

Education's Discontent: A Liberal Argument for Character-Formative Education

J. A. RUDINSKY
Georgetown University

Isn't it by now plain that it's not possible to honor wealth in a city and at the same time adequately to maintain moderation among the citizens, but one or the other is necessarily neglected?

—Plato, *Republic*

AT the 2012 Democratic National Convention, Education Secretary Arne Duncan said the following: “Education is about jobs. It’s about giving every child a shot at a secure, middle-class life. And right now we’re in a race for jobs and industries of the future. If countries like China out-educate us today, they will out-compete us tomorrow ... The path to the middle class goes right through American classrooms.”¹ This short proclamation represents fairly well the public philosophy of education in American society today.² From the state’s perspective as much as from parents’, primary and secondary education serve economic ends. Through education the economy is made more productive and individuals acquire the tools they need to make a decent living for themselves.

This has not always been America’s public philosophy of education. In 1781 Thomas Jefferson described Virginia’s public school system with the following words:

[T]he principal foundations of future order will be laid here ... of all the views of [public education] none is more important, none more legitimate, than that of

1 Arne Duncan, “Duncan’s Speech at the Democratic National Convention, September 2012,” *CFR.org*. Council on Foreign Relations, 5 Sept. 2012. Web. 2 Aug. 2015, <http://www.cfr.org/elections/duncans-speech-democratic-national-convention-september-2012/p28930>.

2 The concept of public philosophy, which figures prominently in this essay, I take from Michael Sandel, who defines it thus: “By public philosophy, I mean the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life.” Michael J. Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy*, (Cambridge, MA.: Harvard University Press, 1996),

4. Michael Rosen adds this gloss to Sandel’s concept of public philosophy: “Philosophies carry within themselves assumptions that are expressions of particular forms of life while institutions are animated by practices within which political theory is already implicit.” In order to understand this concept it is helpful to note that this way of thinking of the relation of philosophy to social institutions and practices is more characteristic of the Continental philosophic tradition, for example, the spectrum between Hegelian idealism and Marxian materialism. Not surprisingly, Rosen specializes in Continental thought. Michael Rosen, “Liberalism, Republicanism, and the Public Philosophy of American Democracy,” in *Die Weltgeschichte – das Weltgericht? Stuttgarter Hegel-Kongress*, ed. Rüdiger Bubner and Walter Mesch, 1999, 2.

rendering the people safe, as they are the ultimate, guardians of their own liberty ... Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree.³

In light of this purpose, the Virginia schools' curricula, as Jefferson describe them, have a decidedly moral bent. They are designed to cultivate civic virtue in schoolchildren so they will be prepared to be self-governing citizens. This contrasts markedly with today's public philosophy of education, as it is expressed in Secretary Duncan's words, both in form and content. The form of Jefferson's philosophy is republican: education serves the ultimate end of creating a virtuous citizenry and preserving the republic. In today's philosophy, education also serves a certain conception of a greater good, but it is a different greater good than Jefferson's. Education serves to equip individuals to flourish materially and thus contribute to the nation's economic prosperity. The common good is strictly economic. Based on this premise our education differs in its content as well, with greater emphasis on science, technology, engineering, and mathematics (known as the STEM fields), and in the humanities a focus on technical reasoning and writing skills. At least as we tend to speak publically about education today, there is little sense of its moral and civic purpose. In 1944, economist Karl Polanyi observed, "the control of the economic system by the market is of overwhelming consequence to the whole organization of society: it means no less than the running of society as an adjunct to the market. Instead of economy being embedded in social relations, social relations are embedded in the economic system."⁴ Similarly, today we tend to view education as an "adjunct to the market."

In this paper, I argue that this emphasis on economic outcomes is premised on but misunderstands one prominent principle of America's public philosophy, the doctrine of liberal neutrality, and that if we correct this misunderstanding of liberal neutrality we can and must recover a moral and civic vision of public education. I proceed in four sections. In Section I, I narrate the intellectual history that forms the backdrop of this shift. I focus chiefly on the development of the doctrine of liberal neutrality—the principle that the state must deal neutrally with its citizens, i.e. without favoring any one conception of the good over another, from its nascence in Hobbes and Locke, through John Stuart Mill, and up to its recent influential expression in John Rawls. In Section II, I seek to discern today's public philosophy of education by examining its chief expressions in policy, case law, and the literature of professional associations of teachers and administrators. Here I demonstrate how the philosophical development narrated in the first section is reflected in the institutions and practices of public education. From the various pieces of evidence, a general public philosophy emerges, one that reflects Secretary Duncan's words above. In Section III, I offer a critique of the public philosophy of education as revealed in Section II, drawing from sources in contemporary discussions surrounding liberal neutrality. But rather than argue for what

3 Thomas Jefferson, *Notes on the State of Virginia*, "Query XIV," in *Thomas Jefferson Writings*, ed. Merrill D. Peterson, (New York: Library Classics of the United States, 1984), 256–275.

