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"Thanks for Your Interest in Freire:"
Reinforcing Market Ethics through Restricted School Choice

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Abstract

The purpose of this paper is to argue the role of "ideological management" as a part of an important developing phenomenon in U.S. school privatization efforts: the Charter School. The specific policy identified within this form of schooling is the use of school admissions waiting lists, and the lotteries used to manage disappointed parent aspirations. Thus, students and parents must compete in a socialized "game" of chance to vie for admissions to schools which have more students than they can take. Here, the supposed fairness of the lottery competition for admissions, anesthetizes public criticism that these "chance" policies obliterate the ideology of freedom of choice upon which the Charter school movement is built. This argument also shows how the new "physics" of chance coincides with acceleration of Freire's "ethics of the market" critique of shifts in public school policy, and is a reinforcement of the narrative of competition essential to neoliberal shifts under current conditions.

Keywords: Privatization, Charter Schools, Admissions, Neoliberalism.

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Introduction

Education privatization reforms which are affecting nearly every national education policy platform is often referred to in the United States as “school choice.” Specifically, the “charter” school in the United States. The movement allows privately governed institutions to use public funds for education purposes, and to operate these schools by a different set of laws and rules than the “traditional” public schools. Where parents once had a pre-defined school or limited group of schools available to their children, this movement allows them to select also from this charter group of schools, which are run as private companies, with privately selected governing boards. This paper examines the issue of school admissions policies, with a focus on the development of the most common means of solving the issue that begins when a desirable charter school has more applicants than it can accommodate. This means is the schools use a local lottery, where admissions are governed by the laws of chance. I develop an argument here that this phenomenon serves to normalize and naturalize what is fundamentally an anti-social, undemocratic, acceleration toward social and economic privilege in school admissions upsetting the ideal of true fairness in life chances, human, civic and economic rights for students. These admissions and attendance policies reinforce the false notion that is now proper to replace public ideals of just educational and social opportunity, with these arrangements, from the ethics of democracy to what Freire called the “ethics of the market.” (Freire, 2000)

Thus in the ideological hegemony of charter privatization, the institutions and the way they organize admissions and governance, are themselves teaching; teaching the public to be distracted, and "misdirected" away from developing a coherent critique of the social injustices of neoliberal capitalism which might further potential unrest and political action to question the rising inequalities and broken social promises of the privatizations in every sector of civil and economic society. Social policy thus solidifies the movement away from participatory democracy, which thus regresses toward oligarchies, and excessive control by the most socially and economically privileged.

Charter Schools: Choice and Chance

Today there are more than 5,600 charter schools, and they serve more than 2 million students in 41 states. This number has grown annually by 7.5% since 2006. Charters enroll less than 4% of the country's public-school students. However in Washington, DC, 44% of public-school students attend a charter school. This paper will focus on one element of “choice:” school admissions through school admissions lotteries—and the ubiquity of admissions waiting lists. About 610,000 students are on waiting lists to attend charter schools—a jump of about 200,000 from just two years ago. This number is consistent with general estimates and comes from the National Alliance for Public Charter Schools. According to their survey, two thirds of charters have wait lists. The average size of wait lists was 228 students. Twelve charters reported 2000 students or more. (Cavanagh,

2012) Choices are now further now conditioned by “chance.” I argue that this is an avatar for the paralysis of the very social power privatization is advertised to mobilize. In addition this paper works to argue that the power of choice works not to free but as a social paralytic, as well as a distraction of public attention away from the expropriation of their commonwealth right to a fair public education. (My use of the term commonwealth points only to the notion of social goods reserved for public use, governed and administered democratically.) Many critical scholars argue that most if not all manifestations of privatization function to extend the exploitation and expropriation of public goods in this commonwealth toward increasing opportunities for private profit in corporatized public schools. However this level of expropriation cannot easily occur in the same ideological space as what Sheldon Woolen describes as the democratic “imaginary.” To accomplish such anti-democratic expropriation requires “management” of consciousness. (Woolen, 2008) It is this management of political consciousness which is the center of this paper.

Here I am arguing that the “Choice” phenomenon is both an object of critique and it provides useful intellectual tools for analyzing the purposes and the power of privatization. And I’m arguing for more radical inclusion of intellectual constructs, which ally to critical theory, and in the discussion of *chance*, to an underdeveloped line of critical argument; I focus here on the crucially important ideological management, the function of chance to powerfully anesthetize the “body” politic while it is being eaten and “digested” by private markets. Here I employ a critical solidarity between analytic and metaphoric critical theory, toward continued exploration of the anesthetics of social hypnosis; the magician’s ancient technique of “misdirection,” ideological sleight of hand, which is re-employed by neo-royalist privatizers, to refocus middle class attention away from their economic and status anxieties. (Senese, 1995, 2007) I argue that this extended art of misdirection is central to the current redirection of education politics, and the politics of managing disappointed social aspirations, away from action, away from demonstration and refusal, toward passive acceptance of elite management of social futures. I believe it is an essential addition to the explanatory power of political legitimation theory.

The middle class public is frustrated, discontented and threatening to revolt amid the failure of social democracies to deliver a social “life chances” in exchange for schooling time served. (Marshall, 1998) For over one hundred years, education was coterminous with industrialization, urbanization, and social “progress.” At its best public education was a chance to establish a new opportunity structure in the developing division of labor. This is what Dewey called “that education which the best and wisest parent would wish for their own child.” (Dewey, 1907) This education is focused on desire for fairness, for a meaningful commonwealth. The public school often fell short of this ideal, but never renounced the effort. Until now.

