

Counting and Commodifying

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INTRODUCTION

In her article *Testing as Commodification*,¹ Katharine Silbaugh notes that “the standards-and-testing debate [in Education] mimics many familiar concerns from the commodification debate within philosophy and law . . . [but with] an interesting variation because tests scores play the role that prices do in the commodification literature.”² She asks whether the sort of controversies we see around commodification arise from the market *per se* or whether they are a feature of common metrics of any sort. Her claim is that “commodification anxiety does not depend on markets but rather on the unifying force of single metrics.”³ She goes on to give a brief account of the standards-based reform movement in U.S. education that culminated in the No Child Left Behind Act (NCLB) of 2001.⁴ The act mandated that schools make “adequate yearly progress” (AYP) as measured by some standardized tests,⁵ and Silbaugh is concerned about the potentially perverse effects of this requirement. The “corruption risk” familiar from debates on commodification is “robust and visible in anxieties about education reform”⁶ because of the way in which standardized tests take the supposedly comprehensive, multifaceted process of “education” and reduce it to measured performance on a couple of standardized tests of reading and mathematics.

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1. Katharine Silbaugh, *Testing as Commodification*, 35 WASH. U. J.L. & POL’Y 309 (2011).

2. *Id.* at 311.

3. *Id.* at 316.

4. *Id.* at 317–18.

5. No Child Left Behind Act of 2001, 20 U.S.C. § 7325 (2002).

6. Silbaugh, *supra* note 1, at 316.

The core idea of the article is that testing is like commodification because

[o]ne set of values are measurable, are measured, and can be made commensurable, and another set of values are not or cannot be placed on a metric. Rather than simply describing the world, this phenomenon places pressure to re-design the world so that we place our energies behind only what is measured. Here the need to make items commensurable leads to a worse result than a simple failure to describe the *character* of the good in question (education) by placing that good on a common metric. It actually transforms the character of the item. The description is self-fulfilling: education becomes the thing we have tools to measure about education.⁷

The result, Silbaugh argues, is that

schools across the country have adapted their curricula to focus on subjects that are tested by reducing the time spent on subjects that are not a part of the testing program, such as social studies, and ones that are not susceptible to standardized testing at all, such as music, art, and physical education.⁸

All of these tend to be left in the wake of the pressure to “teach to the test.”⁹

This is a suggestive article that brings together two controversial topics—the effects of the market as an institution and the perennial crisis in American schools—each with its own gigantic field of discourse. In response, I will briefly lay out three possible responses: first, that testing is not really commodification; second, that perhaps testing is not such a bad thing; and third, that it may be a mistake to think of certain subjects or practices as *intrinsically* unquantifiable. While the first two points are critical of the main thesis of Silbaugh’s article, the third suggests that the phenomenon she identifies may be even more general than the article implies.

7. *Id.* at 325.

8. *Id.* at 324.

9. *Id.* at 323.

TESTING IS NOT REALLY COMMODIFICATION

First, and most straightforward, we could argue that standardized testing is not all that much like commodification. It is true that in both cases something is being counted and measured. Because of this, testing and commodification are interestingly similar (I return to this point below). On the other hand, test scores are not (legally) for sale, nor are high-scoring pupils directly bought and sold on a market.¹⁰ Instead, the idea is that by requiring that schools make sure children can pass a couple of standardized tests, we narrow or “thin out” our conception of education to the detriment of schools and students, and this thinning-out of value is analogous to what is supposed to happen when certain goods are exchanged only with regard to the price they can command as commodities on a market. So the point of comparison is that both processes involve the quantification of value with, Silbaugh argues, similarly pernicious consequences.¹¹

10. Assistance with standardized tests is for sale, as evidenced by the large test-prep and tutoring industry. And the college admissions process certainly encourages students and parents to think of SAT scores (and grades and AP courses) in a strongly instrumental manner, as part of the “price” that needs to be paid in order to get admitted to a good school. But this instrumental attitude also extends to those parts of the process that are deliberately unquantified, such as the Personal Statement and the slate of extracurriculars one has to show.

