Punishment and motivation in a just school community

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Abstract
This article addresses the ethical and motivational dimensions of punishment in schools, focusing on the idea of a just school community. Lawrence Kohlberg's account of a just school community is examined and systematically revised to reflect advances in psychology and a more adequate conceptualization of justice. A eudaimonic conception of justice is articulated with respect to five distinct dimensions of a just school community. This is informed by Self-determination Theory (SDT) and an account of the basis of educational authority over minor children. The resulting account of a eudaimonically just school community clarifies the limited value of punishments as motivators and the importance of needs-support to enlisting students' cooperation. It resists the growing reliance on criminal justice responses to student misconduct and holds that discipline and punishment in schools should be diagnostic, educative, restorative, and community building.

There is wide and justified agreement that schools should not punish students arbitrarily, excessively, inequitably, or at the expense of their educational progress.[1] There is narrower but also justified agreement that schools should not operate in ways that avoidably engender or contribute to unacceptable student behavior (Glasser, 1986; Noguera, 1995). Schools can be effective in securing students' cooperation and cultivating their capacities of judgment and self-governance, thereby reducing the incidence of misconduct and possible need for punishment. In contrast, ignoring students' needs, engaging in unjust discrimination, and failing to reward students' required presence with meaningful learning and credible visions of constructive ways forward in their

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lives are all-too-common predictors of student alienation, misbehavior, and difficulty in handling schools' expectations.

In the United States today, many students struggle to conform to their schools' expectations, and their failures to meet academic and behavioral expectations are often related. John Dewey argued many decades ago that absorption in structured learning activities obviates the need for externally imposed discipline (Dewey, 1997: 51–60), and an unfortunate corollary is that children who are frustrated in their engagement in those activities are more likely to exhibit problematic conduct. Experiments with problem-solving alternatives to punishment suggest that academic difficulties give rise to 80% of behavioral problems in schools (Greene, 2018: 24), and suspension from school is similarly the strongest 'predictor – more than poverty – of whether children will drop out of school, and walk down a road that includes greater likelihood of unemployment, reliance on social welfare programs, and imprisonment' (Flannery, 2015: par. 5). Exclusionary punishment may consequently yield a downward spiral in both behavior and academic outcomes.

Many schools punish students excessively, inequitably, with little justification, and in ways that undermine their educational progress. 'Talking back' to teachers and the vaguely defined categories of 'disobedience' and 'defiance' are commonly invoked grounds for punishment (Morris, 2012; Sharma, 2013). Schools also prioritize controlling students over promoting their prudent self-governance, and they operate in ways that avoidably contribute to the very conduct they then punish (Glasser, 1986; Noguera, 1995). Schools in the United States have replicated a heavy reliance on racially discriminatory exclusionary punishment in the society at large, and in doing so have treated many children as uneducable or already beyond repair. Black children engaged in the same conduct as White children are likely to be perceived as more mature, culpable, and dangerous – and less in need of or worthy of care – than White children of the same age (Gilliam et al., 2016; Goff et al., 2014; Skiba et al., 2016). They are consequently more likely to be punished for minor infractions and more likely to experience alienating exclusion from full membership in their school communities.

In the United States, there were 2.7 million students suspended from school during the 2015–2016 school year, or about 5.3% of all students in the country's 96,300 schools (Sparks and Klein, 2018). In 2011, a statewide study of schools in Texas found that 60% of all students are suspended or expelled from school at least once in the course of their secondary schooling, 85% of the offenses for which they are excluded are non-violent, and 93% of the offenses are not ones for which exclusion is mandated (Fabelo et al., 2011). Across the country, routine behavioral problems in schools are increasingly treated as criminal justice offenses to be handled by armed police and municipal authorities, and this pattern of criminalization is associated with racialized responses to student conduct and racially skewed impact on academic success (Fenning and Rose, 2007; Gregory et al., 2010; Noguera, 1995, 2003; Skiba et al., 2002; Skiba and Peterson, 2003). National data indicate that racial disparities in exclusionary punishment have been growing, with Black boys (8% of all students) accounting for 25% of suspensions, Black girls (8% of all students) accounting for 14% of all suspensions, and Black boys and girls together (15% of all students) accounting for 31% of all students arrested or referred to police for behavioral incidents in school (Sparks and Klein, 2018). Suspensions from

school account for about 20% of the racial achievement gap and, as noted above, they are a risk factor for adult criminality and incarceration (Flannery, 2015; Morris and Perry, 2016). This racialized 'school-to-prison-pipeline' (Flannery, 2015; Morris, 2012) is one reason why Black men and women in the United States are about six times as likely as White men and women to spend time in prison over the course of their lives (The Sentencing Project, 2019).

