DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20201

TO: Secretary Mathews
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Judy Bekelman
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FROM: Robbie McClintock

SUBJECT: Organization of a Network for Collecting and Refining Ideas

My purpose in this memorandum is to set forth the rationale for our work at collecting and refining ideas. I begin with some reflections on the kind of ideas that, it seems to me, we will be trying to collect and refine. Such clarification, at the outset, of the function of our endeavor seems essential, for we will be lost if we start trying to collect ideas in general. Second, I list some major ideas or concerns that are or should be, it seems to me, on our agenda, and I give a few paragraphs explaining what I take the gist of our concern with each of these topics to be. These diagnoses are brief essays in the original sense of the word-- attempts-- and it is my hope that as many as are motivated to do so will comment on them, criticizing, amending, elaborating, informing these preliminary attempts.

1) The type of ideas to be collected and refined. Secretary Mathews is one of those unusual public figures who, in addition to performing his normal, managerial functions, seeks to influence events as an educator of the public, or, shall we say, a civic pedagogue. This form of action is powerful but indirect, and it may be helpful to us to conceptualize briefly a theory of this indirect form of action.*

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* I have at much greater length, unfortunately at far too great a length, examined this form of action in Man and His Circumstances: Ortega as Educator, New York: Teachers College Press, 1971.

What happens in a society or organization is determined by innumerable different actors who shape their actions on the one hand according to the concrete situation, their perceived circumstances, and on the other to their repertory of emotions and ideas, skills and aspirations. Direct action, practical action, seeks to influence the results by working directly on the circumstances. Indirect action, educative action, seeks to influence the results by affecting the repertory of ideas and emotions, skills and aspirations, that people can draw on in grappling independently with their circumstances.

An educator acts by sensing the potentialities of persons and by provoking, stimulating, cajoling those persons into acquiring the ideas, skills, and aspirations by means of which they can bring their potentialities to fruition. A civic pedagogue, an educator of the public, does precisely the same thing for an organization, group, or whole people: he senses the potentialities of the group and helps them perceive and acquire the capacities that will enable them to achieve this potential. Thus the civic pedagogue is not concerned primarily to plan and implement programs of action that will affect circumstances directly, but rather to disseminate ideas and skills, emotions and aspirations, that when internalized, by those planning and implementing efforts at direct action, will help them achieve more humane and effective results.

What Secretary Mathews calls Level III work is the work of civic pedagogy, the intention of which is to make HEW as an organization and the public as a people capable of achieving more humane and effective direct social action in matters pertaining to health, education, and welfare. He seems particularly concerned to identify, articulate, and disseminate, in Socratic fashion, ideas and skills, emotions and aspirations, which, on being internalized by those within HEW and by persons comprising the public, will lead to better results in American social policy. In supporting his effort with what we are calling "an idea development and refinement network," what we are seeking to do, I think, is to develop the cirriculum for this two-pronged effort at civic pedagogy. If this proposition is sound, we have in it an important criterion of choice, an understanding of our function, by which we can work with a sense of purpose.

I have spoken of a two-pronged effort of civic pedagogy, which holds with respect to the dissemination of the curriculum we are developing: Secretary Mathews has in an immediate sense two audiences, HEW and the public. But it seems to me that he has in an uitimate

sense one purpose and one curriculum: to make social policy in American work with more humanity and effect, and a repertory of ideas and skills, emotions and aspirations, the evoking of which will help achieve that purpose. There is a curriculum, a repertory of ideas and skills, emotions and aspirations, which, if internalized by the people, will make the aggregate of actions with respect to health, education, and welfare, far more humane and effective in result. One means for doing that is to evoke in HEW, as an organization, the capacity to function as an agency of civic pedagogy, so that in the course of functioning as an operative agency, it in addition functions as an educative agency, one that evokes in the people the ideas and skills, the emotions and aspirations, which can empower them to better care for their health, education, and welfare.