There is a political struggle wherever property and life is at stake. However, while this struggle occurs on the field of Reason, out in the open, where political knowledge and ideological sophistication helps those properly equipped to ferret out profit for their children. Hardships inherited by the remnants of feudalism,

monopoly capitalism, and racism have not been overcome, but reasonably well managed until recently. The series of economic and social collapses and the ability of the management class to manipulate education as a distraction have drawn me more and more once again into agreement with Guy Debord. In his Situationist classic, *Society of the Spectacle*, Debord reflects the communicative media of global Americanization, or what he called “diffuse” spectacle. (McDonough, 2004)

Beginning the end of “open enrollment.”

The traditional public school in the United States is typically open to the children of all residents within a specific district which is served by the school. This “open enrollment” foundation is a basis for the civil and human rights to an education. It is definitely contested terrain in the human and civil rights story of the United States. The history of race segregation and constitutional and civil struggle to realize those ideals have been central to American history. These schools are funded by public-local, state, and federal moneys, and they are governed by a board of citizens who are typically elected to serve a jurisdiction which contains all the public schools in a school “district.” What is important here is that the public rights “ideal” is this important, relatively transparent access to information regarding the governance of all schooling aspects. An exemplary school district in a state where charters are legal may have a district board governing a dozen or more elementary and secondary schools. Within that district may operate a similar number, more or less of charter schools which take public funds, usually based on a student count, yet are only accountable to the board which operates a single school. Each school has such a board, and its member policies are largely opaque. While public district boards are indeed often comprised of public “elites” business leaders and the like, these boards are empowered to use public money, empowered as private elites.

With open enrollment as a foundation, civil rights arguments apply in ways that are erased when private rights fill the space they leave behind. With privatization, transparency and open access enter the murky waters of privilege. So, Charter schools are publicly funded elementary or secondary schools that have been freed from some of the rules, regulations, and statutes that apply to other public schools, in exchange for some type of accountability for producing certain results, which are set forth in each charter school's charter. What is most important for this discussion is that the origination and governance of such schools is done in privacy, obscuring public accountability.

The Great Restoration

All of the elements of the charter revolution are “gene expressions” of the Reagan/Thatcher restoration DNA. This restoration was effectively a political expression of class insecurity and part of the appeal was a return to the foundations

of a particular language of freedom. Essential to this language is the market ethic, including a return to faith in nature's randomness. (Apple, 1996)

It is useful to sketch the backstory of this restoration from the point where creeping stagnation, declining rates of profit are unmaking the post-war economic landscape. For arguments regarding the use of educational crisis discourse as ideology, one can simply turn to the rhetoric of *A Nation at Risk*, the Reagan era report, which raised the spectre of a "moral equivalent of war." The rise of the Japan economy as compared to U.S particularly in electronics and auto manufacture as employed as prima facie evidence of a direct relationship between the high standards of Japanese education and economic growth. When that economy began to falter and stagnate, there was no voice from the neo-liberal opinion press to renege on that connection. The "standards" movement picked up steam with new sets of "comparisons."

The choice/chance phenomena have a particular flavor in the U.S. however American education critics are wise to note character of privatization in the dozens of other national examples. This Italian example simply demonstrates overlap if not redundancy in state efforts to capture the legitimation power of the market rationality narrative. Grimaldi writes how this narrative is steadily eroding and "marginalizing" social justice. "The neoliberal agenda and the marginalisation of social justice are part of a transnational agenda...Education has been subjugated to the indisputable economic imperatives of growth, employability and global competition (OECD 1999; European Council 2009), while marketisation, improvement, leadership, standardisation, meritocracy and flexibility have become the new 'holy' principles in the education debate." (Grimaldi, 2011) He also notes the persistent rhetoric of social justice, equity and inclusion which cohabit with economic rationalism.

The Charter Gamble

If the open school enrollment ideal is obsolete in the charter world, opportunity is not reclaimed by the virtue of an open "private" market for schools. Open markets for charters are mostly a myth, but a useful myth that protects the illusion of choice, and the illusion that free markets encourage it, where public access does not. It would seem that this "libertarian" market narrative would include the ability of someone who had won a place in a charter, could then sell that place on an open marketplace. Such is not the case. There are extensive exceptions which blur the opportunity landscape for all but the most obsessively diligent family.

The application and enrollment “exceptions” are both legal and created in a subterfuge of admissions process mystifications, and widely varying “conditions” under which families are “passively” excluded by lack of education, and experience. The following is a partial list of legal exceptions, privileging some students over others. Many students applying to an oversubscribed school must take their chances on being selected in a lottery, a supposedly random selection from a list of applicants. According to U.S. federal charter guidelines, following categories of applicants may be exempted from the lottery on this basis:

1. Students who are enrolled in a public school at the time it is converted into a public charter school.
2. Siblings of students already admitted to or attending the same charter school.
3. Children of a charter school's founders (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment);
4. Children of employees in a work-site charter school (so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment).

(U.S Department of Education. Charter Schools Program, 2004)

State laws and regulations governing charter schools do vary widely, but extended degrees of privacy from public input remain a standard. Charters may and escape public scrutiny in many ways. The following examples illuminate this:

1. Local school boards do not have the authority to grant or deny charter applications; the process is not open to the public.
2. Charter school funding disproportionately diverts resources from traditional public schools.
3. Charter schools are not publically monitored on a continuing basis and subject to modification or closure if children or the public interest is at risk.
4. Private schools are frequently allowed to convert to public charter schools, and
5. private for-profit entities should are frequently engaged to receive a charter, again through a process that is opaque
6. Charter schools are not subject to the same public sector labor relations statutes as traditional public schools, and charter school employees do not have the same collective bargaining rights as their counterparts in traditional public schools.
7. The teacher pool for charters is only loosely connected to professional standards. Labor is largely casual, employed at will, or for one year limited contracts.

