



WAYNE AU

# UNEQUAL BY DESIGN

High-Stakes Testing and the  
Standardization of Inequality

Second Edition

Critical Social Thought

ROUTLEDGE

“Wayne Au has really done it with this one. With the most up-to-date research on high-stakes testing in the U.S., historical analysis of the origins of standardized testing, theoretical insights into the role of testing in our school system, inspirational accounts of communities resisting these tests, and an exploration of alternatives to these punitive exams, *Unequal By Design* is both the sword and the shield we need with us in the battle for the education students deserve.”

**Jesse Hagopian**, *teacher, author, and organizer for the Zinn Education Project's Teaching for Black Lives campaign.*

“I am always left in awe of Au's writing, and the 2nd edition of *Unequal By Design* is no exception. This book is everything we need right now to understand that to end high-stakes testing is to chop off one of the tentacles of White supremacy. Packed with data and research and explained with the ease of a skilled storyteller, this new edition debunks the lies of the testing industry and illuminates the path forward for continued resistance to the model of ranking our children to uphold racism. *Unequal By Design* is now fresher and more necessary than ever.”

**Bettina Love**, *Athletic Association Endowed Professor at the University of Georgia, USA.*



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# UNEQUAL BY DESIGN

This new edition of *Unequal By Design: High-Stakes Testing and the Standardization of Inequality* critically examines the deep and enduring problems within systems of education in the U.S., in order to illuminate what is really at stake for students, teachers, and communities negatively affected by such testing.

Updates to the new edition include new chapters that focus on: the role of schools and standardized testing in reproducing social, cultural, and economic inequalities; the way high-stakes testing is used to advance neoliberal, market-based educational schemes that ultimately concentrate wealth and power among elites; how standardized testing became the dominant tool within our educational systems; the numerous technical and ideological problems with using standardized tests to evaluate students, teachers, and schools; the role that high-stakes testing plays in the maintenance of white supremacy; and how school communities have resisted high-stakes testing and used better assessments of student learning.

Parents, teachers, university students, and scholars will find *Unequal By Design* useful for gaining a broad, critical understanding of the issues surrounding our over-reliance on high-stakes, standardized testing in the U.S. through up-to-date research on testing, historical and contemporary examples of the struggles over such tests, and information about how testing has fostered the privatization of public education in the U.S.

**Wayne Au** is Professor in the School of Educational Studies at the University of Washington Bothell, USA. A long-time educational activist and scholar, his work critically examines issues of power and justice in educational policy and practice.

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# UNEQUAL BY DESIGN

## High-Stakes Testing and the Standardization of Inequality

Second Edition

*Wayne Au*



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# SERIES EDITOR INTRODUCTION

Let me begin my introduction to Wayne Au's fine book with a story. A number of years ago, I was doing a film-making/video project with a group of fourth graders. The school had basically been put on "probation." It had been told in no uncertain terms that it had to improve its students' scores on the mandatory standardized reading and mathematics tests that were basically the only measures of "success" that were used by the district. Of course, this was occurring at the very same time as teachers were also being officially judged by these test scores, value-added measures were being imposed, budgets for schools were being cut, cooperative planning time had been reduced, and poverty in the community had risen. But the school district and the state legislature were adamant in their demands about test scores. And the persistent focus by the media on the significance of these problematic scores had the predictable effect of making these mechanisms even more uncritically accepted.

To deal with this, like so many other schools throughout the country, teachers and administrators focused their attention on emphasizing these two subjects and deemphasizing others. They redoubled their emphasis on test preparation, and on valuing teachers and teaching based on these limited measures. Socially critical material and content that was based on the students' lived experiences, cultures, and histories were marginalized – to be added "when there was time." (Indeed, it was a statement of the commitment of the teachers I was working with that the participatory and creative curriculum integration project using student-made films and videos actually still went on.)

By the end of that year, the average test scores in reading did go up a bit. But this is not the end of the story. I asked a number of the students what they thought about reading. A large portion of them responded with words like "boring,"

“I don’t like it,” even “It sucks.” For these mostly economically marginalized students, the hidden curriculum of now really disliking reading and of what could be called the *emotional economy* of the school and the larger society ate the intended supposedly positive meanings of the reading/standardized test connection. In the process, the connections between the messages of the curriculum, pedagogy, and evaluative systems of the school and the larger structures of paid and unpaid labor that these students will likely experience called out for careful attention. So did many other consequences.

This is just one story. But it speaks to a much larger set of dynamics connecting testing to an entire range of differential outcomes. This is where Wayne Au’s new edition of *Unequal By Design* enters. Fully understanding these deeply worrisome realities and outcomes and what their larger implications are in terms of the reproduction of dominant economic, political, and ideological relations is a core concern of *Unequal By Design*. Au’s central question is very clearly stated: “What is the role of high-stakes, standardized testing in the (re)production of social and educational inequality?” Answering this requires that we focus on a number of things such as: the history of standardized testing and its connections to eugenics; the political economy of education and the connections among testing, corporate profits, and privatization; how the over-emphasis on standardized testing affects the daily life of classrooms and the actual practices of teachers; and how certain knowledge is considered important or “legitimate” for the current and future society, while other significant knowledge, values, and dispositions are marginalized (Apple, 2014).

In addition, it also requires that we ask about “absent presences.” That is, we must ask about what is *missing* or lost when high-stakes, standardized testing becomes the arbiter of school experience. What is *not* done is equally important as what is done.

