

Left Behind Once Again: What's Luck Got to Do with Current Education Policies and Practices?

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This essay examines ways in which matters of moral luck get turned into enduring life realities by current education policies and school practices, leaving the unlucky children in low-income, culturally and linguistically diverse (LI/CLD) families behind once again. These children suffer diminished life chances, not only from the circumstances of their situation, but also from the added injuries caused by the ranking and sorting mechanisms of schools that reinforce dominant ideologies that already systematically disadvantage the poor. Schools punish poor children for their bad luck by transforming it into purported personal failures that become blameworthy facts of their lives that persist into adulthood and substantively reduce their social, economic, and political opportunities. The savage injustice of the judgments and consequences that flow from these educational policies and practices poses a serious challenge to anyone who considers him or herself to be moral.

The essay first considers the connection between matters of luck and education policies and practices, then it examines luck in moral judgments in general, and finally it reconsiders the meaning of luck in education policies and practices.

CONCERNING LUCK AND CURRENT EDUCATION POLICIES

The Bush-Cheney regime's education policy makers follow in the ideological footsteps of William Bennett, the hypocritical moral crusader of the Reagan-Bush era, by turning the effects of poverty into its causes. Its policies assume that people are poor, not because of unfortunate circumstances and structural inequities built into the economic system, but rather because their individual choices have been distorted by the poverty of their moral and cultural life and have become embodied in personalities, attitudes, and behaviors that violate the norms and standards of success and goodness.¹ The suggestion is that the transgressions and irresponsibility of their daily lives produce low academic and economic achievement, and they have only themselves to blame for the suffering that comes in the wake of these avoidable failures. Furthermore, the virtually limitless opportunities allegedly provided by schools and other institutions insure that people can always overcome past failure if only they adhere to the singular standard of excellence established by the universal virtues that undergird good character. The regime is confident it can precisely articulate what the standards and essential virtues are and provide measures of their attainment. It securely believes that supposedly unbiased standardized tests meaningfully inform each individual of his or her distance from the standard, and thereby also his or her rightful place in a fair and just society. This policy logic is integral to neo-liberal globalization.

Even when this somewhat starkly drawn line of reasoning is offered in good faith, it is surely one offered in ignorance. The policies and practices that flow out of this ideology assume that matters of luck have no moral significance for

judgments of whether students meet social and academic standards, and this disregard facilitates material outcomes of schooling that lead the victims of bad luck (disproportionately the poor) to be blamed as the cause of their own misfortunes. The blaming and negative moral assessments that result for those who do not perform well on standardized tests — even though test performance is strongly influenced by matters of luck and factors connected to opportunities to learn that are well beyond individual control — are not accidental or merely occasional. Because the present educational policy and practice environment insists upon more frequent testing, multiplies the subject areas examined, and increases the stakes that are consequent to testing, there is a proliferation of threats to the emotional and physical well-being of students as their test results inexorably transform matters of moral luck in their lives into matters of fact about their life opportunities and their lived experience.

Test scores become facts about persons. In the words of the federal Department of Education explanation of the No Child Left Behind (NCLB) legislation, test scores enable parents and teachers to “recognize what their students know and can do.”² This claim is repeatedly made even though it is patently false in rather narrow domains of literacy and numeracy let alone in other areas of “intelligence” or in relation to important school aims such as involved citizenship and critical self-understanding. Test scores become enduring reified facts about persons regardless of the legitimacy of the meanings attached to those scores.

Since the NCLB rhetoric also claims that “good instruction” is sufficient to enable “every student to make substantial academic progress every year in every class,”³ test score facts about persons then become “objective” evidence used to assess the degree to which students have taken responsibility for their learning and teachers have both provided “good instruction” and taken professional responsibility for their students’ learning.⁴ Test scores thus appear as independent fair bases of comparison and assessment that can justly be used to confer blame and praise and to allocate moral, social, and economic worth. The social meaning of test scores far outstrips the significance that psychometricians accept as warranted, but it is this ideological reality that bears so heavily on the daily life of teachers and students, and on the citizen-adults who pass through such a schooling system.

