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## Reconstructing Equality on New Political Ground: The Politics of Representation in the Charter School Debate at the University of California, San Diego

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*Attacks on the legitimacy of affirmative action pose new challenges for public universities committed to creating a diverse student population without considering race or ethnicity as factors in admissions. On the basis of a case study of the controversy surrounding the building of a charter school at the University of California, San Diego, in response to the elimination of affirmative action in University of California admissions, the authors describe the meaning-making process by which that campus established new procedures for promoting educational equality and constructed new meanings to justify those policies and to resolve conflicts about their legitimacy. The charter school was created after a contentious public debate, in which the concept for the school and tacit definitions of equality, of social responsibility, and of the university itself became objects of contestation. The analysis reveals (a) the constitutive social processes by which particular meanings of equality and social responsibility are constructed and institutionalized, and (b) the role of higher education policy in reconstituting meanings of equality in the wake of affirmative action's political retreat.*

**KEYWORDS:** affirmative action, educational equity, politics of representation.

Affirmative action policies have been either challenged aggressively or outlawed entirely in numerous states since the mid-1990s. These developments pose a new political challenge for selective public universities, given the “achievement gap” between White students and historically disenfranchised students (i.e., Black, Latino, and Native American students): how to create a student body that is representative of the state without using affirmative action as a tool. The challenges are not only technical but also symbolic and political. That is, universities must not only construct new procedures for increasing the numbers of underrepresented students on their campuses but also, simultaneously, establish a new set of meanings to justify those policies

and resolve conflicts about their legitimacy. The reflexive relationship between meaning making and political action is the central concern of this article. We examine the processes of legitimation, competition, and political compromise that shape how new interpretations of social inequality come to have power in situations of political change. We present a case study of the controversy surrounding the establishment of the charter school at the University of California at San Diego (UCSD) as the focus for our analysis of these processes.

By highlighting the negotiated and often contested character of the charter school dispute, our article contributes to theorizing about public policy in general. Our discussion reaffirms the constitutive view that public policy is a socially constructed process, in contrast to the technical-rational view that has long dominated both lay and scholarly analyses. The technical-rational view posits policy as a linear, abstract process in which policy is formed by elite decision makers and proceeds through distinct sequential stages from formation to implementation.

The constitutive position, in contrast, regards policy as a continuing process of constructing and negotiating meaning in concrete contexts. In organizational settings, policy actions both shape and are shaped by organizational norms, routines, and standard operating procedures. Politically, policy is a mechanism that powerful actors use to manage contested perceptions by focusing attention on some conditions rather than others and promoting a particular interpretation of those conditions. It is also a means by which powerful actors legitimate particular meanings, which acquire a sense of authority once they are solidified in policy. Finally, policy works to shore up institutional authority by communicating an institution's commitment to particular values and ideas.

The Preuss School, a public charter school on the campus of UCSD, was created in 1998 in response to the elimination of affirmative action in University of California (UC) admissions statewide. The purpose of the charter school is to prepare "disadvantaged" and "underrepresented" students to compete for admission to the UC system without benefit of "racial preferences" in admission to either the charter school or the university. After students' low-income status is ascertained, they are selected by a lottery constructed to be consistent with state laws.

The Preuss School was created after a contentious public debate, in which not only the concept of the charter school but also the tacit definitions

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of community, equality, and the university itself became objects of contest and struggle. In 1997, a coalition of university administrators, faculty, and individuals representing San Diego's African American and Latino communities had proposed the creation of a charter public high school on the university campus. The proposal generated both considerable support and tremendous controversy; eventually, it was rejected when it failed to garner the full support of either the faculty of UCSD or its new chancellor, Robert Dynes. The ensuing public outcry, negative publicity, and pressure from the Regents resulted in a more comprehensive plan, which called for a newly configured charter school, a research center to serve as an umbrella organization over the school, partnerships with public schools, and a unit to evaluate the university's multifaceted "outreach" activities. That plan was approved by the chancellor and the faculty.

### **Theoretical Framework**

Our analysis of the debate surrounding the creation of the charter school and the university's response to the controversy is informed by a constitutive theory of social action: the premise that human social activity, including public policy discourse, both expresses and constructs meanings that define the social world. These constitutive social processes often involve the "politics of representation"—competition between differently situated actors for the power to define the situation for others (Gusfield, 1996, 1981; Holquist, 1984; Levinson & Sutton, 2001; Shapiro, 1988; Spector & Kitsuse, 1987; Mehan, 1997; Rosen, 2001). At the same time, social actors also cooperate to construct meanings for the social world through bargains and compromises that integrate multiple interests to create diverse political coalitions in support of particular actions. In the process, the meanings ascribed to particular objects are modified and sometimes transformed.

The details of our analysis are organized along two dimensions: organizational and political. The organizational dimension foregrounds how shared norms and taken-for-granted routines shaped the university's response to the controversy. From an organizational perspective, such institutionalized norms and routines constitute a repertoire of accepted ways of doing things that shape how policies are made and implemented. This analytical dimension emphasizes the aspects of organizations that promote stability, particularly mechanisms that work to restore equilibrium in response to a disturbance such as that created by the charter school controversy. Analysis along this dimension generally predicts that individuals within organizations will respond to or interpret new situations by using their existing repertoire of organizationally sanctioned meanings and practices. Our analysis employs an organizational lens to demonstrate that the university's response to the charter school controversy worked to frame the school within the university's established system of priorities (e.g., valuing research more than community service) and its existing administrative structures, which served to "domesticate" those aspects of the charter

school proposal that did not fit well within dominant organizational norms or routines.

The political dimension of our analysis draws attention to how the university's response to the controversy worked to regulate social conflict among groups with competing claims on university resources. From a political perspective, policy mediates social conflict by authoritatively allocating scarce resources among multiple and competing interest groups. Likewise, the relative power of particular groups mediates their ability to influence policy. We demonstrate that the charter school controversy constituted a competition among various interest groups for material resources (such as state funding, faculty time, and space on campus) and symbolic resources (such as recognition within the definition of the university's mission). On the political dimension, we highlight how processes of competition and compromise, as well as differences in power, influenced the course and outcome of the debate. For example, we argue that the charter school proposal represented a compromise between liberal and conservative constituencies, each of which supported the plan for different reasons. At the same time, however, competition among other interest groups (e.g., faculty seeking to conserve campus resources and community members seeking to expand access to them) also shaped how the debate played out.

We argue that the resolution of the charter school debate had two constitutive effects: (a) It validated a particular definition of inequality in higher education, one that treats the lack of diversity among students at selective universities as being primarily a problem of academic preparation; and (b) it redefined the mission of public research universities, and specifically UCSD, to include the academic preparation of K–12 students as one of the activities in which it is essential for such universities to engage.

