

## Chapter 6 Tocqueville Organization and Governance

### § 1. Theories of Organization, Governance, and Management

This chapter begins the development of *téchne* relating to organization and governance for designing an institution of public education. The design structure presented here follows from the principles developed in the previous chapter and is Critically grounded in the mental physics of human nature and in the Idea of the Social Contract. These principles provide objectively valid starting points for the development of a social-natural science of organization design. They have been developed in recognition of the many important problems and issues presented to Societies and their Institutes by the social-natural phenomenon of mini-Community.

I do not address the topic of general design of institution organization. The discussion here is focused upon addressing one particularly important institution – public education. It is part of the mental physics of the phenomenon of mind that human beings learn higher concepts from lower particular concepts, i.e., each of us learns *from* the particular *to* the general. Only *after* a new general concept has been synthesized from already-made lower constructions in the manifold of concepts is it possible for a human being to proceed *a parte posteriori* to synthesize additional lower concepts under that general concept. This concept coordinates lower ones standing under it. All higher concepts are products of an abstracting synthesis, retaining what its lower concepts all have in common and removing their particular differences. To develop the Idea of a Critical science of general institution design, some case studies of particular Critical institutions are needed to provide concrete contexts for the broader science. So far as can be ascertained from history, *every* new science has been developed via this route. Kuhn noted,

If the historian traces the scientific knowledge of any selected group of related phenomena backward in time, he is likely to encounter some minor variant of a pattern here illustrated from the history of physical optics. . . . No period between remote antiquity and the end of the seventeenth century exhibited a single generally accepted view about the nature of light. Instead, there were a number of competing schools and sub-schools, most of them espousing one variant or another of Epicurean, Aristotelian, or Platonic theory. . . . Each of the corresponding schools derived strength from its relation to some particular metaphysic, and each emphasized, as paradigmatic observations, the particular cluster of optical phenomena that its own theory could do most to explain. Other observations were dealt with by *ad hoc* elaborations or they remained as outstanding problems for further research. . . . In the absence of a paradigm or some candidate for a paradigm, all of the facts that could possibly pertain to the development of a given science are likely to seem equally relevant. As a result, early fact-gathering is a far more nearly random activity than the one that subsequent scientific development makes familiar. Furthermore, in the absence of a reason for seeking some particular form of more recondite information, early fact-gathering is usually restricted to the wealth of data that lie ready to hand. . . . Because the crafts are one readily accessible source of facts that could not have been casually discovered, technology has often played a vital role in the emergence of new sciences. [Kuhn (1970), pp. 11-16]

Prior institutions of various human enterprises play an equivalent role and make equivalent contributions to developing social-natural sciences. Psychologists, sociologists, anthropologists, and businessmen have been studying and reflecting upon the nature of organizations for quite a long time now, and from their endeavors various "schools" have been formed, just had been the case for physical optics in physical-natural science. These "schools" put forth their own divers opinions, theories and pseudo-theories, and prescriptions. All of them are founded on ontology-centered pseudo-metaphysical prejudices. None of them have produced objectively valid systematic doctrines. Their theories are essays in an immature craft.

I bring this up because in the following sections of this chapter you will encounter a number of ideas that bear some resemblance – in some cases a strong resemblance – to concepts you may have heard of and perhaps are already familiar with. If so, you will be tempted to say from time to time, "Oh, this is just the such-and-such theory re-costumed in new terminology." The process of practical Reason is an impatient process and so if you can grab on to something you are already familiar with then, in the absence of unsettling warnings that hinder your natural type- $\alpha$  compensations, this will often be sufficient to allow closure of the judgmentation cycle and satisfy your immediate need for equilibrium recovery. But this will be a false satisfaction for the matter at hand in this chapter. I quite assure you, I am not repackaging an old brand of toothpaste in a new toothpaste tube. The satisficing habit of locking in to an old idea as an immediate means of equilibration is a habit that Bacon, using other words, warned us about a long time ago:

In general, men take for the groundwork of their philosophy either too much from a few topics or too little from many; in either case their own philosophy is founded on too narrow a basis of experiment and natural history, and decides on too scanty grounds. For the theoretic philosopher seizes various common circumstances by experiment without reducing them to certainty or examining and frequently considering them, and relies for the rest upon meditation and the activity of his wit. There are other philosophers who have diligently and accurately attended to a few experiments, and have thence presumed to deduce and invent systems of philosophy, forming everything to conformity with them. [Bacon (1620), pg. 35]

Some current organization theories were developed by managerial or industrial psychologists and are presented in summary form in college psychology courses. Others have been put forth by retired business executives, often men who have been CEOs of large corporations and who chose to share the managerial craftsmanship they learned from their experiences. Most of these theories were fairly widely known by managers, industrial psychologists, and social commentators in the 1960s until the late 1970s. These include McMurray's theory (1950), McGregor's 'Theory X' and 'Theory Y' (1960), Tannenbaum's theory (1961), Stogdill's theory (1959), Bass' theory (1960), the Michigan Theory of Likert (1959), Fiedler's theory (1964), and the 'Managerial Grid' theory of Blake and Mouton (1964). These theories focused on the leadership dimension of organization and all more or less took the traditional hierarchal pyramid structure of organization for granted. In the early 1970s, a structurally new theory emerged from practices that had been developed during the U.S. space program. This theory is called the 'Matrix Management' theory [Shannon (1972)]. It became for a time widely popular and it is still used in a number of organizations. In various degrees, Taylorism was dampened but not eliminated by most of these theories. The dampening was probably greatest in McGregor's Theory Y and the Matrix Management theory. Taylorism was probably most strongly promoted by McMurray's speculations.

The 1960s and 70s was an era that saw Taylorism challenged by then-radical ideas such as decentralization, locally autonomous "responsibility centers," and management by objectives methods [Watson (1963), Townsend (1970), Packard (1995)]. Most proponents of these ideas have been experienced successful business executives rather than academic professors. For a time, until the decades of the 1980s and 90s, it appeared as if these new ideas might displace Taylorism and, to some degree, the prejudice that favors strict hierarchal structure in the management of large companies. There were notable successes achieved by companies that adopted these non-traditional methods, whereas Taylorism produced organizations with mediocre or failing performances [Peters & Waterman (1982)].

Beginning in the 1980s there was a resurgence of Taylorism and a reversion to the centralized, pyramidal organization and management methods of the late 19th and early 20th centuries. Even many companies that had fared well under the newer methods reverted (or, in the case of the Hewlett-Packard Company, devolved) to these old and incompetent ways. This does not seem to

be due to any identifiable failures of the new ways but, rather, to the actions of Taylorite so-called "superstar" CEOs and top executives who took the reins of rulership at these companies during this time. They reverted despite the fact that Taylorism, centralization, and monarchical pyramid organization had been demonstrated to be failed methods by studies conducted during the late 1920s and early 1930s, beginning with the famous Hawthorne Studies at the Western Electric Company [Blum & Naylor (1968), pp. 306-327]. In my opinion, the 1980s and 90s was a period characterized by business-history ignorance and antisocial attitudes nurtured during the civil war in the United States from the mid-1960s to the early 1970s. When I compare my own experiences with organization and management structures from forty years ago with those prevalent today, I conclude that present-day organization and management in most large corporations and public Institutes is incompetent compared to predecessor methods of the 1970s.

Even during the heyday of new organization and management ideas in the 1960s and 70s, these new ideas failed to penetrate the Institutes of political government and public education governance in the United States. A growing hegemony of antisocial attitudes and paradigms in the 1980s that has continued to the present day turned a stumbling, barely-adequate governance of these Institutes into outright incompetency in governance. In addition, these same factors accelerated and institutionalized perpetrations of enormities inflicted on the general public.

The early 1960s also witnessed the birth of a mystics' 'spiritualist' movement in Great Britain and America. For most of the period from then on into the 21st century, this movement went unnoticed by organization and management theorists and is only now starting to find expression at a very few corporations. The original movement is most closely associated with David Spangler – a mystic and spiritualist philosophaster credited with being one of the founders of the so-called 'New Age' movement<sup>1</sup> – and with Arthur Koestler – a political and social author and a mystic noted for his dabbling in paranormal pseudo-science. Both men promoted ideas of organization and management that, owing to the mystic romances of their spiritualism and the moonshine character of New Age philosophism, were ignored by those outside the New Age movement until shortly after the beginning of the 21st century.

These ideas of 'heterarchy' and 'holarchy' organization and governance – which are based on empirical factors – are in no way dependent upon the magic of astrology, paranormal claptrap, or ghostly superstition for their grounds of objective validity. In point of fact, once these ideas are shorn of their mystic fleece they have many points in common with far less controversial ideas of decentralization, matrix management, responsibility centers, and the like. In recent years a very few companies have adopted or are experimenting with ideas of holarchy organization and management. From time to time these companies receive publicity and their share of Andy Warhol's "fifteen minutes of fame" courtesy of the news media. One also sees buzzwords such as 'holon' and 'holonic processes' appearing in serious papers published in reputable and peer-reviewed scientific and business journals. Zappos, an online shoe and clothing retailer with 1500 employees based in Las Vegas, is a recent example of a company who has announced that they are shifting to a holarchy organization and management structure. A good, semi-tutorial example of holonic process design heuristics is provided by Clegg (2007).

In examining cases such as these, one must exercise a good deal of caution because it is not unusual for these cases to be barnacled with ontology-centered claptrap people have used and are using to try to provide causal justification for the validity of their method. Usually these are based

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<sup>1</sup> The label 'New Age' in the New Age movement refers to the so-called 'Age of Aquarius' when, because of the influence of the stars, a 'new age' of peace and harmony is supposed to magically settle over the world. There has possibly been no better example of egregious hogwash and pseudo-philosophical trash literature taking hold over such a large number of people since the Neo-Platonism movement in ancient Greece just prior to incontrovertible visibility of the European Dark Age shrouding the corpse of classical civilization.

on ungrounded appeals to brain theory, to genetics, or to some other scientific speculation. If you look carefully enough, it is not difficult to see that these transcendent illusions eventually come down to arguing, "Well, who knows? It *might* be thus." The same thing happened in the 19th century when psychologists felt they had to give the idea of 'mind' a mechanistic basis that fit in with evolution theory. That led to the 'mind dust' hypothesis – i.e. that there were 'atoms' of, e.g., cognizance, happiness, and so on. At the time no one precisely knew what 'atoms' were or how many kinds of them there might be. Unfortunately for mind dust theory, when the periodic table was finally filled in it contained no 'mind dust' atoms [James (1890), vol. I, pp. 145-182].

It is fortunate for companies like Zappos that 'holonic' ideas are no more dependent upon these sorts of premises than they are upon the alignment of the stars. It is the nature of *all* ontology-centered metaphysics that eventually all theories based on it must appeal to some sort of deity for their objective grounding. Genetics- or brain-mysticism can serve just as well in the role of a god-of-causation as Zeus or Odin would.

A closely related qualitative doctrine is Fairtlough's thesis of organization and management. Fairtlough's thesis is that there are three ways to structure an organization: hierarchy, heterarchy, and what he calls 'responsible autonomy' [Fairtlough (2007)]. Fairtlough, who is a former CEO of Shell Chemicals UK and of Celltech, primarily argues that pyramidal hierarchy organization is too deeply engrained in management and organization theory, that no pure hierarchies actually exist in medium-to-large corporations, and that practical management and organization actually makes use of a mixture of three 'ideal types' of organization. He calls his doctrine 'triarchy theory' and, empirically, when one studies the actual structures of organizations in detail the empirical facts support his thesis. As in other ontology-centered theories, Fairtlough imposes a transcendent deity to try to explain why organizations are organized the way they are. In his case, the god-of-causation is genetics-mysticism. Fortunately, his doctrine in no way depends on this illusion. It is enough that empirical observation demonstrates the actuality of triarchy organizations.

What is striking about the holarchy and triarchy doctrines is the empirical similarity between them. So far as I have been able to ascertain, no explicit connection in the literature between these two mini-schools has been elucidated. Nonetheless, in examining both I have found no real difference between them. The *ideas* appear to be the same, the *vocabulary* with which they are expressed is different, and they call upon different specious gods-of-causation. Holarchy theory, in its de-mystified form, tends to be expressed more mathematically, triarchy theory more qualitatively but with better empirical demonstrations tying it to actual cases.

Furthermore, the principal ideas of hierarchy, heterarchy, decentralization, and so on have their exact counterparts in older doctrines I cited earlier. These diverse doctrines differ in some of their details from each other – and certainly differ in their illusory ontology arguments – but there is a deep-lying similarity and commonality among them insofar as their empirical bases are concerned. It is this similarity and commonality that is likewise shared by the Tocqueville doctrine I discuss in this chapter, and this is where you might be fooled into thinking the latter is "just the same" as one or more of the others. With that, let us turn to the Critical exposition.

## § 2. Tocqueville's Observations

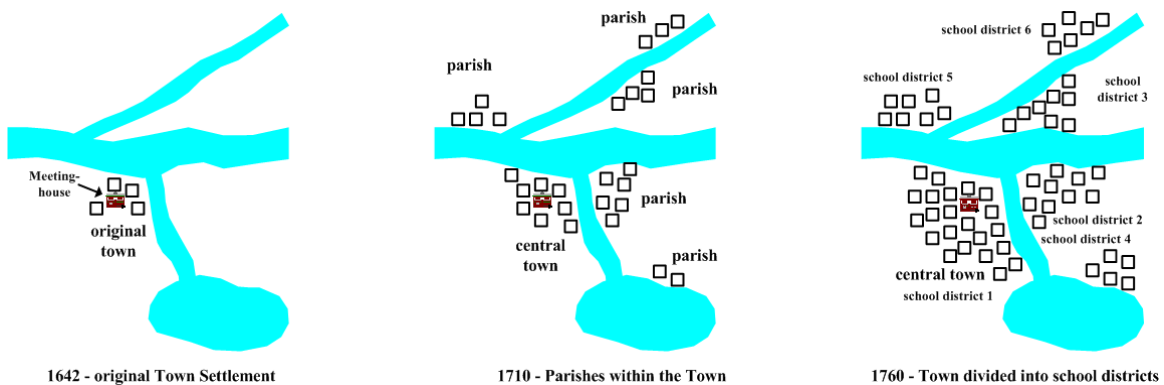
I named the terms 'Tocqueville organization' and 'Tocqueville governance' to honor French historian and political thinker Alexis de Tocqueville, whose study of America in the early 19th century and whose *Democracy in America* had profound impacts for many years on development of representative government in Europe and education in the United States. It is regarded as an important 19th century work of combined sociology and political science. Tocqueville greatly admired America, her people, and her government. His observations reveal keen insights into what was contributing to the success and growth of this (to European eyes) strange new nation.

Tocqueville correctly noted that political organization and governance differed in different parts of America with different effects on local people. The French government sent Tocqueville to America in 1831 to study the American penal system. Tocqueville turned his visit into a two year study of America itself, which became the basis for *Democracy in America*. Of the diverse institutions he found here, he seems to have most admired the sociology and governance he found in New England. At that time, the American industrial revolution was still in its nascent stages and large parts of the United States had not yet begun to experience its effects. Tocqueville traveled through New England when its traditional system of township organization/governance still existed, and social conditions that had spurred New England's revolt against Great Britain still held sway. He was particularly impressed by the large degree of local autonomy the towns enjoyed in relationship to their state governments, the corresponding lack of power over them held by the state governments, and the broad distribution of authority in the hands of individually minor public servants and officials attending to the mechanisms of governance.

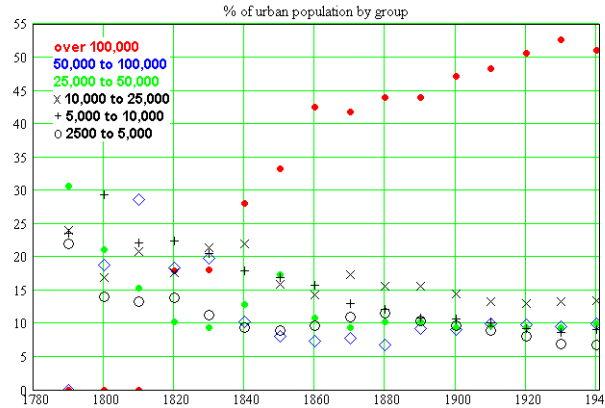
One of the most unique features of social and political structuring that took place in New England was its trend of decentralization. Figure 1 illustrates the evolution of this structure in 18th century New England. New England towns began as highly centralized Communities. As their populations grew and spread out geographically from the town center, a number of quite practical issues promoted decentralizing of governance in which districts acquired greater autonomy and authority over their own affairs *at the expense* of the central town authority. A similar decentralization at the colony level had occurred in early Massachusetts in which the authority of the central colonial government had been reduced while the towns had gained in authority and the degree of political autonomy they enjoyed.

This evolution in governance and social organization was quite the opposite of older traditions in England and the Middle and Southern colonies. The organizations and structures of American colonies had survived the Revolutionary War and remained established in the early years of the Republic. The tradition of centralization and hierarchy is by far the most common theme in human history, but in early New England this tradition was discarded in favor of the structural schema figure 1 illustrates. This structure was still largely intact in New England when Tocqueville toured through the region. Cubberley summarized the New England township evolution in the following way:

By the close of the seventeenth century . . . many of the forces which at first required a compact form of settlement had begun to lose their hold. New settlements arose within the towns, miles away from the meeting- and schoolhouses. . . . The old laws as to place of residence accordingly had to be repealed or ignored, and as a result church enthusiasm, town as opposed to individual interests, and zeal for education alike declined. New towns also arose farther inland, which soon broke up into divisions and districts. . . . Due to the



**Figure 1:** Evolution of social and political governance in 18th century New England.



**Figure 2:** Graph of percentages of U.S. urban population by size of city from 1790 to 1940.

difficulties of communication, these little settlements tended to become isolated and independent. . . . As the tendency to subdivide the town became marked, the subdivisions demanded and obtained local rights. . . . All these decentralizing tendencies contributed toward the growth of a district consciousness and the breakdown of town government. [Cubberley (1919), pp. 42-43]

In my opinion, it is fortunate for scholarship of U.S. history and sociology that Tocqueville's tour of the U.S. happened when it did. As figure 2 illustrates, by 1830 the urbanization trend that characterized U.S. demographics in the later 19th and most of the 20th century was underway, but just so. Census figures show that just over 91% the U.S. population during Tocqueville's visit was rural, residing in individual farms and small communities under 2500 in population. In the cities (places with populations above 2500), roughly 55% of urban America resided in communities with fewer than 25,000 inhabitants. By 1840 the population picture looked very different and the U.S. industrial revolution was having tremendous impacts on our sociology, economics, and politics.

What Tocqueville saw in New England was a Society still very much characterized by many small *Gemeinschaft* Communities loosely tied by links to central town and to state government. There is no reasonable doubt that this Society was a Union of mini-Communities. Lexington or Concord by themselves could not have successfully withstood the force of the British army garrisoned in Boston in 1775. District links to the more centralized governments at the town and state levels were weak compared to those in the U.S. today, but these links did matter. This *distribution* of governance roles and contexts had profound effects on the civil Union in the early U.S. Tocqueville observed,

The township of New England holds a middle place between the *commune* and the *canton* of France. Its average population is from two to three thousand, so that it is not so large, on the one hand, that the interests of the inhabitants would be likely to conflict, and not so small, on the other, that men capable of conducting its affairs may always be found among its citizens<sup>2</sup>. . . .