Consider the typical LI/CLD student who most suffers the negative consequences of current dominant testing policies and practices. A child is born into poverty, with parents who are unable to provide a wide range of supports, from adequate nutrition and medical care, to safe housing, to the counseling and guidance needed for success in school. She is less likely than her wealthier counterpart to receive a pre-school education that adequately prepares her for the literacy and numeracy demands of kindergarten and the primary grades. This child is then fated to attend school with many other children similarly situated, all of whom are in need of multiple affirmative interventions to close the educational and opportunity gaps that already exist between them and their age-cohorts in middle and upper-middle class public and private schools. These gaps persist or increase as years of schooling increase because the schools themselves exacerbate inequalities: classrooms with high concentrations of LI/CLD students generally are over-crowded and lack

adequate curriculum materials, laboratory equipment, and instructional technologies, and their teachers are among the least well-trained.⁵ The learning environment of these schools is further undermined by high rates of transience among students, teachers, and staff. High levels of crime, unemployment, substandard housing, unhealthy living conditions, disease, and despair blight the surrounding neighborhoods. Schools serving LI/CLD students must also cope with high concentrations of recent immigrants and English language learners, yet they have low numbers of teachers trained specifically to work with these special populations. LI/CLD students seldom personally know role models of academic success. When the home language is not English — or, at least, not the Standard English required for school success — and parents have limited academic skills, the students cannot get the support needed to complete homework assignments. As LI/CLD students negotiate the norms and expectations inside and outside schools, they must deal both with academic demands and with the relentless pressures of class and race-based biases in the actions of adults with real power over their immediate and future lives.

What kind of cruel moral calculus places responsibility for these students' test performances squarely and solely on them? Even when this responsibility gets distributed to their teachers, is this more just? I am not making excuses, nor suggesting that academic standards have no merit; I am only uncovering some of the moral dynamics at work in order to help draw a just line to mark the boundaries of responsibility for the school performance of LI/CLD children, and thus to help reduce their further victimization. Surely this line needs to be drawn somewhere, and the difficulty of doing this fairly cannot be sufficient reason to give up doing it at all. Some cases are clear enough, and grappling with the murky cases helps clarify and strengthen our moral sensibilities.

Personal success or failure in life, as in school, always depends to some extent on factors beyond individual control. This is true also of the moral quality of actions, the responsibility for which is ascribed to individuals even though their actions inevitably depend on some factors beyond personal control. That is to say, despite the way in which all actions are embedded within situations, bodies, and personalities that are not strictly or solely of a person's choosing, it is certainly the case that we do judge people morally for certain acts. A consideration of how we apportion what can and cannot rightfully be ascribed to personal responsibility should help us take stock of the moral questions posed by the ranking and sorting mechanisms of schooling.

LUCK AND MORAL JUDGMENTS

Let us examine some theoretical issues that arise about moral judgments in general in consideration of luck, and then see how these illuminate the intersection of luck and education policy and practice. We routinely make moral judgments about individuals even though luck (mediating factors outside their control) affects both the person and the situation in ways that are morally salient. Our psychology and background knowledge are not strictly up to us; little of the situation in which we find ourselves can be traced to our agency. Some take these truths as reasons to question the validity of all moral judgments, suggesting that an infinite regress

prevents one from reliably and consistently separating the province of personal agency in any action. This line of argument can lead to relativism of the worst sort, and to nihilism, and should be resisted on both moral and logical grounds. However, it seems certain that we must accept the paradox that moral judgments are made of individuals as if their choices and actions originate within the compass of their person independently of the contextual conditions of their lives and the situation.

This paradoxical quality does not make moral judgment a logical and moral mistake, but it does draw us more strongly toward a thorough accounting of the facts. The particularities make all the difference, and neither principles nor calculations of consequences can escape the tether of specific cases. For example, knowing that the car that hit the pedestrian in the crosswalk had brakes that failed due to an undisclosed manufacturer's defect, we absolve the driver of culpability; if the brakes had been sound, all other things being equal, the driver would have been held responsible.