The charter school project gained its central place in the definition of the university not in spite of, but because of, the controversy surrounding it. The controversy both reflected and contributed to a crisis in institutional legitimacy resulting from a breakdown in the fragile accord that had, in the past, allowed the university to simultaneously pursue two goals in its admissions policies: equal representation of the state's diverse population and selection of students based on academic merit. Before its ban, affirmative action was accepted as the compromise among these values or goals; it tempered the embrace of pure meritocracy with the recognition that the persistence of systematic racial discrimination requires admissions criteria beyond test scores, grades, and other purported measures of merit. The compromise defined diversity as a valuable end in itself and implied an understanding of equality in university admissions that regarded individuals not in the abstract but in the context of the social and cultural factors that shaped their chances for achievement. However, while affirmative action in university admissions *called attention* to the deleterious effects of social and cultural conditions on individuals' chances for admission, it did nothing to *address* those conditions—for instance, the fact that elementary and high school teachers are often ill-prepared to teach diverse student

populations—nor did it prepare students to succeed in the university once they arrived.

Partly as a result of sustained attacks from the political Right, the fragile accord that once supported affirmative action has gradually broken down (Omi & Winant, 1994, pp. 128–136; Orfield & Miller, 1998). This disintegration has occurred, in part, because critics of affirmative action have successfully argued that the goals of equal representation and meritocracy are fundamentally contradictory, and have rejected the possibility of compromise between them. Instead of championing equal representation, the critics celebrate the value of equal opportunity: that is, opportunity to compete with others to improve one's social position through one's own efforts. This view privileges individual agency as the primary route to achievement.

Critics of affirmative action repudiate the claim that the “playing field” must be leveled; they assert that the obstacles to equal opportunity have, for the most part, been removed. They deny the significance of race as a factor mediating students' chances for academic success and hold that admissions decisions should be based solely on academic merit. Yet the debate at UCSD was not simply about upholding a purely meritocratic admissions system but was fundamentally concerned with race: Critics of affirmative action specifically targeted the university's use of race as an element of its admissions formula while leaving unquestioned the other considerations that can also influence admissions (e.g., athletics, state residency, students' political connections).

Critics of affirmative action also challenge the legitimacy of equal representation as a goal for the university because it discriminates among individuals, judging them not on the basis of their achievements but on the basis of characteristics such as race or gender. The critics hold that if equal opportunity for all to compete is assured, then a more diverse student body will naturally result. This view makes diversity a byproduct of the goal of equal opportunity rather than a goal in itself.

The embattled charter school proposal both responded to this breakdown in the social bargain that once supported affirmative action and also exaggerated it, by exposing and aggravating conflicts both within the university and between the university and the surrounding community. Among those conflicts was the one between two implicit definitions of UCSD's mission: a traditional, narrower definition of the university as primarily dedicated to cutting-edge research and the education of the state's best-prepared, highest-achieving high school graduates; and an emergent definition of the university as dedicated to a broader mission of social betterment that includes the improvement of K–12 schools and the enhancement of educational opportunity. The debate's resolution helped to strengthen the latter definition.

The debate also created a crisis of institutional legitimacy, because the initial decision not to build a charter school made the university appear indifferent to the problem of equal access to higher education among students from various racial or ethnic groups. The appearance of indifference created a political problem for the university, because not only the San Diego community but

also the media, the Regents, and the California Legislature were looking to the university to take some constructive action to increase the diversity of the student body once affirmative action had been outlawed. Moreover, many argued that a deeper involvement by the university in K–12 education was precisely the solution. Ward Connerly, a regent of the University of California and chairman of the California Civil Rights Initiative, the group that campaigned successfully for the ban on affirmative action in California, was among those who argued that the university should take more responsibility for the improvement of K–12 education, partly because of increased political pressure:

There are those who make a strong case that this [the academic preparation of K–12 students] really isn't the university's problem. [They say] our job is to, as fairly as we possibly can, in looking out for the best interests of the university, choose from among those that you send us. And we shouldn't take on the high-risk responsibility of trying to lead K–12, because in 10 years, if the scores are still down, they're going to blame us. . . . [But] politically, to say this is not our problem wouldn't fly. (Connerly, personal interview, August 4, 2000)

In this climate of heightened political expectations of the university, the decision not to build the charter school upset multiple constituencies—leaving the university in a politically vulnerable position. Failure to take some action to increase diversity after the outlawing of affirmative action would prompt further charges of elitism and hypocrisy (charges frequently leveled by members of the media and other critics after the initial rejection of the charter school proposal). At the same time, any action that the university took would also have to affirm its commitment to meritocracy, the linchpin of public support for the university's competitive admissions system. Support would be withdrawn if large portions of the public came to see university's admissions practices as arbitrary or biased toward particular students on the basis of their race or gender.

To extricate itself from this situation, the university needed to affirm its commitment to diversity *without* compromising the principle of meritocracy and also resolve conflicts about resources and values. We argue that the university accomplished these tasks by incorporating the charter school into its existing administrative structure and institutionalizing a new set of meanings to justify the charter school and the university's sponsorship of it. The new set of meanings redefined the university's mission so that it included the academic preparation of public school students. The resolution of the crisis had contradictory effects, however, affirming a narrower understanding of inequality while promoting a more progressive definition of the university. The contradiction was itself an effect of the processes by which the debate was resolved: the integration of diverse political interests in support of a solution—improving the academic preparation of underrepresented students—that appealed to actors across the political spectrum. These processes of meaning making through political compromise are a central concern of our article.

Our data were drawn from a range of texts related to the debate (transcripts of symposia and community and university meetings, versions of the charter school proposal, recommendations by university committees, postings on e-mail lists, and local news media coverage) and from interviews with key players in the events described. In addition, one of the authors was himself a participant in many of these events and is thus both author and subject.

## The Contexts

To interpret the meaning of the charter school debate, it is necessary to know the interrelated contexts or conditions surrounding it. These include (a) a *national* political context that is characterized, on the one hand, by the rejuvenation of conservative ideas by the New Right and, on the other hand, by an education reform movement that has arisen partly in response to criticism of public education by New Right groups; (b) a *state* context defined by a series of political decisions that eroded both the credibility and the legality of affirmative action in California; and (c) a *local* context that is characterized by a historical disconnect between the elite UCSD campus and the broader San Diego community, particularly its poor neighborhoods and racial and ethnic minority communities.

### The National Context: The Rejuvenation of the Right

The UCSD charter school debate occurred in the aftermath of the “conservative revolution” in the U.S. Congress, when the national political conversation was focused on reevaluating many of the liberal social programs instituted in the 1960s, particularly welfare and affirmative action. President Bill Clinton declared, “The era of Big Government is over,” and politicians from California governor Pete Wilson to House speaker Newt Gingrich trumpeted “personal responsibility” rather than state intervention as the solution to problems of social inequality. The following statement by Connerly is representative of this position:

It is not any government agency’s position, it seems to me, to say that we are dissatisfied with an outcome if there is not discrimination. If there is discrimination we ought to address this discrimination. If the competition is fair, if the government agency has not created artificial criteria that keep people out, if the process is being administered fairly, *we have to let the chips fall where they may on the outcome* [emphasis added]. (“Q&A: Ward Connerly,” 1996, p. G5)

Clinton remained a supporter of affirmative action, but other prominent politicians attacked the practice as “patronizing” and subversive of cherished values such as hard work, equal opportunity, competition, and self-reliance. Both affirmative action and welfare were charged with encouraging laziness and parasitic dependency on the state. Critics argued that affirmative action was not only immoral but also ineffectual, because it did not



provide individuals with the skills necessary to succeed in social competition without “special treatment.” Governor Wilson was adamant on this point:

