



Education and Injustice

Citation

Fay, Jacob Z. 2018. Education and Injustice. Doctoral dissertation, Harvard Graduate School of Education.

Permanent link

<http://nrs.harvard.edu/urn-3:HUL.InstRepos:37679887>

Terms of Use

This article was downloaded from Harvard University's DASH repository, and is made available under the terms and conditions applicable to Other Posted Material, as set forth at <http://nrs.harvard.edu/urn-3:HUL.InstRepos:dash.current.terms-of-use#LAA>

Share Your Story

The Harvard community has made this article openly available.
Please share how this access benefits you. [Submit a story](#).

[Accessibility](#)

Injustice and Education

Jacob Fay

Meira Levinson
Harry Brighthouse
Danielle Allen

A Thesis Presented to the Faculty
of the Graduate School of Education of Harvard University
in Partial Fulfillment of the Requirements
for the Degree of Doctor of Education

2018

© 2018
Jacob Fay
All Rights Reserved

This thesis is dedicated to my Fay-Zadorozny-Baldwin-Bargmann-Hendrie family, without whom this would not have been possible. Special thanks are due to Sarah, for believing in me even when I did not. Mom and Dad, for all your time, encouragement, and support. Isaac, for making sure I did not lose my mind in the process. And Rowan, what a reason to finish you gave me.

Before proceeding, I want to take a moment to acknowledge the people who have helped me along the way, as the dissertation is, for many, a momentous task that can be at times profoundly empowering and at other times, hair-grabbingly, teeth-grindingly frustrating. I would not have made it through this project if it were not for the following people: my advisor and mentor, Meira Levinson; my committee members Harry Brighthouse and Danielle Allen; Ashley Taylor and Rebecca Taylor, for writing workshops and endless support and advice about academic life; Janine de Novais, for J-squared meetings and brainstorming; George Spencer, for thoughtful advice and counsel; Eve Ewing, for thinking and talking about school closure with me; Winston Thompson, who sat through numerous versions of the same parts of my thinking and always had helpful, thoughtful, constructive comments; Doris Santoro, a constant source of advice and encouragement; Sigal Ben-Porath; Larry Blum; Jal Mehta; and, finally, the 2017 Safra Graduate Fellows—Myisha Cherry, Roni Sadovsky, Roni Bar, Austin Campbell, Brandon Bloch, Kelsey Berry, Michael Rabenberg, and Barbara Kiviat—and Fellowship Leaders, Eric Beerbohm and Mathias Risse.

Table of Contents

ABSTRACT	iv
INTRODUCTION: CONFRONTING INJUSTICE IN EDUCATION.....	1
CHAPTER 1: THE FIGHT FOR DYETT.....	18
CHAPTER 2: WHY INJUSTICE?	29
CHAPTER 3: AN ECOLOGICAL APPROACH TO INJUSTICE	62
CHAPTER 4: INJUSTICE AND SACRIFICE	105
CHAPTER 5: THE ECOLOGICAL APPROACH AND NONIDEAL THEORY.....	140
CODA	170
NOTES	174

Abstract

Injustice is a central dimension of the American educational landscape. Students, parents, and educators experience injustice through interactions with discipline policies, standardized curriculum, or high stakes testing, among other things. Yet, as much as those concerned with American schools call attention to injustice, they disagree about what, exactly, is unjust. This dissertation addresses this challenge by developing a novel approach to theorizing about injustice.

This project is comprised of five interrelated parts. First, I present a normative case study detailing the conflict surrounding efforts first to close and then re-open Dyett High School in Chicago that functions as a common thread in my analysis throughout this dissertation. Second, building from the work of Judith Shklar, I analyze the theoretical possibilities and limitations of, in Shklar's terms, taking injustice seriously. Third, I describe a robust methodological approach, which I term an *ecological approach*, that addresses the limits of extant theorizing about injustice I identify in the previous section. This approach draws on Urie Bronfenbrenner's ecology of human development as an analogue, though it is crafted for normative theory. Fourth, using contemporary disputes over school closure as a guide, I show how attending to claims of injustice through an ecological approach reveals the challenges surrounding the notion of democratic sacrifice, as developed by Danielle Allen, in the context of education reform. Finally, I analyze a dispute between Tommie Shelby and Elizabeth Anderson regarding racial segregation to demonstrate the value of an ecological approach beyond the normative analysis of instances of injustice. I show how an ecological approach enables theorists to name and address limits in traditional approaches to nonideal theory. Taken together, this

account ultimately clarifies the importance of attending to injustice in education policy and theory. It also provides new language to describe injustice to theorists, policymakers, students, and educators alike.

Confronting Injustice in Education

Like, this is *our* school. I went here. I want my daughter to go here. They can't just take it, right?

Mina, *Marshall School Parent*

I am sitting in the crowded multipurpose cafeteria-auditorium at the former John Marshall Elementary School in Dorchester, a neighborhood in Boston, on an evening early in November 2012. The room hums with nervous energy. Children race up and down the aisles between tables, pausing only long enough to scarf a bite of pizza or gulp some water. Parents and teachers sit at the tables, talking animatedly over music coming from a karaoke machine on the stage at the front of the room. Aloof from all this bustle, Boston Public School (BPS) officials cluster near the stage, chatting amongst themselves, a few subtly swaying to the music.

Shortly after six o'clock the district superintendent, Carole Johnson, welcomes the gathered assembly and introduces the various people that will speak to them that night.

“Why are we here?” she asks, gesturing to the people in front of the stage. As she speaks, most of the children disappear out the double doors into the hallways. “We are here,” she explains, “to discuss the district’s plan to close Marshall and reopen it as an in-district charter school.”¹ For the last couple of years in particular, the performance of Marshall students on state standardized tests had been alarmingly low, actually trending downwards. In light of this information about the school, Johnson tells Marshall parents and teachers, “We are here tonight because it is unfair for us to allow low performance to happen to your children.”

I am here to watch the proceeding. I do not have any substantial connection to the school, hardly any, actually. I live outside Boston, I did not have any children at that time, and this was the only time I would be present in the school. As I settle into a spot toward the back of the room, I cannot avoid some sense of cynicism as I think about my presence in the auditorium. Had the Marshall community not been about to experience this change, I would not be here. Of course, neither would anyone else in the room. However, the whole of my connection to Marshall and the Marshall community is predicated on this change, and is thus contingent in a way that is unlike the majority of the parents and teachers in attendance. Many here are living this change; I am only observing it. The fact that I am one of a handful of white people in the audience only seems to underscore this point, as the student body of Marshall is practically 99 percent students of color.² So, while I am here, I am aware that in another sense I am not.

But like many others, I am deeply interested in the efforts to reform public schooling in the United States, in particular the rising instance of school closure as a means to reform urban schools and districts. Over the past decade, closure has become a

popular means of school reform among policymakers, philanthropic organizations, and some school leaders. They typically view closure as a means to streamline school districts, introduce new actors into bloated and failing bureaucratic school systems, or “turnaround” schools that fail to live up to academic expectations. However, as closure ascends in popularity amongst school reformers and policymakers, the policy consistently provokes trenchant disagreement wherever it is proposed. From this view, 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, an intrusion of market-based forces into a traditionally public space, or, simply, another instantiation of systemic racism. All too often the most vocal opponents are the intended beneficiaries of closure. Marshall, as I find out that night, is a microcosm of these tensions.

Nearly a week before the meeting at Marshall, the school’s principal, Theresa Harvey-Jackson had read a prepared statement responding to the news that her school was closing at a public meeting of the Boston School Committee. She shook as she read, visibly upset. “I support the idea of the Marshall becoming an in-district charter,” she explained, “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.” She then proceeded to blast the district for not making those same investments in Marshall when it first had the chance to do so—even when she had asked for help. 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 scathingly observed, were suddenly taken care of in the weeks before the announcement that Marshall would become a charter school. Jackson laid the failure to meet the needs of Marshall students at the feet of the district—it was their neglect that had created the unfavorable state of affairs at the school; their inaction was the real source of injustice.

Jackson's letter is surely in the background as the meeting wears on. It becomes increasingly clear that the audience neither shares Superintendent Johnson's enthusiasm for the conversion of Marshall nor Principal Jackson's belief that the charter school will be good for their children. The exchanges between district officials and parents are often tense. Many parents challenge the district's decision, questioning whether the charter school company, which has never opened an elementary school before but has opened a middle school, is prepared to teach younger children. Parents demand information about the new charter's discipline policy and whether they will use a demerit system with kindergartners. They ask about what teachers will teach their children—"Will they know our children?" one parent asks—and what families will have access to the charter school. Others want to know: Why this particular change at this particular moment when the problems the district claims provoked the decision had plagued Marshall for years?

As I listen and talk to the parents seated near me, one parent, Mina, leans over. "It's just weird that they are doing this," she says to me. She tells me that she is the daughter of a Marshall graduate, and a parent of a current Marshall student.

"Weird, how do you mean?" I respond.

"Like, this is *our* school. I went here. I want my daughter to go here. They can't just take it, right?"

I have no answer for Mina—at least not one that would satisfy her.

The school committee’s answer, however, is quite clear. Roughly a week after the meeting, and roughly two weeks after announcing the closure of Marshall Elementary, the Boston School Committee votes unanimously to close Marshall and replace it with UP Academy of Dorchester. A handful of parents show up to the school committee meeting to register their complaints. Similar to the meeting at Marshall, they worry about the procedure the district followed in making their decision, why the parents were left out of the decision-making process, and whether UP will really have the interests of their children at heart. I watch each parent speak for their allotted 90 seconds. No one on the committee responds (as that is how public comment typically goes), but some committee members do push UP officials to ensure that there will be a parent position on the new school’s leadership committee. But since that person will be a parent of an UP Academy student, and UP will take students from all over Boston, there is no guarantee that parent will be a parent of a former-Marshall student. After the school committee’s meeting, it is clear that the Marshall Mina knows will soon cease to exist.

This moment, reconstructed from hastily scribbled observations and thoughts in my notebook that I would hesitate to call field notes, began a journey for me that has ultimately become this dissertation. At its core, this dissertation is about educational injustice. To talk about American education is, more often than not, to talk about injustice, persistent and profound. Educators, parents, and students call attention to

injustice in their experiences with, among other things, standardized curricula, school closures, the treatment of students with disabilities, discipline policies, grading practices, and hiring and firing policies.³ Likewise, scholars and policymakers repeatedly point to gaps in academic achievement and citizenship development that highlight severe structural inequalities observable by race, class, and geography.⁴ Indeed, the prevalence of such claims in education policy and practice, as well as the preponderance of scholarly studies of educational inequality, suggest that injustice is a central dimension of American education.

Political theorists, of which I count myself one, care deeply about issues of justice and injustice. Indeed, justice, and its related concerns, have been perhaps the central focus of Anglo-American political theory for the last half-century. Such attention to justice arguably stems from the publication of John Rawls's *A Theory of Justice*. Writing in the early twenty-first century, it is nearly impossible to avoid the long shadow casts by Rawls's pathbreaking work. *A Theory of Justice* redefined liberal political theory, reinvigorating the long tradition of social contract thinking through the use of his now (in)famous bargaining situation, the original position. Through that conceptual heuristic, Rawls imagines the principles that would undergird a perfectly just state, which in turn, he claims, is useful to judge the fairness of existing sociopolitical arrangements. By noting how actual states deviate from his ideal model, theorists can identify sources of injustice that ought to be addressed. The last half-century has seen countless innovations on Rawls's basic theory. *A Theory of Justice* inspired numerous friendly and competing theories of justice, feminist and race-based criticisms, as well as the development of nonideal theory.⁵

One might reasonably think that political philosophy is well suited to answering questions about injustice in education. Unfortunately, however, the vast majority of theoretical work since Rawls has not only focused on defining and defending general principles of justice, typically under abstract and idealized conditions, but has also eschewed analyzing complex instances of injustice. These trends pose two separate problems when it comes to using philosophical tools to think about injustice and education. First, there is simply not much work that engages directly with the messiness of situations like the closure of Marshall Elementary. Second, the philosophical work that does exist focuses on general principles of justice that do not offer determinate answers for concrete dilemmas. Thus, as I and my colleague Meira Levinson note in our introduction to *Dilemmas of Educational Ethics*, such work is probably a good *starting* place to think about the challenges facing schools and educators, but it is an insufficient resource on their own.⁶

I believe the questions that we must ask of political puzzles like the conflict over Marshall Elementary require different theoretical resources than what political theorists traditionally deploy. Rather than focus on the characteristic features or universal definitions of familiar concepts like justice, equality, or liberty, examples like Marshall require us to think about what these concepts look like in context. Thus, in this dissertation, I propose that to answer questions about injustice and education, political theorists would do well to adjust not only the questions they ask, but also the concepts they investigate and the means by which they do so.

At the core of this dissertation are two assertions. First, I draw on extant philosophical work to demonstrate why traditional theories of justice are inadequate for

addressing claims of injustice, as well as why it is important to interrogate injustice as a concept in its own right. By focusing on injustice, I argue, theorists can begin to address the sort of questions cases like that of Marshall Elementary raise. Second, I examine the limits of existing work on injustice and suggest a more robust approach to theorizing injustice, which I term an *ecological approach*. This approach draws on the work of developmental psychologist Urie Bronfenbrenner for inspiration, who offered a similar ecological conception of human development that challenged prevailing assumptions and methodologies in his field during the 1970s. To defend these two central claims, I integrate and synthesize a series of theoretical and empirical sources and concepts.

Injustice

As I noted only moments before, injustice is of central importance to thinking about the challenges facing American schools. It thus has a central place in this dissertation. Oddly, it has far less a central place in traditional liberal political theory. That is to say, while avoiding or mitigating injustice is one of the most fundamental political concerns, theorists rarely engage with injustice as the primary subject of their investigations. Few actually theorize *about* injustice. Rather, the traditional approach typically treats injustice as the absence or violation of justice, with little else left to be said about it. This allows theorists to focus on defining principles of justice or applying those principles to particular contexts. In the domain of theory, then, justice overshadows injustice. That it is so is not without reason. The aim of mitigating injustice, after all, is to enact justice; thus, it is perfectly reasonable to think that by knowing what is just, one develops responses to

injustice or can sort through competing and conflicting claims of injustice to pick out those that are truly unjust.

My aim is to bring injustice out of the theoretical shadows. To do so, I engage with a number of theorists who have prioritized injustice in their own thinking. First and foremost in that number is an atypical liberal theorist, Judith Shklar. Shklar likewise starts from the position that liberal political philosophers all too often understand injustice simply as the absence or antithesis of justice. They do not think about the complexity of injustice—in particular the importance of the experience of injustice to politics. As a result, they typically gloss over the transience of the distinction between injustice and misfortune, mistakenly assuming that such a distinction is stable and enduring. Shklar’s sensitivity to the experience of injustice leads her to think that the existence of just institutions or just policy decisions can ever fully eliminate injustice; rather, injustice is an unavoidable part of democratic politics. “Most injustices occur continuously within the framework of an established polity with an operative system of law, in normal times,” she explains.⁷ Her work offers a compelling—if insufficiently complex—account for the importance of injustice as a theoretical project insofar as theorists must reckon with the instability of some the assumptions they make about justice and injustice. In so doing, she points to different questions and concerns that become salient if one takes injustice seriously.

I also am in conversation with theorists like Nancy Fraser and Amartya Sen. Fraser is notable for a theory of justice that is built up from different, distinct conceptions of injustice. Her work helps us organize and categorize the complexity of injustice that is so important to Shklar. Sen, similar to Fraser, is also ultimately focused on a theory of

justice, but like Shklar suggests that the point of thinking about justice is not simply to imagine perfectly just societies, but to develop conceptual tools for mitigating actual injustices. He argues that ideal theories of justice like that of John Rawls are neither necessary nor sufficient for thinking about how to respond to injustice, in effect calling attention to the importance of thinking about real life challenges on their own terms. He suggests that theorists need to develop means by which different solutions to injustices can be evaluated and compared. He thus hints at a different method of thinking about injustice and the problems it poses.

It is also worth noting that in taking up injustice I do not follow a handful of philosophers who make various arguments for the theoretical priority of injustice over justice. Such a claim reflects a range of reasons. Some argue that injustice is phenomenologically prior to justice insofar as people experience injustice before they can experience justice.⁸ Others argue that injustice is epistemologically prior to justice insofar as people know injustice before they know justice.⁹ While these arguments are interesting, and may be worth further inquiry elsewhere, I think that in seeking to supplant justice with injustice as an object of theoretical inquiry, many of these theorists simply seek to think about injustice as theorists had thought about justice. This misses some of the key insights that Shklar raises about injustice insofar as she points to a different range of concerns and questions that emerge if one takes injustice seriously. Thus, while I think it is important to acknowledge that such work exists, I want to be clear that I do not consider my project to follow in such a direction.

Ecology

The second source of inspiration for this dissertation is its most unique, at least in the world of political theory. As a method for conducting an injustice-based line of inquiry, I turn to the field of human development for inspiration, in particular the work of Urie Bronfenbrenner. Writing in the late 1970s, Bronfenbrenner proposes what he calls the ecology of human development or, put another way, a theory of “development-in-context.”¹⁰ On this view, human development can be understood as lasting changes in the way an individual “perceives and deals” with their environment. His framework underscores a shift in theoretical perspective that reframes the nature of the relationship between persons and their environment. As Bronfenbrenner puts it: “the properties of the person and of the environment, the structure of the environmental settings, and the processes taking place within and between them must be viewed as interdependent and analyzed in system terms.”¹¹ Moreover, these environmental settings can be conceptualized as a series of “nested structures,” moving outwards from those most immediate to the developing person.

Bronfenbrenner’s theoretical intervention dramatically shifted not only how human developmentalists thought of their work but also how they conducted research on human development. Through concepts like ecological validity and the ecological experiment—concepts we will become familiar with in due time—Bronfenbrenner literally sought to chase his fellow researchers out of the laboratory into the contexts where humans live, work, learn, and play. Understanding development was inseparable from these environments, he argues, and thus researchers should find ways to adapt their methods to those environments.

Theorists ought to conceive of normative principles and values as similarly entangled. In the context of this dissertation, this means taking what I call an *ecological approach* to normative inquiry about injustice. An ecological approach is defined by three features. First, it structures inquiry about injustice through a formalized analytic model that positions claims of injustice as the basic unit of analysis and situates such claims in overlapping levels of social, cultural, political and historical context. Second, the fundamental premise of an ecological approach is that the normative valence of injustice claims is located in their relation to the contexts in which such claims are offered and to which they respond. Third, it introduces the concept of *ecological validity* (adapted from Bronfenbrenner's work) as a standard by which theorists can assess and compare claims of injustice.

Nonideal Theory

The final thread running through this dissertation is an engagement with the developing field of nonideal theory. Unlike theorizing about injustice as a distinct concept, nonideal theory has become an increasingly fashionable avenue of inquiry in liberal political theory. The term, unsurprisingly, emerges from Rawls. As he uses it, nonideal theory is one part of a complete theory of justice, the other part being ideal theory. Ideal theory, on Rawls's account, refers to conceptions of justice derived under "favorable" conditions that enable a theorist to describe "realistic utopias," or societies defined by principles of justice that people should aspire to reach if they can. Nonideal theory, by contrast, is theory that wrestles with the pressing problems of actual political life. It is, essentially, theory that deals with injustice. Rawls claims that ideal theory has conceptual priority

over nonideal theory: it is only through ideal theory that we are able to diagnose injustice in our own world. In other words, theorists need a working ideal theory before they confront the challenges of actual political life.

Traditionally, liberal theorists follow Rawls in thinking that ideal theory identifies injustices within a society and nonideal theory proposes responses to them, taking account of the society's particular characteristics in order to move that society closer in line with what an ideally just society requires. Tommie Shelby, for example, puts it this way: "Ideal theory provides evaluative standards for judging when a social order is seriously unjust and an objective to strive for in our resistance to oppression. Injustices are conceptualized as deviations from the ideal principles of justice, in much the same way that fallacious reasoning is conceived as a deviation from the rules of logical inference."¹² Claims of injustice offered in real contexts thus "presuppose" some sort of ideal of justice. Such a view would seem to present a very definite view of what an injustice is and is not.

This dissertation disputes that certainty but attempts to find ways to complement the traditional ideal-nonideal structure of liberal political theory rather than throw the baby out with the bathwater. Indeed, there are some who doubt the value of ideal theory or the relationship liberal theorists like Shelby typically understand as holding between ideal and nonideal theory. Amartya Sen, for example, argues that ideal theory is neither necessary nor sufficient for dealing with injustice. Few, I think, would doubt the truth of Sen's sufficient claim (that is why Rawls proposed nonideal theory in the first place), but the strength of his necessary claim, as we will later see, is misplaced. Others, like Colin Farrelly and Elizabeth Anderson argue against the hierarchical relationship between ideal

and nonideal theory. Like Sen, they see little need for ideal theory when it comes to thinking about problems of injustice in the real world. *Contra* such accounts, I find that ideals of justice can be useful sources of normative insight, at least serving as starting points for thinking about injustice. But they must be integrated with a richer understanding of injustice—if anything, I emphasize the insufficiency of both ideal and nonideal theory for contemplating injustice.

Organization of Dissertation

This dissertation is organized into five chapters. In the first chapter, I present a normative case study that follows a dispute in Chicago over the closure of Walter H. Dyett High School and is situated within broader conflicts over the distribution of educational resources, race, class, and political representation. Normative case studies are a means by which philosophers can access the complexity of real world ethical dilemmas. As Meira Levinson and I define them, building off of the work of David Thacher, normative case studies are “richly described, realistic account[s] of complex ethical dilemmas that arise with-in practice or policy contexts, in which protagonists must decide among courses of action, none of which is self-evident as the right one to take.”¹³ My use of this case comes with an important caveat. My aim in this chapter is not to “solve” the case—indeed, many normative case studies suggest that temporary equilibria among competing values are the more likely outcome, rather than a solid solution. Rather, I use this case to serve as a reference point in my discussion of injustice and the ecological method. This also raises the need to draw a clear distinction between normative case studies and the ecological approach I propose, as one could make the case that normative case studies are

a method in and of themselves. There is some overlap, as case studies fit within the family of approaches in political theory that seek to make theory more sensitive to context. However, in this instance, I am using the case study as an input—a source that emphasizes normative dimensions of practical dilemmas and details different claims of injustice as well as various social and policy contexts. That is, the normative case study provides a bounded, particular problem and context that allows me to use a continuous example to delineate the limits of injustice and the features of the ecological approach.

Why begin a second case study when the story of Marshall Elementary sits at the beginning of this introduction? As I noted at the outset, my experience at Marshall brought school closure into focus for me, and it functioned more like a rabbit hole than anything else. The closure of Marshall was a harbinger for an intense year of closures across the nation. Multiple cities closed substantial numbers of schools—including Chicago. The closure of Walter H. Dyett High School became a flashpoint because of the form, degree, and magnitude of the disagreement. It thus serves as a paradigm example that enables me to bring in rich exchanges among activists, district officials, and city leadership that cross geographic, racial, and conceptual terrain.

The second and third chapter comprise the heart of the dissertation. The second chapter addresses the role and importance of thinking about injustice as its own independent concept—in the words of Judith Shklar, what it means to take injustice seriously. Here I draw together Shklar's insights into injustice in conversation with traditional liberal theory and examples of nonideal theory. I emphasize the importance Shklar places on the *sense of injustice*—people's experience of injustice and the complex, intersecting, and often conflicting web of injustice claims such experiences are a part of. I

argue that taking the experience of injustice seriously orients theory away from abstract circumstances to actual problems about real people. But Shklar's account is also characterized by a frustrating conclusion: that because theory cannot truly address the challenges of injustice, the best practical solution is to ensure that democratic decisionmakers are sensitive to the challenges of injustice and reflect such considerations in their decisionmaking. Analyzing the work of other theorists who suggest otherwise, I highlight the limits of Shklar's work and the need for a methodological approach to injustice that prioritizes the important insights she offers and is not reducible to political calculus.

I describe my solution to this challenge in the third chapter: an ecological approach to injustice. Here, I detail Bronfenbrenner's ecological theory of human development and explain its contributions to the field of developmental psychology. Drawing on Bronfenbrenner's work, I then define the features of an ecological approach to injustice and explain the implications of such an approach for theorizing about injustice. In the main, I argue that an ecological approach reframes *where* philosophers conduct inquiry into injustice, *how* philosophers make sense of injustice, and *why* such thinking about injustice is theoretically important.

The final two chapters are a demonstration of the value of the ecological approach. In the fourth chapter, I extend the normative case study from chapter one to include further material introducing the notion of sacrifice in school reform. I then analyze the relationship between injustice and sacrifice, advancing three claims. First, similar to the boundary between injustice and misfortune, the boundary between sacrifice and injustice is slippery and razor-thin. Second, I argue that sacrifice and defiance, even

though they may seem to be *prima facie* incompatible, are in fact different sides of the same coin. Third, that the key to understanding this compatibility is the different intended audiences for a particular action.

In the final chapter, I demonstrate the value of an ecological approach beyond the Dyett case. Analyzing a dispute between Elizabeth Anderson and Tommie Shelby over injustice and racial segregation, I show how the key features of an ecological approach to injustice are not only useful tools for conducting normative inquiry about specific instances of injustice like Dyett, but are also useful tools for evaluating the strengths and limits of extant theoretical work on injustice.

Taken together, my work here presents less a *theory* of injustice than a *method* for theorizing about injustice. This is because, if we are to take Shklar as a guide, we should not be too concerned with finding a single, universal theory of injustice. Rather, injustice poses context-sensitive questions for theorists; the answers are variable and constantly in flux. In this way, a method may ultimately be a better tool than a theory when it comes for addressing injustice.

Chapter 1

The Fight for Dyett

On the other side of town, parents don't have to do sit-ins, they don't have to do protests, they just have to be.

Jitu Brown, Coalition to Revitalize Dyett

In early September 2015, a ribbon cutting ceremony marked the completion of a new \$21 million annex to Abraham Lincoln Elementary School in Chicago's largely white and affluent Lincoln Park neighborhood. For years, Lincoln's principal, Mark Armendariz, had called on the district to do something about the growing number of students attending Lincoln; during the 2013-14 school year, for example, 813 students attended Lincoln while the district listed the school as having a capacity of 660. Originally, supporters of expanding Lincoln had pushed for the district to buy the recently empty Chicago Memorial Hospital complex—a project that would have cost upwards of \$30 million (by some estimates, \$50 million). The annex proposal was thus a compromise between the

district and residents who wanted to move the school to the hospital site; the annex would provide more than enough room for Lincoln Park residents, and it would cost less.

Some residents, however, had preferred shifting the school's attendance boundaries to solve the capacity problem, pointing to the three neighboring schools that were all under-enrolled by the district's standards. It would be easy to simply move the overflow of Lincoln students into the surrounding schools—and cost-saving for CPS to boot. But many Lincoln families opposed redistricting on the grounds of school quality and demographics. Lincoln shared boundaries with schools that were drastically different—children of color comprised larger portions of the student body and typical quality indicators (namely test scores) suggested the schools neighboring Lincoln were weaker academically. James Ryan artfully points out the drastic differences among schools in Richmond, Virginia in the title of his book *Five Miles Away, A World Apart*. Here, however, we might think the case to be five *blocks* away, a world apart.

In the end, the annex proposal won out. When Lincoln parents saw that the hospital proposal was not gaining traction with district officials or the city government, it was an easy choice to advocate for the annex over redistricting. Such it was that in September, with Mayor Rahm Emanuel and Chicago Public Schools (CPS) new CEO Forrest Claypool standing behind her, the local alderwoman, Michele Smith—a supporter of expansion from the start—celebrated the completion of a project that would allow families in Lincoln Park to, in her words, “stand firm in their neighborhood.”¹

That same day, on the other side of the city, fifteen parents and community activists entered the twenty-fifth day of a hunger strike in support of re-opening Walter Dyett High School, the only neighborhood high school in Chicago's historically African

American Bronzeville neighborhood. Despite its flaws, Dyett was a cherished local institution. The school's namesake, Walter H. Dyett, was one of the most renowned and respected educators in Bronzeville. Dyett passed away in 1969 after teaching music for 38 years. During his career, he taught many of the community's musical legends—including Von Freeman, Bo Diddley, and Nat King Cole. But Dyett was not just a star-maker. He taught roughly thousands of students during his career—by all account with equal attention and care—and interacted with many thousands more through his tireless efforts to promote music education. In 2011, there were people still living in Bronzeville who had been his student and, for those who had not, tribute concerts and other community events featuring his name kept him alive in the minds of Bronzeville residents. Thus, while the school changed and new students passed through its doors, the memory of Walter H. Dyett remained steadfast. Indeed, as accounts of the community suggest, Dyett High School was as much a living monument to one of the community's most respected figures as it was a school.²

For over four years, Bronzeville residents had been fighting with CPS about Dyett. In 2011, the CEO of CPS at the time, Jean-Claude Brizard, announced that Dyett was to be phased out due to underperformance and under-enrollment, even though this would leave the Bronzeville community without a neighborhood high school. The phase out meant that Dyett would not be closed immediately, but would no longer accept students starting the following year. Thus, when the 2011 incoming class of freshman graduated in 2015, Dyett would close its doors, seemingly for good. For Brizard, closing Dyett was a good thing for Bronzeville students; he observed that not only had its student population plummeted, but that Dyett was also a “significantly underperforming school

with a graduation rate that is far below that of other schools in its area and is among the lowest academic scoring schools in the district.”³ According to district numbers, only 19 percent of the students living in Dyett’s attendance zone chose to attend the school; and of those that attended Dyett, only 6.5 percent met or exceeded the district’s standards for college readiness.⁴ For Brizard, Dyett was “so far gone” that it could not be fixed.⁵

As with Marshall Elementary, some Bronzeville residents disagreed with Brizard’s assessment of Dyett, calling attention to the lack of resources the school received from the district. Leading protesters at City Hall shortly after the Brizard announced the phase out of Dyett, longtime community activist Jitu Brown asserted, “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 went 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.”⁶ From the perspective of Bronzeville residents, Dyett’s struggles lay squarely at the feet of the district and the maintenance of an unequal distribution of educational resources. Thus, the closure of Dyett was not an attempt to resolve these inequalities, but it perpetuated, even exacerbated them. As 17-year-old Parrish Brown, the valedictorian of Dyett’s last graduating class 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.”⁷

Students, in fact, filed a federal request to the Department of Justice under Title VI of the 1964 Civil Rights Act to investigate the closure of Dyett, alleging that closing Dyett amounted to racial discrimination. They pointed out changes in Dyett that seemed to contradict Brizard's certainty that Dyett was a failing school. They argued that CPS had demonstrated consistent disregard for Dyett, even purposefully starving the school of resources and attempting to "undermine" community attempts to improve the school. It is worth quoting their claim at length:

What was the Board's response when, as late as 2008, we had the largest increase in students going to college in all of Chicago Public Schools? What about in 2009, when we had the largest decrease in student arrests and suspensions? Disregard and disinvestment. We are now a school with only 1 counselor, no assistant principal and have lost several quality teachers. We are a school where one our most successful programs, AVID, which prepared many of us for college was cut last year. As explained below, this may very well have been because the Board knew long ago that it would close Dyett, and felt that investing resources in us was unwise. This history of neglect impacts us—it sends us the message that the Board does not think we are worthy of investment and that our education is somehow less important than the education of our peers around the city.⁸

Not only did they hold the school board responsible for the decline of Dyett—the "history of neglect"—but closure, within that context, felt as if the school board wanted to hide its own failure, even at the expense of the Bronzeville community.

However, Brizard left CPS the next year, and the next CEO, Barbara Byrd-Bennett, reversed course. This was a shocking turn of events in and of itself. Under Byrd-Bennet, Chicago school officials closed 49 elementary schools despite substantial public outcry. District leaders—in language that directly contrasted with the overcrowding problem at Lincoln Elementary—pointed to rising "underutilization rates" of schools in predominantly neighborhoods of color that had seen major population changes following

the demolition of housing projects (which city officials specifically had built in African American neighborhoods decades earlier⁹). As Byrd-Bennett put it:

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.¹⁰

The closures ultimately displaced roughly 11,000 students—over 80 percent of whom were African American despite African Americans comprising only 42 percent of the public school population.¹¹ Many Chicagoans took to the streets to protest—marching from closed schools to City Hall, lining the streets outside school board officials’ houses, and filling public meetings with testimony opposed to the closures. Parents filed a class action lawsuit alleging discrimination under the Illinois Civil Rights Act and the American Disabilities Act, but a judge dismissed the case on standing.¹²

But, as Dyett neared the end of its phase out, Byrd-Bennett abruptly changed course. She proposed that Dyett would remain closed for only one year. In 2016-17, then, Dyett would reopen as an open enrollment neighborhood high school (that is, the school would be available to any child residing in the school’s catchment area, as well as to those who choose to attend the school from outside the catchment area, though the district would not provide transportation).

Byrd-Bennett’s decision was surely influenced by organized efforts to “Save Dyett!” By 2014, efforts to reverse the Dyett phase out had coalesced into a group calling itself the Coalition to Revitalize Walter H. Dyett High School, which included teacher activist groups, community organizers, the teacher’s union, and faculty from a local college of education. Not only did such groups’ efforts breathe a second life into Dyett, the district seemed unusually open to remaking Dyett in partnership with the Bronzeville

community. District officials offered to hear proposals for the new school in the winter of 2014, even announcing that the Dyett site would not be open to charter school operators, another long-simmering point of conflict between the district and community groups. For community groups in Bronzeville, this was surely a win.

However, by the summer of 2015 CPS had not decided on a plan for reopening Dyett, despite three groups presenting plans for the new school earlier that year. All three claimed connections to the Bronzeville community. One group, which included the last principal of Dyett High School, backed reopening Dyett as the “Washington Park Athletic Community Academy,” a school designed to prepare students for careers in sports-related industries. A second group, the same Coalition to Revitalize Walter H. Dyett High School that had opposed CPS’s original plan to close Dyett, backed a plan to remake Dyett as the “Walter H. Dyett Global Leadership and Green Technology High School.” The final group, Little Black Pearl—a youth arts non-profit based in Bronzeville—proposed to reopen Dyett as an arts-based high school that would provide college preparatory curriculum through engagement with the arts.