In the township, as well as everywhere else, the people are the source of power; but nowhere do they exercise their power more immediately. In America the people form a master who must be obeyed to the utmost limits of possibility.

<sup>2</sup> This size-factor is a fundamental and *essential* point. Note carefully what he says about people's interests and the likelihood of these interests coming into conflict. This is an important principle of Tocqueville structure and governance. Note, too, the stress he places on the requirement for *competency* of officials.

In New England the majority act by representatives in conducting the general business of the state. It is necessary that should be so. But in the townships, where the legislative and administrative action of the government is nearer to the governed, the system of representation is not adopted. There is no municipal council; but the body of voters, after having chosen its magistrates, directs them in everything that exceeds the simple and ordinary execution of the laws of the state. . . .

The public duties in the township are extremely numerous and minutely divided<sup>3</sup> . . . but most of the administrative power is vested in a few persons, chosen annually, called "the selectmen."

The general laws of the state impose certain duties on the selectmen, which they may fulfill without the authority of their townsmen, but which they can neglect only on their own responsibility. The state law requires them, for instance, to draw up a list of voters in their townships; and if they omit this duty, they are guilty of a misdemeanor. In all the affairs that are voted in town meeting, however, the selectmen carry into effect the popular mandate . . . They usually act upon their own responsibility and merely put into practice principles that have been previously recognized by the majority. But if they wish to make any change in the existing state of things or to undertake any new enterprise, they must refer to the source of their power. If, for instance, a school is to be established, the selectmen call a meeting of the voters on a certain day at an appointed place. They explain the urgency of the case; they make known the means of satisfying it, the probable expense, and the site that seems most favorable. The meeting is consulted on these several points; it adopts the principle, marks out the site, votes the tax, and confides the execution of its resolution to the selectmen.

The selectmen alone have the right to call a town meeting; but they may be required to do so. If ten citizens wish to submit a new project to the assent of the town, they may demand a town meeting; the selectmen are obliged to comply and have only the right of presiding at the meeting. [Tocqueville (1836), pp. 61-63]

Tocqueville goes into great depth to cite examples and cases. I refer you to his book and recommend reading these for yourself. By doing so you will gain a better detailed understanding of this very key facet underlying American Republicanism. One thing I think *is* needful to stress in *this* treatise is the nature of the authority that was vested in the local officials of a New England township. Tocqueville describes this:

The Revolution in the United States was the result of a mature and reflecting preference for freedom, and not a vague or ill-defined craving for independence. It contracted no alliance with the turbulent passions of anarchy, but its course was marked, on the contrary, by a love of order and law.

It was never assumed in the United States that the citizen of a free country has a right to do whatever he pleases; on the contrary, more social obligations were there imposed upon him than anywhere else. No idea was ever entertained of attacking the principle or contesting the rights of society; but the exercise of its authority was divided, in order that the office might be powerful and the officer insignificant, and that the community should be at once regulated and free. In no country in the world does the law hold so absolute a language as in America; and in no country is the right of applying it vested in so many hands. The administrative power in the United States presents nothing either centralized or hierarchical in its constitution; this accounts for its passing unperceived. The power exists but its representative is nowhere to be seen. . . .

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<sup>3</sup> This is another important principle of Tocqueville governance. If the people are to be sovereign, there are Duties that are necessitated by this. Citizenship is not an honorary title; it comes with civil Duties that must be incorporated into local social contracts. If it is not, history amply proves their sovereignty is lost, seized by *rulers* having the skill to effect divide-and-rule tactics for an antisocial *confiscation* of power.

It results from what I have said that in the state of Massachusetts the administrative authority is almost entirely restricted to the township, and that it is there distributed among a great number of individuals. In the French commune there is properly but one local official functionary – namely, the *maire*<sup>4</sup>; and in New England we have seen that there are nineteen. These nineteen functionaries do not, in general, depend one upon another. The law carefully prescribes a circle of action to each of these magistrates; within that circle they are all powerful to perform their functions independently of any other authority. If one looks higher than the township, one can scarcely find a trace of an administrative hierarchy. It sometimes happens that the county officers alter a decision of the townships or the town magistrates<sup>5</sup>, but in general the authorities of the county have no right to interfere with the authorities of the township except in such matters as concern the county.

The magistrates of the township, as well as those of the county, are bound in a small number of predetermined cases to communicate their acts to the central government.<sup>6</sup> But the central government is not represented by an agent whose business it is to publish police regulations and ordinances for the execution of the laws, or to keep up a regular communication with the officers of the township and the county, or to inspect their conduct, direct their actions, or reprimand their faults. There is no point that serves as a center to the radii of the administration. [Tocqueville (1836), pp. 70-72].

This system of distributed authority described by Tocqueville is partially what Fairtlough calls 'responsible autonomy' but it is not independent autonomy. It is partially a heterarchy but not a pure heterarchy. Its principle is not *balance of power* but, rather, *separation of authority*. It has faint traces of hierarchy but not of a hierarchy of power. **Authority is possession of the Kraft<sup>7</sup> of causing something to become greater, to increase, to be strengthened, or to be reinforced in some way.** Official functionaries in New England held office under a condition of an *expectation of authority*, i.e., *the demand by the citizens of the Community that a person holding a position as a designated authority figure possess the Kraft of authority and that he will actualize it for the benefit of their common association.* Rulership is no part of the New England formula. The New England system of governance had **no** rulers except the sovereign body politic as a whole. Its governance did have a relatively great many minor authority figures.

As one traveled south and west of New England, the systems of governance in the Middle Atlantic states, the southern states, and the newly added states east of the Mississippi River had instituted progressively less of this character of government, ranging from more democratic-republic-like forms in the Middle Atlantic region to oligarchy forms in the south. Elements of hierarchical rulership were found in these states, protected by the convention of regarding the individual states as being basically small little nations in their own rights bound Constitutionally to one another in an alliance. The general government established by the U.S. Constitution was neither a *national* government nor a *federal* government but, instead was a novel and uniquely American form of what Madison called a *mixed* government:

Were [the Constitution] wholly national, the supreme and ultimate authority would reside

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<sup>4</sup> the "mayor"

<sup>5</sup> Tocqueville points out in a footnote that this occurred only through the court system. A county official could not immediately countermand a township official. The principle is, as Madison had written, "No man is allowed to be a judge in his own cause; because his interest would surely bias his judgment and, not improbably, corrupt his integrity. With equal, nay, with greater reason, a body of men are unfit to be both judges and parties at the same time" [Hamilton *et al.* (1787-8), no. 10, pg. 54].

<sup>6</sup> Tocqueville provides as an example, "Thus, the town school committees are obliged to make an annual report to the secretary of the state on the condition of the school." [*op cit.*, Tocqueville (1836), pg. 72 fn]

<sup>7</sup> *Kraft* is a technical term in Critical metaphysics. It means the ability of a human being to Self-determine his own accidents of *Existenz*. In the present context, this means the authority figure is able to perform the functions of his office for the benefit of his Community.



in the majority of the people of the union; and this authority would be competent at all times . . . to alter or abolish its established government. Were it wholly federal, on the other hand, the concurrence of each state in the union would be essential to every alteration that would be binding on all. The mode proposed by the plan of the convention is not founded on either of these principles. . . . The proposed constitution, therefore, even when tested by the rules laid down by its antagonists, is, in strictness, neither a national nor a federal constitution but a composition of both. In its foundation it is federal, not national; in the sources from which the ordinary powers of the government are drawn, it is partly federal and partly national; in the operation of these powers, it is national, not federal; in the extent of them again, it is federal, not national; and finally, in the authoritative mode of introducing amendments, it is neither wholly federal nor wholly national. [Hamilton *et al.* (1787-8), no. 30, pg. 215]

In 1788 there were many people who favored a federal form for the general government modeled along the lines of what Montesquieu had called a "confederate republic" [Montesquieu (1748), pp. 126-128]. There were many others who wanted to have a national form for the general government, i.e., what later came to be called a democratic republic. Each of these pure forms has its advantages and its disadvantages. Among the disadvantages are several that have historically turned out to be fatal flaws that in time destroyed the nations who adopted a pure form. The plan produced at the Constitutional Convention in 1787 tried out a new kind of general government, designed to try to gain the advantages each pure form had to offer and to blunt or eliminate the fatal flaws in each. The fact that today a great many politicians, news commentators, and individual Americans refer to the general government as the "federal" government I take to be a symptom of a blistering widespread ignorance in our nation today of what the most fundamental principles of our Republic are. I blame this ignorance on the failure of the institution of public education in the 20th century, and that failure on Progressive Education Movement reforms.

Tocqueville's New England township demonstrated the appearances of an American Republic more clearly than any other example in the U.S. either then or later. In New England were found, of course, imperfections, injustices, prejudices. It was a system that had evolved by trial and error over the course of many years and in a largely homogeneous Society. People were still people, outlaws were still outlaws, criminals were still criminals. But all those faults and imperfections in early New England governance are totally irrelevant beyond pointing out that New England did not have a perfect institution of an American Republic. As Mill said,

To determine the form of government most suited to any particular people we must be able, among the defects and shortcomings which belong to that people, to distinguish those that are the immediate impediment to progress; to discover what it is which (as it were) stops the way. The best government for them is the one which tends most to give them that for the want of which they cannot advance or advance only in a lame and lopsided manner. We must not, however, forget the reservation necessary in all things which have for their object improvement, or Progress; namely, that in seeking the good which is needed, no damage, or as little as possible, is to be done to that already possessed. [Mill (1861), pp. 24-25]

It is relatively easy to grasp and appreciate the civil virtue and desirability of *Gemeinschaft* governance at the level of the New England township. Nonetheless, these virtues are tender and delicate flowers vulnerable to the practice of stereotyping strangers as abstract persons when populations reach numbers at which people can not know their neighbors personally. For larger Communities in which smaller mini-Communities are embedded, the institution of governance must turn its attention to issues of Community *nexus*. The next level of complexity just above the New England township was the county level, which necessarily had to grapple with relationship issues among mini-Communities rather than individual citizens. Here the features of an American Republic broke down, producing a seam at which hierarchy structure began. Tocqueville found,

The limits of [the counties] are arbitrarily laid down, and the various districts which they contain have no necessary connection, no common tradition or natural sympathy, no community of existence; their object is simply to facilitate the [state's] administration.

The extent of the township was too small to contain a system of judicial institutions; the county, therefore, is the first center of judicial action. Each county has a court of justice, a sheriff to execute [the court's] decrees, and a prison for criminals. There are certain wants which are felt alike by all the townships of a county; it is therefore natural that they should be satisfied by a central authority. In Massachusetts this authority is vested in the hands of several magistrates who are appointed by the governor of the state with the advice of his council. The county commissioners have only a limited and exceptional authority, which can be used only in certain predetermined cases. The state and the township possess all the power requisite for ordinary and public business. The county commissioners can only prepare the budget; it is voted by the legislature; there is no assembly that directly or indirectly represents the county. It has, therefore, properly speaking, no political existence. [Tocqueville (1836), pp. 68-69]

Tocqueville is reporting what he found. This model of government is the familiar one we see all across the United States today. However, it is precisely at this level where some serious problems are instituted. The most serious of these is the *break* in governance *nexus* it institutes between authority at the township level and authority at the state government level. This situation is a reflection of an historical power struggle between the local towns and the state government that dates back all the way to the original founding of the colonies in New England. It produces a lack of continuity in going *from* local interests, mores, and folkways *to* interests that are common at a statewide level. This lack of continuity eventually resulted in a primacy of interests peculiar to the executive administrators and state lawmakers as *rulers*, not to the state regarded as the whole body politic of state citizens. This *hiatus* is evidenced in Tocqueville's remark that county government had effectively *no political existence* as republican representation. In time, this structural discontinuity abetted the creation of powerful *central* governments at the state level – instituted in every state in the Union – with all the financial and law enforcement resources needed for legislators and governors to effect divide-and-rule tactics for subjugating the townships and usurping the fundamental sovereignty of state citizens. Put in simple terms, this was precisely the place in the structure where ancient habits and traditions of rulership hierarchy gained a solid foothold in state institution of government. This rulership relationship is exhibited clearly enough today in the state constitution of Idaho, Article XVIII:

§ 5. *System of county government.* The legislature shall establish, subject to the provisions of this article, a system of county governments which shall be uniform throughout the state; and by general laws shall provide for township or precinct organization.

§ 6. *County officers.* The legislature by general and uniform law shall . . . provide for the election biennially, in each of the several counties of the state, of county commissioners and for the election of a sheriff, a county assessor, a county coroner and a county treasurer . . . No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct, and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. [Colson (1991), pg. 275]

Familiarity makes these clauses seem quite reasonable and proper until one asks: Where is the authority of the township? The answer to this is explicit in the clauses stating the legislature 'shall provide for township' &etc. organization, officers, accountability, and so on. It is: *the township*

*has only whatever authority the legislature gives it.* If an Idaho town, for example, wished to set up a Mayor-and-City-Manager form of local government, it could not constitutionally do so unless the legislature decreed this for *every* township in Idaho. In Idaho, political rulership emanates from the statehouse in Boise outward to everywhere in the state. This is hierarchy with subjugation of the sovereignty of the citizens of Idaho to the rule of its legislators. The only thing in the Idaho Constitution that provides a small degree of protection to citizen sovereignty is found in a 1912 amendment to Article III, § 1:

The people reserve to themselves the power to approve or reject at the polls any act or measure passed by the legislature. This power is known as the referendum, and legal voters may, under such conditions and in such manner as may be provided by acts of the legislature, demand a referendum vote on any act or measure passed by the legislature and cause the same to be submitted to a vote of the people for their approval or rejection. [*ibid.*, pg. 249]

However, this amendment merely substitutes majority rulership for legislature rulership. It can be and has been used to impose by force laws prohibiting the exercise of some unalienated liberties by some citizens without their consent. This violates the condition of the social contract and is an institution and perpetuation of injustices.

In Tocqueville's day, implications inherent in the instituted system of county governance were either unapparent to him or so similar to governance in France that he did not notice them. The institution set up the possibility of a dominant ruling minority and centralization of power. Still, he found no, or at least did not report any, unsettling evidence of malcontent among individual citizens of New England due to this *hiatus* in governance *nexus*. Rather, he tells us,

In America not only do municipal bodies exist, but they are kept alive and supported by town spirit. The township of New England possesses two advantages which strongly excite the latent interest of mankind: namely, independence and authority. Its sphere is limited, indeed; but within that sphere its action is unrestrained. This independence alone gives it a real importance, which its extent and population would not ensure. . . .

The New Englander is attached to his township not so much because he was born in it, but because it is a free and strong community of which he is a member, and deserves the care spent in managing it. In Europe the absence of local public spirit is a frequent subject of regret to those who are in power; everyone agrees that there is no surer guarantee of order and tranquility, and yet nothing is more difficult to create. If the municipal bodies were made powerful and independent, it is feared that they would become too strong and expose the state to anarchy. Yet without power and independence a town may contain good subjects, but it can have no active citizens. Another important fact is that the township of New England is so constituted as to excite the warmest of human affections without arousing the ambitious passions of the heart of man. The officers of the county are not elected, and their authority is very limited. Even the state is only a second-rate community whose tranquil and obscure administration offers no inducement sufficient to draw men away from the home of their interests into the turmoil of public affairs. The Federal<sup>8</sup> government confers power and honor on the men who conduct it, but these individuals can never be very numerous. . . . But the township, at the center of the ordinary relations of life, serves as a field for the desire of public esteem, the want of exciting interest, and the taste

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<sup>8</sup> Tocqueville, a Frenchman, did not understand the subtlety of the U.S. Constitution. Furthermore, by 1831 the first national political party, the Democratic Party, held power in the general government and President Jackson and his cabinet were effecting what Woodrow Wilson later called "radical changes" in the general government during "the period of critical change" from 1829-1837 [Wilson (1909), pp. 26-92]. The habit of calling the general government "the federal government" had already begun by 1831, and with the Age of Jackson came the process of devolution that transformed the American Republic into a democratic republic.

for authority and popularity; and the passions that commonly embroil society change their character when they find a vent so near the domestic hearth and the family circle.

In the American townships power has been distributed with admirable skill for the purpose of interesting the greatest possible number of persons in the common weal. Independently of voters, who are from time to time called into action, the power is divided among innumerable functionaries and officers, who all, in their several spheres, represent the powerful community in whose name they act. The local administration thus affords an unfailling source of profit and interest to a vast number of individuals.

The American system, which divides the local authority among so many citizens, does not scruple to multiply the functions of town officers. For in the United States it is believed, and with truth, that patriotism is a kind of devotion which is strengthened by ritual observance. In this manner the activity of the township is continually perceptible; it is daily manifested in the fulfillment of a duty or the exercise of a right; and a constant though gentle motion is thus kept up in society, which animates without disturbing it. . . .