The paradox of luck in moral matters also draws us toward a keen interest in a person's knowledge, will, and intent. For example, we want to know that the driver did not select a defective car to drive just at the moment his hated mother was crossing the street. Insofar as knowledge and intent can be discerned, it seems reasonable to locate them more properly within the bounds of personal responsibility. Yet even these judgments tend to discount, and sometimes ignore altogether, the degree to which background knowledge, will, and intent are conditioned by features of the understanding and personality with roots in early childhood (when we presumably are both less responsible and more vulnerable to external influences from the family and social context). These factors attenuate individual responsibility for actions and constitute the extenuating circumstances that condition moral judgments, such as when a history of childhood abuse is cited to explain a person's violence.

Kant's categorical imperative placed significant weight on the will or intent (coupled with a certain logic) in moral judgments, tightening the connection between responsibility and action independently of luck. Thus, a person can be held to be morally blameworthy if he or she intends to harm someone even if thwarted in achieving the aim. So, if the driver's mother stumbles and falls just before entering the crosswalk and the defective car fails to strike her, the driver remains morally at fault nonetheless. Consequential approaches to moral judgment also seek to insulate those assessments from the paradox of luck. Unlike will or intent, which are obscure and difficult to determine and interpret, consequences are more clearly public, observable, and perhaps even quantifiable; this seeming advantage grounds consequentialist causal chains and moral calculations, which often arrive at a different bottom line than the deontological approach since a person can be held to be morally blameworthy for an action regardless of the principles or intentions involved.⁶ Thus, our driver can be morally at fault for hitting his mother with the car even if he was driving it for repairs when his mother wandered into the crosswalk, though this bad luck would mitigate the judgment and punishment. So, luck indeed intrudes into basic consequentialist judgments since just what the consequences turn

out to be is inescapably influenced by many factors beyond the horizons of the immediate situation and of what can be controlled or even foreseen by the individual judged.

Both consequentialist and deontological ways of coping with the paradox of moral responsibility cannot escape the truth that an element of luck (good or bad) is implicated in all judgments of the moral standing of acts or lives, and individuals get held accountable for what seems to lie beyond their control, intent, or even understanding. Thus, the problem that moral luck poses in specific judgments is really a problem for all moral assessment. A broad spectrum of factors in a situation must be credited to luck and this erodes the scope of an individual's power to direct or control his or her activities; the degree to which luck is determinative correspondingly constrains the degree of moral responsibility attributed to the actor.

These reflections leave us with a number of difficult questions. To what extent should people be judged morally for what is beyond their control, and to what extent can a clear and consistent zone of control be demarcated and warrant moral assessments? Can we separate conditioning from determining features of situations and persons, with the difference being assigned to the agent's responsibility?

Some of the logical problems here are akin to those that produce epistemic skepticism: seemingly natural and correct standards of judgment, if applied consistently and relentlessly, threaten to undermine the possibility of knowledge and of ethics. Both epistemic and ethical judgments can be plagued by a quest for certainty that is impossible to realize. The opaqueness of the theoretical problem in both epistemology and ethics gives way to a more humble clarity at the pragmatic limit that applies in each case, and we do the best we can with the evidence, principles, and theories at hand. If we delineate some distinct *kinds* of luck, then perhaps notions of autonomy, choice, and control will emerge that preserve moral judgment. Of a number of possible more precise classifications of luck, here I will focus on two: the first, constitutive luck (the kind of person you are); and secondly, luck in circumstances.⁷ These can help us imagine a process by which luck-related aspects of the person and situation would to some degree get "subtracted" from the sum of moral judgment made about the person and action.

