Formative Justice

To Make of Oneself
What One Can and Should Become

by

Robbie McClintock

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The Reflective Commons
New York, New York

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Having studied education and culture through a full life, I have a few ideas I'd like to share. Having outlived concerns for promotion and tenure, I don't need peer-reviewed publication to ensure that the book will count. And I don't expect to make money from my thoughts. Hence, I publish *Formative Justice*, unencumbered, a gift to anyone who cares to read it, hoping some will engage it thoughtfully.

Further, I expect life-long to correct, revise, and extend what here I try to say. Towards that end, the text includes occasional queries [*** . . . ***] soliciting some specific feedback. Of course, I'm eager for comments, large or small, pro or con, on other matters, too. Digital publication promises greater dialogue between writer and reader. Let's make it real!

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Remembering Frank

Following the '68 unrest, academic life at Columbia remained more fluid that usual. Formalities continued as before, but boundaries were looser, topics less predictable, and some grad students would move from one specialty to another in unusual ways, having burnt bridges and challenged ideas about the uses of study. Registration the next fall, my second year on the faculty, started with two new students seeking orientation. Then someone looking like a burly Allen Ginsberg walked in, peered around, and said with a casual cheerfulness, “I hear you like Heraclitus.”

Not only were tensions high in universities then, their long post-war expansion was nearing its peak, meaning resources were still flush and accountability regimes still hadn't soaked them all up. Hence, it happened that my department had authorized each faculty member to award full funding to a student of his or her choice. And naturally, after a few moments conversation, I matched my visitor's greeting with something equally unexpected, “Could you use a doctoral fellowship?”

That conversation began a life-long friendship and collaboration between myself and Frank Moretti. Frank had grown up in West New York, on the Palisades overlooking the Hudson, a few blocks north of where cars circle in and out of the Lincoln Tunnel. He went mostly to Catholic schools, learned Latin very well, developed a knack for photography, and a kamikaze style in contact sports. By the time he went to upstate New York for college at St. Bonaventura, he had the persona of a North-Jersey ethnic, at once out-going, street-smart, ready to test the boundaries with his own self-set purpose. At Bonnies, he did his B.A. in Greek and Latin and then, despite a turbulent extracurricular reputation, he taught Latin and Roman history there for a year, after which he went to New York to make his way.

When Frank walked into my office, he had completed an

M.A. in Latin in Columbia's Classics Department while teaching at St. Peter's Prep, and he had made himself *persona non grata* at both. He took the fellowship I offered and eventually completed his Ph.D. in history and education, writing a good dissertation on Virgil and Augustus, especially how they adapted the educative power of public funerals in republican Rome to Imperial purposes.

Frank took a long while to complete the dissertation. He fit his scholarship into the full breadth of a creative life. He never let what he did define him; he always actively defined the different things he did as parts of his defining himself.

What did *defining himself* mean? Frank did many things very well, teaching with effect, counseling young and old wisely, thinking creatively about history and literature, communicating a sense of independent purpose to large audiences, managing educational programs dynamically, networking to form communities of interest, volunteering to serve many causes, expressing himself artistically with camera and oils, making friends of all sorts of people, traveling widely and reacting strongly to what he witnessed, designing curricular programs with which students could disclose their capacities in classrooms and online, parenting many children, his own and those of his friends, with care, challenge, and surprise, meeting life through out-going energy, often despite chronic pain.

Frank lived with protean energy in a continuous cascade of activity. Yet those who knew him would never identify Frank by what he did, saying that he was a teacher, a counselor, a thinker, a student, an administrator, a volunteer, an educational designer, a parent, or simply a friend. Frank was Frank: he was all these at once and which of them would be foremost, when and why, was rarely predictable.

This unpredictability had a rhyme and reason. In discussions of identity, Frank always espoused Proteus. Frank was singularly alert to the diversity of possibilities in life. By sensing their multiplicity, he always felt he had open options—if not this, then that. His protean energy made his friendship ful-

filling, always a source of novelty, challenge, and self-discovery. It also made him a tough negotiator, for his sense of the resources he could draw on would usually exceed what others would see in a situation. He was not born into sophistication, but he always knew that there was much he did not know, and he would consciously study what others knew that he did not. Frank had a knack for taking peripheral jobs and turning them into positions of significant influence: he saw possibilities, creatively and actively. These capacities made Frank exemplary in his lifelong pursuit of formative justice, both for himself and for others.

Frank and I immediately became close friends and collaborators. We were both only children who grew up to share an angst-free alienation from our backgrounds, however different those were. Our personalities were different but complementary; I was the introvert, Frank the extrovert. Our lives intermeshed as young adults and for nearly 45 years our professional and personal activities substantively overlapped. What we read and studied differed at the margins and was identical at the core. We taught together and developed educational and technological projects together, all in playful argument, exaggerating our differences—the secular Protestant and the secular Catholic—while forming ideas and actions about which we entirely agreed.

This essay grows from our collaboration. In it, I do not speak explicitly about Frank, but explain a mode of engagement integral to his life. In interacting with others, in classroom, home, office, or on the street, Frank engaged them unguardedly, meeting them as free, autonomous persons, seeking to cut through conventions and to reveal authentic judgments. Some found his *there you stand, here I stand* persona a bit frightening. Frank would not desist, however, for he felt this persona essential to his recognizing his own autonomy and that of other persons. Reciprocal self-disclosure is the core of formative justice, the recognition that as living persons we are continually busy making of ourselves what we can and should become in the company of others. Frank gave his free

response to others and always hoped for theirs in return. That reciprocity empowered his practice of education. It is essential to the concept of formative justice, the topic of what follows.

As a word, *justice* links closely with important institutions in our world, those of the third, judicial branch of government, parallel with the executive and legislative. But as a *concept*, justice concerns, not institutions, but qualities—fairness, equity, moral rightness. Here we concern ourselves with justice as an idea, a way of thinking about things and acting on and with them, not with justice as it may seem embodied in institutions.

For Frank and myself—and in this essay—justice or injustice concerns a quality of human experience. Justice *happens*, not something that exists. Justice happens, not primarily in actions done *to us* or *to others*, not results or outcomes that we enjoy or suffer. Justice happens, not merely to us; it happens *through us*. We are agents of justice, not objects of it. It concerns how we do what we do, with how we act. Value, positive and negative, has worth for and through us as meanings that we create through living action in the world.

In this essay, I think and write from my first-person view, assuming that, as persons, all and each of us live our lives through our first person view. I start from how I, as a person, experience my own life and the circumstantial realities in the midst of which I live. Those circumstantial realities in my life are replete with countless other lives, each unfolding through its interaction between its sense of agency and its circumstances. From that perspective, which was habitually Frank's perspective too, I seek to understand how I and other persons can and should regulate our efforts at self-formation.

In living our lives, each of us starts from a tenuous natality—a few pounds of flesh and bone, uncertain vital functions, an incoherent awareness, gasping a first breath in a vast otherness. From such small beginnings, each person undertakes extraordinary formative activities, directing her self-development, as best she can, through a complex, multi-sided life. How does each of us manage all that? Can we do it better?

That was Frank's question, and the response he sought to live—Let's try to do so too!

Towards that end, I open the following essay with a brief "Hello" and a short section "Acting Justly." In the immediacy of lived experience, persons feel an imperative to act justly, to correctly judge the relative worth of possible actions in attempting to determine which of them will be the deed done. That is the basic problem of justice that each of us faces continually in living our lives. In making choices we eliminate possibilities and want grounds for rejecting some and affirming another. In life, a person must continually direct her attention and effort, selecting which possible actions have the most worth for her, instant by instant. We live unjustly when we incorrectly judge the relative worth of our competing possibilities. We live justly by judging them correctly.

Then, a section on "The Work of Justice" follows. Historically, as people experienced an existential imperative to be just to and through themselves in their actions, they developed a concept of justice that helped them decide what was most appropriate for them, what had most worth for them, whenever they had to choose between competing options or possibilities, choosing among different types of "goods," positive or negative. Through historical time, in life as persons lived it, they experienced recurrent situations and in thinking about a general concept of justice, they resolved ideas about specific forms of justice—distributive, retributive, social.

That leads to a section on "Formative Experience." I identify a *formative* power, not a power unique to human life, but highly characteristic of it. All life has *perceptive*, *active*, and *self-directive* powers, which are essentially determined through genetic inheritance. With humans, it becomes unmistakable that these three inborn powers emerge into a fourth, self-constituted power, a *formative power* enabling humans, singly and collectively, to form capacities and to regulate their self-formation by attending to *justice*, as Plato understood it, distinguishing "a good life from a bad, so that he will always and in any circumstances choose the better one from among

those that are possible."[1] Subsequently, thinkers separated from Platonic justice, specific forms, such as distributive justice, blurring the Platonic conception. To start renewing the Platonic conception of justice, choosing the better life, we give it a specific name, *formative justice.*

I develop the concept of formative justice more fully in a section on "The Work of Formative Justice." Problems of formative justice arise because persons and polities face the future and find more possibilities before them than they have the energy, time, ability, and wherewithal to fulfill. The possibilities they must choose among have both practical results and formative consequences, complicating the judgment of which to embrace and which to reject. In seeking to act justly, one must make judgments about practical worth—distributive, retributive, etc.—and judgments about formative worth—how the possibilities will further form or deform capacities, one's perceptive, active, self-directive, and formative powers, strengthening some, weakening others. Both the practical and the formative are vital imperatives. Hence people and polities form their unfolding lives by attending simultaneously to questions of practical reason and formative justice, deciding how to pursue each and to harmonize both. In this process, conceptions of formative justice concern principles with which both persons and polities choose their controlling aspirations and allocate effort to forming their perceptive, active, and self-directive capacities for pursuing those favored aspirations. Frank very actively exercised his formative power; it was the creative engine of his life.

My concern then shifts in three final sections from introducing the concept of formative justice to exploring how persons can apply it in conducting their lives. How might fuller attention to formative justice change educational theory and practice? Frank and I drew together because we reciprocally recognized that formal education was intrinsically meaningless, nothing but accidents, some helpful, others troublesome, that

[1] Plato, *Republic*. (C. D. C. Reeve, trans., 2004), 618c, p. 323.

we had to deal with in our personal self-formations. We would marvel that we could get paid for educating ourselves in public. As educators of educators, we have stood for a pedagogical reformation that will come about when each person fully engages in their own self-formation, joining with others to optimize the circumstantial opportunities that each experiences for it.

That's the message of "The Educational Inner Light," which calls for a reformation of "the great didactic," the global system of instruction. Insofar as instruction is causal, it is not meaningful and insofar as it is meaningful it is not causal: each person must integrate the instruction she experiences meaningfully in her overall formative experience. Each person is always a student in the school of life and she succeeds there by relying on her own agency, purposiveness, self-direction. It is the prerogative and task of each, to pursue justice, to judge correctly what she can and should become in fully forming her capacities in the actuality of her circumstances. A reformation of the great didactic will make it serve the inner life of each person who seeks to use the formative resources it offers.

In "Formative Goods and the Purpose of the Polity," I note how valued goods allocated through distributive justice are also formative resources that further human self-formation. Major formative goods are schooling, medicine, and other human services, and many consumer products are formative goods as well—cars for transportation, phones for interpersonal communication, computers for managing information, rent and mortgages for housing and durables for keeping house, and all sorts of goods with which we give form to our perceptive, active, and self-directive powers. In considering these, public attention concentrates primarily on distributive justice, contending over conceptions of equity. By themselves, criteria of equity often do not yield an effective consensus about how to allocate formative goods. Principles of formative justice could and should lead to a more effective consensus about the distribution and uses of formative goods,

especially instructional programs and human services.

With “The Stakes of Formative Justice,” I conclude the essay. These stakes are very high because the behavioral point of view has been obscuring the place of active agency in the conduct of life. As objects responding to external stimuli, we habituate ourselves to living passively, expecting too little of and for ourselves, not fully asserting our human dignity and autonomy. As J. G. Herder observed at the end of the 18th century, each person has the right and duty to contribute to the betterment of humanity what she herself makes from what she can and should become.

These sections organize my essay on formative justice, the first third or so of what follows. I have written as a sequential, reflective essay—an exploration and an exhortation. As such, however, it is both incomplete and airbrushed with a cosmetic flow and ease. What we think is more active, episodic, leavened with asides, amplifications, and digressions. We create false impressions when we leave all that out.

To include at least some of this more active thinking, a section of “Annotations” follows the essay. In conducting seminars and colloquia on important texts, Frank and I always found the spirit of writer's thinking more significant that the letter of their thought. These annotations complicate the letter of the essay and try to accentuate its spirit. Depending on how a reader chooses to engage them, the annotations should disrupt, or complement, the essay as a set of finished ideas, which may or may not be true in some disembodied, abstract sense. The annotations invite a reader to join in the inquiry, to amplify a thought, to explore possibilities around the central theme. Towards that end, the annotations introduce open questions, further observations, clarifications, and intersections with the ideas of others.

Readers can engage the annotations, if at all, in several ways. Each anchors to the text of the essay and I've tried to make it easy to go back and forth between the text and the annotations, treating them as endnotes. Doing so may give the

text a greater sense of depth but will slow and disrupt a primary reading of it. Many readers may prefer to read right through the essay on formative justice, and then muse their way through the annotations, or some may want a quick read and concentrate on the essay alone. Like the conventional role of notes, the annotations give useful further references, but they more expansively elaborate main points and usages that readers may find surprising, difficult, controversial, or interesting in the essay. Annotations run from several paragraphs to several pages in length and address many different topics, each indicated by a title. They read as mini-essays of interest independent of how they anchor to the essay.

Formative Justice

To Make of Oneself
What One Can and Should Become

> One can contribute to the betterment of humanity only what he himself has made from what he can and should become.
>
> Johann Gottfried Herder[2]

[2] Johann Gottfried Herder, *Briefe zur Beförderung der Humanität*, Dritte Sammlung, Letter 32, [1794], (1971), pp. 108-110, quotation, p. 109.

Hello

Let's think about justice and education. No, not justice in the distribution of educational opportunities, not to begin with at any rate. To begin, let's think about what we can and should make of ourselves.

How can we fulfill ourselves through our own education, our own self-formation? Each of us has hopes, interests, and abilities. We have some opportunities, but not all we'd like. And each of us has problems, limitations, and anxieties, too. How can we manage all that to educate ourselves as well as we can? How can each of us realize our possibilities?

Most of us have been around a while, getting experience, with time to study, perhaps thinking about justice and education and forming some views about both. In doing so, let's not think about either justice or education as if disembodied specialists, as we so often do, writing for a few, familiar colleagues from our perches within our special fields.

Each of us lives one life. Let's think and write from within it, a whole, finite, at once copious and limited, unique and particular. We can and should write, read, speak, think, and act, not within our fields, but within our lives, which take place within a diverse, extended community of other lives, interacting with them across varying degrees of distance. Let's think about justice and education through the public use of our own reason.[3][A1]

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[3] Annotations follow this essay, anchored to the text with indicators, but loosely, for each has a heading and can be read on its own. Read them with the essay, or after it, or not at all—the choice is yours.

Acting Justly

Let's begin by asking—Why do we worry about *acting justly*, about doing the right thing?[A2] Let us ask why it engages us, not in the abstract, as a concept in the common world of thought, but concretely, as something about which we care as we experience our doings, large and small.

Why do I consider how others might feel about my actions? Why do I feel offended by some behaviors that I observe even though they do not affect me directly? Why do I fret that I am doing something wrong, not ineffectively, but something that will bring troubles in its train? Why do I find myself in my inner experience of life, in my living, acting in my circumstantial world, not simply planning how to do whatever I am dong, but wondering what I should do, feeling an imperative or a prohibition, acting with emotion, caution, abandon, investing what I am doing with considerations that go beyond the matter-of-fact, instrumentality of my action? For now, let us call all those extra concerns, beyond the instrumentality of the moment, the problem we feel of *acting justly*.[A3]

But why do I have a problem of acting justly? Why do I feel affect while acting? All about me, things happen with a dead cause and effect. The pebble at my doorstep, the sand on the beach, the mist in the morning air do not seem to hope or worry; they simply exist, changed passively by the forces affecting them. The mist, uncaring, persists or burns off as the forces at play determine. But unlike the mist, as a living organism I feel imbued with a sense for a contingent order in the world in which I live with which I can exert some level of intentional activity. I can resist the forces burning the mist away and maintain myself and the ordered world in which I live. How do I take my stand?

I teem with expectations—the floor where I walk will support my step. I take innumerable expectations for granted in pursuing my intents within the context of possible action that they provide. As I drive my car, I have expectations about how roads will have been built and maintained, about what signs

and indicators mean, and about what the rules of the road, formal and informal, imply, and about how other drivers along the way will interpret and act on their expectations in turn. Such presumptions about what sort of order prevails in and about me have a great effect on how I form and carry out my intentions.

Throughout my life, these expectations have grown, developed, and diversified, but I think they have always been there, to some degree, inherent in my life. I believe that as an infant, thrust from the womb, I had some inchoate expectations about the possibility of warmth, support, sustenance, and care that enabled me to respond actively in a way quite different from the morning mist as it passively fades beneath the rising sun. I recall as a child, wanting the conduct of life—my own and that of those around me—to follow paths that had a tenuous order, and on occasions, not too frequent, losing control in a monumental tantrum when what was happening seemed to thwart that order. And then, big time, as an adolescent, I started to observe and worry about how others, especially my peers, would react to what I did as I tried to exercise my own discretion, and I would churn with judgments, admiring and withering, about how those around me were acting.

Why do I, or you or both of us together, as human persons,[A4] living human lives, concern ourselves about the order of things in the world of our experience? To some degree, my life world passively happens to me, but equally I acquire it actively as a contingent order in the midst of which I act. I shape it as an acting agent. I work to maintain it and myself in it, as I presume other persons and polities[A5] do, all acting agents, as we lead sentient, choice-filled lives within our life-worlds. Many deterministic processes take place in my life-world, within and around me, but I act, I conduct my life with respect to the contingent order that I sense and perceive in my circumstances, making choices about perceived possibilities. Even as I use the deterministic processes—relying on rain storms to water my garden—they become, however deterministic, contingent relative to my use of them, for a drought would desiccate my carefully planted grounds.

In life,[A6] I never intend a simple, univocal end served by a single means. Like it or not, my exercising a means has a purpose with both direct consequences and side effects, which all bear upon my purpose. My discrete intentions concatenate with others: I turn on the light to read something for some purpose which leads to something else. This leading on gives my intending a temporal depth, which makes it complex with a beginning, middle, and end stretching out in a dynamic, changing context. As my purposing proceeds, its basic import may change, my reading reminding me of something else entirely that I feel—Oh! I almost forgot!—I must do.

As an actor, I must weigh as best I can immediate values relative to eventual ones, risk against probability, cost against benefit. And I never do only one thing at a time. Whether aware of it or oblivious, my intentions cascade. They become a flow of overlapping purposes. Hence, as an actor, I must continually reassess, reaffirm, and renew my choices, my intents, weighing this against that. For me, and I think for all, actions have multiple consequences and try as I might I can never only do one thing at a time.

As a person trying to do something, I synthesize my perceiving and my acting relative to a flux of intent. I find I must weigh how to do that justly, how to allocate my effort and attention, how to draw on my abilities and energies, fittingly within a multiplicity of overlapping purposes, with my intentions and capacities continually stressed by unexpected complexities and contingencies. I am always wanting to do the intent justly, to form and perform the intent in a manner worthy of my abilities and of the worth I sense it to have. But I cannot meaningfully do it by merely flicking a switch and then moving on.

In acting justly, I assess my intent in itself and in its context, weighing it relative to other intents, the possible, the passing, and the pressing. My doing requires my finding the right measures appropriate to my intent, of perceiving my circumstances rightly relative to the intent and of acting appropriately in accord with my purpose. Such deliberations, large and

small, embed over and over in the innumerable attentive motions and glances that constitute my living in my world.

Through all my acting, I seek to *control*[A7] both myself and my circumstances in ways I think I can and should. As I act, as I do anything, trying to exercise intentional control in any situation, whatever my intent and my associated spheres of perception and effectuation, I am not engaging in a simply instrumental matter. My acting has embedded in it a primordial problem of doing it justly, an imperative of measure, of fit. For the most part, whatever I intend, I propose it immediately: an attraction, a revulsion, an access of anger or pity, a feeling of respect, a sudden stepping forward with conviction but without premeditation in an altruistic act. Acting justly arises from having to act within a contingent, perceived order, which I use in acting, which I value by acting, and which I try to maintain or improve with the side effects of my acting.

In my acting, my thinking precedes my thought.[A8] My thinking takes place integral with my acting, not simply as a state of my consciousness. As distinct from the inanimate world, life consists in *informed* action, action that utilizes information. Living action requires information processing and information processing pervades vital activity. We separate thinking and acting erroneously. Even in sitting quietly, seemingly doing nothing, I am thinking for some purpose, however vague. We do not simply generate random states of consciousness. In thinking, I am acting; in acting, I am thinking. In willing, I think an intent, subliminally, sometimes consciously. Relative to the intent I can sense and assess pertinent feedback, and with the intent and the feedback I can modulate how I am acting by constructing principled valuations and planning my exercise of instrumental means. This condition does not occur only in the higher faculties. It pervades all living processes from its minutest sub-cellular ones to its most comprehensive collective interactions. Life emerges from elemental information in interaction with matter and energy.

As my thinking and acting takes place, they start with a norming—channeling attention and effort to realize the intent—and they carry through to completion with a sequence

of doing, instrumental efforts guided by feedback about the situation relevant to the intent, always modulated and perhaps negated as I continually assess the worth of my intents and possible alternatives to them. My intending norms; but not by my linking the intent to a normative attribute, not by conforming the intent to some given, external norm. Instead, my intending creates a *norm*; I am *norming*; projecting worth, purpose, through the controlling effort. Rather than having self-subsistent values, virtues clinging to me as qualities, my intending creates value, a valuing that projects meaning and purpose into the world.[A9] Without the intentionality of living agents, the universe would remain an insentient chaos of meaningless stuff.

The Work of Justice

We shift here from examining the importance of acting justly in the lived experience to wondering what actually takes place in our immediate, inward efforts at acting justly. We first try to grasp the intuition at work in seeking to act justly. What sort of inner sense would help us act in all the different ways of acting justly? Let us respond to this question initially from the inside, so to speak, not by observing external behaviors and making inferences about them, but by attending to our inner, lived experience as best we can sense its taking place.

Then, having grasped the inner sense at work, we can note how reflective thinkers brought that sense into conscious thought as a concept that they could use to account for the thinking involved in acting justly. We can see the concept of justice developing in a historical phenomenology, starting with ancient Greek experience with the general concept of justice and then seeing it becoming refined to deal with special kinds of justice in important situations that often recur in human experience.

The Inner Sense of Justice

My thinking constructs my world as I experience it. Having transformed my raw perceptive capabilities into seeing, touching, tasting, hearing, smelling, having synthesized a set of rational categories, I construct a phenomenal world within and about me.[A10] Thinking—not having big ideas, but living, subliminally alert, consciously aware, having an active mind and all the workings within, which the mind's thinking manifests—allows me to move, to act within the world and on it. All acting both norms and operates, and the norming comes first, for perception and action become operational by serving the worth asserted through the controlling intent. Thinking enables perceiving and acting to gain purposeful power, complexity, nuance, endurance, and scope.

Thinking considers acting justly, not as a reasoned conclu-

sion, an outcome of the thinking, but as an important conceptual resource in the thinking essential in the process of acting. Acting justly takes place, not by a property of justice becoming predicated to the outcome of an act, but through use of an inwardly generated reference point allowing us to imbue the acting, be it justly or unjustly, with an adverbial spirit and character. What takes place as an agent acts justly? What is going on in the process? What inner sensing does the agent use? The inner sensing postulates a reference we use in flipping feedbacks, positive, and negative, to chart a course shaping and forming the norming inherent in it.

Acting by living agents, especially humans, usually has multiple feedbacks, which vary and compoundin character. In the course of acting, in the flow of thinking integral to acting, I might, like a thermostat, attend to only one, or only those of a certain kind, or try to take as many as seem relevant into account, weighing them, perhaps dynamically, according to a complicated measure. If I am acting in even a modestly complicated manner, a lot comes into play. What am I sensing, or not sensing, if I am acting justly, or unjustly, in this matter?[A11]

Within my circumstances, by acting justly, I act in ways conducive to life, to the self-maintenance of a self-maintaining agency.[A12] By acting justly or unjustly, I strengthen or degrade my capacity for self-maintenance. In endless ways, foreseeable and unforeseen, my acting can prove ineffectual, unwise, destructive, undermining my capacity for self-maintenance. Should I manage, by good fortune, intelligence, and virtue to act justly, I will maintain my capacities for self-maintenance. Should I manage . . . : I cannot help but act contingently. I always risk failure. Hence, in everything I face an ineluctable question: Will what I am doing maintain me as a self-maintaining creature in the world?

My acting can easily err, for I must integrate different kinds of concerns in a single determination weigh multiple determinations against each other, with high portent under concrete, fast-changing circumstances. Three distinct uncertainties enter into my thinking about how to do what I do justly, about

whether I will in actuality be effectively serving my capacity for self-maintenance.

First, I may misallocate energy and effort to a purpose that is otherwise both feasible and beneficial. Most major sins indicate how I might distort my allocation of energy and effort prior to thinking and acting concretely on specific possibilities. The list is familiar, but we must recognize that the names on it are late cultural inventions to indicate my existential feeling of powerful drives and urges that can subvert my effort to act justly before I get started: lust, gluttony, greed, sloth, wrath, envy, pride, acedia, vainglory, and so many more.

Second, my deeds may fail to achieve their ends in view; they may not fulfill my intents. In doing anything, I face an instrumental, primarily causal, imperative, to do it successfully. I can easily fail, usually because I fail to judge rightly the skill and resources requisite for achieving a goal.[A13] I over-estimate my know-how, under estimate the requisite time to do what it takes, ignore complicating conditions. Thus, countless efforts simply fail instrumentally, a failure that every act risks. Because every action can fail instrumentally, like every actor, I must always attend to the imperative to act successfully, as best he can.

But a third contingency looms behind the first, for in many situations in acting I can fail to judge my intentions rightly, mistakenly pursuing an intent that proves not to have been what I really wanted. Such failures emerge into prominence as unintended and unforeseen consequences impede and entangle my further efforts.[A14] I may have acted successfully, but not prudently. This third type of contingency leads me to form my purposes with some care, to examine life through my sense of fulfillment to find what truly serves my self-maintenance.[A15]

In doing anything, the doer sets his purpose by sifting many possibilities while entering and sustaining his course of action, progressively eliminating various ones as not worth the effort, infeasible, or imprudent. The doer cannot simply make a choice and eliminate all the possibilities but one through

causal reasoning that extrapolates separately the consequences that each might bring. The possibilities coexist over time, interacting as the choice unfolds. He needs to assess the possibilities, thinking about how they will interact reciprocally with his experiential context. In doing so, he judges their worth. As these interactions take place, he assesses and eliminates possibilities that he judges deficient in value until his action runs its course.[A16] What has then taken place embodies the worth inherent in the possibilities he did not exclude.

This mode of forming purpose by eliminating competing possibilities will seem strange as long as we think of purpose as a property attaching to a potential action that somehow motivates the origination of it from out of a quiescent state. Life has no quiescent state. In sleep, the living organism attends rather exclusively to its internal circumstances with a bundle of activity repairing the stresses and strains of wakeful actions. Purpose does not motivate; it concentrates and directs the ongoing energies of the living person. Living has no properties, only processes guided with reference to many purposes, both actual and potential. We live by managing these with positive and negative feedbacks, pulling some to the fore, pushing others back, a complicated modulation that requires diverse reference points by which the feedbacks function.

My sense of justice has vital importance as I judge among competing possible valuations intuitively. But my ignorance and emotions can easily distort my intuitive judgments. I act contingently; I may or may not succeed; I may or may not act prudently; and I must harmonize a multiplicity of possibilities successfully and prudently. Synthesizing these imperative contingencies, I control with available feedbacks what I try to do. Through this modulating process, a person (actual or fictional) synthesizes intimations of commitment, feasibility, and sagacity as a unified, dynamic criterion enabling me to act determinately, thereby excluding many significant possibilities.

Why do I start thinking consciously, explicitly about something like the justice of my acting? Why did people do so in

historical experience? What do concepts enable us to do? People naturally have have tenacious physical memories for movement, places, sounds, smells, tastes, appearances, and skills all without reliance on concepts. We can anticipate, short term and longer term, without concepts, based on our feel for things. What do concepts in consciousness add to all that? Let's hypothesize for our purposes here that they help to identify potentially significant similarities and differences in memory, personal and collective, available to our active thinking. Concepts organize memories, aid recall, and formalize thought, enabling us to direct and discipline our thinking. Derived from thinking, concepts do not mirror nature. Instead, they represent our thinking to us in our thought, accessible to thinking as a conscious residue of past thinking. We form a concept to approximate in consciousness what the analogous inner sense enables us to do in the immediacy of thinking.

Concept formation would start from imperfections in thinking, for me personally and for people collectively in historical time and place. Oops, thinking wrong-headedly what to do, people found the consequences unexpected, unpleasant, dangerous. They started, implicitly and explicitly, to wonder what would dependably prove to be of worth in their self-maintenance? Ad hoc coping with situations at hand often furthered their self-maintenance, but it would differ from something that would make people more capable of self-maintenance in consistent, sustainable ways.

Reaching for that, they would try to complement their inner senses with reflective concepts that would permit discriminations among postulated possibilities, analogous to what they sensed themselves doing in the flush of active thinking. Such concept formation began in stories and myth, situated on Olympus in that airy space of imagination, ready to restrain the angry warrior in a flash of self-conscious calculation. Recursively building insight on insight (note the word—seeing in), people developed concepts, among them *justice*, that would help them rationally identify what would really prove to be most conducive to self-maintenance in life, most fulfilling and meaningful. Rational thinking, systems of thought,

thus emerged from behind the impenetrable veil cloaking spontaneous thinking as it is taking place.

Integrating and coordinating all the norming taking place in cultural life taxes the vital capacities of both living persons and of fictitious ones, the various polities in our circumstances. Like other animals, humans need a sense of self as a reference point in integrating and coordinating all our manifold natural activities, our lives as animals. Even more, living complicated lives, integrally depending on our cultural experience, so we need something like a sense of self to integrate and coordinate our manifold cultural activities, our lives as cultural creatures. Given the complexity of cultural experience, we face daunting tasks in using negative and positive feedbacks to maintain our cultural capacities for forming and maintaining our cultural lives. Such feedbacks require a marker, a hypothetical stable state, relative to which we perceive similarities and differences, we judge instabilities—deficiencies and excesses.

In this way, people have equipped themselves to dampen down and to amplify capacities, which can enable them to stabilize disequilibria in seeking their self-maintenance. We shall follow Plato in calling an important, complex reference point, *justice*, making a substantive of the inner sense used in acting justly. Here let us sketch how the ancient Greeks and more modern peoples developed an understanding of justice in their thinking about their conduct of lives.

The Concept of Justice

We have seen a problem of justice, both intuitive and reflective, arise in all activity, for all acting agents face an indeterminate future that harbors many possibilities from which the actor must concretize intentions. He may act on impulse, but soon seeks a thoughtful adjustment between desires or needs and the capacities to fulfill them. Doing so requires choices between potential goods, attributing worth to the intent relative to other possibilities. We do not think about these assessments of worth in many routine activities, treating them, like

a bird building its nest, simply as exclusively instrumental concerns. But in complicated, many-sided living, many activities evoke doubt, a nagging feeling of unease, indignation, contention, aggression, despair. As in routine concerns, in these more portentous situations, persons, master toolmakers, must also make choices about how they will conduct themselves.

Brooding, people chose more reflectively; in doing so, they developed concepts with which to deliberate about the larger implications of their choices. Were the choices right, not only in the instrumental sense, but in the normative—were they choices that would actually do rightly what the person really intended? When people recognized that they lived mortal lives with finite capacities, acting intentionally in portentous situations, they recognized that they had to limit and direct their intentions. At first, valuing occurs through spontaneous, unreflective effort. A person would do something impulsively, *suffering* the consequences, whatever those proved to be, *bearing* the burden, living *to regret* the act. Having suffered consequences, she might start trying to act less impulsively, forming concepts with which to categorize situations, to assemble experience, and to work out prudent intentions relative to them.

As such a reflective effort spread among people, an important concept in it would become the principle of justice, a concept mirroring the inner sense with which they synthesize felt drives, operational intentions, and the ineluctable imperative of self-maintenance into their intentional activities. With it they can try to consider and plan the pursuit of justice in their personal and political lives. People could form a concept of justice and other concepts and use them to examine shape their intended actions, because the concepts represented significant inner senses immanent in the flux of acting. With thought and care, persons made these qualities explicit. An idea of justice, abstracted through their reflective detachment, enabled them to assess the character and worth of their purposes in rational thought. Limits persisted: people could conduct life with more forethought, acting with greater scope and

complexity, but in the end remaining subject to the contingencies of mortality.

Concept formation, *Begriffsbildung*, has an important history.[A17] In its general form, as people did things, justly or unjustly, some activities recurred with significant consequences, which came to characterize important, identifiable aspects of life. Each of these recurrent activities had the general structure of justice, the need to steer action towards a difficult, consequential goal by assessing the flux of possibilities and rejecting those found deficient in worth and feasibility. Furthermore, their goals were not transparent, univocal, simple. Even under primitive conditions, lived lives were full, complicated, and many-sided. Each person pursued many goals simultaneously, each goal had its priority, scope, and duration, all of it flexing in a flow of controlling effort, requiring diverse evaluative selections.

Recurrently, in this changing river of intentional actions, people became aware that they could form and use a concept to define a complex, amorphous purpose. To do so, the concept had to resolve an important purpose with sufficient precision so that it could serve as a point of reference in efforts to control the goal-directed action. Thus, in the flux of life, people intellectually constrained some purposes, typing them in order to empower the process of control. The constraining idea came to define a particular form of justice. And as people reflected on different modes of action, they subsequently abstracted out types of justice.

Distinct concepts of justice particularly relevant to acting justly in each discernibly distinct mode of acting provided particular criteria for judging how to act justly in each domain. Representative situations, as well as the criteria for making judgments relative to them, were diverse, but in each people had to assess and select among multiple possibilities when pursuing all of the possibilities effectively at once was neither feasible nor prudent.[A18] And substantively, within each domain, the appropriate concepts of justice had to support and strengthen capacities of persons and peoples to maintain themselves as self-maintaining agents. Concepts of justice

that failed to maintain the capacity for self-maintenance were unsound.

Long ago, humans ceased living as simple toolmakers, becoming very complicated ones. Our continuous assessing of relative worth, however complicated, takes place as integral to all that is going on in our living our lives. If we segment all this assessing, concentrating on aspects of valuing that seem to work similarly, we can split up the norming in our life conduct into different kinds: estimating utility, forming certain virtues through habit and conscious will, willing from a controlling sense of duty or obligation. In ethical philosophy, an endeavor abstracted away from the living of life, these kinds of norming become the vital basis for contending schools of formal thought—utilitarianism, virtue ethics, deontology. But actual norming in the flux of life uses all three and many others in working out the operative intentions by which we guide ourselves in the course of our manifold activity.

So far, we have seen concepts of justice emerge through a rather abstract phenomenology of acting justly. Let us anchor the emergence of concepts of justice a bit by considering early Greek experience. As a noun, as a named thing denoting a concept, justice exists only in the realm of abstraction, as an idea that people may come to hold in personal and historical life. In contrast, as a lived experience, striving to act justly in the midst of actual circumstances takes place in living actuality. For each, the distinctive challenge to human judgment, to which we may or may not come to apply an abstract idea of justice, requires our maintaining our capacity for self-maintenance. We may suppose that very primitive peoples would have striven to act justly although they were quite without an abstract concept of justice. The concept allows people to reflect on historical experience long after the modes of acting on which they reflect have had extensive historical actuality.

For instance,[A19] early Greek thinkers originated a concept of justice as a general, all-inclusive principle for thinking about acting justly in the vicissitudes of life. They began simply by calling the relevant principles *dikê*, an uncertain

sense of order relative to which a person might perceive and compensate for significant divergences. *Dikê* recompensed for straying off course, correcting something gone awry, like a small child vociferously objecting when his parent slips an innovation into his favorite tale. *Dikê* made it possible to steer towards a goal or *telos*—ultimately guiding all things through all things. *Dikê* gave the ancient Greek concept of justice its name, *dikaiosynē*.[A20]

To understand how a concept of justice works in practice, we should keep in mind the sense of modulation, of nothing too much, of compensating for divergence. For some reason the modern mentality obsesses about precisely hitting targets, as if life consists of such discrete actions. Self-maintenance continues, many-sided, ever contingent. A postulated, stable form simply does not intersect with the dynamic processes of life. An abstract, unchanging concept provides a point of reference, a point—a dimensionless location—with reference to which people learned to perceive and correct imbalances, disharmonies, hubristic excesses, departures from the fit course.

Dikê initiated thinking about the power of negative and positive feedback to control action, steering it towards some goal by pushing against the direction of the deviation from course or pulling back from an overcorrection. In practice, self-maintenance arises from feedback-driven self-correction. The inchoate concept justice encompassed several distinct ideal forms, each a latent species within the conceptual genus, and as key thinkers became aware of the complexity of *dikê*, they separated out some of the key forms that the concept of justice takes on historically.[A21] This process continues apace.

For instance, distributive justice[A22] became explicit, a vital concern in life because people often had to divide up goods and benefits among members of a group when the stock of these was insufficient to meet all their expectations. Autonomous groups had to divide up scarce material goods in ways that maintained their capacity to maintain themselves. Therein lies the issues of distributive justice. Distributive justice has been of paramount importance to people because the goods

and benefits available have been scarce yet important to the quality of life. Hence, desire for them was strong and people competed for them with determination. A just distribution was imperative, but what it meant in practice was unclear and hence the problem of distributive justice required a criterion, usually named *equity*, which specified what the distribution should mean in practice. Consequently, disagreements about distributive justice primarily turn on disagreements about its operative criterion, about what constitutes equity.

People in groups have distributed public goods—natural, material, and social—from time immemorial and doing so will remain an activity of pervasive importance in the public world. People therefore pay close attention to doing so justly, appropriately, regulating rightly how they will distribute limited resources, privileges, and offices among a surfeit of claimants. How should people decide, personally and publicly, to balance the competing claims of poverty and luxury? How should they reconcile the few, seeking to get more for services rendered, with the many, stunted by too little? Both sides feel its claims have merit. The debate about equity, the norm to be served in distribution, has gone on and on and will continue. Answers change, but they always serve as a shaping influence in the conduct of life, both personal and public.

Beyond distributing goods and benefits, life entails many other forms of activity. In these activities, people have a vital interest in acting justly as well, for these too bear on maintaining the capacity for self-maintenance. For instance, someone transgressing the ruling norms within a community will trigger actions for restitution and retribution. Punishing crimes started happening long ago and easily got out of hand, as the record of feuding shows. Cycles of revenge often escalated and exceeded the communal capacity to sustain effectively the resulting tension and conflict. As that happened, people developed principles for thinking about what punishment fits the crime. Thus they developed principles of retributive justice to manage who would punish transgressions, how and why, a development memorialized by Aeschylus in his *Oresteia*.

Over time, people came to enjoy multiple rights and to bear

complex responsibilities as members of different groups. When these conflicted or when persons could not fulfill all of them, all the time, to the satisfaction of all parties, difficult issues of social justice arose. Reconciling competing sets of norms has become endemic in historical life. *Antigone*, a great Greek drama by Sophocles, depicts the clash between established norms of the familial estate and the emergent norms of the polis. The inability to reconcile conflicting norms constitute some of the most recalcitrant conflicts dividing peoples. Early in American history, despite their rhetoric, leaders privileged the rights of property, as then understood, relative to the rights of man, and they legitimated the institution of chattel slavery in spite of their higher-minded principles. Real property no longer includes persons, but the divisions persist. Globally, through long and difficult conflicts, people struggle to establish the priority of human rights over property rights. Many issues of social justice still divide people from one another and everywhere they must still work out their social tensions as some enjoy excessive privilege while others suffer the lack of elemental human dignity.

Problems of social justice often intertwine with those of distributive justice, and even retributive justice. Thus, we recognize how the social injustice of slavery has continuing effects such as those embedded in issues of distributive justice as people argue over affirmative action. Additionally, we can see the after effects of slavery in problems of retributive justice, as America's real exceptionalism, its atrocious incarceration practices.[A23] Consequently, people must seek, not only principles of justice to guide imperative choices within specific spheres of action, they must harmonize those different principles of justice with each other.

People live life whole and have a vital need to integrate diverse efforts at acting justly across the full range of activities that take place in the course of life. With key concerns, and across all those concerns, their palpable purposes conflict and exceed their possibilities. Intentional action inherently functions instrumentally, for in pursuing a purpose one must exert

control to achieve it well. But prior to its instrumentality, intentional action inherently works subject to limits, to checks and balances, to choices, not of instrumentality, but of relative worth, of fitness. As we seek competing goods, which will serve most appropriately, rightly? Principles of justice serve in making these choices, in judging the worth of competing intents while facing the challenge of preserving their capacities for self-maintenance.

Formative Experience

All persons, all living agents for that matter, by themselves and in many combinations, have to choose at any moment among numerous potentialities and possibilities for action. As we have seen, this constraint in the structure of action creates the problem of acting justly in its most general sense. The person or organism may or may not choose "freely;"[A24] in the course of acting, the indeterminate becomes determinate. Acting entails willing an intent, whether free or fated. In the midst of constraints, people face an indeterminate future and must always evaluate numerous possibilities, not all of which they can satisfactorily pursue. Talk to a young person fully engaging adult responsibilities, indebted from school, newly married with a child on the way, a good but pressured job, husband in medical school, an incomplete novel tucked away in her desk. Can she have it all? What possibilities should she give up?[4] These situations pose for us the great formative question, the core question of *Bildung*, of *formative education*: What can and should I make of myself?[A25]

Let us now pause briefly to contemplate such situations. How, in an instant of geologic time, has the human species become so fecund and powerful, for good and ill, subjecting the earth, and life upon it to our will, so powerful, yet perhaps so blind?[A26] And in that vast arena of human experience, what have humans been doing that brings us here, thinking about *formative justice*? As humans, as living organisms, people worry about justice because in doing what we do we continually have to check and reject potentially valuable intentions, purposes which could enhance our capacity to maintain ourselves in the midst of our circumstances. In the flux of these evaluations, we use our sense of justice and formal principles of justice to inform our choices. Here we ask, why should we include a principle of *formative* justice in these con-

[4] See for instance, Anne-Marie Slaughter, "Why Women Still Can't Have It All." *The Atlantic Monthly*, August 2012. (p. 10).

siderations? What value does a *formative* process have in human life? In the full range of our experience, what might it mean to call some of it formative?

In life, as living agents we perceive, act, and direct ourselves within our circumstances and as we do so, what takes place through the churn of interaction constitutes our experience. Life lives: I cannot separate myself from my field of agency, from intending in the midst of circumstance. I'm sitting in my chair here in my study, revising my text, making judgments about how well or poorly it will convey my intended meaning. I can think of myself as a part of my circumstances, perceiving myself, my internal drives, the external forces impinging on me, but I do that for some purpose, even a quiescent one of attaining a state of mindfulness or meditative contemplation. Usually, I am activating myself, interacting with other selves, and coping with diverse things around me, all in directing myself in the midst of those other selves and all the restraining forces and things. In the midst of all that, I try to exert some control on my perceptions, actions, and conditions for I must pursue my bundle of purposes.

Take something simple—walking. I perceive all sorts of things about my path—anticipating where to place my forward foot and the firmness of the ground from which I will push off. In walking, I act, largely by unconscious habit, raising and moving one foot forward, pushing off with the other, and shifting my weight off the back leg by stopping my forward fall with the front one, rocking up on it. And with every stride I do a lot of self-directing, correlating the forward thrust of the front leg and the vigor with which I tip myself out of balance, not to mention the maneuvers with which I avoid an obstacle or keep from stepping in water or waste as I determine where my path should lead. In walking from here to there, I use many *perceptive*, *active*, and *self-directive* powers, often unconsciously, sometimes consciously. All life lives by using its many *perceptive*, *active*, and *self-directive* powers, such as they may be.

All living organisms exercise three functionally distinct but

overlapping powers: *a perceptive power*, which acquires information about circumstances, about the organism and its field of agency; *an active power*, which can alter, within limits, both the organism and its field of action; and *a self-directive power*, which uses feedbacks to guide the perceptive and active powers purposively.[A27] With these three powers, organisms recursively use their agency, repeating themselves over and over with cumulative variations, to maintain themselves as living agents as best they can.

Additionally, each organism has a field of agency, its circumstances, which correlates with its perceptive, active, and self-directive powers, for all organisms live Kantian lives, busying themselves within the limits of their possible experience. Hence, their circumstances fit their powers like a glove. Agency takes place from inside the self within its field of possible perception, feasible action, and its repertoire of feedbacks useful for self-direction. The rest remains moot. All organisms exercise their powers of perception, action, and self-direction, seeking to initiate and control the eventualities of their lives. The organism, as a self, serves a purpose, not a final purpose, but a necessary one: self-maintenance as a living, self-maintaining organism in the world, a totality that encompasses the organism, its field of agency, and whatever else may lie beyond it.

Note here that the domain of experience—the field of agency—takes place within a larger, encompassing world, one beyond the agent's ken. Each form of life inhabits a cosmos defined by the sum of its perceptive, active, and self-directive powers, with its peculiar cosmos surrounded by an unknown chaos that can suddenly irrupt into its world. These irruptions include unforeseen events, things that seem to happen relative to agency by sheer luck, good or bad—a way of speaking about what we have no power to possibly foresee. The irruptions also include death, with the last flicker of agency expiring, expired, slipping into the realm of nothingness, which remains unknown to the living, despite the huge totality of their cumulative experience. But to balance death, the irruptions further include natality, the advent of a new life

taking place, a new self with its new circumstances. All these irruptions have much to do with shaping life and lives, but they do not constitute formative experience, which takes place as agents act in their circumstantial fields of life.

To find *formative experience*, we need to think about the different lifeforms as they parade along the ever-changing. evolutionary path. Great changes in the field of agency have taken place. Through the slow, ongoing process of evolutionary emergence, the morphology of living forms alters through chance genetic change, tested by environmental pressures. With each morphological alteration, perceptive, active, and self-directive powers, and the associated fields of agency, all change as well, challenging the novel organism with different tasks of self-maintenance. Evolutionary change in the morphologies of life has gone on for several billion years, with life itself, as a totality, flourishing in a multitudinous differentiation of its perceptive, active, and self-directive possibilities. Untold types of organisms have formed, each comprising a myriad of instances leading specific, unique, and finite lives, using distinctive perceptive, active, and self-directive powers to doggedly extend and maintain its possibilities of experience. In all this vital experience over eons, how does *formative experience* come about and what does it contribute to the panorama of life?

With each evolutionary change, new patterns of perceptive, active, and self-directive power emerge; and whenever one does, the new pattern itself then remains stable across the succession of separate lives within each different species. Keeping environmental factors constant, the genetic inheritance of each species establishes what the specific organism can perceive, how it can act, and its capacities for self-direction. A cat lives its life perceiving its circumstances as a cat, acting in its circumstances as a cat, directing itself in relation to its circumstances as a cat, all through its recurring use of the perceptive, active, and self-directive powers it acquired in its reproduction as a cat. The process of its biological reproduction essentially fixed its field of agency.

