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Toward a Framework of Racialized Policymaking in Higher Education

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Abstract

From threatening protestors to cutting diversity office funding on college campuses, one contemporary brand of policymaking has overtly sought to undermine social justice efforts in higher education. Current popular policymaking theories, however, are inadequate to understand this phenomenon, as they undertheorize the role of racialized power in policymaking – e.g., the racialized network of policy elites and their core beliefs. In this chapter, we endeavored to bring together existing theory, research, and contemporary policymaking examples to offer a framework of racialized policymaking that explicitly describes the lack of progress for racial equity in higher education. We first frame policymaking in higher education as an unrelenting contest between the maintenance or change of the racial status quo. We enumerate specific policy strategies – through either inaction or sanctions – that status quo policymakers use to stymie racial justice projects in higher education, and close with potential future directions for higher education policy research.

Keywords

Policymaking process · Race · Racism · Power · Policy theory

Introduction

A great deal of higher education policies intend to reduce race- and class-based inequalities. From providing aid and support for students to attend college and complete undergraduate degrees to improving the efficiency of transition points such as developmental education and transfer functions, state and federal governments have invested heavily in reducing financial, informational, and bureaucratic barriers found in postsecondary education for racially minoritized and low-income students. Intermediary organizations such as State Higher Education Executive Officers Association, National Governors Association, and Education Commission of the States have also espoused commitments or provided support to the cause of improving higher education opportunities for marginalized communities (National Governors Association, [n.d.](#); SHEEO, [n.d.](#); Atchison et al., 2017). In academia, racial disparities in relation to higher education public policy are an active area of study.

The extant research on higher education policy includes numerous studies that explicitly engage race, either as a variable for analysis or in discussions of research findings and their implications. Yet, while race and racial disparities in outcomes are frequently invoked, systemic racism as an explanatory factor for such disparities remains often unexplored. This is also true of higher education research more

broadly, wherein many studies published in higher education journals that have engaged race have used an “anything but racism” approach to explain racial differences (Harper, 2012). Most higher education policy studies specifically have used majoritarian frameworks to examine higher education policymaking processes and the effects of such policies on the lives of racially minoritized communities. Many of the well-trod policy frameworks omit or leave underdeveloped the racialized nature of the polity by not acknowledging that race may serve as a mediating factor that shapes the theory’s explanatory power. For example, the latest edition of the popular *Theories of the Policy Process* (Weible & Sabatier, 2018), which offers a compilation of prevailing theories in policy studies, has only three entries in the index under the term “race,” all of which stem from a single chapter. Such predominance of race-neutral approaches provides an incomplete understanding of how policies intended to reduce race-based inequalities are formulated, adopted, implemented, and evaluated. Most important, much of the public policy scholarship on higher education remains ahistorical with regard to the long-standing legacy of racial colonialism and omits the ways contemporary manifestations of racialized power exist in everyday policymaking.

Critical perspectives that foreground race- and power-conscious analyses provide a theoretical lens for understanding racialized histories, structures, and processes within policymaking and contest the normative, race-neutral assumptions of policy analysis. Given the vexing racialized problems researchers and policymakers espouse to address (or redress) with policy interventions (e.g., inequitable preparation for and access to higher education, affordability, and developmental education that disproportionately serves Black and Latinx students), using such approaches to examine higher education public policy is fitting. However, particular attention to the roles of racialized power and political attitudes remains underutilized in examining policy formation, agenda-setting, and other aspects of the policymaking process. Such framings are urgently needed in today’s sociopolitical context, wherein visible calls for dismantling white supremacy in higher education have heightened at the same time active efforts by policymakers to thwart such efforts have increased. The application of critical lenses to higher education policy, therefore, offers the field greater recognition and understanding of how racialized power contributes to policymaking and the resultant disparities in resource allocation across racial groups.

The purpose of this chapter is to provide a framework that centers the racialized nature of the higher education enterprise and its policymaking. First, we lay out the role of higher education as a resource in its policymaking, which is undergirded by its racial-colonial foundations and historical policies that relied on racial exclusion and exploitation. We argue that white policy elites have normalized racial exclusion, thus establishing *hegemonic whiteness* as a status quo in US higher education. Further, we posit hegemonic whiteness in higher education policymaking is the result of racialized political power (Rosino, 2016), whereby white policy elites act as gatekeepers in an effort to maintain their hierarchical position as the sole arbiters of defining policy problems and their solutions. Here, we provide an example application of racialized power on two oft-used theories in the policymaking process in

higher education – multiple streams framework and advocacy coalition framework – and identify ways in which the prevailing models of the policymaking process do not adequately account for racialized power and the struggle to move away from the racial status quo in higher education. We then offer a framing of status quo policymaking strategies that are used explicitly to block change. Throughout, we bring together contemporary issues and critical higher education policy scholarship to advance our theorizing about the policymaking process. By doing so, we invite higher education policy scholars to interrogate and dismantle the extant racist paradigms in higher education policymaking and its scholarship with considerations for future research.

Racial-Colonial Foundations of Higher Education and Racialized Power in Postsecondary Policymaking

Higher education functions as an important resource in the production and maintenance of the white dominant class, as well as in the advancement of their interests, including in its privileging, perpetuation, and normalization of white “systems of knowledge” (Ladson-Billings, 2000, p. 257).¹ By beginning with a historical lens, we understand how higher education was developed as a resource for wealthy elites, often through the exploitation and oppression of Black and Indigenous populations in the United States; as a tool to train the labor force and exert global domination of intellectual (and financial) capital; and, only in the past six decades, a pathway for marginalized groups to find social mobility.

Historical Legacies of Racial-Colonial Violence in Higher Education Policymaking

For many, higher education’s intertwinement with the legacies of slavery and settler colonialism remains abstract – whereby some fraction of colleges and college founders or leadership owned and benefited from the labors of unfree people (e.g., Georgetown or Benjamin Franklin; Chou, 2018; Swarns, 2016). This relegation of higher education’s dark history to a few notable institutions and individuals – and framed within the norms and comportment of the times – undermines the ways in which the theft of land and “[h]uman slavery [were] the precondition[s] for the rise of higher education in the Americas” (Wilder, 2013, p. 114). We interpret this temporal normalization as a practice of what Saidiya Hartman calls the “violence of abstraction” (Saunders, 2008), which we seek to counter by explicitly naming these histories as well as the breadth and depth of their implications.

¹ Recent debates about curricula – such as the teaching of critical race theory at universities – have brought this resource into political and policy spaces (e.g., U.S. Congressman Burgess Owens, 2021; Iati, 2021).

Only through critical naming practices does it become clear that the US higher education system is anchored in anti-Black and anti-Indigenous violence. Consistent with critical race theory and decolonial analyses of higher education, we recognize US higher education as part and parcel of a broader racialized social system designed to serve interests of white elites at the expense and exclusion of the vulnerable. For instance, beginning in the 1600s, the first two centuries of American higher education established: the practices, behaviors, and norms of American higher education as wealthy white Christian male; the social reproduction function of elite higher education; a signaling mechanism into positions that serve the white ruling class – judges, politicians, etc.; and the intentional, active, and violent exclusion of non-white people from higher education that pervades the postsecondary enterprise and its policymaking today. Below, we focus on this colonial period as well as three specific, critical points in US history when those in institutional and political positions of power acted in ways that established and reinforced these anti-Black and anti-Indigenous norms and controlling narratives about higher education: the establishment and maintenance of colonial colleges; the Morrill Acts of 1862 and 1890; and Title II of the GI Bill.

Higher Education's Early Racial-Colonial History

From its inception, US higher education exploited Black and Indigenous people for the benefit of a white male (and Christian) ruling class, documented in Wilder's (2013) book, *Ebony & Ivy*. In addition to the violent theft and dispossession of land on which to build colonial colleges, early institutional survival was premised on receiving funds to evangelize and pacify the local Indigenous communities (e.g., Harvard's Indian College). A critical component of "Indian" education was enacting cultural genocide: to think and speak in English, acquire the ideologies of the European oppressors, and return to their people as trained ministers. Colleges were "imperial instruments akin to armories and forts" in the colonizers' conquest of Indigenous people (p. 33) where enrollment was by "invitation, purchase, or kidnapping" (p. 44). The utility and interest in "Indian colleges" diminished, however, when white settlers were able to subjugate local Indigenous communities through violence instead of education and divert earmarked funds for the education of Indigenous students to serve white students instead. In this way, Indigenous populations subsidized the establishment of American higher education.

The new slave economy and the wealth it produced also directly subsidized American higher education in the seventeenth and eighteenth centuries in several ways. Wilder (2013) recounts the many individuals – college founders, presidents and trustees, college instructors, current students, and alumni – who enslaved Black and Indigenous people for their own personal use. Moreover, several colleges themselves – as opposed to individuals employed by the college – would come to outright enslave people through either purchase or gift. Colleges used slave labor to clear land and construct buildings; for the maintenance of presidents' homes and campus buildings; to wait on faculty and students; to work the campus kitchens; and even for the entertainment of students. Perhaps most illustrative of the insidious linkage between early colonial exploitation and higher education's founding, many

of the families involved in founding, funding, or presiding over these institutions owned slaves or underwrote the actual slave enterprise (e.g., slave ships) involved in the Trans-Atlantic slave trade. What is more, as many of these colleges sought to secure patronage and tuition, they actively sought out families who benefitted from slavery and the displacement of Indigenous people (e.g., wealthy plantation owners, merchants, and investors who trafficked enslaved people) – both as institutional benefactors and students. Wilder concludes, “It was the security that human slavery provided free men, the wealth that slave traders and slaveholders could generate, and the social networks of plantation economies... that carried the American academy into modernity” (p. 111).

Wilder (2013) centers higher education’s role in the exploitation and subjugation of Black and Indigenous people as a necessity for its establishment, maintenance, and exclusivity. While Black and Indigenous populations were exploited for its establishment, the white elite were explicitly identified as the benefactors and beneficiaries. Higher education was designed as a place for the burgeoning wealthy class to send their young men to establish social connections and secure their places as power brokers (e.g., judges, governors). As the College of Philadelphia (today’s University of Pennsylvania) advertised their goal: to “establish [students] in Business Offices, Marriages, or any other Thing for their Advantage” (p. 138). What emerged was a well-heeled class of mostly private institutions that have largely become the most coveted in the country and serve as a perceived template for a high-quality postsecondary education – what Thelin calls “an academic archetype indelibly linked with a real and imagined colonial past” that is “influential and vivid in the American imagination” (Thelin, 2004, p. 1). In contrast, efforts to create a Black college in 1831 in New Haven – what Mustaffa (2017) argues as one form of Black *life-making* – were not only voted down by the white male residents, but further met with violent attacks on Black homes and businesses as the prospect of educated Blacks threatened the racial order.

Racial Consequences and the Morrill Acts of 1862 and 1890

Two interrelated points in the history of US higher education policy both sought to expand access to higher education – albeit conditionally and in a manner that reinforced the extant social and economic order. First, the recognition that the country needed an educated populace beyond the elites spurred on the Morrill Act of 1862, which established what we now call land-grant universities (Florer, 1968; Thelin, 2004). This legislation is regarded as the first major involvement of the federal government in formally supporting higher education in the United States. The stated goal was to further economic development through agriculture and industrialization – with an eye towards the US’s competitiveness on the global stage – by providing the fledgling higher education enterprise with a financial endowment (Sorber, 2018). To provide this endowment, the Morrill Act of 1862 “granted” states land – considered cheaper than money at the time (Thelin, 2004) – that they could then in turn distribute to their institutions. Institutions then sold these lands for profit in order to “constitute a perpetual fund, the capital of which shall remain forever undiminished” (Morrill Act, 1862). For many of today’s flagship

institutions, including some that became part of a constellation of highly selective public universities (e.g., University of California, University of North Carolina), profits from the sale of stolen land served as “seed money” for future financial security.

The Morrill Act of 1862 was a substantial wealth transfer into higher education, totaling about \$500 million in current dollars. Notably, the creation of these endowments was largely accomplished through the use of unceded or ill-gotten Indigenous land and at the exclusion of Black people. A recent study by the *High Country News* revealed this legislation provided states with 10.7 million acres of expropriated lands that, to gain control over, required “over 160 violence-backed land cessions” (Lee, Ahtone, et al., 2020). For example, the University of Missouri “raised over \$363,000 from land that was strong-armed from the Osage for less than \$700” (Lee & Ahtone, 2020). Although the legislation “helped establish a public commitment to higher education,” Black people were excluded from admission at many colleges at the time (Jones & Berger, 2018, p. 1). To the extent that exclusion raised concerns among policymakers, it was centered on the potential consequences to lower-income white males. After the Morrill Act passed, Vermont farmers – Senator Morrill’s state – lobbied that “high academic standards and tuition costs kept poor [white male] youths with only a common school education out of the university, and. . .demanded free, open-access land-grant education” (Sorber, 2018, p. 2).

By 1890, many of the institutions that were beneficiaries of the 1862 land grant continued to struggle financially (Thelin, 2004). The Morrill Act of 1890, the next key policy we consider, further supported higher education through annual appropriations from the federal government to states as a pass-through for the colleges established through the 1862 land grant. An important condition to receiving aid was that “money would not be distributed to states that considered race [i.e., banned Black people] in admissions and had not established a separate college for colored students” (Wheatle, 2019, p. 3). Further, states had to establish a “just and equitable division” of the monies between the white and Black institutions. In the context of reconstruction, the Second Morrill Act sought to incentivize former Confederate States to create land-grant options for Black students. At first pass, these requirements seem like an equitable advancement – remedying the exclusionary nature of the earlier Morrill Act and requiring that states expand opportunity for Black Americans.

However, Wheatle’s (2019) examination of the legislative documents that describe the process of the bill’s passage offers critical insight into the material consequences of this policy in practice. Wheatle found that even though the legislation sought to provide additional educational opportunities for Black people, its path for doing so prioritized the protection of white property and interests by codifying and funding the exclusion of Blacks from white spaces. Not surprisingly, legislators did so with very little input from Black constituents. Moreover, although lawmakers acknowledged ambiguity in the legislation that would position states to provide larger (and inequitable) shares of the appropriations to white institutions, there was insufficient interest to close these loopholes. Instead, the legislature privileged states’ rights to decide how to allocate appropriations across institutions.

This decision would set up a framework of both unequal and inequitable state funding structures between white-serving colleges and universities and historically Black public institutions that has only compounded over time (Perna et al., 2006), with legislators reluctant to acknowledge and resolve these past inequities (e.g., in present-day Maryland and Tennessee; Chang et al., 2021; Douglas-Gabriel & Wiggins, 2021; Schwartz, 2021a). Heralded as the set of legislation that underwrote the country's world-class higher education system and research enterprise (Thelin, 2004; Wheatle, 2019), the Morrill Acts of 1862 and 1890 created a purportedly egalitarian higher education sector that was tailored for white men of the "industrial classes" and specifically founded in the exclusion of Blacks and dispossession of Indigenous people.

The (White) Servicemen's Readjustment Act

The fourth (and final) major point in higher education policy that we consider here is Title II of the Servicemen's Readjustment Act of 1994 (known commonly as the GI Bill). The GI Bill was the first federalized student financial aid effort and was considered "a point of demarcation. . .symbolizing the transition from the period when college-going was reserved largely for elites to the current era of mass access to higher education" (Serow, 2004, p. 492). After World War II, policymakers sought to reroute returning military personnel into postsecondary education to allow time for a transition to a peacetime economy; factories to retool; and avoid high levels of unemployment (Thelin, 2004). The GI Bill would generously cover the costs of higher education for service members who served over 90 days during wartime, commensurate with their time in service. The program had unexpected take-up and subsequent effects on higher education – as some institutions doubled in enrollment, many with students who were considered nontraditional (older, married, first-generation, and those with disabilities).

While the GI Bill is part of a suite of policies credited for the expansion of the middle class, Serow (2004) argues the effects and reach of the GI Bill have been romanticized to reflect the public ideal of higher education as a mechanism for social mobility. For example, during deliberations, some policymakers adamantly protested the parity in the level of benefits among Black and white veterans (Bennett, 1996).² And although, on paper, proponents were able to pass the law, its implementation ultimately blocked Black people from accruing the same level of benefits as their white service member counterparts. For instance, the largely white staff at federal agencies often provided poor and discriminatory service to Black clients; yet a proposed remedy – a Black-serving veteran agency – was denied accreditation by the Veterans Administration (Herbold, 1994). Moreover, the lack of higher education opportunities for Black people – the foundations of which were ostensibly laid during the colonial period, reinforced by the Morrill Act of 1862, and then compromised away in the 1890 Morrill Act – created a ceiling for Black

²Senator Rankin from Mississippi "would try to sabotage the bill over the unemployment compensation provision that would give veterans the same benefits as whites" (Bennett, 1996, p. 174).

beneficiaries. This was particularly true at institutions in the southern United States where the majority of Black people lived at the time. As Black service members returned home to a largely segregated higher education system, the demand for college outpaced supply and an estimated 20,000 Black GI Bill recipients would be “turned away” from oversubscribed HBCUs (Olson, 1974).

An additional structural barrier was the long-standing lack of access to college-preparatory schooling for Black youth – rendering the GI Bill unusable by many (Herbold, 1994). Herbold notes only 20% of Black service members who applied for educational benefits were able to enroll in colleges. Shut out of college opportunities, many turned to vocational and trade schools. A causal analysis of these rampant structural inequalities estimates that the GI Bill actually exacerbated the Black-white educational gaps for men in the South, as the GI Bill had little effect on the educational outcomes of southern Black men (Turner & Bound, 2002). The GI Bill played an important role in normalizing the race-based gaps in higher education enrollment and attainment as well as stratification across sectors by placing a ceiling on Black veteran participation. Moreover, the Act also helped create the narrative whereby higher education is the main gateway for the white middle class – whose privileges have compounded over generations.

Higher Education for a White Public Good

The racial-colonial origin story of US higher education is critical in understanding the dual lens through which higher education is seen as a resource in today’s policymaking. In its totality, higher education has been an exclusionary racial project for the majority of its existence; it was designed largely for the patronage of wealthy white men to reinscribe their position as a ruling class and to preserve their position of structural power.³ Still, while the US higher education system would expand many times over to incorporate the panoply of institutions now serving an increasingly diverse group of individuals, these expansions have continuously been met with resistance and efforts to undermine higher education as a racially equitable public good. Today, much of contemporary higher education policy continues to either preserve or weaken postsecondary education’s white hegemonic structure, specifically through its rationing of resources (e.g., the distribution of state appropriations, design of access and financial aid policies). Therefore, it follows that we more precisely describe racialized political power and how it operates in higher education policymaking to further disenfranchise racially minoritized people from postsecondary resources.

³This is not to ignore the parallel structure of Black Higher Education, which was created in spite of this larger white Higher Education project (Mustaffa, 2017).

Power, Politics, and Racialization in Higher Education Policymaking

In the same way we have suggested race discourses in higher education policy research rarely render racism as a legible explanation for racial disparities, the concept of power is often implicitly associated with critical examinations of post-secondary problems. Still, we recognize that power is a complex and elusive concept for many higher education researchers and policymakers because it is not always made visible due to its approximation with other systemic terms that are often the focus of our work (i.e., racism, sexism, and other “isms”). It is also true that power eludes policy discourses due to the primacy of understanding policymaking as solely a political practice rather than one also undergirded by social processes, contexts, and relationships of power (Levinson et al., 2009). As Shukla (2017) notes, policy is often also conceptualized as a “public good,” one that aims to be of greater benefit to society than to any one individual or particular group. Yet, what is generally considered a public good is largely defined by and to the benefit of those already in power (Levinson et al., 2009). In the United States, positions of power have and continue to be predominated by white elites (and those racially minoritized actors vying to be in closer sociopolitical proximity). For this reason, power in policymaking arenas has served as a function of racial domination, control, and exclusion from institutions of social and political authority. Greater definitional understandings of power offer the possibility for more cogently and explicitly articulating a critical analysis of the many intractable problems policy, especially those related to higher education, attempts to address.

