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Article in *The Educational Forum* · January 2014

DOI: 10.1080/00131725.2014.850982

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To cite this article: David Gillborn (2014) Racism as Policy: A Critical Race Analysis of Education Reforms in the United States and England, The Educational Forum, 78:1, 26-41, DOI: [10.1080/00131725.2014.850982](https://doi.org/10.1080/00131725.2014.850982)

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Racism as Policy: A Critical Race Analysis of Education Reforms in the United States and England

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Abstract

Critical race theory (CRT) views education as one of the principal means by which white supremacy is maintained and presented as normal in society. The article applies CRT to two real-world case studies: changes to education statutes in the state of Arizona (USA) and the introduction of a new measure of educational success in England, the English baccalaureate. The analysis highlights the globalized nature of neoliberal education reform and its fundamentally raced and racist character.

Key words: *critical race theory, neoliberalism, race inequality.*

Globalization and Education Policy

... much of our policy making is evidence free, prejudice driven and hysteria driven (particularly hysteria generated by the press).

This startling assessment of how policy is made comes from inside the public policy-making process in England. The words were spoken by Paul Flynn, a member of Parliament for the then-ruling Labour Party and a member of the Public Administration Select Committee (a group of politicians specializing in issues of governance and law-making). The statement came as Flynn summed up the views of several senior politicians who had just given evidence about the policy-making process in various departments of state (House of Commons, 2009, Q138). Flynn's summary stands in stark contrast to the official version of policy contained in briefings, legislation, and public statements, where policy is presented as an almost scientific, neutral weighing of evidence to arrive at the most effective response to whatever problem is at the top of the day's agenda. Unfortunately, the very definition of what counts as problematic—like the assumptions that determine what counts as an appropriate

response—is shaped by dominant ideologies, including widespread assumptions about race and racism in society.

Education policy has become a major focus for academic attention over recent years. At the annual meeting of the American Education Research Association (AERA) (1995, 2012), for example, the number of sessions designated as relating to education policy increased by more than 600% in less than 20 years. In 1995, a total of 16 separate policy sessions were listed, rising to 99 sessions in 2012 (AERA, 1995, 2012). This trend is replicated in the academy internationally, as education policy debate increasingly takes on a globalized quality (Rizvi & Lingard, 2010). As Arnove (2012, p. 1007) argued, globalization refers to an “intensification of the ways in which events near and distant are significantly interconnected,” especially in terms of economic and cultural transformation. A particularly powerful trend in the globalization of education policy is the emergence of neoliberal agendas as a dominant force. Neoliberalism is a conservative perspective that stresses the importance of individual self-interest and free market operations as the basis for the most efficient and just form of society (Lauder, Brown, Dillabough, & Halsey, 2006). Neoliberal policies are typically characterized by a desire to cut back state-funded provision, an individualized perspective that views success as a reflection of merit and hard work, and a belief that private provision is inherently superior. Neoliberalism typically works through colour-blind language that dismisses the saliency of race-specific analyses.

In this article, I set out some of the key concepts that are used by critical race scholars and then apply them to two real-world case studies. First, I examine Arizona statutes that directly address the question of racism and what counts as appropriate curriculum content. Second, I explore how the introduction of the English baccalaureate in England has immediately served to widen existing inequalities of achievement, redefining as failures more than 80% of previously “successful” black students of Caribbean ethnic heritage.

Who and What Is Education Policy For?