For those who had fought to keep Dyett open, the delay seemed to indicate that CPS had resorted to a bait-and-switch. District officials would announce a date for a meeting, but not a location, and then change the date. The final straw was in early August, days before a public meeting in which CPS was supposed to have another hearing on the proposals. The district again announced that it would be moving the meeting back, this time to September 15th, citing the appointment of yet another new district CEO, Forrest Claypool, in addition to four new members of the school board.¹³ This turnover was particularly tumultuous. Byrd-Bennett had recently been removed

under a cloud of corruption charges, to which she ultimately pled guilty and was sentenced to seven-and-a-half years in prison. Still, Claypool had been nominated in early July, and community members felt that with proposals in place, deciding what to do with Dyett should not take additional time. Thus, ten days after the August 10th postponement, frustrated members of the Coalition to Revitalize Dyett initiated a hunger strike in support of the Coalition's plan to reopen the school as a global leadership and green technology high school.

Describing their motivations for the protest, some strikers felt that CPS was not engaging the community on fair terms. Jeanette Taylor-Ramann, one of the hunger strikers, put it this way:

The last straw was when CPS violated its own rules. Two proposals were submitted on time, but then CPS accepted a late proposal. At the CPS-organized forum in June 2015, over 75 percent of community speakers supported our coalition's plan. Still, Alderperson Will Burns said that he wouldn't support our plan, even though we did everything CPS requested and much more.

When CPS cancelled the August 10 public hearing—the last planned hearing on the proposals before a scheduled August 26 School Board vote [subsequently moved to September]—with no notice, we drew the line in the sand and said no more. And so a week ago I became a hunger striker for the Dyett Global Leadership and Green Technology High School.¹⁴

The strike, then, was not simply about leveraging human bodies to save Dyett; as Taylor-Ramann suggests, the strike also reflected deeper, fundamental breakdowns in democratic processes in Chicago, including, for example, seemingly arbitrary changes in rules, distrust and distance between leaders and citizens, and delays in public accountability and outreach.

In early September, as the strike wore on and shortly before the Annex was officially opened, CPS officials finally announced a plan to reopen Dyett High. They did

not, however, use any of the proposals offered by different groups of the Bronzeville community. In fact, no members of the Coalition to Revitalize Dyett were present during Claypool's announcement that Dyett would be reopened; they had not been allowed into the proceedings. They had to express their disappointment in the streets. Though the "new" Dyett would be an art school, Little Black Pearl would not be involved. Though it would have an "innovation technology lab," it would be a school neither explicitly for global leadership nor green technology. CPS decided that, based on their analysis of Bronzeville-area students' interest in arts programs at nearby Curie and Seen High Schools, Walter H. Dyett High School would become the Walter H. Dyett High School for the Arts.¹⁵

When CPS first announced this plan, the strikers decided to continue their protest. Though Dyett would be reopened, they felt they had been shut out of the process. The district's decision demonstrated that CPS was not interested in working with community groups, they claimed. On the flip side of things, perhaps CPS's decision reflected the district's desire to move past the vestiges of the tainted leadership of Barbara Byrd-Bennet, who had, after all, initiated the proceedings to reopen Dyett. Or, perhaps, it was simply Claypool's decision to make the Dyett project his project. Yet, given all the efforts of Bronzeville community members to advocate for Dyett, to many Bronzeville residents the district's final decision suggested that in the end so little had actually changed.

The opening of the Annex threw this realization into stark relief. Commenting to local media shortly after the Annex was opened, one of the hunger strikers, Jitu Brown,

connected the dots between the opening of the Lincoln Annex and the hunger strike to save Dyett High:

Now, there's no acrimony toward those parents who received [the annex], but I want people to reflect on that. That while parents are starving on one side of town, while black parents are starving on one side of town just to say, "We want a high-quality neighborhood school. We want Walter Dyett Global Leadership and Green Technology High School." On the other side of town, parents don't have to do sit-ins, they don't have to do protests, they just have to be.¹⁶

Although Brown did not use the same words as Alderwoman Smith, he called into question the commitment of city officials to ensuring that Bronzeville residents would be just as able as Lincoln Park residents to "stand firm" in their neighborhood. What would it take, he asked, for city and school officials to listen to him and his community? Why would city and school leaders not acknowledge what *Bronzeville residents* knew they needed to ensure the stability and vitality of their neighborhood?

The strike ended with these questions still hovering in the air. Citing increasing health concerns, the activists called off the hunger strike on September 20th, 34 days after the strike began. Though they celebrated some important victories—namely that Dyett was not replaced by a charter school—it was also clear that these questions were not going away. "We decided that we will feed our bodies so that until we win sustainable community schools for all of our children, the Mayor and CPS won't get a moments rest," Brown wrote on his Facebook feed.¹⁷ The end of the strike, then, was simply a moment to pause and break bread, for there was more work to do.

Indeed, the work did not stop. Many of the strikers were present a year later as a newly-renovated Walter H. Dyett High School for the Arts reopened its doors to a new crop of excited freshmen. They greeted students and handed out packets of school

supplies. As we will see later in chapter 4, the reopening of Dyett was bittersweet, but to see new life breathed into a school that former-CEO Brizard had deemed “so far gone” was cause for celebration.

Chapter 2

Why Injustice?

Why then do most philosophers refuse to think about injustice as deeply or as subtly as they do about justice?

Judith Shklar, *The Faces of Injustice*

Judith Shklar is well known for her skepticism. It should not be surprising, then, that amid the ebullient flurry of theoretical work on justice that followed John Rawls's *A Theory of Justice*—perhaps the most influential work of contemporary political philosophy—her voice sounds a note of caution. In *The Faces of Injustice*, she criticizes political philosophers for generally taking a “complacent” view of injustice in their zeal to uncover the “philosophical foundations” of justice—for treating injustice as an abnormality rather than the complex, pervasive, and perhaps unavoidable dimension of social life that she understands it to be.¹ Buried in this conventional treatment of injustice, she thinks, is the assumption that justice simply extinguishes injustice.

However, she points out that this view of the relationship between justice and injustice does not accurately describe the world we live in. She observes:

...the realm of injustice is not in an amoral and prelegal state of nature. It does not appear only on those rare occasions when a political order wholly collapses. It does not stand outside the gate of even the best of known states. Most injustices occur continuously within the framework of an established polity with an operative system of law, in normal times.²

Shklar's specific meaning here is not entirely clear. We could, for example, variously interpret this claim to mean that justice is always only partially achieved; that there is no pure justice; or that justice at a structural level intersects with injustice at a personal level. But in all these possible readings, there is some constant: Injustice exists alongside justice; thus, one does not simply extinguish or destroy the other. What is at stake, then, is the ability of theories of justice to explain injustice and the capacity of the institutions such theories recommend to cope with the "extent, variety and durability of human injustice."³

Admittedly, hers appears a rather dark view. One could easily be forgiven for reading Shklar to say that we live in a world where injustice, not justice, reigns. But her skepticism should not be confused for a crippling pessimism. In her words, to be a skeptic is to start from simply a "doubting, unconventional view of accepted social beliefs," more closely associated with an intense curiosity about the contradictions, hypocrisies, and general failings of contemporary society than with any deep, general distrust of knowledge claims or optimism about the future. Skeptics, she asserts, "expose hidden ignorance."⁴ Her skeptic is thus a student of the world, not a misanthrope, and her encouragement for philosophers to take injustice seriously, rather than take it for granted, is similarly inquiry-focused. What do we not know about injustice? What have philosophers mistakenly looked over in their efforts to understand justice?

For Shklar, the glaring blind spot is the relationship between injustice and misfortune—and the corresponding effects that this amorphous relationship has on the relationship between justice and injustice. Philosophers, she claims, have long overlooked how easily injustice can be confused for misfortune, choosing instead to draw stable and clear distinctions between the two concepts. She suggests that such an impulse is entirely understandable. People need to tell themselves that there is a definitive account of an event that truthfully explains whether what happened was unjust or simply unfortunate. We tell ourselves such stories for “deep psychological reasons” and because such stories provide a sense of moral comfort.⁵ It is much easier to go about the difficult work of living when we know that someone is to blame for what happened to us, or that what happened was simply out of our control. But the tendency to see injustice and misfortune as so clearly distinct obscures the many ways in which the boundary between injustice and misfortune is both *unclear* and *unstable*. Witnesses, for example, often recount different versions of the same event, naming different victims and violators. Oral historians document how stories change over time, what may have been a horrible, tragic accident can become a cultural symbol of injustice.⁶ Cultural and technological change often shifts the boundary, as well—our ability to better anticipate and mitigate the effects of natural disasters has certainly shifted how we make sense of the destruction that still accompanies such events. But despite such evidence that the boundary between injustice and misfortune is both differentially experienced and historically unsettled, Shklar criticizes liberal theorists for typically theorizing about justice as if there is a clear and stable line separating the two. This mistake, she explains, constrains such theories from

adequately and accurately addressing the challenges injustice poses to human social and political life, despite their claims to the contrary.

As will become a recurring theme, her criticism of liberal political theory on this point is both right and wrong. On the one hand, many liberal political theorists, especially in the last quarter of the twentieth century, focus precisely on this boundary. This turn, coined *luck egalitarianism*, encompasses a wide range of views that, in general, adhere to a basic premise articulated by Richard Arneson, namely that:

The concern of distributive justice is to compensate individuals for misfortune. Some people are blessed with good luck, some are cursed with bad luck, and it is the responsibility of society—all of us regarded collectively—to alter the distribution of goods and evils that arises from the jumble of lotteries that constitutes human life as we know it.⁷

Though other theorists may share Arneson's basic premise, there is much disagreement about what sort of misfortune—undeserved, deserved, unavoidable, avoidable—people should be held responsible for and the extent to which people ought to be compensated for different sorts of misfortune. As a whole, then, we can understand substantial strands of contemporary liberal theory as disputes about where the line between misfortune and injustice ought to be drawn. Thus, it seems misleading to claim that liberal political theory overlooks misfortune and injustice. On the contrary, the boundary has been at the forefront of liberal thinking about justice.

On the other hand, Shklar is correct to point out that the aim of such work is to establish a stable, certain line between misfortune and injustice. And such efforts may well be misguided. For one thing, the efforts to divine a single bright-line distinction can be tortuous. Absurd caricatures, from free-riding surfer bums and reckless gamblers to compulsive connoisseurs of fancy cars and caviar, populate this literature. Readers are treated to careful but drawn-out analyses of whether individuals should be compensated

for unavoidable afflictions or avoidable afflictions. Shklar's observation that what counts as a misfortune or an injustice can change with context makes such efforts appear to be little more than castles in the sand—transient at best and uncertain at worst.

Even so, it is not entirely clear why focusing on injustice as a distinct phenomenon is a better alternative. For the vast majority of liberals, the *only* way we can understand injustice is through a conception of justice, hence theorizing about justice takes priority over theorizing about injustice. This way of thinking was formalized in Rawls's *A Theory of Justice*, where he positions justice as the “first virtue of social institutions,” famously drawing an analogy between justice and truth; “A theory however elegant and economical must be rejected if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”⁸ But Rawls also suggests a definition of justice is a prerequisite to be able to know if the entirety or even some dimension of society is unjust because it is impossible to know how someone can be wronged, or what expectations people should have, unless what comprises just treatment and just expectations are first clearly defined. A liberal might thus respond to Shklar that even if what specifically counts as an injustice fluctuates, principles of justice are both *necessary and good enough* to start the conversation. It is not as if philosophical inquiry into principles of justice is hopelessly misguided—Shklar herself is unwilling to go as far as to claim that. But then the question remains: Why pay closer attention to injustice as an object of theoretical inquiry?

My aim in this chapter is to argue for an answer to this question. Namely, to think about injustice as subtly and deeply as theorists think about justice shifts our theoretical orientation from the search for generalizable, abstract principles to conclusions about

particular cases. This shift is epitomized by Shklar's turn to what she refers to as the *sense of injustice*—people's experience of injustice and the complex, intersecting, and often conflicting web of injustice claims such experiences are a part of. Paying close attention to the sense of injustice illuminates how context—history, culture, personal relationships, social hierarchies, among other things—can reveal plausible, concerning instances of injustice in what, abstractly, may seem straightforward and unproblematic.

This chapter also takes up how theorists struggle to make this shift, both practically and theoretically. The reason, I argue, is that efforts to make injustice a central object of theoretical inquiry fail to satisfactorily integrate the complexity of injustice with theoretical inquiry. This takes different forms. Shklar, for example, disappointingly concludes that there because no general line can be drawn between misfortune and injustice, we ought to leave the matter for democratic decision-makers, essentially closing the door for theoretical inquiry into the matter even as she simply pushes the decision downstream. Amartya Sen exhorts philosophers to take up actual instances of injustice as the focus of their work, but his argument incorrectly eschews traditional normative frameworks. Finally, Nancy Fraser offers a compelling account of injustice as comprising multiple dimensions—maldistribution, misrecognition, and misrepresentation—that turns to a single overarching normative principle to resolve disputes about injustice. Thus, even as she offers useful tools for thinking about injustice, Fraser's account retreats from the sort of detail Shklar urges philosophers to consider if they are to take injustice seriously. As a whole, then, this chapter suggests that while there may be good reason to take injustice seriously, theorists do not yet have the conceptual tools for doing so thoroughly.

Justice and Injustice

As I suggest above, Shklar's concern for injustice stands in sharp contrast to the bulk of modern liberal theory, particularly since the publication of John Rawls's paradigmatic *A Theory of Justice*. There, Rawls sets injustice to the side in order to focus on a conception of a perfectly just society. On his account, many of the injustices that shape our world—racism, sexism, ableism—have no place in such a society. Such circumstances are thus not addressed—indeed, hardly even mentioned—in an ideal theory of justice.⁹ Indeed, this omission is so obvious that injustice is not even listed in Rawls's comprehensive, celebrated index.

He achieves his singular focus on justice by means of the now omnipresent distinction between ideal and nonideal theory. “The intuitive idea,” behind the distinction, he explains, “is to split the theory of justice into two parts.” The first part of a theory of justice, ideal theory, develops normative principles that define a conception of a “perfectly just basic structure.” They are based on an assumption Rawls refers to as strict compliance—the demand that everyone understands and upholds the principles of justice. Strict compliance serves two functions. First, it eliminates the need to think about injustice under ideal conditions. Since everyone in this ideal society understands and upholds the principles of justice, injustice need not be a part of the theoretical domain. Second, it also functions as a limitation on the normative principles one can advance. Strict compliance ensures that a theory of justice is sensitive to the “fixed constraints of human life.”¹⁰ Put another way, principles of justice cannot make demands of people that they are realistically incapable of achieving, even acting as their best selves. We can't

then, argue that a perfectly just society is one where everyone lives as property-less, identity-less, socially aloof hermits.

The second part of a complete theory of justice, nonideal theory, addresses the circumstances of injustice. It assumes partial compliance, the idea that people do not all agree with or uphold the principles of justice identified in ideal theory. Partial compliance allows injustice to re-enter the picture, making room for the theory to entertain principles for addressing unjust conditions and actions. For Rawls, nonideal theory is secondary to and dependent on defining ideal principles of justice. The “only basis for the systematic grasp” of nonideal theory, he explains, rests on first developing a stable ideal theory.¹¹ In other words, knowing what ideal justice demands offers a way to sort through the messiness of everyday claims of injustice. This claim arguably set the agenda for liberal political theory for the next three decades.

In that regard, *The Faces of Injustice* is all too easily read as a wholesale rejection of accounts of justice like Rawls’s *A Theory of Justice*—especially when one considers the priority Rawls affords ideal theory. Yet, consider this odd set of claims from *The Faces of Injustice*. On the one hand, Shklar claims that theories of justice “cling to the groundless belief that we can know and draw a stable and rigid distinction between the unjust and the unfortunate.”¹² On the other, she claims that her arguments are not meant to “challenge in any way the worth of these various theories of justice, nor their search for its ultimate philosophical foundations.”¹³ It would be certainly justifiable if one interpreted Shklar as simply being disingenuous with her argument; if theories of justice “cling to a groundless belief,” should not that have some effect on their value?

But Shklar is not being disingenuous. Rather we ought to read her as carefully focusing her argument. Among her peers, Shklar is often regarded as a “dystopic theorist” and a “liberal without illusions.”¹⁴ These descriptions are somewhat misplaced. As Katrina Forrester compellingly argues, over the course of her academic life Shklar balanced an enduring concern for the flaws and vices of humanity with the hope that people could continue to improve political institutions for the benefit of all.¹⁵ This balancing act captures the analytic work going on in between these two claims. They are not confusing, contradictory remarks; Shklar truly believed that she could point to the *limits* of theorizing about justice without disrupting the important work that such theories could do. Indeed, it is important to remember that Shklar welcomed and celebrated Rawls’s *A Theory of Justice*, retrospectively describing the publication of *A Theory of Justice* as a “great event” that “freed many of its readers from a long self-imposed philosophical silence” and was “remarkable enough to justify all its own consequences.”¹⁶

Taking a longer view of Shklar’s thought helps understand her position on the relationship between justice and injustice. For example, in her first book, *After Utopia*, Shklar argues that the tradition of utopic thinking in philosophy had run its course. She suggests that radicalism—primarily in the form of Marxism and the rise of totalitarian regimes across Europe—had laid bare the dangers of acting out the utopic designs of political theory. The catastrophic events of the early- and mid-twentieth century, in particular, had chastened political theorists: “the inhibitions bred by our historical experience and by analytical honesty are overpowering.” Worse, the two traditional poles of political theory—justice and power—were both compromised as avenues of inquiry.

Theorizing about justice had become “intellectually hazardous” insofar as it requires adopting “at least an ounce of utopianism” to even undertake, while theorizing about power alone was “neither realistic nor morally particularly attractive.” She concludes that a “reasoned skepticism”—the very same that undergirds *The Faces of Injustice* thirty years later—is the “sanest attitude” one could take.¹⁷

But Shklar believed that Rawls had successfully rescued justice for political theory. On her account, Rawls successfully moderated the utopian impulse she criticized in *After Utopia*. Thus, *A Theory of Justice* should be understood instead as a reformist project—to that point, Rawls even famously characterizes his work not as a pure utopia but as a “realistic utopia.”¹⁸ Unlike transformative theories (such as Marxism and other critical theories) which envision radically different societies, reformist projects describe the conditions a state would have to meet in order to be considered just while keeping actual political realities in view. As Shklar puts it, Rawls’s work is an example of a “formal and critical model[s] immanent in constitutional democracy, embedded in it but not realized.”¹⁹ He offers an account of justice that can be used to evaluate the strengths and weaknesses of democratic societies without a deterministic view of what that society should ultimately look like (as, say, Marxism). Consider that Rawls’s four-stage sequence—his “device for applying the principles of justice” to the institutional design of a society—is largely open-ended. Admittedly, it does recommend a constitutional democracy, but within that there is a fair amount of indeterminacy. Rawls writes that he favors a “range” that would support a number of permissible constitutions, institutional designs, and laws and policies.²⁰ On Shklar’s account, then, normative theories of justice like Rawls’s are visionary, but not radical.

However, while she celebrated the potential of normative theory, she also remained wary about grounding an understanding of politics entirely on a normative conception of justice. Hence her skepticism of Rawls's "small army of squabbling heirs," whose work moved farther and farther away from the possibility of immanent critique Shklar understood Rawls's theory to offer.²¹ It is an unwelcome thought, she observes, to imagine a society governed by the purest rules of justice, which are dispensed by an "authoritative great legislator." Issues of justice would be open-and-shut cases. "If there are no open tribunals," she warns, "one dare not speak." The tradition of claim and counterclaim so vital to freedom and democracy would be lost.²² For Shklar, it does not matter that in idealized settings this vision would be impossible. In reality, people are susceptible to the corrupting allure of power, to say nothing of the ways in which changes in social and political circumstances challenge conceptions of justice. Even the purest account of justice, she warns, can easily become an ideology if it is not continually tempered and challenged by concern for injustice.²³

Thus, justice, as a normative framework, can never be the whole story for Shklar. This is not to say that she thinks justice is unimportant; writing on the importance of law, she observes, "Without juridical institutions and the beliefs that support them, there can be no decent, just, or stable social relations, but only anxiety, mutual mistrust, and insecurity."²⁴ However, it is to say that she understands that justice has limits—and it is plausible to say that Rawls recognized this, too, a discussion we will come to later in Chapter 5. Bernard Yack, a student of Shklar's, makes a similar point when he interprets Shklar as arguing for an asymmetrical relationship between justice and injustice. Shklar understands injustice to be the unruly, idiosyncratic ways in which people "identify

harms and form their expectations of each other.” By contrast, justice reflects systems of social accountability that attempt to standardize, even “reeducate” people’s expectations of each other—such systems may seek to tame injustice, though, for Shklar, they never completely will. And that is a good thing. “When Shklar puts injustice first,” Yack writes, “it is to correct what she sees as the arrogance of philosophers and political theorists who mistake their often useful models of social justice for accurate pictures of our moral world.”²⁵ For Shklar, a more accurate picture of our moral world can be found by paying close attention to what she calls the “sense of injustice.”

The Sense of Injustice

For as much as Shklar urges philosophers to give injustice its due in *The Faces of Injustice*, it is striking that also she never offers a precise definition of injustice. One reason for this is that she ultimately takes the position that no general or abstract line can be drawn between injustice and misfortune, making precise language a difficult, if not impossible, proposition. But another equally important reason is that the subject of *The Faces of Injustice* is not so much injustice as a philosophical concept but what Shklar refers to as the “sense of injustice”—the “special kind of anger we feel when we are denied promised benefits and when we do not get what we believe to be our due. It is the betrayal we experience when others disappoint expectations that they have created in us.”²⁶ Understanding what Shklar intends to describe with “the sense of injustice” is crucial to understanding the theoretical importance of injustice.

For Shklar, the sense of injustice is fundamentally a personal and psychological experience. Through an analysis of Charles Dickens’s *The Pickwick Papers*, she

describes how the sense of injustice emerges from an individual's experience, how those experiences can differ quite profoundly, and the ensuing complexities of sorting through these conflicting notions of betrayed expectations and broken promises.²⁷ In Dickens's story, Mr. Pickwick—a kind, wealthy old gentleman, respectable by the standards of his Victorian age—ends up in debtor prison as a result of a breach of promise suit brought by his landlady, Mrs. Bardell. Mrs. Bardell is upset with Mr. Pickwick because, on account of his own inability to communicate clearly, Mr. Pickwick confuses her into thinking he is proposing marriage when he is only informing her of his decision to hire a manservant. Mrs. Bardell swoons into his arms when he attempts to clarify his intentions, only as their friends enter the room to witness firsthand the Victorian-age scandal. An unscrupulous law firm—the Messrs. Dodson and Fogg—takes up Mrs. Bardell's case on commission, and Mr. Pickwick resolves not to put a penny into the pocket of the “pettifogging robbers” who he believes are unfairly attempting to swindle him. Mr. Pickwick's principle lands him in jail, where he is shortly thereafter followed by Mrs. Bardell, who cannot pay Dodson and Fogg for a fee she owes them from some fine print in the contract. This outrage is enough for Mr. Pickwick, who pays his fine, lines the lawyers' pockets, and rescues himself and Mrs. Bardell from prison.

For Shklar, unintended meanings, punitive systems, and Victorian cultural sensibilities create a complicated web of expectations that entrap both characters in the end. The readers know, for example, that Mr. Pickwick never meant to propose to Mrs. Bardell, making his imprisonment seem frustratingly unfair and Mrs. Bardell's claim based more on misunderstanding than an intentional slight or falsehood. Mr. Pickwick is also trapped in the gamesmanship of the legal system. Both his own lawyer and the

Messrs. Dodson and Fogg believe they are playing a game and have little empathy for the people their machinations ultimately hurt or, for that matter, help. Mrs. Bardell, particularly given Victorian customs, *is* slighted by Mr. Pickwick—she is put in a compromising position and must do something to protect her own honor. And, in the end, Mr. Pickwick must ultimately put aside his own frustrations and sense of injustice in order to put a stop to the circumstances which have now spun entirely out of control. The sense of injustice is thus never overcome—Mr. Pickwick, in a very Victorian-gentlemanly way, takes the loss so that things do not get any worse.

Yet consider how we might understand *The Pickwick Papers* differently if we were to abstract away from the context of the Victorian Age. On such an account, the entire story decomposes, as Mrs. Bardell simply has no reasonable or plausible claim of injustice. She simply mistook Mr. Pickwick's intentions and—without the particular cultural sensibilities—suffered no real harm. Misreading another person is simply not injustice. Liberal systems of law should recognize that she does not have standing; either in that no lawyer would advise her to proceed with the case, or even if one did so, a court itself would find that she had no reasonable complaint. As the saying goes, there is just no there, there.

It is only once we begin to add detail to the story that Mrs. Bardell has a case that seems *prima facie* reasonable. It is the fact that the story takes place in Victorian England that being seen in such a compromised position truly is damaging to her reputation. Similarly, it is again because Mr. Pickwick and Mrs. Bardell live in Victorian England that this event have real, substantive knock-on effects in such a status-conscious, gender-imbalanced society, particularly for Mrs. Bardell. The context, as I suggest above, is also

why we feel Mr. Pickwick's growing frustration with the legal system, why we admire his stand against the unscrupulous lawyers, and why we can view Mr. Pickwick as a (mundane) hero in the end as he sacrifices his principled stance for the sake of Mrs. Bardell.

Yet we do not even need literature—with the omniscient view it enables—to understand how peculiarly individual the sense of injustice can be, as well as the resulting complicated social implications varying expectations weaves. Our own personal experiences more than likely suffice. Indeed, it is likely that *everyone* can recall a moment in which they have felt unfairly treated or the victim of unfair circumstances. And, equally likely, they can recall a moment where they felt wronged but found very few sympathetic voices. Students, for example, feel this quite regularly at the hands of teachers and administrators.²⁸ Such feelings have much to do with the imbalance of power between them, but lest we forget, students are required to go to school and required to do things they may not feel are important, interesting, or in their best interest. Hence, when such circumstances result in unfavorable consequences for their behavior, it is all too likely that whatever the outcome is their smoldering sense of unfairness remains.

For a more concrete example, consider the issue of school closure at the heart of the Dyett case study. This case itself is situated within a broader narrative of failing schools, school reform, and school closure. 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 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."²⁹

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.³⁰

These leaders underscore the commonly-held—and entirely justifiable belief—that there are severe injustices facing many urban schools and school districts in the United States.

At a 30,000 foot view, the sense that school systems are broken is widely shared. We might contrast Duncan and Zopp's worries with that of Brown's comparison between Dyett and Lakeview's course offerings, in particular his concern for the "structural inequalities that are in place." In a sense, then, there is some agreement among many different parties that school systems are unfairly and unequally serving different children, typically along lines of race and class that exists *prior to school closure*. For many reformers the distributive inequalities plaguing schools and impeding the success (measured by academic outcomes) of students are the end of the story; as Duncan puts it, they have a "moral imperative" to do what it takes to fix such problems.

On their account, closure is a reasonable policy proposal. Closure is based on the assumption that school districts inefficiently make use of their limited resources to the detriment of the children the schools are supposed to serve. This logic is behind Brizard's announcement that Dyett would close for underperformance and underutilization. It is also undergirds Byrd-Bennett's justification for the closure of 49 elementary schools: "By *consolidating* these schools," she claimed, "we can focus on transitioning every child

into a better performing school close to their home.” In the abstract—or, importantly, in the wonky, data-driven, numbers world of policy—closure simply makes sense.

Yet, as in the *Pickwick Papers* example, once we begin to situate policies like school closure within complicated networks of urban communities, histories of racial inequality, and the tensions of democratic governance, a different set of claims emerges as *prima facie* reasonable, if not profoundly compelling. In fact, further complicating Shklar’s fictional example, at stake in the dispute over school closures is the very notion of what counts as an injustice. As I will soon demonstrate, opponents of closure disagree with proponents of closure not only about the type of problem such policies reflect, but also about the type of response such problems require. By contrast, the conflict in *The Pickwick Papers* is initially about whether an injustice has occurred, full stop. Neither Mr. Pickwick nor Mrs. Bardell challenge the framework of justice at stake; rather, it is simply a matter of whether Mr. Pickwick actually violates that framework in his clumsy attempt to inform Mrs. Bardell that he wished to hire a manservant. The challenge in *The Pickwick Papers* is thus relatively straightforward, while the case of school closure folds in additional complications when claimants fail to even agree about the normative terms of their dispute.

In contrast to proponents of closure, Bronzeville residents assert that closure is *itself* an injustice—in multiple ways. That is, in responding to the perceived injustice of distributive inequality, district and city officials perpetuate or exacerbate other forms of injustice when they close schools. In particular, community members in the Dyett case suggest that closure reifies racial disparities in respect and equal standing among citizens. Consider Jitu Brown’s comparison between Lakeview and Dyett high schools. 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 another concern. Data compiled by the Chicago Agency for Planning, a regional planning organization in Illinois, depicts distinct demographic sets in each neighborhood: an overwhelmingly white majority in Lake View and an overwhelmingly black majority in Bronzeville.³¹ As the Journey for Justice Alliance, a coalition of 36 community organizations across 21 states that includes the Coalition to Revitalize Dyett, 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.³²

Disparities like those between Dyett and Lake View are not simply a matter of distributive inequality, opponents of closure often assert; rather, they are a reflection of the historical record of pervasive structural racism that has perpetuated the treatment of black people as “second class citizens.” This understanding of the injustice shaping schools like Dyett bleeds into the solutions policymakers offer for the distributive challenges.

Eve Ewing, a sociologist who studies school closure, calls attention to how concerns about racism extend into the solutions offered by the district. In her account of school closures in Chicago, *Ghosts in the Schoolyard*, she recalls a pointed exchange between protesters and then-CPS CEO Barbara Byrd-Bennett during a public meeting about the closure of fifty elementary schools across Chicago that overwhelmingly impacted black students. Byrd-Bennett, a black woman, was upset that protesters understood the closure policy to be racist. “What I *cannot* understand, and *will* not

accept, is that the proposals I am offering are racist,” she claimed. “They are!” members of the audience yelled back. Byrd-Bennett argued that simply because the closed schools impacted African American students was not an indication that the policy was racist—after all, she observed, the “overwhelming majority of students in CPS are children of color. Any significant change in the status quo, therefore, is going to affect those children. This is not racist, it’s simply a fact.”³³

Yet, especially when compared in hindsight to the building of the Annex to solve the problem of overutilization in Lincoln Park while schools are closed to solve the issue of underutilization, the fact that closure affects African American students more than it does white students does matter in considering whether or not the proposal to close the particular 50 schools in Chicago was racist. As was possible for Lincoln Elementary, Chicago officials *could* have opted for redistricting proposals that would have spread students in overcrowded schools out to underused schools. The students affected by the district’s response to underutilization and under-resourcing would then likely be more demographically diverse, as different schools might be targeted for closure or consolidation and, consequently, white, middle-class students would likely change schools. In the exchange Ewing details above, then, the audience’s assertion that closures are racist reflects the facts that there were other options on the table and that CPS opted for the plan that would overwhelmingly affect African American students.

At the same time, it is not simply a matter of *who* is affected. Judging whether Byrd-Bennett’s closure proposal was racist (and thus unjust) also requires considering *how* closure affects Chicago communities. These additional details reveal the multiple layers at which the conflict over closure plays out in Chicago and how this seemingly

school-focused conflict implicates broader senses of community, the history of racial inequality in Chicago, and the strained lines of democratic governance in the city. It is with this context in mind that the power of criticisms against school closure begins to truly manifest.

Bronzeville residents experienced the closure of Dyett as an injustice in multiple, distinct ways. One such way is through what we might call cultural subordination. Building the Annex was celebrated as enabling Lincoln Park residents to “stand firm” in their neighborhood. By contrast, Bronzeville residents understood closing Dyett as destabilizing theirs. In fact, for Bronzeville residents, Dyett’s closure was not just a one-time expression of disrespect, but rather a tool for ongoing oppression—for dismantling the community itself. Recall the words of Parrish Brown, the valedictorian of Dyett’s last graduating class, from the case study: “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.”³⁴ Indeed, community groups often talk about schools as “anchors” or “hubs” or as sources of pride and shared history and identity. Thus, many people experience closure as a loss for which simply finding another place to educate their children is a poor remedy. In the words of a community activist network, closure “creates a gaping hole within our neighborhoods.”³⁵

Another way communities experience closure as itself an injustice is through neglect. Recall how students, in their request to the United States Department of Justice, referred to Chicago district leader’s treatment of Dyett as a “history of neglect.” There are two ways in which we might think this neglect is particularly salient. First, particularly for students, it was clearly a message that CPS did not have their interests at

heart—why else would they let Dyett struggle so? The Board may claim to care about them, they observed, but its actions suggested otherwise, as they put it: “the Board does not think we are worthy of investment and that our education is somehow less important than the education of our peers around the city.”

Second, Dyett was (and is) a historical institution in Bronzeville. Ewing, in a brief history of the school, notes that in choosing to name Dyett after Walter H. Dyett, it appeared “to be a tacit way of celebrating the community itself. It is a way of saying that a life lived in the service of Bronzeville is a notable life, and that the legacy of someone so dedicated to the community is worth memorializing with something important.”³⁶ Neglecting such an important feature of a community amounts to a form of cultural rejection: what Bronzeville values is not what should be valued.

Indeed, returning to the issue of school failure itself, 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 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.”³⁷ 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.”³⁸ Their findings are applicable in the case of Dyett, as the district’s narrative

of failure ran contrary to that of the Bronzeville community. The district's efforts undermined community values to the point that the district appeared—at least to Bronzeville residents—not to care about their community at all; district leaders simply wished to refashion the city as they thought fit.