Conceptualizing Power

Power, as offered by the foundational twentieth-century philosophy of Bertrand Russell (1938), broadly refers to “the production of intended effects” (p. 35). While there are a number of other definitions, both within and beyond academic discourses, the essence of what Russell offers with regard to an exercise of will towards achieving a particular end remains largely unchanged. For example, within the long history of organized grassroots resistance against racial injustice, the notion of “people power” has been central to framing political agency as a resource upon which social movements can draw to achieve their goals. In 1971, Huey P. Newton, co-founder and former chairman of the Black Panther Party, articulated a concept of power that focused on the rights of marginalized people generally, and Black people more specifically, to self-determination:

We have been subjected to the dehumanizing power of exploitation and racism for hundreds of years; and the Black community has its own will to power also. What we seek, however, is not power over people, but the power to control our own destiny. For us the true definition of power is not in terms of how many people you can control. To us power is, first of all, the ability to define phenomena, and secondly the ability to make these phenomena act in a desired manner. (Newton, 1972, p. 101)

For Newton, who, in addition to his role in the Black Panther Party, also went on to earn a doctorate in social philosophy, power entailed both theory (i.e., the ability to identify and analyze social forces) and practice (i.e., to take action against those forces).

Social scientists proffer two more specific conceptualizations of power, *distributive power* and *collective power*. Collective power broadly refers to “the capacity of a group to realize its common goals; it is the combination of organization, cooperation, morale, and technology that allows one group or nation to grow and prosper . . .” (Domhoff, 2005, para. 3). This conceptualization best suits the first type of power to which Newton (1972) alludes in his articulation of self-determination for marginalized peoples. Additionally, according to Domhoff (2005), collective power is what gives way to distributive power, which most commonly concerns itself with who has power over what and/or over whom. German sociologist Max Weber argued that distributive power can be further understood as the likelihood of a person or group of people to actualize their will in social action, including those actions against the resistance of others (Weber, 1998; Wrong, 1995). Within political science, Dahl (1972) suggests definitions of distributive power rest on the intuitive understanding that entity A has power over entity B to the extent that entity A is able to get entity B to do what it otherwise would not do on its own will and accord. In a racialized social system (Bonilla-Silva, 2001) governed by white supremacy, entity A is best represented by white people and institutions that have historically determined who is recognized as a human being and therefore who has access to resources and under what (pre)conditions.

Undergirding distributive power is the domination-egalitarianism binary wherein power by domination organizes hierarchical relationships and social stratification in favor of privileged groups (Domhoff, 2005) by emphasizing the fallacies of “fair competition,” “merit,” and “excellence” as justification of individual and collective positions of social control. For example, the domination frame illuminates the various ways power has and continues to be used to support ideas, behaviors, practices, and policies that altogether render marginalized communities vulnerable to interpersonal and systemic violence. In the context of white supremacy, which is broadly defined as a hierarchical racial order structured by a “white”/“non-white” dichotomy and serves as the keystone of systemic racial inequality (Delgado & Stefancic, 2001; Mills, 2015), domination further frames how white elites generally use such positions to maintain and further expand dominant racial relationships to the benefit of white people and white institutions. Within the realm of higher education policy, white supremacy – as carried out by white elites through policymaking or other violence when policy is insufficient or ineffective – serves to restrict and reserve access to high-quality educational resources as a form of white racial domination.

Conversely, the egalitarian frame resists notions of arbitrary and ascribed authority through practices of control and domination. Rather, egalitarian power resists hierarchies in exchange for a flattened structure of society and an organization of social relations rooted in communal cooperation. Egalitarianism, or the basic notion that individuals within a society are inherently equal in their humanity and therefore

deserve equal access to economic, educational, political, social, and other life-making resources, is a paramount ideal in US democracy. In this way, policymaking as a more distributive practice may undertake the work of redressing the fundamental inequities that undermine US democratic ideals. Yet, as evidenced by innumerable examinations of the extent to which such ideals remain unrealized, racial, gender, class, and other forms of inequity continue to persist (and may in fact be endemic to US society; see Delgado & Stefancic, 2001). This persistence of inequality suggests that power analyses must also account for the ways demonstrations of authority, control, and domination are also consolidated and deployed by particular groups within and beyond political arenas. Given the specific history of higher education in the United States as demonstrably exclusive to racially minoritized communities, we want to be explicit with regard to the ways white elites concentrate power within higher education policy arenas. Therefore, we turn our attention to the concept of hegemony as a means for interrogating how distributive power functions within and to maintain racialized sociopolitical hierarchies in the United States.

Hegemony and Hegemonic Power

Now that we have conceptualized what power *is*, let us now turn our attention to explanations of how power functions. As critical scholars, we recognize the need to interrogate the many and varied assumptions about power and how it governs both interpersonal and systemic relations. In part, this interrogation raises questions with regard to who (or what) has power, how that power is deployed and to what end(s), and in what ways power is negotiated within and across social and political contexts. A common starting point for answering these questions is offered by Gramsci's (1971) notion of hegemony, which is broadly a concentrated power wielded by a particular in-group to dominate and control out-group members and resources. In this way, hegemony offers a clear operational understanding of how distributive power functions within hierarchical societies.

The original context within which Gramsci (1971) developed the concept of hegemony, like much critical European thought, foregrounds the primacy of ideological and class conflicts rather than other hegemonic forces (e.g., race or gender) commonly engaged in contemporary social science literature. As a Marxist, Gramsci was concerned with the role of ideology in the (in)stability of labor class relations over time and focused on the possibilities for structural change on the basis of whether and to what extent class-based mobilization and ideological production might occur. Of particular note was Gramsci's argument that hegemonic power naturalizes hierarchical class relations through *consensus* rather than coercion as the dominant, bourgeois class consciously produced ideological frames that were unconsciously consumed by subordinated classes (i.e., the proletariat). Still,

⁴For example, Connell (1987), and in later collaboration with Messerschmidt (Connell & Messerschmidt, 2005), proffer a framework for understanding masculinity as a hegemonic phenomenon. Specifically, they conceptualize hegemonic masculinity as "the pattern of practice (i.e., things done, not just a set of role expectations or an identity) that allowed men's dominance over women to continue" (Connell & Messerschmidt, 2005, p. 832).

coercion was not obsolete as the state – a collective representation of bourgeois class interests – maintained power due to its ability to force compliance among the proletariat. However, similar to early Marxism and other European schools of thought, the need to grapple with modern realities of other oppressive “isms” required an evolving understanding of hegemony that pays attention to the multiple intersecting and overlapping systems of power that govern social and political dimensions of society.

Building on Einstein’s dual systems theory, the concept of hegemony was transferrable to other areas of study (e.g., gender relations), though not without its interpretive challenges.⁴ Race scholars have articulated a theorization of racism based on the concept of *hegemonic whiteness* (Hughey, 2010; Lewis, 2004) and how it functions in higher education settings (Cabrera, 2018; Cabrera et al., 2017). Analytically, hegemonic whiteness accounts for both white homogeneity and heterogeneity by excavating similarities of white identity and ideology across other categories of difference (Lewis, 2004). Specifically, whiteness is conceptualized as an organized arrangement of meanings and practices that (1) differentiate and hierarchically situate “white” from and above “non-white” and (2) marginalize white ways of being that do not conform to a position of racial superiority or dominance (Hughey, 2010). Under systemic white supremacy, hegemonic whiteness offers more precise language to not only critically articulate a diagnosis of racial inequity but to also attribute responsibility to white elites as purveyors and the primary beneficiaries of whiteness. We find this especially useful in understanding how political power broadly and power within policymaking arenas more specifically are racialized in ways that further white advantage in higher and postsecondary education.

Racialized Political Power

Altogether, hegemony serves as a useful heuristic for uncovering the various ways power functions in policymaking processes and the political spheres within which policymaking operates more broadly. Hegemony both recognizes and calls into question the normalcy of political power relations and the subjective sociopolitical positions from which various stakeholders enter the policy arena. For example, Rosino’s (2016) racial analysis of political power argues that de facto structural arrangements and social practices, both historically and contemporarily, create boundaries and borders that limit and often undermine racially minoritized people’s access to and influence upon the political sphere. By political power we refer to the capacity for and efficacy of political action through legitimized practices of democracy (e.g., voting, lobbying, policymaking) through the state and political sphere (Rosino, 2016). Further, sociologists have argued that political power and political action are always already situated within a broader, overarching racialized social system (see Bonilla-Silva, 2014) that facilitates and restricts access to and uses of political power across various sociopolitical domains. To be clear, we conceptualize the racialized social system within the United States as a hierarchy of relationships predicated upon racist nativism (Huber et al., 2008) and anti-Blackness (Dei, 2017). The socially constructed position of subjects racialized as white over subjects

racialized as non-white is both the basis and the result of the racialized settler-colonial projects of Native land dispossession, Indigenous genocide, and the Holocaust of Enslavement of African peoples and their descendants.

Conceptualizing Racialized Political Power in Higher Education Policy

When applied to higher education policy, Rosino's (2016) understanding of racialized political power helps conceptualize policy arenas and policymaking processes as racial projects, which are shaped by and in service to the status quo interests of white supremacy and white elites. Because the primary political arenas in which formal higher education policymaking takes place remain racially exclusive, white elites retain structurally dominant positions to define policy problems as well as develop inadequate policy solutions. In both instances, the actions of white elites routinely demonstrate a failure to consider, if not also a complete disregard of, the disproportionate and potentially devastating impact policies continue to have on higher education access for racially minoritized communities.

We recognize critical policy analysis (CPA), broadly conceived, offers a generative starting point for considering the intricacies of policy creation and adoption as racialized while also contesting white normative assumptions of analysis (Chase et al., 2014; Shaw, 2004; Young & Diem, 2018). As Martínez-Alemán et al. (2015) note, "A public declaration, critical research, and scholarship have sounded the clarion of equity under the banner of democratic social justice, seeking to animate our institutional and public policy debates and our educational practices" (p. 2). Numerous scholars have called for the explicit use of power in the conceptualization of policymaking, including those in higher education (e.g., Bachrach & Baratz, 1963, 1970; Deupree, 2013; Dougherty et al., 2013; Perna et al., 2019; Pusser, 2015; Sievers & Jones, 2020).

We believe greater attention to and integration of the concept of racialized political power would strengthen critical policy studies as an analytical tool for communities, researchers, educators, and policymakers. In undertaking a critical policy lens in conjunction with racialized political power, we interpret the racial consequences of postsecondary policy based on the extent to which policies reify or redress institutionalized white supremacy on a systemic level. In sections that follow, we engage how the treatment of higher education as a resource serves as a tool that reinforces existing racial and class-based hierarchies that benefit the white elite.

Higher Education as a Resource

The preceding discussions draw attention to the way the white ruling class shaped US higher education as a sociopolitical mechanism to advance their collective

⁵ A 2017 study by Raj Chetty and colleagues serves as a recent example, finding that students who attend selective colleges, regardless of family income, experience similarly high earnings, but movement from the bottom to the top income quintile varies by institution.

interests and how racialized political power is a necessary component to critical policy studies. Specifically, the preservation of hegemonic whiteness within higher education was rooted in colleges' efforts to institutionalize anti-Black and anti-Indigenous norms. The creation and implementation of policy by white elites has historically rendered higher education as a racially exclusive resource. Below, we discuss how higher education remains a resource from which white elites maintain their hierarchical position of sociopolitical power, and efforts to reform the system's original structure often reinforce its racist and classist legacy.

For individuals in the United States, higher education is a coveted resource, as it is widely believed to provide individual social and economic opportunities as a private good (Fishman et al., 2019). Research reports return time and again to this goal, measuring whether the promise of upward mobility is borne out across institutions and sectors (Chetty et al., 2017; Johnson et al., 2018; Ma et al., 2019; Reber & Sinclair, 2020).⁵ Perhaps given the history of exclusion from higher education and economic prosperity, Black and Latinx communities are much more likely to see higher education as "very important" (65% and 66% of respondents, respectively, relative to 44% of white respondents; Marken, 2019). This belief that higher education is the key to upward mobility – particularly within communities disenfranchised from socioeconomic and political opportunity – renders college "worth it," no matter the cost (McMillan Cottom, 2017a, 2017b). In an interview with *Ed Week*, Lazerson (2005) explains:

The term *Education Gospel* refers to a system of belief that has dominated American education for more than a century: the belief that social, economic, civic, and moral problems can be solved through schooling. . . . Because the individual gets rewarded for continuing his or her formal education, the message of the Education Gospel is clear: The race for economic success and professional status depends upon staying in school for longer and longer periods of time, and being prepared regularly to return to school.

This perception may explain, in part, the willingness for many students – a disproportionate number of whom are Black or Latinx – to enroll in and pay for higher education experiences that may defy cost-benefit analyses, such as developmental education's non-credit-bearing courses (Community College Research Center, n.d.). Black families are more likely to borrow for college than their peers and more likely to take on significant debt relative to family income in order to realize their postsecondary goals (NCES, n.d.; Scott-Clayton & Li, 2016). With the promise of upward mobility, the education gospel creates an unrelenting demand for higher education as a racialized private good from which marginalized communities are routinely excluded.

Whether higher education actually functions as a gateway to the middle class for traditionally marginalized communities is illusory. Access to *elite* higher education –

⁵Recent high-profile efforts, such as the Obama Administration's College Opportunity Summit (Slack, 2014) and the American Talent Initiative (n.d.), draw attention to enrollment stratification, but do so by solely focusing on income (rather than racial) stratification.

as a space for the development of social networks, a credential for employment, and pathways for positions of power – is of great value to the dominant white ruling class. Elite education allows the ruling class to replicate their status across generations while deliberately metering access to everyone else. Therefore, because education is treated as a private good, the dominant white ruling class seeks to control access to this elite corner of higher education through systemic exclusion. As evidence, students at predominantly white private K12 schools represent only 2% of elementary and secondary students nationwide, but roughly a quarter of all students at many Ivy League institutions (Flanagan, 2021). Stratification persists beyond the Ivy League: one analysis shows that, at the 38 most selective institutions in the United States, students from the top 1% of the income distribution outnumber students from the bottom 60% (Cox et al., 2017). To date, selective institutions remain the most segregated part of higher education (Carnevale & Strohl, 2013) – whereby Black and Latinx students are underrepresented in the most selective colleges (by 6 and 9 points, respectively, and relative to their representation in the college market population; Monarrez & Washington, 2020).⁶ Andrew Nichols (2020) notes in his report, *‘Segregation Forever’?* that the 101 most selective public institutions in the country have 65% fewer Black students since 2000 and not kept pace with the growing representation of the Latinx population. These disparities make clear that the mechanisms that maintain white privilege in admission – such as legacy admission (Bazner & Button, 2021) – remain unquestioned.

When we instead treat postsecondary education as a public good, the focus shifts to workforce development. Higher education is commonly viewed from a human capital perspective, whereby it functions as a sorting mechanism – producing a skilled workforce, which in turn supplies and attracts businesses seeking said labor. Heralding the economic benefits of non-elite (often vocational) education in this way, without drawing attention to its sorting process, makes racial and economic stratification not only acceptable but laudable. Moreover, higher education has historically played an important role in maintaining global competitiveness and domination in the production and innovation of capital. Therefore, the white ruling class has a stake in broad participation in higher education. Indeed, in recent history, there was much attention paid to the US’s drop in rankings in educational attainment among “developed” countries (Cahalan et al., 2021; de Vise, 2011) and the national imperative to increase degree attainment generally (e.g., Field, 2009b), as well as in specific fields that are integral to global domination, such as STEM fields (U.-S. Department of Education [ED], n.d.). This bifurcation of goals, often along lines of race and class, creates an uncomfortable tension wherein the same broad system seeks to reinforce scarcity of seats at elite institutions while expanding access to less selective institutions.

Policymakers at the state and federal levels have the ability to codify conditions that support or negate access to higher education in ways that reinforce this tension between the private benefits reserved for the ruling elite and the public good of workforce development. First, state and federal governments oversee the higher education landscape. The existence of institutions depends on successful completion of an authorization process that is under the purview of states; and in order to receive

federal monies such as Title IV (i.e., student financial aid), institutions must receive accreditation – a process that is overseen by the federal government (ED, 2021a). Through accreditation and state authorization, federal and state governments *should* be able to keep out “bad actor” institutions. Second, state and federal investments are substantial. States use an average 10% of their budgets to fund higher education (ranging from 2% to 27% in 2019; National Association of State Budget Offices, 2020). The federal government’s spending on financial aid for postsecondary students is approximately \$122 billion as of 2019 (Federal Student Aid, 2019), and an additional \$11 billion from the Veterans Affairs Office as of 2016 (Bass et al., 2019), which supports the beneficiaries of the GI Bill. These financial investments allow both state and federal governments to govern through “the power of the purse” – the sheer size of investment enables either entity to influence institutional action that can promote (or inhibit) equitable access by threatening to withhold money or allocate it differently. Third, because the tenth amendment implies that education is a state’s issue, much of the higher education policymaking lies with states. While it varies, state policymakers have the power to set eligibility criteria for college admission, tuition, and benchmarks for developmental education and provide financial aid to students. The US Department of Education retains purview on matters of civil rights for groups named in the Equal Protection Clause of the 14th amendment (e.g., race, gender).

Given the racist and settler-colonial foundations of higher education and its limited accessibility for racially minoritized groups, the starting point for higher education and its policymaking in the United States is one that creates and maintains white supremacy through hegemonic whiteness (Cabrera et al., 2017). For this reason, scholars have called the presence of white hegemonic structures and thinking “status quo” (e.g., Freire, 2005). Status quo is not used to minimize the impact of white supremacy but rather to underscore the normalization of hegemonic whiteness in the everyday operations of academe. We frame policymaking in higher education as an unrelenting contest between maintaining or changing the racial status quo. We ask, to what extent do policies uphold or contest the extant white supremacist structures in higher education?⁷ These structures, for example, center the histories, postsecondary narratives (Patton, 2016), and epistemologies of whiteness and hierarchically sort racially minoritized students, faculty, and staff into stratified opportunities and subsequent well-being. Here, we consider the magnitude of change from the status quo to exist on a continuum, much like the framing of activist scholarship and scholar subjectivity (James & Gordon, 2008) offers gradations of ideological position – from progressive incrementalism rooted in compromise and deemed “reformist” to the abolition of the status quo in its entirety in exchange for more

⁷ Similarly, King and Smith (2005) “argue that American politics has historically been constituted in part by two evolving but linked ‘racial institutional orders’: a set of ‘white supremacist’ orders and a competing set of ‘transformative egalitarian’ orders” (p. 75). See their essay for a historical account of various phases of white supremacist and egalitarian efforts in politics and policy.