Humans, too, live as a distinct lifeform. Each of us inherits

perceptive, active, and self-directive powers characteristic of our species, but the way these work for humans has one very significant difference compared to other forms of life. Out of the sum of our inborn perceptive, active, and self-directive powers, a fourth power has emerged, *a formative power*. With this formative power, humans selectively alter their inborn perceptive, active, and self-directive powers and use cultural, not biological, means to distribute and perpetuate these alterations in and among their members. In our human lives, subsequent to reproduction, we use our formative power to transform our inborn perceptive, active, and self-directive powers, over time profoundly changing our world of agency and experience.

In a sense, the mortality of every living agent gives life, the sum of living forms, its recursive power.[A28] Genetic reproduction gives all life forms a recursive power as natural selection culls chance variations in genetic inheritance across the recurring sequence of generations. Among humans, cultural recursion speeds up and diversifies natural recursion greatly, using cultural memory in the place of genetic inheritance to power the recursive sequence. This power of cultural recursion enables human life to invent a panoply of nascent capabilities, using each over and over again, capturing nuances and innovations, churning them into the fully developed capacities of civilized life.[A29] With both its natural and cultural recursive powers, in endless variations, life itself creates and maintains itself in a universe that without its teeming intentions would be entirely dead, meaningless, devoid of value.

Humans form our perceptive, active, and self-directive powers and thus shape the circumstances within which we conduct our lives. We devise eyeglasses, bicycles, clocks, and countless other aids to perception, action, and self-direction with our formative power. It enables us to transform our perceptive, active, and self-directive powers during the course of our personal and collective lives. Unlike the cat, which will always see the world through the perceptive powers acquired in its birth as a cat, humans work to shape throughout our lives our perceptive, active, and self-directive powers, greatly

transforming our capacities during the course of our lives, personal and public.[A30]

Through formative experience humans have contingently mastered the art of acquiring characteristics. We have acquired formative powers with which we shape our perceptive, active, and self-directive powers, each separately, and the formative power comes with no guarantee that in using it we will keep the new perceptive, active, and self-directive capacities in effective coordination. Over several millennia humans have formed massive active capacities, using them at accelerating rates. Hence, our human shaping of our circumstances has begun to transform the hydrologic and atmospheric balance of the earth itself. Have we formed our perceptive powers concomitantly so that we can track and understand the consequences of our developing scale of action on the world in which we live? And even more, have we adapted our collective powers of self-direction so that we can cope adequately with the unintended consequences of how we live? Have we formed the perceptive, active, and self-directive capabilities requisite for continuing self-maintenance in our world? As we change our circumstances, we change those of other lifeforms and—portentously—the way the world may work, in itself, beyond our ken. As we change our circumstances, we invite irruptions into our cosmos with which we may be unable to cope. We heighten the formative imperative. In this juncture, with stakes so unprecedented, what can and should we make of ourselves in order to act justly in our changing world?

Formative experience takes place as persons use their perceptive, active, and self-directive powers in interaction with their circumstances to recursively alter those powers and the way they can interact with their circumstances. In caring for my formative experience, I must consider many possibilities, especially as I live in the midst of highly developed cultural circumstances. As I select among these possibilities, I shape my capacities as an acting agent and delimit the world of action in which I can use them. These life choices confront me with basic, unavoidable problems of acting justly in my formative experience. I must use my perceptive, active, and self-

directive capacities in conducting life but in using them, I must also attend to how I can and should form those capacities, sustaining, strengthening, augmenting, and modulating them, changing myself and the world in which I act.

Our formative power uncovers a deep duality in how humans construct their experience. which makes formative justice rather special.[A31] Almost instantaneously on the timescale of biological evolution, the human exercise of formative powers has become so pervasive in our life world that almost all our intending has deeply formative dimensions. With the emergence of our formative power, we need to attend in everything we do to doing it causally, producing the intended effect, and to doing it formatively, controlling how the cycles of interaction that take place form our powers of perception, action, and self-direction. Consequently, since acting justly in a formative sense seems to pervade everything, we have difficulty seeing it as a distinct type of justice and we easily leave it unexamined, attending to the more easily identified valuations in our experience.

For instance, in the capabilities approach to questions of distributive justice critics ask whether or not people have fit opportunities to develop the capabilities and capacities requisite for a minimal life of human dignity. The capabilities approach and formative justice complement one another highly, for both attend to human capabilities and capacities as the foundation of the good life for persons and polities.[A32] The capabilities approach looks at property in its basic human sense, the properties or capabilities characteristic of flourishing human lives, seeking to identify those properties clearly and to establish the degree of equity in the distribution of them within and among different polities. Formative justice concerns the same phenomena, considering them not as external, observable conditions, but as processes of internal, intentional self-formation, asking not what capabilities do people manifest or possess, but how can and should they develop those capabilities of most importance to them. Persons try to live their lives justly, forming themselves by seeking to flourish as they winnow their possibilities and direct their efforts in their

circumstantial lifeworlds.

People form their lives by making these determinations, intending to do this and not all these other possibilities. They find in the process that they are shaping their capacities for perception, action, and self-direction, and thereby they restructure their possible patterns of purpose, attention, discrimination, energy, skill, affinity, and effort built up. Our living takes on a deep duality. Everything has both a practical and a formative end-in-view, each with a concomitant practical and formative norming. Because the formative side of all experience has become so pervasive in our lives, formative justice stands as the pre-eminent problematic of living justly. But at the same time, because the formative pervades everything taking place as a person tries to act justly, we easily fail to give it its distinctive due. As we have seen, extensive literatures have developed on distributive justice and social justice, and a substantial one on retributive justice, and growing ones on ecological justice and intergenerational justice, to name a few.[A33] But where can we can find literature on formative justice?

For each form of justice, thinkers have developed a field unto itself, but each form of justice links to historical developments which evidence the consequence of formative justice for human life. For instance, the goods and services, which people have distributed among themselves according to prevailing ideas about distributive justice, have been developed through great formative effort in historical life. People value the goods and services largely because they provide the human means—building materials, eyeglasses, microscopes and telescopes, plumbing, collections of specimens, assays of ores, wheels, motors, cars, and planes, computers, standards for endless manufactured objects, pharmaceuticals, legal codes, and so much more—for forming our perceptive, active, and self-directive powers. Copyright and patent law structure special forms of distributable property explicitly to provide temporary incentives to create formative intellectual and material resources. With such arrangements, people have tried to create distributive incentives to advance formative values, but

such efforts should provoke us to ask whether markets and other systems of allocation currently work in formatively sound ways?

Likewise, the matters at issue for retributive justice and social justice, for legitimacy in legal and political life, all have great formative significance for persons and polities. With these specific problems of justice abstracted away from the elemental issues of justice, attention to the original, most basic difficulty in acting justly, which Plato examined quite fully in the *Republic* and his other writings, has become blurred.[A34] Reflection keeps subtracting specific parts away, but what remains of the overall problem of justice, deciding what I can and should make of myself, has vital importance, even though it has become relatively obscure. What has remained has lacked a specific name. To bring it back into prominent view, the basic problem of acting justly—a person or polity having to control their activities of self-formation, having to decide how to form the perceptive, active, and self-directive powers with which they will live—needs a name: *formative justice*.[A35]

Principles of formative justice regulate, implicitly or explicitly, activities through which persons and polities shape their perceptive, active, and self-directive powers and with those the fields of agency within which they live. Persons and polities determine their controlling purposes, intentions, potentials, and possibilities, and develop the capacities with which they can pursue their intents by forming their powers of perception, action, and self-direction. As situations merit, other forms of justice come into play within the over-all, on-going context of formative justice. But these problems of formative justice still suffuse our lives, from start to finish.

Watch a small child, still a novice in living with clear intents, walk outside, flitting from one interest to the next. A few years later, now a youth, she will walk with greater purpose, her curiosity less catholic, her action more pointed. Through justice in all its forms, persons, or groups of persons, allocate attention and feasible effort among their multiple potential purposes whenever they cannot achieve all of them,

fully and surely—a limitation they always face. With limited attention, intelligence, and energy and with excessive urges, desires, needs, and aspirations, people bring all their possibilities to fruition. Hence, all people all the time must choose justly in the course of self-organizing their lives. Within that comprehensive effort at acting justly, formative justice denotes the way persons control their self-formation, their efforts to shape their perceptive, active, and self-directive capacities and their concomitant life world. With formative experience having become pervasive in human life, the challenge of self-formation inheres in nearly all we do. Hence, we concentrate attention on acting justly in these aspects of life by advancing a name, formative justice.

But a name does not itself explain of how the named process actually works. The name helps concentrate our attention on the aspect of experience, but a name does not magically incant what it signifies, conjuring it forth in substantive experience, fully developed, as if from the head of Zeus. How do people actualize and exercise formative justice in their lives?

The Work of Formative Justice

Although some forms of justice appear primarily as collective concerns, all problems of justice have both personal and public manifestations. In discussions of distributive justice, thinkers treat it as the paradigmatic form of justice and a pressing public problem: how should the members of the community best satisfy their competing claims for its goods and privileges. But distributive justice operates on the personal level too, evident whenever a person has to budget her money for desired products and services. Who has not regretted having skimped on important things while splurging on what later seemed frivolous and inessential?

Likewise, we think of retributive justice as a public form of justice, but it comes into action at the personal level whenever one wants to get back at another for some slight or injury, or when one feels guilt, regret, or shame over something one has done. Even social justice becomes personal as one gets angry at a superior mistreating a subordinate or as a student feels conflicted wondering whether to finish his homework or to practice with the team?

When we think of formative justice, however, we often think first of its personal aspect, aware when pushing ourselves that our acquired skills may not suffice for the challenge at hand. But formative justice has a social side as well, as groups, organizations, and whole polities have to select among possibilities, thereby setting their priorities for formative effort and action. In 1780, writing from Paris to his wife, John Adams expressed the juncture of the political and the personal imperative, describing formative justice for the new nation as a felt duty:

> It is not indeed the fine arts which our country requires; the useful, the mechanic arts, are those which we have occasion for in a young country.... The science of government, it is my duty to study, more than all other sciences; the arts of legislation and administration and negotiation, ought to take place of, indeed to exclude, in a manner, all other arts. I must

> study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history and naval architecture, navigation, commerce and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain.[5]

The exercise of formative justice lays out serious duties for both the person and the polity.

Long ago, with the *Republic*, Plato achieved the first great examination of formative justice, speaking of it simply as the imperative of living life justly, asking whether it was better "to act justly and to practice honorable pursuits and to be just, whether anyone is aware what sort of person one is or not" or "to do injustice and be unjust, if only one can escape punishment" (IV: 445a, cf. II: 367a-369b, IX: 588b-592b). He set up his discussion to explore the interplay between the way persons controlled their own self-formation and the way groups sought to aggregate formative effort to bring shared desires, beliefs, and purposes to fruition. Plato suggested that what living life justly entailed of the person and why that was the life most worth living would become clearer by forming justice in a carefully constructed hypothetical city (II: 368e-369a).

Let us grant that Plato's language, however artful, was a very early effort to analyze what we here call formative justice. When a thinker breaks new ground, anticipating all the possible misunderstandings proves impossible. Hence, parts of Plato's text can genuinely confuse and alarm literal-minded readers. But a productive interpretation shows him trying to speak about human capabilities in persons and in groups, about how persons and groups developed their unique capacities within the domain of each capability, and about how persons and groups could and should put their developing capacities to effective use. In his Myth of the Metals, Plato was

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5 John Adams to Abigail Adams, Letter CLXXVIII. *Letters of John Adams, Addressed to his Wife*. Charles Francis Adams, ed. (1841) vol. II, pp. 67–8.

forming an idea of aptitudes—each person has a unique mix of them, but no one can identify those aptitudes well until the person has completed a full course of forming fully what her possibilities can and should be.[A36]

Plato recognized that prospectively no one knows the actual aptitudes of a child or person, for an impenetrable veil of ignorance existentially cloaks the aptitudes. This ineluctable ignorance—an existential reality—posed a challenge, Plato thought: to find out the capacities of the members of the polity, each man and woman should strive to form their human capabilities as fully as possible, supported by the whole community. This remains the fundamental rationale for universal education.[A37] At birth, the infant has nascent perceptive, active, and self-directive powers, but neither the infant, nor anyone around him, knows what his capacities, fully developed, will be. To discover them, the infant must form his capacities as fully as he can, aided and abetted by the polity: Plato advanced the rationale, both prudential and ethical, for fully developing the potentialities of each and every person.

Persons have aptitudes, but to speak more accurately, people form their aptitudes. Consequently, neither the person nor their parents, nor anyone else, can fully identify those aptitudes, for only extended education and experience will disclose and perfect them. A person's genetic inheritance endows her with complex perceptive, active, and self-directive powers, which themselves take on a unique embodiment through her interactions with her circumstances, constant and prolonged throughout her life. And that process takes place, not only developmentally, but formatively—starting in infancy, a person recursively uses an inchoate power of vision to develops her ability to see, but then she may sharpen it with glasses and possibly extend it for special purposes with a magnifying glass, binoculars, microscope, or telescope, or fix it with a camera or the artful strokes of paint and brush, capturing visual memories and the humane nuance of what she sees. People do not *have* aptitudes as fix properties or endowments; their aptitudes emerge as formed achievements, evident in retrospective views on lives lived.

Potentialities rest partly inborn, hidden within, and they await, yet to emerge, for each person must form them over her entire course of life through her formative power. Person-to-person, the course of it varies greatly and unpredictably. Some soar and plateau, others plod along and bloom late; some die far too young, others persist long beyond their prime; some deliver exactly as they aspired; others zigzagging, confound all expectations. Indeed, an opaque veil hides capabilities from view, blocking modern testing services from satisfying their prurient interest to peek beneath it. Heraclitus said it long ago: "You will not find out the limits of the soul by going, even if you travel over every way, so deep is its report."[6] Given that we do not know, to find out what a person can and should be, she must form her capacities as fully as she can.[A38] Persons do this by guiding their efforts, explicitly or implicitly, through the continuous consideration of formative justice.

Aristotle followed Plato and in his *Politics* he held the *polis* existed so that people could together pursue *the good life*. Through the polity, people defined their common purposes, the good life as they saw it, and they developed their capacities for pursuing their purposes together. This view of politics was one in which the formative potentialities of human life were central, but elsewhere in the *Politics* and in his *Nicomachaen Ethics*, Aristotle singled out the problem of distributive justice as a special form of justice, both distinct and important.[A39] But as a pressing matter, justice—formative or distributive—lost importance as imperial majesty cast the dilemmas of self-governance into its shadow. Aristotle's concern for distributive justice did not fully gain historical consequence until relatively recently, when political economy turned producing and consuming into the core function of modern polities.

With ancient imperial systems, syncretism—believe what you will but obey—guided formative justice for the polity. For

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[6] Heraclitus, Fragment XXXV. Charles H. Kahn, trans., *The Art and Thought of Heraclitus*, p. 45.

the person, attention to things in one's control and indifference to things not in one's control became a central preoccupation for both Stoic and Epicurean. The slow conversion of that pagan ethos to Christianity, and then the rise of Islam, demonstrated the historical power the personal pursuit of formative justice could generate. Everywhere, the history of formative justice as pursued by innumerable different persons tells an extraordinary story of human experience, which we have yet to grasp sufficiently as an account of humanity's collective self-formation, what persons themselves have made from what they could and should become.[A40]

With multitudes of persons in modern polities, politics as the shared pursuit of the good life became harder to fathom, or more precisely, people spontaneously adopted material abundance as the common denominator of the good life and began to bicker over how to share the goods. They brought interest group politics to the fore, redefining Aristotle's politics, not as a shared pursuit of the good life, but as a competition over "who gets what, when, how," as Harold Lasswell put it in an influential formulation.[7] In diverse ways, modern political economy made contending ideas of distributive justice central in both political theory and practice. As part of that process, the Platonic conception of justice, what we here call formative justice, was largely ignored, even actively suppressed.[A41] To renew attention to formative justice, and to understand better how it works, let's look at an example to distinguish as clearly as we can between the two types of justice. Can we observe both distributive and formative justice working in close proximity, yet clearly distinct?

For that purpose, a trivial, but widely documented matter—the doings of professional sport—can be helpful. Commentators and fans extensively follow both the games themselves and team activities leading up to the games. In doing so, they tacitly use basic concepts about both distributive and formative justice in their analyses. For instance, with football, be it

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[7] Harold D. Lasswell. *Politics: Who Gets What, When, How*. (New York: Meridian Books, [1936], 1958).

global or North American, analysts draw on principles of distributive justice in discussing how well the front office uses the financial resources at its disposal to field an excellent team. In contrast, in explaining how coaches and players try to improve their level of performance on the field and prepare for upcoming games, they use principles of formative justice.[8]

Consider these matters from within the tiny universe of a team, as if it were a microcosm isolated from the world around. The front office meets out distributive justice as best it can, using largely meritocratic theories to negotiate salaries and other terms of player contracts. We will not dwell on the equity of those salaries, compared to mine and yours, for that raises larger, more comprehensive issues. But simply in the tiny world of the team, officials apply distributive justice to set and justify differentials in compensation and other contract terms.

Player contracts reflect judgments about the market, putative skill, star drawing-power, and other signs of worth. Some players command millions and others make the minimum, merely several hundred thousand. If the front office mismanages the valuation of worth and the distribution of resources, with too much here leaving too little there, jealousies and resentments wrack the team and its group of players falls short on talent, leading fans to rail at the front office, or far worse, to demand less than the full supply of tickets. If management distributes its resources well, the team, its officials, players, and fans may happily thrive. But will they do so? That question leads to activities guided by formative justice.

By itself, an assemblage of high potential, a roster of richly remunerated players, may achieve consistent success—damn those Yankees—but high remuneration does not guarantee it. Team members, working with a coaching staff, use principles of formative justice to help each player reach his full potential

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8 This and the following 4 paragraphs expand material in my previous discussions of formative justice—*Homeless in the House of Intellect* (2005, pp. 81-2) and "Formative Justice: The Regulative Principle of Education," *Teachers College Record* (forthcoming).

and to integrate them all into a resourceful, winning team, one with well-conditioned skill, committed drive, and astute strategy. The Platonic components—strength, spirit, and reason, all in harmonious unison—together play their parts.

Formative justice guides practices and preparations. Trainers and coaches help each player get into optimum condition for the role each will perform. With discipline, swagger, and guile, the coaches work with players to build the determination and élan of the group so that each member can perform with full intensity. And coaches and players reason: they study and scheme, prepare and practice, so that the team as a whole and each constituent player masters an astute game plan. It matches the vulnerabilities and strengths of the opponent and the capacities of the team, assesses the emotional sensibilities and dispositions on both sides, and anticipates the opponent's probable strategies and possible ways to counter them. Finally, formative justice culminates in putting together all these preparations, each in its proper measure, so that on the day of the crucial game, the whole team proves strong, intense, and shrewd together, winning in a commanding performance. Here we see the classic components of formative justice, direct from Plato—appetitive drive, honor, and reason—each working with the others, keeping to its proper business, integrated in pursuit of the good: weekly wins leading to triumph on Super Bowl Sunday.

All forms of justice—distributive, retributive, social, formative—resolve into component parts, each with a distinctive character. For instance, distributive justice has several parts—goods and benefits, wants and needs, and a way to allocate the former in some correlation to the latter, which the allocating agents judge to be right or equitable and use as a criterion of distribution like utility, equality, merit, need, or fairness. Thus, the results of distributive justice will vary according to the concept of equity people apply, but each instance of distributive justice orders the distribution by satisfying abundant wants with scarce goods according to a specific criterion of choice, one or another idea of equity.

Formative justice does not guide the distribution of goods

distributive justice does: formative justice works as a different, distinct form of justice, a considerably more comprehensive one. Like other forms of justice, it has several component parts, which the acting agent deploys according to formative, not distributive, criteria of choice in order to approach its goal. Plato developed his theory of formative justice, simply as justice in general, because the problematic of formative justice arose with every intention: how does doing what one proposes to do affect the ongoing forming of one's capacities for perception, action and self-direction? And it still does. Let's loosely follow Plato's description of the human soul (*Republic*, IV: 435a-441c, IX: 580b-583a), using our own, more present-day language.

Formative justice pertains, not primarily to intentionality in special situations, but to all purposeful activity. As an intentional agent, a person always existentially experiences three basic sets of questions:

- Would carrying out her purposes, actually culminate in what the person really seeks? Would they lead to the optimal formation of what she can and should become? A person reasons about causes and effects and tries to understand complicated reciprocal interactions. With these *intellectual* concerns, a person seeks to make sound judgments about her purposes. She postulates many possibilities, assesses them for feasibility and worth, progressively eliminating those that seem too risky, too high in costs, too low in benefits, unfit, unworthy, inappropriate. The possibilities that persist contribute to forming her as a person, shaping her capacities and the values she serves with them, her sense of mission or vocation in living her life.
- How will the person modulate the effort she devotes to her purposes relative to the sum of her other intentions? A person exercises intentional control through her *emotional* weighting of purposes, amplifying some, weakening others.[A42] As her experience unfolds, a person shapes her disposition and emotional character, her preferences and aversions, her interests and the flux of her attention,

which enables her to direct her energies. She does so as her emotions dampen and amplify perceptions, actions, and self-directions from within and as she invests external situations and other persons, organizations, and ideas with special valence.

- How will the person marshal and exert her perceptive, active, and self-directive powers in the immediacy of her experience, doing what she does to fulfill the complex flow of her intentions? A person lives her experience, a vital actuality. Words describe the immediacy poorly, for the words come after the fact, when the immediacy *has flown away*. A living person dynamically instantiates her perceptive, active, and self-directive powers in a treadmill of actual presents, here-now and then irrevocably past. All the capacities of a person stand imminent in every instant, and she unleashes them, singly and in combinations, continuously, kaleidoscopically organized, lives in her circumstances, living her life. Can felt immediacy both be, and be named? Plato tried—the appetitive.[A43] Let us try instead, the *existential* actuality of volitional will. It generates the intensity of playing the game.

For Plato, in order to live justly a person needed to have a well-developed rationality, rightly formed, and tamed appetites integrated by the idea of the good. Stated in this manner, it sounds as if Plato was aiming at some static quality, a person who had a well-formed character, secure in its possession. That was not the case for the integrating had to go on continuously, in real time, so to speak, as the person experienced all the uncertainties, the vicissitudes, the successive moments of her life.

Formative intentions suffuse our lives. Each of us continually copes with the intellectual, emotional and existential concerns inherent in all we do. Objective sounding declarations, asserted in public about *what is* rational, emotionally sound, and existentially worthy, at best state the lived answers second-hand, and more dangerously, often proclaim difficult im-

peratives in bad faith, cloaking a speaker's parochial preferences as objective necessities valid for all. Our thinking, feeling, and existential drives take place, not in words, but in deeds, in actual experience. As a person actively conducts herself, on large matters and small, she integrates the intellectual, emotional, and existential, forming her life, and her capacities for living, through a purposeful enacting—ever-turning, kaleidoscopic.

Only in hindsight can a person perhaps know the intellectual, emotional, and existential actualities that took place; and in hindsight the picture will have become inert, no longer helping us query our prospective possibilities. To consider looming possibilities and to deal with formative experience intelligently, a person must take them up as existential questions, ones lodged in the living present. She must think about them on her feet, determining her answers to her formative choices in the midst of the immediate indeterminacies of her life. She must live the questions and suffer the consequences, or as Plato put it in the Myth of Er, as the souls were about to choose their future lives—

> Virtue knows no master. Your respect or contempt for it will give each of you a greater or smaller share. The choice makes you responsible.[9]

Of course, Plato here and elsewhere spoke of *arête*, perhaps more accurately translated as *excellence* or *merit*. No master or owner possesses *arête* as someone might possess a car or some clothes as his property. A person achieves *arête* by aspiring to it, pursuing in life the merit it denotes. A person lives, dealing with the experiential actuality of her will, continuously prompting and following through in real time drawing on intellectual and emotional abilities by using inner senses. A person feels an inner sense, usually feeling it immediately, subliminally, even though she can rarely pull it into

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[9] Plato, *The Republic*. Tom Griffith, trans. X: 617e. ἀρετὴ δὲ ἀδέσποτον, ἣν τιμῶν καὶ ἀτιμάζων πλέον καὶ ἔλαττον αὐτῆς ἕκαστος ἕξει. αἰτία ἑλομένου: θεὸς ἀναίτιος.' (Plato. *Platonis Opera*, ed. John Burnet. Oxford University Press. 1903). Perseus Project.

consciousness, often at a cost to its efficacy. We have difficult speaking clearly about inner senses, sometimes speaking as if we have many different inner senses, each associated with a specific aspect of experience, and sometimes as if we have very few, general ones, like *emotion* and *appetite*, which we adapt to different situations, rather like passing different parameters to an algorithmic function. Let's leave the typology of our inner sense as a moot matter and proceed here to think about how we work with our inner senses in the intellectual, emotional, and existential domains of formative experience.

To start, take a simple example, a person's sense of balance, more precisely her ability to sense her imbalance. She cannot assume a pose of perfect balance that a master might instruct a ballerina to assume and then hold, remaining rigidly still. That stillness is merely appearance. Balancing requires continuous movements around an unattainable point of balance. A person maintains her balance by sensing how her stance diverges from it, moving to cancel out the divergence. A ballerina, who has developed exquisite body control, may create an illusion of having struck, *en pointe*, perfect balance, but really she too hovers around that point with tightly controlled motions, imperceptible to lookers on.

We can take advice in mastering an inner sense like balance, but we can't be taught it passively, for we must learn it by inwardly modulated trial and exercise. To consider how it happens, let's watch the toddler again. She often falls, and in doing so she will begin to sense her inner sense of balance. It does not say, "Hey, girl, right on!" It signals only when she has tipped out of balance, quickly giving her some time to react, which at first will be hesitant and clumsy, or too fast, a sudden jerk that puts her butt down. But through recurrent trials, through recursive experience, she will gain confidence and coordination in responding to her sensing her imbalance and compensating for it. With her inner sense of balance well established, every anomalous move she then makes adds another iteration in her recursively mastering her balance, and soon she no longer toddles, but runs and jumps about, a rambunctious child.

With the sense of balance, researchers have acquired a pretty clear understanding of how it works and how people use it.[A44] With many other inner senses, we have little or no understanding of how they work physiologically and neurologically, and often we have limited and unsure capacities to use them. Nevertheless, we find ourselves aware of such senses, we actively try to use them, and we trouble ourselves to clarify and form them so that we can use them in experience with more fulfillment. For each sense, we postulate a hypothetical condition or virtue, an ideal good, which we never securely and fully incarnate. Have I donned clothes too casual, too formal for the occasion? Do the colors clash? Did I salt the dish too heavily? Have I been too harsh? Too acquiescent? Too forward? Have I tried too hard? Or not hard enough? Speaking rather generically, we might say that with any inner sense we actually sense deficiencies, an excess, an anomaly, a deviation relative to its ideal state and in sensing this, we can work to compensate for it. We always over or under compensate, and the approximation to the norm goes on recursively, cumulatively strengthening our capacity to use the inner sense in our experience.

Diverse inner senses pertain to our perceptive, active, and self-directive powers, or to newly formed combinations of them, and the recursive strengthening of our mastery of them drives the formative power spoken of earlier. In carrying out this formative effort, people have created and employed powers of inductive and deductive reasoning about their experience, which becomes part of our acquired heritage. To see how voluminous such advice can become, check out the literature on playing golf or chess. But the formative power, itself, mastering the game, arises personally and historically from the recursive ability to expand and perfect the variety of inner senses, informing them with good tips and insights, but, as we say, “making it our own.” How?

Practice makes perfect because developing an inner sense requires its frequent recursive use. We develop the sense by using it, over and over again. Behavioral assessments of practice and the formation of habits really offer a blunt, external

way of talking about inwardly recursive self-formation. Let's venture to define an inner sense conceptually.

> An inner sense postulates a hypothetical equilibrium point of one sort or another, or a set of such equilibria, with reference to which an agent can sense a deviation, an excess or deficiency, enabling her to act in ways that affect the equilibrium and to direct her action to oppose the disequilibrium. A person forms her capacities through recursive repetition in which the interplay of inner sense and self-correction leads to progressive self-mastery.[A45]

With this definition in mind, we can exemplify the processes of recursive self-formation in an example, following it through a series of significant formative transformations.

My parents thought learning to play a musical instrument would be an important part of my education. When I was 6 or so, they let me choose the instrument and they would see to it that the lessons would follow. I chose the guitar and the lessons followed, disclosing that I had a sense of rhythm but no sense of tone, a very tin ear. I lacked an inner sense of what to expect when I picked different strings. Hence, for me practicing scales was repetitive but not recursive: anomalies as I picked away were essentially meaningless, other than, borering! My friend, however, had a good musical sense and for him practicing scales was actually interesting, not merely repetitive, but recursive. Recursive practice allowed him to perfect his basic skills with the instrument by pondering all the little anomalies that he heard while going up and down the scales. Doing so, he acquired elements of a personal touch, his style and facility with the guitar.

Now let's take it up a notch. Not my friend, but others not unlike him, became truly good musicians, largely self-formed using their inner sense, studying the blues and other kinds of jazz, going amateurishly pro, starting to perform a confection of new and old styles, doing so in social settings in which the blues guitar had thrived. That was the acoustic guitar, which they had first learned and mastered, knowing and loving its subtleties and sound. Others like them, more interested in

sound for its own sake, rather than particular forms of music, had begun using new electronics, making synthesizers, and they started to wire guitars for electrical amplification and modulation, innovations at first resisted by the young musicians of rising fame. But their rising fame was drawing those young musicians out of the small, enclosed performance settings like the Reeperbahn clubs into the great halls, the stadia, and Woodstock fields, playing to an ocean of upraised arms swaying to their rhythm. Here, when ecstatic swaying paused, and each turned inward, quiet, to listen, to feel, and to think, an acoustic guitar played into a microphone remained of use for the ever-recurring singers of tales,. But for rockers like Eric Clapton, Keith Richards, or George Harrison, gifted with their inner sense of sound and dexterity with the strings, the electric guitar became the defining instrument forming the British wave of 60s rock experience.

Now later, some of the aging greats play on with performing energy, now classic, having evidenced lives more varied and complex than the beat of their music and its aura alone. Their memoirs depict lived lives of tumultuous intellectual, emotional and existential experience, full of changes, different friendships, interests, infatuations, commitments, anguish, celebrity, boredom, cultural and pharmacological experimentation, money, much sex, some love, an almost desperate cascade of self-formations. They pursued formative justice, continually trying with thought, feeling, and will to integrate experience, a chaos of experiential possibilities, directing themselves in creative self-maintenance as best they could. Some achieved it surprising well. Others cracked up. For those still going, pursuing formative justice remains integral to living their lives and it will stop only when others pronounce for them, "It is done," "*Consummatum est.*"

Most of us follow a less turbulent course of self-formation guided by formative justice. But we all live our lives forming ourselves continuously, making judgments about formative justice, winnowing our numerous possibilities down to the particulars we live. All persons quite spontaneously think a lot

about formative justice. Alone and in conversation, all persons reason, personally and collectively, about whether their ostensible purposes will really yield what they want and aspire to. They also chronically consider their emotions, how they correlate their effort and their purpose, perhaps recognizing the futility of expecting good outcomes without emotionally engaging in the effort to bring them about. And finally, throughout their lives, all persons strive, consciously and unconsciously, to develop the capacities through which they can realize their purposes—talking to others, reading, studying, observing, thinking, planning, and practicing. Colloquial speech captures these engagements with formative justice. Purpose: the callow youth will ask a teacher—"Am I on the right track?" Motivation: a friend will confront a chronic slacker and ask—"Who are you kidding?" Capacity: an observer shakes his head at the grandiose fool with big plans and little ability—"What an ass!"

Assessing purpose, directing volition, and building capacities so pervade our lived lives that we continually engage in them without explicitly attending to them. But should a spontaneous pursuit of formative justice suffice? What implications do our reflections on formative justice have for the more explicit practice of education, of self-formation in our world, for helping ourselves and those around us make ourselves from what we can and should become?

Towards an Educational Inner Light

Formative justice has important implications for the practice of education, both for the person and the polity, but we can easily misconstrue them. "The practice of education" will call to mind schools, teachers, curricula, tests, yellow school buses, and arguments about taxes and administrative control, even peons to the magic of the market and sage warnings that the state of education sorely threatens the nation's interests. But we must say that all those concerns do not pertain to thinking about the implications of formative justice for educational experience. Declaring the familiar concerns irrelevant will evoke a sense of disappointment. If formative justice does not concern these matters, why bother with it? Let's find out.

Nearly 400 years ago, the Moravian priest, Johann Amos Comenius, wrote *The Great Didactic*, a wildly visionary work given the practices then prevailing. As its subtitle promised, it set forth—

> the whole art of teaching all things to all [persons] or a certain inducement to found such schools in all the parishes, towns, and villages of every Christian Kingdom, that the entire youth of both sexes, none excepted, shall quickly, pleasantly, & thoroughly become learned in the sciences, pure in morals, trained to piety, and in this manner instructed in all things necessary for the present and for the future life, in which, with respect to everything that is suggested, its fundamental principles set forth from the essential nature of the matter, its truth is proved by examples from the several mechanical arts, its order is clearly set forth in years, months, days, and hours, and, finally, an easy and sure method is shown, by which it can be pleasantly brought into existence.[10]

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10 John Amos Comenius, *The Great Didactic* . . . (M. W. Keatinge, trans., 1896). Title page.

A 17th-century religiosity notwithstanding, *The Great Didactic* describes the institutional structures, the curricular contents, the best pedagogical practices, and the socio-political rationale of present-day instruction from preschool through the universities around the globe. *The Great Didactic* was the mother of all pedagogical prescription.[A46]

Although Comenius appreciated the importance of the inner life of students as the locus of motivation and understanding, he concentrated on externals, what teachers could and should do to facilitate learning by their students, how to structure comprehensive knowledge so that it would fit their needs and capacities at each stage of development, how to group students, manage their time, and organize their activities, engaging but not exhausting them. So long ago, yet so up-to-date: "one man excels another in exact proportion as he has received more instruction" (p. 208). Globally, people now expend trillions annually on the Comenian educational vision, the great race to the top; a billion or so children, youths, and adults labor in its embodiment, and their work preserves, disseminates, and extends the human capital requisite for modern life. How can formative justice be educationally important and not concentrate on these institutional realities? Education consists in what they do. Or does it?

Our world has become a Great Didactic. A spectral education haunts pedagogical thought and practice, the specter of statistical abstraction. Instructional bureaucracies mold abstract constructs labeled "pupils" and "students." Governments compile "the key indicators of the condition of education." All track how impersonal interventions affect statistical cohorts, ciphers whose only reality exists in data collection and its analysis by bureaucrats, academicians, and public officials. Around the world people have constructed a vast pedagogic structure, a dehumanized apparatus that will eventually pass away. But it will persist, well meant, for many generations yet to come and like other salvational bureaucracies, it will require everyone to contort their personal lives into the categories the system mandates. For most, the Great Didactic provides benefits, perhaps at meet measure. Nevertheless, the

Great Didactic does not encompass all the educational experience of any person, and perhaps not what will prove most important to her. Looking at educational experience as phenomenological, first-person experience, clearly much of it takes place outside of the Great Didactic, and many of the tangible benefits for the person that seem associated with the Great Didactic may emerge, not because of its actions, but interactively, with or in spite of them. To grasp the meaning of formative justice in educational experience, we must interpret what takes place, not by aggregating surrogate outcomes of the system, but by following the cumulative life experience of the person.[A47]

Control, self-formation, and formative justice work reflexively, coming from the inside out, and recursively, as a person's nascent capabilities draw themselves into her developing capacities as she uses them over and over again, guided by her inner senses. The significance of formative justice for education does not primarily involve changes in the Great Didactic, the organizations, programs, and conduct of formal education. Formative justice calls for a *reformation*, an awakening from within the person, each recognizing herself from birth on as her own master, inspired by a zest for life, forming her inner senses, and the capacities they guide, constantly through her recursive use of them.[A48]

Throughout this essay, we have sought to think about education and formative justice from the point of view of the person living her life. Education takes place in her experience, not in the Great Didactic and not in the experience of other persons. The Great Didactic constitutes a presence in a person's circumstances as she engages, life-long, in forming herself, but only a presence among many others. As she forms herself, people and programs in the Great Didactic may help her some and hinder her some. Under present-day conditions, she will spend a substantial time experiencing its routines and rituals, possibly bringing them to life, possibly enduring them in passive boredom. The Great Didactic itself has limited power to determine what she will make of it. Even if she has leaned fully into the world of instruction, as pupil, student,

professor, parent, and public leader, it will remain a partial, external circumstance in her pursuit of formative justice.

But why make a big deal of this Great Didactic? What harm comes from making education a tidy segment of experience, like work, so many hours per day, for 5 days per week for a big part of each year from two to twenty-something? Don't we post-moderns feel, "Hi-ho, that's life, a series of fragments." Indeed—often, we do think about life that way, compartmentalizing, but it's mostly self-deception, for we cannot pigeonhole our educational work into one compartment and live the others as if they were free of formative experience.

How should we rethink the realities of educational experience given that the Great Didactic has importance and will not go away? We do not need to deschool society in a reprise of Ivan Illich. We can and should examine what we understand education to be in the light of formative justice and see how that might change what we expect from the system of formal instruction. To take formative justice seriously, we will understand that the verb, *to educate,* denotes a process of reflexive activity, namely, the efforts through which a person, from infancy on, continuously forms her perceptive, active, and self-directive powers. Can we situate the Great Didactic more helpfully in the experience of the self-forming person?

To do so, basic assumptions about education need to be examined. If the person in pursuit of formative justice weighs her possibilities according to an inner sense of fulfillment, taking her drives, emotions, and reasoning into account within the unique contexts of her circumstances, what assumptions should educators make about how educational programs and institutions can best support her efforts? Do the causalities presumed to work as the Great Didactic marshals its prescriptive processes, causalities that operate on, not through the person, make real sense? In economics, many critical economists question the assumption that living participants in markets conform sufficiently to the expectations of rational choice theory for classical expectations to have sound predictive value. In the Great Didactic, do assumptions about the "learner," make any more sense? Perhaps even less? If the controlling

assumptions in the Great Didactic over-estimate the plasticity of learners and the causal power of sound teaching methods, then the didactic power of the system will fall short of expectations systematically.[A49] Is that why the macroscopic performance of the system seems so poor?

Within the Great Didactic and outside of it, would be educators need to recognize that they serve persons, no matter what their ages, who possess autonomous wills, independent minds, and active powers of judgment. To type them as learners or as teachers makes no sense. Every person continuously makes judgments about formative justice. Every person continuously allocates attention, acting in the midst of circumstances, accommodating, ignoring, and resisting the pressures playing upon her, deciding what she herself should try to make from what she can and should become.

Bored inattention does not result because a student shirks her pedagogical duty, but indicates an autonomous, meaningful response. It should elicit a sharp command, “Pay attention!” addressed not to the person called student, but to the person called teacher, to the parent, to any educator, resulting in a question addressed, person to person, to the one called student: “What's on your mind?” We should start by recognizing that the person studying, who continually makes judgments about her possibilities inwardly, knows what she needs and seeks, however imperfectly she may express it. With respect to formative justice, students activate—their educators respond; they have no direct causal power. The creative educator will hear clearly and correctly what students ask, and will respond with honest thoughtfulness with what he thinks about what the student actually seeks and pursues.

In reality, the Great Didactic cannot teach all things to all people. Virtue cannot be taught. Each person creates a unique, new version of virtue in forming herself. Schools cannot educate the whole person. Each person lives an integral, whole life, forming herself. And the school—good, bad, or indifferent—simply serves as a part of her circumstances with which she interacts as she forms herself in the course of her life. The presumption that the Great Didactic can teach all things to all

people overly circumscribes both the student, disempowered as a passive recipient, and the teacher, forced to overreach as the fount of learning. The proper flow of initiative, from the questioning student to the responsive teacher, has been reversed in the Great Didactic, and this reversal has spread far beyond our institutions of formal education, becoming common in entertainment, commerce, and politics. As in the religious Reformation five centuries ago, now each person's assuming and asserting the rights of formative justice can and should renew the power of an educative inner light.[A50]

Formative justice for the person does not entail deep changes in what takes place in the support of education by and through each person. Rather the changes required for justice in the self-formation of each person have much more to do with situating control and initiative relative to the support of education with the person educating herself. The parents of each newborn must learn to listen and to hear, to decipher the infant's gurgles and cries, and then to respond appropriately. At any age, a person pursuing her self-formation needs and wants others to give simple, authentic support: *listen, hear, and respond appropriately*.

But the pedagogical priesthood has destructively overreached and assumed too many non-existent powers: *tell, test, and rank comparatively*. The presumption that the Great Didactic causes education creates deep alienation in countless students, and in teachers too. And the historical circumstances that enabled the Great Didactic to overreach, to control the mastery of knowledge, are rapidly disappearing. Digital communications are wresting control over knowledge from the pedagogical priesthood more decisively than printing wrested control over tenants of faith from the theological priesthood.[A51] Really, how do costly degrees differ from the indulgences, the certificates of salvation once peddled in bulk by the church?

Places of worship continued to thrive after the Protestant Reformation and the Counter Reformation, but on both sides, significantly, albeit imperfectly, they diversified, simplified,

and democratized. So too will institutions of education diversify, simplify, democratize, and decentralize as persons reassert the integrity of their inner lives in the work of their self-formation. A vast repertoire of exemplary cultural resources is rapidly building, available on demand at no charge or a very low price. The recognition is starting to spread that persons—children, youths, adults—can exert immense cultural power by exercising their aptness, for good and ill.[A52] Are these developments way, way off, an indefinite *nicht noch*. a wistful "not yet"? Look about! A few years ago, new curriculum standards enforced by high-stakes tests appeared, pedagogically speaking, to be a blitzkrieg of reform. But their power is melting as apt parents and children seek more control of formative experience within the Great Didactic.

In religious life, the Reformation did not begin as Church authorities were persuaded to adopt, top down, a different path to the salvation of souls. So too, an educational reformation will not start with the official promulgation of new policies and programs for the Great Didactic. A powerful reformation has to emerge with people recognizing, person-by-person, that the seat of formative justice lies within each. The resources exist for that to happen, for the child and the culture to flourish. Each has the prerogative and task, from first to last, to pursue justice in forming her capacities as fully as she can in the actuality of her circumstances. Whether with awareness, or not, she can do no other. As Lachesis, daughter of Necessity, said, "The choice makes you responsible."[11]

11 Plato, *Republic*, X: 617e. See above, p. 41.

Formative Goods and the Purpose of the Polity

And polities, like persons, make important choices by and for themselves. As the person pursues formative justice by exercising an inward sense, so the polity continually directs effort back upon itself, shaping itself by pursuing formative justice by and for its members. Through the exercise of formative justice, the polity, as an agent, seeks to form its capacities recursively in and through their use. This process should be and must be democratic, as John Dewey showed so well in *Democracy and Education*. [A53]

Each person in the polity has an irreducible stake in its actions. Each person uniquely experiences these actions as important circumstances in struggling to make of herself what she can and should become. Formative justice works historically, and its consequences take place as its members form their embodied character. Because the work of formative justice in the polity assembles numerous discrete developments by many, many persons, changing the historical character of historical communities proves slow and difficult. As an association for the pursuit of the good life, a community manifest the formed abilities and values of its members. It reflects the integral whole of what its members have made of themselves within the circumstances of their lifeworlds. Hence, the historical experience of the polity, for good and ill, discloses the ongoing formative experience of its members: what the citizens sow, they will reap.[A54]

We live in nominally democratic polities, however, which actually have within them divergent, factional interests and partial conceptions of the good. In thinking about formative justice and the polity, no group can glibly declare what policies and program would be formatively just for the whole polity. The whole polity has the prerogative and task of decision-making within it, with all its members involved, peers to one another. Let us here note how deliberation addressing what

the members of the community would determine to be formatively just, can become subverted or sidetracked. Subverting deliberation results when a party to the discussion effectively asserts its preferred possibility as if, prior to deliberation, it was unquestionably the preferred possibility of the whole community. Sidetracking deliberation happens when the deliberating parties become so concerned over a particular aspect of the issue that they forget to consider relevant and important aspects of the matter.

With respect to formative justice, the major subversion of deliberation occurs when powerful groups start speaking about the *needs* or *interests* of the whole community as if it was their special prerogative to speak for the whole. Elites work to short-circuit effective deliberation, to impose policies and programs that they favor on the whole polity, and to block ones inimical to their interests. An important step in subverting deliberation casts an issue in binary, either-or terms—make it all or nothing: a program or policy must either succeed unequivocally or fail abjectly, an action must have unimpeachable grounds or no reasons in its favor at all. To impose educational policies, the interested elite first declares that the status quo null and void and proclaims that a mortal crisis looms as a consequence. Such a declaration pre-empts discussion of diverse specific changes, creating a massive state of exception—disaster threatens, something must be done, and I, and only I, can and will fix it. We ordinarily think of such putsches as taking place with the enemy at the gate, but given the scale and pace of historic change, subversion can be slow moving if driven by well-resourced, patient elites. Let us beware.[A55]

Since promulgation in 1983 of *A Nation at Risk*, with the telling subtitle—*The Imperative of Educational Reform*—a pedagogical putsch has been slowly taking place. Powerful groups have been proclaiming the failure of public education and demanding massive change, packaged as "educational reform." This reform does not simply advance a new program here and an improved policy there. "Educational reform" amounts to turning a locally oriented, imperfectly democratic

system of public schooling into a highly technocratic, national system of instruction, one narrowly responsive to the interests of global corporate capitalism. It mandates a pedagogy antithetical to self-formation, a managerial regime that specifies the required outcomes for teachers and for students, and promulgates a powerful accountability regime to enforce it. *Cui bono*?

We can and should be highly critical of the shortcomings of our system of public education, while rejecting manipulative nonsense about its abject failure as an effort by plutocratic interests to reduce the limited opportunities enjoyed by the great majority of persons to exercise formative justice in the direction of their own lives. The movement for educational reform threatens to convert the Great Didactic into the Leviathan of Learning. In place of massive reform, let's pursue many specific, concrete ways in which people can make their homes, communities, workplaces, and schools more conducive to self-formation by the young and old alike. That calls for open, thoughtful deliberation in which all meet as peers with none specially privileged.[A56]

Localities, the natural communities within which people live, can and should be sources of shared initiative—starting and maintaining a community garden, agitating against a local polluter, mobilizing support for the elderly, resisting globalization with cooperative businesses, undercutting efforts to privatize community goods and services, ensuring that police and human services respect and benefit the local populations that they serve.[A57] Larger jurisdictions—state, national, and international governance—can and should use formative grounds to provide infrastructure and mobilize the resources of the commonweal for use where people work and live, distributed on principles of justice as fairness.[A58] For such things to begin to come about, we need deliberative practices and spontaneous organization, not only to keep them free of subversion by powerful interests, but also to ensure that they do not become sidetracked by one-sided concerns. Here, inadequate attention to formative justice relative to more clearly

focused types of justice can skew deliberation.

Affluent consumer economies deal primarily with "formative goods"—products and services that on the one hand get distributed as personal or public goods and on the other serve as resources in the formative activities that people engage in. People value the obvious formative goods like schooling, medicine, and other human services, and they treat many consumer products as formative goods as well because they can use them in giving shape to the lives they wish to lead—cars for transportation, phones for interpersonal communication, computers for managing information, rent and mortgages for housing and durables for keeping house, and all sorts of goods with which to make and do things. With formative goods, people can primarily value getting and having them, seeing them as desired goods, like a piece of jewelry, or they can concentrate on using them as formative resources with which to extend their perceptive, active, and self-directive powers in living their lives—a hearing aid, a gym membership, or a financial advisor.

