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JUST SCHOOLS: THE IDEA OF RACIAL EQUALITY IN AMERICAN EDUCATION. By *David L. Kirp*. Berkeley: University of California Press. 1982. Pp. xiii, 374. \$19.95.

The decision of the Supreme Court in *Brown v. Board of Education*¹ recalls to many commentators a moment when morality and constitutional principle coalesced in a ringing pronouncement that seemed to promise the transformation of American society.² Nearly three decades later, the elusiveness of the vision of racial equality mandated by the Court continues to vex educators, legislators, judges and commentators. In *Just Schools*, David Kirp uses case histories of five Bay Area communities — San Francisco, Richmond, Berkeley, Sausalito and Oakland — to provide an unusual glimpse into the multifarious processes that have thwarted realization of the *Brown* ideal.

Kirp begins by identifying the linkage in *Brown* between “racial fairness” and “educational equity” as the fundamental source of complexity in the “quest for racial justice in education” (p. 1). He then separates the question of policymaking into two broad categories — uniform versus idiosyncratic standards, and legal versus political modes of decision (p. 1). The functional interaction of these elements — “process and substance, politics and principle” — is the focus of his analysis. “The central puzzle of this book is: How does an essentially political process involving each branch and level of government shape race and schooling policy over time, in light of the larger normative concerns summoned by the question?” (p.11). The case histories, which comprise Part Two of *Just Schools*, successfully illuminate this descriptive inquiry. These well-developed studies capture in sharp relief the personalities and political forces that shaped the course of events in each community, in much the same way that Richard Kluger captured the history leading to *Brown* in *Simple Justice*.³ Kirp is less successful, however, at responding in Part Three to the “prescriptive concern: What mix of politics and constitutionalism, and federal and local decision-making best serves the ends of racial justice?” (pp. 11-12).

Just Schools opens with an examination of the ideal of racial equality in the context of public education. Kirp suggests that “the *Brown* decision is clearer about the nature of the wrong than about the dimensions of the right” (p. 20). The *post-Brown* notion of racial equality has been conceptualized in three divergent ways. First, the “integrationist” view rejects the classical liberal insistence on color blindness and requires instead deliberate racial mixing.⁴ The “redistributionist” view focuses on improving conditions within the black community. The redistributionist demands remedial efforts to undo the *effects* of past discrimination. Finally, the “black

1. 347 U.S. 483 (1954) (*Brown I*).

2. See Yudof, *Nondiscrimination and Beyond*, in *SCHOOL DESEGREGATION* 97, 97-98 (W. Stephan & J. Feagin eds. 1980).

3. R. KLUGER, *SIMPLE JUSTICE* (1975).

4. Integration is thus distinct from desegregation, the mere removal of formal racial barriers. P. 22.

power" view "looks not to abolishing the ghetto but to securing the community's control over its institutions" (p. 24). Kirp notes that despite their disparities, these views all contemplate action beyond simply abolishing legal racism, and thus encounter greater resistance than strategies limited to non-discrimination (pp. 25-26).

According to Kirp, *Brown* initially "shift[ed] the terms of discourse" on educational equality from *resources* to *outcomes* (p. 41). Later studies seemed to indicate that desegregation, even coupled with federal programs such as Head Start and Title I, had little impact on the educational achievement of minority children and so undermined much of the impetus necessary to sustain desegregation efforts. That educational failure, coupled with foot-dragging on desegregation in many cities and resegregation resulting from "white flight," fueled movements in predominantly black urban school districts away from integration toward "community control" (pp. 47-48).

Just Schools then turns to post-*Brown* legal developments and the interplay of law and politics in the formulation of educational policy. Kirp asserts the importance of constitutional values as a necessary underpinning of the policy process, and the role of courts as the ultimate arbiter of those values. He cautions, however, that courts have numerous limitations in the area of educational dispute resolution. Beginning with *Brown II*,⁵ the Supreme Court recognized that desegregation decrees must be brokered on a case-by-case basis. He argues that because "[c]ourts cannot run school systems" (p. 59), the implementation of their decrees depends on the cooperation of the parties to the dispute.

