] Nozick 163-164.

as well. For example, a person born with a disability or even "average" is not rewarded in the same way as the exceptionally talented individual. The relationship between what is highly valued in a given society and the level of reward given for that value is very strong. This conception highly favors individuals who are categorized as possessing an advantageous characteristic; by our account this is a result of luck.

Luck, Fortune, and the challenge to politics

The treatment of luck within contemporary theories of morality and distributive justice demonstrate a theoretical trend that counters the traditional approaches that dismiss or downplay the role of luck. This new conception involves a rethinking of responsibility for what is beyond an individual's control. Williams and Nagel, as articulators of the concept of "moral luck", also formulate new definitions of justification, praise and blame that go beyond consideration of the will as the foundation of morality. Understanding morality as subject to luck disputes the Kantian tradition that ignores all consequences beyond a moral agent's control. These same ideas applied to distributive justice produce a similar trend in countering Rawls' merit principle. Like Kant, Rawls believes that factors beyond an individual's control should not have any bearing on social, economic and political distribution. Rawls claims merit should be the primary determinant of a just distribution of wealth, because desert is predicated on merit, and merit itself is not subject to luck. Contemporary theorists have demonstrated the flaws within traditional theories that deny luck and criticize their unjust and unequal outcomes: two excellent examples are Iris Marion Young and Nancy Fraser.[89] Both theorists articulate excellent critiques in examples of socially constructed ideas of worth and desirability. But it seems only recently that market determinations of talent and merit have been recognized as contingent on luck. The theory of moral luck ignites a positive trend in political thought, generating more complete and accurate understandings of agent responsibility and control. By applying this understanding to distributive justice we can see

[89] Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990) and Nancy Fraser, *Justice Interruptus: Critical reflections on the "postsocialist" condition* (New York: Routledge, 1997)

a paradigm concerned with the inevitable inequality of luck, though often ill-equipped to face up to the fundamental rethinking of politics that this admission would require.

A politics that is sensitive to luck, or those contingencies beyond our control, faces many challenges, though. Machiavelli, on the cusp of the modern era, famously explains the importance of Fortune in our lives; "events beyond our conjecture" often seem to control us, he says, but "in order not to wipe out our free will, I consider it to be true that Fortune is the arbiter of one half our actions, but that she still leaves the control of the other half, or almost that, to us."[90] For Machiavelli, though, Fortune is distinguished from God (*Dio*) and he leaves the question of providential design mostly open. We can see, however, from his discussion of Fortune that Machiavelli is urgently endorsing a space for human will, and believed that Fortune and free will co-exist in a way that free will cannot co-exist with Providential design.[91]

Machiavelli's views on the role of Fortune and will in human life were notorious in his time, but they continue to be controversial or at least misunderstood. For example, one scholar of Renaissance Italy writes that "In history, Fortune operated through a multiplicity of possible causes, agents and effects; because of this confusion, she opposed herself to reason and free will, and her intervention absolved men of the responsibility for the course of events."[92] The idea that Fortune absolves men of responsibility may continue to be widely assumed, but it is not accurate. Though Fortune cannot be predicted or controlled, as Machiavelli argues it can be resisted and manipulated. Machiavelli's conception of virtù is that skill or quality that confronts Fortune, not letting it control one's entire life. This skill of virtù may be useless with regards to the Providential order, because if there is a Providential design then most certainly there can be no manipulation of it by the individual. Whatever is contained in the Providential order may be unknown and outside the control of the individual, but moreover if one believes one is controlling

[90] Niccolò Machiavelli, *The Prince* translated by Peter Bondanella (Oxford: Oxford University Press, 2005): 84.
[91] Machiavelli's treatment of virtù is where this can be most easily seen, and this paper follows translations of the term that favor "virtuosity" rather than "virtue" in order to emphasize how contingent, rather than rule-based, Machiavelli's conception of human will is.
[92] Jonathan Walker, "Gambling and Venetian Noblemen c. 1500-1700" in *Past and Present*, No. 162 (Feb. 1999) 28-69: 45.

or resisting one is merely mistaken. But for Machiavelli not all aspects outside of our control are Providential. In this respect he was ahead of his time.

