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Objectifying Measures: Mapping the Terrain of Statistical Discourse in the Hegemony and Racial Politics of High Stakes Testing

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Objectifying Measures: Mapping the Terrain of Statistical Discourse in the Hegemony and Racial Politics of High Stakes Testing

by

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Objectifying Measures: Mapping the Terrain of Statistical Discourse in the Hegemony and Racial Politics of High Stakes Testing

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The way that the policy of high-stakes testing obtains a hegemonic status in Texas can be conceptualized through an analysis of statistical discourse. High-stakes testing historically emerged in the context of conservative opposition to (and deferring of) desegregation. Conservative deconstruction of statistical proofs of racial discrimination has accompanied a rearticulation of public school accountability in a discourse of markets, heavily relying on statistical indexes. Statistical discourse serves as a means of both “efficiently” managing students and structuring public conceptions of the progress of public education. In order to maintain the statistical guise of progress, many schools target students of color as potential risks and engage in acts that prevent the scores of students of color “at risk” of failing from being counted. Statistical discourse protects neoliberal and neoconservative interests in privatizing public education by both making possible the profitability of high-stakes testing as a business, and also constructing a discourse that “proves” equitable public schooling to be inefficient and an inevitable failure. By negotiating uncertainty, representing a collective, and serving as a form of proof, statistical discourse also provides a means by which the “truth” about high-stakes testing can be formed. Counter-hegemonic struggles against high-stakes testing centered precisely on a counter-discourse to statistics: narrative, particularly students’ stories of experiencing objectification. The case for radically democratizing statistics and testing through multiple criteria (or multiple assessments) is discussed.

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Introduction

In 1984, the Texas Legislature began constructing an educational system that would place higher and higher stakes on students' performance on standardized tests. Now, students must pass a state-mandated test not only to graduate from high school, but also to move on the fourth, sixth, and ninth grades. Ironically, the constant public surveillance, constant dissemination of statistics, "continual alteration," and "doublethink" characteristic of the world imagined by George Orwell in *1984* are all aspects of the system of high-stakes testing in Texas. Students are constantly being tested, not only by the state, but also by individual districts preparing students for the state exam. Test results for schools and districts are highly publicized in the media, painted across headlines in nearly every major Texas newspaper. Since 1984, Texas has had phased in three different assessment exams, and each new exam increases in difficulty. This year the passing score for the exams is higher than that of last year. This system of testing that has been named as "accountability" leaves the student to bare the largest burden. High-stakes testing systems are only fueled by educational heroic myths such as Joe Clark in *Lean on Me,* for which the "real" measure of pedagogical success is the unveiling of the envelope with the standardized test results.

Behind the statistics and the educational heroic myths are students like Jessica,[1] a young bright Latina high school student I tutored, whose mother drove across town in the dizzying maze of city traffic to bring her daughter to after-school tutoring in Math. I

[1] This is a pseudonym.

could tell Jessica was not receiving the kind of personal attention she needed in school, and I suspected that the school may have even mistaken the difficulty she had storing information in her long-term memory for a lack of motivation. I learned from the tutoring coordinator that Jessica had failed her TAAS test twice, and the coordinator asked me to tutor her over the summer. She was already a junior and needed to pass the test soon in order to graduate with her peers. When the summer came, the coordinator told me that Jessica was not coming, that she had already begun calling herself a “failure” and was ready to give up. I never saw or heard from Jessica again. The hope in her eyes that appeared whenever she solved a difficult problem and the self-recognition in her voice that appeared when she found that she *did* understand algebra were dashed by a data-processing corporation far removed from her reality, by a test that could not truly represent her achievement, by a system that imposed upon her a label of “failure,” by a single statistic empowered to function as a gatekeeper between graduates and drop-outs. Indeed, someone may even describe her as “becoming a statistic,” a symbol of an impending invisibility that would ultimately be attributed to her own individual deficiency. This dissertation is for students like Jessica, who become objectified and silenced by the measures of high-stakes testing regimes.

The impetus for this study and for a growing body of literature on “high-stakes” testing is both the passage of President George W. Bush’s No Child Left Behind Act, requiring states to increase the amount of testing, and also several legal challenges to state testing systems in Texas, New York, Minnesota, Louisiana, California, and Massachusetts. In Texas, the Mexican American Legal Defense and Education Fund