I hope that he [President Clinton] and the other people who have tried to defend what they term affirmative action will be honest enough in dealing with preferences to recognize that they don't work. . . . They do not accomplish the heavy lifting that is required to actually bring about the equality of access to opportunity. The only way to do that is by taking a very long and concerted effort beginning with prenatal care . . . to see to it that kids are healthy enough to concentrate *when they go to school and that they will go to a school that will challenge them and equip them for life's competition* [emphasis added]. (“Q&A: Pete Wilson,” 1997, p. G5)

Affirmative action programs were also declared unjust because they gave benefits to some citizens at the expense of others, providing a “free ride” to minorities and the poor while hurting Whites and Asian Americans, and “hard-working” citizens not eligible for “special treatment”:

The status quo in the UC system [affirmative action] is breeding dangerous antagonisms and dividing Californians along racial fault lines. Worse still, by turning away better qualified applicants solely because of their skin color, it is eroding the American idea of advancement based on individual merit and hard work. (“Ending Favoritism,” 1995, p. B14)

This period brought a renewed enthusiasm for values such as freedom, individualism, limited government, and “free-market” solutions to social problems, instantiated in the argument that government should ensure the fairness of social competition (for example, by removing barriers to equal opportunity) but that the outcome of such competition should be determined strictly by the merit of individual competitors. During the same period, the national conversation on education was also characterized by a dual focus on personal responsibility and reduced government as mechanisms for achieving social and educational equality. The dual focus was manifest in enthusiasm for curricular reforms such as the standards movement (which emphasizes hard work and high academic expectations rather than compensatory programs as the route to educational equality) and structural reforms such as the charter and voucher movements (which emphasize free-market values such as limited government, innovation, entrepreneurialism, and competition). Support for structural reforms is strong among parents of historically disenfranchised children, a fact that Connerly emphasized in editorials linking the campaign against affirmative action with the need for preventative solutions for educational inequality. For Connerly and others, structural reforms were superior to affirmative action because they addressed more directly the root causes of social inequality:

Parents of minority youths understand the need for innovative solutions. That's why 57.3% of African Americans support school choice.

Among African Americans in the age group most likely to have young children—26 to 35—the support for vouchers is an astounding 86.5%, according to a poll by the Joint Center for Political and Economic Studies. (Connerly, 1998)

This line of argument—that inadequate public schools are a root cause of inequality—was given institutional support by the resolution of the charter school debate, a point to which we return at the end of this article.

### **The State Context: The Elimination of Affirmative Action**

In the state of California, these more abstract issues were brought home by a series of key political events. In the *Bakke* case (*Regents of the University of California v. Bakke*, 1978), the Supreme Court ruled in favor of a White student who had sued the state after being denied admission to the UC Davis School of Medicine despite having higher grades and board scores than underrepresented students who were admitted through affirmative action. Justice Lewis Powell—who cast the deciding vote in that closely divided case—recognized only one legitimate justification for considering race as a factor in the college admissions process: that diverse student bodies would produce a more stimulating educational environment. Overriding Powell's reasoning, the UC Regents decided in 1995 to eliminate the use of race entirely in UC admissions and to encourage UC campuses to devise innovative ways of achieving diversity by other means. Finally, in 1996 the California voters passed Proposition 209, which outlawed the use of "racial preferences" in all State of California business: hiring, promotions, contracts, and university admissions.

Taken together, these political events constituted a challenge, not simply to the legality of affirmative action but also to the legitimacy of the university itself, which faced demands from both the Left and the Right. The university was expected, on the one hand, to demonstrate its commitment to address the "underrepresentation problem" and, on the other hand, to preserve a meritocratic admissions process. Similar challenges to institutional legitimacy increasingly have been leveled at universities across the country and have provoked similar institutional responses. As Lagemann (1993) observes:

Universities have fallen victim to critics across the political spectrum, who bewail everything from university finances, to their cultural conservatism or, alternatively, their "political correctness," to their failure sufficiently to address and perhaps even remediate the problems of health, urban decay, civic indifference, and education that our society faces today. [In response, many] universities have made the improvement of teaching [in elementary and high schools] a central, internal concern, and more and more are considering the improvement of neighboring public schools an appropriate province for university "service." (p. 6)

As the following discussion will show, UCSD responded to such challenges by creating a new definition of the university to accompany the new

definition of equality in university admissions that emerged from the charter school debate.

### **The Local Context: Suspicious African American and Latino Communities**

These national and state events, combined with UCSD's already tenuous relationship to the city's African American and Latino communities, formed the local context for the debate on the charter school. UCSD is well connected to local business elites because its graduates are employed by nearby science and engineering firms, and technological knowledge is transferred smoothly to those firms. However, the political challenges to affirmative action and the battle about the charter school exacerbated an already negative sense among many in San Diego's African American and Latino communities that UCSD, situated in an affluent area insulated from poor neighborhoods (which, in San Diego, is also where Black and Latino students more often live), does not welcome students from those communities.

In the eyes of many local educators and community members, UCSD has not had a distinguished history of engaging public schools. In some circles, the university is perceived to be interested in students in local schools only if they can be subjects of experiments. UCSD's teacher education program, although distinguished, is small and therefore not deeply involved in many schools. In the past there were dozens of independent outreach activities on campus—but they were not coordinated. In short, the controversy surrounding the proposal to establish a charter school on the UCSD campus served to aggravate the sense among many that the university simply was not interested in the well-being of “folks south of 8” (Interstate 8, the highway that divides the city's affluent beach residents from their poorer neighbors to the south).

### **The Controversy**

In this tumultuous political climate, the UC Regents appointed a task force on minority “outreach” to respond to the anticipated decline in the number of underrepresented students admitted and enrolled in UC schools, particularly at its most competitive campuses. The UC Outreach Task Force met during the 1995–1996 academic year and produced guidelines that encouraged UC campuses to go beyond previous methods of outreach—which primarily had entailed providing motivational information to students—and to undertake a major expansion of their academic outreach to the state's K–12 schools. They were advised to create long-term partnerships with selected high schools and their associated junior high and elementary feeder schools to increase the number of students from underrepresented backgrounds who were “UC-eligible” (UC Outreach Task Force, 1997).

### **The Proposal and Its Rejection**

UCSD provost Cecil Lytle, one of the university's representatives on the UC Outreach Task Force steering committee, advocated strongly for charter

schools as an alternative means to achieving diversity. In spring 1996, Lytle and a diverse group of collaborators from the university and the community proposed an on-campus charter school for “disadvantaged” and “historically disenfranchised” students. Lytle and his steering committee met with all committees of the UCSD Academic Senate; met with numerous academic departments, student groups, and community groups; and proposed to the senate a plan for a college-preparatory high school (Grades 9–12).

The proposal was vetted by all committees of the Academic Senate—with a mostly negative response. Although the senate was “supportive in principle of establishing a charter high school on campus” (Academic Senate, 1997, p. 1), it had a plethora of specific criticisms, centering around six main areas of concern: (a) financial issues, (b) consistency with the university’s mission, (c) campus capacity and resources, (d) impact on diversity, (e) location, and (f) psychological risks.