Educative effort is almost always, when significant, based on intuition: one can chart with a modicum of rigor the causalities that enter into learning something in particular, but the causalities that enter into determining whether a particular thing that is being learned will in fact prove significant in the later life of the learner are so complicated and spread out over time that causal rigor in their analysis is not possible. The educator cannot prove that his aims are valid; working instead through insight and intuition, an informed sense for possibility and potentiality, capacity and capability, the educator can do no more than explain why he believes his aims to be significant and worthwhile. This holds as much for the civic pedagogue as for the educator of persons: there is no sure prescription.

Yet there is the possibility of accurate diagnosis, informed insight, and in collecting and refining ideas, that is what we should be seeking to do. We need to diagnose blockages and to perceive potentialities; we need to make the case for why we believe these blocks and potentials to be significant; we need to draw together the insights into them that are available; we need to assess the usefulness of these insights in efforts to reduce the blockages and to realize the potentials through civic pedagogy; and we need to suggest ways in which efforts to so educate the public might be pursued. That, in substance, is what I take the task of an idea collection and refinement network to be. In the remaining section, I try to initiate some operational procedures for carrying out this task as I have here functionally analyzed it.

2) A preliminary repertory of ideas to be collected and refined. It seems to me that the process of collecting and refining ideas should begin with the identification of topics that we think have to do either

with blockages that diminish people's efforts at social action or with potentials that might enhance those efforts. This is the stage of educative diagnosis leading to our curriculum design, and we need to state the topic and give a concise explanation of the social diagnosis that makes us think it is significant. These topics and diagnoses should, I think, go to Secretary Mathews for his revision, elaboration, or rejection of the matter. Once back from him, they should become matters on our continuing agenda.

To exemplify what I have in mind, and as a kind of gathering together where it seems to me we are as our work moves into its more systematic stage, I want to list a number of topics that are or should be before us, and to give a brief diagnosis of why they seem to me to be significant. Most of these topics come from Secretary Mathews, a few from me; the list will, I expect, grow with further additions coming from the Secretary and ourselves. I put each on a separate sheet to encourage commenting. Please, in reading through it, write down any comments you might have on the diagnosis with each topic, and list any references to books, articles, speeches, or persons that speak well to the problem. Needless to say, please also add any topics, with a diagnosis, that you think should be on our list of outstanding matters.

BUREAUCRACY, LEGISLATIVE AND ADJUDICATIVE ROLE

Contrary to classic American political theory concerning the separation of powers, significant legislative and judicial functions have been transferred to domestic executive bureaucracies such as HEW. It is probable that this mixing of the functions is unavoidable, given the nature of the tasks the executive bureaucracies have come to perform. This reality, however, is out of harmony with the standard expectations about the way things should be, causing discomfort to the bureaucrat, the politician, and the public--the situation seems somewhat illegitimate to all. This perception of illegitimacy complicates the relations between the people and their government and between the branches of the government; and the bureaucrat, compelled to legislate and adjudicate, must do so with great uncertainty about how it should be done in keeping with the best of our traditions. The traditional theory of bureaucracy, which sees it primarily as an administrative, executive organization, the creature of legal rationalism, gives little guidance on this aspect of bureaucracy, and the public seems to feel a malaise with it, but is not really conscious of the nature of the problem. In the long-run, it would seem constructive to try to initiate discussions within government and outside government that might lead to the general legitimation of the situation. To do this, the question needs to be framed as profoundly as possible and put before the public generally and before serious students of bureaucracy, political theory, and the law. To do this, we need to draw together what has been said of significance about the matter, refine and elaborate the question, find who with expert knowledge we could best put it to, and begin to generate public interest in the problem carefully stated.

See:

Richard B. Stewart, "The Reformation of American Administrative Law," Harvard Law Review, Vol. 88, No. 8, June 1975.

James O. Freedman, "Crisis and Legitimacy in the Administrative Process," Stanford Law Review, Vol. 27, April 1975.