Thus, in order to take Au’s question as seriously as it deserves, we need an equally serious and substantive understanding of the larger society. There is a robust tradition of critical research that provides powerful analyses of school/society relations (see, e.g., Apple & Au, 2015; Apple et al., 2009), including insightful critical studies of the overt and hidden social effects of high-stakes standardized testing. Indeed, the first edition of Au’s *Unequal By Design* was a model of how the use of important parts of these critical traditions of interrogating the structures of inequality in society can powerfully illuminate the functions of standardized testing. This second edition goes even further in documenting and explaining these connections.

As this new second edition shows even more clearly, Wayne Au is one of the very best people to engage with these issues. There are many reasons for this. He is among the most talented and committed critical educators in the nation. He has been an insightful author and editor of multiple books and articles (see, e.g., Au, 2011; Watson et al., 2018). He has also been deeply involved in the group

of committed educators behind Rethinking Schools, one of the most important sites of critically democratic education. This combination of successfully working at multiple levels – of critical theory and research, while at the same time acting on the practical issues of policy, practice, and the politics of democratic political/educational mobilizations – is the kind of commitment that we would want in helping us sort through what is at stake in the dominance of testing in education and what can be done about it.

In *Can Education Change Society?* (Apple, 2013), I detail a number of the tasks that “critical scholar/activists” in education need to engage in. One of the most important of these is telling the truth about both the relations of dominance and subordination in this society and how our policies and practices in education function to reproduce these relations. This second edition certainly accomplishes this task.

While important, telling the truth, or what might be called “bearing witness to negativity,” is not sufficient. It needs to be accompanied by a recognition that paradoxically dominant policies and practices often produce conditions that lead to the creation of alternatives and to new commitments that can create a more critically democratic education. This is certainly the case in what has happened with the movements on the ground that question the over-reliance and power of high-stakes testing (Hursh et al., 2020). Au’s detailed discussion of the politics, possibilities, and practices of movements to challenge the hegemony of high-stakes, standardized testing in his new final chapter offers us hope in a time when many of us may feel less than optimistic.

Wayne Au has worked very hard to make this edition even more approachable. He is concerned with what is a real problem in a portion of critically oriented educational writing. It is often overly dense and not adequately connected to the realities of daily life and the experiences of educators. However, alternatively, it can often be so “popular” that it loses its political bite. Au seeks to solve this dual problem both by writing clearly and to multiple audiences and by situating everything he discusses dramatically within a firm recognition of the politics and economics involved.

As we reflect on his arguments, we should remember that standardized testing and the entire system of evaluation don’t stand alone of course. These policies and processes are deeply connected to the growing importance of algorithms and the importance of “big data” (see, e.g., Wyatt-Smith et al., 2021). They are significant moments in the school-to-prison pipeline (Burch, in press). They also are key elements in supporting a new politics of commonsense, one in which public institutions and public workers are pictured as ineffective, inefficient, and too costly. The answers that are all too often offered to these claims are increasingly all too visible. They include privatization and linking schools and so many other areas of society to the corporate for-profit sector (Burch, 2021). The second

edition of *Unequal By Design* also acts as a valuable statement of the dangers we need to reckon with if these “answers” aren’t rigorously questioned.

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# PREFACE TO THE SECOND EDITION

The first edition of *Unequal By Design* came in a very specific context – both for me personally and the educational world politically. I had entered a doctoral program at the University of Wisconsin Madison to work with Dr. Michael W. Apple in 2003 after having been a public high school teacher for seven years in Seattle, WA and Berkeley, CA, and after several years of working in educational programs like Upward Bound before that. The bipartisan No Child Left Behind Act had been passed into law just a couple years prior to my entrance into the doctoral program, and we in education were experiencing a tsunami of high-stakes, standardized testing and other neoliberal, market-based reforms crashing against our public school buildings and flooding our communities. As someone who was an educational activist before entering my Ph.D. program, I was acutely aware of the politics of education, and I also knew that, by moving into academia, I was entering a very privileged space. So, when it came time for me to choose a dissertation topic, I chose high-stakes, standardized testing because I saw it as strategically central to the onslaught of education reforms we were all enduring. In my inner vision, I saw myself slaying the high-stakes testing monster through my critical analysis. Fortunately, or unfortunately (I'm still not sure which), my assessment was right: High-stakes, standardized testing was (and still is) at the core of our educational policies. And, of course, my inner vision was woefully naïve: While my individual work was impactful, it was never, ever going to be powerful enough to slay the testing monster.

In the intervening years since the first edition of *Unequal By Design* was published in 2009, I've learned a lot. For instance, I've very firmly come to the conclusion that, save for very specific instances, education policy in this country is driven entirely by politics and not by research. In this regard, when it comes to high-stakes testing, people are committed to the idea of it, the commonsense

understanding of it, their perceived use-value of it, the business of it, the romantic legacy of it, and the pragmatic efficiency of it – and they are not so much interested in the material reality of its impact and use across time. In the United States, we (the general “we”) are used to testing. We presume its accuracy. We like the ease of having a simple number to judge our children’s education and compare schools, states, and teachers. We believe test scores measure hard work. As a country, test scores both confirm our secretly held beliefs about why one kid (or group of kids) does well in school and why one kid (or group of kids) does poorly, and, perhaps ironically, feed our hope that, “If we can just raise our test scores, that will prove our kids are learning, inequality doesn’t exist, and all is well in the world.” I guess you could say that, despite all the documented issues, here in the U.S., *high-stakes, standardized tests are magical*. They will fix education and the economy (and life!) because we believe it to be true, not because it really is true.