“Policy” is one of those obvious terms we all use but use differently and often loosely. (Ball, 2008, p. 6)

The word “policy” calls to mind a formal piece of legislation or an explicit statement of government intent, such as a landmark political speech. In recent decades, however, the analysis of education policy has become a major academic preoccupation; dedicated articles, books, and journals have multiplied and, with the increased attention, a more sophisticated and contested array of understandings have emerged. While some writers continue to focus primarily on policy texts, such as legislative proposals, speeches, and regulations, others have broadened the concept of policy to include the wider debates and controversies that surround the process by which formal policies are shaped (Rizvi & Lingard, 2010). Stephen Ball, a leading education policy scholar internationally, has expanded the concept to include multiple sites or contexts where policy is produced, contested, or reshaped and forms of discourse, including texts and ways of speaking about particular issues and possibilities for action. This perspective, therefore, includes the widest possible spectrum of policy, from pieces of national (and international) legislation through

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to informal institutional practices, which—although not written down formally—become what Ball calls “little-p policies” that nevertheless influence beliefs and practices. This is a view of policy that is self-consciously messy and uncertain, emphasizing that policy is dynamic, contested, and always in flux:

... we need to remain aware that policies are made and remade in many sites, and there are many little-p policies that are formed and enacted within localities and institutions ... policy that is “announced” through legislation is also reproduced and reworked over time through reports, speeches, “moves,” “agendas” and so on. ... Policies are contested, interpreted and enacted in a variety of arenas of practice and the rhetorics, texts and meanings of policy makers do not always translate directly and obviously into institutional practices. (Ball, 2008, p. 7)

Ball’s observations are especially pertinent in the field of race and education, where policies are constantly contested and the passing of legislation is neither the start nor the end of the process by which policy influences the everyday experiences and life chances of racially minoritized students and their families. In recent years, a distinctive and challenging approach to understanding, and opposing, race inequity in education has developed under the banner of critical race theory (CRT)—an approach that began in U.S. law schools in the 1970s and 1980s but has now become a multidisciplinary and international movement (Delgado & Stefancic, 2001; Gillborn & Ladson-Billings, 2010; Tate, 1997). Many of CRT’s insights are surprising, even shocking, to readers schooled in the traditional view of policy as a consensual and rational process of debate and compromise. In the following sections, I will outline the key concepts that inform a CRT analysis of policy, and then explore their utility as a means of making sense of current reforms that threaten to worsen existing race inequities in the United States and England.

CRT and Education Policy

Every system is perfectly designed to get the results it gets.
(popular organizational change mantra quoted by Kendall, 2013, p. xix)

Traditional mainstream approaches to education tend to imagine the history of policy as a series of incremental steps that gradually lead toward improved attainments and ever greater degrees of equity and social inclusion. Critical perspectives, however, view policy very differently. CRT views policy not as a mechanism that delivers progressively greater degrees of equity, but a process that is shaped by the interests of the dominant white population—a situation where genuine progress is won through political protest and where apparent gains are quickly cut back. Key to understanding these processes are two concepts coined by the late African American legal scholar Derrick Bell: those of interest-convergence and interest-divergence.

Interest-Convergence

The interests of blacks in achieving racial equality have been accommodated only when they have converged with the interests of powerful whites. (Taylor, 1998, p. 123)

Interest-convergence points to the politics involved in social change and—more importantly—the uncertain nature of even the most impressive-looking victories. For example, when reviewing the key civil rights decisions of the U.S. Supreme Court, Bell showed how, in retrospect, these famous victories can be seen to have operated in much more complex ways than popularly imagined. Hailed as epochal victories that would change the social landscape forever, Bell argued that their progressive impact was not only uncertain and short-lived, but, that in the long run, the consequence may be to further protect the racial status quo. Bell argued (and subsequent examination of the public record supports the view) that the famous *Brown vs Board of Education* legal decision, which was hailed as ending segregated education, served the interests of the white elite by removing the most obvious and crass forms of apartheid-style public segregation, while leaving the fabric of de facto economic, residential, and educational segregation largely untouched (Bell, 1980a, 1980b; Dudziak, 2000). In this way, the United States could continue to present itself globally as the home of democracy while it engaged in a Cold War struggle with the Soviet Union to win economic and political allies in Africa.

