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A REVIEW OF CRYSTAL RENEE CHAMBERS'S *LAW AND SOCIAL JUSTICE IN HIGHER EDUCATION*

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REVIEW

Every now and then a new textbook comes along that provides a broader and more inclusive synthesis of the historical and social foundations of American higher education. Crystal Chambers begins her book on law and social justice (*Law and Social Justice in Higher Education*) with a useful analysis of the philosophical meaning of social justice. Although she looks at the question from different angles of vision such as liberty-based and equity-based perspectives, it becomes quite apparent early on that Chambers prefers a particular definition of social justice that is counter to her definition of social injustice. "Social injustice is not just about the presence of inequities, but systems, policies, and procedures that reinforce disparities, that hegemonically oppress by rationalizing inequities as rational, as normal" (p. 11). In this vein, social justice is a remedy to alleviate the presence of inequities and uproot structures that create and reinforce economic and social disparities. Although I share Chambers's basic conception of social justice, I am keenly aware that conservative opponents have created their own pejorative perspective and acronym about social justice, Social Justice Warriors (SJW), to redefine social justice as simply identity politics as opposed to a deep-seated conviction and commitment to eliminate social inequality. This divide makes it even more critical to engage in head-on discussions about legitimate conflicting conceptions of social justice. At the end of the chapter on the meaning of justice in higher education, as the case with each chapter, Chambers provides useful and provocative questions for discussion. At this juncture in the book its important to raise for students an additional question regarding the manner in which different conceptions of social justice have zigzagged throughout American history, emblazoning our democratic ethos with conflicting and alternative definitions of the meaning of a level playing field, even as most Americans express a belief in equality of opportunity. Indeed, the sharp disputes over the issue of social justice today echo loudly different ideas of a just society that were debated over a century ago.

Then as now the differences were not just between beliefs in inequality versus social justice. Rather the fundamental difference rested on conflicting conceptions over the nature of justice. One conservative counter narrative of social justice dates back at least to the late 19th century Yale University economist and sociologist William Graham Sumner who made a positive defense of inequality as fundamental to a socially just society. In 1883, Sumner published a book entitled "*What Social Classes Owe to Each Other*" and concluded that the correct answer is "nothing". As was the case throughout his career, he praised the rich as model citizens and applauded the accumulation of wealth as the natural and necessary condition for social advancement. Above all else he championed the middle class as the flywheel of society and created the concept of the "Forgotten Man," an ordinary taxpayer, law-abiding and hard-working citizen whose strife and despair were often overlooked by bureaucrats

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and social reformers seeking a form of resource distribution that aids minorities and the poor. In the view of Sumner and his followers, this was the real social injustice. In the many decades since Sumner coined the term “Forgotten Man” there has been a consistent dominant classical liberal conception of social justice that views the white working class as the unsung American flywheel that is continuously ignored and thus treated unjustly by social movements designed to help minorities, women, and the so-called non-taxpaying poor. Advocates of such conservative thought defend economic inequality as the just and natural distribution of individual social worth. In short, economic inequality is the natural order of society and thus a just and positive good.

Part of the classical liberal conception of social justice directs attention to the counterproductive costs of alleviating inequality through the redistribution of goods and services. To burden with the cost of public beneficence the citizens who work and support their families, pay taxes, and who engage in the day-to-day labor that underlies economic growth and social stability is viewed by classical liberals as the most fundamental form of social injustice. From Sumner’s 19th century essay on the Forgotten Man to Trump’s inaugural declaration “The forgotten men and women of our society will be forgotten no longer” lies a conception of social justice that applauds inequality as the natural and just order of things. As presidential candidate Rick Santorum declared in January of 2013, “There is income inequality in America. There always has been and hopefully, and I do say that, there always will be” (<https://www.cnbc.com/id/100361302>).