#### *Financial Issues*

Some committees of the Academic Senate worried about sources of money for founding the school (capital costs) and for its continued operation (Academic Senate, 1997, pp. 110, 118, 132–135). Others worried that graduate and undergraduate education (p. 112) or previously existing outreach efforts would be cut or reduced to pay for the charter school. More specifically, they said that substituting the school for the Early Academic Outreach Program, a long-established motivational outreach effort, would be “unfair and inappropriate” (p. 103). “[If] the school will be governed as an ancillary enterprise (as for example, UC Press), . . . [then] it would be expected to pay its own way” (p. 112). Defending anticipated attacks on their own interests, some faculty feared “the day when university requests to the legislature or the Office of the President for other unrelated initiatives are met with the response, ‘UCSD got the charter school’ ” (p. 113).

#### *Consistency With the University’s Mission*

Other critics directed attention to the fundamental purposes of the university, maintaining that the UC mission precluded direct involvement in K–12 education. “Understanding the mandate of the university to be the provision of undergraduate and graduate training,” they said, “. . . the establishment of a charter school is well beyond the mission of the university” (Academic Senate, 1997, p. 111). Citing UCSD’s status as a research university, some faculty members criticized the charter school proposal for an incomplete evaluation design and lack of specific criteria for judging whether the school was succeeding in accomplishing its goals (pp. 108, 117). The most experimentally minded critics called for a randomized control group to measure effects (pp. 104, 117, 120).

#### *Campus Capacity and Resources*

Concerns about the capacity of the faculty to mount the charter school were accompanied by concerns that the campus’s already-overburdened resources

### *Rosen and Meban*

would be stretched even further. Asking rhetorical questions—“Is our Teacher Education Program [TEP] large enough or of a high enough quality to meet the demands right away? Should we wait to build TEP before starting this endeavor?”—the Academic Senate concluded that the “UCSD community does not have the necessary skills and experience to run a high school” (Academic Senate, 1997, p. 115).

Because the students at the charter school were to take one or two classes on campus in their senior year, critics said that campus facilities such as labs, dance studios, and theaters would be negatively affected (e.g., through overcrowding) (Academic Senate, 1997, p. 108). Other critics feared that using university students as tutors at the on-campus school would diminish the capacity of UCSD to provide tutors to public schools (pp. 103, 109).

### *Impact on Diversity*

Some faculty members also questioned whether the proposed school would make a very significant impact on the problem of underrepresentation, pointing out that it would produce only a “handful” of UC-eligible students per year. Building a school from scratch, therefore, would be “too expensive a way to increase the number of high school students eligible to be admitted to the UC system” (Academic Senate, 1997, p. 111). Others were concerned about replicability—that is, whether the results of the charter school effort would be transferable to any other public schools:

According to the proposal, the charter high school would act as a “model” other high schools could learn from and potentially adopt. Yet the particular features of the school that recommend it—namely the tutorial component, the selection of staff, the small classes, and the expenditures to cover them—are features that are unlikely to be exportable to the public high schools. (p. 108)

### *Location and Psychological Risks*

A final line of criticism called attention to the potential for trouble because “innocent youth” would be vulnerable to attacks from “predatory” college students. “We are also concerned about the presence of younger adolescents on campus . . . because of our inability to protect them from untoward events” (Academic Senate, 1997, pp. 112, 121). The potential for untoward incidents, including possible psychological damage, was described in terms that, to some supporters of the school, suggested thinly veiled racism: “[W]ould high school students suffer any emotional problems living away from their neighborhoods and mixing with university students at UCSD? In particular, is there any evidence of students’ having or not having psychological problems at existing high schools on other university campuses?” (p. 114). Supporters of this line of criticism recommended that the school be located off campus, in low-income communities, closer to students’ homes. This recommendation was roundly rejected by the Charter School Steering

Committee, especially by its community members, who did not want their children relegated to second-class facilities and saw the symbolic as well as educational value in having their students attend school on a prestigious campus.

In spring 1997 the debate culminated in a vote of the Representative Assembly of the Academic Senate. The proposal for the school passed by a 36–23 vote with 3 abstentions, but members of the assembly exercised a provision in the bylaws that permitted casting of a written ballot by all faculty members on campus. When the mail ballots were counted, the proposal to build an on-campus charter school was defeated 362–293. This combination of circumstances presented Chancellor Robert Dynes with contradictory advice: One campus group advised him to build the school, another advised him not to. Both groups were advisory to the chancellor; he was not bound by either. On June 10, 1997, just days before President Clinton was to address the campus graduation ceremonies on the topic of race in America, the chancellor addressed a special session of the Representative Assembly. He announced that the charter school issue was dead:

After a year of extensive review and conflicting preliminary votes, the Academic Senate rejected the charter school proposal placed before it by mail ballot. I accept that verdict and want to state unequivocally that I will not move forward with the proposed plan. (Dynes, 1997, p. 1)

### *Summary*

The documents that we have cited reveal that the very meaning of the university was at stake in the charter school debate. The mission or purpose of the university as a place for basic research and graduate and undergraduate education was challenged by the view that it had a broader social responsibility, as exemplified by taking an active role in the education of students underserved by the public schools. The meaning of the charter school, too, was contested. Was it to be a model for other universities to follow? For other public schools? A tool to help solve the university's "diversity problem"? A way to better connect UCSD to the wider San Diego community?

### **The Decision Sparks Negative Reactions**

The chancellor's decision was met with hostile reactions from a wide range of constituents. The *San Diego Union Tribune* and local TV stations ran editorials and cartoons savaging UCSD for empty progressive rhetoric. The *Tribune* wrote, for example:

[T]he La Jolla campus has long been an insular community, separated from the rest of San Diego by a cultural divide that has limited the university's potential and, just as important, its contributions to the region. Today as always, UCSD's focus remains largely global, not local—a fact that has, rightly or wrongly, earned it a reputation for

elitism. Indeed, a dismaying air of elitism appears to be a major factor behind the opposition of many faculty members to the creation on campus of a charter school for low-income students. The multiple objections raised by a bevy of Academic Senate Committees are long on NIMBYism but clearly devoid of any sense of obligation to the larger San Diego community.

Consider the self-revealing conclusion of the Committee on Preparatory Education: "San Diego State University is closer to poor neighborhoods than UCSD, and with its education school, has more faculty and staff that have had experience in matters of high school education." In other words, put the charter school on the other side of the tracks, where the poor people live, not on Torrey Pines Mesa, where the Nobel laureates reside. ("UCSD's Obligation," 2000, p. B6)

Students protested; one highly visible protest occurred at the 1997 commencement address by President Clinton. Students and faculty in the audience wore buttons supporting the charter school. The student speaker, Collean Sabitini, devoted the bulk of her speech to a ringing endorsement of the school. Some students who supported the charter school returned their diplomas to Chancellor Dynes.

A vocal proponent of charter schools, President Clinton was scheduled to compliment UCSD on its charter school in his commencement address. But after the faculty and the chancellor rejected the proposal, Ann Lewis, the White House director of communication (who was close to proponents of the charter school) toned down the President's remarks considerably. He wound up saying,

There are no children who, because of their ethnic or racial background, . . . cannot meet the highest academic standards, if we set them and measure our students against them, if we give them well-trained teachers and well-equipped classrooms, and if we continue to support reasoned reforms to achieve excellence like the charter school movement. (Clinton, 1997)

Representatives of local ethnic communities challenged the chancellor's decision. For example, the Coalition for Equality called the faculty vote "shocking." The cofounders of the coalition, City Club president George Mitrovich and Catfish Club president and founder Rev. George Walker Smith, called on "other members of the college and university community to accept the challenge UCSD declined" (quoted in Ristine, 1997a, p. A1).