The interest-convergence principle is probably the most frequently cited concept in CRT, but it is prone to a great deal of misunderstanding. First, it is vital to understand that interest-convergence, as set out by Bell, does not envisage a rational and balanced negotiation between minoritized groups and white power holders, where change is achieved through the mere force of reason and logic. History suggests that advances in racial justice must be won through political protest and mobilization that create a situation where—for white interests—taking some action against racism becomes the lesser of two evils because an even greater loss of privilege might be risked by failure to take any action at all. For example, the *Brown* decision may have served certain White interests, but it is inconceivable that there would have been any such change without the civil rights protests that brought the issue to the top of the international news agenda and made the current situation untenable.

Second, Bell did not view whites as a single homogeneous group, and an understanding of class dynamics was central to his own application of the interest-convergence principle. Bell was clear that lower-class white interests were likely to be the first to be sacrificed. Richard Delgado, a foundational critical race theorist, described the interest-convergence principle as a theory that “explains the twists and turns of blacks’ fortunes in terms of the class interests of elite whites” (Delgado, 2007a, p. 345, emphasis added). In the original *Harvard Law Review* article that coined the concept, Bell wrote: “Racial remedies may instead be the outward manifestations of unspoken and perhaps subconscious judicial conclusions that the remedies, if granted, will secure, advance, or at least not harm societal interests deemed important by middle and upper class whites” (Bell, 1980b, p. 523, emphasis added). The interest-convergence principle, therefore, is crucially about an intersectional analysis of race and class interests. It views non-elite whites as a kind of buffer that secures the interests of elite Whites, especially when challenged by high profile race equality/civil rights campaigns. The concept offers a critical way of understanding the dynamics of racism and social policy at key points, especially where a landmark event appears to have advanced the cause of race equality.

Interest-Divergence

It is strange that so much attention has focused on interest-convergence (which describes an exceptional set of social and political conditions) rather than its reverse—the much more common position, where racial interests are assumed to diverge. Bell wrote of the dangers of growing interest-divergence in the same *Harvard Law Review* article that launched the concept of interest-convergence (Bell, 1980b). It was Lani Guinier, however, who placed interest-divergence at the centre of analysis when she addressed the reasons for the failure of the *Brown* decision to lead to long-lasting change. Guinier argued that interest-divergence holds the key to understanding “racism’s ever-shifting yet ever-present structure” (2004, p. 100). She placed the concept at the heart of a critical perspective, which she calls “racial literacy,” and views it as a powerful explanatory device in understanding how white supremacy is protected and emboldened through the creation and manipulation of an apparent divergence in the interests of different racial groups. It is important to note that, for critical race theorists, “white supremacy” is not understood as restricted only to the obvious crude race hatred of extremist groups but to wider forces that saturate society as a whole:

[By] “White supremacy” I do not mean to allude only to the self-conscious racism of white supremacist hate groups. I refer instead to a political, economic, and cultural system in which whites overwhelmingly control power and material resources, conscious and unconscious ideas of white superiority and entitlement are widespread, and relations of white dominance and non-white subordination are daily reenacted across a broad array of institutions and social settings. (Ansley, 1997, p. 592)

The global economic crisis that began in 2008 points to the particular dangers of interest-divergence, by which I mean a situation where white people imagine that some benefit will accrue from the further marginalization and oppression of racially minoritized groups. Just as Bell (1980b) and Guinier (2004) highlighted the important psychological benefits that poor whites draw from their sense of racial superiority despite their own continued economic marginalization, so periods of economic downturn make interest-divergence an even greater threat to racial justice. When economic conditions become harder, we can hypothesize that white elites will perceive an even greater need to placate poor whites by demonstrating the continued benefits of their whiteness. In both the United States and England, education policy has increasingly been characterized by a neoliberal perspective that actively promotes the supposed interests and concerns of white people. The following sections present examples from each side of the Atlantic, from Arizona and England.