4 Karl Polanyi, *The Great Transformation* (New York: Octagon Books, 1975) 75.

is usually advanced in opposition to contemporary liberalism—communitarianism or republicanism—I critique liberal neutrality from the standpoint of liberalism itself, drawing chiefly from the work of Michael Rosen. By doing this I demonstrate that liberal neutrality need not foreclose character formative politics, and that therefore not only *may* we in liberal democracy seek to cultivate virtue through education but that we *ought* to do so for the sake of liberal democracy itself. Finally, in Section IV, I offer some suggestions as to how we might cultivate civic virtue through educational institutions and practices today.

I. The History of Liberal Neutrality

While John Locke does not explicitly speak of neutrality in his writings, he paved the way for the doctrine of liberal neutrality with his idea of the state of nature.⁵ In his *Second Treatise of Government* Locke famously advances a theory of government based on the social contract. On this theory, persons exist in the original “state of nature” as individuals, by their nature free to live as they wish, without duty or obligation. Only by voluntary choice do they enter into a contractual form of political community. What is noteworthy about this theory is that everyone starts from the same position: the state of nature is a state of equality. In its original context of early modern Europe, this notion was revolutionary. Government was now said to derive its legitimacy from the consent of the governed and not from the power, tradition, or divine right of kings. Toward any supposedly privileged groups, such as the nobility or the royalty, the state of nature is indifferent. Government has no power that is not given to it by the governed. In this picture of individuals in a pre-political state of nature are the seeds of the doctrine of liberal neutrality. If *every* individual, regardless of affiliation with any social class, has certain inviolable rights to self-determination, it follows that the government must respect and protect those rights indiscriminately. The fundamental equality of man espoused by Locke requires that government be neutral toward classes and religions.

Some 150 years later the Englishman John Stuart Mill made Locke’s implicit doctrine of neutrality explicit in his 1859 treatise, *On Liberty*. In the treatise, Mill states that his primary intention is to advance what has become known as the “harm principle”:

The object of this Essay is to assert one very simple principle... that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.⁶

By asserting harm as the criterion for governmental exercise of power, Mill fore-

5 In so far as all liberalizing movements against authoritarianism and totalitarianism in medieval and ancient times anticipate neutrality, the doctrine traces its roots further back than Locke and Hobbes. It exceeds my scope here to give such a full narration.

6 John Stuart Mill, “On Liberty,” in John Gray ed., *On Liberty and Other Essays* (Oxford: Oxford University Press, 1991), 14.

closes any religious or sectarian justifications for governmental interference and in so doing relies on the principle of liberal neutrality. A government bound by the harm principle is thus also bound to be neutral toward different experiments in living among its citizens.

Mill's high standard for justified coercion is rooted in the important role he believes autonomy plays in human flourishing. For Mill, autonomy is required for the exercise of "individuality" without which persons do not achieve their full self-expression and self-development. Mill's primary target in his insistence upon individuality is the social conformism that occurs in liberal society, what he terms "social tyranny."⁷ Conformism hinders individuals from expressing genius and originality, but it is precisely these qualities, Mill says, that need to be expressed for the sake of societal progress: "Genius can only breathe in an atmosphere of freedom."⁸ One's beliefs must be tested in the free exchange of civil discourse, in order to weed out the untenable positions from society and achieve progress. For this reason, society (particularly the state) must ensure the broadest possible scope of individual liberty, hindering nothing except that which harms another. "The only freedom which deserves the name," Mill writes, "is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it."⁹ Mill's classic defense of free speech and individual self-expression relies on the principle of liberal neutrality.¹⁰

Contemporary liberalism is defined not so much by a Millian insistence on freedom as by an insistence on justice and equality. Mill's philosophy finds greater purchase today among libertarians than liberals. The thinker who most clearly expresses this shift from freedom to justice and equality is twentieth-century philosopher, John Rawls.¹¹ It is in Rawls that the doctrine of neutrality comes, so to speak, out of the woodwork of liberalism and assumes center-stage. Rawls exerted his influence primarily through his magnum opus, *A Theory of Justice*, published in 1971. Like Mill, Rawls offers a theoretical foundation for a decidedly pluralistic liberal society. Rawls' chief aim in *A Theory of Justice* is to develop a theory that could serve as "the most appropriate moral basis for a democratic society."¹² It is an attempt to advance a concept of justice that

7 Ibid., 8.

8 Ibid., 72.

9 Ibid., 17.

10 It must be acknowledged that Mill is not univocal in his liberal neutrality. It exists in tension with his utilitarian ethical system, which postulates a specific "idea of the good" which binds state action. Mill writes, "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being. Those interests, I contend, authorise the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a prima facie case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation" (OL, 14). Thus the priority of utility as Mill conceives it limits liberty. As such Rawls would call Mill's utilitarianism a "comprehensive worldview" with respect to which the state must be neutral. Indeed, Rawls offers this critique, though without direct reference to Mill, in *A Theory of Justice* (pp. 22-26). Despite this tension, the inspiration of neutrality is evident in Mill's thought and liberal neutrality has historically persisted without the utilitarian backdrop.