⁸ While we do not make these categorical distinctions throughout this chapter, we offer these framings for clarification.

revolutionary possibilities. Policymaking that seeks change but remains proximal to the status quo may seek to include greater representation of marginalized communities, yet within existing white supremacist higher education structures. Change deemed radical may include equitable representation of marginalized communities within and *atop* such structures. Revolutionary change seeks to disrupt and dismantle the existing racial hierarchies that undergird postsecondary education while reimagining higher learning as a public good that serves those most vulnerable to exclusion and marginalization.⁸

To illustrate, developmental education – considered academic quicksand for students who have been subjected to poor academic preparation and for which Black, Latinx, and low-income students are disproportionately identified – is considered largely inefficient, with poor outcomes, and in need of change (Bautsch, 2013; Ganga & Mazzariello, 2018). Policies that address the challenges of developmental education take many forms – some make small changes to the existing structure to improve identification – such as testing high school students early in order to notify them of being “at risk” of developmental education (see TN SAILS Program; Tennessee Board of Regents, *n.d.*). This approach continues to burden the student to meet a benchmark and adheres to status quo beliefs about meritocracy supported through a reliance on testing that effectively sorts people into stations in a way that benefits white elites. The policy simply allows students to better prepare for that benchmark. Another policy approach eliminates developmental education altogether and invests in academic supports for students (e.g., Florida; Hu et al., 2019; Smith, 2019b). This approach addresses systemic shortcomings of the developmental education process and can serve to contest the notions of meritocracy and the question of “who belongs” in higher education.

Our conceptualization of distance from the status quo allows for the decoupling of party from the intention of policy proposals and is therefore more precise to our understanding of change-making in higher education. Political party and ideology at many times serve as stand-ins for the maintenance or change of the status quo, writ large. We recognize that partisanship has material significance as politicians and the electorate are largely organized by party. A political party that is in power – whether at the state or federal level – will determine all facets of the policymaking process. Moreover, the political climate is currently and increasingly hyper-partisan (Taylor et al., 2020) in their organization and cote-casting. Of particular relevance to this chapter is that political parties are highly racialized by their voters. White voters are majority Republican (53%), whereas Black (83%), Latinx (63%), and Asian (72%) voters are majority Democrat (Pew Research Center, 2020b). Therefore, partisanship and its relationship to race are critical components of the policy environment (Taylor et al., 2020), and several of the studies we use to animate this chapter frame their work around political parties. However, we also want to recognize that coalitions of policy actors come together with varied interests to advance policies in ways that have shifted over time and do not always neatly align with political parties or ideological categories (King & Smith, 2005). We prefer a framing that considers distance from the status quo of white supremacy, as reliance on political party or ideology can produce false dichotomies – Republicans can support bills that move

away from the status quo (e.g., Second Chance Pell; Fredman, 2019; Green, 2020), and Democrats can support status quo policy harmful to minoritized communities (e.g., ban on financial aid eligibility for individuals charged with drug crimes; Cervantes et al., 2005).

With this section, we begin to offer a conceptualization of higher education policymaking that is situated within a historical continuum of racism rather than a disjointed contrast between the past and the present. Importantly, we underscore the bidirectional nature of the US's historical legacy of racism and cultivation of racialized power that shaped higher education's status quo (and vice versa) for centuries, largely undisturbed. From this starting place, policymaking can only be in the service of either the white supremacist status quo or a mandate for change. Our explicit attention to this tension is a departure from how policymaking in higher education has been traditionally conceived in the literature. Below, we introduce traditional policymaking process theories to animate a critical analysis using our above framing.

Traditional Approaches to Theorizing the Public Policy Process

Although an oversimplification of the policymaking process, theories in this genre tend to focus on one component of an overall arc along which policies develop – from formation to adoption, then implementation and evaluation. A single theory may situate itself in one or many of these components or may eschew the somewhat antiquated view of policymaking as a linear process altogether. Here, we examine two popular policymaking theories⁹ that address formation and adoption – the multiple streams framework (MSF) and the advocacy coalition framework (ACF) – to help motivate and exemplify our discussion of racialized power in public policy.¹⁰

Multiple Streams Framework

Originally proposed by Kingdon in 1984 to explain policy formulation in the US federal government, the multiple streams framework (MSF) describes the manner in which issues become part of the governmental agenda and are subsequently considered for immediate action on the decision agenda. Kingdon developed MSF based on

⁹Not considered in this discussion of policy process theories, though influential to our critical treatment of these same theories, are policy design theories, which consider who benefits/is burdened by policy (e.g., social construction theory; see Bell, 2020; Gándara & Jones, 2020).

¹⁰Although many of the applications of these theories that we consider examine the policy process at the state level, theories of policy process often originate in efforts to explain federal policy. We too note the importance of understanding federal policy as it relates to higher education's most urgent problems/issues as well as the capacity for the federal government to ration access to higher education via control over accrediting agencies and the design of federal financial aid programs.

his belief that the policy process is nonlinear wherein policy goals are clearly defined, solutions are surfaced and compared based on their costs and benefits, and the solution that best balances costs and benefits is chosen. Building on organizational theorists' *garbage can theory* in which its originators sought to explain organizational decision-making processes (Cohen et al., 1972), MSF theorizes that policy formulation is the result of three interdependent streams (problem, policy, and politics). When changes in the problem or political stream yield a serendipitous window of opportunity, policy entrepreneurs couple the stream to a solution from the policy stream, which moves issues from the governmental agenda onto the decision agenda and, if successful, into policy (Kingdon, 1984). Put another way, the MSF can be thought of as "embodying paradoxical elements of clarity and ambiguity, order and anarchy, pattern and unpredictability" (McLendon, 2003, p. 508).

In studies of US higher education, scholars have reached for MSF to evaluate the process through which numerous state-level issues have become policy (or not). Scholars have previously employed MSF to study state-level higher education governance reform (McLendon, 2003; Mills, 2007; Tandberg & Anderson, 2012); adoption and criteria-setting of merit aid scholarships (Ness, 2010; Ness & Mistretta, 2009); and approval for applied baccalaureate degree programs (Ruud et al., 2009). Three more recent applications of MSF merit mention because of the manner in which each centers policymakers' and educational actors' consideration of who deserves to benefit from higher education and in what way. Santos and Sáenz (2014) use MSF as a narrative device that helps explain multi-decade changes in Latinx/e student college participation and policy trends that supported or stymied enrollment. Nienhuser (2015) employs MSF in his study of New York state's passage of legislation that granted undocumented students' eligibility for in-state tuition rates. His case study not only centered the role of Latinx/e advocacy organizations and legislators in the policy's passage but also called out the post-9/11 xenophobia as a contributing factor to a change in institutional policy that ultimately created an anti-undocumented student policy window at the state level. Lopez and Rivera (2020) wield MSF as the theoretical framing that guides their identification of local, state, and federal actors who provide college advising. The authors sought to understand how problem definitions and perceived responsibility for the cost of higher education differ across these actors.

In the remainder of this section, we introduce the main components of the MSF: each of the three streams (problem, politics, and policy), policy windows, and policy entrepreneurs. When illustrative, we supplement these discussions with examples of the theoretical concepts identified by higher education scholars in the studies highlighted here.

Problem Stream

The *problem stream* represents problems, issues, or concerns that have captured the attention of the public, policymakers, or both. Herweg et al. (2018) explain that policy problems are social constructions based on individuals' perceptions of the ideal world and reality. There will therefore be a variety of beliefs about what

constitutes the presence and gravity of a problem, specifically as it relates to the population of individuals who are harmed or (sometimes) helped by the presence of a problem, as well as the set of viable solutions. In Lopez and Rivera's (2020) interviews with college access professionals, the authors found that how these professionals framed the problem – as one of personal or societal responsibility – influenced and was influenced by what they thought should be done to help students pay for college. Problem definitions are themselves subjective, just as the solutions that stem from these problem definitions necessarily reflect the subjectivity of the definition.

When one problem gains prominence, it can lead to changes in prominence for other problems in the stream (Kingdon, 1984), as was the case of higher education decentralization in Arkansas in the late 1990s (McLendon, 2003). Once decentralization captured the attention of the legislature, “issues that had been at the top of [college] presidents’ legislative agendas plummeted in importance” (McLendon, 2003, p. 494). In contrast, the problem of baccalaureate capacity gained prominence in the early 2000s and, as attention to the problem grew, the complementary issue of credit transferability as a barrier to alternative pathways to the BA became central to the capacity conversation (Ruud et al., 2009).

How do problems gain adequate recognition to merit policy attention? There are three primary means: shifts in routinely monitored indicators, focusing events that draw sudden attention to a problem, and established feedback mechanisms (Kingdon, 1984; Nienhuser, 2015). To the first, Herweg et al. (2018) note that standalone indicators do not in and of themselves constitute a problem, but rather are used by policy entrepreneurs to frame or underscore issues. For example, college completion rates can lead to state-level concerns about degree attainment (Ness & Mistretta, 2009). More recently, four Democratic US Senators released a letter that used low completion rates, high debt burdens, and high default rates to frame the issues faced by Black degree-seeking college students (Smith, 2019a).

Second, focusing events draw attention to a problem by amplifying the potential consequences to leaving the problem unaddressed. Birkland (1997) characterizes potential focusing events as those that happen suddenly, are rare (and therefore unpredictable), come to the attention of the public and the policy elite nearly simultaneously, and inflict harm or reveal “the possibility of potentially greater future harms” (p. 22), especially on specific geographic regions or within populations of interest. One such example from higher education is the far-reaching admission scandal that first became public in March 2019. The public unveiling of “Operation Varsity Blues” revealed wealthy parents’ unabashed willingness to help their children cheat on standardized tests, lie about sports acumen, and bribe college officials to ensure admission into selective colleges and universities (Jaschik, 2019; Medina et al., 2019). The public and policy elite became aware of the federal investigation nearly simultaneously and, despite the general sense that college admission is not solely merit based (e.g., legacy admission), the scale of the scandal was rare. The possible harm came in the form of further damaging students’ and parents’ perceptions of the admission process as merit based; the behavior of the parents indicted in the scandal provided clear evidence the admission process

operates in favor of students with means. California legislators were quick to use the window to push reforms (Gordon, 2019), though only some were ultimately passed into state law.

The third avenue through which a problem gains attention is via *feedback*, which includes progress reports on government-funded programs, constituent complaints, or reports on program costs (Kingdon, 1984; Herweg et al., 2018, p. 22). Unlike indicators, which are often one-dimensional numeric measures, feedback more typically arises from administrative and bureaucratic processes and is more qualitative in nature. Complaints about the Public Service Loan Forgiveness program's operations – to the Consumer Financial Protection Bureau (Turner, 2017), in legal filings from borrowers who became suddenly ineligible (Kamenetz, 2017), and on news sites that featured borrowers who were surprised to learn that they were never eligible due to technicalities (e.g., Lobosco, 2018) – served as problematic feedback about the program. Once the narrative became one of governmental inefficiency at a cost to borrowers, the issue became a problem that policy elites sought to address (Kreighbaum, 2018). Problems related to widespread budget cuts or perceptions of inefficiency in existing bureaucratic structures can serve as feedback that creates policy windows that lead to changes in governance structure (McLendon, 2003; Tandberg & Anderson, 2012).

Political Stream

The *politics* stream incorporates the national mood and public opinion, pressure from organized forces such as interest groups, and turnover in the legislature or the administration. Each of these factors influences “politicians’ attention to voter reactions, their skewering of members of the opposite political party, and their efforts to obtain the support of important interest group leaders” (Kingdon, 1984, p. 152). In other words, these factors are indirect influences on the policy process through the manner in which they influence policy elites’ actions. National mood, or public opinion, relates to a policy actor’s interpretation of the public’s support for or interest in a given idea. Although Kingdon references in passing “politicians’ attention to voter reactions” (p. 152) in his description of political motivators in the politics stream, his discussion of the central elements of this stream excludes an express discussion of the policymaker’s responsiveness to voter preferences. Instead, he notes only that the national mood influences voters, which can lead to turnover in the electorate.¹¹ Ness (2010) notes that the Black caucus members in the Tennessee legislature sought information on how different eligibility criteria for the merit aid program would affect Black students in the state. Their effort to represent what they believed to be their constituents’ preferences influenced their seeking eligibility

¹¹ Kingdon (1984) further shrinks the role of the voter by downplaying public opinion’s influence on agenda-setting: “the general public opinion is rarely well enough informed to directly affect an involved debate among policy specialists over which alternatives should be seriously considered” (p. 70).

requirements that would expand the number of Black students eligible for the program.

Organized forces are a catchall for “interest group pressure, political mobilization, and the behavior of political elites” (Kingdon, 1984, p. 157); the level of agreement among the entities that comprise the organized forces serves as a signal of which solutions have potential to succeed. This dominant political narrative may not reflect public opinion, but could instead result “because important people believed that the dominant side had superior political resources, such as group cohesion, their advantage in electoral mobilization, and the ability to affect the economy” (Kingdon, 1984, p. 158). Take, for example, Lopez and Rivera’s (2020) observations about the neoliberal trends occurring within education at the time of their study. Texas was divesting from higher education, and the Lieutenant Governor of Texas had just advocated for the removal of tuition set-asides. At the national level, the appointment of Betsy DeVos as education secretary served as a tacit endorsement of the continued privatization of higher education. These separate events might collectively influence whether college access professionals view responsibility for college costs as primarily that of students and families.

Lastly, governmental turnover is the third element of the political stream that influences agenda-setting. Governmental turnover could be the result of a recent election that brought into legislative positions an increased number of politicians of a particular ideological leaning. Administrative transitions in the executive branch and in federal offices are themselves significant events within the political stream that can be accompanied by changes in attitudes, approaches, or receptivity to particular ideas among policy elites. In several of the higher education case studies that employed MSF, a change in the gubernatorial administration was noted as likely contributing to the observed changes in agenda-setting and policy formulation (McLendon, 2003; Mills, 2007; Tandberg & Anderson, 2012).

Policy Stream

The policy stream consists of a comprehensive set of plausible policy ideas that address a particular issue. Ideas gain traction among actors in the policy stream based on their technical feasibility (will it accomplish its goals), its value acceptability (are the values underlying the approach in alignment with the expressed values of the policy community), and its resource adequacy (how much will it cost, and is that acceptable). Among the specialists debating the available alternatives, consensus is theorized to emerge as actors (researchers, interest groups, the media) *soften* to a particular idea and discussion of the idea begins to dominate ongoing conversations (Kingdon, 1984, p. 147). An idea to which the community of policy elites has softened is said to be “ready” for consideration as a solution to a problem, when one enters the stream.

In Arkansas’ higher education reorganization, the idea of decentralization originated in a plan drafted for another state (NJ), which then made its way to Arkansas’ university presidents (i.e., policy diffusion), who then built support for the idea among themselves (McLendon, 2003). Although the solution was initially jettisoned by a potentially friendly legislator, the idea remained in the policy stream until

another window of opportunity in which it was taken up in earnest. A similar trajectory occurred for Massachusetts' restructuring, in which the preferred solution to restructure the state's Board of Regents remained dormant until the optimal window (Tandberg & Anderson, 2012).

Although Kingdon (1984) is generally dismissive of incrementalism as a framework for understanding policy adoption, he notes that it can explain the process by which ideas iterate in the policy stream (p. 88). An idea appears in the policy stream in one version and then, as the idea gains traction, the specifics of how it would be implemented are adapted depending on the perceptions of feasibility among the policy elites. The shifting scope of student loan forgiveness serves as one example of the kind of incrementalism that might occur in the policy stream. Conversation on the Democratic presidential campaign trail (2018–2020) first began as total forgiveness suggested by Senator Bernie Sanders (Murakami, 2020a) before shifting to \$10,000 forgiveness for all borrowers and additional targeted forgiveness for low- and middle-income borrowers by former Vice President Joe Biden (Fain, 2020). By September 2020, Sens. Chuck Schumer and Elizabeth Warren proposed \$50,000 forgiveness (Murakami, 2020b) as House Democrats almost simultaneously dropped a provision for \$10,000 forgiveness from the COVID-19 relief bill (Murakami, 2020c). Since Biden's inauguration, forgiveness momentum has stalled, with Biden ruling out the cancellation of \$50,000 per borrower and suggesting that, though he remains open to \$10,000 in forgiveness, it may not come through executive order (Murakami, 2021). Concurrent conversations in the policy stream centered on questions of who would benefit and, more notably, who was deserving of the benefit of forgiveness (e.g., *The Wall Street Journal*, 2020).

Policy Windows, the Policy Entrepreneur, and the Coupling of Streams

Windows in the agenda-setting or policy formulation processes open when activity in either the problem stream or political stream (or both) brings a new issue to the foreground. These windows may be predictable (the transition of influential elected officials or the annual budget cycle) or unpredictable (a focusing event in the problem stream). But windows are not themselves a guarantee of policy change: "If the problem is not salient, and/or a solution is not available, and/or political conditions are inhospitable, it will not get on the agenda" (Mucciaroni, 1992, p. 460). Sometimes, policy windows may lead to the closure of other windows or even spillover into other policy issues. To the latter, if, for example, deregulation gains traction in one area (e.g., airline industry deregulation), it may lead policy entrepreneurs in other areas to pursue parallel strategies.

Policy entrepreneurs are integral to the process by which an opened window leads to policy change, as they are the ones who soften others in the policy stream to their pet ideas and, when a policy window opens, ensure these same ideas become coupled with the problem or policy streams (Kingdon, 1984, p. 21). Mintrom and Vergari (1996) outline three functions of the policy entrepreneur: identifying and providing a strategy to fulfill unmet needs; shouldering the risks associated with the pursuit of a particular policy solution; and coordinating across actors to "resolve collective action problems" (p. 422). They are, Mintrom and Vergari (1996) note,

“identifiable primarily by the actions they take, rather than by the positions they hold” (p. 422) or their opinions on the matter. Kingdon theorizes that policy entrepreneurs commit to this work for altruistic reasons, because of the electoral benefits, or because they are what he calls policy groupies who value being an integral part of the policy process. Nienhusser (2015), for example, finds that the governor of New York’s desire to get reelected – which he felt was only possible with support from the state’s Latinx population – motivated his request that legislators introduce bills to formally provide in-state tuition benefits to undocumented students. In this example, the governor served as a policy entrepreneur willing to coordinate across actors for the sake of the election benefits.

Regardless of how the window opens, a policy solution’s chances of success are greatest when all three streams are coupled together. This is not to say that every window yields a tidy coupling of problems and solutions that align with each other and with public opinion or political will. Indeed, often solutions lie in wait of a problem to which they can feasibly, if imperfectly, become coupled. McLendon (2003) finds that decentralization solutions “did not originate in direct response to the problems with which they became publicly associated. Rather, solutions were developed independently and in advance of the problem for which proponents of the solution later claimed they were the answer” (p. 505). This explanation highlights both the role of the entrepreneur in observing the optimal moment to couple a solution to a problem or to a change in politics *and* the absence of linearity in Kingdon’s (1984) conceptualization of the policy process.

Advocacy Coalition Framework

The advocacy coalition framework makes sense of the policymaking process by centering the actors, or policy elites, who band together in advocacy coalitions based on a shared “set of normative and causal beliefs” (Sabatier, 1988, p. 133). From their joint position, these coalitions seek to influence policy, where the coalition’s ability to do so depends on its available resources (Sabatier, 1988, p. 143). Howlett et al. (2017) summarize ACF as a theory that explains “how coalitions formed, engaged their competitors, and how that process established hegemony over problem definitions and policy alternatives” (p. 69).

In higher education, ACF is employed primarily as an organizing structure to understand the various stakeholders involved in the policy process and their underlying belief systems. Dougherty et al. (2010) and Nienhusser (2015) each applied ACF as one explanatory theory in their assessment of the passage of in-state tuition policies for undocumented immigrants. Ness’ (2010) application of the theory focused on the factors that influence three states’ determinations of eligibility criteria for merit-based aid awards. Dougherty et al. (2013) took an expansive look to observe how performance-based funding policies came to exist (or not) in six states. Shakespeare (2008) examined two specific dimensions of ACF: alignment between coalitions with differing beliefs and the way coalitions interpret information through the lens of their beliefs.

The remainder of this section introduces the theoretical components of ACF, in two main categories: The first examines advocacy coalitions and their defining attributes (Weible et al., 2020). The second focuses on the conditions for policy change: policy learning that happens among actors within coalitions and is influenced by coalitions' use of information, and external shocks that, similar to policy windows in the MSF above, can lead to policy change even as underlying beliefs remain stable.