Almost everything has this dual quality, partly a distributable good and partly a formative resource. How we weight the two qualities in any matter influences how we tend to think about it. If a person thinks of something primarily as a distributable good, she will be concerned primarily with whether and how to acquire it. If, however, she thinks of it primarily as a formative resource, she will concentrate on its potential uses and the value that it may or may not have in shaping her prospective experience. Curiously, in modern life, especially in the United States, a great deal of concern for formal education, a highly formative, formative good, nevertheless treats it primarily as a distributable good, with lots of attention to who gets it, in what form, and at what cost.

For complicated reasons, distributive justice has become central to public conflicts over access to educational opportunities. Education has become a substantial expense, both private and public. Although all suffer, perhaps grievously, when democratic polities prove incapable of choosing prudent leaders, many people believe they do not directly benefit from the

public expenditures for schools. They feel an avaricious interest in holding down public expenditures on them. Provisions for mobilizing public resources have developed over a long time in opportunistic, haphazard ways that have resulted in many inequities respecting both burdens and benefits, occasioning much agitation and litigation. The costs for private education have risen rapidly sharpening competition for public and philanthropic support. The efficacy of educational expenditures, both public and private, has come under increasing criticism. New providers of educational services, promising higher benefits at lower costs, have begun to compete with traditional educational institutions. Courts have tended to declare a sound, basic education to be a right of every child, with access to further education allocated on meritocratic conceptions of equity.

It's a muddle. Who gets access to what education will long remain a muddle fraught with issues of distributive justice. Those realities notwithstanding, people can cut through the muddle, at least conceptually by reflecting on formative justice with respect to the provision of instructional opportunities. Thinking about formative justice will not lead to a criterion of equity with which to distribute educational opportunities with less contention. Distributive justice and formative justice differ, each of which applies to formative goods. But considering purpose, motivation, and capacities through formative justice can lead people to form new intentions perhaps leading to different results. In lieu of full consideration, let us here sketch how more attention to the formative dimension of education, relative to the distributive, might alter how we think about key policy issues.

Conceptions of distributive justice have come to rationalize access to education, health care, and a range of public services, with costs and benefits allocated according to a conception of equity, with a lot of contention over what conception of equity should rule. Public policies have become very contentious in heterogeneous polities. Many persons strongly uphold a market economy, untrammeled property rights, minimal public expenditures, privatized public services, and the

practice of interest group politics. Many other persons favor social democratic practices promoting egalitarian relationships, full employment, affordable health care for all, high investment in material and social infrastructure, and achieving a sense of life-long security for all. The distribution of formative goods appears to be increasingly stymied in a zero-sum conflict between adherents of conflicting conceptions of equity in the polity.

In heterogeneous polities criteria of equity by themselves often do not yield an effective consensus about how to develop and distribute formative goods. Greater attention to principles of formative justice in these deliberations might lead to a more effective consensus about the support of education and human services and other matters as well. Disagreements about better and worse policies would certainly still occur, but they would be far less likely to be zero-sum disagreements. On formative grounds, the question of who gets what formative goods ceases to be a matter of equity and becomes a more prudential matter in which it may not be as hard to see that all members of a community have a common interest in developing the capacities of everyone.

Many formative goods originally became matters of public policy because they were formative concerns of significance to the whole polity, not because they were distributable goods possessed according to rights or entitlements. Modern states instituted compulsory schooling for formative, not distributive reasons. Even special programs such as Head Start, exist primarily to provide impoverished children with a formative, early educative opportunity aimed to enable them to benefit more fully from their later schooling. We should think of them not as distributive entitlements for special groups, but more as an effort to develop capacities among underserved groups that have value for the whole society. Public goods that the polity distributes as matters of equity surely include educational opportunities, but even more, the polity should care for the formative experience of all its members as a formative responsibility of the polity undertaken by the polity for the good of the polity and all its members.

Putting the matter on a formative basis in one sense may seem to diminish it, buffering it from high-minded arguments of equity. Formative justice largely calls for a special type of utilitarian reasoning, not to implement the utility but to define and form it. Thomas Jefferson, among many others, explained it well:

> "... by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness.... Preach, my dear Sir, a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know that the people alone can protect us against these evils ['ignorance, superstition, poverty and oppression of body and mind in every form'], and that the tax which will be paid for this purpose is not more than the thousandth part of what will be paid to kings, priests and nobles who will rise up among us if we leave the people in ignorance." [12] [A59]

Somehow the very practical, formative mission of education for all has become obscure. Now we increasingly allocate access to instruction on distributive grounds and deliberate about the equity of different distributions, a deep confusion of controlling principles.[A60]

Historically, the original impetus for providing all sorts of common, shared goods originated in the pursuit of formative justice, not distributive justice. For instance, people join together to institute good sewage systems benefitting everyone not because it was equitable that all should benefit, but because it served the formative interests of all by reducing the danger of life-destroying contagions. Even something like affirmative action policies, often justified as equitable recompense for past injustices, can in some ways be better grounded as policies of formative justice, ensuring that people who have

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12 Thomas Jefferson to George Wythe, August 13, 1786. *The Papers of Thomas Jefferson: Digital Edition*. Main Series, Vol. 10, (1954) pp. 243–5.

been unduly stunted through past neglect and abuse, can develop their human capacities more fully, to the direct benefit of many and the indirect benefit of all.[A60a]

Polities do not flourish and underwrite their fulfillment by stunting the talents distributed among their members. Our political processes have great difficulty building a consensus about distributional equity in many matters—the rights of women and minorities, the management of immigration and refugees, open access to information, investment in effective infrastructure, environmental protection and the conservation of resources, even national defense. We should note that all of these matters, and others as well, have significant formative implications. Look for instance at tax rates a populace will deem equitable at times when it mobilizes for all-out war, hot or cold, which radically jeopardizes the formative future of its members.[A60b] People have those formative interests all of the time and we should give them their due more assiduously. Let's live in a polity that supports as fully as possible the efforts that all of its members can and should make to develop fully their human capabilities.

Some readers may respond that such a polity would be nice, but . . . the liberal polity protecting the rights of property rests on principles of distributive justice and precepts of formative justice should apply only insofar as they do not contravene the foundational matters of distributive equity. Classical liberalism, a powerful version of this view, holds that the polity exists for the protection of property and the liberties of its citizens. Any action in the name of formative justice that would limit the equity of the property holder would violate the compact at the foundation of the polity. We can and should examine such reasoning carefully in the light of formative justice.

Markets for the exchange of property may often serve as effective means for allocating resources. But people err in thinking that distributive justice, preempting formative justice, can privilege markets and private property as matters of equity. Formative justice preceded the rights of property; a pursuit of formative justice, embedded in the lived experience of each person, motivated the creation of property, both public

and private. This assertion does not introduce a novel consideration, for the reasoning at the core of liberal doctrine entailed it.

Formative labor was integral to the definition of property in the liberal theory of the state. As John Locke stated in his *Second Treatise of Government*,

> Though the earth, and all inferior creatures, be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property.[13]

What did this property creating labor do? It improved the stuff of nature; it formed unimproved circumstances into something distinctively human, converting it into properties of the humans forming it. The liberal theory of the state recognized that nature belonged to all in common and property arose, explicitly exempting it from primordial rights, through the formative effort with which persons made it useful for their purposes. The raw stuff of nature, common to all, became the property of the persons who formed themselves by forming it with their improving labor. In doing so, persons also changed and developed their own faculties through their labor, forming themselves and the civilized communities in which they lived.

By equity alone, the natural order for Locke was a vast, unimproved commons, to which each person had an equal right. Locke called that primordial commons, "the waste," the wilderness of nature. As he saw it, people formed themselves into members of civil society using the formative power of human labor to transform the common waste into "property," into farms, estates, towns, and cities; into institutions and laws of civilized polities. But Locke left classical liberalism with a lacuna by confounding the commons with an imagined, raw

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13 John Locke. *Two Treatises of Government*. Bk. II, Ch. V, Sec. 27.

state of nature, leaving an improved commons, a real, historical commons, in a theoretical limbo.

Locke's description of how property originated was substantively thin. He seemed to have imagined it as a primitive act of enclosure, when someone staked out a field and improved it, clearing away trees and underbrush, perhaps adding a wall or fence, maybe even a ditch for drainage. But as people emerged from prehistory into historical times, they did much more with their formative labor than clear and cultivate a field. With formative labor, they created the household, the *oikos*, a sphere largely of private property employed for both production and consumption. But with their formative labor, they also created a commons, not the waste of which Locke explicitly spoke, but the *polis*, a sphere of common resources, formative achievements, held by and for all, including multiple households. These common improvements, a vast wealth of formative capacities—know-how for working wood, laying foundations, forging iron, hitching harnesses, caring for and planting seed, surveying and surfacing roads, recording precedents and applying the common law, and on and on, applying it all to create a shared infrastructure for communication, community defense, festival, barter and trade, worship, wonder and inquiry—all this formative labor was as much a part of forming the human world as digging a drainage ditch or knitting a sweater in the confines of one or another household.

We can agree with Locke that property results from formative effort, but that property, from the beginning, was both public and private. The state exists for the promotion and protection of property, the fruit of formative effort in all its manifold forms. Persons themselves make property, "the characteristic quality of a person or thing" (OED, 1a.), from what they can and should become. If we read Locke thoughtfully, filling in with our fuller knowledge of early historical experience, we should conclude that the liberal state exists for the promotion and protection of formative justice, the birthright of each person, as each forms her capacities as a creative member of the polity.[A61]

In its fullness, our human world—the world of culture, art,

economics, politics, technology, religion, society, education, communication, farms, cities and towns—comprises a world of, for, and by human self-formation. Responsible actions respond: public life responds to self-formative effort, responsive to it, and in articulating their public purposes, people should examine vigorously whether and how their public lives will fulfill that responsibility by responding fully to their shared task of self-formation. Formative justice has three basic concerns.

- The *intellectual*: Will implementing our programs and policies culminate in a polity that incarnates the values and principles we actually hold and seek? Will they allow each member of the polity to make of himself what he can and should become? Do we constitute our public life so that we can make sound judgments about our purposes through it? Do we effectively articulate and prioritize public possibilities, assessing them for feasibility and worth, progressively eliminating those that seem too risky, too high in costs, too low in benefits, unfit, unworthy, inappropriate? Do the possibilities that persist, after we have winnowed those that do not pass muster, define a polity that we realistically, reasonably value?
- The *emotional*: What will motivate members of the polity to embrace the policies and purposes under consideration? People exercise intentional control through their *emotional* weighting of purposes, amplifying some, weakening others. Currently most people concentrate their emotions on more private matters and public emotions tend to be addressed at highly particularistic issues—abortion or gun rights. If they consider it, each person has a rather concrete stake in formative justice. Can people begin to see that as the basis for strongly held, inclusive emotional bonds throughout the polity? What value and meaning will these goals have for the whole polity and for those who will need to make tangible sacrifices, or forego benefits that others may enjoy, in pursuing the proposed courses of action? Why should this or that

purpose become a goal of the shared political will?

- The *existential*: How will people marshal and exert their perceptive, active, and self-directive powers in the immediacy of their experience, doing what they do to fulfill the complex flow of their civic intentions? In large polities like the United States, nominal democratic procedures function in highly mediated ways, giving well-resourced groups ample opportunity to manage civic deliberation. We might fight for autonomy by cultivating the capacity to discriminate between acquiescing in channeled behavior and engaging in public interaction.[A61a] For the ordinary person, public life amounts to some periodic choices, often highly alienated. How can a democratic, formative will find itself and assert itself at the level of the polity? Can people initiate meaningful formative goals in their localities and build out from there to a more encompassing democratic vision of the good life?

Public discussion includes thoughtful examination of such questions, but simplistic advocacy, for and against, highly particularistic goals too often drowns out the inquiry.

The Stakes of Formative Justice

As we have observed so far, most public goods are formative goods and it makes sense to justify provision for them in large part through the principles of formative justice, not distributive justice. By treating them simply as matters of equity, people lose sight of their essential purpose. By reinvigorating the formative arguments for ensuring that all receive an optimal education, for investing in the health, vigor, and creativity of persons and the public, and promoting the advancement of knowledge and the arts, people will strengthen their sense of purpose, their motivations, and their capacities. Active consideration of formative justice in our public life will revitalize our shared, common life.

If the members of a polity associate to pursue together the *good life*, doing so requires more than defending the private person's right to material property. A person creates property, "the characteristic quality of a person," through her labor, drawing on and contributing to both her stock of private and public properties. The good polity will become good by fully supporting each person's autonomous effort to contribute to the betterment of humanity what she herself makes from what she can and should become. She forms herself within both the private and the public sphere.

These considerations of formative justice deserve to be taken one step further: can full attention to formative justice strengthen the shared commitment to a democratic practice throughout the conduct of life? No polity has achieved the full historical development of democratic self-governance. Democracy in cultural matters has not been fully understood and realized, and current polities have very limited meaningful democratic participation. Both cultural democracy and participatory democracy have been hovering on the horizon of shared aspiration, but no polity has really succeeded in giving either concept clear substantive meaning. Most people remain consumers of culture created by small elites, and as the scale of politics becomes global, on an ongoing basis political action impinges on most people as recipients, not participants.

Can the concept of formative justice help extend democratic participation in the work of cultural and political life?

So far, the more democratic societies have instituted what might be called *supply-side democracy*: we, the elites, give you, the people, what we think you need and want and you get to vote for or against it. In supply-side democracy, programs and policies tend to be highly behavioral, paternalistic. Both public and private enterprises provide many goods and services by identifying the demand or need and satisfying it directly as an end result. Distribution and access become desiderata. Sales and attendance get counted, and their totals indicate success or failure: whether those who buy the bestseller read it matters little. In a supply-side culture, clients need to exert little agency beyond expressing consent by paying taxes or meeting a market price. Does cultural democracy and participatory democracy require more democracy in supplying culture and more direct participation in making decisions in democratic governance?

Let's think about how we might answer this question, not through the current system of public life, but outside of it.[A62] The dominant elites in the current political economy shore it and themselves up by inculcating a climate of fear and insecurity. The whole system rests on the premise that economic rationality rules everything, its legitimacy established by providing economic growth, and whoever fails to do their part in maximizing returns on investment irresponsibly put a break on the engine of capitalist innovation. The fundamental mode of judgment in that system—where sound judgment yields *more*—prescribes instrumental excesses. In pursuing formative justice, a person must be adept at judging not *more*, but *enough*—neither too little nor too much. To compensate effectively whenever an inner sense warns of an imbalance, the person adjusts with what she judges to be enough countervailing effort, neither too much nor too little. Cultural democracy and participatory democracy will thrive as we discover how to displace the drive for more, ever more, with a well calibrated sense of *enough*.[A63]

Material abundance does not guarantee the quality of life;

sufficiency does. Return on investment does not measure human value; human values determine the worth of invested capital and labor. An ever-maximizing, economic rationality does not rule our lives. We do not need to be envious of the vast fortunes the very few amass; we can marvel at their stupidity as they slave for more, ever more than they could possibly need. We can choose to engage in cooperative enterprise and maintain decent pay and secure employment legally and humanely. Doing so might elicit a sense of commitment and worth. The commons, intellectual and physical, produces resources, usable by all, resources to which each can contribute his efforts at will. Instead of always needing more, we can and should learn how to seek just enough, and work towards a commons that maintains and provides it? *Enough* charts the path of both freedom and fulfillment, a slow one, a steady one.

People pay too little attention currently to the role the apparent recipients of important activities can and do play in them. The path outside the dominant system will lead to our recognizing that apparent recipients actually can and should be the key participants, the demos leading where it will. For instance, in thinking about formal education, currently people pay extensive attention to the agency of schools and teachers, and some to parents, in the process. They pay little attention to the agency of the children in their own education. They speak habitually of children receiving education. The dominant pedagogies use a compulsively behavioral understanding of children to devise instructional schemes, which consequently require much compulsion and management to enforce.[A64]

How much school time gets spent in enforcing order? The whole program prods the child this way and that—or should I say, "stimulates," "interests," "leads," or whatever euphemism you prefer. Assessment documents the child's responses, according to one or another rubric, simple or complex. Here and there we find constructivist and flipped classrooms, a heroic teacher consistently responding in class to each child as an autonomous person, or a school with a thoroughly progressive pedagogy. But those special situations

seem beleaguered, uncomfortable parts of a larger system. In it, set curricular expectations reign, formal procedures regulate advancement for both teachers and students, and everyone works within a built environment designed to implement the work-flow of the Great Didactic.

A reformation from outside the system will come as we ask incessantly, what can the child do in pursuit of her self-formation? And equally, what can teachers and parents do to respond to the self-forming child, helping her manage her efforts with optimal effect? Attending to formative justice requires recognizing the autonomous self—*auto* (the self) plus *nomos* (the norm), the self-norming agent. The person engages in forming and maintaining herself. Groups, large and small, also form and maintain themselves through autonomous efforts, devilishly complicated to chart, which aggregate the many-sided subjective social interactions among the persons involved.

Persons or groups, although self-norming agents, clearly respond to external influence by other agents and by circumstances. Force, and all manner of conditions, may compel particular behaviors by autonomous agents. But in acquiescing, the constrained agent may act in a way very different from the apparent behavior. Truly formative influence affects action, a doer's doing as subjectively understood by the doer, not merely behavior, what happens in apparent response to impinging forces. To affect action, formative influence must recognize and respect the agent's autonomy.

Legitimate influence, influence that the agent incorporates into his efforts at self-maintenance and self-formation, first secures assent, then suggests direction and means. Looked at from the perspective of formative justice, too much educative activity fails to recognize and respect the autonomy of the recipient. "Do this; learn that; it's good for you, I know." Too much educative work starts from the premise that the plastic pupil or the passive student lacks an autonomous will that deserves respect and recognition; the premise assumes that with paternal care, well-conducted instruction can and should mold

the latent person, which still only responds to the force of external stimuli, into a self-governing adult, an assumption doomed to fail.

In contrast, genuine pedagogic influence can do great good, but it must start by recognizing its recipient as a fully autonomous agent, however immature, as a person with a will, an agency, fields of perception and action, in and through which she lives. The student may not act freely, in the sense of unconstrained; but he acts autonomously in the sense of self-norming. All life has an autonomous will; the educator must work with and through it. Rousseau recognized that all living organisms followed their autonomous will, and consequently for him education in accord with nature would take the primacy of that will carefully into account. The pupil does not sit there, perfectly plastic; mere stuff for the educator to squeeze into this or that mold. Pedagogic influence must start from full, reciprocal recognition between instructor and student, a recognition through which the recipient of influence assents to it, makes it her own as part of her ongoing self-formation.[A65]

Real assent does not come lightly and those who seek to wield pedagogic influence easily short-circuit the student's assent and deceive themselves about it. With unctuous art, stern force, or patient repetition the influencer can compel behaviors in others that make it appear that assent has been won and the outcome mastered. The child seems happy, disciplined, the lesson learned. But from unctuous art the recipient learns a naïve dependence, from stern force, sullen servility, or from patient repetition, anomic conformism. The vast majority of formal educative effort works on behavioral principles, treating pupils and students as black boxes, devising stimuli delivered through good teaching method and expecting concomitant effects measured through timely assessments. The resultant schooling functions as a productive process working on dead matter.

For a representative example, look carefully at "Teachers and Leaders: America's Engineers of Learning and Growth," a U.S. Department of Education web page during the Obama

administration. It presents education as a production process resting on the labor of the teacher. It touts programs that will *produce* the teachers who will *produce* the students who will "to be engaged citizens and meet the demands of the increasingly complex and global economy." Does this page, and others like it, depict students as flesh and blood children and youths, caught up in the flux of their personal experience? The engineers of learning and growth often soften slightly the language of production engineering—"to set students on a path of success," "to advance student outcomes," "to cultivate talent at high-needs schools."[14]

We no longer recognize formal education as something taking place in the inner lives of persons, many early in their work of self-formation and some more fully advanced in it. So too, much informal communication in the public sphere and in intimate space, ignores the inner lives persons interacting together and aims instead to compel a favored, outward outcome. Talking points and tendentious constructions, not to mention outright falsehoods, do not convince autonomous persons. Base manipulations deny the living integrity of those from whom they force this effect or that behavior.

Such degradation of humanity, such denial of life, courses through politics, education, entertainment, industry, commerce, philanthropy, and public life. The great difficulty arises because the pervasive denials of autonomous agency often take place in good faith, through agents who act autonomously themselves, well-meaning but thoughtlessly oblivious about what they actually do. "From the moment students enter a school, the most important factor in their success is not the color of their skin or the income of their parents, it's the person standing at the front of the classroom."[15] Surely Pres-

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[14] U.S. Department of Education. "Teachers and Leaders: America's Engineers of Learning and Growth." Retrieved April 2, 2016 from http://www.ed.gov/teachers-leaders. Government sites change and readers can access a copy here.

[15] President Barack Obama quote without source citation at *Ibid.*

ident Obama did not mean to do so, but such talk deeply alienates the student from his own effort to define and pursue his success. To adapt our educative efforts to the pursuit of formative justice, we need to be careful to respect its principles: teachers and leaders do not engineer learning and growth.

Retraining teachers and school administrators may improve the circumstances in which students pursue their self-formation, but to right the pedagogical situation, pupils, students, parents, teachers, administrators public leaders, and the populace at large all need a different understanding of the situation in which educative efforts taking place.[A66] An educational reformation, and its counter-reformation, will come about through a transformed perception of the problematic in human experience that leads people to engage in their own self-formation.

- What will the polity make of itself, from what it can and should become?
- How can it enable each person within it to contribute what she herself will make of what she can and should become?

These questions lead to further, more specific ones:

- Why don't educators research how a job market, which would sustain full employment in interesting jobs rich in opportunities for meaningful self-formation, would facilitate the exercise of formative justice by citizens throughout their lives?
- How do school experiences relate to meaningful support for community cultural activities?
- If legally compelling the young to attend schools has legitimacy, why do we not legally compel employers, proportional to their cash-flow, to fund decently paid internships of two-years or more for all youths on their completing their schooling?

If we put our minds to it, there can and should be many ways to leaven formative justice within the Great Didactic and without it.

Providing for formative justice requires hard reasoning supporting careful, informed judgment, without privileging the existing system. Promoting formative justice enjoins much more as well. Fulfillment depends on achieving honest deliberation in free, self-governing polities—local, regional, national, and global—with all meeting as peers to one another. Fulfillment entails forging a sense of commitment to each other and to the betterment of all, a belief in its rightness, in rights imbued with dignity and the moral authority that moves the human spirit. Fulfillment then needs what seems hardest of all, a charisma that does not induce complaisance, hostility, or fear.

Each person has the right and duty to contribute to the betterment of humanity what she herself has made from what she can and should become. All merit justice in its most fundamental meaning, formative justice, the right to participate fully in what makes humans fully human. Listen to Martin Luther King, Jr., writing from the citadel of the civil rights movement, the Birmingham Jail:

> Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.[16]

The great protest denounced long sanctioned injustices and called for a vision of a more just polity, one dedicated to a justice that uplifted the human soul and opposed an injustice that distorted the soul with pretensions to unmerited superiority and stigmas of undeserved inferiority.

Martin Luther King, Jr. stood for formative justice and formative justice, the right of each person to seek fully her self-formation and self-determination gets people into the streets—against apartheid and segregation; for the rights of

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16 Martin Luther King, Jr., "Dr. Martin Luther King, Jr. to White Clergymen," *Letters from Black America.* (Pamela Newkirk, ed., Kindle edition). Location 2579.

women, minorities, and the persecuted; against dehumanizing racism and prejudice; for the dignity of both labor and leisure; against the rule of bureaucratic apparatchiks; for the exercise of freedom through speech, assembly and public action; against manipulation by the privileged; for transparency in government and corporate office; against war and violence; for the care of the earth, the human habitat, and that of all of life.

Let pupils and students query themselves about formative justice in their lives. Help them ask what their purposes entail and whether achieving those purposes will bring them what they really want. Let them say what moves them; what they hope for and want to try; what angers and gives them joy. Find out, as they grow and mature, what abilities they seek; what skills they think they need; what they worry over, yet want, seeing a challenge, difficult, yet important. Let them see you do all this as well, forming yourself as an active agent, alive to the uncertainties of life. Model to others of every age the formative life. Show to yourself and to the world, how, with Rilke,

> … to be patient toward all that is unsolved in your heart and to try to love the *questions themselves* like locked rooms and like books that are written in a very foreign tongue. Do not now seek the answers, which cannot be given you because you would not be able to live them. And the point is, to live everything. *Live* the questions now. Perhaps you will then gradually, without noticing it, live along some distant day into the answer.[17]

Perhaps in some distant day we can live into a different understanding, one achieved through an extensive, many-sided examination of formative justice in our lives, personal and public. Let us live into the answers, engaging the difficulties, embracing the possibilities, inspiring formative effort.

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17 Rainer Maria Rilke. *Letters to a Young Poet*. (M. D. Herter Norton, trans., 1954). p. 35.

Annotations

Readers can choose to engage the following annotations, if at all, in several ways. I've tried to make it easy to go back and forth between the text and the annotations where a reader might want to. Doing so may give the essay a greater sense of depth, but in writing it, I hoped it would sustain a primary reading that flows right through from beginning to end. Hence, I imagined that readers who found the ideas in the essay engaging would continue after it, musing their way through the annotations.

In what follows, I cite a lot of material, not as authorities warranting my assertions, but to indicate the provenance of my thinking—to show where I'm coming from. I *think* a lot, and even *read* a lot, but I really don't *know* very much. I don't write to contribute my increments to knowledge. I write to formulate and express what I think, publishing my thinking to do it in the company of others. I hope you will join in, or publish your thinking in turn. The conventions of academia have destroyed our taste for an important genre that fits this essay, with its annotations—*thoughts concerning* a chosen topic. Let's bring the genre back.

[*** I am committed to the annotations as I think they add much substance and interest to the work. I am cognizant, however, that some annotations are more effective than others and that I can improve many and should get rid of some. I am continuing to work on them.

- Which should I try to make more assertive, perhaps in a Nietzschean style?
- Which seem under-developed, over-developed, off-putting, confusing, expendable, . . . ?

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[A1] The Public Use of Reason

Immanuel Kant's response to the question— What is enlightenment? —should set the tone for this essay.

> *Enlightenment is the human being's emergence from his self-incurred minority*. Minority is inability to make use of one's own understanding without direction from another. This minority is *self-incurred* when its cause lies not in lack of understanding but in lack of resolution and courage to use it without direction from another. *Sapere aude!*

Freedom to reason publicly would best sustain efforts to emerge from self-incurred minority, Kant asserted. He distinguished between the public use of reason and its private use—

> by the public use of one's own reason I understand that use which someone makes of it as a scholar [as Emerson's person thinking] before the entire public of the world of readers. What I call the private use of reason is that which one may make of it in a certain civil post or office with which he is entrusted.[18]

When we speak as an autonomous member of the public, potentially addressing anyone and everyone, we naturally use public reason, for we cannot make parochial assumptions about our readers. When we speak from a role, representing or performing an office of some sort—as an official, an executive, a bureaucrat, or philanthropist, as a doctor, lawyer, or other professional, as a journalist, a school teacher, a professor, a priest or a minister—we voice private reason limited by the role we perform, whether by law, convention, or ethics. In Kant's view, and ours here, the private use of reason treats both writer and readers as minors, who depend on a limiting, specialized role, one appropriate for persons who cannot entrust themselves fully to think for themselves.

As writers and readers, norms set by multiple roles limit us almost all of the time. Why? We've all been taught to speed-read, to slate down the essential information in our lifelong role as *learner*. To keep up the pace, we don't want to stop to think too much. Rather than decide for ourselves, we

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18 Immanuel Kant, "What Is Enlightenment?" in Kant, *Practical Philosophy*, (Mary J. Gregor, trans., 1996), pp. 17–22, quotations, pp. 17 & 18.

want to take things on authority. And for that, we expect writers to stick to their specialty—what else would give them the right to spout off to us what they *know*?

Here, let's follow Kant and put that childishness aside. In the present day, freedom to exercise the public use of reason, which Kant held to be fundamental to the work of enlightenment, suffers far fewer religious, political, or academic controls than it did for Kant and his peers. But the professionalization of intellectual work has strongly habituated academics, intellectuals, and the general public to using our reason privately, confined by the conventions and constraints of the specialty that each feels called to profess or absorb. Here, we hold no constraints of private reason in force. We can and should address justice and education through the public use of reason, writing and reading, thinking together as peers within the whole public of the literate world with presuming special authority.

In using our reason publicly, we do more than recite knowledge. We use what knowledge we can muster and leaven it with speculation—the possible, the hypothetical—to try to give a full, complete response to our questions. In doing so, we do not merely make things up, but try to the best of our ability to give a complete account of what we think. A discipline of coherence and plausibility regulates the melding of the speculative with the known.

Hence, the argument needs to hold together with meaningful consistency between knowledge and speculation. We can and should develop it further through a process akin to what philosophers call *reflective equilibrium*. Reasoning that compounds knowledge and speculation passes the test of falsifiability, for as new knowledge becomes available, it can easily show a key speculation to have been wrong, breaking the coherence and plausibility of the whole argument. Many writers much of the time reason out a compound of knowledge and speculation, a practice indicated by a friendly "let us assume" or an interjected "I think."

An anonymous reviewer complained that I do "not engage with literature in education or the philosophy of education,

and the broad range of sources the author draws on—Heraclitus, Rilke, Adams, Plato, and so on—aren't commonly written about together." The reviewer averred that I should explain my idiosyncrasy. To wit: if we are to reason publicly, engaging Kant's "entire public of the world of readers," we should try to make ourselves as clear as we can, drawing as best we can on the full range of intellectual resources we judge relevant to the questions at issue. Only the private use of reason would privilege, *ipso facto*, the specialized literature in education and its philosophy. Relying on a specialized literature puts reader who are not specialists in one kind of minority status, while inviting the reader who is a specialist into another kind, a Yertle-the-Turtle who confuses his pond with the wide ocean.[19]

Questions of justice and education have relevance to everyone, not only an insular cadre of specialists, and we should write about these questions, drawing as fully as we can on our whole cultural heritage. To reason with the world of readers, we draw not only on sources that specialists commonly write about together, but on all those that might help the world of readers think in valuable ways about justice and education. Of course, both the writer's and the reader's horizons in the whole world of readers will differ, but with the whole world in play, their horizons have equal legitimacy, enabling writer and reader to test and recognize each other as peers.

Contemporary thought suffers from problems arising with the pervasive privatization of reason as Kant understood it. This privatization creates difficulties with both *popularization* and the *public intellectual*. In Kant's view, when a thinker uses his reason publicly, reasoning with the entire realm of potential readers in mind, his thinking will help everyone lead themselves out of their minority, that condition in which they do not trust their own judgment. Too often, the popularizer says in effect that his readers cannot trust their own judgment because the matter at hand requires special preparation and

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[19] See that masterpiece of educational philosophy, *Yertle the Turtle and Other Stories* by Dr. Seuss (New York: Random House, 1958).

knowledge in order to think independently about it. The popularizer in effect insists that only the private use of reason can deal with the matter. In contrast, popularization that advances the public use of reason must not merely inform readers about an esoteric and difficult subject; it should engage all of them in thinking critically about it, each potentially using his independent judgment and his own world of reading to advance understanding of the matter. Popularization through the private use of reason treats those in the audience as mere spectators. With the public use of reason, the audience consists of participants, the popularizers' peers.

Often too, the public intellectual can reinforce his readers' status as minors. Someone engaged in the public use of reason thinks independently before the whole world of readers, not some particular group of readers, whose limits define the boundaries for the private use of reason. We often presume that public intellectuals engage in the public use of reason, which at their best they do. But as someone builds a reputation, the public intellectual often stops thinking anew and ceases to voice his independent judgment to readers who will respond through their independent judgment. Then the public intellectual starts essentially repeating himself, writing for his audience, a high-class version of Hollywood's penchant for peddling sequels to past blockbusters. And as views on public issues segment, impatient public intellectuals can far too easily package views to slate the thirst of one or another bounded group. Echo chambers soon confine us in childish unreason.

Needless to say, if we look carefully at the pedagogical strategies used throughout instructional systems, we will see that they are largely adapted to habituate us all to expect reason to be used privately and to feel, not empowered, but anxious, each distrusting what she herself thinks when confronted with powerful examples of reason in public use. The discomfort among the well-educated engendered by a work of public reason like *Democracy, Incorporated* (2008) by the late Sheldon S. Wolin exemplifies the problem. Kant thought that the public use of reason would draw people out of their minority

precisely by challenging reader and writer to judge for themselves the limits of their existing knowledge and awareness, drawing both onward to fuller autonomy.[20]

[A2] Why worry about *acting justly?*

I want to ask this question naively, without imputing a tacit conception of justice to it. We have difficulty thinking naively because what we recognize as thinking, the stream of our conscious thoughts, has lost its naivety. The question asks why and how did a concept of justice come into existence. To ask this question naively, we must resist the urge to have conscious thoughts about the concept of *justice*. In thinking with a concept of *justice*, we are engaging in thinking normatively, in using a *concept* of justice, a sophisticated form of thought. To start naively, we need to recognize that thinking, as an aspect of acting, encounters inherent normative challenges evoking judgments of worth. The suckling infant may regulate its demand for the teat by a compulsive need for nourishment, but soon or late its need diminishes and an experiential judgment occurs as the infant turns its effort to some other need—sleep, burping up gas, excretion, or wonder and confusing at inchoate sight and sound.

Both the inner life and the ethical life have deep roots in our living our lives and in the experiential history of human life and, I believe, the life experience of other creatures. We need, at the very least, empathy with the complexity of prereflective experience. We should push ourselves to start this essay prior to the historical or philosophical literature on the topic of justice. Of course, we have all read a portion of that huge literature and learned much from it, but let us try to start from a position prior to and different from that in the literature. I do not want to avoid dealing with it, but in dealing with

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20 For an excellent resource in thinking about the public use of reason, see *What Is Enlightenment?: Eighteenth-Century Answers and Twentieth-Century Questions* edited by James Schmidt (1996). In "Education and the Public Use of Reason," a talk at the University of Tulsa (March 11, 2025), I explored the problems arising with the pervasive privatization of reason as Kant understood it.

it, I have come to think that it sets out from an unproductive starting point. Here I briefly explain.

First, much of sophisticated thinking extends a tradition of contract theory based on 17th- and 18th-century ideas that are highly dubious. In recent decades, interesting studies of human prehistory have reflected on human evolution, inquiring about how human consciousness and thinking might have emerged. Such studies make a good propaedeutic for thinking about why a concept of justice might exist. Good places to start are *The Brain: Big Bangs, Behaviors, and Beliefs* by Rob DeSalle and Ian Tattersall (2012) and *A Natural History of Human Thinking* by Michael Tomasello (2014). Works such as these help greatly to reflect on the experiential setting for the possible emergence of powerful concepts such as justice. To locate that emergence within actual historical settings, I have found studies of early Greek concept formation very helpful, especially *The Discovery of Mind: The Greek Origins of European Thought* by Bruno Snell (T. G. Rosenmeyer, trans., [1946], 1960). To grasp the conceptual source of important ideas, we need to consider first-person, phenomenological experience rather than imaginatively observe people somewhere, sometime suddenly contracting a set of rules and legitimations.

Second, although everyone finds it hard to avoid all anachronism, contract theories, from Hobbes through Hume and Rousseau and up to the present, seem egregiously anachronistic. Asking why people have a problem of acting justly differs significantly from asking how the concept of justice might have originated. Origins are masked in obscurity, and efforts to describe what cannot be seen entices theorists into circular explanations based on anachronistic fictions. In *A Theory of Justice* (Revised edition, 1977, 1999), John Rawls based his theorizing about justice by speaking about "the circumstances of justice," (section 22, pp. 102–5) which in his view simply restated Hume's account in *A Treatise of Human Nature* in *The Complete Works and Correspondence of David Hume*. (Electronic Edition 2000), Bk, III, Part II, Sec. ii, pp. 484–501. Both Hume and Rawls suggest that humans were at

once sociable and competitive, and they found external goods both valuable and scarce, they would tend to fight over them until they adopted, in Hume's words, “a convention entered into by all the members of the society to bestow stability on the possession of those external goods” (p. 489). The members would judge that convention good and after “it is entered into, and every one has acquired a stability in his possessions, there immediately arise the ideas of justice and injustice; as also those of *property, right,* and *obligation*” (p. 490). All this seems plausible, but perhaps a bit too convenient, too imbued with the calm reasonableness of 18th century skeptic and the 20th century academic.

Rawls really engaged in wish-fulfillment. He imputed to an imagined origin, the calm reasoning of an academic seminar: “the intention is to model men's conduct and motives in cases where questions of justice arise” (p. 112). Both Hume and Rawls had a quite orderly idea of justice, something that would modulate competition in the distribution of goods under conditions of moderate scarcity. They wanted to model an elemental social setting in which readers would find it plausible that people would adopt principles appropriate for a highly developed social setting as a solution to their distributional predicament. “The circumstances of justice” were far too circular. To test them, think of Homer's *Iliad*. We could well interpret the social predicament described in the first book of the poem as one posing a problem of distributive justice. And indeed some variation on a convention about the stability of possessions might ironically have helped to moderate internal conflict within the Greek band of roving marauders. But Homer did not depict them as if they were philosophy students discussing principles around a seminar table.

Quite without theories of justice, the Homeric warriors appeared to react strongly in different ways from existential feelings of injustice. So too do present-day children, and all of us adults, whether or not we are well-educated. Prior to sophisticated theory, people react with feelings, emotions, thoughts, which an observer might interpret by imputing to them abstract principles—justice, property, right, obligation,

and other principles of moral reasoning. To grasp why justice exists, we need to look at the way people experienced feelings, emotions, and thoughts that eventually became susceptible to interpretation through a concept of justice. To grasp why justice, and other ethical concepts, exist, we need to look at the way humans experience the lives they live, whether in some hypothetical original position or in the everyday existence of each and all of us. Justice arises, not as people observe themselves having a problem and sagely conclude that some principle of justice will best solve their predicament. It arises because people passionately feel the rudiments of justice pervading their experience as they act in all the situations of life.

[A3] Acting justly differs from virtuous action

Surely "acting justly" relates, perhaps synonymously, to "virtuous action" as examined in virtue ethics and virtue epistemology. But if ultimately the two concerns may come to overlap fully, we will have lost little and may have nevertheless gained valuable insight by fully exploring our experience of acting justly as a distinct concern, independent of how contemporary philosophers discuss virtue ethics and virtue epistemology.

What I develop in this essay intersects with virtue ethics, for both are influenced deeply by prolonged encounters with the work of Plato and Aristotle. But the concern for formative justice and for virtue ethics differs significantly with respect to initial starting points. In concentrating on acting justly, I am trying to avoid postulating that justice, or virtue more broadly, consists in a property or quality that some persons and not others take on as part of their substantive being. Living well, manifesting *arête*, does not consist in the possession of a special property, but in acting excellently, in a manner appropriate to a situation. A person never possess virtue; she lives virtuously, always contingently, in the course of acting.

Virtue ethics starts with the question, What is virtue? or What is a particular virtue like honesty, courage, or justice? By starting out looking for a property such as virtue, one quickly moves to attributing that property to some persons and

not others. Virtue ethics hypostatizes virtue so that it is not a concept that an agent uses in the course of acting, but a substantial attribute that a virtuous person will come to possess in a way that a not-virtuous person will not possess. Ultimately, the virtue ethicist needs to come around to the question of living virtuously, however, as Julia Annas does in the closing chapters of *Intelligent Virtue* (2011). Her effort to link virtue with living life raises a lot of problems: how can hypostatized virtues actually affect a living person acting contingently in real circumstances? I do not want to enter here into a prolonged critique of how virtue ethics links the attributes of a "virtuous person" to all the manifold acting that constitute the person's living. Instead, let us simply start here with living persons acting as an agent inextricably entwined in her circumstances in order to understand, not virtue itself, but what her acting virtuously might involve, more specifically, how acting justly arises in our conduct of life.

[A4] Persons, not individuals

Readers may be surprised to find *persons* referred to over 360 times and the *individual* only once, outside of this and the next annotation—once in a quotation from John Dewey. Throughout this essay, I use *person*, or sometimes *actor*, to refer to a human, and a bit more generally, I use *agent*, or organism, to refer to anything, whether human or other, that lives a concrete, specific life. I think use of the term *being*, as in "human being," should be minimized because its implications are not very true to life. Living organisms are active agents, not static beings. Describing agents as beings subtly neuters them and diminishes their capacities to perceive, choose, and act.

The essay has nothing to say about the *individual*, which best denotes an abstract construction that exists only in thought as a means to group various descriptors together. Persons live, or have lived, or will live; they have inner lives, they feel appetites and drives, they have emotions, they perceive, act, and direct themselves as best they can, coping imperfectly

with real constraints; persons think and reason, they experience their world, they suffer, enjoy, fear, and hope. We can understand them because they and us, because we, all of us, are living or have lived concrete personal lives. A person lives in a historical, existential actuality as an "I" that inextricably includes both her "I" and "her circumstances." I cannot abstract my life from the circumstances in which it takes place.

In contrast, the abstract "individual" *is* a conceptual doll, bearing properties, decked out in various outfits like Barbie or Ken, each named with its qualities classified and counted by careful observers, who predict how the stick figures will behave in a world of statistical abstraction, rigidly motivated by a compound causality, the parts of which aggregate to 100%, provided of course that Barbee doesn't suffer from the statistical pulchritude of over-determination.

My usage tries to align reflection on formative justice strongly with Max Weber, and to distance it from the methods of Emile Durkheim. Persons engage, in real lives, not in abstraction, in *social action* as Weber described it in *Economy and Society*, Part I: Conceptual Exposition, especially the initial section on "Basic Sociological Terms" (Vol. 1, Guenther Roth and Claus Wittich, eds., 1968, pp. 3–307, esp. 3–62). Weberian social thought aims to develop methods of inquiry that interpret how persons lead "sentient, choice-filled lives," and then explain the sorts of reasoning by which they concert themselves in historical life into active groupings, *polities* in the language of this essay.

Although Hannah Arendt's linguistic usage in *The Human Condition* (2nd ed., [1958] 1998, esp. pp. 7–11, 177–8, & 246–7) differs from mine here, her concept of *natality*, in relation especially to action, has great relevance to this discussion. Natality, the birth of a new, unique person who then acts in ways unique to life, provides humans with their powers of historical creation. The concept of *life* at the foundation of the ideas in this essay relates very closely to *natality*, the advent of a new life. Both are the seat of the capacity for autonomous agency.

Note here too that *person* takes a feminine pronoun. A

reader has complained that my use of pronouns does not conform to current practice. I think lots of “his and her” and the like make for awkward and redundant prose. In the languages to which English links, nouns have grammatical gender and the gender of pronouns agrees with the gender of its antecedent noun. That's a good system for deciding on what pronouns to use, which has the added benefit of sometimes making identification of a confusing antecedent clearer. It would sound too weird to write English as if it were fully gendered grammatically. But in common language we still do use some grammatical gendering, more or less comfortably referring to the book of a child as “its book,” or saying “she's a fast ship,” but “it's a slow boat.” I try to stick to the following usage: when a noun refers to a gendered agent of known gender, the pronoun should agree with the known gender; when the noun refers to an agent of unknown gender, the pronoun should agree with the latent grammatical gender of the noun—i.e., “person” = “la personne”, hence “she,” “her,” etc.; “youth,” = “die Jugend,” hence “she,” “her,” etc.,; “agent,” = “l'agente,” (m.), hence, “he,” “his,” etc.

And one more tic: I think it clarifies the problems of life to minimize reliance on the verb *to be*, restricting it as much as possible to use as an auxiliary verb. Frequent use of the verb to be, trying to delimit what something is, rather than saying what something does, often renders what actually happens vague. For instance, saying “the state *should be* the provider of health care for its citizens” makes little sense, for doctors and hospitals provide health care, not the state. But to phrase the issue in question with the correct verb, “the state *should pay for* the health care of its citizens,” states the speaker’s position clearly and invites intelligible responses. Whenever possible, instead of saying *what A is*, we should say *what A does*.

I suspect that relying on active verbs and avoiding the copula may clarify our understanding of thinking and thought. As living agents, we think with active verbs and make distinctions adverbially. The copula may not enter into processes of thinking and expressions of identity, of class membership, or

of attributes or relations may occur only in thought. Thinking involves *seeing blue*, for instance, a more immediate and actionable experience than the thought, *the sky is blue*, which dubiously attributes an empirically transient identity to the sky. It makes sense only as a manner of speech. We can plausibly say that in such and such situation, such and such person *is acting honestly*, but to assert that a living agent locked in the circumstantiality of his life *is an honest person* stretches plausibility. Could we actually conduct a full life if we had to think exclusively with the verb *to be*? We would find ourselves transfixed in a Parmenidean wasteland of static objects.

When philosophers began to concern themselves primarily with the properties of substantive entities, perhaps they took a problematic turn.[21] This turn, I think, has much to do with the growing separation of philosophy from the problems of life. All creatures live dynamically. What role does truth have in thinking and how does that differ from that of a true thought? Yet philosophers have become extensively preoccupied with the attribution of properties to things. Does thinking draw on or make use of properties? Does it instead draw on lived experience and formed expectations about experience that may in thought become the substantive basis for thought about properties?

[A5] Persons and polities

Persons and polities occurs often in this essay because I think that all agents, including collective agents like governments or corporations, face a problem of formative justice. The most general term for such agents seems to be *polity*, roughly "an organized society; the state as a political entity" (OED, 2a). Although the abstract concept, *society* serves more useful purposes than its sibling, *the individual*, *society* works

21 As Francesco Orilia and Chris Swoyer put it at the start of their entry on "Properties" in the *Stanford Encyclopedia of Philosophy*: "Properties (also called 'attributes,' 'qualities,' 'features,' 'characteristics,' 'types') are those entities that can be predicated of things or, in other words, attributed to them. Moreover, properties are entities that things are said to bear, possess or exemplify."

like *class*, *race*, *generation*, and others to group observed characteristics together as properties of a conceptual object. Serious trouble arises when people hypostatize such abstractions as acting entities and endow them with emotions, ideas, and powers to act. Hence I try to use these abstract collections of empirical properties sparingly.

Other nouns denote collective agents, not conceptual sets. Persons organize these diverse collective agents, giving them defined powers and duties to act on behalf of their members. Many of these collective agents—governments, corporations, unions, partnerships, formal societies and associations—have a positive legal status as fictional persons, with rights and responsibilities. How the rights and responsibilities that actual persons possess extend to fictional persons vexes jurisprudence. People cannot avoid the question in highly formed circumstances, but answers to it such as the *Citizens United* ruling strike many as very disquieting. Some collective agents such as gangs have a negative legal status as outlaws.

A further complication arises as we think about some abstract societies in relation to particular situations or events—mobs, audiences, electorates, crowds, and the like. These groupings seem to exercise a kind of agency differing from that of a fictional person, for they act ephemerally and like a gust of wind do not persist as self-maintaining agents. Collective agents convene audiences, electorates, and the like as single-purpose assemblies, whereas crowds and mobs emerge circumstantially as an unstable force from the flow of life.

To sum up, polities do not merely exhibit what we might call agency, they exercise it, and as we will see more fully, through a significant part of their exercise of agency works to maintain the polity as a self-maintaining organization. In thinking about polities, abstractions play a large part, and in developing a concept like formative justice, we should exercise care in talking about collective agents. In speaking of persons as agents, we attribute the agency to the self, or the person as a self, acting in the midst of circumstances. In speaking of organizations as agents, we have difficulty grasping the self of collective agents, its locus of agency in a circumstantial

lifeworld. Owing to that difficulty, we slip into hypostatizing the abstractions we use in describing the organization, attributing the power of agency to those insubstantial abstractions, a rampant form of superstition.