Making matters worse, there were no effective channels of communication through which these different notions of injustice and failure could be shared and some sort of compromise reached. Instead there was a challenge of will. Bronzeville community activists experienced this lack of voice as an injustice. It is, for example, at the crux of Jeanette Taylor-Ramann's claims. The "last straw" for her, and what pushed her to join the hunger strike, were the frequent changes in meeting time, location, and accessibility (i.e. closing meetings to the public) that made it difficult to even advocate for Dyett in formal democratic spaces. In no insignificant way, Dyett community activists felt that they were marginalized in the political process; their voices minimalized, their ideas excluded, and their efforts thwarted again and again.

This is all to say that the conflict over school closures reflects the complex ways in which the sense of injustice is situated in individual perspectives and senses of injustice. School leaders, district officials, and other policymakers are rightly upset by schools that do not meet the needs of students, as such leaders understand them. They are right to point to the distributive inequalities between schools and demand that something be done, especially because we know how important education is for people's life prospects in the modern world. But the students and families whose schools are closed are also justifiably upset. They watch as whiter, wealthier schools are lauded for being successful and are augmented with new constructions, while their own schools age, their

course offerings shrink, students leave, and the buildings close. They are right to wonder why such different processes exist within the same school district. And they are right to feel that closure is a further burden on their neighborhood. They are justified in their anger at being held at arm's length while such significant and symbolic decisions about them are made by others. Put another way, we might replace the stifled, Victorian-age culture of the *Pickwick Papers* for a pluralist, multicultural one, but the same sort of complicated web of competing and conflicting expectations hangs over social relations and interactions across power and difference. We are all caught up in it.

Theorizing Injustice

For Shklar, the sense of injustice is thus deeply important to understanding politics. She suggests that the experience and recognition of “felt injustice” reflects a fundamental tenet of democracy: the ability to assert a denial of the dignity in public. “Ever since we became ‘created equal,’” she observes, “all our claims are supposed to matter, and when they are disdained we are expected to protest in public.”³⁹ Claims of injustice are thus vital to the functioning of a democracy; they are “often the sole resort open, not only to victims, but to all citizens who have an interest in maintaining high standards of public service and rectitude.”⁴⁰ By giving voice to their experience of injustice, citizens assert their dignity and personhood in a political world that, given its size and distance from daily life, can feel impersonal and disempowering.

Despite such assertions, Shklar unfortunately does little to help us understand how philosophers might begin to theorize about injustice in a way that is productive to political life. Indeed, her willingness to draw out the theoretical provocations of the

importance of injustice is undermined by her reticence to define the boundary between misfortune and injustice as anything more than a “political choice.”⁴¹ That is to say, she argues in *The Faces of Injustice* that because a general or abstract line cannot be drawn between injustice and misfortune, the best people can do is to take the voices of victims into account in their actual political decisions, since such voices are people’s closest reminder of the complex and challenging nature of injustice. We should, in other words, continue on with our democratic politics—as long as both citizens and decision-makers listen a little better to people’s experiences of injustice and factor it into their reasoning.

For as provocative as her claim about the limits of justice is, Shklar’s “solution,” is deeply unsatisfying. Claiming that decisions about injustice are ultimately a matter of political choice only moves the decision downstream—it does not avoid making the distinction. And, as she herself acknowledges, there is no guarantee that democratic citizens will get it right. Of course, there is no guarantee that philosophers or any particular theory will get it right, either. But there is no reason to pull so far away from what theory can offer. Theories can serve as guides for the people who need to make these decisions. They can offer general insights into forms of injustice, or models for how to adjudicate between conflicting claims of injustice. In other words, theory need not aim for perfection to be useful, it simply needs to aim to clarify rather than obstruct, to improve thinking rather than cloud it. Shklar’s ultimately anti-theoretical solution, then, seems woefully misguided.

However, it is possible to begin to construct a path forward by considering some examples of theoretical inquiry regarding injustice. Below, I consider two such examples.⁴² First, I examine the work of Amartya Sen, who argues that efforts to mitigate

injustice should take up more of philosophers' time and effort. Second, I analyze recent work by Nancy Fraser, who offers a theory of justice that is premised on multiple categories of injustice. Each of these examples demonstrate the importance of analyzing injustice from a theoretical perspective, but each also fails to fully incorporate the complexity of peoples' experiences of injustice.

Preventing Injustice

In a striking departure from established practices in liberal political theory, Amartya Sen argues that “the subject of justice is not merely about trying to achieve—or dreaming about achieving—some perfectly just society or social arrangements, but about preventing manifestly severe injustice.”⁴³ Sen claims that real world injustices should be the focus of liberal political theory; theorists should devote their efforts to developing conceptual tools to guide efforts to minimize injustice and maximize justice. Implicit in his theoretical position is the assumption that political theory does have something to say when it comes to injustice, and may even be an indispensable tool for those who actually make decisions about how to respond to injustice. Thus, Sen appears to both embrace Shklar's insistence on the importance of injustice—to be fair, Sen neither lists her in his index nor substantively engages with her arguments—but rejects her ultimately anti-theoretical conclusions. This is an appealing starting point from the perspective of injustice.

Indeed, the crux of Sen's argument is a rejection of ideal theory in favor of “realization-focused comparisons.”⁴⁴ He suggests that theorists' focus on ideal justice—in Sen's language, *transcendental institutional theory*—does society a disservice because

such inquiry leads theorists away from offering guidance about real choices people must make in the face of actual injustices. Such a claim also seems to be in tune with Shklar's recommendations insofar as focusing on a way to choose among different responses to an injustice is certainly part of the choice-making that Shklar believes democratic citizens must reckon with.

Sen also offers a compelling rationale for engaging with the experience of injustice. He argues for what he calls *open impartiality*—a view drawn from Adam Smith's notion of the impartial spectator that, in Sen's hands, ultimately requires the inclusion of considerations of others' views into one's own moral calculations. "Assessment of justice," Sen writes, "demands engagement with the 'eyes of mankind.'" He offers three primary reasons. First, a theorist may find that they *identify* with "others elsewhere." Second, an awareness of other people's diverse experiences may help theorists recognize previously unnoticed ways in which their theoretical (or practical) recommendations affect others. Third, theorists may find that their thinking is influenced by the experiences of others: what other people see from their "respective perspectives of history and geography may help us to overcome our own parochialism."⁴⁵

Sen's realization-focused comparative framework thus seems to offer a viable model for thinking about injustice. However, just as I have cautioned against adopting an anti-theoretical view toward the challenges posed by injustice, there is reason to think that Sen's dismissal of ideal theory goes too far. Not only that, but as we will see, his arguments for doing so are also fundamentally flawed.

The problem with Sen's approach emerges as he extends his argument past simply criticizing theorists' reluctance to engage in the nonideal dimensions of justice theory. He

makes the stronger claim that ideal theories of justice are “neither necessary nor sufficient” to “guide reasoned choice of policies, strategies or institutions.”⁴⁶ In other words, Sen attempts to turn liberal orthodoxy upside down. He claims that the ideal circumstances that liberals like Rawls (Sen’s primary foil) describe act as a conceptual barrier that make it nearly impossible to apply principles of justice derived under abstract conditions to the world we live in:

If such spotless justice were the only focus of attention in a theory of justice, then the institutional preconditions would form a kind of ‘entry barrier’, leading to an abstinence from applying justice theory to situations in which those exacting institutional demands are not only currently met but cannot be met in the foreseeable future.⁴⁷

For Sen, the very question that theories of perfect justice seek to answer does not have any relevance to advancing justice or reducing injustice in the world as it is.

Recall that even Shklar values both normative ideal theory in its proper role—she embraced *A Theory of Justice*—and the importance of some conception of justice undergirding a society’s system of laws and governance. The former offers tools for critique while the latter is absolutely necessary for the stability of any liberal society. What Shklar realizes that Sen does not is the importance of ideals in any political system. *Contra* Sen, ideals are important to understanding actual problems in the real world for (at least) two reasons. First, people’s commitment to ideals help explain why the most challenging real-world problems are so challenging. Inequalities in education, for example, are problematic not simply because there is an uneven distribution of educational opportunities and resources, but also because we think such distributions are unfair and do not reflect the importance of treating all children as equals. If we do not have concepts like fairness or equality at work, we simply cannot describe such problems as anything but issues of technocratic inefficiencies.

Second, relatedly, ideals have an expressive content that enables dialogue and probably promotes action. For example, analyzing the multiple, sometimes conflicting, aims teachers must address in educating children, Jennifer Morton suggests that, “By invoking certain ideals or communicating support for principles of justice, educators can express mutual respect toward fellow citizens here and now.”⁴⁸ In other words, acknowledging the importance of ideals enables teachers to more effectively teach their students how to manage the nonideal conditions of the world in which they grow up. While Morton focuses on teachers, these insights go beyond education, as we can imagine that ideals can be similarly expressive in many other settings as well.

In fact, Sen also fails to realize how his own argument against theory that seeks to identify perfectly just social arrangements remains reliant on the very ideals he criticizes. He defends the charge that such theories of justice are unnecessary and insufficient through two similar examples: a comparison between master painters and a comparison between the heights of two tall mountains. In the first, Sen argues that one does not need to know the most perfect painting in the world (say the *Mona Lisa*) to be able to make a relative determination about whether a Picasso is better than a Dalí. In the second example, he observes that one does not need to know that Mount Everest is the tallest mountain in the world in order to judge whether Mount Kilimanjaro is taller than Mount Denali. Each example demonstrates the general point that relative comparisons between two or more subjects are possible, even if we do not know the subject that most exemplifies the relevant comparative metric. If this is true, then Sen establishes that knowledge of the more-just is independent from knowledge of the perfectly just. Hence,

knowledge of a perfectly just society *is* both unnecessary and insufficient for making comparisons between different feasible options.

However, neither of these examples successfully undermines the importance of ideals in political theory. In each example, our judgments about the mountains or the paintings are guided by some metric—that is simply unavoidable. But Sen ignores how evaluative metrics function like ideals. Traditional liberal theories of justice assume that ideals serve to evaluate actual institutions. They do so because they establish a conception of justice that should enable theorists to rank different social arrangements—even if they did not know the arrangement that best instantiated the ideal of justice. Take the mountain example first, as the metric there is arguably more straightforward than in the painting example. Even though we do not need to know the tallest mountain to judge whether Mount Kilimanjaro is taller than Mount Denali, we do need to know what height is in order to make comparisons between mountains. The painting example is somewhat trickier because there may be a number of competing metrics at play if we consider what truly constitutes an aesthetic ideal. But the basic notion persists; we must have some aesthetic ideal in order to make a judgment regarding the Picasso or the Dalí. At the very least, these ideals simply help name the complaint people have; more substantively, they probably have some bearing on the legitimacy of those same complaints.

If we do not allow the fundamental error in Sen's analysis to color our entire judgment of his work, there remains much that Sen's analysis can offer to theorists interested in taking injustice seriously. He exhorts philosophers to start thinking about problems of injustice, and he develops the rough outline of an approach for doing so—what he refers to as realization-focused comparisons. Even his mistake is revealing

insofar as it illustrates the role that ideals can and should play in making judgments about real-life injustices. It is especially important to have some clear meaning of what we mean when we talk about equality or justice, as we will see shortly in Nancy's Fraser's account and as was relevant in my previous discussion of the sense of injustice in the Dyett case. Sen's approach, then, is certainly limited by its underappreciation of the role of such values in making judgments of actual injustices.

The Multiple Dimensions of Injustice

Let us now consider first the work of Nancy Fraser.⁴⁹ Like Shklar, Fraser pens a critique of conventional theories of justice. Unlike Shklar, she is primarily motivated by explaining why there are fundamental disagreements about what constitutes justice and just action. Her answer is that such disagreements emerge in part because of three conceptually and ontologically distinct forms of injustice. *Maldistribution* refers specifically to economic injustices and can include exploitation, economic marginalization, and deprivation. *Misrecognition* identifies injustices associated with the cultural dimension of social life and may include cultural domination, nonrecognition, and disrespect.⁵⁰ Finally, *misrepresentation* 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.⁵¹ On her account, these divergent forms of injustice motivate different notions of what justice is—distributive fairness, recognition, political equality—and consequently what comprises just action.

Fraser's approach translates one dimension of Shklar's concern for the sense of injustice into a theoretical form. Shklar is deeply concerned with people's different and

conflicting experiences of injustice; Fraser gives those experiences theoretical categories. Importantly, Fraser also demonstrates why these categories are important insofar as theorists can begin to examine and analyze the interactions among them. For example, maldistribution may accompany misrecognition as an equal and independent injustice; alternatively, misrecognition may eventually result from persistent maldistribution. Misrepresentation may occur in the absence of misrecognition and maldistribution, but it may also be closely linked to either injustice. The shifting interactions among these different forms of injustice underscore the challenge of drawing a bright line between injustice and misfortune.

This is because, even though the forms of injustice may tend to bundle, no single form is reducible to the others. *Ontological monism*, Fraser explains, is a mistake. The harm each injustice incurs is distinct and leads to different sorts of justice claims.⁵² For example, institutionalized racism deprives people of color not only of tangible resources like access to housing, work, or education but *also* social recognition *and* political equality. Put simply, such persons have three separate complaints, though different aspects may be more salient than others at any given time.

Fraser suggests that 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. She offers the example of 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. Simply redistributing resources under such conditions thus ultimately reinforces the misrecognition of those who benefit from the redistribution. To

account for its multidimensionality, efforts to mitigate injustice must address both the distinct harms of each dimension, as well as the irreducible entanglement between them.

But this sort of analysis is easier said than done. Fraser, for example, concludes that a single principle of justice can encompass the various dimensions of injustice, what she calls the *principle of participatory parity*: any action or institutional context that either impedes some members of a society from participating in social and political life on a par with their peers is an injustice. To say nothing of the challenge of interpreting the parity standard, the sort of practical commitments Fraser argues it entails when it comes to the dimensions of injustice—“no redistribution without recognition” and “no recognition without redistribution”—also exhibit the generality of which Shklar is skeptical.⁵³ For Shklar, simply knowing these rules is no guarantee that justice will be done. And, if we take the experience of injustice seriously, Fraser’s principle also runs into the same criticism Shklar levies at any account of justice: simply instituting the principles in practice will not mean that injustice is extinguished. In a sense, then, Fraser’s guidelines elide the possibility that interactions among different forms of injustice vary, making a bright-line rule, no matter how pluralistic about injustice, an inadequate, if not incorrect, solution.

Fraser’s work underscores both the possibilities and limits of theorizing injustice. She prompts theorists to delve deeper into the relationships among different forms of injustice; in so doing, she demonstrates the power of theorizing about injustice. Knowing how these different forms of injustice interact with each other will likely render better judgements about how to identify and respond to injustice in social institutions like schools. At the same time, Fraser’s framework only interpellates the experience of

injustice and, as a result, does not engage in its most challenging complexities—for example, when claims for redistribution, recognition, or representation conflict with each other. Her solution is simply too simple.

The limits of Fraser's approach, then, are almost the opposite of the limits to Sen's approach. Fraser provides broad categorizations of injustice that begin to enable theorists to make comparisons across different sorts of claims, but she provides little detail about the nuance of such comparisons. Sen, by contrast, focuses entirely on the details of comparisons, and in doing so he loses track of the broader frameworks that can facilitate the sort of comparisons in which he is interested. Taken together, it appears that to fully address the complexity of injustice, one needs to be able to iterate between theoretical categories and empirical particularities. What is still needed, then, is a worked-out methodological basis for theorizing about injustice that, on the one hand, accounts for the complexity of injustice and, on the other hand, does not collapse into an account of political judgment. It is to such an account that we turn in the next chapter.

Chapter 3

An Ecological Approach to Injustice

Our researches cannot be restricted to the laboratory; for the most part, they must be carried out in real-life educational settings.

Urie Bronfenbrenner, “The Experimental Ecology of Education”

In this chapter, I lay out the foundations of an *ecological approach to injustice*. In the main, I outline a structured, context-sensitive approach to theorizing about injustice that aims to fill the methodological gap which I identified in the previous chapter. Such an approach, as we will see, is motivationally similar to the recent trend in political philosophy to develop context-sensitive (or nonideal) theory. But insofar as it is an *ecological* approach, I seek to also further refine and clarify both how theorists might go about theorizing about injustice in a context-sensitive manner and why doing so is important.¹

To those ends, I draw inspiration from developmental psychologist Urie Bronfenbrenner's *ecological orientation to human development*. His approach serves as a conceptual analogue for theorizing about injustice in three ways. First, the central analytic device of my approach—refashioned from Bronfenbrenner's conception of an *ecological environment*—is a formalized, analytic conception of what I call the *normative environment*. The normative environment positions claims of injustice as the basic unit of analysis and situates such claims in overlapping levels of social, cultural, political and historical context. Second, akin to Bronfenbrenner's claim that development is a relation between a person and an environment, the fundamental premise of the ecological approach to injustice is that the normative valence of injustice claims is located in their relation to the contexts in which such claims are offered and to which they respond. Third, an ecological approach to injustice adapts Bronfenbrenner's notion of *ecological validity* as a standard by which theorists assess and compare claims of injustice.

An Ecological Approach

Central to both Bronfenbrenner's account and my own emergent approach to thinking about injustice is an *ecological* perspective. What does it mean to adopt an ecological perspective on injustice? This question is an important starting point because the meaning of the adjective can point the subsequent conceptual work in different directions. In philosophy, for example, ecology is not a new concept. It has been explored by critical theorists working out ideas rooted in Marx, Engels, Marcuse, Horkheimer and Adorno, among others; ecofeminists; liberal theorists interested in the idea of environmental justice; and philosophers of education calling for "ecologizing" the philosophy of

education.² Across these different lines of thought, ecology shares a similar meaning: incorporating a concern for the environment into political, social, or normative theory, if not grounding those theories in the relationship between humans and the earth. Much of this work views extant philosophy to be overly anthropocentric—centering human experience rather than acknowledging human existence as part of a broader, interdependent web of life. Calling for ecologizing theory, from this perspective, is akin to arguing for ecocentric theory rather than anthropocentric theory.

While concern for the environment is unquestionably important, I want to be clear that I do not mean to use ecology in the way that such work understands the term. Rather, I turn to Bronfenbrenner as starting point because he understands ecology as a conceptual heuristic.³ That is, Bronfenbrenner adopts ecology for its general approach to scientific inquiry, not as an orientation toward the earth and environmental concerns as such. He takes the basic premise of ecology—insofar as it is the study of the relationships and interactions among organisms and their environments—and turns it to human development. Through an ecological lens, he conceives of human development as the study of human interactions with their social and material environments, with an eye toward how human beings both shape and are shaped by the social, political, cultural, and, even, environmental settings they inhabit. His approach is thus not the study of ecology *per se*, but it is an *ecological approach* to human development.

In offering an ecological perspective of injustice, I mean to construct an approach that shares more with Bronfenbrenner's usage of ecology than that of critical theorists, ecofeminists, and environmental theorists. That is, I am not centering an ecology of injustice on an ecocentric or environmental ethics. I am engaged in work that proponents

of ecologizing philosophy, on the other meaning of the term, would still likely consider anthropocentric. I do not deny this. My aim is to use the concept of ecology to emphasize the relational aspects of injustice and to provide a conceptual framework for understanding the complex theoretical (and practical) problems that injustice poses.⁴ Environmental claims of injustice may well fit into this story, but I do not address those claims here.⁵ Setting this issue to the side, then, let us turn to Bronfenbrenner's work in human development.

Bronfenbrenner's Ecological Model

In its most basic terms, Bronfenbrenner's ecological model is a reconceptualization of human development, in terms of the developing person, the environment, and the relation between them—together which Bronfenbrenner describes as, interchangeably, *development-in-context* or the *ecology of human development*. Eschewing traditional organizations of human development that prioritize age levels or internal, psychological processes—think of classic stage theories of development from Freud to Piaget to Kohlberg—Bronfenbrenner emphasizes development as a relation between a developing person and various settings and systems that comprise an ecological environment.

Such a relationship is characterized by three features. First, that a developing person is a “dynamic entity,” not simply a *tabula rasa*, with the capacity to manipulate their environment. Second, that the relationship between an individual and their surroundings is one of “mutual influence” and “reciprocity” insofar as each influence the other. Finally, third, that the environment is not limited to the proximal settings immediately surrounding an individual.⁶ More concisely, Bronfenbrenner suggests that

human development reflects lasting changes in the ways individuals interact with an environment, insofar as they shape and are shaped by their surroundings.

Bronfenbrenner's model also features a distinct conception of the environment in ecological terms. He describes such an ecological environment as a "set of nested structures, each inside the next, like a set of Russian dolls."⁷ His initial model posited four nested structures: what he called the micro-, meso-, exo-, and macrosystems. These systems radiate outwards from the individual such that: (1) the microsystem encompasses the "pattern of activity, roles, and interpersonal relations experienced by the developing person in a given setting; (2) the mesosystem comprises "interrelations among two or more" microsystems in which the individual actively participates; (3) the exosystem describes settings in which the developing person is not an active participant, but that "affect, or are affected by" the individual's immediate settings; and (4) the macrosystem refers to cultural patterns, belief systems, and ideologies that give form and structure to the micro-, meso-, and exosystems.⁸ Each system thus moves progressively further away from the individual's immediate setting, incorporating broader and broader domains of human activity.

This model is, undoubtedly, an abstract and analytical understanding of the places and spaces in which human beings act and interact. But it is meant to capture two key differences between his theoretical model and other frameworks that prioritize understanding human beings in context. First, his model holds that development is shaped by settings and systems that are not necessarily proximal to the individual. In other words, development may be influenced by the microsystem concurrently with the mesosystem—and each of those may be influenced by the exo- and macrosystems.

Bronfenbrenner suggests that understanding development is a matter of understanding how individuals both perceive and act within such a formalized ecology. How do they make sense of a world that “extends beyond the immediate situation to include a picture of other settings in which he has actively participated, the relations among those settings, the nature and influence of external contexts with which he has had no face-to-face contact”? What “capacities” does the developing person employ to interact with their environment? And, how are such capacities connected to the developing person’s perception of the environment?⁹

The ecological model’s second contrast maintains that interactions among systems are equally as important as the systems themselves for understanding human development. The ecological model thus accounts for conflicts among settings or systems—i.e. what goes on in a microsystem and how it relates to the values or ideologies that comprise the macrosystem. In fact, Bronfenbrenner supposes that “interactions” among systems will be a key explanatory factor of human development. People may adjust their behavior within a microsystem because they come into conflict with information from another system—another microsystem or perhaps a less proximate system—that challenges them to rethink how they perceive and subsequently act.

These differences are encapsulated in the breadth and interdisciplinarity of the ecological model. Bronfenbrenner’s ecological orientation contains recognizable elements of social psychology, sociology, and anthropology in the definitions of the four systems. But, as he puts it, the ecology of human development is not reducible to any of those disciplines. Rather, an ecological orientation “lies at a point of convergence among the disciplines of the biological, psychological, and social sciences as they bear on the

evolution of the individual in society.”¹⁰ The complexity of his formal conception of the environment is meant to bear this out.

An example should help illustrate how the model conceives of actual developmental spaces. Consider the development of basic literacy skills in kindergarten-age children. Bronfenbrenner’s model understands the kindergarten classroom—including the teacher and other students—to be the microsystem in which a child is directly engaged in learning to read. The mesosystem would then be other settings in which the child is an active participant: places such as the home or church. The exosystem might be conceived of as policy domains at various levels: local school boards, state- and federal- level departments, or general democratic decision-making bodies. Finally, the macrosystem would be, among other things, broad cultural understandings of the meaning and value of literacy. The further the model moves from the developing person, the wider the range of the possible settings can be—so the examples for each system above should not be considered exhaustive. But this brief example demonstrates how literacy development is ecologically situated: it is enmeshed in an environment comprised of both proximal and distant settings.

It is difficult to understand the importance, the innovation and vision, of Bronfenbrenner’s model without also understanding the status of field of human development that prompted him to offer his theory. For as much as his ecological orientation is its own constructive theory, it is also a powerful critique of the dominant theoretical and research paradigms in the study of human development in the mid-twentieth century. Such research, Bronfenbrenner observes, was characterized by an imbalance in its understanding of human development. Hardly any developmentalist

would take issue with the claim that human development “is a product of interaction between the growing human and its environment.” But that makes it all the more surprising that, at the time of his writing, there was little research on human development that reflected such a basic, twofold relationship. Surveying his field across the early and middle twentieth century, he asserts, “What we find in practice, however, is a marked asymmetry, a hypertrophy of theory and research focusing on the properties of the person and only the most rudimentary conception and characterization of the environment in which the person is found.”¹¹ In a straightforward sense, then, Bronfenbrenner’s ecological orientation is simply an effort to right the imbalance; to reorient theory and research about human development on a basic, fundamental truth.

However, Bronfenbrenner’s diagnosis of the cause of the imbalance ultimately suggests that much more is at stake than simply reorienting research on human development to its fundamental premise. On his account, the imbalance is the result of an “unfortunate and unnecessary schism” in the science of human development.¹² This schism hardened into a pair of related, but assumed, dichotomies: between “rigor and relevance” and between the experimental method and naturalistic observation. On the one hand, the emphasis on rigor led to a preference for studying human development through the experimental method; in a nutshell, laboratory experiments that sought to isolate developmental processes. On its own, this approach prioritized experimental design at the expense of awareness of context. Such work was “elegantly designed” but “limited in scope”—mostly because researchers conducted their experiments in situations that could be described, at best, as “unfamiliar, artificial, and short-lived” to their subjects. Bronfenbrenner famously characterizes the bulk of this work—indeed, much of the

developmental psychology that preceded him—as “the science of the strange behavior of children in strange situations with strange adults for the briefest possible periods of time.”¹³ In contrast to the ecological approach, we can understand such work as *development-out-of-context*.

On the other hand, some researchers responded to the artificiality of such work by pushing for research that would be socially relevant. Bronfenbrenner dismisses some of this work outright—particularly when it sought to exclude scientists entirely from the research process—but still finds the general premise of this particular push toward relevance unsatisfying. Underlying this response to experimental research in human development, he suggests, is an argument for the superiority of naturalistic observation over the experimental method. But these arguments cast the experimental method as playing only a limited role in knowledge production, a view that Bronfenbrenner roundly rejects. For him, scientific experimentation is a “powerful and essential heuristic tool;” it not only verifies hypotheses but also is crucial part of discovery, as well.¹⁴ It is thus equally mistaken for proponents of relevance and naturalistic observation to diminish the role of scientific experiment. Doing so, at the very least, prioritizes context at the expense of a scientific understanding of development, to the extent that this approach reflects a conception of *development-as-context*.

Bronfenbrenner’s view, then, emerges from a rejection of these two related dichotomies. On their own, he asserts that the experimental method and naturalistic observation are necessary but insufficient means to understand human development. Integrated together, however, they provide a robust means to realize the importance of both the human being and the environments they inhabit to the understanding of human

development. We might thus understand the fundamental aim of his ecological orientation, then, as stitching together naturalistic observation and the experimental method—a move that has profound implications.

The paradigm-shifting implications of Bronfenbrenner’s ecological orientation can be categorized along three distinct dimensions. First, Bronfenbrenner reconceived *how* research in human development ought to account for the relationship between developing persons and environments, namely by attending to both the objective (observable factors) and subjective aspects (how research subjects experience their environment) of the various systems that comprise the ecological environment. Second, relatedly, he introduced a new standard that underscored *why* research ought to be conducted with careful attention to the experience of research subjects, encapsulated in his conception of *ecological validity*. Finally, third, he argued that an ecological orientation expanded the possibilities of *where* experimental research on human development could be conducted insofar as he pushed developmentalists to study human development in the spaces where it actually occurred rather than always conducting research in laboratory settings. I will address each of these three aspects of his theory in turn.

Bronfenbrenner asserts that the ecology of human development “takes seriously and translates into operational terms” the theoretical position that how an environment is *experienced* matters at least as much to understanding human behavior and development as does the “objective” properties of the environment.¹⁵ To be clear, he is not attempting to incite the familiar conflict between subjectivists and objectivists. Rather, his point is simple: if human development is conceived as the ways in which developing persons

interact with their environment, then it should be plainly obvious that their self-understandings of that environment are important sources of insight into development *qua* interaction. As he explains, “the aspects of the environment that are most powerful in shaping the course of psychological growth are overwhelmingly those that have meaning to the person in a given situation.”¹⁶ To understand such objects’ meaning and the potential ways they shape development, it is important to attend to thoughts and understandings of those that interact with them.

Bronfenbrenner explicitly builds experience into many of the basic definitions of elements of the four environmental settings. Take, for example, the definition of what Bronfenbrenner refers to as *molar activities*: “an ongoing behavior possessing a momentum of its own and *perceived* as having meaning or intent by the participants in a setting.” Returning to the literacy example, these might include specific practices a child learns to use to identify and sound out words. Their alternating looks of frustration and joy potentially underscore one meaning they know the activity has: learning to read is growing up. Molar activities—admittedly an odd bit of jargon—are the most basic element of study when it comes to human development. That is to say, on the one hand, they are the “most immediate manifestation” of development insofar as they reflect an individual’s sustained behavior in relation to a setting. On the other hand, when performed by others, molar activities are the “principal vehicle for the direct influence of the environment on the developing person.”¹⁷ To recall again the literacy example, teachers typically model how to identify and sound out words to students, hence they teach children what to do *and* why it is important.

As Bronfenbrenner explains, molar activities are behaviors, but not all behaviors are molar activities. Part of what makes them so important is that they are sustained over time; development is not instantaneous, it occurs over time. So, for people to develop, behaviors must persist. But to the other reason that molar activities are important to human development is that they are behaviors that individuals “perceive” to have meaning or intent. That is, children go through the process of sounding out words because this behavior is associated with learning to read. How these behaviors are experienced, then, is baked into the concept.

Why position experience as part of the very foundations of his theory?

Bronfenbrenner views psychology as more like a social science than a natural science. Rejecting arguments that seek to align rigor in psychology research with the principles underlying natural sciences like physics, Bronfenbrenner argues that psychology is fundamentally human. This claim has two distinct meanings. First, it may be entirely appropriate to study a falling object in a physical vacuum, he explains, but it is entirely inappropriate to study human behavior in a social vacuum. Second, objects do not have perceptions or feelings, but people inevitably and invariably do. Thus, for psychological research to have any claim to validity, it must begin to conduct its work within social contexts and with careful attention to how research subjects experience and make sense of their behavior and the environments in which they act.

This brings us to the second revolutionary dimension of Bronfenbrenner’s research: why conduct research that is so attentive to context and experience? The answer is encapsulated in Bronfenbrenner’s concept of *ecological validity*. Though it is similar in form, it should not be confused with the classical definition of validity—whether and to

what extent a research project measures what it seeks to measure. Rather, he defines ecological validity as “the extent to which the environment experienced by the subjects in a scientific investigation has the properties it is supposed to have or assumed to have by the investigator.”¹⁸ He suggests that ecological validity rests on two principles: first, that ecological validity is determined ultimately by the setting in which a study is conducted; and second, that “the properties of the environmental contexts in which the investigation is conducted or from which the experimental subjects come can influence the processes that take place within the research setting.”¹⁹ Thus, ecological validity is less a criterion for the question the researcher asks, or the procedures they employ to measure results that determine validity, but the way in which researchers align their assumptions and understandings regarding the environmental context with those of their subjects.²⁰

Ecological validity is not a replacement for the classical understanding of validity, but Bronfenbrenner claims that ecological validity is of prior importance. That is, the classical concept of validity still matters to experimental research. Of course, researchers still need to know if they are measuring what they assume they are measuring. However, under the ecological framework, it is of prior importance that researchers are also aware of the environment in which the experiment is conducted—in particular, how their subjects make sense of the objects, actions, and settings which comprise the environment—and incorporate that into their experimental design. If researchers ignore this prior standard, they may measure what they intend to measure, but that may not reflect any actual developmental process or construct.

The combination of taking a phenomenological view of developmental research and holding such research to standards of validity based on experience bring us to the

third way in which Bronfenbrenner sought to revolutionize the science and research of human development: by pushing developmentalists out of the comfort of the laboratory into the real world. This effort begins and ends with the fallacy of laboratory neutrality. Recall that Bronfenbrenner characterized much of research into human development as the study of the strange behavior of children in strange circumstances observed by unfamiliar adults. From an ecological perspective, such research desperately fails to meet the standard of ecological validity. Researchers assume the laboratory functions as a controlling factor (much like the physics example of studying falling objects in a vacuum), but they ignore the fact that the laboratory is itself an environmental setting, replete with its own properties and meanings that research subjects may or may not be entirely aware of but do experience. In fact, assessing the state of psychological literature in 1977, Bronfenbrenner observes that researchers know far too little about the laboratory as particular setting.²¹ This dearth of knowledge is problematic, insofar as failing to account for the ways in which their subjects understand the ecological context of the laboratory potentially—likely—compromises their conclusions. As Bronfenbrenner puts it, experiments conducted in laboratory settings must be “carried out with the explicit recognition of the delimiting and distorting nature of the laboratory as a setting.” Thus, research on human development ought not be “restricted to the laboratory.”²²

One could be forgiven for reading this as a call to end research in the laboratory. But this is not the point that Bronfenbrenner intends. The laboratory does have “special vulnerabilities,” namely that there is scientific and social risk “when performance in an artificial and ephemeral situation is used as a basis for making judgments about individuals, institutions, or public policies.”²³ However, none of the concerns surrounding

the laboratory as a setting preclude it from being an ecologically valid setting to study human development. Rather, the laboratory may well be an ecologically valid experimental setting, particularly if it meets two criteria: first, “the psychological and social meaning of the laboratory experience to the subject is investigated and becomes known to the researcher,” and, second, “the subjective meaning of the laboratory situation corresponds to the environmental experience to which the investigator wishes to generalize.”²⁴ In fact, when used as a comparison to or in relation to other environmental settings, Bronfenbrenner suggests the laboratory could be a useful site of inquiry. There is thus no need to entirely abandon the laboratory.

