TOWARD A CRITICAL RACE PRAXIS FOR EDUCATIONAL RESEARCH: LESSONS FROM AFFIRMATIVE ACTION AND SOCIAL SCIENCE ADVOCACY

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"Did affirmative action and the diversity rationale move us backwards?" This question is often posed to invoke a discussion about lessons from affirmative action and social science support for the diversity rationale. Yet, the question itself is polarizing by virtue of offering only two divergent paths. On the "yes" side are grassroots organizations, and critical race, legal, and educational scholars who critique the efficacy of working inside historically racist legal parameters; on the "no" side, those engaged in diversity rationale scholarship focused on the societal and educational benefits of a racially diverse student body and others aligned with political lawyers and institutional practitioners supporting affirmative action. As a consequence, while neoconservatives work hand-in-hand to advance legal arguments grounded in problematic notions of meritocracy and colorblindness, advocates for racial justice are divided. Given that the educational benefits of diversity are no longer being legally contested and affirmative action continues to undergo policy retrenchments that limit its utility, problematizing the disconnect is not as much about this specific area of research or the future defense of

affirmative action as it is about the broader disadvantages of a lack of solidarity when it comes to a common interest in advancing more equitable educational environments and racial justice. As Yamamoto (1997) explains, "The disjuncture between progressive race theory and political lawyering and community activism…not only chokes useful theory development and translation, it stifles contemplation of multilayered actions designed to produce material change" (p. 880). Our failure to connect in meaningful ways, in terms of race-conscious educational policies and beyond, creates limitations for the quality and scope of scholarship that can be used by frontline lawyers, educators, and policy makers for advocacy toward social justice within constricted legal contexts. Furthermore, it potentially stifles the development and translation of critical theoretical scholarship toward new partial solutions (both in terms of policy and institutional practice).

We begin this article by proposing an understanding of affirmative action as "race-conscious" but never "racism-conscious" policy. This distinction provides insight into how the question of whether affirmative action has moved us "backwards" itself does not allow for a more nuanced discussion of racial/social justice advocacy as a non-static moving target. More specifically, we explore the possibility that affirmative action and the "diversity rationale" within the debate on racial justice were both counterhegemonic actions situated within the larger historical context of a hegemonic legal structure and system of white privilege. From this perspective, these strategies were limited and filled with contradictions, resulting in the potential to move toward social justice while simultaneously contributing to the creation of new problematic narratives as the hegemonic structure co-opted the resistance.

We draw heavily from critical race theory and Bell's thesis of interest convergence to explicate the contradictions related to engaging in the affirmative action policy debate. Affirmative action and the legal arguments put forth to maintain it were always partial truths and partial solutions, never the complete answer to moving forward toward racial justice. Critical race theory calls on researchers to advance counterstories that challenge dominant narratives across multiple spheres of influence. To support this agenda, the next section presents a redefinition of the dominant narratives about affirmative action that does not blame individuals working within the legal paradigm toward racial justice, but instead recognizes the importance of critical race theory and a critical consciousness in shaping scholarly advocacy. Thereafter we discuss the shifting colorblind policy context; here we propose the concepts of interest convergence constriction and interest convergence expansion. Finally, the crux of the paper is dedicated to introducing guiding tenets toward encouraging a critical race praxis for educational researchers that we hope can generate more powerful advocacy and new possibilities.

Affirmative Action as "race-conscious" but never "racism-conscious"

Affirmative action was situated within a civil rights context and mainstream consciousness about meritocracy and liberal notions of equality that aligned with maintaining systems of advantage. It developed in part as a response to student-activism and a desire to access educational environments and resources from which black and other students of color were previously excluded (Rogers, 2012; Zamani-Gallaher, O'Neil Green, Brown, & Stovall, 2009). In addition, it grew out of grassroots

organizing against oppression[1] and U.S. imperialism in developing nations abroad,

made apparent by the Vietnam war and draft (Rogers, 2012; Zamani-Gallaher et al.,

2009). As legal scholar Derrick Bell explains, civil unrest and the attention it garnered

disrupted the United States' credibility as a nation calling for democracy in other parts of

the world, making the adoption of affirmative action aligned with the political and

economic interest of the nation. In other words, affirmative action was permitted due to

interest convergence in service of supporting a system of power designed to particularly

benefit upper and middle class white citizens in the global stage of emerging communist

powers (Bell, 1980).[2] On the national stage, however, affirmative action was signed into

federal policy on the heels of the *Brown* decision, with the Civil Rights Act of 1964 by

Lyndon B. Johnson, to address societal and institutional discrimination as well as the

increasingly public political demands (Zamani-Gallaher, et al., 2009; Bell, 2004).

While affirmative action was born out of agitation and challenge to injustice, it fell

short of being "racism conscious" by design; and arguably, would not have been

permitted as such within the legal paradigm. It did not directly challenge institutional

racism and selective admissions processes, which themselves rely on problematic

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[1] In the civil rights movement student activists, community leaders, and scholars were involved in consciousness raising, working alongside and for the people. They held tutorials in low income and communities of color, to agitate those with the power for radical transformation (Rogers, 2012). And it was also external factors, including tensions building from neoconservative demands, injustice abroad and locally, interest convergence constriction, amongst other consciousness raising circumstances that ignited the flame of personal and social movement-- all precipitating in interest convergence expansion.

[2] For documentation of the global context that support Bell's interest convergence thesis of desegregation as a cold war imperative, including examples of representation of U.S. in foreign press, calls for U.S. to deal with its own problem of racial discrimination by foreign leaders and the nation's closest allies, see Dudziak (1988). For example, in 1946, following the scheduled execution of two teenage black youth accused of murdering their employer in Jackson Mississippi, The U.S. Embassy in London had received over 300 letters and petitions in protest and members of the House of Commons had telegrammed President Truman to urge him to intervene and protect basic human rights. Articles that were particularly concerning within the Soviet press are elaborated on as well others around the world.

notions of meritocracy that advantage those with accumulated privilege (Guinier, 2003).

What affirmative action did do was momentarily open up college access and

opportunities for higher education and social mobility that were previously prohibited to

black and other people of color (Zamani-Gallaher, et al., 2009). It also represented a

shift in public consciousness about race and racism by virtue of being the culmination of

a movement that brought awareness of racial injustice and oppression to the forefront of

the U.S. mainstream imagination. This awareness could no longer be ignored by the

many white citizens who began to see integration both a moral and a justice issue. But

even among white citizens who resisted civil rights legislation, there was a shift in

consciousness that required a renegotiation of their racial frames toward preserving

whiteness (Bonilla-Silva, 2001). Furthermore, as Bell argues, desegregation still worked

to the benefit of all whites in that it maintained a system of white privilege and

supremacy.[3]

Indeed, the very fact that affirmative action was thereafter consistently attacked

and gradually undermined in the public and legal arenas suggests that it posed a threat

to those in power and to the status quo. From an interest convergence perspective,

affirmative action was never a revolutionary policy that could bring about racial justice in

higher education; rather, it carried the promise of incremental progress and momentary

racial relief, one that would be depleted as soon as it posed a threat to the superior

status of (mostly middle and upper class) whites.

