



# School Closure and Abnormal Justice

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**SCHOOL CLOSURE AND ABNORMAL JUSTICE**  
A Qualifying Paper

Jacob Fay  
October 2015

Chicago

In the spring of 2013, the Chicago School Board voted unanimously to close 49 public elementary schools. In practice, the logistics of this decision were complicated. Officials simply boarded up some schools, like Jesse Owens Community Academy. Other schools, like Benjamin Banneker Elementary School, closed while staff and faculty from another school moved into the building the closing school formerly occupied. The district closed and consolidated yet other schools, creating one larger school where there were previously two. All told, the decision relocated more than 11,000 students by the start of the following school year. It was the largest single school closure in the city's history, representing a reduction of roughly ten percent of the total number of public elementary schools in Chicago. Justifying the closures, the CEO of Chicago Public Schools, Barbara Byrd-Bennett, explained:

For too long children in certain parts of Chicago have been cheated out of the resources they need to succeed in the classroom because they are in underutilized, under resourced schools. By consolidating these schools we can focus on transitioning every child into a better performing school close to their home.<sup>1</sup>

However, for the largely black communities that faced the prospects of school closure, these words hardly seemed to reflect the reality of the situation. Community organizers asserted that closure was more akin to a hostile takeover than a salutary reform, pointing to the fact that although 42 percent of Chicago public school students identify as black, black students account for well over 80 percent of students affected by closures.<sup>2</sup> One

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<sup>1</sup> Barbara Byrd-Bennett, "Letter from CEO Byrd-Bennett on New Investments and Student Supports." *Chicago Public Schools*, March 20, 2013, <http://www.cps.edu/News/Announcements/Pages/3202013PR2.aspx>.

<sup>2</sup> Alex Keefe and Becky Vevea, "Emanuel addresses race in school closure plan," *WBEZ91.5* (Chicago, IL), March 27, 2013, <http://www.wbez.org/news/emanuel-addresses-race-chicago-school-closure-plan-106325>.

member of a local school council described the closures in plain, clear terms: “Our community is being disrespected.”<sup>3</sup>

### New York City

By the fall of 2014, the phase-out of Roberto Clemente Middle School, I.S. 195, was complete. For years, the school had shared a building with a KIPP charter school, and had recently ceded space to another charter that expanded grades as Clemente stopped offering sixth, seventh, and finally eighth grade. The district pointed to dismal academic results, decreasing demand for the school, safety concerns, and low attendance rates to justify its decision to phase out Clemente, noting how after a few years of academic gains, the school had fallen on increasingly hard times.<sup>4</sup> Still, parents in the West Harlem neighborhood around Clemente lamented the loss of the school. As one parent, Iris, explained:

The Roberto Clemente School was a school that represented us as a Hispanic community and as the striving community that we are. For many years, this was one of the best schools, but due to mismanagement and the lack of support we received, the school was slated for closure. Many of the parents in this community fought to keep our school open, but it was futile; it was too late. In other words, they already had plans for the floor that our school occupied. Today, it makes me sad to see the kind of supports that these new schools, that are occupying our spaces, are being offered. Today I see how many school buses arrive, full of children from many areas to fill the school and I ask myself: Why couldn't they have done this with our school? Why wasn't our school offered the same supports?<sup>5</sup>

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<sup>3</sup> Sarah Karp, “School closings: Parents seek clarity, safety” *Catalyst Chicago* (Chicago, IL), March 22, 2013, <http://catalyst-chicago.org/2013/03/school-closings-parents-seek-clarity-safety/>

<sup>4</sup> New York City Department of Education, *Educational impact statement: The proposed phase-out of I.S. 195 Roberto Clemente*, December 17, 2010. <http://schools.nyc.gov/NR/rdonlyres/964086CE-D82A-4480-8E77-C5516251AA56/95180/EISM195.pdf>

<sup>5</sup> Journey for Justice Alliance, “Death by a Thousand Cuts: Racism, School Closure, and Public School Sabotage,” May 2014, [http://www.j4jalliance.com/wp-content/uploads/2014/02/J4JReport-final\\_05\\_12\\_14.pdf](http://www.j4jalliance.com/wp-content/uploads/2014/02/J4JReport-final_05_12_14.pdf), p. 21.

For Iris, the value of Clemente extended far beyond academic performance; the school was indelibly intertwined with her sense of her West Harlem community.

### Boston

Sitting before members of the Boston School Council, the principal of John Marshall Elementary School, Theresa Harvey-Jackson, shared a statement she had prepared in the wake of the recent news that the district planned to close her school the next fall and re-open the building as an in-district charter school.<sup>6</sup> “I support the idea of the Marshall becoming an in-district charter,” she read, continuing, “Our children deserve a new and clean facility. They deserve a longer school day. They deserve to be educated to their fullest potential and beyond.”<sup>7</sup> Though these changes should be welcome, she noted, the district had not made those investments in Marshall when it first had the chance to do so, even when she had asked for help. In her mind, the district had “failed” the 700 children and their families that attended the school, of which nearly 99% are children of color.<sup>8</sup> Jackson charged the district with starving Marshall of necessary resources in the years after the school had initially made average yearly progress goals. The loss of resources left Marshall floundering and without needed supports just as it had started to show improvement. Furthermore, she felt the district had ignored her requests for basic and pressing facility maintenance, many of which, she sardonically noted, were suddenly taken care of in the weeks before the announcement that Marshall would become a

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<sup>6</sup> An in-district charter school does not function entirely independently from its host district and must be approved by the host district before submitting their application to the state, but are exempt from union approval.

<sup>7</sup> Theresa Harvey-Jackson, “Theresa Harvey-Jackson, principal of Marshall Elementary School, testimony,” YouTube video, 8:10, October 26, 2012, <https://www.youtube.com/watch?v=kV3vvJwoXW8>.

<sup>8</sup> Public School Review, “John Marshall Elementary School,” Accessed September 1, 2015. [http://www.publicschoolreview.com/school\\_ov/school\\_id/37305](http://www.publicschoolreview.com/school_ov/school_id/37305).

charter school. Similar to some of Iris' concerns in the wake of the closure of Roberto Clemente Middle School in New York City, Jackson questioned why the district was prepared to open its coffers to a charter school, but had kept the purse closed when the requests came from the Marshall community.

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Each of the above examples illustrates how hotly contested decisions to close schools can be. For some people, closure exemplifies real, necessary school reform. It addresses deep structural challenges that face many urban school districts, including steep budget deficits, under-enrollment, and schools that consistently perform poorly on state standardized tests.<sup>9</sup> For others, closure is a means to introduce new actors into the schooling environment that will unsettle bloated and aging systems, spur innovation, and improve the quality of schooling for all students. Yet, for still others, closure is a signal that a community is seen as incapable of educating its own children, a policy that destabilizes and divests neighborhoods of important shared institutions, or a superficial reform that hardly scratches at the real sources of educational disparities.