11 In addition to Rawls, for expressions of this position see Ronald Dworkin, "Liberalism," in *Public and Private Morality* ed. Stuart Hampshire (Cambridge: Cambridge University Press, 1978), pp. 114-143; idem, *Taking Rights Seriously* (Cambridge, Mass.: Harvard University Press, 1977); Bruce Ackerman, *Social Justice and the Liberal State* (New Haven: Yale University Press, 1980).

12 John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), viii.

could be shared by democratic citizens across a pluralistic society, one that would provide a fair framework for both political disputes concerning moral questions as well as individual pursuits of varying conceptions of the good life.

The principle of moral neutrality in Rawls' thought is most clearly seen in two of his key concepts: overlapping consensus and the veil of ignorance. First, Rawls' concept of overlapping consensus refers to the "idea of the good" necessary for orienting state activity. Because, as Rawls writes, "a political conception [of justice] *must* draw upon various ideas of the good," politics cannot be, as some argue, *entirely* disconnected from morality. The question is not how to separate politics from morality but how to delineate an "idea of the good" that still upholds liberal plurality. The answer for Rawls is the concept of "overlapping consensus," which refers to "a public understanding" about "the kinds of claims it is appropriate for citizens to make when questions of political justice arise" and about "how such claims are to be supported."¹³ It is a "shared idea of citizens' good" that is just at home in a utilitarian philosophy of life as it is in a Protestant, Jewish, or Muslim one. Rawls writes, "the public conception of justice should be, so far as possible, independent of controversial philosophical and religious doctrines."¹⁴ The substance of this "shared idea" of the good is comprised of what Rawls terms "primary goods," defined as "things that every rational man is presumed to want."¹⁵ Specifically, these include the "social goods" of "rights and liberties, powers and opportunities, income and wealth," as well as the "natural goods" of health, vigor, intelligence, imagination.¹⁶ It is only with such a shared understanding of the good that the state can be just. Its justice lies in its neutrality toward comprehensive worldviews and their respective conceptions of the good. Rawls writes, "[justice as fairness] seeks common ground—or if one prefers, neutral ground—given the fact of pluralism. This common, or neutral, ground is the political conception itself as the focus of an overlapping consensus."¹⁷ Without this neutrality, Rawls writes, the state has a "sectarian character."¹⁸

Second, the concept of the "veil of ignorance" is involved in the process of democratically deciding the "overlapping consensus" as to the good. A problem arises when the overlapping consensus must be determined democratically by people with their own particular interests and conceptions of the good informing their conception of justice, consciously or unconsciously. As Rawls writes, the "veil of ignorance" is necessary to "nullify the effects of specific contingencies which put men at odds and tempt them to exploit social and natural circumstances to their own advantage."¹⁹ Behind the veil all a person knows are "general considerations" of right and wrong and the primary goods. He does not know what these general considerations may result in in his own contingent circumstances, nor does he know his own personal conception of the good beyond what it shares with the primary goods. Rawls writes, "Nor, again,

13 John Rawls, "The Priority of Right and Ideas of the Good," *Philosophy and Public Affairs*, Vol. 17, No. 4 (Autumn 1988), 255.

14 John Rawls, "Justice as Fairness: Political Not Metaphysical," *Philosophy and Public Affairs*, Vol. 14, No. 3. (Summer, 1985), 223.

15 Rawls, *A Theory of Justice*, 62.

16 *Ibid.*

17 Rawls, "The Priority of Right," 262.

18 *Ibid.*, 256.

19 Rawls, *A Theory of Justice*, 136.

does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism.”²⁰ In this way the citizen is neutral with respect to particular interests and to particular conceptions of the good.

Rawls’s rendering of neutrality in terms of justice as fairness is fairly well-reflected in contemporary American politics.²¹ It is common to hear certain policies criticized by appeal to the principle that the government should not “legislate morality.” Whether in matters of religious practice, schooling, or food and drug policy, Americans oblige the state to maintain a position that does not favor any one conception of the good life over another. Thus, in the absence of any moral aim, the conventional view goes, the state is supposed to act so as to further the material well-being of its citizens—since material is the lowest common denominator of “the good life.” Granted, this is a bastardized Rawlsianism. Rawls’ primary goods extend beyond the material. But this conventional view is nonetheless animated by the conviction that the state should remain neutral with respect to competing ideas of the good.