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[3] Whites opposed were in the majority, creating the need for the government to enforce desegregation mandates with the presence of the National Guard (Bell, 2004; Zamani-Gallaher, O'Neil Green, Brown, & Stovall, 2009).

Both Harris (2003) and Bell (2005) document through their respective analyses of legal doctrine and civil rights law, that the Courts have shifted toward a colorblind stance and particular forms of racial erasure that protect systemic white advantage, with interpretations of the Court and legal jurisprudence resembling that of the *Plessy* Court in 1896. As stated by Bell (2005), "The result is that the Court now treats all race conscious efforts to eradicate racial inequality as conceptually equivalent to acts designed to install racial hierarchy" (p. 1055). The retrenchment and dismantling of affirmative action policies through the Courts leading up to the most recent *Fisher* decision, suggest a similar shift toward a guise of colorblindness in the interpretations and rulings of the Court on affirmative action cases (Jayakumar & Garces, 2015).

From "race-conscious" to "race-neutral": The Colorblinding of the policy debate

Within a decade, the policy debate on affirmative action moved toward a more conservative orientation and the previously observed period of interest convergence began to close (or constrict). Starting with the *University of California Regents v Bakke* (1978) ruling, affirmative action was reframed from a restorative justice narrative to a policy that would only be legally permissible for attaining the educational benefits of racial diversity for all students. At this time, the Court explicitly rejected the remedial rationale and arguments that directly acknowledged the persistent disadvantages posed by a legacy of racial discrimination. Based on this legal precedent, some affirmative action advocates and social scientists viewed the diversity rationale as the best approach for defending affirmative action in anticipated future attacks. This led to a concerted effort among social scientists to explore particular questions aligned with political lawyering practice that could be used within the limited legal paradigm in

preparation for the defense of affirmative action involving the University of Michigan (*Grutter* and *Gratz*). (See Jayakumar, Adamian, with Chang [2015] for reflections from those involved in the initial social scientists strategy.) Although meaningfully maintained in *Grutter* and *Gratz* collectively, the policy's utility was significantly watered down. Furthermore, even when race-conscious policies are sustained, anti-affirmative action lawsuits themselves can have discouraging effects on the recruitment of students of color (Brown & Hirschman, 2006; Garces, Cogburn, & McClure, 2013).[4] Whereas affirmative action was once framed in the legal discourse as a racial reform effort, it is now talked about as "racial preferences" and as "reverse-discrimination toward whites" (Sturm & Guinier, 1996; Jayakumar & Garces, 2015). Most recently, with the *Fisher* decision, affirmative action is permissible only after exhausting all "race-neutral" alternatives for increasing racial diversity and attaining a critical mass of underrepresented students (Garces & Jayakumar, 2014).

While the *Fisher* case did not challenge the *Grutter* precedent regarding the educational benefits of diversity, it solidified new barriers and requirements for institutions that seek to consider race in admissions. For instance, the discourse about

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[4] *Grutter* Court affirmed the policy on the grounds of the educational benefits of diversity as a compelling state interest, *Gratz* Court ruled against the University, taking issue not with the policy itself but how it was operationalized, determining it resembled a quota system that the Court deemed unconstitutional. Practically speaking, this meant that while admissions officers could give extra points to those from a particular region of the state (made up primarily of poor whites), could give extra points for attending a higher quality high school (despite known overrepresentation of black and brown children in under-resourced schools), could create set asides for legacy of alumnus and sports acumen (both disproportionately advantaging white students—even in terms of the latter when we look at racial representation and numbers in both revenue and non-revenue generating sports), they could legally allocate a certain amount of seats for individuals from lower socio-economic backgrounds or for students with special talents such as being an expert pianist, nonetheless, they would not be legally permitted to have a target number of individuals from any particular racial group. Admissions officers could however, consider race as one of many factors— just as they might consider that someone played the violin for ten years or took on leadership positions and extracurriculars.

critical mass underwent a conservative shift within the legal conversation. The *Grutter* Court had supported the description of a critical mass as "meaningful numbers," "meaningful representation," " a number that encourages underrepresented minority students to participate in the classroom and not feel isolated," or "numbers such that underrepresented minority students do not feel isolated or like spokespersons for their race" (pp. 318–319). Not only was the contextual definition of critical mass in *Grutter* Court supported by educational research, it was also consistent with the usage of the term as far back as 1942 and across various disciplines (including bio-chemistry, medicine, and the social sciences) (see e.g., Barreto & Saccone, 2010; Fine, 1993).

In *Fisher* the critical mass argument made in *Grutter* seemed to be undermined by repeated demands by Justice Scalia and others for a specific number, which if presented, would have rendered it an illegal quota (Garces & Jayakumar, 2014). Thus, the *Fisher* Court was more skeptical about and diluted the very construct it initially supported. The strict(er) scrutiny for the use of race-conscious policies in admissions, the interpretation of such policies as being racist themselves, and the increasing refusal to recognize how race and social inequities are at the core of the problem, is reflective of a movement toward colorblind ideology within the policy arena.[5]

We learn from Bell's (2005) reflections on lessons from *Brown* that the actual implementation of racial reform strategies as restorative justice efforts are predictably inhibited by racism. In particular, the resulting resistance to desegregation from whites had negative implications for the educational experiences of black students. The *Brown*

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[5] The colorblind, race neutral policy shift around affirmative action is consistent with educational policy and climate across the schooling spectrum. (See Williams and Land [2006] for documented examples of K-12 policies).

decision led to closing black schools, which had nurtured the educational identities of black children. It also led to black students becoming the targets of racial hostility in integrated schools. These examples from K-12 schooling parallel the complicated terrain of integration in higher education (e.g., decreased funding to Historically Black Colleges and Universities [HBCUs], negative climate, tokenism, and stereotype threat experienced by black and other students of color at Predominately White Institutions [PWIs]).

Bell (2005) asks the important question of whether black children would have been better off if the civil rights lawyers (of which he was one) had fought instead for separate but actually equal schooling facilities and resources. He points to the interest divergence for black children's educational disruption and treatment in white schools (which continues today), and persisting de-facto segregation. One can argue that either strategy (whether integration or resource redistribution) would be constricted by the legal context and thus limited to incremental racial relief as well as by resistance from those who perceived a loss of resources and opportunities in dismantling existing racial hierarchies. Indeed, such an argument is consistent with the interest convergence thesis.