These existing practices of schools fail not only their students but the society. They diminish students' opportunities to live flourishing lives and contribute to the flourishing of others. They also fail to discharge a fundamental societal obligation to establish a just rule of law through the least restrictive means available – through education primarily, and through force only when necessary. Prioritizing education that prepares members of the society to reason together and voluntarily accept reasonable terms of cooperation enshrined in law is a basic requirement of justice and a practical necessity for a rights-respecting, self-governing democracy. Universal provision of such education is an inalienable obligation of governments, and it is primarily through schools that this obligation can be fulfilled (Curren, 2000, 2002a, 2002b, 2013).

Regimes of punishment in schools are undoubtedly shaped by ideas about criminal justice in the society at large (Rousmaniere et al., 1997; Stearns and Stearns, 2017). Exclusionary punishments are currently ascendant in both spheres – in the form of suspensions and expulsion from school and separation from society by incarceration – and rationales of deterrence, retribution, and incapacitation (i.e. prevention by removal) seem to be operative in both. A natural response to this is to examine practices of punishment in schools in light of alternative rationales for criminal punishment and rationales for alternatives to punishment, such as educative and reformative theories of punishment and theories of restorative justice (see, e.g. Barnett, 1977; Duff, 2001; Hampton, 1984; Howard, 2017).[2] Critical responses of this kind may be useful in identifying limits to the applicability of criminal justice models and in justifying educative and restorative responses to behavioral problems in schools.

This article is focused instead on the character of school communities. It defends educative and restorative responses to misconduct, but it does so as an aspect of a more systemic and need-supportive restructuring of schools. The starting point for this will be a presentation of Lawrence Kohlberg's influential model of a just school community. Two interwoven strands of critique and redevelopment of this model will follow, one focused on its psychological inadequacy and the other focused on the inadequacy of its conceptualization of justice. I will draw on SDT in addressing the psychological elements, and I will argue that a major failing of the Kohlberg model is that it conceptualizes justice for children, as for adults, simply in terms of democratic participation and shared community values. There is more to justice than this, and the ethical distinctiveness of children and schools precludes mere replication in schools of the institutional and social patterns of a just society of adults. I will offer a more adequate general account of justice – one that is eudaimonic or focused on opportunity to live well or flourish – and it is in this eudaimonic account of justice that the psychological and political-theoretic strands of critique and redevelopment of the Kohlberg model are interwoven. I will elaborate this eudaimonic view of justice with reference to five distinct ethical dimensions of governance in schools. This will clarify what would constitute educational diligence in

not being complicit in student misconduct as well as the context in which responses to misconduct can be most productive. In so doing, it offers a needs- and flourishing-focused model of school reform that is responsive to the morally troubling realities of racially skewed exclusionary punishment and criminalization of student misconduct.

The account of a eudaimonically just school community accommodates some ethically distinctive features of schools and children. Educational authority over minor children is grounded in an obligation to equip them for the prudent self-determination they are presumed to lack, and schools play a related role in discharging the society's obligation to establish a just rule of law primarily through educational means. These aspects of educational authority and responsibilities imply obligations to provide some forms of moral and civic education, and they limit and shape what schools can justifiably do in the sphere of student discipline and punishment. Together with other elements of the eudaimonic model of a just school community, they show why responses to student misconduct should be diagnostic, educative, community building, and restorative.

Kohlberg's just community approach

Lawrence Kohlberg's just community approach to moral education 'was derived from a successful practice', according to F Clark Power, the leading proponent of this approach (Power, 1988: 198; Power et al., 1989a). By contrast with Kohlberg's well-known dilemma-focused moral discussion approach derived from psychological theory, his just school community ideal was an attempt to capture and explain the merits of a democratically structured educational community that he regarded as 'better than anything we can conceive from our theory' (Kohlberg, 1971: 370). What he described in these terms was the experimental educational system of the Anne Frank Haven in Kibbutz Sasa, Israel, which he visited in the summer of 1969 and attempted to recreate in alternative school settings in the United States (Power & Higgins-D'Alessandro, 2008: 231–232).