The examples also suggest that *race* and *space* are essential lenses through which to understand closure. In Chicago, the district explicitly noted its concern for children in “certain parts” of the city. In modern American cities, to talk about space and neighborhoods is to talk at least implicitly about race. As the closures in Chicago

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<sup>9</sup> Closure is also equally at issue in rural areas, where consolidation of small schools into larger districts is increasingly common and also hotly contested. While I expect that some of what follows in this paper applies to such cases, there are particulars that may prompt us to think quite differently about such closures, which I do not address here.

demonstrated, by focusing on “certain parts” of the city the district’s decisions to close schools overwhelmingly affected black youth. Similarly, in Boston, a nearly 100 percent minority population felt the closure of Marshall Elementary. In New York, Iris links her neighborhood school to her community’s Hispanic identity, again drawing race and closure into conversation.

To talk about school closure is also to talk about *justice*. In the examples from Chicago, New York, and Boston, proponents and opponents of closure draw on claims of justice to justify or challenge public decisions. Consider some of the language in the examples above: “cheated,” “disrespected,” and “deserve.” These words draw on notions of fairness, equality, and obligation— notions which are central to justice. At the same time, if these examples are any guide, the relationships among these normative claims can be difficult to understand. Some claims link justice to race and social geography, others link justice to material resources and opportunities. The result is that as much as school reformers, community activists, parents, and local officials aim to speak to or about others’ claims for justice, they talk past each other. Thus, as a whole, public discourse about what it means to implement just school reform appears fragmented and multifaceted.

How should theorists and policymakers understand and attend to such fragmentation? I suggest that recent work by Nancy Fraser, in particular her account of “abnormal justice,”<sup>10</sup> provides a useful starting place. Fraser observes that contemporary discourse about justice lacks a coherent structure; different claims emerge from different sorts of

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<sup>10</sup> Nancy Fraser, “Abnormal Justice,” *Critical Inquiry* 34, no. 3 (2008): 393–422.

claimants, imagine different means of redress, and locate their claims in different conceptual spaces, among other things. Her subsequent account of justice clarifies the debate over school closure in three ways. First, the notion of abnormal justice explains why and how opposing claims about school closure rest on very different notions of what justice is and what justice requires. Second, the three forms of contemporary injustice central to Fraser's account—maldistribution, misrecognition, and misrepresentation—not only explain the normative force of the various claims about justice and school closure, but also make explicit concerns about race and social space. Third, her expansive conception of justice enables us to identify and analyze the relationships among the different forms of injustice implicated in instances of school closure. For example, engaging with claims of injustice in this manner reveals that forms of injustice can be both recursive and corrosive. Thus, to theorize about school closure or consider closure as a policy option requires theorists and policymakers to embrace abnormality—in short, to attend to the relationship between different dimensions of justice.

### Abnormal Justice

In order to understand Nancy Fraser's account of "abnormal justice," it is easiest to begin with her account of "normal" justice. Drawing conceptually on the work of Thomas Kuhn and Richard Rorty, Fraser suggests that under "normal" conditions, justice claims share a set of presuppositions about three features of justice: *what* it is (its nature), *who* its subjects are (its scope), and *how* it should be enacted (its process).<sup>11</sup> Such shared

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<sup>11</sup> See Fraser, "Abnormal Justice," 394. For accounts of normal and abnormal, or in Kuhnian terms "revolutionary" discourse see Thomas S. Kuhn, *The Structure of Scientific Revolutions*, 4<sup>th</sup> ed. (Chicago: University of Chicago Press, 2012), 10–22; and Richard Rorty, *Philosophy and the Mirror of Nature*, 30<sup>th</sup> Anniversary ed. (Princeton: Princeton University Press, 2009), 320–327.



presuppositions provide a common grammar through which the nature of a particular phenomenon and the corresponding problems it presents can be explained. It also, crucially, enables *disagreements* to be had about particular aspects of justice, precisely because fundamental presuppositions are held in common.

Indeed, many theorists agree that *what* justice is about is distribution—who is owed what, by whom, how much, and under what conditions. Agreement on this basic point facilitates argument about what exactly should be distributed and how. For example, when a sufficientarian argues with an egalitarian, they disagree about the principle of distribution but agree with the premise that justice requires the allocation of resources to people (thus even agreeing, potentially, on the “currency” of justice, in G.A. Cohen’s terms). The same is true when liberal theorists dispute whether justice should equalize resources, opportunity, outcomes, or welfare. They may disagree about the currency, but still all agree that justice is about distribution rather than about something entirely different such as integrity. Similarly, liberal theorists generally agree that individuals within political territories or states comprise the *who* of justice and that the political form of the state is properly tied up in *how* justice should be enacted. Indeed, many implicitly follow Rawls’s assumption that justice is enacted through a bounded political community, with the traditional state serving as the archetype of such a community.<sup>12</sup> Thus, to use Kuhn’s phrasing, the notion of distribution, particularly within a bounded community, forms a “foundation for further practice,” and in fact facilitates disputes within a common framework.<sup>13</sup> They are thus “normal” disputes.

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<sup>12</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Belknap Press, 1971), 7–8.

<sup>13</sup> Kuhn, 10.

By contrast, Fraser argues that if recent struggles for social justice are any guide, public claims about what constitutes justice lack a discernable common grammar. Though unstructured disagreement in informal contests is to be expected, as “it has always been possible in principle to problematize *doxa*,” contrasting grammars of justice create friction in formal avenues of argument and, indeed, theory.<sup>14</sup> That is to say, justice claims are typically met by counterclaims that rest on entirely different presuppositions about the nature, scope, and process of justice. This is what Fraser terms “abnormal justice”: each feature of justice reflects a different “node” of abnormality and, thus, a different source of instability in theorizing about justice. Given the nature of the dispute over school closure, I will consider only the first node: what constitutes a justice claim.<sup>15</sup> As we will see, this in and of itself is a large enough task.

Fraser suggests that the instability surrounding this conceptual node arises from different ontologies of *injustice*. She identifies three distinct sources of injustice, each one located in different social cleavages and representing a distinct normative concern. These are maldistribution, misrecognition, and misrepresentation.<sup>16</sup>

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<sup>14</sup> But abnormality is also present at the theoretical level. Fraser notes that abnormal justice may actually “represent the historical norm.” Thus, what appears to be a deformity in discourse about justice is actually the norm, and periods of time whereby justice discourse has an ordering logic are few and far between. See Fraser, “Abnormal Justice,” 395–396.