II. Moral Neutrality in Education

We now turn to the evidence. What conception of education is embedded in the institutions and practices of American public primary and secondary education? Before beginning, let me say a few words on methodology. How does one analyze something as broad and amorphous as the public philosophy of education? It is helpful to think of two categories of evidence, ascending from more practical to more theoretical.²² The first category contains evidence from the level of policy. In this category I examine the education policy platforms of Presidents Bush and Obama, statements from the Department of Education under Arne Duncan, and specific policies related to internet-based learning. The embedded philosophy in this evidence is not strikingly clear, since administrators and policy-makers are concerned primarily with the practical problems of achieving results and improving performance. Nevertheless, the proponents assume certain principles in their public advocacy of their policies. The second category includes statements from professional associations. I think of this as the practitioners’ theory. From this evidence emerges a public philosophy that understands education to be a tool for achieving economic well-being, primarily for individual students, but also for the nation.

A. Policy

1. *Presidential Platforms: No Child Left Behind and Race to the Top*

²⁰ *Ibid.*, 137.

²¹ Scholars debate about how consistently Rawls held to this idea of neutrality across his career. It exceeds the scope of this paper to engage that discussion. Suffice it to say that part if not all of Rawls’ thought serves to transmit the doctrine of liberal neutrality into popular discourse.

²² It must be conceded at the outset that this study’s analysis will be limited by constraints of time and space, so its conclusions will be accordingly modest. I selected my evidence based on how prevalent they are in popular discourse and media, since my aim is to discern not chiefly a philosophy of education as it is in practice in American society but as it is in the minds of typical Americans. However, these constraints only open the door to various avenues of further research to test my conclusions.

The chief distinctive of President Bush's education platform was his No Child Left Behind policy. This act ensured financial rewards to schools that implemented testing standards in the core disciplines, all in an effort to "close the achievement gap" between low-performing and high-performing schools. When signing the act at a public school in Ohio, the closest President Bush came to expressing some sense of the greater purpose of education was a declaration that "[f]rom this day forward, all students will have a better chance to learn, to excel, and to live out their dreams."²³ At other times, Bush's remarks on education tended to emphasize the economic aspect: "Our economy depends on higher and higher skills, requiring every American to have the basic tools of learning."²⁴ In his 2004 Cleveland speech, Bush said: "What matters is every child gets a basic education. And if you can't read, you're not going to be able to take advantage of the new jobs of the 21st century. And that's why—that's why we're focused on secondary schools, and that's why we've got plans to help high school students who've fallen behind in reading and math to gain the skills necessary to be able to work in this new economy."²⁵ He elaborated later in the speech: "You see, if you become a more productive citizen, you'll make more money. Better productivity, better skills means higher pay. And our country must focus our education system on helping workers learn the new skills of the 21st century so we can increase the job base of this country."²⁶ In a 2004 speech to an audience of Arkansas high school students, Bush digressed from his discussion of the prudence of national standards in a brief moment of reflection: "See, when you've got people with those skills getting out of high school, and somebody is looking to put a business here, they can say, look at this — look at the base of knowledge amongst people that we can employ in this state. People are likely to bring work here if the potential work force has got the basics in math and science."²⁷ Education improvement is in the interest of the local economy.

Similarly, Obama's signature education policy, the Race to the Top Fund, offered grants to schools who implemented programs for reform and innovation. In the Department of Education's Executive Summary of the policy, the only mention of its view on the purpose of public education is that it "prepare[s] students to succeed in college and the workplace and to compete in the global economy."²⁸ A look at Obama's earlier public statements about education on the campaign trail and as Senator shows a similar view. To Denver students in May of 2008, in a speech entitled, "What's Possible for Our Children," Obama framed his policy proposals by approaching the subject of education from an economic perspective: "Education is the currency of the Information Age, no longer just a pathway to opportunity and success but a prerequisite. In this kind of economy, countries who out-educate us today will out-compete us tomor-

23 "President Signs Landmark No Child Left Behind Education Bill," Hamilton High School, Hamilton, OH, Office of the Press Secretary, WhiteHouse.gov Archives, posted 8 January 2002, <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020108-1.html>

24 "Promoting Compassionate Conservatism" Parkside Hall, San Jose California, 30 April 2002, pg. 119 in *Selected Speeches of President George W. Bush: 2001 – 2008*, http://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf

25 "Remarks on Opening New Markets for America's Workers," Cleveland Convention Center, Cleveland, OH, 10 March 2004, pg. 224 in *Ibid.*

26 *Ibid.*, 226

27 "Remarks on Education," Butterfield Junior High School, Van Buren, AR, 11 May 2004, pg. 243 in *Ibid.*

28 Executive Summary of the Race to the Top Program, Archived Information, accessed 2 April 2014, <http://www2.ed.gov/programs/racetothetop/executive-summary.pdf>

row. Already, China is graduating eight times as many engineers as we are.” A glance at nothing more than the titles of two other speeches adds to the evidence: “Teaching Our Kids in a 21st Century Economy” and “21st Century Schools for a 21st Century Economy,” which Obama delivered as senator in 2005 and 2006 respectively. If this is how the president speaks of the importance of education, it suggests that he sees the national interest only in terms of our economic competitiveness.