The native of New England is attached to his township because it is independent and free: his co-operation in its affairs ensures his attachment to its interests; the well-being it affords him secures his affection; and its welfare is the aim of his ambition and of his future exertions. He takes a part in every occurrence in the place; he practices the art of government in the small sphere within his reach; he accustoms himself to those forms without which liberty can only advance by revolutions; he imbibes their spirit; he acquires a taste for order, comprehends the balance of powers, and collects clear practical notions on the nature of his duties and the extent of his rights. [Tocqueville (1836), pp. 66-68]

Changes in America were occurring even as Tocqueville was taking his tour. The idyllic situation he describes was not to last for much longer. The inherent nationalism in the democracy enthusiasm of the Age of Jackson was also an enthusiasm for seated centralized power and hierarchy. By 1849 Henry David Thoreau, a New Englander in Massachusetts, was writing,

This American government – what is it but a tradition, though a recent one, endeavoring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves; and, if ever they should use it in earnest as a real one against each other, it will surely split. . . . Governments show thus how successfully men can be imposed on, even impose on themselves, for their own advantage. It is excellent, we must all allow; yet this government never of itself furthered any enterprise but by the alacrity with which it got out of the way. *It* does not keep the country free. *It* does not settle the West. *It* does not educate. The character inherent in the American people has done all that has been accomplished, and it would have done somewhat more if the government had not sometimes got in its way. For government is an expedient by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient the governed are most let alone by it. Trade and commerce, if they were not made of India rubber, would never manage to bounce over the obstacles which legislators are constantly putting in their way; and, if one were to judge these men wholly by the effects of their actions, and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect and that will be one step toward obtaining it. [Thoreau (1849), pp. 1-2]

Which "American government" precisely was Thoreau referring to? Was it the government of his home town of Concord (population in 1850 of 2,249)? The Massachusetts state government

(Thoreau had been jailed overnight in 1846 for not paying his delinquent poll taxes)? The general government (the reason Thoreau had refused to pay his poll taxes was to protest the Mexican-American War and slavery)? Thoreau was never very specific about which "American government" or "governments" he was talking about in *Civil Disobedience*. Some think he was a closet anarchist and meant all of them. Personally, I deem that hypothesis unlikely. His text [*ibid.*, pp. 8-16] seems to indicate he meant *both* the state of Massachusetts *and* the general government. He wrote,

But, if I deny the authority of the State when it presents its tax-bill, it will soon take and waste all my property, and so harass me and my children without end. This is hard. It makes it impossible for a man to live honestly and at the same time comfortably in outward respects. . . . No: until I want the protection of Massachusetts to be extended to me in some distant southern port, where my liberty is endangered, or until I am bent solely on building up an estate at home by peaceful enterprise, I can afford to refuse allegiance to Massachusetts and her right to my property and life. [*ibid.*, pg. 11]

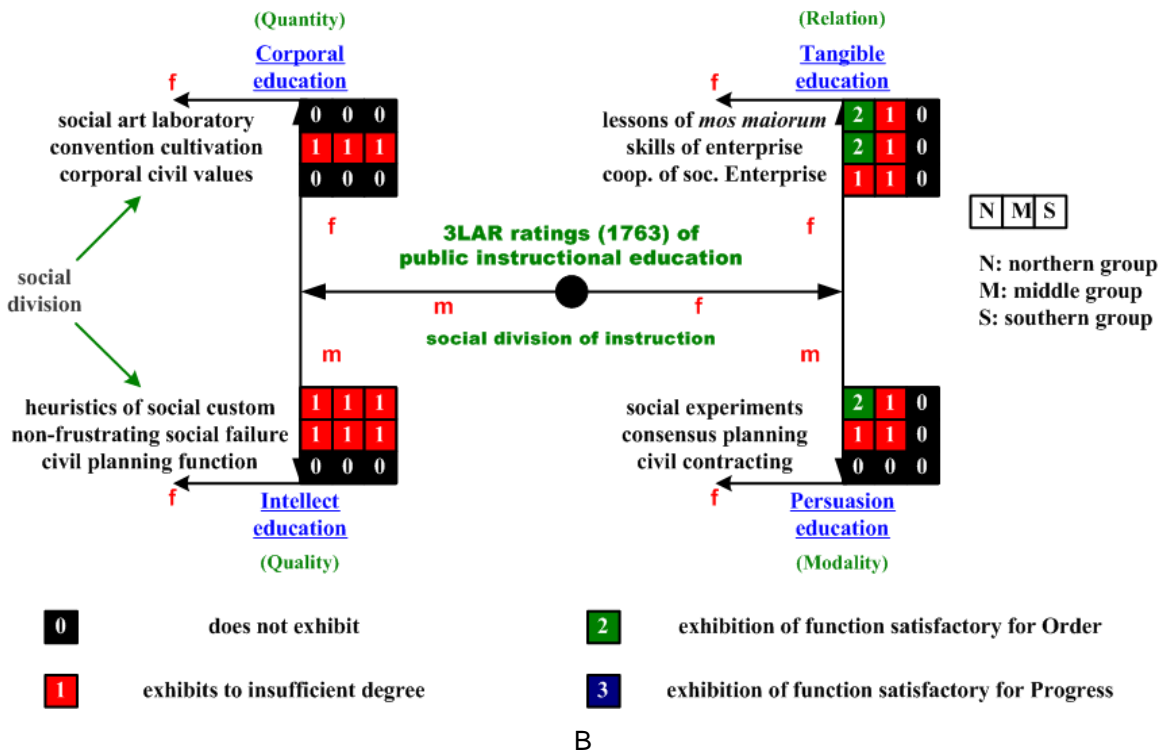
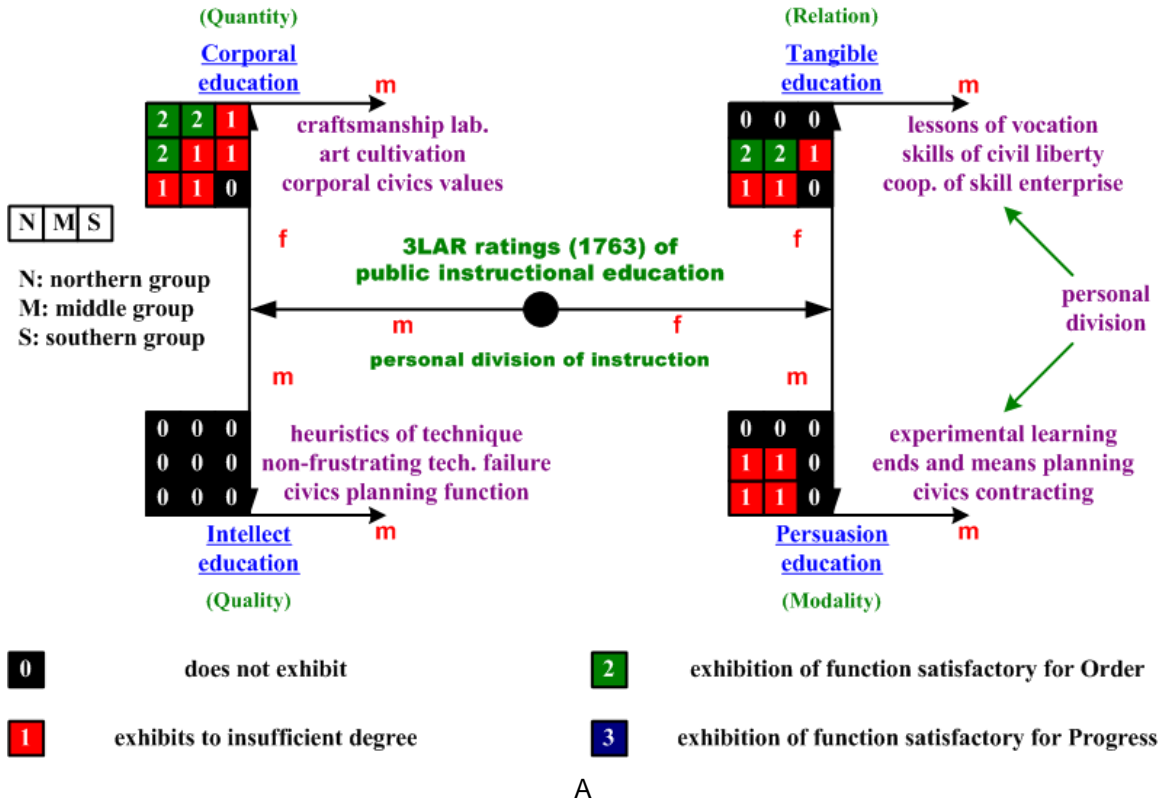
It would seem that by the mid-1840s Thoreau was finding Massachusetts state laws and the rulership of democracy somewhat onerous. At least some of these views were shared by his fellow New Englander and contemporary, Ralph Waldo Emerson:

The same benign necessity and the same practical abuse appear in the parties into which each State divides itself, of opponents and defenders of the administration of the government. Parties are also founded on instincts, and have better guides to their own humble aims than the sagacity of their leaders. They have nothing perverse in their origin, but rudely mark some real and lasting relation. . . . Our quarrel with them begins when they quit this deep natural ground at the bidding of some leader, and, obeying personal considerations, throw themselves into the maintenance and defense of points nowise belonging to their system. A party is perpetually corrupted by personality. Whilst we absolve the association from dishonesty, we cannot extend the same charity to their leaders. . . . The vice of our leading parties in this country . . . is, that they do not plant themselves on the deep and necessary grounds to which they are respectfully entitled, but lash themselves to fury in the carrying out of some local and momentary measure, nowise useful to the commonwealth. [Emerson (1844), pp. 280-281]

These objections, and others like them, are rarely found directed at the *Gemeinschaft* qualities of New England townships but, rather, on entities above them in the hierarchical structure that had come into place within a decade of Tocqueville's tour. This structure is nothing but a copy of the ancient systems of governance dating back to the earliest Mesopotamian despotisms.

### § 3. Mini-Community and Governance

Critique of the American institution of public education carried out in volume II of *The Idea of Public Education* showed that the best performance ratings for public education in America were achieved by New England's colonial institution as this institution existed in 1763 [Wells (2013a), chap. 4]. Figure 3 represents the summary of the Critique for American public education in 1763. Although the ratings achieved in New England were, on the whole, superior to those in the other two colonial regions, even in New England the institution of public education was not sufficient to promote Progress in American Society in any of the twenty-four basic functions of public education deduced in volume I [Wells (2012)]. Some of these functions were not exhibited at all by the institution, and others of them, while exhibited in the system, fell short of what is adequate even for sustaining Order in a civil Society. Results were almost balanced between the personal and social dimensions of the learner, but given the social objective for New England public education, that its social dimension performance was not better than this is significantly notable.



**Figure 3:** Ratings for the American colonial institutions of public education by colonial groups in 1763. The northern group consists of the New England colonies. A: ratings for the personal dimension of the learner. B: ratings for the social dimension of the learner. In no case did these institutions achieve a rating for any of the 24 functions of public education higher than a level adequate merely for Order in Society.

Public education in the Middle Atlantic colonies, while not scoring quite so well as in New England, did not lag it by too much in colonial America. One can look at these comparative results and at once question whether or not the more unique social and political organization of the New England town was really a factor for education. The Middle Colonies were a more granulated Society than New England politically and socially. However, education was left in the hands of the individual churches in the Middle Colonies and these constituted their own mini-Communities, each not very socially dissimilar to the New England township (although each had their differences in religious doctrines – most of which had the same Calvinist or Lutheran roots as religion in New England). This is to say they had a similarly *Gemeinschaft* organizational structure insofar as parochial education in the Middle Colonies is concerned. By contrast, public education in the Southern colonies was almost nonexistent, education there being left to private sector concerns. The Middle Colonies were less homogeneous than New England Society and the character of governance in these colonies more hierarchical than in New England. Furthermore, religion in colonial America was not so all-powerful as many today like to presume it was. Alden noted,

There was a bewildering variety of sects in America; moreover, many of them were divided by theological disputes. Many Americans then belonged to no church, partly because it was difficult to secure membership, partly because expulsion for heresy or misconduct was frequent. [Alden (1969), pg. 10]

In New England, public education laws were applied to all colonial citizens regardless of their religious affiliation (or lack of one). One implication these relative levels of achievements have, then, is that the superior performances region by region correlate strongly with *Gemeinschaft* characteristics of educational organization. That is why I have emphasized Tocqueville's study of New England townships. Note, too, that *Gemeinschaft* organization requires small populations.

Social and economic circumstances today obviously differ greatly from those of America in 1763. To cite just one of these differences, a very important factor in the performance of public education in colonial America was the institution of the apprenticeship system. This system, while waning by 1763, was still a major contributor to many aspects of instructional education in the personal dimension and the social dimension of the learner. Today this under-appreciated component of public education is all but extinct, with its last serious proposition for re-institution coming during the years of the Great Depression. Its function was implicit in the conclusions and recommendations of the American Youth Commission, a commission created by the American Council on Education in 1935 [Angus & Mirel (1999), pp. 63-65]. Course subject-matter, textbooks, curriculum, and teacher education are all affected by socio-economic differences to a great degree. But are these differences significant for the general structure of education *governance*? Put another way, do such differences as changes in the nature of wage-labor jobs (e.g., assembly line worker vs. "knowledge worker") implicate radical changes are needed in the *nexus* of the *structure* of an Enlightened education system?

I put it to you that the answer to this question is *no*. It would be so if a social objective of public education was "job training," but Critical analysis shows this is *not* the case. Instead, the correct objective is education by which the learner acquires the capability *to adapt himself to manifold on-going changes in an economy*. This I have previously called *capital skill* [Wells (2013a), chap. 9, pg. 301]. Capital skill is the intangible stock of knowledge belonging to a person's tangible *Personfähigkeit* by means of which he acquires *the ability to acquire skill* in some art he can then use for barter in the economic marketplace. Often the skill acquired *through* capital skill is a wage-earning skill. That capital skill is a real object of intellectual and tangible education, and job skill is not, is a principle that has been recognized by education theorists from Kant and Pestalozzi to Dewey and Bode [Wells (2013c, d); Pestalozzi (1820), pp. 156-180].

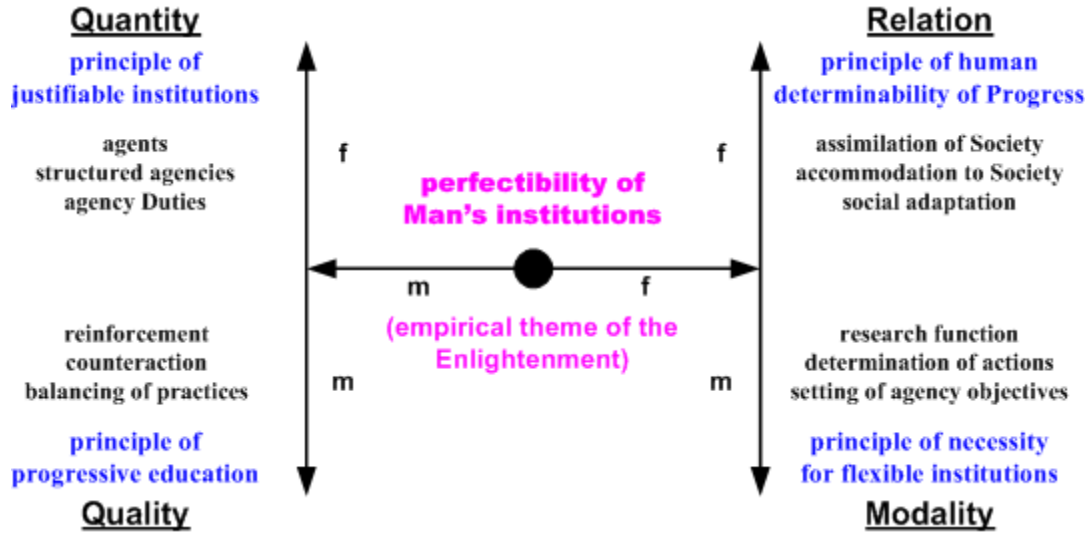


Figure 4: 2LAR of Enlightened institution.

This principle fits naturally into the contexts of Enlightened institution discussed in chapter 1 as well as psychological principles of teaching empirically developed by Pestalozzi. Particular job skills provide particular exemplars from which the higher capacity of capital skill develops, and this is consistent with the function of social adaptation in Enlightened institution (see figure 4, principle of human determinability of Progress). Job-training is education to be a serf; capital skill education is education for the liberty to be a free entrepreneur in a free Society.

A system of Enlightened public education as an Institute is one of the functional invariants in a civil Community that a Society uses for maintenance of Order and achievement of Progress in the teeth of changing social, economic, and physical circumstances that challenge every Society over time. It is one of the direct contact points where the young meet the wider Society into which they were born, and it is very nearly the sole Institute where a Republic can build its future citizens. For it to successfully fulfill its role in a Society, the Institute of public education must itself comprise a robust and civil corporate person. Its governance must be organized to deal in a civic way with the challenges of mini-Community. This is because the reach of its effects on Society is so broad and all-encompassing. Institute governance falls under the general heading of Relation in figure 4, i.e., under the principle of human determinability of Progress.

Public education has many stakeholders. The learners are probably the ones who first come to mind. In order for learners to develop any interest in an educational Institute, there must be something it offers to them beneficial to fulfillment of their Duties to themselves. All human beings are born as social outlaws and become citizens only through socialization processes that stimulate Self-determinations of reciprocal Duties. This is education in the personal dimension of the learner. Historically, this benefit-root of learner interest has likewise been the chief immediate interest of the second group of stakeholders, namely, parents. Children are not yet citizens of a Republic because they are not yet prepared to understand the meaning of their Society's social contract or to pledge an *informed* self-commitment to it. On the other hand, their parents *are* citizens of the Republic with legitimate claim to all civil rights guaranteed by the condition of the social contract. The first ground of all civil rights under any social contract is the basic condition,

The civil association will defend and protect with its whole common force the person and goods of each associate in such a way that each associate can unite himself with all the other associates while still obeying himself alone.



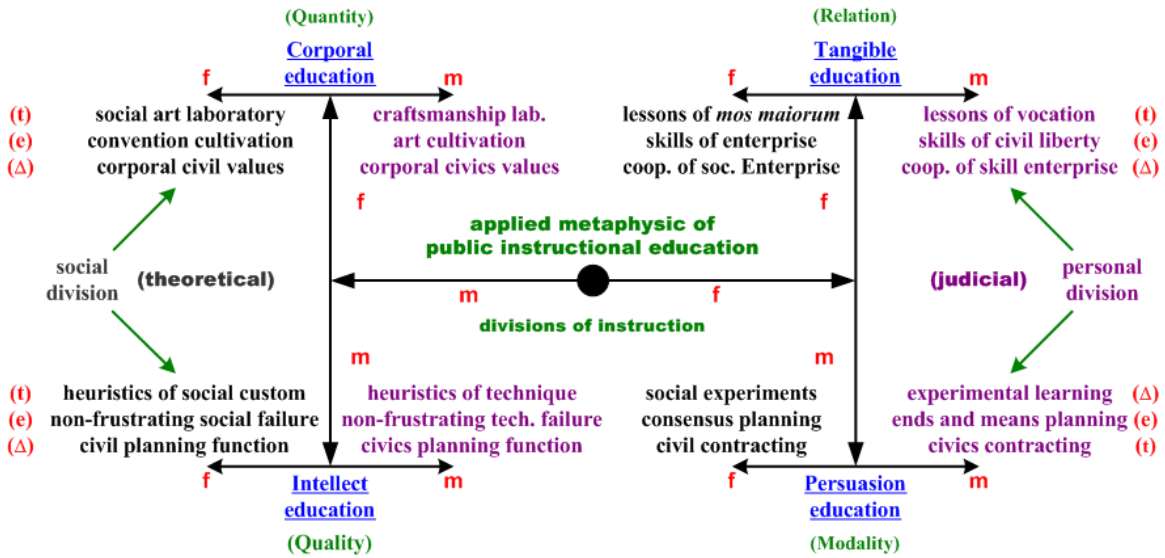


Figure 5: 3LAR structure of public instructional education.

This condition includes provision for protecting the welfare of citizens' children "with the whole common force" of the Republic by preparing those children for their adult lives *as citizens*.

Reciprocally, the Republic is owed a *quid pro quo* under the social contract, namely, that every person enjoying the benefits made possible by the civil association binds *himself* to the term of the social contract and fulfills the civic Duties as a citizen that it requires of him. I.e.,

Each associate is to put his person and all his power in common with those of the other associates under the supreme direction of the general will, and each associate, in his corporate capacity, will regard every other associate as an indivisible part of their whole body politic.

What the Republic gains from public education are its future citizens. For the general body politic all investments in public education have this as their deferred returns. Thus alongside the personal dimension of the learner in public education there is a social dimension for the benefit of Society. If not for this *quid pro quo*, *there could be no justification whatsoever for public education*. This is why the structure of public instructional education is a 3LAR structure (figure 5).

