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Formative Justice: A study in Educational Thought
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Robert McClintock, Principal Investigator

A careful reader will encounter a passing difficulty in John Rawls' *Theory of Justice*. In the course of constructing his ideas about distributive justice, Rawls touched on an associated concept – formal justice. In Rawls' view, formal justice describes the situation in a polity whenever "impartial and consistent administration of laws and institutions, whatever their substantive principles," are in fact in operation. Rawls took as his problem thinking out which principles would best achieve substantive justice, at least in the domain of distributive justice, and he left the matter of formal justice – "adherence to principle," "obedience to system" – largely to the side. There is adherence to principle or there is not, and Rawls quite ignored constructing concepts with which to think about the process by which adhering to principle might or might not come about in the experience of a person or a polity. The theoretical principle of interest is not formal justice, a mere description of the condition of one or another polity, but rather *formative justice*, a concept that enables thinking about how people come to adhere to principle, to accept and to expect "the impartial and consistent administration of laws and institutions" or other restrictions on possible behaviors, and even further, to shape the world and their conduct within it by reference to this system of thought, Formative justice is an important educational concept, one still insufficiently developed.

A concept of formative justice stands to the disinterested study of education as a schema of distributive justice stands to the disinterested study of politics. As Aristotle provided the first full conception of distributive justice, so Plato initiated and gave a first full conception of formative justice. Later students of education, however, have not developed his idea very well. Plato's theory constructed educational concepts: the idea that human potential has multiple components, with each needing to be developed and brought into an appropriate balance and order, one unique to each person that it is their vital challenge to sustain and fulfill.

Issues of justice arise when the need or desire for something exceeds the supply, forcing deliberation about what each recipient is due. Issues of distributive justice arise with the problem of allotting a finite supply of public goods among a multiplicity of claimants. Issues of formative justice have to do, not with public goods, but with human potentials. Formative justice allocates finite energies, motivation, and discernment towards developing the complex of potentials harbored in every person and group. Formative justice requires that educational effort bring each person's mix of aptitudes to their full employment in pursuit of his or her sustainable fulfillment. "Be all you can be:" this is the problem of formative justice that each youth must ultimately solve for herself. What do you want to be? What should you be? What can you be? How will you integrate the imperatives of desire, upbringing, and reason into a secure and fulfilling self?

There is one life to live and a multiplicity of possibilities in it. Which merit realization, how, when, where, and why? This is the question of formative justice and good educational concepts,

OFFICE: 322 THOMPSON HALL • TEACHERS COLLEGE, COLUMBIA UNIVERSITY
MAIL: BOX 136, TEACHERS COLLEGE • 525 WEST 120TH STREET • NEW YORK, N.Y. 10027-6696
PHONE: (212) 678 3375 • FAX: (212) 678 8227 • ROM2@COLUMBIA.EDU • WWW.STUDYPLACE.ORG

sound pedagogical principles, enable people to think about and act on such fateful choices. 20th-century public discourse, obsessed with material externalities, has obfuscated issues of formative justice by degrading them into concerns of distributive justice. Education collapses into schooling, so much seat-time devoted to this or that, with the only issue of justice being one of access to formal opportunities, which get counted up among the cornucopia of public goods. Who will get so much of what kind? Formative justice perfects the unique excellences of diverse components and integrates them into an optimal performance, on pain of suffering the consequences. Whatever the domain of experience, the theory of formative justice enables a person to think about how to bring a diversity of potential capacities to a combined fulfillment. For distributive justice, the conceptual *telos* is equality in one sense or another. Or perhaps, as Rawls reasons, fairness is the goal, equality being too simplistic. For formative justice, *fulfillment* is the controlling goal. Formal justice, as Rawls described it, describes the end state of the process of formative justice and it consists in laws and institutions, "whatever their substantive principles," that people have brought to fulfillment in practice, effectively integrating diverse efforts motivated by a suitable integration of interest, pride, and principle.