<sup>15</sup> I do so because the nature of justice is most directly applicable to the dispute at hand. Arguably, concerns about who and how are not raised in the disagreement over school closure. In principle, those who fight closure have standing to make claims, and they do so publicly and legally. Similarly, opponents of closure generally pursue their claims in established processes (forums, municipal legislature, and the courts). The main concern, as I see it, is that the claims of opponents of closure are typically positioned as incompatible with enacting justice.

<sup>16</sup> Fraser explains that these three sources of injustice do not map onto the three nodes of abnormality, even though there appears to be a similarity. She suggests that the “who” and “how” nodes reflect the increasingly globalized context of justice claims, in particular contemporary challenges to national boundaries as defining the appropriate subjects and structures for understanding justice claims. Each

The first source of injustice, *maldistribution*, refers specifically to economic injustices and can include exploitation, economic marginalization, and deprivation.<sup>17</sup> More generally, we might think of maldistribution as describing circumstances where some people have either less or more than their fair share of social resources. When people make claims of maldistribution, they expect *redistribution* to follow. As I suggested above, liberal theories of justice are typically concerned primarily with this form of injustice.<sup>18</sup>

The second source of injustice, *misrecognition*, identifies injustices associated with the cultural dimension of social life and may include cultural domination, nonrecognition, and disrespect.<sup>19</sup> In order to understand misrecognition as a matter of justice, Fraser offers what she terms the “status model of recognition.” Rather than understand recognition in the traditional Hegelian sense of self-realization, Fraser construes misrecognition as a violation of equal status. In other words, misrecognition reflects institutionalized status hierarchies and typically forms around socially constructed identities like race, gender, or sexuality.<sup>20</sup> Thus, when people make claims of misrecognition, they intend *respect* and *nondomination* to repair distorted social relations.

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ontology of injustice, however, can emerge within the bounds of a traditional state and among citizens. Thus, additionally, one does not need to necessarily engage with the other nodes Fraser identifies in order to comprehend the abnormal aspects of the dispute about the what of justice. See Fraser, “Abnormal Justice,” 397–402.

<sup>17</sup> Nancy Fraser, “Social Justice in the Age of Identity Politics,” in *Redistribution or Recognition? A Political-Philosophical Exchange*, Nancy Fraser and Axel Honneth, (New York: Verso Press, 2003), 13.

<sup>18</sup> For documentation of liberal theorists’ preoccupation with maldistribution, see: Iris Marion Young, *Justice and the Politics of Difference*, (Princeton: Princeton University Press, 1990), 16–18.

<sup>19</sup> Fraser, “Social Justice in the Age of Identity Politics,” 13.

<sup>20</sup> *Ibid*, 29.

Finally, the third source of injustice, *misrepresentation*, reflects the “stage on which struggles over distribution and recognition” play out.<sup>21</sup> It is concerned with political boundaries or decision rules that wrongly deny some people the ability to participate in public contestation over issues of distribution and recognition. This notion of injustice calls into question the particular political structures that are used to make decisions—electoral systems, forms of representation, etc.<sup>22</sup> These structures may limit some people’s ability to substantively participate in public decision-making, even though they may, in principle, have a role to play. For example, consider decision-making procedures that create entrenched minorities. Even though such groups may formally participate in decision-making, because there is little chance their interests will find institutional support their participation in public debates is not substantive. On Fraser’s account, this is the injustice of “political voicelessness.”<sup>23</sup> When people make claims of misrepresentation, they expect to be *included* in formal political action as *legitimate* political actors.

Though these three forms of injustice are conceptually distinct, in practice they are often bound up with one another. For example, maldistribution may accompany misrecognition as an equal and independent injustice or misrecognition may eventually result from persistent maldistribution. Misrepresentation may occur in the absence of misrecognition

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<sup>21</sup> Nancy Fraser, “Reframing Justice in a Globalizing World,” in *Adding Insult to Injury: Nancy Fraser Responds to her Critics*, ed. Kevin Olson (New York: Verso Press, 2008), 278.

<sup>22</sup> Fraser also proposes a second form of misrepresentation: “meta-level political injustices, which arise as a result of the division of political space into bounded polities.” In other words, misrepresentation describes how political boundaries, such as states and countries, effectively rule out some people from making claims of other people. See Fraser, “Abnormal Justice,” 407–409; Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (New York: Columbia University Press, 2009), 145–147. For my purposes, because closure is a domestic dispute, I will consider misrepresentation only in its “domestic” form.

<sup>23</sup> Fraser, “Abnormal Justice,” 403.

and maldistribution, but it may also be closely linked to either injustice. However, even though the forms of injustice tend to bundle, this is not a reason to think any single form is reducible to the others. *Ontological monism*, Fraser explains, is a mistake. This is because the harm each injustice incurs is distinct.<sup>24</sup> For example, the targets of institutionalized racism are likely deprived not only of resources but *also* social recognition *and* political equality. They have, if you will, three separate complaints. Similarly, addressing any one single form of injustice on its own does not necessarily address the others, and in fact may undermine efforts to mitigate the other dimensions of injustice. Consider social welfare supports for low-income families. While these programs are certainly a form of resource redistribution, they typically are enacted in a social and political context whereby the recipients are shamed for receiving such support. Redistribution, in effect, reinforces misrecognition. Thus, as Fraser suggests, efforts to mitigate injustice must account for both the distinct harms of each dimension, as well as the irreducible entanglement between them.<sup>25</sup>

What makes the sort of instability described by maldistribution, misrecognition, and misrepresentation distinct from normal disagreement is that the very foundations of justice are in dispute—the “grammar of justice itself” is up for grabs.<sup>26</sup> Iris Marion Young’s pointed criticism of “the distributive paradigm” of justice is a prime example of such a dispute. She argues that the language of distribution precludes important types of claims about justice from consideration *qua* claims of justice, and that the concepts of

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<sup>24</sup> Fraser, “Social Justice in the Age of Identity Politics,” 23–26; Fraser, “Abnormal Justice,” 403–404.

<sup>25</sup> Fraser, “Social Justice and the Age of Identity Politics,” 64–67.

<sup>26</sup> Fraser, “Abnormal Justice,” 395.

domination and oppression should replace distribution as the basic concern of justice.<sup>27</sup> Understanding Young's argument as part of a broader family of justice as recognition claims, Fraser suggests such criticism reflects a first-order dispute about what justice is—distribution versus non-oppression.<sup>28</sup> Indeed, Fraser conceptualizes distributive justice and justice as recognition as different “normative philosophical categories.”<sup>29</sup> For her, a recognition-based justice claim is simply not intelligible or coherent within a distributive framework, and vice versa. Each framework either fails to understand the other or resorts to a means of translation whereby the particular normative concern expressed by trespassing claims is diluted or lost. It is this seeming incommensurability between first-order claims that defines abnormal discourse.