Ron Ottinger, a San Diego City Schools Board member, called the faculty vote opposing the charter school "unfortunate." He went on to say, "I think the university will need to redouble its efforts to reach out to kids in the inner city who have high potential to go to UCSD" (quoted in Ristine, 1997a, p. A1). The school board, which was to host the charter school, unanimously endorsed it and informed Chancellor Dynes that it was "still prepared to move forward on the charter school should you reconsider" (Ristine, p. A1).



### *Reconstructing Equality on New Political Ground*

In a gesture of moral reprimand, Cecil Lytle abruptly resigned as provost of Thurgood Marshall College. In a letter to Chancellor Dynes, he strongly criticized the decision on the grounds that it endorsed a “do-nothing” stance toward pressing social problems, which, he suggested, was inconsistent with the university’s moral obligations to society:

Your announcement before the UCSD Representative Assembly . . . not to pursue this project is more than a personal and professional defeat. The announcement presents the campus as gutless and unimaginative in the face of three prevailing attributes that should not have a home on a modern, public university: fear, indolence, and indifference. (quoted in Ristine, 1997c, p. A1)

Three days after the negative decision, and the day before graduation, Lytle addressed the Catfish Club, a weekly luncheon meeting of predominantly African American civic leaders. He said, “[M]y resignation is not for leverage or a ploy.” Attempting to convince the audience that finding ways to better educate disadvantaged students went to the heart of the meaning of the university, he said: “This not an issue between me and my faculty. It’s an issue between you and your university. It’s a time for action. . . . Your voices should be heard now” (quoted in Jahn, 1997).

Lytle’s call to action posed a rhetorical challenge to the dominant definition of the university community. In contrast to an exclusive definition that includes only members of a narrow academic elite, Lytle constructed an alternative, inclusive definition of the university community, composed of and accountable to citizens of the state, especially those who have historically been excluded from its campus. By constructing the university as literally *belonging* to these groups, Lytle foregrounded their entitlement, as taxpayers and members of the moral community of the city and state, to make claims on the university.

After Lytle’s speech, Rev. Smith, who as club president hosted the event, told the audience: “We are back to the time where [Alabama governor] George Wallace was keeping Blacks out of college. The entire community has been dealt a blow.” Shirley Weber, an African American studies professor at San Diego State University and a former San Diego City Schools board member, added: “I see this every day in the city. We’re fighting the school board to keep gifted-student programs south of Interstate 8. We should be raising hell about our children or we’ve wasted good catfish and worn out the linoleum of Rev. Smith’s church today.” Paul Espinosa, an award-winning producer of films for public television and a professor at San Diego State University, reminded the group that the rejection of the UCSD charter school also dashed the hopes of Latino children in San Diego: “In ten years, there won’t be a professional class for any minorities in this city. We need to stand up and be heard.” (The quotations in this paragraph are from Jahn, 1997.) At the conclusion of the meeting, a dozen supporters drove to the La Jolla campus to confront Dynes.



And finally, the Regents—led by Ward Connerly, the main spokesperson for both Proposition 209 and the Regents' decision to eliminate affirmative action in the UC system—questioned the chancellor's decision. During remarks to the editorial board of the *San Diego Union Tribune* a day before the UCSD graduation, Connerly said that there was “a lot of support” for the charter movement among the Regents. UCSD should not have dropped the idea in the face of faculty opposition—especially over funding, he said. “I would bet my last nickel that the Board of Regents would say that we will find some additional funds to make this happen. The problem isn't that that the money can't be found. It's that nobody is asking for it” (Connerly, quoted in Ristine, 1997d, p. A1).<sup>1</sup> Connerly said that the Regents began hearing of the UCSD charter proposal during a visit to UCSD by the search committee that eventually selected Dynes as chancellor. Charter advocates “were lobbying [the] concept, . . . and to a person, we were very excited about it. We encouraged them to do this. I don't know of any [other campus] that is even close to where San Diego was on a charter proposal. So, this is a setback to the system” (quoted in Ristine, 1997d, p. A1).

Peter Preuss, a UC Regent from San Diego, also challenged the chancellor's decision, making an “outspoken” effort to communicate his strong support of the charter school proposal to his “good friend” Bob Dynes (Preuss, personal interview, August 2, 2000). Regent Connerly promised to take up the rejection of the charter school proposal at the board's July meeting. Noting that the UC Outreach Task Force had specifically recommended charter schools as a way to help underrepresented students qualify for the UC system, Connerly said, “I would like something to come to the board.” He added that if Peter Preuss did not place the matter before the Regents, he himself would “certainly . . . ask that we be briefed on it and see where that briefing leads us” (quoted in Ristine, 1997d, p. A1). In fact, Dynes was asked by the Regents to elaborate on the charter school situation in June; then he was asked to provide an update in September.

The dispute among the faculty that played out in the relative privacy of the Academic Senate's committee meetings occasionally spilled over into public space. In a guest editorial in the *San Diego Union Tribune*, Richard Madsen, a professor of sociology at UCSD, represented the debate as an ideological conflict between competing visions of the university—one dedicated to cutting-edge research, the other dedicated to the prosperity and goodwill of the community:

Beneath all the details—and often obscured by them—are two different visions of the university's role in our society. . . . One vision is of an upward-looking elite that depends for its status on national and international institutions—on the professional associations that bestow honors for excellence and the funding agencies that give out money for cutting-edge research. . . . As competition intensifies, this upward-looking vision emphasizes the need for faculty and researchers to protect themselves from local distractions. Don't encumber ourselves with messy, local, social problems for which there are at best imperfect

solutions. Focus on what we know we can do best. . . . People with this vision agree with the goals of the charter school, but they think its implementation poses too many risks. They worry about its effectiveness and its costs. They are not sure that the university has the necessary expertise to make it successful. They are concerned about the costs at a time when the campus is having to make painful cuts in its library budget. In an insecure world, they are afraid of taking on new risks. The other vision is of an elite [that], while recognizing the university's need to demonstrate excellence on a global stage, . . . sees its fate grounded in the prosperity and goodwill of its community. They note that in this current era of transition, the university cannot simply take for granted its public support. (Madsen, 1997, p. B7)<sup>2</sup>

Madsen's assertion that the faculty vote reflected a failure of nerve fueled by a clash of competing visions was rejected by some members of the UCSD faculty, who said that their opposition was based on rational and empirical grounds. One stated: "My vote against the charter school came from a study of the facts as we had them. It was too expensive to serve as a model for the community at large, there was no serious experimental design for it and the admissions criteria were unspecified" (Backus, 1997, p. B7). Another faculty member explained that, "as an operation of a state-sponsored research university, a charter school should test new educational approaches that can be transferred to public schools. This goal failed the test of reality" (Fantisel, 1997, p. B7). A third commented as follows:

[V]otes against [the school] were reasoned mostly on issues of whether a charter school on the campus was the biggest bang for the buck in helping the disadvantaged. Many felt it was not, and that more good could be accomplished in other ways from the same resources. I am not aware of a single faculty member who was socially, ideologically, or racially opposed to the goals of the proposed school project. (Wagner, 1997, p. B7)

Commenting on the groundswell of support for the charter school, the *San Diego Union Tribune* observed:

The challenge now for Dynes is to find a way to reopen the charter school debate in light of the vigorous support it has generated beyond campus, and ultimately, to overcome the faculty opposition. In so doing, he can be assured he has strong support from the larger San Diego community that UCSD should be striving to serve. ("Time to Reconsider," 1997, p. B10)

### **Rescuing the University: New Organizational Arrangements and Political Alignments Construct New Official Meanings**

From July through to December 1997, the campus did in fact succeed in recovering from this embarrassing incident and reached the goals voiced by

the *San Diego Union Tribune*. The charter school debate was reopened, faculty opposition and regential disapproval were overcome, and support from the San Diego community was won. How was this phoenix raised from ashes? What are the implications of this case for understanding how particular understandings of inequality come to have power?