Fulfillment is a goal that excites powerful human sympathy. We want our own fulfillment and thus exercise effort to develop and use our natural capacities, and we want the fulfillment of others, taking care to educate others. We feel spontaneous admiration for exemplary achievement by others and regret when circumstances force someone to desist from significant effort. Thus fans will acknowledge with respectful applause an opposing star, suddenly injured and forced out of a game, for the potential of the game itself became less fulfilling when injury forced his withdrawal. The goal of fulfillment even translates into a powerful directive norm for political economy. Not growth, stoking the ever-insatiable few, but full employment is the goal, the right of each person to creative work and, further, to the full employment of his or her unique mix of potentialities for the benefit of self and others. Full employment in its fullest sense is a truly challenging, and worthwhile goal of public policy. Aristotle defined a city as the shared pursuit of the good life. In this view, human fulfillment becomes the fundamental purpose of a polity. With fulfillment as the purpose, the ultimate test of its legitimacy comes through the educative work of its *nomos*.

With respect to formative justice, the legitimacy of a regimen – something we educators will not confuse with the regime of a state – turns on judgments of whether or not it rightly brings potentials to full realization, whether or not it respects and nurtures the conditions of fulfillment. Were this not an essay, but a full study of formative justice, we would need to develop here the concept of authenticity in dialogue with Rousseau and others; and likewise, the concept of autonomy with Kant, and that of its fruition in spirit, *Geist*, or culture with Hegel. In doing so, we would see that many issues of political theory can be clearer and easier to manage when the educational concepts embedded in them are adequately differentiated and kept distinct, yet related, in thought.

Where the justice at issue is primarily formative, relationships of subordination, coordination, and control may have valences different from what they would have if principles of political power and authority were directly at work. What may be highly repressive in politics may be liberating in education, particularly as the person sets herself a regulative regimen for bringing a favored

potential to fruition. Things that are negative and destructive when done to us as passive objects by an external agent can be positive and fulfilling when we do them actively by and for ourselves. The marathon runner pushes herself through a discipline of painful training to achieve her goal. Were such a discipline imposed by an external power, it would stultify and suppress the spirit. Ironically, students of education too often read Plato as if he is talking politics, proposing external authorities, and not liking what they hear, turn away. Thus, by mistaking the context, educational thinkers have impoverished their resources. Plato described in speech a highly formative, but authoritarian city, a hypothetical city that he did not seek to found in fact, in order to illustrate an educative discipline by which persons could put formative justice into practice in the living of their lives.

Within his effort at concept formation, Plato used three ideal-typical concepts in constructing his concept of formative justice. These described in thought how people adhered to a system of law and even more generally how they willingly constrained their behavior. In Plato's view, people voluntarily obligated themselves and adhered to purposes in response to motivating capacities, which he conceptualized as being of three types – responses to appetite, to honor or spiritedness, or to reason. Formative justice, or simply justice as he put it, constituted a fourth ideal-typical concept, which consisted in bringing the other three into an appropriate relation with one another such that each separately, and all together, would be fully employed performing their proper functions in a way optimal for the whole person. For Plato, this optimality meant achieving a stable, self-sustaining harmony, that is, fulfillment, in the conduct of a person's life within the flux of his or her actual circumstances.

It is not appropriate here, within the scope of this essay, to try to construct a full theory of formative justice, either through an extended commentary on Plato or by taking the concept up and constructing a new theory of it, as Rawls did for distributive justice. Here, we seek to indicate what the academic study of education might become in the arts and sciences and can do so by following a few further hints from Plato to see how those might lead us further into subsequent work, most of which merits being interpreted as educational, among other things. Plato advanced concepts, under a heading which we are calling formative justice, that grasped in thought, in discourse, the way people constrained their actions and adhered to a purpose or principle, and he gave that, as theorists often do, a normative dimension enabling him to interpret both human fulfillment and human degradation. Plato achieved a theoretical account of how people adhere to principles in the course of living their lives, and with it, he illuminated significant consequences for conduct as people under differing conditions adhered to particular principles in different ways. He used it to put quite clearly two very important questions that should be major concerns in the academic study of education.