Chambers has done an outstanding job of posing questions regarding a particular conception of social justice and beliefs about inequality. An added benefit is to foster a discussion about the historically conflicting conceptions of social justice per se. Otherwise the concept of social justice comes across as one-sided and therefore superficial. Another question is whether there is a way to build a bridge across conflicting conceptions of social justice. As Chambers points out, most Americans believe in equality of opportunity. Still, what do they mean by “equality of opportunity” and are there shared values within the concept of equality of opportunity that are useful for alleviating disparities and reinforcing processes for social and economic equity?

Although focused mainly on the complexity of law and social justice in higher education, Chambers also provides the kind of historical coverage of the formative stages of American higher education that answers the usual “what about” questions that we get from students studying the foundations of American higher education. Recognizing that American higher education originated and developed within a diverse population that included indigenous people, African slaves and free persons of color, and people of European, Mexican, and Asian descent, students naturally wonder about the status of people of color as well as women during the early years of American higher education. Hence, they engage in a series of such questions as “what about” the higher education of Native Americans, African Americans, Asian and Latina/o and women during the Colonial, National, and Antebellum eras. Chambers’s treatment of people of color from the Colonial through the Progressive eras covers the diversity of American higher education that is rarely seen in standard texts that focus primarily on a dominant master narrative of the origins and evolution of the nation’s mainstream colleges and universities even as they make modest efforts to include women’s colleges and historically black colleges and universities. Although necessarily truncated in a book of approximately 300 pages, Chambers provides a brief history of the early higher education of Native Americans, Asians, and Mexicans. A short history of African American higher education and a broader discussion of the struggle for racial equality in the Progressive Era as well as the desegregation of historically white colleges and universities from the cold war era through the 1960s completes a solid and pervasive treatment of the variegated histories of exclusion, inclusion and struggles for social quality.

This is a history of the evolution of social justice in American higher education similar to Ronald Takaki’s social history, *A Different Mirror: A History of Multicultural America*. Chambers’s *Law and Social Justice* is in significant part a history of our multiethnic higher education systems. In vital respects, it offers the same advantages and faces the same challenges of interweaving the separate and distinct historical experiences of Native Americans, Whites, African Americans, Latina/o, Asians, and wom-

en into a singular narrative that captures the overarching meaning of the broad and complex experience of higher education in America. For instance, the treatment of women in American higher education from the colonial era to the mid-1960s is detailed in Chapter seven as a set aside from the treatment of the higher education of people of color. This reminds us of the continuing difficulty of writing an integrated narrative of Americans who struggled for inclusion in higher education at the same time, in the same places, albeit in different terrains. In this significant work of historical and legal analysis, Chambers grapples with the challenges that have stunted generations of scholarly efforts seeking to capture the foundations of American higher education in a singular narrative. Without question she does a better job than most in providing us with a portrayal of the complex and complicated struggle for access, inclusion and equality. Chambers moves us closer to a new master narrative through which we can see a more accurate and balanced interplay of ethnicity, social class, gender, and disability in the nation's long struggle to establish a socially just system of higher education. *Law and Social Justice in Higher Education* is one of the more intellectually stimulating textbooks I have read in some time; its contributions to the field of scholarship on the evolution of social justice in American higher education are numerous and significant. I am very favorably impressed by the questions for discussion at the end of each chapter that are designed to propel students of American higher education into thoughtful discussions about issues of access, inclusion, and equity then and now. This is a compelling treatment that will serve as an excellent textbook on the historical, legal and social foundations of American higher education.

BIOGRAPHY



James D. Anderson is the Edward William and Jane Marr Gutsell Professor and Dean of the College of Education at the University of Illinois at Urbana. He holds affiliate professorships in History, African American Studies and Law. His book, *The Education of Blacks in the South, 1860-1935*, won the American Educational Research Association outstanding book award in 1990. He served as senior editor of the *History of Education Quarterly* from 2006 to 2016. He is a member of the National Academy of Education and in 2016 he received the Palmer O. Johnson Memorial Award for the Outstanding Article in American Educational Research Association journals.