

Reforming School Governance in the Unequal Metropolis

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Traditional school governance structures in the US have changed dramatically over the past thirty years. In particular, local districts, though still powerful, have seen their authority greatly diminished by increasingly active state and federal policymakers as well as by powerful national organizations.¹ The most dramatic changes in school governance structures have been concentrated in cities whose schools serve disproportionately high numbers of students of color and students from low-SES households.² Notably, residents of many of these cities have resisted these changes—mayor control of local school boards, state takeovers of schools and school districts, the proliferation of charter schools—decrying them as usurpations of their proper democratic authority and, frequently, as being motivated by racial animus.³

In many cases, however, proponents of remaking school governance have also argued using the language of social justice and racial equity. In 2000, George W. Bush famously defended his education policies—policies that would see an unprecedented increase in federal authority over public schooling—on the grounds that they would fight “the soft bigotry of low expectations.”⁴ More recently, Eva Moskowitz, the CEO of one of the largest charter management organizations in New York City, regularly defends charter schools and school choice as key to the fight for educational equity and racial justice.⁵ Other leaders of charter management organizations and defenders of market-based reforms make similar claims. Moreover, in at least some cities, school governance reform does seem to work. In New Orleans, for instance, Douglas Harris has persuasively argued that the decision by state leaders to take over the school district, embrace charter schools, and shift the role of the state from direct service provider to contractor produced positive outcomes for the predominantly Black and low-income student population of New Orleans. Harris sums up the outcomes succinctly. He writes:

Most education policies and programs have no measurable effect. Some have positive effects on some outcomes but not others. New Orleans is the rare case where we see large gains on a wide variety of

measures, from test scores, and high school and college graduation rates, to parent satisfaction.⁶

These cases draw our attention to a critical question that has received too little attention from political theorists—how should we evaluate apparent tradeoffs between democratic participation in school governance and securing a quality education for all young people?

My aim in this paper is to investigate whether or not we have cause to worry about urban districts' embrace of governance reforms over the past thirty years. I believe we do. I argue that these changes to our traditional school governance structures are objectionable because they (1) take for granted the fractured, racially and economically segregated metropolitan regions that are both the source of and partly constitutive of deep educational injustice and (2) misunderstand the value of local politics. As I will argue, in failing to address or even acknowledge injustices stemming from and constituted by the fragmentation of the American metropolis—taking aim instead at mechanisms for participatory governance within cities—these changes reveal what Tommie Shelby has referred to as “*status quo bias*” and fail to communicate our regard for one another as equal members of our political community.⁷ This challenge is made worse by the concomitant failure to recognize the special symbolic significance of school politics among, in particular, Black Americans in many cities. While I don't hold this objection to be a decisive blow against these policies, I do contend that this failure represents a significant loss that ought to be made explicit and, in time, addressed.

To sustain this argument, I draw on work by Sean Shiffrin on the communicative value of democratic law. By democratic law, I take Shiffrin to mean laws generated through democratic processes—processes that formally treat all capable adult members of the political community as equals and as both co-authors and co-subjects of the law. Shiffrin argues for the importance of democratic law as our central way of communicating our mutual regard for our fellow citizens and, therefore, partly constitutive of what justice demands of us. In democratically generating laws that ensure we fulfill our duties to one another as fellow members of a liberal, democratic political community, we communicate and confirm our mutual respect for one another.⁸ Building

on Shiffrin, I contend that assessing the communicative content of education law requires that we attend to the structures of local governance charged with making many significant education policy decisions in light of their historical and contemporary political context.

In the first two sections, I outline Shiffrin's account of the communicative value of democratic law. In the third section, I go on to describe how historical injustices embedded in the fragmented metropolitan landscape pose significant barriers to the ability of citizens to properly communicate their mutual respect. I also describe and draw lessons from the special symbolic significance that school politics has historically held in many Black American communities. Finally, I argue that in taking this status quo for granted and in ignoring the social meanings many Black Americans attach to school politics, contemporary governance reforms compound this communicative injustice.