Subsystems, Advocacy Coalitions, and Three Layers of Beliefs

A policy subsystem is a collection of actors across public and private organizations who are engaged in work on a similar policy issue. These subsystems resemble the policy stream introduced in MSF. Within any subsystem, advocacy coalitions are loosely defined as collections of "people from various organizations who share a set of normative and causal beliefs and who often act in concert" (Sabatier, 1988, p. 133). These two attributes – policy actors and shared beliefs – are necessarily present in any advocacy coalition (Weible et al., 2020). Three additional attributes, as either active or absent (or "muted"), further influence a coalition's power to affect policy change: their available resources, the level of coordination across coalitions, and the level of stability within their membership (Weible et al., 2020).

First, an advocacy coalition must have policy actors. ACF expanded the set of possible actors beyond the traditional "iron triangle of administrative entities, legislative committees, and interest groups" (Weible et al., 2020, p. 1061) to include advocates, researchers, and the media (Ness, 2010). A notable type of policy actor is the policy broker. Unlike policy entrepreneurs in MSF, who tend to favor a particular policy solution (Mintrom & Vergari, 1996), a policy broker is one who mediates conflicts between advocacy coalitions who favor contrasting solutions. Their "principal concern is to find some reasonable compromise which will reduce intense conflict" (Jenkins-Smith & Sabatier, 1994, p. 182).

Second, policy actors within a coalition necessarily have shared beliefs. In his introduction of the theory, Sabatier (1988) laid out three layers of beliefs held by each policy actor: deep core beliefs, near (policy) core beliefs, and secondary aspects. Deep core beliefs are the "general beliefs about human nature and society (e.g., the relative importance of freedom and equality, the relative priority given to the welfare of different groups, or the proper role of government versus markets)" (Dougherty et al., 2010, p. 129). Policy actors may have differing deep (core) beliefs but belong to the same coalition if their near (policy) core beliefs align, where near (policy) core beliefs relate to "the seriousness of a problem, its basic causes, and the best solutions" (Dougherty et al., 2010, p. 129). Secondary aspects capture beliefs about the technical issues of a policy, such as budgets, procedures, and administration (Dougherty et al., 2010). Embedded in these beliefs are actors' or coalitions' economic and political self-interests (Weible et al., 2020, p. 1063), though Sabatier (1988) is careful to note that, even if advocacy coalitions sometimes coordinate with each other despite differences in their beliefs, "ideology can likewise restrain the pursuit of self-interest" and coordination (p. 161). Put differently, in ACF, the

political actors and their accompanying coalitions are neither wholly self-interested nor wholly ideological.

Application of ACF in higher education examines at least one, and sometimes multiple, coalitions' belief systems, a central component of the theory. Dougherty et al. (2010) examine differences in coalitions' beliefs as related to in-state tuition for nonresident immigrants, finding meaningful differences in deep (core) beliefs that result in irreconcilable differences in near (policy) core beliefs. The Texas "egalitarian coalition" (pro-in-state tuition policies) believed "in-state tuition was a matter of social justice. They saw undocumented students as, in essence, American, who deserve higher education opportunities just like other Americans" (Dougherty et al., 2010, p. 139). The opposing coalition, in contrast, "did not see undocumented immigrants as rightful members of American society nor did they believe that government should address their needs" (Dougherty et al., 2010, p. 142).

The third attribute of a coalition is its resources. Resources, which "can be sourced at the level of the individual, organization, or coalition, and policy subsystem or political system" (Weible et al., 2020, p. 1066), are the source of an advocacy coalition's influence. Examples of resources referenced in the original articulation of ACF include money, expertise, supporters, and legal authority (Sabatier, 1988, p. 143). Recent versions more effectively center power (Weible et al., 2020) and public opinion (Sabatier & Weible, 2007) as resources that coalitions can wield to pursue policy change. That said, even this updated discussion leaves underexplored "how class, status, or gender relate to the acquisition or use of resources. In fact, the ACF makes no mention of those latter elements, whatsoever" (Deupree, 2013, p. 47).

The two remaining attributes – coordination and stability – flesh out the advocacy coalition's level of influence within the policy sphere. Coordination considers the degree to which actors in a coalition are working together and coalitions as a whole are working independently as opposed to alongside other coalitions with different or similar policy core beliefs. Policy subsystems are considered "collaborative" if coalitions with differing beliefs work alongside each other to advance shared policy goals; these subsystems are contrasted with more adversarial subsystems where such coordination is nonexistent or less common. In the higher education studies we examine, there is little direct reference to cross-coalition coordination, though Dougherty et al. (2010) reference weak coordination among policy actors *within* an advocacy coalition. Stability refers to the natural temporal fluctuation in coalition membership, beliefs, and resource availability. By understanding the relative stability of a coalition over time, researchers can better understand its likely relative influence over present-day policy change.

¹²The comparable concept in MSF is the policy window opening and streams becoming coupled, rather than a focusing event, because the external shocks only lead to policy change when they are "put to political advantage by advocacy coalitions" (Dougherty et al., 2010, p. 131).

Policy Change Through External Shocks and Policy Learning

Policy change in ACF results from two antecedent changes – external shocks in the policy environment and policy learning within advocacy coalitions. Looking first to external shocks, the policy environment has “system parameters” that are both stable and dynamic. Stable parameters relate to the attributes of the problem, the governmental and legal structure, and sociocultural values as well as the social structure itself (Sabatier, 1988). Dynamic changes include “changes in socioeconomic conditions . . . and in the systemic governing coalition,” as well as new policy decisions or cross-subsystem influences (Sabatier, 1988, p. 133). Sudden changes in these dynamic forces, or “external shocks,” are the dominant avenue through which policy change occurs (Ness, 2010). These shocks mimic the notion of “policy windows” in MSF (Dougherty et al., 2010) and can cause “the dominant coalition to lose political resources or to change its beliefs” (Dougherty et al., 2013, p. 6).¹² Dougherty et al. (2010) identify the late 1990s/early 2000s tightening of the US-Mexico border in both Texas and California, followed by 9/11’s aggravation of anti-immigrant sentiments, as external shocks that influenced Arizona legislators’ ultimate adoption of a policy that prohibits in-state tuition for nonresident immigrants.

A second process by which more incremental policy change occurs is policy learning. Policy learning within advocacy coalitions occurs when the coalition intakes new information that leads to coalition-level revisions in beliefs regarding “problem definitions, policy solutions, or strategies for influencing government decisions” (Pierce et al., 2017, p. S16), among others. This policy-oriented learning is a fundamental component to the model as it centralizes the process by which coalitions update their priors about how best to achieve their deep core beliefs. That said, since an advocacy coalition’s goal is to achieve its policy objectives, information is likely considered selectively (Sabatier & Weible, 2007; Shakespeare, 2008). This learning, when it occurs, is hypothesized to have little to no effect on deep core beliefs and more effect on either near (policy) core beliefs or secondary aspects (Sabatier, 1988). Despite the central role afforded to policy learning as a mechanism of change in ACF, the framework cannot explain why this learning sometimes leads to policy change and other times merely changes coalitions’ beliefs (Howlett et al., 2017).

Main Critiques of Traditional Theories

MSF and ACF add value in articulating factors that influence policymaking broadly and the agenda-setting process specifically. MSF offers a nonlinear framework to understand the seemingly chaotic manner in which policymaking unfolds. ACF provides a means of understanding the way belief systems beget advocacy coalitions, which then vie for influence in the agenda-setting process. Yet there are notable shortcomings in both – and arguably in traditional policy process theories generally – that constrain the researcher’s ability to employ these frameworks in studies of racialized policymaking. In this closing section, we briefly highlight two

pertinent critiques of both MSF and ACF: First, in keeping with our preceding discussion of racialized political power, neither MSF nor ACF adequately defines or centers the concept of power. Second, neither theory acknowledges the role of institutional and organizational rules, structures, and norms as factors that contribute to status quo policymaking.

We first turn to the role of power in MSF and ACF. In their critique of the treatment of power in policy process theories generally, Sievers and Jones (2020) point out that, without a clearly defined concept of power, these theories risk “falsely portraying the policymaking process as an open field-type competition, in which every affected group is potentially and perhaps fairly represented” (p. 97). Both MSF and ACF assess power distributions by observing elite policy actors’ behaviors and effectiveness in enacting policy change (Sievers & Jones, 2020) and in their limited consideration of “the power of discourse and rhetoric” as the primary means of successful agenda-setting (Barbehön et al., 2015, p. 249). In relation to the discussion of hegemonic power in the preceding section, in-groups – be they policy elites, policy entrepreneurs, or advocacy coalitions – can wield consolidated power within the agenda-setting process to prevent the consideration of policies that challenge the status quo. More recent work on ACF has centered power as a resource that affects coalition’s influence on agenda-setting, though the authors acknowledge this area remains underdeveloped (Weible et al., 2020). A racial analysis of political power, such as the one put forward by Rosino (2016), can shed light on the manner in which underlying structures within the policymaking space constrain the degree of influence that racially minoritized policy actors and communities may have over the agenda-setting process. In the absence of a racial analysis, applications of traditional theories risk favoring an agnostic view of policymaking that reflect and reinforce the extant hegemonic structures that have left minoritized groups, community-based solutions, and non-white policy actors with less formal power over the agenda-setting process. In this way, such applications preserve the invisibility of the most influential forces that drive policymaking at the federal, state, and local levels.

Second, neither theory explicitly acknowledges the role of institutional and organizational rules, structures, and norms in the policymaking process. In doing so, both theories sidestep questions of how the agenda-setting process is itself reflective of societal institutions that are designed to centralize power among a select few. In an early book review of MSF, Brodtkin (1985) asks, “How do internalized values, institutional pressures, and funding opportunities influence the experts that Kingdon credits with developing policy alternatives?” (p. 166). Relatedly, Mucciaroni (1992), in his critique of MSF, identifies several structural factors –

¹³ Mucciaroni’s definition of institutions aligns closely with March and Olsen’s (1989, 1995, as cited in March & Olsen, 2006) definition in the *Oxford Handbook of Political Science*: “An institution is a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances” (p. 1).

namely, political institutions – that are influential to agenda-setting (yet unrecognized by MSF). These institutions:

consist of decision-making rules and procedures, roles, authority structures, norms and routines, which are largely resilient to the turnover of individuals and that have impacts independent of the personal attributes of those who occupy particular positions. The ways in which institutions distribute authority and shape conflict help determine whether solutions reach the agenda, if they are blocked from doing so, and how they might be modified. (p. 466)¹³

Embedded in the political institutions that Mucciaroni identifies are organizations and individuals, the structure of which influences the agenda-setting process. In this way, the policy stream (or policy subsystem) can be thought of as a political institution. Drawing on Ray's (2019) theory of racialized organizations, we contend that organizations operating within a political institution are racialized. Ray (2019) views "organizations as constituting and constituted by racial processes that may shape both the policies of the racial state and individual prejudice" (p. 27); these processes include the diminishment of racial groups' agency and the treatment of whiteness as a credential. If the policy stream is a political institution comprised of organizations, and if organizations are inherently racialized (Ray, 2019), then by extension the policy stream can be theorized as a racialized institution that reproduces the racial order.

Future work can further strengthen the theorization of policy streams or subsystems – and the policy elite who occupy these spaces – as an ecosystem of racialized organizations. We note here two points relevant to our critical analysis of the policy process in the section that follows. First, racialized organizations embedded in this ecosystem adhere to processes that reinforce hegemonic power structures both in the workplace (Ray, 2019) *and* in policy. Take, for example, this excerpt from an August 2020 letter published by the newly formed Joint Congressional Staff Task Force on Racial Justice and Reform (2020): "When we walk the corridors of the U.S. Capitol, we are aware that a largely minority support staff still maintains a building that was built by the hands of enslaved Black laborers." The primarily non-white support staff signify the presence and persistence of racial/ethnic occupational segregation – a racial process (Ray, 2019) – within what they experience as a racialized organization. Second, unless the racialized nature of the policy stream is made explicit, individual members of the policy elite (even those who proclaim commitment to racial justice) "do not see or know that whiteness circulates through structures, policies, practices, and values that are typically assumed to be fair and race-neutral" (Bensimon, 2018, p. 97). The section that follows builds on the importance of naming racialized policy spaces by recognizing the demographics of the policy elite and the underlying racism present in core beliefs.

A Critical Analysis of the Policymaking Process

The policymaking process (whether made explicit in MSF or ACF, or not) operates in racialized ways due to hegemonic forces. Both the racialized network of policy elites and their core beliefs are central components to the policymaking process that – when examined through a lens of racialized power – operate in ways to reify the status quo. It is critical to name and acknowledge these forces to create policies that address systemic racism in higher education.

The Closed Network of the Policy Elite

Building on the policy stream introduced by Kingdon's MSF (or a policy subsystem in the language of ACF) and the individual and organizational membership of coalitions in ACF, we consider here how a critical analysis of the policy process would more effectively acknowledge how membership among the policy elite is gained and what this means for the composition of those in positions to influence the policy process. The policy elite is the collection of individuals and organizations that seek to influence policymaking and that together legitimize problem definitions and policy solutions. In higher education, policy analysts at think tanks, researchers at universities, advocacy organizations, state-level governing boards, and the media all contribute to the percolation and iteration of solutions. Solutions are bandied around via more formal networking avenues such as private working groups, public conferences, or briefings. More informal avenues include blogs, "think pieces," or Twitter engagement with those viewed as policy elites operating in the same space. In each of these cases, who has the power to influence the softening to particular solutions is itself reflective of power dynamics that ensure certain perspectives hold more influence than others.

Pointedly, the policy elite is a population that reflects both historical and present-day racialized political power. However, neither ACF nor MSF explicitly describes the presumed identities of a member of the policy elite beyond their professional role (e.g., governor) and, in select cases, the traits associated with their political role in the process (e.g., policy entrepreneur). This leads us to assume that these theories – that have generally paid little attention to the demographics of the policy elite or their racial/ethnic backgrounds – start from the premise that the standard member of the policy elite is who it has historically been in the United States: a white cisgendered man. In fact, in an early reflection on MSF, Kingdon reflected that "one nice property of this picture of agenda change involving entrepreneurial activity is that it makes some sense of 'great man' theories of history" (Kingdon, 1994, p. 220). Though Kingdon sought to emphasize the way policy entrepreneurs take advantage of opportunities, by invoking "great man" theory, he reinforced the assumption that the power and influence required to couple streams and yield policy change is (and has been) preserved for a narrow class of individuals.

Pluralism, from which both MSF and ACF draw, holds that policy is "ultimately the outcome of a free competition between ideas and interests" (Parsons, 1995,

p. 134). This theoretically allows for any group, regardless of its relative power, to influence policymaking. However, critiques of pluralism contend that this assumption is overly idealized and leads to policy process theories that ignore the factors that provide or prevent power and influence in political settings (Parsons, 1995; Sievers & Jones, 2020). Stated plainly, not all people and ideas are on equal ground. This is evident in both MSF's and ACF's classification of certain professions – such as elected officials, researchers, academics, and journalists – as members of the policy elite. Such idealization of the competition of ideas would be equally problematic in studies of the higher education policy process, where the focus on the behaviors of the policy elite could lead to centering problem definitions and policy solutions that are not reflective of the preferences of those directly affected by the policies in question.

When the policy elite is conceptualized in this way, the policy stream operates as a semi-incestuous predominantly white network that favors policy solutions that sideline the consideration of solutions that center the needs of racially marginalized populations. In an effort to address the understated consideration of the typical membership of the policy elite in traditional policy process theories, we highlight two interrelated arenas in which critical analyses of the policy process must proceed deliberately: by acknowledging who comprises the membership of the policy elite and examining how entry into the policy elite is informally gatekept.

Demographics of Present-Day Policy Elites

The players in the policymaking process are overwhelmingly white at the state and federal levels, as well as within the organizations that seek to influence policymaking through lobbying, advocacy, and research. Here, we briefly survey the demographics of political spaces. We take a broad view on policy actor roles to consider political positions – elected, staff, and intern roles – at both the state and federal levels, as well as staff and interns at nonprofits who often serve as policy entrepreneurs or advocacy coalition participants.¹⁴ We also acknowledge that numerical representation on its own is insufficient and racial/ethnic membership is not equal to one's racialized politics (i.e., one cannot assume minoritized actors support the dismantling or disruption of the status quo).

At the federal level, there is only one Black president in the nation's history, and the presidential cabinet since the start of the Reagan presidency has been comprised as few as 8% non-white members (Reagan presidency) or as many as 43% (Clinton presidency; Tenpas, 2021). The 177th Congress is the most racially and ethnically diverse in the nation's history, yet falls far short of being representative of the nation as a whole (Schaeffer, 2021). In the Senate, only 11% of members identify as BIPOC, whereas in the House, this percentage reaches 27% (A. Johnson, 2021). Staff in Congress – those in the roles to draft legislation, field constituents' calls, and

¹⁴Not considered here, primarily for the sake of space, are other policy elites that operate at the state level, namely, state higher education executive officers, public college and university presidents, and members of public college and university boards of trustees.

serve as power brokers with staff from other offices – remain predominantly white even as Congress itself diversifies. Only 11% of top Senate staffers (i.e., chiefs of staff, legislative directors, communications directors) and 14% of top House staffers identify as non-white (Brenson, 2020; Scott et al., 2018). Congressional interns – positions largely held by college students and that are often the entry point to full-time staff positions on the Hill – were unrepresentative of the population of undergraduates nationwide in the summer of 2019: white interns were overrepresented compared to national figures (76.3% of interns versus 52.6% of undergraduate students), whereas Black/African American and Hispanic/Latinx students were underrepresented (6.7% of interns versus 15.4% of students, and 7.9% of interns versus 20.2% of students, respectively; Jones et al., 2021). Black and Latinx Congresspeople were 13 times and 6 times more likely to hire Black and Latinx interns, respectively (Jones et al., 2021).

Racial diversity among governors and state legislatures is hardly better. In 2019, 88% of governors identified as white; only one governor each identified as Asian/Pacific American and Black/African American, with three identifying as Hispanic/Latinx (Center for Youth Political Participation, n.d.). A *Politico* analysis of data from the National Conference of State Legislatures found that, even in the 13 states with a more than 2% increase in the number of non-white members in 2020 compared to 2015, legislatures remain predominantly white and out of alignment with state racial/ethnic demographics (Rayasam et al., 2021). Notably, these increases in racial/ethnic representation are not universally concentrated in states with more racially diverse populations. Both California and Wisconsin experienced increases in the racial/ethnic diversity of their state legislatures (7% and 5%, respectively), even though California is among the most racially diverse states by population and Wisconsin the least (tied for second and in the bottom quartile, respectively). No such breakdowns of the racial demographics of state legislative staff are readily available.

Within influencer organizations—employees of which may participate in advocacy coalitions or serve as policy entrepreneurs—details are scant. However, the racial/ethnic demographics of leaders and board members at non-profit organizations suggest similar racial representation.¹⁵ At the 315 largest nonprofit organizations and philanthropic foundations in the United States in 2019, only 3% of leaders identified as Asian, 4% as Latinx, and 6% as African American/Black (Kunreuther & Thomas-Breitfeld, 2020). Among board members at more than 400 nonprofit organizations, these figures are only marginally higher: 4% Asian; 5% Latinx; and 10% African American/Black (BoardSource, 2021).