Furthermore, the criteria that detail what is ecologically valid laboratory research extend beyond the laboratory to apply to any setting. For any setting to be ecologically valid, the researchers must be aware of the psychological and social meaning of that setting for their subjects, and that meaning should align with their experimental aims and processes. Thus, Bronfenbrenner also cautions against “ecological distortions” in natural settings—what we might consider to be the opposite worry of the laboratory. If, for example, a researcher oversaturates a natural setting with objects, activities, or meanings that are unfamiliar to the people who make use of that setting, the researcher may disrupt or distort “the patterns of activity and relations that normally occur in that setting.”²⁵ Doing so would also render such research ecologically invalid.

The worry over such distortions does not mean that developmentalists should simply observe and report human behavior in real settings—such work, after all, would simply be the naturalistic approach that Bronfenbrenner found unsatisfying. The goal, he suggests, is to conduct experiments outside the laboratory that do not run afoul of

ecological validity. Bronfenbrenner was fond of recalling a lesson from a mentor, Walter Fenno Dearborn: “Bronfenbrenner, if you want to understand something, try to change it.” Such a sentiment is crucial to understanding Bronfenbrenner’s fusion of naturalistic observation and the scientific method of experimentation. “The need for experimentation,” he writes, “derives from the nature of the problem under investigation. The ‘accommodation’ or ‘fit’ between person and environment is not an easy phenomenon to recognize. Here, looking is usually not enough.” Thus, he suggests that by making deliberate alterations in an environment—not so much to overwhelm the experiment—or by exploiting “natural experiments,” researchers could “maximize [their] sensitivity to phenomena through the juxtaposition of the similar but different.” This is, he notes, the “core of the experimental method” and what “creates its magnifying power.”²⁶

The experimental standard of the ecological orientation is thus the *ecological experiment*. To quote Bronfenbrenner in detail:

An ecological experiment is an effort to investigate the progressive accommodation between the growing human organism and its environment through a systematic contrast between two or more environmental systems or their structural components, with a careful attempt to control other sources of influence either by random assignment (planned experiment) or by matching (natural experiment).²⁷

Bronfenbrenner’s definition of the ecological experiment embodies the convergence of naturalistic observation and the experimental method. The basic logic of the experimental method is at the heart of this definition, but it also takes care to balance concern for context—particularly when it is understood through the conceptions of development and environment at the foundation of the ecological orientation. Yet the novelty of this formulation, according to Bronfenbrenner, is also that it invites the possibility of using

the experimental method not simply to test hypotheses, but to *learn about human development*. Like naturalistic observation, ethnographic description, case studies, or survey work, Bronfenbrenner believed that experiments could be sources of insight into human development, not simply a means of confirming or rejecting hypotheses.

The end result, then, is a dramatic expansion of what can be considered valid experimental settings. Under Bronfenbrenner's ecological orientation, developmentalists are no longer confined to the laboratory to study human development. Indeed, the laboratory is revealed as having limited (though still potentially important) use, and Bronfenbrenner's ecological orientation rejects the commonplace understanding of the laboratory as an environment that controls for other variables. Instead, the settings where people live, play, and work become key sites to study development. Researchers, on the ecological orientation, must understand the particularities of such settings in order to understand human development. And perhaps most importantly—both practically and for my purposes—Bronfenbrenner's context-sensitive model values research that takes seriously the experience of those it studies. In other words, to understand an ecological setting is not simply to understand its observable features, it is also to understand how people make sense of and experience those settings.

From Human Development to Injustice

Such a long exegesis of work in developmental psychology may seem to some readers a curious aside: what can it possibly have to do with injustice? However, the reason for such a detailed description of Bronfenbrenner's work is that, conceived for theorizing about injustice, an ecological approach to injustice has the potential to similarly reorient

philosophical work about injustice along a set of three dimensions akin to those that characterize Bronfenbrenner's reorientation of human development. Translated for thinking about injustice, they are: *where* philosophers conduct inquiry into injustice, *how* philosophers make sense of injustice, and *why* such thinking about injustice is theoretically important. One might immediately note that my presentation of these interventions is ordered differently than my analysis of Bronfenbrenner's theory in the previous section. This is not simply a willful violation of the parsimony of parallel structure; rather, I do so because the ecological approach I outline here is situated within a growing body of philosophical literature that already prioritizes conducting inquiry outside of the traditional scope and method of thinking philosophically, particularly but not limited to the topic of justice. Yet—as Bronfenbrenner observed at the time of his writing—developmental research was too caught up in experimental laboratory research. It was thus a major shift for developmentalists to leave the laboratory to study human development, or to start to see natural settings as their “laboratory.”

By contrast, it is plausible to claim that an expansion of the philosopher's “laboratory” is at least already underway in political theory. For example, during the height of analytic philosophy 50 years ago it would have been muddled-headed heresy to claim that facts about the world and our experiences of it should be central to normative theorizing. But this view is gaining traction today. Theorists worldwide have accepted the argument that, as David Miller characterizes it, “even the basic concepts and principles of political theory are fact-dependent.”²⁸ In one formalized statement of this general approach, Joseph Carens suggests how a “contextual” approach to political theory

incorporates and relates facts about the world to normative principles, literally juxtaposing them against each other:

In a contextual approach to theory, one moves back and forth between practice and theory, connecting theoretical claims about justice, equality, freedom, and other moral categories to actual cases and practices where we have some intuitive views about the rightness or wrongness, goodness or badness of what is going on.²⁹

Similarly, in the introduction to our book on educational ethics, Meira Levinson and I argue that normative judgments ought to join “*philosophical* insight and expertise with *social scientific* insight into empirical patterns and logics, and *pragmatic* expertise.”³⁰ Put simply, there is ample evidence that holding normative theory accountable to actual facts about the world has become an increasingly accepted approach to political theory, even if it is not yet fully mainstream.³¹

For many philosophers—particularly those who think about education—this shift has already pushed (or drawn) them outside into the messy real world. Such work is far less engaged with describing ideal frameworks of justice, and far more engaged with solving particular problems facing educators and schools. To list a few examples: Harry Brighouse and Gina Schouten argue for a series of normative considerations to guide state-level educational administrators’ decisions about whether or not to support a new charter school in a particular school district.³² Combining rigorous ethnographic research with philosophic reflection, Doris Santoro explores the moral challenges teachers face in their work that drive many to leave the profession.³³ Meira Levinson introduces what she calls the *ethics of pandering*—“the ethics of privileging the interests and preferences of already unjustly privileged actors because the consequences tend to benefit everyone”—through an analysis of Boston Public Schools’ school assignment policy.³⁴

These examples—and many others—cannot simply be lumped under the traditional category of applied ethics or applied philosophy. They are not simply applications of a concept or a normative theory to a particular problem in order to generate a morally-acceptable solution. Like the Brighthouse and Schouten example, some emerge from a particular normative framework (in their case, a broadly liberal, Rawlsian framework), but their arguments are intricately bound up with empirical realities and are not simply determined by general normative principles. Like both Santoro’s and Levinson’s work, others introduce new concepts or challenge existing frameworks through their description of particular contexts or particular problems. Examples of this context-sensitive philosophy, then, are not top-down or trickle-down forms of analysis; rather, they work from the bottom-up, or they iterate—as Carens describes—between normative principles and empirical realities.

I understand an ecological approach to be a part of the emerging trend in political philosophy to explore questions about and in the real world. If anything, an ecological approach pushes theorists to engage not only with problems in realistic settings, but to draw insight from the experience of the people who both shape and are shaped by those settings. This is a subtle shift—and one that is already underway in certain places—but it aligns well with extant work.³⁵ Thus, because there is already energy directed toward situating political philosophy in real world contexts, I believe that the contribution of an ecological approach to injustice to this broader project rests on its innovative responses to the questions of *how* and *why* philosophers develop such theory. It is to these that I now turn.

The Normative Environment

At the core of an ecological approach to injustice is a formalized account of what I shall call the *normative environment*. The normative environment is an analytic structure for considering how claims of injustice are ecologically situated. Like Bronfenbrenner's set of nested environmental settings, the normative environment is an abstract and analytic representation of social and political life. It is also important to note that though I refer to it as a *normative* environment, it describes mostly *empirical* contexts. The name is apt, however, because it reflects the rich context which actual normative claims of injustice both reflect and seek to alter. In other words, the name describes the basic assumption of the model that people's normative claims cannot be understood in a vacuum; rather, they must be situated within the complex sorts of context in which people offer them.

Some may feel their philosophical hackles rise as it seems that in blurring the empirical-normative boundary, this model also potentially conflates the sacrosanct is-ought distinction, as well. To that end, I would point us back to the basic claims about fact-dependent principles; what we ought to do and value is grounded, at some level, in facts about the way the world is or the way people are. If not, we risk winning empty arguments about completely abstract concepts that have little or no relevance to human experience.³⁶ And for those that worry that focusing on context-sensitive claims runs the risk of limiting one's theoretical imagination, they should consider how (unsurprisingly) demanding people's claims of injustice can be—how different a world such claims imagine than what people actually experience—even when the claims are focused on particular instances of injustice. Such worries about limiting theoretical creativity, I suggest, are thus quite overblown.

Setting such concerns to the side, a formalized conception of the normative environment makes clear the different sorts of contexts in which claims of injustice are situated and the different sources of normative insight that may emerge at each level. For example, the Lincoln Annex, the hunger strike, and the response of local leaders matter to sorting through the claims of injustice in the Dyett case, but so, too, do broader education policies, cultural conceptions of race and class, and—yes—normative conceptions of justice and equality. Thus, the relevant settings in which a normative claim is situated are necessarily broad in the ecological approach.

Claims of Injustice

Claims of injustice sit at the center of the normative environment, as they are the fundamental unit of analysis. They are, for example, central to the complexity of the Dyett case. Alderman Smith celebrates the Annex because its completion recognizes the importance of the Lincoln Park sense of community. By contrast, Jeanette Taylor-Ramann underscores the breakdown of democratic politics while Jitu Brown (among other things) emphasizes the lack of recognition experienced by black Chicagoans. In general, an ecological approach to injustice begins with these assertions, a markedly different starting point than traditional liberal approaches to injustice. Rather than start from broad moral principles and what would constitute violations of such principles, claims like Smith's, Taylor-Ramann's, and Brown's are at the locus of an ecological approach.

The conception of the normative environment starts from claims of injustice for three reasons. First, *starting from actual claims of injustice is a clear way to incorporate*

people's experience of injustice into a theoretical project. The focus of my critique, following Shklar, is that liberal political theory should, but generally does not, fully account for the complexity of injustice, namely because it does not engage with people's experience of injustice. By starting from claims of injustice, an ecological approach attempts to remedy this challenge. As the case makes clear, it is the juxtaposition of intersecting, sometimes conflicting claims—those offered by Bronzeville residents like the hunger strikers, Lincoln Park residents, and school and city officials—that both give urgency to the challenges facing Chicago and illuminate the normative questions such challenges present.

Second, *there is a distinct downside to avoiding the diversity and quantity of claims people make about injustice.* Doing so does not inappropriately or inadvertently constrain our understanding of injustice. Shklar observes that from the perspective of justice, “Only a victim whose complaints match the rule-governed prohibitions has suffered an injustice. If there is no fit, it is only a matter of the victim's subjective reactions, a misfortune, and not *really* unjust.”³⁷ In other words, when theorists look for injustice starting from general principles of justice, they are likely to find only those actions that clearly violate those rules, or those actions that may violate those rules. This is undoubtedly useful, as it is as how courts and institutions of justice typically function. But from the perspective of injustice, starting from such a narrow view of what counts as injustice may curb a theorist's imagination, particular their ability to see and understand claims that have some merit but do not seem to match any given rule.

Third, *focusing on claims of injustice usefully shifts theoretical focus from the unstable ground of victimhood to the more stable ground of claims-making and*

claimants. On Shklar's account, it is the voices of victims that matter; political decisions, she writes, "will be unjust unless we take the victim's view into full account and give her voice its full weight."³⁸ Victimhood thus does important normative work for Shklar insofar as it is the status of people as victims that gives their voice credit. But for such an important component of her argument, it is surprising that she does not deeply analyze who counts as a victim. In fact, she even acknowledges that "we are all potentially both victims and victimizers."³⁹ If that is the case, then why should *victims'* voices matter? Why is being a victim important? Does someone *become* a victim only if what they experience is an injustice?

In a review of *The Faces of Injustice*, Jeffrie Murphy points out this gap in Shklar's analysis. He suggests that it emerges because the concept of victim is uncertain. On the one hand, and as the word is traditionally defined, victim can refer to anyone who suffers harm as the result of a purposeful or accidental event. If this is the case, then the concept of victim is very expansive—it includes those who experience real injustices and those who experience misfortunes. Murphy claims that if Shklar has this meaning in mind, then it is unclear why employing all of these perspectives will further develop an account of injustice. On the other hand, if the concept of victim is constrained such that it only includes those who have been wronged, then Shklar's concern reflects a redundancy insofar as the status of victimhood relies on a prior understanding of injustice.⁴⁰

Murphy is right to call attention to this problem in Shklar's argument, but his diagnosis misreads Shklar's primary assertions. Shklar would probably endorse the broad definition of victim and would also probably not see any problem with including those who are victims of actual injustice, those who suffer misfortune, and those who suffer

nothing at all. Her argument for injustice is premised on the slipperiness of these boundaries; it is, after all, what she expects people to ultimately have to make choices about. Thus, including all the voices that could potentially be those of sincere victims of injustice in the calculus is important. Rather, the problem with Shklar's argument for the importance of the voices of victims is that victimhood is a status. A person is a victim. And, on Shklar's account, simply by having that status, certain people should be listened to. But if it is a status that is applicable to anyone and everyone, then it is unclear why it should grant someone special standing in political life.

Additionally, being a victim suggests a loss of agency that may be problematic when thinking about marginalized or oppressed people. Taken as a verb—victimize—someone is made into a victim. Being a victim is thus not a status one chooses for oneself. Even if one experiences injustice at the hands of others, they may not choose to view themselves as victims. In fact, as the case study demonstrates in spades, those who face injustice are active agents. Brown's words in response to the opening of the Lincoln Annex are not those of someone who acts disempowered, even though they may feel the deck is stacked against them. The last thing theorists should aim to do is to downplay the agency that marginalized or oppressed people have, as doing so could be a form of epistemic or hermeneutical injustice.

By taking claims of injustice as its focus, the analytic framework of my ecological approach sidesteps these problems, particularly the second. A claim of injustice is not a status—no one is or is not a claim of injustice. Rather, one makes a claim of injustice. Such claims are thus assertions that an injustice has taken place or that some state of affairs is unjust. And they are meant to be interrogated. Furthermore, by taking them

seriously—which does not mean, however, assuming that they are true—theorists and democratic decisionmakers show respect for people’s agency. They treat them as claimants, or claims-maker: people capable of making claims of their peers. This is at the crux of Shklar’s understanding of the importance of allowing people’s unruly sense of injustice into politics; in a democracy, all people’s claims are supposed to matter.

Levels of Context

Enveloping claims of injustice is a formal model of the normative environment consisting of three basic levels. First, there is the *immediate context of a claim of injustice*. This may be, for example, an actual conflict that provokes a claim, like the building of the Lincoln Annex or the choice of proposals to become the new Dyett High School. It is also where the experience of injustice emerges at its most unruly, idiosyncratic, and normatively salient. The immediate context values individual experience, interactions and relations between different social actors, as well as proximal policy decisions that have an immediate bearing on claims of injustice, among other sources of localized nuance. It may highlight competing claims of injustice, or claims of injustice made in relation to specific events or policies.

One such source of localized nuance is who offers a claim of injustice. The Dyett case, for example, is full of the voices of adult community members that have skin in the game and of students who attended Dyett. This is entirely purposeful. Who we are shapes how we see the world (and vice versa) and may make us more sensitive to considerations like, say, race-, religion-, sex-, or gender-based discrimination than others who are different than us. Much like the canary in the coal mine, such voices may alert others to

real threats that others are more inclined to dismiss. This is not to claim that variously marginalized people are the *only* ones who can capably see and understand certain injustices, or that their claims are the truth of the matter because of their perspective and identity. Rather, it is to say that we should pay particular attention to their claims, and thus to who offers a claim of injustice. I will come back to this concern in further detail later.

The second level—akin to Bronfenbrenner’s concepts of the meso- and exosystems—addresses *broader social, cultural, political, and historical patterns of human behavior and organization*. Here a theorist may consider empirical research into patterns of social organization or particular cultural understandings. They may also consider more general aspects of a society’s basic structure. How are a society’s political, educational, and social support systems organized? What lines of social difference—race, ethnicity, religion, class, gender, etc.—characterize a particular society? How do such familiar lines of social difference influence the sharing of the burdens and benefits of social systems across a society? How do different groups of people make sense of their place and that of others in the sharing of burdens and benefits?

Finally, third, there is the *normative imaginary*. This level of the normative environment encompasses the sources of background moral knowledge and insight people draw on (implicitly or explicitly) when they assert that something is unjust. It underscores several sources of normative insight, including a society’s own stated normative commitments as well as more general, abstract normative commitments. The former may emerge from explicit documents like, for example, the Declaration of

Independence, the Constitution, or Supreme Court decisions. The latter can be abstract, even idealized principles, like Rawls's *Theory of Justice* or other philosophical treatises.

As a level of the normative environment, though it explicitly deals with normative frameworks, the normative imaginary is still empirical in nature. That is, it describes the various normative frameworks that shape a society's collective normative and ethical wisdom, treating this as a part of the context necessary to make sense of claims of injustice. As a descriptive entity, theorists can fill it in by sussing out how individuals think about concepts like justice and equality; an important task as this likely has bearing on people's experiences of injustice and the particular claims of injustice people make. Thus, within the model, normative frameworks are still part of the interpretive project. They are not yet a means of evaluating claims of injustice.

Together, these levels form an interdependent systemic perspective. That is, claims are embedded within all three levels and may thus shape and be shaped by each. For example, take Jitu Brown's claim from that black families must literally starve themselves to get attention from Chicago's city and school leaders. At its core, his claim is about unequal personhood, a familiar normative concept. But it is how this claim is situated within multiple contexts—the Lincoln Annex, the hunger strike, the mayor's response, the historical circumstances of Chicago as a segregated city, the broader politics of race and racism in the United States, and more general normative commitments—that helps theorists evaluate whether and how unequal personhood applies to the Chicago context. The experiential dimensions of his claim add depth and nuance to the charge that Chicago officials do not value black citizens in the way that they should—they capture what unequal personhood looks and feels like. Historical and

social realities, meanwhile, provide empirical grounding for Brown's experience. In this case, Brown's experience also aligns with broader social and cultural concerns—his experience is not entirely unique within the United States, but part of a long-standing pattern of disempowering and distancing black people from the benefits of citizenship.

In sum, situating claims of injustice within a formally-structured model brings to higher degree of analytic clarity the notion that normative claims of injustice are context-dependent. It is thus similar in spirit to arguments like that of David Miller, but it also addresses just how complex the notion of "fact-dependency" can be.

By drawing distinctions between levels of context, the model makes room for multiple sources of normative insight and underscores points of conflict both within and between levels.

Understanding Injustice: Claims in Context

The formalized model of the normative environment is a direct extension of the fundamental premise of an ecological approach to injustice: that the normative valence of a claim of injustice is located in its relation to the contexts in which it is offered and to which it responds. I want now to bear down on what this premise implies. First, it is a rejection of analyzing normative claims simply and solely in the abstract, under idealized conditions, or in relation to idealized concepts. Second, it is a positive assertion that a significant source of the normative pull of injustice claims such as those that emerge in the Dyett case is contained within the relationship among such claims and social, cultural, political, and historical context. It is only by understanding claims in relation to such

factors that theorists are able to clearly make sense of the normative power of particular claims of injustice.

To hold that idealized conditions or concepts should not be the sole arbiter for understanding claims of injustice is not without philosophical precedent. Many philosophers, from feminists to liberal nonideal theorists, have evinced a skepticism for abstract analysis for quite some time. Onora O’Neill, for example, calls attention to this problem as it regards philosophical models by drawing a distinction between abstraction and idealization. Abstraction, she suggests, is “a matter of bracketing, but not denying, predicates that are true of the matter under discussion.” Reasoning that follows from abstraction importantly “makes claims that do not depend on that predicate holding, or on its not holding.” This suggests that abstraction, on its own, “never arbitrarily augments a given starting point, so will not lead one validly from a truth to a falsehood.”⁴¹ By contrast, idealization is a matter of a theoretical premise (and thus the theory writ large) ascribing “predicates—often seen as enhanced, ‘ideal’ predicates—that are false of the case in hand, and so denies predicates that are true of that case.” She points to assumption common to many liberal theories that human beings are atomized, independent, and purely rational individuals, aspects that are true of few, if any actual people. The result, she observes, “is not mere abstraction; it is idealization.”⁴² Importantly, because idealization relies on false assumptions, can easily lead a theorist into false (but logically valid) conclusions.

This distinction is helpful to parse the oft-given accusation that ethical theories are too abstract. On her account, this is a “curious complaint” that confuses and conflates abstraction and idealization. Abstraction is useful, if not inevitable, for theoretical work.

Language, for one thing, can never be fully determinate—so a theory will always to some extent be abstract. Abstraction is also not irrevocably opposed to practical reasoning, and in fact may be useful for guiding thinking about what to do in particular situations. And finally, if a theory is to be generalizable, it must have a wide enough scope that it is applicable to a range of situations and contexts—thus it must be, by definition, abstract.⁴³ On her account, the problem is thus not with abstraction, but with idealization.

O’Neill suggests that idealization is problematic for two reasons. First, idealization does not simply omit certain capacities, it ascribes false capacities to human beings. “We none of us have cardinal and interpersonally comparable utilities or complete and transitively ordered preferences or complete information. We lack both infallible powers of calculation and independence from the institutional and ideological context we inhabit. We certainly do not have transparent self-knowledge of archangelic insight into others’ preferences.” In other words, real human beings lack the qualities that philosophers often ascribe to their subjects—and from which they manufacture arguments. This suggests the second problem manifest in idealization: that philosophers often treat these “human models” as “*ideals* for human action.” That is, though we cannot possibly act in the ways these models act, we *should* act like that. But this is not entirely clear—these qualities may not be salient at all to theorizing about actual humans making choices and may even interfere with qualities that are intrinsically human. As O’Neill again puts it, “We are to think of idealized agents and their flawless compliance with rational norms as admirable and super-human rather than as irrelevant to human choosing, let alone sub-human.”⁴⁴

Building on O'Neill's work, Charles Mills also criticizes traditional models of contemporary political theory for being too reliant on idealization. Using a metaphor drawn from physics, Mills draws a distinction between what he calls an "ideal, ideal-as-idealized model" versus a "nonideal, ideal-as-descriptive model." The former, he explains, describes what a certain entity, he calls it *P*, should be like—it is an exemplar. The latter, by contrast, identifies "*P*'s crucial aspects (its essential nature) and how it actually works (its basic dynamic)."⁴⁵ What concerns Mills is how well each model will help us understand *P* so that we can adapt *P* to better conform to the ideal *P*. Given the precision of Mills's language, consider the example in his own words:

A very smooth, Teflon-coated plane suspended in a vacuum may come close enough that one can regard its behavior as approaching that of an ideal frictionless plane: ideal-as-descriptive-model here will approximate, if falling a bit short of, ideal-as-idealized model. So one can think of ideal-as-idealized-model as an extrapolation, in the limit, of the behavior of *P* (here the plane), or from the other direction, regard ideal-as-descriptive-model as just being slightly deviant from this ideal. But if the plane is covered not with Teflon, but Velcro, or is pitted, cracked, and abraded in various ways, then obviously this would be absurd. Ideal-as-descriptive-model, the model of the actual workings of the plane, will be quite different from ideal-as-idealized-model, and one will need to start with an actual investigation of the plane's properties; one cannot just conceptualize them in terms of a minor deviation from the ideal, ideal-as-idealized-model.⁴⁶

Here, Mills argues that if philosophical models aim to apply to real world problems, they must at least approximate the world they intend to interpret. Using a frictionless plane as an ideal to describe a pitted, cracked, abraded, and Velcro-coated plane may offer very little help in identifying which of the pits, cracks, abrasions, and Velcro-snags are of normative concern and which ones are not.

Mills is primarily concerned with those features that have to do with race. The logic of the Teflon-Velcro example shapes his recent efforts to reconstruct Rawls's

principles of justice to incorporate race, a conception he calls *black radical liberalism*. His proposal is one of conceptual synthesis, as he seeks to combine the insights of liberalism, Marxism, and black radical thought into a nonideal account of *corrective* justice. This combination enables a number of familiar premises within liberal theory to be re-examined and reoriented so as to include race. For example, instead of assuming, as Rawls does, that society is a “cooperative venture for mutual advantage” (the frictionless or Teflon-coated plane), Mills starts from a conception of society as “ill-ordered” (the cracked, pitted, Velcro-covered plane). That is, Mills imagines a society that “was historically established as (a) a coercive and exploitative venture for differential white advantage, and in which (b) the rules are generally designed for white benefit.”⁴⁷ Without venturing further into Mills’s project, suffice it to say that his different starting premises suggest a markedly different set of principles than Rawls’s theory of justice—a set that is, on Mills’s account, much more applicable to theorizing about a society shaped by race and racism.

However, it is also the case that another way to identify which metaphorical pits, cracks, abrasions, and Velcro-snags are normatively salient is to rely on people’s experience of them. This is what I take to be a central insight of Virginia Held’s work on reasons and justice. She raises an epistemological concern about the sort of reasons and experiences philosophers treat as rational and thus valuable. Her argument focuses on Rawls’s methodological innovations in *A Theory of Justice*, namely the concepts of considered judgments and reflective equilibrium.⁴⁸ In particular, she is skeptical of Rawls’ claim that when entering into the process of reflective equilibrium we should discount thinking done “when we are upset or frightened, or when we stand to gain one

way or the other.”⁴⁹ Rawls thinks that judgments conceived under such conditions are not only likely to be mistaken, but also fail to help us think outside of our own experience. Held counters that the problem with assuming a distanced, impartial perspective is that it “discount[s] experience.”⁵⁰

For Held, discounting experience is problematic because it is a unique source of moral insight.⁵¹ When one is immersed in a messy ethical situation, she may find that her considered judgments about the situation are incorrect. In other words, caught up in the moment of actually *making* a fraught ethical choice, she finds such distanced judgments lead her to misidentify or overlook salient pits, cracks, abrasions, and Velcro-snags. That one’s experience of injustice diverges from one’s considered judgments, Held argues, is not a problem of being weak-willed. Rather, it is the fact that, “Quite possibly, her earlier judgment was the rationalization of a learned prejudice or myth, and the judgment of actual experience is the more valid in terms of genuine moral insight and inquiry.”⁵² Held reminds us that even the sharpest and most refined rationalizations cannot be disconnected entirely from how one perceives and understands the worlds; no one can step entirely outside of the world—outside of experience—when they theorize.

Accepting that reasons and claims conceived in and shaped by our experience of the world are a source of moral insight does not mean that they always supersede considered judgments. Held reminds us that our thinking is always fallible and that “insincerity and self-deception” are possible at any level of thought. But excluding this potential valuable source of moral insight and reasoning weakens any subsequent theory that does not take experience seriously.⁵³ In fact, she argues that though theories derived from ideal conditions may generate conceptions of important terms like “justice” or

“rights,” these projects cannot actually serve as moral theories—they are simply rational constructions, or projects of definition. By contrast, moral *theories* require reasoning from experience. That experience may be at times faulty, but it is not so different in kind from the ways in which so-called rational judgments may also be faulty.

For an example of what it looks like in practice for the normative valence of a claim to emerge from its relation to context, consider Taylor-Ramann’s claims in the Dyett case. She suggests that Alderman Will Burns did something wrong by not supporting her group’s plan to revitalize Dyett High School. But did he? There were a number of competing plans put forth for the new Dyett. As a local representative, Burns is not *required* to pick the plan Taylor-Ramann supports. Indeed, all three of the plans initially under consideration involved some connection to the local community, so it is not as if Burns threw his support behind, say, an outside charter management organization with no tie to the Bronzeville community. But even if he did, as the elected representative, it would not be inappropriate for him to do so, though it may certainly be a betrayal of his constituents’ stated interests. Thus, it seems that *prima facie* Taylor-Ramann has no complaint here.

But she also brings up a procedural complaint—that one proposal was late and should thus not be considered. Following established procedures is certainly important. At the level of actual politics, it is a way to establish trust between those who govern and those who are governed. At more abstract levels of political theory, procedural fairness serves as a basic justification for certain political arrangements.⁵⁴ But Taylor-Ramann’s complaint—viewed only in its immediate context—hardly seems to damn the process. A group was late, but they still submitted a proposal. It would have been worse if there was

no formal proposal: say, if a group had pitched their idea to CPS leaders over lunch or at a social function and CPS treated such a proposal on a par with formal submission. And, if the tables had been turned and the Coalition to Revitalize Dyett's proposal had been late, it is certainly plausible that Taylor-Ramann would have felt that it was equally unfair for CPS not to consider their proposal. Conceived as violations of general democratic principles, Taylor-Ramann's claims do not offer much for her to stand on.

In other words, if theorists were to simply judge Taylor-Ramann's claims in light of such conclusions, they may ultimately dismiss her claims as nothing more than unavoidable, garden-variety complaints about democratic politics. The fact of the matter is that democratic processes in Chicago are open to her; she does have a voice on par with any other citizen in the city insofar as she can elect, criticize, and cheer on representatives; and she certainly has no particular claim of injustice when her leaders do something she disagrees with—that they will is almost inevitable. Thus, though she certainly can *feel* that she is marginalized, her experience of marginalization is simply unfortunate.

However, if we start to view her claims in context they begin to have more normative valence. This is partly because the baseline her claims are compared to changes. Taylor-Ramann is not making these claims about a perfectly-ordered democratic government where all citizens voices are heard equally, and no single majority of people consistently enforces their will at the expense of a minority. Rather, Taylor-Ramann is making claims about an imperfect democratic government that may well systematically marginalize some of its residents while protecting the interests of others. It makes little sense to suggest that the normative strength of Taylor-Ramann's claims rests on how they

reflect deviations from some ideally-functioning democracy. Doing so assumes that this is how democracy in Chicago is functioning when it is far, far from the case.

Yet, context also shapes our normative evaluation of claims of injustice because the facts on the ground add meaning and nuance that are missing when theorists work in mostly or entirely abstract spaces. Chicago, for example, has historically marginalized the voices of its black citizens; black Chicagoans are votes for the political machine, but it is surprising how little that translates into policies that truly reflect their interests. The city is deeply segregated by race and class, and its public school system is deeply in debt (hence the closures and cuts). Taylor-Ramann's claim that Alderman Burns did not support their plan—despite being *her* alderman—is thus part of a recurring pattern of political marginalization. It is why hunger strikers were willing to forsake food for 34 days; as Jitu Brown observes, it is a sad state of affairs when black Chicagoans who want their voice to be heard have to starve themselves to get attention.

When ideal theories or ideal conceptions are the baseline and the nuance of context does not contribute to a normative analysis, it is decidedly more difficult for theorists to grasp the normative strength of Taylor-Ramann's claims, particularly as legitimate claims of injustice. This not only discounts Taylor-Ramann's experience, but it also drives a wedge between any theoretical analysis and its ability to meaningfully engage with actual people's concerns about injustice. Such theoretical debates about democracy really are removed from democracy in the real world—so much so that what theorists talk about and what people like Taylor-Ramann experience appear to be wholly separate things. Unruly claims like Taylor-Ramann's are thus worth protecting and investigating; if such claims are summarily rejected—as Held worries—or rejected

because they fail when compared to the standard of a perfectly functioning democracy—as Mills, in particular worries—theorists not only discount the normative valence that seemingly idiosyncratic claims of injustice may actually have, but they may also obfuscate avenues of inquiry and even risk perpetuating existing patterns of marginalization and oppression.

Theorizing Injustice: Ecological Validity

The idea that the normative valence of injustice claims is captured in their relation to contextual factors can be further expanded into an analogue of Bronfenbrenner’s notion of *ecological validity*. In philosophy, validity typically refers to a quality of an argument: an argument is valid if the truth of its premises secures the truth of its conclusion.

Ecological validity aims for something else. It concerns *the extent to which a theory of injustice aligns with the circumstances (experience, context, history) of injustice it is meant to address*.

Ecological validity matters if theorists want their work to have relevance to actual conflicts over justice or injustice. Recall Held’s concern about acting in messy ethical circumstances. On her account, one may find that their considered judgments (those developed under typical philosophical conditions) about what to do are entirely wrong once they are caught up in the actual moment of decision. Those same considered judgments may be logically valid, entirely plausible, and totally convincing outside actual circumstances, but if they fail to render a judgment when it matters most, there is a good reason to think that they are *ecologically* invalid. That is, they are simply inappropriately matched to context.

To point out that a theory is ecologically invalid says nothing of how we might judge a theory of injustice by other standards like the traditional idea of validity. But this is not to claim that those other standards do not matter. Rather, I am simply claiming that whether or not a theory of injustice aligns with the circumstances it is meant to address is an important factor in evaluating a theory. The notion of ecological validity is an attempt to formalize such a standard that is all too often overlooked when it comes to normative philosophy.