Through the social dimension each member of the general public is a *de facto* stakeholder in public education. Here, however, there enters into the overall picture the phenomenon of mini-Community with its mixture of interests common to all members of Society and its localized and special interests of concern only to members of a mini-Community. One error latent in Dewey's philosophy of education was its over-emphasis of national interests accompanied by its neglect of mini-Community special interests. Dewey, Bode, and the Progressive Education Movement all mistakenly presumed they were competent judges of national interests and that where these conflicted with mini-Community special interests, the latter had to give way to the former. The result was an attempt to impose a top-down Taylorite hierarchy structure on the governance of public education. In point of fact, no one national body of representatives is a competent judge of the manifold interests found in any complex Society, and if such a body subjugates local interests to national interests it commits a violation of the American social contract. *In any re-institution of public education, this error must not be repeated or it will eventually destroy the national Union.*

The most serious errors in public education reform in the twentieth century were consequences of wedding Dewey's misdefinition of the term 'democracy' with governmental nationalism to the

total disregard of mini-Community federalism [Wells (2013b)]. Even if the Progressive Education Movement had embraced *actual* democracy, rather than adopting the hierarchal and Taylorite philosophy of Plato's *Politeía*, neither pure nationalism nor non-consensus democracy was or is congruent with achieving either Order or Progress in the peculiar civilization that had developed in America by the mid-18th century<sup>9</sup>. The Framers of the U.S. Constitution saw this clearly in 1787. The result was a mixed form, part national and part federal, they built into the constitution of the general government. Madison recorded the following from the debate on May 31, 1787:

Mr. [Roger] Sherman [of Connecticut] opposed the election [of Congress] by the people, insisting that it ought to be by the (State) Legislatures. The people, he said, (immediately) should have as little to do as may be about the Government. They want information<sup>10</sup> and are constantly liable to be misled.

Mr. [Elbridge] Gerry [of Massachusetts said,] The evils we experience flow from the excess of democracy. The people do not want virtue<sup>11</sup>, but are the dupes of pretended patriots. In Massachusetts it has been confirmed by experience that they are daily misled into the most baneful measures and opinions by the false reports circulated by designing men, and which no one on the spot can refute. . . . He said he had been too republican heretofore; he was still however republican, but had been taught by experience the danger of leveling spirit.

Mr. [George] Mason [of Virginia] argued for an election of the larger branch [the House of Representatives] by the people. It was to be the grand depository of the democratic principle of Government. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the community; and ought therefore to be taken not only from different parts of the whole republic, but also from different districts of the larger members of it, which had in several instances, particularly in Virginia, different interests and views arising from difference of produce, of habits, etc. etc. He admitted that we had been too democratic but was afraid we should incautiously run into the opposite extreme. We ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy, considering that however affluent their circumstances or elevated their positions might be, the course of a few years not only might but certainly would distribute their posterity [their children and grandchildren] throughout the lowest classes of Society. Every selfish motive, therefore, every family attachment, ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest orders of Citizens.

Mr. [James] Wilson [of Pennsylvania] contended strenuously for drawing the most numerous branch of the Legislature immediately from the people. He was for raising the federal pyramid to a considerable altitude, and for that reason wished to give it as broad a basis as possible. No government could long subsist without the confidence of the people. In a republican Government this confidence was peculiarly essential. He also thought it wrong to increase the weight of the State Legislatures by making them electors of the national Legislature. All interference between the general and local governments should be obviated as much as possible. On examination it would be found that the opposition of States to federal measures<sup>12</sup> had proceeded much more from the Officers of the States than

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<sup>9</sup> A BaMbuti Pygmy *Gemeinschaft* Community is a successful example of democracy governance, but it is governance by *consensus democracy*. The BaMbuti *never vote* on matters or issues. Instead, they argue out whatever the issue is until a resolution is found to which *everyone* consents.

<sup>10</sup> By 'want information,' Sherman means they lack information. This was a common mannerism of speech in the 18th century.

<sup>11</sup> i.e., the people do not lack virtue.

<sup>12</sup> By "opposition of the States to federal measures" Wilson is referring to "states' rights" controversies. The big states didn't want small states dictating to them (federalism); democratic nationalism would prevent it.

from the people at large.

Mr. [James] Madison [of Virginia] considered the popular election of one branch of the national Legislature as essential to every plan of free Government. He observed that in some of the States one branch of the Legislature was composed of men already removed from the people by an intervening body of electors; that if the first branch of the general legislature should be elected by the State Legislatures, the second branch elected by the first<sup>13</sup>, the Executive by the second along with the first, and other appointments again made for subordinate purposes by the Executive, the people would be lost sight of altogether and the necessary sympathy between them and their rulers and officers too little felt. He was an advocate for the policy of refining the popular appointments by successive filtrations, but thought it might be pushed too far. He wished that expedient to be resorted to only in the appointment of the second branch of the Legislature, and in the Executive and Judiciary branches of the Government. He thought, too, that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves than if it should stand merely on the pillars of the [State] Legislatures.

Mr. Gerry did not like the election by the people. The maxims taken from the British constitution were often fallacious when applied to our situation, which was extremely different. Experience, he said, had shown that the State Legislatures drawn immediately from the people did not always possess their confidence. He had no objection, however, to election by the people if it were so qualified that men of honor and character might not be unwilling to be joined in the appointments. He seemed to think the people might nominate a certain number out of which the State Legislature should be bound to choose. [Farrand (1911), pp. 48-50]

The practical definition of 'federalism' is that it is majority rule by *corporate* persons. At the 1787 Convention, the Framers took only the corporate personhood of the states into account. The small-population states favored federalism because they feared that a national government would hand the large-population states hegemony over them. The practical definition of 'nationalism' is that it is majority rule by *real* persons. The large states favored nationalism because they feared federalism would hand the small states hegemony over them. *Both* pure forms are antisocial.

The peculiar phrase 'federal pyramid' Madison used to describe Wilson's remarks implies that Wilson envisioned the highest levels of the general government as having federal structure. But it must be kept in mind that the popular concept of this, on May 31st of 1787, was that the House of Representatives would choose who occupied the higher federal postings. Nationalism in selecting members of the House would, therefore, ensure the large-population states would control who was selected to serve at the federal levels. The Convention's eventual design settled on having two houses of Congress and requiring the consent of both for the passage of any law. Nationalism was chosen for the House of Representatives, federalism was chosen for the Senate. Confiscation of government mechanisms by political parties outflanked and defeated this balance, disempowering in one stroke both the citizens and the corporate persons of the states while empowering a hegemony of political party corporate persons. This is a federal government, but it is one in which the corporate personhoods of states count for nothing, of parties for everything.

I quoted the above excerpt from the Convention at length because in it appear almost all the most important considerations that arise when designing a system of governance in circumstances where mini-Communities exist within the general body. In 1787 the small states feared nation-

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<sup>13</sup> One of the proposals at the Convention was that the House of Representatives should be appointed by the state legislatures and the Senate appointed by the House of Representatives. The idea was to make the Senate a "council" mediating disputes between the Executive branch and the Legislative branch. This idea was copied in part from the British system of government and in part from an earlier proposal for American state legislatures put forward in 1776 by John Adams [Adams (1776), pg. 237].

alism because non-consensus democracy in the Congress would subjugate them under the rule of the large states. The large states, on the other hand, feared federalism because non-consensus democracy in the Congress would put them under the rule of the more numerous small states. The Convention's eventual answer was the mixed form of general government, nationalism in the House and federalism in the Senate, to try to cancel out the tyrannous effects of non-consensus democracy. It must, however, be noted that this plan did leave out innumerable other corporate persons and their special interests. It also overlooked the baneful effects of political parties.

Madison's remark about "successive filtrations" in the appointment of authority figures has significant bearing on our present topic. A pure *Gemeinschaft* government is wholly impractical in a nation with a large population, and so government through some form of representation is practically necessitated. The ideal of a representative is that this person truly and faithfully represents the interests of those whose representative he is supposed to be. But will he? When governance form includes a hierarchal element in its structure, the filtration issue is made important. It pertains to the problem of how to ensure that authority figures placed at successively more remote levels in the hierarchy will be, as Adams put it, "men of merit":

There is a voice within us which seems to intimate that real merit should govern the world; and that men ought to be respected only in proportion to their talents, virtues, and services. But the question has always been, how can this arrangement be accomplished? How shall the men of merit be discovered? How shall the proportions of merit be ascertained and graduated? Who shall be the judge? [Adams (1790), pg. 357]

Even in organizations of quite modest size, the efficient and competent execution of its day to day business generally requires foci for coordination of activities, and this is what the executive function of governance is set up to provide. Where coordinators must themselves be coordinated by means of some other (higher) focal point, there we always find hierarchy in organization with a pyramidal *nexus* of executive relationships. This is more or less obvious in the context of executive functions; it is perhaps less obvious but no less true for the legislative and judicial functions in any organization in which common interests are few, special interests are many. All this is to say that hierarchy is inherent for the institutions set up in any populous Society. With hierarchy comes Adams' "merit" issue and Madison's "filtration" issue. None of this, however, is to say hierarchy structure must be the only, or even the most authority-invested, form of *nexus*.

Stereotyping is practically necessitated by hierarchy structure. The practical problem to be solved is how to manage, control, and adequately limit by context ideas of stereotypes within a hierarchy structure. This is where concepts such as Fairtlough's "responsible autonomy" (e.g., the *Gemeinschaft* governance of Tocqueville's New England township) and of coordinations among interests *in* an organization ("heterarchy") become pertinent and practically necessitated by phenomena of mini-Communities. It is not true that coordination among mini-Societies that share numerous *common* interests among themselves must be accomplished at a higher level in the pyramid. *It is only incongruent special interests that necessitate hierarchy as a means for moderating their effects and preventing conflicts of interest from provoking uncivic competition between mini-Communities.* This, however, is a *judicial* rather than an *executive* role.<sup>14</sup>

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<sup>14</sup> I offer this concrete example from my own experience. Many years ago, I was a manager in a factory and, specifically, I headed the production engineering department. From time to time, new products designed by the product development department were introduced into our factory. When this happened, it affected all of manufacturing, marketing, the regulatory compliance functions, and hundreds of people. Coordination was necessary, and in our company that job fell to me. However, with that came the risk of having my department impose a hegemony over all the others. To prevent this, I appointed a lieutenant in my department to serve as the representative of production engineering's special interests. I 'took off my production engineering hat' and served as a moderating *judge* who protected *everyone's* special interests.

The arising of tyranny in hierarchy organization is generally the result of top-down imperatives imposed on mini-Communities by authority figures higher up in the hierarchy. While one should not rule out the possibility of a good idea being conceived at or near the top of the pyramid, it is empirically demonstrated that most new good ideas are conceived as a result of special interests, are typically restricted in scope by those interests, and only a subset of them can be made more general and thereby applied to more remote common interests shared by more or larger mini-Communities. Agents at hierarchal levels of remote interests are usually not competent sources for most ideas because agents appointed to these levels lack adequate direct knowledge of details involved in satisfying special interests. Most good ideas are very limited in their practical scopes of applications because each upward-ascending generalization removes by abstraction more material content from the concept until at last it becomes a mere form without material content. The role of a pyramid hierarchy *congruent with human nature* is a coordinating one, i.e., its purpose is to *prevent* false generalizations provoking conflicts of interests. When a concept truly has a capacity to be generalized and applied to more remote interests than its originator imagined, *heterarchy* is sufficient to realize this generalization. The role of hierarchy in the structural *nexus* is, as I said a moment ago, a **judicial**, not an executive or legislative, role.

Tyranny in hierarchy results from legislative or executive interference with heterarchy. This becomes particularly noticeable when Taylorites micromanage the activity of mini-Communities or individual people. Micromanagement is a clear and unmistakable symptom of Taylorite rulership. Taylorism in government was at the root of Thoreau's famous complaint,

Why is [the government] not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults and *do* better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels? [Thoreau (1849), pg. 7]

#### § 4. Tocqueville Organization and Governance Structure of Public Education

It is time to pull these divers pieces together and from them design an empirical structure for what I call Tocqueville organization and governance of public education. I think it is important to emphasize that this is an empirical undertaking belonging to an empirical Critical science. That means this or any other proposal for education institution design is a contingent endeavor *guided by* fundamental rational principles of Critical metaphysics and Social Contract theory, but its *details* are and must be drawn from empirical considerations. In such an undertaking it is normal to ask, "What is the optimum design structure?" or "Is this the best possible design?" It is often found when one examines the history of science that scientists – including social scientists – ask and then address these questions from a more or less Platonic perspective reminiscent of those dialogues of Plato where he inquires into such topics as "What is justice?" or "What is beauty?" It invariably follows that Platonic dialectic enters into successive abstractions, removing empirical context step by step until nothing of sensible nature remains. In all cases, the endpoint reached leaves the original question unanswered. Platonic dialectic seeks absolutely general answers but inevitably finds no answers having meaningful application to real circumstances at all. It *does* produce glaring contradictions. Voltaire delighted in ridiculing it for this [Voltaire (1759)].

To ask such questions as, "What is the best possible design?" of an empirical topic is to ask a philosophical question on par with the ancient question, "What is Truth?" Kant pointed out that a question like this, asked in the manner of Plato and countless later philosophizers, is a self-contradictory question. The question *itself* is scientifically meaningless. Kant wrote,

**What is truth?** The nominal explanation of truth, namely that it is the congruence of cognition with its object, is here granted and presupposed; but one demands to know what

is the general and reliable criterion of the truth of any cognition. . . . If truth subsists in the congruence of a cognition with its object, then this object must thereby be distinguished from others; for a cognition is false whenever it is not congruent with the object to which it is related even if it contains something that could well be valid of other objects. Now a general criterion of truth would be that which was valid of all cognitions without distinction among their objects. But it is clear that since with such a criterion one abstracts from all contents of cognition (reference to its Object), yet truth concerns precisely this content, it would be completely impossible and absurd to ask for a mark of the truth of this content of cognition, and thus that a sufficient and yet at the same time general sign of truth cannot possibly be provided. Since above we have called the content of a cognition its matter, one must therefore say that no general sign of the truth of the matter of cognition can be demanded because it is self-contradictory. [Kant (1787), B: 82-83]

This is one example among many of the real differences made by abandoning ontology-centered metaphysics in favor of epistemology-centered metaphysics.

Questions concerning the organization and governance of an institution cannot be addressed with real objective validity if the question is divorced from the *context* of the institution's object. Indeed, this comes under a Critical acroam of science, namely: *no thing is real unless we have a concept of it as an Object and this Object has been connected to other concepts that give it a context in sensible Nature*. Earlier discussions have aimed at providing contextual connections. What remains is to propose what matter goes into the Object we seek to design. For this – which here is an empirical undertaking of a science in its nascent state – making such a proposition calls upon the use of experience for heuristic guidance.

With such guidance there are many possible starting points. The potential fecundity of any one of them is determined in practice by an overriding practical consideration of how likely the proposition's *acceptance* by the general Community can be. Education institution has little likelihood of success, no matter how much merit the proposition might be judged to have, if the members of the body politic have it *imposed* on them by a ruler's fiat. Institution by fiat was one of the major errors committed by the well-meaning reformers of the Progressive Education Movement. How, then, is reform proposal to be viewed in relationship to the readiness of citizens to at least agree to give the proposal a trial? Mill tells us,

When an institution, or a set of institutions, has the way prepared for it by the opinions, tastes, and habits of the people, they are not only more easily induced to accept it, but will more easily learn, and will be from the beginning better disposed to do, what is required of them both for the preservation of the institutions and for bringing them into such action as enables them to produce their best results. It would be a great mistake in any legislator not to shape his measures so as to take advantage of such pre-existing habits and feelings when available. [Mill (1861), pg. 7]

Concurrent with this pragmatic approach, Mill tells us it is also important to keep in mind that

On the other hand, it is an exaggeration to elevate these mere aids and facilities into necessary conditions. People are more easily induced to do, and do more easily, what they are already used to; but people also learn to do things new to them. Familiarity is a great help; but much dwelling on an idea will make it familiar, even when strange at first. . . . The amount of capacity which a people possess for doing new things, and adapting themselves to new circumstances, is itself one of the elements of the question. . . . The capacity of any given people for fulfilling the condition of a given form of government cannot be pronounced on by any sweeping rule. Knowledge of the particular people, and general practical judgment and sagacity, must be the guides. [*ibid.*]

Mill's pragmatic advise is implicitly endorsed by some additional and time-tested advice offered

by Montesquieu:

There are two sorts of tyranny: one real, which arises from oppression; the other is seated in opinion, and is sure to be left whenever those who govern establish things shocking to the existing ideas of a nation. . . .

It is the business of the legislature to follow the spirit of the nation when it is not contrary to the principles of government; for we do nothing so well as when we act with freedom and follow the bent of our natural genius. . . . [Montesquieu (1748), pp. 293-294]

We have said that the laws were the particular and precise institutions of a legislator, and manners and customs are the institutions of a nation in general. Hence it follows that when these manners and customs are to be changed, it ought not to be done by laws; this would have too much of the air of tyranny: it would be better to change them by introducing other manners and customs. . . . Manners and customs are those habits which are not established by legislators, either because they were not able or were not willing to establish them.

There is this difference between laws and manners, that the laws are most adapted to regulate the actions of the subject, and manners to regulate the actions of the man. There is this difference between manners and customs, that the former principally relate to the interior conduct, the latter to the exterior. [Montesquieu (1748), pp. 298-300]

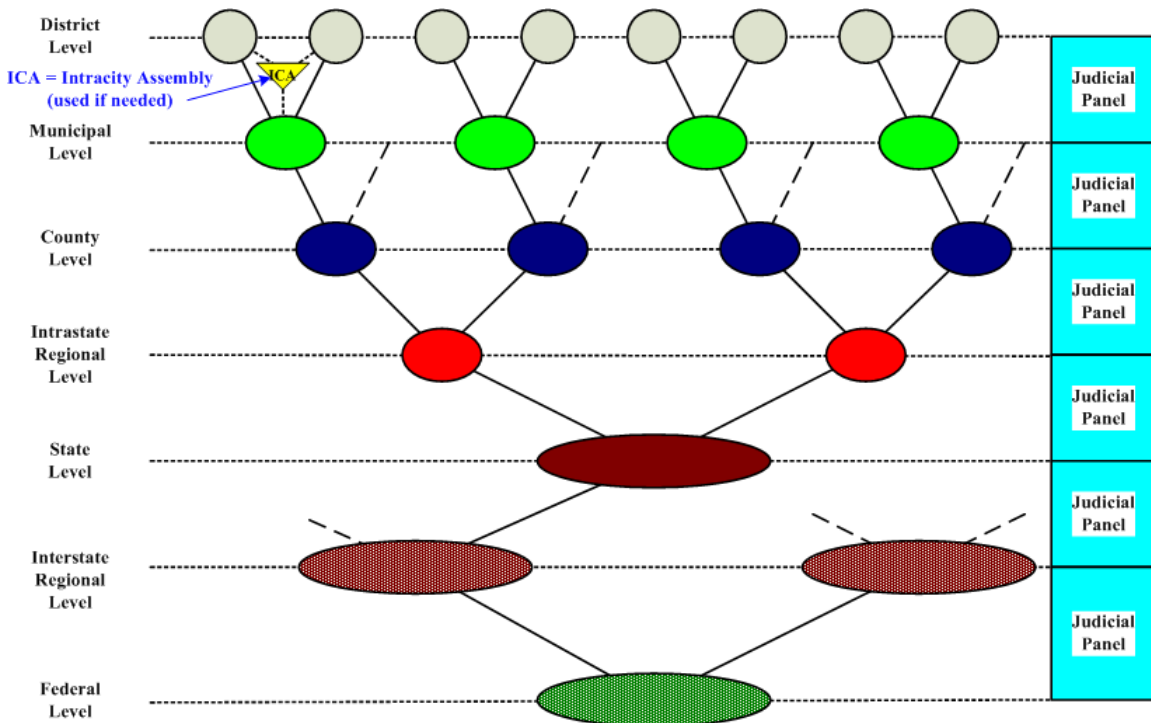
What follows next is a design proposed by your author. It is based in part on my own experiences with or in large and small organizations over the years, in part on studies I have made of commercial and academic organizations, and in part on the history of habits and customs exhibited in the United States when Americans have come together for the purpose of organizing cooperations with one another in pursuit of satisfying some objective of general interest to the organizers. I make no claim here that this is the only or the best propositions possible. *I* think it is promising, but my opinion is an hypothesis to be tested, not a Baconian idol to be worshipped.