LEVELS OF GOVERNMENT

Much of the work by HEW and other executive agencies on the federal, state, and local level is made far more complicated by the complexity of the American governmental structure. The basic governing structure was set in the eighteenth century and in many parts of the country, the lines of jurisdiction now in force were then drawn. Local problems frequently have no correlation with local boundaries, and a structure built to accommodate the political realities in a sparsely populated, self-reliant country does not serve well with big problems dealt with through big government. Tactics such as block grants, however useful given the system, are symptomatic among other things of the urge to throw up one's hands and chuck it all when faced with the frustrations of working through so complicated a structure of governments.

Over the long-run, American government may need to be restructured domestically: It is not hard to imagine a plausible case for a Second Constitutional Convention in 1987. Be that as it may, serious thought is in order about how the American governing system might be better structured in order to make possible more effective domestic action. Should divisions be geographical, as in the tiers of local, state and federal government, or functional as in health, education, and welfare, and how might these and other principles of division be well worked together in ways that allow for the best input, the best internal functioning, and the best output.

Many of the things for which an agency such as HEW is criticized will never really go away unless a more rational structure of government is developed. Whether this should be attempted is a momentous question, but a question that should not be shunned simply because it is so momentous. Off and on, there has been in recent years a certain amount of public and academic interest in the matter. It would seem well to draw this together; to find out what the problems with restructuring are, what the possibilities; and to get a sense for what questions about it have not yet been looked at with sufficient depth, ultimately with the aim of putting them to public and expert alike.

THE IDEAL OF COMMUNITY

People have a strong longing for human contacts of intrinsic meaning to each other, yet the organization of complex social systems creates human contacts in which the meaning is extrinsic. These extrinsic contacts seem to fill an increasing proportion of people's experience, and there seems to develop in reaction a strong longing for more relationships of intrinsic meaning, which we might sum up as a longing for community, a sense that the enhancement of community will work as a healing force, ameliorating palpable discontents. This longing seems indicative of a genuine human need, a human reality, and if that is the case, the capacity to discern and minister to it may be crucial in making social policy work.

As a sociological contstruct, community has many shortcomings, but it is not so much the sociological construct, as the human need, the longing for intrinsic worth in involvements with others, that we seek to understand. For most persons, the satisfaction of this longing seems most nearly approximated through experiences associated with community of place. With that satisfaction, which often arises as people cope together with difficulties and share stress, arises a sense of self-worth, not simply that one appears extrinsically as something of worth to others, but that one is something of worth intrinsically for others.

These feelings are intangible and subtle and very hard to anticipate. Policies designed to foster community can often stifle it; those created in complete disregard of it can sometimes ironically cultivate it. Much more needs to be known about what people really seek and need from other people. Here literature, sociology, anthropology, psychology, philosophy, and history come together to shed light on the qualitative value of human contacts. The task here is three-fold: to comprehend the intangible qualities that make some sorts of contacts more satisfying, more meaningful to those involved, than others; to find what human settings are most conducive to the more satisfying contacts; and to find ways to make public action more responsive to those communitarian settings, able to draw strength from them and able to contribute to their cultivation. It is probably only by meeting this three-fold task that the quality of depersonalization, which seems to have been taking hold increasingly in medical care, schooling, and social services, can be reversed.

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IMPORTANCE OF PROCESS

Latent functions have been considerably clarified by sociological and anthropological studies, which reveal that the processes by which organizations and groups achieve their explicit purposes have great effect on all involved. Frequently these latent functions seem quite out of harmony with the explicit functions, as, for instance, when a school system, formally committed to equal educational opportunity, reinforces patterns of class domination through its processes of operation. People who are served by large organizations, governmental or private, are aware from their experience that the process of operation performs latent functions-- they feel it happening to them-- and as a result the theory of latent functions has been one of the most widely popularized finding of social science.

In contrast, those working in large organizations have difficulty perceiving with existential vividness the latent functions they are performing: their perception of their work is dominated by the formal end in view. This disjunction in perception may have a great deal to do with the relatively persistent popular malaise with large organizations, private and public, and may feed the propensity in many to account for matters by recourse to "devil theories" (qv.).