¹⁵ Concrete data on the demographics of staffers at policy think tanks are unavailable, though more than 300 current and former employees signed a letter in summer 2020 that identified how the “lack of diversity amongst decision-makers across organizations has severely hindered the ability of these institutions to promote and retain people of color, particularly Black Americans” (Think Tank Diversity Action, 2020; see also Detsch et al., 2020). The group identified transparency on the race and gender makeup of the workforce and organizational boards as a critical action area in beginning to address the long-running reality of think tanks as predominantly white spaces.

Constrained Access to the Policy Stream

The spaces in which the policy elite operate are closed networks, access to which is rationed through indirect means such as internships without pay, low wages for entry-level positions, and promotion practices that favor existing experience in the network. Prior to 2018, the majority of congressional interns went unpaid. Congressional offices could choose to pay interns, though only 10% of interns received any compensation (Jones et al., 2021). A student who does not require wages to support themselves and/or their family can afford an unpaid internship (Shade & Jacobson, 2015), which leads to class-based differences in who is able to accept such an opportunity and gain access to the professional networks that the opportunity allows. Those who benefit from unpaid labor rationalize the low or nonexistent pay by emphasizing the altruistic benefits to serving one's public servants and promise that internships can lead to full-time jobs (Grinberg, 2018).

In 2018, a bill addressing intern pay allocated \$20,000 to each US House office and approximately \$50,000 to each US Senate office for the express purpose of paying interns (Jones et al., 2021; Tully-McManus, 2019). After the introduction of intern pay, the average intern receiving pay earned approximately \$2000 in the Senate and \$1600 in the House for the time period spanning April through September 2019¹⁶ (Jones et al., 2021). In contrast, a 2016 analysis by Trulia – which almost certainly underestimates current costs – found that renting a single room in a multi-bedroom apartment or home in DC cost approximately \$1000 per month (Uh, 2017), or roughly half of an intern's total summer pay. At the state level, over 60% of surveyed internship programs in 2005 indicated interns are paid a salary, hourly wage, or stipend (Goss, 2005, p. 36). The amount varies across offices, with some fellowship programs offering upwards of \$30,000 a year and, more commonly, students receiving small stipends from either the legislature or their home college (through which the majority of these programs are operated). Among DC think tanks, intern pay varies. As of 2021, New America and the Cato Institute (Cato Institute, n.d.; New America, n.d.), for example, provide intern pay, whereas Hudson Institute does not (Hudson Institute, n.d.).

Beyond internships, salaries remain low for entry-level positions. The annual salary for the entry-level staff assistant position¹⁷ in US Congressional offices amounted to approximately \$36,000 in 2018 (Icsman, 2018), more than \$10,000 below the median salary of bachelor's degree recipients aged 25 to 29 in full-time

¹⁶This corresponds to the months when Congressional offices typically hire the majority of their interns.

¹⁷Name varies depending on whether the position is in the House versus the Senate, as well as the office in which the position is located. For more, see <https://www.everycrsreport.com/reports/RL34545.html>

¹⁸A study of a lottery program at NYU law school found that law students were more likely to work in public service when offered grants that would convert to loans *if* they did not work in public service than when offered loans, indicative of a linkage between debt and career choice (Field, 2009a). An undergraduate student with debt may similarly be less likely than peers with grants to work in public service.

jobs in 2018 (National Center for Education Statistics, 2019b). At think tanks in DC, the average salary for a research assistant position, according to crowdsourced data on Glassdoor, was just under \$48,000 in June 2021 (Glassdoor, n.d.). Although this figure is closer to the median salary among bachelor's degree recipients referenced in the preceding sentence, neither figure adequately accounts for geographic differences in cost of living, an important consideration for DC-based job opportunities. Arguably, college graduates are being asked to forego earnings in lieu of social capital in the policy world – an ask that individuals with greater debt loads, familial obligations, or lack of familiarity with the returns of social networks in the policy space may perceive as risky or undesirable.¹⁸

A third dimension of the closed network relates to the social networks through which access to entry-level positions is gained. Hiring for more senior-level positions in congressional offices often occurs by tapping “experienced” staffers from other offices who have not only background and technical knowledge (e.g., of complex policymaking procedures) but can also exploit cross-office connections (Burgat, 2020) and “consult or coordinate with former colleagues” (Montgomery & Nyhan, 2017, p. 748). For junior roles, existing staffers are not shy in sharing their preferences for former interns: “With interns, you know who you are getting, you know how they work and they have a sense for you. You don’t spend months saying, ‘This is how [the congressman] works.’ It helps streamline the process,” as noted by the chief of staff of a Democratic congressman who was himself an intern at the start of his career (Gale, 2014). These internal hiring preferences reinforce the already-closed nature of these networks.

A review of the educational backgrounds of White House and congressional staffers reveals that selective colleges “produce” a disproportionate number of staffers, also suggestive of the closed nature in which policy networks operate. Over 40% of President Biden’s mid- and top-level staffers hold Ivy League degrees (Lippman, 2021). Congresspeople likewise reflect these collegiate networks; Harvard boasts of its 40 undergraduate and/or graduate alumni in Congress (Lee, Ma, & Mui, 2020), and 17% of all Senators and 12% of all Representatives in the 117th Congress (2021–2023) earned Ivy League undergraduate and/or graduate degrees (Buchholz, 2021). Among staff and (paid) intern positions in 2019, a significant proportion of staffers graduated from a small number of elite colleges (Burgat & Billing, 2019), and half of paid interns in this same year attended private colleges, despite only 25% of all students nationwide attending private institutions (Jones et al., 2021). Put simply and as discussed earlier, elite higher education functions as part of a filtering system that gatekeeps membership to the policy elite.

¹⁸However, descriptive representation is no guarantee that “the issues arising from [a policymaker’s] location in gender or racial hierarchies will be adequately identified or vigorously pursued” (Phillips, 2020, p. 177).

Consequences of a Closed Network of Policy Elites

The primarily white membership of the policy elite, which is further reified by structures that limit access, results in continuously reinforced white policymaking spaces with few opportunities for contestation of white supremacist policymaking. MSF and ACF both ignore the racialized nature of these networks – or the consequences of, as Bensimon (2018) puts it, “who is leading the reforms, whose knowledge is privileged in the framing of the problem, and the resulting color-blind ‘solutions’” (p. 97). When individuals from nondominant groups are absent from – or underrepresented among – the policy elite, their perspectives and needs risk being silenced as the issues that affect their lives are considered for inclusion on the policy agenda. When individuals or organizations from nondominant groups gain membership into the policy elite, they may find themselves reckoning with a racialized space that stymies efforts to push back against the status quo.

Studies of descriptive representation, which is defined as “the extent to which a representative or legislative body resembles a given constituent and her social or demographic identities” (Hayes & Hibbing, 2017, p. 33), find that increased representation is correlated with increased attention to issues that affect racially marginalized populations. Black and female elected officials, for example, are more likely to introduce bills that serve within-group interests and the interests of other minoritized groups (Bratton & Haynie, 1999). Furthermore, hearings on minority interest issues are more likely to occur when congressional committees and subcommittees are led by Black or Latinx members (Ellis & Wilson, 2013).¹⁹ The election of legislators from populations that have been racially minoritized also leads to an observable increase in substantive representation, or “having one’s policy views expressed by an elected representative” (Hayes & Hibbing, 2017, p. 33), for these same populations. For example, Black and Latinx members of congress were more likely than their white counterparts to participate – defined as engaging more frequently and for longer durations – in oversight hearings related to minority interests (Minta, 2009). Another example of substantive representation, a recent study of congressmembers’ correspondence with federal agencies found that racially minoritized elected officials are more likely to provide support to racially minoritized constituent groups in the form of intervention with federal agencies (Lowande et al., 2019).

Granted, the above studies speak to what happens when policy elites from nondominant groups *are* present, but are not on their own confirmation that, in the absence of their inclusion in the policy elite, these same issues would not be raised. To this we contend that if the policy elites from dominant groups were adequately prioritizing on the policy agenda issues that affect racially marginalized populations, then we would not expect to see a change in the composition of the policies put forward when descriptive representation increases. Therefore, the absence of policy elites from racially marginalized populations serves as a means of limiting the contestation of policy solutions that support the status quo.

Gaining membership as a policy elite does not prevent others within the space, regardless of party affiliation, from contributing to the maintenance of a hostile and

racialized environment meant to underscore out-group membership rooted in the historical legacy of racialized political power. Hawkesworth's (2003) interviews with members of congress revealed that "African American Congresswomen, in particular, relegated tales of insult, humiliation, frustration, and anger that distinguished their responses from those of their white counterparts" (p. 533). For instance, notably absent from a press conference announcing historic minimum wage legislation were the congresswomen of color whose work directly contributed to its shaping and ultimate passage (Hawkesworth, 2003). Lest the nearly two decades since Hawkesworth's (2003) study suggest the possibility of improvement, recently elected Congresswomen of color have experienced censure resolutions introduced by colleagues (e.g., H.R. 474, 2021), unconventional votes on committee membership (Ferris & Caygle, 2020), and assumptions of not belonging (Ocasio-Cortez, 2018).

Hostile treatment by colleagues in the policy space may negatively affect what individual members or organizations in the policy elite are able to accomplish, such as whether they can effectively play the role of the policy entrepreneur and contribute to the softening of the policy elite to particular ideas. Among congressmembers, regardless of their race, the barriers that limit one's influence on legislative agenda-setting may take the form of limited committee or, more importantly, committee chair assignments (Berry & Fowler, 2018); lower rates of bill sponsorship or co-sponsorship (Rocca & Sanchez, 2008; Schiller, 1995); or lower perceived loyalty to one's political party when in the majority (Hasecke & Mycoff, 2007). In other organizations that comprise the policy stream, racism may stymie these same efforts by controlling who is invited to participate in panels or private convenings and for what reasons (e.g., tokenism), which opinion pieces are published, or who is promoted. An academic researcher who participates in a congressional hearing – one way in which they can influence agenda-setting – will encounter congressmembers who wield their power to selectively validate or minimize the researcher's expertise (Perna et al., 2019). Whether the experience serves as a barrier to the researcher's efforts to combat the status quo depends on the degree of congruence between the researcher's testimony and the congressmember's policy beliefs.

When racially minoritized individuals and organizations are denied entry into the policy elite, or when their presence is minimized through racist treatment, the result is a policy space that affords little opportunity to subvert status quo solutions. Bensimon (2018) argues this point in higher education specifically, when she names higher education reforms as acts of white supremacy, in that they

reflect whiteness in leadership, design, and implementation, and minoritized students represent their objects. To put it more colloquially, white supremacy represents the whiteness of who is at the table, and the non-whiteness of who is on the menu, who is the agent and who is the object, who has power and who doesn't. (p. 97)

In this framing, Bensimon makes explicit the otherwise silent linkage between the composition of the policy elite and the continual construction of a racial hierarchy

underwritten through the policy process. To be clear, there is space within the policy stream for individual elites to vary in their support of the status quo. However, as a collective, policy elites all operate as part of the same system, the written and unwritten rules of which work to ensure that the status quo is maintained in perpetuity. Even in the best case, the determination of what constitutes an “important issue” is driven in part by “the dominant values and the political myths, rituals, and institutional practices which tend to favor the vested interests of one or more groups, relative to others” (Bachrach & Baratz, 1970, p. 11).

Racialized Core Beliefs

In the ACF, beliefs are explicitly named as a driver in policymaking – both in how central concepts (e.g., freedom, equality, the role of government) as well as near policy beliefs shape the framing of policy problems and solutions. Kingdon (1984) implies a belief system within the MSF in, for example, how actors perceive problems and the feasibility of solutions. Neither of these frameworks, however, make explicit the racialized nature of these beliefs and the imbalance of power attached to them. Individuals’ beliefs are integral to policymaking because beliefs inform how policy actors see the world and ultimately craft policies and distribute resources. In higher education, who policy actors see as worthy of an education, how they conceptualize fairness and equality, and the extent to which they believe the state and federal government should subsidize education all shape their policymaking.

Beliefs are inherently racialized. Even seemingly neutral position-taking in policymaking cannot only ignore history and racialized political power but, in doing so, contribute to the maintenance and reification of white hegemonic power. Put differently, one cannot divorce the racist history of governance and racial hierarchy from beliefs about concepts such as fairness, equality, and the role of government. This is because, by historic and current sanctioning of racist practices through policy (e.g., slavery, Jim Crow laws, redlining, restrictive voting laws, inequitable school funding formulas), the state holds a direct and active role in creating and maintaining many of the social conditions – such as poverty, discrimination, pollution, and low quality schooling – that disparately impact communities of color. When treatment of these social conditions is tied to purportedly agnostic conceptualizations about belief systems, policy conversations (and their academic study) provide tacit approval for belief structures that seek to erase others’ humanity.

Take, for example, arguments in favor of small (in contrast to large) government that provides fewer (rather than greater) services and safety net supports and regulates less (rather than more) for the benefit of its populace. Neither ACF nor MSF provides a means of determining whether differences in this deep core belief are, indeed, race neutral. Supporters of small government forego any consideration of racism, arguing that “...man is not free unless government is limited...As government expands, liberty contracts” (Reagan Library, 2016, 11:19). Embedded in their argument is the silent history that small government has and will continue to

benefit groups that have protected or privileged statuses, may not be in need of safety net supports, and are unlikely to experience the negative effects of deregulation – the white elite. Even when big government initiatives were successful, white people remained the main beneficiaries (e.g., the GI Bill and Federal Housing Administration programs; Kimble, 2007; Rothstein, 2017), in part because these programs launched at a time when it was acceptable to outright exclude or limit the beneficiaries of other races. Therefore, a desire to limit the role of government in addressing social problems and providing supports – particularly through the power of redistributive policies – is ahistorical and rejects governmental responsibility for creating said problems.

National polling reveals beliefs about the role of government are deeply divided by race. White people are less likely to believe the government should “do more” to solve problems (48% versus 74% of Black people; Pew Research Center, 2019); provide more services (41% versus 79% of Black people; Pew Research Center, 2020a); play a major role in improving the social and economic positions of Blacks and other minoritized groups (22% versus 54% of Black people); and reduce discrimination against Black people (17% versus 53% of Black people). Repackaging governmental equity projects as “big government” – and therefore at odds with the majority of white Americans’ deep core beliefs – enables white interests to be legitimated as neutral belief systems and advanced through policy. In higher education, these projects would include student financial aid and access programs that seek to redress inequalities in college preparation (e.g., TRIO programs). These racialized differences in deep core beliefs, which are situated within racialized political power structures, are largely absent in the discussion of policymaking frameworks. Below, we further unpack deep core beliefs, examine the problematization of near policy beliefs, and use a case – the University of Missouri’s tumultuous fall semester of 2015 – to demonstrate the racialization of beliefs and its implications on policymaking.

Deservingness as a Deep Core Belief

As a resource, higher education has historically conferred financial stability through desirable employment opportunities and wealth-building (relative to jobs that do not require a higher education degree or certificate) that can lead to self-determination. One of its primary functions is sorting people into educational opportunities of varying levels of value that have been rationed according to social position, and to construct narratives of deservingness to justify such exclusion. Deservingness is a central core value in higher education policymaking, with those in power able to name and gatekeep who is deserving of what level of higher education benefits and at what cost.

In the spring of 2010, Kennesaw State – a public college in Georgia – reported it had incorrectly charged one undocumented student, Jessica Colotl, in-state tuition (Blitzer, 2017; Diamond, 2012; Jaschik, 2010). This administrative error was in violation of Georgia law that institutions charge undocumented students’ out-of-state tuition. In response, the Georgia Board of Regents quickly formed a commission to verify all students’ residency within the state system’s 35 institutions, although

undocumented students were estimated to be a fraction of a percent of enrollees. In the fall of 2010, they also voted to ban undocumented students from admission into the state's selective public institutions (Stripling, 2010). In this way, an isolated occurrence was used to curtail disenfranchised individuals from access to state-granted resources and privileges in perpetuity, or rather Policymakers have similarly shared concern over the misuse of Pell Grants, leading to the "overregulation of students" through "the cumbersome process of verification and structured disbursements" that largely affect lowincome and students of color (Graves, 2019, p. 111).

The MSF helps explain the opportunism that policy entrepreneurs leverage to seize on a focusing event and advance legislation, as in the case of Kennesaw State's oversight in charging Jessica Colotl in-state tuition. The perception of wasteful government spending on ineligible individuals, and the ire it draws from some, is itself what focuses attention on the policy issue. This framework also accounts for the speed with which a specific policy was able to gain traction. But to simply describe the exercise of the alignment of the policy, the right political conditions, and the problem would undermine the racialized nature of such policymaking and normalize the dehumanization of a population of individuals.

Kingdon (1984) ignores race, racialized core beliefs and power altogether in his examination of which values influence feasibility. In contrast, theories like *Social Construction of Target Populations* (Schneider & Ingram, 1993) contend that problematizing and solution-finding is contingent on whether target groups are seen as positive or negative by the populace and the extent to which these groups have power. The ways policy actors problematize conditions and the extent to which resultant policies produce benefits or burdens are largely distributed according to four target groups. Groups can cast as (1) *advantaged* with a powerful with positive construction (e.g., high-achieving students); (2) *contenders* with powerful with negative constructions (e.g., for-profit institutions); (3) *dependents* with powerless with positive constructions (e.g., students without housing); or (4) *deviants* with powerless with negative constructions (e.g., financial aid "cheats").²⁰ Schneider and Ingram conceive of power as the ability to politically mobilize resources and retaliate, which is of great concern to politicians, who seek reelection. Politicians can then, for example, avoid consequences for prescribing more burdensome and punitive policies to powerless groups, particularly unpopular ones. This theory is helpful in the acknowledgment and foregrounding of social position in the differential treatment of constituents in the policymaking process. In Jessica Colotl's case, her membership in the undocumented student group – a group with less political power and a negative construction – made such punitive policymaking possible.

Higher education scholars have used social construction theory to understand how different groups are positioned as (un)deserving of benefits. One recent study

²⁰ Examples offered here are from Gándara and Jones (2020).

²¹ We note political party here to underscore the ways that party intersects with procedure. Controlling a committee and voting along party lines, for example, reduces the need for substantive debate as the party in control has the sufficient votes.

examined the Higher Education Act reauthorization deliberations surrounding the PROSPER Act markup – a Republican-authored bill²¹ deliberated in a Republican-majority Committee on Education and the Workforce – in 2017 (Gándara & Jones, 2020). Through discourse analysis, the authors found Republican committee members were able to (a) agenda set by outlining the goals of the bill (economic development and college affordability); and then (b) rely on their definition of the bill to disregard any policy proposals that sought equality or social justice; to therefore (c) determine who is getting benefits and burdens. This framing allowed the committee, for example, to reject a Democratic amendment to allow “Dreamers” to qualify for federal aid, as it fell outside of the narrow definition, as constructed by Republicans, of the goals of the bill. Virginia Foxx, Republican House Leader of the Committee on Education and the Workforce, logs her opposition for the record “because it seeks to make individuals who are not in this country legally eligible for federal benefits. We don’t do that” (Gándara & Jones, 2020, p. 137). Here, Representative Foxx draws on legal status to argue for the ineligibility (and undeservingness) of undocumented students for benefits.

Arguably, social constructions held by those in power are the constructions that matter most. This is evident in Gándara and Jones’s (2020) study of a partisan bill markup, whereby the nature of the policy argument was a nonfactor. With the power to craft policy proposals and narrowly define its goals, it mattered little that Democrats appealed to Republicans for the inclusion of marginalized groups omitted from the Republican proposal. Social construction theory is helpful in categorizing groups by their relative advantage in the policymaking process (advantaged, contenders, dependents, and deviants), but does not explain how or why the policy elite craft such constructions – for example, how undocumented college students are considered deviants and undeserving of higher education. Importantly, it leaves racialized core beliefs unnamed and without explicit regard for whether the categorization is itself racialized. Here, we turn to controlling images²² – a concept borrowed from critical race theory – to explain the social construction of undocumented students that can help make explicit the treatment of Jessica Colotl in Georgia.