(NEA, 2013: <http://www.nea.org/home/16332.htm>)

I have noted the growing shift, now well documented, from the liberal ideology of commonwealth and “civic” responsibility development toward the so-called “market” rationality of new private options growing within public education. The school “choice” movement is a manifestation of the U.S. national and global privatization shifts in neo-liberalism. A central player in this shift in the U.S. is the Charter school movement. The Charter school as a privatized unit, which in a number of U.S. jurisdictions, may be selected in favor of the local public school. While it depends on taxation from the commonwealth school fund, unlike the public school, it is not held to a reasonable standard of transparency in its governance.

It is not the focus here but it is well noted that jurisdictions and education entities have turned, in the past twenty five years, in time coinciding with the great economic stagnation, to gaming as a source of revenue. I would argue that this has been an essential part of the ideological spectacle, normalizing inequality. The charter school lottery process is connected. In the following federal guidelines there is great leeway given to the individual charter, whose admissions processes are held in private. A lottery is a random selection process by which applicants are admitted to the charter school.

A charter school receiving federal funds must use a lottery if more students apply for admission to the charter school than can be admitted. A charter school with fewer applicants than spaces available does not need to conduct a lottery. In addition, a charter school may weight its lottery in favor of students seeking to change schools under the public school choice provisions of ESEA Title I, for the limited purpose of providing greater choice to students covered by those provisions. For example, a charter school could provide each student seeking a transfer under Title I with two or more chances to win the lottery, while all other students would have only one chance to win. A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply.

“Choice” and Social Exception.

Choice operates as a new dark market in social exception doctrine which fits well into neoclassical economics, where the behavioral and political assumption is that everyone is free to choose. However as Wisman notes, varying powers which condition this “freedom” are opaque. The formation of preferences is ignored, because, like private “purchasing power” disadvantage is the result of “fair” competition in the market. Social opportunity picks up all the ideological power of arguments for efficiency, and rationality. For the affluent this is an advantage. And it is for the troubled and increasingly precarious middle class, whose affluence began to wane in the past generation; this has been a strong attraction. A number of examples to illustrate the way school choice and its expression as “chance” affect children in a new way. For any limits on access to fair schooling will change

the future for the child who misses the right number of trips to the “life chances” reservoir.

One way is to miss the lottery to get access to the school. The very existence of lotteries and the active market for high status schools is a marker of the way in which the child is at the mercy of a parent’s ability to participate. A child can only draw from a reservoir of social, economic, and cultural capital that conditions not their choice but their parents.

S/he is indeed waiting, in more ways than one. Waiting for a parent alienated from the school community, to engage or reengage, one who has been unable or unwilling to exercise choice. Waiting for parents to get a different job schedule. Waiting for them to get a second car. Or a first car. Waiting for a new good school to be built, because the good ones s/he can get to all have waiting lists. Or simply, quietly waiting for her name to come up. Other problems emerge for choice. There is a subtle secrecy surrounding charter school acceptance, where student “fit” for the school becomes an issue it was not in the general public school. Application processes often include multiple “parent/school personnel” get to know you sessions, scheduled each semester, where children can demonstrate this “fit” or not. The most obvious example of this subterfuge is the rising scandal around the systematic exclusion of special education students from Education Management School (EMO) enrollment. The persistent charge of “white flight” to gentry schools is another issue, with segregation re-inscribed in the handwriting of property privilege and social capital power.

For example in a great irony, given the philosophy of its namesake examine the opportunities available at the urban Philadelphia charter, the Freire School. Paolo Freire was a champion of inclusion, participatory opportunity, and social justice. On its website, first you are told of the wonders of attending Freire, and then you are cheerfully told, your child can’t attend. “Thank you all for your interest in Freire. We sincerely appreciate it!” In the site you may learn that like hundreds of other charters, your “choice” will be rewarded by a place in line, and/or in a game of chance. At the High School site one reads: *“Our lottery for Grade 9 was held on February 20th. Families not selected were placed on our Waiting List. The results for both can be found below: For Families Applying for Fall 2012: All spaces for all grades have been filled. Depending on the grade level, we have a Waiting List anywhere from 20 kids to almost 500 kids. We do not anticipate any additional openings for this school year. In the event a space does open up, we will contact the next family on the Waiting List for that grade.”*

Yes, thanks for your interest in Freire. Indeed, your interest, your *choice*, is likely to never materialize. The slogan, “choice” rides the wave of these times. Choice and Chance condition the fair opportunity which is evident in the Freire School’s mission and description of their namesake. We see the irony. Paolo Freire wrote, “An unauthentic word, one which is unable to transform reality, results when dichotomy is imposed upon its constitutive elements. When a word is deprived of its dimension of action, reflection automatically suffers as well; and the word is changed into idle chatter, into verbalism, into an alienated and alienating “blah.” It becomes an empty word, one which cannot denounce the world, for denunciation is

impossible without a commitment to transform, and there is no transformation without action.” Choice becomes such a slogan, and works perfectly for the spectacle; for it refills the empty space left by injustice, with a new justice, market justice, where all may shop who can pay. Sincerity of purpose, and doubtless educator dedication are not doubted when one looks at this school. However, structural conditions enforce what is nearly a comic turn on Freire in Philadelphia.