While these two presidents may have differed on the particular ways education should be improved, the forms of their platforms were remarkably similar. They both generally were interested in improving the measurable outcomes of the public education system by applying a system of financial rewards. The motive for both was to achieve the widest possible distribution of quality education. They rarely alluded to any purpose beyond that; when they did, it was generally in the individual student’s personal financial interest and the national economic interest.

2. The Secretary of Education

Perhaps the first person to come to mind when we think of the public philosophy of education is the U.S. Secretary of Education, currently Arne Duncan. In charge of the federal executive Department of Education, the secretary is responsible for executing federal education policy and is generally the figurehead of America’s public school system. Like the presidents’ policy platforms above, the secretary’s public addresses are most often concerned with practical questions of reform and performance; but even in these remarks some sense of the purpose of education is implied. For example, in a recent speech to students at Columbia University Teachers College, Duncan stated that two of the great “educational challenges” of our day are the changing nature of jobs due to the “information age,” and equal educational opportunity, since education is “the great equalizer in America.”²⁹ In another speech, this one to the National Board on Professional Teaching Standards, Duncan stated that the goal of education reform was “to close achievement gaps” in order to “keep up with our international competitors, and give our children a real chance in life ... It’s about empowering students to thrive in an innovation-focused world where the best jobs, as Tom Friedman has said, might be those they invent.”³⁰ These remarks, which reflect the general tenor of the Secretary’s public speeches, suggest that he too sees education as primarily in the interests of individuals’ financial well-being and the nation’s economic interest.

B. Professional Associations

Shifting attention from policy-makers to practicing educators, the emphasis on economic empowerment persists. The National School Board Association states its vision as follows: “Our nation’s public schools will ensure that each child is prepared to reach his or her potential in life, contribute to society, and achieve a standard living [sic] that

29 “Teacher Preparation: Reforming the Uncertain Profession—Remarks of Secretary of Education Arne Duncan at Teachers College, Columbia University,” Archived Information, 22 October 2009, acc. 2 April 2014, <http://www2.ed.gov/news/speeches/2009/10/10222009.html>.

30 “Teach to Lead: Advancing Teacher Leadership: Remarks of U.S. Secretary of Education Arne Duncan at the National Board on Professional Teaching Standards Teaching and Learning Conference,” 14 March 2014, acc. 2 April 2014, <http://www.ed.gov/news/speeches/teach-lead-advancing-teacher-leadership>

is the American Dream... [Public education] will provide the foundation for social and merit based mobility that is so essential for a vibrant democracy and leading world economy.”³¹ This sentiment, expressed by people involved in the administration of local education, echoes the tenor of the policy-makers examined above. In slight contrast, however, a similar organization, the National Education Association, has a more holistic view of the purpose of education in society. They state their “Core Values” as Equal Opportunity, A Just Society, Democracy, Professionalism, Partnership, and Collective Action. In their view, “public education is the cornerstone of our republic,” and “provides individuals with the skills to be involved, informed, and engaged in our representative democracy,” in addition to developing “their potential, independence, and character.”³² This demonstrates that among at least some educators today there is a sense that education has a character-formative element in service of the political community. That this element does not arise in public discourse as much as the economic element suggests that we might be somewhat confused in our public philosophy of education. If so, this would reflect the amorphous nature of a public philosophy abstracted from various sectors of a large and diverse population. In the final analysis, while not univocal, the emphasis of the public discourse is on education’s economic utility.

Thus, the primary sense discerned in this evidence is that education’s greater purpose is to further the material wellbeing of students and the economic interest of the nation. I mean not to suggest that any of the adduced evidence is untrue or that these economic concerns are invalid; rather I simply mean to point out that we in America have a strikingly narrow focus on economics when we publically discuss education. Largely absent from this evidence is any mention of the moral side of education or its role in sustaining democracy through fostering self-government. On this view, public education exists to equip students with vocational skills. There is little to no sense of any change taking place at the personal level of character formation. When we do hear discussion of character formation, it is usually for the sake of learning skills: a young student in an underprivileged school district will not learn the skills being taught because the student refuses to apply himself or herself and responds poorly to authorities, so teachers strive to reform the student’s character so he or she can learn. Whatever successful character-formation occurs in scenarios like this is not to be discounted, to be sure. The problem is that its ultimate success is identified with the students’ new “career- or college-readiness.” This too is not a bad thing in itself, but what this discussion reveals about our understanding of education ought to trouble us: we measure the value of education by its financial return.