11. Some education systems do encourage the commodification of test scores in a more direct way. In the United States, students compete for admission to particular schools, with one’s major to be determined later. In Ireland, by contrast, competition is effectively for places in particular degree courses (law, arts, medicine, engineering, etc.) at various universities. The problem is that demand for some courses is high: there may not be enough places in courses like medicine, for instance, to meet demand. Ireland’s solution is a points system. Grades in the national Leaving Certificate examinations taken by graduating high school students correspond to numerical point values, with so many points for an A, so many for a B, and so on. *See* CENT. APPLICATIONS OFFICE, CAO HANDBOOK 2011, at 19–20, available at <http://www2.cao.ie/handbook/handbook/hb.pdf>. Students apply to college courses in advance of their exams, indicating an ordered preference ranking. *Id.* at 21. Based on their exam performance, each student ends up with a certain number of points. *Id.* at 20. The availability of seats in courses and the demand for them jointly determine the number of points necessary for admission to each course. *See id.* at 22. Higher demand courses require more points. Courses with low demand—due either to low demand or a large number of seats on the supply side—require fewer points. *Id.* The system is effectively a queue conditioned on student preferences with admission to the limited number of seats in a degree course based solely on exam performance and, in cases of ties, a random component. However, a consequence of the system—one publicly recognized and often counseled against—is a tendency to think of one’s total number of points as an amount of money one has the opportunity to spend. *See id.* at 23. “Spending” it wisely is sometimes thought to mean spending all of it: that is, a student who expects to score 560 points should not “waste” them by choosing a course expected to “cost” 300 points. The

Considered solely from the point of view of organizational sociology, the imposition of the AYP mandate can be seen as an instance of how floors become ceilings. Supporters of the mandates in NCLB, and of standardized testing generally, would be foolish to claim that their measure provides a perfect assessment of everything a well-rounded education should provide. Instead, a standardized test is more like a floor or a baseline. Everyone should reach the basic standard and then, in the normal course of events, go on to exceed it or develop in some other direction as all of the other valuable aspects of a successful education are incorporated alongside it. Perhaps there is some ideal ceiling of success, but this is not necessary.

A difficulty with this sort of approach is that the rule defines a threshold and, because monitoring or punishment is only activated when one falls below it, absent other incentives or values actors only have reason to meet the standard, not beat it. Characterizing the problem of “teaching to the test” frames it as an unwanted consequence of requiring compliance to a measured standard, rather than the result of some commodifying tendency as such. It does not require that what is being tested be intrinsically amenable to quantification, either—just that there be a test. As long as there is some assessment mechanism and a punishment for failing to meet it, we should expect to see a similar tendency. For instance, regulatory authorities might decide that schools had to make sure pupils were well-drilled in the ability to sink a three-pointer from the baseline, the adequate production of a small wooden table, or the proper execution of a Windsor knot. In these cases educators might try to ensure that students were able to accomplish the chosen tasks in a reliable way, even if this happened at the expense of acquiring any real ability to play basketball, craft furniture, or plausibly engage in conversation at a society wedding. Requiring that some baseline standard be met opens the door to the slavish targeting of that standard for its own sake (especially if resources or employment are on the line). The

result is pressure to express a preference for the “highest-price” course one might be admitted to, instead of one’s genuine preference. This is a case, I think, where we can see Margaret Radin’s ideas about the consequences of thinking of goods in market-like terms, even when those things are not truly commodities for sale. *See* MARGARET RADIN, *CONTESTED COMMODITIES* (1996). But the U.S. education system is not run in this way.

calcification of rules and standards in this way—in Max Weber’s terms, the detachment of substantively rational action from instrumentally rational action—was one of the earliest discoveries in the study of bureaucratic organization, and it does not depend on any market- or commodity-like qualities of testing.¹²

Moreover, as Carol Heimer has observed, it is much easier to make a rule that defines a floor no one is allowed to break than it is to craft a rule that encourages people to reach for some higher level of achievement or compliance, even when it is the higher level of responsibility or achievement that you want to encourage.¹³ In these circumstances (which are very common and obviously relevant to the case of education), we are left with much less general methods for encouraging people to live up to the moral demands of their role. Theorists tend to characterize successful cases with empirically accurate but seemingly oxymoronic terms such as “flexible precision.”¹⁴ The general problem is related to what is sometimes called the paradox of professional discretion: In one sense, being a professional means expertly applying general standards without fear or favor and without bias. On the other hand, however, professional expertise also involves the capacity to judge (or treat, evaluate, or educate) particular cases with respect to their unique features and circumstances. As a result, professionals often have broad discretion about how to best apply general standards or rules to specific cases. This is part of what professional authority is about, but it also (in some cases) amounts to professionals having the *de facto* power to interpret or make policy as they go along.¹⁵ Rules that remove this discretion may have unexpectedly negative consequences on outcomes.

The situation is complex because professional authority is obviously not a guarantor of beneficial results. In some settings, the strict enforcement of an almost mechanical adherence to baseline

12. ROBERT K. MERTON, *SOCIAL THEORY AND SOCIAL STRUCTURE* (enlarged ed. 1968) (discussing goal displacement).

13. Carol A. Heimer, *Responsibility in Health Care: Spanning the Boundary Between Law and Medicine*, 41 WAKE FOREST L. REV. 465, 475–80 (2006).

14. *Id.* at 490.