Of course, a lot of things have shifted since the first edition of *Unequal By Design*. The testing industry bloomed. We went from No Child Left Behind to Race to the Top and Common Core to Every Student Succeeds. The Common Core State Standards arrived in most states, followed closely by either the Smarter Balanced Assessment Consortium test or the Partnership for Assessment of Readiness for College and Careers (PARCC) test. We had a pretty massive movement to support opting out of high-stakes, standardized tests – a movement that was one part white, liberal, Democrat women, one part white, Right wing, anti-state, Christian fundamentalist hyper-conservative women, and another part multiracial, Leftist, anti-corporate education reform activists. And, of course, we had a global pandemic that transformed education almost overnight and into the foreseeable future, temporarily killing standardized testing in the process. (Side note: The fact that a global pandemic did not succeed in slaying the testing monster permanently only further proves my early naivete about the power of my own work.)

Of course, I have also changed since the first edition of *Unequal By Design*. I am now a full Professor, and I have published or edited many other books, articles, and chapters since then. I have talked to groups of academics, teachers, students, parents, and community members about high-stakes testing, and in the process I have grown and deepened my analysis of these tests. I have been attacked by conservatives and built coalitions with friends, activists, and communities in struggle. I have been privileged enough to be recognized by colleagues here in the U.S. and in other countries for my work in ways that I never fathomed possible. For instance, colleagues and comrades in Greece translated the first edition of *Unequal By Design* to Greek. The fact that folks in other countries with entirely different contexts and histories have found value in my writing has been humbling. In the intervening years since the 2009 edition, I have also become a father, reached middle age, and grown a lot as a human being. Suffice it to say, I’ve written this second edition from a very different place than the first one. I am not worried about establishing myself in the academic world (something I would now

tell my younger self not to worry about to begin with), and consequently I am now considerably more relaxed about what I say and how I say it. To be clear, this is not to suggest that I feel totally free. There are real risks for all critical educators in doing this kind of work, and I have personally and professionally been subject to attacks. However, it is to say that I'm now a bit older, hopefully a bit wiser, and possibly a bit freer than when I wrote the first edition.

All these changes mean that this second edition of *Unequal By Design* is substantially different than the first. I have re-worked most chapters – updating them, adding more recent research, cutting things I now think are unnecessary, and reorganizing some of the ideas. Among other changes, in the introduction I fix a crucial mistake in my analysis of schools and social reproduction where I incorrectly maligned Bowles and Gintis (1976). I also cut two chapters from the first edition entirely. While some of the core content and ideas of these two chapters remain in the book (and they certainly live in other published work, see, e.g., Au, 2007, 2008, 2011), I felt that these two chapters were entirely too academic. I have instead replaced them with a new chapter on high-stakes testing and white supremacy and a new chapter on what these tests do and do not measure. The conclusion is new too. It now focuses on anti-testing activism and how we can think about better forms of assessment. I've also rewritten most of the text to be (hopefully) more readable and less academic. Audience is important to me, and I wanted this book to be at least a bit more accessible to a wider audience of teachers and parents. I hope you find it useful in the struggle for educational justice.

By Wayne Au

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# 1

## ENDURING EDUCATIONAL INEQUALITY IN THE UNITED STATES

There is something special about high-stakes, standardized test scores. They almost hold a magical quality, because they so effortlessly offer us easy to understand answers to hard questions about education. The numbers that standardized tests produce are beautifully simplistic, and we are easily seduced by the steady firmness, the solidness, the concreteness that there is something real, something that we can reach out and grab onto that tells us what is happening inside classrooms. As a country, we in the U.S. *love* them. We can watch test scores rise and fall like the stock market, or perhaps more fittingly, watch them rise or fall as if these scores were trending on social media. Moreover, we *believe* in the power of high-stakes, standardized tests. They can fix things. When serious people in serious political positions say serious things about what is wrong with education, they propose serious policies that use high-stakes, standardized tests to fix what ails us. This is especially true when it comes to the crossroads of race, class, and educational inequality, but also holds true in areas of disability and language as well. Consider the following:

- In 2002, *former U.S. President George W. Bush* said, “Education is the great civil rights issue of our time” (CNN, 2002, n.p.).
- In 2004, *former U.S. Secretary of Education Rod Paige* proclaimed that “[The educational achievement gap] is the civil rights issue of our time” (Feinberg, 2004, n.p.).
- In 2010, *former U.S. Secretary of Education Arne Duncan* opined, “Education is the Civil Rights Movement of our generation” (2010, n.p.).
- In 2011, *former U.S. President Barack Obama* stated that “Education is the civil rights issue of our time” (Cooper, 2011, n.p.).
- In 2017, *former U.S. President Donald Trump* declared that “Education is the civil rights issue of our time” (Halper, 2017, n.p.).

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Aside from the laziness of speech writers, there is something important to see here: Regardless of presidential administration and regardless of political party or political position, for close to 20 years there has been a consensus that some imperative relationship between racial equality and schools exists, one that warrants major policy arguments to try and spur the nation into action. Equally important to note is that, in response to the grand claims about education and equality, the bipartisan answer has been the same: More high-stakes, standardized tests. Whether it was No Child Left Behind, the Race to the Top initiative and the Common Core State Standards, or the Every Student Succeeds Act, high-stakes, standardized tests have continuously been the main policy tool (perhaps “bludgeon” might be the more appropriate word) for federal education policy in the United States (Amrein-Beardsley, 2014; Karp, 2003, 2012, 2013, 2016). The path to all that racial equality is apparently paved with the magic of high-stakes tests.