Critiquing both distributive and recognition-based theories of justice, Fraser claims that both are ill-suited to handle the demands of abnormal discourse. Such theoretical work focuses largely on first-order questions about what accounts for distributive fairness or equal respect rather than on second-order questions about the relationship between

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<sup>27</sup> Young, 15–38. Now, Young is also clear to say that distribution is not without consequence and should not simply be abandoned. She hedges her claims in so far as she only aims to propose an equally important set of normative concerns. But much of her work in *Justice and Politics of Difference* seems set on a course of displacement, as she arguably treats domination and oppression as normatively and ontologically prior to distributive fairness.

<sup>28</sup> Other theorists in the ambit of justice as recognition include Charles Taylor, Elizabeth Anderson, and Axel Honneth. See Charles Taylor, *Multiculturalism and “The Politics of Recognition”*: An Essay, ed. Amy Gutmann (Princeton: Princeton University Press, 1992); Elizabeth Anderson, “What is the Point of Equality?” *Ethics* 109, no. 2 (1999): 287–337; Axel Honneth, “Redistribution as Recognition: A Response to Nancy Fraser,” in *Redistribution or Recognition? A Political-Philosophical Exchange*, Nancy Fraser and Axel Honneth, (New York: Verso Press, 2003), 110–197. Others also refute justice as distribution, though recognition *per se* is not the basis of their account. See, for example, Philip Pettit *Just Freedom: A Moral Compass for a Complex World* (New York: W.W. Norton and Company, 2014); Ian Shapiro, “On Non-domination,” *University of Toronto Law Journal* 62 (2012): 293–335.

<sup>29</sup> Fraser, “Social Justice in the Age of Identity Politics,” 27.

different frameworks of justice.<sup>30</sup> By contrast, Fraser's framework helpfully clarifies the complexity of disputes surrounding justice and, in this particular case, school closure. Her conceptual project juxtaposes different notions of justice and captures the fundamental sense in which each is distinct from the others. Fraser also suggests that the fundamental challenge facing both contemporary theorizing about justice and political action toward justice is how to establish and understand the relationship between different discourses of justice. It is with such thoughts in mind that I now turn to school closure.

### Injustice and School Closure

Disagreement over school reforms like closure exemplifies the multidimensional nature of injustice. Recall the three vignettes at the start of this essay. One striking feature running through all three vignettes is the conceptual divide between the claims at the heart of each dispute. In Chicago, a notion of distributive justice undergirds the school district CEO's claims that children are being "cheated" of equal resources, while many of these children's parents claim that school closures exacerbate "disrespect" and the injustice of misrecognition. In New York, Iris calls attention to the way city officials channeled educational resources to West Harlem via professional reformers at the expense of disempowering Iris's community, provoking claims of both misrepresentation

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<sup>30</sup> Fraser argues in favor of an alternative, normatively monistic account of justice. She proposes a *principle of parity of participation*: in her words, "justice requires social arrangements that permit all (adult) members of society to interact with one another as peers." Accordingly, whether a political, economic, or social structure is unjust can be determined by evaluating the extent to which it serves to prevent some people from participating in public decision-making and social interaction on a par with others. Given the three primary forms of injustice, Fraser argues that while each is conceptually distinct from the others, all are at least commensurable insofar as the degree to which participation is threatened can be compared across types of injustice. See Fraser, "Abnormal Justice," 395.

and misrecognition. In Boston, the Marshall principal also emphasizes claims of misrepresentation in contrast to the district's efforts to redistribute educational resources.

Fraser's theory thus enables us to name and describe some crucial features of contemporary disputes over school closure: namely, the fragmentation of justice claims and consequent "abnormality" of discourse around school closures. Different claimants—parents, communities, school reformers, etc.—refer to conceptions of justice that rest on different ontological foundations, and thus struggle to make sense of each other's demands. Ideally, we can overcome this abnormal public discourse by embracing the challenge Fraser's theory sets out for theoretical and practical work about justice. Clarifying the conceptual relationship between different frameworks of justice will help to facilitate exchanges between and across the different cleavages in discourse about justice.

### *Confronting Educational Inequality*

Maldistribution is a distinct and consistent concern across the opening vignettes. In Chicago, the district explicitly notes that closing "underutilized, under resourced schools" is necessary to ensure success for all students. In New York City, Iris is keenly aware of the "supports" offered to the schools that replaced her Clemente. In Boston, Principal Harvey-Jackson lists a number of resources and opportunities she believes the children attending Marshall "deserve." Each of these claims draws on notions of who is owed what, by whom, for what reasons, and under what circumstances. Each also refers to stark



inequalities of educational resources and opportunities that define American school systems.

Indeed, there is a fair amount of agreement between all parties that skewed distributions of resources and opportunities are a profound source of injustice in education. Referencing the phase-out of Dyett High School, located in the historically black Chicago neighborhood of Bronzeville, community activist Jitu Brown asserts, “We are going to demand that we have an equitable school system...that gives children at Dyett High School the same educational opportunities that children have in Lake View,” a high school in a predominantly white Chicago neighborhood. He goes on to specifically compare the course offerings at Dyett to those of Lake View, pointing out, “at Lake View, these children have Mandarin Chinese 1-4, French 1-4, German 1-4, Spanish 1-4, Spanish for Native Speakers 1-4, and Advanced Placement Spanish where at Dyett High School they have Spanish 1 and 2 ... That is, if you are talking about children first, they must be honest enough to deal with the structural inequities that are in place.”<sup>31</sup> Although Brown is opposed to mass school closures as a policy solution, he fully agrees that maldistribution is an on-going, even structural policy problem, as exemplified by the highly unequal course offerings available to students at Dyett versus Lake View.

However, closure appeals to some people because it appears to solve the distributive disparities between schools like Dyett and Lake View in a particularly efficient way. If maldistribution is the problem, shouldn't redistribution be the answer? A simple example

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<sup>31</sup> Jitu Brown, “Jitu Brown Supports Chicago Teachers & Children @ City Hall (9-7-12),” YouTube Video, 13:32, September 12, 2012, <https://www.youtube.com/watch?v=XiHwXJiAvQo>.

illustrates this point. Redistribution, by definition, implies taking from some and giving to others. Imagine that Jessie has 5 units of educational goods while Casey has 10. Assuming the inequality between them is unfair, one obvious way to make things fair is to take some of Casey's goods and give them to Jessie. This form of redistribution is commonly understood as "leveling down." That is to say, giving Jessie goods that Casey had access to makes Jessie better off and the relationship between them more fair, but likely worsens Casey's prospects. This sort of zero-sum redistribution reflects an intuitive notion of redistribution; some educational goods are a finite resource, thus giving resources to some means taking from others.<sup>32</sup> Still, leveling down creates both a philosophical and practical problem. It can be very challenging to justify leveling down outside of instances where the resources or opportunities of someone or some group have been gained unjustly at cost to others, and such a course of action is often politically unappealing.<sup>33</sup>

Proponents of closure suggest that the policy avoids the challenges posed by leveling down. Closure is based on the assumption that the district inefficiently makes use of its limited resources. Revising the Jessie and Casey example, closure posits that the reason Jessie only has 5 goods is because the system itself has wasted 2 goods by keeping Jessie's school open. Simply fixing that inefficiency—closing Jessie's school, and redirecting the 2 goods savings to her so she now has 7—creates a more just, though not

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<sup>32</sup> While we may not think something like a particular academic outcome is finite, the amount of financial and human resources needed to achieve such outcomes is most certainly finite.