Other thinkers were able to hold in tension the idea of providential design and fortune in perhaps a less consistent, but more widespread way. As Jonathan Walker explains it "Eighteenth-century rationalists…claim[ed] that physical laws (of motion, and such) determined the fall of the die or the distribution of the cards; the operation of such laws was, of course, predetermined in a general rather than a specific sense by God."[93] In this sense, the belief seems to be that God generally controls the workings of the world, but that within that small concerns like the fall of the die (or the picking of the lot) are less determined. In this conception, gambling was a like a contract among players "regulated according to principles of natural law—the emphasis was not on the mechanism of causation but on the agreement to redistribute money on the basis of the outcome."[94] The very reason why gamblers might meet and engage in this contract—that it was not causally predetermined—is also simultaneously the reason why the gambling situation itself is considered fair.

Secularizing Providential Design and the Role of Probability in Gambling

The relationship between determinism and free will became increasingly complicated during the Enlightenment, and particularly in its political consequences. But most of the issues that emerge during that time did have historical antecedent. The best example of this is renaissance Italy, in particular Florence and Venice.

> The survival of communal forms of government in these two city-states would have been impossible without some degree of trust—in this case, not trust in people but in a principle that purported to transcend human manipulation and, therefore, corruption. Renaissance republics placed *fortuna*—the embodiment of the principle of chance—at the heart of their electoral systems, which, as the principle means of distributing office, were the beating hearts of communal politics.[95]

[93] Walker, 42
[94] Walker, 42
[95] Mark Jurdjevic. "Trust in Renaissance Electoral Politics" in *Journal of Interdisciplinary History* 34.4 (2004) 601-614 (612-613)

Here the idea is that mistrust is the basis of a political will to use lots because an appeal to Fortune is seen as fair. For Mark Jurdjevic this is evidence of lack of faith in humans and their choices, and moreover implies a kind of acquiescence to fate.[96] This view is in contrast to the view discussed earlier; that the use of the lot (and the decision to leave choices to chance) is actually based on the idea is that any human would be capable of carrying out any of these positions. The use of the lots in Italy at this time as a way to counteract corruption is well-documented, as is the connection in this context between the lots and fairness (but not as an expression of divine will).[97] However, Jurdjevic's conclusion that the lot is an apolitical mechanism because it removes decisions out of the hands of humans is misguided. In agreeing that any one could equally be chosen for an office, indeed, individuals do give up the choice over who fulfills the role. More significantly, though, they de-facto consent that any number of people (or in the case where all people are in the lot, everyone) is capable. In that sense, the lot can be seen as recognizing the agency of all (relevant) people in their own government, and for that reason it is indeed political.

Most importantly, though, chance need not and *should not* be equated with fate or predetermination. But while it should not be equated with fate in the religious sense, it also should not be equated with a lack of understanding or knowledge in the secular sense. Gerda Reith explains that it was in the 17th century that chance begins to be separated from religious beliefs, but in the process comes to indicate "an absence of knowledge."[98] When chance was implicated in the religious context it was often dismissed as being predestined or willed by God, but with the scientific view of the universe, the nomenclature of chance was modified; "From

[96] Jurdjevic
[97] Nathan Rosenstein, for example, argues that "Recourse to the lots arose not out of a desire to involve the gods in the substance of such decisions, but simply because the Republic's highly partisan political system occasionally needed a way to make impartial choices. A concern for fairness and narrow self-interest at times led aristocrats to seek some means of settling questions affecting the competition among themselves other than politics; yet paradoxically the very intensity of their rivalry made the arbitrary caprice of the lot the only alternative they could agree on." ("Sorting out the Lot in Republican Rome" in *The American Journal of Philology*, Vol. 116, No. 1 Spring 1995, 43-75): 66
[98] Gerda Reith, *The Age of Chance: Gambling in Western Culture* (London and New York: Routledge, 1999): 13.

being a *sacred*, it now became an *epistemological*, category."[99] In this sense, chance represents only what we don't understand, not necessarily what we can't control. The implication is that perhaps with more study we will understand it, but most certainly it will be something we can master, or at least master *some of the time*. A large part of the context that produced this shift was the rise in probabilistic thinking and the formal discovery of probability theory; the story of probability, interestingly, is intimately tied to the story of gambling.

