

Bring the State Back into Focus: Civic Society, the State, and Education

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INTRODUCTION

The role of civil society within a democracy has once again become a topic of intellectual concern. In sociology, Jeffrey Alexander's epic book *The Civil Sphere* has sparked intense debate over the nature and value of civil society within a democracy; and in education, Kathleen Knight Abowitz's excellent book *Publics for Public Schools: Legitimacy, Democracy, and Leadership* is the first sustained normative argument for connecting public education to civil society and the public sphere. While the rejuvenation of civil society is welcomed, especially within education, turns toward civil society as the means for saving public education should proceed with caution. While civil society is the source of democratic legitimacy, a thriving civil society also depends upon a strong state. As John Keane explains: "Democratization is neither the outright enemy nor the unconditional friend of state power. It requires that the state governs civil society neither too much nor too little; while a more democratic order cannot be built through state power, it cannot be built without state power." As I will argue, attempts to rethink pathways for democratizing education cannot lose sight of the state, because this paints a problematic picture of civil society replacing the state: an image that unintentionally aligns with the neoliberal agenda.

In this article, I aim to bring the state back into focus in order to conceptualize different pathways by which to democratize the educational system. To develop my position, I begin by analyzing Knight Abowitz's argument for "publics for public schools" in which she lays the foundation for one possible pathway. As I explain, however, Knight Abowitz loses sight of the state, which results in unclear arguments as to why we need to rethink public schools. For instance, while on the one hand she argues for decoupling the link between the state and public schools because the state is facing a legitimization crisis, on the other hand she argues for democratizing state-run schools. Part of this confusion stems from an incomplete picture of the crisis facing public education. Thus, by clarifying why public schools are in crisis, I hope to lay the foundation for a broader approach to democratizing education.

PUBLICS FOR PUBLIC SCHOOL

Knight Abowitz's argument for "publics for public schools" is an attempt to provide the conceptual tools for rethinking the nature of public education without assuming public schools must be state-run. "Publics for public schools," as Knight Abowitz argues, "are born and nurtured in civil society, engage in public work in the larger public sphere, and are interconnected with both the state (often working to reform, push against, or guide the state's leaders through associational democratic forms) and with private spheres." And, as she correctly notes, attempts at rethinking the form and function of public schools requires understanding the importance of civil society and the public sphere.

Civil society, then, is essential because it is the sphere of solidarity in which individual rights and collective obligations are intertwined, where voluntary associations occur, democratic performances and rituals are conducted, and the democratic will is developed. The public sphere(s), on the other hand, is embedded within, yet separate from, civil society. *The public sphere* consists of a variety of social arenas (e.g. coffee shops, social movements, the media, and congress) where public performances and deliberations occur to develop democratically legitimate laws, institutions, and social practices. Civil society and the public sphere are the central social institutions for ensuring a diversity of opinions can emerge within public deliberation capable of designing legitimate social institutions and practices. In other words, they are the central mechanisms for forming a “democratic public will.”

Seeing the importance of these institutions, Knight Abowitz turns towards civil society and the public sphere to “articulate a path for a renewed conception of and commitment to public education.” Her reasons for rethinking state-run schools are unclear and problematic, however; primarily because she moves too quickly from the normative principles that ought to govern public schools to descriptive conditions requiring us to rethink the link between the state and public schools. For example, at the normative level, Knight Abowitz claims that “constitution-governed democratic states are organized and managed by government entities that are, in theory, accountable to the views of the citizenry within the bounds of their own Constitutions.” She goes on to explain that the constitutional state has an obligation to uphold five principles: *fair participation*; *liberty and pluralism*; *equal opportunity*; *political education*; and *professionalism*. At the descriptive level, however, she argues: “the idea of democracy may enjoy worldwide legitimacy today, but ironically, the primary agent of delivering democracy in the nineteenth and twentieth centuries — the state, or government — does not.” The movement between the normative level and the descriptive reality is problematic because she starts from the premise that public schools *are* facing a legitimization crisis, and thus that we must rethink the link between public schools and the state. By starting from this premise, Knight Abowitz fails to clarify the form and function the state must take in order to uphold the above-mentioned constitutional principles.