JUSTICE AND DEMOCRATIC LAW

I start with a longer quotation from Shiffrin that I believe nicely sums up the core of her view. She writes:

It matters that we manifest our respect for one another and not merely that we coexist in circumstances that give everyone access to the basic minimum, that no one sets fire to the central distribution depot, and that we pay our taxes. A just allocation of material resources is compatible with mutual indifference, grudging accommodation, or even mutual contempt, should the penalties for destructive behavior be severe enough to induce patterns of compliance from even Justice Holmes's bad apple.⁹

Here, we see one of the central insights of Shiffrin's account: justice demands not only substantively just institutions but also that *we* work to, in Shiffrin's words, manifest our respect for one another. On this view, we have a duty to not only ensure the basics of distributive justice but also, somehow, to make our mutual respect clear. In other words, we have a duty to communicate our respect for our fellow citizens as equal members of our political community.

On Shiffrin's view, democratically generating and complying with laws that fulfill our collective moral responsibilities to one another is the primary way in which we communicate this mutual regard. While I think there's much to

recommend in this account of the value of democratic law, here, I only want to emphasize her argument that justice has a communicative component. In brief, I take Shiffrin's point to be that a just political community requires that its citizens relate to one another in the right kinds of ways. This is partly a matter of attitude. As Shiffrin says in the quotation above, indifference, grudging accommodation, and contempt are all attitudes incompatible with just relations among citizens. In order to affirm our mutual respect—and, therefore, relate to one another in the right kinds of ways—we must find some way to communicate that we hold the right sort of attitudes towards our fellow citizens. For Shiffrin, this is where the generation of and compliance with democratic law comes in, a process Shiffrin contends we have a duty to participate in through voting, political protest, and compliance with (just, or perhaps, sufficiently just) laws. As I will elaborate on momentarily, it's important to Shiffrin's view that we communicate not simply through discursive means but also through actions like voting.

Shiffrin motivates her case by appealing to the importance of self-respect. Following Rawls, Shiffrin holds that self-respect is a vitally important primary good without which our capacity to pursue our own conception of the good is compromised. She argues that as intelligent, morally sensitive creatures, we're naturally susceptible to how others think of us and our projects. Securing the social bases of self-respect, therefore, demands that we attend to this mutual sensitivity. Importantly, this need shouldn't be understood as a problem to be solved or as a pathological psychological response along the lines of envy. Rather, Shiffrin writes, this "mutual sensitivity . . . flows from a proper sort of moral sensitivity." She continues:

If I see you as a distinct individual, as a moral agent and as a moral equal capable of moral judgment, whose life and thoughts matter, how could I not reasonably care what you think about all sorts of matters, including me?¹⁰

Given our psychology, securing the social bases of self-respect is not met simply by ensuring our material needs are met but also by communicating our mutual regard for one another in the right ways.

Notably, Shiffrin's view is consistent with a number of other democratic approaches to education. Amy Gutmann, for instance, makes a similar point in

Democratic Education. She writes:

Deliberation manifests mutual respect since it demonstrates a good faith effort to find mutually acceptable terms of social cooperation, not merely terms that are acceptable only to the most powerful, or for that matter to the most articulate.¹¹

Similarly, Elizabeth Anderson argues that the “good of elementary and secondary education” demands deliberative forums in which citizens can see that their educational ideals are supported by publicly valid reasons. Without such forums, Anderson contends, we’re unable to realize the fraternal relations between citizens that “express a valuation of participants as equals engaged in a common cooperative project.”¹² While Gutmann and Anderson both center the importance of significant opportunities for citizens to deliberate with one another, Shiffrin only insists on the “articulate generation of law” by democratic means.¹³ Her later praising discussion of common law jurisprudence elsewhere in her essay suggests that she is most concerned with ensuring the publicity of the reasons undergirding specific laws, leaving open the precise set of democratic procedures through which citizens interact with one another. Nevertheless, all three accounts center public communication and insist that citizens must do something over and above living in a community in which the basic demands of distributive justice are met, however those demands are defined. Here, I center Shiffrin’s account because I believe that she usefully centers self-respect and develops at least some of the ways that our political actions can communicate (or not) our regard for our fellow citizens in ways that, in turn, have an impact on the distribution of the social bases of self-respect.

COMMUNICATION AND DEMOCRATIC LAW

I now want to look more carefully at how we come to understand the communicative content of our political actions. Shiffrin explains the communicative function of law in part through a story about neighborly reciprocity. Shiffrin tells us to imagine that our neighbor regularly and reliably reminds us when we’ve failed to move our car on street cleaning days. Although one might think that such a neighbor may come across as, to borrow Shiffrin’s phrase, an “officious intermeddler,” that isn’t at all how you feel about her.¹⁴ Rather, you have come to rely on your neighbor to help keep your car from being ticketed

and feel grateful for the help.