A market for schools is very different from say, a vegetable market. New stocks cannot readily be expanded based upon customer demand. What is replaced is a life and social chances queue culture. It is a weak market narrative where one cannot sell their place in line, or their win in the lottery. It is much more like renting a spot in a “gentry” school, with a no-sublet clause. The Freire school site also links John Dewey’s philosophic values with their school. The potential for social generosity Dewey’s public school ethic is worth noting. Again, we are reminded that he said, “What the best parent wants for his or her own child, is that which the community and the school should want and seek to provide for every child.” (Dewey, 1907) It is a steep slope from this communal ideal to the ethics of “rational autonomy” and self-interest which abandons the child to the relative social power of their parents and families. School choice mystifies and stratifies the morality of public opportunity in this spectacle.

How many Freire Schools there are, I do not know. But In my home state of Arizona where the Paulo Freire Freedom School “is an open enrollment Tucson public school,” and for the parent, good luck getting in. They write on their website, “Because there were more enrollments than available spots a lottery was conducted on March 19th from the pool of applicants for each grade level to determine who would fill the available spots and to establish a waiting list at each grade level.”

I finish this section with a quote from Freire, not quite so comic:

“True generosity consists precisely in fighting to destroy the causes which nourish false charity. False charity constrains the fearful and subdued, the "rejects of life," to extend their trembling hands. True generosity lies in striving so that these hands--whether of individuals or entire peoples--need be extended less and less in supplication, so that more and more they become human hands which work and, working, transform the world.”

— Paulo Freire, *Pedagogy of the Oppressed*

Social Capital and the School as a “Point of Sale”

Charters were sold as a fair and even playing ground for children of “underserved” races and classes to choose a school better than the one that underserved them. These schools were to be the answer for years of inner city segregated neglect. Just pick that great school down the way, and get educational justice, not served up by District bureaucrats, but by the sharp eye of parents hungry for a choice. The Charter School exhibits all the anti-democratic elements of privatization writ large. While charter schools are “isomorphic” with public schooling on many levels, including an array of “compliance” requirements which require state oversight, in

crucial ways, they are unaccountable. This is particularly true at the level of admissions. A cloak of secrecy is thrown over the process. Which Charter Missions abound with inclusive rhetoric, many also express their “branding” by defining the student who will be “a fit” for the school. There are computer schools, arts and computer schools, arts and leadership schools, leadership and computer schools, outdoors and indoors, college prep and tech prep, online and “field” schools, multi-language schools, etc. etc. While these “boutique” advertisements abound, and celebrate in the language of consumer choice, the graphics and mechanics of neighborhood location, residential social class and income patterns, and limits on parental social capital work to diminish choice in the following ways. With a half dozen “brand” schools operating within a catchment area that once included a dozen or more public schools, the notion that all students will have a fair “choice” is cynical at best.

Students’ right to a fair education choice is thereby further limited by their parents/guardian’s social capacities. For example, the child is constrained by their parent’s relative ability to deliver their children to, and retrieve from, school. Charter’s typical transportation plans are stunted. Why? As the rights of children are further absorbed into a parent’s ability to “purchase” the ethics of the market limits their full access to choices. These ethics are fundamentally different from human and civil rights, in the same way that it is not a civil violation if a parent cannot afford to shop at elite stores. We have no civic vocabulary for this “problem” because it is not a civic problem; it is a form of economic isolation that is simply not a concern of the public or its commonwealth. Parent work schedules are also an issue which place children in a vulnerable position regarding right of fair choice.

The EMO

It is useful to look at the Educational Management Organization. (EMO) They are a subset of the choice movement, where. Often large corporate entities may manage several schools at a time, under one governance structure. Called Educational Management Organizations. (EMO), Like others in the charter movement, the advertise how they deliver on promises to provide higher quality education choice to all students, maximizing life chances, and minimizing the “damage” to life chances especially for the chronically underserved student. This is essential to the moral message in their public appeal, and to the “spectacle” of advertising associated with these new ventures. Yet these EMOs are found to be chronically under-enrolling children of color. Three quarters of the receiving EMO schools have more segregated populations than the districts from which their students came. (Miron, et. al. 2010, Exec. Sum.)

While these schools remain connected to the transparency required for the common-wealth, their governance is largely private. Ostensibly school board meetings are public, and are often scrupulous to follow open meeting laws, with public postings of meetings and minutes available to the public. However, Board nominations and elections are chiefly in-house affairs. These are private boards,

operating with public money, serving the interests of their consumer base, not their public in the truest sense of that term. We must not romanticize the history of public school boards, which themselves often comprise a membership very different from the schools touched.

However, under the rules of the common-wealth, the political struggle to represent public schools remained and remains a public not a private issue. And that is crucial, mostly for its ideological importance. For as private governance of public entities grows so does the mystification and erasure of the difference between those two spheres, and so grows, as time passes the public acceptance that there is NO difference. So grows the acceptance that the logic of market fundamentalism silently replaces the logic of the commonwealth and the replacement of the citizen with the consumer, and human rights, civil rights, with consumer rights, limited not by the logic of justice, but the logic of purchasing power. Some observers seek to equate school “value” by the number of children on waiting lists. VanderHoff (2008) argues that for this to be truly accurate, one would need to add the number of families who have been denied admission, assuming that they were and no longer on that list.