Any promising racial justice strategy within the legal system (and U.S. society at large) will lead to a shift in the hegemonic context (including progress and new problems that require a new set of solutions and approaches). What is underrecognized is that interest convergence has ebbs and flows—moments where there is a high level (*interest convergence expansion*) and others where it severely wanes (*interest convergence constriction*). Most notably, the interest convergence that led to the

desegregation of secondary and postsecondary schooling was generated by activism and social movement that raised awareness of racial injustice, both at home and abroad. In other words, grassroots movements rooted in a critically conscious collective struggle created the disequilibrium and incentive that brought about interest convergence and incremental racial progress. Thus awareness raising can be destabilizing and threatening to the interests of those in power; creating the space and opportunity for a concession to be made in order to bring interests back to equilibrium. Bell (2005) describes the University of Michigan's diversity rationale strategy in *Grutter* as an instance wherein interest convergence was recognized in advance to the benefit of maintaining affirmative action as a useful mechanism for increasing the number of underrepresented students within the legal and institutional framework at that moment.

In the present post-*Fisher* moment of interest convergence constriction with regard to racial equity in higher education, the work of critical race scholars provides critique of the limitations of diversity research, and generates the basis for a critical consciousness that names the current contexts and hegemonic structures. Grappling with our current situatedness can help propel interest convergence expansion. The work of critical race scholars can critically inform policy and practice needed to address the mechanisms that advantage white students within and outside of the educational system, including meritocracy and cultural capital valued in admissions, institutional environments and cultures, and problematic colorblind institutional practices.

Toward a Critical Race Praxis for Educational Research

Praxis involves action and reflection rooted in critical consciousness (Freire, 1970). Engaging in praxis while working toward racial justice requires operating within

the tensions that arise during the push and pull between liberation and oppression. According to Freire (1970), praxis is strategic and intentional practice "directed at the structures to be transformed. The revolutionary effort to transform these structures radically cannot designate its leaders as its *thinkers* and the oppressed as mere *doers*" (p. 126). Applying this toward racial justice when working within the U.S. legal paradigm and hegemonic contexts that include schooling means not only rejecting a top down approach but also considering how multiple actors, performances, and dialectics can work to agitate policies and transform racist practices. To do so may entail operating in distinct spaces that situate different groups (e.g. grassroots organizers, social scientists, political lawyers, student intervenors, and race theorists) within different spheres of influence and with different positionalities and purposes, while simultaneously having a shared commitment toward racial justice.

With regard to the affirmative action debate, the social scientists who proactively engaged in building the underdeveloped research on educational benefits of diversity provided important evidence that Justice O'Connor cited in support of upholding race-conscious admissions practices in *Grutter* (Coleman, 2004; Gurin, Lehman, Hurtado, Lewis, Dey, & Gurin, 2007). While the *Grutter* Court ignored the arguments of the student intervenors and of the amici briefs that spoke to the role of racism in schools, microaggressions, and negative racial climate (Harris, 2003), these arguments shifted the conversation and even the legal parameters of the debate. Indeed, such arguments and critical race scholarship created the opportunity for scholars working with the diversity rationale to incorporate more critical perspectives into research aligned with creating counternarratives within the dominant legal paradigm (Jayakumar, et al., 2015).

Jayakumar and Adamian, with Chang (2015) document how the initial scholars who produced research on the educational benefits of diversity sought to address the particular questions pertaining to challenging the dominant legal narratives of the Court Justices, and were informed by critical theory, solidarity with students of color, and long-term radical vision. Their scholarship intentionally enacted counterhegemonic resistance to push the boundaries of a dominant legal paradigm that actively works to preserve hegemony. Perhaps as a result, the evidence entered within the Court-defined terms in *Fisher* included discussions of racism and discrimination (although tempered), negative campus climate, and racial microaggressions as part of the main evidence in support of the university's race-conscious policies (see e.g., Brief of American Social Scientists, 2013). At the same time the shifting policy narrative to race-neutral language, and the co-opting and dilution of the term diversity, amongst other factors, have introduced a new set of challenges (Ahmed, 2014; Jayakumar & Garces, 2015).

Baez (2004) critiques the social science scholarship aligned with the diversity rationale on the grounds that it "produces and naturalizes racial differences, legitimates the institutional processes that use them, and ensures their continued relevance in organizing society" (p. 286) and while it "has led to powerful counternarratives to the conservative attacks on affirmative action, its full political potential is limited when researchers fail to critically reflect on and investigate the construct of diversity, a concept that appears ubiquitous and natural" (p. 290). These critiques speak to the limitations of this scholarship and negative implications of the work both inside and outside of the legal context that must be considered and combatted. Nonetheless, Baez's critique is only a partial truth. It does not differentiate between critically

conscious diversity research praxis and conformist diversity research, the latter of which centers the dominant group's interests without purpose or attention to groups that are marginalized.[6] Conformist research includes research that does not consider political implications, perhaps even claiming objectivity, because such research nonetheless has implications for reproducing the status quo (Zuberi & Bonilla-Silva, 2008). By conflating critically conscious versus conformist research approaches, opportunities for generating resistance under restrictive policy and institutional contexts are in peril.

Thus, while research designed to address problems of practice within hegemonic contexts and critical theory are integral to informing a critical race praxis, scholars working in isolation limit the potential for shaping equitable educational policy and institutions. In discussing the parallel problematic divide among critical legal scholars and political lawyers, Yamamoto (1997) describes the lost opportunities toward achieving a common goal. He explains, "The critical theoretical work of race scholars offers political lawyers and community leaders insight into the complex race, law, and power dynamics underlying the controversies." At the same time, "The lawyers and leaders offer race scholars both fertile ground for theory development and opportunities for antisubordination practice" (p. 838). Thus, productive collective action is inhibited when there is a divide or separation among advocacy groups interested in racial justice as it relates to the legal system (Yamamoto, 1997) and educational researchers (Jayakumar et al., 2015).

Critical race praxis aims to build solidarity among groups that work in different spaces, capacities, and positionalities with a shared commitment toward racial justice.

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[6] Underserved racialized groups that are systemically and socially marginalized in the U.S. experience economic, social, and educational barriers in comparison to their white counterparts.

In other words, "Critical race praxis combines critical, pragmatic, socio-legal analysis with political lawyering and community organizing to practice justice by and for racialized communities" (Yamamoto, 1997, p. 829). Yamamoto's work inspires linking theory with practice as a collective in order to dismantle oppressive policies and practices. He urges race theorists, political lawyers, and racialized communities to work together in ways that propel movement "beyond notions of legal justice pragmatically to heal disabling intergroup wounds and forge intergroup alliances" (p. 830). Indeed, honoring the theoretical contributions of critical race scholars, affirming the practice of political lawyers, and recognizing the importance of such work alongside racialized communities while simultaneously pushing back on oppressive policies and practices, is the work in progress toward racial justice.

