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## Book Reviews

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## Book Reviews

EDUCATIONAL POLICY AND THE LAW (2ND ED.). By Mark G. Yudof, David L. Kirp, Tyll van Geel, and Betsy Levin. Berkeley, California: McCutchan Publishing Corporation, 1982. Pp. 863.

*Reviewed by Edwin M. Bridges\**

*Educational Policy and the Law* is primarily a sourcebook of legal and social science materials on a range of contemporary policy issues relating to American elementary and secondary education. The policy issues which the authors have chosen to treat most extensively in this book are state aid to nonpublic education, collective bargaining, segregation, inequalities in financing public education, educational rights of women and the handicapped, and due process for students. The authors also treat, but to a more limited extent, such policy issues as the educational rights of limited English-speaking children and the disadvantaged, vouchers, testing, ability grouping, minimum competency education, and the rights of students and teachers. All of these issues rank high on the list of critical policy matters that educational policy makers and school administrators have faced in the past decade.

By and large, the discussion of each of these policy issues can be read without a studied regard for the other issues. The linkages between policy issues are not so tightly drawn that the understanding of one issue depends upon or is facilitated by knowledge of the other issues discussed in the book; this is true even when several policy issues are treated in the same chapter (for example, collective bargaining, vouchers, and minimum competency education in the chapter on "Educational Governance and the Law"). This quality, one earmark of a reference work, enables the reader to look at the table of contents, select the policy issue that interests him or her, and commence reading without much loss in meaning.

For each policy issue, the authors typically, but not always, identify the most important case-law and reproduce those segments of the court rulings that they wish to highlight through their notes and questions at the end of each case. In addition, the authors occasionally illuminate the implementation of these rulings and their impact on school policies and practices by reprinting excerpts of research re-

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\*Professor of Education, Stanford University

ports prepared by social scientists. There are also numerous references to related legal and empirical work.

This approach poses several problems for the reader who expects the book to be much more than a sourcebook. The questions raised by the authors in relation to the cases are unequivocally stimulating and thought-provoking. After a while, however, the reader becomes frustrated by the volume of superb, but unanswered, questions and related references. If a supplementary text were available that addressed these questions, readers could more easily satisfy their need to know. Without the convenience of such a supplement, readers are apt to skip the notes and questions, thus missing an important feature of this book.

A second problem arises in connection with the authors' praiseworthy effort to assess the impact of the law on school policies and practices. In light of the importance of this problematic issue to understanding the policy making process, their decision to reprint only excerpts of one or two pieces that shed light on the implementation and impact of a particular law or ruling is regrettable. A preferable, though admittedly more labor-intensive, approach would be for the authors to prepare a critical, integrative essay on the relevant empirical research. Several of the works reproduced (in part) by the authors attempt to perform this function; however, such instances are the exception rather than the rule.

A third problem inherent in the authors' format is the general lack of integration of the material presented for each policy issue. The burden of tying the cases, the notes, the questions, and the excerpts from articles together to form a meaningful whole rests primarily on the reader. This feature of the book does not seem to be fully consistent with one of the authors' stated objectives, i.e., to "help the student of education make sense of legal decisions" (p. xxiii).

Despite these three limitations, *Educational Policy and the Law* is a valuable resource and reference work for the topics it covers. The book contains a rich supply of legal and social science sources on important and timely issues of educational policy. Beyond that, the book does what few other law books do; it, in the authors' own words, "stresses the interplay of law and policy, legal decision, and educational practice."

JUST SCHOOLS: THE IDEA OF RACIAL EQUALITY IN AMERICAN EDUCATION. By David L. Kirp. Berkeley, California: University of California Press, 1982. Pp. 302.

*Reviewed by Donald H. Layton\**

No single issue in American educational policy has been more greatly researched in recent years than has the desegregation of the public schools. With the advent of *Brown v. Board of Education* and its progeny, social scientists, historians, journalists, legal scholars, and others have activated themselves to examine the conflicts of value and preference inherent in school desegregation efforts. Several studies, including works by Hawley, Kruger, Orfield, and others, have been contributions to the politics of education literature. Not a few published works, however, have been idiosyncratic case studies or "how-to-desegregate" manuals of minimal scholarly import. In the early 1980s a new genre of school desegregation studies has begun to appear in print. These "keep-the-faith" efforts have tried to sustain and rekindle the liberal belief in the efficacy of desegregation for continuing school improvement.