Hence in this essay, I develop the concept of formative justice with much fuller reference to its place in the lives of persons, while holding off discussion of formative justice in relation to collective agents, to polities, largely until the second half of the essay. In doing so, I am reversing the relation between person and polity that Plato used in the *Republic*. Glaucon and Adeimantus had challenged Socrates to show why persons should choose a life of just actions rather than unjust ones, and Socrates proposed to uncover the role of in the hypothetical life of an ideal city as a heuristic for understanding justice in personal life. This method, Plato suggested, would facilitate the appropriate concept formation relative to both the person and the polity.[22] I think it worked if one pays very close attention to Plato's text, but it created great confusion for anyone reading his descriptions of the city of words as if they describe Plato's preferred political norms. In my view, to understand formative justice, we need to develop our concepts about it with reference to its place in lived, personal experience. Then we can extrapolate those out to some implications it may have for public, political life.

[A6] Intending never has a simple end

In this essay, and more generally, I attribute a strong, ontological status to life—I live, therefore I, and my circumstances, what stands about me, all exist. *La vida*, *vivir*, life, to live, living—these pointed to the ontological ground for the Spanish philosopher, José Ortega y Gasset, whose life and work I studied closely for ten years, culminating in my book, *Man and his Circumstances: Ortega as Educator* (1971). Descartes *cogito* yields to Ortega's *vivo*, beginning not from thinking, so derivative, but from living, from being alive, the primal ground—I live, therefore I perceive, I think, I act, I direct

22 Plato. *Republic*. II, 368c-369b.

myself, and with body and mind I struggle unto death with the world of my life.

I live my life, my "I" and "my circumstances," entwined with many lives—each in some way apparent in my circumstances, yet each with its own self and its own circumstances, all intersecting in circumstantial interactions. All these circumstances together constitute the lifeworlds taking form through these lives. My life, the life I live in the world of my life, links ineluctably with a great web of unique lives, each indissoluble from its circumstances, binding with other lives and others sets of circumstances, with *life* itself, a basic constituent of the universe, emerging perhaps from some primordial indeterminacy, immanent in the chaos, otherwise inert. Ortega introduced his concern for vital reason—*"yo soy yo y mi circunstancia"*—in his 1914 book, *Meditciones del "Quijote," Obras completas I* (7th ed., 1966), esp. 318–323. Ortega wrote about vital reason as a constant theme in his work, well developed in *¿Qué es filosofía?* in *Obras VII*, Lecciones IX–XI, pp. 388–438; cf. *What Is Philosophy?* (Mildred Adams, trans., 1960. pp. 177–252.)

Life through its multitudinous instances, works in the midst of natural forces as an agency helping to determine the not-yet-determined in the temporal dimension of the present. Determinism reigns over things past. But in the present, the determining agency of life works along with other forces active in its circumstances to actualize the determinate past. Were that not so, living agents, especially persons, and peoples, would be like the pebble, inert and determined, feckless and featureless. Living agents are agents participating through their actions in the vast work of determining what the universe will have been.

Life does not merely exist in an objective universe, however. As a circumstantial reality for the living agent, the universe has ineluctable subjective qualities. The universe, whatever it may in itself be, presents itself to living beings for their perception and action, and the way the universe appears to them gets caught up in their lives, as the locus of life's agency, as their circumstances, as that which stands around them. The

newborn does not find itself there, a tiny thing in the great, well-ordered universe; in its nascent life, the newborn encounters the world, a confusing, inchoate swirl, a meaningless chaos that the new life must form into its home. That imperative of making a cosmos within the chaos continues throughout our lives. The newborn must make sense of himself in the chaos, learning to live his life by controlling himself and his circumstances, as best he can, an agent maintaining himself in the chaotic swirl, acting in and on the swirl and thereby contributing his tiny part to its total determination. We are such infants throughout our lives.

As we proceed, I will cite a wide range of sources pertinent to understanding life as lived as the substance of actual experience.

[A7] Contingently controlling effort

I distinguish between the comprehensive topic of *control* and the more specific subtopic in sociology of *social control*. Starting with *Social Control: A Survey of the Foundations of Order* by E. A. Ross (1906), early 20th-century sociologists developed a sophisticated understanding of how techniques of social control developed and maintained systems of order in complex societies, and during the ensuing decades, this understanding has been put to powerful use, some constructive, much destructive. *Techniques and examples of social control are not what I refer to as "control."* In this essay, I basically understand *control* as a reflexive verb, usually as an auxiliary to another verb—'I control myself doing something'. The need to exercise reflexive self-control was a central concern in classical thought, especially as instantiated in the figure of Socrates and as theorized in the work of Plato and the Stoics. Many moderns have thought deeply about the problem of control, to my mind none more extensively or productively than Jean-Jacques Rousseau. In the 20th century, processes of control, as distinct from social control, became the topic of formal research and theory in biology, cybernetics, and robotics. I think *The Control Revolution: Technological and Economic Origins of the Information Society* by James R. Beniger

(1986) has lasting significance. One should start an inquiry into the importance of control in the living of life with it. Unfortunately, on its publication, Beniger's work was not well understood or received, primarily because critics confused his understanding of control, a vital activity, with the literature on social control, a much more passive process, something done to people rather than something that people do for themselves.

[A8] Thinking precedes thought

We should recognize that we have two substantives to identify the process of human intellection—*thought* and *thinking*. The former comes from the past participle of the verb *to think* and the latter from the present participle. This temporal difference merits more attention than it normally receives.

Thought enters into consciousness—our awareness encompassing both the objects of attention and the semi-objects in its penumbra— as a given, through instantiations, often verbal or imagistic, sometimes mere sounds, surface sensations, tastes, odors, or feelings. We can speak of a body of thought, having accreted piece by piece, but thought has no process, no emerging in the moving present. Thought receives a high degree of attention, and it has a stability enabling us to make some thought an object of concentration. While we can move nimbly from one thought to another, thought does not lend itself to multitasking: thought consists of particulars, fixed and finished actualities. Thought is a presence of past thinking.

Thinking takes place subliminally, filling the moving present. We can never think out ahead of our thinking to think about our thinking as an object for itself as it is taking place. We can do no better than to think about thinking as a thought, as in the thought that thinking, in a general sense, comprises all the information processing that a living organism carries out in the immediacy of its present. Only a small part of thinking becomes thought, evident in consciousness as the residue of past thinking.

Processing information, thinking, takes place in all our organs and systems all the time, and it uses many modes of information processing. And thinking as information processing

goes on ubiquitously and continuously not only in human lives, but throughout the lives of every living organism. Identifying thinking and information processing upends the problem of consciousness. Processing information, thinking as a process, takes place ubiquitously and continuously throughout all living activities. Thinking does not take place within consciousness; it envelops and precedes consciousness, which is the locus, a complex register, for an extensive part of thought. Consciousness consists in an assembling of selected results of thinking so that an organism can randomly access them in its ongoing thinking as the flux of circumstantial interaction may require.

Over the past hundred years or so, researchers have come a long way, beginning to understand how different systems of thinking take place within us. They can explain much about how DNA and RNA encodes and deciphers our genetic inheritance, how the immune system identifies and combats many pathogens, how the digestive system breaks down different nutrients and assimilates them into the blood stream to sustain the metabolic needs of our myriads of cells. They are even beginning to make headway clarifying how our whole embodied nervous system sends countless signals to and from the brain and how it processes and integrates all the information requisite in sustaining our complicated conduct of life.

Unlike many fellow humanists, I do not find these developments disquieting. Surely cognition—including emotions, physical movement, perception, everything—takes place through various processes that we call information processing. And cognition has always happened through information processing, not only for humans, but for all living organisms. All of it involves semantic, meaningful information that living beings work with through their embodied intelligences.

Researchers have difficulty saying exactly what the information in information processing constitutes, but their difficulties with information differ little from the difficulties physicists have in making sense of matter and energy. We work with all three even though we do not know exactly the scope

and nature of their properties. Living beings have always worked in this manner with the stuff in and around them for the pace of research and theory does not set the pace of living. We should note, however, that researchers have just begun to take biological cognition seriously and may not have really grasped its scope.

Living information processing, even for simple forms of life, involves complex and powerful computations. Through the eons of evolutionary history, living organisms evolved their computational capacities, interacting with their circumstances in order to live their lives. Key cognitive functions quite probably evolved long ago to levels of information processing sophistication far beyond what we humans can yet imagine confecting. Photosynthesis has been in use by plants for a long, long time and seems to have spread practical know-how with quantum mechanics throughout every form of plant life. Researchers call consciousness "the hard problem" but might they really face some problems so much harder that they do not know they have them yet?

In understanding living cognition in its fullness, the really hard part must account for its functional complexity and integration in real time within a self-maintaining, self-replicating system with the scale and operating parameters of the living human person, or dog, giant squid, amoeba, bat, boa constrictor, eagle, or beagle. How did a tyrannosaurus rex, rampaging through its life, process its information needs? It seems to me reasonably clear that living organisms differ from non-living matter and energy because the former can process and use information, in addition to matter and energy in order to maintain and reproduce themselves, whereas the latter do not. Eventually, people may develop information processing machines into an artificial life-form that lives recursively as a self-maintaining species through the self-reproduction of countless mortal instances of itself. But for now, our current information machines fall far short of maintaining themselves across the cycles of birth and mortality, which seem to characterize self-maintenance by living forms of life. To move these sorts of considerations forward, we need to clarify two

matters that currently receive insufficient attention.

First, we currently have a poorly developed understanding of information processing requirements of a complex organism such as a person as she goes about her characteristic activities in real time, qua living person interacting as she does with the full extent and complexity of her circumstances. At what levels, from the sub-atomic components of her cells to the whole person in interaction with her circumstances, does information processing take place? At each level, what information requirements does the aggregate of relevant processing generate—not simply, for instance, the processing requirements of a typical cell, but the processing load of all the different cells working together, in and beyond the person's whole body, 24/7, across the full span of her life. What information processing capacities and techniques enable the coordination and integration of what takes place at all these levels, not only the conscious, so that a person, in continuous interaction with the full complexity of her circumstances, can do all the different things she does in her conduct of her life? All that information processing constitutes thinking as it goes on in the immediate conduct of life. Specialists study small components of it, but do not put the whole of it together very well.

Second, researchers have so far developed a very inadequate understanding of how organisms process information in conducting their lives. Ethologists can describe the life activities of some species pretty well, figuring out what perceptive, active, and self-directive powers members of those species require to live their lives. But how does an earth worm wire itself up and get its information processing systems to work under the material constraints and operating specifications pertaining as it sucks its way through the ground? Living organisms meaningfully process a lot of information in functionally complicated ways with seemingly ordinary stuff under an exacting range of conditions. To what degree can we reasonably assume that computer-based information processing and biological information processing embody similar principles of action? Where do we stand in understanding how the biosphere implements the information processing through which

its myriad lives conduct themselves?

Current discussions, whether from the side of mainstream science or the humanities, do not seem to pose the question of our cognitive needs fully enough. Cognitive scientists may underestimate the difficulty of gaining control of the semantic information needs of life and the humanists too easily doubt that the spiritual nuances they treasure will prove essential to the real processes of thinking requisite for life. I live, and as long as I do so I must think, process a lot of information in a semantic sense, distinctions that inform choices about which possible configurations of energy and matter will best help my maintaining myself as a self-maintaining agent. I do not have the problem of explaining how matter and energy causes my thinking; I have the problem of explaining how my thinking influences the passive play of matter and energy within my body and my circumstances about me.

Why fear reductionism? Reality as a given for me consists in my living, an active, embodied agency of matter and energy using information to direct myself as best I can in a world of circumstances, which consist in turn in matter, energy, and other self-directing agents also using information to manage matter and energy to maintain themselves. I move, I breathe, eat, and excrete; I feel and taste, see and hear; I cavort in sport and dance; I love and long; at times I act selfishly and at other altruistically; I experience my thinking, my information processing, in myriad ways as the primary realities of my life, all of it somehow taking place, day in, day out, through 160 pounds of flesh and bone, burning some 2000 calories of energy daily. Cognitive science will not change those realities. whether or not it ever explains them. In my living, what are my information needs and how might I sufficiently generate that information from the matter and energy at my disposal? So far, I think, we have no clue.

We pay far too much attention to consciousness in the sense of having thoughts. In doing so, we are looking at the tip of the iceberg. Most of the thinking, the information processing going on continually within us does not serve the purpose of generating our conscious thoughts. It directly serves

to keep us alive, functioning effectively in our circumstances, a vast, fast-moving bricolage going on 24/7, day-in, day-out, across all the scales of matter and time, through countless encounters, choices, decisions, actions by which I live as a self-maintaining organism in a world of circumstances. The capacities to do that as a human organism have evolved through eons in the particular lived lives of myriad other organisms, each maintaining itself in its manner. We know very little about what information processing capacities and techniques all those evolving lives may have developed.

How much information processing does a dog need and use to keep itself alive and frisky, living a dog's life of fifteen years or so, and how can twenty pounds of matter, more or less, energized daily with a pound or so of dog food and water, process all that information in many million instances annually? How much information processing does each living member all the other species throughout the biosphere need and use to keep itself alive, living its life in its manner. And how can each instance of each species, from the lowly bacteria to the giant redwood, implement its cognitive capacities, in the real time of real lives, with the system of information processing that it needs to live its life in its manner? And then, how much information processing capacity and what sort of processing systems has the biosphere as a whole needed and used to keep itself alive and well as a self-maintaining, counter-entropic process through all the circumstantial vicissitudes occurring on a global scale across the whole of biologic time? All that thinking precedes thought, and the really hard problem must explain all the thinking, not merely the thought.

My questions, here and elsewhere, have formed in interaction with a lot of reading and reflection over more than 50 years. I have been drawn to this reading, not as a basis for the questions, but as a response to the question, a response through which I have extended and sharpened the questions. As I explain more fully in [A26] below, in 1965 as a tangent to my work on José Ortega y Gasset, I began forming the questions here in responding to the work of Jakob von Uexküll while reading cybernetic theory developed by writers like

Norbert Weiner, Warren S. McCulloch, and Claude Shannon. And now, over 50 years later, in reading the great student of animal cognition, Frans de Waal's new book, *Are We Smart Enough to Know How Smart Animals Are?*, I am encouraged that he centers his opening chapter on the work of Uexküll and the late Donald Griffin. He concludes the chapter:

> The agenda of this field [evolutionary cognition] is precisely what Griffin and Uexküll had in mind, in that it seeks to place the study of cognition on a less anthropocentric footing. Uexküll urged us to look at the world from the animal's standpoint, saying that this is the only way to fully appreciate animal intelligence. A century later we are ready to listen. (p. 28)

And needless to say, what holds here as the animal's standpoint includes the standpoint of the human animal as well.

A variety of interesting studies can help a generalist develop an expansive understanding of cognition and the forms of information processing it comprises as we live our lives. Frank R. Wilson, a doctor who specializes in helping artists and professionals whose work depends on their hands, has published *The Hand: How Its Use Shapes the Brain, Language, and Human Culture* (1998), a fascinating inquiry into its topic. Giulia Enders, a young German science writer, has recently popularized a similar line of inquiry for a very different organ in *Darm mit Charme*, translated by David Shaw as *Gut: The Inside Story of our Body's Most Under-Rated Organ* (2015). Michael D. Gershon, M.D., a gastrointestinal researcher at the Columbia University medical school, gives a more detailed introduction to the relevant research and the problems of pursuing it in *The Second Brain: A Groundbreaking New Understanding of Nervous Disorders of the Stomach and Intestine* (1999).

In *The Brain's Sense of Movement* ([1997], 2000), Alain Berthoz, a major French cognitive researcher, has explored the information processing associated requisite for movement and found many ways in which the physical dynamics of mov-

ing in a constrained world simplified the cognitive load incurred. Berthoz has developed this developing two hypotheses about the information processing strategies evolved by living forms in *Simplexity: Simplifying Principles for a Complex World* ([2009], 2012):

> The first is that mental tools developed throughout evolution to resolve multiple problems of wayfinding in space were also used for the highest cognitive functions: memory and reasoning, relations with others, and even creativity. The second hypothesis is that the mental mechanisms for processing space make it possible to simplify many other problems faced by living organisms. (p. 179)

Berthoz's ideas suggest how living organisms require and have developed diversified information processing powers, not simply lots of MIPS.

Work on embodied and extended cognition suggests that the mainstream preoccupation with the brain as the seat of consciousness frames research too narrowly to clarify adequately the place of thinking in the living of life. "Embodied Cognition" by Robert A. Wilson and Lucia Foglia in the *Stanford Encyclopedia of Philosophy* provides a very informative survey. Evan Thompson's *Mind in Life: Biology, Phenomenology, and the Sciences of Mind* (2007) seems to me to ask most illuminating questions and to indicate liberating strategies for exploring them. Thompson's recent book—*Waking, Dreaming, Being: Self and Consciousness in Neuroscience, Meditation, and Philosophy* (2015) shows both the importance and difficulty of grasping the integral unity of the "I" and "my circumstances" and not letting that slip into a disembodied idea of a depersonalized self relating to objectified surroundings.

David J. Chalmers defined the so-called "hard problem" of consciousness in a 1995 essay, "Facing Up to the Problem of Consciousness." Jonathan Shear collected it and diverse responses by prominent researchers in *Explaining Consciousness: The "Hard Problem"* (1997). It makes an excellent in-

troduction to the range of research assumptions currently pursued. Chalmers' two books, *The Conscious Mind* (1996) and *The Character of Consciousness* (2010), bog down, especially the latter (a large, well-organized collection of essays), by taking too many views other than his own into account.

An interesting problem, at once methodological and substantive, concerns principles should bind or discipline efforts, whether reductionist or emergentist, to explain cognition in living action. Roger Penrose, and his collaborator, Stuart Hameroff, put well in two books by Penrose—*The Emperor's New Mind* (1989) and *Shadows of the Mind* (1994) and their joint essay, "Consciousness in the Universe: A Review of the 'Orch OP' Theory" in *Physics of Life Reviews*, Vol. 11, No. 1 (March 2014) along with 8 commentaries and 2 replies. Their work present hypotheses, grounded speculation, about how structures within neurons might function as a quantum information processor. Other researchers also pursue the quantum possibilities, but with less specific proposals, and critics of such possibilities basically argue that such ideas contravene pertinent physical and chemical constraints. Penrose premises his views on the conviction that the current understanding of computational processes cannot provide a good account of thinking. Understanding consciousness will require significant advances in the physics applicable to matter, energy, and information. Should we assume that the evolutionary process can have evolved capacities that we must consider mysterious given what we currently know about the processes in question?

[A9] Intending projects purpose into the world

I am suggesting a pervasive teleology throughout all of *life*, a teleology governing every instance of life, all living agents. In scientific circles, many think my view profoundly *unzeitgemässe*, outmoded, but I think it easy to meet arguments against biological teleology, for they require a disembodied, reductive view of life, organic matter and energy no longer actually living. Without a teleology, separating the

physics and chemistry of living organisms from that of ordinary matter and energy proves difficult. Introducing a teleology does not violate scientific discipline, for the claim that all life seeks self-maintenance would be easily falsified by adducing something that we would all agree on the one hand was alive *and* on the other manifests no self-maintaining agency.

In holding there to be a pervasive teleology throughout all of life, I am not saying that life has a teleological purpose outside of itself; rather life lives teleologically; it maintains, preserves, and perfects itself. Life does not seek to attain a purpose; life lives purposefully. Life's teleology suggests that life lives purposefully, but it serves no final purpose or end, rather living organisms serve the self-maintenance of life itself, the final purpose giving meaning to all their separate struggles.

Life maintains itself, giving its many separate instances a continuous end, not exactly a final end: each adding as best it can to the maintenance of life itself through its tiny, mortal effort to maintain itself as itself through all its ends-in-view. Should its effort fail, as soon or late will happen, for each will die, its death will clear a path for a new life, so death itself serves the maintenance of life itself. A vital imperative of self-maintenance leads to a hierarchy of goals of sorts, not to attain the highest good, the good itself, in the way many readers imagine Plato prescribed, but to not suffer the final harm, the final ending, in a very literal sense—death. All this gives rise to a mind-bogglingly complicated web of vital purposefulness evident in our lives and our circumstances, the lives and circumstances of all living organisms, a vast cosmos of intentionality. Given the scale and scope of life, it would be absurd if the good itself were to turn out to be some simple unity, akin to a mathematical point.

Heraclitus put it well: "The wise is one thing, to be acquainted with true judgment, how all things are steered through all." To which current authorities observe:

> [this fragment] gives the real motive of Heraclitus' philosophy: not mere curiosity about nature (although this was doubtless present too) but the belief that man's very life is indissociably bound up with his

> whole surroundings. Wisdom—and therefore, it might be inferred, satisfactory living—consists in understanding the Logos, the analogous structure or common element of arrangement in things, embodying the μετρου or measure which ensures that change does not produce disconnected, chaotic plurality. (*The Presocratic Philosophers: A Critical History with a Selection of Texts* by G. S. Kirk, J. E. Raven, and M. Schofield, 2nd. ed., 1983, pp. 202–3).

In the comprehension of life. teleology becomes problematic if one considers life from a detached, disembodied, devitalized observational point-of-view. Purposes are not observable properties. Speaking about "having a purpose" allows us to engage in a degree of reflection on our purposefulness. In the course of acting, however, we are continually steering ourselves through our circumstances, having a continuous purposefulness of maintaining our capacities for self-maintenance. All living agents carry out all their acting purposefully from their point-of-view as actors.

[A10] Constructing a phenomenal world

Life happens through active agency. Its living constitutes a life world where perceiving, acting, and directing the self—all the activities of life—take place. In that realm of living agency, thinking takes place as an integral part of acting. Thinking constructs the lifeworld through an embodied awareness, conscious and unconscious, as the phenomenal locus of what exists in and for my life, in my perceiving, acting, and self-directing. For living humans, these constructions constitute the phenomenal world in its many modes, largely as explained by Immanuel Kant and others, who followed in the tradition of critical philosophizing. For other species of animals and plants, their perceptive, active, and self-directive powers construct phenomenal worlds that differ from ours, but they do it in a manner like us in which their life worlds are functions of their powers of perception, action, and self-direction.

Close readings of Kant's three critiques, Hegel's *Phenomenology of Spirit*, a variety of texts by Wilhelm Dilthey, Nietzsche, Husserl's *Crisis of European Sciences*, Max Weber's efforts at *Begriffsbildung*, Ortega's writings, Jakob von Uexküll, and some Simmel, Cassirer, and Scheler have been suggestive to me about the constructive powers of embodied cognition. Developing strongly neo-Kantian presuppositions furthers self-formation well. For a more recent source, see the excellent study, *Mind in Life: Biology, Phenomenology, and the Sciences of Mind* by Evan Thompson (2007).

The Organization of Behavior: A Neuropsychological Theory by D. O. Hebb ([1949], 2002) opened major advances in understanding learning at the neurological level. All our bodily and mental capabilities undoubtedly have an inborn substratum, which broadly determines their structure and function. However, each living organism activates, develops, and tunes those capabilities, instantiating them as working capacities, by actively shaping them, controlling them, constructing them through their recursive use. Hebb turned "the organization of . . ." from a description of a structure, however functional, to the account of an organizing process. Subsequently, I have found papers in *A Dynamic Systems Approach to Development: Applications* edited by Linda B. Smith and Esther Thelen (1993) very informative about early childhood cognitive development.

[A11] Assessing worth in acting justly

I find this question important but difficult to phrase. The difficulty arises because it requires conceptual diction—using a criterion of justice to decide to do something—to speak about what takes place pre-conceptually. The question asks what implicit criteria of worth embed in all our acting by means of which a norming takes place through the acting. Again, this does not imply that ultimately some grand norm, some special value, ought to control all acting. Value enters action not as some special quality enabling some actors who possess rarified levels of awareness to act in some situations with ethical probity. Norming inheres in all acting, by the

saint, the sinner, the snake, and the worm. If all acting norms, what criteria of worth emerge through the norming?

Philosophical ethics perpetrates a great deal of sophisticated superstition. Thinking goes on as persons engage in all sorts of action, most of it not crossing thresholds of consciousness. Much of that thinking takes place outside of consciousness as a person processes operational judgments, but what takes place equally concerns normative judgments, and with both, a functional gradient seems to spread the thinking across a spectrum linking what goes on outside of consciousness with what happens within it. Both historically and biographically, operational/normative thinking seems to emerge from thinking outside of consciousness, moving in part into consciousness functionally in the process of acting, mainly as various inner senses form and function through use of negative feedback. Seemingly highly conscious actions—for instance, writing poetry, and reading it too—involves a spontaneous offering up of words and feelings and images combined with a partly reflective, partly intuitive, assessment and revision according to rhythm, sound, and meaning. Meaning and value inhere, not in the poem, but in writing and the reading. We exaggerate the conceptual power of thought, as it has come to stand after the processes of acting.

[A12] On the self-maintenance of a self-maintaining agency

Life maintains itself; living that stops self-maintaining itself dies: then it has merely become dead matter. Time as we experience it exists in our lives, as does space and the entire world; to the living, time situates the recursive immediacy of self-maintaining activity, the fleeting now. For living agents, their activity, their perception and action, take place as the temporality, the now-ness of life—the time phenomenally present for our lives. Within that now, we postulate a *not-yet* comprising innumerable contingent futures, both impending and distant, possibilities which have not been determined, not actually lived. I have not now determined what I will try to do

tomorrow, for tomorrow presents me with endless possibilities. To know what I will do tomorrow, I must wait and see.

Time becomes present in our lives as what takes place *now*, an immediate present. Future possibilities, which we now postulate in the *not-yet*, funnel towards the present where actualities take place, newly determined in part by the inertia of circumstance and in part by the living agent's controlling effort. *Carpe diem!* Then as living agents, we follow through recalling an *ever-after*, the past, partly recent and partly ancient, all of it consisting in what has been fixed and determined, gone but for the inertia of circumstances and the fading memories that we now hold of things past. "Real life," actual living, takes place in the immediate *now* where things happen to and through the effortful agent, through his actions, which verbs and adverbs denote. Active persons construct languages, conceptual realms, to anticipate and cogitate. Thought and thinking are not the same: thought persists as a symbolic residue of thinking; thought comes after the fact, consisting in postulated possibilities and preserved memories largely encased in language. Thinking happens in real time, as we act, immediate, present; thinking takes place, now, unselfconsciously, sometimes the ground of consciousness, not its content. Hence, we cannot catch our thinking until after it has occurred. Life maintains itself by thinking and acting, the two an integral unity in its world; thought reflects back on both thinking and acting and the world of circumstance in which they take place.

[A13] Sources of instrumental failure

When Goethe writes in Wilhelm Meister's "Indenture" about cheerful beginnings, in which "The height charms us, the steps to it do not: with the summit in our eye, we love to walk along the plain," he points to this sort of failure, endemic in so many of our personal ambitions. Cumulatively for youths, all this can add up to the winnowing and self-testing that eventually leads to a calling and a commitment. (Goethe. *Wilhelm Meister's Apprenticeship*, Book VII, Chapter 9, Thomas Carlyle, trans.)

But in the affairs of state, and in commerce, failures to assess rightly the costs of achieving ends in view become highly destructive of the capacity for self-maintenance by major polities and corporations. Analyses of corporate failures are a staple among publications by business school professors. And those interpreting Clausewitz's phrase "that war is the continuation of policy by other means"[23] as the rationale for military interventions—Vietnam, Iraq I & II, etc.—risk withering critiques of their cost-benefit expectations. The most traumatic of such miscalculations in modern history was most likely World War I.

Cheerful beginnings characterized it, as they complicate most collective undertakings, once the Rubicon has been crossed, however thoughtlessly, people too often have very little ability to disengage. At the outset, the cost-benefit analyses skew in favor of the controlling predispositions and later compensations can lead to extreme shifts in value. The work of Paul Fussell, starting with his *Great War in Modern Memory*, and studies like *The Generation of 1914* by Robert Wohl examine how profoundly the unanticipated costs of World War I in expended lives, capital resources, and the delegitimation of prewar elites had on postwar values and sensibilities.

In the face of such upheavals, people should resist becoming fatalistic, concluding that they cannot achieve sufficient foresight. If profoundly difficult and contingent, that simply adds to its importance. Books like *The Economic Consequences of the Peace* (1920) by John Maynard Keynes show the possibility that some participant/observers can generate it. How to identify those with sound foresight and getting them into positions of effective leadership has been and remains the great dilemma in arranging sound collective organization.

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[23] James R. Holmes, "Everything You Know about Clausewitz Is Wrong," *The Diplomat*, suggests that small mistranslations of key ideas can lead to skewed ways of considering policy choices that greatly increase the likelihood of profound miscalculations.

Sheldon S. Wolin's major work, *Politics and Vision: Continuity and Innovation in Western Political thought*, centrally concerned this dilemma.

[A14] Sources of formative failure

The human costs of someone's failure to do justice to his talent and calling through the unintended consequences of his core commitments and successes have been a great literary theme, at the heart of dramas such as *Long Day's Journey into Night* by Eugene O'Neill (2002) and *Bildungsromane* such as *The Red and the Black* (1830) by Stendhal, *Sentimental Education* (1869) by Gustave Flaubert, or *Jude the Obscure* (1895) by Thomas Hardy. In essence, the problem arises because the central characters adopt mistaken or inappropriate criteria of choice and evaluation in as they assess their possibilities pursuing their intentions. For instance, Jude can manage the intellectual criteria requisite as he makes his way awkwardly into the world of higher learning, but he cannot fully comprehend and manage the social nuances of either his rustic origins or the academic community.

On the level of polities, when inappropriate criteria of evaluation prevail, the destructive costs can be catastrophic. For instance, two very fundamental criteria—*more* and *enough*—seem to me to be in profound tension in contemporary public life. Under regimes of chronic scarcity criteria of *more* and *enough* are for practical purposes equivalent, but regimes of scarcity are neither constant nor ubiquitous. At meals, we easily grasp the difference between demanding more and seeking enough. However, the difficulty of judging *enough* and the ease of wanting *more* destabilize the allocation of wealth, material goods, schooling, medical care, entertainment. As a criterion of evaluation, *more* works as a sorcerer's apprentice. In *Enough: A Pedagogic Speculation* (2012), I have tried to explore how a huge problem for the education of the public entails developing criteria for judging enough—neither too little nor too much—in those areas of public life that have been managed by the pursuit of more throughout the modern era.

[A15] Fulfillment, self-maintenance, and self-formation

It may be helpful here to indicate my usage of three terms that are closely associated in the idea of formative justice developed in this essay: sense of fulfillment, self-maintenance, and self-formation. By *sense of fulfillment*, I refer to an inner sense, often felt beneath the level of conscious awareness and sometimes rising clearly into full awareness, about whether what we are doing furthers self-maintenance. We use this inner sense, much as we use the sense of balance, to steer through immediate matters with a feeling that our lives are in order. Elsewhere I would like to develop the concept of a sense of fulfillment more fully, for it probably has multiple forms, perhaps having a specific form relative to a single goal or purpose, and a more complex form relative to multiple goals and the way we set priorities among them. Here I will, however, use the concept in a somewhat vague, inclusive sense.

Self-maintenance works continually as the immanent *telos* in and for all of life, both for specific living agents and for the sum of them, i.e., life as a constituent element of the universe. As the immanent *telos* in my living, in your living, in all living, self-maintenance has many sides, continually flexing, requiring the living agent to sense fulfillment dynamically, complexly, and discriminately. In doing so, humans err: the eventual source of mortality for each living agent. Up until then, the living agent uses its sense of fulfillment to control its norming, its energizing, and its capacitating, integrating it all together in a process we here called formative justice. Self-maintenance has similarities to John Dewey's concept of growth, for both anchor a teleology immanent in the conduct of life. But as a name for the teleology immanent in life, *growth* has too many ambiguities, as I explain briefly in annotation 33.

Self-formation results from the pursuit of self-maintenance, guided as best an agent can, by its sense of fulfillment. A person exercises *formative justice* through the ongoing compensations she makes as she pursues self-maintenance and senses a deficit relative to fulfillment. This exercise of

formative justice yields self-forming, an agent's shaping the life it leads, for better and for worse, until its life, its pursuit of self-maintenance ceases. As a person uses her perceptive, active, and self-directive powers within a human life world, she engages in self-formation with self-maintenance as the immanent purpose. She has a sense of fulfillment, a hypothetical optimal maintenance of her capacity for self-maintenance. Relative to that, she conducts herself, pursuing her manifold possibilities, sensing deviations from fulfillment and trying to compensate for those in carrying out her activities.

While a person seeks formative justice in living her life, exercising her sense of fulfillment, working towards self-maintenance, and achieving self-formation, what she does may or may not prove positive. She may develop a distorted and self-destructive sense of fulfillment, for an extreme case, that of an addict needing a fix. A person can err in choosing among possibilities she thinks will lead to self-maintenance. She may consciously form skills, styles, ideas, and values that do not serve her as she expected, getting a law degree and a big debt at a time when the lawyers are highly over-supplied. Formative justice can miscarry, as do other types of justice. The fact that our judgment can easily err accentuates the importance of judging as best we can.

[A16] Choosing by eliminating possibilities

In doing anything, I must always meet an instrumental, primarily causal, imperative, to do it successfully. But in doing something, I choose the something and do not simply accept it as a given, plain and simple, prior to the doing. In the course of what takes place, I shape my intention by sifting many possibilities that have positive valence for me, progressively eliminating various ones as infeasible, undesirable or less worthy. I do not base this elimination on causal reasoning. I monitor the possibilities relative to what is taking place in my experiential context, continuously eliding possibilities that I judge to have insufficient value until my intention completes. It then embodies the values I did not exclude. Such running value judgments construct the meaningful activity of

our lives.

We use Kant's three analogies of experience to understand the conduct of life. In this process of understanding, we use the 1st analogy, the principle of persistence of substance, to attribute substantiality in space and time to the conduct in order for there to be something to be understood. In its deepest sense, the 1st analogy provides the basis for understanding that a soul, something substantial that persists through change, animates all conduct.

We then think of substantive conduct in two ways that account for what takes place, an instrumental and a normative way.

- Instrumentally, we think about the substantive conduct according to the 2nd analogy, the principle of temporal succession according to the law of causality, figuring out how to make what we intend actually happen.
- Normatively, we think about the substantive conduct according to the 3rd analogy, the principle of simultaneity according to the law of reciprocity or community, assessing the interactions that will be taking place with each possibility, continually eliminating those judged likely to weaken our capacities for self-maintenance.

The 3rd analogy discloses the normative dimension of substantive conduct, the answer to the question with which we started—Why does justice exist?

See the *Critique of Pure Reason*, B218-B265 (Paul Guyer and Allen W. Wood, trans. & eds., 1998, pp. 295–321). The 3rd analogy controls dialectical thinking, which primarily negates possibilities. The negation of all possibilities obviously leave one passive, but if the negating of possibilities stops before have been rejected, one has a Hegelian dialectic that results in something positive through the negation of negation. With *critical* dialectic (in the sense of critical theory, not Kantian *Kritik*), the dialectic simply shows why given substantive conduct should not persist, Adorno's negative dialectics.

[A17] Concept formation has a history

Classical philology and associated conceptions of hermeneutics concentrate on comprehending ancient texts by interpreting the historical formation and development of the concepts their authors used. As an historian of thought in the present day, I want to make my view of that process explicit, for the history of philosophic concepts lends itself to consideration in two significantly different ways. For some, through the history of philosophy and related concerns, one studies whether timeless, true concepts have entered into history in confused and confusing ways, with thinkers trying through the subsequent historical effort to eliminate and correct prior confusions, eventually arriving, at some time in the past or perhaps still in the future, at a proper understanding of philosophic truth. For others, through the history of philosophy and related concerns, one studies more modest developments, but ones no less portentous for historical experience. For them, different people living in their historical situation form concepts with which to think about their experience and to organize their actions in their historical world. They cope with their historical situation reflectively. Doing so does not inject something timeless into history, rather it invents something timely within a particular historical context. Both modes of thinking have value, but in thinking about justice, I accentuate the latter mode of inquiry, not the former.

All concepts are historical in a strong sense, having a historical origin, meaning, and span of useful pertinence. This view does not dissolve the problem of truth, but it significantly historicizes it. Doing so puts a premium on several kinds of works pertaining to historical concept formation. One concerns the historical study of that historical process in collaborative efforts such as the magnificent 8 volume *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-socialen Sprache in Deutschland*, edited by Otto Brunner, Werner Conze, and Reinhart Koselleck (1972–1997). Parallel efforts in English are associated with the work of Quentin Skinner and J. G. A. Pocock, among others, and accessible surveys of it are *The History of Political and Social*

Concepts: A Critical Introduction by Melvin Richter (1995), *History of Concepts: Comparative Perspectives* edited by Iain Hampsher-Monk, Karin Tilmans, and Frank van Vree (1998), and, from the master himself, *The Practice of Conceptual History: Timing History, Spacing Concepts* by Reinhart Koselleck (2002). Another involves the epistemology of historical reason, for which see the work of Wilhelm Dilthey, for instance his *Introduction to the Human Sciences* (Rudolf A. Makkreel and Frithjof Rodi, eds., [1883], 1989); José Ortega y Gasset, *History as a System and Other Essays Toward a Philosophy of History* (Helene Weyl, trans., 1962), *Man and Crisis* (Mildred Adams, trans., 1958), and *An Interpretation of Universal History* (Mildred Adams, trans., 1973); and, with a more explicitly hermeneutic concern, *Truth and Method* by Hans-Georg Gadamer (Garrett Barden and John Cumming, trans., 1975).

[A18] Judgment and justice

Whenever a living agent tries to do something, he must assess and select among multiple possibilities. Choosing the better one from among multiple contingencies takes place. Existential actuality embeds a problem of acting justly in all acting, and I would hold that existential actuality does that even for very primitive organisms exercising radically limited forms of "choice." Each person continuously confronts more possibilities, more needs, desires, expectations, and contingencies, than she can effectively seek to actualize. She must winnow them down to the particulars which her actions affirm as the most worthwhile. Therein lies the problem of justice, especially formative justice.

In this ever-recurring situation, *judgment* and *justice* go together. We winnow down the multiplicity of contingencies by exercising judgment, assessing their relative worth, by applying a principle of justice with respect to the existential particulars, be the principle explicitly in mind or implicit. Even if the person describes the outcome in the rhetoric of necessity, a much overused rhetoric, the actual judging among multiple possibilities, finding one to be "necessary," determines

relative worth, merit.

This exercise of judgment more substantively involves the use of positive and negative feedback to direct action towards a goal, which may be of many different forms and extremely diverse given particulars. In order to generate positive and negative feedback, one needs various inner senses relative to various goals in question, and the judging that takes place assesses the inwardly sensed deviations from the approximated goal and corrects for them with appropriate positive reinforcements or negate restraints. All inner senses start experiential aspects of our acting, and we may become highly adept at exercising them without ever formulating a name for them and a way of talking to ourselves about our exercise of them. But we come to name some of them, of many different types, helping us to reason about them and possibly to refine our use of them. Many, many normative terms such as *justice* or *beauty* name important inner sense, the possession of which in a form of acting precedes the concept. *Justice* then is the name for an inner sense that we use in exercising a particular form of *judgment*, the judgment we use in acting justly.

Since reading Plato's *Republic* closely in graduate school, I have been interested in his theory of justice as a basis for thinking about education, understanding education as a person's effort to form her powers of judgment. These concerns were important throughout my study of Ortega y Gasset, culminating in *Man and His Circumstances* in 1971. Also, in my 1971 essay, "Towards a Place for Study in a World of Instruction," I wrote to reaffirm the importance of a student's forming his powers of judgment through autonomous study. From 1975 through 1977, I worked to develop a large project under the heading "Man and Judgment: Studies of Educational Experience and Aspirations" and tried to publish a concept paper for it in *The New Yorker*, which paid me modestly for it but decided not to publish it, and a slightly different version fared no better in more academic journals.

These experiences discouraged me, at the same time as I perceived emerging developments with digital technologies

framing a long-term historical tension between the instructional pedagogies central to our educational institutions and the way digital technologies were thoroughly facilitating independent study of anything, by anyone, at any time and any place. For 25 years, roughly from 1977 to 2002, I made this tension the central concern in my work. I argued in many talks, proposals, essays, and two short (prematurely) online books—*Power and Pedagogy* (1992) and *The Educators Manifesto* (1999)—that it was important that humanists stop bemoaning digital developments and work more proactively to develop as fully as possible as quickly as possible their full humanistic possibilities. As part of this effort in *The Educators Manifesto*, I tried to update Plato's concept of justice for the contemporary world, contrasting it to distributive justice and calling it "regulative justice" (¶¶108–122).

Three distinct conditions must emerge to empower a digitally-based humanistic culture: an effective digital infrastructure with a demographic reach equal or superior to that of printed materials; comprehensive, high-quality cultural content that people can retrieve, experience, and expand at will; and widespread, facile know-how enabling people to express themselves fully through the digital resources. Barring some sort of catastrophic deviation in the human trajectory under way, these three conditions have significantly emerged and are beginning to shape the spectrum of possibilities within which we act.[24] As these conditions emerge, the spectrum of possibilities within which we can and should act changes from the spectrum pertaining not long ago. It becomes important to bring ourselves to full awareness of what the emerging possibilities, assessing which are most feasible and worthwhile. In doing that, fuller attention to formative justice for anyone, that is everyone, engaged in educative work.

In recent years I have been trying to pay my attention to

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24 We need to recognize simultaneously powerful determinisms and an ineluctable autonomy. The determinisms shape a continually changing spectrum of possibilities with respect to which we must act autonomously, personally and collectively, significantly shaping what takes place.

it, developing the Platonic concept further, using the name, "formative justice," in *Homeless in the House of Intellect: Formative Justice and Education as an Academic Study* (2005, pp. 72–105). In 2007-8 in "On (Not) Defining Education," I explored German thinking about self-culture and self-formation between the reception of Rousseau's *Emile* in the early 1760s and the death of leading pedagogical thinkers in the 1820s and 30s (Jean Paul, Peter Villaume, Franz Vierthaler, Pestalozzi, August Niemeyer, Hegel, Goethe, Johann Sailer, Schleiermacher, Wilhelm von Humboldt, F. H. C. Schwarz, usw), a work-in-progress that I want to return to on finishing this essay. More recently, the last two chapters of *Enough: A Pedagogic Speculation* (2012) develop this concept formative justice, and the related one of "fulfillment." Health and vigor willing, I intend eventually to follow the present essay with a full-scale book on the topic.

[A19] Why privilege the Greeks?

I concentrate on early Greek experience because I know it better than early historical experience elsewhere. In concentrating on Greek experience, I do not claim historical primacy for it. The truth of ideas lies in their pertinence to concrete experience and many different experiential contexts can give rise to important ideas. As Montaigne observed—

> Truth and reason are common to everyone, and no more belong to the man who first said them than to the man who says them later. It is no more according to Plato than according to me, since he and I understand and see it in the same way. The bees plunder the flowers here and there, but afterwards they make honey of them, which is all theirs; it is no longer thyme or marjoram. Even so with the pieces borrowed from others; he will transform and blend them to make a work that is all his own, to wit, his judgment. His education, work, and study aim only at forming this.
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> Michel de Montaigne, *Selected Essays* (Donald M. Frame, trans., New York:

Walter J. Black, 1943. pp. 13–4)
Essay 26, “Of the Education of Children.”

In addition to the biographical accident that I am more familiar with ancient Greek thought, by historical accident, the Greek experience has been both very well documented (although imperfectly, nevertheless) and well worked by centuries of scholarship. We take this experience as an instance of historical *Begriffsbildung* to capitalize on all that scholarly work.

Montaigne's thought here, which recurs often throughout his essays, presents an important principle of formative justice: let us grasp clearly the truth and reason of another's thought, rather than debate the correctness of its formulation. We benefit by integrating the ideas of others into the powers of judgment by which we live. This observation leads to form of normativity associated with the Greek experience that we should not lose sight of. We can recognize that historically a particular understanding of experience associated with a prior time and place became embedded in the way people organized their arrangements for the conduct of public life. Ideas about Greek life, particularly life in Athens during its classical period, deeply shaped the transformation of aristocratic polities in modern Europe and the West into more democratic systems. Assessing the strengths and weaknesses of present-day socio-political arrangements depends significantly on understanding the self-understanding of the ancient Greeks and the understanding of that self-understanding shared by political innovators throughout the modern era. (Cf. [A39])

[A20] Sources for *Dikê*

Over the years, the work of Eric A. Havelock has been formative for me. *The Greek Concept of Justice from Its Shadow in Homer to Its Substance in Plato* (1978) provides excellent guidance in studying early Greek thinking about justice. In graduate school, I read Havelock's *Preface to Plato* (1963) enthusiastically when it was originally published, soon after my first close reading of the *Republic*. Havelock’s earlier study, *The Liberal Temper in Greek Politics* (1957) helps one

appreciate the positive role of the sophists and rhetoricians while understanding why Socrates/Plato nevertheless found them wanting. My feel for the topic has also been deeply influenced by a long fascination with reading and thinking about pre-Socratic speculations, especially the fragments of Heraclitus. Here Kirk, Raven, and Schofield work on *The Presocratic Philosophers, op cit.*; volume I and II of *A History of Greek Philosophy* by W. K. C. Guthrie ([I:] 1962, [II, 2nd: 1965); and *Heraclitus* by Philip Wheelwright (1964), among others, have been formative for me.

[A21] The complexity of *dikê*

Part of the greatness of Homer's *Iliad* arose from how clearly the poem presented paradigmatic forms of justice in the various conflicts that drove its action. It started with an example of retributive justice as Apollo sent a plague upon the Greeks as retribution because King Agamemnon had taken as his concubine the Trojan daughter of Apollo's priest as his share of the mounting spoils. The problematic quickly shifted to a vivid conflict over distributive justice as Agamemnon and Achilles clashed about how to revise the distribution of spoils justly, having returned the priest's daughter to the Trojans. The epic then played out around a formative issue, the choice of Achilles—whether to win eternal fame, suffering an early death, or to live a long and comfortable life. In the course of that extended action, diverse scenes involved numerous aspects of early Greek social practice, including a brief but sharp vignette about a conflict of social justice as Odysseus cudgeled Thersites, who had spoken sensibly but out of place. And the interactions over the disposition of Hector's corpse between Priam, Hector's father, and Achilles exemplified questions of intergenerational justice.

Of course, interpretative characterizations about different kinds of justice project back subsequently into the poem, which depicts all these situations simply as existential encounters. Even the scene in which Athena pulled Achilles back by his hair and gave him silent advice to upbraid but not strike Agamemnon, in which seems to later readers to be a

kind of personification of prudence, simply presents highly charged action. Her personification simply projects later thinking back into the poem. Throughout the poem, Homer presented Athena, and other gods, not as personified concepts, but as existential actualities in the experience of the human protagonists. Conceptualization comes later in historical time. But by basing reflective study on an engagement with the earliest documents in our intellectual traditions, we gain a strong appreciation of how reflective thinking has been historically invented by persons trying to clarify the difficult choices embedded in the heat of human action. They applied a concept of justice as a human artifact to their experience, but they applied it to the issues in their felt experience, not merely to the externals of some situation that observers saw them in.