Racism and Resentment in Arizona: A Case Study of Neoliberalism by Law

Prohibited courses and classes; enforcement

A school district or charter school in this state shall not include in its program of instruction any courses or classes that include any of the following:

- 1. Promote the overthrow of the United States government.*
- 2. Promote resentment toward a race or class of people.*
- 3. Are designed primarily for pupils of a particular ethnic group.*

4. *Advocate ethnic solidarity instead of the treatment of pupils as individuals.*

[Arizona Revised Statutes, 2012, 50th Legislature, 1st Regular Session, Title 15 (Education), chapter 1, article 1, 15–122]

In May 2010, House Bill 2281 (HB2281) was signed into legislation in Arizona, effectively banning ethnic studies throughout the state (Martinez, 2012, p. 177). This was the culmination—but not the end—of a policy process that had been underway for many years. Romero and Arce (2010) explained that the 1998 establishment of the Mexican American Studies Department (MASD) within the Tucson Unified School District (TUSD) was the result of a grassroots community movement spanning several decades. The MASD pioneered a form of critical pedagogy that honoured the voices and experiences of the Latino community and responded to the expressed needs and desires of the students. The formal outcomes of the approach were stunning: “Students have outperformed all other students on the state’s high stakes graduation exam and have graduated at a higher rate than their Anglo peers. In addition ... students have matriculated to college at [a] rate that is 129% greater than the national average for Chicana/o students” (Romero & Arce, 2010, p. 181). Despite—or possibly because of—these outcomes, there was a vociferous campaign against multicultural education in the state. One of the leading advocates for HB2281 was Tom Horne, who is currently Arizona Attorney General. As Cammarota and Aguilera (2012) documented, Horne’s crusade began when he was State Superintendent of Public Instruction (2003–2011) with a promise to eradicate Arizona’s remaining bilingual education programs. Horne’s campaign grew into an assault on any program that centred the voices and experiences of minoritized people, viewing such courses as anti-American and anti-white. Predictably, the attack found favour in parts of the national media:

“When an ethnically based education, which is bad enough, transmogrifies into an ethnically based education of grievance and oppression that vilifies the United States and anyone with white skin—well, this is simply untenable. And yet this product is exactly that which goes by the name Raza Studies and that Tucson blithely pushes. (Julian, 2009)

Although Horne was the public face of the campaign, its success cannot be understood in isolation. The moves that led to the outlawing of race-conscious education—and the banning from the curriculum of books such as Paulo Freire’s (1996) *Pedagogy of the Oppressed*, Delgado and Stefancic’s (2001) primer *Critical Race Theory: An Introduction*, and William Shakespeare’s *The Tempest* (Arizona Ethnic Studies Network, 2012)—drew strength from the growing anti-immigration lobby in the United States and the success locally of the Tea Party (Cammarota & Aguilera, 2012). The entire process generated considerable controversy locally, nationally, and even internationally. Arizona’s education and immigration statutes were condemned by United Nations experts as amounting to a “disturbing pattern of legislative activity hostile to ethnic minorities and immigrants” (UN News Centre, 2010, quoted in Martinez, 2012, p. 200).

The wording of the Arizona statutes is bold and revealing; the articles enforce a neoliberal world view as the only permissible basis for action. As noted earlier, this view has come to prominence in policy across advanced capitalist societies globally, but the Arizona moves enshrine it in a very obvious way. The supremacy of an individualistic and “colour-blind”