#### § 4.1 The Inverted Pyramid of Public Education Institution

Some form of pyramid structure appears to be inevitable in the governance of public education in a great nation. This does not, however, necessarily imply a hierarchy of authority in the usual connotation of delegation of sovereign power "flowing" from the apex of a pyramid toward its base. Indeed, in an American Republic such a power hierarchy is contrary to the principle of the sovereignty of the citizens whose general will *collectively* rules the body politic. The proposed structure is a design aimed at ensuring and securing this sovereignty at all *local* levels. The intent is to: (1) reproduce in a large and geographically dispersed population those desirable features of *Gemeinschaft* governance Tocqueville observed in New England towns in the early 19th century; while (2) adapting the structure of governance to overcome *Gemeinschaft* governance limitations and disadvantages. The method for this design aim is stated as follows:

**Design method:** The exercise of authority is to be divided, in order that the office might be powerful and the officer insignificant such that the Community is at once both regulated and free.

This method is almost a verbatim quote of Tocqueville's observation cited earlier. What was missing in the governance of New England in Tocqueville's day was a means of *heterarchical coordination* of different levels of governance. That missing linkage is something the structure schematically illustrated in figure 6 is intended to provide. That the office holder of a powerful office might be "insignificant" – in other words, that *rulership* be denied to him – is something a low-versatility Driver or Expressive personality will not find very comfortable. It is the nature of Drivers and Expressives both to feel inclinations to 'take command,' though for different reasons.



**Figure 6:** Inverted pyramid structure for governance organization of public education. The circles and ovals denote governing committees composed of mini-Community representatives and staff advisors: (1) representing or advising on interests held in common at their committee level; and (2) mediating between special mini-Community interests so that governing actions are determined in ways that transform potential conflicts of special interests into merely contrary interests those actions do not gainsay. In the event such a reconciliation of interests is not achieved by a committee, the matter is referred to a judicial panel charged with the Duty of ensuring the social contract is not violated either by acts of commission or by acts of omission in governing the Institute. Judicial rulings of the panel are binding on the committees.

However necessary having someone in command during a state of emergency is, the ideas of a commander and of a **civil servant** are mutually contradictory. This principle of contradiction is an old one, dating back to Athenian democracy. Aristotle wrote,

When the state is framed upon the principle of equality and likeness, the citizens think they ought to hold office by turns. Formerly, as is natural, everyone would take his turn of service; and then again, somebody else would look after his interest, just as he, while in office, had looked after theirs. But nowadays, for the sake of the advantage that is to be gained from the public revenues and from office, men want to always be in office. One might imagine that the rulers, being sickly, were only kept in health while they continued in office; in that case, we may be sure they would be hunting after places. The conclusion is evident: that governments which have a regard to the common interest are constituted in accordance with strict principles of justice, and are therefore the true forms; but those which regard only the interest of the rulers are all defective and perverted forms, for they are despotic, whereas a state is a community of freemen. [Aristotle (4th century BC), pg. 205 (1279<sup>a</sup>10)]<sup>15</sup>

The schematic of figure 6 depicts levels of governance arranged in a hierarchy of the *geographic scope* of the schools and other Institutes associated with their levels. It is not a hierarchy defining

<sup>15</sup> The translation rendered here is the Jowett translation (*The Complete Works of Aristotle*, vol. II, pp. 2029-2030, Princeton, NJ: Princeton University Press, 1984). Greek text is provided in the source cited.



any 'chain of command' for the education system overall. The agents serving at each level are tasked with *making a Community of common interests* pertaining to public education for the citizens covered at each level. The number of *common* interests monotonically *decreases* in moving from the district levels toward the federal level. The authority of the agents is restricted to serving these and *only* these interests. The agents have no authority to command other levels. The *power of the office* subsists in the number of people it affects; the power of the *agents*, however, is limited by the scope of their authority. The scope of their authority decreases as the number of common interests decrease. Thus the offices are powerful but the officers *relatively* insignificant. ***The more powerful the office is, the more insignificant the officer is.***

The structure from the district to the state levels is an inverted pyramid in the sense that the 'base' of the pyramid is 'at the top,' has the stewardship over the largest numbers of interests, and is socially and geographically closest to the citizens whose interests these are. From the state level to the federal level there is another inverted pyramid, this one serving Community of the divers states and interstate regions in the national Union. I propose this particular overall form because it is congruent with the existing political structure of the United States – and thus pays attention to the maxim of "having the way prepared for it by the opinions, tastes, and habits of the people." That the structure is a "double inverted pyramid" recognizes the fact that Californians are not Iowans, Texans are not New Yorkers, etc. I.e., it pays attention to the maxim that "manners and customs are those habits which are not established by legislators, either because they were not able or were not willing to establish them." One of the tyrannies arising from the gradual evolution of the U.S. general government toward an increasingly one-sided character of being a national government arises because any national government finds itself facing a practical necessitation to homogenize its stereotypes of state and local citizens by neglecting regional, state, and local differences in manners, folkways, and moral customs. A consequence of this is that many of its actions conflict with the divers local cultures or impose a tyranny of democracy on citizens who do not consent to its actions. The structure proposed here is designed to hinder the making of such over-generalized stereotypes within the context of public education.

That locality differences do exist – in tastes, customs, economics, and other factors out of which cultures become established – does not in any way fundamentally conflict with common interests transcending local boundaries. A key task for any organization of governance is maintaining the Union of the latter while at the same time respecting the sovereignty of the former. Injustices perpetrated against the former tend to provoke attempts to subvert the latter to the general weakening and eventual destruction of the Society. Correct Republican governance carried out overall and at every level is tasked with preventing this, however daunting that task may seem in the face of emerging challenges that arise continually over time. But, as Washington wrote, it is a task very much worth the efforts required to carry it through to success:

The Unity of Government which constitutes you one people is also now dear to you. It is justly so, for it is a main Pillar in the Edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very Liberty which you so highly prize. . . . These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of Patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective Sub divisions, will afford a happy issue to the experiment. 'Tis well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands. [Washington (1796), pp. 964-967]

The American experiment miscarries for a time at some step or another, but this is why it is of essential importance to heed the Enlightenment principle of flexible institutions. It is only by flexibility that miscarriages are corrected. It is *de facto* part of the principle of flexible institution *as well as* part of the expectation of authority vested in civil servants by the American Sovereign that, in carrying out the tasks of a public Institute, ways be found to bend and adapt to new social forces rather than let the institution itself break down under the stress of these forces.

The schools and other education Institutes associated with the divers levels are likewise to be designed *from a basis in the scope of common interests served at their levels*. This is something very different from the present American institution, which has always been based on notions of subject-matter and curricula rather than on the common interests of the sovereign citizens. The American institution of public education did not start out intending to neglect the American sovereignty; quite the contrary is true. However, it proved to be too easy over time for people to come to think of subject-matter and sovereign interest as being one and the same when in fact *the sovereign interest defines the subject-matter* and subject-matter is *always subordinate to common social interests*. Once this clarity of concept is lost, it not only becomes too easy for school Institutes to misdirect their educational objectives, but in fact this misdirection becomes all the more likely to occur because of *habits of thinking* made inflexible through customary use. The American philosopher George Santayana wrote, "Fanaticism consists in redoubling your effort when you have forgotten your aim" [Santayana (1905), pg. 13]. In this context of the word, the Progressive Education Movement in the 20th century is quite properly labeled 'fanatical.'

This particular habit of thinking had already become engrained by the post-Revolutionary War era. The Knox Plan, the Smith Plan, and, indeed, all the other plans and proposals for a system of education tailored to the new American Republic exhibited it [Hansen (1926)]. Subject-matters and courses must be designed to satisfy those original purposes for which the education Institute was instituted. The design of the institution is never subordinate to subject-matter and courses no matter how historically venerable these may be.

Looking now more closely at the parts of figure 6, the organizational structure consists of two primary parts. First, it is comprised of committees charged with formulating strategies and tactics appropriate to the scope of interests for which they bear responsibility to the public. The makeup of each committee includes representatives of the broader interests at the preceding and narrower interests at subsequent levels and staff advisors with specialized and technical knowledge of factors that pertain to those considerations affecting the ability to coordinate *between* different levels and thereby produce an overall Union in the education system. More is said of these committees in the next subsections. The principal task of the committees is *legislative*, not *executive*, and the committees are given no executive power over *other* levels.

Second, occupying an intermediate position between successive levels there are judicial panels who are the final arbiters of any disputes that might arise either within a level or between levels. These judicial panels are not tasked with setting educational regulations, policies, or tactics. Their sole concern is to ensure that nothing is allowed to violate the social contract. This is, indeed, *the principal object* of the judicial branch of Republican governance in general. It is especially key to the institution of public education because *the institution of public education is a justice system function* – not a legal system function – of Society. Like the committees, the judicial panels have no direct executive authority. They do, however, have the authority to issue Writs of mandamus<sup>16</sup> ordering public agents to carry out public duties of their offices. If an agent refuses to do so, this is immediate ground for his impeachment and might additionally involve indicting him for a deontological crime. You should note that the agents depicted by figure 6 are not themselves members of any *executive* branch of governance. The executive functions reside in the schools

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<sup>16</sup> The Latin *mandamus* means "we command."

and other educational Institutes and include school administrators *and teachers*. One thing subtly implicit in this structure is that *it abolishes the traditional school board*. The tradition of school boards has always placed public education under the executive branch of government and, with the empowerment and entrenchment of political parties, has effectively led to a confiscation of *public* education by those special interest groups. But the function of public education *primarily belongs to the justice system* and hence properly falls under jurisdiction of the *judicial* branch of government [Wells (2012), chap. 3, pg. 75]. The proper functions traditionally assigned to school boards are here reassigned to the committees at the district and municipal levels. The committees comprise legislative bodies, the panels judicial ones, each with their own limited spheres of authority, and each placed beyond the *immediate* control of political parties.<sup>17</sup>

The meaning of district, municipal, and county levels I think is likely to already be familiar to you since this follows the usual government form currently found in the states. In setting up the districts within a municipality care is to be taken to limit the population size of each district to no more than on the order of two thousand people. In some larger cities this will require redistricting and likely will also involve significant changes in local *school* districting. The structure proposed here is antagonistic to the entrenched idea of school district consolidation [Wells (2013a), chap. 15, pp. 561-568]. Consolidation was a tactic instigated by the Progressive Education Movement as a key part of that movement's aim to introduce the differentiated curriculum and tracking. However, as discussed in volume II, the differentiated curriculum, and tracking pupils into it, was never anything else but an institution of systematic bigotry that was premised upon Taylorism and psychological speculations later shown to be contrary to human nature. In many cases school district consolidation was also backed by school administrators – by the appeal of what one education historian has called 'the Edifice Complex' – or by boards of education on arguments of cost efficiency. It is dubious that any such efficiency resulted from it in any significant degree. Consolidation did produce the depersonalized 'mega-school' and, arguably, unintentionally taught learners (by their educational Self-development experiences) to live in a semi-outlaw Society where tolerance of state-of-nature antisocial habits was prone to develop.

The reasons for limiting district population sizes are these: (1) it is necessary for the practical possibility of locally *Gemeinschaft* governance at the most basic level of figure 6; (2) it enhances the likelihood that the representatives chosen by the citizens of the district will be personally known by most of the residents of the district, and thus increases the likelihood that the district representatives will be individuals known and respected for their judgment and civic virtues; (3) it places sovereignty in the hands of those people who have the most immediate and direct interest in the local education system. It is a well known and time-tested maxim that people are the best judges of matters in which they have direct real experience and keen interest and, the corollary, people tend to be the worst judges of matters in which they lack real experience or have only remote interests. Limitation of district size is a principle congruent with this maxim.

Municipal level institution remains appropriate because there are local municipal interests that are not confined to district boundaries and which affect the overall socio-economic circumstances of a municipality. Municipal union also makes possible cooperative sharing of scarce resources.

There are some appropriate public education functions, such as 'Voc-Ed' training at the post-high school level, that can benefit *local* economies as well as increase *Personfähigkeit* in the personal dimension of the learner. These might be cost prohibitive at the municipal level. Such functions, instituted in the form of, e.g., junior colleges, might require the cooperation of

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<sup>17</sup> As things presently stand in the United States, they are not placed *entirely* beyond the reach of political parties because the power to *fund* public education is still partly controlled by the state legislatures and partly by the general government. Those bodies *are* under domination by the political parties, and the re-institution of public education alone does not change this destructive situation.

municipalities within a county to be affordable or make better use of scarce resources. Thus it is appropriate that there be instituted a county level of education governance and structure.

The next level, the *intrastate* regional level, is a level not necessarily appropriate in all states. However, in some geographically large states pronounced differences in customs and economic circumstances exist that socially and politically subdivide the state. For example, in the state of Idaho there are three distinguishable regions – north Idaho, southwest Idaho, and southeast Idaho – that have exhibited antagonisms toward each other that date back to when Idaho was a territory. Northern and southern California are likewise culturally divided, as are eastern and western Pennsylvania. Upstate New York and New York City is another example. Likewise, northern and southern Maine are culturally divided with local antagonisms. Where intrastate regions such as these exist, the possibility of state-wide cooperation well nigh demands that heterarchical mechanisms be instituted, but these require intrastate regional structures in order to provide for civil interaction and discourse between regions. The alternative is the tyranny of majority rule, which usually perpetuates unjust disbenefits suffered by one or more of the intrastate regions.

Similarly, within the United States there are numerous cultural, socio-economic, and moral custom differences that cause antagonisms between different regions of the country. I think it likely you are at least somewhat familiar with this social phenomenon. It is daily exhibited in references to the Northeast, the Southeast, the Midwest, the West, the Southwest, the Pacific Northwest, and the Inland Northwest. This implies a real need for a level of institution standing between the level of the individual states and the national level for the same reason that in some states there is a need for an intrastate region level.

Finally, the preservation of the national Union and the service of nationally-common interests dictates a practical need for a federal level of education institution ('federal' because at this level the interested parties comprise a whole nation of *corporate* persons). The peculiar nature of the American Republic has always demanded this, although its institution is currently blocked by Supreme Court interpretations of the Tenth Amendment. (It is likely that some amendment to this Amendment is therefore necessitated in order to redress several historical enormities that have attended its interpretation) [Wells (2010a); Wells (2013a)]. Noah Webster wrote,

Education, or a general diffusion of knowledge among all classes of men, is an article that deserves peculiar attention. Science liberalizes men and removes the most inveterate prejudices. Every prejudice, every dissocial passion is an enemy to friendly discourse and the fuel of discord. . . . Particular districts have local peculiarities, but custom gives all an equal degree of propriety. . . . Just as absurd as these [prejudices] are the prejudices between the states. Education will gradually eradicate them, and a growing intercourse will harmonize the feelings and views of all citizens. [Webster (1785), pp. 44-45]

The form of governance depicted in figure 6 is federal because it governs corporate persons, not individual citizens. This will be seen more clearly in the next subsection where the makeup of the committees is discussed. The sovereignty of citizens is effected through its mandate to serve common interests at the level of Community each committee represents while at the same time ensuring that legitimate civil special interests of the divers mini-Communities are not gainsaid. The heterarchical form of the institution's structure serves the general objectives of all American government 'to form a more perfect Union,' 'to establish justice,' and 'to promote the general welfare.' The structure proposed here is one designed specifically with the intent to justly meet the challenges of the phenomenon of mini-Community in a great nation.

#### § 4.2 Overview of the Governing Committees

The composition of the committees specified in figure 6 follows a common schematic. Within

**Table I: District Education Committee Composition**

Representatives		Advisors		
Parents'	Mini-Communities'	Municipal coordination Advisor	Federal Advisor	Social contract Advisor
Teachers'		County coordination Advisor	Academic Advisor	Legal Advisor
Business community's		Intrastate region Advisor	Higher education Advisor	Mini-Communities' Advisors
Municipal		State Advisor	Economic Advisor	
County		Legislative Advisor	Work-study Advisor	
Taxpayers'		Interstate regional Advisor	Curriculum Advisor	

In addition, each committee has a non-voting chairman and a non-voting committee recorder.

each committee there are differences based on the level of the jurisdiction of the committee. Each committee is composed with two types of membership: (1) voting *representatives* drawn from the corporate persons whose interests are to be represented; and (2) non-voting staff *advisors*, who are to be individuals with special technical knowledge and expertise; their role is to advise the voting members on the likely consequences of proposals and policies the committee has under consideration. The design intent for every committee is that it is to operate under a system of *consensus democracy*. Chairing each committee is a non-voting chairman, appointed by the citizens of the district in the case of district committees and by nomination and consent of the representatives in the case of the other committees. The chairman's duties are: to act as an impartial *judge* safeguarding the special interests of *all* the representatives; to *moderate* the committee's debates; and to *assign* action items as needed to committee members as part of the decision making and consensus-building process. Assisting the chairman is a staff recorder who records the minutes of each meeting and publishes them afterwards to each member of the committee and to the judicial panel responsible for judicial review of the committees within its jurisdiction. This schematic form is illustrated by Table I for the case of a district committee.

To ensure consensus democracy is enforced, and to prevent the corrupting effects of non-consensus democracy, each representative holds the right of casting a *representative's veto* whenever he feels that some action the committee is contemplating is *contradictory* to any special interest of the corporate person he represents. This is an idea borrowed from the Roman Republic, in which a tribune of the plebs could veto any measure passed by the Roman Senators [Durant (1944), pg. 30]. The principle of majority rule is expressly banned for committee votes other than for conventions per *Robert's Rules of Order*. Representatives may, however, vote 'nay' on any motion *without* this vote being construed as a representative's veto. A vote of 'nay' without a representative's veto means *the representative will accept the motion* despite having particular objections to it that are to be set down as part of the record. *This acceptance is construed to mean that the motion does not contradict the special interests he represents*. Every passing vote taken in which no representative's veto is cast is construed to indicate consensus by the committee.

All actions and measures approved by the committee must bear the signature of the committee's social contract advisor attesting that the action or measure is congruent with the social contract of the American Republic. The single exception to this rule of order is in the event of impeachment of the social contract advisor. It is the general Duty of all committee members to ensure that no committee action is unjust to any certified corporate person, and the social contract advisor's signature on the document attests that the committee has properly attended to this Duty.