We imbue high-stakes, standardized tests with these special qualities because in the United States, we tend to “fetishize” schools, education, and students. That is to say, we pretend they sit alone, by themselves and disconnected, from everything around them. We tell students that it doesn’t matter if they are facing housing insecurity, are hungry, or in need of regular medical, dental, and mental healthcare. Instead, they are told that all they need is “grit” and a “growth mindset” to do well in schools (Love, 2019b; Young, 2021). We tell teachers and schools similar fables: The resources you have do not matter. Access to state-of-the-art technology, quality curriculum, science equipment, musical instruments, art supplies, playgrounds, world languages, reliable internet, sports equipment, and decent school-food doesn’t matter. Leaking ceilings, lead-free water, asbestos wrapped pipes, broken windows, and broken desks don’t matter (see, e.g., Hanushek, 2016). If you just teach hard enough, using the right techniques, and *Teach Like a Champion* (Lemov, 2010), schools and teachers – just like their students – can overcome anything to achieve educationally.

Of course, as I discuss in great detail here in this book, we know these arguments to be, following Frankfurt (2006), absolute “bullshit.” While the COVID-19 pandemic has been obviously horrendous for all of us around the world, one thing it did do here in the U.S. is it collapsed the space that so many believed exists between schools and society – functionally rendering the idea that education sits apart from social and economic conditions as laughably false. As schools were physically closed, schooling moved into our homes, and many were suddenly confronted by the reality that the health and well-being of communities and families was central to students’ educational experiences. The fact that the working class and families of color were being hit hardest by COVID-19 in terms of sickness, death, being forced to continue working in high exposure “essential” jobs to survive, and were experiencing high rates of job loss, illustrated the ongoing structural disparities in this country with regards to access to adequate health-care, viable employment, and livable wages (Betancourt, 2020; Yee, 2021). As families struggled with these issues, it became undeniable that students working

at home, and later with the return to schools, were also dealing with these issues in their education (Alvarez, 2020). In effect, because of the pandemic, we could no longer pretend that students' learning conditions were any different from social and economic conditions in their homes and communities. Of course, the pandemic didn't stop the Biden Administration from requiring states to give standardized tests anyway (Au, 2021b), because, I guess, testing is more important than individual and community health . . . but I digress.

While the coronavirus collapse of the perceived space between schools and society may have surprised some, progressive and critical scholars of education have argued for decades that schools have always been deeply connected to the social relations that exist "outside" of them, even if these scholars may have disagreed as to exactly how those connections work (Apple & Au, 2015). This relationship between schools and society, and the role that schools play in either reproducing or interrupting dominant social relations, is central to this book, because as I argue throughout, high-stakes, standardized tests are fundamental to the reproduction of inequality. As such, it is important that we revisit critical perspectives on social reproduction in educational theory.

## Social Reproduction in Critical Educational Theory

For 100 years or more, we've known that schools in the U.S. have reproduced inequitable social and economic relations along the lines of class, race, nation, language, culture, gender, and other aspects of difference (Apple, 2012; Au et al., 2016). To account for this phenomenon, much of the early work in critical educational theory drew upon a legacy of Marxist analysis in some form, because that analysis offered a political economy of schooling that explained how institutions are tied to capitalist inequalities. Writing in the *Preface to a Contribution to the Critique of Political Economy*, Marx (1968a) famously wrote:

In the social production of their life, men [sic] enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitutes the economic structure of society, the real foundation, on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual life process in general. It is not the consciousness of men [sic] that determines their being, but, on the contrary, their social being that determines their consciousness.

(p. 183)

These four sentences outline what is commonly referred to as the base/superstructure model in Marxism, where the "legal and political superstructure"

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risks out of the “relations of production” that make up the base “economic structure of society.” Marx’s formulation, having been interpreted in a variety of ways, has proved useful (if not controversial) for activists and scholars interested in understanding how social, cultural, and institutional inequalities relate to capitalist economic relations. Consequently, critical educational theorists have made use of Marx’s conceptualization, or some related derivative, to analyze educational inequality in terms of economic inequality (Au, 2018; see also, De Lissovoy, 2022).

There was perhaps no more significant text in shaping the debate about the relationship between schools and society among critical education scholars than Bowles and Gintis’ (1976), *Schooling in Capitalist America: Education Reform and the Contradictions of Economic Life*. In their book, Bowles and Gintis argue for a “correspondence principle” of educational relations (also sometimes referred to as “correspondence theory”), where, “schooling has contributed to the reproduction of the social relations of production largely through the correspondence between school and class structure” (p. 130). They go on to explain in more detail that in their theorizing:

The educational system helps integrate youth into the economic system . . . through the structural correspondence between its social relations and those of production. The structure of social relations in education not only inures the student to the discipline of the work place, but develops the types of personal demeanor, modes of self-presentation, self-image, and social-class identifications which are crucial ingredients of job adequacy. Specifically, the social relationships of education – the relationships between administrators and teachers, teachers and students, students and students, and students and their work – replicate the hierarchical division of labor.

(p. 131)

Even while still recognizing that there was some kind of relationship between capitalist inequalities and school inequalities, Critical education theorists sharply criticized Bowles and Gintis’ correspondence principle for ignoring the role of teachers, culture, and ideology in schools, being too mechanical and overly economic, and neglecting students’ and others’ resistance to dominant social relations (see, e.g., Apple, 1980, 1981; Carlson, 1988; Cole, 1988; Giroux, 1980, 1983; Sarup, 1978; Sharp, 1980). In their interpretation, Arnot and Whitty (1982) explain:

[T]he political economy of schooling as presented by Bowles & Gintis . . . failed to describe and explain classroom life, the conflicts and contradictions *within* the school and the distance and conflict *between* the school and the economy. Further, it could not account for the variety of responses of

teachers and pupils to the structures of the school – some of which were liable to threaten the successful socialisation of the new generation.