What does this emphasis on economic utility have to do with neutrality? Quite a bit, in fact. I suggest that this limited focus on economic outcomes is rooted in moral neutrality. One significant reason for this is that money is the one thing which everyone can agree is a key to a good life. While it might be hotly contested whether some understanding or other of upright moral character is required to live a good life, it is generally agreed upon that people need financial security to live well, whatever more

31 “NSBA Vision Statement,” accessed 2 April 2014, <http://www.nsba.org/sites/default/files/NSBAVision-Statement.pdf>

32 “NEA’s Mission, Vision, and Values: Adopted at the NEA 2006 Representative Assembly,” acc. 2 April 2014, <http://www.nea.org/home/19583.htm>

specific form that life should take. In this way the contemporary public philosophy of education, defined by its emphasis on economic outcomes, is premised on liberal neutrality. In the section that follows I present some of the recent criticisms of this liberal neutrality in an effort to recover a workable foundation for a public philosophy of education as at least in part directed to civic virtue and the formation of character.

III. Critique of Liberal Neutrality

There have been many notable critiques of liberalism in the last 40 years or so. Here I draw principally from one prominent critic, Michael Sandel—who offers what we might call a neo-Jeffersonian critique of liberal neutrality which he calls republicanism—and one of his interlocutors, Michael Rosen. Rosen is not a critic of liberalism in the fashion of Sandel—from a perspective opposed to liberalism—but he critiques various versions of contemporary liberalism from the standpoint of liberalism itself.³³ Here I relate Rosen and Sandel's exchange concerning liberal neutrality, for in it we find a theoretical basis workable in the 21st century for character formation through public policy.

In his 1996 book, *Democracy's Discontent*, Sandel criticizes liberal neutrality from the standpoint of his alternative position, republicanism. The key distinction between this republicanism and liberalism is in how they conceive of freedom. According to liberalism, citizens enjoy freedom from imposition by the state or other groups so that they may live out their chosen lifestyle without hindrance. This freedom thus enables the plurality of lifestyles that gives liberal pluralism its name. Central to freedom defined by republican theory, on the other hand, is participation in self-government. Citizens of a free republic deliberate “with fellow citizens about the common good and [help] to shape the destiny of the political community.”³⁴ And since self-governing requires certain character traits, republicanism requires a “formative politics, a politics that cultivates in citizens the qualities of character self-government requires.”³⁵ Thus the state cannot be entirely neutral as to the moral character of its citizens: “The procedural republic [liberalism without civic virtue] cannot secure the liberty it promises, because it cannot sustain the kind of political community and civic engagement that liberty requires.”³⁶ In sum, liberalism envisions citizens *free* to pursue their own ends without disadvantage, whereas republicanism envisions them *free* to participate in government in contrast to government restricted to an elite class or a sovereign monarch. Liberalism emphasizes those of citizens' actions not stipulated by anything

33 For another argument in favor of liberalism but dismissive of liberal neutrality as typically conceived see William Galston, “Defending Liberalism,” *The American Political Science Review*, Vol. 76, No. 3 (Sep., 1982), pp. 621–629, in which Galston argues that the typical defenses of liberalism on the foundation of the neutrality principle fail, and consequently “defenders of the liberal state are compelled either to use some form of substantive justification or to abandon their endeavor. The latter alternative is both unattractive and unnecessary. Liberalism is worth defending, and it can be substantially defended.” Charles Larmore offers a similar argument in *Patterns of Moral Complexity* (Cambridge, 1987). He argues that “recognizing the value of constitutive ties with shared forms of life does not undermine the liberal ideal of political neutrality toward differing ideals of the good life” (95).

34 Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, Mass.: Harvard University Press, 1996), 5.

35 *Ibid.*

36 *Ibid.*, 24.

external to them, whereas republicanism emphasizes the one action stipulated by the republic: governing.

In his critique of *Democracy's Discontent*, Michael Rosen dismisses Sandel's argument against liberalism as such but affirms his insistence upon formative politics:

Yet even if I am right in rejecting Sandel's claim that, because of liberal neutrality, "encumbered selves" find themselves unjustly treated, it may seem that liberal neutrality (in whatever form it is adopted) faces another, even more serious objection ... The character of the people who compose a society *does* matter—it matters a very great deal.³⁷

By "encumbered selves" Rosen means persons who are subject to "obligations of solidarity, religious duties and other moral ties unrelated to choice."³⁸ Rosen's liberalism is in his rejection of Sandel's argument that liberal neutrality unjustly disadvantages encumbered selves. On the contrary, Rosen argues, liberal neutrality *does* have the resources to honor those with unchosen commitments. In contrast to Sandel's republicanism, however, in Rosen's view, it does so without unfairly disadvantaging those without, for example, religious commitments. One way Rosen envisions this happening is by seeing unchosen commitments like religious commitments as handicaps, to be given an unequal share of the common resources just as physical handicaps are treated. Based on this alternative conceptualization of "encumbered selves" Rosen rejects Sandel's conclusion that republicanism is required if "encumbered selves" are to have a respected place in society.