The policy elite commonly constructs narratives of deservingness around the distribution of higher education resources – both in access to selective institutions and the benefits they afford (e.g., social networks) as well as financial support (e.g., need-based aid). As in social construction theory, the construct of deservingness allows for discrimination across groups and the identification of those who should receive services. Patricia Hill Collins (2000) argues that “controlling images” are a tool used by the ruling class to define marginalized groups in ways that compromise their deservingness, and in turn serve as justification for oppression (in this case restricting or eliminating their access to said higher education services and benefits). Collins notes these controlling images are then propagated through popular culture

²² For an example of how to use controlling images in college choice, see McLewis (2021).

(e.g., media in its various forms). Government agencies, in turn, legitimate these controlling images through policies, rules, and court decisions.

As a group, undocumented students' relationship with higher education policy is fraught. Historically, the justification for restricting their access to financial support and postsecondary enrollment is based on their (or their families') lack of direct contributions to public tax coffers and is framed as an issue of "fairness" (Romero, 2002). This argument is told and retold despite the evidence that suggests undocumented people contribute substantially through a number of tax revenue streams (e.g., sales and property taxes; Gee et al., 2017; Olivas, 2009). Undocumented people are defined as outsiders (a) with an unlawful presence (and by their very existence criminal); who are (b) seeking to benefit from the government-subsidized benefits and opportunities in the United States (c) without tax contribution; and (d) at the expense of "real" Americans. Most notably, undocumented people are largely assumed to be people of color and particularly low-income people from Latinx America (Flores & Schachter, 2018). This controlling image of the "parasitic illegal" is in direct contrast to the commonly offered response from immigrants who traveled to the United States for a better life, particularly for their children in the form of education.

This controlling image serves as the basis for justifying their exclusion from many higher education programs and services. Virginia Foxx's declaration, "We don't do that," underscores the absoluteness and effectiveness of this controlling image (Gándara & Jones, 2020). The refusal to support undocumented students through the majority of state and federal programs – i.e., providing access to in-state tuition, need-based state aid, federal grants or loans, college access or bridge program, and (in some states like Georgia and South Carolina) admission into the public higher education institutions – is in direct conflict with oft-asserted state goals of workforce and economic development. Moreover, evidence suggests that providing in-state tuition does not attract more undocumented students (Chin & Juhn, 2010). As an extension of stealing jobs that are rightfully meant for "real" Americans, the image of the "parasitic illegal" sneaking into 4-year institutions evokes a sense of theft and scarcity of selective college seats and taps into the fears of the primarily white middle-class people who covet them. At the time of the Georgia audit, two undocumented students were enrolled in the University of Georgia, the state's flagship (Stripling, 2010). Notably, non-Georgian students (29 international undergraduate students; 12% out-of-state undergraduates) were not negatively targeted as recipients of scarce seats, even though by the same logic applied to undocumented students, these students were also displacing Georgians at selective institutions.²³ In practice, international and out-of-state students typically pay full unsubsidized tuition thereby generating revenue and allow institutions to appear cosmopolitan and desirable in their ability to claim enrollments from across the

²³ See https://oir.uga.edu/_resources/files/cds/UGA_CDS_2010-2011.pdf for 2010 figures. In 2019–2020, the representation of international students was 1.2% and out-of-state students 20% (https://oir.uga.edu/_resources/files/cds/UGA_CDS_2019-2020.pdf)

country and around the world. The specter of scarcity, when combined with the narrative of the “parasitic illegal,” is an effective tool to take advantage of what Kingdon (1984) terms a focusing event – holding up Jessica Colotl as an example – to not just ensure compliance of extant laws that prohibited her group from accessing state-subsidized tuition rates but also providing momentum (even in the absence of evidence) for state legislators to further restrict undocumented students’ post-secondary opportunities. Racialized deep core beliefs underwrite racialized policymaking.

Racialized Near Policy Beliefs: Defining Problems and Solutions

Per Kingdon (1984), problems that garner the greatest attention are those that instill the greatest sense of urgency. Yet, what is left unsaid in ACF and MSF is that the problem stream is largely constructed by those who have the ability to identify, name, and filter issues. Arguably, then the problems that are of concern to minoritized communities may not rise to the level of importance or priority to status quo policymakers, particularly in resource-constrained environments. What is more, problems concerning minoritized people – upon entering the policy stream – are subject to being repackaged, rebranded, misunderstood, ignored, rationalized, or redirected in ways that preserve the extant power structure.

Bacchi (1999) argues that policy problems, which she calls “problem representation,” are not “out there waiting to be identified” but rather socially constructed and tied to “who we are and what our social goals are” (p. 53). Problem representations carry underlying assumptions, including their root causes, and therefore have competing interpretations. Bacchi centers the deployment of discourse and the way “language works to structure the possibilities of policy proposals” (p. 40). For example, the problem of college (un)affordability has been considered a problem of state appropriations, financial aid, institutional accountability, student choice, and family savings – each with its own set of policy solutions and linked to particular beliefs (e.g., who is responsible for paying for college). These competing constructions of issues are high stakes for policymaking, as their representation yields everyday effects on the lives of target populations by either providing benefits or saddling burdens.

As social constructions are inextricably linked to power and the social ordering of race, class, gender, and other identities, the power to name (or ignore) problems, root causes, and accompanying solutions must be interrogated. Bacchi (1999) does so by asking, “What is the ‘problem’ [WPR] represented to be?”; what are the taken-for-granted assumptions and effects undergirding such representations; what changes or stays the same; and who benefits? Moreover, Bacchi underscores the importance of examining the representation of issues that gain attention as much as those that are silenced. For the purposes of this chapter, it is also worth considering Bacchi’s discussion of the tensions of policy problem-solving – of either “maintaining social order” or as an opportunity to reform and improve social conditions – similar in construction to our own framing of white supremacist status quo and change (p. 53). Competing problem representations cannot therefore be neutral nor should they be considered equally, especially when branded problems are branded as endemic to

people (versus systemic issues). In short, problematizing can be used as a way to disrupt or maintain the original US higher education project.

To illustrate the complexities of problematization, we use one such problem in higher education that intersects with the criminal justice system and the challenges of mass incarceration: the requirement to disclose prior criminal records in the college admission process. Criminality is a social construction, meaning that what is deemed a crime and who is most likely to be suspected of and charged for a crime is defined by the ruling class. The distribution and/or consumption of cannabis, for example, precluded many low-income people from urban areas from eligibility for federal financial aid in the late 1990s (Lovenheim & Owens, 2014) – yet is now, several decades later, legal in 37 states (Garber-Paul & Bort, 2021). How do these changes in policy reconcile the direct and, in the case of federal financial aid eligibility, indirect damage done by policies that disproportionately punished marginalized populations? Policies that limit the opportunities of formerly incarcerated individuals have a disparate impact on Black and Latinx communities, who have suffered the effects of mass incarceration and criminalization at greater rates than other racial groups. One study showed an estimated 78% of sampled institutions query prospective applicants about their previous criminal history – known as the “box” students have to check (Evans et al., 2019). Arguably, college administrators do not want students with criminal records on their campuses for campus safety concerns. “Ban the Box” (BTB) policies are aimed at reducing the barriers for applicants with criminal records by protecting them from having to disclose their criminal histories during an application process (R. M. Johnson et al., 2021). In higher education, such policies could limit public institutions’ ability to use applicants’ criminal histories to render admission decisions. As a policy problem, BTB sits at the intersection of disenfranchised populations, concerns about campus safety, notions of deservingness, reduced recidivism, and potential financial benefits to the state.

One excellent example of the use of Bacchi’s framing is R. M. Johnson et al.’ (2021) study of the policy debates about BTB in the college admission process. The authors use a comparative case study to examine how two states – Louisiana and Maryland – problematized and passed legislation to codify BTB at public institutions. Here, both states are moving towards greater liberatory policies of improving social conditions for individuals with criminal records. However, while the bills in these two states are similar, the authors reveal through their WPR analysis that policymakers in Maryland portrayed the problem with the box as one that would deter people with criminal records from applying (problematized at the individual level), rather than Louisiana policymakers who center the problem on the ability for individuals in admission offices to discriminate against the formerly incarcerated (problematized as a systemic issue). The authors find that Louisiana’s focus on equity led to policymaking that allowed for fewer loopholes in implementation

²⁴Percent of high school graduates in 2012–2013 (see https://nces.ed.gov/programs/digest/d16/tables/dt16_219.32.asp); college fall enrollment included the University of Missouri, Columbia campus in 2013 (see <https://nces.ed.gov/ipeds/datacenter/Data.aspx>)

(relative to Maryland's policy) and potentially more equitable outcomes. The authors warn: "Color-evasive BTB policies that do not explicitly seek to address the pervasive ways in which racism permeates institutional decision-making in admissions will not ensure equitable outcomes" (p. 22) as administrators can circumvent and undermine its implementation.

The Problem with Mizzou

A highly visible place where the white supremacist structures of the status quo are challenged is the realm of student activism, and in the case below, a place of intersection for racialized core beliefs and construction of the "problem." These tensions between the status quo and calls for change are increasingly evident as status quo policy actors attempt increasingly hostile policymaking to stifle racial justice projects.

The fall of 2015 saw student activists denouncing systemic racism on over 100 university campuses (Carey, 2021). Within this context, a number of high-profile racist events occurred at the University of Missouri (Mizzou), the state's flagship campus. Among them, the Black president of the Missouri Students Association was repeatedly called the N-word by a passenger in a pickup truck; and a Black student group faced racial slurs while practicing for a performance on campus (Vandelinder, 2015). Although Missouri has a sizable population of Black high school graduates (16%), Black students are notoriously underrepresented in its flagship campus (8%).²⁴ The Concerned Student 1950 – a Black student movement that sought to address the long-standing racism on UM's flagship campus²⁵ – delivered a list of demands early that fall to the Mizzou administration that included the removal of the system president, Tim Wolfe (Concerned Student 1950, 2015). Students were underwhelmed with Wolfe's response to their concerns, as well as his lack of understanding of and sensitivity to systemic racism. For example, he notably answered: "Systematic oppression is because you don't believe that you have the equal opportunity for success" when prompted for a definition (Peralta, 2015).

In November, the student activism intensified, as Jonathan Butler – a Black graduate student – announced a hunger strike and demanded the removal of the President of the University (Vandelinder, 2015). Within 6 days of Butler's announcement, the MU football team – composed disproportionately of Black players – announced a boycott of all football-related activities in solidarity, including their next scheduled game with Brigham Young University. The school was contractually obligated to play the game or face a \$1 M fine in addition to the losses incurred by ancillary game day activities (Green, 2015). This demonstration of power sent reverberations across the world of intercollegiate sports, as the university only had days to respond. Two days after the football team's announcement, the system president Tim Wolfe offered his resignation (Dodd, 2015). Hours later, the Chancellor of the Columbia campus followed suit (Stripling, 2015).

²⁵ For a detailed account of the racist incidents and student concerns, see Carey (2021). Also see Carey (2021) and Bazner and Button (2021) for additional analysis of the Missouri case.

What makes this series of events a policy issue is what followed. A month later, two state legislators pre-filed H.B. 1743, which would revoke the scholarship of “any college athlete who calls, incites, supports, or participates in any strike or concerted refusal to play a scheduled game” (A.B.. 1743, 2015a). This bill would effectively preclude student athletes from being able to protest and threaten the financial livelihood of a public institution in Missouri. The bill’s main sponsor, State Rep. Brattin, explained in interviews with media outlets that the bill was “absolutely” a rejoinder to the student protests (Dodd, 2015). Brattin stated, “We need to bring order back. . . We cannot have the student body, or in this case, the football team, going on strike and forcing out a school president. That cannot be allowed” (Perez, 2015). At the same time, he minimized the presence of racism on campus as “a couple of dumb students who did stupid things” and questioned if “these race relations were so horrible at the university, [why had Jonathan Butler] been going there by choice” (Dodd, 2015). Brattin also defended the feasibility of his bill, contending, “When they came out and coerced the school to their demands and have the school pay a fine of . . . \$1 million . . . that goes from where ‘it’s your First Amendment rights’ to where you’re affecting others” (Dodd, 2015). *USA Today* also reported Brattin believed – regardless of its passage – that the introduction of the bill could spur change: “The hope is that the university acts so we don’t have to” (Perez, 2015).

Following Bacchi’s approach, we ask, what is the “problem”²⁶ represented to be? The football players’ collective action orchestrated this “problem” for the institution (\$1 M fine or the president’s resignation) in order to center the concerns of the Black student movement – the status quo structures and hostile climate. In contrast, those who supported H.B. 1743 framed the “problem” as an imbalance in power that needed restoration. Student activism has historically drawn ire from lawmakers because it displays a fraying of control (Carey, 2021), and in turn is likely to draw a punitive legislative response. The Black student athlete, however, is a particular case. In exchange for scholarships, Black student athletes in labor-intensive revenue-generating sports are “imaged” as academically marginal students who are granted student status undeservingly – and therefore should be thankful for the opportunity to attend their college. As problematizing points to concomitant solutions (Bacchi, 1999), it would follow that for status quo policymakers, such as Brattin, the root cause of disruptive behavior is therefore one of a regulatory nature: impel athletes to perform the duties for which they were bound (through scholarship) to complete.

²⁶ Here, we follow Bacchi’s (1999) approach to annotate problem with single quotes to underscore its social construction.

²⁷ For context, he also sponsored the “Campus Free Expression Act” in the preceding legislative session (Campus Free Expression Act, 2015).

²⁸ University of Missouri’s enrollments dropped by 35% in the 2 years following the student activism during the fall of 2015 (Brown, 2017). For students of color, they may have enrolled elsewhere. Studies have shown that when high-profile racist events occur on college campuses, enrollments increase at HBCUs (Baker & Tolani, 2021; Williams & Palmer, 2019) – dubbed the “Missouri Effect” (Kimbrough, 2016).

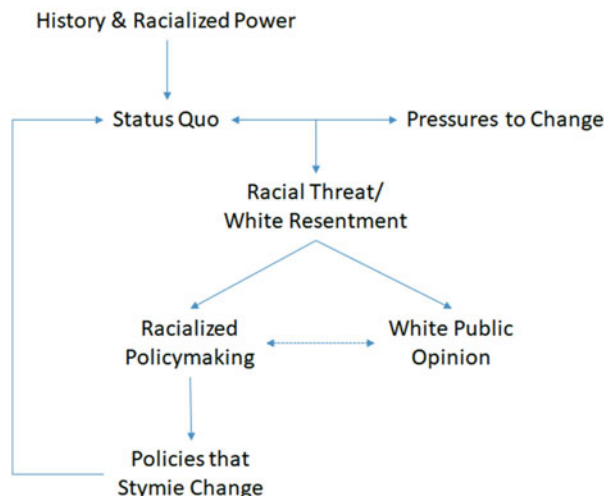
This policy solution also implies their obligation as athletes to their institution precedes their needs as people. In short, status quo policymakers do not see Black student athletes as fully human and deserving of rights.²⁷ One policy silence implied by Brattin is in the unidirectional invocation of contract – colleges are not obligated to improve campus racial climate and ensure the well-being of their students of color. And one assumption consistent with this thinking is that observed enrollment drops are caused by unrest, rather than the systemic racism that it exposed.²⁸ An effective way to retain power is to distort, reframe, and rebrand information and issues. By focusing on the protest and not its root causes, status quo policymakers chose to not only leave systemic racism at Mizzou unaddressed but exacerbate it with an attempt to curtail the rights of athletes who sought to remedy it.

The proposed legislation to curtail student-athletes' rights to protest the anti-Black climate at the university was withdrawn 5 days after its introduction (Blackman, 2016). Football players' scholarships are not funded with public funds (Dodd, 2015). Therefore, the legislature could not threaten students with aid that they do not control, making the bill unfeasible – a condition MSF deems necessary for passage. Moreover, opponents of the bill argued it would infringe on players' constitutional rights (Helling, 2015). Rep. Brattin backpedaled afterwards by stating that the bill's introduction was largely symbolic – “While I am withdrawing the legislation, I hope the conversation will continue. . .” (Helling, 2015). This may have been an attempt to soften policymakers and/or test the waters, as Ovink et al. (2016) write symbolic politics send “signals to form coalitions with fellow lawmakers, appeal to their current voter constituencies, and draw in new voters” (p. 4). Importantly, a failed bill is far from a settled matter. As Bazner and Button (2021) noted, “. . .this piece of legislation has marked a new era of contemptuous relationships between protestors, university administrators, and state lawmakers” (p. 274). For example, Republican politicians in Tennessee (including the governor) sent a letter to colleges in February 2021 encouraging administrators to adopt policies that prohibit athletes from kneeling during the national anthem (Allison, 2021) – widely recognized as a peaceful form of protesting Black oppression in the United States (Wyche, 2016). More broadly, 23 bills have been introduced in 16 states since 2016 pertaining to campus protests and free speech – including sanctions for protestors and restrictions on forms of protest (International Center for Non-Profit Law, 2021). In order to examine such policymaking, scholars need a framework that captures the inherent racialization of core beliefs and problematization in higher education.

Towards a New Framework of Racialized Policymaking

Although status quo policymaking has always existed, its overtly racialized nature in recent years necessitates a framework to understand this specific brand of policymaking processes. In this section, we offer a framework for scholars seeking to examine the racialized nature of the higher education policymaking process with specific attention to the ways status quo policy actors use their power with the intention to stifle racial justice projects (Fig. 1). Here, the tension between the status

Fig. 1 Framework of racialized policymaking to preserve the status quo in higher education



quo and the various pressures for change (e.g., racial justice) results in racial threat and white resentment, which in turn shape the policymaking process with the goal of maintaining the status quo.

A Racialized Policymaking Framework to Preserve the Status Quo

The United States and its higher education system are based on a legacy of racism. For centuries, white elites have sculpted American higher education to serve their interests – namely, in the reproduction of their power and status. Through the use of racialized power, the white ruling class has treated higher education as a resource – determining who gets what level of postsecondary opportunity and consequent well-being. Through this white hegemonic structure we call the status quo, the white policy elite propagate their elite status while also using higher education as a workforce development tool. The status quo relies on racialized policymaking for its survival, both in the (a) overwhelming whiteness of policy actors and the gatekeeping structures that reproduce itself and (b) the monopolization of white dominant group belief systems (particularly those of the white policy elite). The result is a normalization of (and an accompanying justification for) observed disparities that benefit the dominant class, such as racial stratification and inequality in resources across higher education opportunities.

Given this starting point, our goal is to try to understand how threats to the status quo (and resentment of its perceived change) translate into policymaking that impedes racial justice in higher education. External pressures have and continue to challenge the racialized political power held over higher education and its functioning. These forces include calls for greater access to higher education (particularly in

elite spaces) for minoritized students and faculty; demands for improvements in campus racial climate; pressures to redress unequal funding of institutions that serve minoritized communities; and challenges to the white hegemonic curricula. These pressures can result from political and social mobilization; changes in the national mood, societal norms, and racial/ethnic demographics; progressive policymaking; and other events and/or conditions that threaten to disrupt or dismantle the racial order and the privileges and power held by the white dominant group.