In failing to clarify the role of the state, Knight Abowitz also advances two different, and almost mutually exclusive, conceptions of “the state and civil society” relationship. The first conception is one in which civil society is *in dialogue* with the state, thus creating a symbiotic and cooperative relationship intended to strengthen the legitimacy of state-run schools. *Publics for Public Schools*, as Knight Abowitz explains, “pay[s] particular attention to the associational and participatory forms ... that can shape, complement, and enrich the state-centrist forms we find in the largely representative, aggregative school governance procedures that govern schools today.” But the primary argument behind the idea of “publics for public schools” is based upon a conception of civil society that *replaces* the state. In this case, state power is weakened, and civil society takes on greater responsibility for providing certain public goods once provided by the state. As Knight Abowitz states: “the power of the state, and state-supported institutions, is no longer total, nor is it untested. We can certainly see how the authority of government-run public schooling is now

challenged in multiple ways, and how state authority wanes in the eyes of citizenry,” and the solution to this legitimation crisis resides in “look[ing] back to the public sphere.” Here, Knight Abowitz conceptualizes civil society as the means for saving public education without relying upon the state.

Without clarifying the state-civil society relationship, it becomes unclear why Knight Abowitz argues for rethinking state-run schools. For instance, when civil society is *in dialogue* with the state, the state is still the primary institution for providing universal education. When civil society *replaces* the state, civil organizations become the primary institution responsible for providing universal education. If the point of “publics for public schools” is to enrich the democratic *dialogue* between the public sphere and state-run schools, then rethinking the nature of public education is unnecessary; instead, we should identify the institutional arrangements that would democratize state-run schools. Rethinking state-run schools, however, is necessary only if the state is no longer *normatively* necessary and/or *functionally* required for enforcing constitutional principles. In this case, reconsidering the nature of public schools is necessary for explaining why civil organizations should replace the state and become primarily responsible for providing a universal education. Because Knight Abowitz inadequately distinguishes between these different approaches to democratizing public education, her renewed commitment to public education remains unclear. Nonetheless, I believe a democratic educational system requires both approaches; to understand why, we need to clarify why public education is in crisis.

THE CRISIS OF THE STATE

Declarations that public education is in crisis often rely upon reductionist reasoning because they assume that the entire public school system is in crisis due to problems in one sector of public education. First of all, public education is not facing a legitimation crisis; rather, urban public schools serving low-income students of color are. Middle and upper-class predominantly white schools are not facing the pressure of privatization or the demand to reconfigure their relationship with the state. This means that hidden beneath the attacks on public education are attempts to dismantle public schools that serve poor students of color — a key point Knight Abowitz overlooks. Thus, before arguing for the uncoupling of the state/public schools relationship, we must analyze why urban public schools are facing a legitimation crisis.

Because of space, I cannot fully answer this question, but let me sketch a brief explanation. As Claus Offe explains, in the context of capitalism, the state faces a crisis on two different levels: a *first-order* and a *second-order crisis*. A first-order crisis arises because the state stands in an antagonistic relationship with capitalism. The state is structurally dependent upon a flow of resources derived from capital, primarily via taxes; however, the incentive structures within capitalism are to reduce payment to the state in order to increase capital accumulation. Furthermore, because the state depends upon capital accumulation to function, it is also limited in the extent to which it can challenge capitalism — even if such changes are necessary for upholding constitutional principles. For example, as Pauline Lipman explains in her study on the privatization of Chicago

schools, the uneven development within inner cities undermines the state's ability to generate enough tax revenues to adequately fund public schools and other services.

In addition, citizens are unable to mobilize state power to regulate capitalism and redistribute resources in a manner that would ensure urban residents have the basic capabilities to participate within the democratic process. Yet, public schools are placed under insurmountable pressure to overcome the effects of poverty and to provide urban students with a sufficient education. These contradictory demands are a first-order crisis because they are structural contradictions between the demands of a democratic state and capitalism

Urban areas try to manage first-order crises by implementing what Offe calls "crisis management strategies;" programs and policies intended to lessen the harsh effects of the structural crisis between capitalism and the state.