<sup>33</sup> One might think, however, that if such redistributive policies were necessary to achieve a more just educational system, then they would be required—making the feasibility complaint less forceful. However, for the point of simply demonstrating the appeal of closure, the feasibility complaint is helpful. While closure may not have the impact we want a redistributive policy to have, the fact that it is doable goes a long way when the aim is to actually achieve more justice in the real world.

an equal, distribution of goods. Indeed, to some extent, the rationale Chicago public school system officials offered to explain closure to the public bears this logic out. When CPS initiated the closure process in November of 2012, the first factor that determined whether a school was a candidate for closure was its utilization rate, or the degree to which a school functioned at, below, or above capacity.<sup>34</sup> Schools that were drastically under capacity quickly made it to the short list for closure. In theory, then, no child needs to lose out as the system is streamlined and the district is able to distribute limited resources more efficiently. Similarly, in Boston, replacing Marshall with a charter school rests on the idea that the distribution of educational goods can be improved without resorting to taking anything away from others who may have what they need, as the charter school brings with it an infusion of resources the district previously did not have access to. Thus, closure appears to redistribute goods by leveling up—it raises the actual distribution of educational goods closer to the ideal.

### *From Maldistribution to Misrecognition*

There are, however, at least two reasons to approach the redistributive logic of efficiency and leveling up with caution. The first is empirical: evidence that closure actually redistributes resources and opportunities is nascent and indefinite. Although by the district's standards, at least, nearly all Chicago students displaced by the wave of closures in 2013 enrolled at a better school, this has not been the case in previous instances of school closure in Chicago.<sup>35</sup> Research also suggests that closure has little effect, on

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<sup>34</sup> Chicago Public Schools, "Guidelines for school actions" (Report, Chicago, 2013), <http://cps.edu/AboutCPS/Policiesandguidelines/Pages/2013GuidelinesforSchoolActions.aspx>.

<sup>35</sup> Marisa de la Torre, Molly F. Gordon, Paul Moore, and Jennifer Cowhy, "School Closings in Chicago: Understanding Families' Choices and Constraints for New School Enrollment," *Consortium on Chicago*

average, on student academic outcomes and other measures like on-track rates to graduate over the long-term. That said, students who transferred to highly-ranked schools or schools with high levels of teacher-student trust had larger gains, on average, than students transferring to low-ranked schools or schools with low levels of teacher-student trust.<sup>36</sup> In addition, the longitudinal data simply do not exist in order to determine how school closures affect individuals' all-things-considered prospects or long-term wellbeing, which is presumably what we actually care about with respect to redistribution.<sup>37</sup> In the absence of clear evidence that closure is in fact positively redistributive in the right ways, than the case for closure in general is significantly weakened.

The second reason is that reducing systemic inefficiencies and leveling up do not seem to match the extent of the normative concerns surrounding educational disparities. Recall Jitu Brown's comparison of the course offerings at Dyett and Lake View high schools. Earlier, I suggested that Brown's claim substantiated concerns about maldistribution. Yet, while his claim ostensibly points to the actual disparity between the course offerings at the two schools, the choice of neighborhoods (and schools) he compares is equally important and underscores an additional normative concern. Data compiled by the Chicago Metropolitan Agency for Planning, a regional planning organization in Illinois, depicts distinct demographic sets at each school: an overwhelmingly white majority in

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*School Research*, 2015; Marisa de la Torre and Julia Gwynne, "When Schools Close: Effects on Displaced Students in Chicago Public Schools," *Consortium on Chicago School Research*, 2009.

<sup>36</sup> de la Torre & Gwynne, 2009.

<sup>37</sup> See Harry Brighouse and Gina Schouten, "To Charter or Not to Charter: What Questions Should We Ask, and What Will the Answers Tell Us?" *Harvard Educational Review* 84, no. 3 (2014): 341–365.

Lake View and an overwhelmingly black majority in Bronzeville.<sup>38</sup> With this particular context in mind, Brown's concern for "structural inequities" can be understood not only as a reference to the disparity in course offerings between schools, but also to the way that American society unequally values black citizens compared to their white peers.<sup>39</sup> As the Journey for Justice Alliance, a coalition of 36 community organizations across 21 states, put it:

Yet now, similar to the pre-*Brown* era of "separate and unequal" schools, the children and youth in our communities are being treated as second-class citizens, and our public schools are being treated as schools of last resort.<sup>40</sup>

We can thus understand Brown and other community organizers to rest their understanding of educational inequality on a second notion of injustice, misrecognition. Disparities like those between Dyett and Lake View exist not simply because of some racially-tainted maldistribution, but because of the prior injustice that black citizens lack equal standing compared to their white peers.

Fraser helps clarify the conceptual distinction embedded in such claims. Misrecognition is distinct from maldistribution insofar as misrecognition is an issue of social status and is rooted in the cultural dimensions of social life. It reflects a concern for the ways that "institutional patterns of cultural value" can render some groups of people "inferior,

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<sup>38</sup> See Chicago Metropolitan Agency for Planning, "Community Data Snapshot: Lake View" (Report, Chicago, 2015) <http://www.cmap.illinois.gov/documents/10180/126764/Lake+View.pdf>; Chicago Metropolitan Agency for Planning, "Community Data Snapshot: Douglas" (Report, Chicago, 2015) <http://www.cmap.illinois.gov/documents/10180/126764/Douglas.pdf>.

<sup>39</sup> Some philosophers argue that the problem of racial inequality is the problem of social value. See, in particular: Christopher Lebron, *The Color of Our Shame: Race and Justice in Our Time* (New York: Oxford University Press, 2013). There are also distinct parallels between claims like Brown's and that of the #BlackLivesMatter movement. See George Yancey and Judith Butler, "What's Wrong With 'All Lives Matter'?" *The New York Times* (New York, NY), January 12, 2015, <http://opinionator.blogs.nytimes.com/2015/01/12/whats-wrong-with-all-lives-matter/?r=0>.