(p. 98, *original emphasis*)

Admittedly, when I was a graduate student, I too embraced these critiques of Bowles and Gintis (1976), and in several publications I even went on to label their “correspondence principle” as mechanical and overly deterministic (see, e.g., Au, 2006, 2008; Au & Apple, 2009). It wasn’t until I later revisited *Schooling in Capitalist America* (Bowles & Gintis, 1976) for my book, *A Marxist Education* (Au, 2018), that I realized that I, and most of their neo-Marxist critics, were mistaken in our treatment of their analysis. For instance, in their introduction Bowles and Gintis (1976) very clearly explained that schools are sites of contradiction and resistance to capitalism, where they write:

[T]hough the school system has effectively served the interests of profit and political stability, it has hardly been a finely tuned instrument of manipulation in the hands of socially dominant groups. Schools and colleges do indeed help to justify inequality, but they also have become arenas in which a highly politicized egalitarian consciousness has developed among some parents, teachers, and students. The authoritarian classroom does produce docile workers, but it also produces misfits and rebels. The university trains the elite in the skills of domination, but it has also given birth to a powerful radical movement and critique of capitalist society. . . . Education in the United States is as contradictory and complex as the larger society; no simplistic or mechanical theory can help us understand it.

(p. 12)

Later in their text, they go on to admit that, “these reproduction mechanisms have failed, sometimes quite spectacularly” (p. 129), and explain how both the “internal dynamic of the education system” and “popular opposition” have countered the school’s reproduction of capitalist relations (p. 129). Additionally, Bowles and Gintis spend significant time discussing freedom schools, equal education, and the potentials of revolutionary reforms, which they argued must be tied to mass movements for social change (p. 246). It turns out that Bowles and Gintis were not the mechanical, deterministic theorists that so many, myself included, charged them with being.<sup>1</sup>

Despite this reality, neo-Marxists and others cast *Schooling in Capitalist America* (Bowles & Gintis, 1976) as a prime example of what they believed were mechanical, deterministic flaws of Marxist analyses of education, and Bowles and Gintis’ arguments became a, “straw-man against which more subtle and sophisticated accounts of the relationship between schooling and society can be favourably compared” (Hargreaves, 1982, p. 109). For this reason and others, including

strands of anti-Marxism (McLaren & Jaramillo, 2010), in what they viewed as a corrective to this perceived determinism, neo-Marxists turned to Gramsci's (1971) conception of "hegemony" and Althusser's (1971) concept of "relative autonomy" to argue instead that individuals within schools had *agency* and *consciousness* which allows them to *mediate* and *resist* the dominant social relations reproduced through institutions (Apple, 1982, 1995; Gottesman, 2016).

Gramsci (1971), the Italian communist credited with the most elaborated conceptual formulation of hegemony, suggests that power is maintained less often by direct, physical force and more often through development of consciousness that allows the masses to grant "spontaneous consent" to control by elites (see Au, 2018, for a more in depth discussion). This consent, however, often relies upon offering compromises to the subordinate in order to maintain the legitimacy of the dominant (Apple & Buras, 2006), even if these compromises act as "an umbrella under which many groups can stand but which basically still is under the guiding principles of dominant groups" (Apple, 2014, p. 64). Apple (2006) in particular has made use of these concepts in his analyses of the ways that the Right in the U.S. has successfully stitched together coalitions of various conservative factions to ascend to power in the country and push for conservative education reforms by appealing to the discontent of both conservatives and liberals alike (see also, Pedroni, 2007).

Similarly, Althusser (1971), a French communist and philosopher, is often credited with the concept of "relative autonomy." In his discussion of the relationship between the economic base and the superstructure, Althusser arrives at two conclusions: "(1) there is a 'relative autonomy' of the superstructure with respect to the base; (2) there is a 'reciprocal action' of the superstructure on the base" (p. 136, see also, Au, 2018 for a more detailed discussion). It is Althusser's conception of relative autonomy that has been taken up by critical education theorists. For instance, Apple (1995) makes use of Althusser when he explains that:

[T]here was as dynamic interplay between the political and economic spheres which was found in education. While the former was not reducible to the latter – and, like culture, it had a significant degree of relative autonomy – the role the school plays *as a state apparatus* is strongly related to the core problems of accumulation and legitimation faced by the state and a mode of production.

(p. 26)

The concept of relative autonomy is useful for critical educators in developing theories of resistance (Dance, 2002; Giroux, 2003; Willis, 1977) because it attempts to both acknowledge human intervention through cultural practices and to understand schools as relatively autonomous institutions where the possibility of social transformation might be created.

While there is nothing inherently wrong with the neo-Marxist use of hegemony and relative autonomy, and while they have wielded those concepts

in very powerful ways, the irony is that Marxism was never as linear, mechanical, or deterministic as it was portrayed by neo-Marxists. Not only do mechanical and deterministic analyses go against Marx's methodology (Au, 2018), but Marx and Engels themselves explicitly said as much multiple times. Marx and Engels laid a very clear base for the concept of hegemony in *The German Ideology* (Marx & Engels, 1978, pp. 172–174) and in *The Class Struggles in France, 1848–1850* (Marx, 1978), one that was entirely congruent with Gramsci's work (Carnoy, 1982). Similarly, Marx and Engels were also very clear that the state, and the humans within it, had relative autonomy from capitalist production. For instance, in a letter to J. Bloch, Engels (1968a) critiques economistic interpretations of Marxism for gutting the “materialist conceptions of history,” where he explains:

According to the materialist conception of history, the *ultimately* determining element in history is the production and reproduction of real life. More than this neither Marx nor I have ever asserted. Hence if somebody twists this into saying that the economic element is the *only* determining one, he transforms that proposition into a meaningless, abstract, senseless phrase. The economic situation is the basis, but the various elements of the superstructure – political forms of the class struggle and its results, to wit: constitutions, . . . judicial forms, . . . political, juristic, philosophical theories, religious views and their further development into systems of dogmas – also exercise their influence upon the course of the historical struggles and in many cases preponderate in determining their *form*. There is an interaction of all these elements in which, amid all the endless host of accidents, the economic movement finally asserts itself as necessary.