Constitutive luck refers to the virtues, vices, faults, and traits that comprise a personality, character, or temperament. Various psychoanalytic theories notwithstanding, this kind of luck seems to have little affect in allocating individual responsibility for acts and in making moral judgments of persons. A person's character generally gets bracketed in judging the morality of acts (though it is commonly considered in apportioning punishment). Thus, a politician's lie may be judged on principle or its consequences, but either appraisal is unconcerned with whether the politician is a compassionate person or a hardened ideologue. Just as the moral assessment of acts has a certain independence from character, moral judgments of character can be independent of that of acts. Thus, we morally criticize the character of a chronic liar even if he sometimes acts in conformance with duty; that he tells the truth on some particular occasion does not dispel the cloud of moral opprobrium that surrounds him. In judgments of character, luck matters only

negligibly. While it is widely acknowledged that early experiences, family, and environment are powerful conditioning factors in psychological formation, it is a fact that people are morally assessed simply for who they are or have become (barring mitigating factors that break the causal force of agency, such as mental illness or retardation). Condemnation of character or constitutive factors of persons implies that they should *be different* than they *are*, not that it is unfortunate that they are like that. These morally inflected judgments are made all the time, and often persist once made.

This edifying function of moral judgments implies that despite any formative experiences that condition our knowledge, emotional makeup, attitudes, and beliefs, we at some moment have sole responsibility for what we make of ourselves (just when this moment arrives varies historically, culturally, and by the social sphere of action). Seen in this edifying perspective, moral judgments that disregard constitutive luck are not irrational, but rather they are part of a utilitarian social apparatus to establish a moral basis to community life and to reinforce ideals that serve as the objects of personal reflection and aims of development. The coercive force of these moral judgments tries to make people other than how they are, and it assumes a capacity to be or choose otherwise. This force operates differently in the lives of children and makes them more vulnerable to the vagaries of constitutive luck since they have limited capacities, relative to adults, to see themselves in perspective and shape their lives and environment.

Luck in circumstances bears somewhat differently on judgments about persons than does constitutive luck. The fate of circumstances not only shapes the horizons and terrain of our daily lives, it also thrusts particular moral choices and dilemmas upon us that create possibilities for being good and bad. It is easier to be a good person and meet moral standards in some settings than in others. Much like the race, class, and gender privileges/oppressions that one is born into, one is also just thrown into certain moral privileges (and disadvantages). It is easier not to steal when one is well-fed, clothed, housed, and employed. In some environments, goodness may be virtually beyond reach. As Primo Levi argued in regard to the circumstances of the Nazi concentration camps, the prisoners had no escape except death from the moral “gray zone” that enveloped them, and the resulting moral taint eroded the noblest characters.⁸ The dirty hands, guilt, remorse, and other sequelae of living in these gray zones of circumstantial bad luck reveal that, even in self-judgment, luck in circumstances is discounted. When confronted with circumstances that overwhelm the possibility of moral choices (such as wars), moral theory tends to bracket the situation in its entirety rather than allow too many subtractions from what is ascribed to agency.

The discounting and bracketing of luck in circumstances reinforces the same move in relation to constitutive luck, leaving intact the edifying coercion of moral judgments. Regardless of who you are, or the situation in which you find yourself, it is assumed that you always have choices that can make you and the situation be otherwise and conform with moral expectations. To erase any lingering doubts about the justice of discounting luck, the moralists point to the exceptions, those who rise

above background and circumstances to stand as exemplars of goodness. If one can do it, the reasoning goes, anyone can.

This short review of the way that luck gets discounted in moral judgments demonstrates the difficulty of drawing a clear line at the beginning and end of moral agency; the elusiveness of precision there amplifies the difficulty of warranting moral judgments. The question persists: when one subtracts what is not within a person's control, will enough agency remain to make morality meaningful and to avoid moral skepticism? The analysis of luck has clarified the need to unpack particular cases and set the scope of personal responsibility based on the view that people and situations are conditioned but not determined, that they can be other than they are through moral choices. Now we can see if luck in schools is accounted for properly and provides a legitimate basis for the moral judgments produced by schooling.