Deploying the two dimensions of our analysis, we argue that the university succeeded in emerging from the debacle because its leadership won the battle about the meaning of the university and embraced an interpretation of inequality that struck a new compromise among the goals of diversity and meritocracy. From an *organizational* perspective, the UCSD administration restored order to its campus by moving the charter school from the periphery to the center of campus governance and placing it within existing administrative structures. From a *political* perspective, the university resolved competition for scarce resources and conflicting interpretations of its mission by striking compromises among its various constituents.

### **Organizational Analysis: Centering the Charter School Within the Administrative Structures of the University**

The university had lost control over the discourse that defined it; moreover, it had “lost face,” not only with the public, but also with the Regents, by appearing either indifferent to the “underrepresentation problem” or unable to take proactive steps to address it. In the face of these threats to legitimacy, the university’s actions restored stability to the campus and authority to its administration by acquiring control of the proposed school from the charter school’s founding committee, many members of which had no formal affiliation with the university (and were more loyal to local communities than to the university).

The first centering move occurred during the summer of 1997, when Chancellor Dynes assembled the San Diego campus’s own task force—the UCSD Outreach Task Force—led by two distinguished faculty members and composed of well-respected faculty, administrators, and students. Dynes charged the committee with reviving the issue in a creative way: “I’m going to ask you, as I’ve committed myself, to re-ignite this commitment and join me in seeking fresh ideas for a UCSD initiative in preparatory public education” (quoted in Ristine, 1997b, p. A1). Dynes made it clear to this group, and to anyone else who asked him, that he was now full square behind a comprehensive and integrated approach to outreach. His hands-on approach to the summer’s work contrasted sharply with his disengagement from the original initiative.

Recently, Chancellor Dynes explained why he had so strongly supported the UCSD Outreach Task Force after rejecting the original charter school proposal. The original proposal, in his view, “was not being created inside the mainstream of UCSD” and was therefore unlikely to garner broad support. Moreover, he anticipated that the charter school would conflict with other outreach programs at the university. Indeed, the lack of coordination

among the university's multiple existing outreach programs was itself a serious problem, according to the chancellor: "The charter school was just another one of these unrelated things." He explained that he rejected the original proposal because he saw a need to bring greater coordination to the university's outreach efforts: "I realized at the time, albeit unpopularity with almost everybody, . . . that we had to pull back and [evaluate] all these programs . . . because I thought the faculty's objections were legitimate." In addition, he also thought that for the charter school to be successful, it needed broader political support. He therefore included in the committee "people on all sides of the political spectrum because [he] wanted it to be vetted [by all sides]" (personal interview, August 8, 2000).

Dynes's commitment was visible in the committee's membership. One half of the committee was composed of faculty members recommended by the Academic Senate. The other half was composed of administrators recommended by the chancellor. In marked contrast to the Lytle-led initiative, Dynes placed his high-ranking administrators on this committee. He gave the committee a small budget so that its meetings could be open to the public, transcriptions could be made of the meetings and posted on a website, and national experts could be invited to testify before the task force. Conspicuous by his absence on the task force was Cecil Lytle, the charismatic leader of the first proposal. According to Dynes, it was for personal reasons that Lytle did not serve: "Cecil refused to be on it because he was terribly hurt" (personal interview, August 8, 2000). According to Lytle, his reasons had been instrumental and political: "After it all blew up I'd just had it and protested the faculty decision, and I resigned. I thought, if they know more than I know, let *them* do it" (personal interview, July 14, 2000).

The UCSD Outreach Task Force dealt with each of the major criticisms of the school and devised a multifaceted plan that structured new meanings for outreach. It recommended the formation of a research center—the Center for Research on Educational Equity, Assessment and Teaching Excellence (CREATE)—that would report to the chancellor through his vice chancellor for academic affairs. CREATE was charged with coordinating the university's multiple outreach efforts—existing student-based outreach efforts and new school-based "partnerships" in public schools serving high proportions of underrepresented students. A model school on campus, serving students in Grades 6–12, which was expanded from the original high school concept, was also proposed under CREATE's umbrella. The task force proposals, then, placed the model school squarely within CREATE, which, in turn, was placed squarely within the university's traditional table of organization.

Cecil Lytle recently commented on the significance and value of centering the charter school within the university's traditional organizational structures:

The original proposal was that the high school would be run out of Thurgood Marshall College. . . . [The task force proposal] says a provost will serve on the Board of Directors and that that committee

include lots of people: faculty, . . . community people south of 8, staff. . . . It's a much more eclectic model of governance. . . . I am chair of the board.

It's actually smart when you think about it, because future Thurgood Marshall College provosts might not be so supportive. This proposal says that there will be a chair and that a provost will be on the board. . . . That way, you . . . broaden its appeal. It's not just a vanity project of this college, but the university bought it. If this school failed tomorrow, it would be a stain on UCSD. Which is where you want it. . . . I think the Academic Senate owns this project now, . . . which is kind of what I'd been asking for all along. . . . Also, the Regents own a piece of it. Peter and Peggy Preuss's name is on it. So everyone wants this to succeed for their own provincial reasons if not for more global reasons. I've had to make some personal adjustments and get out of the vanity thing and say we all own this thing. . . . Its success is our success. (Personal interview, July 14, 2000)

### **Political Analysis: Managing Conflicts About University Definitions and Scarce Resources**

The UCSD Outreach Task Force proposed two key political compromises to resolve conflicts about competing definitions of the university and scarce financial resources. First, it resolved to establish an evaluation component within CREATE to monitor the work of both the model school and the partnerships. The constitutive effect of that resolution was to redefine the university to strike a compromise between those who insisted that the university's primary mission was research and those who sought to broaden its mission to include expanded educational and community service. We elaborate the new definition in the next section.

Second, to help resolve the competition for resources, the task force proposed creating a "firewall" between the model school and campus funding. No funding for the school would come from campus research or instruction sources; all funding would come from private sources or the San Diego City Schools (Drake & Spitzer, 1997).