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perspective is guaranteed by law, where advocating “ethnic solidarity” is prohibited. Perhaps most revealingly, the fears and interests of white people are placed at the forefront of policy; in the public discussions by policy makers and in their official pronouncements, reference to “resentment toward a race or class of people” has been widely interpreted as an explicit attempt to protect white people as a group and individually from accusations of bias and race discrimination. In his official judgement that the TUSD was in violation of the statutes, Horne cited curriculum materials that included critical understandings of whiteness: “These materials go on to state: ‘Anger, guilt, and shame are just a few of the emotions experienced by participants as they move toward greater understanding of Whiteness.’ [If one were to substitute any other race for ‘Whiteness,’ it would be obvious how this promotes resentment toward a race or a people. The materials go on to state: ‘White Americans often feel a unique sense of entitlement to Americanism, partly because many never travel beyond the borders of the United States.’ All of these kinds of racist propaganda are fed to young and impressionable students, who swallow them whole ...” (Horne, 2010, p. 9). Horne neatly conflates a critique of whiteness with an attack on all white-identified people, as illustrated in his argument that, “If one were to substitute any other race for ‘Whiteness,’ it would be obvious how this promotes resentment ...” This is a hugely significant example of a discursive sleight of hand because whiteness is not a race; whiteness (as discussed in the critical literature) is an ideology, a form of belief, and a system of assumptions and practices. It is not a description of a people:

“Whiteness” is a racial discourse, whereas the category “white people” represents a socially constructed identity, usually based on skin color ... many white subjects have fought and still fight on the side of racial justice. To the extent that they perform this act, they disidentify with whiteness. By contrast, historically, the assertion of a white racial identity has had a violent career. (Leonardo, 2002, pp. 31–32)

Horne and the Arizona statutes, therefore, outlaw any critical commentary on whiteness and the actions of white-identified people as a group, either historically and contemporaneously. Arizona’s legislative changes make explicit what has already become routine elsewhere in global education policy.

In Europe, for example, recent years have seen growing controls on the wearing of face veils by Muslim women, which is now illegal in public places in France and Belgium and viewed as outside school dress codes in England (BBC News, 2011). The entire history of policy and debate on multiculturalism in England has been characterized by a central concern with the interests, feelings, and fears of white people, from the earliest decisions about the need to limit the number of immigrant students in any one school for fear of upsetting whites to requirements making English language competence mandatory for new citizens (Gillborn, 2008).

Raising Standards or Widening Inequalities? An English Policy Case Study on Changing the Measure of Success

Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and apart from the mainstream. We’ve

failed to provide a vision of society to which they feel they want to belong. We've even tolerated these segregated communities behaving in ways that run completely counter to our values. So, when a white person holds objectionable views, racist views for instance, we rightly condemn them. But when equally unacceptable views or practices come from someone who isn't white, we've been too cautious frankly—frankly, even fearful—to stand up to them. Prime Minister David Cameron (2011a)

The politics of interest-divergence are clearly evident in England, where politicians and the media in recent years have campaigned to refocus debate on the supposed needs of white people. Politicians on all sides of the political spectrum have been talking tough about the need to control immigration and the supposed problems of multiculturalism. In a major speech concerned with anti-terrorism issues, for example, the prime minister criticised multiculturalism as divisive and unfair to white people (Prime Minister David Cameron, 2011a). In education, a succession of announcements has sought to present the true racial victims in education as white working class children, especially boys (see Gillborn, 2010; Sveinsson, 2009). As a direct result of the campaign, multicultural education programs have been cut and special programs targeted at supporting poor white students have multiplied across the country (Gillborn, 2010).

Cameron's government has embarked on a series of education reforms where race equality is asserted as an aspiration but is completely absent from the reality of the policy process. For example, Cameron has stated his high aspirations for children from minoritized and poor backgrounds: "I am disgusted by the idea that we should aim for any less for a child from a poor background than a rich one. I have contempt for the notion that we should accept narrower horizons for a black child than a white one" (Prime Minister David Cameron, 2011b). Yet Cameron has announced that new policies should no longer be subject to equality impact assessments, which are intended by law to identify whether policies will harm minoritized groups, describing them as "bureaucratic nonsense" (BBC News, 2012). This is a particularly disturbing development because past experience shows that unless equity safeguards are consciously included, the effect of new policies is frequently to reinforce existing race and class inequalities. A shocking example is provided by the government's new measure of academic success, the English baccalaureate.

