

of a small, officious, and self-promoting cadre of busy-bodies, who bore and repel their fellow citizens.

A solution to the conundrum of the excesses of the public-law solution and the frailties of the private-law one should remain faithful to democratic experimentalism. Such a solution would enable the private-law and the public-law approaches to coexist, thus giving practical effect to the idea that a free civil society lacks a "natural" legal form, while combining each approach with a corrective mechanism suited to its special defects.

The corrective mechanism for the public-law arrangements should be the private-law arrangements, available as means by which to opt out of the arrangements established by public law. The exercise of this right to opt out and redesign a piece of civil society should remain subject to two conditions. The first condition is that those who opt out find themselves, *vis-à-vis* one another, in a circumstance of relative equality rather than in a relation of dependency and domination. The second condition is that the right to opt out not be exercised to entrench a little citadel of despotism, recalcitrant to effective challenge and revision.

The corrective mechanism for the private-law regime of contract and corporate law is the foundation of a branch of government — different from the branches we know — that would be charged with the task of localized and reconstructive intervention in particular organizations and areas of social practice. Generalizing and extending the American judicial practice of "complex enforcement" through structural injunctions, it would intervene in particular social organizations and areas of social life in which the normal forms of economic and political action and defense have ceased to be effective, leaving unchallenged micro-worlds of subjugation and exclusion. Its work would be both remedial and reconstructive, both structural and episodic. Among its responsibilities would be to act directly against the practices that help prevent the disorganized from using the legal devices of

organization. It would need resources, capabilities, and powers the traditional judiciary lacks.

The school. No organization is more important to the progress of democratic experimentalism than the school. But a school is no more the tool of a particular institutional program, however experimentalist the temper of such a program may be, than a mind is the faithful expression of a social and cultural system, however inclusive and tolerant such a system may become. The school exists at the same level as the institutions of politics and production. The school and the political and economic order set constraints upon each other. Our thinking about both the school and the order can draw upon the same body of ideas about personality and society. What type of education responds to the concerns about self and society motivating the program of democratic experimentalism? A good place to start in answering this question is the revision of the conventional idea of "progressive education," as it stands today, after repeated dilutions.

First, there can be no progressive education without a significant measure of social endowment. It is not enough for the school to be available to children; children must also be available to the school. Children must enjoy the economic and medical support enabling them, whenever possible, to remain in their families. Often, such support will prove most effective, and most likely to bind school and family together, when it is administered through the school over the entire, extended working day. This child support will in turn work best when community organizations help formulate and administer it, from the bottom up as well as from the top down. In the sustaining climate of this associational life, families, too, can organize to work with schools. The complication comes later, when we consider the third element in progressive education and the pressure it brings to bear against the other two elements.

Second, the school, like its successors in the education of the

adult, should concern itself primarily with the development of generic capacities by contrast to both training in specialized skills and the passive transmittal of information. Such capacities may be practical as well as conceptual, and they will include the core substantive tools of learning. The heart of this education in capacities is the transfiguration of the actual by the imagination of the possible. In natural science and social and historical study we come to understand how and why things work by discovering the conditions under which each thing can become something else. We rob the existent of naturalness the better to make it intelligible. In art we make another world, freeing the social regime we are in from some of its dumb facticity and somber authority. In manual labor and technology we establish a living, fluid correspondence, of method and intention, between practical reason and cooperative work until we render insubstantial the differences between the conception and the execution of practical tasks. In all these ways, we make the world — the practical world of society as well as the imaginative world of culture — safer not just for experimentalism and democracy — but for the type of context-transcending being who should become the agent of democracy and experimentalism alike. Thus, by placing the development of practical capacities at the center of education, we also give tangible expression to the idea, fundamental to any experimentalism, in science or in knowledge, that there is more in us — more in our capacities of insight, invention, and association — than there is in any list of the social and cultural orders, the sciences and the arts, that we have established.

Thus deepened and generalized, the experimentalist commitment produces a moral and psychological complication. The problem lies in the implications that detachment from context has for wholehearted engagement and action. If the price of freedom from context is an increased division of the heart in each of our undertakings, then the price is too high. I later discuss this

problem as part of the gamble required by a commitment to democratic experimentalism.

If progressive education were limited to these two commitments — the commitment to make the child available to the school and the commitment to place capacity above memory — it would suffer no internal conflict. It would imply an unqualified acceptance of family and community control of the schools and an equally unqualified rejection of the ideal of a "classical canon." However, there is a third, regularly suppressed element in the idea of progressive education. This third element dramatically complicates the character and position of the other two and changes their implications for communities and canons.

The third element in the program of progressive education is the commitment to rescue the child from its family, its class, its country, and its historical epoch. It is to give children the powers of insight and action and the access to alien experience enabling them to become little prophets. The remaking of our understanding of the actual by the imagination of the possible requires a large measure of detachment from the now dominant culture.

As they grow, the little prophets may turn against the democratic experimentalism that redoubled their powers of apostasy. As democrats and experimentalists, however, we trust that more little prophets will reinvent, reform, and deepen democratic experimentalism, connecting it with concerns it seems to exclude, than will repudiate it. It is a gamble no different in character from the one made by the entire institutional program developed in this book. What makes this gamble reasonable, in one instance as in the other, is a view of the psychological force, the spiritual authority, and the practical benefits of a loosening of the stranglehold of circumstance over self. This turning of the tables in our relation to the institutional and discursive contexts of our lives is bound up in science with the correction of our mistakes; in

production, with our relative success at reconciling the requirements of cooperation and innovation; in politics, with the lifting of the grid of entrenched division and hierarchy weighing upon our relations to one another; and in moral experience, with the development of some check upon the destiny of character (for a person's character is a rigidified version of his or her self as an institutional order is the rigidified version of a society). We value the powers of the little prophet for these causal connections as well as for the direct witness they bear to our nature, as spirit situated in context, the infinite caught within the finite.