Allison Jaggar and Theresa Tobin argue for something similar to ecological validity in a pair of articles that call for naturalizing moral epistemology.⁵⁵ They propose using case studies of “real world moral disputes” to discern which social variables are salient in given cases, and examine how those variables operate either to support or undermine reasoning that is plausible, usable, power sensitive, and capable of delivering feasible conclusions.”⁵⁶ Doing so, they claim, will enable philosophers to focus on the actual challenges social inequality and cultural diversity pose to moral justification, and will help philosophers identify reasoning practices that “actually work to mitigate the disruptive impact of these obstacles in certain cases, rather than the practices philosophers imagine to work.”⁵⁷ This ultimately leads to an aim for moral epistemology that prioritizes localized, context-sensitive practices as opposed to a universal, single-best practice. As they put it, “The mission [of moral epistemology] can no longer be to establish a single reasoning practice or set of practices for use in any and all situations,” they write. “This mission might be suitable for a world in which diversity and inequality were not ubiquitous, but this is not our world.”⁵⁸

Ecological validity diverges from Jaggar and Tobin because it takes more seriously the fact that even in their naturalized model, a great deal of analysis still takes place inside the philosopher's own head.⁵⁹ Thus, unlike Jaggar and Tobin's model, ecological validity is not established because one's analysis centers on claims of injustice embedded within context. Such a conclusion is problematic. For one thing, it assumes that simply *because* a theorist's analysis is situated within actual circumstances of injustice that it is ecologically valid. One can easily imagine theoretical work that begins with a real-life challenge or starts from a claim of injustice but quickly—perhaps through abstraction, idealization, or even simply mistaken reasoning—begins to distort or misinterpret the claims being made by individuals within the conflict. The end result is that the theorist's conclusions are so far removed from the experience of injustice in the original conflict as to be unrecognizable. It is not difficult for such a break to happen; in my own writing I think back to some of my first attempts to parse through the conflicts surrounding school closures and, put simply, I cringe.

Indeed, Bronfenbrenner suggests something similar. He rejects an initial definition of ecological validity for developmental research that regarded inquiry ecologically valid “if it is carried out in a natural setting and involves objects and activities from everyday life.”⁶⁰ But such a standard, he argues, is too simplistic. It makes the rather arbitrary assumption that *simply* because an experiment is conducted in a natural setting it is ecologically valid, and, conversely, *simply* because an experiment is carried out in an unnatural setting, it is not ecologically valid.

His second point, in particular, suggests a second way of reading the idealized work of which O'Neill and Mills, among others, are so critical. Viewed through the lens

of ecological validity, ideal theory in political philosophy is similar to the laboratory in developmental psychology. Recall that Bronfenbrenner's argument is not that the laboratory is context-less, or even that it successfully controls for context; rather, the laboratory is itself a context to which research subjects responded. That the laboratory is a particularly unfamiliar setting makes it especially vulnerable to ecological distortions—researchers must take care to discern how their subjects experience the laboratory and how that influences the behavior researchers observe. Similarly, it is a mistake to position ideal theories as context-less; rather they typically reflect particular abstract (and likely odd) contexts that are, all too often, inventions of theorists to justify an argument or position. They may be perfectly relevant for the particular, odd contexts in which they are invented, but markedly less so for contexts that aim for rich, realistic detail.⁶¹ In short, such ideally constructed theories are simply not ecologically valid when applied out of context.

Such possibilities suggest that simply situating theoretical analysis of injustice within an actual conflict over injustice or starting from a particular claim of injustice is not enough to establish ecological validity. Rather, ecological validity is more likely to be met when a theorist iterates between their emerging arguments, particular injustice claims, and context in which claims are embedded. It is not the case that a theorist can simply “check the boxes” to establish such a standard of validity. As Held suggests, it matters that the judgments a theory renders are, at the very least, relevant to the moments where they are most needed: when policymakers, community actors, teachers, administrators, students, or simply *people* must act to mitigate or confront injustice.

Out of the Armchair?

As the epigraph at the beginning of this chapter indicates, Bronfenbrenner encourages developmentalists to leave the laboratory behind, or at least recognize that the laboratory itself is an environmental setting. Thus, for it to be a useful setting for studying human development, researchers need to be aware of how their subjects understand the laboratory and how that understanding may influence their behavior. A similar concern, I think, is at the heart of much of the criticism of ideal theory in political philosophy; proponents of nonideal theory understand ideal theory to rest on abstractions or idealizations of human behavior and of the settings in which these beings interact (though some critics likely exaggerate the effects of idealization). Indeed, we might well translate Bronfenbrenner's concern that human development had become the study of the strange behavior of children, in strange situations, observed by unfamiliar adults to political philosophy as the study of idealized individuals in impossible contexts, literally imagined and evaluated by distant observers.

By centering claims of injustice, considering those claims as embedded within a normative environment, and aiming to construct ecologically valid theories, I have suggested that philosophers can do much to address these concerns. But unlike developmentalists who could venture out from the laboratory, the work that philosophers do is fundamentally imaginative. Though the inputs might change, the setting for our work ultimately does not. We work in our heads and we think hard.⁶² Thus, philosophers must work especially thoughtfully to engage with the world to begin to theorize about injustice in a way that truly reflects the challenges injustice poses to political and social life. They can do this, for example, by potentially conducting their own qualitative

research, by engaging with case studies, or by immersing themselves in actual conflicts over injustice. But it means, at the very least, that we need to see our analytic work as no longer confined to the armchair. As much as we change the inputs, we must also change how we think about those inputs. Our cozy armchairs, then, may still be a comfy place to sit and reflect, but it cannot be our sole vantage point for theorizing about injustice.

Chapter 4

Injustice and Sacrifice

The hard truth of democracy is that some citizens are always giving things up for others.

Danielle Allen, *Talking to Strangers*

An ecological orientation toward injustice is fundamentally an analytical position. Through it, theorists are able to attend to the complexity of injustice and synthesize experience and theory. As I suggested at the end of the previous chapter, taking this approach encourages theorists to ask and examine a different granularity of questions than is typical of political philosophy. That is to say, inquiry into injustice starts to turn toward questions about how to respond to particular claims of injustice, which claims to prioritize above others when claims conflict, or what ought to justify such decisions about claims of injustice. Such questions are precisely the sort of questions that Judith Shklar suggests democratic decisionmakers must and do make. But unlike Shklar, an ecological approach suggests ways in which theorizing about injustice can be helpful to those

decisionmakers. And, furthermore, unlike more traditional liberals like Rawls, an ecological approach holds that theory can say more about this level of analysis than outlining the necessarily underspecified parameters of the demands of justice. In this chapter, I will demonstrate how theoretically fruitful an ecological approach to injustice can be.

To do so, I extend the Dyett case study that so much of my thinking has centered on in this dissertation to introduce a new dimension of the conflict: the concept and role of sacrifice in the story. The extension is brief, but it encompasses all that is necessary for the work I plan to do in this chapter. To be clear, I do not focus *solely* on this extension because, as we will see, it reorients how we perceive and make sense of other aspects of the case. My analysis iterates between extant theory and the Dyett case in order to underscore the relevance of sacrifice as an ideal of citizenship to the case, the questions that existing theory leaves open, and possible answers to those questions in the context of Dyett. In particular, I advance three claims. First, similar to the boundary between injustice and misfortune, the boundary between sacrifice and injustice is slippery and razor-thin. Second, that sacrifice and defiance, even though they may seem to be *prima facie* incompatible, are in fact different sides of the same coin. Third, that the key to understanding this unexpected compatibility is the multiple, different intended audiences for a particular action. Along the way, I signal how the work I am doing reflects the ecological approach I detailed in the previous chapter.

Let us return to Dyett, then, and try to place ourselves on a fall day in Chicago, the first day of school as an old-but-new, esteemed building reopens its doors.

Sacrifice and the Struggle for Dyett

A year after the hunger strike ended, in the fall of 2016, the doors of the new Dyett opened for 150 freshmen. Enrollment was larger than expected—a striking contrast to the 12-student graduating class of 2015. But CPS did more than simply reopen and rename Dyett, they reinvested in Dyett. Fourteen million dollars of renovations adorned the school, including a black box theater and a dance studio, among other upgrades. A permanent exhibit was planned to depict the school’s rich history. There were full-time arts teachers; a fact worth noting as the sad truth of contemporary American education is that arts education is often the first to go in resource-strapped public schools. New community partnerships had been forged, and old ones rekindled. In fact, part of all the new Dyett teachers’ training and orientation to the school was conducted by the Kenwood Oakland Community Organization, the same group that spearheaded the Coalition to Revitalize Dyett and the subsequent hunger strike.

The excitement surrounding the opening was palpable. Outside the school, the new principal, Beulah McLoyd, greeted students as former hunger strikers handed out packets of school supplies to students. Students peeked into the new art rooms and innovation center. New desks and furniture gave the school a sparkle, but there were deeper, more fundamental changes to the school, too. Students took note. As 14-year old Bria Sarffold observed, the dance room “had a peace to it.”¹ After walking through the new Dyett, Irene Robinson, one of the hunger strikers, could not help herself, “When I went in there, I just started crying. If I had to do it all over again, I’d do it in a heartbeat.”²

For Bronzeville's community activists, this first day of school was a victory. Though it may not have been precisely what they demanded, it embodied their most fundamental goal: to sustain Dyett as an institution in the Bronzeville community. Jitu Brown, one of the organizers of the hunger strike, explained, "We were never opposed to some kind of marriage between arts and sustainability. We were opposed to the former political leadership in this area locking us out of the process when we knew we were the ones who had fought for this school."³ To see and hear children flowing in and out of its doors again rather than the bleak emptiness and deafening silence of a deserted school building was something that former Coalition members could be happy about.

Still, memories of what it took to achieve this first day of school remained fresh. "In order to get this completely renovated school where they've invested more than \$14 million ... look what we had to do," Jitu Brown reminded reporters, "*We had to risk our lives.*" Jeanette Taylor-Ramann, who had been critical of the political process by which Dyett was reopened during the hunger strike, remained skeptical of Dyett leadership. She would not feel comfortable, she told reporters, until Dyett had a Local School Council—a Chicago form of school governance consisting of parents, community members, and educators elected to as a democratically elected board of governance, albeit with limited purview.⁴ Students walking through Dyett's doors that day remembered the events of a year ago, too. "They sacrificed 25 days without eating," incoming freshman Nia Taylor observed, "That's a real sacrifice ... We value our education more because of what people sacrificed."⁵

Sacrifice: A Democratic Ideal

As both Brown and Taylor are aware, sacrifice suffuses the story of the struggle for Dyett High School. The initial closure of Dyett itself was a sacrifice of sorts, insofar as it represented an unexpected loss that was the result of the municipal budget crunch. The Lincoln Annex, we might think, necessitated that others make sacrifices, given that CPS operated on a finite budget and thus choosing that project meant other projects could not be taken up. The hunger strike was another form of sacrifice. The fourteen parents, grandparents, and community members voluntarily and purposefully put their own lives on the line to advocate for their community. Sacrifice, in a sense, ties everyone and everything in the Dyett story together.

That sacrifice is so ubiquitous in this story is also not surprising. Danielle Allen observes that sacrifice poses a “special sort” of problem to democratic societies. “An honest account of collective democratic action must begin by acknowledging that communal decisions inevitably benefit some citizens at the expense of others, even when the whole community generally benefits.”⁶ In other words, democratic citizens are expected to make sacrifices to their fellow citizens as a matter of course. Without the acceptance of such burdens, democracy would not work. Her view, she notes, clearly contrasts with ideal accounts of democracy like that of Rousseau. Such accounts gloss over the realities of political conflict; democracy leads to communal choices in which political loss just doesn’t happen. Even Dewey’s vision of democracy as “primarily a form of associated living, a conjoint communicated experience,” appears to easily subsume the interests of the individual to the collective such that conflict and loss falls by

the wayside in the march of democratic progress.⁷ But sacrifice, Allen tells us, should be understood as a democratic fact.

Allen's reflections on sacrifice originate in an exchange between Hannah Arendt and Ralph Ellison following the 1957 integration of Central High School in Little Rock, Arkansas. Arendt had been shocked by the images of an angry white mob confronting Elizabeth Eckford as she walked to school by herself on September 4, 1957, having missed the instructions to meet the rest of the Little Rock Nine, as they came to be known, and enter school together. Arendt penned an article, "Reflections on Little Rock," that criticized African American parents in Little Rock for putting their children in harm's way: "The girl, obviously, was asked to be a hero—that is, something neither her absent father nor the equally absent representatives of the NAACP felt called upon to be."⁸ Similarly, she blasted adult desegregation activists for a failure to take the necessary actions themselves. Arendt's position on Little Rock emerged from her work in *The Human Condition*, in which she understood politics as a form of heroic activity that is sharply distinguished from social and private activity. It is where people secure their political rights like the right to vote or hold office, as well as their private rights. Interestingly, Arendt did not understand Little Rock to be a political protest; rather, on her account, it was about social advancement. Thus, Allen observes, Arendt's fundamental criticism is about failures of citizenship.

By contrast, Ellison excoriated Arendt for deeply misunderstanding and misrepresenting the events in Little Rock. Her theoretical view, he argued, missed out on key aspects of the context in Little Rock. His criticism was painfully blunt: "She has absolutely no conception of what goes on in the minds of Negro parents when they send

their kids through those lines of hostile people.”⁹ Key to understanding African Americans’ experience, Ellison claimed, was an ideal of sacrifice, a notion Allen traces in his novel *Invisible Man*. Explicating Ellison’s theoretical work in the novel, she calls attention to an exchange between the Invisible Man and his grandfather on the latter’s deathbed at the beginning of the book. The old man urges his grandchild that living in the Jim Crow South is akin to living as a “spy in the enemy’s country.” One must “live with your head in the lion’s mouth,” and, importantly for Allen, “agree ‘em to death and destruction.”¹⁰ For Allen, these words are emblematic of the Invisible Man’s growing realization across the book of the centrality of sacrifice first to his own life, then to democratic writ large. In other words, the ideal emerges *out of experience*; Ellison explicated it in *Invisible Man* and saw it in Little Rock, as well.

Building on Ellison’s work, Allen observes that sacrifice underscores a deep and enduring tension at the heart of democratic citizenship. On the one hand, democracy promises citizens sovereignty—it is the power of the people after all. Democratic citizens get to choose their leaders, directly or indirectly make decisions, and generally determine the progress of their society. On the other hand, because people do not all agree on who should lead, what a society should prioritize, or toward what ends it should aim, people rarely feel as if they are sovereign. We lose as much—and perhaps more—than we win in the political process. As Allen eloquently puts it: “Democratic citizens are by definition empowered only to be disempowered.” The American “*We, the people*” are thus “powerless sovereigns” in their own democracy.¹¹

Historically, democracies have “solved” this tension by accepting a constant of injustice. The least powerful groups of people become perpetual losers, while the most

powerful act as sovereigns, and many other groups that generally benefit acquiesce to this imbalance. America was no different, and race was its peculiar dividing line. It began with slavery, where whites completely ostracized blacks from the political process and denied them not only social, economic, and political rights, but their very humanity. After the Civil War, the systematic legal structures of Jim Crow America sought to disempower newly minted black citizens from accessing and benefitting from the rights of citizenship that their white fellow citizens enjoyed. But black labor built American industrial and agricultural infrastructure. Their movement across the country shaped the nation's cities. And they counted for political representation even as they were unable, in many states, to vote or run for office. In other words, they took on the burdens of citizenship without its benefits. But even when such blatant injustice is not the status quo, it is still impossible to appease everyone all the time. That is, even if a society more closely resembles a Rawlsian ideally just society than it does Jim Crow America, some citizens must still give up their interests during the political process. Though Allen does not reference Shklar's work on injustice, her analysis is strikingly similar to Shklar's insights about the unruliness of the sense of injustice, insofar as Allen recognizes the very real psychological and experiential burdens of democracy. As she puts it, "How are citizens to think about the fact that a regime constructed for the good of all (liberal democracy) must make day-to-day decisions that are better for some or that are directly hurtful to others?"¹²

In a further echo of Shklar, Allen observes that the citizens' reactions to social and economic losses can become political challenges. She identifies three ways in which "negative emotions within the citizenry"—which are likely precursors to more troubling

patterns of distrust, instability, and injustice—can have political significance. First, citizens may reasonably believe that they have suffered a loss, even though it was reasonably imposed on them. Second, citizens may reasonably believe they have suffered a loss when it was unreasonably imposed on them. Third, citizens may unreasonably believe they have suffered a loss even though the loss was reasonably imposed on them.¹³ Allen defends the importance of thinking about even cases of the first (and, I would add, the third) sort on the grounds that doing so addresses “citizens’ fears about their own security within the polity.” Democracy depends on the ability of citizens to trust one another. Such trust is maintained when citizens feel that, in the long run, the results of political, collective action cares about their well-being. To do this well—to accommodate peoples’ emotions with regards to the social and economic losses they must inevitably endure—policymakers need to account for the “lived experience of loss.” Correspondingly, if theorists are going to have anything to say about sacrifice that helps policymakers, they too must address the lived experience of loss.¹⁴

Criteria for determining what is and is not a legitimate imposition of loss or, in other words, a legitimate form of democratic sacrifice, thus becomes an important theoretical and practical problem for political theorists to address. To that end, Allen proposes three criteria for what makes a sacrifice legitimate. Legitimate sacrifices (1) are made knowingly and voluntary; (2) have the prospect of honor; and (3) are not unjustly distributed such that one group of citizens is always making sacrifices for others—what Allen calls the “equality of sacrifice.”¹⁵ Democracies, Allen asserts, should distinguish between those who “give up their interests consensually and suffer something they understand and those who do not.” But without an equality of sacrifice, it is entirely

reasonable for citizens to lose faith in their collective institutions' ability to protect their own well-being over time.

Following Ellison, and in contrast to Arendt, Allen ultimately elevates sacrifice to an ideal of democratic citizenship, given that it is properly undertaken. Her account is akin to a form of civic republicanism, but it is also a careful balancing of individual and collective interests. Properly practicing sacrifice acknowledges that we all are better off when we live and work together; thus, we honor the sacrifices of others and constantly seek to distribute the burdens of sacrifice among all our fellow citizens. It also asserts the importance of individuals insofar as citizens are required to sacrifice one's own interests within reason. As Allen notes, people do this already when they acknowledge the actions of veterans, but something similar also applies to the "more prosaic sacrifices of our ordinary political world."¹⁶ To live together as strangers in a diverse democracy, we must all be willing to give up some parts of the pie to others. We must all be willing to live with loss.

Precisely because it is civic ideal, Allen also proposes that sacrifice is an exemplary response to racial injustice. Turning back to Ellison's debate with Arendt, and further even into the protagonist's effort in Ellison's *Invisible Man* to make sense of the riddle in his grandfather's advice to "agree 'em to death and destruction," Allen suggests that sacrifice was the right moral response to racial oppression. The grandfather's riddle represents the strategy of the trickster, Allen explains. It is, on the one hand, to draw out the inherent contradictions of American beliefs about race and racism. It is also, on the other hand, to "show up violent citizens for what they are, and force witnesses to the spectacle to make a choice about whether to embrace or disavow the violence."¹⁷ It is the

same strategy on display when nonviolent protesters during the Civil Rights movement endured assaults as they sat at segregated lunch tables, or when marchers persisted in the face of Bull Connor's dogs and water cannons. All embrace and enact sacrifice as ideal and form of exemplary citizenship. Their actions, in no small sense, challenge us *all* to realize our better democratic selves.

Sacrifice and Dyett

How might the idea of sacrifice help us understand the conflict surrounding Dyett? In other words, how can this normative ideal, constructed in Ellison's and Allen's hands through the historical experience of black Americans living in America's particular racialized democracy, help us understand the claims the actors in the struggle of Dyett make, as well as the actions they take in the course of the struggle? At the very least, Allen's analysis of sacrifice allows us to name some of what we see in the struggle for Dyett. For example, the hunger strikers can be plausibly construed as enacting a politics of sacrifice, and thus a form of exemplary citizenship, in their efforts to revitalize Dyett. The strike itself was an act of heroic sacrifice. It was nonaggressive, channeling anger and frustration with policy experienced as systemic oppression inwards instead of outwards. In this way, the strikers' individual suffering served as a window into the abstractions of structural racism and civic disempowerment. Recall Jitu Brown's reluctance to criticize Lincoln Park parents for trying to do right by their own children, "There's no acrimony toward those parents," he explains. Brown is working the "agree 'em to death" strategy. We *all* want what is best for our children, he observes. We *all*

want our neighborhood schools to be strong pillars of our community. We are *happy* that Lincoln Park parents were able to achieve this end. *But what about us?*

Brown is engaged in a style of argument philosophers would find quite familiar. He advances a series of agreed upon principles or positions, and then introduces what seems to be the harder-to-accept proposition. If we accept that doing the best for our children is important and that keeping our neighborhood schools strong is similarly important, then shouldn't we also accept that Dyett ought to be built in the way the community wants, just as what Lincoln Park parents ultimately desired for their school came to fruition? Thinking about Brown's claim in this way again highlights the importance of race and class in the distribution of educational resources. Why is it, if not for race and class (or the political advantages and disadvantages such social identifications incur in the United States), that the majority white, middle-class Lincoln Park community enjoys their Annex while the black working-class community of Bronzeville watches as their school shuttered and they are kept at arm's length from decisions to reopen the school?

We might well imagine that the just option, for argument's sake, would be to build the annex and provide enough resources to not only keep schools in Bronzeville open but to help them thrive. To which CPS officials would likely respond: "Of course we would love to do that. But our district is facing over a billion dollars of debt. How on Earth are we going to make all that happen?" This, as any policymaker would recognize, is not uncommon; the circumstances in which policymakers find themselves forced to act are often so characterized by inequity and injustice that what a theorist might consider to be a realistic requirement of justice is to the policymaker nothing but a pipe dream. As

Allen suggests, they must choose among different options and the result will be that some people are satisfied, and some are not. This is the reality both of the context in which decisions are made, as well as the range of options policymakers typically have at their disposal. It is also the case that those who do not feel satisfied may feel that an injustice has been done to them—revealing the all-too-thin line between sacrifice and injustice.

So, ought we consider the closure of Dyett a legitimate sacrifice or an injustice? Recall from the case study that Dyett had seen dwindling numbers of students, and like many urban high schools serving primarily economically-disadvantaged students of color, its graduation rates lagged behind national and city averages and its performance on standardized assessments were simply not up to snuff. Thus, when former CEO of CPS Jean Claude Brizard proposed closing Dyett, he was not incorrect to frame the closure of Dyett as a matter of justice:

There are too many schools in Chicago failing our children. Across the District, only 7.9% of 11th graders last year tested ready for college, while achievement gaps for African American and Latino students remain in the high double-digits. As adults, we all have a responsibility to make sure that we are putting the academic needs of our children before all else.¹⁸

Brizard also echoed national rhetoric about education reform. Early in the Obama administration, for example, former Secretary of Education Arne Duncan announced a plan to revitalize American schools. He called addressing failing schools a “moral imperative” and he called for “turning-around” nearly 5,000 schools nationally—either through reinvestment, complete overhauls of faculty and leadership, or closure.¹⁹ But the country had a duty to look this problem square in the face and recognize it as a shared problem that everyone had a stake in solving.

It is certainly plausible to interpret the view embodied by Brizard and Duncan as recognizing the burdens that communities like Bronzeville *already bore* due to disparities

in educational resources, segregated housing, and the myriad of factors that contribute to inequalities among schools. It is also understandable insofar as Brizard and Duncan—as well as many others like them in similar positions across the United States—are policymakers, and as policymakers, tend to look at these challenges at the district or school level. They understand and generally act on broad patterns of social inequalities or academic performance, fitting individual schools into such narratives rather than understanding them in and of themselves, as particular institutions in particular neighborhoods with their own history and meaning. On such a view, closing such schools is thus a step toward easing the inequalities that primarily urban black and brown communities, but also rural communities, face. It is, in effect, a remedy to what was already illegitimately sacrificed or unjustly withheld. Indeed, these two characterizations may seem rhetorically different but are, in this instance, strikingly similar insofar as what is not given to such communities is designated for others.

Still, it is an odd way of recognizing that communities of color have borne such burdens by asking those same communities to take on more. This is, in some ways, akin to an argument Tommie Shelby presents in favor of self-segregation.²⁰ Integration, while it may indeed be a solution to racial inequalities, too often requires black and brown families to make heavy sacrifices because policy typically requires families of color to move to white communities where the resources are rather than redistributing resources more equitably. Shelby argues that we should not fault black families for choosing not to make such sacrifices. Similarly, we might understand the policies school reformers tend to favor as *forcing* communities of color to take on burdens they do not want to take on,

simply because by closing a school, neighborhoods lose an important resource and families must find another option for their children.

Why might losing a school like Dyett be a loss? For one thing, closing Dyett was *experienced* as a loss by the community; they were giving up something that was a revered icon. It was not simply a school, but a historical institution. Eve Ewing posits that closures reveal a phenomenon she calls *institutional mourning*. Ewing suggests that people grieve over the loss of institutions in a way that is similar, at least in some regards, to the way they grieve over the loss of loved ones.²¹ People do not grieve of institutions equally. Some—like perhaps, post offices, restaurants, town halls—may not rankle us when they close. But when an institution is engrained into a community like Dyett, its closure is a loss of not only institutional memory, but also the relationships that people have within the school. Ewing, for example, describes how students understand their relationships with teachers and fellow students almost as extended family. When their schools are closed, those relationships are threatened.

Requiring the Bronzeville community to take on such losses in order to reform CPS schools more broadly thus perpetuates some forms of injustice—even as it seeks to mitigate unjust distributive inequalities. Recall my earlier discussion from chapter 2 of the experience of injustice surrounding the Dyett case. Bronzeville residents, while certainly aware of the existing inequalities among schools, felt that closure itself was the injustice. They experienced the closing of Dyett as a message that their community, their neighborhood, was broken—or that Chicago officials were trying to break their neighborhood through a series of detrimental educational and housing policies. They were also upset that such a profound decision could happen without their direct input;

marginalized from the decision-making process, they were unable to express the value of Dyett through typical political channels. Closely paying attention to their claims, again, demonstrates how easily civic sacrifice can become or can perpetuate injustice—or at least be interpreted as such.

Here, we might also consider the Lincoln Annex as a contrast. Recall that the Annex project was one of three competing proposals—including redrawing the school’s boundaries so that an appropriate number of students attended the school while others were shuttled off to nearby schools. This would have created some impositions on families asked to leave the favored school because they were no longer in its catchment zone. These families, in other words, would be asked to make a sacrifice; take a less-favored school because it is the best option for the cash-strapped CPS insofar as the costs are limited—not to mention that potentially redistributing white, middle-class students may even improve the academic outcomes and thus the perception of a handful of surrounding schools.²² This is not what CPS chose, due in no small part to the public pressure by parents in Lincoln Park; CPS built an Annex that simply made Lincoln Elementary larger in order to accommodate all the parents in the neighborhood who wanted to send their children there. Lincoln Park families did not have to move or change schools. Lincoln Park families did not have to make a sacrifice. Bronzeville families, by contrast, had already witnessed a massive wave of school closures before Dyett was shuttered. When issues of underutilization and lack of resources were taken up in their context, Bronzeville families were again and again asked to sacrifice. As the Annex opened, it was clear just how invisible those sacrifices remained to Lincoln Park families.

Thus, it is not just the case that implementing options that force Bronzeville families to bear the burdens of district reform may be an inappropriate sacrifice for district and city officials to demand of them because it incurs injustices—again, there are prior injustices at stake that district leaders and policymakers are trying to mitigate. It is also the case that doing so violates Allen’s notion of equality of sacrifice. Indeed, returning to the claims of injustice at the center of this analysis, the frustration Taylor-Ramann expresses with her local officials suggests that the sort of profound distrust which Allen worries about has already poisoned the relationship between the community and its elected officials. Brown, Taylor-Ramann, and many others cannot count on their elected officials to act with their well-being in mind. Allen’s theoretical work makes the stakes of Brown and Taylor-Ramann’s claims clear: citizens “can trust political institutions only if those are worth something to them and do not generally work their harm. Disappointment and resentment, the aftereffects of loss, deplete the reservoirs of trust needed to sustain democratic life.”²³ Because they have been asked to sacrifice over and over, because they have witnessed CPS build new school buildings for communities like Lincoln Park while stripping away similar institutions from Bronzeville, Bronzeville’s reservoir of trust is dangerously low, if not empty. Thus, if black families in Chicago already bear the brunt of education inequalities, the policies meant to address those problems should fairly distribute the sacrifices required to do so among all citizens that utilize Chicago’s public schools—which, if we take Duncan’s words seriously, is a problem that every citizen should embrace responsibility for and ownership of. And that would mean that Lincoln Park parents ought to realize their role in the broader Chicago educational system.

Moreover, even putting aside these concerns, there are also problems with the way in which CPS went about closing Dyett that suggest policymakers thought too little about sacrifice and injustice. Such procedural questions directly implicate Allen's concerns for voluntariness and foreknowledge. We might stretch the bounds of foreknowledge by noting that Dyett was scheduled to be phased out. In this way, Dyett residents had time to react to the actual date of the closure. But the decision was still sprung on them by local officials; one day Dyett was a fixture of the Bronzeville community, the next it was scheduled to be closed. The abruptness of such decisions seems to be a pattern in school closings. Recall the Marshall vignette that opens this dissertation. There, too, the decision to close Marshall came as a shock; no one in the Marshall community—families, educators, or administrators—knew it was coming. Rather than debate whether or not the closure should happen, district officials explained the decision to families post hoc. Thus, when it comes to the actual decision, communities typically have little warning, but they do have *some* time—albeit usually very little—to respond.

As for voluntariness, we run into the challenge of democratic representation. Democratic officials made the decision to close Dyett. One might point out that CPS leaders are not democratically elected but are chosen by the mayor. They thus are not under direct democratic control. However, the mayor is elected democratically, and theoretically a shift in mayor would shift whoever leads CPS.²⁴ CPS officials are thus indirectly subject to electoral control. One might argue that citizens cede decisions about sacrifice to their representatives, thus the criterion of voluntariness is met because it through democratic officials that these decisions are made. Yet, this does not seem quite

right. For one thing, as Taylor-Ramann made clear, there was clearly a deep level of distrust between school officials and the Bronzeville community. They found few allies in both CPS and municipal governance. Thus, from a phenomenological perspective, they may reasonably feel—as they claimed—that they were shut out of the decision-making process and put upon by the district’s decision. If we emphasize their claims, then in this case voluntariness would not seem to be satisfied.

Finally, consider Allen’s last criteria, that the legitimacy of a sacrifice also requires that those who make the sacrifice are appropriately recognized and honored. This criterion is turned completely on its head in the case of school closure (and school reform, writ large). As I have argued, paying attention to the ideal of sacrifice alerts us to not simply the goals of school reform, but what particular groups of people are asked to give up in order to reach those goals. In the case of Dyett, the Bronzeville community was, at first, asked to sacrifice a revered community icon. It was not simply a school, but a historical institution. As such, it is the Bronzeville community that *experiences* the loss of Dyett. CPS and municipal officials may have decided to close Dyett, but it is ultimately the Bronzeville community that bears the burden of the school closing. On Allen’s criteria, it is their sacrifice that should be acknowledged and honored. However, those in charge of schools rarely acknowledge that closure places burdens on those it affects and, in a bizarre twist, typically take credit for making the tough decisions that no one else will. Making a tough decision is not the same thing as bearing the burden of that decision—it is probably not even in the same ballpark. Thus, while we might indeed laud educational leaders for doing something, if we think about the importance of sacrifice and

who actually experiences it, by acknowledging their work we misplace where honor is owed.

Still, there is a glimmer of justice in this story. The reopening of Dyett was, in contrast to instance after instance of divestment from Bronzeville and other predominantly black neighborhoods in Chicago, an investment in the Bronzeville community. To see the building reopened with not just superficial enhancements, but with a plan to make Dyett a strong, desirable school—albeit not the plan the Coalition to Revitalize Dyett favored—was a radical and important shift from the status quo. But as both Brown and Taylor-Ramann made clear as Dyett reopened, even their excitement was tempered by their experienced history of disappointment, loss, and frustration. Their struggle would not end with Dyett; for Taylor-Ramann the focus was now on having a voice through a Local School Council. Her desire for such control reveals another way in which the deep distrust between them and Chicago's school and municipal leaders remained.

The Limits of Sacrifice

Allen argues that sacrifice is an ideal that can be effectively used to confront racial injustice. On her account, such an approach to injustice meets flawed forms of citizenship with an exemplary form; it faces a society's worst character by demonstrating its potential. But—just as activists like Brown and Taylor-Ramann point out—why *should* their communities be the ones that sacrifice—why do their community leaders need to risk their own lives to call attention to the unfair way in which Chicago officials treat the Bronzeville community? What they did was a real challenge that required willpower,

resilience, and determination. As a heroic act of sacrifice made for their fellow Bronzeville residents and for their children, words do not do justice to their efforts. But as an act of sacrifice in the face of repeated disempowerment, marginalization, and disappointment, we well might wonder if there is another possible way to understand their claims of injustice that does not glorify their struggles as embodying the best of democratic citizenship—whether taking the seemingly moral high road is a *prudent* choice.

In contrast to Danielle Allen, Juliet Hooker argues that sacrifice should not be construed as a form of exemplary democratic behavior. Rather, in unjust circumstances like that of the contemporary United States, it may neither be useful nor appropriate for black citizens to enact a proper form of democratic sacrifice. Drawing on recent popular outcry over police killings of black men, women, and children like Eric Garner, Rekia Boyd, Trayvon Martin, Michael Brown, and Tamir Rice, among far, far too many others, Hooker challenges democratic sacrifice as an ideal for black political action. “When other citizens and state institutions betray a pervasive lack of concern for black suffering (which in turn makes it impossible for those wrongs to be redressed),” she wonders, “is it fair to ask blacks to make further sacrifices on behalf of the polity?”²⁵ Rather, Hooker asserts that the violent reactions to police oppression in Ferguson, Missouri, and Baltimore, Maryland, are in fact imperfect, but perhaps necessary steps in a project of democratic repair in the face of racial subordination and oppression. Returning to the debate between Ellison and Arendt, Hooker suggests that Arendt may have been right (for entirely the wrong reasons, Hooker notes, which raises the question of whether Arendt is right after all or whether her shock at the photos of integration crises led her to

stumble into opposition to sacrifice), and that Ellison was mistaken for encouraging sacrifice as civic virtue of racial protest.