<sup>40</sup> Journey for Justice Alliance, 5.

excluded, wholly other, or simply invisible” simply because of ascribed or accepted social identities.<sup>41</sup> These profound forms of status inequality are problematic from the perspective of justice because they are forms of *status subordination*. That is to say, the ability of members of particular groups of people to participate in social life on par with their peers is hindered and, in the worst cases, completely obstructed. Thus, misrecognition describes more than instances when a group of people is “thought ill of, looked down upon or devalued in others’ attitudes, beliefs or representations.”<sup>42</sup> Rather, it refers to the fact that institutionalized patterns of value distort the very notion of what is a just distribution, as such judgments rest on unequal notions of personhood. Claims of misrecognition, then, call attention to distinct forms of disrespect that cannot be addressed simply by focusing on instances of maldistribution.

Still, someone might suggest that because misrecognition is fundamentally about respect for personhood (or the lack thereof), redistributing resources through a policy like school closure is an appropriate response to *both* misrecognition and maldistribution. After all, what better way to respect another than to distribute resources to them fairly? If this proved to be true, not only would concern for maldistribution subsume or even negate concern for misrecognition, but policies based on redistribution would also imply recognition. However, to interpret recognition and redistribution as interchangeably or even symmetrically addressing instantiations of disrespect ignores the abnormal character of the dispute.

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<sup>41</sup> Fraser, “Social Justice in the Age of Identity Politics,” 29.

<sup>42</sup> Nancy Fraser, “Rethinking Recognition,” *New Left Review* no.3 (2000): 113.

For many students and families that call “underutilized, under resourced” schools their own, misrecognition is not only a distinct source of injustice that school policy ought to address, but it is also a *consequence* of some efforts to reform schools—even efforts that have redistribution as their aim. For example, recall the New York vignette, in which Iris describes the closure of her West Harlem middle school, Roberto Clemente, as both a gain and a loss. She acknowledges the flow of resources to the charter schools that replaced Clemente. Yet, she admits that it is painful to see new schools occupy a space she previously understood to represent “us as a Hispanic community and as the striving community that we are.” She wonders why the new supports went to new schools rather than Clemente. “Why couldn’t they have done this with our school?” she asks, “Why wasn’t our school offered the same supports?” Iris questions why an important piece of her community was taken away, as well as why the district provided the supports her school needed to another school. Similar to Brown’s claim, concerns like Iris’s are ultimately about the misrecognition of her community. Yet, the source of misrecognition she points to is not any educational disparity, but the policy meant to mitigate such disparities.

The voices of those who experience closure first-hand suggest at least three ways in which closure *itself* instantiates misrecognition. First, school closure can be interpreted as a form of cultural rejection. As Iris makes clear, schools have symbolic importance to her community. Clemente reflected “us,” she explains, as a “Hispanic community” and as “strivers.” Like her community, the school was not without faults, but the struggle to make things better inextricably linked the school to a social purpose shared by

community members in West Harlem. The school's struggle was their struggle; Clemente both reflected and nurtured their shared cultural identities. As a result, the district's decision to close Clemente and entrust new charter schools with the supports that Clemente could have sorely used seems to be a verdict not only about her school, but about her community as well. In effect, the district conveys the message that West Harlemites may strive, but they cannot succeed; others must do this for them.

Second, school closure perpetuates cultural subordination by denying communities the opportunities to demonstrate their cultural assets moving forward. As 17 year-old Parrish Brown put it, "They closed my elementary school and now they're phasing out my high school. One day there'll be nothing in my community to come back to."<sup>43</sup> Here we can see that communities experience school closure not just as a one-time expression of disrespect, but rather as tool for ongoing oppression, for dismantling the community itself. Indeed, community groups often talk about schools as "anchors" or "hubs" of their communities or, recalling Iris's description of Clemente, as sources of pride and shared history and identity. Thus, many communities experience closure is a loss which finding another place to educate their children is a poor remedy. In their words, closure "creates a gaping hole within our neighborhoods."<sup>44</sup>

Finally, third, closure instantiates misrecognition insofar as the grounds for determining "failure" are themselves culturally constructed and contested. Schools do not clearly fail or succeed. Rather, as sociologists Vontrese Deeds and Mary Pattillo observe in their

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<sup>43</sup> Trymaine Lee, "Amid Mass School Closings, a Slow Death for Some Chicago Schools," *MSNBC*, December 26, 2013, <http://www.msnbc.com/msnbc/dont-call-it-school-choice>.

<sup>44</sup> Journey for Justice Alliance, 18.



study of school closure in Newark, New Jersey, different stakeholders construct different meanings of school failure through “an interpretive process that varies depending on the position of the evaluator.”<sup>45</sup> While districts “legitimate” closure through a logic of budget balancing, inefficiency reduction, and low performance, teachers, students, and parents offer alternative legitimacies that evaluate their schools according to values like community, safety, relationships, and stability. Deeds and Pattillo conclude that these competing understandings suggest that failure is not an “irrefutable outcome but rather a complex process that brings disruptions for stakeholders who disagree on the designation of failure.”<sup>46</sup> The process, however, typically results in outcomes that reflect school districts’ narratives of failure. Thus, closure may reflect a form of epistemic subordination insofar as public authorities do not treat the definition of a “good” school as a matter of deliberation.<sup>47</sup> As a result, stakeholders like Iris are left wondering why their district officials do not recognize the connection she and others feel to their schools. Why is “striving” not as important a value as the district’s notion of excellence?

### *School Closure and Misrepresentation*

Still, the idea of “failing” schools has taken hold of national discourse about school reform. In 2009, Secretary of Education Arne Duncan introduced the federal government’s education agenda with reference to 5,000 chronically under-performing schools: “I won’t play the blame game, but I also won’t make excuses for failure. I am

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<sup>45</sup> Vontrese Deeds and Mary Pattillo, “Organizational ‘Failure’ and Institutional Pluralism: A Case Study of an Urban School Closure,” *Urban Education* 50, no.4 (2015): 497.

<sup>46</sup> *Ibid*, 497.

<sup>47</sup> In some ways, epistemic subordination may be similar to what Miranda Fricker refers to as epistemic injustice. See Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (New York: Oxford University Press, 2009).

much more interested in finding ways to fix these schools than in analyzing who's at fault." He went on to say that states and districts have both legal and moral obligations to "demand change and, where necessary, compel it."<sup>48</sup> Similarly, in Chicago, school board member and president of the Chicago chapter of the Urban League Andrea Zopp could not understand why parents tolerated Chicago schools:

The school system failed them. That bothers me more than any other issue and as I've said multiple times during the time we were closing schools, before we were closings schools, not one of these community groups ever came to me and said that it's an abomination that the school district is running schools in our community that are not preparing our children.<sup>49</sup>

Given this fixation on failure, we might well wonder how policymakers would even hear Iris, Brown, or Marshall principal Harvey-Jackson's concerns about their schools.