The prophetic element in the idea of progressive education modifies the unreserved commitment to community or family control as well as the straightforward rejection of a "classical" education. If it is part of the task of the school to rescue children from their communities and families, we cannot deliver the school to families and communities. But what is the alternative? A traditional European model of elite education entrusted the leading role to a centralized educational bureaucracy. It expected this bureaucracy to serve as a counterweight to the local milieu of the child and the school and to do so in the interest of elite capability rather than of social diversity. A Prussian Minister of Education and his professorial staff claimed to have established an educational system that would enable a gifted Pomeranian child to see beyond the horizons of his village and prepare him for service to the state. In the program of progressive education, there can be no such authoritarian solution. A central, reforming educational bureaucracy must become, at best, one of a number of counterweights to the family and community control of the school. The most important agent should be the movement of teachers themselves. The teachers must act against a background in which families, local powers, and central authorities create, through their parallel and conflicting involvements, a space for the educators, and in which society, through the transforming work of democratic experimentalism, becomes less anxious to

reproduce itself. Imaginative empathy for a possible humanity must gain the ascendancy in many minds.

Similarly, once we reintroduce into the idea of progressive education the suppressed element of the cultivation of critical and prophetic powers, we must begin to take a more qualified attitude to the discarded ideal of classical education. This ideal is defined by the combination of two ambitions: (a) an intense study of a culture standing at some distance from the now dominant beliefs but one that (b) enjoys a genealogical relation to the present culture and a canonical status within it. In European civilization, there was always a double basis for such a program: the study of Graeco-Roman antiquity but also the study of Christian doctrine. The doubleness of the canon turns out to be of more than accidental interest; it is a principle we must radicalize if we are to reinvent the idea of classical education in a progressive spirit.

The benefit of an education satisfying the classical requirements is to give mastery in a mode of a judgement placed at a subversive, suggestive middle distance from the present and its faith. Max Weber remarked that inspiration for many of the greatest cultural accomplishments has often come from being placed at the periphery of a civilization. At its best, a classical education enables us to hold such a place with respect to the culture into which we were born. In the circumstance of self-appointed exile and proud authority in which it puts us, it equips us to see the familiar as strange. It strengthens us in the capacity and the willingness to pass judgement upon modes of conduct and sensibility that seem at first unassailable. It gives us the imaginative nourishment that can come from being simultaneously insiders and outsiders.

However, a twin taint burdens the traditional form of classical education, preventing it from fulfilling this role more powerfully. One taint is social: the use of the education as an ornament of elite status and a marker of social distinction. The other taint is cultural: the weakening of reconstructive power and faith that

may result from devotion to a closed, rather than a living, canon. What limited both these burdens in the Western practice and understanding of classical education was the duality of the pagan and Christian genealogies. Despite all efforts at reconciliation, their continuing coexistence produced imaginative trouble and opportunity. Moreover, the content of Christian faith made the trouble hard to contain, for it inspired an incurable ambivalence about worldly wisdom and power, a belief in the centrality of personal love and personal transcendence as well as of the inevitability of their conflict with society and its arrangements, and an insight into the decisive, dramatic, non-cyclical character of historical experience. We have only to read the nineteenth- and early twentieth-century European novel, a typical example of a genre deriving much of its force from its place in the imaginative afterlife of Christianity, to recognize the persistently explosive potential of the second of our two canons.

For all its usefulness, the double canon – classical and Christian – cannot provide an acceptable solution to the problem of education under democratic experimentalism: first, because it is a local solution, unavailable, as a matter of belief, to the majority of humanity, including the majority of what have historically been Christian societies; second, because the secular character of public education is an intrinsic rather than an accidental feature of the school system in a democracy; third, because the development of the suppressed prophetic element in the idea of progressive education requires an imaginative enlargement of the number of our canons and change in the character of their relation to our creative freedom.

A democracy needs to educate the young in varieties of vision and judgement at some critical distance from the here and now. It cannot remain content with an outward celebration of cultural diversity or a pretense of the equality of cultures. We must indeed find power of insight and inspiration where they in fact reside. However, there is no reason to suppose that they reside

only in those traditions toward which, as individuals, societies, or cultures, we acknowledge a genealogical relation. Just as the diversity we can construct in the future matters more to the democratic experimentalist than the diversity we have inherited from the past, so we are capable of finding genealogies rather than of merely inheriting them. We can redefine the idea of the classical canon as a special case of a larger family of ways of gaining distance from the established culture just as we redefine the centralized educational bureaucracy as a special case of a larger set of ways to limit community influence over the school.

The triple gamble of democratic experimentalism

Program and risk. The democratizing alternative to neoliberalism described here is far from being the only plausible way in which to advance democratic and experimentalist ideals. It is simply one of several directions of departure from present institutional arrangements. (In another book, *What Should Legal Analysis Become?*, I have explored this larger family of alternatives.) We can develop and reshape each such alternative in the particular circumstances of a broad range of contemporary countries, rich or poor; differences of material circumstance or historical experience fail to predetermine the direction in which a society must go. The greater the progress toward democratic experimentalism, the weaker this or any other form of social predetermination becomes. Each pathway for the development of democracy may begin as a set of modest innovations embraced in the hope of realizing more fully recognized group interests and professed social ideals. Each, however, when pushed far enough, begins to reshape established definitions of group interest and identity by changing the social stations on which the existing logic of group interests and identities depends. Each, therefore, ends up imply-