How do you express your sincere gratitude to your neighbor? A card may suffice, perhaps even a sincere thank you under certain circumstances. Shiffrin argues, however, that there are circumstances in which such purely discursive forms of thank you won't cut it. Imagine this same neighbor is planning on going out of town for two weeks, just long enough for the prized flowers in her garden to die for not being watered. Assuming it's no major burden for you to water these flowers, can you reasonably expect your neighbor to trust that you appreciate her help with your car when you fail to help with her flowers? Shiffrin suggests the answer is no. In this case, expressing your gratitude depends not simply on saying thank you but also taking reasonable efforts to reciprocate when an appropriate opportunity—in this case, a chance to help out in a way that is roughly as burdensome as your neighbor's support—presents itself.

One final detail is important for Shiffrin. She argues that effectively communicating your gratitude to your neighbor requires both (1) promising to take care of the flowers, thereby reciprocating your neighbor's kindnesses towards you and (2) actually taking care of the flowers. Either alone is insufficient. Because I expect that the reason why promising to do something you don't end up doing fails here, I will clarify why Shiffrin thinks that watering the flowers without promising to do so also fails. Without getting too far into the weeds, so to speak, the essence of Shiffrin's argument is twofold. First, she contends that (1) and (2) are jointly necessary to communicating gratitude because it is only together that we can make clear to our neighbor that watering her prized plants should be read as an act of gratitude, clarifying our motivation from all other possible motivations. Second, the act of promising is important because it reveals I'm willing to put myself under a duty to my neighbor to ensure that her plants are regularly watered while she's away.

Ultimately, Shiffrin's point with this example is about the joint importance of speech and action to interpersonal communication. She writes:

[A]n action may perform communicative work, in conjunction with speech and speech acts, and that a combination of circumstances—both my neighbor's need and my ability to fulfill it—could work to render inadequate exclusively discursive efforts at communication and exclusively behavioral

efforts at repayment, as well as disconnected discursive and behavioral gestures.¹⁵

Under certain not uncommon circumstances, communicating our attitudes to one another—whether those be attitudes of neighborliness or democratic solidarity—can require both discursive efforts and actual action, too. Returning to questions of democratic politics, Shiffrin explains that this insight about communication helps us to think about our duties to one another as citizens. Specifically, communicating our recognition of one another as moral equals and as equal members of a joint cooperative endeavor demands not only our endorsement of basic requirements of justice but also that we work to ensure that these requirements are fulfilled by *us*—that is, through our actions.

Shiffrin contends that the articulate, democratic generation and enactment of law is structurally similar to the act of fulfilling our neighborly promise in ways that allow for it to communicate our mutual regard for our fellow citizens. The democratic generation of law, provided we're able to clearly communicate the reasons supporting that law, is structurally similar to the act of promising, while the actual enactment of and compliance with law is structurally similar to fulfilling our promise. The democratic generation of law, therefore, is well positioned to function as a venue for the communication of mutual respect. According to Shiffrin, this expressive account of the law helps point us towards a set of reasons why citizens ought to vote and follow the law, though I won't develop those reasons here.

REGIONAL FRAGMENTATION AND SCHOOL GOVERNANCE

I believe these insights help us to think about school politics and educational injustice, too. The key point I want to make is that our present system of school governance makes communicating the right kind of attitudes among citizens—especially along lines of race and class—all but impossible. In the US today, our metropolitan regions are the site of significant municipal fragmentation. Within any particular metropolitan region, we find numerous smaller jurisdictions, each of which is typically responsible for supporting a range of services, including schools. With respect to schooling, in particular, these smaller jurisdictions also play a major role in setting school policies,

making curricular decisions, and determining how much funding is allocated to schooling through decisions about local property taxes, alongside a number of other critical education policy decisions that affect the character and quality of the education provided.