In September 1997, Chancellor Dynes held a press conference to announce his pleasure at the work of the UCSD Outreach Task Force and its report. In reflecting on the reasons for the success of CREATE with the charter school tucked under its umbrella, as opposed to the original charter school proposal, Dynes alluded to the political dimension of UCSD's response to the controversy—the challenge of integrating a diverse coalition around a new definition of the university:

The committee recommended an on-campus school, to be sure, but in my view a better school, . . . better integrated, [as] just one of the building blocks of CREATE. At that point, we had the political challenge of leading that [recommendation] both through the university community and through the greater San Diego community. (Personal interview, August 8, 2000)

The chancellor was so confident about this new comprehensive, integrated approach to outreach that he appointed a Planning Action Team to plan the implementation of the provisions of the outreach report—at the same time as sending the report to the Academic Senate for review. The Planning Action Team was led by Peter Gourevitch, a distinguished faculty member who was highly respected for the political skill he had demonstrated in developing the Graduate School of International Relations and Pacific Studies at UCSD. Unlike the original Charter School Steering Committee, the Planning Action Team consisted of people closer to the core of the campus, including four vice chancellors, five people who had previously served on the UCSD Outreach Task Force, and a representative of the chancellor himself. The appointment of the Planning Action Team, with its well-respected faculty leader and significant membership from the central administration, was another step in the centering of the original charter school proposal and the resolution of the political conflicts among competing constituencies.

During the same period, Lytle retracted his resignation and engaged in fundraising for the school—securing commitments of several million dollars from prominent donors, including a gift of \$5 million from the family of Regent Preuss, for whom the school was later named. The Planning Action Team established six task forces corresponding to the main components of the Outreach Task Force and interviewed a large number of faculty and staff, thereby building consensus for its eventual recommendations to the chancellor and the Academic Senate. The report of the Planning Action Team (Gourevitch, Attiyeh, Betts, Cole, Cox, & Gutierrez, 1997) was accepted by the Representative Assembly of the Academic Senate by a 58–5 vote on November 25, 1997. Implementation began with the hiring of staff for CREATE and plans for opening the Preuss School in the fall of 1999.

As of this writing, CREATE has formed partnerships with 18 underserved schools. The Preuss School is now in its 3rd year of operation as a college preparatory charter school for low-income students in the San Diego City Schools. Five hundred students, chosen by lottery, attend classes in Grades 6–12 on a UCSD campus site donated by the Regents and in buildings valued at \$14 million. Opening the school to low-income students through a lottery keeps it within the rules established by Proposition 209, which prohibits the use of race and ethnicity in admissions decisions.

Within the next 2 years, the school will reach its capacity of 700 students. If graduation and college enrollment projections are accurate, then the Preuss School will have a significant influence on the college-eligibility rates of underrepresented minority students. Fifty-two percent of the Preuss School students are Latino/Chicano (the term used by the San Diego City Schools) and 24% are African American. When the first class of 100 students graduates in 2004, assuming a college eligibility rate of 90% (which is the rate of the two most selective public high schools in San Diego County), 47 Latino/Chicano students and 22 African American students will be college eligible. This will increase the college eligibility of these underrepresented

minority groups from the San Diego City Schools—the home district of the Preuss School—by 16% for Latinos/Chicanos and 11% for African Americans.

### Conclusions: Reconstructing the University

Our analysis of the debate surrounding the proposal for a charter school at UCSD sheds light on two constitutive social processes: (a) how new interpretations of inequality are consolidated and institutionalized, and (b) how the mission of public research universities can be negotiated and resettled in public political discourse. More specifically, the analysis shows the role of higher education policy in reconstituting meanings of inequality in the wake of affirmative action's political demise in California and how these shifting political winds have exerted pressure on the university to expand its mission. Our goal in this discussion has been to illuminate these meaning-making processes and to “expose the contests, the conflicts surrounding policy, and the configurations of power” (Malen & Knapp, 1997, p. 429) that converged to validate a new definition of inequality and the university.

#### New Interpretations of Inequality

UCSD's response to the charter school controversy has consequences for universities in general in the context of the crisis provoked by the challenge to affirmative action. Prior to that challenge, a particular definition of the “diversity problem” was implied by the use of affirmative action by universities as a strategy for achieving a more representative student body: a definition that attributed the lack of diversity on university campuses to problems of systemic inequality, such as the effects of past group oppression and current discrimination. The resolution of the debate about the UCSD charter school represents a new definition of problems of inequality in higher education that has emerged in the wake of affirmative action's political demise. The new definition diagnoses the small numbers of students from historically disenfranchised groups at elite universities primarily as a problem of unequal academic preparation (due in part to the inadequacies of urban schools serving underrepresented students).

This redefinition of underrepresentation as *underpreparation* focuses primarily on the characteristics of urban public schools, on the one hand, and their students' preparedness to compete for admission to the university, on the other, rather than on more general social and historical processes of systematic disenfranchisement. It thus reinforces the effects of Proposition 209 by directing attention away from questions of race. Indeed, the post-209 territory contains new discursive obstacles to defining equality in racialized terms because the outlawing of affirmative action in all State of California business has made it illegal to aim publicly funded programs specifically at students from particular racial or ethnic groups. Instead, students intended to benefit from programs to increase social equality—typically students of color—must be described by public officials and decision makers in lan-



guage that avoids mention of race or ethnicity. Indeed, an initiative to ban public agencies within California from even counting or measuring students and state employees by race, sponsored by the UC Regent who sponsored Proposition 209 (Connerly), qualified for the October 2003 primary election (but failed). These facts attest to the power of policy (e.g., law) to shape discourse about, and therefore interpretations of, equality.

This discourse shift—from a focus on compensating for past group oppression and present discrimination to academic preparation and school change—appeals to those on the political Right *and* the political Left. The idea of a school that provides deep academic preparation for educationally disadvantaged students is attractive to political conservatives for two reasons. One, it privileges the agency of poor students—hard work, positive attitudes, and individual effort—a construction that validates key conservative values. Two, it suppresses the bogeymen of affirmative action—set-asides and quotas. Observers on the political Right, being committed to individualistic and competitive versions of meritocracy, were pleased with the charter school strategy because it shifted the paradigm from achieving diversity for its own sake to academic preparation, with diversity as an anticipated byproduct.

The school also won grudging acceptance from political liberals. Although many voiced concern that charter schools would undermine public education (because they were not union shops and were like a camel's nose of privatization intruding under the tent of public schools), liberals supported the effort because at least a core constituent group—educationally disadvantaged students—would be served. Because observers on the political Left know that race and class are inexorably linked in U.S. cities, the university's decision to build a charter school to attract low-income students was seen as clever way to conduct an end-run around affirmative action.

This joining of strange bedfellows was possible because the goal of academic preparation is sufficiently general to allow multiple and even contradictory interpretations and to justify a range of possible actions. For example, at the hands of political conservatives, the call for academic preparation as a solution to problems of social inequality has served to narrow the public conversation about achievement by promoting an individualistic discourse on equality that directs attention away from social and cultural processes of systematic disadvantage. However, other groups have broadened the discourse on academic preparation and school improvement to include an analysis of how institutionalized beliefs and practices in urban schools can systematically disadvantage particular students, a point to which we return in our conclusion. Not everyone was content with the new political alliances that emerged in support of the charter school. Jorge Mariscal (1997), a professor of literature at UCSD, wrote in a letter to the editor of the *San Diego Union Tribune*: "What the faculty liberals at UCSD who support the charter school need to ask themselves is why they find themselves in the same camp as Pete Wilson, Ward Connerly, and the *Union Tribune*. Has it occurred to them that the concept is on the road to the privatization of the public school system?" (p. B7).