[A22] Distributive justice in Greek experience

Distributive justice, as distinct say from *majesty* in the exercise of authority, seemed to become a more prominent problem in self-governing polities such as the Greek city-states. Self-governing polities, where authority was sanctioned internally, had a greater stake in maintaining their cohesion than did magisterial polities, where an external, transcendent force appeared sufficient to sanction authority. From Herodotus on, Greek historians appreciated cohesion rather than scale as the key to the Greek welfare and the essence of statesmanship in figures such as Solon, and even earlier in Hesiod, and later Pericles, was seen as the ability to moderate and back away from the stasis arising when conflicts over distributive justice became too divisive and paralyzing. In their larger history, both Greece and especially Rome show how a failure to maintain effective internal cohesion could undermine self-governance and replace it with a politics of imperial majesty. That history deserves close attention in the putative democracies of our time.

[A23] The real American exceptionalism

Possibly books like *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander

(2012) are shifting public sentiment away from the irrationalities of mass incarceration. The human costs of these policies are evident in articles by David Kaiser and Lovisa Stannow, "Prison Rape and the Government," (*The New York Review of Books*, March 24, 2011), "Prison Rape: Eric Holder's Unfinished Business" (*NYR Blog*, 2010), and "The Rape of American Prisoners" (*The New York Review of Books*, March 24, 2011 2010); Bruce Western, *Punishment and Inequality in America* (2006); Shawn Bushway, Michael A. Stoll, and David F. Weiman, *Barriers to Reentry?: The Labor Market for Released Prisoners in Post-Industrial America* (2007).

Acts of retribution have powerful formative influence, quite apart from their punitive effects. See "Remarks by President Obama at the NAACP Conference," July 14, 2015, The White House, Briefing Room, Speeches & Remarks: "Around one in nine African American kids has a parent in prison. What is that doing to our communities? What's that doing to those children? Our nation is being robbed of men and women who could be workers and taxpayers, could be more actively involved in their children's lives, could be role models, could be community leaders, and right now they're locked up for a non-violent offense."

Excessive incarceration offers both the prisoner and the public ineffective rehabilitation. Efforts to renew attention to the formative aspects of imprisonment have decayed and need rebuilding. Ellen Condliffe Lagemann, "Doing Time, with a Degree to Show for It" (*Chronicle of Higher Education*, November 28, 2010) gives a sense of what might be with more attention to formative justice as well as retributive justice, as does Alan Smith for England in his series of online articles about teaching prisoners, most recently "In Prison, Education is a Route to Self-Respect," *The Guardian*, Monday, 8 April 2013).

[A24] Choosing (not) freely

Free will versus determinism seems to me to be a confusion arising primarily because we pay insufficient attention to

the temporality of action. Retrospectively, after the fact, everything has been determined and any good explanation of what has taken place will necessarily be deterministic. At the time of their occurrence, however, actions by living agents are indeterminate and contingent. And in the determined, retrospective world, a great deal has been determined by the contingent actions of living agents. All instances of life are self-forming and self-maintaining. Each living organism, a complex, recursive system, perceives the world around it in some manner and acts in that world in some fashion for the contingent purpose of maintaining its capacity for self-maintenance.[25] The capacity to act contingently from within itself to form and maintain itself differentiates life from inert matter. I think that living organisms can seek to exercise a self-determining capacity because life has acquired an emergent ability to influence a basic indeterminacy in the elemental constituents of the world. How? No one knows. But at one end of a spectrum, physicists are finding indeterminacy real in the quantum behavior of matter and energy and at the other, our inner sense of what is taking place in our lives that we are seeking with an uncertain outcome to determine undetermined possibilities as we act. Why should we impose a deterministic straightjacket on life as lived? We should think of life, in general, as a totality of recursive actions by self-determining agents, a great unfinished drama. In this sense, life creates itself as an emergent property of the universe, a universe that permits life to so soar, for the universe has something indeterminate among its constituent elements that seeks an agent for its determination.

Life determines and maintains itself as a protean form of matter and energy, using information, which resolves the nat-

25 In speaking of self-determination and self-maintenance as a contingent purpose, I mean to suggest that the organism intends that purpose and acts with real effects although the effects of its self-determining actions may not actually realize the purpose.

ural indeterminacy, to exercise self-maintenance through controlled self-determination.[26] This power of self-determination does not mean that a living agent can unilaterally become whatever it seeks to become. It must commit to a purpose in the face of an uncertain outcome. The self-determining organism must cope with circumstances, which are massive, ineluctable, and uncaring; hence self-determination does not guarantee self-maintenance. Self-determination decrees contingency, mortality, finitude; but these limitations allow the sequences of contingent, mortal, and finite lives to become relentlessly recursive as well. Life can multiply and swarm because all its living members are mortal, dying away to make room for new lives. The cycle of deaths and new lives gives to life the power to change and extend itself recursively. Therein lies the power of life in its entirety to colonize, year by year across eons, the mute circumstances of the universe.

Life in general comprises a vast complexity of recursive instances, each mortal, each able to maintain itself fleetingly. But once life starts as this self-determining, self-maintaining succession of lives, that self-maintenance becomes an endless source of meaning to itself. In its most comprehensive sense, formative justice becomes the inherent, sovereign virtue, Plato's idea of the good, the pursuit of self-maintenance, which draws the great succession of lives into existence within the living realm. Formative justice rules the cosmos—that reconstruction of the chaos called into life by the pageant of self-forming actions in self-maintaining lives. For more on life as the ground, see annotations 5, 7, 10, and 26.

[A25] The core question of *Bildung*

Bildung has been a powerful, complex concept in German thought. We cannot venture here a full history of it. For our purposes, it suffices to note very generally key steps in that

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26 In this understanding, in determining itself, the organism makes a determination among possibilities—it does what it does—but how the act of self-determination interacts with circumstances will contingently determine whether the determination actually maintains the organism's capacity for self-maintenance

history. By the mid-eighteenth century, *Bildung* lost much of its earlier religious significance and became a more general term, indicating diverse types of formative processes. In German, *Bildung* still basically means "formation" and continues as a frequent suffix to diverse nouns to indicate the formation of the prefixed topic, as in *Begriffsbildung* for "concept formation." With this basic sense of a formative process, diverse German luminaries used the concept to advance ideas about the personal and historical formation of the inner senses and forms of judgment characteristic of human experience. Early in the nineteenth century, as part of the Prussian educational reforms associated with Wilhelm von Humboldt, these ideas about *Bildung* began to be worked into fairly specific programs of general education, a bit like the liberal arts, and from the mid-nineteenth century on, these programs became more and more reified and dangerously sterile, a part of the German catastrophe that Fritz Ringer illuminated well in *The Decline of the German Mandarins: The German Academic Community, 1890–1933* (2nd ed., 1969, 1990). The pursuit of *Bildung* persists, however, as a quest for acquirements suiting the modestly pretentious with a thriving market for the patina in products like *Bildung: Alles, was man wissen muss* by Dietrich Schwanitz (26. Auflage, 2006).

Although the basic concept of *formative justice* derives from Plato, late-eighteenth-century ideas about *Bildung* in German thought and literature help greatly to show it at work in personal and historical life. Herder, Goethe, Schiller, Fichte, Schleiermacher, Hegel, and many of their peers provide valuable resources for comprehending *the formative power* constitutive of human life. While they often saw themselves countering the mechanistic and rationalistic tendencies of prior Enlightenment thinkers, they were criticizing the larger intellectual movement from within, contemplating how the formative power of human life had an organic vitality *rooted*, not alone in reason, but in the kaleidoscopic circumstances of time and place, of language, of historical experience, of custom and community, of passion and feeling, as well. For them, *Bildung*, human self-formation, took place in

and through it all, controlled marginally, not by system, but by countless, inward acts of judgment.

For these thinkers, *Persönlichkeit*, not merely "personality," but the full, lived experience of the person, immersed always in a concrete time and place, in actual historical contexts rippling out from local family and neighborhood through ever-widening ones to the cosmos of humanity, using language, arts, and techniques in specific ways for specific purposes, constituting a unique, autonomous, fallible, yet active agent. Educators should do more, much more, to recover the classical German idea of *Bildung*, not as they sometimes try to do, looking for a renewed practice of education. Educators need to recover *Bildung* as a worldview, as a way of seeing human life, whole in all its complexity, as a formative process, unfolding in the face of contingency with responsibility and purpose immanent within. This worldview does not provide a program of general education. It shows us why the full self-formation by each merits the fullest feasible support by us all.

In 2002, Lars Løvlie, Klaus Peter Mortensen, and Sven Erik Nordenbo edited a valuable special issue of the *Journal of Philosophy of Education* (Vol. 36, No. 3, 2002) devoted to the topic of *Bildung*. It exemplifies the challenges the topic presents. The eleven contributors treat *Bildung* as a form of pedagogical activity, described in eleven variations, and speculate how it might be realized in eleven variants of the contemporary situation. The contributions offer much interesting erudition, but they do not cohere into a compelling insight into the value of *Bildung* in contemporary life. In German educational scholarship over the past five or six decades, there have been many studies of *Bildung* as a historically significant pedagogical program, but these are highly reductionist, generally showing how different variations on the program reflect the class interests and biases of its proponents. To start recovering a sense for the worldview associated with the concept of *Bildung* in German thought in the late 1800s consult the 2nd volume of *Das Pädagogische Problem in der Geistesgeschichte der Neuzeit* by Hermann Leser, devoted to *Die Deutsch-Klassische Bildungsidee* (1928). The entry on "Bildung" in

the *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland* by Rudlof Vierhaus gives a very compact survey of historically distinct views, but it presents a much sketchier description of them than Leser did (Vol. 1, pp. 508-51). I think the more voluminous presentation in volumes 2 and 3 of the *Handbuch der deutschen Bildungsgeschichte* (Christa Berg, et al., eds.) does not offer much insight for the authors contribute to an effort to give complete coverage to all educational activities in the entire Germanic world: thought disappears in unending mentions of everything.

Now, in the worldview of the present day, *Bildung* has been hypostatized, the all-encompassing processes of formal education. But does all this formal instruction have the causal powers its hypostatization imputes to it? To meet that demand, we might wonder—"In the real world of real, to who's practice[27] might the concept of *Bildung* be relevant?" And we might then follow that by asking—"And how might the practitioners[28] of *Bildung* implement their practice?" The forming that takes place primarily shapes an agent in interaction with his lifeworld. Manifold stimuli impinging on the agent from the lifeworld are pervasive and continuous. From his side, the agent ceaselessly modulates the stimuli, both passively and actively, assimilating much, repelling some, and over time thereby incarnating his humanity. In understanding this forming, this *Bildung*, as a practice, we should recognize it as the agent's practice. He implements it by trying to assert limited but effective powers of self-formation within the encompassing formative process. Supportive resources for acting intentionally with good effect best help an agent to implement a practice of self-formation within the overall process of *Bildung*. Goethe illuminated the overall process in *Wilhelm Meister's Apprenticeship* and illustrated its support especially with

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27 "The actual application or use of an idea, belief, or method, as opposed to the theory or principles of it. . . ." *OED*, 2a.

28 "A person who habitually or customarily engages in a particular activity or type of behavior. . . ." *OED, 2.*

Wilhelm's "Indenture" (Book VII, Chapter 9) and the explanation of the Abbé's pedagogic methods in the dialogue between Jarno and Wilhelm (Book VIII, Chapter 5). Essentially persons modulate the process of *Bildung* by acting both spontaneously and reflectively on the accumulated insight into the process of *Bildung* embedded in the cultural heritage. W. H. Bruford's two great studies, *The German Tradition of Self-Cultivation:* Bildung *from Humboldt to Thomas Mann* and *Culture and Society in Classical Weimar, 1775-1806*, provide excellent background for understanding the practice of self-formation.

[A26] The etiology of human power

Formative power does not *ipso facto* do good. For both the person and the polity, complacency, errors, stupidities, attrition, sickness, accidents, misfortunes, and corruption in formative efforts accumulate, diminishing capacities of self-maintenance, eventually leading to the senescence and death of the person or the polity. Side effects and unintended consequences are significant problems in the exercise of formative justice, as they are with other forms of justice as well. People, personally and collectively, suffer the consequences of formative injustice. Are humans able to perceive the cumulative scale of our amassed powers as a fundamental formative challenge that we must face? A living person acquires her perceptive, active, and self-directive powers through biological inheritance; she acquires her formative power as a self-made power. Do human formative powers safely and wholesomely serve the vital imperative of maintaining the self-maintenance of life on earth? Can we form an inner sense and principles of judgment allowing us to detect dangerous imbalances presciently in our cumulative effects on the earth? Can we find compensating strategies for adapting what we make of ourselves on a global, multigenerational basis?

At the public level, whoever feels secure in our power to adapt with saving technologies, might be smart to consult the archaeology and history of failed civilizations. The capacity to cope with complexity creates further complexity, and in

many civilizations complexities have emerged with which people were unprepared and unable to cope. Quite without human help, climate has changed and has destroyed civilizations at the pinnacle of their time. A good case in point is the ancient Indus, brought back to life from an untimely death through the archaeology of Harappa and Mohenjo-Daro. See *The Ancient Indus Valley: New Perspectives* by Jane McIntosh (2008) and *The Ancient Indus: Urbanism, Economy, and Society* by Rita P. Wright (2009).

[A27] Perceptive, active, and self-directive powers

Throughout my career, I have been reflecting on the concept of life educed in this essay. As explained in annotation 5, *la vida*, *vivir*, living, was one of the ideas that strongly attracted me to the work of José Ortega y Gasset. Some ideas that seem very important in one's youth should ripen through the whole of one's career. For me, living as the vital ground for thinking has ripened in this way.

I became interested in it on encountering Ortega's work early in my senior year in college. Browsing in the bookstore, I picked up a new release, *What Is Philosophy?* I was immediately hooked. Philosophy for Ortega was not a set of abstract problems, but an important resource in living our lives. Soon I had read everything I could find by Ortega in translation and then started teaching myself to read him in Spanish, to my left, a dictionary, quickly well worn, to my right, a grammar, and in my hands, "El Arquero" paperbacks of *España invertebrada*, *El tema de nuestro tiempo*, and *La rebelión de las masas*.

During my doctoral work on Ortega, I spent some time reading representative articles by European writers published in the *Revista de Occidente*, an excellent monthly journal that Ortega had founded and edited. "La biología de la ostra jacobea" particularly fascinated me. It brought to life the field of agency within which an oyster of a particular species lived. The author had a strange name, Jakob von Uexküll, and his idea of biology struck me as fascinatingly neo-Kantian. I asked Jacques Barzun, who was mentoring me in European

intellectual history, if he knew anything about Uexküll, and he said not enough and sent me to Erwin Chargaff, an important biochemist at the Medical School, whose work had provided the foundation for that of Watson and Crick on DNA. See *Erwin Chargaff, 1905–2002* by Seymour S. Cohen, (2010). Chargaff had broad philosophic interests and had established his career in Vienna and Berlin until the Nazi regime came to power. He was surprised that a young American graduate student in history and education should show up asking about Uexküll, and he spoke with me at length. He thought that Uexküll had been a serious scientist, combining wide interests with good skills as a researcher, going against reductionist currents, trying to make biology a study of how organisms lived, not simply a study of the biochemistry of cells. I said that I thought Uexküll had anticipated the ideas of Norbert Weiner, whose work publicizing cybernetics was then prominent, without Weiner's mechanistic animus. Chargaff encouraged me to explore the connection.

I had to take a fairly basic psychology course, a requirement I had put off to the end of my doctoral work and I asked the professor if I could write about Uexküll and cybernetics in my course paper. I found Uexküll's *Umwelt und Innenwelt des Tieres* (1909) and *Theoretical Biology* (D. L. MacKinnon, trans., 1926) in the library. I read more of Norbert Weiner and some of his colleagues like Warren S. McCulloch and W. Ross Ashby. As the end of the semester loomed, I wrote up a paper, “Machines and Vitalists: Reflections on the Ideology of Cybernetics,” and submitted it for the course. To my surprise, the professor refused to accept it and would not explain why, perhaps thinking I believing I had plagiarized it from some unknown source. I didn't want the work to go to waste and decided to try to publish it and sent it off to what vaguely seemed like a possibility. To my even greater surprise, I quite quickly received a postcard accepting it from the *American Scholar* for publication in a special issue on “The Electronic Revolution” (Vol. 35, No. 2, Spring 1966). That publication did wonders for my career and I have never really set aside the themes opened up for me in the essay. In the years that

have passed, Uexküll has gained repute as a less anomalous, rather influential thinker, and the range of work parallel to his has increased remarkably.

During the twentieth century, major European thinkers—Ortega, Ernst Cassirer, Martin Heidegger, Maurice Merleau-Ponty, Josef Pieper, Giles Deleuze, and Giorgio Agamben—took notice of Uexküll, often as a scientist of significance even though his place in the scientific firmament was not very clear. For Agamben, see Agamben, *The Open: Man and Animal* (2004, esp., Chapters 10–12); for Heidegger, Merleau-Ponty, and Deleuze, see Buchanan, *Onto-Ethologies* (2008, *passim*.); for Pieper, *Leisure: The Basis of Culture* (1948, pp. 95–99), for Cassirer, *Problem of Knowledge* (1950, pp. 199–205). Alain Berthoz, a French neuroscientist of major stature, uses Uexküll's concept of *Umwelt* to frame his research agenda; see Berthoz's *The Brain's Sense of Movement* (2000) and *Simplexity: Simplifying Principles for a Complex World* (2012). Berthoz and Yves Christen edited *Neurobiology of "Umwelt": How Living Beings Perceive the World* (2008), in which a variety of biologists and ethologists show the fruitfulness of Uexküll's ideas for contemporary neuroscience.

Early in the twenty-first century, two scholarly journals devoted special issues to Uexküll's ideas and their influence in semiotics and related domains—*Semiotica*, Vol. 2001, No. 134, July 2001; and *Sign Systems Studies*, Vol. 32, No. 1&2, March 2004. Needless to say, subsequently interest in Uexküll's work has continued to grow but he still stands outside the main currents of biological thought. In 2010, a good translation of *Streifzüge durch die Umwelten von Tieren und Menschen* (Berlin: Verlag von Julius Springer, 1934) was published as *Foray into the Worlds of Animals and Humans: With a Theory of Meaning* (Minneapolis, MN, USA: University of Minnesota Press, 2010). The essay by Elizabeth Grosz, "Deleuze, Ruyer and Becoming-Brain: The Music of Life's Temporality" (*Parrhesia*, Number 15, 2012, pp. 1–13) exemplifies how Uexküll's rather subterranean influence has been spreading into contemporary thought.

In addition to Ortega and Uexküll, over the years I've

found it thought provoking to reflect on the work of other philosopher/scientists of life, if I may put it that way. See Stuart Kauffman, *At Home in the Universe: The Search for Laws of Self-Organization and Complexity* (New York: Oxford University Press, 1995) on the emergence of life; Gerald Edelman, *Bright Air, Brilliant Fire: On the Matter of the Mind* (New York: Basic Books, 1992) and *Second Nature: Brain Science and Human Knowledge* (New Haven: Yale University Press, 2006) and Jean-Pierre Changeux, *Neurobiology of Human Values*. Research and Perspectives in Neurosciences (New York: Springer-Verlag, 2005) on human thinking in the perspective of neurobiology; Alain Berthoz, *The Brain's Sense of Movement* (2000) on the cognitive teleology involved in bodily movement; and Mark Newman, *Networks: An Introduction* (New York: Oxford University Press, 2010), Albert-László Barabási, *Linked: The New Science of Networks* (Cambridge: Perseus Pub., 2002), Duncan Watts, *Six Degrees: The Science of a Connected Age* (New York: W. W. Norton, 2003) on network theory and the interpretation of thinking and living. For more, see my book, *Enough: A Pedagogic Speculation* (2012).

[A28] Life and the work of recursion

Recursion, through which a function cumulatively applies successive instances of itself, has great power in most processes. A process comprises the recursive repetition of a constituent operation. People often examine recursion in a rather abstract ways by studying how recursion works in special domains like language, mathematics, computer science, as well as art and music. I think recursion operates fundamentally as a biological phenomenon, a key to embodying cognition, something close to the essential process of life through the cycles of death and reproduction. The world of matter and energy has numerous repetitive phenomena, but they are not recursive. In the physical world some processes maintain themselves for a time. Under the right conditions, they form, then sustain themselves as long as the conditions last, and then they

expire. Perhaps life began when some natural cycle of repetition became recursive. Life, living processes, seem to have been self-sustaining physico-chemical process that acquired recursive capability, the power to call forth a new instance of itself before expiring. However the living origins of life came about, life has continued, life continues, and life will continue despite the mortality of its constituent members, and even more, *by virtue of it*. It has continued to maintain itself through cellular division and eventually through sexual reproduction. Despite the mortality of every instance of life, life itself defies mortality.

An interesting literature on recursion has developed, although I think work on various forms of recursion such as computer-based artificial live generally proceed by relying on recursion but saying little about what must take place in the recursive cycles to properly say that the process lives. How should observers distinguish between actions that maintain a process and those indicate the self-maintenance of the process? Douglas Hofstadter's large but impressionistic work, *Gödel, Escher, and Bach: An Eternal Golden Braid* (20 Anniversary edition, 1999) did a great deal to bring thinking about recursion beyond the confines of computer science, mathematics, and linguistics. *The Recursive Mind: The Origins of Human Language, Thought, and Civilization* by Michael C. Corballis (Updated ed., 2014) provides an excellent recent survey emphasizing the development and importance of the recursive power of language.

In a highly speculative mood, I wonder whether time itself constitutes an encompassing recursive function by which the universe, natural and vital, continually calls up a new instance of itself? But only time will tell.

[A29] Capabilities and capacities distinguished

By and large, in this essay I use *capability* in an abstract sense, a "power or ability in general, whether physical or mental" (Garner, *Garner's Modern American Usage*, (3rd ed., 2009, p. 130) and *capacity* in a more concrete sense, an instance of a capability as a person or group has developed it.

The distinction parallels that between *concept* and *conception*, the concept denoting the general idea and the conception a particularization of it—*the concept of justice* and *my conception of it*.

Readers familiar with the "capability approach," which Amartya Sen and Martha Nussbaum have developed in the literature on distributive justice, will wonder about the relationship of formative justice to it. I discuss that briefly in annotation 29.

[A30] The human exercise of formative power

Those who exercise formative power, or those caught up in its exercise, cannot complacently assume that it will lead to benign consequences. Whether unique to humans, or to some degree shared with certain other species, formative power has been a fast-moving, consequential power. We can say, I think, that formative power has been highly distinctive of humans although not absolutely unique to them. One way humans have used our formative power has been to tame members of some other species, to train and habituate them to acquired behaviors. We selectively breed plants and animals to better serve our purposes. And the lore of pets includes accounts of many uncanny actions that suggest the pets have emotions and understandings that seem to have a formative base. Certainly other species—dolphins, whales, elephants, hominidae—possess some formative powers, but those remain difficult to understand and not very cumulative, generation-to-generation.

For that matter, human formative powers were not very cumulative for many, many generations, for primitive humans had a very simple and very stable toolkit for most of our existence as a species. Undoubtedly, rising sea levels as the last ice age waned, and the ravages of decay, severely redacted the whole story. Nevertheless, humanity's formative power has been tangible in the record for some 1600 generations, 40 thousand years or so, and dynamically cumulative for 400 to 600 generations, 10 to 15 thousand years. Consequently, as a historical force, the formative power has been a slow and late in appearing. Much human prehistory precedes it. Thus, we

cannot say, *"Behold, Homo sapiens! Here is formative power!"* This suggests that with humans, and perhaps other species, formative power did not emerge through a chance genetic innovation, transmitted thereafter through the processes of reproduction. Rather, formative power seems much more likely to have been an emergent, extra-genetic acquisition as humans used some very faint capacities recursively over many generations to build it up slowly. Then took off as the formative power, in an evolutionary instant flowering into humanity's constructed cultures.

[A31] Cause and reciprocal interaction

Ethological, anthropological, and neurological studies of shared intentionality and mind mirroring are very suggestive about the emergence of our formative power, although still themselves in a very formative stage. At the very least, however, we can observe that in thinking about experience formatively, we must extensively exercise Kant's 3rd analogy of experience, the principle of simultaneity according to the law of reciprocity or community (see annotation 15 above). By the same token, in thinking about experience instrumentally, we must make extensive use of the 2nd analogy. In calling the formative power a distinctively human power, I do not mean to suggest either that humans uniquely possess its neurological basis, whatever that might be, or that members of other species cannot manifest it as a behavior. Surely the formative power has a complicated morphological basis which formed through a late, slow emergence in the evolutionary experience of life, but once formed its vital significance has been overwhelmingly evident among humans. And in the history of human experience, effects of the formative power have been primarily evident only in relatively recent experience, which has been taking place long after the physical and neurologic preconditions for it would have evolved.

On these questions, I have found the work of Michael Tomasello particularly thoughtful and illuminating. Most recently, *A Natural History of Human Thinking* (2014), presents a concise introduction and has an excellent bibliography. I do

not want to downplay the importance of evolutionary developments in human physiology, but to suggest that once initiated at some point (or points), the formative power sustains itself as a self-formative capability, with an immense cultural, not physiological, capacity. The acceleration of formative activity during the last 10 to 15 thousand years took place too recently for genetic changes to have driven so much cultural innovation. The rapid acquisition of cultural characteristics in different parts of the human world clearly was resulting from the human formative power itself.

[A32] Formative justice and the capabilities approach

Formative justice as developed in this essay allies closely to *the capability approach*, an important body of work on justice led by Amartya Sen and Martha Nussbaum. The two sets of ideas differ, however. If we ask, to what does *the capabilities approach* approach, we should answer "to distributive justice." It concerns the distribution of human capabilities, whereas formative justice concerns their formation. The two efforts intersect and reinforce one another, but they are not the same.

A full discussion of further similarities and differences would take this essay too far afield. Both concentrate on what people can do in their lives, what their capabilities and capacities can and should be, with a difference of emphasis arising because the capability approach concentrates on *what* people can do, while formative justice accentuates *how* and why people come to be able to do what they can do. The capability approach pays more attention to social conditions as limiting factors on what people can do because it asks questions that call for observational, empirical answers. In contrast, formative justice explores how persons and groups as agents can form themselves and their conditions. More phenomenological, it asks how persons form themselves from the first-person point of view.

Further, an obvious difference, presently significant: the capability approach has developed extensively with an enormous bibliography, whereas formative justice, an emerging

inquiry in initial development, has a thin bibliography (compare an online search entering in quotation marks “capability approach” and “formative justice,” producing 204,000 hits versus 762).[29]

Possibly of substantive significance, a difference arises because the capability approach traces back more to Aristotle and formative justice derives more strongly from Plato. Neither formative justice nor the capability approach aims to delineate a perfectly just society. Instead of doing that, the capability approach aims to establish testable grounds for judging the comparative justice of different societies by empirically testing the degree to which their members achieve, and have the opportunity to achieve, the set of capabilities that are hallmarks of human realization; see for instance, *The Idea of Justice* by Amartya Sen (2009), Part III: The Materials of Justice, pp. 225–327. The approach aims to improve policies and their implementation with this information. Formative justice as developed here pertains much more to how persons and polities can use conceptions of formative justice in deliberating about how they will decide to control their self-formation and try to shape their possibilities. Formative justice does not directly pursue more just access to educational opportunities nor with the distribution of instructional results. Rather, it seeks to improve the regulative principles with which a person or a polity will decide how to exploit the educational opportunities she, or it, may have, whatever those may be. As such, formative justice provides an additional mode of justice to the capability approach's version of distributive justice.

As an alternative mode of justice, formative justice may be highly complementary to the capability approach, for at the level of polities, formative justice may give powerful reasons for adopting measures also justified by the capability approach. The capability approach concerns justice as a normative concept of use in comparative politics. Formative justice develops a regulative principle that people can use in forming

[29] Via Google search, July 31, 2015; 188,000 versus 1,380, May 21, 2016—the gap narrows!

and controlling their purposes. In historical practice, the pursuit of formative justice should result in our aware and active use of the formative power that we possess as humans—both as persons and as polities. In the course of our lives, we shape and develop the perceptive, active, and self-directive powers that we draw on in the conduct of our lives. The pursuit of formative justice will not prescribe policy, but it may affect the quality of deliberation and implementation of policy, an indirect effect of considerable consequence.

For the capability approach, in addition to *The Idea of Justice* and mentioned above, see for instance, *Development as Freedom* by Amartya Sen (1999), *The Quality of Life* edited by Martha Nussbaum and Amartya Sen (1993), and *Frontiers of Justice: Disability, Nationality, Species Membership* by Martha C. Nussbaum (Cambridge Harvard University Press, 2006).

[A33] Familiar types of justice

As mentioned at the outset of this essay, the concept of justice has occasioned a huge literature, accumulating through the history of thought and flourishing over the past half century, stimulated in large part by *A Theory of Justice* by John Rawls (*op. cit.,* 1971). *The Stanford Encyclopedia of Philosophy* includes good articles that introduce important forms of justice indicated here. See Gillian Brock on "Global Justice," Julian Lamont and Christi Favor on "Distributive Justice," Alec Walen on "Retributive Justice," Lukas Meyer on "Intergenerational Justice," and a variety of articles on searching for Social Justice.

I think the very multiplicity of forms of justice in the literature calls out for more attention to the core meaning of *justice*, which unites all these different topics. In structure, I think each of them arises when people find themselves in various situations confronted with excessive or contradictory possibilities, each of which has prospective value. In such a situation, they must find grounds for preferring one value relative to the others and making those grounds clear becomes the discourse

of *justice*. In the most general sense, formative justice deliberates about these grounds for preferring one among other possibilities, and the more familiar, special forms of justice are special cases of formative justice. As we consider applications of formative justice in the second half of this essay, we will find that recasting some irreconcilable conflicts over distributive justice and the like as problems of formative justice may make it easier to achieve a productive consensus.

[A34] Blurring of Plato's conception of justice

Thoughtful writing exercises two kinds of power, the expository and the educative. Plato wrote very early in the tradition of written reflection in Western thought, and the educative function predominated, for his writing served to draw out thinking—his own and that of his readers—about the matters at issue. He started to write under the inspiration of Socrates, who intentionally did not write what he thought and Plato chose to record or recreate Socratic discussions, somewhat in the manner that oral-epic poetry had been transcribed to writing not so long before. The dialogues, at first quasi-literal and then more figurative, served to advance thinking, not to explain thought. Those footnotes to Plato that Alfred North Whitehead marveled at record the endless ways in which Plato's readers have advanced their thinking over many generations in interaction with what he wrote. Walter Kaufmann celebrated this power in his appreciation of Plato as educator:

> Plato's central importance for a humanistic education—and "humanistic education" is really tautological—is due to the fact that a prolonged encounter with Plato changes a man. It will not change every reader in the same way, but on the whole it is likely to make a man less dogmatic, more cautious and critical in his thinking, aware of endless possibilities, and alive to the delights of sustained reflection.[30]

As the quest for promotion and tenure has become more and more dominant in academic publishing, with the gates kept by narrow peer-reviewing groups, the educative function in reflective writing has shriveled. The scholar gains points

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30 Walter Kaufmann, *Critique of Religion and Philosophy* (1961), p. 409.

through exposition that shows how his contribution advances on those that came recently before it. The learning of the learned consists in being up-to-date on what preoccupies the peer group, a quest that drops work of lasting educative power rapidly from circulation. Thus the humanities abjure their educative mission as clueless practitioners wring their hands at the loss of status befalling them. To resuscitate humanistic education, we should value the *au courant* and originality less and educative power more. Of course, the expository deserves its due as much as the educative, and the two can have it together if the gatekeepers will pay more attention to the challenge of producing work that will stand the test of time, not that of differing discernably from what immediately comes before. The latter test produces fashion and fad, which has become much too prolific in many fields. A case that this or that achievement should prove reasonably lasting within the corpus of a field may or may not prove correct, but it will accentuate the virtues of both expository and educative work and lead to a more just balance between the two.

[A35] Let's call Platonic justice *formative justice*

Some readers will object that the Platonic form of justice that I am referring to has a name, a big name to boot—*practical reason*. While in life, formative justice and practical reason may both impinge on the same actions that an agent may be undertaking, they do so in different ways with different consequences. Both arise from the perspective of the agent acting in his world as he engages in the conduct of life. But the questions the agent asks himself in reflecting on practical reason differ from the questions at issue in formative justice. For proper parallelism, we should speak here of *formative reasoning*. Practical reason stems from the question that we all have all of the time—*what should or ought I to do?* Formative reasoning arises in a different way, integrally in the course of acting—*what can and should I make of myself?* Formative justice formalizes the categories with which we regulate our use of formative reasoning, helping us to engage in it with more self-awareness. Thus it differs from practical reason,

which we regulate with the principles of ethics.

Let us try to grasp how both formative reasoning and practical reason answer work by noting how Kant's 2nd and 3rd analogies apply in assessing the worth of actions or in acting that an agent considers in the conduct of life.[31] Essentially practical reason relies primarily on the 2nd analogy, the principle of temporal succession according to the law of causality. Practical reason seeks to determine the ethical worth of an action conceived to be taking place through a causal temporal sequence. A deontological ethic applies to worth of the will that initiates the sequence, virtue ethics to the worth of the willing that takes place through the sequence, and utilitarian ethics to the worth of the outcome of the sequence. Formative reasoning primarily involves the 3rd analogy, the principle of simultaneity according to the law of reciprocity or community. An agent uses formative reasoning within complex interactions to control what is taking place so that the agent can maintain his capacities for self-maintenance. As practical reason can vary according to whether one concentrates on the beginning, middle, or end of the causal sequence, so formative reason varies according to the scope of the simultaneity that the person takes into account, potentially ranging from the immediate to the all-inclusive.

Practical reason generates a principle that one can attach as an attribute that indicates the ethical character of the causal sequence. It establishes an ethical standard applicable as a person acts, understanding the acting as a causal sequence producing a determinate outcome. Practical reason judges the whole sequence good or bad, applying criteria to judge the ethical character or quality of what takes place. Hence, types of practical reason develop grounds for judging whether

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31 In these paragraphs, I am trying to differentiate practical reason and formative reasoning, for which the 2nd and 3rd analogies of experience have special importance. In actually, vitally experiencing our lives, accounting for the possibility of our experiencing would depend not on one or another of the analogies, but on explaining their constantly converging. A full explication of how the converging takes place cannot be ventured here.

something taking place has or does not have moral worth, assessing the worth according to the actor's standards of worthiness. The different forms of practical reason broadly rely on principles of utilitarianism, virtue ethics, or deontology, but all three apply standards to actions, trying to judge whether or not to deem given actions beneficial, virtuous, or intrinsically good. The deontologist concentrates on the intrinsic worth of the action by judging whether the will initiating the action conformed to his standard of worth. The virtue ethicist concentrates on the worth of the acting by judging whether the appropriate virtue suffuses the acting taking place. And the utilitarian concentrates on the outcome of the acting by judging whether it produced benefits exceeding those of potential alternatives. Whatever the variant of practical reason, considerations of it take place in the realm of thought as thinkers reason out and justify their criteria of judgment and then apply them to causal sequences of action. Practical reason generates rational standards that that should then apply to actions. As a result, some difficulties arise in bringing principles of practical reason to bear in the course of acting, in passing from the conceptual to the actual. Having conceived their respective principles as an attribute of a substantive—the initiating will, the acting as an object of contemplation, or the outcome as an empirical result—the process of inserting them into living activity becomes problematic.[32]

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[32] Consider the difficulties Rosalind Hursthouse encounters in explaining how the virtue of virtue ethics will enter into the lived experience of the person who aims to become fully virtuous. Writing in the *Stanford Encyclopedia of Philosophy* on "Virtue Ethics," she states the problem in opening long section on "Virtue, Practical Wisdom and *Eudaimonia*":

> A virtue such as honesty or generosity is not just a tendency to do what is honest or generous, nor is it to be helpfully specified as a "desirable" or "morally valuable" character trait. It is, indeed a character trait—that is, a disposition which is well entrenched in its possessor, something that, as we say "goes all the way down", unlike a habit such as being a tea-drinker—but the disposition in question, far from being a single track disposition to do honest actions, or even honest actions for certain reasons, is multi-track. It is concerned with many other actions as well, with emotions

Formative reasoning does not take place by linking an ethical attribute to a substantive agent, for it takes place integrally in and through the actualities of living. It does not apply to the process for it consists in the process. From the perspective of an actor interacting with his circumstances, formative reasoning dynamically estimates the relative worth that multiple possibilities offer for maintaining the actor's capacities for self-maintenance. Formative justice, the *telos* of this reasoning, emerges as a person seeks to exercise control within a process of acting. One cannot find it as an attribute of the action, not in its initiation, its conduct, or its result. Rather one finds it in the relative state of the agent's capacities for self-maintenance comparing their earlier condition to a later one. The question that formative justice confronts is not whether the deeds done are good, but whether doing them enhances or degrades further capacities for acting, whether it forms or deforms them. Formative reasoning senses the relative consequences of multiple possibilities on its capacities for self-maintenance, informing how an actor rejects possibilities in the ongoing course of living actively. Formative reasoning

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and emotional reactions, choices, values, desires, perceptions, attitudes, interests, expectations and sensibilities. To possess a virtue is to be a certain sort of person with a certain complex mindset.

She continues for eight paragraphs worrying about how a person becomes virtuous, restricting the possibility to some adults who will possess an Aristotelian "natural virtue," a proto version of full virtue, and manage to perfect it with "*phronesis* or practical wisdom," the knowledge or understanding to act well in any situation. Unfortunately, she laments, "the detailed specification of what is involved in such knowledge or understanding has not yet appeared in the literature, but some aspects of it are becoming well known."

Although I use a text concerning virtue ethics to explicate a difficulty in much ethical philosophy, namely the concern for determining if and when ethical properties can be properly attributed to an abstractly good person. The result confines morality and ethics to a few adults who have somehow developed the correct attributes that they will thereafter happily and rightly manifest in their behaviors. I think our understanding of valuing and trying to do it well rather than poorly should apply to everything that sentient creatures do, whether they do it well or poorly.

takes place integrally in acting and someone pursuing formative justice finds it difficult to enunciate abstract thoughts about it that she might apply as a formal standard applicable to formative reasoning. In conscious self-awareness, formative reasoning seems highly intuitive, although evidently embedded as an immediate part of acting. Practical reason, in contrast, works as a deliberate exercise of conscious thinking, although how to imbue acting with it remains a difficulty. A great deal of ambivalence about matters of value arises because we have difficulty synthesizing the two modes of judging value.

Let's try to think tentatively about the relationship between practical reason and formative reasoning. Practical reason has a prominent pedigree, but formative reasoning has one too, although it may seem less prominent. Socratic eristic often turned on forcing an interlocutor, who was advancing a highly expedient practical reason (the stronger ought to do what is in his own interest) or with Euthyphro a kind of deontological dogmatism, into recognizing the need to understand a longer-term, formative dimension to his true interest.[33] In the *Republic*, the practice of justice in the living of life strengthens that capacity for self-maintenance and the practice of injustice weakens and distorts it. The just life as the life of the sustainable, self-controlled self runs through Plato and on through the ancient life-wisdom of both Stoics and Epicureans. Jumping ahead to modern ethical thought, theories of practical reason almost always presume as the enabling condition for their existence the prior development of moral sentiments. Rawls was quite explicit: "if we can characterize one (educated) person's sense of justice, we might have a good beginning toward a theory of justice" (*A Theory of Justice, op.*

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33 Did Socratic ignorance and the *aporia* of Socratic dialectic arise because formative reasoning never really concludes, but continually works within the flow of living action. In saying that growth should always lead to more growth, John Dewey he described the imperative of maintaining capacities for self-maintenance immanent in acting, although calling it "growth"raises some problematic expectations, I think (see annotation [A51a]).

cit., p. 44). How does that one person's sense of justice become educated? *Prima facie*, it seems reasonable to consider the relation of formative justice and practical reason a legitimate concern.

[A36] Aptitudes disclosed existentially

See *Republic*, III: 414b-415d. I interpret the city described in Books III and IV to have been constructed by Plato for the sole purpose of helping him convey his ideas about the human person, precisely the purpose that Socrates assigned to it. (*Republic*, II, 367a-e, for the question as put by Adimantus, and 368c-369b, for Socrates statement of his strategy for seeking justice in the person) I do not think the Myth had any normative political import attached to it by Plato. Plato situated the Myth within the hypothetical reasoning about the city in words, he further introduced it ironically—"How might we then devise one of those needful falsehoods we were just mentioning?"—as a Phoenician tale. As an analogue to the human person, the Myth would be introducing a way by which persons, contemplating their efforts to live justly, could think about their manifold aptitudes and the challenge each person faces of developing the mix of capacities that best suits her potentialities. If the Myth had a collective import, suggest that the whole polity shared an interest in the full development of all its members.

[A37] The fundamental rationale for universal education

It makes sense, I think, to take Plato seriously when he called for the full participation of women in the education programs he outlined (*Republic*, V: 451b-457b). In the context of formative justice, the whole community has an interest in the full development of all its members, for only through their development can people know what they are capable of. Plato noted how ignorance of one's capabilities would lead to an inclusive egalitarianism long before John Rawls in his *Theory of Justice*, *op. cit*., section 24, pp. 118–123, called for a veil of ignorance on people's socio-economic conditions. Rawls called on people to act counterfactually, as if they were igno-

rant of their position in society. Plato's use of a veil of ignorance was far more sensible. Although people know their relative socio-economic standing, they are ignorant of their potentialities until they develop them, and it remains a very powerful, essential argument for extending full educational opportunity to all. Each person should have at her disposal the full formative resources of the culture. We should dismiss any argument for withholding formative resources from this or that person or group as a stratagem by which an improperly privileged elite seeks to defend its privileges. In addition, Plato's stratagems for obscuring the parentage of children and raising them in common indicate his clear understanding that socio-economic inequalities bias the development of potentialities in children to the detriment of the whole polity. A stronger commitment to formative justice need not lead to the extreme measures Socrates speculated about with the city of words, but surely it would undercut the case for passing vast fortunes from generation to generation while multitudes of children stunt their possibilities for want of basic material and cultural resources.

[A38] Late blooming, a prerogative for all

[*** This is a hodge-podge. Rewrite to keep the problem keeping the path of development open long enough for a person to find her real calling, but not indefinitely open so that she never engages the drive to full mastery. ***]

Late bloomers make frequent marks historically, and they usually show up among those who are better off. The die gets cast earlier for the poor, surely a loss for people who would care for formative justice. As the most powerful in a winner-take-all ethos rationalize their greed through fatuous stupidities about incentivizing their effort, they fail to notice how much effort by others they disincentivize. For each, the formative moment is always open, *de novo*, for it is not yet determined and may be highly complex. Prediction should have no place in pedagogy. Goethe put it well in *Wilhelm Meister's Apprenticeship* as Wilhelm discussed his Indenture to adulthood with Jarno, one of his mentors. Wilhelm objected that

declaring his apprenticeship compete "has been very premature; for since the day when you pronounced me free, what I can, will, or shall do, has been more unknown to me than ever." To that, Jarno replied,

> We are not to blame for this perplexity; perhaps good fortune will deliver us. In the mean time listen: 'He in whom there is much to be developed will be later in acquiring true perceptions of himself and of the world. There are few who at once have Thought and the capacity of Action. Thought expands, but lames; Action animates, but narrows'.[34]

If a favored few justly enjoy the privilege of pedagogical patience and forbearance, the many should rightfully receive it as well.

[A39] Sharing the good life

What can and should we learn from the ancient polis? To answer that, we need to ask ourselves what aspects of our interaction with our circumstances might be similar to significant patterns of interaction in ancient city-states. It requires a certain amount of reflective self-examination. Much of our daily activity engages us in necessary causal sequences for attending to the elemental requirements of self-maintenance. We all, all the time, have to take care of our basic physical needs for cycles of rest and activity, ingestion of food and excretion of its residue, engaging in a minimally self-sustaining community of cooperation. For the classical Greeks, one took care of these necessities through the *oikos*, the household. In their sense of their prehistory, small groupings of households developed to take care of subsistence needs.[35] Some of these succeeded well enough to generate a surplus of possibilities beyond the necessaries, at which point a polis emerged from the grouping of house, formed to take care of "the good life,"

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34 Goethe, *Wilhelm Meister's Apprenticeship* (Thomas Carlyle, trans., 1917), Bk VIII, Ch. V, ¶38.

35 Virtually the whole of Book I of Aristotle's *Politics* concerns the household and its management. With a rather abrupt transition, Aristotle then turns to his main concern, the workings of the *polis*.

the life that comprised possibilities over and above the constraints of necessity.

Subsequently, the domain of the *oikos* gave rise to the economy, both in function and name—into the 19th century spelled œconomy, more clearly showing its derivation. Likewise, the *polis* seems to have given us the functions of political life and words for the polity and the political, but while we cannot mistake the linguistic derivation, the entry of the "state," as in "city-state" and "nation-state," not to mention the relation between one's "estate" and "household, makes the functional, historical connection the classical *polis* and modern-day polities more ambiguous. For the Greeks, the *polis* encompassed the *oikos*. That really set them apart from other peoples who were ruled by imperial households with all lives ultimately serving its necessities. The space of the *polis*, free from the constraints of necessity, constituted the autonomous life, life shared in pursuit of the common goods, the chosen goals. Do we have *polis*-space in our lives and do we care for it as well as we might? These are questions to keep in mind in thinking about the classical *polis* and its meaning for us.

The Greek polis, whether on the Spartan regimented model, or the Athenian, more participatory model, should perhaps be interpreted as an explicitly formative type of polity. For Sparta, see *The Gymnasium of Virtue: Education and Culture in Ancient Sparta* Nigel M. Kennell (1995). For the extensive literature on Athens, see *The Invention of Athens: The Funeral Oration in the Classical City* by Nicole Loraux (2nd ed., 2006) and two books by Josiah Ober, *Democracy and Knowledge: Innovation and Learning in Classical Athens* (2008) and *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. (1991). Recent works by Kurt A. Raaflaub, Paul Carthage, and Mogens Herman Hansen, along with many others, illuminate the formative power of the polis as well.

As Aristotle has come down to us, his work stands as a great example of reflective exposition, in contrast to Plato's mastery of educative prose. In his *Politics*, I:2, esp. 1252b:27–

1253a:2, he explained how the *poleis* emerged historically as groups of households began to develop more than their subsistence needs. At that point, they made divisions of labor possible, achieving life-possibilities beyond basic necessities, at which point the households would start collaboratively determining how they could best achieve the *good life* for themselves. Thus politics, the shared concerns of the *polis*, became a formative effort. In *Politics*, III:9–13, Aristotle discussed distributive justice in relation to oligarchy and democracy and referred back to his *Nichomachaen Ethics*, V:2–3, about distributive justice as one of several forms of partial or particular justice (1130a14-1131b24), as distinct from general or complete justice (1129a9-1130a13), which was very close to the concept of justice in Plato's *Republic*.[36]

[A40] Historical striving for formative justice

The French classicist, Pierre Hadot, has had considerable influence in recent years by showing that people took up ancient philosophy, not as a body of knowledge to be acquired as a badge of learning, but as a consciously pursued way of living, as a careful regimen of self-formation. See *What Is Ancient Philosophy?* (2002), *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault* (1995), and *The Inner Citadel: The Meditations of Marcus Aurelius* (1998). For more on ancient thinking as concerned with how the person should seek to live, see Michel Foucault's *The Care of the Self* (1988). We also should not forget Martha Nussbaum's two big books, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Revised ed., 2001) and *The Therapy*

36 Aristotle opened Book V of his *Nichomachaen Ethics* with a concise statement of general or Platonic justice:"We see that all men mean by justice that kind of state which makes people disposed to do what is just and makes them act justly and wish for what is just; and similarly by injustice that state which makes them act unjustly and wish for what is unjust." In addition to Aristotle's texts, see the chapter on "Justice" in *Aristotle's First Principles* (1988) by Terence Irwin, which illuminates the distinction between general and special justice, and what he says about retrospective and prospective justice has great relevance in thinking about formative justice (esp. pp. 424–438).

of Desire: Theory and Practice in Hellenistic Ethics (1994). Finally, Peter Brown's magnificent study, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD* (2012) analyzes how the late Roman elites adopted and adapted a Christian way of life over several generations during the 4th and 5th centuries.