Though probability theory developed in mid-seventeenth century, famously by Pascal,[100] it was not *applied* to gambling until Edmond Hoyle in mid-eighteenth century.[101] Somewhat confusingly, though, it is generally acknowledged that gambling gave rise to the development of probability. The problem is that gambling existed long before the development of probability, so why wasn't probability invented prior, since it is from our perspective such an obvious connection? The related question that has puzzled many people is why Girolamo Cardano came so close in his *Liber de ludo aleae* but failed to "invent" probability. For Lambert Williams, the answer is that in the process of play the experience of and relationship to fortune are quite different from the rationalizing, scientific approach of probability. Connected with this, Cardano was more interested in games that required skill but also relied on chance than games of pure chance.

> The notion of probability is easier top read off from games of chance rather than games of skill—that Cardano would agree is borne out by the fact that most of his 'formal chapters' in which he is calculating odds (roughly speaking, chapters nine to fifteen) concentrate solely on dicing, and also by the fact that his discussion of odds in card games has a far more qualitative feel in comparison.[102]

[99] Reith, 13. Elsewhere she says "Chance had emerged, but only as an epistemological category, as a deficit of human knowledge." (29)
[100] Lambert Williams, "Cardano and the gambler's habitus" in *Studies in the History and Philosophy of Science* 36 (2005) 23-41, 24: "On a standard narration, the probability calculus handed down to us today finally took flight after the Pascal/Fermat correspondence of 1654, and that correspondence was in turn brought about by the Chevalier de Méré's gambling puzzle about the division of stakes in interrupted games."
[101] David Bellhouse, "The Role of Roguery in the History of Probability" in *Statistical Science*, Vol. 8, No. 4 (Nov. 1993), 410-420: 411.
[102] Lambert. 38.

The very reason why scholars have seen in Cardano's work a precursor to probability theory is that he occasionally theorized games of "pure" chance. For many gamblers, though, the more interesting challenges come with games that use chance but also require skill; those games in which individuals can play badly or well. The primary difference for a gambler is the amount of control one has over the game; in a game of pure chance, none, but in one in which chance is but one element, some amount of skill can be used even while, as Machiavelli would say, "fortune is the arbiter of one half our actions." Chance and free will are not mutually exclusive, but "the combination of skill and chance in many games, the irregular casting of dice and other gambling devices, streaks of good and bad luck, and sharp dealing must have all conspired to obscure the idea of equiprobable outcomes."[103] What most decent gamblers—if they play games of skill—know is that while one cannot predict or control chance, one *can* prepare for it. Importantly, though, no amount of preparation will make the element of chance any more controllable.

However, the myth that we can control chance (through luck charms and such) remains fairly widespread even after the invention of probability. One scholar highlights the element of theatre involved.

> Just as in earlier times games of chance had functioned as a stage upon which the favours of the gods were enacted, in the seventeenth century gambling games once again acted as a stage upon which this time *scientific*, rather than sacred, dramas were played out.[104]

In this way, games of chance offered the opportunity to test theories of certainty, consistently reaffirming that likelihood could be predicted in the long run. Of course, likelihood is not prediction, and the fervor with which people claim the scientization of chance may underscore the elements of both drama and faith that accompany the probabilistic project. Early probability theorists were often religious and also deeply optimistic about the capacities of individuals to make sense (and certainty) of the world. Significantly, though,

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[103] Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton: Princeton University Press, 1988): 124 .
[104] Reith, 29

> In scholastic doctrine, probability—*probibilitas*—stemmed from *opinio*, which referred to propositions resulting from reflection and argument. These could not be demonstrated and therefore were not considered as valid objects of knowledge or the focus of scholarly study. Furthermore, since truths about the world were not considered to be the proper subject of *opinio*, probability was not viewed as a realm in which real knowledge would be found.[105]

This is because propositions about chance would be consistently wrong simply because, observably, chance regularly eludes our predictions and attempts to control. Of course, it does so by definition so long as one doesn't define it in the context of a deterministic worldview.