Any member may appeal any committee action for review by judicial panel, and the panel must then carry out such a judicial review. By two-thirds majority vote, the committee may impeach any of its members for obstructionism, dereliction of duty, or misconduct. In that event, the trial of impeachment is conducted by the judicial panel having jurisdiction over the committee. In the event a representative is removed from his office, the judicial panel will instruct the corporate person the removed individual represents to appoint a new representative. In the event an advisor is removed, the panel will instruct the chairman to nominate a replacement advisor whose appointment is made by consensus of the representatives. The committee may not take any action, other than for the specific purpose of filling vacancies, until all vacancies are filled. Any representative can be recalled and replaced by the corporate person he represents.

Within this general framework, specific details such as the number of delegates from each corporate person represented are left to the discretion of the corporate person represented in the committee. With the exception of the district committees, these decisions will be made by chosen representatives drawn from the education committees serving the next smaller locality units. Organizational matters of this sort, which are affected by special local conditions, are left entirely in the hands of these committees except that the provision for a representative's veto will never be denied. The representation of any corporate person may consist of a delegation of several members but no corporate person so represented is allowed more than one committee vote. Representative's vetoes within the delegate members of a corporate person by any member of the delegation will be construed as a representative's veto by that corporate person as a whole.

Representation in the committees is based on representation of corporate persons and their legitimate interests. This implies it must be known who these corporate persons are. Review and approval of applications for *certification and chartering* of recognized corporate persons is placed under the jurisdiction of the judicial panel responsible for that level of the education organization. (I discuss this item and the reasons for it later). Public education is placed in the judicial branch of government, and for that reason the judicial branch, not the legislative or executive branches, is given authority over all details concerning this system of education governance. However, judges on the judicial panels are to be appointed during term of good behavior in accord with Article 3, section 1, sentence 2 of the Constitution of the United States. The principle of checks and balances between the branches of government are to be maintained, observed and enforced, and *rulership* is to be denied to all under penalty of impeachment for social contract corruption.

A system of checks and balances is also required in the committees themselves. Like all other public institutions, institution of public education brings with it a potential for outlaw or criminal groups to try to loot it or to subvert it in order to misuse it for looting some other public Institute. An outlaw is anyone who has made no Self-commitment to the social contract of a Society. A criminal is anyone who declares such a commitment and then violates it intentionally. The history of the U.S. is peppered with examples of these antisocial elements. For instance, one major factor originally motivating the formation of *national* political parties in the U.S. was the opportunity to set up what was known as the federal 'spoils system' – which was a corruption of government for the purpose of looting the public treasury [Morison & Commager (1930), pp. 352-353]<sup>18</sup>. Even today, one of the classes of outlaws most likely to try to infiltrate education governance is a political party<sup>19</sup>. Another class consists of outlaw commercial entrepreneurs whose actual allegiance is not to the social contract but, rather, to an outlaw business enterprise. Many national and multinational corporations fall into this category. Their most frequent special interest subsists in exploiting a local economy to enrich the corporation. A third class is composed of divers

<sup>18</sup> Another major motivation was simply to gain the power to rule [*ibid.*].

<sup>19</sup> As Adams pointed out, a political party can *internally* be a moral Community. However, the allegiance of its members is to the *party*, not to the social contract of the *nation*. Hence, party and nation are mutually outlaw with respect to each other and parties must be regarded as castes seeking to usurp the Sovereignty.

special interest groups seeking some political objective. Examples include pro-gun control and anti-gun control groups, political action committees, or religious groups seeking to establish religious laws peculiar to their faith but imposed on other people who recognize no such laws in the tenets of their faiths. There are and will be other such groups as well; many of them come and go with whatever the political issues of the day may be. An example is the Greenback Party of 1874-1889. In order to survive within a Society, both outlaws and criminals tend to become adept at hiding-in-plain-sight inside a Community and concealing their lack of allegiance to it. Ones that exhibit a significant degree of longevity tend to develop and hone effective propaganda skills for concealing the social reality that they are a political lion by presenting themselves as a lamb.

Threats such as these – as well as the threat of one department of government usurping the authority of another – are what necessitate checks and balances. In discussing the need for this Madison wrote,

But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. . . . It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. [Hamilton *et al.* (1787-8), no. 51, pg. 288]

Requiring the committee to act from consensus, empowering its individual representatives by means of the representative's veto, and setting up the judicial panels as courts of appeal in matters of dispute are three key defenses this organization provides for obliging the governance of public education to control itself while empowering it to faithfully *serve* the Sovereign of the Republic.

### § 4.3 The District Committee Representatives

The bedrock of citizen sovereignty over public education is the system of district committees. This gives the district committees an especial importance beyond those of the other committees. I explain the district committee here. Chapter 7 discusses the other committees called for in figure 6. Table I lays out the composition of a district committee.

Representatives represent specific definable corporate persons who are either residents of the district or are known to the residents of the district through direct interactions with them. It is generally not appropriate to try to establish universal rules for defining the number of representative delegates within any specific class of representation because what is appropriate for one corporate person is not necessarily appropriate for all corporate persons. However, in order to prevent inequitable 'stacking' of the committee by means of excess voting representation in any particular class of representative, all distinct representative groups have only a single *corporate* vote in committee matters. The precedent for this is provided by the organization of the 1787 Constitutional Convention, where the state delegations consisted of different numbers of delegates but the states themselves had only a single vote: 'aye', 'nay', or 'divided' [Farrand (1911)].

A 'divided' vote denotes lack of consensus within the representative group, and its effect on a committee vote is to be construed to indicate the corporate person does not give consent to the matter being voted upon as the motion then stands. In this case, the motion is postponed and the

chairman is to direct that delegation to prepare proposed amendments to the motion that will resolve their internal division. The motion is reconsidered at the next committee meeting as an item of unfinished business. A representative's veto is not a divided vote.

How a corporate delegation is to be internally organized is left to the discretion of its delegates according to what the delegates judge to be in the best interests of the corporate person they represent. The following corporate persons comprise the district committee.

- Parents' Representatives. Delegates of this group represent the parents and legal guardians of children from the district. 'Children' here denotes learners younger than the age of majority established by law in the municipality or rural area in which the district is located. 'Legal guardian' denotes an individual citizen legally authorized to act *in loco parentis* with *obligatione externa* responsibility for the care and welfare of a child resident of the district. An Institute established or recognized by government, such as a child welfare agency or an orphanage, is not regarded as a legal guardian for purposes of district committee representation<sup>20</sup>. Parents' delegates are selected and appointed by residents of the district at a District Meeting, attendance at which is mandatory and a duty for all citizens of the district who are not officially excused from attendance due to reasonable mitigating personal circumstances such as illness or infirmity. Organization, protocols, procedures, and rules governing District Meetings are determined by the resident citizens of the district but its structure should be made to mirror the character of a New England town meeting of *circa* Tocqueville's era.
- Teachers' Representatives. As public servants teachers are, along with parents, the frontline agents of public education. Their direct contact with the learners is second only to that of the parents. Teachers' representatives are chosen by and from the district's teachers at a Teachers' Assembly. This Assembly is to be a district-level corporate agency responsible not only for selection and appointment of teachers' delegates to the district committee but also of school administrators (e.g. a Principal Teacher, most commonly called a Principal). Selection and appointment of authority figures *by the teachers* acting as a body politic is contrary to the U.S. custom of having these appointments made by local school boards or politicians; but Republican governance of public schools is necessary to eradicate Taylorism in the administration of public education. The Teachers' Assembly *is* the local governing body of teachers within the district public education Institute but it is subordinate to the district committee. Like the District Meeting, the organization, protocols, procedures, and rules governing the district Teachers' Assembly is left to the sole determination of the teachers themselves. The membership of the Teachers' Assembly is to consist of all teachers working in the district. Because a teacher might also be a parent in the district, such a teacher is also a member of the parents' district body politic. In this case, that teacher is eligible to be either a delegate to the parents' representatives or a delegate to the teachers' representatives, but not to both at the same time.
- Business community's representatives. To promote the general welfare is one of the six fundamental objects of Republican governance at *every* level of governance. The local economy of an area, extending out at least as far as the county level, dominates the general welfare in every locality all the way down to its individual residents. In the Western and American civilizations, the condition of the economy is conditioned in

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<sup>20</sup> The performance record of government agencies and orphanages in the United States is not a good one. The history of such agencies is peppered with many instances of abuse, dereliction of Duty, and callous disregard for the health, safety, and welfare of minor children put in their charge [Ashby (1997)].



large part by local commercial enterprises. What I here call the business community therefore has its own unique special interests but also has broader interests in common with local Communities. I *define* the business community as the association of all *citizens* in a municipality and its immediately surrounding rural area who are legally recognized as business owners<sup>21</sup> *subject to the restriction* that a 'business owner' must be a human being and cannot be a corporate person or any real person assigning the business property to a corporate person<sup>22</sup>. (Refer to the technical glossary for the definitions of 'ownership', 'property', and what it means to possess something). Commercial business enterprises of this class range from as small as an individual's enterprise, recognized as a commercial business for tax purposes, up to locally owned franchises that might be associated with national or multinational corporations. However, for purposes of the institution of public education, a franchise owner is placed under *obligatione externa* to represent only *local* business interests and is forbidden to act as a surrogate representative of any non-local commercial entity such as a state, regional, national, or multinational corporation, proprietorship, or partnership. A local *chain store* is ineligible for representation because a chain store is legally part of a non-local commercial enterprise and has no local *owner* to participate in local governance<sup>23</sup>. This treatise places no restrictions on how the business community chooses to effect its just representation at the district committee other than the here-defined rules on member eligibility, local ownership, and *obligatione externa* to only represent local commercial interests. It is certainly in the self-interests of local business owners to choose to be represented on this committee. If the community chooses to not appoint its own representatives to this committee it *forfeits* a civil right of representation in public education governance. Existing organizations such as local chambers of commerce should take note of this. If, due to the current tolerance of uncivic free enterprise in the United States, local commercial entrepreneurs find themselves unable to cooperate with each other *at least* to the extent of being able to come to *internal* consensus in their representation to the district committee, *the chairman of the district committee is authorized to petition the judicial panel to withdraw certification and chartering of this community*, on the ground that their association forms no actual mini-Community, until such time as owners demonstrate

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<sup>21</sup> Objectively valid real explanations of ideas of ownership and property are deontological. A technical treatment of this is provided in Wells (2010b), chap. 14, pp. 561-568 and summarized in Wells (2013a), chap. 8, pp. 251-253. Property is the *right* to possess, use, or dispose of something (an *item* of property).

<sup>22</sup> Some of the greatest enormities perpetrated and perpetuated on American citizens during the 19th and 20th centuries are the result of court decisions predicated on the fiction that stock corporations can be legal persons for a number of legal purposes. Deontologically, a 'legal person' is not a real person and *all* civil rights and civil liberties have real meaning *only* in the context of real persons. The proviso restricting the definition of business owners to real persons is made to serve the Constitutional object 'to establish justice'.

<sup>23</sup> Hired-help managers (wage earners) are not eligible for inclusion in a local business community because they are not the owners of the businesses they manage. Mere stock ownership in a publicly traded stock corporation does not satisfy the ownership criterion for defining a local business entity because the rights of stock ownership are not those of a real owner of an enterprise [Wells (2013a), chap. 10, pp. 363-364]. Stock market investors are stakeholders in the corporation in which they own stock, but this is not the same thing as deontological ownership. What a stockholder owns is a right to receive dividends, to vote for the board of directors and any items put up for vote at the shareholders' meetings, and to sell his stock to another person or corporate person. That he "owns a piece of the company" is nothing but a legal fiction because stock ownership does not extend to any *jus possessus* to personally control the company or to use or dispose of any part of it as an item of property. Do you own any shares of General Motors? Try dropping by its headquarters and telling the CEO what to do. You'll quickly find out she doesn't work *for you*. Try taking an unsold item of its inventory home. You'll end up in jail. Some owner *you* are, eh?

to the judicial panel an ability to act as a single corporate person insofar as having just common interests in the governance of public education is concerned. Uncivic free enterprise does not excuse uncivic negligence of the Duties of citizenship. Civil promotion of the general welfare through public education is one of those Duties.

- Municipal representatives. Municipalities are formed from aggregates of districts. In towns and small cities the social bonding among districts is frequently a tight one, although in larger cities granulation effects are often non-negligible and an intermediate intracity assembly (ICA) pyramid might be required to bridge between districts and the overall municipality. A municipality is here defined as an urban administrative division of a local geographic region having corporate status, local jurisdiction, and a limited autonomy of self-government. Municipal representatives represent common interests of the municipality as a whole. Because there is such a great variety of population and socio-economic factors found in U.S. municipalities, the organization, protocols, procedures, and rules governing municipal representation in the district committee is best left to the case-by-case determinations of each municipality *except that political party affiliation is forbidden to be a basis of representation*. Municipalities are already recognized as corporate entities because of city and town incorporation laws. Howsoever a municipality chooses how it wishes to be represented in the district committee, it nonetheless has only a single corporate vote on committee matters. In the current U.S. political system, and because of long-standing traditions and habits, a pronounced inclination to Taylorism is likely to be more evident in the nature of municipal representation than in the other representative groups. If such an inclination results in obstructionism or unreasonably uncooperative behavior on the part of municipal representatives, the chairman of the district committee is authorized to appeal to the judicial panel for redress of issues caused by such behavior. A judicial panel's ruling is legally binding on the government of the municipality in matters pertaining to public education.
- The county representative. A county is the next largest administrative level above the municipality. In a few increasingly rare cases, it might be the next level above a district in a region with no incorporated towns. By and large, what a district chooses to do within its own boundaries will be matters of no concern or interest at the county level, and in such cases the county representative need only agree to measures voted upon in district committee meetings. However, it is possible that some measure under consideration at a district committee could have a broader effect impacting the common interests of the county. It is vital to the general institution of public education that special interests of the districts not contradict common interests of the county. Local representatives might not always appreciate or understand that their actions could affect other citizens outside the district. Representing the common interests of the county therefore requires a representative who understands in detail what these common interests are. One important example of this is encountered when socio-economic factors favor the institution of a junior college or a trade school serving the needs of a county-wide region. Such an Institute quite often will require tax base support beyond the means of a district or a municipality. The county representative is an essential *integrator* for satisfying higher education needs for specific areas within a state. It is an unfortunate fact that, in most states in the U.S., county governance is not very autonomous. On the one hand, county commissioners democratically elected by a system of non-consensus democracy often tend to exhibit favoritism to specific voters or special interest groups and, on the other hand, county administration is subjugated by the state legislature in most states. Both situations tend to produce conflicts of interests. The county structure in Tocqueville's New England is an example of the

unwise way in which county governance is instituted in the U.S. To redress this shortcoming, the county representative is selected and appointed by the county-level public education committee (see figure 6). I discuss this in more detail in chapter 7.

- The taxpayers' representatives. Public education is part of Republican government. I discussed why this is so in Wells (2012), chap. 3, pp. 67-80. There I pointed out that a general interest of Society-as-a-whole – specifically, in the United States of America – is an interest in a *systematic* institution of public education. Only a person who thinks a breakup of the American Union is a matter of little consequence is unable to reason out why systematic institution is *at the least* a remote interest of every citizen. But difficulties in understanding this arise from the mini-Community phenomenon and one of its inherent characteristics. Specifically, *what is a common interest in the broad scope of a civil Society can be seen as a merely private interest when viewed from a narrower scope of mini-Community.* Because of this there arise many controversies over what constitutes educational matters that are *public* concerns vs. what educational matters ought to be viewed as *private* concerns. Remote interests are called remote because they are interests that a person rarely experiences in his day to day activities. It is often the case that an individual *merely does not know* that some (to him) esoteric matter does in fact affect life as it is going on around him nearly every day. For example, I find very few people living in Boise, Idaho who are of the opinion that knowing the history of the Massachusetts Laws of 1642 and 1647 has any pertinence whatsoever for anything affecting Boise or them. Yet these laws are historically responsible for that fact that Boise *has* public schools and indirectly responsible for the fact that every weekday morning from September to June a band of sleepy-looking teenagers and tween-agers trudges past my house to the corner where a school bus picks them up and takes them to the Kuna Middle School.

Public education requires public funding drawn from that fraction of wealth assets that every citizen agrees to alienate (by paying taxes) to the stock of public wealth assets. No *citizen* of the present day disagrees with this as a general principle. Where disagreements do occur is not with this principle but with which education functions properly belong to *public* education and which properly belong to *private* education. Another point of disagreement is over what funding is necessary for public education to accomplish its civil objectives vs. what funding has gone for 'frills' or 'fads.' There has been a breakdown in trust between many citizens and agents of public education. In no small degree this breakdown was caused by: Taylorism in public education administration; *plus* widespread public perception of chronic closed-minded refusal by an 'education establishment' to listen to legitimate inputs of ordinary citizens; *plus* a widespread opinion, sometimes factual and sometimes not, that unionization of teachers (another effect of Taylorism) has at times led to instances of dereliction of public Duty by teachers. Antibonding relationships were provoked, and in the latter half of the 1970s hostilities that had been building up exploded into view in the form of what came to be called "the taxpayers' revolt." They additionally led to many other controversies over education today [Wells (2013a), chap. 16, pp. 595-606]. The consequence is as fine a mess and as great a threat to the nation as a Toynbee might cite. Only a lack of violence, up to now, makes the current situation fall short of what Toynbee called a revolution [Toynbee (1946), pp. 280-281]. In some states, divide-and-rule tactics of political parties have increased levels of frustration felt by various special interest groups. These *will*, if not redressed, eventually provide a spark to ignite the still-missing factor of civil violence and destroy public education.

These issues in education are inextricably entangled with other socio-economic

factors likewise affecting decisions on the amount and distribution of that limited stock of public wealth assets we commonly (and somewhat incorrectly<sup>24</sup>) call "taxes." Here is one point where the institution of public education, as just one of the common interests of Society, potentially can come into conflict with other equally crucial common interests. In a free Society governed by principles of an American Republic, the only civil way to deal with potential conflicts of interests is by Republican ways and means. This brings me to the concept of the taxpayers' representatives. First of all, note that in Table I one of the advisors listed is the Economic Advisor. Among the duties of this individual is to advise the district committee on broader ramifications of tax policies. The position is required precisely because the entanglement of so many social contract issues affected by taxation creates a practical requirement to consult specialized expertise if sound decisions and policies that are reducible to practice are to be devised with an adequate understanding of their broad implications. As for the taxpayers' representatives themselves, they represent common corporate interests related to personal economics and tangible *Personfähigkeit* shared by the citizens of the district. These representatives are therefore *also* selected and appointed at the District Meeting, thus giving the citizens' corporate interest in taxation immediate representation in the decision-making body of the educational district. Again, it is not permitted for any person to be simultaneously a representative of multiple interests – in this case principally parents', business community's, and taxpayers'. With limited tax resources, equitable compromises capable of gaining consensus in policy decisions must be made, and for this tax considerations – including issues involving the issuing of bonds for public education – are a crucial factor.