Paradoxically, operating within this collective requires working from a critically humble space that consistently challenges how theory, practice, and on the ground grassroots efforts perpetuate and/or contradict unjust policies and practices while engaging with critical race praxis. Extending critical race praxis to include educational researchers requires employing strategic maneuvering that consistently strives to acknowledge and grapple with the tensions that exist within the hegemonic spaces that racial justice work seeks to inform. Therefore, troubling the ways in which educational scholars approach research means engaging with methods rooted in critical consciousness, theory, and practice, while honoring the knowledge and voices of racialized communities.

In recognizing the potential benefits of greater solidarity toward racial justice, we propose four tenets as a starting point toward a critical race praxis for educational

research. To do so, we draw on lessons from affirmative action and social science advocacy, and honor the work of critical race theorists and educational researchers. The tenets are driven by hope and possibilities, while acknowledging the difficult task of inspiring mutual engagement across different positionalities[7] (e.g., political lawyers, institutional practitioners, educational researchers, grassroots activist) and intersectionalities (e.g., race, class, gender, sexuality).

When working in contradiction and tension, "One of the gravest obstacles to the achievement of liberation is that oppressive reality absorbs those within it and thereby acts to submerge human beings' consciousness" (Freire, 1970, p. 51). What we outline is an attempt to simplify the complexity of a critical race praxis; it cannot do justice to the difficulty involved. Thus, it is important to acknowledge that as these tenets are employed they will be more complex in practice and require adjustments rooted in action and reflection; they, like our ideas are partial and unfinished.

1) Relational Advocacy Toward Mutual Engagement

Multilayered approach that challenges the dominant narrative across different spheres of influence.

Critical race theory acknowledges the need for multiple counterstories and counteractions that challenge the dominant narrative within and across different spheres of influence. Such multiple layers of advocacy work might include immediate racial relief and reform efforts in addition to efforts toward long-term radical transformation. This

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[7] While the focus of this paper is on addressing the divisions across different spheres of racial justice advocacy, there are notable challenges with divisiveness/disagreement/difference that can thwart advocacy efforts even within singular organized movement or advocacy within the same sphere. Whether across spheres or within, such divisions present a threat to succumbing to divide and conquer tactics that serve to maintain domination and oppression. For a more through treatment of and strategies for navigating internal divisions and heterogeneity within organized movements toward political effectiveness, see "Third World Political Ecology" by Bryant and Bailey (2000).

requires working within oppressive policy constraints with a critical consciousness, while simultaneously changing policy. It requires working toward naming hegemonic systems from a theoretical standpoint to address the root of the problem and working to create counterhegemonic movement from within and outside such systems.

Challenging the dominant narrative from a multilayered approach is about working through crisis, discomfort, and recognizing moments of negotiation, contradiction, struggle, and resistance. Thinking about advocacy as multilayered and relational moves beyond a static positionality that one reaches and honors the partiality of knowledge within any given context we are working in at a particular moment. A multilayered approach to advocacy agitates the partiality of our work, wherein for example, movement toward racial justice in one context produces challenges within another context, while simultaneously marginalizing other forms of oppression that go unnamed. In other words, what is developed is a partial story with the potential to challenge a particular dominant narrative because it may not be challenging other dominant narratives (Jayakumar et al., 2015; Kumashiro, 2009/2015).

Research advocacy efforts across these layers inform one another in important ways. For instance, the mutual engagement toward critical race praxis that Yamamoto (1997) proposes encourages critical legal scholars to give greater "attention to theory translation and deeper engagement with frontline practice; and for political lawyers and community activists, [to give] increased attention to a critical rethinking of what race is, how civil rights are conceived, and why law sometimes operates as a discursive power strategy" (p. 830). Collectively participating in resistance to dominant legal narratives in order to generate policy discourse rooted in anti-oppressive language inspires the

development of new frames and practices that work towards naming the word and the world through action and reflection—praxis (Feagin, 2010; Freire, 1970; Kumashiro, 2008). Embracing a multilayered approach agitates or impacts changes to dominant narratives across multiple spheres that inform one another toward praxis.

Recognizes how power is contested in relational ways within and across selves toward personal and collective healing.

While working within hegemonic spaces (e.g., U.S. legal paradigm, educational institutions), it is important to recognize the ways in which the work is relational, wherein, "a projection of particular kinds of relations of self to self, and between self, others, and knowledge, and power" are consistently contested and go unquestioned (Ellsworth, 1997, p. 25). Relational advocacy has to do with how we (re)define ourselves and others, while naming and challenging hegemony. It involves grappling with different parts of self and understanding that oppression exists and affects us even while we are challenging it. Thus the relations of self to self and self with others (named in Ellsworth's quote above) toward humanization, entails an awareness of our own internalized oppression and the countering internalized resistance we embody and constantly work toward strengthening. This occurs while pushing back on systems of oppression toward personal and collective healing as opposed to participating in charity work. The tension created by this awareness that we are constantly defined by the oppressor and by the redefinition of ourselves is generative. With this critical consciousness comes a tension, by virtue of no longer being numb to hegemony and dehumanization. Thus, feeling discomfort and tension is a sign of being alive and agentic, and is itself a space that honors the work toward liberation.

Mindful of contradictions and tensions across advocacy contexts.

Understanding how frontline activists, racialized communities, social scientists, race theorists, political lawyers, and educational practitioners push back on oppressive practices and/or policies while acknowledging the ways in which each of these practices are situated in different tensions and contradictions is necessary. Racial justice work in each of these spaces involves different forms of negotiation, different ways of living with the contradictions, different maneuvering strategies, and different practices. Critical race theory as a legal framework supports, "theorizing the tensions between competing frames as well as interrogating the different interventions and rhetorical claims they produced" (Crenshaw, 2011, p. 1260). It suggests that the advocacy potential of an argument is contextual to the reality in which it is being situated, while the potential impact must be considered both inside and outside of that context. The honoring and recognition of these differences is necessary for mutual engagement toward racial justice.

Any challenges and efforts toward transformation and racial justice within the legal and policy paradigm that shape the lived experiences and performances will be steeped in contradiction by virtue of privileging one form of justice work over another. Crenshaw (1989) warns that the legal system disallows intersectionality and the use of race as a single category advances white supremacy. Nonetheless, while using the construct of race and racism to advance racial justice or reform (e.g., affirmative action) remains partial, conversely incorporating other identities and greater complexity (as we can see with the dilution of the term diversity to represent all forms of difference) can thwart advocacy or progress on any level. Thus, we take these warnings not to

conclude that we not engage in racial justice work within constrictive contexts, but to trouble the assumption of the critique and to imagine how we can challenge the hegemonic structures, participate in counterhegemonic movement in policy and educational contexts informed by a critical consciousness. We need to imagine how we can understand the sphere of influence in terms of its limits and our potential to agitate and push the boundaries toward social justice; to imagine how we can grapple with the partiality of racial justice work, agency, and even transformative resistance and healing as moving targets, wherein progress begets more work to be done.