“May the odds always be in your favor:” New Orleans after Hurricane Katrina

In New Orleans, Buras writes how the New Orleans public school system has been transformed, resulting in 47 charter schools operating in the city as independent school districts, including 23 schools operated by the state under the Recovery School District (RSD) She cites enrollment denials due to disabilities, and forces us to look at a school system where charters, play a role in redefining rights. Students at these schools have been either completely denied enrollment as a result of their disability or forced to attend schools ill-equipped or entirely lacking the resources necessary to serve them. These are both clear violations of the Individuals with Disabilities Education Act (IDEA), the federal law intended to ensure that all children with disabilities are provided a free and appropriate education. (Buras, 2010)

Following the abandonment after Katrina, New Orleans would become a ground for new rights exclusions, resonant with Agamben’s notion of sacred life, bare life, which may be “killed” without accountability. The privatization promoting Fordham Foundation judged New Orleans the best city in the United States for charter school expansion. The charter transition was guided by government fiat and by think tanks such as the Urban Institute, and backed by corporate foundations such as the Gates Foundation. Excluded were the working-class African American and Latino/a parents, students, teachers, and community members, many of whom had been literally excluded from the city by redevelopment policies that made it impossible to return. An examination of African American New Orleans social class re-negotiation post-Katrina is beyond the scope here, but needed. The charter school movement has developed a powerful ideological branding with extensive College preparatory school iconography, dress and behavior codes. Yet many of

the black dispossessed who fled the city and could not return are not counted among the number of children from less damaged areas, who come to these cheerful schools in their pre-prosperity uniforms. At every level the state, allied with capital, contended with Katrina by misdirection of anguish. The city was emptied of its black working class, and those who were able to remain or return saw privatization unfold everywhere with a vengeance.

This staggering evasion of state responsibility was implemented by state collusion for a nearly complete private take-over of the schools. In New Orleans two-thirds of students are in charters. However, New Orleans is part of the larger nationwide phenomenon, where despite the argument that this is “market” education at its best, waiting-lists for them are growing faster than new places New Orleans is easily the large city example of charter school revolution. Despite the explosion of “choices” the middle class parent anxiety related to admission is palpable. There also, oversubscribed schools choose pupils by lottery. In an interesting twist, another recent media phenomenon besides was the dystopian novel and feature film, *The Hunger Games*. It is nearly as dystopian as New Orleans after Katrina. Here, the corporate representative announces heartily to the children, who will be hunting each other for food, “May the odds always be in your favor.”

A New Orleans parent writes in a local paper:

Quality of life or education. That's the choice many New Orleans parents have to make once their first child approaches school age. Recently, it dawned on my husband and me that we will have to start looking seriously at schools for our daughter within the year. She turns 3 in July. At the same time, our tiny house is being overrun with toys, and our cars are the better part of a decade old. We all know the area's public schools leave a lot to be desired, but trying to swing private school tuition with a new mortgage and car note would be a tall order. If we eventually add another child to the mix, the expense would be crippling never wanted to sound like one of those yuppie parents who stresses about what pre-school Junior will place in, but here I am.”....

The power and surreal dimension of spectacle is manifest in the story of Hurricane Katrina and the cataclysm of New Orleans post-Katrina. Under conditions Debord noticed in 1987, shortly before his death, he notes the geographically expanding influence of the spectacle. It was premature then to imagine the ways in which the economy of desire would be exponentially accelerated by the digital revolution. The globalization of “diffuse spectacle” is now very real. Yet there remains a sense in which Debora’s cautionary, that the “globalization of the false is also the falsification of the globe,” remains real. We imagine an economic “globe” populated with glassy eyed third world automatons assembling Apple computers, so much faster and cheaper than we can, who manifest “innovations” at such a rapid rate because their managerial classes can do so much more Algebra, so much faster, on diets of rice and tea. It is for them that we sweat bullets about our

“future.” Meanwhile the sweated labor grinds out the real profits, invisible, until a factory collapse temporarily embarrasses the world into mainly, conversation.

The Spectacle of Chance

Chance, that old Surrealist preoccupation, dangerous, and addictive. Debord would describe this as an addition to the “proliferation of master (education) plans” and as part of “spectacular” government which...now possesses the means to falsify the whole of production (the means and ends of) and perception. Chance has seeped into the groundwater of public perception, and we are numbed by its naturalizing righteousness: from the silly—the proliferation of mechanized gaming, and middle/working class slot machine losses used to pay for public services, to the ghoulish: the automaticity of drone strikes, and their random “collateral damage.”(Debord, 2002, p. 9)

These master plans, from roughly, the Defense Education Act of the late 1950s, through the years to the offspring of *The Nation at Risk: No Child Left Behind*, *Race to the Top*, now the Common Core (1) they come at us not just as social service “plans” but as war plans. They are surrounded with the gas of existential threat, and as such education since the end of the 1950s took on the weight and threat of martial law. In Reagan’s “moral equivalent of war” we are a Nation at Risk. Thus the gambling metaphor I discuss here becomes more appropriate.

This history coincides with the years where Debord believed the Spectacle was at its maximum growth. He identifies earlier developments at the dawn of media hegemony early in the 20th century. This “business of exposure” remains raw in our inability to explain how such novel exposure, and expansion of storytelling power, did nothing to mitigate, and indeed may be held directly responsible for the horrific of 20th century mechanized, ideologically fueled barbarism and the politics of extermination.

Central to these developments, these master plans, is their ability to hide what is important. Central to the human possibility of education is the capacity to disclose and nurture the soil for developing and uncovering truths. Essential to this would be the manifestation of the publicity regarding how the division of labor in modern capitalism, is a source of suffering and struggle. In the Spectacle this division is both occult and magical. Implicit in each master plan is the order that children become better fitted to the means of production, especially the incessant technological renewal. What is occult is that in general these techniques are devoted to expropriation, and to proletarianization, not expansion of human potential. (2) What is mystic(al) is the magical property of commodity fetishism, now moving toward global, even universal wo/man, Marx’s “petty bourgeois,” literally “spending” their lives in envy, in desire for bourgeois status. (3) These are lives lived between simple status anxiety, and very complex connected pathways toward real destitution, driven by, bad loans, and bad credit, and for my argument here, bad luck.

