



SCOTT M. GELBER

COURTROOMS *AND* CLASSROOMS

A LEGAL HISTORY OF
COLLEGE ACCESS
1860–1960



Courtrooms And Classrooms A Legal History Of College Access 1860 196

Scott M. Gelber



Courtrooms And Classrooms A Legal History Of College Access 1860 196:

Courtrooms and Classrooms Scott M. Gelber, 2016-02-29 A stunningly original history of higher education law. Conventional wisdom holds that American courts historically deferred to institutions of higher learning in most matters involving student conduct and access. Historian Scott M. Gelber upends this theory, arguing that colleges and universities never really enjoyed an overriding judicial privilege. Focusing on admissions, expulsion, and tuition litigation, *Courtrooms and Classrooms* reveals that judicial scrutiny of college access was especially robust during the nineteenth century when colleges struggled to differentiate themselves from common schools that were expected to educate virtually all students. During the early twentieth century, judges deferred more consistently to academia as college enrollment surged, faculty engaged more closely with the state, and legal scholars promoted widespread respect for administrative expertise. Beginning in the 1930s, civil rights activism encouraged courts to examine college access policies with renewed vigor. Gelber explores how external phenomena, especially institutional status and political movements, influenced the shifting jurisprudence of higher education over time. He also chronicles the impact of litigation on college access policies, including the rise of selectivity and institutional differentiation, the decline of de jure segregation, the spread of contractual understandings of enrollment, and the triumph of vocational emphases.

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