Again, it is the gambler that categorically experiences the non-deterministic world. On this view, the gambler (if he or she is any good) also knows how to navigate the non-deterministic world. "According to Cardano, the gambler did not deify Fortune but regulated her intervention 'conventionally' by means of a contract between the players. However, it was still true that to allow Fortune to work, power had to be conceded to her (i.e., a gambler must risk money and thus give Fortune the power to deprive him of it) and once invoked the power of Fortune tended to spread."[106] Far from an absolutist and zero-sum conception of power, this reflects a skill or methodological approach that both respects chance but knows how to respond to it. One aspect of this is an approach to chance that does not need to retroactively make it causal. This is a unique perspective, because as Walker points out there is not the same pressure on the gambler to make explainable, meaningful, or deterministic the operation of chance as there is on, for example, the historian. "In a card game, the *effects* of Fortune were clear because of the conventional association between particular outcomes and profit or loss, although the laws which governed her operation remained systematically irregular."[107] And of course, the laws are irregular, and no amount of probability theory can either predict or retroactively explain that.

In fact, it is not so much "the gambler" that experiences chance in such an unmediated way, but rather it is persons participating in the gambling experience. After all, gamblers may

[105] Reith 20.
[106] Walker 45.
[107] Walker, 45

only experience *and process* chance in such a non-deterministic way when they are in the gambling habitus. No doubt, though, some people are more acutely aware of the role of chance in human affairs, whether gambling or not. The gentry in Virginia in the 18th century for example were intensely open to chance and "this sensitivity influenced their attitudes toward other men and society. Virginians knew from bitter experience that despite the best-laid plans, nothing in their lives was certain."[108] This is at least partly why they were such avid gamblers. Cardano, then, was not *trying* to come up with a precise theory of probability, but rather was trying to find out something useful to the gambler. "What might strike us at first as an obvious tie between experiential gambling data, practice and the lofty theory of probability begins to unravel. I suggest that part of the reason that probability as we now think of it failed to emerge in Cardano's mind is because of, not in spite of, his practices and experiences in the gambling den."[109] For Cardano, gambling involves conjectures about the present, not future or even the past.

Conclusion

The importation of the Moral Luck literature to thinking about politics, especially distributive politics, can lead to fruitful corrections. The use of the concept of luck to critique "the myth of merit" helps to explain why a theory of democratic politics that takes inequality of endowment as either natural or desirable overlooks the fundamental lack of control over our own endowments that we have as humans. The significant characteristic about luck, then, is not its goodness or badness, but its radical contingency: it cannot be predicted or controlled. In that sense, luck can be virtually equivalent to Fortune or chance in the sense that it represents that which humans have no power over. Since it is an ontological feature of the world that there are those things which we cannot control, the drive for certainty in a theory of politics can be at the expense of accuracy. Sensitivity to that which we cannot control can, as we've shown in this paper, lead to a more sensitive democratic politics. This sensitivity involves a critique of the

[108] T.H. Breen, "Horses and Gentlemen: The Cultural Significance of Gambling among the gentry of Virginia" in *The William and Mary Quarterly*, 3rd Ser., Vol. 34, No. 2 (April 1977), 239-257: 246.
[109] Lambert, 39.

myth of merit and a recognition that completely agent-centered theories of politics tend to obscure dynamics over which humans have no control, try as we might. In terms of democratic political action, though, a sensitivity to luck and chance can open up moments of spontaneity in a non-deterministic world. For these reasons, we think that a politics of luck should be given more serious consideration.

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