That policymakers like Duncan and Zopp fail to understand why communities continue to support schools that policymakers deem failing is likely a source of misrecognition, similar to cultural subordination as described above. But such disconnection also reflects Fraser's third form of injustice: misrepresentation, or unequal political voice. Fraser's framework again helps clarify that the means by which communities can advocate for themselves, as well as the spaces they have to even make such claims, matter. As she puts it, misrepresentation concerns how "relations of representation [are] unjust in and of themselves, apart from the effects of maldistribution and misrecognition."<sup>50</sup> What is at stake, then, is the *process* by which public policies are proposed, deliberated on, and

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<sup>48</sup> Arne Duncan, "Turning Around the Bottom 5 Percent," Speech, National Alliance for Public Charter Schools Conference, June 22, 2009.

<sup>49</sup> Lee, 2013.

<sup>50</sup> Nancy Fraser, *Scales of Justice*, 145.

enacted. Put another way, misrepresentation concerns the institutionalized denial of political voice through political structures and decision rules.

Turning again to the voices of those who experience closure, decisions to close schools reveal three distinct sources of misrepresentation. First, decisions to close schools may simply *exclude* communities from participating in the process, or deny them any meaningful role. Take, for example, the closure of John Marshall Elementary in Boston, in which exclusion took place along two dimensions. School principal Theresa Harvey-Jackson made repeated demands of the district for funds to repair her school. The district repeatedly ignored her requests, later noting that because Marshall was designated a “superintendent school” in 2007, the school had extra resources and flexibility in hiring.<sup>51</sup> Yet, it did not seem to be an issue of the district’s lacking funds. When the Boston School Council decided to close Marshall and reopen it as a charter school, many of the outstanding repairs were suddenly made—as Harvey-Jackson noted, without a work order. Thus, despite acting *as an agent with formal authority to do so*, Harvey-Jackson was unable to even initiate processes to repair or reform Marshall. It was as if the school was outside the district’s concern. Indeed, Harvey-Jackson recounts how a group of Boston residents who wanted to visit a well-resourced school and a low-resourced school were sent to see Marshall as an example of the latter, but still no help followed the visit.

The community’s role in the decision to close Marshall was also unequivocally minimal.

Indeed, the decision to close Marshall and replace it with a charter school was made

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<sup>51</sup> Gintautas Dumcius, “In farewell, Marshall principle denounces neglect by city officials,” *Dorchester Reporter* (Boston, MA), November 1, 2012, <http://www.dotnews.com/2012/farewell-marshall-principal-denounces-neglect-city-officials>.

public in October of 2012. The district met with parents two weeks *after* the proposal to close Marshall was announced, not before. And only two days after that meeting, the Boston School Committee voted to approve the proposal. District officials invited parents to attend the School Committee vote and offer their thoughts, but despite pleas to halt the closure, as well as questions about how and when this decision was made, the vote took place as scheduled and passed unanimously. In short, when the district finally turned its gaze back to Marshall, it implemented a remedy on its own terms, with little input from the community at all.

Second, decisions to close schools typically legitimize professional reformers as agents of reform at the same time that they delegitimize urban communities as similar agents. In the spring of 2014 in Nashville, Tennessee, the state announced that it would replace one of two schools—either Madison Middle School or Neely’s Bend Middle School—with a charter school from an established charter organization. Unsurprisingly, the decision was met with strong opposition at both schools. Many parents did not want either school to be converted. Rather, they wanted the state to help them preserve the structure and character of their school while providing additional support. As one parent put it, “If we can get Metro schools to put the right resources that this school needs, then we don’t need a conversion.”<sup>52</sup> Instead of responding to such sentiment, the state moved forward with plans to turn Neely’s Bend Middle School into a charter school.

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<sup>52</sup> Joey Garrison and Dave Boucher, “Leave Our Schools Alone, Madison Parents Demand,” *The Tennessean* (Nashville, TN), December 5, 2014, <http://www.tennessean.com/story/news/politics/2014/12/04/leave-schools-alone-madison-parents-demand/19931951/>.

In doing so, Tennessee positioned communities as subjects rather than participants or agents in school reform. For the Journey for Justice Alliance, this lack of agency is a large part of the problem with school closure policies: “While the proponents of these policies may like to think they are implementing them *for* us or even *with* us, the reality is that they have been done *to* us.”<sup>53</sup> Such a claim stands in sharp contrast to the position taken by professional reformers. For example, in response to parents’ concerns about closing Neely’s Bend, the CEO of the charter organization tasked with reopening the school remarked: “We have a great track record of [raising performance]. But we can’t do it alone. We need a community to support us.”<sup>54</sup> Parents at both Madison and Neely’s Bend, however, demanded the exact opposite. They were not looking to support somebody else changing their school; rather, each community was looking for someone *to support them*.

Third, school closure is most often deployed in districts that are under centralized mayoral control. Indeed, the last roughly two decades of school reform have witnessed a push to centralize authority over schools under the office of the mayor, particularly in urban communities. During that time, Baltimore, Chicago, Cleveland, New York City, Philadelphia, and Washington, D.C., among others, have all transitioned to mayoral control. Proponents of centralization argue that the direct connection between the mayor and the school district enables tighter control on district-wide policies that also align with pressing needs across the city.<sup>55</sup> Others, following Zopp’s claim above, suggest that

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<sup>53</sup> Journey for Justice Alliance, 4.

<sup>54</sup> Garrison and Boucher, 2014.

<sup>55</sup> Frederick Hess, “Looking for Leadership: Assessing the Case for Mayoral Control of Urban School Systems,” *American Journal of Education* 114 (2008): 219–245; Kenneth K. Wong and Francis X. Shen,

community organizations and local school boards are ineffective or unaware of the challenges their schools face.<sup>56</sup> In either case, the shorter leash enables more efficient policymaking.

However, centralization also narrows opportunities for citizens to participate in democratic decision-making. As control over schools becomes more hierarchical, there are fewer and fewer formal structures and spaces for communities to participate in decision-making about their schools. The fallout has been deteriorating trust. Jeanette Taylor, the Local School Council chair at Irvin C. Mollison Elementary in Chicago put it this way: “We will not go to any more sham school closing hearings. We will not sit at any more bogus advisory councils.”<sup>57</sup> She echoes a sentiment expressed by a Brooklyn Councilman in New York City:

This hearing is just something where [the DOE representative] is going to hear what you have to say and going to do what he wants to do anyway. But just for the record, because legally you have to have a hearing before this stuff happens, so he’s going to have us come. We’re going to shout at him, scream at him, tell him he’s out of his mind, not in my own backyard, it ain’t going to happen. He’s going to go to this bogus board that’s already pre-planned to do what the mayor has told them to do.<sup>58</sup>

While mayoral control may lead to efficiency or coherence, it also reinforces the sense that communities have little control over defining the status of their schools (good/bad or effective/failing), as well as, in the case of closure, the fate of their schools. Again,

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“Measuring the Effectiveness of City and State Takeover as a School Reform Strategy,” *Peabody Journal of Education* 78, no.4 (2003): 89–119.