(p. 692, *original emphasis*)

Marx (1968b) also famously (among leftists at least) stated that humans, “make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already, given and transmitted from the past” (p. 97). Engel's (1968b) similarly remarked: “In the history of society . . . the actors are all endowed with consciousness, are [humans] acting with deliberation or passion, working towards definite goals; nothing happens without a conscious purpose, without an intended aim” (p. 622). Indeed, within a Marxist conception, humans do have agency, and they can be and are subjects of history. Importantly, some early critical neo-Marxist scholars, like Apple (1982), recognized that “Marx himself consistently employed the ideas of base and superstructure in a complex way. Rather than calling for an economistic perspective where ‘the economy’ produces everything else, we find a much more substantive usage” (p. 10). Whether we're talking about the neo-Marxist turn to concepts of hegemony and relative autonomy, or the actual Marxist analysis which allowed for a dynamic relationship between the economic base of



capitalism and the superstructure (which includes schools), the importance is that all recognized that humans have levels of agency to resist oppression and they can develop forms of critical consciousness that enable them to take action to change the world (Apple, 2012; Au, 2018; Freire, 1974; Vygotsky, 1987).

### Why All This Marxism and Critical Educational Theory?

I've taken some time and space here addressing critical educational theory, while also briefly covering some key Marxist concepts underlying some of that theory (to be clear, critical theory is broad, is not entirely Marxist, and even contains theories that are anti-Marxist). The question is: Why bother addressing all this radical theoretical stuff in a book about high-stakes testing and educational inequality? My answer is that I draw on this theory because it offers a frame for explaining the contradictory role that schools play in our society. We know for a fact that schools generally reproduce the inequities and inequalities we see in society and the economy (Bourdieu & Passeron, 1977; Hunter & Bartee, 2003; Ladson-Billings, 2006; Sirin, 2005). We also know that schools can and do serve as sites of resistance to these inequalities and as sites of organizing for social and economic justice (Anyon, 1980; Apple, 2012; Au, 2021a; Au & Hagopian, 2017; Love, 2019a). Given this reality, I desire for a framework for understanding that can accommodate these contradictory processes simultaneously, and I have found nothing better at handling contradiction than Marxist dialectical materialism (Au, 2018).

Marxism helps us understand that schools, as part of the superstructure, can have at least a partially contradictory relationship to the relations of capitalist production. As Fritzell (1987) explains:

[It] could be argued that in a functional context the autonomy of the State refers essentially to a *potentiality*, insofar as it is granted that even under empirical conditions of advanced capitalism the State cannot in the long run enforce policies and interventions that are basically destructive to the commodity form of economic production.

(p. 27, *original emphasis*)

Fritzell roots the essential contradiction of the position of the State in the fact that it is fundamentally outside of the process of producing commodities – “autonomous from the commodity form,” yet it still is required under capitalism to support the production of those commodities and therefore “cannot . . . enforce policies . . . that are basically destructive to the commodity form.” In relation to capitalist production and social reproduction, the State is required to work out this internal contradiction. Schools, on behalf of the State-superstructure, have to accomplish the fundamentally contradictory goals

of reproducing the social and material relations of capitalist production while hegemonically working to win the “spontaneous consent” of the students/workers through appeals to individual equality within the educational and social meritocracy (Apple, 1995). So, what does that mean for schooling in a capitalist society? It means that, while schools play a key role in reproducing social inequality, their contradictory role in ideologies of access to society and social equality also allow resistance to this reproduction. Students *do* resist the social programming of schooling on many levels, and teachers, as laborers within the political economy of education, also resist the reproduction of inequitable capitalist relations in their classrooms and schools (see, e.g., Allman, 2001; Anyon, 2005; Au, 2021a; Crocco et al., 1999; Dance, 2002; Hagopian, 2014a; Love, 2019a; McLaren & Farahmandpur, 2005; McNeil, 1986; Picower, 2012; Rikowski, 2005; Willis, 1977).

In order to account for the contradictory processes of schooling, in this book I use the term “(re)production” to frame my analysis of the relationship between high-stakes, standardized testing and socio-economic inequality. My use of this term is very specific. On a macro level, we see the “reproduction” of socio-economic inequalities as an empirical phenomenon of systems of education in the United States. However, on a more individual level, school sites and individual classrooms actually exist as contested sites of “production.” Certainly, hegemonic race, class, gender, patriarchal, political, and cultural norms and relations are produced in schools and classrooms on an hourly, daily, monthly, and yearly basis through policy, pedagogy, curriculum, interpersonal dynamics, and a whole host of micro-level interactions and structures. However, we also know that individual classrooms and schools can be sites of production of justice that seek to care for students, school staff, and the community in ways that build critical consciousness and critical social action (Au, 2021a; Jones & Hagopian, 2020). In this regard, “(re)production” points to the messiness of the role of schooling under capitalism – never denying the sometimes-overwhelming influence that structural inequalities have on what happens in schools, but also embracing that schools can also be contested sites *both* for the production of inequality and for the production of equality. (Re)production means producing and reproducing all at the same time, both together in their contradiction, dynamic, interactional, fluid, and relational, and does not allow for linear, mechanical, one-to-one chains of causality or correspondence (Au, 2018; Ollman, 2003). In this sense my use of the term (re)production attempts to grasp at what I feel is the dialectical relationships that exist within schools themselves as well as between schools and socio-economic structures. The central question of this book then becomes, “What is the role of high-stakes, standardized testing in the (re)production of social and educational inequality?” Before we get there, I think it is important to explain what “high-stakes, standardized tests” are, what they are used for, and what language I’ll be using throughout this book.