- Mini-Communities' representatives. As I have noted elsewhere in this treatise, mini-Communities form and dissolve constantly. It is against the principle of flexible institutions to presume that any pre-defined static roll call of corporate interests can be robust or have sustainable pertinence to good government. A mechanism is needed for newly formed mini-Communities to be recognized and included in representation on the district committee. Likewise, it is necessary to have a mechanism to deal with old mini-Communities that have disintegrated and can no longer be regarded as corporate persons. The class of mini-Communities' representatives is, formally, a placeholder designation for new mini-Community representation. As for the mechanism of mini-Community recognition and inclusion, I propose a variation on a mechanism that was first set up in Great Britain around the time when commercial "companies" were first being invented. The British mechanism called for the founders of such enterprises to petition the King for a "charter" that recognized their enterprise and established terms and conditions – generally dictated by the King and his council – under which the enterprise would be allowed to legally operate. To adapt this idea for public education institution, the authority to certify and charter new mini-Communities is vested in the district's judicial panel (which likewise has jurisdiction over mini-Community disestablishment). Application for certification and chartering is to be made by petition from either the organizers or from the chairman of the district committee. The criteria for chartering are: (1) the mini-Community must have a practical definition of who its members are; (2) clear and convincing evidence must be presented that this association does in fact constitute a corporate person with unique special interests of

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<sup>24</sup> By "taxes" most people usually mean "tax money." But money *per se* is not a wealth asset. It is a medium of exchange by which actual wealth assets are procured and distributed. Tax money is what government uses to lubricate the process of wealth asset procurement and distribution. Money is an instrument that is used, among other things, to "keep score" of the amount of individuals' and Communities' wealth assets [Smith (1776), pp. 19-25]. Money doesn't buy happiness; it merely helps procure things that do.

its own; (3) the applicant must submit a plan specifying how representatives to the district committee are to be selected and appointed; (4) the plan must be congruent with the principles of citizen sovereignty and Republican governance of the corporate person; and (5) clear and convincing evidence must be presented that the corporate person applying for chartering has an actual and legitimately just corporate interest in public education under the terms and conditions of the social contract.

- The Committee Chairman and Recorder. The committee chairman is selected and appointed by the citizens of the district at a District Meeting. The recorder, who is a staff member agent of the committee and not a representative or advisor, is appointed by the chairman with the advice and consent of the representatives and serves during good behavior. Both the chairman and the recorder must be resident citizens of the district. The representatives have the authority to impeach a chairman or a recorder for dereliction of Duty, misconduct, or incompetence. In such cases a trial of impeachment is required and is presided over by the district's judicial panel. The Duty of the chairman is to moderate committee discussions, guide the committee's leadership dynamic, and maintain consensus democracy in its proceedings. The Duty of the recorder is to faithfully record the debates, discussions, and decisions of the district committee and to publish these minutes in a timely manner to the committee members, the district judicial panel, and the citizens of the district.

#### § 4.4 The District Advisors

Social systems of governance, regardless of the object being governed, involve many complex issues that impact or potentially impact many people. This is likely one reason why tyrannies are the most historically frequent form of governance; it is easier to coerce by force than convince by reason provided you command a potent enough and loyal enough army and police power (or the power to fire subordinates). You don't have to be smart to be a tyrant, although being smart helps if you want to be an *old* tyrant. Such was the difference between Caesar Augustus and Caligula.

The challenges that confront a system of governance in large Societies can to some degree be classified into divers categories. Governance for meeting these classes of challenges is greatly assisted by calling upon the knowledge of advisors who have particular expertise in those areas and can offer specialized insights into the nature and characteristics of the challenge. At all levels in the system of Tocqueville governance of education presented in this treatise, one of the chief challenges is achieving a workable means of *integrating* governance across increasingly larger fractions of the body politic. This is because as the scale of the body politic grows to include more people, fewer common interests are shared by *all* these people. The scope of authority vested in the divers committees therefore *necessarily* must become more and more restricted *because of the social contract requirement* that governance *must* leave citizens "as free as they were before" joining the civil association. What Rousseau meant by this is a social-natural theorem of deontological ethics that Kant later elucidated more precisely:

Someone may be compelled to Duty by others and even in that case may act freely. This happens when the other, having the right to do so, presents the subject [i.e., the person] with his Duty, i.e., the moral law by which he ought to act. If this presentation makes an impression on him, he determines his will by an Idea of Reason, makes through his Reason that representation of his Duty which already lay within him, and is only stirred by the other and determines himself according to that moral law. Here there is no sensuous impulse employed in order to compel him, and he acts, therefore, of his own free will; he is thus also to that extent free in his action. [Kant (1793-4), pg. 521]

In the final analysis, all social contracts come down to systems of reciprocal Duties members

of a civil Community cede to one another as conditions of their civic and civil associations. No governing agency can ever *impose* Duties or conditions on its citizens without first gaining the consent of *all* of them to alienate previously unalienated liberties. Nor should it expect to gain such consent without at the same time being clear about what civil liberties are gained in exchange for the natural liberties the governing agency would have them alienate. This is the bedrock of a deontologically moral Society and the binding force of its survival. Because governing agencies *cannot* impose Duties without the consent of the governed<sup>25</sup>, and because the governed will consent to them *only* if these do not contradict their Duties-to-Self, moral government must recognize the fact that common interests are fewer as the scale of population is greater. This *theorem* of social-natural political science is a causal explanation for a well known political aphorism, namely, "all politics is local." Moral politics reaches out *from* each individual citizen.

The Advisors of the district committee are staff agents selected for the *depth* of their peculiar specialized expertise **and** the *breadth* of their appreciation of the other categories of advice. They are nominated through the consensus of the committee representatives and, once appointed, hold their office "during good behavior." This phrase, commonly used by the Founding Fathers, is perhaps not so clearly understood today as it was in their day. It means that an Advisor cannot be dismissed from his office for any reason other than misconduct, dereliction of Duty, or incompetence. Neither 'competence' nor 'Duty' can *in any way* be construed to mean "telling representatives or the chairman what they want to hear." It is not an uncommon tactic of boards or committees appointed by Taylorites to seek to carry out an unpopular action by cloaking their decision behind the veil of an "expert consultant" brought in ostensibly to "advise" them. If that consultant tells them something contrary to what they want to hear, they bring in a second one, then a third, and so on until they find one who does tell them what they want to hear. They then "act on his advice." I have seen boards and committees do precisely this many times over the years. It is a sure symptom of Taylorism and despotic governance. Political party politicians do not generally like the idea of appointing someone for a term that lasts "during good behavior" because that term of appointment renders the appointee free from dependence on the good graces of politicians, depriving them of a source of power to be tyrants or Taylorites (which is the same thing). This is one reason legislatures like to have state judges reelected periodically instead of being appointed "during good conduct." It is also one reason politicians do not like tenure systems for teachers and occasionally launch political propaganda attacks against tenure.

With only minor changes, what John Adams wrote concerning judges fully pertains to the Advisors of the governing education committees:

The dignity and stability of government in all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice that the judicial power ought to be distinct from both the legislative and the executive, and independent of both, so it may be a check upon both, as both should be checks upon that. The judges, therefore, should be always men of learning and experience in the laws, of exemplary morals, great patience, calmness, coolness, and attention. Their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. To these ends, they should hold estates for life in their offices; or, in other words, their commissions should be during good behavior and their salaries ascertained and established by law. For misbehavior . . . the house of representatives should impeach them before the governor and council, where they should have the time and opportunity to make their defense; but, if convicted, should be removed from their offices and subjected to such other punishments as shall be thought proper. [Adams (1776), pg. 239]

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<sup>25</sup> A despotic government might *try* to impose them, but it cannot *succeed* in imposing them without the consent of the governed. The result of trying this is not acceptance of the Duty but, rather, moral secession.

The prime Duty of an Advisor *is* to the administration of justice in governance. Rather than the 'house of representatives' the judges of 'good behavior' are the committee representatives, and in place of 'the governor and the council' substitute 'the chairman and the judicial panel.' In place of 'judges' substitute Advisors and in place of 'the judicial power' substitute 'advisory body.' Other than for these modifications, the rest of what Adams wrote stands without further change.

Because Advisors are people chosen for their specialized expertise, it is more unlikely than not that competent Advisors could be found within each local district. This means that they should be sought in the wider spheres of Society (but not *excluding* the local district). Because of this, candidates for the office of Advisor are unlikely to be known personally by the citizens of the district. Therefore their selection *by the citizens at a District Meeting* requires special rules of election. The district committee, therefore, must *nominate* some several candidates to the district, the minimum number of nominees being established by the citizens (again at a District Meeting). The recorder must publish to the citizens the representatives' evaluations and opinions of each nominee's qualifications, his potential shortcomings, *and* the committee's vote demonstrating that the district committee is in consensus in the matter of his nomination. Because *all* nominees presented for citizens' consideration *must* be acceptable to the representatives *by consensus*, the nominee report *is* a committee endorsement of *all* the nominees presented. No representative or delegate, publicly or privately in person or through any proxy, is permitted to endorse any nominee or to discourage his election by the citizens. Any representative or delegate who does so is deemed to commit misconduct in office and tried for impeachment. Nominees may be required by the district committee to present themselves to the citizens at a District Meeting to state their views and respond to any questions any citizen may have for him. At the pleasure of the citizens, decided at a District Meeting, all nominees may be required, as a condition of appointment, to gather together at an appointed time and place to hold a debate on prepared questions or issues of concern to the citizens of the district, such questions and issues being presented in advance and in writing to each nominee with a reasonable amount of time allowed to them for debate preparation. No questions are permitted during the debate, and it is to follow strict debating protocol.

I now turn to the descriptions of the various Advisors to the district education committee.

- Municipal coordination Advisor. Education districts must be kept relatively small, on the order of about two thousand people, in order for a *Gemeinschaft* quality of self-governance to be sustainable. Ideas of larger scale governance are conceived on the basis of people's experiences with small-scale governance because only at small scales do individual's gain their first personal experiences with government. Robustness of *Gemeinschaft* self-governance crucially depends on abilities of individuals to assess many intangible factors from an intuitive basis, and this ability is precisely what is lost when the population of a community becomes too large. At the same time, however, few small districts possess sufficient economic resources to provide all that they need or desire for educating their learners. It will not be uncommon, as a matter of practical necessitation, for two or more districts to wish to pool their tangible resources in order to be able to provide what they deem important for meeting their educational needs. For example, the capital investment needed to build and maintain a school building is an employment of tangible corporate *Personenfähigkeit* which may be beyond the means of any one district but within the means of two or more combined. Pooling of tangible public wealth assets to build a school *does not necessitate* anything further than this (e.g. a combined curriculum). It is wholly acceptable that within the capital facility *more than one* district school be contained. Taylorites would argue against this on grounds of 'efficiency,' but 'efficiency' is not the reason two or more districts might wish to combine their strengths in a limited and mutually-agreed-upon way. Although each district is self-governing in its own educational matters, cooperation among

districts based on common interests is sometimes necessary for any of them to succeed in accomplishing all they want to accomplish. It is in no way necessary that the districts themselves should *consolidate* their education governance. It is only necessary for them to *coordinate* their efforts cooperatively. Consolidation implies hierarchy in education governance, but what the Tocqueville architectonic demands is heterarchy, not hierarchy.

The municipal coordination Advisor has for his specialty a detailed understanding of the local interests of other districts within the municipality, as well as of his own district. His primary Duty is: to advise the district committee on which interests the district has in common with others; how similar but non-identical interests might be cooperatively satisfied; and to work in unison with other districts' municipal coordination Advisors to moderate potentially conflicting differences so that where two or more districts have opposing interests, these interests can be made to be merely contrary interests instead of contradictory ones.

It is possible, and sometimes desirable, for the same individual to serve as Advisor to more than one district at the same time. If all these districts agree to this, then they must make a joint agreement detailing the specific terms and conditions for the joint governance of this *special* office. Such an agreement amounts to a social contract entered into by the districts, and this Advisor becomes a *de facto* member of both district corporate persons. The agreement must also state the conditions under which any one district is at civil liberty to unilaterally withdraw from the agreement and terminate the Advisor's district appointment. A sufficient reason for civil withdrawal from the joint agreement is if a district's representatives judge that the Advisor exhibits any favoritism toward any other districts to the disbenefit of their district. This situation is rather like two people employing the same attorney and one of them deciding to dismiss that attorney and replace him with another. In no case should a municipal coordination Advisor draw full salary from each of the districts he serves in those cases where he has a joint appointment. This provides a means for, as Madison put it, "giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others" in the case of an Advisor holding a joint appointment. Favoritism is uncivil and can cost him his job by means of his *job* being eliminated. This is not impeachment. It is change in a mechanism of governance appropriate to change of circumstances<sup>26</sup>.

- County coordination Advisor. As corporate persons containing a larger number of people, counties have interests that are remote to districts and municipalities yet nonetheless are common to citizens of the districts. Because these interests are remote to the districts, they are likely to be sometimes overlooked in the deliberations of district committees. The role of the county coordination Advisor is to advise the committee on matters concerning these remote interests so that decisions made at the level of the district do not gainsay the remote interests of the county. It may again be the case, as in the case of the municipal advisor, that two or more districts might choose to employ the same Advisor on multiple district committees. What was just said in the case of a municipal Advisor's joint appointment likewise applies to joint appointment of county

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<sup>26</sup> There is exhibited in human behavior what Toynbee called a *vis inertiae* that opposes making changes in organizations. This inclination is clearly contrary to the principle of flexible institutions. An example of this was once provided by history professor Robert Sobel of Hofstra University that some find amusing and others find a head-scratching puzzle: In 1803 the British government established a civil service job calling for a man to stand on the Cliffs of Dover with a spyglass. His job was to ring a bell if he saw Napoleon coming. The position was not abolished until 1945.



Advisors as well as to all other Advisors where a joint appointment is considered.

- Intrastate region Advisor. The role of this Advisor is the same as for the municipal and county Advisors. Only the scope of his responsibility is different. In states which have intrastate regional differences, it will often be more difficult for individual regions, and the counties, municipalities, and districts within them, to be cognizant of remote common interests shared by the divers intrastate regions. Joint appointments are again possible for this position, and again the same considerations apply to it. As is so for the other Advisor positions, the objective for this position is to coordinate local decisions cooperatively so that intrastate remote common interests are not gain-said by local decisions.
- State Advisor. As interests that are common to but remote from day to day local interests must still be served, the greater civil scope of such interests justly calls for broader public support in the form of public wealth assets so that no one locality is called upon to shoulder the burden of this support disproportionately. Examples of education Institutes serving state-wide interests include state colleges and universities but it must not be presumed that these are the only Institutes that might be necessary at the state level. For example, in states where agriculture is a major state-wide interest, many states mandate the establishment of agricultural 'extension services'. There might likewise be justifiable state-wide interests for 'commercial extension' or 'small business extension' services. The practice of having state taxes provide the tangible wealth assets needed to operate Institutes serving state-wide interests is a just practice. Any practice of having them benefit *only* local, county, or intrastate interests is unjust. Historically, policies, practices, and even clear justifications for what such interests are or how they are to be *justly* administered have been sources of great controversies owing to lack of serious technical attention to the specific natures of remote interests. The state Advisor's role is to advise on coordination of local policies and decisions in regard to state-wide remote interests so that civil cooperation rather than Taylorite coercion is achieved. This is, to a greater or lesser extent, true also of the other Advisor positions according to the scope of the pertinent remote interests for which an Advisor exercises his scholarly oversight. The previous remarks over joint appointments again apply to this position, as they do to all the Advisor positions. Indeed there can be very good reasons why joint appointments become more desirable and more likely as the scope of remote interests change with different levels in figure 6. It is important to keep in mind that right now we discussing Advisors to district committees. Advisors to the other committees are discussed separately in chapter 7.
- Interstate regional Advisor. Under the general state-centered organizational schema of government in the United States, there are real differences in political customs and also social customs among the divers states. Because of local differences no one should be surprised if, for instance, New Yorkers balked at any proposal for them to pay a tax in order to support a high school in North Platte, Nebraska. As soon as coordination/cooperation issues move beyond state boundaries, there is a subtle shift of focus in the role of district committee Advisors. The focus becomes less one of reconciling local decisions and policies with remote in-state common interests, and more one of discerning what remote interests states share with other states. Between the states and the national level, there are regional common interests that are not shared by states elsewhere in the country. For example, few people in Alabama are likely to find themselves concerned about the management of federal lands in the western United States, but many western states are fiercely concerned about the use and administration of federal lands. In the state of Idaho, for instance, approximately

63% of the land in the state was owned by the general government in 2010 according to data provided by the Idaho Association of Counties. Rancorous bickering between the state government and federal agencies such as the Bureau of Land Management goes on more or less constantly. Add into the mix corporate person special interest groups like various environmental groups, hunters' associations, logging associations, etc. and one finds a contentious set of circumstances that is prone to provoke attempts by some of these factions to coerce people by force of law or even by illegal means.

Regional common interests and potentials for cooperations in regard to education do exist in the United States. For example, since 1972 there has been a regional medical education program in the northwestern United States for the states of Washington, Wyoming, Alaska, Montana, and Idaho. It is called the WWAMI Program and it is headquartered at the University of Washington School of Medicine with regional branch campuses located at universities in the other states. To administer the divers local branches across the region, the branches have their own Deans. The program serves the northwestern region by training more westerners as medical doctors than would otherwise be possible for the individual states participating in WWAMI, thereby increasing the number of available physicians in these low-population states.

The interstate Advisor advises on coordinating district public education with other states in the region and advises on matters pertaining to learner preparation, curricular elements, technologies, learner advising and guidance, and so on in service of region-wide common interests. His function is to advise the district committee on such matters so that the district is able to benefit from opportunities of a regional nature.

- Federal Advisor. There are some relatively few common interests shared by all the nation's citizens. Satisfaction of these national interests does, of course, depend on the preparation learners gain from the earliest stages of their formal educational Self-development activities, including those acquired through formal public education. The federal Advisor is tasked with being knowledgeable about current and emerging national needs, as well as with federal regulations and laws affecting public education.
- Legislative Advisor and legal Advisor. Like the general government, state government affects education at the district level. In the early state constitutions, the role of state government – if the particular state recognized any such role [Wells (2013a), chap. 7, pp. 213-222] – was a tepid one of "encouraging" or "cherishing" public education. Stronger statehouse involvement grew as an effect of the Horace Mann era of early education reform in the 19th century. Through the remainder of that century and throughout the 20th, growing Taylorism in state government gradually brought local administration of public education increasingly under the thumb of the state legislature and state boards of education. Despite *pro forma* political propaganda praising 'local control' of education, in most states 'local control' means 'the statehouse' whenever governors or legislators want it to or oppose having the general government mandate some policy or practice to the state; it means 'the districts' whenever the legislature does not want the state to pay for some cost of education.

For the present, until such time as the cancerous incompetency of Taylorism in state government is eliminated, restoring sovereignty over education to the citizens of the districts requires better civil and more persuasive intercourse and truer cooperation between district governance of public education, the legislature, and the governor's office. The role of the legislative Advisor is to provide technical advice to the district committee for how to enhance the district's persuasion *Personfähigkeit* in interactions, direct and indirect, with the state government. The persuasion goal is to move the

present institution away *from* one wherein local districts are, in effect, forced to plead with state government for the meeting of their needs *to* a political environment where it can honestly be said that state government, as Thoreau put it, "listens to its wise minority" and becomes a servant to its citizens rather than a master over them.