At the end of their compulsory education, aged 16, the majority of school students in England are tested in a range of public examinations known as GCSEs (General Certificate of Secondary Education). Gaining higher pass grades in at least five separate GCSE examinations has traditionally been viewed as a sign of academic success, especially when both English and mathematics are included. Cameron's coalition government, however, used its first education policy statement to dismiss this measure as insufficiently rigorous and introduce a new summary measure called the English baccalaureate (E.Bacc). To attain an E.Bacc, students must gain higher pass grades in English, maths, two sciences, a modern or ancient foreign language, and a humanity (history or geography) (Department for Education [DfE], 2010).

The introduction of the English baccalaureate has immediately widened inequalities of achievement in the English education system. According to official statistics (DfE,

2012), the majority of school students cannot possibly attain an E.Bacc. Only around one student in five (21.6%) enters examinations in all the subjects required to qualify. These include high status subjects, such as separate sciences, which schools often restrict to the students they judge to be most able. Sometimes these judgements reflect genuine differences in achievement, but research, both quantitative and qualitative, has consistently shown that teachers' preconceptions about certain groups also play an important role, especially in relation to social class and ethnic origin (Araujo, 2007; Ball, 1981; Bradbury, 2011; Commission for Racial Equality, 1992; Gillborn, 2008; Gillies & Robinson, 2012; Hallam, 2002; Hallam & Toutounji, 1996; Rollock, 2007; Strand, 2012; Sukhndian & Lee, 1998; Tikly, Haynes, Caballero, Hill, & Gillborn, 2006; Wiliam & Bartholomew, 2004). Put simply, teachers' expectations of black students and their white working class peers tend to be systematically lower than warranted by their performance in class. These stereotypes exert a powerful influence on students' opportunities to succeed, making it less likely that they will gain access to high status courses and resulting in their being disproportionately placed in the lowest teaching groups, where teachers cover less of the curriculum, thus giving students a reduced chance of achieving the highest grades.

Table 1 summarizes the effects of adopting the E.Bacc as a new measure of academic success. Overall, the proportion of academically successful young people falls from just over half of all students under the previous dominant measure (overall 58.2% achieve five higher grade GCSEs including English and maths) to around one in six under the new measure (15.4% achieved the E.Bacc). All groups suffer an apparent decline in rates of success recorded by this measure, but the impact is not equally harsh. The table calculates the cost of the E.Bacc to each group, what we might think of as an "E.Bacc penalty" (column D in Table 1). There are six groups who are particularly hard hit by a switch to the E.Bacc; in each case, more than eight out of ten of the students who are deemed successful under the old measure are now redefined as failures.

The largest E.Bacc penalty is suffered by students who are designated as having a special educational need (SEN); almost nine out of ten SEN students who achieved the GCSE benchmark do not achieve a spread of success sufficient to satisfy the E.Bacc. Students in receipt of Free School Meals experience a similar E.Bacc penalty. In terms of ethnic origin, it is clear that the shift to the E.Bacc has a particularly racialised impact. The highest penalties are suffered by black Caribbean students, where 84.3% of students who were successful under the old measure are excluded from E.Bacc success, followed by Bangladeshi students (83.4%), dual heritage students with white and black Caribbean parents (81.2%), and black African students (80.6%).

Differences in achievement can also be expressed as an odds ratio (OR), which illustrates the odds of academic success for one group of students relative to the odds for another group. If the figure is greater than 1, the first group is more likely to succeed; but if the figure is less than 1 it indicates how much less likely the first group is to succeed. Table 1 details the OR for the GCSE benchmark (column E) and for the E.Bacc (column F) for FSM students relative to Non-FSM, for SEN relative to non-SEN, and for each minoritized group relative to white British students. In each case, the odds of success for disadvantaged students get worse in the E.Bacc. This is true for FSM students relative to

Table 1. Educational Achievement in England (2011) by Free School Meals, Special Educational Needs, and Ethnic Origin