## Some Basics on High-Stakes, Standardized Testing

Here are some basics about standardized testing, mostly drawn from the work of Popham (2001) and McNeil (2000):

- A test is just one kind of assessment, an attempt to assess or measure what a student has learned.
- Every test just looks at a sample of what was taught or learned. No test assesses everything that was taught or learned in any course or curriculum. A core idea of assessment is that we measure a sample and then infer that it represents overall learning.
- There are different kinds of assessments, and they measure different kinds of things. Some focus on memorization. Some focus on how well someone can perform a task. For instance, testing for a driver's license typically is one part memorization of rules, signs, and so forth, and another part the performance of driving itself. Some tests focus on logic. Some focus on how well someone can synthesize ideas and write or speak about them.
- Tests are designed for specific uses. For instance, most tests we are familiar with in education are typically designed to try and measure what a student has learned in the past (what was covered in a class). Other tests are supposed to predict things. The SAT college entrance test, for instance, is supposed to predict how well a student will perform in college.
- We call a test "standardized" when students are given the same test for the same amount of time under the same conditions (or as similar conditions as possible). As I discuss in more detail later, the main purpose of this standardization is to try and allow us to compare students, teachers, schools, and so forth.
- The two main types of standardized tests we typically see used in K-12 education are called "norm-referenced" or "criterion-referenced" tests. Basically, these just refer to the specific comparisons for which these tests are used. A norm-referenced test is designed to compare an individual student to other students – literally seeing how each student compares to the "norm" of other students. A criterion-reference test is designed to assess how a student performs compared to what was covered in a course curriculum or against standards.
- A standardized test becomes "high-stakes" when the scores of the test are used to make important decisions about a student's educational pathway (e.g., graduation, grade promotion, educational track) or about other areas like school funding, teacher or principal pay, and staff performance. Standardized tests are also considered "high-stakes" when scores are reported to the public, thereby potentially shaping the public reputation of students, teachers, and schools (McNeil, 2000; Orfield & Wald, 2000; Popham, 2001).

In this book, I generally use the terms "high-stakes testing," "high-stakes, standardized testing," "standardized testing," and "testing" interchangeably.

## Scope of the Book

In this introductory first chapter of *Unequal By Design*, I have considered the relationship between schools and society, and I have also worked through how critical educational theorists – including myself – understand this relationship, mostly as a theoretical foundation for the book’s frame as a whole. The rest of this book is devoted to demystifying high-stakes, standardized tests through a series of critical analyses of the relationship between high-stakes testing and educational inequality. In Chapter 2, “Testing and the Neoliberal Educational Enterprise,” I outline the modern history of high-stakes, standardized testing, focusing on how it has been used as a tool within educational policies committed to models based on neoliberal economics. There, I also discuss the rise of influence and profiteering connected to edu-corporations and major foundations, as well as the increasing power of the New Middle Class. In Chapter 3, “Standardized Testing and the Production of Capitalist Schooling,” I look at the origins of standardized testing in the United States, its connection to the eugenics movement, and the institutionalization of the model capitalist production into our systems of public education as a precursor to the later rise of the neoliberal education policy. Chapter 4, “The Troubles with Testing,” examines the logics of standardized testing, highlights the many technical problems with using it to make high-stakes decisions, discusses the various correlations with test scores that have nothing to do with learning, and looks at how tests serve to control teaching and learning. In Chapter 5, “High-Stakes Testing and White Supremacy,” I return to several arguments I made in previous chapters to elaborate on how high-stakes, standardized tests ultimately maintain white supremacy in the U.S. This includes looking at the ideology of meritocracy in testing and how that is used to hide structural racism, touching on the intersection of eugenics and racism at the origins of standardized testing in the U.S., tracing the history of the SAT to show how that high-stakes exam continually favors whiteness, sharing evidence of the white supremacist impact of today’s tests, looking at how high-stakes testing constructs a white, able-bodied norm and contributes directly to the schools-to-prisons pipeline, and arguing that our tests are based on a fundamentally Eurocentric approach to knowledge. In the final chapter, “Reclaiming Assessment for Justice,” I conclude by looking at the movements to resist high-stakes, standardized testing, offering a discussion of the inherent inequality of the bell curve, and sharing what a vision of more liberatory assessment can look like in both content and form.

## Author Positionality

I would also like to take a moment here to outline some aspects of my positionality as the author of *Unequal By Design*. As a critical educational theorist and activist academic, I think this positioning is important because this project, like all projects, is in part guided by my own autobiography, political commitments,

beliefs, experiences, and worldview. I come from a family lineage of Chinese American radical leftists. Both my Chinese American grandfather and father were active in terms of revolutionary Marxist politics. This has meant, to varying degrees, that I was raised within a milieu of social activism and critiques of capitalism, with the language of anti-oppression entering into my vocabulary at a very early age. For instance, I have very strong memories of being eight years old and participating in the 1980 May Day demonstrations in downtown Seattle, and at 13, participating in anti-apartheid demonstrations on Telegraph Avenue in Berkeley. Such participation was always accompanied by analysis, including long conversations about racism, imperialism, class exploitation, and women's oppression (sometimes too long in the mind of a young teenager). These aspects of my personal experience helped establish in me an internal drive to work for social change and contributed to my decision to become a public high school teacher. Other aspects of my personal identity include being a cis-het male, who is also a father and a partner, working to make my (our) way in this world. Indeed, being a parent has really taught me a lot both in terms of learning about children and development, but also what it means to translate political commitments not only to child rearing, but also my son's education and growing consciousness.