15. See MICHAEL LIPSKY, *STREET LEVEL BUREAUCRACY* (1983).

standards can have very positive outcomes.¹⁶ For our purposes, the point is simply that these phenomena are characteristic of complex organizations staffed by professionals attempting to achieve goals which are easy to state in general terms (“Provide a good education,” “Cure the patient,” “Deliver passengers safely”) but which may require a lot of expert judgment at any particular moment. Attempts to channel effort through rules or standards can cause problems that do not stem from the kind of phenomena (such as crowding out, thinning out of values, etc) associated with commodification and perverse incentives.

TESTING MIGHT NOT BE SO BAD

A second response to the article is that testing might not be such a bad thing. If we believe that schools and school performance are central to the allocation of persons to positions in the social structure, then we should care about the criteria that institutions use to make that allocation. Standardized tests do have the virtue, in principle, of being immune to the whims of particular assessors and prejudices. Anyone working in the social reproduction tradition of education will remind you of how supposedly nuanced judgment about virtues such as creativity, leadership, open-mindedness, brilliance, self-expression, self-confidence, and so on, can be made and interpreted in rather different ways when conditioned on the relative social position of the assessor and assessed.¹⁷ Consider, as one example among many, Pierre Bourdieu’s work fishing out the report cards of French students from the provinces and finding the children of parents in middle- to lower-status occupations damned with the faint praise of their teachers for being “precise” or “hard-working” or “conscientious”—each apparent compliment a kiss of death in a system where a fluid, seemingly effortless brilliance is valued above all.¹⁸

16. This is especially true in situations where tasks are complex and crucial steps are easily overlooked even by experienced professionals. In such circumstances, the mandatory use of checklists can produce better outcomes more consistently than the expert judgment of professionals. *See, e.g.*, ATUL GAWANDE, *THE CHECKLIST MANIFESTO* (2009).

17. PIERRE BOURDIEU, *HOMO ACADEMICUS* 194–225 (1988).

18. *See, e.g.*, PIERRE BOURDIEU & JEAN-CLAUDE PASSERON, *REPRODUCTION IN*

This point has its limits. We know from the work of social psychologists that standardized tests are not immune to these kind of biases, in part because of the terrific degree of legitimacy they have *qua* objective instruments to measure intelligence or aptitude. This legitimacy is quickly absorbed by students in ways that can make them perform worse than they would have if they simply believed it to be a straightforward task rather than a scientific measure of their IQ.¹⁹ But given that informal (and unmonitored) assessments have their own problems, the next move is not to call (*à la* Ivan Illich) for the wholesale de-schooling of society.²⁰ Rather, some assessment still needs to be done: “Any good educator needs to assess regularly what her students are learning. Those who object to the education reform movement still acknowledge the importance of some assessment to understand what gains students are making.”²¹ The temptation, though, is to avoid the problem by calling for a move to what is in essence a fantasy of a modern educational system staffed by teachers who are always flexibly precise in their judgment.

QUANTIFICATION AND VALUE

A third response to the article is to deny the suggestion that one set of values or goals in education is by its nature quantifiable, and thereby ends up instantiated in standardized tests, whereas other sorts of values are not. Silbaugh’s article equivocates a little on this point, sometimes suggesting this stronger view—that there are vital educational values that cannot be quantified²²—and sometimes

EDUCATION, SOCIETY AND CULTURE (2d ed. 1990).

19. See Claude M. Steele & Joshua Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans*, 69 J. PERSONALITY & SOC. PSYCHOL. 797 (1995); Jean-Claude Croizet et al., *Stereotype Threat Undermines Intellectual Performance by Triggering a Disruptive Mental Load*, 30 PERSONALITY & SOC. PSYCHOL. BULL. 721, 728 (2004); Gregory M. Walton & Steven J. Spencer, *Latent Ability: Grades and Test Scores Systematically Underestimate the Intellectual Ability of Negatively Stereotyped Students*, PSYCHOL. SCI. 1132 (2009).

20. IVAN ILLICH, *DESCHOOLING SOCIETY* (1970).

21. Silbaugh, *supra* note 1, at 326.

22. See, e.g., *id.* at 329.

Examples of educational values that are in a similar, untestable zone are easy to find. Schools cannot test team-building behavior, problem-solving, attitude, adaptability, motivation, curiosity, situation sense, flexibility, leadership, ethics, open-mindedness,

suggesting just that these values are not quantified by present tests, and so get ignored.²³ The stronger view is certainly a very common trope in the commodification literature, and it finds an echo here in the claim that “it is difficult to argue that this commensurability has *not* corrupted the character of the [good of education] . . . since we began forcing schools to measure and compare along a common metric,”²⁴ especially for those things “that are not susceptible to standardized testing at all, such as music, art, and physical education.”²⁵ On this characterization, the problem then is to explain why, “[i]f alternative values are just that—values—why can’t they stand up to market norms or testing norms? Why do markets (tests) extinguish plural conceptions of personhood (and education)?”²⁶