For instance, some public schools, as Christopher Lubienski explains, have invested in public relations budgets and grant writing staff to acquire outside funds with the hopes of generating enough revenue to overcome budgetary problems. However, these crisis management strategies are structurally unable to achieve their goals, thus they constantly face a "second-order crisis": they are assigned the task of addressing structural problems, but lack the institutional power to challenge the structure of capitalism. Consequently, these policies and social programs are assigned the task of addressing problems beyond their capacity.

Adding insult to injury, public schools have always faced a legitimization crisis in the eyes of many urban residents of color. As Kathryn Neckerman explains, the roots of urban-school failure stem from the fact that public schools were never 'public' in their function in the first place. Urban residents of color have always lacked the social power to effectively participate within the democratic process and build a justifiable educational system. As a result, urban residents have consistently maintained a complex, yet distrustful, relationship with public schools: they understand the importance of state-run schools, but doubt larger civil society's willingness to open up public deliberation, challenge capitalism and racism, and allow urban residents to contribute to a process of redesigning state-run schools.

Urban residents of color, then, are increasingly supporting non-state run schools, like charter schools, for both normative and pragmatic reasons: they recognize the normative importance of alternative schools for marginalized populations and they pragmatically realize the state is not constructed to advance democracy within urban areas. However, blacks do tend to value the ideal of public education.

In failing to clarify why urban public schools are facing a legitimization crisis, Knight Abowitz turns a pragmatic political position into a normative starting point. By this I mean, noting that urban schools *are* facing a legitimization crisis does not normatively necessitate rethinking the link between the state and public schools. In the case of public schools, turning pragmatic political positions into normative starting points can be politically problematic because it reproduces what Jodi Dean calls "communicative capitalism": a condition in which civil society replaces the state in attempts to expand access, inclusion, discussion, and participation — primarily at the local level — but in which communities are only given control to implement new crisis management strategies.

Communicative capitalism has the paradoxical effect of giving historically marginalized groups greater control to organize crisis management strategies, without sufficient social power to address the first-order crisis. An example of communicative capitalism are democratic reforms that occurred within Chicago schools during the late 1980s and early 1990s, in which the Illinois legislature enacted school reform legislation that broke up Chicago Public Schools into a decentralized, participatory system. Around this same time, however, Chicago was becoming a neoliberal city and the government was shifting the responsibilities for developing “crisis management strategies” onto local communities and private businesses; thus, they simultaneously provided greater local control and shifted the blame of impending failures onto civil organizations.

Seen in this light, attacks on urban public education are just a new iteration of crisis management strategies, which are disproportionately directed towards communities of color. This being the case, calls to rethink state-run schools can become politically dangerous if we do not first normatively ground the role of the state in a democratic society. Thus, when conceptualizing new pathways for democratizing education, we must begin by explaining the importance of state-run public schools, while providing space for alternative and private schools.

BRING THE STATE BACK IN

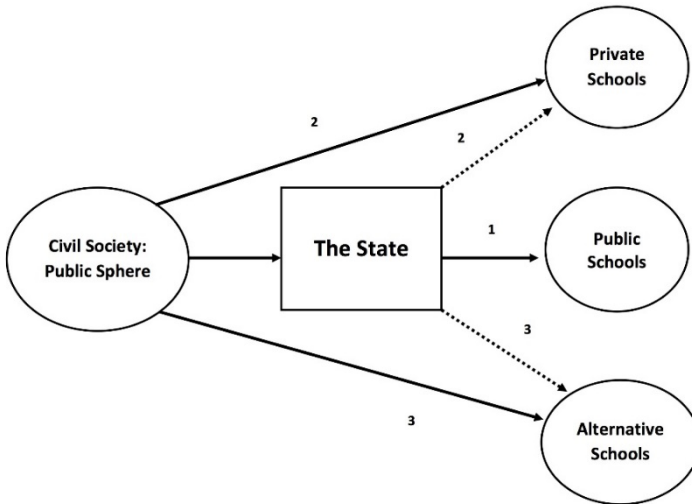
Bringing the state back into focus requires taking what Habermas calls “a system perspective,” which requires shifting focus. Rather than ask “what makes a public school public?,” we should ask “what makes an educational system democratically structured?” A system perspective is necessary because it allows us to think about deliberative democracy in large-scale and complex systems and to analyze the division of labor among different parts of a system. Noting the division of labor amongst different educational institutions also clarifies the relationship that ought to be established between schools in order for the educational system to uphold the constitutional principles.