The five Bay Area case histories provide numerous insights into the conflicts of policy and process earlier explored by Kirp. A few general observations are particularly noteworthy. First, the expectation of the NAACP Legal Defense Fund, as described by Richard Kluger, that a Supreme Court decision declaring segregation unconstitutional would avoid the necessity of "spend[ing] the next half-century arguing cases of unequal educational facilities one by one,"⁶ has proven chimerical. As Kirp observes, "The contemporary reality of race and schooling policy . . . makes a shambles of the hoped-for uniformity. What prevails is not a single national standard, authoritatively set and effectively implemented, but rather a bewildering diversity of arrangements, ad hoc in nature, varying enormously both in content and in implementation" (p. 7). Second, judicial demands for immediate results, such as the "Integrate Now" command of *Alexander v. Holmes County Board of Education*,⁷ ignore the reality that desegregation is a complicated process that *does* require a great deal of preparation. In San Francisco, a federal court allowed only six weeks for formulating a desegregation plan; the hastily devised plan that resulted was seriously flawed. More "deliberation" and less "speed" might have produced a plan whose consequences would have done much more to advance racial equality (pp. 101-03, 107-10).

5. *Brown v. Board of Educ.*, 349 U.S. 294 (1955).

6. R. KLUGER, *supra* note 3, at 284.

7. 396 U.S. 19 (1969). See also B. WOODWARD & S. ARMSTRONG, *THE BROTHERS* 36-56 (1979).

In Part Three, Kirp evaluates the status and prospects of the educational systems and desegregation plans of his five communities. He finds that the turmoil and extremism which characterized much of the 1960s and 1970s has dissipated (pp. 254-55). In San Francisco, the first major northern city to desegregate under court order, bureaucratic indifference crippled a premature plan that "stressed racial balance and had little educational content" (p. 261). In Sausalito and Berkeley, which integrated voluntarily after elaborate and comprehensive preparation, the systems were hardly in place before conflicting forces of "black power, separatism, and experimentalism" (p. 259) began to displace them. In Richmond, opponents of desegregation gained firm control of the schools, and in cutting the budget, eliminated busing from the voluntary open enrollment plan which marked the extent of the district's commitment to racial equality in education (pp. 145-46, 260). "In Oakland, demography outpaced policy" (p. 258); efforts were refocused, as in other overwhelmingly black urban districts like Detroit and Atlanta, on asserting black control over the administration and resources of the system (p. 262).

Kirp has succeeded in posing the significant problems involved in achieving racial equality in education, and his case histories make a worthwhile addition to the literature on the subject. His conclusion, however, in which he proposes policy directions for the future, is less satisfactory. His largely dispassionate presentation of those issues and events neglects to take value-based positions critical to his concluding policy arguments.

What is glaringly absent from *Just Schools* is any appreciation of the value of the constitutional right mandated by *Brown*. The educational benefits of desegregation are identified in *Making Desegregation Work*,⁸ an impressive recent study that makes a fine companion volume to *Just Schools*. *Making Desegregation Work* emphasizes that schools teach important things that are *not* measured by achievement test scores. They "do not just teach youth; they socialize youth into adulthood."⁹ Moreover, William Ryan, a psychologist, argues that educational dividends are irrelevant to racial equality in providing desegregated schools. He observes, "When drinking fountains were desegregated, no one expected the water quality to improve; when lunch counters were desegregated, the hamburgers and Cokes didn't taste any better . . . And no one expected black kids in desegregated swimming pools to start swimming faster. . . ."¹⁰ For Ryan, educational benefits are not necessary to justify *Brown's* holding; desegregation is morally essential.

In contrast, Kirp is equivocal toward the constitutional principle involved in equal educational treatment. He purports to disagree with the Supreme Court's requirement of proof of intentional segregation¹¹ in cases involving Northern school districts. He argues that "the injury that children suffer from racial separation has nothing to do with its cause. Does a

8. R. CRAIN, R. MAHARD & R. NAROT, *MAKING DESEGREGATION WORK* (1982) [hereinafter cited as CRAIN].

9. *Id.* at 12.