The Ideological Management of Privatization

The common sense of neo-liberalism works backward to a period where poverty and working class insecurity are part of the architecture of natural selection and modern common sense. The “choice” movement is an ideological narrative working to “naturalize” both rising inequality, and shrinking middle class life chances. It moves political pressure away from a critique of the economy and toward an educational explanation of these changes. In this shift we may change the conditions of schooling, but we cannot change the conditions of the economy, its labor and distribution tendencies. To do that is to defy not only common sense, but nature.

Thus, expropriation FROM the commonwealth back to private hands is justified by the “fairness” of choice and fair luck. While schools mimic privatization, they also provide a distraction from mounting suffering especially in the forms of exploitations which intensify the attack on the middle and working classes. The power of ideology is most commonly described as the result of media and education hegemony. Selling the politics of neoliberalism through these social forms is certainly central. I want to argue that we pay attention to the consciousness of desire and “common sense,” and the unconscious instincts conditioned by forms of exclusion that predated the modern division of labor. The slogans, “Freedom,” “choice” and “consumer liberty,” are fiercely seeking to neutralize and destroy potential pockets of resistance to global corporate expansion and capital interests at the expense of the global and national working class” (Macris, p. 22)

Legitimation as a Cultural Project

Habermas’ extraordinary early work on legitimation is a strong foundation for understanding the mechanics and spectacle of choice. Heath outlines this contribution where the mechanics of legitimation require “abstract justificatory resources.”(Heath, p. 365)

Choice in schooling can be recognized then as a cultural achievement. He writes, “Legitimacy problems can arise from a tension between capitalism and democracy. The market economy provides a form of integration that does not satisfy the requirements for the reproduction of social order. It functions well because of institutional constraints that are not only sustained outside the logic of the market, but are opposed by this very logic. In cases where the market succeeds in undermining these institutional constraints, it places strains on the same cultural resources that are required for the legitimation of the polity.” (*TCA*, 2:345). The genius of Choice and Chartering is the incorporation, the consolidation of market and social logics. And with the introduction of lotteries, any discontent regarding opportunity is nullified by the innate “rightness” of Chance.

Lipman writes of the way in which, following Habermas’ logic, Since class societies are ones in which the fundamental material interests of different groups are in opposition, social order in such cases cannot be secured purely through normative integration. The alternative, according to Habermas, is the selective

application of force or coercion, with the goal of keeping these underlying conflicts *latent*. An official value-consensus can be attained once these conflicts are sufficiently repressed or out of sight. In cases where social integration is achieved in this manner, the value-consensus is *ideological*. (Lipman, p.10)As she writes, “Certainly venture philanthropists (such as the Gates and Fordham Foundations), charter school operators, business federations (such as Chicago’s Commercial Club), and politicians of both parties have deployed enormous economic, political, and symbolic resources to promote education markets and performance pay for teachers as the only alternative to struggling neighborhood public schools and “bad” teaching. They have raised the cap on charter school expansion, funded charter school ventures, and established policies like those in New Orleans and Chicago to expand education markets...Indeed; the problem of economic stagnation is not a local one for restless capitalists like Gates, nor for the defensive investor class at the Chicago Commercial club. The neo-liberal revolution is certainly global, and the problem of dealing with expectant and disappointed middle class aspirants is certain alive in Britain, Spain, Greece, Italy and elsewhere, where young adult unemployment pushes toward fifty percent in some places, and real scarcity, including food scarcity, is aggravated by ruthless austerity programs. Add to this the lack of accountability of the finance capitalists who exploited public bailout programs, and were held guiltless in the face of bald corruption in the collapse after 2008.”(Lipman, p. 28)The distortion of communication is central to Habermas, and indeed, the dialectical flow of practice and social critique is surely distorted by the false “naturalization” of both unequally formed school preferences and by the normalization of attenuated admissions opportunity by lotteries and Chance.

The Libertarian Strain

Charters and “choice” thrive in the language of both major parties, despite weak delivery of meaningful change in achievement, because their rhetoric reasserts the language of freedom, and earned prosperity. This is essential to the grammar of capitalist virtue language.

The libertarian strain is underpinned by a theology of privilege that is equal parts spiritualism and evolutionary naturalism. Property rights were re-solidified in the Reagan/Thatcher “restoration” such that they also awakened the spirits Calvin’s “predestination,” an essential foundation of the classical liberal strain of individual preordination. These rights have been effectively restored as part of ideological hegemony toward stabilization of political discord in unstable times.

Dramatic inequality increased over the three decades leading up to the crisis of 2008. They note how the “losers” in this decline could have used the political system to block or reverse rising inequality. And they ask. Why did they not do so? The rise of privatization late in this period performed as follows: It began to replace social justice, with a focus on market justice, market rationality, which paralyzed the public reflex to demand social justice. The public faced stalled upward mobility, stagnant or declining wages, decreases in the number and quality

of jobs, increases in unemployment and the rest. Thus it became important to re-engineer the ideological structure of schooling expectations toward an economy of property rights, rather than social rights in a commonwealth schooling. Since the late 1970's the Reagan/Thatcher restoration mobilized this ideological power aided by the libertarian strain in economic theory and practice. Education only followed this strain.

Libertarianism has its roots in the natural rights philosophy that developed during the 17th and 18th centuries as part of an intellectual struggle to focus legitimation in the natural sphere, as opposed to a religious argument, such as early Calvinist predestination. Both de Tocqueville and Marx both noted a high degree of vertical mobility when compared to Europe, in the U.S. and referred to it as "American exceptionalism." Americans continue to believe the myth of American exceptionalism, yet we have seen the ground move in the social reaction to the current crisis. Mainstream economic analysis has performed a powerful normative function in the management of social disappointment, rising inequality, middle class anxiety and imiseration. The notion of fluid mobility argues that inequality is not important, since by dint of hard work, anyone can get rich. It assumes equality of opportunity.

