

Book Notes

REALIZING EDUCATIONAL RIGHTS: ADVANCING SCHOOL REFORM THROUGH COURTS AND COMMUNITIES

By Anne Newman

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In *Realizing Educational Rights: Advancing School Reform Through Courts and Communities*, Anne Newman insightfully examines the relationship between deliberative democracy and education. Drawing on philosophical and legal analysis, historical narrative, and rich case studies, Newman argues that a concern for equal participation in democratic processes warrants education the status of a right and suggests ways in which such a right may be realized. The result is a thought-provoking book that traverses the boundaries between theory and practice, legal and popular discourse, and philosophy and social science.

The first half of the book lays out the theoretical case for education as a right. Acknowledging the “enduring dilemma” between majority rule and individual rights, Newman makes the familiar argument that substantive requirements are necessary for democracy to function properly. These requirements often take the form of rights, which Newman defines as limits on the reach of democratic process. She points out that while many accounts of democracy—including her preferred deliberative variety—delineate such requirements, they mistakenly overlook the importance of education. In other words, democratic theorists typically treat education as within the scope of democratic decision making, even though this may limit some citizens’ access to education. For this reason, she explains, we have good reason to think that education should be “shielded from democratic politics far more than existing practices permit, and far more than most theories recognize as necessary” (p. 10).

Newman’s argument to include education under the auspices of a rights claim is built on a link between education and two requirements that she stipulates are necessary for democratic participation: the right to vote and the right to express oneself freely. She explains that education is the primary means of developing two skills central to the exercise of these requirements: cognitive autonomy and the ability to use public reason. If the development of these skills is compromised, the result is similar, at least in spirit, to violations of the right to vote, and therefore the legitimacy of the democratic process is undermined. Given this clear and strong connection, she argues that the state has an obligation to protect the development of these skills in all citizens, thus warranting the status of education as a right.

The second half of the book focuses on how citizens might advance the case for education as a right, accepting as a starting point current legal, institutional, and political conditions. Using a pair of case studies, Newman explores two options: the courts and community activism. Presenting a detailed analysis, she first brings to life the legal process that surrounded the *Rose v. Council for Better Education* (1989) decision, in which the Kentucky Supreme Court declared the state's system of public education unconstitutional and affirmed that children have a right to an education. She continues on to explore the work of the Coleman Advocates for Children and Youth in San Francisco, a local community organization that for nearly thirty years has advocated for issues such as juvenile justice, affordable housing, and public education. She interprets each case through the lens of deliberative democracy, yielding both expected and surprising results.

In the first case, Newman covers well-trod ground in noting how the *Rose* decision, while a triumph for educational rights, is also a case of judicial review, a process commonly understood as opposed to deliberative democracy. She points out that though judicial review is not deliberative in process, it can be a necessary and useful means to ensure that the substantive requirements necessary for democracy to function are met. In this instance, if one agrees with her account of education as a right, then her defense of court-based activism through judicial review makes sense. In the second case, Newman highlights how the Coleman Advocates use rights-based discourse to promote their constituents' interests. She shows how their use of rights discourse in clear instances of democratic deliberation can actually be an obstacle to deliberation. For example, she explains how such claims often function as discussion stoppers in disputes about the distribution of educational resources. By looking across both of these cases, Newman ultimately concludes that neither court- nor community-based activism "is likely to realize single-handedly students' right to a high quality education" (p. 107). These case studies are extremely thoughtful and productive and are perhaps the most compelling aspect of the book.

In fact, the case studies are so compelling that one cannot help but wonder why Newman's account does not begin there. For a text that is so interdisciplinary in nature, it seems odd to abide by the distinction she acknowledges in her introduction, namely, that the first part of the book is primarily for "political and educational theorists" and the second part for "policy makers and advocates" (p. 3). Certainly, the conclusions she draws in each part are relevant to the interests of both groups. Moreover, her case studies seem to be important examples of the ways in which rich, actual experience can serve as a compelling foundation for philosophical analysis. The first portion of the book would have benefited from the inclusion of such detail. For example, though Newman pushes the argument for substantive requirements for democracy convincingly in the direction of education, her description of the

relevant educational skills remains very abstract. It is unclear what cognitive autonomy and the ability to exercise public reason—or their absence—look like in practice.

Yet, this is a relatively minor complaint of such an engaging text. It is clear that educators, political theorists, community activists, and practitioners will all find useful and provocative questions with which to wrestle when they pick up this compelling book. Newman's successful combination of theory and case analysis provides ample grounds for thinking deeply about the status of education, particularly in the United States.

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