Turning from this defense of liberalism, Rosen addresses Sandel's critique, asserting that "it is coherent to integrate within liberalism what I take to be republicanism's most trenchant point of criticism of it."³⁹ In so doing he shows that liberalism and republicanism are not mutually exclusive. To a large degree they differ only in emphasis—as said above, the former emphasizes what citizens are not required to do while the latter emphasizes what they are required to do. But liberalism, as Rosen shows, can make space for political commitments. Disagreements between the two sides arise when the specifics of this sphere of required action are determined.

Rosen argues for formative politics on four grounds by refuting the four typical liberal objections to formative politics. First, some say formative politics are unnecessary. Democracy can do just fine without any conscious effort given to the virtue of its citizens. Rosen responds by arguing that formative politics is in fact necessary because, as Sandel argues persuasively, public virtue declines as general affluence increases. Virtue is not in fact self-sustaining, and neither, therefore, is democracy. In support, Rosen adduces "the evidence of this sad century," probably referring to the rise of Nazism in Germany, if not more. Second, some say that formative politics presupposes an unrealistic degree of agreement about what virtue is to be promoted.

37 Rosen, "Liberalism, Republicanism, and the Public Philosophy of American Democracy," *Die Weltgeschichte – das Weltgericht? Stuttgarter Hegel-Kongress, 1999-2001*, (English translation, accessed online: http://scholar.harvard.edu/files/michaelrosen/files/liberalism_republicanism_and_the_public_philosophy.pdf), 22.

38 *Ibid.*, 13.

39 *Ibid.*, 23.

Against this, Rosen points out that Rawls's theory itself involves the need for an "overlapping consensus" on political principles, as we have observed: even something with such limited moral positions as his theory of justice requires. Why Rosen then asks, can't we similarly come to agreement with regard to the virtues of character? He points out that there are many character qualities that few if any would object to: honesty, kindness, intelligence, and the like. Liberal politics can foster these virtues without compromising neutrality because they do not represent competing conceptions of the good life with respect to which one must be neutral. Third, some say formative politics relies on morally impermissible methods of enforcement. In contrast, Rosen states, formative politics is subtler than coercion. It involves non-coercive methods like incentive structures. Fourth and last, formative politics does not, as some argue, violate the principle of liberal equality. This principle, as some construe it, requires that no lifestyle, including the virtuous one, be privileged above others. But, Rosen observes, even Rawls rejected this idea. In *A Theory of Justice* Rawls writes, "An individual who finds that he enjoys seeing others in positions of lesser liberty understands that he has no claim whatever to this enjoyment. The pleasure he takes in others' deprivations is wrong in itself . . . The principles of right, and so of justice, put limits on which satisfactions have value."⁴⁰ Here Rawls insists that not all choices of life "have value." Lifestyles that render less harm are to be privileged above others. As a model, Rosen describes a situation in which the state sets up an incentive structure by offering to subsidize a vaccine for a woman with an infectious disease who does not wish to be treated, thus encouraging her to lessen the threat to others of her infection. On Rosen's basis, then, liberalism can coherently integrate a formative politics, but not without forcing us to rethink our conception of liberal neutrality. Proponents of liberal neutrality emphasize those lifestyles with respect to which the state must be impartial, but they do not thereby require that the state must be impartial toward all lifestyles. Just as Rawls' constitutional democracy must be impartial toward comprehensive ideas of the good but *not* toward the primary goods, liberal neutrality can be applied to most lifestyles but not those that threaten primary goods. On this basis, then, constitutional democracy can promote virtue through education that is directed toward protecting and fostering the primary goods that occupy the "overlapping consensus" in a given society.

When liberalism embraces formative politics, a critical distinction emerges regarding the type of virtue being formed. Formative politics in liberalism can promote virtue that is primarily *civic* and not moral or theological, though it could have those qualities by coincidence. This critical distinction ought to allay common concerns about "legislating morality." It is a distinction between cultivating character for the sake of the individual's own well-being based on some particular concept of the good and cultivating character for the sake of the maintenance of the regime. The former could more easily be said to violate neutrality than the latter. Civic virtue, I suggest, is not bound to a particular conception of the good life, except in so far as civil and harmonious relations in liberal democratic society form a particular conception of the good life. If they do—and I do think they do—it is a conception of the good life that all liberals would no doubt affirm: we, without controversy, value peace and civility over discord and mistrust. The controversy arises when we begin to discuss the many

40 John Rawls, *A Theory of Justice*, 31, as cited in Rosen, 26.

goods one may pursue within the broad bounds of peaceful liberal democracy, and on these the state *should* strive for neutrality. But in their emphasis on this neutrality many liberals may overlook the fact that the peace that will facilitate such pluralism *itself* requires certain qualities of character among citizens. The critical consideration is the intent behind the policy. In intending this peace as the goal of civic virtue, rather than some narrow conception of the good life, liberal politics can foster virtue and maintain its neutrality.