Essential to that system were three institutional structures of direct democracy, through which schools of 60 to 100 students examined issues and created and enforced rules consistent with a background conception of justice. The first of these was a weekly *community meeting* of 90–120 minutes, primarily devoted to creating 'the rules and policies that relate to the life and discipline of the school' (Power, 1988: 199). The second was a system of *advisor group meetings* in which small groups of about 12 students met with a staff advisor to discuss issues arising in the school ahead of community meetings. The third was *disciplinary hearings* in which rotating panels of about eight students and two staff adjudicated conflicts and violations of rules. Typically,

> The alleged rule violators and their accusers present their sides of the story. If guilt is determined, then members of the disciplinary committee try to show the rule violators that what they did has an effect on the whole group and to elicit from them some expression of an intent to live up to the rules in the future. Only then, if it is deemed appropriate, is a punishment given. Those who feel that the punishment is unfair have the right of appeal to the community meeting. The responsibility of the disciplinary committee . . . extends to the 'correction' process itself. Often members of the discipline committee will volunteer to help the offender to live up to the rules in the future. (Power, 1988: 200)

The 'radical' idea at the heart of the just community approach as Power described it in 1988 is that a democratic empowerment of students – including in the sphere of disciplinary authority – is a good way to avoid misalignment between requirements of justice and a school's functioning (p. 196). Dispensing punishment in schools through a jury of (mostly) peers does seem like a promising step, if 'help[ing] the offender to live up to the rules' implies a recognition that children often do need such help (cf. Greene, 2018). Power (1988) reports that in Kohlberg's just community alternative schools,

> students learned how to participate in democratic meetings; stealing ceased; only one fight occurred in years; voluntary steps were taken toward [racial] integration [through student-supported affirmative action initiatives]; and students pressured each other to attend class regularly. [In one school] students virtually eliminated drug and alcohol use during school functions, and successfully implemented an honour code in response to cheating. (p. 200)

These are significant results for addressing the interface of disciplinary policies and the school's formative, educational mission.

Prominent in Power's (1988) discussion of these results are the language of empowerment, community solidarity, and 'ownership' of community norms – students experiencing themselves 'not as passive pawns but as active decision-makers' (p. 203). Democratic institutional structures and the idea of a school community involving 'group solidarity' and commitment to norms of 'mutual care, trust, and collective responsibility' are both features of the approach (Power & Higgins-D'Alessandro, 2008: 234). Power notes in his seminal 1988 paper that 'there is evidence that democracy alone can be effective' (p. 197). By 2004, however, he held that the

> most distinctive feature [of the just schools approach] was not the use of participatory democracy but the goal of becoming a moral community . . . a group that shares an explicit commitment to a common life characterized by norms embodying high moral ideals. (Power, 2004: 50)

These norms are to be jointly determined against a background of non-negotiable commitment to justice, with justice often being described as 'caring, trust, collective responsibility, and participation' (Power et al., 1989b: 138).

The language of empowerment, solidarity, and ownership relies on motivational ideas about autonomous and reason-based identification with, or commitment to, values – ideas that are alien to Kohlberg's theory of development, but are worked out in detail in SDT (Ryan and Deci, 2017). Kohlberg's cognitive stage theory of moral development is concerned with autonomous judgment and reasoning, of course, but not in the right way. It is a structural theory of the knowledge or principles from which people act at each of the alleged stages of development, and essentially silent about the dynamics of motivational or valuational progress.

By 2005, Power began to invoke SDT's account of basic psychological needs (Ryan and Deci, 2000; Sheldon et al., 2001), as a foundation for 'principles of constructive child discipline' (Power and Hart, 2005: 95, 102) and to explain why children thrive in democratic communities that provide positive connection and choice (Power &

Higgins-D'Alessandro, 2008: 235–236; cf. Geddes, 2006, on positive connection). Two of Power and Stuart Hart's (2005) seven principles of constructive discipline are closely aligned with the just community approach: (3) 'Maximize the child's active participation'; (7) 'Promote solidarity' (p. 94, 96). Two of their other principles have aspects associated with SDT but not with Kohlberg's just community approach: (4) 'meet the needs of the child'; (5) 'The behaviour of children and adults should be understood in terms of efforts to meet human needs', offering competence and autonomy needs as two examples (Power and Hart, 2005: 95). The upshot of these SDT-related ideas for schools is that if children are not supported in satisfying their basic needs within the expectations laid down for them, they are unlikely to meet those expectations (cf. Glasser, 1986). 'Solidarity' or membership in a democratic community is associated in Kohlberg's just school community model with acting from universal principles of justice exemplified by such communities, though it plays no role in his theory of moral development. By contrast, SDT identifies needs for positive relatedness, competence, and autonomy as all playing key explanatory roles in motivation and integration of values (Ryan and Deci, 2017). SDT incorporates five decades of progress in the psychology of motivation, self-integration, and well-being, so it is an obvious body of theory and research to build on in updating and rethinking Kohlberg's model of a just school community.