Hooker argues that three mistaken historical and theoretical assumptions underlie the “transmutation of undue democratic sacrifice by subordinated racial groups into democratic exemplarity.” First, Hooker challenges the whiggish conception of racial progress that she claims is integral to liberal understandings of racism, what she calls the “racial perfectability thesis.”²⁶ That is, American liberals typically assume that there has been and will continue to be a general movement toward greater racial equality over time. This view, she claims, is mistaken, or at least overly simplistic. It rests on a teleological view of history in which certain complex events are simplified—romanticized—into fraught narratives that actually downplay the agency of black Americans. She points in particular to the whitewashing of the Civil Rights Movement. As it is typically conceived in American mythology, the Civil Rights Movement was the triumph of nonviolent activists over racist systems and individuals throughout the South. But this view ignores the complex debates among black activists at the time over the goals of racial justice and the means to achieve these goals. It also, for that matter, ignores the fact that the fight for civil rights was not simply a conflict with former slave-owning states. It was also a battle in Northern cities, and there it often struggled.²⁷

She then challenges the account of “white moral psychology” upon which it is premised that exemplary forms of political action by black citizens can encourage—or shame—white citizens into positive ethical transformation. Allen theorizes that through sacrifice, black citizens “show up” violent racists for what they are, and any law-abiding, ethical, white moderate would likely side against violence. But such an assumption fails

to account for the historical fact that an overwhelming majority of white Southerners supported state efforts to resist integration—even after the photographs of Elizabeth Eckford and Dorothy Counts became national touchstones. For Hooker, such resistance reveals that many white Americans when confronted with the reality of American racism, respond not with shame but with defensiveness and resentment.

And if it was difficult for perhaps the most idealized civil rights movement in American history to overcome these obstacles, it may be even more difficult now. Hooker observes how the Black Lives Matter protests must confront not only mostly unchanged tenets of American racism but must also do so through the veneer of America as a post-racial society. Through counter statements like “All Lives Matter” or “Blue Lives Matter,” white American position contemporary protesters fighting for racial justice as selfish, mistaken, or as disruptors of a society that was moving past its racist history. Hooker posits that it is thus even harder for modern protesters to ask white Americans to look at their position in a racialized polity honestly and critically because it is the protesters who are mistaken about the place of race in the contemporary United States. In its extreme, the request to reflect on the role racism still plays in the United States provokes the charge of reverse-racism; that black Americans seek to actively and harmfully discriminate against white Americans.

Finally—in a concern similar to that of speaking for others—Hooker calls into question whether understanding black political action as sacrifice actually aligns with the way in which black activists understand their own actions. In no small way, Hooker challenges the *ecological validity* of understanding black political action through the lens of sacrifice. Drawing on the same image of Dorothy Counts surrounded by a mob of

jeering white students on her way to school that is central to Arendt's "Reflections on Little Rock," Hooker points out that Counts understood her act as one of defiance.²⁸ She was neither fearful nor acquiescent. Counts explained: "If you look at the picture the right way, you see what I see. What I see is that all of those people are behind me. They did not have the courage to get up in my face."²⁹ Hooker similarly interprets the "hands up, don't shoot" gesture used by Black Lives Matter activists. Such a gesture is not an act of acquiescence; it is not an act of benevolence. Rather, it is an "indictment of police officers that fail to protect black citizens."³⁰ It is defiance in the face of widespread police killings of black men, women, and children. Both examples, Hooker argues, reveal the complicated politics of "reception and performance" at work in black political action. Arendt's concern for the fear that Counts must have felt, Allen's encompassing notion of sacrifice—neither fully accounts for the meanings of black political actions.

On Hooker's account, because the notion of sacrifice as an exemplary form of citizenship for black Americans rests on these mistaken assumptions it cannot be the ideal response to racial injustice. Transposed into the terms I am developing here, Hooker suggests that sacrifice is an ecologically invalid ideal for black citizenship. She worries that formulating sacrifice as an ideal creates a conceptual trap whereby any form of political action that does not conform to the boundaries of democratic sacrifice is rendered illegitimate. Thus, any violent form of protest—like the Black Lives Matter protests in Ferguson and Baltimore—can be written off as senseless riots. In the context of racial injustice, she proposes that such actions may be construed as reasonable reactions to continued institutional violence, even though the riots themselves will likely do little to solve the structural and cultural problems wrought by racial injustice. Such

acts may even be a form of democratic repair *for black citizens*. She thus ultimately argues that black Americans should look to a different, more radical notion of democratic contestation to guide their political action. “Democratic sacrifice,” she concludes, “is no longer enough.”³¹

However, Hooker’s criticism does not completely undermine sacrifice as a civic ideal—that is, it does not prove its ecological invalidity. In a subsequent article, Hooker defines her disagreement with Allen as such: “I disagree with Allen’s framing of the peaceful acceptance of political loss by racialized minorities who have already suffered losses as a form of civic virtue.”³² At the same time, Hooker entertains the idea that democratic citizenship does require the acceptance of loss—in other words that sacrifice is a civic virtue—because she wants to consider the implications not for marginalized or oppressed citizens but for those who are, by the fact of their race or social position, unaccustomed to loss. For those people, sacrifice is an appropriate and useful civic virtue. Sacrifice, in other words, may well be an important civic ideal, but context matters—particularly who is doing the sacrificing.

In fact, Hooker’s argument is perhaps better understood as a more realistic reflection on Allen’s notion of equality of sacrifice. That is, sacrifice is still a valuable civic ideal, but the conditions of racial justice in the United States are such that sacrifice is, at best, asymmetrically important insofar as it matters more to the actions of white Americans unaccustomed to sacrificing their interests for those of black Americans than it does for black Americans. At worst, it simply is misguided for black Americans to continue to sacrifice because there is no hope for reciprocity. But it is neither morally wrong nor ecologically invalid; it is just imprudent. Indeed, if we revisit the mistaken

assumptions Hooker identifies as undergirding the notion of sacrifice as a civic virtue of racial protest, they could be plausibly interpreted as an argument for the near impossibility of the conditions of reciprocity. If so, then Hooker does not demonstrate the failure of sacrifice as a virtue, full stop, but she does demonstrate the immense challenge of ensuring that American society encourages and asks of its citizens legitimate sacrifices.

Still, Hooker does have a point when it comes to Allen's and Ellison's advocacy of sacrifice as a virtue to guide actual protests over racial injustice. "Agree 'em to death," on Hooker's account, is a failed strategy because the political ground is so very unequal. Continual sacrifice in the face of racial injustice has not brought about reciprocity, and Hooker doubts that it will do so in the future. As she puts it, Allen's and Ellison's notion of "democratic citizenship demands of racially subordinated groups that they pursue political projects aimed at making the entire political community more just and free, but it is important to consider whether fulfilling such obligations could come at the expense of their own interests and claims to justice."³³ By trying to be exemplary citizens, Hooker worries that black political activists may simply be fighting a losing battle.

Hooker essentially points to what Jeffrey Spinner-Halev has called an *enduring injustice*. For him, enduring injustices are a special type of injustice; they are radical instances of historical injustices that continue to have negative ramifications for people living even generations after the actual injustice occurred.³⁴ He focuses on three general forms of enduring injustices: exile and dispossession, cultural dispossession, and pervasive discrimination. American racial injustice of the sort Allen and Hooker are concerned with falls under Spinner-Halev's third type. Sometimes, he argues, principles

of liberal justice are enough to guide efforts to rectify enduring injustices (we might think Allen’s emphasis on sacrifice asserts something like this). But sometimes they are not—particularly when we begin to factor in aspects of social and political life that rarely find a place in abstract political theory like, for instance, mistrust between a group of people and government, or a people’s or community’s attachment to land or particular institutions.

This is what I take Hooker’s criticism of sacrifice as a civic ideal to claim. In such cases, not only may non-liberal solutions be necessary to rectify an injustice, but the liberal solution may also exacerbate or perpetuate extant injustices. In other words, by continuing to fight racial injustice with exemplary forms of citizenship, black Americans may end up making things worse for themselves given that acting as exemplars assumes both behaviors that white Americans are not likely to embody and a level of efficacy that American historical lenses have mythologized and distorted. The only way out of situations of deep, enduring injustice, accordingly, may be to break with efforts that attempt to make the “entire political community more just and free” because one group is so disadvantaged that the only way to remedy it is to act beyond the bounds of typical liberal values.³⁵

Sacrifice and Dyett Reconsidered

What does Hooker’s analysis mean for Dyett? Just as she observes about the limits of sacrifice, it is equally important to recognize the limits of her view, which come into focus when put into context of Dyett. While Hooker presents a compelling and important case for the limits of sacrifice as a civic ideal, she falls into the trap of thinking in an

“either/or” framework. That is, even if it is true that sacrifice as a civic ideal has limits in the context of persistent and entrenched racial injustice, this does not entail that sacrifice as an ideal should be rejected out of hand. As members of the Bronzeville community testify, the hunger strikers made striking sacrifices that are a source of pride for their community. As an ideal that explains their actions, sacrifice matters. But it is also not the only ideal at play in confronting injustice, and in some cases it may not even be the most important. Rather, the act of confronting injustice typically reveals that multiple, sometimes conflicting, civic ideals shape and guide people’s actions.

Consider the hunger strike. On the one hand, as I argue above, it is certainly an act of sacrifice. The hunger strikers put their lives on the line to call attention to the ways in which Dyett’s closure harmed their community and how the political machinations surrounding its reopening marginalized and disempowered the very people reopening Dyett was supposed to help. On the other hand, the strike was an act of defiance. The strike was not an effort to cooperate with CPS or with municipal authorities. For Taylor-Ramann, remember, it was the “last straw” that required her community to draw a “line in the sand.” Brown, talking to community members at the beginning of the strike, called it a “referendum on where we live. It’s a referendum on the people in power.”³⁶ Thus, even though the strike utilized the power of the ideal of sacrifice, it hardly seems to impart the trickster’s strategy of “agree ‘em to death and destruction.” In fact, it seems precisely the opposite. As Taylor-Ramann again put it, “we did everything CPS requested and much more,” but they felt burned by exceptions, silence, and delay on the part of CPS. There was *no* time left for agreeing and agreeing and agreeing.

Hooker entertains the possibility of black protests embodying a plurality of meanings when she talks about the complicated politics of performance and reception. For her, this complicated politics suggests that acts are simply misread—what protesters intend to be an act of defiance, an account that values civic sacrifice might be read as deference. But, as she does note, it is also possible that protesters like the hunger strikers intend their acts of protests to have different meanings for different audiences. If that is true, then the proper criticism of an account of sacrifice would be that it, too, describes only a slice of underlying motivations—moral and otherwise—of protesters’ responses to racial injustice. And while noting that an account of sacrifice may be so limited, it also seems much more important when it comes to theorizing about response to racial injustice to think about the different messages protesters intend their actions to have *to different audiences*, as well as what those messages are supposed to accomplish.

For example, sacrifice is indeed important to acts of protest against racial injustice. Consider this excerpt of Jitu Brown’s words to his fellow Bronzeville residents as he and other activists announced the hunger strike:

We’re gonna need your spirit and your energy, because we don’t know how long we’re gonna need to be out here. ... This is a referendum on where we live. It’s a referendum on the people in power. But one thing we’ve learned as organizers is, it’s not about how eloquent we are. It’s not who the people are that you know on the inside. What it’s about is, do you have the will to win?³⁷

Brown and his fellow strikers were about to give up food for an indefinite period of time, taking extreme personal risk in the interest of their community, and they knew they needed support. In positioning their efforts as part of the community’s broader will, Brown reveals how sacrifice plays a civic role *within and for the Bronzeville community* much as Allen imagines. Their actions serve as a way to bond the community together in

the face of injustice. Calling on his fellow community members for their spirit and energy, Brown suggests that the hunger strike—though taken on by only fourteen people—embodied the strength and will of a much larger group of people. Indeed, as Ewing describes, the strikers were rarely on their own as they went about their protest. Sitting outside Dyett in the sweltering Chicago summer, there was a constant flow of people around them, checking in, chatting, and lending their spirit and energy.

“Within and for the Bronzeville community” is key; their sacrifice was not meant for the broader public good. The strikers did not look to revitalize Dyett to improve Chicago Public Schools; they wanted to revitalize Dyett to protect their own community. Given this, we might think that the community to which sacrifice remains a valuable ideal becomes smaller and smaller, particularly as expectations for equal treatment rise and are repeatedly disappointed—especially in America in 2018. After briefly entertaining the idea of a post-racial United States during the early years of Barack Obama’s presidency (conditions which themselves made it harder to talk about unequal racial treatment as race was not supposed to matter anymore), efforts to talk about unequal racial treatment in 2018 can be met with acts of blatant, public racism not seen so clearly for decades. But “going high” in the face of such racism likely results in a dilemma. Continue to sacrifice and white communities like Lincoln Park will continue to reap the benefits of public monies for schools without a thought of reciprocating the burdens communities of color endure in the name of school reform. Forgo sacrifice and run into political opposition whereby it becomes even harder to insert community voice into policy discussions.

This tension is captured within the same opening speech Brown offered as the hunger strike began. Consider the following excerpt, which immediately succeeded Brown's counsel to draw strength from each other:

We don't care that it's a new board. We don't care that it's a new CEO. That's their problem. What CPS has earned is our mistrust. We know that they will lie. We know that they will play the shell game. They've done it. How many meetings have we been in with temporary people in CPS who talk like they're with us and then they stab the community in the back? We're done with that. We were supposed to have a hearing on August 10, and a board vote on August 26, and we want this school. And we want this school as the hub of a sustainable community school village. We want [local elementary schools like] Mollison. We want Till. We want Fiske. We want Fuller. We want them all. And that's what time it is. We don't trust them with our children. We don't trust them.³⁸

This is clearly and definitively *not* the language of sacrifice. This is the language of defiance and disruption. As fellow striker Taylor-Ramann also implicates in her public statements, the hunger strike was meant to *disrupt* what Bronzeville residents saw as broken, rotten democratic procedures that had marginalized their community. Defiance, too, unifies the community insofar as Brown's repeated use of "we" heightens the contrast between those who are struggling and those they struggle against. But his message here is also for district and city officials. It is a statement of claims and demands; the rationale for the hunger strike. CPS lost the community's trust, he claims, through betrayal and broken promises. Enough is enough. We want our schools back.

Interestingly, sacrifice and defiance seem, at least in this case, to be different sides of the same coin. The act of defiance requires sacrifice—a sacrifice that may not be given to a society's citizenry as a whole, but one that is definitely made to a particular community. To disrupt the political status quo in Chicago, Bronzeville activists believed they had to go outside of typical avenues of political action. This required personal risk

and sacrifice. But it was also a demand that district and city officials stop *sacrificing the interests of the Bronzeville community to broader policy goals*. Thus, unlike Hooker's formulation, the practice of sacrificing—in Allen's sense of the ideal—is not wholly divorced or antithetical efforts to the sort of democratic repair Hooker believes is necessary to truly challenge racial injustice. What has changed is the sense of who the sacrifice is made for. Importantly, this realization is driven by situating both Allen's and Hooker's work within the context of claims of injustice. Though both of their work emerges from claims of injustice, it is the continual iteration between theory and experience that brings us to the realization that, as it was in Little Rock and as it is in our current moment, sacrifice and defiance are distinctly intertwined.

That is, there is clear distinction in the intended audience of an act of protest. On the one hand, Brown's language directed at fellow Bronzeville residents emphasizes the sacrifice they will need to make to be successful. If we recall Nia Taylor's understanding of the hunger strike as she entered the reopened Dyett high (or the memorialization of the strike in the school's history), it is also clear that the strikers' actions were received as such by the community. On the other hand, his language directed at district and city leaders projects defiance; he and his fellow strikes must resort to extraordinary measures to gain attention in the political domain. They cannot, as the case makes clear, simply ask for help and expect it to be given. They must fight against democratic systems that, to them, appear unwilling to address the complexity of the injustices facing their community. That is, while we might acknowledge that CPS believed they were addressing educational injustice by closing schools, they would not acknowledge how

doing so further exacerbated other sources of injustice (cultural subordination, political marginalization, among others).

Furthermore, on this reading, sacrifice does not appear to entail the loss of agency about which Hooker worries. Drawing on a conversation taken from Ellison's *Invisible Man*, Allen underscores how sacrifices can be both made and taken. One can either be sacrificed or can choose to sacrifice. The hunger strike illustrates why the ability to choose to do the latter remains a powerful tool. It is an action that Bronzeville residents purposefully choose to do because they felt that traditional political avenues were closed to them. It was also brought their community together, uniting people behind their sacrifice. And while they may not have gotten all that they wanted, the strike provided them a sense of efficacy. As another of the strikers, Monique Redeaux-Smith put it after CPS announced the plan to reopen Dyett: "While we cannot yet claim complete victory, we do understand that our efforts so far have been victorious in a number of ways."³⁹ Though it was not everything they might have hoped, their efforts—their sacrifices—were crucial to ultimately being able to "claim" some sort of victory. The hard truth of *imperfect* democracies, then, means not only must democratic citizens accustom themselves to loss as a matter of course in politics, but also that they must be prepared to take risks to advocate for their interests.

An Ecological Approach

Enmeshing the ideal of sacrifice in the complex dynamics of Chicago school politics helps us see how this concept can be a useful, but limited, tool for addressing educational injustice. In the main, it is important for policymakers to acknowledge the fine but

volatile line between injustice and sacrifice. Those who wish to tackle the challenges facing many of our nation's public schools and school systems—limited resources, aging infrastructure, an imperfect (but human) workforce, disparities in opportunities and outcomes—must consider what they ask those they seek to help to sacrifice. In many cases, such sacrifices will perpetuate another form of injustice, if not in the domain of education, then elsewhere—in the lives of communities or the relations between citizens and those that govern them.

Still, we should not fault reformers like Arne Duncan—or even the host of CEOs that we encountered in Dyett's story—for claiming that the problems facing some of the nation's public schools should be understood as problems that affect all Americans. In a sense, this is the ideal of sacrifice that Allen hopes for. It is a collective responsibility for the cracks, creaky gears, and graver problems facing a democracy. But things rarely ever play out that way—as the case study demonstrates. In fact, situating sacrifice within the Chicago context suggests reveals profound, normatively-significant asymmetries in such appeals. Similar to Shelby's argument that the impulse to self-segregate ought to be understood according to whether it is black or white Americans engaging in the practice, who sacrifices in the name of reform ought to subject to greater scrutiny. Too often, it is not.

But the solution should not be to abandon the importance of sacrifice. Those struggling for recognition and justice should not abandon the ideal simply because they know the chances that their sacrifices will be reciprocated are slim. Sacrifice plays an important role in such struggles, if only because it bonds communities together in the face of injustice. And just because it is difficult to constantly be aware of the slippage

from sacrifice into injustice does not mean policymakers need to give it up either. It is, after all, a hard truth of democracy that the interests of all citizens cannot be satisfied all the time. More importantly, if policymakers start to take the asymmetry of sacrifice in imperfect democracies seriously, they may find that they win back the trust of those they seek to help and perhaps begin to restore an American commitment to collective responsibility for injustice.

Chapter 5

The Ecological Approach and Nonideal Theory

“If we include the victim’s version, not least her sense of injustice, in our understanding of injustice, we might get a far more complete account of its social character.”

Judith Shklar, *The Faces of Injustice*

In the previous chapter, I demonstrated how an ecological approach could reframe and deepen our understanding of the relationship between sacrifice and injustice in the context of school closures. In this chapter, my aim is to demonstrate the value of an ecological approach beyond the Dyett case. My basic claim is that key features of an ecological approach to injustice—the normative environment, the importance of claims of injustice, and ecological validity—are not only useful tools for conducting normative inquiry about specific instances of injustice (like Dyett), but are also useful tools for evaluating the strengths and limits of extant theoretical work on injustice.

At the center of this chapter is a disagreement between Elizabeth Anderson and Tommie Shelby regarding injustice and racial segregation in the United States. Dissecting their dispute, I defend three distinct claims. First, I suggest that the approach Anderson outlines in *The Imperative of Integration* ostensibly aligns more with my ecological approach—particularly through the notion of the normative environment—than does the approach Shelby lays out in *Dark Ghettos: Injustice, Dissent, and Reform*. Second, however, I argue that Shelby’s criticism of Anderson’s argument evinces a broader engagement with people’s experiences of the injustice of racial segregation. Thus, from an ecological perspective, Shelby’s work is more ecologically valid than Anderson’s—despite the affinity between Anderson’s methodological approach and an ecological approach. Third, I argue that Shelby’s work is nonetheless limited by his omission of the actual experiences—the voices, stories, or claims—of the people central to his argument. This omission is troubling insofar as it raises the problem of speaking for others. While an ecological approach does not solve this problem, it does mitigate against it through its insistence on centering the experience of injustice in its formalized analytic model.

Contrasts in Nonideal Theory

Elizabeth Anderson sets out a noble task in *The Imperative of Integration*: as she puts it, “to resurrect the ideal of integration from the grave of the Civil Rights Movement.” She views the shift in priorities of the late-Civil Rights Movement—from redistribution to recognition, from socioeconomic equality to “equality of respect and esteem,” from Martin Luther King, Jr.’s hope for the “beloved community” to black nationalists’ claims for black power and black self-reliance¹—as an understandable, yet misguided move.

White opposition to integration, she observes, is demeaning; why *should* blacks try to live with and around people who despise you simply for the color of your skin? Yet, the turn from integration ignores the fact that segregation is both the fundamental cause of group inequality in the United States and deeply undemocratic. Segregation is so entrenched in these forms of injustice that any hope that social equality can be achieved or that democracy can be sustained in the face of racial segregation should be taken for what it is: an illusion.²

The core of Anderson's argument is quite simple. Because segregation is irretrievably linked to unfair social inequalities and undemocratic practices, integration must reflect the opposite circumstances: greater social equality and more-democratic practices. "Hence," she concludes, "integration is an imperative of justice."³

Although Anderson understands her work to be one of nonideal theory, her work shares little with Rawls's conception of the method. Like Rawls, she explains that her aim is not to produce a framework for an ideally just society, but rather to defend an ideal—integration—that undergirds a framework for a society that is better than what we currently have. Unlike Rawls, Anderson suggests that nonideal theory should not be considered a "derivative" of ideal theory. Normative thinking does not typically follow Rawls's assertion that a theory of an ideally just society is the only way to fully grasp the challenges nonideal societies present. People neither reason from ideal principles when facing real, practical challenges, she claims—echoing Amartya Sen—nor do they need knowledge of the best to know what is better.

Thus, *contra* Rawls, political philosophy should start from nonideal conditions. Anderson offers three reasons why this should be so. First, in a way that echoes but

ultimately disputes Rawls, she claims that normative principles need to reflect the actual “motivational and cognitive capacities of human beings,” not idealized conceptions of either quality.⁴ Second, Anderson challenges the idea that ideal theory serves as a means to diagnose injustices, as it is possible that the injustices we face may not be caused by gaps between actual and ideal institutions or states of affairs. Diagnosing injustice requires a more robust “empirical investigation of the underlying causes.”⁵ Finally, she worries that starting from ideal theory may actually lead theorists to misdiagnose injustices in our nonideal world. Ideal theory assumes a reflective stance positioned in the ideally just society—again, a society that does not deal with any form of injustice. As such, Anderson claims that ideal theory lacks the “conceptual frameworks” needed to explain and address actual instances of injustice.

There is a strong affinity between Anderson’s approach and an ecological approach to injustice. For one thing, she is concerned with a real rather than purely theoretical problem of injustice. For another, her methodological approach bears out her commitment to addressing the challenges posed by actual injustice. She starts from the ground up insofar as empirical findings about segregation are crucial components to her normative conclusions. In her words, she “begins with a diagnosis of a central social problem: the persistence of systematic group inequalities defined along such lines as race, ethnicity, nationality, religion, class, caste, and gender.”⁶ Normative standards enter into her theory by assessing how such inequalities reflect, cause, or are caused by oppressive intergroup relations. She documents how, for example, segregation relates to empirical phenomena like opportunity hoarding and social closure by privileged groups in society.

Although she does not explicitly call attention to the methodological moves she makes once she is involved in her argument, the constant tacking back and forth between empirical research and normative assessments reflects the iterative work common to context-sensitive theory and central to an ecological approach. In particular, that Anderson draws distinctly from normative assessments about intergroup relations and empirical research also recalls what I have described as the normative environment—in particular, the second and third levels I describe in Chapter 3. The result, methodologically, is that she does more than simply situate her theory within a specific context; she both uses that context to shape her understanding of oppressive intergroup relations as well as uses her normative intuitions to shape her understanding of context. A diagnosis, she explains, must lead to a remedy. However, if a remedy fails, it is not only the case that the remedy is wrong, the diagnosis itself may have pointed the theorist in the wrong direction to begin with.

By contrast, Tommie Shelby argues that liberal theorists have all the tools they need to make diagnoses of injustice. His work, *Dark Ghettos: Injustice, Dissent, and Reform*, is perhaps the paradigm example of nonideal theorizing from a definitively Rawlsian perspective.⁷ The influence of Rawls is explicit in Shelby's work. Shelby echoes the Rawlsian claims that nonideal theory is logically dependent on ideal theory; that ideal theory provides "evaluative standards for judging when a social order is seriously unjust"; and that responding to injustice requires first knowing "what makes a social scheme unjust."⁸ Yet compared to Rawls's seemingly lukewarm acknowledgment that ideal principles are only "generally relevant" to the problems of nonideal theory, Shelby issues a more robust assertion of the importance of a theory of justice to nonideal

theorizing. “But with less manifest injustices,” he declares, “or when our political values seem to conflict, or when we’re uncertain about what justice requires, or when there is great but honest disagreement about whether a practice is unjust, in the absence of a more systematic conception of justice we can’t know which aspects of a society should be altered.”⁹ For Shelby, ideal theory provides tools to clearly identify injustice, and to help people make important distinctions particularly in cases where we are unsure or conflicted.

In *Dark Ghettos* Shelby draws on the Rawlsian conception of justice to diagnose the ways in which modern urban ghettos reflect deviations from an ideally just basic structure. He makes the normative argument that black Americans living in urban ghettos are “not simply disadvantaged but *unjustly* disadvantaged.” Weaving together empirical evidence and familiar Rawlsian ideals like fair equality of opportunity, Shelby demonstrates over the course of the book that unfortunately familiar racial and economic inequalities—differences in, *inter alia*, housing, education, family structures, crime, and punishment—are violations of Rawlsian principles of justice. Profound injustices thus “underlie the formation and reproduction” of urban ghettos.¹⁰

Shelby’s approach to nonideal theory is an example of precisely what Anderson rejects and what an ecological approach is skeptical of. He treats ideal theory as an evaluative lens to understand an actual society and its flaws, while nonideal theory ultimately provides the tools for guiding change and addressing injustice. She rejects the need for ideal theory in the first place and suggests that reasoning from ideal principles reflects an unnatural or atypical sort of normative thought. From an ecological perspective, Shelby works from out-to-in, prioritizing the normative imaginary as a

framework for understanding both empirical contexts and claims of injustice. By contrast, an ecological approach favors an in-to-out-and-back-again approach that prioritizes starting from claims of injustice and working out to the normative imaginary and back again. There, the different levels are interdependent of each other, rather than dependent on each other as Shelby maintains. Methodologically, then, Anderson's work is more closely aligned with an ecological approach. But, as we will soon see, simply starting from empirical data does not mean that one is also sensitive to the complexity of injustice.

A Brief Aside: Rawls and the Ideal-Nonideal Theory Distinction

It is worth noting that part of the reason such disparate notions of nonideal theory as Shelby's and Anderson's exist emerges from Rawls's *A Theory of Justice*. As such, it is insufficient to deal with the methodological differences between Shelby and Anderson by suggesting that Shelby is *really* doing nonideal theory and Anderson is doing something else (or vice versa). As a growing chorus of liberal theorists suggest, the ideal-nonideal theory distinction reflects a number of methodological positions that are best thought of as situated along a continuum rather than a hard and fast distinction.¹¹ A wide range of work thus finds home under the auspices of nonideal theory, and Rawls himself is partly the cause of such an inclusive house. That such is the case suggests that what appears to be a simple distinction in Rawls's theory belies a more fundamental complexity.

The distinction starts out simple enough. Recall that, for Rawls, ideal and nonideal theory form two parts of complete theory of justice. Ideal theory outlines a conception of a perfectly just society while nonideal theory addresses the "more

pressing” issues of injustice that comprise the world we live in. Rawls asserts that ideal theory is conceptually prior to nonideal theory, insofar as knowledge of the standards a society should seek to uphold are necessary for both identifying injustices and developing morally justifiable responses to injustice.¹²

Rawls is well aware that no perfectly just society of ideal theory currently exists and has never existed in human history—hence he understands the distinction as a conceptual device. As a conceptual device, the ideal theory serves as a fixed point for social reform: it describes the society that people should attempt to achieve if they are able. However, people move toward that point starting from conditions that are, for various and often many reasons, unjust. Ideal principles are what enables us to explain why those conditions are unjust, but one cannot, Rawls notes, simply apply the principles derived for an ideal society to a nonideal society, as ideal principles are not conceived with unjust circumstances in mind. Yet he suggests that for such a purpose, ideal principles remain, at best, only “generally relevant.”¹³ In other words, a normative conception of justice is important for wrestling with the challenges of actual political life, but it is not entirely sufficient for doing so.

Rawls treats ideal principles as rather coarse tools for engaging the normative challenges of nonideal conditions. People have a “natural duty to remove injustice,” he explains, and they should prioritize the injustices that reflect the greatest deviations from the ideal conception of justice. But such estimations are largely made by “intuition.” That is, it is possible to have a reasonably clear picture of what justice demands based on an ideal conception, but the extent and complexity of actual injustices—not to mention the

fact that there may be multiple concurrent violations of different dimensions of justice—will make decisions about which injustice to prioritize incredibly difficult.¹⁴

One could argue that Rawls's lexical ordering of his two principles of justice provide grounds for making these decisions. That is, violations of the first principle supersede violations of the second principle. But Rawls is right to note that these principles are likely only generally relevant. It may be very difficult to determine whether a particular injustice is uniquely a case of unequal liberty, unequal opportunity, or some violation of the difference principle. Rather, many, if not all, real world injustices probably involve violations of some combination, if not the entirety, of Rawls's basic principles. Thus, we should be rightly concerned—just as Nancy Fraser is—that addressing one distinct violation without attention to other violations may exacerbate the extent of those other violations. While Rawls's lexical ordering is a clean conceptual device, it may be less of a diagnostic tool for actual injustices than liberal theorists often suppose.

Rawls even suggests that nonideal conditions may necessitate breaking with ideal principles of justice in order to achieve a greater coherence with them in the future. For example, recall that Rawls's theory establishes two principles of justice: equal liberty and the combined principle of fair equality of opportunity and the difference principle. Considering nonideal circumstances regarding unequal liberty, he suggests that a nonideal commitment to justice may support momentary inequality in political liberty or the right of fair equality of opportunity. But it can do so only if forgoing these freedoms, even if for only some people, would likely “transform a less fortunate society into one where the equal liberties can be fully enjoyed.”¹⁵ That is, such compromises in equality

and liberty are made in order to promote the prospects of ideal justice. This suggests a degree of pragmatism to nonideal theory insofar as nonideal theory accepts that there are costs to transitions to more-just societies. Moreover, that Rawls goes as far as to contemplate the many ways nonideal conditions could challenge the direct application of ideal theory also suggests that the development of nonideal theory and its relation to ideal theory is a harder puzzle than the simplicity of the distinction assumes. For my purposes, it also means that both Anderson and Shelby can find ample justification for their work as nonideal theory from within Rawls.

Ecological Validity, Segregation, and Injustice

Despite the affinity Anderson's approach shares with an ecological approach, there are strong reasons to believe that Shelby ultimately offers an argument that is more ecologically valid than Anderson. That is to say, while one may appreciate Anderson's robust support for integration, they may feel equally ill at ease with the fact that she so easily dismisses what seems to be—even from the get-go—a range of reasonable and justifiable claims about the injustice of segregation *and* integration. Her quick dismissal ultimately results in a theory that does not fully align with the circumstances of racial segregation in the United States. To explain further, let us dive into the weeds of their dispute.

The crux of the dispute between Anderson and Shelby has to do with Anderson's contention that justice requires integration. Shelby disagrees. He claims that integration can violate the Rawlsian notion of the duty of justice: the moral requirement "that each of us respect and support just institutions, particularly those that lay claim to our allegiance

and from which we benefit.”¹⁶ Even when social conditions are severely unjust, Shelby observes, it remains true that “the duty of justice still has a claim on us.” As a corollary, if conditions are unjust, people have a duty to try to bring about just conditions. In its strongest form, this duty *requires* people to reform unjust institutions. This duty even extends to those who are oppressed by unjust conditions, he argues, despite the fact that they may bear no responsibility for the injustice that exists. In its weakest form, the duty of justice requires that we are not simply indifferent to injustice. Applying the weak form of this duty to those who perpetrate or are complicit in social injustice likely forces them toward the stronger duty insofar as if they truly care about avoiding injustice, and they recognize they are creating or perpetuating it, they ought to at the very least cease their actions that contribute to making conditions unjust.¹⁷ For those who bear the weight of injustice, the weaker form of the duty of justice demands that they not simply accept the way things are—they can at least register their dissent with the status quo.

On his account, the duty of justice presents a problem for “new integrationists” like Anderson. Shelby takes up empirical evidence about black Americans’ residential preferences to dispute Anderson’s empirical diagnosis of segregation, highlighting asymmetries in the motivations and outcomes of self-segregation. He argues that black self-segregation does not always violate their duty of justice, and in fact, may be a form of political resistance to other forms of social oppression.¹⁸ This is because, for blacks who are disadvantaged when whites participate in opportunity hoarding or social closure, those same phenomena may function as defense mechanisms against injustice or as efforts to resist oppression and injustice. In other words, the duty of justice may support blacks who self-segregate when it is undertaken as an “ethic of resistance to injustice.”¹⁹

Black self-segregation can thus be a response to injustice, not a further perpetuation of injustice.

