

## Charter Schools: Particularistic, Pluralistic, and Participatory?

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I agree with Stacy Smith's claims that charter schools need not be illiberal or anti-democratic, and that they have the "potential to embody a more participatory, more deliberative form of democratic politics in the public educational sphere." Charter schools have the potential to foster the development of the skills, values, and knowledge necessary for democratic citizenship in a way that is not likely to occur within the current organizational structure and constraints of the public school system.<sup>1</sup>

However, as Smith's own qualified claim suggests, such schools also carry the potential to be illiberal and anti-democratic. As Noddings has observed, in her carefully qualified endorsement of schools as communities, communities at any level can be used for good or bad ends.<sup>2</sup> Given that the potential of charter schools may be two-faced, the normative standards that we use to develop, regulate, and evaluate charters will play a critical role in determining the ends which these schools may serve, in short, whether they are liberal and democratic.

Smith's identification of deliberative democratic theory as a possible normative model of democratic association which can be applied to charter schools, is, then, an important contribution to the charter school literature. Given the constraints of this essay, I will not address the general question of whether deliberative democratic theory can provide a regulatory ideal for charter schools. Instead I will focus on whether the normative standards derived from this model, as presented by Smith in her essay, provide sufficient guidance to prevent illiberal and undemocratic public education associations. I will argue that for charter schools truly to serve public interests and to protect the rights of individuals and groups, it is necessary to define further and expand these standards; however, such definition and expansion may prove to be of such a nature that charter schools may no longer successfully satisfy demands of communitarians or liberals, limiting the capacity of these schools to serve simultaneously as voluntaristic associations and as public political communities.

Smith identifies several particular normative standards of democratic association, derived from Benhabib's participatory conception of deliberative democracy and Cohen's associative strategy. Charter schools are to be assessed according to the degree to which 1) their organization balances a plurality of interests in public education; 2) their governance procedures result in legitimate collective decisions; and 3) curricular and pedagogical practices within a charter school promote regulatory competence in future citizens.

### BALANCING A PLURALITY OF INTERESTS

Multiple groups with an interest in public education should be granted the opportunity to represent their interests within the public educational sphere. Smith indicates that particular attention should be given to those groups who are currently

excluded or limited from advancing their interests within the public educational system. Clearly, if we are to allow multiple particularistic groups to establish educational institutions centered around specific educational missions and shared values, it is essential somehow to “balance” these interests. Just what this entails, though, is not addressed and must be further specified. Does the balancing of these interests require that charters be granted in such a way that different particularistic groups are given equal or even compensatory representation? Liberals and communitarians will object if some particular interest groups are granted charter status and others are denied. Alternately, liberals are sure to object if the state limits the kinds of associations that are permitted in the name of balancing interests. It is clear that if we are to balance a plurality of interests, which is required if charter schools are to represent those interests, we must seriously consider how we can legitimately do so.

There is a more serious concern that arises out of granting particularistic communities public charters. While Cohen’s strategy of associative democracy and Benhabib’s vision of participatory democratic communities apply remarkably well to education and have application to charter schools, both Cohen and Benhabib claim that such associations and communities can form around shared interests while at the same time avoiding value homogeneity within themselves or becoming “strictly differentiated according to specific values or identities.”<sup>3</sup> Smith asserts that such associations are “at once particularistic, pluralistic, and participatory.” According to Smith, the organizational structure of charter schools enables charters, like Cohen’s associations, to be public arenas which bring together people with shared concerns yet with very different identities. Such communities are particularistic only insofar as specific shared concerns bind members together; they are pluralistic in that “people with very different identities come together to address these concerns.” Smith claims, then, that charter schools, as participatory political communities, can cultivate a sense of political agency rather than a shared civic identity. However, it is questionable whether charter schools fit the description of communities built merely around common concerns and not common values or common identities and, consequently, whether they can cultivate a general sense of political agency that does not serve to isolate particular communities or factionalize groups. As Smith herself has observed, “separate educational institutions allow parents to select schools for their children based on shared values and interests, including similar ideas about what constitutes a good life and a good education.”<sup>4</sup> Indeed, the conception of a charter school as presented by Smith seems to affirm that such communities share more than similar interests: Charter schools are “autonomous associations created around specific educational missions and shared values.” A common critique of charter schools has been that they carry the potential for separation along racial and socioeconomic class lines. While Cohen’s associations may pull together people with very different identities, charter schools appear to pull together people with similar, particularistic group identities and/or shared values.<sup>5</sup> This presents some troubling implications. It is doubtful that either liberals or communitarians would support a form of public education that openly promotes particular visions of the good life or group identities. Yet to build in procedures for

ensuring racial, socioeconomic class, and value-system balance is to erode the autonomy of associational space, autonomy which may be necessary for the success of charter schools.<sup>6</sup> Here again, if deliberative democratic theory is to provide a sufficient normative framework for charter schools, it is necessary to define further that framework to show how it is possible to balance a plurality of interests in the context of charter schools.