From our present-day perspective, the care of the self as practiced by Stoics and Epicureans, and then by Christians, may seem too a-political. Periclean Athens and Rome at its republican best have a mystique for the modern sensibility because in those contexts people perceived the care for their personhood to be more political in a way in keeping with our assumptions of modernity. But should people perceive the public order as essentially unfathomable and unchanging, a *de facto* set of fixed distinctions, self-maintenance becomes a problem of taking care of the things that matter within one's place in the fix order. The great chain of being has its place in history and formative justice pertains within it. True, whether *fortuna* made one a client of a Warren Buffet or a Jeffrey Epstein would matter greatly, but either way, if clienthood had become the way of one's world, one would have to make do within the order in which one found oneself. Over prospective decades, are we constructing a world-order of fixed distinctions?

An important topic for exploration, I think, concerns the way in which people can collectively control different kinds of polities to permit the pursuit of full formative justice by each and all. A great question for political thinkers throughout the modern era has concerned the suitability of the large nation-state as locus for human self-realization. Very significant cultural developments—the consolidation of national languages, the construction of large school systems, extensive industrialization and urbanization, and a great intensification of communication—have accompanied the rise of nation-states in modern history. Efforts to mold large populations to conform to collective norms and characteristics through polity-wide policies and programs take place the world around, yet

whether such efforts actually have had much influence remains unclear.

Perhaps large-scale historical changes take place, not through top-down causalities, but in a more ecological, interactive manner. Change depends more on how persons form their inner senses through which they calibrate their goals and actions. When those change, established incentives cease to work as expected. Thus, events and developments that alter the context, the circumstances, within which people spontaneously form their personal aspirations and efforts may be the real harbingers of change. Studies like Eugen Weber's *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914* (1976), which suggests that changes in transportation and communication, altering the feasibility of various possibilities that the rural peasantry might entertain for themselves, had more effect than programs of formal instruction for the rural population. Other very suggestive studies that point towards the importance of the context within which people evaluate their concrete possibilities are *Imagined Communities: Reflections on the Origin and Spread of Nationalism* by Benedict Anderson (Revised ed., 1991), and *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* by James C. Scott (1998).

To understand our own times, we need perhaps to attend more closely to how all the changes taking place in our circumstances are altering the feasibilities and valences that different persons perceive in the range of possibilities they entertain. What people can and should become may be deeply in flux. What might it become if people pursued formative justice with full effect? I suspect we are slowly, perhaps painfully, working out an answer. Trends are discernable. For an increasing proportion of people, the national contexts of life are losing their formative relevance as people recoil at the inability of the elites to reverse their progressive trivialization. Urban surroundings may become increasingly important, driven by broad-based demands for collective improvement in the quality of conditions, services, and amenities. A few super-rich, who wish to remain so in perpetuity, will isolate

themselves in remote archipelagoes—invisible, secure, and irrelevant. The population in areas around urban concentrations will continue to contract as they work the land to provide food, raw materials, and recreation. Life will become more stable, both egalitarian and diverse, inward yet convivial, given to nuance and creative self-expression.

[A41] Suppressing formative justice

As political life centered increasingly on the distribution of goods, the Platonic conception of justice, what we here call formative justice, was largely ignored, even actively suppressed. In a significant way, this statement understates resistance to Plato's conception of justice within liberal political theory in the Anglo-American tradition. In decades after World War II, Plato's thought was actively anathematized by some influential thinkers and widely over-interpreted by others, who publicized a simplistic, rather uninteresting construction of Plato's thought as if that was his obvious meaning. War aims, hot and cold, have distorted how a lot of reflective thought has been interpreted over the last 100, better 250, years, blaming important components of the intellectual tradition for the dehumanizing destruction of 20th century political life. Reductionisms of various sorts create direct links between identity and intellect: learn persons' identity to know what they think and value, and conversely sample what they think and value to know their identity. It leads to destructively circular reasoning. To wit: since Plato seemed to say things similar to what totalitarian thinkers seem to say, therefore he was a totalitarian thinker; and since he was a totalitarian thinker widely read in polities like Nazi Germany, therefore he was responsible for the ills the Nazis and others of their ilk perpetrated. We should not contaminate ourselves with his ideas.

Two influential sources of such views about Plato were by Karl R. Popper, "The Spell of Plato," pp. 9–195 in *The Open Society and Its Enemies* (1950, 2013) and by Bertrand Russell, pp. 104–159 of *A History of Western Philosophy and Its Connection with Political and Social Circumstances from*

the Earliest Times to the Present Day (1945). Among scholars, Popper and Russell have not lastingly affected the reputation of Plato or other anathematized thinkers, but they did limit the value of Platonic ideas in the broad discussions of public importance, although that will pass as well. Their polemics primarily affected the way people experienced Plato and Platonic thought, particularly during the Cold War era, through their general education.

Like most grand tours, Russell's was a hurried trip, stopping at each destination to recount the high points with snark or admiration, according to his taste, in Plato's case, mainly snark. Russell raced through his snap judgments, writing as he could so well with a biting wit: "It has always been correct to praise Plato, but not to understand him. This is the common fate of great men. My object is the opposite. I wish to understand him, but to treat him with as little reverence as if he were a contemporary English or American advocate of totalitarianism" (p. 105)

Popper's critique of Plato was considerably more thorough, a text of almost 200 pages with nearly 150 pages of additional notes. Popper wrote as a scholar with an ax to grind, ever ready to take Plato's words at their most literal meaning and granting him no capacity for irony or complexity of thought. To counter balance Popper's *Open Society* read *The Myth of the State* by Ernst Cassirer (1946), an illuminating contrast. Cassirer wrote roughly at the same time as Popper, with parallel concerns, but with a spirit that was far more thoughtful and discriminating. "To attack and destroy this dictum [that 'might is right'] was the principal concern of Plato's theory." Like Popper, Cassirer showed that Hegel's dialectic and his political reasoning could be taken to attribute a dangerous level of authority to the state, but unlike Popper, he went on to recognize how Hegel's ideas would never justifying dissolving "all other forms of social and cultural life and efface all distinctions" and infuse the state with the will of a political party." [37] Walter Kaufmann, the distinguished

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37 Cassirer, *Myth of the State*, p. 74 & p. 275.

scholar of 19th century German thought, published another ballast, a devastating critique of Popper's historical scholarship. He subjected Popper's text dealing with Hegel to close analysis, addressing a considerable bill of particulars—stitching quotations from different sources and places together, forced imputations of influence, emotionally tendentious descriptions, misunderstandings of Hegel's metaphysics, confusion about what Hegel meant by the state, bowdlerization of Hegel on history, distortion of Hegel on great men and equality, confounding Hegel's ideas about war with Fascists', confusions about Hegel and nationalism, and sophistry about Hegel and racism.[38]

Popper still hovers over the interpretation of Plato as a political thinker. The substantial online article on "Plato's Ethics and Politics in *The Republic*" by Eric Brown in the *Stanford Encyclopedia of Philosophy* surveys the current state of scholarship on the *Republic* very well. He touches on Popper's work, as one line of interpretation among many, without testing the quality of Popper's argumentation, instead stating Popper's animus, that Plato was the source of totalitarian fascism, and pointing out alternative ways to think about it more clearly. The old guard among political theorists somewhat surprisingly seems to be keeping Popper's work alive, for the Princeton University Press has published a new edition of *The Open Society* with an introduction by the historian of political thought, Alan Ryan. But Julia Annas treats Popper dismissively in *An Introduction to Plato's Republic* (1981) and Danielle S. Allen barely makes mention of Popper in her fine study, a good example of current work by younger scholars, *Why Plato Wrote* (2013).

Tendentious critiques by people like Popper and Russell unfortunately enable a pernicious pedagogy in higher education in which difficult, complicated, but important work gets

38 See "The Hegel Myth and Its Method" in *From Shakespeare to Existentialism: Studies in Poetry, Religion, and Philosophy* by Walter Kaufmann (1959) pp. 88–119.

presented by picking out hot-button excerpts, possibly perking up ranking on Rate My Professors. But the hot-button stuff then becomes memes in public discourse. When instructors pull parts of a thinker's work out of its full context, offering it up to students, knowing it will trigger a lively discussion, they do both the work and their students a major disservice. Good criticism eschews finding reasons for questioning a thinker's probity, especially if the language of the decontextualized material confuses present-day sensibilities and seems offensive to them. Careful critical readings that contest well-established, widely disseminated interpretations of important historical texts are very important. But we also need to read past thinkers heuristically.

Why do we read Plato? Best to read him for heuristic reasons: discovering that a sympathetic, creative reading will help work out good insights into difficulties of present-day importance. We cannot exploit past thinkers as sources of ready-made ideas. When we have a sense of uneasiness with presently prevailing views, a feeling that we may be in a cul-de-sac, past thinkers can help us get out of the cul-de-sac. By going back, we return to the entrance, asking what led into the cul-de-sac and whether there might have been an alternative path that previously had not been seen clearly. Then students can pursue new lines of interpretation, building on a revitalized view of the past.

This mode of reading Plato requires that we first try to understand what he said and why he said it with as few anachronisms as possible, and then engage his ideas, projecting back on them all the insights and conceptual resources available to us. William H. F. Altman recently published an exemplary contribution to such work: *Plato the Teachers: The Crisis of the Republic* (2012). A long, dense text, written with enthusiasm, the first of two, probably three, perhaps four, it advances a thoroughly pedagogical interpretation of Plato’s *Republic*, casting it as the centerpiece of an educational agenda to which all of Plato’s dialogues contributed. I have not yet fully assimilated this volume, let alone the second, *The*

Guardians in Action: Plato the Teacher and the Post-Republic Dialogues from Timaeus to Theaetetus (2016). As a reflection on and expression of what a thoughtful, highly-versed educator can see in the Platonic corpus, the work and the project which it initiates, strikes me as fascinating and important. Altman strains my capacity to suspend disbelief for two reasons, however.

First, Altman orders and assumes an integrity for the Platonic corpus, which, taken as a veritable historical claim, strikes me as highly improbable. As Altman says at the very beginning, "here, by contrast, the ongoing project is more expansive and involves recognizing Plato's dialogues, all thirty-five of them, as the now disparate and scattered elements of . . . of a once grand but permanently playful pedagogical system . . . that *Plato himself created*, a system that now depends on visualizing the dialogues as teaching tools and then, by following Plato's hints, rearranging them [in] a certain order as the interlocking parts of a coherent curriculum." (p. xiii) We do not know a great deal about the textual completeness and integrity of the Platonic corpus, an ignorance that makes Altman's project possible but at the same time leaves it ineluctably dubious. Second, having lived and worked through a career of approximately similar duration as Plato's, without suffering anything like the involvement in a chaotic public world that Plato endured, I find it humanly improbable that Plato could have maintained the vision, steadfastness, and clarity of purpose, however playful, that Altman attributes to him. Lives have too many vicissitudes to fit together in such a jigsaw puzzle, so tight yet so complicated. I am happy to let Altman base his reconstruction of the Platonic project on an enticing conjecture. It need not be historically true to illuminate pedagogical possibility in a most valuable manner.

[A42] Emotions and intentional control

We should avoid reducing the question of formative justice simply to one of clarifying purposes and building capacities, assuming that purpose and capacity are what a person needs in order to accomplish a sound and feasible intent. The

effort must be invested with an appropriate emotional valence. Paying too little attention to the importance of emotional commitment to purpose leads to the problem of *akrasia*, knowing the good but not having the will to do it. Elite reformers in education and social policy are often clueless because they are unable to understand how the "helpful" programs they espouse induce emotional depression, resentment, and despair in the recipients of their efforts. How the would-be educator imagines a student "should" respond counts for nothing, for in effect imagining responses in this way, ignores the student's autonomy of will.

Everyone has an evolving structure of priorities between the instrumental and the formative, which influences the ability of different persons to pursue formative justice fully. Prudent choices depend on more than having the power to prudently delay gratification. For the very poor, the "rational choice" may be an impossible choice. Katherine Boo's reporting in the *New Yorker* was very powerful in conveying the existential reality of these conflicts of priority in the lives of the impoverished. See "After Welfare," April 9, 2001, pp. 92ff; "The Marriage Cure," August 18, 2003, pp. 105ff; "The Churn," March 29, 2004, pp. 62ff; "The Factory," October 18, 2004, pp. 162ff; "The Swamp," February 6, 2006, pp. 54ff; and "Expectations," January 15, 2007, pp. 44ff.

It is becoming increasingly apparent that the formative effects of substantial inequality in polities that are supposedly self-governing and democratic continue to distort many lives.

- Health—see *The Spirit Level: Why Greater Equality Makes Societies Stronger* by Richard Wilkinson and Kate Pickett (2010) ;
- Education—see *The Falling Rate of Learning and the Neoliberal Endgame* by David J. Blacker (2013); and
- Political Life—see *Disbelief and Discredit* by Bernard Stiegler (3 vols., 2011, 2013, and 2014).

[A43] Appetite as felt immediacy

Basic appetites and drives have the immediacy and unequivocality essential here—thirst thirsts, as Plato observed at

Republic, 439a. I think using *appetite*, or *desire*, as in *Phaedrus*, to name the experience of immediate, unequivocal, felt intention, probably served Plato's concern to curb willful flaws in a character such as Thrasymachus or a person such as Alcibiades. But the image of the good horse and the bad horse in *Phaedrus* (246a-b, 253d-256e) may misrepresentthe challenge of self-control, however. An emotive sense of honor such as, xenophobia—apparently the "good horse"—can be as disruptive as an uncontrolled appetite; and an immediate appetite, such as a person's felt "hunger for knowledge," might be quite positive (although possibly at the same time, disruptive, if it leads the person to ignore pressing, more mundane responsibilities).

In lived experience, all intentionality works immediately and unequivocally and controlling it a person must anticipate by assessing and discarding intents of lesser worth, taking advantage of the way lived experience continually moves on in the present in a succession of felt immediacies. Often the complications in felt immediacies and their circumstantial contexts prove overwhelming and a person cannot manage them, giving rise to intense feelings—terror, loathing, despair, joy, wonder, hope. If we think of these as merely described or professed conditions, we misunderstand what a moral thinker such as Rousseau was trying to get across in grounding social bonds on *pity* and *compassion*, the spontaneous, empathetic capacity to feel what another feels. Fellow feeling arises when suddenly I sense and experience what a different person in circumstances differing from my own is feeling. In complex communities, we learn too well to substitute descriptions of what others must be feeling instead of opening ourselves to experiencing the feelings others are having. It comes with our territory: we all live human lives, but the diversity of humaneness in those lives overwhelms our empathetic capacities. In our highly formed circumstances, populated by multitudes with the most dramatic doings incessantly reported as news, our capacities for fellow feeling become swamped and our communities dehumanized. The irony of Terence's play—*Heautontimorumenos: The Self-Tormenter*, which begins

with the famous line, “I am a man, and nothing that concerns a man do I deem a matter of indifference to me,”[39] and then shows throughout how the characters misconstrue each other’s actions—becomes the universal irony of our contemporary condition.

[A44] Balance, a paradigm of inner sense

With respect to the sense of balance, the vestibular system in the inner ear is an essential physiological component, which may suggest to some readers that we can talk about an inner sense only when we can point out a clear physiological basis for it. That does not seem warranted. By itself, the vestibular system does not serve as a sufficient servomechanism, gathering data and transforming it into causal instructions that will dependably guide a person in keeping her balance. For the sense of balance to arise and become useful, the person must learn to perceive the vestibular signals, meaningless in themselves, to interpret their meaning relative to diverse situations of dynamic instability, and to deploy a complex repertoire of compensatory responses that allows her to use the perceived signals in maintaining her balance. The sense of balance differs from a servomechanism, for it lacks mechanical automaticity; it is *sense*, not a mechanism, so that it becomes a feature of a person's powers of perception, action, and self-direction with which she conducts her life.

[A45] Inner sense and recursive self-correction

Over two and a half millennia, thinkers have elaborated an extensive and important literature on *virtue* and the *moral sentiments*. This literature probably encompasses what I am suggesting in these paragraphs. Nevertheless, I want to differentiate what I am suggesting from much of it. As I see it, inner senses have to do with the capacities to perceive, act, and control oneself in certain ways, important examples of which we often discuss with reference to virtue or specific virtues. An inner sense, as I am using it, say a capacity to conduct oneself

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[39] Act I, Scene 1, *The Comedies of Terence*. Henry Thomas Riley, trans., (1874).

in threatening situations, does not define what courage is, or distinguish which behaviors should count as courageous and which should not. Rather, the inner sense with respect to threatening situations would be a capacity to assess risk and the appropriateness of various possible responses to it. Someone exercising that capacity might completely mess up in exercising it.

From Aristotle through James Q. Wilson, much of the literature is highly behavioral, concentrating on typical patterns of behavior that may be observed in others. Here, for instance, is a passage from Wilson's discussion of "Learning Self-Control:"

> Most children become temperate. Most learn to look both ways before crossing a street, to put up with medicine to cure an illness, and to make a reasonable effort to study lessons, practice athletic skills, or develop musical talents. Many boys—in large cities, as many as a third—will get in trouble with the police at least once, but by their adult years they will have acquired enough self-control to end their criminal experiments. So powerful and invariant—over time and across cultures—is the relationship between age and crime that it constitutes strong evidence for the view that young people can be distinguished from older ones chiefly by their lesser degree of self-control. And since individual crime rates, for the vast majority of people, decline precipitously with age (beginning in the early twenties), there is also strong evidence of a natural human tendency to acquire greater degrees of self-control as a result of growing up.[40]

All these observations are not wrong. But they do not describe what is happening that gives rise to what the observers perceive. Do the children just passively become temperate? What do they experience in order to do so? Wilson, and a great deal in the literature, stressed pressures from the outside—parental interventions of one type or another—or a semi-magical

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40 *The Moral Sense* by James Q. Wilson (1993) p. 92.

process—"a natural human tendency."

But what is the role of the child in that tendency? How do children learn to look both ways before crossing a street? In observing that "by their adult years [most boys who get in trouble with the police] will have acquired enough self-control. . . ," Wilson left unexplored the very important question how as they aged they were acquiring that self-control, and he left rather ambiguous what the self-control they acquired actually consisted in. Was it a quality or characteristic, a physical attribute of adulthood, something akin to pubic hair? Or was it something more adverbial, a manner of conducting oneself in diverse situations? If it was such a bearing what did the youth need to master and exercise in order to manifest it in his conduct?

Undoubtedly, these questions require long, involved responses, inappropriate here. I think we need to learn a great deal more about how different inner senses develop and function as persons act in various ways. Starting with the broad topic of habit as William James discussed it in his *Principles of Psychology* might yield considerable insight. Habit really encompasses a number of different matters—ranging from systemic dependencies that people acquire on various substances, through fairly mechanistic habits ingrained through repetitious behavior, to skills acquired through recursive practice. While forms of neuromuscular imprinting play parts across the whole spectrum, understanding of such action needs to pay great attention needs to pay more attention to the dynamic of positive and negative feedback within a structure of teleological action. For this, *The Brain's Sense of Movement* by Alain Berthoz (2000) provides much to reflect on.

[A46] The mother of all pedagogical prescription

In the first 152 pages of *The Great Didactic*, M. W. Keatinge gave a reasonably full biographical and historical sketch of Comenius's life and work. In the remaining 310 pages, Keatinge translated the Latin version of *The Great Didactic*, which Comenius wrote in 1640.

Distinguished scholars have done much to explain Comenius's ideas, praising his enlightened pedagogy and his hope that schools could be a great unifier of peoples. Jean Piaget published a good article bringing out the relevance of Comenius and *The Great Didactic* for the present day, "Jan Amos Comenius," *Prospects* (UNESCO, International Bureau of Education), vol. XXIII, no. 1/2, 1993, pp. 173–96. The great student of Chinese science, Joseph Needham, edited an interesting set of speeches in commemoration the 300th anniversary of Comenius's visit to Cambridge in 1641: *The Teacher of Nations: Addresses and Essays in Commemoration of the Visit to England of the Great Czech Educationalist Jan Amos Komensky* (1942, 2015).

Comenius perceived with great force and clarity how principles of order, system, and mechanical reproduction could greatly empower institutionalized instruction. Consider the conclusion of Chapter VI: "If a Man Is To Be Produced, It Is Necessary That He Be Formed by Education:" "We see then that all who are born to man's estate have need of instruction, since it is necessary that, being men, they should not be wild beasts, savage brutes, or inert logs. It follows that one man excels another in exact proportion as he has received more instruction." (p. 208).

As a historical document, *The Great Didactic* reveals much about the basic drives energizing modern European historical experience. Comenius's rhetoric was laced with the piety appropriate for a Moravian priest, but the logic of his prescriptions exemplified a thorough-going instrumental rationalism. 150 years before Bentham's Panopticon proposal, Comenius's great didactic created a Utopian prescription for universal instruction just as systematic and detailed. Like Bentham, Comenius's didactic methods rested on humane insights. But the whole plan, calling for a system of universal instruction from pre-school through university that would subject all the young to a minutely prescribed instructional order, presaged an oppressive bureaucratic order worthy of the European Union's least attractive proclivities.

For Comenius, printed text-books were the key to making

the system possible, but his system involved far more than good text-books.

> Our desire is that the art of teaching be brought to such perfection that there will be as much difference between the old system and the new, as there is between the old method of multiplying books by the pen and the new method introduced by the printing-press. . . . Similar results might be obtained if this new and comprehensive method of teaching were properly organized (for as yet the universal method exists only in expectation and not in reality), since (1) a smaller number of masters would be able to teach a greater number of pupils than under the present system. (2) These pupils would be more thoroughly taught; (3) and the process would be refined and pleasant. (4) The system is equally efficacious with stupid and backward boys. (5) Even masters who have no natural aptitude for teaching will be able to use it with advantage; since they will not have to select their own subject-matter and work out their own method, but will only have to take knowledge that has already been suitably arranged and for the teaching of which suitable appliances have been provided, and to pour it into their pupils. . . .
>
> Pursuing this analogy to the art of printing, . . . it will thus be made evident that knowledge can be impressed on the mind, in the same way that its concrete form can be printed on paper. In fact, we might adapt the term "typography" and call the new method of teaching "didachography". . . . The same elements are present. Instead of paper, we have pupils whose minds have to be impressed with the symbols of knowledge. Instead of type, we have the class-books and the rest of the apparatus devised to facilitate the operation of teaching. The ink is replaced by the voice of the master, since this it is that conveys information from the books to the minds of the listener; while the press is school-discipline, which keeps the pupils up

> to their work and compels them to learn. . . . Our discovery of didachography, or our universal method, facilitates the multiplication of learned men in precisely the same way that the discovery of printing has facilitated the multiplication of books, those vehicles of learning, and that this is greatly to the advantage of mankind, since "the multitude of the wise is the wisdom of the world" (Wisdom vi. 24). Chapter XXXII: "Of the Universal and Perfect Order of Instruction." (pp. 440–6).

[A47] Cumulative experience, not surrogate outcomes

Annually, the National Center for Educational Statistics publishes a stout volume *The Condition of Education*. For 2015, the front cover gives persons a minor, symbolic presence through four small pictures. One features eager preschoolers; a second shows some studious adolescents at their desks; the third depicts an adult educator calling on an upraised hand; and the fourth suggests a graduation scene, photographed from above rear, black academic robes and faceless mortarboard caps, plus a few ears. Stock photos all. The opening pages list the compilers and their helpers and various officials by name and Peggy G. Carr, Acting Commissioner of NCES provides an introductory letter. Otherwise, most everything in the volume reports data about a great variety of statistical cohorts as if those abstract constructions embodied the actual condition of education.

Make no mistake: *The Condition of Education* compiles an excellent array of statistical data and presents it lucidly. The work depicts the condition of education through 42 key indicators, each presented in multiple tables and graphs, all organized in four chapters devoted to population characteristics, participation in education, elementary and secondary education, and postsecondary education. In addition, the presentation opens with a six page "At a Glance" section which is an excellent way to grasp the categories through which contemporary peoples have constructed the Great Didactic of our

time. And following that overview, three "spotlights" illuminate special topics of current concern to the public and its policy makers. For 2015, these highlight: "Kindergartners' Approaches to Learning Behaviors and Academic Outcomes," "Disparities in Educational Outcomes Among Male Youth," and "Postsecondary Attainment: Differences by Socioeconomic Status."

"Education" consists in what institutions do, not in what persons experience. Interesting things pop out of the indicators. Often in the aggregate they show surprisingly small differences. For instance, in two graphs reporting the average "approaches to learning" scores recorded for first-time kindergartners analyzed in six groupings—gender, age at entry, race, parental education, household type, and poverty status—the maximum variation between the highest and lowest subgroup was 3.75%. In contrast, data for some indicators reveal large and disturbing, for instance Figure 6 on page 15, "Rate per 100,000 of placement of juveniles in residential facilities, by race/ethnicity and sex: 2011." All told, through the 200 or so graphs and tables in *The Condition of Education*, the Great Didactic appears as a stable, enduring presence in our circumstances, a *monolith of structured behavior*. Over years, the thrust of policies and programs aim at sustaining small changes year-by-year in the aggregates comprising representing the condition of education. If over time, for each indicator, the aggregated behaviors improve, in due course the public and the powers-that-be will come to acclaim educational policy and practice to have been a success. What do we learn in all this about the lived experience of children and youths?

Note another feature of this Great Didactic. We must not think—ever eager to celebrate American exceptionalism—that the Great Didactic pertains uniquely to our national experience. An even stouter annual publication complements *The Condition of Education*—the OECD's *Education at a Glance*. An OECD program, Indicators of Educational Systems (INES), conducts this ambitious effort to provide comparative data about education in the OECD's 34 member countries and 12 partner countries, which include key non-OECD nations in

the G20, i.e., Argentina, Brazil, China, India, Indonesia, Russia, Saudi Arabia, and South Africa. Thus the "glance" sizes up most of the world's people and organizes voluminous data about them in a well-conceived framework. For 2015, the work has several hundred tables and graphs in four large chapters on a) "the output of educational institutions and the impact of learning;" b) "financial and human resources invested in education;" c) "access to education, participation and progression;" and d) "the learning environment and organization of schools." In all, the data takes some work to follow, for it presents 31 indicators, and numerous sub-indicators, in ways that facilitate comparison across up to 46 countries. The presentation repays the work it requires, however, for it analyzes each indicator thoughtfully and illuminates it with intelligent explanatory material.

Whereas the American *Condition of Education* presents descriptive indicators, the OECD *Education at a Glance* uses similar indicators more synthetically to create a conceptual typology of the global system of formal education. It then suggests numerically how the major national systems world-wide perform as examples of that typological abstraction. In this way, the OECD's work defines a language that thoroughly abstracts "education," equating it with the formal actions manifested through the indicators into which supplied data has been organized. "Education" becomes a formal model allowing observers to compare the characteristics and performance of different national systems by quantifying how each approximates the model.

Here the *Glance* turns the Great Didactic into a comprehensive matrix (p. 15). On the vertical axis, it encompasses all

	1. Education and learning outputs and outcomes	2. Policy levers and contexts shaping education outcomes	3. Antecedents or constraints that contextualise policy
I. Individual participants in education and learning	1.I. The quality and distribution of individual education outcomes	2.I. Individual attitudes towards, engagement in, and behaviour in teaching and learning	3.I. Background characteristics of the individual learners and teachers
II. Instructional settings	1.II. The quality of instructional delivery	2.II. Pedagogy, learning practices and classroom climate	3.II. Student learning conditions and teacher working conditions
III. Providers of educational services	1.III. The output of educational institutions and institutional performance	2.III. School environment and organisation	3.III. Characteristics of the service providers and their communities
IV. The education system as a whole	1.IV. The overall performance of the education system	2.IV. System-wide institutional settings, resource allocations, and policies	3.IV. The national educational, social, economic, and demographic contexts

the actors—Individual participants in education and learning, Instructional settings, Providers of educational services, and The education system as a whole. And on the horizontal, it indicates the forms of behavior through which they engage in education—Education and learning outputs and outcomes, Policy levers and contexts shaping education outcomes, and Antecedents or constraints that contextualize policy.

With the Great Didactic, *education* as it has come to be known presents an important question: Are the structures of behavior that *The Condition of Education* describes and *Education at a Glance* models suitable support for each person's efforts to shape and strengthen her formative capacities? Let us not try here to answer this question, for each person can and should ask the question and seek to answer for herself. Let us simply note that the American public has taken up a variant of it, asking whether good or bad instructional practice should teach to the test, to the system for generating all the behavioral markers. The Great Didactic works, throughout its operations, by teaching to the test. The "TEST" comprises the whole spectrum of behaviors sanctioned by the system—the learning outcomes, the teaching methods, the curricular standards, the

leadership goals, the workplace skills, the economic imperatives, the social responsibilities, and the public duties. And the Great Didactic is an elaborate system to impart these sanctioned behaviors, to TEACH TO THE TEST—to impart the sanctioned behaviors, not to support the effort by each living child to pursue its fullest self-formation. Recall the subtitle Comenius gave *The Great Didactic* (see above, p. 46). Does THE WHOLE ART OF TEACHING ALL THINGS TO ALL PERSONS encompass the whole of education or does it leave out significant essentials?

[A48] A Reformation emerging from our inner senses

Over the past three centuries, people have primarily sought to initiate improvements in the conditions through *reform*: "the action or process of making changes in an institution, organization, or aspect of social or political life, so as to remove errors, abuses, or other hindrances to proper performance" (OED, reform, *n.*[2] and *adj.*, 1. a.). Over the same period, people have less consciously interpreted historical changes in their own time coming about through *reformation*: "The action or process of bringing about an improvement or advancement in an existing state of affairs, institution, practice, etc.; an instance of this, *esp.* a radical change for the better in political, religious, or social matters" (OED, reformation, *n.* 3. a., cf. 3. b.).

At the personal level, a reform usually involves a resolve to change some particular habit or trait, to get more exercise, to diet, or spend more time with the kids. At the level of a polity, reform turns on changes in policies, programs, or institutions. A reformation, in contrast, arises through an underlying change in principles of judgment and legitimation. Although we don't commonly speak of it, persons can assert their own reformation, altering the basic principles of judgment and commitment they use in the conduct of their lives. A person aims at a reformation through one or another form of therapy or she expects to experience a reformation through a true conversion from one set of convictions to another. It does not come easily.

Personal reformations become most evident across generations as children form structures of value different from their parents. A pattern of intergenerational reformation can, and perhaps should, emerge into a historical movement, a powerful Reformation of public life. Here and elsewhere in this essay, I try to use *reformation*, not capitalized, to indicate an altered personal commitment to a principle of judgment and legitimation, and *Reformation*, capitalized, to refer to the historical emergence of an alternative principle of judgment and legitimation. Historically significant Reformations are very rare and there has really been only one, the Protestant Reformation and Counter-Reformation that commonly goes by the name. At the level of the polity, instituting a set of reforms appears far more feasible than setting in motion a Reformation in the historical sense, but once in motion, a Reformation has more historical power and endurance than a reform. Personal reformations, of course, are what drive historical Reformations, should they occur: personal reformation provides the basis, the vital ante, for historical Reformation.

[A49] The Great Didactic over-estimates its causal power

Modern school systems rest on highly abstract foundations. No other impersonal organization engages as comprehensive a proportion of the human population in intense, sustained activity as do contemporary institutions of formal instruction. During the 19th century as people in the more advanced polities worked out the operational character of these institutions, they created a *de facto* technological monopoly for managing the intellectual base of modern life, with universal participation in the core of the program enforced by compulsory education laws. The combination of technical monopoly and legal compulsion made it irrelevant whether people had designed the system on flawed assumptions: we have all formed ourselves within it. People could have whatever color car they wanted as long as it was black. They could participate in industrial democracy any way they liked as long as they completed the requisite schooling.

Decade by decade through the 20th century, a complex

movement occurred. Communications innovations—telephones, cinema, mass journalism, records, radio, television, tourism, computing, the internet, social media—weakened the de facto technological monopoly of the instructional system. At the same time, the instructional system grew rapidly in scope, functional complexity, and significance for personal life-choices. These developments raise the question whether the global instructional systems and the global communications systems are working somehow at cross purposes, perhaps conducing to unsound collective judgments, periodic inabilities to maintain our collective capacities for self-maintenance. Many close observers of contemporary life are trying to understand the cultural dynamics of all our communications innovations. Caught up in that effort, we tend to take the more familiar instructional system for granted. After all, each of us knows it well from prolonged personal experience. But if we are going to understand how it meshes with our emerging communications systems, we need to grasp how it works as a historical process. Does the design of the global instructional system effectively support persons in their efforts to develop their capacities for sound judgment in the course of living their lives?

This question may seem odd, for one might respond by wondering whether the global instructional system has a design, and if so, whether it embodies any assumptions about the exercise of judgment. I think the instructional system does embody important basic design features in its overall organization, and these include some assumptions about the relative status of different persons' motivations that have implications for person's judgment. It would require a large project of historical-philosophical inquiry to explain and defend these ideas fully. Here I will simply give the gist of them with some observations about Johann Friedrich Herbart, whose pedagogical ideas were a key influence on the construction of modern school systems throughout the 19th century. Herbart belonged to the last wave of German philosophers born in the 18th century, six years younger than Hegel. As a student at the University of Jena in the early 1790s, Herbart was a prominent

follower of Fichte. He was a *Hauslehrer* in Bern in the later 1790s and published his first work on education, a commentary on Pestalozzi, in 1802. His *Allgemeine Pädagogik* followed in 1806, his major work on educational theory. Significant treatises on metaphysics, practical philosophy, and psychology followed in subsequent years, along with essays, aphorisms, and lectures on education. His professorial career started at Göttingen (1802-9). It flourished at Königsberg (1809-1833), where he held the chair Kant had occupied and ran an important teacher preparation program as the Prussian school system was gaining world renown. He culminated his career back at Göttingen, where he taught until his death in 1841.

In *Democracy and Education*, John Dewey recognized Herbart—along with Plato, Locke, Rousseau, Fichte, and Hegel— as one of those he deigned to discuss in a few pages, presenting Herbart as the exemplar of "education as formation". For Dewey, Herbart "represents the Schoolmaster come to his own," a *bon mot* that pretty much served as an epitaph for Herbart during the rest of the 20th century. Lately, educational scholars are rediscovering Herbart through nuanced readings of his understanding of how teachers and students could and should interact.[41] But for our purposes, we should attend, neither to Herbart lost nor regained, but to Herbart through the 19th century, during its first half, a living presence, and through the second, a posthumous inspiration for an international network of influential Herbartians.

In concentrating on Herbart, I do not mean to suggest that he somehow thought up and laid out the design of modern school systems, a kind of 19th century Steve Jobs. During his lifetime, his ideas were not unknown, but he was not in the

41 See Dietrich Benner. *Die Pädagogik Herbarts* (1993); Andrea R. English, *Discontinuity in Learning: Dewey, Herbart and Education as Transformation* (2013); and Pauli Siljander, "Educability and *Bildung* in Herbart's Theory of Education," in Siljander, et al., *Theories of* Bildung *and Growth* (2012).

front rank, neither as a philosopher nor as an educational theorist. Other prominent thinkers and practitioners were writing about education, both as *Bildung* and as *Erziehung*—to name a few: Basedow, Kant, Herder, Salzmann, Trapp, Villaume, Pestalozzi, Goethe, Niemeyer, Vierthaler, Schiller, Wolf, Jean Paul (Richter), Fichte, Schwarz, Niethammer, Wilhelm von Humboldt, Jachmann, Schleiermacher, Hegel, Herbart, and then a host of practical reformers in the generation of Diesterweg.[42]

Historical conditions have much to do with intellectual influence. Herbart's influence arose, not so much because his ideas solved organizational problems in creating mass school systems. Rather his ideas seemed to work better than those of others in making sense of ad hoc innovations and programs. He came in late with a rather distinctive position, built on a rejection of widely shared premises. People were busy inventing an instructional system and Herbart's simplified assumptions concentrated attention on the major instructional opportunities, on the low-hanging fruit, in current jargon. In the historical process taking place, one in which people were ready to graft principles onto emerging practice, Herbart's ideas offered a good, but far from perfect fit. Consequently, Herbartianism came to differ in some ways from the full spectrum of what Herbart had propounded, but the parts emphasized by the Herbartians were those most strongly shaped by the distinctive character of Herbart's educational thinking. Hence, his pedagogy provides much insight into the dynamics of the instructional systems that emerged historically in the 19th century. Much of his pedagogical thought jelled with practice, and the premises he rejected allowed for a practical concen-

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42 Frederick C. Beiser, "Johann Friedrich Herbart: Neo-Kantian Metaphyscian," gives a good orientation to Herbart's place in early 19th-century German philosophy in his *The Genesis of Neo-Kantianism, 1796-1880*, Chapter 2. I have sketched the relation of Herbart's pedagogical thinking to other strands of German pedagogical thinking circa 1800 in "On (Not) Defining Education: Questions about Historical Life and What Educates Therein" (2009).

tration of effort in building instructional institutions. And although Herbartianism lost its following early in the 20th century, its core understanding of instruction still provides powerful insight into the assumptions which the system continues to embody.

In 1794, Herbart arrived at Jena, fresh from his gymnasium preparation, just as Fichte, the rising new star of transcendental idealism, started to teach there, lecturing on the *Wissenschaftslehre*, his philosophic system. Herbart spent three years at Jena, a prominent follower of Fichte, and then he began his educational work in Bern, as *Hauslehrer* for the young sons of a prominent Swiss family (1797-1800). Fichte had based his system on a recognition of the subject, the I, as a freely given will coping with an external world of necessity. While in Bern, Herbart asserted his independence from Fichte's transcendental idealism, largely by flipping Fichte's conception of the autonomous ego. If for Fichte, the life of the mind was one in which the free-self became aware and able to cope with the necessities—physical, moral, social—in which it was immersed, for Herbart the free-self stood as the goal of a well-ordered education directed by practical philosophy and empowered by sound psychology. Committed to critical philosophy like many of his contemporaries, Herbart inquired into the possibility of key cultural forms, but instead of asking how knowledge of the external world, or of ethical duty, or judgments of taste were possible, he asked how educative influence by adults on the young was possible. In reflecting on the possibility thought and reason, thinkers like Kant and Fichte were making education impossible, Herbart suggested, for they assumed an unformed infant or child possessed at the outset the moral and rational attributes that it would manifest when the educative process had completed its course. Herbart denied that humans possessed a prior an autonomous will or an endowment of metal faculties, for these were the outcome of a sound educative process.

> Without will, the child enters the world, thus incapable of moral relations. Hence parents (part volun-

> tarily, part from the demands of society) take possession of it as if a thing. . . . Next, instead of an authentic will with which to make up its mind, a wild impetuosity develops in the child, carrying it hither and yon. This principle of disorder harms adult arrangements and subjects the future of the child to many dangers. This impetuosity must be conquered or the parents of the child will stand responsible for its disorder. Conquest takes place through force; and the force must be strong enough and repeated often before the child successfully catches the scent of an authentic will. The tenets of practical philosophy demand it.[43]

Herbart conceptualized how pupils and students should participate in the work of education in three broad areas, government (following the procedures of a well-ordered school), instruction (learning the intellectual content by following the program for imparting it), and character formation (conforming and choosing according to sound principle). In substance, these three sets of expectations did not differ that much from what other educational theorists sought. Herbart explained them, however, imbuing the school, the teacher, and the curriculum with a high level of pedagogical authority. Education comprised actions by adults on the young.

> When we see the active opposite the passive, two possibilities appear: what can possibly develop from the passive and what can be brought about through the active; the two will come about with ease or difficulty, depending on how the passive fits the active or the active suits the passive. Particular arrangements create a third possibility by connecting the two in working relations. Already, you guess that I am thinking first of the plasticity of pupils, then of the formative resources we anticipate using, and third of the institutions for public and private education where we put the formative resources to use. It is apparent that

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43 *Allgemeine Pädagogik aus dem Zweck der Erziehung abgeleitet* (1806). SW, Vol. 2, p. 18.

> a psychological pedagogy should consider the many-sided plasticity of the pupil--both his natural abilities and his growing capacities at each step in age; that it then should speak of books and instruments, of encouragements and coercions, in order to show how these formative resources affect an idealized pupil as they start to work on him in full force; and that we then should talk of normal schools, seminaries, and the like.[44]

Throughout the Western world in the 19th century, the major polities were initiating national instructional systems based on compulsory school laws. These systems embodied tacit assumptions that the adult authorities were the active force, the young were the passive recipients, and formal institutions were the locus for the active adults to work through programs of instruction on receptive pupils and students. Herbart clearly grasped this relationship and formalized much of what needed to be done to fully develop it. The letter of Herbartianism came to rely on a special jargon derived from Herbart's pedagogical and psychological texts. But the spirit of Herbartianism, the elaboration of Herbart's conception of the instructional mission, came to characterize the implementation formal instruction in contemporary life. As people entirely dropped talk about apperceptive mass and all the other Herbartian conceptualizations, and even more, as people never even adopted them, they implemented the structure and function of Herbartian instruction on what has become a global implementation of universal schooling.

To test this assertion, consider the accomplishments of key Herbartians. Herbart put forward a philosophy, a psychology, and a pedagogy, but most persuasively he communicated a visionary agenda for the professionalization of educational work. Philosophically, he worked in the shadow of German idealism, psychologically he needed a science that had yet to

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44 *Briefe über die Anwendung der Psychologie auf die Pädagogik* (1831). SW, Vol. 9, pp. 342-3.

mature, and pedagogically, he systematized practices that differed little from the more commonsense ways of his peers. But all together, he pointed the way to a coherent university-based program for advancing educational knowledge and preparing instructional professionals. The Herbartians excelled at picking up this academic vision and giving it an ever-wider implementation. Karl Volkmar Stoy, primarily at the University of Jena, but also at Heidelberg, and Tuiskon Ziller, at the University of Leipzig, started the process, and Wilhelm Rein, who followed Stoy at Jena, brought it to fruition. They and their students produced numerous special studies, but more importantly, encyclopedias, textbooks, and statements of comprehensive theory. [45] Rein's systematic presentation had enough tinges of Herbart in it to mark the author as a Herbartian, but it aimed not at a systematic Herbartian presentation of pedagogy, but at a comprehensive presentation. It encompassed a wide spectrum of pedagogical thinking in a clear, well-reasoned presentation. And Rein's major accomplishment, the 10 volume *Encyklopädisches Handbuch der Pädagogik*, delivered "a summa of present-day pedagogical knowledge and know-how," as a reviewer put it.[46]

Rein's *Darstellung* and *Handbuch* could work as general compendia for most variants of pedagogy because all shared the assumptions that adult authority worked as the active educators and the young served as the passive educatees and various places and programs occasioned their interaction.

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45 See K. V. Stoy. *Encyklopädie Methodologie und Literature der Padagogik*, 2nd ed., 1878; Tuiskon Ziller, *Vorlesungen über Allgemeine Pädagogik*, 1876; and Wilhelm Rein, *Pädagogik in systematischer Darstellung*, 2 vols., 1902, 1906. For a brief, rather dismissive inftroduction to Herbart, see Harold Dunkel, *Herbart and Herbartianism: An Educational Ghost Story* (1970).

46 Rein stated the goal of comprehensiveness in his foreword to the second edition (see W. Rein. *Encyklopädisches Handbuch der Pädagogik*, Vol. 1`, pp. v-vi). The 10 volumes are still a superior source for general background on the history of educational thought and practice prior to the mid-19th century. For the review, see the E. Oppermann, "Reins Encyklopädisches Handbuch der Pädagogik." *Zeitschrift für Kinderforschung* (Vol. 14, 1909) pp. 58-63.

Herbart started with an unusually strong presumption of sympathy between adult and child. Long before the phrase had become possible, his mother was the helicopter mom *par excellence*, taking Greek up at his side while overseeing his home schooling through the elementary years, supervising his gymnasium studies, and virtually accompanying him to the University of Jena where she struck up a friendship with Herr Doktor Fichte and his wife. Herbart thought of "*Anerkennung*," "recognition," largely as a kind of acknowledgement or deference—"with more or less recognition of superior strength or authority."[47] Herbart had little sense for reciprocal recognition in the Hegelian sense—each recognizing that both recognize each other as interacting peers, whatever the difference of their circumstances. A sympathy of intimacy and commonality substituted for reciprocal recognition in the 19th-century construction of schools and modern pedagogy. People avoided the needed for full, reciprocal recognition between persons in instructional institutions by dehumanizing persons through roles of teacher and students and an abstract, age-appropriate personhood to learners to be revealed by a scientific psychology.

As we move deeper and deeper into a world in which each interacts continually with all, dehumanizing persons, young and old, as they interact and together form themselves, renders instructional institutions ineffective.

[A50] The educative inner light

How does a Reformation get started historically? Who can answer that question with confidence? Modern historians clearly recognize only one historical example, the Protestant

47 Herbart, *Umriss pädagogischer Vorlesungen* (§295), SW, Vol. 10, p. 120. One might suggest that Herbart dealt with the problem of recognition with his concept of *pedagogical tact*, "the finest jewel of pedagogical art." (SW, Vol. 2, p. 39) But in Herbart's framework, the active educator exercised pedagogical tact towards the passive student precisely to maintain the differential in situations where it might be strained. At 24, Herbart's belated break with his mother came when she disastrously failed to observe proper pedagogical tact, egregiously trying to manipulate his life plans.

Reformation and the Catholic Counter-Reformation. We might think of the rise of Christianity as a Reformation of the Roman ethos and a confluence of the scientific, industrial, and democratic revolutions as a secular Reformation of a prior religious way of life. But that may well leave us still with too few examples, and owing to their scale and complexity only confuse the question. Perhaps we should simply contemplate a Reformation possibly emerging in ways we cannot predict, although we can perhaps speculate about conditions that might encourage its emergence. Here are four.

First, for a Reformation to occur, many people would need to perceive a dominant principle of judgment and legitimation to have become problematic. If all but a weak minority believe that the system in force works to the general benefit, a historically significant Reformation would not get started. An alternative principle of judgment will gain adherents among those who think, some consciously and many others at least potentially, that the current modes of judgment and legitimation lead to undesirable consequences, and if most people found the status quo satisfactory, a nascent Reformation would not gain a critical mass of adherents. A prolonged period of protests against the luxuriousness of the Papacy and its exactions to maintain it were common in northern Europe and even in Italy, with figures like Savonarola, prior to the Protestant Reformation. How, if at all, might the various counter-cultural protests that have sprung up against corporate and neoliberal rationalization cohere into a Reformation?

Second, an alternative principle of judgment and legitimation would need to be convincingly available to potential adherents. And for its availability to be convincing, many different persons, each feeling palpable discontents with the reigning order, would need to use it to ground possibilities for their own lives that they would perceive to be both feasible and desirable. The initial critical mass, if a Reformation were to occur, would develop as a significant number of persons converted from an old, problematic principle of judgment to an alternative. In the Protestant Reformation, salvation by faith alone undercut the authority of the Papacy and its clergy,

grounding conviction on the text of the Bible, not the doctrine of the Church. To what the principle of legitimation in education do people currently defer to and what might displace it?