Consider first Plato's wonderful passage at the conclusion of the allegory of the cave. "Education is not what some people proclaim it to be. . . , that they are able to put knowledge into souls where none was before. Like putting sight into eyes which were blind." People learned by exercising their capacity to find and know their own good, their own fulfillment, a capacity that was their human dignity, one that Plato asserted to be a universal – "this capacity in every soul." He then gave a powerful statement of the educative function of formative justice: "Education . . . would be the art of directing this instrument, . . . not the art of putting the power of sight into it, but

the art which assumes it possesses this power . . . and contrives to make it look in the right direction."

This passage culminated Plato's critique of the sophists, which had stretched through several of his dialogues, for they were the teachers who professed to put sight into blind souls. Sophists had begun to offer instruction in the rhetorical and related arts that promised to give power to those who would live by the exercise of persuasion and leadership. Conditions put conventions and circumstances in flux, and with an insouciance that some thought disruptive and others unwise, sophists prepared young men on the make to gain an edge in pursuing pleasure and power. And immediately both cultural conservatives and philosophic critics then queried whether the proffered instruction could deliver the promised results: truly knowledge is power, which will mean that “a little learning is a dangerous thing,” as Pope many centuries later restated a Socratic ploy. If power is mistaken, it wreaks harm, not good. Thus the paradigmatic culture war began around a great question, one that still echoes into our time and times to come. As the classical Greeks put it – Can *arête* be taught? Or the Romans – Can *virtus* be taught? Or as the moderns, from the Renaissance to now, have been putting it, Can virtue, can excellence, can power be taught?

This question persisted, recurrently demanding answers. The cultural conservative answered then, and answers now, that *arête*, *virtus*, virtue, excellence, power need not be taught, for it was given by tradition and convention, ascribed to the young as a matter of course in a well-ordered community. The sophistic pedagogue answered then, and answers now, that indeed they teach it, for they have devised a program of instruction that leads to “sound deliberation, both in domestic matters – how best to manage one's household, and in public affairs – how to realize one's maximum potential for success in political debate and action.” The philosophic critic demurred then, and demurs now, questioning the strong claim that “every day, day after day, you will get better and better” and suggesting that with sustained effort one might develop the rational skill to figure out in the flux of circumstance what principles and skills may prove best suited to the situation, that is, as Plato put it, being able, as occasion required, to "look in the right direction."

Let us take a conceptual risk and agree that in contemporary parlance the best way to translate *arête* is not its common translation, "virtue," or even the better but less common, "excellence," but the one insinuated here, "power" – Can power be taught? Power, like *arête*, has a range of component capacities – strength, skill, courage, knowledge, wisdom, compassion. Like *arête*, we can speak of the power of persons and of collectivities, and we see it as a concept for thinking both about the special capacities of some and simultaneously about qualities universally possessed in some measure by each and every person. Furthermore, like *arête* and *virtus* were in their original contexts, power as a concept applies not to an abstract attribute inhering separately in the person, but to a complex quality perceived to arise at the juncture where the active person interacts with his or her conditioning circumstances. One cannot speak about the power of a person without taking into account the context in which the power is manifest.

Can power be taught? People hope that education will culminate in power – for the conservative, reproducing it through ascription, for the sophistic, disbursing it through instruction, for the Socratic, mastering it through learning and study. If the hope is that education will

culminate in power, the importance of formative justice becomes inescapable and a major debate running through important historical texts emerges into clarity as an examination of education. In the Platonic construct, by definition, the good was the object of power, and in this sense, the Socratic position – that no person knowingly did evil – made necessary sense. But it meant that the problem of formative justice was pervasive and ominous, posing a difficult question: given the complexity of power and the many goods that were its object, how should one order these so that each, and their resultant combination, could all work rightly, consistent with fit goals?