According to the popular theory of latent functions, the purposes served through process are intentional, so intentional, in fact, that they are taken as indications of the organization's real purposes whenever the latent functions are out of harmony with an organization's formal goals. While this popular theory in some cases cannot be entirely discounted, the problem seems far more often to result from errors of omission, than from acts of commission: the way organizations generate actions and measure results obscures the effects of process. Organizations have been designed to produce results with respect to particular ends in view, and attention to process, which diverts effort from product, is frequently viewed from within as dysfunctional. Human service organizations especially need to develop means for controlling their latent functions in harmony with their express functions; their processes of operation need to work in concert with the putative product of their operation.

In order to clarify the importance of process, three tasks need to be accomplished: first, we need better to understand the effects of process in human service organizations; second, we need to invent better strategies for taking the effects of process into the planning of program and the evaluation of results; and third, we need to engender in the public a better understanding of the difficulty that human service organizations may have in properly controlling the effects of

process. Of special importance is the task of explaining to the organization how its normal operating procedures obscure process, how concentration on problems, programs, and implementation leaves latent functions out of account.

PENCHANT FOR DEVIL THEORIES

Most conspicuous among devil theories is the recurrent penchant on both right and left to explain the course of events by recourse to one or another conspiracy theory: things are happening the way they are happening because a self-interested, malevolent cabal is secretly making them so happen. More significant, perhaps, is a more general, less systematic tendency to place the blame for that which troubles on some vaguely defined group-- bureaucrats, blacks, big business, what have you-- which by incompetence or selfishness somehow makes life difficult for all the rest.

All of this probably has its roots in the very human, all-too-human, trait of wanting to dissociate oneself of any taint of responsiblity for evil and error. Except in very unusual political climates, such as Hitler's Germany and, to a lesser extent, the American McCarthyism in the early 1950's, conspiracy and devil theories are usually not of central significance in public affairs. Nevertheless, the desire to dissociate oneself from responsibility, of which these theories are symptomatic, has a corrosive effect in the environment in which public policy operates; it diminishes the public willingness to exert effort on common concerns, to cooperate realistically for civic betterment.

Little is gained by seeking directly to refute such theories, for they are rarely held because of their claim to truth. To counter them, it is far more important to diagnose their emotional roots, to understand the psychic satisfactions that they offer, for then one can appeal to people to rise above the need for that particular psychic satisfaction or to achieve it in another, more constructive manner. Thus devil theories accounting for persistent difficulties and shortcomings in our social policies may have their roots in widespread feelings of guilt over the shortcomings of those policies to which Americans, with their basic altruism, are wont to feel. Feeling this guilt, we seek to lessen it by projecting responsibility for the situation on others with whom we do not identify. The task here is to understand better the nature of the guilt, the dynamics of the projections, and the possibilities for transforming it from a negative dissociation, one leading to social passivity and conflict, to a positive identification, one which creates social dynamism and cooperation.

THE PRINCIPLE OF NEGOTIATION

Through most of its history, American society has been characterized by a low level of social conflict. The reasons for this seem to have been both cultural and geo-polotical: the dominant cast of thought has for the most part made a virtue of pluralism and the environment, through most of our history, offered ample open space for different groups to maintain distance from one another. Aside from obvious benefits, this low level of internal conflict has brought certain disadvantages: where patterns of domination have existed, they have been very persistent, as with race relations, for until recently, the continuous dialectic of constructive conflict has simply not, there, been at work, and when serious conflicts have developed, as with the Civil War, our political traditions, based on the habit of consensus, have been ill-adapted for constructively controlling the conflict.

During the twentieth century, our social space has rapidly filled out, owing to the closing of the frontier, the increase in population density, and a great increase in the pace and frequency of travel and communication. With that the capacity to perceive patterns of differential treatment, real and imagined, has greatly increased, and social conflicts, latent and blatant, have become more the norm and less the exception.