It would appear, however, that standardized measures in many of these areas are quite conceivable and in some cases actively measured in American schools right now. For instance, I was somewhat surprised when my kindergarten-going daughter returned home last year with an official form indicating that her physical fitness had been assessed according to a national standard. The form showed the expected performance range for a child of her age, together with her own efforts at running some long distance, doing a certain number of repetitive exercises, or jumping up and down in some rationalized fashion. As for art and music, like many others I was put through six or seven grades of a formally assessed and numerically measured program in piano, though to no great effect on my musicianship.

The point is that there is no shortage of quantified assessment tools—including tools standardized against a population—across the entire range of school-age activities. Neither is there any shortage of experts to administer them. The questions are what sort of tests are at the core of the system and why do they take the particular form they

patience, compromise, conflict-resolution, or self-expression. But many agree that children need to develop these capacities to be happy, good, and successful individuals, citizens, and workers in their adult lives.

Id.

23. *Id.*

24. *Id.* at 325.

25. *Id.* at 324.

26. *Id.* at 332.

do? The test instruments themselves need not be any good. What matters is that such tests are accepted as legitimate even by those who try to game them.

REVISITING "EDUCATION AS AN INSTITUTION"

These considerations move us toward some of the broader issues raised in Silbaugh's article. The American education system has been in crisis or facing some central challenge or in need of some sort of fundamental reform for a very long time. And yet, social reproduction seems to continue unabated. Children graduate from schools and colleges with credentials that, while they may be privately decried as being of lower quality than in the past, are nevertheless accepted as central to the workings of the rest of society. What are we to make of this?

John Meyer attacked this problem in a classic paper written almost thirty years ago, on "The Effects of Education as an Institution."²⁷ For Meyer, a key feature of modern education systems, and modern society generally, is the tension between two features of social organization: equal individuals and unequal roles.²⁸ On the one hand, there is the principle that everyone is an equal member of the national community, with various rights and competencies enabling participation in the national community. "Mass education creates a whole series of social assumptions about the common culture of society and thus expands the social meaning of citizenship, personhood, and individuality (modern ideas, all). It establishes a whole series of common elements for everyone."²⁹

On the other hand, some people, or rather some roles, are endowed with legitimate, specialized, and credentialed competencies and authority:

We take too narrow a view if we see this process as involving only a few specialized occupations. The most important rules concerning credentials are more general: the set of rules which connect the educational status of *college*

27. John W. Meyer, *The Effects of Education as an Institution*, 83 AM. J. SOC. 55 (1977).

28. *Id.* at 68-69.

29. *Id.* at 69.

graduate (and *high school graduate*) with all sorts of formal and informal elite positions. These rules define a generalized body of elite knowledge and specify its legitimate carriers.³⁰

One consequence of this cultural system is a widespread obsession with establishing and justifying the conditions for mobility opportunities, the disparity in rewards associated with various occupations and roles, and the proper measurement of talent in order to justify rewards and punishments. From this point of view, both the move toward standardized testing for mathematics and language *and* the seemingly “alternative” set of values oriented toward a vision of educated people as equally competent citizens with the technical and moral capacities to be full members of a national community (and, more generally, a universal humanity) are not really separate at all. They are often in tension but not because the former is amenable to methods of quantification that gobble up, thin out, or render invisible the latter. Rather, they long have been part of a much more general system of cultural commitments that grounds education as an authoritative institution in society, where concerns about authentic educational values focus on the principle of universal civic equality and agency, and efforts to test and measure ability reflect the need to account for differentiation and inequality among a society of nominal equals. “In this way,” Meyer remarked, “expanded modern educational systems function as a personnel theory in society, justifying in modern cultural terms the expansion and specialization of modern elites.”³¹

CONCLUSION

These more general questions are not just a matter of emphasizing that modern education systems help produce a lot of inequality. Rather, Meyer’s work is relevant because it suggests a way to see the rise of standardized testing and the concern with a more rounded education as two aspects of a single general cultural process. I have suggested that this might be a useful way to think about some of the

30. *Id.* at 68.

31. *Id.*

tensions that continually plague debate about public education in the United States. On the narrower question of the relationship between testing and commodification, I have argued that those aspects of testing of most interest in Silbaugh's critique might not be all that strongly related to the process of commodification as such. The perverse consequences of quantification that she describes are well-known features of bureaucratic administration and not just market-like phenomena that testing only recently introduced to the education system. The general problem is not so much the consequences of treating something like a commodity but rather the process of developing and successfully legitimating particular tools for the measurement of some valued good or outcome.