In light of the fact that these municipal boundaries regularly coincide with the boundaries separating racial and socioeconomic groups, our current structure of local governance helps ensure that many of us are rarely forced to deliberate about key education policy questions with those who are either racially or socioeconomically different than we are. Moreover, given significant racial inequality, this pattern of racialized municipal fragmentation drives significant educational inequality. Equally troubling, this pattern also encourages, among other things, the disproportionately white resident of wealthy suburbs to view the challenges of urban districts as someone else's problem and encourages cities and towns to fight one another for wealthy potential residents who won't use—or will use fewer—locally provided social services and to repel less wealthy potential residents who would use such services to a greater degree.¹⁶ Importantly, these dynamics play out in many of the cities that have adopted mayoral control and/or that have been impacted by state takeovers of schools and districts, among other governance reforms.¹⁷

The chief wrong of these arrangements is the educational injustice that they support—by helping wealthier citizens to hoard resources, by concentrating disadvantage in particular areas, by decreasing popular support and political will to work towards a public education system that meets the needs of all young people. That said, I contend that these arrangements are also wrong because they fail to create conditions that allow us to communicate our mutual respect for one another. In fact, racialized patterns of municipal fragmentation encourage unjustly advantaged citizens to fail to see their role in educational injustice at all. As Katherine McDermott found in her study of court-mandated desegregation efforts in Connecticut, “local institutions inspire protection of local privilege and create a tendency to attribute problems to outsiders”—frequently, as McDermott goes on to note, “urban” outsiders.¹⁸ In cases like this, not only is zip code destiny but it also demarcates the limits of our moral vision.

Nevertheless, against this backdrop of regional fragmentation and

racial and socioeconomic segregation, Black Americans in a number of cities have turned to school politics as a crucial arena for fighting for equal respect. In many instances—including in Atlanta, Washington D.C., Baltimore, and Detroit—local education agencies were the first government agencies in which Black Americans were able to exert significant political control and served as key springboards for higher offices.¹⁹ Accordingly, among many Black Americans, public education has had a “special symbolic role,” which has meant that “[r]eform initiatives that appear to undermine control of public education often spark a forceful and intense resistance and a tendency—sometimes mystifying to white residents, outsiders, and others unfamiliar with the historical legacy—to portray such initiatives in starkly racial tones.”²⁰ In addition to what I have no doubt involved strategic considerations connected to a reasonable mistrust of white residents and business elites who had demonstrated a lack of commitment to the education of Black children, I contend that the insistence on the importance of school politics should be understood as an assertion of self-respect against a cavalcade of attacks on the public character of Black Americans. This shouldn’t be understood as simply something that, say, Black leaders did for themselves but rather as something done to assert the equal moral worth of all Black Americans. The failure to attend to these meanings further compounds the disrespect communicated by many of the governance reforms now taking hold in American cities.

I believe this insight into the special symbolic significance of local school governance to, in particular, Black Americans, is important for at least two reasons. First, it points towards a key tension that ought to be addressed in discussions of local control and education policy in the US. While we have good reason to believe that local control is a key driver of educational inequality, we also have good reason to see local control in education as a key arena for the assertion by Black Americans of their dignity. Second, I believe the symbolic importance of local school governance reveals something often overlooked about local governance more generally. By law, cities are typically understood as “creatures of the state”—that is, the powers delegated to cities by the state are revocable by the state at any time.²¹ However, even if we grant that this relation between cities and states is appropriate, it isn’t clear that racially dispa-

rate revocations of city power are consistent with justice. That is, we can grant that cities are appropriately considered creatures of the state while insisting on an asymmetry between blanket changes to city powers and targeted changes to city powers. I elaborate on the significance of this point to my discussion in the next section, where I will argue that this context is crucial to understanding how school governance reforms in many cases constitute, at best, a “compromise with injustice.”²²

Before moving on, however, I want to summarize the two key claims I’ve defended in this section. First, I’ve argued that in those places marked by regional fragmentation and racial and economic segregation, our political institutions not only amplify educational injustices connected to racial and socioeconomic inequality but also fail to allow citizens to communicate their mutual regard for one another. Second, among Black Americans in particular, local school governance has developed as a critical site for the assertion of their self-respect. This points towards a tension that discussions of local control ought to face up to and suggests that we may have good reason to pay more careful attention than is often acknowledged to changes to local governance structures.