With that said, let me define the state. *The democratic state is a differentiated, organized, public-legal community marked by judicially qualified structural principles designed to implement and uphold the will of the people and the principles of the constitution.*

As Christopher Pierson notes, the state serves multiple functions. Here I focus on three: *public bureaucracies; taxation; and the use of coercive power.* A major purpose of the state is to use its coercive power to solve collective action problems, which occur when there is a public good that benefits everyone, yet not everyone is willing to pay for said good. To address collective action problems, the state is assigned the task of using its coercive power to acquire necessary resources for providing said public good. However, as states are given greater responsibility for solving collective action problems, they also become more accountable to the public. Public bureaucracies, such as public schools, emerge because the state is deemed the most effective institution for solving certain collective action problems and, in turn, becomes more accountable to the public.

In this sense, when normatively assessing whether the state should shift primary responsibility for providing public education, we need to analyze the

conditions that must be established for solving the collective action problem of providing universal education. Thinking through this problem, as Figure 1 illustrates, entails noting three pathways for democratizing education. I shall only address Pathways 1 and 3, specifically focusing on why state-run schools cannot be replaced by a system of alternative schools organized through civil society.



PATHWAY 1: PUBLIC EDUCATION

The first pathway to democratizing the education system is to strengthen the relationship between civil society, the state, and state-run schools. This relationship is vital for upholding the constitution because a democratic education system requires a larger proportion of state-run schools. By state-run schools I mean schools primarily organized and funded by the state. State-run schools are necessary for several reasons. First, providing universal education is a collective-action problem; and although universal education is commonly acknowledged as a public good, there is no common willingness to pay for education. As Mancur Olson explains, “despite the force of patriotism, the appeal to national ideology, the bond of a common culture, and the indispensability of the system of law and order, no major state in modern history has been able to support itself through voluntary dues and contributions.”¹ In this regard, a public education system cannot be organized merely, or even primarily, through civil society because civic organizations are not powerful enough to acquire the resources for translating a common interest in education into the delivery of this public good. Only the state is capable of securing the resources needed to provide universal education.

Second, as Thomas Green explains, complex educational systems require coordination between different aspects of the system as well as within the system in order to ensure the principle of equal opportunity is upheld.² For example, 1st grade

must stand in some relation to 2nd grade; and 1st grade in one school must stand in some relation to 1st grade in other schools. Without some coherence and consistency within and between schools, education loses the qualities necessary to operate as a system. An educational system fragmented into independently controlled schools lacks the unity necessary for comparing educational experiences within and across schools; and without this comparison, we cannot determine whether schools are providing an equal educational opportunity to all students. State-run schools, then, become necessary because the state is the most effective institution for providing the resources and using coercive power to ensure schools are providing children with equal educational opportunities.

Third, the control over the educational system, as Michael Apple explains, is a fundamentally a social struggle in which various groups have different and competing conceptions of the purpose of education, and aspire for different levels of control over the educational system.³ Without a strong state acting as conflict-mediator and securing the conditions necessary for reasonable deliberation, laws and policies cannot be designed and enforced in a manner congruent with the standards of democratic legitimacy.⁴ As John Keane argues: “state institutions must be understood as devices for enacting legislation, promulgating new policies, containing inevitable conflicts between particular interests within well-defined legal limits, and preventing civil society from falling victim to new forms of inequality and tranny.”⁵ Conversely, however, the more the state acts as a means for mediating conflicts between groups, the greater the responsibility the state has for providing public education. As Margaret Archer also explains, without the state taking over this responsibility there is no assurance that educational laws and policies will translate into the delivery of educational services.⁶