The main means for dealing with such conflicts offered by our tradition has been the courts and the rule of regulation: where social conflict was low, but occasionally unavoidable, the natural recourse for dealing with it was the judicial system. But as grievances have multiplied, so has the frequency of recourse to litigation and regulation, to the point where it threatens to overwhelm our judicial and regulatory systems. Other means for constructively dealing with the conflicts, which cannot simply be wished away, need to be developed. One of the most promising of these may well be the cultivation of face-to-face negotiation.

Traditionally, open social space in America has led us to deemphasize the principle of negotiation with respect to social conflict, for negotiation, in a sense, requires that all parties to the conflict admit that they are in it together. With social space, parties to a conflict have generally found it easier to use movement and separation to isolate themselves from differences rather than painfully reconcile differences: much of America has been settled by non-conforming groups moving away from those who cannot tolerate them and whom they cannot tolerate. With the absence of social space this habitual

tactic cannot work so well. With social space filled, the hope that conflicting groups can somehow isolate themselves from one another proves deceptive; with social space filled, it becomes the realistic thing for conflicting groups and all those affected by the conflict to recognize that they have little alternative but to meet together, as civilly as possible, to work out their differences, to create together a structure for their coexistence and cooperation.

To encourage such a development, it is important to uncover in our tradition whatever historic resources for such a habit of negotiation that can be found; it is important, further, to find ways to turn the public mood, which in recent years has been highly receptive to separatist appeals, toward a receptivity to reconciliation and negotiation; and it is important, finally, to create social mechanisms that can in fact deal through these principles with the diverse conflicts that are presently being modulated through regulation and adjudication.

CITIZEN PARTICIPATION

Citizen participation gains in importance as a topic on our agenda as a result of long-run changes in American life and government. Our tradition assumes and encourages a high level of citizen participation in the governing process, but the basic changes that have projected novel functions on bureaucracy and made the structure of government problematic have also made meaningful participation in government by citizens more difficult. This probably has a great deal to do with the sense of estrangement that many feel between themselves and their government: the scale has changed and distance predominates over accessibility.

No easy technique for reversing this situation seems available, for the changes of scale are basically irreversable. Yet, given those conditions, it would seem worthwhile to see how much participation in what forms is possible. The basic problem is to find ways in which people can overcome the we-they syndrome, the feeling on the one hand that we, the people, are isolated in our predicaments while they, the government, cares for its own, and on the other that we in government are trying our hardest while they in the public do little but carp at our efforts.

What is needed on one level is a good deal of experimentation: hence, the Secretary's second question to HEW-- "How can we open the Department to a greater degree of citizen involvement and public interaction?" But what is needed in addition is a good deal of fundamental reflection and discussion of the basic problem. To help generate and inform that discussion, we need to bring together what has been said about it, to identify people in government and in the public who might best be able to carry the dialogue further, and to work out a set of questions that, if put to the right people, would lead to worthwhile developments. A particular aspect of the matter that should be dealt with is to distinguish, if possible, between citizen participation and interest group lobbying. A further particular, perhaps to be looked at in conjunction with the legislative and judicial roles of bureaucracy, might be the development of representative participation, in which citizens' councils with a popularly elected membership would be formed to participate for the general public in processes such as regulation writing.

THE ART OF PARTNERSHIPS

Complexity and diversity have been traditional American characteristics, qualities that endure despite the development of an intensive, centralized system of mass communications. American governing structures reflect this complexity and diversity: true power is hard to locate and hard to mobilize, for despite the growth of the federal government in this century, power in America is still diffuse. Because power is so diffused, life in America is unusually responsive to both the forces on the marketplace and the influence of ideas, for both can exert their effects, for better and for worse, without reliance on a single center.