The theoretical implications of Shelby's analysis follow a simple and straightforward logic. If justice supports self-segregation of blacks under conditions of injustice, then, by definition, it cannot also be true that integration is an *imperative* of justice. Similarly, if self-segregation of whites is clearly an injustice, then it is equally clear that self-segregation cannot also be an imperative of justice. A nonideal theory of justice, Shelby argues, must account for this conclusion.

In particular, Shelby suggests that a nonideal approach to racial justice requires “desegregation, social equality, and, importantly, economic fairness.” Such an approach—what he calls an “egalitarian pluralist vision”—favors flexibility and preserving the agency of marginalized communities in responding to the injustices of segregation.²⁰ Preserving this agency is important because it helps realize the values of social equality and economic fairness in ways that a blanket opposition to segregation does not. Shelby takes issue with what he calls the social capital argument that is at the core of the new integrationist argument. The social capital argument claims that desegregation is not enough to counteract the unjust racial inequalities because it does not fully address social capital deficits that disadvantage black families. As both Anderson and Shelby note, social capital—the social ties people form with both people in their own community and outside it, across which knowledge and access to various social, political, and economic opportunities are shared—comes in two forms: bonding and bridging capital. Bonding capital describes relationships among people who share certain characteristics (like race), while bridging capital describes relationships among people

with different characteristics. Anderson argues that while segregation may promote intraracial bonding capital, it sacrifices interracial bridging capital. This is the root of the injustice in segregation on her account, as bridging capital is necessary for social equality and economic fairness. Shelby thinks that Anderson overstates this point for several reasons. Importantly, his criticism along these lines points out how Anderson's argument fails to achieve ecological validity.

First, the new integrationist view fails to truly realize social equality because it reduces social relationships into economic relationships. This is problematic because people do not always build social relationships simply for access to knowledge or opportunities. This is not to deny that this is sometimes the case—networking is a prime example. However, Shelby suggests that the conversion of all social relationships into a form of socioeconomic utility turns a “lamentable fact about social life to something we should positively embrace and foster.” Access to knowledge or opportunity should instead be regarded as a “by-product” of social relationships, he maintains, and not as the primary basis of such relationships.²¹ In other words, new integrationists at best prioritize certain aspects of social relationships above others, or, at worst, *idealize* social relationships as fundamentally economic relationships.

Second, Shelby suggests that the “neoliberal conversion of personal relationships into economic assets” positions social relationships as an economic resource regulated by principles of distributive justice and, hence, the state. For one thing, he observes that “making an individual's success in building such relationships a condition for material well-being” does not treat people with the respect they should receive as free persons as it reduces all of us to some sort of commodity others seek to acquire for their own gain.

This violates very basic notions of justice. For another, Shelby suggests it is a “roundabout” way of achieving economic justice. Rather than direct methods of redistributive tax schemes or social welfare programs, the state could conceivably “forge” mixed-income communities which would, over time, indirectly contribute to economic redistribution. “Skeptics could be forgiven,” Shelby explains of such a proposal, “if such a scheme struck them as a way for the affluent to hold on to their unjust economic advantages.”²² Thus, the new integrationist view either completely fails or, at best, offers a circuitous route to economic fairness.

Shelby’s observation here is a striking mirroring of Anderson’s initial rejection of claims that self-segregation could lead to a democratic society of equals as merely an illusion. She points out how such claims feed right into conservative agendas insofar as accepting segregation “reduces the pressure on whites to integrate their social spaces.”²³ But Shelby points out that without some form of meaningful economic redistribution, simply integrating social spaces will (at least initially and likely long-term) enable affluent whites to maintain their unjust distributive advantages.

From an ecological perspective, Shelby’s attention to economic fairness as a distinct goal alongside social equality is important. Recall that in the Dyett case, Bronzeville activists made similar claims. It was not simply the case that district officials poured resources into Lakeview or built an annex for Lincoln Park while closing schools in Bronzeville, but also the case that white parents could advocate in common political spaces for such ends while black parents had to conduct a hunger strike to call attention to their cause. Treating these goals as analytically distinct is important to capture people’s experience of racial injustice. By rolling them together in the case for integration,

Anderson downplays how communities experience economic unfairness and social inequality—Jitu Brown did not propose sending Bronzeville students to Lincoln Elementary, he demanded that the city provide the same sort of supports for Bronzeville children.

Finally, Shelby objects to how the new integrationist view values bridging capital over bonding capital. He points to the many valuable forms of bonding capital that disadvantaged blacks already possess, and notes that new integrationists assume that blacks will be able to recreate such relationships in integrated communities. He is (rightly) skeptical that such relationship will always form. Living next to someone does not entail that they will form a positive relationship with you, and there is no way the state can compel such relationships without violating basic freedoms. Thus, integration forces blacks to sacrifice the social capital they have with no guarantee that they will be able to form new, equally valuable relationships in their integrated neighborhood. Moreover, the new integrationist view may inadvertently reinforce the symbolic importance of white, socioeconomically advantaged people over black, socioeconomically disadvantaged people insofar as whites may start to view their privilege as something they can “dole out” to blacks. This, in turn, may buttress the existing illegitimate social hierarchy in which whites continue to exert unfair power over black lives.

As if these reasons are not enough to reject the new integrationist view, Shelby also underscores the reasonable degree of uncertainty blacks may have when it comes to confronting racial injustice. Increased interracial contact may lead to the breakdown of harmful racial stigmas and the lessening of racial conflict over time, but the immediate

effects—as history has demonstrated over and over—are often increased hostility, harassment, and violence. In other words, blacks not only cannot be sure they will be able to reestablish valuable social relationships with their neighbors, but they also face the real threat of physical harm. Anderson is confident that the only way to overcome white racism is to increase racial contact, but Shelby suggests that blacks cannot be confident that everything will turn out in the way she predicts—the social science evidence cannot support such confidence. At the very least, he observes, existing social science presents a less certain, more complicated view than what Anderson argues. Thus, it is completely understandable that blacks would want some protection in case integration efforts go awry—for as the disadvantaged minority they face far greater risks than whites in this process. “No plausible interpretation of the duty of justice requires such self-sacrifice and heroism on the part of the oppressed,” Shelby observes.²⁴ Prioritizing the agency of disadvantaged black men and women when it comes to responding to injustice is thus compatible with the duty of justice, and it protects such people from bearing too much of the burden of mitigating injustice.

The egalitarian pluralist view that Shelby espouses thus favors a different sort of public policy than what new integrationists like Anderson support. By emphasizing the potentially harmful aspects of integration for socioeconomically disadvantaged blacks, Shelby provides a compelling case for why integrative policy epitomized by efforts like Chicago’s Gautreaux program (which provided a limited number of vouchers to inner city residents that enabled them to secure housing in more socioeconomically advantaged neighborhoods) should not be a model to mitigate the injustice of urban ghettos. While such programs may offer (some members of) the ghetto poor better life prospects through

access to networks of socioeconomically-advantaged people, they require the already-disadvantaged to take on risks and accept burdens that they can, on Shelby's account, reasonably and justifiably reject. Hence, at a policy level, egalitarian pluralists prefer developing urban communities and including the residents of those communities in decision-making processes so as not to leave "these community matters to politicians, more advantaged residents, and private developers."²⁵

There are two ways to interpret the difference between Anderson's and Shelby's positions. First, the difference is, I think, an example of the two different levels of engagement with injustice at work. Throughout *Dark Ghettos*, and much of his other work, Shelby is sensitive to behaviors manifest in the ghetto poor that society often deems to be "deviant." Something similar drives disagreement about school closures in the Dyett case. Many Americans—mostly middle- and upper-class—have trouble understanding why majority-black communities like Bronzeville defend schools that others view as failing. Such defenses seem to stubbornly perpetuate injustice, but as we have seen, such a defense is typically a response to other forms of injustice. Similarly, Shelby defends many behaviors that others deem deviant as justifiable responses to injustice—particularly when the basic structure of American society is fundamentally unjust. In other words, he takes seriously the imagined, collective cry, "Hold on. It is certainly unfair that I live in the disadvantaged circumstances that I do, but it is *also* unjust that the same society that created these conditions wants to tell me how or what I should do to escape them."

By contrast, Anderson draws on injustices that emerge from empirical research and social theory that describes, names, and characterizes broad social patterns.²⁶ She is

clear that she is concerned with unjust intergroup relations, and to explain them she turns to empirical research. Attention to empirically-observed patterns is an important part of any project that theorizes about injustice, but focusing one's attention primarily on broad patterns is a good way to see only the forest when the trees matter, too. Shelby's objections to new integrationist arguments on the grounds that such arguments overvalue bridging capital compared to bonding capital and overlook the degree of reasonable uncertainty blacks may have about their well-being when moving into white neighborhoods are two cases in point. While the complexity and challenge of thinking about injustice lies in its particularity—and are likely to quickly illuminate concerns about say, uncertainty—empirical research and social theory deal primarily in generality. Ecologically valid theories of injustice, as I propose earlier, need to be attuned to both.

A second option is that the difference between Anderson's and Shelby's positions amounts to confusion about ideals and strategies. For one thing, Anderson and Shelby ostensibly favor a similar fundamental ideal: a just, democratic society of equals. They agree that racial segregation enacted by white Americans is unjust. Shelby does not even reject an integrated society as down-the-road goal for a multiracial, multicultural democracy like the United States. But, on his account, liberals should focus their energies on abolishing class hierarchies rather than searching for some "efficient way for antagonistic social classes to live more peaceably among each other."²⁷ The "natural by-product" of such work, he insists, would likely be the "integrationist ethos" that Anderson treats as the means to achieve a just, multicultural society.²⁸

These points of agreement suggest that what is really at stake in the Anderson-Shelby argument are the morally justifiable *strategies* for achieving a democratic society

of equals. Indeed, the payouts for both arguments are public policy possibilities. On this reading, Anderson, in particular, confuses integration for an ideal when it is actually a means of achieving an ideal. That is, an integrated society is a proxy for a society of equals on Anderson's account. Shelby, by contrast, is skeptical of this view. An integrated society does not just appear overnight, it is a *process* that requires increasing interracial contact through deliberate attempts to break up different forms of segregation—residential, educational, etc. Evidence suggests that it can go as badly as it is theorized to go well, and those who suffer are the already disadvantaged, in this case, black Americans. The better option, Shelby argues, is to empower those disadvantaged by racial segregation; they should be able to integrate if they choose, but a just (or more-just than the current status-quo) society would also provide supports for blacks who did not wish to risk the potential harms of integration.

As historians are apt to say, the truth is probably a little bit of both these readings. Anderson surely does treat integration as an ideal when it is better conceived as a strategy—the reason an integrated society is desirable is *because* it theoretically reflects an equal (or more-equal) society than the status quo, but the ideal is a society of equals, not an integrated society. Her position is understandable, however, as her methodological approach values concrete ideals over abstract ones. She explicitly asserts that she wants to avoid arguing for a utopic vision of society, which a society of equals may well be. An integrated society, by contrast, is not yet a society of equals, but it is likely closer than what exists now. One could be forgiven for treating it as a properly “nonideal” ideal.

But Shelby's openness to a wider range of experiences of and responses to injustice also drives his argument with Anderson. Consider, for example, that in a review

article of *Dark Ghettos*, Anderson suggests Shelby misinterprets the new integrationist argument—he is wrong to suppose that the “new integrationist argument places a special moral onus on ghetto residents to move to racially integrated neighbourhoods.” Like Shelby, new integrationists argue that “*white* self-segregation (emphasis in text)” is the fundamental injustice.²⁹ However, Anderson’s defense misses the point. Even though her position is meant to account for the asymmetries in racial segregation, recall that she explicitly dismisses black nationalists’ and left multiculturalists’ claims that racial equality can be achieved despite segregation as “an illusion.”³⁰ In other words, the new integrationist account does not hold that black self-segregation is unjust, but it does suggest that the choice to do so perpetuates injustice. Thus, she essentially excludes black ghetto residents’ justifiable choice to self-segregate as a response to injustice from the outset. Shelby, by contrast, takes those claims seriously, and it leads to a much more nuanced argument about segregation than what Anderson offers.

One might further quibble with Anderson that if her policy solution is to force white families to do the bulk of the work of integration, she moves herself further away from a nonideal theory of racial justice that offers actionable guidance for the current state of affairs in the United States. It may be entirely right that the burden for integration should rest on whites, but it may equally be challenging to realize such a goal. And, unfortunately, it is not simply a matter of political will. It would require revising established American legal precedents in addition to devising effective policy strategies within a political system in which power is split between federal and state authorities. As Shelby observes, racial inequality is baked deeply into the institutional structure of the

United States. It is simply a massive undertaking to change that fact, and thus reflective of a surprisingly demanding normative theory.

Either way, Anderson faces a challenge when it comes to ecological validity. In my earlier discussion of ecological validity in Chapter 3, I proposed that simply focusing a theory on an actual problem and situating one's normative judgments in social, cultural, political, and historical context is not enough to establish ecological validity. A theory must render judgments that are relevant when they are most needed. On this account, Anderson sounds much like city and district officials in Chicago who ask black residents to sacrifice again and again to make the city's schools better, even though black Chicagoans disproportionately experience the burdens of the city's struggling education system in the first place. Anderson similarly argues that integration must proceed despite the injustices that already-disadvantaged blacks experience in the United States and the fact they will likely have to sacrifice even more to make integration work. A muscular, inflexible demand for integration, as Shelby points out through his analysis, will thus not necessarily reduce or mitigate injustice (particularly in the short-term). Put another way, the fact that racial injustice is so deeply entrenched in American society likely requires a different balancing of values than what Anderson proposes. As Shelby suggests, it is as important to protect and sustain the agency and dignity of blacks as it is to directly confront racial segregation—for racial injustice is a cause or threat to each.

Injustice and the Problem of Speaking for Others

However, as Lucius Outlaw observes in a review of *Dark Ghettos*, for as much as Shelby compellingly argues for the “agency of the oppressed,” their voices are nowhere to be

found in Shelby's arguments. Of Shelby, Outlaw writes: "for all of his laudable concern to argue for respect for the ethical agency and duty-bound commitment to self-respect of dark ghetto denizens, it is Shelby who makes the case *for* them. They are subjects *of* his discursive effort; they are not subjects *involved in and contributing to* the discourse regarding them (emphasis in text)." Outlaw suggests that even though Shelby positions himself as a political philosopher working in "service to dark ghetto residents," his doing so is "self-assigned," that is, "without any evidence that those on whose behalf he argues have authorized him to speak for them."³¹ From an ecological perspective, this omission is troubling insofar as an ecological approach centers claims of injustice—typically conceived through the voices of those closest to or directly affected by injustice—at the heart of its analytical model. Examining Outlaw's criticism of Shelby demonstrates why situating such claims is vital for forms of context-sensitive, nonideal theory.

To be fair, it is also worth acknowledging that Anderson cannot escape Outlaw's criticism either. In her review of *Dark Ghettos*, for example, Anderson argues that the long waitlists for programs like Gautreaux reflect the preferences of blacks for integrated communities. Here, she not only interprets their behavior based simply on their participation in a program, but she also does so in a way that conveniently advances her own argument. And she may be wrong. Just because people sign up for a voucher program does not mean they value the voucher because it is a ticket to an *integrated* community. In fact, given the constant threat of eviction for poor tenants in the United States, the ability to secure stable housing—regardless of where it is or who one lives around—may be vastly more important than securing integrated housing.³² The housing

vouchers in these types of programs are essentially a ticket to such a resource. Housing, not integrated housing, may well be the driver of these waitlists.

Outlaw, however, focuses on Shelby. He juxtaposes Shelby's analysis with one of Shelby's own inspirations (for which the book is named): Kenneth Clark's *Dark Ghetto: Dilemmas of Social Power*. Clark's book opens with a prologue that consists of thirty-two quotes from residents of urban ghettos which, as Shelby describes, "reflect on their plight and register their strong dissent from the status quo, condemning racism and discrimination, economic inequality, and exploitation, lack of access to decent education, police brutality and harassment, inadequate protection from violence, political marginalization, media representation of black life, and American imperialism." Outlaw emphasizes Shelby's appraisal of how ghetto residents are positioned in Clark's study: "In Clark's text, the ghetto poor are treated as agents of social change, as playing a central role in rebuilding their communities, and as taking the lead in reform efforts."³³ In his *Dark Ghettos*, Shelby argues that the ghetto poor should have this status, and he defends the normative grounds for why it should be so (for example, consider his defense of marginalized communities' agency in responding to injustice). But Outlaw points out that if Shelby really wants to treat the ghetto poor as agents of social change as Clark did, it is not enough to simply argue they should be—their voice should also be involved in the creation and justification of normative arguments as well, just as their voices framed Clark's arguments.

Outlaw's criticism is more complicated than it appears. In one sense, he challenges Shelby's argument because Shelby does not include the voices of those people he assumes to write for. If this were simply the case, then all Shelby need do is include

these voices (and hence, incorporating the sense of injustice) in his theoretical project. But in another sense, the problem is that Shelby *interprets* their behavior; again, as Outlaw puts it, “They are subjects *of* his discursive effort.” This part of Outlaw’s challenge cannot be solved simply by including the voices and experiences of the ghetto poor into Shelby’s theory. Shelby still has to interpret what they say and do, and insofar as that is true, he does so from his position as a black man and as professor of political philosophy at an elite institution, a positionality—understood as a person’s social identity, particularly in relation to others—that both shares some characteristics with his subjects but is also notably different. However, while including the voices and experiences of the ghetto poor may not solve this problem, it does help.

Before explaining why, I want to pause and acknowledge that the ground I am about to cover is fraught—filled with opportunities to royally screw up.³⁴ In particular, it may seem inappropriate that as a white male doctoral student (in a dissertation, no less!), I am taking up criticism of an eminent black philosopher for speaking for black people (by another eminent black philosopher) in order to advance my own argument. To that end, I want to be clear that I bring up Outlaw’s criticism of *Dark Ghettos* to draw attention to the concern it represents as a problem that is endemic to political philosophy—including and especially forms of nonideal political philosophy like my ecological approach. Because forms of nonideal theory require an engagement with facts of the world as well as actual injustices, and because they aim to guide action in actual contexts, philosophers will always be engaged in some degree of interpretation of people’s actual experiences of injustice. They will transpose those experiences into their own arguments and may position their arguments as a form of civic activism benefitting

the subjects of their theory.³⁵ And they will thus run into the problem of speaking for others more often than not. Engaging with people's sense of injustice—that is to say, drawing real, multiple, conflicting claims of injustice into the structure of one's theory—will not enable philosophers to avoid this problem. It will, however, enable them to mitigate it. The question, then, is “How?”

The problem of speaking for others is not new. Linda Alcoff, in an article aptly named “The Problem of Speaking for Others,” calls attention to the discursive challenges surrounding this problem. She identifies two separate sources of concern with the practice. First, a person's positionality affects the “meaning and truth of what one says.” Second, privileged persons speaking for less privileged persons can be “discursively dangerous” insofar as doing so may perpetuate or even worsen the conditions of oppression the people spoken for face.³⁶ Outlaw, for example, seems to have both of these concerns in mind when he criticizes Shelby. On the one hand, Outlaw challenges the accuracy of Shelby's argument: it “suffers from the anemia of analytic abstraction and socially distanced interpretation.” Given this distance, Outlaw doubts that Shelby's claims would align with the “self-understandings” of the black ghetto residents. On the other hand, Outlaw worries that Shelby's defense of self-segregation on the grounds that it reflects an ethic of dissent and resistance to injustice are not truly “educative.”

Educative theory challenges people to reflect on their beliefs and actions. In sanctioning certain behaviors, Outlaw suggests that Shelby may not provide ghetto residents with the tools they really need to combat injustice.³⁷ Following Shelby's ethic of dissent and resistance may thus do little to change the status quo.³⁸

But if this true of Shelby, it is likely true for many other philosophers. In his own criticism, for example, *Outlaw himself* provides very little evidence—including the voices of black ghetto residents—to support his challenges to Shelby’s argument. Indeed, the problem of speaking for others is endemic to the work of a philosopher. As Alcoff points out, philosophers and social theorists are “authorized by virtue of our academic positions to develop theories that express and encompass the ideas, needs, and goals of others.”³⁹ But she wonders if this is indeed a legitimate authority. If it is not, then it would seem that the entire prospect for doing social theory, political philosophy, and many other related fields would be doomed. It would thus be a mistake to turn away from this work simply because of this problem. There is a deep human interest in understanding ourselves, others, and the world around us better. The creation of knowledge—what academics do—is thus a vital human practice. The more interesting question, then, is how intellectuals do their work in a way that acknowledges and seeks to mitigate the pitfalls of speaking for others.

Alcoff ultimately suggests there are three ways to respond to the problem of speaking for others. The first response she considers is what she calls the “charge of reductionism,” the acceptance that a person’s thoughts and interpretations are determined by their positionality. One’s location as a speaker is thus seen as seen as “an insurmountable essence that fixes one, as if one’s feet are superglued to a spot on the sidewalk.” But this view, as Alcoff rightly comments, is false. It is one thing to say that positionality “bears on” the meaning and truth of what one says, but it is entirely another to say that what one says is entirely dependent on one’s positionality. To do so, for that matter, is to assume that one’s identity—and hence positionality—is entirely fixed, when

we know this is not true. Philosophers and theorists of identity have, for example, demonstrated the ways in which individuals maintain plural identities, drawing on different aspects of the person at different times while also acknowledging that these identities may even change over time.⁴⁰

The second response is to retreat from attempts to speak for others. This is more complicated than the charge of reductionism. The idea undergirding this response is that by retreating from the attempt to speak for others, particularly marginalized and oppressed groups of people, intellectuals can promote more receptive listening practices that include the actual voices of marginalized and oppressed people. When this is possible, retreat appears a perfectly reasonable response. But, Alcoff warns, retreat may not always lead to more receptive listening, and may in fact contribute to a “narcissistic yuppie lifestyle in which a privileged person takes no responsibility for her society whatsoever.”⁴¹ Furthermore, some rationales for retreat that favor speaking only for oneself rest on the mistaken assumption that an individual can withdraw into one’s own self enough to avoid affecting others (a view that starts to border on an odd solipsism). Or, she also cautions, the retreat to speak only for oneself is motivated by an illusory hope for a “method or practice immune from criticism”—because I speak my truth it is unassailable.⁴² This only serves to obscure an intellectual’s power.

The final option, which Alcoff favors, has its origins in work by Gayatri Spivak. Spivak challenges the ideal of opening up space to simply “listen to” oppressed or marginalized people. Rather, intellectuals should aim for “speaking to”—a stance in which intellectuals neither assume the authenticity of their claims (both because of or in spite of their positionality) nor retreat from an attempt to make them. Speaking to others,

Alcoff maintains, opens up opportunities for dialogue and importantly treats the subjects of an intellectual's thoughts, ideas, and theories as legitimate partners and critics. Still, she cautions that "speaking to" may easily slide into "speaking for," particularly if one does not find space for others to speak. Even though she acknowledges that, following Spivak, the claims of oppressed or marginalized people may not always be emancipatory or even true, the act of speaking itself can be empowering. Speaking "constitutes a subject," she observes; for dialogue to even be possible, one must have an other to speak to and with.⁴³ Thus, even when acts of interpretation speak for others, the inclusion of opportunities to simply speak will likely lessen the dangers and costs of such interpretive work.

This is so for two reasons. First, including people's voices within a theory "constitutes" them as subjects, much the same way Alcoff suggests that simply speaking does. Outlaw is thus right to point out that Shelby's subjects are invisible in his text—in the example above, we know them almost interchangeably as "disadvantaged blacks" or "the ghetto poor." These are unfulfilling terms, disembodied and analytically anemic—though I have admittedly followed in using in my exegesis of Shelby's argument. But we do not know who the people at the center of Shelby's argument really are. From the perspective of an ecological approach, that matters.

It matters because once we know who we are talking to and what claims they make, it is possible to engage them as dialogic partners. Philosophers should be good at this. For as much as philosophers are accused of conducting inquiry from the confines of their armchairs, many of us argue that we are not alone when we think and write. We are surrounded by friends and critics: other philosophers in the form of texts. Indeed, much

of this chapter follows this sort of work insofar as it is an engagement with a series of thumbed and annotated texts, old and new. We might well wonder whether this familiar process is truly different from engaging with non-philosophers' claims and experiences of injustice.

Moreover, engaging with the people's actual experiences of injustice through their voices and claims may discourage philosophers from using disembodied terms like "the ghetto poor" in the first place. Such terms obscure what are likely deep disagreements among the people that comprise the group outside of the term's analytic life. To his credit, Shelby acknowledges this diversity of opinion. He concedes that there are ghetto residents who desire to live in integrated housing. Their conception of the injustices of segregation may be different than their peers—they may, for example, not experience the burdens of integration as too much to bear and thus reject claims of the injustice of policies that ask the already disadvantaged to make further sacrifices for resources and opportunities. But when terms like these are the subject of a theory, philosophers are more likely than not to gloss over the rich heterogeneity of people lumped together under them.

Still, engaging with embodied subjects as dialogic partners does not make the problem of speaking for them go away. Philosophers still must interpret, critique, and argue. But by taking an ecological approach they may mitigate the challenges that come with this work—including important concerns about disempowering the very people their arguments seek to support. More than other forms of nonideal theory, its formalized analytical model requires that philosophers start from claims of injustice, thereby forcing theorists to take the sometimes uncomfortable steps of engaging directly with the people

who experience the normative challenges that comprise much of the work of political philosophy.

And, as my analysis of Dyett case study in this dissertation demonstrates, people's claims are neither offered nor presented in the abstract. They come from people embedded in particular contexts, who face particular social realities, and respond in their own particular ways. This is part of what makes claims so unique. For example, it is fascinating that Jitu Brown does not criticize Lincoln parents for advocating for their children. He sees common ground with them, despite the fact that their efforts diverted resources to a resource-rich school and away from resource-poor schools. And that bridge helps direct his criticism toward municipal decisionmakers, who Brown thinks should be willing to listen and respond to the interests of black communities just as they do for white communities like Lincoln Park. In starting from actual claims, offered by actual people, theorists can take the important step of constituting those they think and write about. That is to say, Dyett is not a story of a homogenous, undifferentiated black community fighting against faceless, nameless bureaucrats. It is the story of people like Jitu Brown and Jeanette Taylor-Ramann, and of people like Forrest Claypool and Michele Smith.

Coda

They can't just take it, right?"

Mina, *Marshall School Parent*

To return to Jitu Brown, Jeanette Taylor-Ramann, Forrest Claypool, and Michele Smith brings us full circle, so to speak. If there is a single thing that I hope one gleans from my analysis in this dissertation, it is that my account of an ecological approach is an attempt to focus political theory on people's claims and experiences of injustice. An ecological approach is thus very much a people-focused approach, in a very direct way that many other approaches are not. From the analytical model at the center of the theory to the concept of ecological validity I introduce, the experience of injustice is central. Though there are multiple possibilities for doing so, nonideal theories that do not substantively and meaningfully engage with people's experiences of injustice are limited in reach and applicability—precisely the aims that make nonideal distinct from ideal theory.

This is why, I think, Judith Shklar has so much to offer those theorists who value thinking about nonideal questions. In *The Faces of Injustice*, she writes that her aim is to, “shorten the distance between theory and practice.”¹ Indeed, her thinking there and across her work is largely concerned with the seemingly quotidian aspects of political life: our *ordinary* vices, the idiosyncratic expectations we have of each other, or our various and conflicting experiences of injustice. Time and time again, she reminds us that philosophers overlook such dimensions of political life in their search for perfect political systems or standards of political conduct. But doing so ignores not only the importance of such seemingly small, straightforward, or theoretically simple things to political life, but the important normative insights that paying attention to them can reveal.

While I have pointed out my own objections to her reliance on victimhood, Shklar’s insistence that philosophers and politicians ought to take the voices of victims seriously in order to fully attune themselves to the complexity of injustice is another example of her ability to reveal the depth and detail contained within our everyday actions. The ecological approach I have proposed is a theoretical methodology meant to unlock such insights. Essentially extending Shklar’s analysis of injustice, I have shown how taking claims of injustice seriously through an ecological approach reframes and refreshes (1) how theorists and policymakers ought to make sense of school reform policies like school closure; (2) how sacrifice and injustice relate to each other; and (3) how nonideal theory can engage with the real challenges injustice poses. Taken as a whole, this is not a trifling amount of theoretical labor that emerges from a simple invocation to take injustice seriously.

Bernard Yack argues that Shklar’s care to put injustice first, underscores a “more pluralistic vision of liberal pluralism, one that does not rest on strained and implausible claims about the underlying consensus about justice.”² I do not disagree with him, but we might also note that by putting injustice first, we may ultimately arrive at a more *human* vision of liberal pluralism—one that incorporates the peculiarities of human political action alongside our more rational moments. Shklar laid the foundation for such an approach in *The Faces of Injustice*, but she never finished the task. I have humbly attempted to give it methodological clarity here.

In doing so, I find myself calling attention, once more, to Mina, the Marshall school parent who, in effect, helped me find this rabbit hole. My interest in describing *how* political philosophy can take seriously the claims of people it presumes (ultimately) to care about is a years-long process of thinking about how theorists can begin to answer Mina’s question without talking solely and simply about hopelessly abstract notions of legitimacy, reason, or the demands of justice. I had no answer for Mina then, and if one reads this dissertation carefully, they may knock me for not really having an answer for her even now. But I am convinced that she should be a part of the process, and that her claims are vital to thinking about the answer. What I have argued here is that our way of thinking about philosophy and theory needs to change to include the input Mina and countless others are able (and do) offer.

I wholeheartedly believe that the field of education needs such a change. Whether it is in my recollection of the Marshall meeting or in the stories of Dyett and, for that matter, too many other schools and communities across the United States, there is all too often gaps among those who think about schools, those who make policy about schools,

and those who live and work at schools. By centering a method for thinking about injustice, and thus, education, on people's claims, my hope is that this approach will offer a new perspective for thinking about the challenges that shape education in the twenty-first century.

Notes

Introduction

¹An 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.

² “John Marshall Elementary Report Card,” Massachusetts Department of Education, accessed May 25, 2018, <http://profiles.doe.mass.edu/reportcard/rc.aspx?linkid=37&orgcode=00350178&fycode=2013&orgtypecode=6&>.

³ Journey for Justice Alliance, “Death by a Thousand Cuts: Racism, School Closure, and Public School Sabotage,” 2014, Accessed May 25, 2018, http://www.j4jalliance.com/wp-content/uploads/2014/02/J4JReport-final_05_12_14.pdf; McDaniel, et al. v. Board of Education of the City of Chicago, 13 C 3624 (Illinois, 2013); Southern Poverty Law Center, *P.B. et al. v. Pastorek* [Complaint], 2010, https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/case/pb_v_pastorek.pdf; Valerie Strauss, “The Testing Opt-out Movement is Growing, Despite Government Efforts to Kill it,” *The Washington Post*, (January 31, 2016), <https://www.washingtonpost.com/news/answer-sheet/wp/2016/01/31/the-testing-opt-out-movement-is-growing-despite-government-efforts-to-kill-it/>; Vergara v. State of California, 246 Cal 619 (Cal Ct. Appeal 2016).

⁴ Greg J. Duncan and Richard Murnane (eds.), *Whither opportunity? Rising inequality, schools, and children's life chances* (New York: Russell Sage Foundation, 2011); Meira Levinson, *No Citizen Left Behind* (Cambridge: Harvard University Press, 2012); Sean F. Reardon and Ann Owens, “Sixty Years After Brown: Trends and Consequences of School Segregation,” *Annual Review of Sociology* 40 (2014): 199–218; James Ryan, *Five Miles Away, A World Apart: One city, Two schools, and the Story of Educational Opportunity in Modern America* (New York: Oxford University Press, 2010).

⁵ For examples of other liberal theories of justice, see Ronald Dworkin, *Justice for Hedgehogs* (Cambridge: The Belknap Press of Harvard, 2011); David Miller, *Principles of Social Justice* (Cambridge: Harvard University Press, 1999); Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974); Michael Walzer, *Spheres of Justice* (New York: Basic Books 1984); Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990). For feminist and race-centered criticism, see Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989) or Charles W. Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997). For some of many examples of nonideal theory, see Elizabeth Anderson, *The Imperative of Integration* (Princeton: Princeton University Press, 2010); Levinson, *No Citizen Left Behind*; Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: The Belknap Press of Harvard, 2016); Naomi Zack, *Applicative Justice* (New York: Rowman and Littlefield, 2016).

⁶ Meira Levinson and Jacob Fay, *Dilemmas of Educational Ethics: Cases and Commentaries* (Cambridge: Harvard Education Press, 2016), 1–7.

⁷ Judith Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), 19.

⁸ Thomas W. Simon, *Democracy and Social Injustice* (New York: Rowman & Littlefield Publishers, 1995).

⁹ Vittorio Bufacchi, *Social Injustice: Essays in Political Philosophy* (New York: Palgrave Macmillan, 2014); Elizabeth Wolgast, *The Grammar of Justice* (Ithaca: Cornell University Press, 1987).

¹⁰ Urie Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design* (Cambridge: Harvard University Press, 1979), 28.

¹¹ *Ibid*, 41.

¹² Shelby, *Dark Ghettos*, 12.

¹³ Levinson and Fay, *Dilemmas of Educational Ethics*, 3. See also David Thacher, “The Normative Case Study,” *American Journal of Sociology* 111, no. 6 (2006): 1631–1676.