The Kohlberg model's conception of justice has obvious deficiencies as well. The idea that schools must be just communities in order to have moral, educative, and disciplinary legitimacy is facially compelling. The just school community model has a laudable focus on the valuing of every member of a school community – a focus that is absolutely essential, in fact – and democratic empowerment of students within schools can evidently play a powerful role in overcoming students' alienation and promoting the development of their prudent self-determination and overall flourishing. Nevertheless, there are at least three reasons why schools would not succeed in being fully just communities by internally replicating the structures of direct democracy and being committed to care, trust, collective responsibility, and participation.

The first reason is that a full and consistent commitment to direct democratic governance of schools by students would be incompatible with the distinct moral status of children on which adult custody of minor children is based. The premise of democracy is that ordinary adult citizens are prudently self-determining and entitled to participate in collective self-governance, but the premise of adult custodial and educational responsibility for, and authority over, children is that ordinary minor children are not yet capable of prudent self-determination. The responsibilities of adult educators require them to lead and shape children's development in ways that serve children's best interests. Leading children in forms of democratic participation may be highly effective in this regard, but their participation would properly remain subject to adult authority. Treating norms of caring, trust, collective responsibility, and participation as non-negotiable (Power et al., 1989b: 138) is a step in the right direction, but collective commitment to these ideals of community life leave too much up for grabs. It is also worth noting that *democratic* empowerment of children in schools is not the only way to satisfy their need for self-determination or autonomy, and it may not always be the best. Children who are at a disadvantage in deliberative democratic exchanges may experience more autonomy frustration than satisfaction (cf. Levinson, 2003).

This brings us to a second reason why structures of direct democracy and norms of community life do not make for a fully just school community: there is more to justice than democracy and shared norms. Kohlberg, Power, and their colleagues began with democracy as they encountered it in the Anne Frank Haven and later took inspiration from communitarian critiques of liberalism that did not present theoretical alternatives to liberalism. No plausible theory of justice would limit a conceptualization of a just school community to the elements of Kohlberg's model. Theories of deliberative democracy, for instance, would require curricular and pedagogical elements preparatory to honoring norms of public reason – elements and norms that play no role in the Kohlberg model (e.g. Callan, 1997).

A third and related reason why schools would not succeed in being fully just communities by adopting the Kohlberg model is that it is not enough for schools to be *internally* democratic and committed to care, trust, collective responsibility, and participation. The roles of schools in a just society must also be reflected in the nature of a just school community. As a first approximation, these roles begin with facilitating students' opportunity to live well in the wider society, and they include laying an educative foundation for a legitimate rule of law – a rule of law that is not imposed primarily by force. The educational promotion of good judgment in self-determination is a fundamental and overarching aspect of the education conducive to living well, to fulfilling the responsibility to children on which educators' governing authority is based, and to providing what is owed children in order to fulfill a society's obligation to establish the jurisdiction of a legitimate rule of law over the adults they become. The structures and commitments that define the Kohlberg model may serve school climate and some formative needs of students well, but there is more to providing students with feasible pathways into meaningful lives beyond school. A full account of a just school community would address both the *internal* life of schools and their *role in a just society* or constitutional system.

A final related point is that leading children in development that serves their interests and those of the society often depends upon showing them attractive ways forward in their own lives. In this respect, the internal life of a school may depend upon its position within the society as a whole. What the students most likely to receive exclusionary punishment may often need is personally transformative education that creates a coherent nexus of capabilities, understanding, and personally meaningful valuing, plus one or more feasible pathways in life (Curren, 2020). A school that is transparently one in which many students have such pathways and many others do not is unlikely to feel or function as a just community.

Motivation, justice, and educational contributions to flourishing

A satisfactory reconstruction of the just school community ideal requires attention to both its psychological dimensions and its conceptualization of justice, and these are intertwined in the eudaimonic conception of a just school community that I propose. I noted above that SDT identifies basic psychological needs for positive relatedness, competence, and autonomy as all playing key explanatory roles in human motivation and

integration of values. This makes it quite important to understanding the ways in which characteristics of schools and classrooms shape students' acceptance and observance of norms. The extent to which these settings are need-supportive (i.e. support students in satisfying their basic psychological needs) matters a great deal to how they engage tasks, whether they are successful or frustrated in meeting expectations, and whether they find pleasure and satisfaction in their studies and participation in the life of their school. The important finding with respect to pleasure and satisfaction is that no one in any culture or at any age seems to experience their life as going well unless all three of these basic needs are met (Ryan and Deci, 2017). The details of this finding lend themselves to developing a needs-based and flourishing-focused theory of justice.