Montesquieu's Spirit of the Laws is still essential for those concerned with the art of governing in America. To contribute wisely to the governing of a people, one must work in harmony with their genius, and the American genius is complexity and diversity: Americans cannot be ruled from a center with pseudo-monarchical pomp and authoritative command. He who would do so must overstep the bounds, overreach, and accept the rebuke of necessity, nemesis. Whether men can be ruled elsewhere we can leave as moot; Americans cannot be ruled; they must of necessity govern themselves, and the most fruitful means of self-governance is the art of partnership. Governing in America means engendering partnerships in the pursuit of significant purposes: that is the mode of governance most in accord with the spirit of our land and our laws.

Much of our domestic social policy emerged from emergencies, particularly that of the Great Depression. The need to act was paramount and preempted the slower, more difficult process of engendering a commonality of purpose, a commonality essential to true partnership. Much, also, of our domestic social policy emerged from judicial processes, which are founded on the adversary relationship. That a social commitment to just and humane goals had to come about in this manner belies our moral inertia. The commitment is good, but the spirit of conflict, which runs counter to the spirit of partnership, complicates the pursuit of the commitment. To turn our complexity and diversity into assets in our pursuit of our social goals, somehow we need to free these efforts from their roots in crisis and conflict, so that they can become shared purposes in the pursuit of which partnership is more possible.

How might this transformation of the spirit be engendered? Not by avoidance of the crisis and conflict, but by facing them fully. As a people we seem to have developed habits of palliation, a penchant for incremental solutions, half-hearted attempts. Our true strength has been to deal with the expedient through commitments of sufficient generality to take into account our complexity and diversity. Americans have begun to discount what people say as mere rhetoric, to look instead to what government can do, and this is a fatal tendency in a people for whom the seemingly contradictory forces of ideas and the marketplace are so important. To engender partnerships, we need to renew our capacity to take in earnest the statements of principle that people make, and to invite them, in concert with others, to act in the marketplace on the basis of those principles that they profess.

THE FAMILY

As with the topic of community, so with that of the family: there is a strong tendency to fix on the sociological construct often associated with the quality which leads people to see value in community or family. There are basically three sociological constructs variously denoted as family, namely, the household, the extended family and the nuclear family. For various purposes these constructs are very useful for the organization of data about people, and in this sense such constructs of the family are important-- important in the systematic description of the facts of social experience. When people say, however, that the family is very important to the quality of life they mean something else, I think. They do not mean that one or another of the constructs is, in itself, a good, but rather that certain intimate human bonds, which have intrinsic worth to people, seem to develop most often in relationships associated with these constructs, relationships that may be described, but are not determined, by these constructs.

When we suggest that the fabric of society grows out of the fabric of the family, we do not mean merely that society is an aggregate of families, or that society is a structure founded, when firmly founded, on the sum of family units. Rather, we mean that the most significant and meaningful human relationships to be found in the complex web of affiliations that we describe as society are the relationships that people form within their familial spheres of experience. Without these most meaningful, most personal bonds, the more abstract, distant bonds that constitute society in its more general senses are not so strongly nourished. Strong interpersonal bonds generally are the source of the individual's stake in the more impersonal bonds of the overall collectivity, and one of the "places" where strong interpersonal bonds develop is in the family.

Not all relationships that develop within the familial sphere of experience are constructive, however. Hence, the quality of familial experience is as much a matter for concern as is the fact of it. Yet, and here is a further problem, the qualities in family life that have the most human significance are not easily reduced to stereotype; one is tempted to say that powerful, intense familial experience, whether happy or harrowing, has a deeper effect on persons and their potentialities, than does the serenity of the ideal family living in conformity

to stereotypical norms. At any rate, in order to diagnose fully the signifcance of "the family" for social life, we need to understand better precisely what sorts of intimate bonds are the ones that have the greatest human significance and we should be prepared to recognize that these will vary greatly according to class, culture, region, and personality. This issue may well bring thinking about social policy up against the limits of its potential for refinement, the limit of the power of genealization to encompass individuation.

Be that as it may, we need to inquire into the varieties of family experience, to begin to comprehend their human dynamics. Then, perhaps, we can start to discover ways in which the constructive side of those dynamics can be nurtured through social policy and the destructive discouraged.