This principle has been understood for centuries. In *Democracy in America*, Tocqueville famously observed that democratic society tended naturally toward a form of “equality in servitude,” or democratic despotism, unless tempered by a healthy civil society. Contemporary political scientist Robert Putnam made noteworthy empirical findings in support of Tocqueville’s theory in his study of civic traditions in Italy, published in 1993. In this study Putnam observed that effective democratic governance is not ensured simply by democratic structures,⁴¹ but requires what he called “social capital,” a certain quality of character among citizens of democracy that includes quality of independent judgment and community-oriented concerns.⁴² If a society gives responsibilities of government to all citizens, then these citizens must all, to some extent, have qualities of judges and governors. They need to be able to make moral judgments when given policy decisions and jury duty. In their deliberations they need to be able to rise above self-interest to objectively consider the interests of all. Tocqueville saw that the wide distribution of political responsibility cultivated these virtues by impressing upon citizens the seriousness of democratic self-governance. This existential sensation chastened their character, he observed. We ought to view public education from a similar perspective: just as our administrative structures and the state’s stance toward civil society ought to be directed toward civic virtue, so should education. We may, as Tocqueville observed, foster these virtues by giving people responsibilities that require them, but if they do not have some measure of virtue before governments give them these responsibilities, such attempts will be of no use. Education, beginning early in life, is necessary to prepare them for these responsibilities.

IV. Conclusion

In summation, it should be clear that the liberal ideal of moral neutrality should not foreclose the possibility of civic education aimed at instilling virtue. In our muddled public philosophy of education, we tend to shy away from discussing the character formative aspect of education necessary for a free society to survive. Far and away the impression our public officials give is that education, from the state’s perspective, serves an economic purpose. This is in their rhetoric and their policies, and it is accepted by many but not all educators. We omit the character formative aspect of education either out of fear of violating neutrality or out of fear of losing ground in the great rat race of global capitalism. The first is misguided, and the second is short-sighted and irresponsible. By channeling Rosen’s “liberal critique of liberalism” into the discussion about education, I hope to have demonstrated that liberalism not only

41 For evidence of this we need only recall the aftermath of the Arab Spring and the fate of several post-Soviet Eastern European republics, and even of Russia herself.

42 See Boix and Posner, 10.

does not disallow discussion of the good and of virtue but it actually makes critical use of it. There are certain virtues about which we have an “overlapping consensus” and therefore may intentionally instill through education. Such an effort may well meet with reprisal, to be sure, but my point has been that such reprisal cannot be grounded in some principle of right but must come from something else—such as one person’s particular interest.

A few brief words are needed on how teachers might implement character formative education. While it is not uncommon to find “values education” in primary and secondary curricula today, this approach is liable to miss the point. Civic virtue is more than head knowledge about what constitutes virtue, about what the definitions of patience, honesty, integrity, impartiality, kindness, and loyalty are. Civic virtue is practical, and so it must be learned through experience as well. Schools provide a unique context for this sort of education, and it need not eclipse traditional academic instruction and training. Often public schools bring together diverse people with little in common except geography, coming from different ethnicities, races, financial backgrounds, family-educational backgrounds, and so on. When teachers assign group projects to students as diverse as this they provide the same opportunity to learn the civic value of friendship that adults have as they participate in school governance: the students learn that it is in their own self-interest to get along with their classmates whom they might dislike, to do the work assigned to them, and to lead and follow as best suits the group dynamics. Besides friendship and cooperation, there are many other civic virtues that teachers can foster in their classrooms without falling into “indoctrination.”

Such measures as these would flow from the theoretical sorting I have offered here. It should be clear that character formative education can exist in liberal democracy—that Jefferson and Rawls and Arne Duncan can all get along, in other words. The problem may be less one of intellectual coherence and more one of politics and statesmanship. In other words, if our public philosophy of education is to be made more coherent and thus better for our democracy, those who shape it must take initiative. Candidates and policy-makers are going to have to turn the discourse away from economic output and begin emphasizing character formation and civic virtue in their public addresses and promoting it in their policies. Nonetheless, questions still remain. I have posited that there is greater continuity between republicanism and liberalism than is suggested by the debates. But these traditions are not therefore without their differences. Sandel and Rosen may disagree less than first suggested, they still do diverge. And therefore character education on Rosen’s model, while not nonexistent, will nonetheless be more limited than on Sandel’s model. “Encumbered selves” will not be able to rely on public institutions for their pursuit of their “idea of the good.” They must seek or create other provisions. It must still be asked in what way they are to have such provisions. But it should be clear that such an outcome is liberal. ■