My academic research followed my work in urban educational settings for 11 years, all of which were informed by my commitment to critical analyses of schools, economy, culture, and society. Over half of this time was spent working with students in Upward Bound, a program that serves low-income, first-generation college-bound high school students. The two programs that I worked with served large populations of working-class African American, Native American, Asian American, and white students in the Puget Sound region. Upward Bound, and the incredible kids involved in the program, helped me conclude that I really did want to be a teacher, and so after earning my credentials, I spent seven years as a high school Social Studies and English/Language Arts teacher in both Seattle and Berkeley. My time in Seattle was mostly spent teaching at and running a small, alternative public school for "drop-outs," and my time in Berkeley was spent teaching at the infamous and heavily researched Berkeley High School (where I was fortunate enough to get to teach courses in Ethnic Studies and Asian American Studies in addition to more typical courses). Like so many others, I was drawn to working with the students who struggled most in the public school system, and much of the impetus for my research stems from my drive to understand the mechanisms in schools and society that caused my students to struggle.

Because of my concern for issues of social justice, my teaching worked in tandem with my educational activism, which first manifested in my writing for the progressive education journal *Rethinking Schools*, where I have served as an editor for several years. Similarly, it was through *Rethinking Schools* that I became aware of and connected to the now defunct National Coalition of Education Activists (NCEA), where I also spent time as a steering committee member and co-chair. Both of these organizations are (or were, as in the case of NCEA) made up of

committed, serious individuals who work for social justice through education, schools, and communities, and both organizations provided me with an overall orientation for my political work in the field. More locally, this resulted in my participation as a co-founder of the Puget Sound Rethinking Schools group, a Seattle area group of teachers organizing for educational reform, a co-founder of Education Not Incarceration in California – a Bay Area group of teachers, community activists, and youth organizers who challenge the state of California’s prioritization of prison spending over education investment.

My scholarly work stems from these political commitments and experiences. Since graduating with my Ph.D. from University of Wisconsin Madison in 2007, I’ve worked as a faculty member first at California State University Fullerton, and then at the University of Washington Bothell, where I am now a full Professor in the School of Educational Studies (and also spent almost three years as the head of diversity and equity for my university). In the meantime, I’ve become an established critical scholar, writing and co-writing a lot, editing and co-editing a fair amount, and speaking about issues related to multicultural education, anti-racist education, high-stakes testing, K-12 Ethnic Studies, critical educational theory, charter schools, curriculum studies, educational organizing, and radical educational theory. I’ve done this work with high school students, teachers, parents, and scholars as locally as at local elementary schools and internationally in Hong Kong, Greece, India, and Chile – including the translation of some of my work into Chinese, Japanese, Greek, and Spanish. Importantly, to me at least, is that I’ve worked hard to both keep my work relevant to active struggles for educational justice and lend my expertise and reputation in support of educational activists. This has included being very involved in local and national activist projects organizing against high-stakes testing, against charter schools, in support of Black Lives Matter in schools, in support of multicultural education, and in support Ethnic Studies in K-12 contexts. Ultimately, that is what the work is all about – making sure that I am present with people in struggle and that my presence helps support the fight for justice.

I’ll close here with a memory about the first edition of *Unequal By Design*. I remember when I first met Jesse Hagopian in person – before his books and articles and before he had developed a national reputation (Au & Hagopian, 2017; Jones & Hagopian, 2020; Watson et al., 2018). He was a teacher in Seattle Public Schools who was a very active organizer in his teachers’ union, and he had been taking public stands about school funding and other educational issues. As radical educators and organizers with children close to the same age, we hung out, talked politics, and worked together when we could. Then in the winter of the 2012–2013 school year, he helped organize teachers at his school to boycott the MAP test they were supposed to administer (which I talk about in more detail here in Chapter 6). This action blew up locally and nationally, and it helped galvanize a major movement to opt out of high-stakes testing across the country (Au, 2013; Hagopian, 2014a, 2014b). Jesse and I became very close comrades and

friends through that struggle and others (Au & Hagopian, 2017), and one of the personal things I hold closely to me was the fact that from the outset, Jesse regularly said that the first edition of *Unequal By Design* – which he had read before we met – was a key influence in his consciousness about high-stakes, standardized testing, one that directly contributed to his organizing for the boycott of the MAP test at Garfield. This fact has always brought me great happiness because it strikes at the heart of why I do the work that I do, and why I wrote *Unequal By Design* in the first place: to contribute to the struggle for educational justice.

## Note

- 1 To be clear, *Schooling in Capitalist America* (Bowles & Gintis, 1976) warrants critique, but just on different grounds. For instance, they have absolutely no analysis of the interplay of race and educational inequality in the context of capitalist schooling. Also, despite making many caveats, Bowles and Gintis' use of I.Q. test scores as evidence for their arguments was (and still is) entirely backwards – especially given the racist and classist history of standardized I.Q. tests (which I address in Chapter 5 here). Additionally, Bowles and Gintis did not look at life within schools with the kind of nuance of, for instance, Anyon's (1980, 1981) groundbreaking research on economic class in school curriculum.

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