This is the idea of fluid vertical mobility. "Mainstream economics assumes that humans are free to choose among bundles of preferences. It fully ignores the social formation of these preferences, the ways in which the economy might shape them. Preferences are simply taken as given. And because all are free to choose, there is an implicit presumption of a fundamental equality of opportunity for all; Americans generally accept great economic disparities in their society because they believe that opportunities for upward mobility exist for those who would take advantage of them." (Wisman, Smith p. 996)

The need to re-direct social discontent has conditioned, especially since 2008, the need to focus anxiety and anger from the economic order to the educational order. This has largely been accomplished by the high stakes testing movement, but is at work, and growing fast, here in the domain of choice. Indeed the libertarian strain of neo-liberal thought presents a laser focus on the liberating effects of choice.

Wisman and Smith (2011) write how libertarianism presents a series of justifications for inequality, "The contributory, incentives, trickle-down, libertarian, and fluid vertical mobility approaches to distributive justice have continually provided a powerful theoretical and political under-girding for those who oppose efforts to reduce inequality through policy. These approaches even favor policies that serve to increase inequality, such as tax cuts for the rich and cuts in public goods and social welfare for the poor.

The contributory argument insists that those who have more in our economy are typically those who contribute more, with the claim that this is both natural and just. (Wisman, Smith, 995) The ethical foundation for libertarianism is the single, broadly conceived,

and inviolable right of self-ownership. Centrally, for our argument, where social adjustments made to rectify Charter school admissions problems, or school availability fail, we can be excused from violating anyone's rights, because your lack of admission is a simply a matter of chance, and chances are distributed, by mathematics and physics, fairly.

Liberal Citizen Rights

We find ample evidence of the importance of commonwealth for the early modern revolutionary generations. Marx and others would comment on the feudal roots of commonwealth. Indeed, in the Communist Manifesto, Marx seem nearly to wax nostalgic for the static property relations of feudalism, as against the malignant growth of mutant class antagonisms wrought by the breakdown of Feudalism. For Marx, the "language of freedom" as expressed for example, in the Declaration of the Rights of Man and Citizens, By the National Assembly of France, and the U.S. Constitution Bill of Rights and Declaration of Independence enunciate rights of equality in the commonwealth. These are the infant terms of property use defined not by the upper nobility, the hereditary aristocracy, but their uses developed under the legal frameworks developing in parliamentary social compact where the holders of private wealth worked to order a post-feudal society and solidify gains made by the exercise of private power.

Marx would critique the "Rights of Man" for the way these rights, especially under political stress, are subservient to the right of private property. Neo-liberalism has reinforced his vision. Sichel studies the early Marx on this very point, and discusses his argument that property right is a genus of which all other social rights are species. (Sichel, p. 358.) We may perform a brief critical exercise around public Charter school policy, analyzing whether property rights trump commonwealth priorities:

The Declaration of the Rights of Man and Citizens reads:

1. *"Public force is to be instituted for the benefit of the community and not for the particular benefit of the persons to whom it is entrusted."* Yet, in the Charter movement, private boards operate in relative privacy, mainly answerable to their parents. Public funds flow to a relatively non-transparent entity.
2. *"Contributions for defraying the expenses of Government ought to be divided equally among the Members of the Community, according to their abilities."* Yet Charter school opportunities which come from commonwealth funding and support, is not divided equally, and a host of opportunities lay beyond the reach of many children, and their parents. There are no significant adjustments made to account for "ability" to choose.
3. *"Every Citizen has a Right, either by himself or his Representative, to a free voice in determining the necessity of Public Contributions."* The necessity, and/or the purpose of your public schooling contribution, where it comes to Charter school funding, is fundamentally out of your reach, unless you participate in the board of a particular school, or attend it's meetings. Mark the impossibility of participating in

what may be hundreds of essentially private school funding decisions, even though these are made possible by the commonwealth fund.

4. *“Every community has a Right to demand of all its agents an account of their conduct.”* Yet the very notion of community is obscured when private school corporations take public funds, conduct school admissions and rejections, make curricular and personnel decisions and most citizens of that community have no access to information which might make their “agents” accountable.

These new realities have been orchestrated in the most current expression of the neo-liberal temper, and have the backing at the national level of the centers of both the Democratic and Republican parties, including the robust support of Barack Obama’s administrations. These developments come as the result of a three decade long movement by capital, through a variety of private political, foundation, and commercial activity, to rebrand the economic contraction as a crisis in education. This activity has effectively used public education as a decoy, a patsy, a target to take the eyes of a nervous public away from their increasing distance from an American Dream, and from what might become a capitalist legitimization crisis.

Conclusion

Public education has played a vital part in keeping open the notion of equality of treatment under law. It is a site for the struggle to make the opportunity for life chances take place on an equal field of contest. This struggle has not been easy, but it has been public, with the promises of Constitutional language realization finding expression in relative schooling opportunity. It is the egalitarianism of common law collectivism which is part of M. L. King’s “arc of justice.” We take for granted the commonwealth, “socialist” participatory democratic tradition, where our shared commitment to sharing our property for the common good is a central part of democratic life. We use taxation; we exercise the management of taxed funds, toward a notion of shared interest that a child’s compulsory access to school should be fair. A child’s access to the following should not be conditioned by their parent’s wealth-safety for learning, facility equality, teacher experience equality. We argue for a society where freedom and the pursuit of happiness are not inordinately burdened by differences in wealth or property. We know however that the power of property rights and attendant privileges, along with legacies of racial discrimination, have limited these aspirations. Publicly provided competitive advantages have never fully compensated for wealth. The “life chances” reservoir has forever been skewed. However, the contest for recognition of unfair advantages, the public debate over the legacies of feudalism, colonialism, and slavery, and how to address attendant disadvantages has been waged in a relatively transparent debate. That ideal transparency includes a public discourse of human rights, and civil rights. This transparency is also not guaranteed and public bureaucracies, corruption, and inefficiencies have also worked to diminish this ideal. However, the logic of limited choice and parents gambling for school admissions are violations of the most basic underpinning of human educational rights. They are not a part of a healthy democracy or a truly civil society.