2) Redefining Dominant and Hegemonic Systems

Committed to naming and transforming hegemonic contexts informed by critical consciousness.

Critical theorists assert that race and racism have been embedded within U.S. laws and institutions since their inception and adversely impact the lived experiences and material realities of people of color (Delgado & Stefancic, 2012). A racialized legal system was complicit in the social construction of race and the ways in which the evolving definition of whiteness continues to serve and protect white privilege (Alexander, 2010; Karabel, 1984; Lipsitz, 2006; Wise, 2005). Thus, at different times, being granted by the courts the racial designation of white has meant being given access to citizenship, property ownership, and voting rights. This provides a historical and sociopolitical context for understanding how race-based policies continue to impact institutional racism and the educational system today. Scholars have documented the ways in which whiteness in the United States is currently associated with profiting from the forced displacement of indigenous people, institutionalized slavery, Jim Crow laws,

mass incarceration, and redlining (see e.g., Alexander, 2010; Grande, 2004). People of color are disproportionality underserved by social institutions including the justice, health care, and educational systems, in comparison to whites (Alexander, 2010; Kozol, 2005; Ladson-Billings & Tate, 1995). In particular, U.S. schooling itself operates from a legacy of reproducing white supremacy *(*Shujaa, 1994; Woodson, 1933/2013).

We envision a critical race praxis informed by a critical consciousness about race and racial hierarchies as social constructions historically and currently shaped by the legal paradigm and schooling, which systematically privilege whiteness. The work of grassroots organizations and critical race scholars names this hegemony and the dominant legal and public narratives and schooling practices that perpetuate it (see e.g., Brayboy, 2006; Ladson-Billings & Tate, 1995; Solórzano & Bernal, 2001; Solórzano & Yosso, 2002). This naming allows for resistance across multiple contexts and audiences, including counterstories within the legally-framed research literature. Given that both the legal and educational system have normalized (and continue to normalize) the social construction of race and institutional racism (Bonilla-Silva, 2014; Delgado & Stefancic, 2012; Shujaa, 1994; Woodson, 1933/2013; Zuberi & Bonilla-Silva, 2008;), it is imperative that we act in counterhegemonic ways that challenge dominant narratives toward transformation within and outside of these systems.

The naming of hegemonic spaces can contribute to the work of dismantling institutional racism and systems of oppression, broadly speaking (Gramsci, 1971; Freire, 1970) and from a legal standpoint (Crenshaw, 2011; Feagin, 2010). Naming and reframing the dominant legal narrative within the legal paradigm is an important aspect of critical race theory. Crenshaw (2011) reminds us that, "beyond the material

dimensions of domination, the loss of the ability to name and contest a reality was perhaps the final triumph of racial power" (p. 1347). In contrast, legal storytelling, an element of critical race theory (Delgado & Stefancic, 2012), enables reframing of the dominant legal narrative through counternarratives. This work must be done in solidarity with the political agenda of critically conscious people that are oppressed (Freire, 1970). According to Yamamoto (1997), "racialized groups and indigenous groups in particular are both asserting rights claims within narrow and expansive frameworks and rethinking and recasting the 'cultural performance' role of courts in addressing race-political controversies" (p. 888). Therefore, transforming the dominant legal narrative must also rely on the counterstories of racialized groups within the legal paradigm as situated-advocacy towards the formation of equitable laws and practices. *Understands that dominant narratives are bolstered by commonsensical practices and public narratives.*

Critical race scholars name these insidious practices and narratives to contribute to a critical consciousness about the broader context within which legal advocacy work is situated. For example, common sense tells us that legacy quotas are a "normal" part of higher education admissions practices, ignoring how they perpetuate white privilege by masking race-proxy quotas that primarily reserve spaces for affluent white students. Similarly, supporting the increasingly colorblind posture (powell & Menendian, 2014) of recent affirmative action decisions, common sense rhetoric asserts that having a black president proves that racism is a thing of the past. What common sense does not tell us is that individualizing the stories of people of color as either "exceptions" or, in this case, proof of racial equality, perpetuates colorblind thinking and systemic racial

inequities. Critical race scholars engaged in redefining these public narratives can contribute towards interest convergence expansion. Indeed, critical awareness amongst the masses challenges narratives designed to resign people to the status quo; it can generate counterhegemonic movement toward reshaping the policy debate. At the same time, policy shapes commonsense thinking and practices, in a reciprocal process.

3) Research as a Dialectical Space

Acknowledges the racist legacy of research and white methods.

Empirical research, which has historically played a role in the creation and normalization of a racialized hierarchy (e.g., through the eugenics movement), often continues to play such a role and can influence the dominant narrative. More specifically, the maintenance of racist policies such as the exclusion and segregation of students of color in underresourced schools were justified through the false biological explanations of genetic and intellectual inferiority, affirmed with scientific research studies (e.g. Crania Americana, Bell Curve) and deficit perspectives that continue today (Ladson-Billings, 2006). Empirical research, or what Bonilla-Silva termed white methods, emerged as a mechanism to further justify the hierarchical status of different racialized groups (Zuberi & Bonilla-Silva, 2008). Thus, when empirical research is conducted in uncritical ways, there is a danger that it will contribute to the affirmation of a racialized hierarchy (Zuberi & Bonilla-Silva, 2008). Scholars conducting research to inform outstanding questions toward a more humanizing and socially-just U.S. legal system still have to work within the current paradigm. This requires naming and grappling with the contradictions and partiality of our research.

Moreover, it requires understanding that while we may be enacting resistance to a particular dominant narrative within a hegemonic context, we nonetheless run the risk of reinforcing dominant narratives in other contexts. Understanding white methods reminds us that research is situated within a context where racist policies and practices are perpetuated through white logic. As Bonilla-Silva explained, "White logic…refers to a context in which White supremacy has defined the techniques and processes of reasoning about social facts. White logic assumes a historical posture that grants eternal objectivity to the views of elite Whites" (Zuberi & Bonilla-Silva, 2008, p. 17). Therefore, white logic situates current practices within an ahistorical context that emerges from preexisting frames rooted in a legacy of racial injustice.

Strategic in employing research methods toward racial justice.

Engaging in advocacy scholarship within the hegemonic structure toward racial justice requires using the dominant context and hegemonic systems as an object of critique toward the production of counteractions. Such advocacy research is informed by a critical consciousness, understanding the sphere of influence and methods privileged within, and guided by research questions that address problems of practice impacting racial inequities in education. Being strategic entails privileging decolonizing methods of research and critique for the development of critical consciousness and improving educational systems toward liberatory practices and racial justice (Tuhiwai Smith, 1999/2012). At other times, it entails using traditional hegemonic or colonizing methods that are granted greater legitimacy within certain contexts, with a critical consciousness and awareness of the contradiction and tension, in order to challenge

dominant narratives and advocate for racial justice within spheres of influence where such methods are privileged.