LUCK IN SCHOOLS

The pervasive bad luck that LI/CLD students must face in their schools and communities leads to particular types of moral judgments and material-academic assessments about them. Constitutive luck (the psychological formation and background knowledge derived from early experiences and environmental factors) disadvantages LI/CLD students in relation to their economically better-off age cohorts. This disadvantage is intensified by their bad luck in circumstances outside of school that have been shown to be negatively correlated with school success. Their families are more likely to be headed by single parents; a parent or close relative is more likely to be incarcerated or monitored by the criminal justice system; conditions of daily life are more likely to be unstable and tenuous; encounters with violence are more likely; and nutrition and health and dental care are more likely to be inadequate. The resources to accrue the knowledge and social and cultural capital required for access and success in the dominant society (including schools) are largely missing. Even when it comes to chances to be good, LI/CLD kids have worse luck: their poverty-stricken neighborhoods have more in common with concentration camps than we may want to admit, enveloping the young people and adults alike in ghetto and barrio grey zones that drive them into morally problematic activities that can seem necessary for survival.

In school, these matters of luck contribute to moral judgments and material-academic assessments that constrain LI/CLD students' life opportunities and constitute added burdens that must be carried in order both to be good and to have a reasonable opportunity for a good life. The background knowledge and psychological and behavioral profiles that LI/CLD students bring with them into school contrast markedly with those among teachers, and these differences can lead to teachers' naïve (ideologically inflected) judgments of the students as bad, resistant, and disrespectful, and then to referrals for disciplinary action. Most teachers are middle-class women unlikely to have a substantive or empathetic understanding of the situations faced by low-income students, so they more readily judge certain behaviors negatively and enforce penalties — being distracted in class may be unrecognized as due to pain from hunger or rotten teeth, or traumas at home; talking

out of turn may be unrecognized as due to language confusion or seeking help from a peer; being tardy or absent may be unrecognized as due to home responsibilities or transportation difficulties. Misjudging teachers are also less likely to form the sort of close bonds that facilitate powerful learning with LI/CLD students. The racial differences between most teachers and LI/CLD students exacerbate these dynamics of moral judgment.

Class, race, and linguistic discrimination forms particular psychic, moral, epistemic, and behavioral repertoires in LI/CLD students and in white, middle-class teachers that clash, with adverse impacts on student performance in both academic and disciplinary domains, thus further reinforcing the students' deviance from school norms and standards. The Nobodies created through these conflicted interactions find themselves morally blamed, intellectually discounted, socially marginalized, subject to heightened surveillance and harsher discipline, and pushed toward failure.⁹ Negative moral judgments and material-academic assessments accrue over a school career and progressively undermine a sense of self and worth. Kids already on the margin get pushed out. As the curriculum becomes increasingly narrowed to prep LI/CLD students for standardized high stakes testing, school becomes less engaging and it neither prepares students for meaningful jobs nor provides the types of knowledge and skills needed to challenge the status quo of their impoverishment.¹⁰ Test results also get deployed in teacher performance evaluations that belie validity, so the teachers who already bear the burdens of working in under-resourced schools will be punished by condemnations and economic losses. As they become demoralized and their teaching is further constrained by test-defined curricula, the most creative and talented teachers experience incentives to leave the struggling schools and students most in need of their help.¹¹ LI/CLD students get left behind once again. Moreover, the ranking and sorting regimes of their schools pass judgments on them that are connected to life opportunities after school, so they suffer diminished chances throughout the fabric of their lives.

Matters of luck only slightly temper the negative judgments of schooling, which remain based on what LI/CLD students do, not what they might have done under other circumstances. These negative judgments assume that the students have sufficient agency to attain more positive achievement outcomes. "Model" schools and students become the hammers that beat LI/CLD students against the anvil of their bad luck. But honestly, which in-school and out-of-school bad luck factors that affect learning can students impact by virtue of their own effort or diligence alone? Since the discounting of luck assumes agency, then holding adults accountable is far different than holding children accountable; adults have greater powers to remake themselves and the world. By assuming that LI/CLD kids can achieve "success" regardless of background or circumstances if only they apply themselves, school policies and practices make moral and material-academic judgments about the kids even though the adults who *could* actually make a difference are not held to account. More disturbingly, these judgments can be substantively predicted by the adults who set and implement the ranking and sorting mechanisms, and further, although those adults know that matters of luck systematically disadvantage LI/CLD students, they

do not establish adequate conditions to learn that would mitigate those disadvantages.