SCHOOL POLITICS AND SELF-RESPECT

School governance reforms have constituted one key set of strategies that reformers have relied on to help remediate educational inequality. Tapping into the power of markets, employing state takeovers as a policy lever, and replacing elected boards with one’s appointed by the mayor’s office have all been used to improve educational outcomes in urban school districts. While small-d democrats will be suspicious of these reforms, all of which limit the capacity for citizens to participate directly in local school politics, there’s some good reason to believe that they can lead to better academic outcomes for young people in the big city school districts where these reform efforts are most prominent. As discussed above, New Orleans seemingly offers the clearest evidence for the value of this strategy. Nevertheless, I argue that these reforms suffer from two problems, both of which relate to a failure to pay sufficient heed to our communicate duties to one another. First, by allowing extant school district boundaries to serve as a limit on our moral imagination, unjustly advantaged citizens fail to communicate the right kinds of attitudes to those who are un-

justly overburdened. I believe this failure of moral imagination—or, perhaps, of political will—constitutes a kind of problematic status quo bias. That is, instead of directly targeting the racial inequality in power and wealth that drives so much educational inequality, we tinker around the margins, hoping to find an efficient path to improving urban education that doesn't require significant redistribution of valuable resources.

Second, I believe that these reforms reveal a misunderstanding about the value of local governance. Local government is often defended as a key site for political socialization, supporting political empowerment, feelings of self-efficacy, and good habits of citizenship. The history of Black American involvement in local school politics in cities across the US during the second half of the twentieth century helps us to see how local politics can be a key arena where members of marginalized groups assert their equal civic standing. Even if we grant that the structures of local school politics constitute mere “administrative device[s] that ought to be designed with an eye to basic principles of justice,” we ought to be wary of changes to opportunities to participate in local governance that lead to racially disparate outcomes.²³ We should worry that these changes fail to communicate our basic civic equality.

A few features of this argument are worth pointing out. First, this argument doesn't establish that pursuing school governance reform is impermissible in every case. When we have good reason to believe that reform will lead to positive outcomes for children, we have good reason to pursue that reform, assuming there isn't a better policy route available to us. Nevertheless, when that reform leaves untouched powerful elements of an unjust status quo or requires the already unjustly disadvantaged citizens to make further sacrifices, we should recognize that these reforms constitute a compromise with justice. Critically, recognizing some political change as a compromise creates obligations on our part to, eventually, compensate those who were called on to make such sacrifice. Second, this argument may apply with more or less force depending on the context. In those places not marked by municipal fragmentation and racial and economic segregation—places that are few and far between in the US—this argument will be less, if at all applicable.

Ultimately, I believe that clarifying just relations among citizens will

help guide us in debating how our schools should be governed. Absent such an account, we risk continuing to take for granted unjust features of our current context, failing to communicate to our fellow citizens the appropriate level of respect. With respect to education in particular, I argue that we need to recognize and make clear to our fellow citizens that educational inequality is all of our problem and recommit ourselves to educational reforms that tackle fundamental issues. Only by doing this will we manifest our mutual regard for one another as equal members of the polity and, with time and effort, promote educational justice in all of our schools.

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3 Jeffrey R. Henig et al., *The Color of School Reform: Race, Politics, and the Challenge of Urban Education* (Princeton University Press, 2001).

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8 Seana Shiffrin, “Speaking Amongst Ourselves: Democracy and Law” (The Tanner

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12 Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, Mass: Harvard University Press, 1993), 158.

13 Shiffrin, “Speaking Amongst Ourselves: Democracy and Law,” 157.

14 Shiffrin, 153.

15 Shiffrin, 155–56.

16 Margaret Weir, “Urban Poverty and Defensive Localism,” *Dissent*, Summer 1994, 337–42; Kathryn A. McDermott, *Controlling Public Education: Localism versus Equity*, Studies in Government and Public Policy (Lawrence: University Press of Kansas, 1999).

17 For discussions of where these reforms have taken root, see Jeffrey R. Henig and Wilbur C. Rich, eds., *Mayors in the Middle: Politics, Race, and Mayoral Control of Urban Schools* (Princeton, NJ: Princeton University Press, 2004); Morel, *Takeover*.

18 McDermott, *Controlling Public Education*, 158.

19 Henig et al., *The Color of School Reform*.

20 Henig et al., 43–44.

21 Gerald E. Frug, *City Making: Building Communities without Building Walls* (Princeton University Press, 2001), 18, <http://muse.jhu.edu/book/29794>.

22 Shelby, *Dark Ghettos*, 77.

23 Stephen Macedo, “Property-Owning Plutocracy,” in *Justice and the American Metropolis*, ed. Clarissa Rile Hayward et al. (University of Minnesota Press, 2011), 49, <http://muse.jhu.edu/book/24760>.