Now, while a democratic educational system requires state-run schools, it does not require the current configuration of public schools. Currently, public schools are steeped in forms of bureaucratic domination and their structures reproduce various forms of inequalities. Nonetheless, state-run schools are vital to a democratic educational system. The task of pathway 1, then, is to rethink the institutional arrangements that would strengthen the relationship between civil society, the state, and education. And, as Julie Marsh explains in her study on democratizing public education, this would entail designing institutional arrangements that provide citizens with the resources and power to construct institutional practices supportive of public deliberation.⁷

PATHWAY 2: ALTERNATIVE DEMOCRATIC SCHOOLS

A democratic educational system requires not only that a larger proportion of schools be state-run, but also the ability to exit from public schools and establish alternative schools.⁸ Pathway 2, then, focuses on democratizing alternative schools, which I interpret as a key insight of Knight Abowitz’s conception of “publics for public school.” Because of space I cannot fully address this pathway; however, I want to focus on the importance of alternative schools for marginalized groups.

Alternative schools, as Stacy Smith explains, should function to “promote the organized representation of presently underrepresented interests in the public educa-

tional experience,” and the ability to “demonstrate greater competence than existing public authorities for advancing the common good.”⁹ By this she means, alternative schools can be spaces of democratic experimentalism: opportunities for rethinking how schools might better serve populations currently underserved by public schools. For alternative schools to properly function within a larger democratic educational system, however, a number of issues must be addressed. First, alternative schools must be designed to create strong connections between the local public spheres and the operation of the schools — and this connection must be stronger than is required of state-run schools. A strong connection between the school and the local public sphere is necessary because the state is relinquishing *some* of its control, thus giving civic organizations primary responsibility for providing an education. However, this responsibility also requires developing new mechanisms for deliberating with and being accountable to the public — a relationship that requires sustained public deliberation between local public spheres.

Second, when released from state power, alternative schools should be designed in a manner that enhances, or at least does not undermine, the larger purpose of a democratic educational system. This means citizens, especially disadvantaged parents, must have the capabilities to participate within the larger public sphere and to deliberate over the laws and policies governing the relationship between the state and alternative schools. The state must also ensure citizens are empowered at the local level to participate within the construction, control, and operation of alternative schools. Third, and finally, the state should limit the number of alternative schools in order to ensure it can provide a universal education to all students. Alternative schools are high risk ventures, with no guarantee of success; and an educational system with too many alternative schools can become unstable if state-run schools are not robust enough to provide access to students who were attending an alternative school that failed. In sum, when the state releases power to alternative schools, it must retain enough power to ensure the larger educational system can uphold constitutional principles, even if alternative schools fail. For alternative schools to contribute to the democratic educational system, then, they must be established alongside public schools—they cannot be a means for replacing state-run schools.

CONCLUSION

When analyzing the principles that ought to govern alternative schools, philosophers can overlook the conditions necessary for such schools to thrive within a democratic educational system. However, when rethinking the pathways for democratizing the educational system, we must begin by analyzing the social conditions required to uphold the constitutional principles. Starting the discussion over public education from the position that the state *is* facing a legitimation crisis and that, therefore, we *need* to reconceptualize public schools beyond the state, ultimately accepts the first-order crisis between the state and capitalism. Such arguments are politically dangerous because they contribute to the neoliberal ideological assumption that states impede, rather than enhance, freedom.

Bringing the state back into focus is not a justification of the status quo, however; instead, it is a call for more radical critiques of the entire educational system

as well as the normative vision to identify the conditions necessary for developing a complex democratic educational system. Understanding education from a system perspective, then, aims to clarify the importance of public, state-run education without neglecting the value of alternative schools. The overall point of a democratic educational system, however, is to provide all citizens with the ability to participate within public deliberation and to construct an educational system with multiple educational pathways working together to ensure all students are given a universal education commensurate with a democratic society.

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