Such demands for change result in racial threat and white resentment (on which we further elaborate below) among supporters of the status quo – the latter typically manifesting in white voter support for status quo policies. The former, racial threat, allows for the advancement and prioritization of policies through the policymaking process (and coalitions to support them) that restore the status quo on policy agendas and result in “racialized policymaking” with the explicit goal of stifling change. To be clear, racialized policymaking includes the policy-related activities in the policy subsystem that are both formal and informal – from back-room advocacy to the flick of a governor’s pen on a bill – whether they are successful or not. We outline below a number of these racialized policymaking strategies that amount to policy inaction or sanctions. The relationship between racialized policymaking and white public opinion can be bidirectional, as racialized white public opinion can provide political “cover” for status quo politicians, and status quo policy actors may seek to shape public opinion to garner support for their policies. The resultant policies (or the blockage of progressive policies) are meant to reinforce and maintain the status quo where this is done.

This framework offers a number of contributions to understanding higher education policymaking. First, it pays particular and explicit attention to the histories and presence of racialized political power that are inherent both in higher education and the policymaking space. This focus addresses two central critiques of critical policy scholars – that policymaking is ahistorical and the process is assumed neutral (e.g., Shaw, 2004; Young & Diem, 2018). Second and relatedly, our framing of policymaking that treats each policy activity as occurring along a continuum relative to the status quo does not allow for neutrality in the policymaking process. This characterization forces readers to consider the taken-for-granted assumptions and the normalization of racial inequality embedded within the traditional theories of the policy process, and asserts that the status quo higher education system requires fixing. Our focus on status quo policymaking does not suggest there is an absence of successful social justice-oriented policy actors or activity, but rather our intentional endeavor is to understand and unmask the forces that preclude such progress. Third, our framework clarifies the linkages between the presence of racial threat/white resentment and enacted policies, which occur *through* the racialized policymaking process. Much of the research conceptualizes and operationalizes threat or resentment and an observed policy change, but does not address the policymaking process that occurs in the interim (Dollar, 2014). Finally, by adding the policymaking process, we are able to consider the breadth of policymaking activities (some of which we detail), rather than only relying on observed and enacted law. By combining core concepts in critical policy studies to the policymaking process, we hope

to push our thinking about how policy problems, solutions, opportunities, and coalitions are all undergirded by racialized histories and beliefs. Below, we further elaborate on the theories of racial threat and white resentment as they relate to policymaking. We then turn to specifying some of the strategies status quo policymakers deploy to stymie change.

Racial Threat and White Resentment in Higher Education Policymaking

Racial threat and white resentment are two theories that are frequently invoked when considering the racialized nature of policymaking in the field of political science. While we present them here separately, we recognize that both shape political attitudes and subsequent outcomes.

Racial Threat

Formally, racial threat theory is grounded in the argument that racialized groups compete for social, economic, and political resources. When the white dominant group perceives a threat to their status, they seek to restore their power through state-sanctioned means of social control (Blalock, 1967) – in particular through public policy and criminal law (Eitle et al., 2002). This set of theories that describe group conflict and racial threat originated from scholars' examination of the size of the Black population in relation to lawmaking and political power (Blalock, 1967; Key & Heard, 1949). Scholars generally have identified several interrelated forms of racial threat: economic competition (e.g., employment opportunities), political threat (e.g., political power and influence), ideological threat (e.g., the dominant belief system), and the perceived threat to white people's safety (through the criminality of Black people; Blalock, 1967; Dollar, 2014; Eitle et al., 2002; Key & Heard, 1949). Across these forms of threat, generally, the white elite will exert greater, albeit nonlinear, measures of social control commensurate with the perceived size of threat (Eitle et al., 2002). Under these conditions, policymaking is not of the chaotic and serendipitous brand, as Kingdon (1984) describes, but rather calculated, organized, and predictable. It is, in other words, racialized in an intentional effort to preserve the status quo.

Scholarship has shown a number of factors that can give rise to racial threat. For example, much of the racial threat literature examines shifts in demographics and numerical representation among racial/ethnic groups. An increase in size of non-white populations can signal potential competition for economic resources (e.g., employment opportunities) and political power through voter participation

²⁹ Indeed, racial threat may also be triggered by the physical embodiment of protests, particularly those that are largely comprised of Black people (Peay & Camarillo, 2021).

³⁰ We are careful here to not characterize threat as solely a reactionary force to a singular focusing event that causes white people to feel threatened. But rather, the monitoring of threats to the status

(Blalock, 1967; Key & Heard, 1949; Tolbert & Grummel, 2003). The policy elite may respond to the increased representation of people of color – particularly Black people – with policy changes that seek to oppress minoritized individuals and communities (e.g., voter restriction laws, harsher prison sentencing, English-only ballot initiatives). The political or social mobilization of nondominant groups that seeks to disrupt the privileges and power of the status quo is also associated with the perception of racial threat among dominant groups. For example, in studying school closures post-*Brown v. Board of Education* (1954), Brown (2010) found in Virginia that the increase in Black political organizing was associated with increases in school closure policies that circumvented desegregation. The author concludes, “Restrictive policies emerged as a backlash not against black population size per se but as a backlash against black political activity” (p. 1394).²⁹ Arguably, racial threat can also arise when the ideology that undergirds the status quo is challenged, such as in the teaching history that focuses on minoritized groups. For example, in the 1960s, the Nation of Islam faced opposition when they founded their own schools that sought to empower Black students, as “an Illinois state legislator launched an unsuccessful campaign to shutter the Chicago campus, charging that it taught ‘race hatred’ . . .” (Rickford, 2016, p. 77). Racial threat can also stem from policymaking that redresses past discrimination or seeks to provide minoritized groups with benefits, as these disrupt the racial order (e.g., President Johnson’s Executive Order 11246 that sought to take affirmative action in ending discrimination in government contracting). In short, activities, events, or conditions that threaten white norms, privileges, hierarchy, and power can give way to racial threat.³⁰ Moreover, the interaction between local and national conditions or events can shape white people’s perceptions of racial threat (Hopkins, 2010).

At present, a number of conditions within higher education can give rise to racial threat. Various constituencies are seeking racial justice in higher education, as the prevalence of social media made incidents of campus racism more visible over the past decade (Stokes, 2020). Students of color have demanded greater dignity in their collegiate experiences than what has been historically afforded: more resources and supports, greater representation in enrollment, less police presence, more faculty of color, and interrogation of racist practices and traditions on campus, among others (Cole & Heinecke, 2020). Moreover, the murders of Ahmaud Arbery, George Floyd, and Breonna Taylor at the hands of white police and vigilantes reignited the Black Lives Matter movement during the spring and summer of 2020 that crescendoed into multiday multicity protests by hundreds of thousands of participants in the United States (Buchanan et al., 2020). These high-profile murders and subsequent protests sparked what was termed a “racial reckoning” that led to public commitments from companies and organizations – including colleges and universities – to address

quo is a constant state, as there is constant push against the racial order in ways that are both big and small. Therefore, while observable threats can spur observable increases in social control, white policy elites can also take action that preemptively fortifies the status quo and is also grounded in the competition for resources and racial threat, or what Blalock (1967) calls the “just in case” policy enactments that prevent deviance (p. 168).

racism, and specifically, anti-Blackness within their operations (McKenzie, 2020; Tweh et al., 2020). Selective institutions in particular are experiencing pressures to increase their racial/ethnic and class diversity (e.g., Nichols, 2020). This mobilization against the indignities and racist treatment of Black and other minoritized people generally, and in the field of higher education specifically, can precipitate the sense of threat to the white status quo.

Because of higher education's multifaceted role – as a private good of individual economic prosperity; in its public function as a sorter of opportunity; and as an industry that provides opportunities for new learning – it is uniquely positioned as a valuable resource for the reproduction and therefore preservation of white supremacy. For this same reason, racial threat is a useful framing for examining the pulls towards the status quo in higher education through policymaking. Applying racial threat theory to higher education, broadly, status quo policymakers and the white voting public will respond to threats that undermine their control of the enterprise in how they ration out opportunity. For example, in her study on the conditions that foment adoption of affirmative action bans using a racial threat lens, Baker (2019) found that when the representation of white students at flagship institutions drops, states have higher odds of banning affirmative action. Baker offers, “The White population of the state, possibly feeling threatened by the dwindling number of enrollment spots for White students, reacts in a way that is negative for the minority population, by adopting a state affirmative action ban” (p. 1884).

While status quo policy elites protect higher education as a resource, they also view higher education as an enterprise that has the potential to undermine their white hegemonic project through the inculcation of liberal ideals. Historically, colleges and universities have been perceived as places “allowing for cross-racial understanding that challenges and erodes racial stereotypes” (Yosso et al., 2004, p. 8). However, survey research finds a strong partisan split in perceptions about higher education, with Republicans more likely to believe: higher education is going in the wrong direction because “professors bring their political and social views into the classroom” (52% R versus 16% D) and “politics on campus lean toward one political viewpoint” (72% R versus 48% D), that is largely believed to be liberal (77%, overall; Parker, 2019). Taylor et al. (2020) conclude, “Higher education is a likely target for negative partisan sentiment” (p. 862). Status quo policymakers would also respond to threats of white ideologies or ways of thinking that contest their power and undermine the normalization of their control, such as bans on ethnic studies (e.g., in AZ high schools; H.B. 2281, 2010; Depenbrock, 2017), and more recently critical race theory from federal institutions (U.S. Congressman Burgess Owens, 2021; Iati, 2021) as well as requiring viewpoint and intellectual diversity surveys from institutions (e.g., in FL; H.B. 233). Relatedly, there are documented efforts by Republican policymakers to curtail the political participation of college students, as their rates of voter turnout increase (Wines, 2019).

³¹ See Sears et al. (1997) for a summary of how scholars have conceptualized racial attitudes.

White Resentment and Racial Backlash Theory

A related yet distinct concept, some scholars use white resentment to examine how negative attitudes found in white public opinion translate to public policy. With regard to Black people, Sears and colleagues³¹ (1997) explain that white resentment

includes the beliefs that racial discrimination is largely a thing of the past, that blacks should just work harder to overcome their disadvantages, and that blacks are making excessive demands for special treatment and get too much attention from elites, so their gains are often undeserved. . . [I]ts attitudinal origins are hypothesized to lie in a blend of antiblack affect with the perception that blacks violate such traditional American values as the work ethic, traditional morality, and respect for traditional authority. (Sears et al., 1997, p. 22)

This robust body of literature on resentment is concerned with connecting racialized attitudes to policymaking. Sears and colleagues found white people do not support policies that explicitly target racial groups.

The consequences of such resentment, scholars have found, are what Grogan and Park (2017) call racial backlash theory – less generous social welfare policymaking in states that have higher levels of white resentment. This theory has been supported through studies that examine social welfare policymaking such as Medicaid expansion (Grogan & Park, 2017). In higher education, Taylor et al. (2020) found that state appropriations were higher in states with Republican-controlled legislatures than in Democratic-controlled or divided-government states *so long as white students in the state's higher education system were overrepresented*. The relationship inverted when white students were no longer overrepresented.

White public opinion, political rhetoric, and policy action can be mutually reinforcing. Scholars have offered numerous conditions that have contributed to the rise in racial animus towards people of color in recent years. The election of the first Black president (Tesler, 2013), changes in the demographics (Craig & Richeson, 2014; Major et al., 2018; Ostfeld, 2019), and growing white racial identity (Jardina, 2019) have arguably led to overall increases in the expression of white resentment. Many say these conditions – percolating over time – gave rise to the Trump presidency (Mutz, 2018), which (re)normalized overt forms of racist discourse (Christiani, 2021) and emboldened status quo policy actors and citizenry.

Both racial threat and racial backlash theories are useful in associating public opinion to policymaking and serve as good starting points in considering status quo policymaking that stifles change. However, neither theory specifies the processes through which racial threat/white resentment becomes law. They both leave out much of the policymaking apparatus (voter suppression being an important exception; Key & Heard, 1949), including policy actors. By placing racialized white opinion among the constellation of policy actors and forces in policymaking theory, we are able to nuance the connections between resentment/opinion and policymaking. For example, social construction theory positions public opinion as a way for lawmakers to justify burdensome policymaking. In this way, racialized white opinion can provide cover for elected officials who support the status quo to advance their agenda.

Policy actors can also shape public opinion through attempts to garner support for their policy proposals from the public. One example is the recent promulgation of negative sentiment towards critical race theory (CRT) – a term that was not part of the public discourse until it was introduced in conservative media outlets. A senior fellow at a prominent conservative think tank shared on social media the strategy to form public opinion around critical theories that contend with the presence and dismantling of racism (and the status quo):

We have successfully frozen their brand – “critical race theory” – into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category. . . . The goal is to have the public read something crazy in the newspaper and immediately think “critical race theory.” We have decodified the term and will recodify it to annex the entire range of cultural constructions that are unpopular with Americans. (Rufo, 2021)

An already resentful racialized white populace would be amenable to such rhetoric (Christiani, 2021), rendering public sentiment and formal policy actors mutually reinforcing and therefore represented by a double-headed arrow in Fig. 1.

Racialized Policymaking to Stymie Change

To help better understand the current policymaking environment, we attempt to bridge the gap between racial threat/resentment and policymaking that works to support the status quo by explicitly bringing attention to policymaking strategies that stymie racial justice in higher education through the use of extant literature and contemporary examples. Although not an exhaustive list, we examine policymaking that either promotes inaction or attempts to threaten sanctions in order to preserve the status quo.

Policy Inaction/Agenda Blocking

On June 11, 1963, Governor George Wallace stood outside Foster Auditorium on the campus of the University of Alabama in Tuscaloosa in the sweltering heat, physically blocking Vivian Malone and James Hood – two Black college students – from registering at the institution (Clark, 1995; Elliott, 2003). His public display of defiance was in response to a federal court-ordered desegregation of educational spaces, which he argued was constitutionally under the purview of states. With the Alabama National Guard federalized by President Kennedy and prepared to physically remove his body from the door frame, Wallace stepped aside. Whereas this dramatic tableau of a lawmaker openly undermining policies intended to address

³²Nichols (2020) also uses this event to underscore the long reach of history. Sixty years later, “only 10% of the university’s students are Black, while one-third of the eligible college-aged population in Alabama is Black” (p. 4).

racism is perhaps considered rare, such everyday policy inaction or blocking is much more insidious, with much of it occurring even before policy becomes law.³²

There are a number of opportunities within the policymaking process to derail momentum for change – from agenda-setting and policy formulation (as are the focus in both MSF and ACF) to implementation. Here, we examine the various strategies that status quo lawmakers deploy during agenda-setting and policy formulation when they seek to make no change at all.

Policy Silence Status quo supporters can leverage policy silences during the agenda-setting stage as a strategy to subdue issues that can improve racial equality or justice in higher education or preclude historically marginalized populations from benefits. Freedman (2010) asserts, “Policy silence, in this context, does not mean ‘do nothing’... [it] refers to the options that are not considered, to the questions that are kept off the policy agenda, to the players who are not invited to the policy table” (p. 355). By actively repressing from the policy agenda items that concern (and the voices of) racially minoritized communities, status quo policy actors make space for their own agenda items. In practice, multiple players in the policy arena can take part in keeping items and people off of the agenda (e.g., intermediary organizations, lobbyists, policymakers). Bacchi (1999) explicitly tends to these policy silences through her analytical framework of policy problematization: For example, by posing the question, “What is left unproblematic in this representation [of the problem]?” she argues that analysts can uncover silences and “construct new problem representations” (Bacchi, 1999, p. 11).

To illustrate policy silencing, we return to Gándara and Jones’ (2020) concept of “discursive strategy of avoidance,” which they identified in their study on how policymakers constructed marginalized groups during PROSPER Act deliberations. As the party in power, Republicans were able to choose to minimize or ignore target groups from the reauthorization of the Higher Education Act – a strategy that resulted in target groups’ wholesale exclusion from benefits. Knowing they had sufficient votes, Republicans largely excluded “Dreamers” and minoritized students from mention during the policy deliberations in stark contrast to Democrats’ construction of these target groups. For status quo lawmakers, policy silence affords protection, as they avoid the need to negate benefits to marginalized or vulnerable groups on the record, while retaining their intended effect. Gándara and Jones argue that more research is needed to examine policy silences, as they are likely to result in rollbacks in racial justice-seeking policies for marginalized students.

Political Nonstarters Political nonstarters are policy ideas (e.g., a policy problem or solution) that are considered infeasible, polarizing, or unpopular and are widely regarded as an impossibility in the policymaking process. As a discursive tool in policy, naming a policy idea as a nonstarter precludes it for further consideration until policy windows are more amenable. By raising the specter of political loss, it discourages proponents of perceived nonstarter policies from providing their support, rendering the naming of a nonstarter a quite powerful tool to induce inaction. In

higher education, “too much” accountability of public colleges (Cooper, 2019; McGuire, 2012); lack of parity across states in federal funding (Carey, 2019); and free 4-year college (although New Jersey is considering such a proposal; Douglas-Gabriel, 2015; Schwartz, 2021b) have all been deemed in the media as political nonstarters.

Nonstarters are often a taken-for-granted part of the policy discourse, but rarely formally examined. Under MSF, political nonstarters are, by extension, ideas that fail to meet the criteria for feasibility. But the theory leaves the determination of feasibility to those in the policy stream broadly, sidestepping the need to identify how the “nonstarter” moniker gets bestowed and under what conditions. Arguably, policy proposals that are distal to the status quo are likely to earn the nonstarter title – both by status quo policy actors and those who need their consensus to advance legislation. Powell (2012) identifies two concerns of change-making policymakers that reinforce the status quo: policy proposals seeking to address racial inequality will (1) not gain sufficient traction and (2) have the potential to produce white resentment. The author concludes, “What the overused resentment argument conceals is how concern for possible white anger is employed to block action to ameliorate existing, egregious racial injustice and protect white prerogative and privilege instead” (p. 13). Therefore, categorizing social justice projects as nonstarters is an effective way to shelve such proposals for the dismantling of the status quo.

As with any social construct, political nonstarters are not absolute and context dependent. To return to the example of student debt forgiveness, the basic idea was also considered “clearly a nonstarter” in 2012 (O’Shaughnessy, 2012). Yet, following years of grassroots organizing, the topic has recently merited countless analytic number-crunched reports (e.g., Eaton et al., 2021) and thought pieces (e.g., The Wall Street Journal, 2020) – moving loan forgiveness to a very-much “started” conversation. Arguably, a new presidential administration and the vast expansion of social safety net programs during the pandemic make universal loan forgiveness – as an economic stimulus – no longer a nonstarter. What perhaps may remain a nonstarter – evidenced by the lack of proposals supporting this argument – would be to target forgiveness in ways that specifically respond to the racial wealth gap. The idea that debt forgiveness could function as reparations for past racially discriminatory policymaking and target minoritized communities (Davis III et al., 2020) remains in the front end of reports (as part of the problem) rather than at the back end (as an explicit recommendation).

Dilution Policy dilution is another strategy that compromises the advancement of policies that seek to dismantle the status quo. Felix and Trinidad (2019) bring

³³ Powell (2012) notes that Social Security Act is commonly held up as an example of universalist policy, but goes on to discuss how women and Black people did not accrue the same benefits from Social Security benefits as did their white male counterparts.

together elements of critical race theory, color evasiveness, and interest convergence to introduce the concept of dilution of racial equity – whereby lawmakers and those charged with translating and implementing policy set out to weaken the effectiveness of a policy intended to increase racial equity through race-neutral execution. This neutralization of the policy nets little or no progress in racial justice projects. Policy dilution can be extended across the arc of policymaking. A common manifestation of policy dilution in policymaking’s early stages is the universalism approach, which explicitly supports the provision of equal benefits to broad groups of people in race-neutral ways (Skocpol, 2001), oftentimes with the argument that racially minoritized individuals will benefit disproportionately (Powell, 2012).³³ Under this argument, those that seek to advance policies that benefit minoritized individuals may concede with universalist solutions to increase the policy proposal’s appeal. However, an approach that focuses on the equality of inputs rather than outcomes is wasteful, Powell argues, and is “based on background assumptions that are non-universal” (p. 11), which can exacerbate inequalities.