I think it cannot be too much stressed that, in instituting basic reforms to the general system of public education, it is a matter of the highest importance that the process proceed legally, conforming to just laws and changing or eliminating unjust ones. It is true, as William Pitt said, "where laws end, tyranny begins." One cannot re-ignite Progress in Society without Order in Society, and without the observance of just laws no Order is possible. The legal Advisor is *not* the district committee's lawyer, for as Edmund Burke said, "It is not what a lawyer tells me I *may* do; but what humanity, reason, and justice tell me I ought to do." The legal Advisor's role is to advise the district committee on the technical details of how the committee *can* do "what humanity, reason, and justice tells them they ought to do." His role is not to defend the district or, much less, the district committee from lawsuits but, rather, to advise them on how they may *with justice* do what their Duty calls upon them to do. He is their resident legal scholar, not their corporate attorney.

- The schooling Advisors. Learning is a natural phenomenon and malleable to the influence of *guided* experience. Those who so influence a learner are called teachers. Everything in the environment in which learning occurs affects what is learned, how it is learned, how thoroughly it is learned, and when it is learned. Key factors in these environmental influences are: (1) the topics of learning; (2) systematic organization of instruction; and (3) the direction in which the learner's future learning will go. In the organization of instituting education institutions, the first is the assigned concern of the academic Advisor, the second the concern of the curriculum Advisor, and the third the concern of the higher education Advisor.

However, it must be clearly understood that these individuals give expert advice, not make decisions of policy or implementation. As *learning* is a natural phenomenon, *instruction* is an activity capable of being made into a social-natural science. In this context the three schooling Advisors are the education-science advisors of the district committee. Dewey and the Progressive Education Movement were not wrong to say education could and should be a science. Where they erred was in thinking specialized expertise in education science qualifies scientists to govern education. That supposition was wrong at the inception of the movement and would have been wrong even if there had been at that time anyone who was a social-natural education scientist, which there was not. When Dewey and the Progressive Education Movement reformers adopted Plato's *Politeía* as their ideal model for Society [Wells (2013b)], they implicitly adopted Plato's 'philosopher kings' thesis, i.e., they thought specialized experts in education should govern the education system. Ravitch wrote,

The progressive education movement wanted to make education into a profession. It wanted to curb the influence of laymen, especially in poor and immigrant neighborhoods, in decision making about the schools. Toward these ends, progressive reformers created centralized school bureaucracies and civil service systems in urban districts that minimized lay participation in education policy. [Ravitch (2000), pg. 54]

I agree that education needs professionals – I will go so far to say it *must* have them if it is to provide the greatest benefit to its Society. But it is a profession of *instruction and teaching that answers to* a higher social authority, *viz.* the social contract of the

Republic. It is not the place of educators to decide what the civil Community ought to want and need the learners to learn; it is their place to figure out effective ways to satisfy its *expressed* needs and wants. To do this requires the Advisors to understand learning psychology, the stages of learner development, and effective methods of leadership for provoking desired educational Self-development actions by learners. There is a sardonic witticism sometimes heard in teachers' lounges or cocktail parties: "You can lead a student to knowledge but you can't make him think." This is true, but what is also true is that instruction can and must be made *thought provoking*. Only the learner can make himself think, *but he will do so* if he is provided with effective instruction and is stimulated by his teacher's effective leader's actions.

The roles of the three schooling Advisors are to provide the committee with expert objectively valid scientific advice on how to most effectively design and operate the mechanisms of instruction in such a way that the social goals of the Republic are met. For public education, the ultimate goal *justifying* its entire institution is development of good citizens for the Republic. Public education is not a charity and never was.

Meeting this goal necessitates an alignment of topics of instruction with Society's objectives; analysis of this is the role of the academic Advisor. It requires integration of curricula of lessons and experiences for provoking desirable educational Self-development actions from the learners; analyzing this is the role of the curriculum Advisor. Lastly, it requires that prerequisites for the learners' future educational Self-development be provided regardless of whether the learner's interests and Duties-to-Self incline him toward higher learning at a trade school, a community or junior college, a four year college, or study for an advanced degree. What sort of preparation is prerequisite for this? It subsists in *the development of the learner's practical schemes for mastering new knowledge*. Analyzing this is role of the higher education Advisor. Indeed, it was Dewey's intent and passion that *this* be the sort of education schooling provided. In this he was not wrong although he did make some important design errors about how this could be achieved. The three schooling advisors are expected to be special types of scientists, masters of design *téchne* for instructional systems. But they are *analysts* of instruction systems, not *determiners* of what instruction is to accomplish. The *design* of curricula and instruction falls to the practitioners, i.e. the teachers. The advisors are analysts of *systems* of instruction. In a practical sense, they are the design *reviewers*, not designers *of*, instructional *téchne*.

- The economic Advisor. Economic circumstances are inseparable from the institution of public education. The sole justification for *public* education is to benefit Society by molding and forming citizens who willingly commit themselves to its social contract. But this objective cannot be met if those we would have be citizens are left unable to satisfy their Duties-to-themselves. It cannot be met if the learners emerge from public education ignorant of their civic Duties as citizens or unwilling to fulfill these Duties. The economics of a Society is one of the most potent environmental factors affecting Society's ability to grow its citizens through education.

It is not too strong a characterization to say that the present depth of understanding of social-natural economics found to prevail among Americans today is appalling. The civil liberty of every person to be an entrepreneur who is the master of his own economic enterprise, the ability of individual entrepreneurs to successfully cooperate with each other in a civil joint Enterprise, the capacity for individuals and corporate persons to foresee and plan for future opportunities and challenges, the competency of governmental authority figures and international diplomats – all of these things and many more crucially depend upon sound knowledge of economics at the local, state,

interstate, national, and international levels. Economics is the most potent determiner of the state of general welfare in a Society. Its sphere encompasses all business and commerce, all career choices, and a great fraction of all lawmaking. It is the single most potent provoker of uncivil and criminal behaviors, and from it emerge some of the most dangerous challenges to the survival of a Society. For these reasons, determination of educational policies and institution of public education left unguided by sound understandings of economics can only be called egregious folly.

Andrew Carnegie wrote,

Among the expedients suggested for their better reconciliation, the first place must be assigned to the idea of cooperation, or the plan by which the workers are to become part-owners in enterprises and share their fortunes. There is no doubt that if this could be effected it would have the same beneficial effect upon the workman which the ownership of land has upon the man who has hitherto tilled the land of another. The sense of ownership would make of him more of a man as regards himself, and hence more of a citizen as regards the commonwealth. But here we are met by a difficulty which I confess I have not yet been able to overcome and which renders me less sanguine than I should like to be in regard to cooperation. The difficulty is this, and it seems to me to be inherent in all gigantic manufacturing, mining, and commercial operations. Two men or two combinations of men will erect blast-furnaces, iron-mills, cotton-mills, or piano manufactories adjoining each other, or engage in shipping or commercial business. They will start with equal capital and credit; and to those only superficially acquainted with the personnel of these concerns, success will seem as likely to attend the one as the other. Nevertheless, one will fail after dragging along a lifeless existence and pass into the hands of its creditors; while the neighboring mill or business will make a fortune for its owners. [Carnegie (1886), pp. 110-111]

I do not find it surprising Carnegie would "have not yet been able to overcome" the "difficulty" his parable illustrates. Carnegie was a man who in word and deed strongly displayed the interpersonal and behavioral characteristics of Expressive personality [Carnegie (1920); Nasaw (2006)]. He seems to have harbored a self-image by which he attributed his extraordinary business success to his innate natural talents, skills, and business acumen. He would have denied that any of this was due to education, and in the context of *public* education he would not have been wrong about this. His formal schooling ended when he was a twelve-year-old boy in Scotland. But when he was a boy in America, Carnegie benefited from the mentorship and teachings of several businessmen who took likeable and hardworking young "Andy" under their wing. He benefited from a man, James Anderson, who opened his private library to Carnegie and his friends so the boys could pursue their own self-directed private educations "and in this way the windows were opened in the walls of my dungeon through which the light of knowledge streamed in" [Carnegie (1920), pp. 44-46]. But Carnegie grew to manhood in a state-of-nature, ruthlessly harsh business world unbound by any social contract, and in which the denizens were unashamed economic predators. There is no reasonable doubt these experiences also partially shaped his educational Self-development. It is not recorded that Carnegie ever extended to any other 'working boy' the *personal* help others had extended to him. To use his own metaphor, he never personally "opened the windows" of any boy's "dungeon." It is not puzzling he did not recognize that education *is* the means to overcome 'the difficulty' he saw as 'inherent' in his business world or that he attributed success to innate talent. Carnegie mistook 'schooling' for 'education' and thereby mistook himself to be uneducated.

Economics was originally a social-natural science (and it is extremely important to

make it be one again). The economic Advisor is the staff scholar advising the district committee on economic factors and consequences pertinent to public education. He is to be their staff *social-natural* economics scientist. It was through a lack of thorough-going understanding of economics, and simple-minded unnatural policies that followed out of this lack of understanding, that major enormities were perpetrated by 20th century education reforms. These, instead of growing the learners' tangible *Personfähigkeit*, instituted a system that perpetuated economic castes. We must not make that mistake again. We cannot afford to make that mistake again.

- Work-study Advisor. A major contributor to the success that was achieved by early public education in pre-Revolutionary America, limited though that success was, was the apprenticeship system. The loss of this institution after 1750 during America's Economy Revolution [Wells (2013a), chap. 5] was a serious blow to American education and one of the major contributors to the dramatic performance decline in the American institution of public education seen in the early 19th century. Some very modest efforts to realize some of the lost benefits of the defunct apprenticeship system were made by New Deal programs during the Great Depression, but these efforts had very limited, and no long-term, effects on the general welfare. They were fought tooth-and-nail by Taylorite school administrators and the National Education Association, who wished to see these programs placed "no strings attached" under their own rulership [*ibid.*, chap. 15, pp. 561-563]. The Roosevelt Administration refused to do this, and that was a wise decision.

For a number of reasons, it is not practical today to try to bring back the long-dead apprenticeship system of the early 18th century. Society has moved far past this in-many-ways-admirable but nonetheless obsolete Institute. But it has also been proven unfeasible for public schools to provide an adequate educational substitute for it. Yet having *some* substitute institution serves a very important social-natural maxim of education theory known since the work of Pestalozzi and championed, using other words, by Dewey and Bode [Wells (2013e)]. Using the terminology of Critical education science, this is *the maxim of practical scheme development*, which is contained in the Critical functions of public education in the personal dimension of the learner (figure 5) [Wells (2012), chap. 6, pp. 188-195].

If a practical substitute for the educational Self-developments once made possible by the old apprenticeship system is to be feasible at all, it requires something that has not been previously tried in the institution of American public education, namely joint cooperation between school Institutes and local business communities. The germ of the idea appeared during the 1930s in the New Deal's National Youth Administration program, where it was called the "work-study program" [*op. cit.* Wells (2013a)]. The principal intent of the NYA program was to assist young people to earn enough money to stay in school, but this is not the principal intent of work-study as I describe it here. Rather, the principal intent is to provide practical exercises in craftsmanship, social skills, and other functions of education (figure 5) necessary for the possibility of developing practical schemes in the learner's manifold of rules that are essential to his later civil liberty to be an entrepreneur in Society. It is, in other words, part of the process of teaching *capital skills* to learners.

Because what I propose here is a new idea, I think it prudent to first say a few words on what it is *not* and specify some conditions that must be applied to its institution. It must be clearly understood that I am not advocating anything that remotely resembles child labor exploitation. The proposal does say older children would gain practical experience by spending a limited number of hours per week, in the company of adults

in the environment of a local-to-the-district place of business, engaging in practical exercises beneficial to that business; but the cooperation between the business community and the school must be pinned to the understanding by both that the purpose is to provide capital skill building experience for the learner and cannot in any way be regarded as any sort of job training. It must also be understood that the institution *must* pay attention to the child's stage of mental development, and that children who have not yet entered the stage of formal operations [Piaget (1953), pp. 8-22] are not mentally ready for the unstructured environment of a real workplace with its unfamiliar-to-the-child adults. For this reason, and out of responsible concern for children's physical safety, younger children's work-study experiences must be confined to the school grounds and use specially designed practical exercises carried out under the supervision of school teachers. However, the design of these exercises should be made in consultation with members of the district's business community and might perhaps resemble the sorts of exercises typical of a Junior Achievement project. In those places where a Junior Achievement program already exists, a joint Enterprise between JA and the schools in designing this element of the curriculum might be undertaken. The work-study Advisor, who serves as a liaison between the district committee and the business community, is responsible for putting together teacher-business person collaborations of this sort. Members of the business community involved in this facet of education institution *must* be members of the local district so that they are *personally known to the parents of the district*. The organization of the school-business community joint Enterprise must be structured as a heterarchy. Under no circumstance whatsoever are practices of Taylorism to be set up or tolerated. The joint Enterprise is "to open the windows of the child's dungeon through which the light of knowledge streams in."

It is not fundamentally necessary for the achievement of capital skill development that learners receive wages for engaging in this *education* function. Other interest-provoking rewards for the learner will serve equally well in place of wages<sup>27</sup>. I would be surprised if there was a small businessman in America who would not welcome 'free help' in his business if he could get it, or if there would be many small businessmen who would be so imprudent as not to recognize that raw young learners are unlikely to be capable of many tasks routinely expected of adult wage-laborers. There are some who would not be interested in or have the patience to mentor young learners, but there are others who would be happy to and patient enough to do it. Because young learners would have only limited available time for these activities, it is unlikely that this new *civil role for employers* would have any significant ill effect on adult unemployment. It is more likely that it would *augment* employers' tangible *Personfähigkeit* rather than be detrimental to *Personfähigkeit* for adult wage-earners.

The primary purpose served by this addition to the institution of public *education* is not job training but, rather, development of capital skill. Experience in performing job or job-like tasks does promote development of capital skill because all human beings learn from examples, *i.e.*, we *all* learn from the particular to the general. To ensure that capital skill is what the learners develop, the laboratory function cannot be entirely divorced from academic functions. It must have something instituted within the school curriculum that serves intellect *co*-development. Otherwise the endeavor will miscarry in ways similar to a case Ravitch commented upon, *viz.*,

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<sup>27</sup> It should be remembered that apprentices in the 18th century received no wages for their work. However, its practice of punishments, corporal or otherwise, is absolutely forbidden in the work-study institution.

Dewey was naïve about how his ideas could be implemented in the public schools. In one of his famous lectures, he chided those who favored a course in zoology over a course in laundry work; he said that either could be narrow and confining, and either might "be so utilized as to give understanding and illumination – one of natural life, the other of social facts and relationships." This was true in theory, but in practice the children who were studying zoology were probably learning the principles of science, while the children in the laundry work course were surely training for unskilled work. In the reality of American public education, students in a course of laundry work were not gaining "understanding and illumination" and were not learning about "social facts and relationships." They were simply learning to wash and press clothes. [Ravitch (2000), pg. 59]

For "work-study" to **mean** "study through the *means* of work experience," the lab practical constituted by time spent doing something must be closely accompanied by learning exercises involving reflection and integrating the isolated work experience with other *contexts* within the learner's personal experience. For the learner, the time spent engaged in 'work activity' should be made to be like a kind of *active* field trip. But the activity will be educationally useless without, e.g., follow-up essays, "show and tell" sessions, and exercises in what I will call "creative romances" based on what the learner has experienced – such as inventing a folk tale similar to an Aesop's fable or the classic children's story, *The Little Red Hen*. Activities of this sort *must be designed by a teacher* and not left to fall victim to the young child's difficulties with juxtaposition and syncretic incapacity [Piaget (1928), pp. 221-232]. I will go so far to say that I think the value of storytelling, imaginative literature, poetry, and even comic books is too much overlooked in instruction, too much regarded as "entertainment" rather than as the vehicles they can be made to be for connecting to the learner's imaginative capacities and drawing out an enrichment of his concept-structure in the manifold of concepts. Without such a drawing out, what a child learns from a practical activity will remain confined to his manifold of rules and not be drawn out to enrich cognizant capital skill capacities.

Instruction of the kind I am describing here has never been tried in a systematic way in American institutions of public education. It is new ground for pedagogy theory. The work-study Advisor is the district committee's pedagogy scholar for this addition to public curricula. He is also a mediator/ambassador between the schools and the district business community and the eyes and ears of the district committee for its implementation. The Advisor must become a citizen of *all* these mini-Communities.

- Mini-Communities Advisors. I spoke earlier of a necessity for flexible institutions and specifically named flexibility in regard to new mini-Community formations and dis-integrations as part of this. With the addition of new mini-Communities comes a need for special Advisors to integrate them into the public education system. If a new mini-Community is excluded from the civil liberty to participate in the governance of public education, this is the beginning of a systematic injustice.
- The social contract Advisor. There is no justifiable ground for public education except a Society's social contract. For that reason, and from the teachings of the history of public education in America, there is no stronger regulation under which the system must operate than regulation by the terms and conditions of the social contract. The social contract Advisor has one Duty and one expectation of authority in the system of education governance proposed in this treatise: to evaluate the congruence between governance of education and the social contract. *Injustice is anything that violates the social contract*. The role of the social contract Advisor is to be the first line of defense



for justice in the legislative and executive parts of the system. His office belongs to the judicial branch of public education governance *and he is a judge*.

### § 5. Recap of Empirical Principles

The organization design presented in this chapter, and continued in chapter 7, is based upon a small set of empirical principles of organization and governance posited from analysis of the historical characteristics revealed during the review presented above. In the earlier discussions the principles were left implicit within the discussions, but now it is time to extract them clearly and present them in a summary recapitulation. The empirical principles are the following.

1. The phenomenon of mini-Community is the dominant factor affecting a Society.
2. Taylorism institutionalizes incompetence and injustice.
3. Responsible autonomy with decentralized and locally *Gemeinschaft* governance most strongly preserves the sovereignty of citizens.
4. Competency of civil officials is best guaranteed by placing the power to choose governing officials in small *Gemeinschaft* Communities.
5. Justice in *Gemeinschaft* democracy requires citizens to fulfill specific civil Duties of self-governance and for official duties to be minutely divided.
6. The security of Republican governance depends on separation of authority between the divers officers and functionaries of governance.
7. Jurisdiction over matters of disputed authority must be vested in a distributed court system as part of the judicial branch of government.
8. Just representation of mini-Communities necessitates a judicial process of certifying and chartering mini-Communities as corporate persons.
9. The governance of education is tasked with an expectation of authority that common interests shared among mini-Communities will be satisfied, and therefore the form of governance for and by these corporate persons is a federal form.
10. Management by consensus building produces an effective community of civil leadership in governance.
11. Checks and balances among legislative, executive, and judicial authorities is necessary.
12. Re-institution of capital skills education, replacing education functions once provided by the apprenticeship system in colonial America, is required to achieve acceptable performance ratings in the skills functions of tangible education.
13. There must be no *hiatus* between different levels of governance.

Critical epistemology tells us this list of empirical principles cannot be a list of axiomatic principles because they do not conform to a 2LAR structure. Such a structure must have four main headings, each with three synthesizing principles for a total of twelve fundamental axioms. In addition, the set of twelve principles must be set in correspondence with the twelve general ideas of knowledge representation (identification, differentiation, etc.) [Wells (2009)]. There are thirteen principles here, and they have not been related to the general ideas or classified under the four headings of Quantity, Quality, Relation, and Modality. Therefore, the empirical principles listed only provide a starting point for developing an empirical organization science *as* a social-natural science. 2LAR structure is to the development of an empirical natural science what the

periodic table is to chemistry.

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