Research engaged in critical race praxis entails considering the policy context, including how the research questions might evolve to enact resistance within restrictive legally defined terms, while aligned with long-term radical vision. This includes having an activist agenda and understanding the hegemonic space and audience within which the research questions are situated and being strategic about the potential impact of the findings (Jayakumar et al., 2015). It must also entail honoring the mutual advocacy efforts by impacted communities, grassroots organizations, students, and scholars working toward racial justice from different spaces. Operating with a critical consciousness to inform research addressing questions relevant to legal and institutional policy discussions can play a role in moving educational policy toward social justice. However, if not conducted with a critical consciousness and informed by critical theory and naming of hegemonic spaces, it is conformist research that is more likely to work toward reinforcing the status quo.

4) Critical Engagement with Policy

Rooted in the notion of interest convergence as dynamic.

In accordance with Bell's (1980) interest convergence thesis, critical engagement toward policy change requires an understanding that social change and progress occur when the interests of the dominant group align with the interests of the marginalized group. In other words, policy toward racial justice is granted by those in power when it is in the dominant group's best interest and ultimately continues to serve a system of white supremacy (Bell, 1980). Additionally, the debate, context, and rules will continue to shift

over time in order to maintain dominant group interests (Bell, 1980). Thus, critical

engagement with policy requires an understanding of the implications of the educational

advocacy (e.g., through research) within the current and notably shifting legal context.

The latter includes an awareness of the pervasiveness and changing nature of racism

that leads to resistance toward and retrenchment of policies enacted with the hope for

racial justice. Nonetheless, a critical race praxis recognizes the power of those in

oppressed positions as the source of transformation potential (i.e., that which makes

interest convergence inevitable) (Freire, 1970).

When there is *interest convergence constriction* in the legal paradigm, there is a

greater need for *interest convergence expansion* rooted in consciousness raising and

movement from those working from outside of the legal paradigm including grassroots

organizations, educational researchers, and critical race legal theorists. This is precisely

because interest convergence expansion and constriction are not only happening in a

broader political moment but also across different spaces (e.g., grassroots

organizations, political lawyers, social scientists, educational practitioners, and critical

race legal theorists). Thus mutual engagement is about understanding when and where

the constrictions and expansions are occurring across advocacy contexts. When we

understand which sphere of influence has the most expansion, groups working in more

constricted contexts can shift their efforts toward supporting the expanded space with

greater hope and possibilities toward a common agenda.[8] When movement and

consciousness raising leads to interest convergence expansion, policies that envision

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[8] For example, given the constricted and colorblind policy context, some scholars working in the legal sphere of influence are turning their attention toward publishing opinion editorial pieces and other efforts to shape public opinion. Likewise, some critical scholars are working more closely with establishing tutorials alongside grassroots organizations to facilitate the politicization of the masses.

racial justice can be created within the legal system. Understanding this push and pull can inform intentional advocacy work.

Purposeful in being policy-oriented and relevant.

Critical race praxis seeks to inform policy and debate with the intention of shifting race-conscious practices toward racism-conscious policies informed by educational research and practice. This requires an understanding of the limitations of policy and legal debates (e.g., affirmative action, no child left behind), which explicitly do not consider the impacts of racism and oppression as highly problematic. Nonetheless, purposeful engagement can include an appreciation for engaging within the terms of the debate in order to insert an advocacy voice toward incremental racial relief and progress within a conservative policy context. It can also include critical race perspectives that imagine alternate possibilities. Thus, purposeful engagement entails a strategic dialectic of rejecting and accepting the definitions and terms of the legal paradigm in order to redefine the dominant legal narratives toward racial justice.

Recognizes the potential and limitations of counterhegemonic actions.

Engaging with a critical consciousness that names hegemonic systems and practices inspires movement toward counterhegemonic actions and social justice. Such action requires using the dominant context as an object of critique toward the development of counterstories and counterhegemonic practices. When working toward racial justice while operating within the same oppressive institution one is attempting to transform, such counterhegemonic actions will be met with hegemonic responses that are simultaneously working to preserve the status quo. Thus, while engaging in critical race praxis toward reshaping hegemonic contexts, whether economic, political, or

social, "the world in its turn reappears to the namers as a problem and requires of them a new naming" (Freire, 1970, p. 88). Freire's (1970) words capture the complexities of social justice work as perpetually unfinished and as a non-static process that involves a push and pull between oppression and liberation.

Despite participation with policy and with the legal system being constrained and compromised in the absence of counterhegemonic resistance (outside of revolution), hegemony and domination remain intact. In other words, if there is no participation within the problematic legal paradigm and policies that shape institutional practice toward racial justice advocacy, laws will work uninterruptedly to the benefit of privileging whiteness with negative implications for people of color. Furthermore, in the absence of counterhegemonic resistance, we become complicit participants of the hegemonic structure and our own dehumanization. Conversely humanization and liberation occur in the moments when hegemonic practices and policies are challenged and dismantled.

Conclusion

As we think about a critical race praxis for educational research, we are mindful of the challenges of the current political moment which features a specific type of movement within the dialectics of hegemonic and counterhegemonic actions, interest convergence and divergence, and challenges to dominant narratives. The colorblinding of educational policy toward race-neutral framing that we discussed in relation to the affirmative action debate is pervasive across the educational spectrum. It plays out in K-12 policies such as the No Child Left Behind Act of 2001 (Williams & Land, 2006) and the more recent 2015 legislation designed to reauthorize the Elementary Secondary Educational Act of 1965. School "reform" policy predicated on race-neutral high stakes

testing creates barriers for teachers who are committed to serving students of color and all students in under-funded schools. Oftentimes teachers themselves get blamed for the failure of institutions and policy to advance racially equitable educational outcomes (Kumashiro, 2015). The colorblinding of educational policy masks the ways in which race and racism continue to matter in shaping social, economic, and political inequities, and more specifically, the mechanisms that advantage white students within and outside of the educational system. Moreover, it results in a legal paradigm and parameters (e.g., dominant interpretations and language of the Court and legal decisions) that are gradually becoming more constrained and insidious in the post civil-rights era.

As the Court moves in a more conservative direction with colorblind interpretations of the law, the divide between scholars aligned with political lawyering and educational practice and critical race theory becomes even larger. After all, the terms of the policy debate are moving farther away from acknowledging race, racism, and central assumptions of critical race theory. Yet, the dangers of colorblind policy in creating and maintaining economic, political, and social inequality, and the particularly subtle ways in which this occurs, make it that much more important for critical engagement with policy, relational advocacy toward mutual engagement, redefining dominant and hegemonic systems and understanding research as a dialectical space.