Returning to an earlier example, universal loan forgiveness is one proposed remedy to the state-sponsored problem of racial wealth gaps. To provide a benefit to Black people, policymakers may compromise a targeted approach for Black borrowers and instead tolerate the inefficiencies of targeting benefits based on income, which dilutes the effect of the solution by concomitantly raising the wealth of white people. Supporters of loan forgiveness may be willing to make this compromise because anything other than an all-loans-matter approach may suffer from infeasibility and even be deemed “reverse racism.” Given these tensions, the menu of options is oftentimes limited to the provision of a diluted benefit or nothing at all – placing boundaries on the possibilities of addressing racial inequality and thereby allowing for the protection of white status quo interests.

Policy Inaction Nonintervention is a particular brand of policy inaction. Freedman (2010) notes that “for policy-making bodies, this involves either a desire to cut back on state control...or a reluctance to develop new rules and to secure fresh legislation...Where government intervention is necessary, it should – according to this perspective – be minimal and nonintrusive...” (p. 345). Here, the state can even be cast as an impediment. In higher education, the robust debate about for-profit regulation can provide a rich example for policy inaction.

Higher education policy actors disagree about the extent of regulation necessary for the for-profit sector. On the one hand, free-market enthusiasts who favor deregulation of educational markets argue that for-profit institutions fulfill an unmet need for credentials that 2-year colleges have failed to provide and regulations are burdensome (e.g., Burke, 2019; Wildavsky, 2012). Critics of for-profits point to the reliance of federal funds coupled with low completion rates, high loan default rates (Armona et al., 2018), and high-profile charges of fraud within the sector (e.g., Fain, 2015). Most disconcerting, for-profit colleges have long since served a disproportionate share of minoritized students (46% in for-profits versus 32% in all

institutions in the fall of 2018; National Center for Education Statistics [NCES], 2019a). Taken together with the documented practices of targeting minoritized communities, the for-profit sector helps create and maintain racial stratification to the benefit of the status quo (Dache-Gerbino et al., 2018).

Arguably, deregulation of the higher education market preys on historically marginalized communities' desires of economic mobility. State and federal governments encouraged the growth of the for-profit sector through lack of regulation (i.e., policy inaction), coupled with a free-market approach that historically benefits those with greater access to power and information that is part of what McMillan Cottom calls "the new economy" (McMillan Cottom, 2017a; McMillan Cottom, 2017b). McMillan Cottom (2017b) explains how it maintains the status quo:

...if the way we are telling people in the new economy that the single way you can get ahead is by getting all the education you can, well, people are listening to that. . . .The problem is when our education gospel doesn't make a distinction between good education and risky education. And here, in that gap, is where for-profit colleges flourish. . . . It is easy to sell people when they don't have any language to understand the idea that school could actually leave them worse off than when they started. (para. 90)

What is perhaps most insidious is the exploitative nature of the higher education free market when we consider the communities that most rely on higher education for economic mobility will be targeted for the institutions with the smallest return.

Importantly, Freedman (2010) asks, "What constitutes an example of a 'market failure,' who decides this, what values are brought to bear on the decision-making process, and what other options are considered. . .?" (p. 354). The Department of Education (ED) under President Obama sought to increase oversight of for-profits and created a unit to investigate abuses in the sector (Stratford, 2016). However, once Betsy DeVos – a supporter of free markets – headed ED under the subsequent Trump administration, she disbanded the team (Ivory et al., 2018). DeVos' ED also sought to block a rule, known as borrower defense repayment, meant to protect students from fraud (Federal Student Aid, n.d.; Kreighbaum, 2017). In combination, DeVos's ability to rule-make and set in place policy inactions would not only provide cover to bad actors seeking to defraud the most marginalized students seeking higher education but also limit these same students' ability to seek reprieve from their federal loans for not knowing how to better "play" the market. Under the Biden-Harris administration, ED has paid over \$1.5B to 90,000 borrowers – a partial accounting of the cost of nonintervention (ED, 2021b).

Freedman (2010) also offers that policy inaction "does not suggest a lack of energy on the part of policymakers or a reluctance in principle to intervene. Rather, it refers to a strategic decision that the best way to promote hegemonic interests and to naturalize foundational values is through a *particular* role for the state as a policy maker" (p. 355). The rule-making process is one such place, as we illustrated above.

³⁴This occurs when a governor or president leaves a bill unsigned until it cannot be ratified through the current legislative session.

The Secretary of Education and agency staffers, through this process, wield a lot of power (Natow, 2015) and can dismantle or ignore processes (or at least try) outside of the formal legislative processes that amount to a noninterventionist approach in ways that harm minoritized students and perpetuate the status quo. More than 90% of federal law is crafted during the rule-making process by agency officials, rather than acts of Congress, who are “tasked with filling in the gaps” (Yackee, 2012, p. 375). Yackee finds that during the pre-proposal stage, off-the-record lobbying can keep potential regulations from advancing. While not exhaustive, other formal processes that amount to policy inaction or blocking include regular and pocket³⁴ vetoes, as well as legislative obstruction (e.g., filibustering) and strategically deferring to a lower level of government, such as states’ rights or local control.

Policy Sanction

Through a lens of racialized political power, status quo policy actors who seek to prevent racial justice-seeking change in higher education have also deployed sanctions (or the threat of them) to preserve the status quo. While these sanctions primarily relate to funding, they can also take the form of codifying employee or student dismissal or criminalization of behavior. In the case of the Missouri football players, the intention was to revoke scholarships and fine coaches who refused to play a scheduled game (A.B.. 1743, 2015a). Policy sanctions are imparted to elicit desired behaviors by institutions or individuals and are clearly stated by policy actors. This is in contrast to more illicit behavior from policymakers that result in, for example, defunding or underfunding higher education institutions that serve large shares of minoritized students without a specific ask (Chang et al., 2021; Douglas-Gabriel & Wiggins, 2021; Hamilton et al., 2021; Taylor et al., 2020).

One expression of threat is the use of the power of the purse to cut funding to institutions or benefits to individuals. In May 2021, Representative Liz May – who sits on the appropriations committee for South Dakota’s state legislature – introduced a proposal to cut \$275,000 from the general funds that supported diversity programming at SD’s public colleges (Nelson, 2021). One newspaper reported that Rep. May argued, “Taxpayers expect tax dollars to be going toward education, and education is reading, writing, and arithmetic, and then when you get to the college level you’re talking about calculus and all kinds of things like that” (Nelson, 2021, para. 4). Here, she intimates that the work of diversity offices is superfluous and not advancing the public interest. Rep. May withdrew her proposal by the end of the legislative session, noting, “She wants to look at the state of how South Dakota’s universities are being run to see if these cuts are still needed” (Nelson, 2021, para. 5). While the proposal to directly cut funding was ultimately retracted, the strong status quo policy momentum in South Dakota suggests that the political climate is amenable to its reintroduction.³⁵ It could also be an opportunity of “softening” the idea to

³⁵For example, South Dakota passed an “intellectual diversity” bill in 2019 in response to “incidents related to whether students’ free speech rights were being squelched by political correctness” (Ellis, 2019).

the policy space, as Kingdon (1984) might argue, and a signal of future intent. Even so, this threatened sanction can have a chilling effect on institutions with offices and programming tending to issues of diversity. This threat became reality in Tennessee, as the Tennessee legislature passed (and the governor allowed without endorsement) a similar bill that cut the state appropriation for the diversity office at the University of Tennessee at Knoxville in 2016 (Jaschik, 2016; Locker, 2016).

Sanction policies can also be used to generate new lines of policy that aim to protect status quo interests. This layering on of policies is intended to neutralize perceived threats to power. Increasingly, status quo policymakers have sought to slow down momentum through a variety of sanctions. For example, a number of states have introduced legislation (with mixed success) that seek to protect the rights of campus speakers to espouse racist views over the rights of campus members who protest their views that include directly sanctioning student behaviors (e.g., criminalizing the interruption of speakers); empowering the speaker to seek damages (e.g., allowing speakers who have been interrupted to sue students and institutions); and overriding institutional policies (e.g., forcing institutions to adopt expulsion policies; International Center for Non-Profit Law, 2021).

Policy actors who aim to block advancements in racial equality in higher education can leverage a number of strategies to accomplish such goals. Below, we conclude with recommendations for future policy research.

Considerations for Higher Education Policy Research

In this section, we briefly survey considerations for future work along two axes: the researcher's reflection on their role as a member of the policy elite and the pursuit of new lines of inquiry that deepen our understanding of how higher education policymaking operates as a racialized space.

Reflections on the Researcher as a Policy Actor

Policy research studies almost invariably end with recommendations for policy actors, "with the hope that their research-based insights will be used by policymakers" (Perna et al., 2019, p. 137). And, indeed, policymakers use research as a vehicle for learning as well as to advance their own agendas (Ness, 2010; Perna et al., 2019). What this means for policy researchers is that we can put forward ideas that play a role in softening, problematizing, and testing solutions. To be clear, as researchers, we are members of the constellation of policy actors in the racialized policymaking space and are therefore embedded in Fig. 1. For that reason, policy researchers must decide whether and to what extent our analyses are racially explicit and in service to redressing the inequities of status quo supremacy.

Without overt reference to the racialized structures at play, or while under the false assumption that race-neutral stances create researcher objectivity, we researchers studying policies – via the policymaking process or via evaluations –

risk having our work used for the means of reifying the status quo whether we seek to do so or not. Given the continued salience of racialized power in higher education policymaking, we borrow from King and Smith (2005) to underscore:

Analysts should inquire whether the activities of institutions and actors chiefly concerned either to protect or to erode white supremacist arrangements help to account for the behavior and changes in the nation's political institutions, coalitions, and contests they study. Any choice not to consider racial dimensions requires explicit justification. (p. 78)

By remaining silent, we feed the there's-nothing-to-see-here white hegemonic narrative that downplays and obfuscates the forces of contemporary racist policymaking structures. Stemming from this perspective, we call on researchers, ourselves included, to continually reflect on our role as policy actors and how we enact that role to improve the material and educational conditions of racially minoritized people.

One dangerous consequence of “race-neutral” policy is that some legislators may use this framing to gain support for policy solutions that, though neutral in appearance, disproportionately benefit the powerful and burden vulnerable populations. Racial impact statements, as described in a Lumina Foundation blog post, are reports that “examine whether a bill’s passage would unfairly penalize people based on whether they are Black, Hispanic, Latino, or Native American” (Santana & Jenkins, 2021). Such reports are one way to provide a more honest accounting of the possible consequences of new legislation before its passage into law (Porter, 2021). When conducted thoughtfully and by policy-area experts (e.g., researchers), these statements can help policymakers understand the likely intended and unintended consequences of a policy solution.

For many, this work also entails revisiting our own professional training – the unlearning and relearning of the consideration of race and racism in policymaking. In academic and policy spaces, we have encountered the “mass appeal” argument that we are better off accomplishing our goals of racial equity if we can avoid actually talking about problem definitions and solutions through a racial equity framing. We are trained to feel uncomfortable when thinking about racism and naming it in a policy space because it is framed as a political nonstarter. This pushes us collectively away from considering the role of *racism* or *racialized power* at all. At the same time, there is also a pull for scholarship on *racial disparities* – as major funders, for example, are increasingly centering race-based gaps in opportunities and outcomes in their calls for proposals that are largely centered on policy evaluations.

The tension here is that we are not yet at a place where professional opportunities (e.g., funding, publishing) universally require that we meaningfully engage with race and racism beyond the rhetoric of diversity. This tension produces three worrying consequences: a reliance on a small subset of researchers using a highly specialized set of statistical methods; a narrow research focus along the policy arc; and a failure to require consideration of race/racism in theoretically and empirically meaningful ways. As Bensimon (2018) posits, racial equity is not a rhetorical prop to be “sprinkled into educational discourse” as a means of signaling good intentions and

progressive values (p. 97). Instead, “the authentic exercise of equity and equity-mindedness requires explicit attention to structural inequality and institutionalized racism and demands system-changing responses” (Bensimon, 2018, p. 97). In no uncertain terms, we believe the same is true for policy researchers.

Directions for Future Research

We endeavored to bring together existing theory, research, and contemporary policymaking to offer a framework that explicitly describes the lack of progress for racial equity in higher education. From our work, there are many new lines of inquiry that open when we consider the need to further unpack the racialized nature of the policymaking process. Below, we offer a number of considerations for new and expansive theoretical possibilities and comment on empirical tools that can advance the work in this area.

First, future work can apply or extend this racialized policymaking framework. We have designed our framework by relying on examples from present-day higher education policy conversations. Doing so has allowed us to provide critical analysis and weigh in on timely contemporary issues. That said, higher education policy researchers can and should expand the body of empirical work to formally identify the types of actions/behaviors/changes in system parameters that activate racial threat, beyond shifts in demographics, and the types of policy behaviors pursued as a means of stalling anti-status quo efforts, which could include the presence of social movements and changes in economic conditions. For example, Davis (2019) explored how protest policies are related to thwarting student movements to stymie campus and institutional change. Other questions remain, such as: How does a higher education policy idea move from being distal to the status quo to being proximal to the status quo? What strategies are employed by the policy elite to dilute a policy solution, and what environmental factors (akin to those identified in both MSF and ACF) contribute to this dilution? Do members of the policy elite weaponize racialized core beliefs to create feelings of racial threat, which in turn stymie efforts to place anti-status quo policies on the policy agenda? If so, how?

There is also more work to do to formally theorize the policy space as a racialized organization. As we note earlier in the chapter, Ray’s (2019) theory of racialized organizations provides an avenue for understanding the specific processes that organizations employ to maintain the racial order. Ray’s work is not expressly about the political process, but we make the case that the policy stream (or policy subsystem) can be thought of as a political institution with racialized organizations embedded within it. Stemming from this, and from Jones’ (2019) theorization of Congress as a racialized workplace, future work could more thoroughly develop a theory of the formal racial processes employed in policy organizations and by the policy elite to maintain the status quo.

We have focused here on the reinforcement of status quo policies, but there is much to be identified with respect to how *radical* policies can gain traction within the racialized policymaking system (if we in fact believe that is possible). Are there

examples where this has already happened within higher education policy? What does it look like to do grounded theory work – to understand the process through which radical change in policy comes about?

Second, and related to the need to expand this framework to other stages of the policy process, is the need to consider carefully how we, as a researcher community, favor quantitative policy evaluations over other forms of policy analysis. The field is collectively enticed by the ability to evaluate policies that have already made it through the messy design process, been implemented, and are ready to be evaluated. (After all, one cannot use a quasi-experimental design on a policy solution that was never put into practice.) But because policy evaluation is largely predicated on what already happened, we allow ourselves to wait until the initial consequences are written before we set out to understand potential racial disparities. Put differently, the policy evaluation stage is too late to proactively address inequities or inequalities. We have far more potential to design and implement solutions that step outside the status quo if we move into the critical place of understanding the racialized process by which existing policies were chosen in the first place.

We have singled out theories that are primarily concerned with agenda-setting and policy change, but other areas of the policy arc (e.g., policy diffusion) are equally poised for augmentation with elements of the framework we introduced. How do concepts like *policy learning* and *emulation* – both central to the theoretical framing of policy diffusion – take on different meanings when we consider the goals of status quo policymaking? ACF provides some structure to how we might think about whose power can bring ideas to state legislatures – i.e., who has the resources to spearhead the diffusion process. Particular coalitions, with the necessary resources, may wield more power and influence to spread ideas across numerous policy agendas simultaneously or in rapid succession (e.g., the rapid proliferation of anti-CRT or free speech legislation; see also Gándara et al., 2017). Especially in an era that is universally described as deeply partisan (R. M. Johnson et al., 2021), coalitions may selectively filter information and have closed networks of learning that are ideologically driven (Grossback et al., 2004). Studies of policy diffusion need to make visible how racialized policymaking shapes the diffusion process.

Lastly, several of these lines of inquiry, as well as others that we have not discussed, will require datasets that do not exist or have not been used for these purposes. Towards that end, scholars have identified several data sources that may be useful to these (and other) new research efforts. In addition to interviewing policy actors (e.g., Chase, 2016), document analysis has been a critical component of understanding policy proposals, their adoption, and implementation – such as legislative texts, records of committee hearings, bill and law texts, and implementation guides (e.g., Felix & Trinidad, 2019; Gándara & Jones, 2020; Perna et al., 2019). Natow's (2019) *Online Qualitative Data Sources for Federal Regulatory Policy* is a valuable resource to examine federal regulations, as it outlines online data sources and associated methodological considerations. Additionally, a number of existing datasets can be used. For example, Baker (2019) used an amalgamation of data common in higher education scholarship (e.g., Integrated Postsecondary Education Data System and Census data) with data about ideology (e.g., Berry et al.,

2009) and a dataset that includes partisan balance in a state (e.g., Klarner, 2013). Baker (2019) as well as Taylor et al. (2020) use data from the National Conference of State Legislatures, which tracks a number of policy initiatives across states, including ballot initiatives. The Pew Research Center houses many national-level surveys of population sentiment and beliefs and publicly releases the majority of their microdata on their website. There are also general state-level bill tracking websites that allow researchers to compile the introduction (and fate) of bills (e.g., Education Commission of the States, *State Education Policy Tracking* website). The US Protest Law Tracker tracks “initiatives at the state and federal level since January 2017 that restrict the right to peaceful assembly” (International Center for Non-Profit Law, 2021). Researchers may also develop their own datasets from publicly available sources. College student social movement data, for example, has typically been acquired through the meticulous compilation of media articles (e.g., Stokes, 2020).

Conclusion

... the cleverest ruse of the Devil is to persuade you he does not exist! – Baudelaire (Smith, 1919; p. 82)

Our work in this chapter³⁶ endeavored to bring together inter- and multi-disciplinary scholarship to critically interrogate historical and current postsecondary policies. In doing so, we resisted the common, taken-for-granted ways our field often presumes positions of neutrality by explicitly naming racism, racialized political power, and the racial status quo at the center of higher education policymaking. The tendency for many higher education researchers to divert their analytical gaze from racism and racialized political power in policy studies is commonplace, not aberrational.³⁷ The generally unquestioned propagation of such race neutrality through policy research, theory, and practice is harmful not only to graduate students, early-career scholars, and our field of study, but ultimately to the minoritized communities disproportionately impacted by race-neutral policy decisions. For this reason, we find it wholly necessary for policy scholars and policymakers to interpret the process and product of higher education policy as racial projects worthy of continuous scrutiny. We are not arguing conscious criticality is a sufficient, albeit necessary end unto itself. Rather, without a more deliberate and intentional focus to recognize and redress racially inequitable outcomes through race- and power-conscious analyses, the historical and contemporary evidence makes clear that race-neutral policy solutions will continue to fail in addressing higher education’s persistent racial problems. As a result, policymakers and researchers alike will continue to obscure the devilish underbelly of policy as yet another apparatus by which white supremacy furthers its domination, control, and racial exclusion.

³⁶We do not claim this manuscript to be either definitive or exhaustive on the matter.

³⁷There are notable exceptions that we have highlighted in this chapter.

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Dr. Charles H.F. Davis III is a third-generation educator and creator committed to the lives, love, and liberation of everyday Black people. He is an Assistant Professor in the Center for the Study of Higher and Postsecondary Education at the University of Michigan where his research and teaching focus on issues of race, racism, and organized resistance in education and its social contexts. Dr. Davis is founder of the Scholars for Black Lives collective, director of the Campus Abolition Research Lab, and principal investigator of the #PoliceFreeCampus project, an abolitionist research collaborative committed to using data and community narratives to envision and create a police-free future.

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