In the face of this question, many people make, as they should, very difficult demands on themselves. And they easily over-reach. The autonomous acceptance of difficult expectations must not serve to legitimate dehumanizing authority over others, be it religious, economic, political, emotional, or educational. Formative justice works through the self-formation of each person. That is the source of the fundamental dignity of each, shared by all humans. It is what Plato celebrated in the greatest of all his myths, the coda at the end of the *Republic* in which the human souls chose their lives, in which there were numerous possibilities for each. "Responsibility lies with the one who makes the choice. . . . There is a satisfactory life rather than a bad one available even for the one who comes last, provided that he chooses it rationally and lives it seriously. Therefore, let not the first be careless in his choice nor the last discouraged." Here is the inalienable humanistic condition, celebrated by Socrates and Plato, and many after them.

Many past thinkers wrote for people engaged in pondering the question of formative justice, the question of their regimen of self-formation. What should be the purposes of your power and how should you direct your power to pursue them? Ancient ethical writers, as Pierre Hadot and Martha Nussbaum have been reminding present-day readers, tried less to desiderate on the substantive question of what the good is, but spoke more to themselves and others pursuing the formative question, trying to develop a rational self-discipline for selecting purposes and shaping their capacities to achieve them. They were students, less of substantive justice, more of formative justice. Their work is one major strand in a literature the aims of which are essentially educative.

Another strand filled out an emerging gap in the Platonic agenda. In view of subsequent history, Plato's tripartite schema of the human constitution took the role of belief in the formation of power too much for granted. He had assumed that acculturation in one or another city-state would provide each person's spirited element with a set of honored attachments more elevating than the appetites but less open to doubt than the objects of reason. Imperial hegemonies, especially the Roman, soon created a syncretism of different beliefs. A complexity of acculturating conditions confounded the honoring of beliefs. Pained by that deficiency, a growing number of sensitive, self-aware persons felt unsatisfied by the rational disciplines of the Stoic, Epicurean, and skeptic, and they concentrated on achieving conscious acts of faith as the basis for their forming their purposes and powers. We might say that the challenge of formative justice shifted from the plane of reason to that of belief. People no longer found their chief problem to be their rational understanding of the good, but their ability to honor truly, to revere something with unquestioned faith.

Let us leave, for this essay, the discussion of how to shape one's power to live rightly and well in the face of unknown circumstance, which caught reflective attention from the ancients to the present. Our aim here is simply to see what the academic study of education might involve. We have seen enough to realize that the first question – How can the person master his or her power to seek fulfillment well? – is a question of seminal importance in our cultural history. It leads to the conceptual critique of educational effort, not to ever more astute answers to the *how* of education, but to the reflective examination of the *what* and the *why* of education. On these issues, public discourse is appallingly inert. How do our immense educational efforts further the human fulfillment of those involved? What are the discrepancies between contemporary practices and the ideas of formative justice and what might educators do in view of those? We have probed far enough to recognize that education as an academic study must address these questions, but there are others as well. Let us sample them by looking at the other fundamental educative problem that Plato grasped with his concept of formative justice.

In Book 8 and 9 of the *Republic*, where Plato traced the cycle of transformation from the rule of the best to that of the worst, subtly charting the interplay of formative influences on the character of the polity and the person, he anchored the second educative question of continuing importance. Two dimensions of it are critical in a disinterested study of education. One accounts for the formative influences that differentiate one person or polity, one regimen or regime from another; the other concerns the sources of historic stability and change, the question about the contingent community in time. Both inquiries intertwine through the historical resources and spread out into different domains of modern scholarship. The academic study of education could give them unity and focus.

Events, as events do, had raised these issues. For long, Homer's listeners had learned to think about themselves though the contrast between the Greek and the other. Greek cities were like a cauldron of political experimentation, each with internal conflicts, with external competition and conflicts between them, and with a practice of founding new cities according to a plan. The relative merits of different formative principles in the organization of a polis were significantly contested and debated. People experienced the question. Caught in contingent times, they began to write history, seeking to understand whether and how knowledge and culture determined the power of persons and of polities.