The eudaimonic conception of justice that I have presented elsewhere, but not with reference to punishment in schools, begins with the question, 'What is the point of belonging to a cooperative society?' (Curren, 2013; Curren and Metzger, 2017). I have argued that the answer that representatives behind a Rawlsian veil of ignorance would give is that the value of belonging is to be able to live *well*, in the Aristotelian sense of living a life substantially engaged in activities that fulfill human potential well or in ways that are both personally satisfying and credit-worthy or admirable. And I have argued that the Aristotelian supposition that such eudaimonic activities exist can be affirmed within the strictures of liberal neutrality, on the basis of cross-culturally established research findings in basic psychological needs theory (BPNT) and its parent, SDT (Chirkov et al., 2011; Curren, 2019; Curren and Metzger, 2017; Ryan and Deci, 2017). SDT conceives of human beings as having inherent potentials whose 'positive' expression and fulfillment give rise to psychic rewards through the satisfaction of relatedness, autonomy, and competence needs. The basic forms of potential can be categorized as social, intellectual, and creative or productive, and their 'positive' expression resulting in satisfaction of related needs requires the acquisition and expression of related forms of excellence, namely virtues, understanding, and capabilities (Curren, 2013; Curren and Metzger, 2017; Ryan et al., 2013).

This suggests that what is essential to living well is having adequate opportunities to acquire the relevant forms of excellence and having adequate opportunities to exercise them in activities that are both satisfying and admirable. The focus of justice would thus be the internal (developmental) and external (circumstantial) necessities for engaging in the relevant forms of (eudaimonic) activities, and the ways basic institutions do or do not provide these internal and external necessities. I have argued that a eudaimonic theory of justice would ask not only what the principles of justice regulating the society's basic institutions would be, but what *kinds* of institutions would be needed to provide the necessities for living well. I have argued that it would be essential to have educational institutions, whose function is to promote forms of personal development essential to living well. A fundamental question for educational policy and practice is thus, 'What are the forms of personal development essential to living well?' My answer is understanding, capabilities, and virtues that are important to living well in the world in which students must make their way.

Just societies would provide all of their members with educational institutions whose basic function is to promote these forms of development conducive to living well, in circumstances favorable to students expressing their developing attributes in rewarding

activity. Engagement in such activity provides students with the inherent rewards of progress in fulfilling their potential well, and those rewards motivate further progress and aspiration. These experiences also provide students with firsthand evidence that their schools are offering credible pathways to a desirable future – evidence that enables educators to enlist students' willing cooperation. The relevant distributive ideal is that basic institutions should operate so as to provide everyone with equal prospects of living well (Curren and Metzger, 2017: 120).

The school's role in establishing a legitimate rule of law

I have referred without much elaboration to the school's role in providing the educational basis for a legitimate rule of law, and this is an aspect of the school's role in a just society that should be reflected in the nature of a just school community. It is related, through the distinctive moral status of minor children, to the basis of educational authority, which is itself one of five distinguishable ethical dimensions of education that a full account of a just school community should address.

Discipline and punishment in schools are exercises of governing authority over children. To understand what is and is not ethical with regard to punishing students, we must identify the ethical basis of schools' authority to govern the conduct of children in their care, and we must identify any related ethical dimensions of governance in schools. I have argued in previous works that there are five distinct ethical dimensions of governance, which are the same in societies and in schools: the *aim, responsibilities, manner*, and communicated *content* of governing, as well as the basis of *authority* to govern (Curren, 2000: 23–34, 63–75; 2013). I have argued that these ethical dimensions of governance pertain to education as much as to societies, because educating essentially involves supervising or governing the activities of learners. It does not follow, however, that on all of these dimensions the relevant ethical principles are the same in schools for children as they are in societies of adult citizens.

The distinct moral status of children and role of schools in a just society may entail differences in what defines ethical exercises of governing authority in societies and in schools. The ethical basis for educational authority over minor children derives from a responsibility to prepare children to be prudently self-determining in living their own lives. I argue that the content and manner of education suitable to fulfilling this basic responsibility of education coincides with what educators owe children in order to fulfill a society's obligation to establish the jurisdiction of a legitimate rule of law over them. Whether one's focus is the authority of schools over the children in their care, or schools' role in establishing the legitimate authority of the society's laws over the adults their students become, what is ethically determinative is what the society and the adults who accept responsibility to educate owe the children in their care.