#### LEGITIMATE COLLECTIVE DECISIONS

Within the deliberative model, rules of action and institutional arrangements are said to be valid only in so far as all who are to be affected by their consequences are allowed to participate in the deliberation concerning those norms. No one can be excluded from the discourse as long as they can show that they are “relevantly affected by the proposed norm under question.”<sup>7</sup> Thus, an essential characteristic of the deliberative model is free public deliberation about matters of mutual concern. A necessary condition for the legitimacy of democratic institutions, which are a matter of common interest, is collective deliberation and decision-making by all who are influenced by those institutions. Charter schools, however, appear to *restrict* free public deliberation about matters of mutual concern. Unlike traditional public schools, which are open to public deliberation, charter schools are largely insulated from public deliberation and control. While charter schools are presented as a means of promoting democratic deliberation, participation in this deliberation is limited to those who are members of a particular charter school community. Yet, clearly those in the community outside the charter school have an interest in and will be affected by the education taking place within a charter school. All citizens have an important and common interest in educating future citizens, as Smith herself acknowledges: “public schools are state sponsored institutions filled with public employees who make decisions that carry collective import.” However, charters are accountable to the public outside the charter school only in terms of outcomes or results that they produce. To limit public participation and deliberation in this way is to deny access to the deliberative process by those who have a legitimate concern in the education of children. If charter schools are to be seen as legitimate associations, access to deliberation must be expanded. However, to open the deliberation to individuals outside the charter school community threatens the autonomy of charter schools, violating the associational freedom valued by liberals and undermining the possibility of promoting presently excluded interests within protected charter school communities. Is there a way to make deliberation more inclusive while maintaining the necessary autonomy and promoting a means of fostering presently excluded voices?

#### REGULATORY COMPETENCE AND CIVIC EDUCATION

One of the strongest arguments in favor of charter schools is their potential to develop civic competence in a way that is not possible within traditionally organized public schools. However, it is questionable whether charter schools, as communities built around common values and/or identities, possess the potential to foster the skills, values, and knowledge necessary for participation in political life. One goal of the public educational system is to provide the “opportunity for children to freely explore and freely choose among as wide a range of cultural goods and patterns of

life as is practical and to develop such capacities and acquire such resources as are required to realize their choices.”<sup>8</sup> However, charter schools, even if they share only a philosophy of education, promote a “particular conception of a good human life, having a preferred conception of an educated person,” and “such a conception presupposes a conception of a good life.”<sup>9</sup> If charter schools are organized around particular visions of the good and particularistic identity groups, rational deliberation of competing conceptions of the good life and the good society is restricted.<sup>10</sup> As indicated by Gutmann’s principle of nonrepression, students must not be shielded from alternative conceptions if they are to engage in conscious social reproduction. If reflection occurs within a particular and localized conception of the good, it is unclear how critical distance on the group’s practices is achieved.<sup>11</sup> Further, charter schools, in that they enable parents to choose a public education for their children that is consistent with their own vision of the good, may give rise to “transgenerational dominance.”<sup>12</sup> Children who are educated within a particularistic community may be taught to accept uncritically their parents’ views of the good life; thus, parents may undermine their children’s capacity for autonomous choice in the future

Associative democracy itself avoids these difficulties. Indeed, it is characteristic of associative democracy that adults participate in a plurality of modes of association, participating in free and spontaneous processes of communication within and across interlocking and overlapping networks; adults participate in multiple arenas of opinion formation.<sup>13</sup> Smith makes an excellent argument that participation in such arenas does have the potential to promote civic competence. However, a child educated within a particular charter school community is not necessarily exposed to multiple networks or a plurality of modes of association.

Deliberative democratic theory must provide a more complete account of how charter schools, as associations, can promote regulatory competence, while avoiding the inculcation of particularistic visions of the good that undermine the deliberative freedoms of children, limiting their ability to participate in conscious social reproduction.

Smith clearly demonstrates in her essay the potential of charter schools to serve as deliberative associations within the public sphere. She also makes an important contribution by indicating the potential of deliberative democratic theory to provide much needed normative standards for charter schools. However, it is necessary to refine further and develop the preliminary normative standards presented by Smith.

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1. Amy Gutmann provides a further account of what is necessary for conscious social reproduction and of the role of schools in fostering the conscious social reproduction necessary for the continued existence of a democratic society in Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987).

2. Nel Noddings, “On Community,” *Educational Theory* 46, no. 3 (Summer 1996): 254.

3. See Joshua Cohen, “Procedure and Substance in Deliberative Democracy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press) and Seyla Benhabib, “Toward a Deliberative Model of Democratic Legitimacy,” in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996).

4. Stacy Smith, "Voluntary Segregation: Gender and Race as Legitimate Grounds for Differential Treatment and Freedom of Association," in *Philosophy of Education 1996*, ed. Frank Margonis (Urbana: Philosophy of Education Society, 1997), 48.
5. Maureen Allenberg Petronio, "The Choices Parents Make," *Educational Leadership* October 1996: 33-36 and Sharon Gewirtz, Stephen J. Ball, and Richard Bowe, *Markets, Choice and Equity in Education* (Philadelphia: Open University Press, 1995), 20-56.
6. See, for instance, Mark Beuchler, *Charter Schools: Legislation and Results after Four Years* (Bloomington: Indiana Education Policy Center, 1996); *Policy Bulletin* No. 9 (Bloomington: Indiana Education Policy Center, 1990); and Louann Bierlein and Lori Mulholland, "*Charter School Update: Expansion of a Viable Reform Initiative* (Tempe Ariz.: Morrison Institute for Public Policy, 1994).
7. Benhabib, "Toward a Deliberative Model," 70.
8. Kenneth Strike, "The Moral Role of Schooling in a Liberal Democratic Society," in *Review of Research in Education* 17 (1991), 434.
9. Strike, "The Moral Role," 435.
10. Gutmann, *Democratic Education*, 98.
11. Strike, "The Moral Role," 428, provides an account of the role of this distance in promoting civic competence and personal autonomy.
12. *Ibid.*, 437.
13. Benhabib, "Toward a Deliberative Model," 73-74.