Returning to our initial focus—lessons from affirmative action and the diversity rationale— the current political moment includes attacks posed by a legal defense fund called the Project on Fair Representation, funded by wealthy white businessman, Edward Blum. The plaintiff is Students for Fair Admissions, a recently formed nonprofit

organization representing deliberately chosen individuals in lawsuits targeting Harvard University and the University of North Carolina at Chapel Hill (UNC), with the University of Madison on its horizon. The case against Harvard alleges that Asian Americans are disadvantaged by the use of race-conscious university admissions practices. This is the same legal defense fund that recruited Jennifer Gratz, Barbara Grutter, and Abigail Fisher for previous attacks on the policy. The more recent lawsuits are part of a broader conservative campaign and ongoing agenda to undermine and end affirmative action practices in postsecondary institutions. This time, with the closing of the interest convergence expansion generated by the diversity rationale successfully employed in *Grutter* and maintained in *Fisher*, there emerges a revised hegemonic dominant narrative. Specifically, Students for Fair Admissions alleges that Asian Americans are harmed by negative action, co-opting an argument initially put forth by affirmative action proponents demonstrating that race-conscious practices do not disfavor Asian American applicants over black and Latin@ applicants. Nonetheless, at some selective institutions there is evidence of negative action, wherein Asian American applicants are held to a higher standard than whites in admissions, reducing the number of Asian American applicants admitted in comparison to white admits (Kidder, 2006). Drawing from critical race theory, scholars have identified how this emerging dominant narrative in the affirmative action debate seeks to create a wedge between Asian Americans and other communities of color, and to work in service of advancing white privilege (e.g., Chang, 2015; Park & Liu, 2014; Jayakumar & Garces, 2015). While still in early litigation phases, these cases are likely to make their way to the Supreme Court and impact institutional policy on a national scale.

Thus we wonder, how might scholars engage in critical race praxis toward racial justice and advocacy when it comes to this specific increasingly constricted affirmative action debate? Educational researchers engaged in critical race praxis might further explore what prior studies of negative action would lead us to hypothesize: Is negative action more prevalent in admissions practices of institutions under a statewide ban on affirmative action (e.g., University of California, Los Angeles and University of California, Berkeley) when compared to institutions that utilize race-conscious admissions practices?

A critical race praxis might also include further exploration into research aligned with dismantling the core issue of admissions practices being rooted in problematic notions of meritocracy. As Sturm & Guinier (1996) asserted almost a decade ago, while arguments posed to defend affirmative action have "moral and empirical force" such a "narrow response has tactical, strategic, and substantive costs" (p. 3). Their argument conveys that long overdue is the time "for those of us committed to racial and gender equity to advance a more fundamental critique of existing selection and admissions criteria" (p. 4). Indeed, advocacy efforts are needed across multiple layers and spheres of influence. To address this problem of practice, scholars may ask: How might Yosso's (2005) conceptualization of community cultural wealth be utilized to create new admissions frameworks and practices? At the same time, how might educational scholars play a role in challenging dominant narratives and commonsense tactics in the public sphere? And how might we mutually engage in advocacy work in solidarity with grassroots organizations, the currently organizing set of student intervenors, and communities of color currently resisting racist policies and the dehumanization of black

bodies (e.g., #blacklivesmatter movement)? Seeking to answer these questions can generate consciousness raising and the creation of interest convergence expansion toward racial justice and radical transformation.

Engaging in scholarship that informs the affirmative action debate and access to higher education toward critical race praxis involves both (1) exploring research questions addressing problems of practice on multiple fronts (e.g., frontline political lawyering practice to maintain affirmative action and frontline educational practice toward questioning admissions practices themselves as creating an illusion of meritocracy that undermines equity), while guided by a critical consciousness and grassroots interests, and (2) critical theory development informed by the shifting hegemonic context and real-time push and pull between oppression and liberation experienced by those working to agitate the parameters of the debate in alignment with frontline lawyering and on-the-ground educational practictioners, and those resisting problematic policies directly effecting them (e.g., student movement, student intervenors, and racialized communities).

Enacting counterhegemonic resistance leads to progress and backlash. It involves tensions and contradictions that can be generative when approached with a critical consciousness. Most importantly, the multilayered work in solidarity toward naming and disrupting hegemonic practices and toward racial justice is a non-static moving target. Thus, we reject the critique of affirmative action moving us "backwards," which neglects to acknowledge anti-oppressive advocacy as relational and as an ongoing process. And at the same time, we refuse an exaggerated picture of affirmative action's potential, instead acknowledging its limitations from inception and from

continued attacks dismantling the policy. It was and will never be more than a Band-Aid

solution. Nonetheless, in collectively healing, resisting, and redefining oppressive

structures, we are never moving backwards.

References

Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: New York Press.

Ahmed, S. (2004). *Declarations of whiteness: The non-performativity of anti-racism.* Retrieved from http://www.borderlands.net.au/vol3no2_2004/ahmed_ declarations.htm

Ahmed, S. (2014). *Sara Ahmed on racism and institutionalized diversity*. Retrieved from http://adrieltrott.com/2014/12/08/racism-institionalized-diversity/

Bryant, R. L., & Bailey, S. (2000). *Third world political ecology*. New York: Routledge

Bell, D. (2005). The unintended lessons in Brown V. Board of Education. *New York Law School Law Review, (49)* 4,1053-1076

Bell, D. (1980). Brown v. Board of Education and the interest convergence dilemma. Harvard Law Review 93, 518–533.

Brief of American Social Science Researchers as Amici Curiae in Support of Respondents, Fisher v. University of Texas, 570 U.S. ___(2013). Retrieved from www.utexas.edu/vp/irla/Documents/ACR%20American%20Social%20Science%2 0Researchers.pdf

Baez, B. (2004). The study of diversity. *Journal Of Higher Education*, *75*(3), 285-306.

Barreto, S. G. &, Saccone, G. (2010). Alcohol-induced acute pancreatitis: The 'critical mass' concept. *Medical Hypothesis* (75), 73-76.

Bonilla-Silva, E. (2003/2010/2014). *Racism without racists: Color-blind racism and the persistence of racial inequality in the United States.* Lanham, MD: Rowman & Littlefield Publishers.

Brayboy, B. M. (2006). Toward a tribal critical race theory in education. *The Urban Review*, *37* (5), 425-446.

Brown, S. K., & Hirschman, C. (2006). The end of affirmative action in Washington State and its impact on the transition from high school to college. *Sociology of Education*, *79*(2), 106-130.

Chang, M. J., Chang, J. C., & Ledesma, M. C. (2005). Beyond magical thinking: Doing the real work of diversifying our institutions. *About Campus, 10*(2), 9–16.