References

- Agamben, Giorgio, 1993. *The Coming Community*. Univ. of Minnesota Press, 1993.
- Alexander, Hanan. "What is Common About Common Schooling? Rational Autonomy and Moral Agency in Liberal Democratic Education." *Journal of Philosophy of Education*, Vol. 41, No. 4, 2007.
- Apple, Michael. *Cultural Politics and Education*. NY: Teachers College Press, 1996.
- Ball, S.J. 2003. *Class Strategies and the Education Market: The Middle Class and Social Advantage*. NY: Routledge-Falmer.
- Buras, Kristen. *Children with Disabilities Face Discrimination in New Orleans Schools*. <http://www.splcenter.org/get-informed/news/splc-complaint-children-with-disabilities-face-discrimination-in-new-orleans-school>. - 07/28/2010 See especially her outstanding book, *Pedagogy, Policy and the Privatized City: Stories of Dispossession and Defiance from New Orleans*. NY: Teachers College Press, 2010.
- Cavanagh, Sean. *Education Week Whitepapers*. http://blogs.edweek.org/edweek/charterschoice/2012/06/waiting_list_for_charters_600000_students_strong_group_says.html. June 12, 2012
- Debord, Guy. 1994. *The Society of the Spectacle*. Zone Books.
- Debord, Guy. 2002. *Comments on the Society of the Spectacle*. NY: Verso.
- Dewey, John Dewey. "The School and Social Progress." Chapter 1 in *The School and Society*. Chicago: University of Chicago Press (1907): 19-44.
- Freire, Paulo. *Pedagogy of Freedom: Ethics, Democracy and Civic Courage*. Rowman & Littlefield Publishers, Dec 13, 2000.
- Grimaldi, Emiliano. Neoliberalism and the Marginalisation of Social justice: The Making of an Education Policy to Combat Social Exclusion. *International Journal of Inclusive Education* <http://www.tandfonline.com/loi/tied20>. pp.1130-1154
- Heath, Joseph. "'Legitimation crisis' in the Later Work of Jürgen Habermas." *PHIL. PAPERS* <http://philpapers.org/rec/HEALCI>
- Hill, Dave. (2013) Immiseration Capitalism, Activism and Education: Resistance, Revolt and Revenge. *Journal for Critical Education Policy Studies*. Volume 10, Number 2 (October 2012)

- Jorda, Oscar. "Credit: A Starring Role in the Downturn." *FRBSF ECONOMIC LETTER*. April 16, 2012
- Lipman, Pauline. [Neoliberal Education Restructuring Dangers and Opportunities of the Present Crisis](#). Full Text Available By: Monthly Review: An Independent Socialist Magazine. Jul 2011, Vol. 63 Issue 3, p114-127. 14p.
- Macris, Vicki. "The Ideological Conditions of Social Reproduction." *Journal for Critical Education Policy Studies*, vol.9. no.1
- Marshall, Gordon. 1998. *A Dictionary of Sociology*. life-chances "A term used in Max [Weber's](#) analysis of [class](#) and [status](#), in particular with reference to the concept of 'class situation'.
- McDonough, Tom. Ed. 2004. *Guy Debord and the Situationist International*. Cambridge: MIT Press.
- Miron, Gary, Jessica L. Urschel, William J. Mathis, Elana Tornquist. "Schools without Diversity: Education Management Organizations, Charter Schools and the Demographic Stratification of the American School System." *Great Lakes Center for Education Research and Practice*. Feb. 2010. (NEA, 2013: <http://www.nea.org/home/16332.htm>)
- Perelman, Daniel. "Distributive Injustice." 498 *Review of Radical Political Economics* 44(4)
- Plato, *The Republic*, Book III. NY: Jowett, 1968.
- Senese, Guy. 1995. *Simulation, Spectacle, and the Ironies of Education Reform*. NY: Bergin and Garvey.
- Senese, Guy. 2007. *Throwing Voices: Five Autoethnographies on Postradical Education and the Fine Art of Misdirection*, Charlotte: Information Age Press.
- Simon, Stephanie. Fri Feb 15, 2013 Reuters: Special Report: *Class Struggle - How charter schools get students they want*.
- Vander Hoff, James. *CATO Journal*. Fall, 2008, Vol. 28 Issue 3, p479-493. 15p.
- Wisman, Jon D., Smith, James F., 2011 *Legitimizing Inequality: Fooling Most of the People All of the Time*. *American Journal of Economics and Sociology*, Vol. 70, No. 4. p. 54
- U.S Department of Education. Charter Schools Program, Title V, Part B, Non-Regulatory Guidance, July, 2004

Endnotes

- (1) The Economist, June 7, 2012
- (2) Giusti, Autumn. Commentary: School choice presents young parents with dilemma By:, New Orleans CityBusiness (LA), Feb 26, 2010
- (3) Davis, Matt. 504ward part of a “richer, whiter, New Orleans. Salon http://www.salon.com/2010/08/28/new_orleans_katrina_demographics/

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