Chapter 1

- ¹ Mina Bloom, “Tears, Shouting Erupt as Dyett Supporters Crash Lincoln Annex Opening,” *DNAinfo* (September 10, 2015), Accessed, May 31, 2018, <https://www.dnainfo.com/chicago/20150910/lincoln-park/tears-shouting-erupt-as-dyett-supporters-crash-lincoln-annex-opening>.
- ² Eve Ewing, *Ghosts in the Schoolyard: Racism and School Closings on Chicago’s South Side* (Chicago: University of Chicago Press, 2018).
- ³ Jean-Claude Brizard, “Re: Proposed Phase-Out of Dyett High School,” (Letter, Chicago Public Schools, November 30, 2011), <http://chicagotonight.wttw.com/sites/default/files/article/file-attachments/Proposed%20Phase-Out%20of%20Dyett%20High%20School.pdf>.
- ⁴ Ewing, *Ghosts in the School Yard*, 23; Trymaine Lee, “Amid Mass School Closings, a Slow Death for some Chicago Schools,” *MSNBC* (December 26, 2013), Accessed May 31, 2018, <http://www.msnbc.com/msnbc/dont-call-it-school-choice>.
- ⁵ “Brizard: Some Schools Are Too ‘Far Gone’ To Save,” *CBS Local*, December 1, 2011, Accessed July 18, 2018, <https://chicago.cbslocal.com/2011/12/01/brizard-some-schools-are-too-far-gone-to-save/>.
- ⁶ 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>.
- ⁷ Lee, “Amid Mass School Closings, a Slow Death for some Chicago Schools.”
- ⁸ Aquila Griffin, et al, “Aquila Griffin et al. to Arne Duncan and Russlynn Ali,” *Ed-Week*, May 8, 2012, Accessed May 31, 2018, https://www.edweek.org/media/dyett_title_vi_letter.pdf.
- ⁹ Ewing, *Ghosts in the Schoolyard*.
- ¹⁰ Barbara Byrd-Bennett, “Letter from CEO Byrd-Bennett on new investments and student supports,” *Chicago Public Schools*, Accessed May 31, 2016, <http://www.cps.edu/News/Announcements/Pages/3202013PR2.aspx>.
- ¹¹ Alex Keefe and Becky Vevea, “Emanuel addresses race in school closure plan,” *WBEZ91.5* (March 27, 2013), Accessed May 31, 2018, <http://www.wbez.org/news/emanuel-addresses-race-chicago-school-closure-plan-106325>.
- ¹² McDaniel, et al. v. Board of Education of the City of Chicago, 13 C 3624 (Illinois, 2013).
- ¹³ Chicago Public Schools, “Dyett RFP Process Extended to Provide Adequate Time to Review Community Feedback and Proposals” (Press Release, Chicago Public Schools, August 7, 2015), Accessed May 31, 2018, http://cps.edu/News/Press_releases/Pages/PR1_8_7_2015.aspx.
- ¹⁴ Jeanette Taylor-Ramann, “Why I’m Striking for Dyett High School,” *The Chicago Reporter* (August 24, 2015), Accessed May 31, 2018, <http://www.chicagoreporter.com/why-im-hunger-striking-for-dyett-high-school/>.
- ¹⁵ Marwa Eltagouri and Juan Perez, Jr., “After hunger strike, Dyett reopens as arts-focused neighborhood high school,” *Chicago Tribune* (September 6, 2016), Accessed May 31, 2018, <http://www.chicagotribune.com/news/ct-dyett-high-school-reopening-met-20160906-story.html>.
- ¹⁶ N. Abram, “Chicago hunger strike ends, but fight for Dyett High School continues,” *Free Speech Radio News* (September 21, 2015), Accessed May 31, 2018, <http://fsrn.org/wp-content/uploads/2015/09/20150921-Dyett-839.mp3>.
- ¹⁷ Alex Nitkin, “Dyett High School Protestors Announce End to 34-Day Hunger Strike,” *DNAinfo* (September 20, 2015), Accessed May 31, 2018, <https://www.dnainfo.com/chicago/20150920/kenwood/dyett-high-school-protesters-announce-end-34-day-hunger-strike/>.

Chapter 2

¹ Shklar, *The Faces of Injustice*, 16, 18.

² Ibid, 19.

³ Ibid, 126.

⁴ Ibid, 20.

⁵ Ibid, 8.

⁶ Alessandro Portelli, *The Death of Luigi Trastulli and Other Stories* (Albany: State University of New York Press, 1991).

⁷ Richard Arneson, "Rawls, Responsibility, and Distributive Justice," in Maurice Salles and John A. Weymark, Eds., *Justice, Political Liberalism, and Utilitarianism: Themes from Harsanyi* (Cambridge: Cambridge University Press, 2008), 80. For other seminal accounts of luck egalitarianism see: G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906-44; Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge: Harvard University Press, 2000); Thomas Nagel, *Equality and Partiality* (New York: Oxford University Press, 1991); Phillippe Van Parijs, *Real Freedom for All* (Oxford: Clarendon, 1995); Larry Temkin, *Inequality* (New York: Oxford University Press 1993).

⁸ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 3.

⁹ See, for example, Harry Brighouse, "Can Justice as Fairness Accommodate the Disabled?" *Social Theory and Practice* 27, no. 4 (2001): 537-560; Christopher Lebron, *The Color of Our Shame* (New York: Oxford University Press, 2013); Charles Mills, "Ideal theory as ideology," *Hypatia* 20, no. 3 (2005): 165-184; Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: Harvard University of Press, 2006); Susan Moller Okin, *Justice, Gender, and the Family*.

¹⁰ Rawls, *A Theory of Justice*, 245.

¹¹ Ibid, 245-246.

¹² Shklar, *The Faces of Injustice*, 9.

¹³ Ibid, 16.

¹⁴ Seyla Benhabib, "Judith Shklar's Dystopic Liberalism", in Bernard Yack, ed., *Liberalism without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar* (Chicago: Chicago University Press, 1996), 55-63; Bernard Yack, "Liberalism without Illusions: An Introduction to Judith Shklar's Political Thought", in *ibid.*, 1-13.

¹⁵ See Katrina Forrester, "Hope and Memory in the Thought of Judith Shklar," *Modern Intellectual History* 8, no. 3 (2011): 591-620.

¹⁶ Judith Shklar, "Injustice, Injury, and Inequality: An Introduction," in Frank S Lucash, ed., *Justice and Equality Here and Now* (Ithaca: Cornell University Press, 1986), 14-15.

¹⁷ Judith Shklar, *After Utopia* (Princeton: Princeton University Press, 1957), 271-273.

¹⁸ John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999), 11.

¹⁹ Judith Shklar, "What is the Use of Utopia?" in Stanley Hoffman, ed., *Judith Shklar: Political Thought and Political Thinkers* (Chicago: University of Chicago Press, 1998), 189.

²⁰ Rawls, *A Theory of Justice*, 195-201.

²¹ Shklar, "Injustice, Injury and Inequality," 15.

²² Ibid, 23-25.

²³ Shklar connected justice with ideology in her work in *Legalism* (Cambridge: Harvard University Press 1964). Furthermore, with more time and space than I can devote here, one could make a compelling case that this line of thinking is behind Shklar's "bare bones" conception of liberalism in her celebrated article, "The Liberalism of Fear."

- ²⁴ Shklar, *The Faces of Injustice*, 18.
- ²⁵ Bernard Yack, “Putting Injustice First: An Alternative Approach to Liberal Pluralism,” *Social Research* 66, no. 4 (1999), 1115–1117.
- ²⁶ *Ibid*, 83.
- ²⁷ Shklar finds that literature deals extensively with injustice—“Where indeed would literature be without it?” she wonders—so she leans on literary examples in her investigations. See Shklar, *The Faces of Injustice*, 15, 83.
- ²⁸ Indeed, Shklar spends considerable ink examining Rousseau’s *Emile* and the real-life version of *Emile* in Dr. Itard’s work with an abandoned child along precisely these grounds. See Shklar, *The Faces of Injustice*, 84–93.
- ²⁹ Arne Duncan, “Turning Around the Bottom 5 Percent,” Speech, National Alliance for Public Charter Schools Conference, June 22, 2009.
- ³⁰ Lee, “Amid Mass School Closings, a Slow Death for some Chicago Schools.”
- ³¹ “Community data snapshot: Lake View,” Chicago Metropolitan Agency for Planning, (2018), Accessed May 31, 2018, <http://www.cmap.illinois.gov/documents/10180/126764/Lake+View.pdf>; “Community data snapshot: Douglas,” Chicago Metropolitan Agency for Planning, (2018), Accessed May 31, 2018, <http://www.cmap.illinois.gov/documents/10180/126764/Douglas.pdf>.
- ³² Journey for Justice Alliance, “Death by a Thousand Cuts: Racism, School Closure, and Public School Sabotage.”
- ³³ Ewing, *Ghosts in the Schoolyard*, 53–56.
- ³⁴ Lee, “Amid mass school closings, a slow death for some Chicago schools.”
- ³⁵ Journey for Justice Alliance, “Death by a Thousand Cuts: Racism, School Closure, and Public School Sabotage.”
- ³⁶ Ewing, *Ghosts in the Schoolyard*, 21.
- ³⁷ 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.
- ³⁸ *Ibid*, 497.
- ³⁹ Shklar, *The Faces of Injustice*, 86.
- ⁴⁰ *Ibid*, 5.
- ⁴¹ Shklar, *The Faces of Injustice*, 5.
- ⁴² One may notice that I do not talk about nonideal theory here though it seems perfectly appropriate to do so. I treat with nonideal theory in the final chapter, and thus leave it to the side for the moment.
- ⁴³ Sen, *The Idea of Justice*, 21.
- ⁴⁴ *Ibid*, 8.
- ⁴⁵ *Ibid*, 130.
- ⁴⁶ *Ibid*, 15.
- ⁴⁷ Amartya Sen, “What do we want from a Theory of Justice?” *Journal of Philosophy CIII*, no. 5 (2006): 215.
- ⁴⁸ Jennifer Morton, “The Educator’s Dual Role: Expressing Ideals While Educating in Nonideal Conditions,” *Educational Theory* 66, no.3 (2016): 324.
- ⁴⁹ Nancy Fraser, “Social Justice in the Age of Identity Politics,” In Nancy Fraser and Axel Honneth, eds., *Redistribution or Recognition? A Political-Philosophical Exchange*, (New York: Verso Press, 2003): 7–109; Nancy Fraser, “Abnormal Justice,” *Critical Inquiry* 34, no. 3 (2008): 393–422; Nancy Fraser, *Scales*

of Justice: Reimagining Political Space in a Globalizing World (New York: Columbia University Press, 2009).

⁵⁰ Fraser, “Social Justice in the Age of Identity Politics,” 13.

⁵¹ Fraser, “Abnormal Justice,” 407–409.

⁵² *Ibid*, 403–404.

⁵³ Fraser, “Social Justice in the Age of Identity Politics,” 64–67.

Chapter 3

¹ It is important to note that while I constrain my thinking to injustice, an ecological approach may well be adaptable to wider range of concepts. It is also likely that it would work as I construct it here, but rather than assuming that to be the case, I purposefully focus my analysis on an ecological approach to injustice. I leave questions about its wider applicability to the side, for now.

² See, for example, Lorraine Code, *Ecological Thinking: The Politics of Epistemic Location* (New York: Oxford University Press, 2006); Clarence Joldersma and Sean Blenkinsop, eds., *Ecologizing Education*, Special Issue, *Educational Theory*, 67, no. 4 (2017); Carolyn Merchant, ed., *Ecology* (New York: Humanity Books, 1999).

³ The original statements of ecological systems theory can be found in Urie Bronfenbrenner, “The Experimental Ecology of Education,” *Educational Researcher* 5, no. 9 (1976): 5–15; Urie Bronfenbrenner, “Toward an Experimental Ecology of Human Development,” *American Psychologist* (July, 1977); Bronfenbrenner, *The Ecology of Human Development*. Revisions to the theory that incorporated developmental processes are clearly articulated in Urie Bronfenbrenner, “Environments in Developmental Perspective: Theoretical and Operational Models,” in Sarah L. Friedman and Theodore D. Wachs, eds., *Measuring Environment Across the Lifespan: Emerging Methods and Concepts* (Washington, DC: American Psychological Association, 1999), 3–30; Urie Bronfenbrenner, “The Bioecological Theory of Human Development,” in Urie Bronfenbrenner, ed., *Making Human Beings Human: Bioecological Perspectives on Human Development* (Thousand Oaks: Sage Publications, 2005), 3–15. While these are important developments to Bronfenbrenner’s theory, I do not focus on them here. My aim, after all, is not to provide a theory of human development, but to use a particular theoretical intervention in the study of human development—Bronfenbrenner’s first foray into ecological theory—as inspiration for a similar move in political philosophy.

⁴ Jennifer Morton makes use of a similar sense of ecology insofar as she argues for conceiving of the norms of rational deliberation as being dependent “on the complex interaction between the psychological capacities of the agent in question and the agent’s environment.” See Jennifer M. Morton, “Toward an Ecological Theory of the Norms of Practical Deliberation,” *European Journal of Philosophy* 19, no. 4 (2011), 561–584.

⁵ In fact, if we were to follow Fraser’s model, one might consider them to be a fourth category of injustice, alongside concerns about distribution, recognition, and representation. This seems to me a plausible construction, but I do not take it up here.

⁶ *Ibid*, 21–22.

⁷ *Ibid*, 3.

⁸ *Ibid*, 22–26.

⁹ *Ibid*, 28–29.

¹⁰ *Ibid*, 13.

¹¹ Bronfenbrenner, *The Ecology of Human Development*, 16.

¹² *Ibid*, 18.

¹³ *Ibid*, 18–19.

¹⁴ *Ibid*, 20.

¹⁵ Ibid, 4, 22.

¹⁶ Ibid, 22.

¹⁷ Ibid, 45, emphasis added.

¹⁸ Ibid, 29; The concept of ecological validity is not a novel concept, but at the time of his writing, it was an inchoate concept. Bronfenbrenner rejects the prevailing understanding: “an investigation is regarded as ecologically valid if it is carried out in a natural setting and involves objects and activities from daily life.” This was both too expansive and too limiting, as it granted legitimacy to any research project that was conducted outside the laboratory, and ignored the ways in which the laboratory is an environmental setting, albeit a particular one. See Bronfenbrenner, *The Ecology of Human Development*, 28.

¹⁹ Ibid, 29.

²⁰ Importantly, research on human development is likely assessable on both criteria: the classical conception of validity and ecological validity. In fact, Bronfenbrenner changed his definition of ecological validity for reasons along these lines. The original definition of ecological validity held that studies had to be “carried out in natural settings” and must involve “objects and activities from everyday life.”

²¹ Ibid, 109–121.

²² Urie Bronfenbrenner, “The Experimental Ecology of Education,” 5.

²³ Bronfenbrenner, *The Ecology of Human Development*, 118.

²⁴ Ibid, 122.

²⁵ Ibid, 123.

²⁶ Ibid, 36–37.

²⁷ Ibid, 36.

²⁸ Miller, “Political Philosophy for Earthlings,” 31.

²⁹ Carens, “A Contextual Approach to Political Theory,” 123.

³⁰ Levinson and Fay, *Dilemmas of Educational Ethics*, 6.

³¹ And, in fact, the tradition of American pragmatism has long endorsed taking such an approach to thinking philosophically. I do not engage with such work here, but understand that there are robust connections between it and the work I do. See, for example, John Dewey, *The Public and its Problems: An Essay in Political Inquiry* (University Park: Pennsylvania State University Press, 2012); John Dewey, *Logic: The Theory of Inquiry* (New York: H. Holt and Company, 1938); Walter Feinberg, “Critical Pragmatism and the Appropriation of Ethnography in the Philosophy of Education,” *Studies in Philosophy and Education* 34, no.2 (2015), 149–157; Richard Rorty, *Philosophy and the Mirror of Nature* (Oxford: Blackwell, 1980); Richard Rorty, *The Consequences of Pragmatism* (Sussex: Harvester, 1982).

³² 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): 341–364.

³³ Doris Santoro, *Demoralized: Why Teachers Leave the Profession They Love And How They Can Stay* (Cambridge: Harvard Education Press, 2018).

³⁴ Meira Levinson, “The Ethics of Pandering in Boston Public Schools’s School Assignment Plan,” *Theory and Research in Education* 13, no. 1 (2015), 39.

³⁵ There are many examples of philosophical work that utilizes people’s experiences. Consider, for example, Agnes Jaworska, “Respecting the Margins of Agency: Alzheimer’s Patients and the Capacity to Value,” *Philosophy & Public Affairs* 28, no.2 (1999), 105–138; Terri Wilson, “Contesting the Public School: Reconsidering Charter Schools as Counterpublics,” *American Educational Research Journal* 53, no. 4 (2016), 919–952.

- ³⁶ See, for example, Richard Arneson's critique of G.A. Cohen's *Rescuing Justice and Equality* (Cambridge: Harvard University Press, 2008) for a detailed version of this argument in Richard Arneson, "Justice is not Equality" *Ratio XXI*, no. 4 (December, 2008), 388–389.
- ³⁷ Shklar, *The Faces of Injustice*, 7.
- ³⁸ Shklar, *The Faces of Injustice*, 126.
- ³⁹ *Ibid*, 54.
- ⁴⁰ Jeffrie Murphy, "Injustice and Misfortune," *Law and Philosophy 10*, no. 4 (1991): 436–437.
- ⁴¹ See Onora O'Neill, *Towards Justice and Virtue* (New York: Cambridge University Press, 1996), 40. This is not to say that abstraction cannot lead to mistakes. Recall, for example, Shelby and Anderson's argument about integration I discussed in the previous chapter. As Shelby makes clear, it would be a mistake to abstract away from people's racial identity in thinking about the duty of justice in relation to integration. If one was to bracket race from the discussion, it would be difficult to see the deep asymmetries of efforts to integrate. This is, to some extent, part of Shelby's critique of Anderson's argument.
- ⁴² *Ibid*, 41.
- ⁴³ Onora O'Neill, "Abstraction, Idealization, and Ideology in Ethics," in J.D.G. Evans, editor, *Moral Philosophy and Contemporary Problems* (New York: Cambridge University Press, 1987), 55–70.
- ⁴⁴ *Ibid*, 56.
- ⁴⁵ Charles Mills, "Ideal Theory as Ideology," 166.
- ⁴⁶ *Ibid*, 167.
- ⁴⁷ Charles Mills, *Black Rights / White Wrongs: The Critique of Racial Liberalism*, 211. Interestingly enough, one might argue that Mills still endorses the Rawlsian notion of a "well-ordered" society as an appropriate ideal given that Mills basis his theory of corrective justice on a model that is very much the antithesis of an well-ordered society and that is what needs to be fixed. But this observation should not be that surprising since Mills is engaged in theoretical synthesis, and he does not aim to toss aside completely any of the three distinct strands—liberalism, Marxism, and black radical thought—of thought he engages with in his work.
- ⁴⁸ For Rawls, reflective equilibrium describes the method of thinking that guides his philosophical project, as well as the way in which the inhabitants of the original position think, as well. As a full description is not entirely necessary for the discussion at hand, further inquiry can see Rawls, *A Theory of Justice*, 48–51. A helpful discussion of the topic can also be found in Harry Brighouse, *Justice* (Malden: Polity Press, 2004), 12–14.
- ⁴⁹ Rawls, *A Theory of Justice*, 47.
- ⁵⁰ Held, *Rights and Goods*, 43.
- ⁵¹ Held points out that this was a view that Rawls, at one time, entertained. She points to his 1951 article, "Outline of a Decision Rule for Ethics," where he claims that the more "direct experience" a person acquires the more he is able to act as a competent moral judge. See Held, *Rights and Goods*, 45.
- ⁵² *Ibid*, 45.
- ⁵³ *Ibid*, 47.
- ⁵⁴ See, for example, John Rawls's notion of "pure procedural fairness" and its role in the foundations of his theory of justice, namely how the original position is supposed to work. Rawls, *A Theory of Justice*, 11–22.
- ⁵⁵ Alison M. Jaggar and Theresa W. Tobin, "Situating Moral Justification: Rethinking the Mission of Moral Epistemology," in *Metaphilosophy 44*, no. 4 (2013), 383–408; Theresa W. Tobin and Alison M. Jaggar, "Naturalizing Moral Justification: Rethinking the Mission of Moral Epistemology," in *Metaphilosophy 44*, no. 4 (2013), 409–439.
- ⁵⁶ Tobin and Jaggar, 413–414.

⁵⁷ Ibid, 412.

⁵⁸ Ibid, 413.

⁵⁹ As Meira Levinson points out, it is unclear how the process Tobin and Jaggard describes amounts to a fully naturalized form of moral justification; much—if not all—of the analytical work still goes on inside a philosopher’s head and, for that matter, it still follows the traditional pattern of an exchange of reasons. See Meira Levinson, “It’s (Still) All in Our Heads: Non-ideal Theory as Grounded Reflective Equilibrium,” In Michele Moses (ed.), *Philosophy of Education Yearbook* (2014), 37–43.

⁶⁰ Bronfenbrenner, *The Ecology of Human Development*, 28.

⁶¹ Rawls arguably recognized this fact in his limited discussion of the ideal-nonideal theory distinction. Rawls suggests that theorists cannot simply apply the principles derived for an ideal society to a nonideal society, as ideal principles are not conceived with unjust circumstances in mind. He suggests that for such a purpose, ideal principles remain, at best, only “generally relevant.” See Rawls, *A Theory of Justice*, 246.

⁶² This does not have to be entirely true. One outcome of adopting an ecological approach and engaging with claims of injustice might be that philosophers find more time to actually engage their interlocutors, and not those who also work in institutions of higher education and respond in the context of articles or conference presentations. Rather, we may find ourselves drawn out of self-reflection into dialogue and thus collaborative reflection. I take up this point in greater detail in the next chapter.

Chapter 4

¹ Eltagouri and Perez, Jr., “After hunger strike, Dyett reopens as arts-focused neighborhood high school.”

² Lauren Fitzpatrick, “Dyett, closed for lack of new students, reopens with new arts focus,” *Chicago Sun Times* (November 2, 2016), Accessed May 31, 2018, <https://chicago.suntimes.com/news/dyett-school-reopens-new-arts-focus/>.

³ Matt Masterson, “Dyett High School Reopening 1 Year After Activist Hunger Strike,” *WTTW* (September 1, 2016), Accessed May 31, 2018, <https://chicagotonight.wttw.com/2016/09/01/dyett-high-school-reopening-1-year-after-activist-hunger-strike>.

⁴ Local School Councils (LSC) typically consist of 6 parents, 2 community members, 2 teachers, 1 non-teacher staff, 1 principal, and—for high schools only—a student representative. LSCs have three primary functions: to approve how school funds and resources are allocated, to develop and oversee the school’s improvement plan, and to evaluate and select the school principal. For more on LSCs as democratic organizations, see Archon Fung, *Empowered Participation: Reinventing Urban Democracy* (Princeton: Princeton University Press, 2004).

⁵ Eltagouri and Perez, Jr., “After hunger strike, Dyett reopens as arts-focused neighborhood high school.”

⁶ Danielle Allen, *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education* (Chicago: Chicago University Press, 2004), 28.

⁷ John Dewey, *Democracy and Education* (New York: MacMillian Co., 1916), 101.

⁸ Hannah Arendt, “Reflections on Little Rock,” *Dissent* 6, Winter (1959): 50.

⁹ Interview with Ralph Ellison by Robert Penn Warren, *Who Speaks for the Negro* (New York, 1965), 343–344.

¹⁰ Ralph Ellison, *The Invisible Man*, as quoted in Allen, *Talking to Strangers*, 103.

¹¹ Allen, *Talking to Strangers*, 41.

¹² Ibid, 41.

¹³ As these possibilities are essentially the outcome of a 2x2 matrix, it is worth noting that the reason why Allen makes no mention of the fourth outcome—an unreasonable belief about an unreasonable imposition of a loss—is because it makes very little sense. If a loss is unreasonably imposed, citizens beliefs about it being unreasonable will be justified, and thus cannot be unreasonable. They may take an unreasonable action as a result, but that is a different matter.

- ¹⁴ Allen, *Talking to Strangers*, 46–47.
- ¹⁵ *Ibid.*, 109–111.
- ¹⁶ *Ibid.*, 111.
- ¹⁷ *Ibid.*, 116; Christopher Lebron makes a similar argument in *The Color Of Our Shame*, where he argues that shame is the appropriate response to racial injustice.
- ¹⁸ Jean-Claude Brizard, “Re: Proposed Phase-Out of Dyett High School.”
- ¹⁹ Arne Duncan, “Turning Around the Bottom 5 Percent.” Speech, National Alliance for Public Charter Schools Conference, (June 22, 2009).
- ²⁰ See Tommie Shelby, *Dark Ghettos*, 49–79.
- ²¹ Ewing, *Ghosts in the Schoolyard*, 125–156.
- ²² See, for example, Richard D. Kahlenberg, ed., *The Future of School Integration* (New York: The Century Foundation Press, 2012); Meira Levinson, “The Ethics of Pandering in Boston Public Schools’ School Assignment Plan,” *Theory and Research in Education* 13, no. 1 (2015): 38–55.
- ²³ Allen, *Talking to Strangers*, 47.
- ²⁴ And, indeed, Chicago Mayor Rahm Emmanuel faced his toughest re-election campaign arguably because of city residents’ frustrations with CPS. See, for example, Stephanie Simon, “Education at the heart of Chicago mayor’s race,” *Politico* (February 16, 2015), Accessed May 31, 2018, <https://www.politico.com/story/2015/02/chicago-mayoral-race-2016-eduction-115215>.
- ²⁵ Juliet Hooker, “Black Lives Matter and the Paradoxes of U.S. Black Politics: From Democratic Sacrifice to Democratic Repair,” *Political Theory* 44, no. 4 (2016): 449.
- ²⁶ *Ibid.*, 457.
- ²⁷ See for example, Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge: Harvard University Press, 2003); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008).
- ²⁸ Arendt confusingly refers to a picture of Dorothy Counts in her essay, even though it seems that she is talking about Elizabeth Eckford. Dorothy Counts attempted to integrate Harry Harding High School in Charlotte, North Carolina, *not* Central High in Little Rock. Pictures of Elizabeth Eckford in Little Rock were equally poignant—and Eckford was truly on her own until she came to a bus stop. Allen notes this confusion as well. See Allen, 197. Hooker, to be clear, is not confused; she deliberately chooses to use the picture Arendt references rather than Eckford’s experience.
- ²⁹ Dorothy Counts, quoted in Hooker, “Black Lives Matter and the Paradoxes of U.S. Black Politics,” 461.
- ³⁰ Hooker, “Black Lives Matter and the Paradoxes of U.S. Black Politics,” 462.
- ³¹ *Ibid.*, 465.
- ³² Juliet Hooker, “Black Protest / White Grievance: On the Problem of White Political Imaginations Not Shaped by Loss,” *The South Atlantic Quarterly* 116, no. 3 (2017): 486.
- ³³ Hooker, “Black Lives Matter and the Paradoxes of U.S. Black Politics,” 454.
- ³⁴ Spinner-Halev, *Enduring Injustice*.
- ³⁵ Of course, white people who bear the brunt of a non-liberal solution to enduring injustice on Spinner-Halev’s account have a legitimate claim that they have experienced injustice, even as that albeit temporary injustice is meant to course-correct for justice in the longer term. This does not mean that such claims have priority over claims of injustice based on enduring injustices like pervasive racial discrimination, but it does mean that they are legitimate. A political community must be able to acknowledge their legitimacy even as they offer a justification for why they cannot be addressed in the way those claimants might wish.
- ³⁶ Ewing, *Ghosts in the School Yard*, 43.

³⁷ Ibid, 43.

³⁸ Ibid, 43.

³⁹ Ibid, 43.

Chapter 5

¹ Martin Luther King, Jr., “The Ethical Demands for Integration,” in James M. Washington (ed.) *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King Jr.* (New York: HarperCollins, 1991), 117–125.

² Anderson, *The Imperative of Integration*, 1–3.

³ Ibid, 2.

⁴ Anderson, *The Imperative of Integration*, 3. However, Rawls attempts to meet this condition through the strict compliance requirement insofar as it is supposed to constrain the content of his principles of justice. Anderson and others argue that strict compliance idealizes too much; that it is not enough to tailor normative principles to conception of our best, ideal motivations and cognitive capabilities, but rather to a more realistic understanding of both.

⁵ Anderson, *The Imperative of Integration*, 4.

⁶ Ibid, 21.

⁷ There are many examples of theorists who engage in what they call nonideal theorizing. However, this is often just a positioning exercise that makes use of the Rawlsian distinction to name their engagement with theoretical questions in the context of actual circumstances. Indeed, many such theorists doubt the value of ideal theory altogether.

⁸ Shelby, *Dark Ghettos*, 11–13.

⁹ Ibid, 12–13.

¹⁰ Some might note that Rawls is largely silent on race in *A Theory of Justice*. Charles Mills has argued this point forcefully. See Mills, “Ideal Theory as Ideology”; Charles Mills, “Retrieving Rawls for Racial Justice? A Critique of Tommie Shelby,” *Critical Philosophy of Race* 1, no. 1 (2013): 1–27. But Shelby suggests that even though Rawls does not explicitly attend to racial injustice, the tools for dealing with racial injustice are present in his work. See Tommie Shelby, “Racial Realities and Corrective Justice: A Reply to Charles Mills,” *Critical Philosophy of Race* 1, no. 2 (2013): 145–162. Mills has even gotten on board with this to some extent, arguing for an account of what he calls “black radical liberalism” that critically rethinks Rawlsian principles to consider racial injustice, primarily by drawing on the work of black nationalists and other critical scholars. See Charles Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism* (New York: Oxford University Press, 2017).

¹¹ For other highlights of this work, see: Alan Hamlin and Zofia Stemplowska, “Theory, Ideal Theory and the Theory of Ideals,” *Political Studies Review* 10 (2012): 48–62; Andrew Mason, “Just Constraints,” *British Journal of Political Science* 34 (2004): 251–268; David Schmidtz, “Nonideal Theory: What it is and What it Needs to be,” *Ethics* 121, no. 4 (2011): 772–796; Adam Swift, “The Value of Philosophy in Nonideal Circumstances,” *Social Theory and Practice* 34, no. 3 (2008): 363–387; Laura Valentini, “Ideal vs. Non-ideal Theory: A Conceptual Map,” *Philosophy Compass* 7, no. 9 (2012): 654–664.

¹² Rawls, *A Theory of Justice*, 7–11.

¹³ Rawls, *A Theory of Justice*, 246.

¹⁴ Rawls, *A Theory of Justice*, 246.

¹⁵ Ibid, 247.

¹⁶ Shelby, *Dark Ghettos*, 57.

¹⁷ For example, consider middle class parents who opt out of public schools in urban areas and thus contribute to resource and capital loss that ultimately leads to unjust inequalities between urban schools

and, among others, suburban schools. The weak duty of justice suggests that such parents should at least recognize that what they are doing is unjust. But if they recognize that their actions are unjust, one might also think it likely that, if they consider themselves to be good people, they would then do something to rectify their action: higher, redistributive taxes or, more substantially, forgoing the ability to exit public schools.

¹⁸ For this same reason, Shelby suggests that the case is different if we consider whites practicing self-segregation. “It’s difficult to see how practices of self-segregation and social closure among whites could be reasonably thought to promote justice or protect the vulnerable or marginalized.” See Shelby, *Dark Ghettos*, 61.

¹⁹ Shelby, *Dark Ghettos*, 61.

²⁰ Shelby, *Dark Ghettos*, 62.

²¹ *Ibid.*, 68–69.

²² *Ibid.*, 69.

²³ Anderson, *The Imperative of Integration*, 2.

²⁴ Shelby, *Dark Ghettos*, 74.

²⁵ *Ibid.*, 76.

²⁶ Shelby also draws on similar work to advance his argument, and as we will shortly see, there is room to criticize him. But he does imagine a broader range of injustice claims than Anderson.

²⁷ Shelby, *Dark Ghettos*, 77.

²⁸ *Ibid.*, 79.

²⁹ See Elizabeth Anderson, “Review Essay of Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform*,” *Mind* 127, no. 505 (2018): 276–284.

³⁰ Anderson, *The Imperative of Integration*, 2.

³¹ Lucius Outlaw, “Review of *Dark Ghettos: Injustice, Dissent, and Reform*,” *Notre Dame Philosophical Reviews* (March 3, 2017): <http://ndpr.nd.edu/news/dark-ghettos-injustice-dissent-and-reform/>.

³² For an account of the fragility of securing stable housing in the United States, see Matthew Desmond, *Evicted* (New York: Crown Publishers, 2016).

³³ Shelby, *Dark Ghettos*, 282.

³⁴ It is important to also note that the claims I make here are very easily applied to my intervention in the discussion between Danielle Allen and Juliet Hooker that I tackled in the previous chapter. I was less explicit about my position there because I felt as if my work is far less a criticism of either Allen’s or Hooker’s work, but an attempt to build on their insights. My criticism of Shelby is, by contrast, more pointed and I felt that it was important to note my positionality here as a result.

³⁵ While he may not call it civic activism, Shelby is aware of the civic potential for his theory. As he puts it: “I offer the resulting theory in the firm belief that careful philosophical reflection can assist in moving the public debate over black urban poverty in a more productive direction, point the way toward solutions that are fair to all concerned and that treat the truly disadvantaged among us with the respect they deserve.” See Shelby, *Dark Ghettos*, 15.

³⁶ Linda Alcoff, “The Problem of Speaking for Others,” *Cultural Critique* no. 20 (1991): 6–7.

³⁷ Lucius Outlaw, “Review of *Dark Ghettos*.”

³⁸ However, this raises the question of who Shelby is trying to educate. His work may not be educative for black ghetto residents, but it may surely be educative for the policymakers and citizens who make unsubstantiated judgments about black ghetto residents.

³⁹ Alcoff, “The Problem of Speaking for Others,” 7.

⁴⁰ Kwame Anthony Appiah, *The Ethics of Identity* (Princeton: Princeton University Press, 2005); Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: W.W. Norton and Company, 2006); Charles Taylor, *Sources of the Self and the Making of the Modern Identity* (Cambridge: Harvard University Press, 1984).

⁴¹ Alcoff, "The Problem of Speaking for Others," 17.

⁴² *Ibid*, 22.

⁴³ *Ibid*, 23.

Coda

¹ Shklar, *The Faces of Injustice*, 16.

² Yack, "Putting Injustice First," 1105.