Chang, M. J. (2015). Amplifying Asian American presence: Contending with dominant racial narratives in *Fisher.* In U. M. Jayakumar & L.M. Garces with F. Fernandez (Eds.). *Affirmative Action and Racial Equity: Considering the Fisher Case to Forge the Path Ahead.* New York: Routledge.

Crenshaw, K. W. (1989). 'Demarginalizing the intersection of race and sex: A black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics', *University of Chicago Legal Forum,* (14), 538–54.

Crenshaw, K. W. (2011). Twenty years of critical race theory: Looking back to move forward. *Connecticut Law Review. (5)*43, 1255-1352.

Coleman, M. S. (2004). Afterword. In P. Gurin et al. (Eds.), *Defending diversity: Affirmative action at the University of Michigan* (pp. 189–195). Ann Arbor, MI: University of Michigan Press.

Dudziak, M. L. (1988). Desegregation as a cold war imperative. *Stanford Law Review*. (42), 1-61.

Delgado, R. & Stefancic, J. (2012). *Critical Race Theory: An Introduction*. New York: New York University Press.

Ellsworth, E. (1997). *Teaching positions: Difference, pedagogy, and the power of address.* New York: Teachers College Press.

Feagin, J. (2010). *The white racial frame*. New York: Routledge.

Fine, P. (1993). Herd immunity: History, theory, & practice. *The Johns Hopkins University School of Hygiene and Public Health, (15)* 2. 265-301.

Freire, P. (1970/1993). *Pedagogy of the oppressed* (Rev. Ed.). New York: The Continuum International Publishing Group.

Garces, L. M., Cogburn, C., & McClure, T. (2013). *Proposal 2 and racial diversity efforts at the University of Michigan: A case study*. Paper presented at ASHE 2013 annual meeting, St. Louis, MI.

Garces, L. M., & Jayakumar, U. M. (2014). Dynamic Diversity: Toward a contextual understanding of critical mass. *Educational Researcher. 43* (3), 115 – 124*.*

Gramsci, A. (1971). *Selections from the prison notebooks*. New York: International Publishers Co.

Grande, S. (2004). *Red pedagogy: Native American social and political thought*. Lanham, MD: Rowman & Littlefield Publishers.

Grutter v. Bollinger, 539 U.S. 306 (2003). Retrieved from www.law.cornell.edu/supct/pdf/02–241P.ZO

Guinier, L. (2003). Admissions rituals as political acts: Guardians at the gates of our demographic ideals. *Harvard Law Review*, 117, 113.

Gurin, P., Lehman, J. S., Hurtado, S., Lewis, E., Dey, E. L., & Gurin, G. (2007). *Defending diversity: Affirmative action at the University of Michigan.* Ann Arbor, MI: University of Michigan Press.

Harris, C. (2003). What the Supreme Court did not hear in Grutter and Gratz. *Drake Law Review, 51*, 697-713.

Jayakumar, U. M., & Adamian, A. S. with Chang, J. M. (2015). Reflections on the diversity (rationale) literature: Examining the potential and need for critical diversity research praxis. In U. M. Jayakumar & L. M. Garces with F. Fernandez (Eds.). *Affirmative Action and Racial Equity: Considering the Fisher Case to Forge the Path Ahead.* New York: Routledge.

Jayakumar, U. M. & Garces, L. M. (2015). Afterward: Working collectively toward racial equity in higher education policy. In U. M. Jayakumar & L.M. Garces with F. Fernandez (Eds.). *Affirmative Action and Racial Equity: Considering the Fisher case to forge the path ahead* (pp. 210-218). New York: Routledge.

Karabel, J. (1984). Status-group struggle, organizational interests, and the limits of institutional autonomy: The transformation of Harvard, Yale, and Princeton, 1918-1940. *Theory & Society, 13*(1), 1-40.

Kozol, J. (2005). *The shame of the nation: The restoration of apartheid schooling in America*. New York: Crown.

Kumashiro, K. (2008). *The seduction of common sense: How the right has framed the debate on America's schools*. New York: Teachers College Press.

Kumashiro, K. (2009). *Against common sense: Teaching and learning toward social justice*. New York: Routledge.

Ladson-Billings, G. (2006). From the achievement gap to the education debt: Understanding achievement in U.S. schools. *Educational Researcher, 35*(7), 3-

12.

Ladson-Billings, G., & Tate, W. (1995). Toward a critical race theory of education. *Teachers College Record, 97*, 47–68.

Lipsitz, G. (2006). *The possessive investment in whiteness: How white people profit from identity politics.* Philadelphia, PA: Temple University Press.

Park, J. J., & Liu, A. (2014). Interest convergence or divergence? A critical race analysis of Asian Americans, meritocracy, and critical mass in the affirmative action debate. *Journal of Higher Education*, *85*(1), 36–64.

powell, j. a., & Menendian, S. (2014). Fisher v. Texas: The limits of exhaustion and the future of race-conscious university admissions. *University of Michigan Journal of Law Reform*, 47, 899–934.

Regents of the University of California v. Bakke, 438 U.S. 265 (1978).

Rogers, I. H. (2012). *The black campus movement: Black students and the racial reconstruction of higher education, 1965 – 1972*. New York: Palgrave Macmillan.

Shujaa, M.J. (1994). *Too much schooling too little education: A paradox of black life in white societies*. Trenton, NJ: African World Press, Inc.

Solorzano, D., & Bernal, D. (2001). Examining transformational resistance through a critical race and latcrit theory framework: Chicana and Chicano students in an urban context. *Urban Education, 36*(3), 308–342.

Solórzano, D. G & Yosso, T. J. (2002). A critical race counterstory of race, racism, and affirmative action. *Equity & Excellence in Education, (35)* 2, 155-168.

Sturm, S. & Guinier, L. (1996). The future of affirmative action: Reclaiming the innovative deal. *California Law Review, (84)* 4, 953 – 1035.

Tuhiwai Smith, L. (1999/2012). *Decolonizing methodologies: Research and Indigenous Peoples*. New York: Zed Books LTD.

Wise, T. (2005). *Affirmative action: Racial preference in black and white.* New York: Routledge.

Woodson, C.G. (1933/2013). *The mis-education of the Negro*. USA: Tribeca Books.

Yamamoto, E. K. (1997). Critical race praxis: Race theory and political lawyering practice in post-Civil Rights America. *Michigan Law Review, 95*, 821-900.

Yosso, T. (2005). Whose culture has capital? A critical race theory discussion of
        community cultural wealth. *Race Ethnicity and Education (8)* 1*,* 69–91.

Zamani-Gallaher, E. M. O'Neil Green, D., Brown, M.C., & Stovall, D. (2009). *The case
        for affirmative action on campus: Concepts of equity, considerations for practice*.
        Sterling, Virginia: Stylus Publishing.

Zuberi, T., & Bonilla-Silva, E. (2008). *White logic, white methods: Racism and
        methodology.* Lanham: Rowman & Littlefield Publishers.