Over centuries, a succession of thinkers has sought to form ideas and principles with which they could account for the relative success of one power system vis-à-vis another. Herodotus began the inquiry, suggesting that the principle of participation among Greek citizens enabled them to withstand Persian subjects, who were governed by a principle of subordination that neutralized their superior material strength. Thucydides pulled back from the contrast between the Greek and the other and contrasted the two poles within the Greek ethos, the plodding power of Sparta versus the Odyssean sea-wit of Athens, concentrating on the genius and self-destructive volatility of the latter, thereby greatly deepening insight into the interplay between character and command. Plato and then Aristotle turned further inward to the how internal conflicts within Athens and other cities led to a change in governing constitution, inquiries that have matured into more modern ideas about checks and balances and the separation of powers. One can understand these principles as principles to ensure that each of the different forms of

political power keeps to its proper business so that the whole can function in effective harmony, which is the fundamental concept of formative justice. As political theorists have often explored "political education," in which they reflect on the kind of education that will best lead to good political outcomes, so a full consideration of formative justice would lead to ideas about "educational politics," constructing concepts about how political arrangements force educational, formative results, for better and for worse.

How formative influences shape the members of a polity, and hence collectively its power and stability, is a large question, dangerous yet imperative. With respect to the influences shaping people in a polity, there is, first, what we might call the pedagogy of events. Henry Adams pointed to the awful costs of this pedagogy, early in his *Education*, as he looked back on the outbreak of the Civil War. Adams' autobiography and its companion reflection on *Mont-Saint-Michel and Chartres* were great literature. Unfortunately, they were too indirect to provide well-formed, effective concepts for interpreting the pedagogy of events. Earlier Machiavelli had come closer in his *Discourses* to creating a conceptual framework for interpreting the pedagogy of events as he reflected on how the Romans preserved through diverse vicissitudes their capacity to extend and maintain their governing principles. Later students of Rome took Machiavelli's question rather for granted and concentrated more on its sequel, the decline and fall, without much educative insight. Hence, the pedagogy of events is still a matter in great need of clarification, especially as it is going on all about us, rampantly since 9/11. We have virtually no good concepts with which to analyze or explain what is happening.

A second type of influence forming political character arises through the ethos of a given polity, through its historical or political character. Which types of regimes educate the best and which regimes can best draw strength from the education of their members? What educational arrangements will best accord with the character of a given regime and what educational strategies will best strengthen and enhance the regime? Some modern responses have probed how education has shaped and been shaped by the principle of nationality, with Lawrence Cremin's *American Education* perhaps the pre-eminent example. Emerging debates about multiculturalism in education may be the harbinger of an historic dissociation between education and nationality, which could have significant effects on whether people identify with and recognize the nation-state as dominant center of political authority. Instead of concentrating on the concept of nationality, other modern responses have examined the interactions between democracy and education, with John Dewey's work, and more recently Amy Gutmann's, pre-eminent.

Finally, a third modern response broadens out in the manner originated by Herodotus, comparing the formative ethos of civilizations, with Max Weber's incessant investigation and numerous post-Weberians trying to understand “the great divergence” as Kenneth Pomeranz has recently put it. Such comparative inquiry into the formative power of interacting cultural system is fraught with dangers, for people take conceptual differences to signify objective inferiorities and superiorities. Here are the roots of genocide, a terrible 20th-century degradation. It threatens to be a 21st-century scourge as well, as globalism intersects with terrorism, as high technology Midas wealth mingle with massive poverty in a world where the supply of resources shrinks rapidly relative to the demand. Arrogant power meshes with the belief that one's own civilization beneficently imparts full humanity to its members, while that of one's enemies molds depraved

beings, less than human. The interplay of self-aggrandizement and the degradation of the other makes it imperative to achieve a disinterested, value-free understanding of how different systems of formative justice work in the world.