(MALDEF) challenged the Texas Assessment of Academic Skills on the basis that the testing system disproportionately denied Black and Latino/a students their high school diplomas. The federal court ruled that despite the statistical proof of disparate impact of the tests, the testing system, being implemented with no (proven) intention to discriminate on the basis of race, was justifiable on the grounds that it was educationally necessary and objective. Further, the trend of decreasing gaps between Whites and students of color indicated to the court that the testing system, instead of creating discrimination, exposed inequalities and was then a tool for alleviating inequalities—ultimately caused by individual factors, such as socioeconomic status, parental involvement, and student motivation (*GI Forum,* Saucedo). During the case, the Texas legislature under the guidance of then governor George W. Bush passed bills requiring third, fifth, and eighth grade students to pass a state-mandated exam in order to be promoted to the next grade; expanding the testing subjects required for high school graduation; and replacing the Texas Assessment of Academic Skills (TAAS) with a more difficult assessment called the Texas Assessment of Knowledge and Skills (TAKS). In the face of the court rulings and new legislation, a body of literature critiquing high-stakes testing emerged from the experts testifying in that case on the side of MALDEF, particularly Linda McNeil, Angela Valenzuela, Richard Valencia, and Walt Haney. McNeil (2000a) presents the historical and political-economic context in which testing in Texas was implemented, linking it to a broader project of educational reform led by Ross Perot in 1984. Advocates of testing in Texas, Skrla, Scheurich, and Johnson (2000), argue that the system raises student and school accountability (and achievement) through public access to disaggregated testing data[2] and a shift from an “input-driven” to “results-driven” accountability model; thus, the system effectively closes the educational gap between Whites and minorities. However, critics of testing argue that the mandate to raise scores at any cost creates new inequities since increasingly, Texas schools practice the following: (1) teaching to the test, (2) retaining "at risk" students in non-testing grades, (3) tracking students of color and economically disadvantaged students in special education courses to prevent their scores from affecting accountability ratings, and (4) encouraging dropping out. (Haney 2000; McNeil 2000a, 2000b; Valencia, Valenzuela, Sloan, and Foley 2001) Valenzuela and McNeil contributed to the volume edited by Kornhaber and Orfield (2001) entitled, *Raising Standards or Raising Barriers?*, whose essays explore the impact of testing, particularly minimum competency tests and other state-mandated exams required for high school graduation (and lately grade promotion), on students of color. In the volume, authors linked present testing regimes to historical uses of testing, addressing and questioning the hypothesis that high stakes exams increase educational quality and student motivation for learning, the likelihood of college attendance and completion, and, ultimately, post-secondary work productivity. While some of the authors confirmed such a hypothesis, others, including Valenzuela and McNeil, argued that high stakes testing adversely affects teaching and learning for students of color, particularly limited English proficient students; that such testing tends to result in increased drop out rates for students of color; and it exacerbates inequalities by draining funding from state and federal public education budgets. Valenzuela (2002)

[2] In Texas, testing data is disaggregated by race, socioeconomic status, gender, language proficiency, and special education status.

argues that these adverse affects stem from placing so many stakes for students, teachers, and school administrators solely on standardized tests (or test results) and that "multiple compensatory criteria in assessment" would both provide more "reliable and valid measure" of student achievement levels, and also relieve students, teachers, and families from the pressure associated with "test anxiety."

While this body of literature critiques the educational merits of testing, my study,[3] this study takes an anthropological view of the culture of measurement that places such emphasis on test results, specifically on the production of testing statistics. Many scholars have contextualized the intensification of testing in Texas and across the country within broader neoliberal movements for privatization of the public school through intimate corporate involvement, such as the testing industry within the public schools (Saltman 2000, Sacks 1999, Apple 2001, Bartlett, et al 2002, Collins 2001). For Bartlett, et al, (2002) this movement not only transforms the structure of schools to reflect the structure of the "free market" and industry—through standardized testing, charter schools, vouchers, and other forms of corporate partnership—but also affects local policy through the deployment of "the 'school in the service of the economy' " (6,7). These structural and discursive transformations constitute the "marketization of education" (6). McNeil (2000a) conceptualizes the discourse of what Bartlett et al. call the "marketization of education" as the articulation of educational goals in the "language of cost accounting" (264). Drawing from the work of Gould (1996) in *Mismeasure of Man*,

[3] My location within this intellectual genealogy comes from the fact that I was a student of both Valencia and Valenzuela. Because of their classes, testimony, and research, I chose to study testing in Texas as a problem of racial inequality.