The focus on academic preparation, however defined, provides an answer to the diversity horn of the diversity-meritocracy dilemma, but it leaves unquestioned the criteria for judging academic “preparation” and, hence, merit. The current mode of measuring merit uses primarily traditional measures such as standardized test scores, which may well be biased and therefore set up students from nondominant groups for failure. The current discussions within the University of California concerning the appropriateness of using SAT scores as one criterion for admissions, of reviewing all admissions files comprehensively, and of setting up dual admissions policies (Atkinson, 2001) are examples of the continuing tensions inherent in reasserting the delicate balance between diversity and meritocracy.

### **Constructing New Official Meanings of the University**

The formation of CREATE as the center overseeing the Preuss School and adding a research component to CREATE also helped to incorporate the charter school into the existing scheme of university priorities. Defining the creation of the school as an activity of research rather than an activity of community service (as did the original proposal) helped gain the support of the full faculty and the university administration. This approach validated the traditional definition of the university as primarily a center for knowledge production and only secondarily as one providing public service. By no means was this meaning-making process one-dimensional, however. The centering of the charter school also worked to redefine the university. Specifically, the incorporation or centering of the charter school within the central university administration defined research and intervention in K–12 public education as a significant institutional priority, now part of the university’s mission.

The construction of new official meanings of the university did other vitally important institutional work as well. It preserved and affirmed the legitimacy of the university in the face of debate about its mission and questions about the faculty’s commitment to the San Diego community, to underrepresented students, and to the goals of diversity and equality more generally. By centering the school within the university administration and surrounding it with the discourses of research-driven community service and academic preparation, the university was able to reestablish its legitimacy (by appearing committed to the values of both diversity and meritocracy), while also asserting control over both its public image and the charter school itself.

Legitimacy was established partly through a process of incorporation, as the university administration succeeded in enfolding the charter school within its existing administrative structures. That process domesticated the more radical aspects of the original charter school proposal. For example, the representatives of local African American and Latino communities who helped create the original proposal were replaced by more mainstream civic leaders on the school’s governing board. By thus placing the school within the university’s existing, more traditional bureaucratic and political structures, the school was able to gain support from the full faculty and adminis-

tration, while becoming more accountable to major donors and representatives of mainstream civic groups than to less powerful actors who were representatives of the communities that the school was intended to serve. This centering brought forth substantial university and extramural resources, such as the time and attention of the chancellor's personal staff in support of the school, and private funding for the school buildings and equipment. The effect of that support was to strengthen the new definitions of both the university and the underrepresentation problem by giving those definitions official status and institutional weight.

### **Contributions to a Constructivist Theory of Social Policy**

In closing, we would like to make a more general point about public policy theory. Our discussion reaffirms the idea that public policy is both a process and a product of constitutive human activity (Hall & McGinty, 1997; Datnow, Hubbard, & Mehan, 2002; Rosen, 2001). As a process, policy is a means by which statements about value and definitions of reality are constructed, asserted, validated, and negotiated. As a cultural artifact or product, policy is the material residue of those actions. Policies are cultural objects that “embody the authority to define goals and command means” (Levinson & Sutton, 2001, p. 5), legitimize and reinforce particular views of reality, and grant those definitions some form of “official” (i.e., institutionalized or publicly recognized) status. From this constitutive point of view, there is no difference between a solution to a political problem and the language that is used to legitimate it; the action and the language are linked reflexively.

This constitutive, or social-constructivist, perspective stands in stark contrast to the technical-rational perspective on the public policy process. The latter takes Weberian notions of technical rationality seriously, probably too seriously, and incorporates principles from classical management theory, which assumes that authority and responsibility flow in a clear unbroken line from the highest executive to the lowest worker. In the technical-rational “grammar of implementation,” the causal arrow of change travels in one direction—from active, thoughtful designers to passive, pragmatic implementers. As the authors of one of the seminal works on government policy implementation succinctly stated, “Implementation is the ability to forge subsequent links in the causal chain so as to obtain the desired results” (Pressman & Wildavsky, 1973, p. xv). In this model, people further down on the policy chain are relegated to “carrying out the plans,” that is, completing the predetermined goals and objectives of the design team. If things go wrong, then the people on the ground—the “street-level bureaucrats” (Lipsky, 1982)—are often blamed for circumventing or openly subverting well-intended reforms. They may be accused of acting irrationally, protecting their own interests, or failing to follow directions.

The constructivist perspective depicts social action in the public policy process quite differently. Street-level bureaucrats are not regarded as compliant, passive actors. Actors in “the seats of power” are not necessarily seen

as rationally or intentionally calculating courses of action for their underlings. Rather, people at all levels are attempting to make good organizational choices in uncertain social situations. Especially in times of crisis, when choices must be made quickly, social actors may act in a variety of ways. The agency of all social actors, from top to bottom, is part of a complex dynamic, *shaping* and *shaped by* the structural and cultural features of the social institution and the society of which it is a part.

Applied to the current context, we have said that the ultimate decision to create a charter school at UCSD was not simply a response to an objective problem—the lack of diversity on the campus—but actually participated in its construction, or definition. Our statement supports the constitutive position, because the plan that was ultimately approved, and the rhetoric surrounding it, worked to promote a particular interpretation of the “underrepresentation problem.” On the one hand, attention was directed toward some aspects of the problem (students’ lack of preparation, poorly equipped schools in low-income neighborhoods) and diverted from others (race- and class-related privilege or power, the climate of the university itself, limited economic opportunity, racism) that also influenced the numbers of underrepresented students in the UC system. On the other hand, CREATE, through its interpretation of the problem of academic preparation, attempted to bring questions of culture and power back into the conversation about academic inequality: for example, by problematizing the beliefs of teachers, parents, and students about students’ ability to learn and by helping schools to build capacity to offer rigorous college preparatory classes and the academic scaffolds to support them (Jones, Yonezawa, Ballesteros, & Mehan, 2002). This act of reinterpretation illustrates that definitions of equality and inequality are not static but are continually constructed and negotiated in relation to changing national, state, and local contexts, and in light of shifting institutional interests and configurations of political power.

### Notes

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<sup>1</sup>In fact, the Regents allocated \$1 million annually to the UCSD charter school after eventually approving it—a decision that rankled the UC systemwide administration, which usually resisted the earmarking of funds for specific purposes. Although the administration may have appreciated the allocation of funds for this particular purpose, they feared that the Regents would earmark funds for other projects without the administration’s support. The administration preferred that the university receive its funds from the state without strings attached.

<sup>2</sup>Madsen’s challenge to the university was reinforced by other UCSD professors. One wrote in a letter to the *San Diego Union Tribune*: “[Chancellor] Dynes has chosen to ally himself with those who hold the narrowest conception of the university’s mission to society. We are told that such a school might impair UCSD’s basic education functions, as if

taking the lead in rethinking the theory and practice of secondary education in California was not part of the university's mission" (Parrish, 1997, p. B7). Another wrote, to the same newspaper, "I see our present historical situation as one marked by increasingly antagonistic divisions of race and class, and a loss of American faith in . . . education as a path of inclusion in the American dream" (Doppelt, 1997, p. B7).

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