These arguments do not absolve LI/CLD students from all responsibility for their educational outcomes. Rather, they direct our attention toward the adults who bear far greater responsibility, and toward what needs to be done to minimize the negative effects of bad luck and provide a fair opportunity to learn and be successful. The Bush-Cheney regime ignores the morally salient consequences that flow from the luck of unequal opportunities to learn, and it thus accepts without qualms the punitive outcomes for the poor of “rigorous standards” and high-stakes testing. The lie at the heart of the regime’s “compassionate conservatism” and proclaimed quests for moral rectitude and long-term education gains for LI/CLD students is revealed when the life chances of impoverished children are placed on the same utilitarian scale as other social goods. The raw negative effects on these students today are simply another part of their bad luck that carries no weight in the policy balance. As the lives and life chances of LI/CLD students lose their independent integrity and moral salience from this utilitarian discounted calculation, we pay a cultural price in “a coarseness and grossness of moral feeling, a blunting of sensibility, and a suppression of individual discrimination and gentleness.”¹² Moral sensibilities more attuned to the vagaries of luck and to the humility that comes with empathy find that the judgments made about LI/CLD students as a result of current education policies and practices seem “disgusting, or disgraceful, or shameful, or brutal, or inhuman, or base, or an outrage.”¹³ The real nausea comes with the recognition that, if innocent children are so easily sacrificed, “then anything is possible and nothing is forbidden, and all restraints are threatened.”¹⁴

Public policy debates are notoriously resistant to the influence of moral judgments or philosophic argument. We face a new abstract cruelty in politics coupled with a destructive political righteousness that threatens an entire generation. Education policies and practices are assaulting LI/CLD kids; not only is this unconscionable, luck has nothing to do with it. It is up to each of us to respond to the plight of those being left behind once again.

1. William Bennett, *Body Count: Moral Poverty and How to Win America's War Against Crime and Drugs* (New York: Simon & Shuster, 1996).

2. U.S. Department of Education, <http://www.ed.gov/print/nclb/accountability/ayp/testing.html>.

3. U.S. Department of Education, <http://www.ed.gov/print/nclb/accountability/ayp/testing.html>.

4. This logic that overlooks matters of luck is central in the blame game that penalizes teachers of LI/CLD students just as it punishes the students.

5. The richest districts spend on average 56% more per student than do the poorest, and students in public schools in low-income communities are less likely than their wealthier counterparts to be taught core subjects by a teacher who majored in that subject (for example, 70% of seventh through twelfth graders in high poverty schools — both urban and rural — are taught physical science by unqualified teachers), http://www.childrensdefense.org/keyfacts_education.htm.

6. Of course, both deontological and consequentialist judgments confront unresolved difficulties of their own regardless of their treatment of luck.

7. See Thomas Nagel, "Moral Luck," in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 24–38.
8. Primo Levi, *The Drowned and the Saved*, trans. R. Rosenthal (New York: Summit Books of Simon & Shuster, 1988).
9. Ronald David Glass, "Education and the Ethics of Democratic Citizenship," *Studies in Philosophy and Education* 19 (2000): 275–296.
10. Gary Orfield and Mindy Kornhaber, eds., *Raising Standards or Raising Barriers: Inequality and High-Stakes Testing in Public Education* (New York: Century Foundation Press, 2001).
11. M. Gail Jones, Brett D. Jones, and Tracy Y. Hargrove, *The Unintended Consequences of High-Stakes Testing* (New York: Rowman & Littlefield, 2003).
12. Stuart Hampshire, "Morality and Pessimism," in *Morality and Conflict* (Cambridge: Harvard University Press, 1983), 86.
13. *Ibid.*, 89.
14. *Ibid.*