Of recently published studies, David L. Kirp's *Just Schools: The Idea of Racial Equality in American Education* is beyond question one of the most insightful examinations of race and the public schools to appear. This assessment of the work is attributable to at least two factors, its authorship and its overall conception and design. David Kirp ranks among the top legal and policy analysts of American education today. He has published widely and draws upon a productive career as scholar as well as education activist in authoring this volume. Further, Kirp's design for the study is particularly well chosen. He has not been content to be only a legal philosopher but has included descriptive case studies of how race and education were played out in five separate California school districts in the aftermath of the *Brown* decision. This time span provides perspective in assessing the past vicissitudes and future prospects for school desegregation efforts.

*Just Schools* is divided into three sections. Part I, "The Aspiration of Equality," identifies many of the dilemmas and inner contradictions inherent in school desegregation policy in America. Two questions that dominate this study are stated at the outset: (1) "Should race and schooling policy be defined as a single standard applied na-

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\*Associate Professor of Educational Administration and Policy Studies, State University of New York at Albany.

tionally, or is there room for variability?" and (2) "Is the issue best resolved through the constitutional apparatus of the courts, or does politics deserve pride of place?" Chapter 1 is an exploration of the first question; Kirp argues persuasively for variable standards (or "idiosyncrasy") rather than uniformity in resolving school desegregation issues. Chapters 2 and 3 focus respectively upon race, "The Persistent American Dilemma," and education, "The Many Meanings of Equal Opportunity." Chapter 4 is a cogent examination of "The Interplay of Legalism and Politics" in race-and-schooling conflicts.

Part II, the book's core, focuses upon how race-and-education concerns unfolded in five northern California school districts between 1955 and 1980. One chapter is devoted to each of these school districts, which include San Francisco, Richmond, Berkeley, Sausalito, and Oakland. The case materials are generally presented in a detailed chronological fashion and concentrate upon the roles of school administrators, board of education members, teachers, civil rights activists, political officials, and others in shaping outcomes in race-and-schooling challenges. Kirp often passes judgment on the actions of the actors. Research for the case studies is based upon interviews and document searches, tasks in which the author was assisted by at least eight other researchers.

Part III, the conclusion of *Just Schools*, incorporates two summarizing chapters. The first of the two attempts to compare and contrast the experiences of the five school districts; among its several purposes is to generalize about the roles of various state and federal actors in effecting solutions to race-and-schooling problems. The last chapter seeks to place the Bay area experiences with race and schooling into a broader context. Kirp once more returns to the questions posed at the beginning of the book relative to uniformity and variability in addressing race-and-schooling issues. He is also concerned with how the political process can be better orchestrated to effect resolutions to race-education concerns.

Reduced to its essentials, the argument of *Just Schools* is that attempts to apply a uniform judicial standard or principle to racism in public education are doomed to failure. This is the case because, as a society, we lack consensus about the meaning of racial justice. For example, Kirp contends that, in the post-*Brown* years, there have been at least three differing responses to racial segregation in public education, and to a varying degree each has had official sanction in public policy. The three responses have included redistributive (manifest in compensatory education), universalistic (manifest in integration), and community control (manifest in black power). Kirp would

acknowledge such differences and would recommend "a policy combining uniform minimum guarantees of equal treatment—including the chance to obtain a genuinely integrated education—with idiosyncratically developed school programs building on the preferences of particular communities" (p. 283). He would follow the general guidelines contained in Justice Powell's opinion in *Keyes v. School District No. 1, Denver*. But he would shift the onus for action to address race-and-schooling concerns away from the judiciary and would instead rely upon the brokering and negotiations of political leadership.

While this reviewer found *Just Schools* to contain a well-reasoned appraisal of where we have been and where we should be going in matters of race and education, die-hard civil rights activists are not likely to be in accord with the more flexible approaches Kirp advocates. These individuals will continue to view race-in-education issues in terms of narrow principle—of right and wrong—around which flexibility means retreat from commitment. They will be skeptical that politicians will be as responsive to their interests as the courts have been.

Some methodological purists, too, may question the sample of California school districts which, to some extent, have defined Kirp's reality of and shaped his argument concerning race and schooling. These case studies, which constitute three-fifths of the book, are hardly representative of the population of school districts, both Northern and Southern, which had to respond to desegregation pressures in the aftermath of *Brown*. Unlike in Oakland, one of the included districts, most communities did not have their school superintendents shot to death by a bizarre group of social misfits. The Black Panther Party, too, had an unusually high profile in two or three of the school districts, and the inclusion of Berkeley can be justified only on an extreme-case type rationale. The sample (like many in academe) seems to have been based on expediency. David Kirp is Professor at the University of California at Berkeley.

Such criticism is largely irrelevant in light of the author's intentions for *Just Schools*. For surely this book captures the widespread uneasiness about race-and-education policy in the United States and provides a framework for debating and clarifying our national goals in this crucial policy area. The book adds a significant chapter to the extant politics of education literature; it should be read by the nation's educational and political leaderships as well as by aspirants to such leadership.