<sup>56</sup> Hess, 2008; Deborah Land, “Local school boards under review: Their role and effectiveness in relation to students’ academic achievement,” *Review of Educational Research* 72 (2002): 229–278.

<sup>57</sup> Ellyn Fortino, “Chicago Education Activists To Hold First ‘People’s School Board Meeting’ Wednesday,” *Progress Illinois*, September 24, 2013. <http://www.progressillinois.com/quick-hits/content/2013/09/24/chicago-education-activists-hold-first-peoples-school-board-meeting-we>

<sup>58</sup> Kerry Kretchmar, “Democracy (In)Action: A Critical Policy Analysis of New York City Public School Closings by Teachers, Students, Administrators, and Community Members,” *Education and Urban Society* 46 no.3 (2013): 13.

communities become spectators rather than agents in political action. Thus, school reform enacted through centralized political structures comes at the expense of democratic voice.

### Embracing Abnormality

The ultimate goal of any theoretical project is to shape how people understand a particular phenomenon. At its best and worst, theory is simply a device to help us describe the world in which we live, though it often helps us to see that world in a new way. The lens I have argued for here understands justice to be multidimensional and, consequently, the process of enacting justice to be complex. I have clarified three different notions of injustice that undergird advocacy for and opposition to school closure in order to reframe the practical and theoretical challenges facing school reform. In short, in an abnormal context, it becomes increasingly important to understand the relationships among different forms of injustice. Doing so will not only further our insights into the nature of social injustice in our world, but also reorient the practical and theoretical problems we set out to address.

There are four further insights into the nature of injustice that focusing on the relationship among injustices brings into focus. First, if these examples are any guide, it is clear that forms of injustice often cluster together. For example, in calling attention to the resource disparity between Lake View and Dyett high schools, Jitu Brown's claim embodied two problems: the disparity itself and the lack of respect for black communities that enabled such disparity to become institutionalized. We might also recall how lack of institutional

voice contributed to the increasingly desperate state of affairs at Marshall Elementary. In each case, at least one form of injustice accompanied another.

The clustering of injustice is similar to what Jonathan Wolff and Avner de-Shalit call the problem of *corrosive disadvantage*. Wolff and de-Shalit are concerned with the “type of disadvantage that has negative effects on other functionings.”<sup>59</sup> The clustering of injustice is not necessarily identical to the clustering of disadvantage, insofar as Wolff and de-Shalit are largely concerned with individual disadvantages, particularly in their focus on functionings. By contrast, the forms of injustice I have talked about reflect institutional concerns. That is to say, individuals can experience maldistribution, misrecognition, or misrepresentation, but the source of injustice lies in the social institutions that employ and entrench unjust practices and policies. Still, following Wolff and de-Shalit’s line of thought, it is certainly plausible, for example, that lacking democratic voice may facilitate maldistribution or misrecognition. Thus, it may make sense to understand injustices as corrosive, as well.

Second, the relationship among forms of injustice is also *recursive*. This is similar to the idea of corrosive injustice insofar as it refers to how the emergence of one form of injustice can lead to another. But it also captures how the entrenchment of different sorts of injustice may be mutually reinforcing. For example, misrepresentation was an initial hurdle facing the Marshall community. Excluded from decision-making processes, they could not effectively advocate for the resources they needed, exacerbating maldistribution. Maldistribution, in turn, further cemented misrepresentation as the

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<sup>59</sup> Jonathan Wolff and Avner de-Shalit, *Disadvantage* (New York: Oxford University Press, 2007), 121.



district took matters into its own hand and continued to exclude the community and the school from deliberations about the future of the school. The result is a vicious circle that may be difficult to break from.

Third, efforts to break from recursive cycles of injustice may have counterintuitive consequences. As claims about school closure in general attest, focusing on mitigating maldistribution alone may actually trigger or exacerbate misrecognition. Indeed, many communities experience closure as a source of disrespect—*even if* they recognize that closure does result in access to more educational resources and opportunities. Following Fraser, maxims like “no redistribution without recognition” seem the logical solution,<sup>60</sup> but practically such instruction may amount to little more direction than demands to improve schools. We have inchoate ideas of what such directives mean to begin, and even less clarity about implementing them.

Finally, fourth, injustice as misrepresentation suggests that both the process and outcomes of public decision-making are subject to justice considerations. Now, it is likely that a fair process will result in outcomes over which disagreement remains. But, as the dispute over closure demonstrates, it is *unlikely* that even fair outcomes will be perceived as such if the processes that lead to them marginalize or exclude people from exercising their voice. Thus, even in circumstances where a resource-rich, tried-and-true charter school replaces a neighborhood school, claims of injustice may still have bearing depending on the process that lead to such a decision. In other words, outcomes should not, *prima facie*, trump process.

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<sup>60</sup> Fraser, “Social Justice in the Age of Identity Politics,” 64–67.

Attending to the complexity of its injustice reorients the theoretical and practical questions we ask and problems we seek to solve. As Fraser suggests, this means that theorizing about justice ought to move beyond (though likely not abandon) first-order questions about distribution, oppression, and representation and address second-order concerns about the relations among distribution, oppression, and representation. Yet, this theoretical move is a practical concern, as well. Policymakers and activists must also be aware of these relationships, and their actions should not only reflect knowledge about each injustice in isolation, but also knowledge of injustice as, perhaps, a sum greater than its parts. As I hope this paper demonstrates, such knowledge can be gained by diving into public discourse, into the *doxa*, as such informal settings may help us to capture claims of injustice that do not find their ways into formal spaces of social action.

As for school closure, the failure to act without regard for the multidimensional nature of injustice comes with stark human costs. As I write this last paragraph, Jeannette Taylor, Jitu Brown, and ten other Chicago activists are in the eleventh day of a hunger strike. The strike follows a cancelled meeting Chicago officials had agreed to that would feature proposals to re-open Dyett High School. For Taylor, Brown, and their fellow strikers, this was elected official's latest attempt to ignore them. It was also the last straw. They have put their bodies on the line in order to ensure that, as Eve Ewing has described it, their schools are not inhabited by the "ghosts" of the past and memory, but rather by the voices

of their children, and the hearts and souls of their community.<sup>61</sup> Their strike says more about the gravity of their claims than any theoretical framework, but I hope that in explicating such a framework, we may all better learn to listen and act from that knowledge.

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<sup>61</sup> Eve Ewing, "Phantoms Playing Double-Dutch: Why the Fight for Dyett is Bigger than One School Closing," *Seven Scribes* (Blog, August 26, 2015), <http://sevenscribes.com/phantoms-playing-double-dutch-why-the-fight-for-dyett-is-bigger-than-one-chicago-school-closing/>.

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