Schools' educational authority derives from, and is limited by, their responsibility to promote the developmental best interests of students who are typically minor children presumed to lack the decisional competence needed to manage their own lives.[3] The legal and ethical presumption is that minor children are entitled to care, to educational investments in the development of their judgment and capacities of rational self-governance, and to custody that protects their long-term interests from hazards that include the

limitations of their own prudence. This is the basis for educational authority over children, in as much as the fulfillment of these responsibilities to children involves exercises of governing authority over them. If this is the foundation of adult educational authority over children, however, then such authority exists only for the duration of time that is required to equip children with the developmental basis for prudent self-governance (although the responsibility to enable the young to meet their needs through their own efforts may take longer) (Locke, 1980 [1620]: 38 [§ 69]). Educational authority can only last as long as conscientious efforts to develop decisional competence – good judgment and capacities of rational self-governance – are required.

It follows that responses to student offenses should be educative whenever possible, and that punishments that delay or derail the emergence of decisional competence are ethically problematic. The latter can only be justified when the interests of other students require that an offending student be removed and no suitable alternative educational services can be provided. This clearly applies to suspensions that remove children from school and increase their risk of dropping out and being incarcerated (Flannery, 2015; Ladenson, 2011). The hope with suspensions may be to remand children to the full-time custody of parents who are better able to shape their children's behavior than the school, but this is clearly misguided. The results of suspensions offer no justification for such hope and there is no supposition about parents' primary role in moral education or disciplining children that could justify schools in persisting in disciplinary practices that undermine the fulfillment of their most ethically imperative responsibility.

A related argument from the *foundations of corrective justice* (Curren, 2000), or *foundations of a rule of law* (Curren, 2002b), holds that punitive exercises of public governing authority, predicated on the offender's ability to discern what is justly required and voluntarily comply, cannot be justified until the society has conscientiously fulfilled its educational responsibility to provide a fair and equitable opportunity to overcome the offender's immaturity (Curren, 2000, 2002a, 2002b, 2013). 'Respect for persons as rational beings demands, as a matter of justice, that a rule of law be established as much as possible through educational means' (Curren, 2002b: 89). A *consent version* of this argument holds that 'punishment cannot be properly used to secure compliance with the laws in the absence of conditions favorable to free and informed consent to the laws', and a *complicity version* of it holds that

> it is the one in a position to educate and punish . . . that is to blame, and not the wrongdoer, if the former did not provide suitable education [in the rationales for laws and to strengthen judgment and the capacities of rational self-governance needed to respond appropriately to reasonable demands of law]. (Curren, 2000: 151)

Compliance with school rules should similarly be established primarily through educational means that promote understanding of the merits of rules, ability to comply with reasonable expectations, an associated education in intellectual, moral, and other virtues, and an accurate sense and lived experience of the benefits and requirements of membership in a just school community. Establishing these foundations for voluntary and informed cooperation in a school's mission is what is essential to it not being complicit in student misconduct.

When schools are just in these ways, they satisfy the terms of the consent version of my argument from the foundations of a rule of law, but school children are still developmentally immature with respect to aspects of 'executive' function such as impulsivity, suggestibility, consideration of consequences, and the like (Curren, 2002a). When they get into trouble, we cannot confidently judge that they have had a fair chance to mature – that further education would not have strengthened their capacities of rational self-governance – so the school must continue its conscientious educational investments in rational self-governance. The complicity version of the argument from the foundations of a rule of law has no clear application in these circumstances, however. Blame and denial of privileges are not ruled out on grounds of the school's complicity in the wrong-doing, if the student offender was being conscientiously educated in the relevant ways. On the other hand, there may be little reason to think that responses such as blame and denial of privileges will be effective in reducing problematic conduct, without further developmental or 'morally fortifying' efforts (cf. Howard, 2017).

Forms of justice in a just school community

Having considered the basic elements of eudaimonic justice, the basic role of educational institutions in a eudaimonically just society, and aspects of schools associated with children's distinctive moral status, it is time to describe a eudaimonically just school community, making reference to the five dimensions of governance and education enumerated above.

A eudaimonically just school community is first of all a school that has the right *aim*: it is focused on cultivating the developmental prerequisites of student's flourishing – their understanding, capabilities, and moral and intellectual virtues – through diverse activities in which they can fulfill their basic forms of human potential, satisfy their basic psychological needs, find worthwhile things to which they can devote themselves, and experience progress in living well.