	[A] 5 +A*-C grades including English and mathematics GCSEs	[B] Achieved the English baccalaureate	[C] Percentage point differ- ence be- tween GCSE and E.Bacc benchmarks	[D] E.Bacc Penalty ("C" as % of "A")	[E] Odds ratios for GCSE benchmark	[F] Odds ratios for English baccalaureate benchmark
FSM Status						
No FSM	62.0	17.2	44.8	72.3	-	-
FSM	34.6	4.3	30.3	87.6	0.32	0.22
SEN Status						
No identified SEN	69.5	19.4	50.1	72.1	-	-
All SEN pupils	22.1	2.6	19.5	88.2	0.12	0.11
Ethnic Origin						
White British	58.2	15.3	42.9	73.7	-	-
Indian	74.4	25.8	48.6	65.3	2.09	1.92
Bangladeshi	59.7	9.9	49.8	83.4	1.06	0.61
Black African	57.9	11.2	46.7	80.6	0.99	0.70
Pakistani	52.6	11.1	41.5	78.8	0.80	0.69
Mixed: White and Black Caribbean	49.1	9.2	39.9	81.2	0.69	0.56
Black Caribbean	48.6	7.6	41.0	84.3	0.68	0.46
All pupils*	58.2	15.4	42.8	73.5		

Source: Data in columns A and B from Department for Education (2012), table 1.

*Total for all pupils includes those in ethnic groups that are not shown in the table.

non-FSM, SEN students relative to non-SEN students, and minoritized students relative to white British students. Black Caribbean students, for example, are only around half as likely to achieve the E.Bacc as their white British counterparts.

Racism as Policy: Some Wider Lessons

In addition to evidencing the role of policy as a context for the preservation of white supremacy, events in Arizona and England point to several important lessons about the globalization of education policy and the policy-making process.

First, although policy is often presented as a contest among high-profile individuals, a CRT analysis highlights the necessity of taking an historically contextualized perspective. In Arizona, the continuing legislative battles are the latest skirmishes in a long line of moves and counter-moves as the Latino community campaigns for racial justice against a white supremacist system that is keen to enforce a colour-blind, individualistic discourse that excuses and even celebrates white domination as the result of individual merit. The establishment of the Raza courses was a huge victory for the Latino community, and the restrictive statutes represent a strike back by the forces of white supremacy in the state, highlighting the constant tensions that surround racial progress as signalled in the concepts of interest-convergence and -divergence. Similarly, the current reforms in England represent part of a longstanding dynamic where momentary victories for race equality are cut back and majoritarian interests are reasserted. Despite occasional rhetoric about closing equity gaps, the government's dominant neoliberal perspective stresses an individualistic approach where success is assumed to reflect merit. The immediate regressive impact of the English baccalaureate is camouflaged by talk of raising standards and high aspirations for all.

Second, heightened racism in public debate can operate independently of any legal success/failure. At the time of this writing, the legislative changes in Arizona are still subject to legal challenge. Regardless of whether the anti-Raza statutes ultimately stand or fall, the racist impact of the debates has been powerful and lasting, demonstrating with brutal clarity the realities of racial domination in the state. As Romero and Arce concluded:

TUSD's Mexican American Studies Department ... have, for the last two and half years, fallen victim to acts by the state's Republican Superintendent of Public Instruction and the Republican led State Legislature ... as a means of eliminating Mexican American Studies ... with the intent of securing and perpetuating the American (and in this case specifically Arizona's) racial order. From our perspective, there is no other conclusion. (2010, p. 182)

Similarly, in England, it is known that whenever a mainstream politician of any political party delivers a speech about the supposed dangers of immigration, there is generally an increase in racial harassment on the streets (Ahmed & Bright, 2001). On paper, England has some of the strongest equality legislation in existence internationally, and yet the prime minister has ended the need for equality impact assessments, and a key part of the new education policy, the English baccalaureate, has demonstrably widened inequality of outcomes and yet remained entirely free from sanction.