Third, conditions that people found problematic in the old order, would need to interact with new historical developments, with the interaction of old and new fortuitously strengthening the adherents to a new principle relative to those of the old. For instance, in relatively affluent consumer societies, people might come to feel that the time had come "to give their children a right to study painting, poetry, music, architecture, statuary, tapestry and porcelain," as John Adams put it long ago. Placing cultural goals above those of GDP and national power might ally with parental critiques of meaningless high-stakes testing and other discontents with an increasingly dehumanized educational system. A new pattern of judgment and legitimation would not waltz into historical prominence without opposition from the old order, and as the new emerged, the old would be significantly stronger, able to suppress the would-be Reformation. The Protestant Reformation, which coincided with the spread of printing, a transformative technology, followed several similar reformatory movements, which had been easily suppressed. Changes in material conditions cannot be considered causes of emergent phenomena, but they certainly enter into the patterns of interaction that make an emergence possible. Do digital communications strengthen or weaken the existing structures of public judgment and legitimation? Do they possibly make some alternative principle more feasible?

Fourth, a Reformation may need to express the first three concerns with a very high degree of cultural comprehensiveness. It seems relatively feasible to introduce reforms in rather narrow sectors of human experience. Many reforms that have taken place in historical experience have emerged, somewhat unpredictably, after a succession of failed, top-down policy efforts. Perhaps the infrequency of historical Reformations has come about simply because we restrict the term to very comprehensive emergent changes, rather like those extremely powerful, non-linear events such as earthquakes, registering

at the top of a logarithmic scale. They come about for reasons similar to lesser developments, but do so deep in the structure of cultural interactions that shape the prevailing patterns of judgment and legitimacy. Do present-day institutions—governmental, corporate, and philanthropic—have the functional capacity to form and implement policies that can effectively deal with the demographic, climatic, and economic challenges the peoples of the world now face? If not, what then?

In view of these factors, were a Reformation to emerge, what principle of judgment and legitimation might it advance as an alternative to the one undergirding the current order and how would it rise to prominence?

[A51] Digital culture versus the pedagogical priesthood

To alter the animating spirit with which persons use significant institutions, they need enabling changes in the historical forces available in their circumstances. This thought has been important to me throughout much of my work. In 1971, in a substantial essay, "Towards a Place for Study in a World of Instruction," I suggested that modern pedagogy had devalued the role of students, as distinct from curricula and the instructional program administered through teachers. Children and youths, pupils and students, exercised the main agency in educative work. In a rapid overview of educational thought from the ancient Greeks into the 19th century, I showed how study, autonomous work by students, had been the central concern of theorists. With the rise of large systems of formal instruction in the 19th and 20th centuries, attention passed from the *student* to the *learner*, and theory presumed teachers and instruction to be the active agents of educational experience. Towards the end of the essay I mused about nascent communications developments that might make the renewal of a place for study feasible in our time, pointing to electronic communications, then primarily television, as a potential historical force that could weaken the instructional mindset in contemporary pedagogy.

A few years later I began to make this possibility a central

concern in my practical and theoretical work. It started somewhat serendipitously in the late 1970s. I had begun to use early word processing tools for all my writing and in 1982 I started drafting an epistolary novel, *Emilia, Or Going to City*, in which a young woman, in lieu of going to college, would go to New York City and use its life and cultural resources as the locus of her self-formation, to be manifest in reflective letters she would write to an older mentor. About the same time, I acquired my first microcomputer, which soon distracted me from *Emilia* (25 years later my wife, Maxine McClintock, resuscitated the project, and a much larger but still incomplete version of it is at http://www.studyplace.org/wiki/Emilia (although currently offline,). In conception, *Emilia*. was a serious attempt to imagine how new communications technologies might enable a person to pursue her self-formation independent of formal institutions of instruction, making full use of contemporary cultural resources.

People may, like Emilia, end up *going to city*, but the cultural infrastructure, which is emerging to enable that, will be developed in and through institutions of instruction. That idea informed both my reflective and practical work from around 1982 to 2002. The practical side of that work took place primarily within formal institutions of instruction, ranging from early elementary school through the research university, summed up well in a strategic plan for the Institute for Learning Technologies, *Educating America for the 21st Century* (1999). Of many theoretical statements about how the digital infrastructure can change the spectrum of educational possibilities that I published online, *Power and Pedagogy: Transforming Education through Information Technology* (1992) conveys a vision still of considerable relevance 25 years later.

Most uses of digital technologies within the Great Didactic have embodied the assumption that the digital technologies can or should be a powerful teaching tool, marginally improving the going system. The best, however sophisticated, do not fit well into the social system of instruction incarnated in the institutions of formal education. Hence their effects lead to marginal changes to the system that encompasses them.

They have, however, created many resources that students can use to pursue study both inside and outside the social system of instruction. Additionally, the digital infrastructure for the creation, preservation, and dissemination of knowledge has grown markedly both inside and outside the Great Didactic. Hence, the material conditions for a world of study are much closer to full implementation than any of us suspect. For practical purposes, the internet makes the whole culture accessible to anyone, anytime, anywhere and billions of persons have substantial, improving access to it. No one, even the most wired, understands what they can and should do, personally and collectively, with the emerging cultural cornucopia

It is not only the material conditions for a pedagogical reformation at the personal level that are in place. Something like the historical manifestation of a Pedagogical Reformation is becoming evident, if we will only look. The Great Didactic has had miniscule influence in disseminating the understanding and know-how that billions of people around the world have rapidly acquired in using digital technologies as formative of resources in their conduct lives. How many people use email and what proportion of them learned to do so through formal instruction? How many make regular use of Google and other search programs to get information and what proportion learned to do so in formal classes? Who obeys the pedagogical priests warning to be very, very careful for Wikipedia is adulterated with misinformation? People judge for themselves and make use of the wealth of knowledge the internet freely offers. Do these developments have significant, long-term implications for the way each person chooses to live her life?

Of course, we hear the digital din as all a great babble, but it evidences concretely that some sort of restructuring, perhaps a Reformation, has begun. All the blogging, the social software, YouTube, Instagram, Tweeting, instant messaging, smart phones, Wikipedia, Ask.com, MOOCs, pornography, online magazines and newspapers, Amazon.com, digital libraries, big data, hacking and trolls, virtual realities, apps and more apps, all becoming integrated into our human, embodied

lives, amounts to a great mess out of which a different life-world may emerge. Digital communications are spreading fast, in historical time, because, for better and for worse, persons all around perceive them changing the constraints on their possibilities, with each beginning to exercise formative justice for herself in ways that under former constraints she would not have done.

Big institutions and systems increasingly appear clueless. Can anyone explain that assertion away as an idiosyncratic misimpression? Will the world system soon recover from a temporary run of unexpected difficulties? Or is it stalling, like an airplane generating too little lift? Has a Reformation in the conduct of life been unleashed, soon stabilizing apparent trouble spots? Will some unforeseen catastrophe turn things back, way, way back? No one knows what the full historical trajectory of the current historical processes will prove to be. But from within its midst, each should care for her values, contributing to the betterment of humanity what she herself can make from what she can and should become.

[A52] Exemplarity and aptness

In the real circumstances of our lives, coping with a world so full of impositions on us, structuring our perceptions, channeling our actions, conditioning us to taking its direction, how can we pursue formative justice? Most of us have been acculturated to want and need a happy answer. Not answered, but lived. It has no answer, no resolution, neither comic nor tragic, but we will live by contending with it.

In living the question, two concepts are important: negation and aptness. Life lives choosing among possibilities, multiple contingencies not all of which can or will happen. The dead stone also faces a future that still has not been determined, but it has no possibilities for it has no power to act: extrinsic forces will determine what takes place. We do not "keep our balance," we perceive the possibility of falling and act to counter it. Our autonomy, our freedom, our control, therefore, lies in our choosing which possibilities to reject in

principle and to work against in practice. As we reject possibilities and givens, our negations become determinate, for we choose by eliminating the least and less valuable possibilities. We assert value in exercising formative justice by exercising the power of negation. But in doing so, one of the questions we must live is the question whether this exercise of formative justice, this power of negation, has any objective power, any significance in the community of living persons. Here, the human capacity for aptness is essential.

Aptness—"ready susceptibility, quickness of apprehension; capacity, proficiency, aptitude"—teams with exemplarity as the main source of human formative power. In *España invertebrada* Ortega y Gasset wrote a chapter on "Ejemplaridad y Docilidad," which I translated in my discussion of his work as "exemplarity and aptness." For Ortega, *docilidad* indicated a more active responsiveness than the teachable, trainable, and tamable connotations "docile" generally has in English. Let us call it "aptness." In Ortega's view, social life arose through the working of exemplarity and aptness: "the exemplarity of the few articulates itself through the aptness of the many."[48] Formation takes place, not through some artful shaper causing others to mimic and follow, but through other persons' aptness in striving after an example that they perceive to be exemplary, to be, even, worthy of excelling. The emulator chooses her example; she feels inspired by it; she strives to copy and transcend it, negating in its favor her other possibilities.

Aptness in relation to exemplarity deserves much more study than it receives. Aptness is strong and active when participants in groupings, large or small, feel actively engaged together. Behaviorally, one might think that aptness leads to imitation or emulation, but that reduces the process too much to simply copying another's behavior. Someone who is apt in relation to an exemplary model does not simply copy it, but

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48 José Ortega y Gasset. *España invertebrada*, *Obras III*, pp. 103-8, quotation, p. 104. Cf. McClintock, *Man and His Circumstances: Ortega as Educator* (1971), pp. 243-7, 538-9.

immediately catches on and sees not only what, but also how and why, starting not to copy, but to experiment and work at what he aptly perceives.

Since 1980 or so, the spread of know-how, and see-what, with digital technologies has exemplified the working of exemplarity and aptness, especially among early adopters. In an apt user community, the mere hint of a new technique will immediately bloom into widespread mastery. Novel linguistic usages often spread rapidly through a speech community, not because a few originators have unusual didactic power, but because many are apt to a usage that expresses a meaning and nuance they desire to express. A person's aptness relates closely to her interest and attention, but it signifies a more inward state—her looking outwards aptly leads to her interest and attention, but she then aptly pulls her interest back inside and she internalizes the matter of interest, making it her own.

Exemplarity without aptness has no effect. *Bartleby, the Scrivener*, Herman Melville's story of Wall Street, (1853) still has great pertinence in a neo-liberal age. Bartleby both phrased well and aimed well his heroic negation—"I prefer not to." He stated perfectly and so simply our freedom in response to the commands of the counting house, however courteous and unctuous their delivery may be. But Bartleby's negation, as Melville constructed it, led to a meaningless, self-inflicted death, one which lacked resonance, another accretion, as Melville hinted, in the great dead letter bin of life. A few responded with curiosity, none with aptness. Life generates many possibilities that fade like Bartleby without resonance, many trees in the forest that fall unheard. Some, however, will be seen and heard, and those who see and hear can be apt in response, attending to the example, magnifying and multiplying it. In this way, formative justice gains its worldly power.

[A53] John Dewey and formative justice?

At this point, some readers may ask whether these views simply restate John Dewey's basic concerns. Certainly they are related, but with significant differences. Throughout my

career, I have recurrently read Dewey's work with both admiration and vexation. As a specialist on educational thought within schools of education, I feel a responsibility to call attention to work that educators seem to undervalue and to pass over in relative silence work that seems, like Dewey's, to be overvalued. Hence, I have consciously not written very much about Dewey and education, and among colleagues I like to speak with mischievous irony about his work. But one can value highly what one considers, all the same, to be generally overvalued. And as students of Dewey will recognize, my views about formative justice owe much to his influence (after Plato and Ortega y Gasset, along with Rousseau, Kant, Hegel, Weber), and they will ask how, specifically, do I think formative justice adds to or differs from what Dewey said, especially about experience and its reconstruction.

In an essay of this scale, I cannot fully respond to this query. In annotation 26 above, I implied one significant difference in asserting that human experience encompasses a basic duality between the instrumental and the formative. Dewey famously tried to extirpate dualities from our thinking and he glommed both causal successions and reciprocal interactions together in his accounts of experience. I think a clear, neo-Kantian differentiation between causal succession and reciprocal interaction in reasoning about experience improves clarity without committing to a dualistic metaphysics (see annotations 15 & 28). Beyond noting that, I will briefly indicate three further differences with Dewey and then develop a fourth at a bit greater length.

First, for both Dewey and myself, “control” is an important concept and we tend to use it with an important difference. Taking it as a verb, Dewey (e. g., Section 1 “Environment as Directive in Chapter 3 of *Democracy and Education*) was inclined to use it in the passive voice—the subject is controlled—whereas I tend to use it as a reflexive verb in the active voice—I control myself by, for, or with. (see annotation 6).

Second, justice was not a big topic for Dewey and he spoke of it extensively only in his formal writings on ethics.

The word appears twice in *Democracy and Education*, once in a pro forma use (p. 68) and once to recognize that Plato had a distinctive conception of justice, one highly pertinent to education (p. 95), alas, as part of a dismissal of Plato's educational ideas as insufficiently democratic. I think Dewey's embedding issues of value such as justice in the pursuit of instrumentality makes an otherwise admirable thinker prone to the sort of judgments critiqued by Randolph Bourne in "The Twilight of Idols" (1917). See *War and the Intellectuals: Collected Essays, 1915–1919* by Randolph Bourne (1999, pp. 53–64).

Third, Dewey's championing the concept of *growth* while he largely avoided that of *form* seems to me problematic. The idea that the object of growth is more growth is not tenable. Growth needs to take place within a form, the filling out of which can signal its completion and the transfer of its energies to other potentials. In his chapter on education as growth in *Democracy and Education*, Dewey quite explicitly stated that "the primary condition of growth is immaturity" (p. 47), but he then went on to state that despite the prefix, immaturity is a positive condition in itself with no latent maturity implied. He speaks several times of "increasing maturity," but he does not come to grips with maturity as the culmination of growth (until late and sketchily in 1938 in *Education and Experience*). I understand and sympathize with Dewey's desire to avoid hypostatizing a destination for growth that people could then impose on cohorts of students as the ends of education. But in the processes of growth, students need to ponder alternative paths to alternative states of maturity in order to imagine their own possibilities, to allocate their efforts, and to select their purposes. I pay much more attention to *form* and *forming* in accounting for what Dewey treats as *growth*.

Lastly and a bit more fully, I think Dewey performed a historical service to educators in trying to undercut the widespread idea that those engaging in education were aiming to prepare the young for success in a predictable future. Unfortunately, Dewey's historical effort to counter the pedagogical imposition of predicted conditions onto the young failed, for

it has become even more pervasive in our time than in his. Note how fashionable *The Race between Education and Technology* by Claudia Goldin and Lawrence F. Katz (Cambridge: Harvard University Press, 2010) has been among the policy sages or listen to the din that commenced with *A Nation at Risk* denouncing American public schools for failing to prepare the young for success in the global future. Dewey's underlying concern, at least in my judgment, was quite sound. But he tried too single-mindedly to combat adult pretensions to know what the young needed to live their lives well in an unknown future. Consequently, Dewey got his conception of "Aims in Education" (chapter 8 in *Democracy and Education*), and our understanding of the place of preparation in education (chapter 5, section 1), in a serious muddle.

In the first two parts of chapter 8, Dewey illuminated instrumental aims, explicating intentionality as inherent in the immediacy of lived experience: An aim implied an orderly and ordered activity, one in which the order consists in the progressive completing of a purposeful process, with the purposefulness immanent in the process throughout. (p. 108–111). In the third section he applied these views to education, maintaining attention to aims, which had objectives that were immediate throughout the educative experience: "education as such has no aims. Only persons, parents, and teachers, etc., have aims, not an abstract idea like education" (p. 115). But note the specification of parents and teachers, with everyone else lumped into "persons" and "etc." Precisely who, we might begin to ask, uses these educational aims to direct formative effort? Relative to this question, Dewey's prose takes on a tinge of metaphysical realism:

> An educational aim must be founded upon the intrinsic activities and needs (including original instincts and acquired habits) of the given individual to be educated. The tendency of such an aim as preparation is, as we have seen, to omit existing powers, and find the aim in some remote accomplishment or responsibility (p. 115–6).

Whose aim concerns Dewey here? Whose existing powers?

Whose accomplishments and responsibilities? Ostensibly it is the student's aim. An educational aim *is founded upon* the person to be educated (ah, the passive voice: who is doing the aiming?), but is it really her aim that she is experiencing? Or does the aim exist in some limbo, founded on her but external to her, so that it can act upon her, presumably through parents or teachers, from whom the perfectly plastic pupil dangles conjointly in their experience?

If we adopt a first-person, phenomenological point of view, I do not think we can postulate an aim that is simultaneously the student's, the teacher's and the parent's. I think infants, pupils, students, youths, and adults all aim their formative, educative efforts. Others respond. I think this way of understanding "aims in education" is important because I want to join Dewey in rejecting the putative educator's ideas of *education as preparation* while saving the possibility, the high probability, that the student in her many incarnations may aim *her immediate educative effort as preparation her future as she now postulates it*.

What I mean by *formative experience* is very close to the concept of *education as preparation*, except that the experience, informed by the formative, preparatory aims, takes place in and through the experience of the infant, the pupil, the student, the person educating herself. We can make common cause with Dewey in anathematizing programs of preparation imposed on students by teachers, parents, and the public, but we need to save education as preparation by recognizing it when it is situated with the person acquiring her education. Parents, teachers, and public poobahs can opine as much as they like about how the student should prepare for the future life that they imagine she will live—that is all external stuff that the student will consider, along with Taylor Swift's latest, in the course of her formation of self.

Children and youths, and adults too, form themselves by playing at all sorts of prospective roles, imagining themselves in a vast range of future conditions. They have dreams of glory righting the wrongs of the world. They form interests, express curiosities, develop tastes, judge rights and wrongs, exercise

skills, express aversions, and more: all as aspects of asking themselves what can and should they make of themselves. Self-formation as preparation by the student for his future life, the student driving onwards at what he is making from what he can and should become, leads to formative justice.

Dewey posed a challenge that he then squirmed out of: “a true aim is thus opposed at every point to an aim which is imposed upon a process of action from without” (p. 118). Who among the various parties can aim the process of educative action with no external imposition on it? Somehow Dewey convinced himself that the parent, the teacher, the educator, the environment could do that. I think it is only the student who can, and for that the student may want to employ some regulative principles, some principles for taking educational aim. Those principles are the principles of formative justice; they are the principles that students of all ages and conditions use, well or poorly, in making the judgments by which they aim their educative self-formation.

[A54] What the citizens sow, they will reap

By thinking excessively with nouns, we understand what is happening statically, fixing unchanging identities on historically dynamic processes. Personally and collectively we continually compound our possibilities, forever becoming—lives never complete; each just ends. Excessive belief in a stable identity induces unwarranted complacencies and fatalisms. Character never fixes; it continually emerges, shaped by aspiration. Anyone seeking to engage such dynamic processes with a sense of direction should attend closely to analyses of the interaction between the personal character formation and the constituting of a polity like the one given by Plato in the *Republic* (VIII: 543a-IX: 576b). Plato showed schematically how changes in the idea of the good regulating the dominant ethos of a polity would interact with the idea of the good that persons would use to regulate their personal pursuit of formative justice, with compensations made from one generation to the next, leading the life of the polity to cycle through the dif-

ferent conceptions of the good life. This analysis formed Plato's basis for the concluding evaluation of the question central to the *Republic* (IX: 576b-592b) whether choosing to live a just life is intrinsically better than choosing to live an unjust one.

[A55] Let us beware

I think hyperbolic rhetoric with respect to the putative failure of large-scale public institutions and policies such as the public school system or the Affordable Care Act lowers the threshold for considering real states of exception excessively. Bit by bit a receptive audience for demagogues like Donald Trump emerges. For instance, the Council on Foreign Relations Independent Task Force Report, chaired by Joel I. Klein and Condoleezza Rice, *U. S. Education Reform and National Security*, exemplified seemingly sober authorities using the language of immanent crisis to rationalize significant changes in the priorities guiding public schooling.[49] Crying immanent crisis to motivate action that people would not otherwise take usually fails in its purpose, and as in the fairy tale, people may have become reflexively skeptical when real crisis arrives. Groups like the Kettering Foundation, engaging diverse members of the public in careful deliberation about difficult public problems, provide a much better way to inform people that commissions of Poo-Bahs pushing partisan positions.[50]

Interest group politics may naturally gravitate to a rhetoric of immanent crisis with various groups each increasingly trying to enact its agenda by convincing the public that a state of

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49 See especially the section on "The Education Crisis Is a National Security Crisis" The Task Force makes the case that a failure of the U. SW. educational *system* undermines the physical safety of the country, its economic competitiveness, and its political unity. Since the reform movement began in 1983 with *A Nation at Risk*, it has put in place "selective and insufficient" reforms. The nation must now "finally implement the necessary changes in its school system to safeguard the country's national security in the coming decades." (p. 57)

50 See the materials on "Shared Learning" on the Kettering website—https://www.kettering.org/shared-learning/

exception exists that justifies adopting its vision of necessity. Since World War II such a movement seems to have taken place in American life. During the early Cold War, interests groups seemed to bargain their way to a national consensus, but then countervailing power structures made effective compromising difficult and polarization began to strengthen and effective governing in the interest of the whole became more and more difficult. Of course, since historical change takes place as a succession of two steps forward and one step back by an unsynchronized chorus line, future developments may entirely upend this diagnosis.

[A56] A pedagogy of thoughtful deliberation by peers

Modern school systems have gone way too far dehumanizing educational experience and the educational reform movement tries to take it much further. The effort tried to impose a tighter accountability regime on teachers and school programs, which ultimately falls on pupils and students. They have the mission of learning what teachers teach. This accountability regime preceded the school reform movement and has long spread worldwide. Its logic, driven by the priorities of international competition among nation states, make systemic goals more and more overriding. To my mind, looking closely at what proponents of reform say and how they say it allows one to make grounded judgments for oneself. Representative reports are: *A Nation at Risk: The Imperative for Educational Reform* by the National Commission on Excellence in Education (Washington: The Commission, 1983); *Tough Choices or Tough Times* by the New Commission on the Skills of the American Workforce (2007); and *U.S. Education Reform and National Security* by the Council on Foreign Relations, Independent Task Force (2012).

In trying to understand the Great Didactic, look closely at some of online resources at the state, national, and international levels, parsing what they say and how they say it. Take a page like the U.S. Department of Education's “Progress in Our Schools” (http://www.ed.gov/k-12reforms). Read it care-

fully and think about it critically, noting who the actors described on it are, what they do, why they do it, and how their actions are to be assessed. What sort of process is the educational process it describes? How will persons with whom you are familiar feel and respond, day-in, day-out, to the educational experience depicted there? Or study a document or two through the "key documents" page on the European Commission's Education and Training website (http://ec.europa.eu/education/library/keydocs/index_en.htm, retrieved April 2, 2016). Check out "Rethinking Education: Investing in skills for better socio-economic outcomes" by a commission with a long name for which "COM(2012) 669 final" work (http://eur-lex.europa.eu/LexUriSrv/LexUriServ.do?uri=COM:2012:0669:FIN:EN:PDF, retrieved April 2, 2016). Whose education has the Commission rethought? Students as flesh and blood persons do not seem very prominent in their report, which concludes (p. 17) "this Communication and the country analysis provided in the accompanying Staff Working Documents are intended to give the impetus to governments, education and training institutions, teachers, businesses and other partners alike to pull together, in accordance with national circumstances, in a concerted push for reform." *Educational reform* functions as a global movement, pushed at by both governmental and private elites, with endless plans and reports documenting its goals, proposals, plans, and policies. As long as people believe the international tests tell us at a glance the condition of education, a global competition will spur the contending systems on to ever-more stringent measures to make the cohorts conform. Do they describe what you want education to mean for yourself and your children?

For a strong proponent of the educational reform movement, see *Class Warfare: Inside the Fight to Fix America's Schools* by Steven Brill (2011) and for an impassioned critiques see Diane Ravitch's two recent books, *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (Revised ed., 2011) and *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools* (2014).

[A57] Localities as the locus of democratic interaction

Democracy Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism by Sheldon S. Wolin (2010) has not received the attention it deserves. Wolin's work in political theory has been original, profound, and difficult. In *Democracy, Inc.*, Wolin described the political condition too bluntly, warning about possibilities that most people do not want to think about. His critique of democracy as we know it is devastating, and his response, "fugitive democracy," not an optimistic response. It calls on people to find real ways in their specific circumstances to resist managed democracy, to resist enclosure and privatization, to defend community and the commons.

"Forced to combat nature or the social institutions, one must choose between making a man or a citizen, for one cannot make both at the same time."[51] Listening to public authority, we must choose to make a citizen. But should we really? In a polity that purports to be self-governing, perhaps we should aspire to a community of self-governing men and women and let education be accountable once again to children and youths, to persons acquiring their education, and working out from there to parents, teachers, and the public at large.

[A58] The formative allocation of civic resources

Rawlsian "justice as fairness" makes more sense as a theoretical ground for implementing efforts to advance formative justice in a polity than as a basis for achieving distributive justice. There is no way to cloak socioeconomic realities under a veil of ignorance as Rawls requires. The poor know they are poor and the rich know they are rich; the insecure feel their insecurity and the secure settle into their complacency. Only a very, very few with an extremely rarified education can believe they can proceed *as if* they were ignorant of the material conditions of life. And when the Electrical Engineering De-

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51 Rousseau. *Emile, or On Education*. (Bloom, trans., 1979) p. 39.

partment gets permission to recruit and the Philosophy Department does not get to fill a position vacated by its retiring star, those with an extremely rarified education will quickly loose the power it bestows to hold their as-if veil in place.

As we have seen, however, there is a real, impenetrable veil cloaking who will manifest what capacities after each has fully found what he himself could make from what he can and should become. Since no one knows prospectively who will be able to do what, the Philosophy Department might argue more effectively that short-term expediencies aside, present-day administrators with their unrivaled sagacity should perceive that they cannot predict the relative importance of work that will be done in different departments in 20 or more years. Ignorant of future developments, they should ensure, as a matter of fairness, that the least advantaged departments now get the resources necessary to avoid a severe decline occasioned by an untimely retirement. This would be the practice of Rawlsian fairness on formative grounds.

[A59] A crusade against ignorance

Thomas Jefferson to George Wythe, August 13, 1786. *The Papers of Thomas Jefferson: Digital Edition*. Main Series, Vol. 10. See also, "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day. Altho' I do not, with some enthusiasts, believe that the human condition will ever advance to such a state of perfection as that there shall no longer be pain or vice in the world, yet I believe it susceptible of much improvement, and, most of all, in matters of government and religion; and that the diffusion of knowledge among the people is to be the instrument by which it is to be effected." Thomas Jefferson to Pierre Samuel du Pont de Nemours, March 31, 1816[52].

52 Dumas Malone, ed., *Correspondence between Thomas Jefferson and Pierre Samuel du Pont de Nemours, 1789–1817*. (p. 186). Of course, provisions for the diffusion of knowledge need not be held identical to provisions for the making of citizens.

Ignorance does not receive sufficient attention in educational thinking. I suspect this deficiency is a very longstanding example of political correctness in schools of education. The analogy—*disease is to medicine as XYZ is to education*—completes correctly with XYZ replaced by *ignorance*. But then compare the amount of attention to *disease* as a matter of inquiry in medical research with attention to *ignorance* in educational research. Starting with the Platonic Socrates, a person's becoming aware of her ignorance has been identified as an essential step in her pursuit of insight and understanding. But despite Plato, along with a host of other students of human fallibility—Sebastian Brant, Erasmus, Rabelais, Grimmelshausen, Voltaire, Samuel Johnson, Henry Adams—educators have nothing like a systematic classification of ignorance analogous to the International Classification of Diseases essential in modern medicine.

How do the Great Didactic and a Crusade against Ignorance relate? Certainly, to some degree, Jefferson had a Great Didactic in mind.

[A60] Misallocating instructional access

I risk here seeming to imply that we should think about formative goods only on the basis of formative justice. In preserving balance, we need to concentrate on compensating to correct imbalances, and with access to education the imbalance towards distributive rationales needs correction. Both formative justice and distributive justice can work together in thinking about educational access, but to regain balance, we need now to accentuate formative thinking. For instance, the student loan mess in American higher education comes largely because over-emphasis on higher education as a distributable good leading to material benefits for recipients distorts personal and public choices. For decades, opinion leaders touted the economic benefits of higher education for the student as if those benefits were the primary reason for seeking higher education. That conviction, which increasingly looks like a deceptive bill of goods, enticed many students and their families to take on excessive debt at the same time that

it gave a rationale for cutting back on public expenditures for higher education Anyone could pay with the help of student loans, the cost of which they would recoup through higher earnings. Cost cutting politicians could easily encourage the state schools to raise tuition by pointing out that public subventions for higher education were really serving primarily to pay for increasing the future earning power of those fortunate enough to gain admission to public universities, usually children of the middle class and up. Shouldn't those who would reap the future benefits, the higher earnings, foot more of the bill?

In actuality higher education, all education both formal and informal, has value that goes far beyond its service as a distributable good going to those who earn degrees. It has formative value for both the person and the polity. I think a wealthy polity such as the United States has a strong formative interest in ensuring that person can fully develop their capacities through the full course of their lives. And I think each member of the polity will best be able to do that if each autonomously directs their self-formation within a community committed to supporting the effort by each. The current system sucks far too many into the maw of a growth economy that sacrifices the quality of life for the many to the opulence of the few. We should not make formative decisions for either the person or the polity primarily on investment criteria, for they involve formative life choice of considerable complexity, which if made well will benefit each and all.

[A60a] Formative Character of Retributive Justice

As people have lost sight of the formative benefits everyone enjoys from the broadest possible dissemination of formative goods, so have we lost sight of the formative dimension in retributive justice. The prime benefit to everyone attainable through policies on retributive justice actually arises when thy have a significant formative side to them. The icon of blind justice looks ironically blind in a "lock 'em all up, nothing's too minor" world, for the recidivism rates suggest that mass

incarceration incurs huge expenses and has decidedly negative, formative effects. Our costly system of imprisonment and our inhumane policies for putting people into it compensate ineffectively for deficiencies in the system of public schooling. Let's start changing it at the beginning by lowering incarceration rates. For instance, rather than prohibit recreational drugs, creating a high-priced illegal market that only criminals will serve, let's address the formative stresses of everyday life that encourage many to pursue escapist routes that land them in jail. And then, let's make sure those we do incarcerate get appropriate support in their pursuit of formative justice while imprisoned.

[A60b] Formative versus distributive tax burden

During World War II and the high-tide of the Cold War, questions of distributive justice receded into the background in setting income tax policy. The survival and character of the polity, starkly formative questions about the polity, intuitively stood out for most people. Despite the Vietnam War, the Kennedy years and beyond marked a shift in the Cold War sensibility. The Cuban Missile Crisis signaled that military confrontations would remain contained and that the game pitted the socioeconomic strength of two systems in a long-term contest of manoeuver. A period of transition set in in which formative issues still had considerable prominence, but questions of distributive equity, never wholly absent to minds burdened by the public weal, steadily became more prominent, culminating in the Regan ascendency.

Roughly, since American entry into World War II, the American public has agreed to three patterns of taxation on income, each pattern lasting for two decades, more or less. During the period from 1942 through 1963, the lowest income tax bracket averaged 20% and the highest, 90%, collected on taxable income averaging $3,400,000 roughly in 2015 dollars.

Through most of the period from 1964 through 1987, the polity adopted a relatively high level of taxation, but the case for lower rates gained popularity and too substantial effect between 1981 and 1987. War, hot in Vietnam and cold globally,

and other formative issues, civil rights and movements of life style, still preoccupied the public, with the country continuing to maintain a relatively high income tax burden. Until 1981, the lowest bracket averaged 14%, the highest 71%, paid on income over 1,300,000 in 2015 dollars, a clear drop from the first period, but still a substantial formative commitment to the nation's prospects. Then the Regan era started with a short 5 years break with the lowest bracket averaging a little over 11% and the highest 50%, paid on income averaging about $250,000 in 2015 dollars (going as low as $68,000 and as high as $400,000). Principles of equity gained significant leverage, in which gradations of tax rates according to levels of income largely ceased to persuade the public.

In 1987, another break in rates occurred, with the lowest bouncing up to 15%, the highest dropping, fluctuating for several years, just below or above 30% through 1992, and then going up to just under 40%, paid on income above $150,000 in 2015 dollars through 2002. Since then the bottom rate has dropped to 10% and the top has fluctuated, either 35% or 39.6%, paid on income over $400,000.

What do we learn from noting these different patterns. They will not give us a neat and clear answer to the messy politics of resource allocation. *Governance* through the public allocation of resources invariably concerns formative goods and the consideration of sound policies of governance should weigh possibilities and constraints relative to both formative and distributive justice. Interest group politics in the Laswellian frame of who gets what, when, and how distorts the process of governance by simplistically reducing it to an elite competition over the distribution of public goods. Through politics, elites contend with one another to maximize their influence, measured by their relative shares of sought after values, thus competing almost exclusively through conceptions of distributive justice. Sound governance requires a more complicated harmonizing of formative and distributive concerns.

[A61] A formative rereading of Locke on property

As suggested here, Locke rationalized private property through formative reasoning, not through a theory of distributive justice. In the course of that reasoning, he greatly exaggerated the scope of private property relative to property held in common. He minimized the commons by defining the original commons in the state of nature as a completely unimproved waste, relative to which people could appropriate the parts of it that they improved with their labor. Locke's image, in the passage quoted in the text, of the laboring property creator removing a portion of the common wasteland and forming it through his labor into property, which he can rightfully call his own, falsifies the relation between the commons and the private domain in the process of property formation.

> From all which it is evident, that though the things of nature are given in common, yet man, by being master of himself, and *proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property*; and that, which made up the great part of what he applied to the support or comfort of his being, when invention and arts had improved the conveniencies of life, was perfectly his own, and did not belong in common to others.[53]

But in actuality, property creation, private and communal, takes place in a highly improved environment that mixes private intellectual and material effort with common intellectual and material activity in complicated ways. As Locke said, "when invention and arts had improved the conveniences of life." The proprietor of his own person did not the accumulated inventions and arts that made his person so productive. Even a primitive use of labor to improve available land would take place using a common stock of knowledge about pasturage or tillage, the use of tools and the know-how for using them that were common possessions, and so on. People did not create property simply *from the commons*—the "waste,"

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53 See generally, John Locke. *Second Treatise of Government*. Chapter V, Of Property, and V, Section 44 for the quotation.

an imagined raw nature—by the expenditure of their labor; they created it *with the commons*, a sophisticated, formed human environment, which they developed in reciprocal interaction with their other initiatives, public and private. In Sections 42–51, Locke described many of these improvements that differentiated a developed commons from the unclaimed expanses of raw nature. But he said little about how claims to new improved property should take the common infrastructure of civilized life into account. He spoke of money and the trade in goods enabling the enterprising to legitimately accumulate materials beyond their capacity to use them. But the process of accumulation made use of vast resources, starting with the common law itself, that the transactions concentrating property did not take into account. Locke and all his followers have left the common heritage of human self-formation as an irrelevant externality entirely out of account in thinking about property creation. In *The Magna Carta Manifesto*, Peter Linebaugh points the way to reasserting the legal grounds for common property relative to private property.

Accounting for common property in relation to private property constitutes a sensitive concern, however, as was shown in the 2012 American presidential election in the criticisms in reaction to President Obama's "You didn't build that" remark (see Andrew Rosenthal, "You Didn't Build That," *Taking Note* Editor's Blog, *New York Times*, (July 27, 2012), for a timeline of the resulting controversy). What Locke ignored, we still ignore: the interaction between private property and the improved commons. We still leave the latter as an externality to private accumulation with the steady consumption of the improved commons through processes of privatization, enriching the few at the expense of the many. Accounting for the commons becomes more and more imperative, accounting for it both in the broad sense of paying attention to it and in the specific sense of developing accounting procedures to handle it. By not taking it into account, we acquiesce to the myth of the lone entrepreneur, which skews our understanding of innovation, finance, and civic solidarity. For instance, how much of the huge market valuation for a start-up such as Uber,

a simple app plus a franchising department, arises because the role and the rights of the public domain—the Internet and a sophisticated programming infrastructure, which clearly have been the enablers of Uber and many other startups—are left out of account. Bu not accounting for the common, we acquiesce in a concentration of property in private hands that vastly exaggerates what innovators have justly earned. Formative equity requires financial and accounting procedures that will take into account the very significant capital inputs by material and intellectual resources held in common. Doing so would not be socialism, but simply sound accounting.

Post-modern ideological conflict will not continue to play out as a competition between ideologically different economic systems as it did in the 20th-century confrontation between the putatively capitalist and the putatively communist systems. Globally, pragmatic economic systems mix small private enterprises, medium to very large corporate bureaucracies, both profit and non-profit, and many different governmental forms. Within this very mixed environment, an enduring problem will involve differentiating between the commons and enclosed domains. Here I think the authority of Locke on property will seriously wane because he based his reasoning on a conception of the commons that was counterfactual and indefensible. Labor did not create property from a primordial waste. Persons could or can spontaneously property through their improving labor only with and through the commons. We live within the formative heritage of humanity, a complicated physical and intellectual infrastructure enabling to conduct our lives. This commons has developed in continuous interaction with private domains, also developed to enable the conduct of our lives, from the present-day as far back as we can trace the human past. And these private domains are not merely property, but spaces of intimacy, common interests, habitats, worship, celebration, art, and learning. Human organization has always mixed private spheres and a common infrastructure, a public sphere, with the boundaries between them shifting and become more or less porous according to the opportunities and constraints with which people were

dealing.

[A61a] Nominal democratic procedures manipulated by well-resourced groups

Well-resourced groups have long vied to manipulate supply-side democracy. Political theory emerged through concern for sophistic and rhetorical distortion of public deliberation and principles of checks and balances go back at least to Polybius The American Supreme Court rules blindly in holding that manipulators can go to it as they wish provided all sides are equally free to manipulate. That may meet the conception of freedom held by a majority of Justices, but the resulting race to out-manipulate the opposition, fueled by outrageous fortunes, has destroyed the integrity of public speech and rendered the simulacra of democracy incapable of governing.

All systems of governance at all times risk collapsing if their principles of operation weaken too far. Machiavelli on First 10 Books of Livy. A juridical/military despotism?

[A62] Outside the democratic box

We need a little tolerance for speculation at the margins in thinking outside the system. Those doing so can easily err from excesses of hope and/or despair, and visions of alternative possibilities can only stand as interesting guesses until time has had the chance to properly winnow the lot. *The Greening of America* by Charles Reich (1970) looks pretty gray 45 years later.

Clearly, with the current system, we have a system of capitalist democracy. neither very pure. The current system indulges the neoliberal political economy and works to harness the public sphere to economic life. Karl Polanyi saw that coming but optimistically believed the emergencies of global depression and world war had restored to primacy the public sphere, where persons come together to discuss and shape their common purposes; see *The Great Transformation: The Political and Economic Origins of Our Time* by Karl Polanyi ([1944], 2001). The current primacy of the economy in neoliberal thought makes the *oikos*, an expanded household of

private interests interacting through the market, the foundation of civilized experience. The proper order, as Polanyi saw it, embedded the economy within the polity, encompassing private interests within the deliberative interaction of the public sphere. Sheldon Wolin's fugitive democracy may point the way towards a counterpoint to the current system (see annotation 48). *Wages of Rebellion: The Moral Imperative of Revolt* by Chris Hedges (2015) and *The Democracy Project: A History, a Crisis, a Movement* by David Graeber (2013) amplify the idea somewhat, but I find it hard to imagine how anarchistic revolt will generate large-scale change.

Another vector of possibility would involve an accentuation of urban self-government, a possibility championed by Benjamin R. Barber's wistful query, *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities* (2013). Events give to the worry over dysfunctional nations, but Barber may have blurred the vision of an urban alternative by trying to accentuate the practicality of it with case studies of present-day urban leadership, circa 2010–12—the character and quality of mayoral leadership jiggles up and down. Also, it remains to be seen whether urban polities can stand as bulwarks against the dominance of neoliberal economic interests in the conduct of city life. FIRE—finance-insurance- real-estate—wields a lot of clout, not only in New York and London. Urban governments tend to abdicate the urban tax-base when powerful corporate interests threaten to move to more accommodating locales. Nevertheless, urban governance seems more concretely responsive to the formative interests of its citizens than state, national, and transnational governance and many theorists in addition to Barber are seeking out ways to strengthen these possibilities.

Lastly, should fundamental change take place at some juncture, it may not primarily come about through organizational and institutional changes, but rather as suggested above with the Great Didactic, through a kind of reformation in the prevalent sense of life that actually moves people. Such changes take place as each person, one by one, consider her prospects, personal and public, and starts to see alternative

patterns of value for herself and her circumstances. It seems as if Peter Sloterdijk ask us to do just that in *You Must Change your Life: On Anthropotechnics* (Wieland Hoban, trans., [2009] 2013). But Sloterdijk suffers from logorrhea and publishes too many books, filled with wondrous riffs, fun to read but hard to parse. After 450 pages I finally learn how I must change my life: I must decide—"to take on the good habits of shared survival in daily exercises." (p. 452) What are the good habits? Sloterdijk probably has told us, but too much patter leaves it unclear. Margins of uncertainty compound. To me, identifying the bad habits and trying to reject them seems more feasible to me. These systematically drive an acquisitive culture to waste and excess by defining the operative criterion for making judgments about the conduct of life always produce *more* of whatever. Good habits would use a criterion of judgment, namely *enough*. The good habits would replace the criterion of *more, more, more!* with a modest, *enough, neither too much nor too little*, a nuanced criterion, more difficult to apply. See my *Enough: A Pedagogic Speculation* (2012).

In all these speculations, getting it right carries little weight, as least now, for who got it right won't be clear until far in the future. But speculation can now light the imagination, and with imagination persons will more actively construct new pathways for themselves.

[A63] Not more, but enough

Annotation 48 about factors possibly associated with the emergence of a Reformation concluded with a question: If a Reformation emerged, what principle of judgment and legitimation might it advance as an alternative to the one undergirding the current order and how would that principle enter into prominent use? However hypothetical—no one knows whether a Reformation can or will arise—we may gain insight by thinking speculatively about an answer. Let's briefly try to identify the current principle of judgment and legitimation and show why a significant range of persons might be malcontented with it. We can then try to identify an alternative and reflect on why people might find it valuable in their lives.

Putting it most simply, people currently judge and legitimate possibilities by equating *more* with the good and *less* with the bad. As a criterion, *more* permits highly empirical judgments—**a > b ∴ a**—matters of quantitative observation. As a principle of legitimation, *more* conduces to expansion, growth, and profit. During the modern era, say the past 400 to 500 years, as a fundamental principle of judgment and legitimation *more* succeeded extraordinarily well. Look at all the statistics: they indicate a vast array of *more*; more people, more years lived, more energy expended in total and per capita, more calories eaten, more literacy, more clothes, more inventions, more goods and services, more churches, more hospitals, more, more, more. As a principle of judgment and legitimation, *more* achieved unprecedented success, which raises the question whether anyone might have a reason to question its desirability and effectiveness as the underlying principle of judgment and legitimation.

In recent history, pursuit of *more* has begun to elicit angst and anger in a tangible number of persons. The angst has to do with *more* as an unqualified principle of judgment and legitimation and the anger arises with the use of *more* as a relative principle. Angst arises as people contemplate whether they can sustain their pursuit of *more*? Even technophiles begin to worry that Moore's *more*—chip density will double every 2 years—will soon encounter natural limits. To what degree can more, ever more, remain sustainable as the basic ground for evaluating and justifying human purposes? Might we consider it, by itself, a mortal aberration, the basic principle of cancer? Anger arises where people feel *more than* should be their prerogative, magnifying comparative differences and generating mounting levels of dissensus. If the whole becomes less and less elastic, the successful pursuit of *more* by some will force *less* on others diminishing social solidarity. How far can that go before the whole becomes unstable or dysfunctional?

Were an alternative to *more* as the primary principle of judgment and legitimation to emerge, what might it be? I

speculate whether people are intellectually and emotionally adopting *enough* as an alternative principle of judgment and legitimation. Like *more*, it seems relatively simple and basic, but as a principle of judgment, *enough* differs significantly. *More* measures externals mechanistically by observing comparable quantities, producing a deterministic response. E*nough* provides a reference for an inner sense, allowing persons to exercise control by approximating through positive and negative feedbacks the measure of *neither too little, nor too much*. As a principle of legitimation, *more* promulgates objective conditions and justifies imperious, partial claims, lacking in nuance; *enough* expresses subjective differences and justifies harmonizing differences relative to the whole. *More* is mechanistic; *enough* is organic. *More* always registers *too little*; it can never recognize an *oops, too much*. In living, and experience takes place only in and through living, *enough* controls all judgment, choice, self-direction, and movement.

And we cannot dismiss *enough* as some radical innovation, foreign to the conduct of life. All persons live most of the time by acting on their inner sense of *enough*, not with a knee-jerk *more*. Think about how you eat, how you allocate your time and attention, spend your money, drive, converse, make love, compose a picture: *more* compensates *too little*, *less* compensates *too much*, and most of the time we use *more* and *less* together to control our desire for *enough*. As an independent principle of judgment in the conduct of life, *more* has no use; by itself, *more* becomes seriously destructive. Perhaps a *Reformation* in the proper sense will emerge as limits and excesses make it increasingly evident that *more* actually only means *too little* in the context of the whole, and that persons and polities can live the good life by judging *enough* in making themselves what they can and should become.

[A64] Against the behavioral understanding of children

Professors of education, responding with private reason, will object to my declaration here, claiming that the work of

theorists like Paulo Freire along with many others and the frequent practice of constructivist pedagogy all pay great attention to the agency of children. Indeed, like others, I have joined in studying *Pedagogy of the Oppressed*, and spent much effort in both public and private schools in working to develop constructivist curricula, augmented with digital technologies. But knowing Freire as a humble, hopeful realist, I think he would hold that his critique of the banking concept of education has become more and more urgent precisely because the banking concept of education has become more and more dominant in practice. I imagine him sighing and asking how an admissions committee in a graduate school of education, as it pores over personal statements, GRE scores, transcripts, and recommendations, differs from the loan committee in the nearby bank. Do the ratings of credit worthiness differ in structure and function from all the scores that measure the standing of each in the great knowledge bank? The material realities of instructional institutions impose on all of us working within them a huge disjuncture between what we say publically to the whole world of readers and what we do privately in carrying out our institutional functions.

Bad faith has become endemic. What we would like to think in the enclave of our education schools differs from how everyone acts within the vast instructional structure that encompasses all of us around the globe. The private use of reason within that structure has become astoundingly abstract and depersonalized. Consider a typical instance from a French guide to the organization of formal education, written for the general public. One might imagine that "auxiliary services," "*accompagnement scolaire*," support for children and their families outside the formal instructional program, might cut a little slack for the inner lives of students. *Mais, non!*—"the clearest effect of auxiliary activities is that they allow fulfillment of 'the student's job,' that is, the production of adequate responses to the explicit and implicit expectations of the

teachers and the instructional institution."[54] We may vigorously believe that things should be different, and *nous, les professeurs*, may even think that indeed things are different. But before saying it too loudly, we should examine carefully what our explicit and implicit expectations actually are, as we act according to our private reason as professors, or in some other role within the system, as students, administrators, or public officials.

[A65] Reciprocal recognition and pedagogic influence

The Great Didactic fails fundamentally to support efforts by pupils, students, and teachers to meet the human imperative of *recognition* in its full, Hegelian sense. Achieving a fully humane mode of supporting the educational efforts exercised by each person depends substantially on reciprocal interpersonal recognition taking place among the persons involved. The Great Didactic functions with everyone playing roles, with students expected to "be" *good students*, and teachers to "be" *good teachers*.