An aspect of this directly relevant to punishment in schools is that the fundamental aim of education with respect to student conduct is that it should be genuinely virtuous, not merely – or always – compliant.[4] In cases in which compliance with a bad rule or expectation would be positively unethical, the only defensible educational outcome would be a genuinely virtuous character that steers its possessor away from compliance. A virtuous state of character embraces the value of what is valuable and is moved by rational considerations, accurate perceptions, and good judgment. The burden on educators with respect to compliance with school rules and expectations is thus twofold. First, it is essential that there be sufficient reasons for every rule and expectation – reasons that warrant compliance. Second, the reasons must be intelligible and known to students. It is essential that the school conscientiously cultivate students' discernment, judgment, and responsiveness to the value of the various goods at stake; and it is essential that students be engaged in diagnosing and remediating the limitations of their own developing character. This implies not only a problem-solving approach to student misbehavior that aims to understand and remediate the causes of students' failures to meet reasonable expectations (Greene, 2018), but an integration of this problem-solving approach with systematic character education (Curren, 2017).

A eudaimonically just school community is also a school that fulfills its *responsibility* to educate the students in its charge conscientiously and equitably. This has important implications for the perceived fairness of its rules and operations, and thereby its ability to inspire voluntary cooperation and aspiration. A school that educates conscientiously and equitably has the legitimacy to *lead* students, which is the only basis on which success is possible. As noted previously, consistent fulfillment of a school's educational responsibility is the basis of its governing authority, and this requires that correctional responses to student misconduct be educational. Power and Hart write similarly that, 'Efforts to correct erroneous, antisocial, hurtful or dangerous behaviour on the part of a child should be educative in nature and validate the person [child] as valuable and accepted' (Power and Hart, 2005: 93 (1. Respect the child's dignity)).

In its *manner* or approach, a eudaimonically just school community is need-supportive and in other ways sensitive to developmental interests and realities. Power and Hart (2005) touch on a fundamentally important implication of this for punishment of children, when they affirm as a principle of constructive discipline that, 'The behavior of children and adults should be understood in terms of efforts to meet human needs', citing relatedness, competence, and autonomy needs (p. 95). What is implied is that satisfaction of these needs is fundamental to motivation and the internalization of values, and institutions and societies that do not enable their members to satisfy all of these needs within the rules they lay down will be unable to secure consistent compliance with those rules. The motivational power of punishment is overrated, and educators who rely on it as a primary tool of control are probably engendering much of the misconduct they punish. The significance of this from the standpoint of complicity and the foundations of a rule of law are hard to overstate: educators who ignore the realities of human motivation are in no position to blame students for misconduct arising from their schools being places that thwart students' satisfaction of their basic psychological needs.

By contrast, a eudaimonically just school community will nurture a *partnership in learning* consistent with students' needs for autonomy, competence, and a cooperative school climate. An aspect of this relevant to correctional responses to misconduct is that the experience of membership in a cooperative school community can only be preserved for all students if failures of mutual valuing, goodwill, and equality are addressed in ways that reaffirm these norms and resolve conflict. Forms of restorative justice through which offending students make things right would be appropriate from this perspective. Processes and outcomes of restorative justice may qualify as punishment, but they do not presuppose mature moral agency. Causal responsibility for harm is enough to make expressions of regret and compensation appropriate, and there is no inconsistency in regarding a problem-solving approach as also appropriate, in order to diagnose and address the underlying factors.

A related aspect of a school community that operates as a partnership in learning is that the school will regard responsibility and authority for the fulfillment of its mission as *distributed* throughout the school community. The reality of all effective governance is that it is highly distributed, whether or not it is conceived as democratic or involves voting (cf. Goodman, 2010). Schools could not begin to fulfill their proper function without enlisting students in taking responsibility for the school's success in ways that rely on their own developing judgment and satisfy their need for (bounded) autonomy.

Recognizing this is consistent with also recognizing that responsibility and authority ultimately rest with the educators who accept professional responsibility for the well-being of the students in their care.

With respect to their educational *content*, schools must structure learning in ways that promote ethical reflection and allow students to develop and exercise their own judgment, experience a rewarding growth of competence, and acquire the understanding essential to good judgment and making their way in the world. This content, relevant to fulfilling all of the basic aspects of students' potential, has a direct bearing on punishment in schools insofar as it is essential to keeping the promise of opportunity – the school's side of the unspoken social contract of compulsory schooling – alive for all students. This is another way to say what I have said before in terms of credible pathways to desirable futures.