10. W. RYAN, *EQUALITY* 159 (1981).

11. *See Keyes v. School Dist. No. 1, Denver, Colo.*, 413 U.S. 189 (1973).

black fourth grader know that her school is 95 percent black only because officials gerrymandered the attendance zone? Does it matter?" (p. 285).

Kirp instead favors uniform minimum integration, defined by Justice Powell in his separate opinion in *Keyes v. School District*,¹² as a baseline constitutional principle. He adds, "[b]eyond the uniform minimum obligation, racial concerns are, as Justice Powell notes, properly weighed against 'other, equally important educational interests which a community may assert'"¹³ (p. 286). Presumably the weighing process would rule out busing, since Justice Powell is one of the Court's strongest advocates of the value of "neighborhood schools."¹⁴ In fact, Kirp argues that a showing of intent *should* be required when district-wide or metropolitan-wide relief is contemplated (pp. 287-88). Thus, his minimum constitutional standard is minimal indeed.

Yet, having insisted on a segregative intent test to justify district or metropolitan-wide remedies, Kirp closes by deploring the racial gap between city and suburban schools. He notes that the number of urban school systems with majority-white enrollment dropped from four of the ten largest and sixteen of the thirty largest in 1968, to one of ten and eight of thirty only eight years later (p. 301). He concludes:

Such a transformation jeopardizes our sense of the public school as an institution critical to the nation's well-being These schools may instead come to be regarded as a welfare service, provided as a matter of largesse to the less favored members of the society. That perception of public schools as charity schools was strongly resisted by American educators a century and a half ago. With good reason: if this view becomes widely held, it can only hasten the decline of the institution. [Pp. 301-02.]

Having ended on this note, Kirp muses, "It is easier to suggest in broad terms what is wanted than to imagine how this might presently be pursued" (p. 302). In *Just Schools*, the easier path is well travelled; the more

12. A system would be integrated in accord with constitutional standards if the responsible authorities had taken appropriate steps to (i) integrate faculties and administration; (ii) scrupulously assure equality of facilities, instruction, and curriculum opportunities throughout the district; (iii) utilize their authority to draw attendance zones to promote integration; and (iv) locate new schools, close old ones, and determine the size and grade categories with this same objective in mind.

413 U.S. at 226 (Powell, J., concurring in part and dissenting in part).

13. 413 U.S. at 240 (Powell, J., concurring in part and dissenting in part).

14. *See, e.g.*, *Washington v. Seattle School Dist. No. 1*, 102 S. Ct. 3187, 3208 (1982) (Powell, J., dissenting) ("Children of all races benefit from neighborhood schooling . . .").

The evils of busing are largely symbolic, however, and the vehemence of the opposition to busing is completely discordant with the facts concerning it. Over 50% of America's children are bused to school, and less than 7% of those are bused for racial purposes. K. ARRINGTON, *WITH ALL DELIBERATE SPEED: 1954—19??* 37 (U.S. Commn. on Civil Rights, Clearing House Publication 69, 1981). Often, integration of a metropolitan area decreases its school busing overall. *See* Pettigrew, *The Case for Metropolitan Approaches to Public-School Desegregation, in RACE AND SCHOOLING IN THE CITY* 163, 171-72 (A. Yarmolinsky, L. Liebman & C. Schelling eds. 1981). Students walking to school are three times as likely to be involved in accidents as those transported by bus. K. ARRINGTON, *supra*, at 38. Students' academic achievement and feelings about their school are largely unaffected by busing itself. *See* CRAIN, *supra* note 8, at 58-60. Finally, metropolitan-area school systems may increase cost efficiency by eliminating wasteful duplication of facilities in adjacent districts. Florida has adopted a system of county-wide school districts, motivated by cost efficiency, not integration. *See* Pettigrew, *supra* at 171.

difficult remains largely uncharted.¹⁵

15. Kirp's book has also been reviewed in *Christian Science Monitor*, June 21, 1982, at 16.