Much of the reflective concern for *recognition* shifts the discussion from a phenomenological to a behavioral point of view and reduces it to a concern for *identity* and for promoting acceptance of different identities. Identity abstracts the person, its bearer, as much as a role does: I am a this, the markers of which are a, b, and c. Different identities add a little internal differentiation to the very generic roles of student or teacher but they do not significantly facilitate real reciprocal recognition among persons. Perceiving oneself and others as abstractions blocks recognition. Full recognition in the Hegelian sense takes place between two autonomous, self-conscious agents. It cannot be accomplished by abstractions, for subjective selves recognize, not the different identities of each other, but the integrity as subjective selves that each constitutes. And as many persons struggle for the acceptance of their identity, they habituate themselves to thinking about themselves as

54 "43—Accompagnement scolaire." *Les 100 mots de l'éducation, Que sais-je? 3926* (2011) p. 58.

third-person abstractions, which substitutes a set of externals for their inner lives.

Hegel's term for *recognition* was *Anerkennen*, which we should really translate as *recognizing*, not recognition; it involves two self-conscious subjectivities reciprocally recognizing and acknowledging each other as self-conscious subjectivities. For Hegel, two self-aware persons recognizing each other enabled each to gain confidence in the development of her inner life. Their reciprocal recognition, knowing that the other self-conscious self understands and acknowledges her own self-conscious self, helps each form her life as a self-aware person. By recognizing the inner lives of others and by others recognizing one's own inner life, a person gains confidence that her thoughts and feelings have meaning and value for those toward whom she directs them.

Unfortunately, the instructional conditions in schools make reciprocal recognition between teacher and student very difficult. Reciprocal recognition requires a good deal of one-on-one interaction, originally a life and death struggle in Hegel’s view. A person can disclose her subjectively held values and concerns to the subjective response of another only by risking the painful rejection of those values and concerns. The formal roles of teacher and student, the private reason which both teachers and students habitually operate with, discourages the disclosure of subjective, personal thoughts and feelings. Even work-load constraints of having to interact with many different students leads most teachers to button down their own inner selves and to respond to students as instances of a role, not as actual persons.

Hegel acutely understood, however, how persons furthered their developing self-awareness by recognizing each other reciprocally. By itself, bottled up within the isolated person, self-awareness lacks a grounding; however strongly felt, it lacks any calibration. When a person can recognize first that she is speaking to an equally self-aware person, one filled with a buzz of thoughts and feelings like herself, and when then she knows that that other person equally knows that she, like her,

churns with thoughts and feelings too, then the fear that somehow you have become simply weird, a misfit, someone worthy of rejection starts to fall away. Without recognition, persons feel that a wall separates their inner lives from all that surrounds them.

We are all well aware that much of the time we perceive another person as a behaving creature—we see her as evidently alive but we do not bother to think about the subjective structure of meanings that may be associated with what we see her doing. As long as she behaves in ways we expect someone like her to behave, we have no basis for wondering about what she *does*, as she might subjectively see it. When another person negates an expected behavior, however, seeming to choose not to do what we expect as typical, then we start to wonder what and how she thinks, and at that point we are ready to engage in reciprocal recognition.

In Hegel's view, when two persons initiated reciprocal recognition, they incurred significant risks. To recognize another involved both recognizing the other as an independent, unknown self-consciousness, not simply an independent consciousness, but a self-consciousness with an autonomous construction of ideas and values, which would probably be different from one's own and might be hard to reconcile with one's own ideas and beliefs. To this other, one must say in effect, 'These desires, feelings, and thoughts constitute my inner life and I expect you to acknowledge and deal with them in interacting with me.' The other must do the same and neither knows what course the ensuing interaction will take. Thinking about this situation as it might have played out in primitive times, Hegel saw how it could easily lead to a struggle of life and death. And not only in primitive times: who has not found themselves in unfamiliar surroundings, potentially hostile or threatening, and not felt very guarded when accosted by a stranger wanting to engage in conversation?

For reciprocal recognition to occur, and reciprocity in recognition to take place, two persons must convey their subjective *self-certainties*, as Hegel put it, to each other, and they could do so only as each put her self-certainty at risk. From

the perspective of formative justice, risks arise as well when a person seeks recognition and experiences rejection. This closes the person off, if not completely, at least with respect to the form of recognition she had sought. All too often, an adult, a parent or teacher or friend, fails to achieve reciprocal recognition with a young person. The failure of reciprocal recognition can undercut formative justice when the youth has disclosed her inner self, intentionally or inadvertently, and the adult fails to reciprocate, feeling put upon, preoccupied, sarcastic, or hostile. Such experiences can start the youth walling herself off from family, teachers, other persons in a kind of formative self-denial that protects the inner self from rejection and suppression.

Evidence of failed reciprocal recognition pervades modern life. In one instance, Pink Floyd, in their rock opera, *The Wall*, powerfully caricatured the formative experience that walls off far too many persons in an alienated inability to reciprocally recognize themselves and others. The whole work explores this subversion of formative justice, especially the three parts of "Another Brick in the Wall," as interpreted visually in the movie version of the opera. Part 1 shows a not-uncommon childhood feeling of abandonment, in Pink's case by a father killed fighting in WWII, and the difficulty in filling the void. Part 2 lays bare the feeling of betrayal by class-blinded educators, who see Pink as a cipher worthy only of mockery, eliciting a chorus of resistance, accusing the system of walling them off, brick in the wall by brick in the wall—

We don't need no education
We don't need no thought control
No dark sarcasm in the classroom
Teachers leave them kids alone
Hey! Teachers! Leave them kids alone
All in all it's just another brick in the wall.
All in all you're just another brick in the wall.

And Part 3 depicts Pink's eventual chaos of total alienation, a brief cacophony of destruction—

I don't need no arms around me
And I don't need not drugs to calm me.

I have seen the writing on the wall.
Don't think I need anything at all.
No! Don't think I need anything at all.
With a closing condemnation of the culture—
All in all it was all just bricks in the wall.
All in all you were all just bricks in the wall

Those who fail to achieve meaningful recognition of their inner lives in the advanced polities of the present-day appear less visible and disruptive than in the 60s and 70s. This does not mean that fewer are failing to achieve recognition. Rather it indicates that a *hallucinogen*—a potion of fear, co-option, and degraded ideals—diminishes the willingness to risk recognition and deployed to secures ruling elites from disturbance.

See G.W.F. Hegel, *Phenomenology of Spirit* (A. V. Miller, trans., [1807] 1977): ¶178 introducing the process of recognition, ¶¶179–184 describing it from the perspective of completed Spirit, ¶185 transition to the standpoint of self-consciousness, ¶186 primary steps from the standpoint of self-consciousness, ¶187 putting self-conscious life at risk in a life-and-death struggle, and ¶¶188–96 explicating its implications (pp. 111–9). See also Pink Floyd, *The Wall* (25th Anniversary Deluxe Edition), Sony DVD CVD58163, 2007; and Pink Floyd, *The Wall Lyrics* (Pink-Floyd-Lyrics.com)

[A66] Rousseau and formative justice

Educators and public leaders exaggerate how well they know what their students need, and underestimate the deep self-understanding that the young possess. Humans have many-sided intentions and capacities, which emerge in complicated ways. The most helpful educators work as a sympathetic bystanders, good listeners ready to offer honest observations—"I think this" or "It looks to me as if." Let us recognize here that Rousseau and his injunctions about *negative education* pointed the way to pedagogical wisdom. But let us also recognize that Rousseau and his injunctions about *negative education* demand very careful attention and interpretation. He was not simply advising the correlation of pedagogy

to the natural development of the child, as if that was some fixed given. If one must give a simple version of negative education, do not incant the stages of growth, for it recommended a pedagogical correlate to the Hippocratic injunction, Do no harm!

Throughout this essay, I have developed the idea of formative justice with explicit reference to Plato, especially the *Republic*, and I have said little of Rousseau, even though, like Plato, his work has served me as a constant reference point. Rousseau's persona and his thought have not been absent here, however.

Interpreters of *Emile* generally pay too little attention to Rousseau's own educational experience, extraordinary as it was. This essay has concerned self-formation and the ways a person tries to conduct it. Of figures prominent the Western tradition, Rousseau best exemplified the power of self-formation and what a person could make of himself through it, challenged for pre-eminence perhaps only by Thomas Platter, a fascinating the Swiss educator of the Reformation era.[55] Rousseau has long been in the cannon of Western Civ, with an unduly narrow and superficial general picture as the author of significant political and educational theory and revealing, yet tortured autobiographical works. We forget too easily, or never know, that he also attained international stature as a botanist, a novelist, and a musical composer. Rousseau's preparation for all that included minimal formal education, and what little he had was thoroughly unconventional. Days old, his mother died. Geneva exiled his father, a republican watchmaker of some stature, leaving Rousseau behind, a child of 10. And at 16, half runaway, half outcast, Rousseau himself went on the road. He stayed on it much longer than Kerouac did, and on foot to boot, a kid eliciting the kindness of strangers, basically guided by his self-understanding, forming himself for the next 21 years. Twice, for some years at a time, he tarried under the care of a woman, old enough to be

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55 See *The Beggar and the Professor: A Sixteenth-Century Family Saga* by Emmanuel Le Roy Ladurie (1997).

"*maman*" and young enough to become his lover. He read voraciously, and with originality, when he could, settled or itinerant, forming himself as he engaged in ever-changing situations, careening around while inching towards Paris, the European center, along the way making friends, fortuitously yet shrewdly, finally becoming a Bohemian intellectual of modest repute until almost through a mystical vision he saw the main chance, to compete as only he could for a prominent prize with an essay on "whether re-establishment of the sciences and the arts has contributed to purifying morals." His life was a *Bildungsroman*, one which has not yet been adequately written.

Although not explicit in this essay, Rousseau's thought works implicitly throughout it. As used in this essay, *life* differs little from what Rousseau thought about as *nature*, a world of living creatures, plants and animals living autonomous lives constrained by a given lifeform and lifeworld. *Self-maintenance* as used in this essay is essentially what Rousseau meant by *self-preservation*—living, natural organisms doing what was good for them, preserving, persevering. *Formative justice* in this essay is essentially what Rousseau meant by *amour de soi*, a vital effort from within to make of oneself what one can and should become. An animal found it relatively unproblematic to make of itself what it could and should become, for the animal used inborn powers in making itself what it can and should become. Owing to our formative powers, a human had expanded but more problematic possibilities. In this essay, everything that projects the primacy of a third-person, external view of potentialities onto an autonomous person living her life undercuts the person's self-understanding and distorts her self-formation. Such a distortion is essentially what Rousseau meant by *amour proper*, a person seeing herself as others see her and then trying to shape herself in a defensive or aggressive manipulation of them. I have written this essay about "Plato and Formative Justice;" another remains to be written on "Rousseau and Formative Justice."

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Bibliography

Adams, John. *Letters of John Adams, Addressed to his Wife*. (Charles Francis Adams, ed., Boston: Charles C. Little and James Brown, 1841). Online: https://archive.org/details/byhisgransonwife02adamrich

Adorno, Theodor W. *Negative Dialectics*. (New York: Routledge, 1973). German: https://archive.org/details/TheodorAdorno-NegativeDialektik English: https://rosswolfe.files.wordpress.com/2015/03/theodor-adorno-negative-dialectics.pdf

Aeschylus. *Oresteia*. (Richard Lattimore, trans. Chicago: The University of Chicago Press, 1953).

Agamben, Giorgio. *The Open: Man and Animal*. (Kevin Attell, trans., Stanford: Stanford University Press, 2004).

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012)

Allen, Danielle S. *Why Plato Wrote* (Malden, MA: Wiley-Blackwell, 2013).

Altman, William H. F. *Plato the Teachers: The Crisis of the Republic*. (Lanham, MD: Lexington Books, 2012).

_____. *The Guardians in Action: Plato the Teacher and the Post-Republic Dialogues from Timaeus to Theaetetus.* (Lanham, MD: Lexington Books, 2016).

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. (Revised ed., New York: Verso, [1983] 1991)

Andersen, Hanne and Hepburn, Brian, "Scientific Method", *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), Edward N. Zalta (ed.). Online: http://plato.stanford.edu/archives/sum2016/entries/scientific-method/

Annas, Julia. *An Introduction to Plato's Republic* (Oxford: Clarendon Press, 1981).

_____. *Intelligent Virtue*. (New York: Oxford University Press, 2011).

Arendt, Hannah. *The Human Condition.* (2n ed., Chicago: The University of Chicago Press, [1958] 1998).

Aristotle. *The Complete Works of Aristotle*. (The Revised Oxford Translation, Jonathan Barnes, ed., 2 vols. Bollingen Series LXXI

2, Princeton University Press, 1984). Electronic Edition. Charlottesville, VA: InteLex Corp. 1992.

Barabási, Albert-László. *Linked: The New Science of Networks.* (Cambridge: Perseus Pub., 2002).

Barber, Benjamin R. *If Mayors Ruled the World: Dysfunctional Nations, Rising Cities* (New Haven: Yale University Press, 2013).

Beiser, Frederick C. *The Genesis of Neo-Kantianism, 1796-1880*. (New York: Oxford University Press, 2014).

Beniger, James R. *The Control Revolution: Technological and Economic Origins of the Information Society*. (Cambridge: Harvard University Press, 1986).

Dietrich Benner, *Die Pädagogik Herbarts: Eine problemgeschichtliche Einführung in die Systematik neuzeitlicher Pädagogik.* (2nd. ed., Weinheim: Juventa Verlag, 1993).

Berg, Christa, et. al., *Handbuch der deutschen Bildungsgeschichte.* Vol. 2: *18. Jahrjundert: Vom späten 17. Jahrhundert bis zur Nueordnung Deutschlands um 1800,* Notker Hammerstein and Ulrich Mermann, eds., Munich: Verlag C. H. Beck, 2005.

_____. *Handbuch der deutschen Bildungsgeschichte.* Vol. 3: *1800–1870: Von der Neuordnung Deutschlands bis zur Gründung des Deutsches Reiches,* Karl-Ernst Jeismann and Peter Lundgreen, eds., Munich: Verlag C. H. Beck,1987.

Berthoz, Alain. *The Brain's Sense of Movement*. (Giselle Weiss., trans., Cambridge: Harvard University Press, 2000).

_____. *Simplexity: Simplifying Principles for a Complex World*. (Giselle Weiss, trans., New Haven: Yale University Press, 2012).

Berthoz, Alain, and Yves Christen, eds. *Neurobiology of "Umwelt": How Living Beings Perceive the World*. (Berlin: Springer Verlag, 2009).

Blacker, David J. *The Falling Rate of Learning and the Neoliberal Endgame*. (Washington: Zero Books, 2013).

Boo, Katherine. *The New Yorker*. "After Welfare," April 9, 2001, pp. 92ff; "The Marriage Cure," August 18, 2003, pp. 105ff; "The Churn," March 29, 2004, pp. 62ff; "The Factory," October 18, 2004, pp. 162ff; "The Swamp," February 6, 2006, pp. 54ff; and "Expectations," January 15, 2007, pp. 44ff.

Bourne, Randolph. *War and the Intellectuals: Collected Essays, 1915–1919*. (Carl Resek, ed., Indianapolis: Hackett Publishing Co., 1999).

Brill, Steven. *Class Warfare: Inside the Fight to Fix America's Schools*. (New York: Simon & Schuster, 2011).

Brock, Gillian, "Global Justice", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.) Online: http://plato.stanford.edu/entries/justice-global/

Brown, Eric. "Plato's Ethics and Politics in *The Republic*", *The Stanford Encyclopedia of Philosophy*, Edward Zalta (ed.) Online: http://plato.stanford.edu/entries/plato-ethics-politics/

Brown, Peter. *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD* (Princeton: Princeton University Press, 2012).

Bruford, Walter Horace. *Culture and Society in Classical Weimar, 1775-1806*. (New York: Cambridge University Press, 1962).

_____. *The German Tradition of Self-Cultivation : Bildung from Humboldt to Thomas Mann*. (New York: Cambridge University Press, 1975).

Brunner, Otto, Werner Conze, and Reinhart Koselleck, eds. *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-socialen Sprache in Deutschland*. (8 vols. Stuttgart: Klett-Cotta, 1972–1997).

Buchanan, Brett. *Onto-Ethologies: the animal environments of Uexküll, Heidegger, Merleau-Ponty, and Deleuze*. (Albany : SUNY Press, 2008).

Bushway, Shawn, Michael A. Stoll, and David F. Weiman. *Barriers to Reentry?: The Labor Market for Released Prisoners in Post-Industrial America* (New York: Russell Sage Foundation, 2007).

Cassirer, Ernst. *The Myth of the State.* (New Haven: Yale University Press, 1946).

_____. *The Problem of Knowledge: Philosophy, Science, and History since Hegel*. (William H. Woglom & Charles W. Hendel, trans., New Haven: Yale University Press, 1950, 1978).

Chalmers, David J. *The Conscious Mind: In Search of a Fundamental* Theory. (New York: Oxford University Press, 1996).

_____. *The Character of Consciousness.* (New York: Oxford University Press, 2010).

Changeux, Jean-Pierre *et al*. eds. *Neurobiology of Human Values*. Research and Perspectives in Neurosciences (New York: Springer Verlag, 2005)

Cohen, Seymour S. *Erwin Chargaff, 1905–2002*. (Washington: National Academy of Sciences, 2010). Online: http://www.nasonline.org/publications/biographical-memoirs/memoir-pdfs/chargaff-erwin.pdf

Cole, Percivel R. "Froebel." *A Cyclopedia of Education*. Paul Monroe, ed. (New York: The Macmillan Co. 1911), Vol. Two, pp. 718-723.

Comenius, John Amos. *The Great Didactic . . .* (M. W. Keatinge, trans., London: Adam and Charles Black, 1896). Online: https://openlibrary.org/works/OL15823221W/The_great_didactic_of_John_Amos_Comenius.

Corballis, Michael C. *The Recursive Mind: The Origins of Human Language, Thought, and Civilization.* (Updated ed., Princeton: Princeton University Press, 2014).

Council on Foreign Relations, Independent Task Force. *U.S. Education Reform and National Security* by the Joel I. Klein and Condoleezza Rice, Chairs, Independent Task Force Report No. 68 (New York: Council on Foreign Relations, 2012).

DeSalle, Rob and Ian Tattersall. *The Brain: Big Bangs, Behaviors, and Beliefs* by Rob DeSalle and Ian Tattersall (New Haven: Yale University Press, 2012).

De Waal, Frans. *Are We Smart Enough to Know How Smart Animals Are?*. (New York: W. W. Norton, 2016).

Dewey, John. *The Collected Works of John Dewey, 1882–1953*. Electronic Edition. Boydston, No Ann, and Larry Hickman, eds. (38 vols. Charlottesville, VA: InteLex Corp., 2003).

_____. "Self-Realization as the Moral Ideal" (1893). *Early Works*, Vol. 4, pp. 42-53.

_____. *Democracy and Education: An Introduction to the Philosophy of Education* (1916). *Middle Works*, Vol. 9.

_____. "Why Have Progressive Schools?" (1933). *Later Works*. Vol. 9, pp. 147-57.

_____. *Experience and Education* (1938). *Later Works*, Vol. 13.

_____. *Unmodern Philosophy and Modern Philosophy*. Carbondale: Southern Illinois University Press, 2012.

Dilthey, Wilhelm. *Introduction to the Human Sciences* (Rudolf A. Makkreel and Frithjof Rodi, eds., Princeton: Princeton University Press, [1883], 1989).

Duke University Medical Center. "What is Evidence-Based Practice (EBP)?" (2016). Online: http://guides.mclibrary.duke.edu/ebmtutorial

Dunkel, Harold B. *Herbart and Herbartianism: An Educational Ghost Story*. (Chicago: The University of Chicago Press, 1970).

Edelman, Gerald. *Bright Air, Brilliant Fire: On the Matter of the Mind* (New York: Basic Books, 1992).

_____. *Second Nature: Brain Science and Human Knowledge* (New Haven: Yale University Press, 2006).
Enders, Giulia. *Gut: The Inside Story of our Body's Most Under-Rated Organ*. (Vancouver: Greystone Books, 2015).
English, Andrea R. *Discontinuity in Learning: Dewey, Herbart and Education as Transformation*. (New York: Cambridge University Press, 2013).
European Commission, COM(2012) 669 final. "Rethinking Education: Investing in skills for better socio-economic outcomes." (Strasbourg: European Commission, 2012). Online: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0669:FIN:EN:PDF
Flaubert, Gustave. *Sentimental Education.* (Robert Baldick, trans., New York: Penguin Classics, 2004).
Foucault, Michel. *The Care of the Self* (Robert Hurley, trans. New York: Vintage Books, [1984], 1988).
Freire, Paulo. *Pedagogy of the Oppressed* (30th Anniversary ed., Myra Bergman Ramos, trans., New York: Bloomsbury, 2000).
Fussell, Paul. *The Great War in Modern Memory*. (New York: Oxford University Press, 1975, 2000).
Gadamer, Hans-Georg. *Truth and Method* (Garrett Barden and John Cumming, trans., New York: The Seabury Press, 1975).
Garner, Bryan A. *Garner's Modern American Usage*, (3rd ed., New York: Oxford University Press, 2009).
Gershon, Michael D. *The Second Brain: A Groundbreaking New Understanding of Nervous Disorders of the Stomach and Intestine*. (New York: HarperCollins, 1998)
Goethe, Johann Wolfgang von. *Wilhelm Meister's Apprenticeship*. (Thomas Carlyle, trans., Vol. XIV. Harvard Classics Shelf of Fiction. New York: P.F. Collier & Son, 1917). Online: www.bartelby.com/314/
Goldin, Claudia, and Lawrence F. Katz. *The Race between Education and Technology* (Cambridge: Harvard University Press, 2010)
Graeber, David. *The Democracy Project: A History, a Crisis, a Movement.* (New York: Penguin Books, 2013).
Grosz, Elizabeth. "Deleuze, Ruyer and Becoming-Brain: The Music of Life's Temporality." *Parrhesia* (No. 15, 2012, pp. 1–13).
Guthrie, W. K. C. *A History of Greek Philosophy* (New York: Cambridge University Press, Vol. I, 1962; Vol. II, 2nd ed. 1965).
Hadot, Pierre. *Philosophy as a Way of Life: Spiritual Exercises from*

Socrates to Foucault. (Michael Case, trans., Malden, MA: Blackwell, [1987], 1995).
_____. *The Inner Citadel: The Meditations of Marcus Aurelius*. (Michael Chase, trans., Cambridge: Harvard University Press, 1998).
_____. *What Is Ancient Philosophy?* (Michael Case, trans., Cambridge: Harvard University Press, [1995], 2002).
Hameroff, Stuart, and Roger Penrose. "Consciousness in the Universe: A Review of the 'Orch OP' Theory" in *Physics of Life Reviews*, Vol. 11, No. 1 (March 2014), pp. 39-78; plus commentary and replies, *Ibid*., pp. 79-112.
Hampsher-Monk, Iain, Karin Tilmans, and Frank van Vree. *History of Concepts: Comparative Perspectives* edited. (Amsterdam: Amsterdam University Press, 1998).
Hardy, Thomas. *Jude the Obscure*. (Mineola, NY: Dover Publications, 2006).
Havelock, Eric A. *The Liberal Temper in Greek Politics* (New Haven: Yale University Press, 1957).
_____. *Preface to Plato* (Cambridge: Harvard University Press, 1963).
_____. *The Greek Concept of Justice from Its Shadow in Homer to Its Substance in Plato* (Cambridge: Harvard University Press, 1978).
Hebb, D. O. *The Organization of Behavior: A Neuropsychological Theory* (Mahwah, NJ: Lawrence Erlbaum Associates, [1949], 2002)
Hedges, Chris. *Wages of Rebellion: The Moral Imperative of Revolt*. (New York: Nation Books, 2015).
Hegel, G.W.F. *Phenomenology of Spirit* (A. V. Miller, trans., New York: Oxford University Press, [1807] 1977).
Herbart, Johann Friedrich. *Sämtliche werke in chronologischer Reihenfolge*. (13 vols., Karl Kerbach, ed., Langensalza: Druck und Verlad von Hermann Beyer & Söhne, 1887-1912).
_____. *Allgemeine Pädagogik aus dem Zweck der Erziehung abgeleitet*. (SW, Vol. 2, pp. v-xvi, 1-139).
_____. *Briefe über die Anwendung der Psychologie auf die Pädagogik* [1831].(SW, Vol. 9, pp. 339-462).
_____. *Umriss pädagogischer Vorlesungen* [1835 & 1841]. (SW. Vol. 10, pp. 65-206).
Herder, Johann Gottfried. *Briefe zur Beförderung der Humanität*. (Herausgegeben von Heinz Stolpe in Zusammenarbeit mit Hans-Joachim Kruse und Dietrich Simon, 2 Bände, Berlin und Weimar:

Aufbau, 1971). Online: www.zeno.org/Lesesaal/N/9781482559774

Hofstadter, Douglas. *Gödel, Escher, and Bach: An Eternal Golden Braid* (20 Anniversary edition, New York: Basic Books, 1999).

Holmes, James R. "Everything You Know about Clausewitz Is Wrong," *The Diplomat*, November 12, 2014. Online: http://thediplomat.com/2014/11/everything-you-know-about-clausewitz-is-wrong/.

Homer. *The Iliad of Homer* (Richard Lattimore, trans., Phoenix Books, Chicago: The University of Chicago Press, 1961).

Hume, David. *A Treatise of Human Nature*. In *The Complete Works and Correspondence of David Hume*. (Electronic ed., Charlottesville, VA: InteLex Corporation, 2000.) Past Masters: http://library.nlx.com.ezproxy.cul.columbia.edu/xtf/view?docId=hume/hume.02.xml;chunk.id=div.britphil.v34.1;toc.depth=1;toc.id=div.britphil.v34.1;brand=default

Hursthouse, Rosalind, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N. Zalta (ed.) URL: http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue/.

Irwin, Terence. *Aristotle's First Principles*. (Oxford: Clarendon Press, 1988).

James, William. *Principles of Psychology*. (Vols. 8 & 9, *The Works of William James*. Edited by Frederick H. Burkhardt, Fredson Bowers, and Ignas K. Skrupskelis. 19 vols. Cambridge: Harvard University Press, 1975 – 1988. Electronic edition: (Charlottesville, Virginia, USA: InteLex Corporation, 2008).

Jefferson, Thomas. *The Papers of Thomas Jefferson: Digital Edition*. Main Series, Vol. 10, (Princeton: Princeton University Press, 1954). Online: http://rotunda.upress.virginia.edu.ezproxy.cul.columbia.edu/founders/default.xqy?keys=TSJN-print-01-10-02-0162.

Kahn, Charles E. *The Art and Thought of Heraclitus: An edition of the Fragments with Translation and Commentary*. (New York: Cambridge University Press, 1979).

Kaiser, David, and Lovisa Stannow, "Prison Rape and the Government," (*The New York Review of Books*, March 24, 2011).

_____. "Prison Rape: Eric Holder's Unfinished Business" (*NYR Blog*, 2010).

_____. "The Rape of American Prisoners" (*The New York Review of Books*, March 24, 2011 2010).

Kant, Immanuel, *Practical Philosophy*, (Mary J. Gregor, trans.,

New York: Cambridge University Press, 1996).
_____. *Critique of Pure Reason*. (Paul Guyer and Allen W. Wood, trans. & eds., Cambridge: Cambridge University Press, 1998).
Kauffman, Stuart. *At Home in the Universe: The Search for Laws of Self-Organization and Complexity* (New York: Oxford University Press, 1995).
Kaufmann, Walter. *From Shakespeare to Existentialism: Studies in Poetry, Religion, and Philosophy.* (Boston: Beacon Press, 1959)
_____. *Critique of Religion and Philosophy*. (Garden City, NY: Doubleday Anchor Books, 1961).
Kennell, Nigel M. *The Gymnasium of Virtue: Education and Culture in Ancient Sparta*. (Chapel Hill: University of North Carolina, 1995).
Kettering Foundation.
King, Dr. Martin Luther, Jr. "Dr. Martin Luther King, Jr., to White Clergymen," *Letters from Black America* (Pamela Newkirk, ed., Kindle ed., New York: Farrar, Straus and Giroux, 2009).
Kirk, J. E. Raven, and M. Schofield *The Presocratic Philosophers: A Critical History with a Selection of Texts* (2nd. ed., New York: Cambridge University Press, 1983).
Koselleck, Reinhart. *The Practice of Conceptual History: Timing History, Spacing Concepts.* (Todd Samuel Presner, trans., Stanford: Stanford University Press, 2002).
Kull, Kalevi, ed., Special issue on Jakob von Uexküll and semiotics. *Semiotica* (Vol. 2001, Issue 134, July 2001).
Kull, Kalevi, and Torsten Rüting, eds., Special issue on Jakob von Uexküll's legacy and role in semiotics. *Sign Systems Studies* (Vol. 32, Nos. 1 & 2, March 2004).
Lagemann, Ellen Condliffe. "Doing Time, with a Degree to Show for It" (*Chronicle of Higher Education*, November 28, 2010).
Lakatos, Imre. *The Methodology of Scientific Research Programmes: Philosophical Parpers, Volume 1*. John Worrall and Gregory Currie, eds., (New York: Cambridge University Press, 1978).
Lamont, Julian and Favor, Christi, "Distributive Justice", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.). Online: http://plato.stanford.edu/entries/justice-distributive/
Lasswell, Harold D. *Politics: Who Gets What, When, How*. (New York: Meridian Books, [1936], 1958). Online: http://www.policysciences.org/classics/politics.pdf

Le Roy Ladurie, Emmanuel. *The Beggar and the Professor: A Sixteenth-Century Family Saga*. (Arthur Goldhammer, trans., Chicago: The University of Chicago Press, [1995], 1997).

Leser, Hermann. of *Das Pädagogische Problem in der Geistesgeschichte der Neuzeit*, Volume 2, *Die Deutsch-Klassische Bildungsidee* (Munich: Druck und Verlag von R. Oldenbourg, 1928).

Linebaugh, Peter. *The Magna Carta Manifesto: Liberties and Commons for All.* (Berkeley: University of California Press, 2008).

Locke, John. *Two Treatises of Government*. In *Philosophical Works and Selected Correspondence of John Locke*. (Mark C. Rooks, ed. Charlottesville: InteLex Corporation, 1995). Past Masters: http://library.nlx.com.ezproxy.cul.columbia.edu/xtf/view?docId=locke/locke.02.xml;chunk.id=div.locke.twotreatises.23;toc.id=;brand=default;query-prox=

Loraux, Nicole. *The Invention of Athens: The Funeral Oration in the Classical City* (2nd ed. New York: Zone Books, 2006).

Løvlie, Lars, Klaus Peter Mortensen, and Sven Erik Nordenbo, eds. Special Issue on *Bildung*. *Journal of Philosophy of Education* (Vol. 36, No. 3, August 2002).

Malone, Dumas , ed., *Correspondence between Thomas Jefferson and Pierre Samuel du Pont de Nemours, 1789–1817*. Boston: Houghton Mifflin Co., 1930. p. 186. Hathi Trust: https://babel.hathitrust.org/cgi/pt?id=mdp.39015046825736;view=1up;seq=11

McClintock, Robert [or Robbie]. "Machines and Vitalists: Reflections on the Ideology of Cybernetics." *The American Scholar* (Special issue on "The Electronic Revolution," Vol. 35, No. 2, Spring 1966) pp. 249–257.

_____. "Towards a Place for Study in a World of Instruction," *Teachers College Record*, (Vol. 73, No. 2, Dec. 1971, pp. 161–205).

_____. *Man and his Circumstances: Ortega as Educator* (New York: Teachers College Press, 1971).

_____. *Power and Pedagogy: Transforming Education through Information Technology* (New York: Institute for Learning Technologies, 1992). Online: http://www.educationalthought.org/files/1992-Power-and-Pedagogy-McClintock.pdf

_____. *The Educators Manifesto: On the Social Construction of*

Digital Learning Communities. (Preliminary version: New York: Institute for Learning Technologies, 1999). Online: http://www.educationalthought.org/files/rom2cu/1999-Manifesto-McClintock.pdf

_____. *Educating America for the 21st Century A Strategic Plan for Educational Leadership*. (New York: Institute for Learning Technologies, 1999). Online: http://www.educationalthought.org/files/1999-ILT-Plan-McClintock.pdf

_____. *Homeless in the House of Intellect: Formative Justice and Education as an Academic Study* (New York: Laboratory for Liberal Learning, 2005).

_____. "On (Not) Defining Education: Questions about Historical Life and What Educates Therein." *Theoretical Perspectives on Comprehensive Education: The Way Forward*. Hervé Varenne and Edmund W. Gordon, eds. (Lewiston, NY: The Edwin Mellen Press, 2009) pp. 27–60.

_____. *Enough: A Pedagogic Speculation*. New York: The Reflective Commons, 2012).

_____. "Education and the Public Use of Reason," a talk at the University of Tulsa (March 11, 2025). Online notes: http://www.educationalthought.org/wiki/The_Intellectual_Public

McIntosh, Jane. *The Ancient Indus Valley: New Perspectives*. (Santa Barbara, CA: ABC_CLIO, 2008)

Melville, Herman. *Bartleby, the Scrivener: A Story of Wall-Street*. (1853). Online: http://www.bartleby.com/129/

Meyer, Lukas, "Intergenerational Justice", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.). Online: http://plato.stanford.edu/entries/justice-intergenerational/

Mintz, Avi. "Dewey's Ancestry, Dewey's Legacy, and The Aims of Education in *Democracy and Education.*" Forthcoming: *European Journal of Pragmatism and American Philosophy*. (Vol. 8, No. 2, 2016).

Montaigne, Michel de. *Selected Essays*. (Donald M. Frame, trans., New York: Walter J. Black, 1943).

Musil, Robert. Tagebücher. Adolf Frisé, ed. (Hamburg:Rowohlt Verlag, 1976).

_____. *The Man Without Qualities*. Sophie Wilkins and Burton Pike, trans. (New York: Vintage International, 1996).

National Commission on Excellence in Education. *Nation at Risk:*

The Imperative for Educational Reform: The Imperative For Educational Reform. (Washington: The Commission, 1983). Online: http://www2.ed.gov/pubs/NatAtRisk/index.html

Needham, Joseph, ed. *The Teacher of Nations: Addresses and Essays in Commemoration of the Visit to England of the Great Czech Educationalist Jan Amos Komensky* (Cambridge: Cambridge University Press, 1942, 2015).

New Commission on the Skills of the American Workforce. *Tough Choices or Tough Times.* (San Francisco: John Wiley & Sons, 2007). Online: https://home.cc.gatech.edu/guzdial/uploads/126/Tough-Choices%20Final%20Report.pdf

Newman, Mark. *Networks: An Introduction* (New York: Oxford University Press, 2010).

Nussbaum, Martha C. *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Revised ed., New York: Cambridge University Press, 1986, 2001).

_____. *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994).

_____. *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge Harvard University Press, 2006).

Nussbaum, Martha and Amartya Sen, eds. *The Quality of Life* (New York: Oxford University Press, 1993).

Obama, Barack. "Remarks by President Obama at the NAACP Conference," July 14, 2015, The White House, Briefing Room, Speeches & Remarks. Online: https://www.whitehouse.gov/the-press-office/2015/07/14/remarks-president-naacp-conference

Ober, Josiah. *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. (Princeton: Princeton University Press, 1991).

_____. *Democracy and Knowledge: Innovation and Learning in Classical Athens* (Princeton: Princeton University Press, 2008).

OECD. *Education at a Glance 2015: OECD Indicators*. (Paris: OECD, 2015.) Online: http://dx.doi.org/10.1787/eag-2015-en

O'Neill, Eugene. *Long Day's Journey into Night* (New Haven: Yale University Press, 2002).

Oppermann, E. "Reins Encyklopädisches Handbuch der Pädagogik." *Zeitschrift für Kinderforschung* (Vol. 14, 1909) pp.

58-63.
Online: http://goobiweb.bbf.dipf.de/viewer/image/ZDB024493198_0014/62/LOG_0013/
Orilia, Francesco and Chris Swoyer, "Properties", *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition, Edward N. Zalta, ed.) Online: http://plato.stanford.edu/archives/spr2016/entries/properties/>
Ortega y Gasset, José. *Obras completas* (10 vols., Madrid: Revista de Occidente, 1963–66). Some volumes have gone through multiple editions with slight variations in pagination.
_____. *España invertebrada*, Part II, Ch. 5, *Obras III*, pp. 103-8. The English translation, *Invertebrate Spain* (Mildred Adams, trans., New York: W. W. Norton, 1937), includes only a few parts of the original and fills the volume out with a selection of other essays.
_____. *Man and Crisis* (Mildred Adams, trans., New York: W. W. Norton, 1958).
_____. *History as a System and Other Essays Toward a Philosophy of History* (Helene Weyl, trans., New York: W. W. Norton, 1962).
_____. *What Is Philosophy?* (Mildred Adams, trans., New York: W. W. Norton, 1964).
Penrose, Roger. *The Emperor's New Mind: Concerning Computers, Minds and the Laws of Physics*. (New York: Oxford University Press, 1989, 19999).
_____. *Shadows of the Mind: A Search for the Missing Science of Consciousness* (New York: Oxford University Press, 1994).
Piaget, Jean. "Jan Amos Comenius," *Prospects*, UNESCO, International Bureau of Education, (vol. XXIII, no. 1/2, 1993) pp. 173–96.
Pieper, Josef. *Leisure: The Basis of Culture & The Philosophical Act*. (Alexander Dru, trans., San Francisco: Ignatius Press, 1963, 2009).
Pink Floyd, *The Wall* (25th Anniversary Deluxe Edition), Sony DVD CVD58163, 2007.
_____. *The Wall Lyrics*. (Pink-Floyd-Lyrics.com) Online: http://www.pink-floyd-lyrics.com/html/the-wall-lyrics.html
Plato. *Complete Works*. (John M. Cooper, ed., Indianapolis: Hackett Publishing Co., 1997).
_____. *Platonis Opera*, ed. John Burnet. Oxford University Press. 1903). *Republic*, X, 617e. Online:

http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0167%3Abook%3D10%3Asection%3D617e

_____. *The Republic*. (Cambridge texts in the history of political thought. Tom Griffith, trans., New York: Cambridge University Press, 2000).

_____. *Republic*. (C. D. C. Reeve, trans., Indianapolis: Hackett Publishing Co., 2004).

_____. *The Republic* (R. E. Allen, trans., New Haven: Yale University Press, 2006)

Polanyi, Karl. *The Great Transformation: The Political and Economic Origins of Our Time*. (Boston: Beacon Press, [1944], 2001).

Popper, Karl R. *The Open Society and Its Enemies.* (Alan Ryan, intro., Princeton: Princeton University Press, [1950], 2013).

Ravitch, Diane. *The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education* (Revised ed., New York: Basic Books, 2011).

_____. *Reign of Error: The Hoax of the Privatization Movement and the Danger to America's Public Schools* (New York: Vintage Books, 2014).

Rayou, Patrick, and Agnès van Zanten, eds. *Les 100 mots de l'éducation*, (Paris: Presses Universitaires de France, 2011).

Reich, Charles. *The Greening of America.* (New York: Random House, 1970).

Rein, Wilhelm. *Pädagogik in systematischer Darstellung* (2 vols., Langensalza: Hermann Beyer & Söhne, 1902, 1906).

_____ , ed., *Encyklopädisches handbuch der pädagogik* (11 vols. Langensalza: Hermann Beyer & Sohne, 1903-1911). Online: http://goobiweb.bbf.dipf.de/viewer/toc/122672720/1/LOG_0000

Richter, Melvin. *The History of Political and Social Concepts: A Critical Introduction.* (New York: Oxford University Press, 1995)

Rilke, Rainer Maria. *Letters to a Young Poet.* (M. D. Herter Norton, trans. Revised ed., New York: W. W. Norton & Company, 1954).

Ringer, Fritz. *The Decline of the German Mandarins: The German Academic Community, 1890–1933* (2nd ed., Hanover, NH: The University Press of New England, 1969, 1990).

Rosenthal, Andrew. "You Didn't Build That", *Taking Note* Editor's Blog, *New York Times*, (July 27, 2012). Online: http://takingnote.blogs.nytimes.com/2012/07/27/you-didnt-build-that/?_r=0

Ross, E. A. *Social Control: A Survey of the Foundations of Order* (New York: The Macmillan Company, 1906)

Rousseau, Jean-Jacques. *Social Contract, Discourse on the Virtue Most Necessary for a Hero, Political Fragments, and Geneva Manuscript*. (*The Collected Writings of Rousseau*. Vol. 4, Roger D. Masters and Christopher Kelly, eds., Hanover, NH: University Press of New England, 1994).

_____. *Émile, or On Education*. (Allan Bloom, trans., New York: Basic Books, 1979).

Russell, Bertrand . *A History of Western Philosophy And Its Connection with Political and Social Circumstances from the Earliest Times to the Present Day* (New York: Simon and Schuster, 1945)

Santayana, George. "Dewey's Naturalistic Metaphysics." *Journal of Philosoophy*. Vol. XXII, No. 25. December 3, 1925, pp. 673-688. JSTOR: http://www.jstor.org/stable/2013919

"Schmidt, James. *What Is Enlightenment?: Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: University of California Press, 1996).

Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed.* (New Haven: Yale University Press, 1998).

Schwanitz, Dietrich. *Bildung: Alles, was man wissen muss.* (26. Auglage, Frankfurt: Eichborn AG, 2006).

Sen, Amartya. *Development as Freedom* (New York: Anchor Books, 1999).

_____. *The Idea of Justice.* (Cambridge: Harvard University Press, 2009).

Shear, Jonathan, ed. *Explaining Consciousness: The "Hard Problem"*. (Cambridge: The MIT Press, 1997).

Siljander, Pauli, Ari Kivelä, and Ari Sutinen, eds. *Theories of* Bildung *and Growth: Connections and Controversies Between Continental Educational Thinking and American Pragmatism*. (Rotterdam: Sense Publishers, 2012).

Slaughter, Anne-Marie. "Why Women Still Can't Have It All." *The Atlantic Monthly*, August 2012.

Sloterdijk, Peter. *You Must Change your Life: On Anthropotechnics* (Wieland Hoban, trans., Malden, MA: Polity, [2009] 2013).

Smith, Alan. "In Prison, Education is a Route to Self-Respect" (*The Guardian*, Monday, 8 April 2013). Online:

http://www.theguardian.com/education/2013/apr/08/prison-philosophy-classes
Smith, Linda B., and Esther Thelen *A Dynamic Systems Approach to Development: Applications*. (Cambridge: MIT Press, 1993)
Snell, Bruno. *The Discovery of Mind: The Greek Origins of European Thought* (T. G. Rosenmeyer, trans., New York: Harper Torchbooks, [1946], 1960).
Sophocles. *Sophocles I: Oedipus the King, Oedipus at Colonus, Antigone*. (David Grene, trans., 2n ed., Chicago: The University of Chicago Press, 1991).
Stendhal (Henri Beyle). *The Red and the Black* (Robert M. Adams, trans. Norton Critical Editions. 2nd ed., New York: W. W. Norton, 2007).
Stiegler, Bernard. *Disbelief and Discredit* (3 vols., Daniel Ross, trans., Malden, MA: [2004] 2011, [2006] 2013, and [2006] 2014).
Stoy, K. V. *Encyklopädie Methodologie und Literature der Padagogik* (2nd ed., Leipzig: Verlag von Wilhelm Engelmann, 1878).
Terence. *The Comedies of Terence*. (Henry Thomas Riley, trans., New York: Harper and Brothers. 1874. *Heautontimorumenos: The Self-Tormenter*). Online: http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3atext%3a1999.02.0115
Thompson, Evan. *Mind in Life: Biology, Phenomenology, and the Sciences of Mind* (Cambridge: Harvard University Press, 2007).
_____. *Waking, Dreaming, Being: Self and Consciousness in Neuroscience, Meditation, and Philosophy*. (New York: Columbia University Press, 2015).
Tomasello, Michael. *A Natural History of Human Thinking* (Cambridge: Harvard University Press, 2014).
Uexküll, Jakob von. *Umwelt und Innenwelt des Tieres* (Berlin: Verlag von Julius Springer, 1909).
_____. "La biología de la ostra jacobea," *Revista de Occidente.* (March 1924), pp. 297–331.
_____. *Theoretical Biology.* (International Library of Psychology, Philosophy, and Scientific Method. D. L. MacKinnon, trans., New York: Harcourt, Brace & Co., 1926)
_____. *Streifzüge durch die Umwelten von Tieren und Menschen* (Berlin: Verlag von Julius Springer, 1934).
_____. *Foray into the Worlds of Animals and Humans: With a Theory of Meaning* (Joseph D. O'Neil, trans., Minneapolis, MN, USA:

University of Minnesota Press, 2010).
U.S. Department of Agriculture, Economic Research Service in cooperation with the Agricultural Marketing Service, the Agricultural Research Service, and the National Agricultural Statistics Service. *Weights, Measures, and Conversion Factors for Agricultural Commodities and Their Products*. Agricultural Handbook No. 697. 1992. Online: ers.usda.gov/media/935958/ah697_002.pdf
U.S. Department of Education. "Teachers and Leaders: America's Engineers of Learning and Growth." Online: http://www.ed.gov/teachers-leaders
_____. "Progress in Our Schools" Online: http://www.ed.gov/k-12reforms
U.S. Department of Education, National Center for Educational Statistics, IES. *The Condition of Education 2015*. (Washington: U.S. Department of Education, 2015). Online: http://nces.ed.gov/pubs2015/2015144.pdf
Vierhaus, Rudolf. "Bildung." In *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland* (8 vols. in 9. Stuttgart:Klett-Cotta, [1972], 2004).
Walen, Alec. "Retributive Justice", *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.). Online: http://plato.stanford.edu/entries/justice-retributive/
Watts, Duncan. *Six Degrees: The Science of a Connected Age* (New York: W. W. Norton, 2003).
Weber, Eugen. *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914*. (Stanford: Stanford University Press, 1976).
Weber, Max. *Economy and Society*. (2 vols., Guenther Roth and Claus Wittich, eds., Berkeley: University of California Press, 1968)
Western, Bruce. *Punishment and Inequality in America*. (New York: Russell Sage Foundation, 2006).
Wheelwright, Philip. *Heraclitus* (New York: Atheneum, 1964),
Wilkinson, Richard, and Kate Pickett. *The Spirit Level: Why Greater Equality Makes Societies Stronger*. (New York: Bloomsbury Press, 2010).
Wilson, Frank R. *The Hand: How Its Use Shapes the Brain, Language, and Human Culture*. (New York: Pantheon Books, 1998).
Wilson, James Q. *The Moral Sense*. (New York: Free Press, 1993)
Wilson, Robert A. and Lucia Foglia. "Embodied Cognition" *The*

Stanford Encyclopedia of Philosophy (Spring 2016 Edition), Edward N. Zalta (ed.), URL: plato.stanford.edu/entries/embodied-cognition

Wohl, Robert. *The Generation of 1914*. (Cambridge: Harvard University Press, 1979).

Wolin, Sheldon S. "Max Weber: Legitimation, Method, and the Politics of Theory." Political Theory, Vol. 9, No. 3 (Aug., 1981), pp. 401-424.

_____. *Politics and Vision: Continuity and Innovation in Western Political thought* (Expanded edition, Princeton: Princeton University Press, [1960], 2004).

_____. *Democracy, Incorporated: Managed Democracy and the Specter of Inverted Totalitarianism*. (Princeton: Princeton University Press, 2008).

Wright, Rita P. *The Ancient Indus: Urbanism, Economy, and Society*. (New York: Cambridge University Press, 2009).

Ziller Tuiskon, *Vorlesungen über Allgemeine Pädagogik* (Leipzig: Verlag von Heinrich Matthes, 1876).