Formative correction

The promotion of good judgment in self-determination is a complex educational task, involving virtues of agency and understanding the world in ways essential to having good judgment in deciding what to do. Correctional responses to students' academic and behavioral failures are an important aspect of the education they need, and what is productive in these spheres is in some respects the same. Diagnostic conversations to understand and address students' failures, coaching in self-awareness and self-management, and problem-solving to address circumstantial obstacles are suitable forms of response. Scholastic and behavioral correction may also have a public aspect, focused on recognizing and reinforcing the standards and ideals of excellence and valuing to which educational communities are properly devoted. These are important respects in which correctional responses to students' misbehavior are ethically analogous to correctional responses to their schoolwork. In both spheres, educators must begin from a presumption that children need help in overcoming the limitations of their understanding, capabilities, and virtues. They must also be acutely aware of how closely success in meeting scholastic expectations and success in meeting behavioral expectations are related (Greene, 2018: 24). Children need and are entitled to formative or educationally corrective responses to their failures, and this is true even when their conduct causes harm to others. Many rule infractions that result in harsh punishment in schools do not cause harm to others – repeated failures to have a pencil that trigger automatic suspensions in some school districts, for example, or being sent home for failing to smile when arriving at school – but others do cause harm.[5] In these latter cases, formative correction should be combined with restorative justice interventions that require offending students to acknowledge the wrongness of what they have done and repair the harm (Flannery, 2014; Restorative Practices Working Group, 2014). Restorative justice interventions may qualify as punitive under conventional definitions of punishment (e.g. Hart, 2008), but they do not rest on the questionable assumptions about children's developmental maturity and motivation that underlie deterrence, retributive, and incapacitation rationales. Their goal is to affirm the equal rights and value of those harmed, to teach offending students how to make things right, and to strengthen relationships and cooperative norms.

Conclusion

What guidance can we offer educators in schools that are far from the ideal of a eudai-monically just school community? It is predictable that the behavioral problems that educators face in such schools would be much worse than in just school communities, and that they would see no alternative to harsh regimes of punitive exclusion through suspensions and expulsion. Would they be justified in thinking that the severity of disci-plinary problems they face raises the stakes and makes the ideal of a just school com-munity inapplicable? The slogan with which the developmental immaturity of youth offenders was dismissed in the United States in the 1990s was 'adult time for adult crime' (Curren, 2002a). This was invoked in streamlining the racialized school-to-prison pipe-line discussed at the opening of this article, and it amounted to arguing that juvenile offenders had simply become too dangerous to stand trial as juveniles whose immaturity provided ethical and developmental grounds for formative interventions.

My answer now, as then, is that the principles I have identified apply with even more force in circumstances that deprive children of a need-supportive environment favorable to their well-being and healthy development. The first line of defense of a healthy school community is to begin building one by having sympathetic and supportive conversations with students who do not meet expectations, to find out what is going on with them, engage in creative problem-solving, and build trust and belief in a desirable future. The second is to implement restorative practices to overcome conflict, enlist students in com-munity service, and engage them in discussions of the school's issues and how they can be collectively addressed. The third, building on that, is to enlist students and staff in peer mediation, service on disciplinary committees, and community building in and beyond the school. An ethos of problem-solving community service may be as promising as any for overcoming the alienation and futility of disaffected students.[6]

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Notes

1. See, for example, Power and Hart (2005: 96), for a stand against arbitrary and inequitable punishment of children, appealing to Article 2.1 of the UN Convention on the Rights of the Child, which calls for respecting the rights of each child without discrimination.
2. For an illuminating examination of the fuzziness of what is and is not punishment in schools, see Campbell Scribner & Bryan Warnick, *Discipline, Punishment, and the Moral Community of Schools* (Chicago: University of Chicago Press, forthcoming), ch. 1.
3. I will ignore the complexities of whether and to what extent different schools in different contexts may have authority deriving from a common law *parens patriae* duty to protect chil-dren's developmental best interests or delegated *in loco parentis* authority that incorporates a fiduciary obligation to protect the developmental best interests of the children in their care. See Blokhuis et al. (2020).
4. The second of Power's seven principles of constructive child discipline is similarly that the goal should be 'personal integrity, self-discipline and character; requiring the adoption of pro-social values, choice-making that reflects those values, and behaviour that manifests those values' (Power and Hart, 2005: 94).

5. The punishment for having no pencil example is from the Syracuse Central School District, in central New York, courtesy of Matt Williams. The failure to smile example is from a 'No Excuse' charter school in the United States, documented by Lamboy and Lu (2017). The case they discuss concerns a boy traumatized by the murder of a relative.
6. I am immensely grateful to Winston Thompson, John Tillson, and my fellow participants in the extraordinarily productive April 2019 workshop at Ohio State University and July 2019 conference at Liverpool Hope University, where this article took shape.

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