Finally, the cases point to the importance of follow-up in the aftermath of legislative reform. The Arizona changes have been enforced through the credible threat to remove funding from schools that violate the new statutes; as a result, the ethnic studies courses have ended. As I noted earlier, however, when legislative change is won by minoritized groups in the name of race equity, the impact is much slower and uncertain. In England, for example, the legislative changes that followed the Stephen Lawrence Inquiry (Lawrence, 2006; Macpherson, 1999) were heralded as the start of a new age of race equality, and yet current policy statements present multiculturalism as unfair to whites and education reforms exacerbate existing inequalities by race, class, and disability (Gillborn, 2008).

Conclusion

Fear of a black state is linked to worries about a black planet, of alien invasion and alienation, of a loss of the sort of local and global control and privilege long associated with whiteness.

Neoliberalism accordingly can be read as a response to this concern about the impending impotence of whiteness. (Goldberg, 2009, p. 337, original emphasis)

Race inequality is a significant and persistent aspect of the education systems in both the United States and England. On both sides of the Atlantic, policy is characterized by a neoliberal emphasis on individual effort and merit. Soaring political rhetoric proclaims the system's commitment to all, regardless of race, but the results tell a different story. Far from being a gradual movement toward ever-greater equality and social justice, a CRT perspective on race and education views policy as acting to preserve the status quo and defending as normal a state of white supremacy. When calls for change become so great as to threaten the stability of the system, then (temporarily at least) the interests of the white majority are seen to converge with those of the protesting minority group and certain concessions may be granted. However, once the apparent contradiction between rhetoric and reality has been addressed, then the real-world impact of the changes are reigned in or removed completely. Far from advancing equity, therefore, a critical perspective views public policy as largely serving to manage race inequality at sustainable levels while maintaining, and even enhancing, white dominance of the system. In the two contemporary case studies examined in this article, education policy acts to secure white privilege and reinforce existing inequalities of achievement.

In the United States, the popularity of the Arizona statutes among white voters seems to reflect a strong sense of interest-divergence, especially where the Raza studies programs were delivering such positive outcomes for Latino students. The education statutes and related moves to increase the surveillance and routine harassment of people of colour based on the need to demonstrate their legal immigration status, also reflect this position in what Delgado described as a form of colonialism aimed at securing ever greater control over the Latino population as a means of preventing political control shifting away from whites as they become a numerical minority in certain states (Delgado, 1996, 2007b). In England, at a time when severe cuts in public spending are being felt disproportionately among working-class and minoritized groups (Equality and Human Rights Commission, 2009), the government's dismissal of multiculturalism and its redefinition of educational

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success serve to secure both the psychological and economic value of whiteness, hammering home the message of interest-divergence.

Martinez took these insights to a further level in his development of his “state of nature theory” of racial oppression (2010, 2012):

This theory posits that the dominant group tends to relate to racial minorities as if it were in a state of nature—i.e., there is a tendency to act as if there were no legal or moral constraints on their actions or to move to a situation where there are fewer constraints in contexts in which it deals with racial minorities. (2010, p. 202)

According to Martinez’s theory, the actions of white powerholders can be understood and predicted on the basis that they will tend to act in relation to their perceived self-interest or self-preservation and to adopt an amoral perspective when deciding on the most advantageous course of action (2012, p. 195). Hence, both interest-convergence and -divergence are wrapped together in a theory that makes sense of policy as a never-ending campaign to secure increased control and benefit to white power-holders. It is a perspective that reminds us of the need for constant vigilance and action to secure greater race equality in the face of a system that is predicated on inequality.

Acknowledgement

This paper builds on, and extends, arguments I have explored in a chapter for the *Handbook of Critical Race Theory in Education*, edited by Marvin Lynn and Adrienne D. Dixson (Routledge) and in the magazine *Race Equality Teaching* (Trentham).

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