Sacks (1999) attributes the exponential growth of the testing industry to "the near magical power that quantification, standardization, and the measuring of minds continues to have over Americans" (7). While critics of the accountability system, such as in Kentucky (Whitford and Jones 2002), argue that education is being reduced to the measurable, Sacks reminds us that standardized testing represents "no more than a statistical sampling of specific skills that are supposedly covered in the curriculum" (114). Saltman (2000) also asserts that testing allows for the "affirm[ing of" disadvantage as a statistical variable,…factor[ing[out those disadvantages suffered by poor and nonwhite students (25). For elementary school teacher Selma Wasserman (2001), the obsession with standards, testing, and quantification stems from the "presumed certainty of numbers" and numbers' "sense of security," given that "with the use of statistics and probability, we measure things that we cannot even see." The political landscape of testing debates tends to be a veritable statistical battleground, in which opposing sides seize statistical methods of proving or disproving either the effectiveness or adverse effects of testing, of which the *GI Forum* case and *The Bell Curve* debates (Fraser 1994) are prime examples. I argue that what allows the technique of mass standardized testing and its use as a mode of controlling student populations; the articulation of school purposes through the language of accounting; and the hegemonic certainty of testing systems' production of truth, but also the terrain for the struggle over that production of truth is *statistics*. Thus, the hegemony of testing as part of the "marketization of education" is maintained through statistical discourse.

I am interested in connecting studies of statistics to education, particularly because educational theory views schools as contradictory sites of both social reproduction or socialization and struggles for (and resistance against) cultural hegemony (Althusser 1971, Bowles and Gintis 1976, Bourdieu and Passeron 1977, Morrow and Torres 1995, Freire 1970, Aronowitz and Giroux 1991, Apple and Weis 1983, Willis 1981, Spindler 1997). Standardized testing has an intimate connection to statistics given that educational psychology (via Spearman and his factor analysis), was born out of the Galtonian school of statistics, and their statistical innovations (for instance, the bell curve and quartiles), then made possible mass educational testing by state governments and the military (Lemann 1999). Examining testing and the "marketization" of education through the hegemony of statistical discourse, I follow Kamin (1974), Rose (1976), Gould (1996), Valencia (1997) in viewing testing and its racial politics in terms of a cultural critique or study of science. Cultural studies of science (Rouse 1992, Traweek 1993) question the production of facts and the construction of "objectivity" by scientific networks (Latour 1987) in ways that reinforce capitalism (Rose and Rose 1976), racialization (Baker 1998; Du Bow 1995; Gould 1996; Harding 1993; Menchaca ; Stocking 1993; Tapper 1998; Vaughan 1991), constructions of gender and sexism (Haraway 1988; Harding 1996, 1991; Hubbard 1979; Keller 1985; Stepan 1993; Easlea 1990; Russett 1989), and cultural views of subjectivity, particularly in light of weapons industries (Gusterson 1996), computer technology (Helmreich 1998), and reproductive technologies (Davis-Floyd and Dumit 1998). In terms of statistics, scholars have studied the development of the science from seventeenth-century probability calculus[4] (Stigler 1990, Feinberg 1992, Daston 1988, Hacking , Porter 1986, Desrosieres 1998), but also as a “science of the state” (Woolf 1989, Hacking 1991, Desrosieres 1998), in terms of colonization (Appadurai 1993, Asad 1994); the history of the United States (Cohen 1982, Alonso and Starr 1987); the politics of eugenics in Britain (MacKenzie 1981); racialization and resistance (Nobles 2000); as well as the crafting of nationalistic subjectivities (Urla 1993). While many of these studies tend to focus on modern conceptions of statistics, Woodward (1999) discusses statistics, subjectivity, and the formation of “structures of feeling” in the global capitalist postmodern era.

I conceptualize statistics—as tools of racialization, governance, commodification, truth-production, and subjectivity-formation—in the Foucauldian sense not only as a discourse that, as a discourse of truth, possesses its own political economy, but also as a technique of governmentality. In *Archaeology of Knowledge* (1972), Foucault constructs the notion of *discourse* as a practice or formation in order to disrupt the notions of continuity, unity, and coherence, breaking with ‘tradition,’ causality, or influence, evolution, the familiar, and the book/œuvre. (21-24) *Discourse*, for Foucault, allows the method of *archaeology*, which looks for differences, shifts, and relations of power. In *History of Sexuality* (1978), Foucault defines discourse as the place in which “knowledge and power are joined together,” whose transmission of power and silences provide the conditions for the reinforcement of power, yet also the conditions for resistance against

[4] Probability calculus in 1810 synthesizes the study of the “degree of certainty” by judges and philosophers and that of “empirical combinations of imperfect observations” intended to determine accuracy by astronomers and physicists, called the Gauss-LaPlace synthesis (Desrosieres, 62).

that reinforcement (100).   This conception of discourse parallels Kuhn's (1992 [1969]) seminal critique of the historiography of science that hides shifts in scientific paradigms through the production of continuity. For Foucault (1984a), the "political economy of truth" is based on *scientific* discourse and its production by "dominant" political and economic institutions (such as the university, military, and media) as well as its "immense diffusion and consumption" through educational and informational systems that in turn make it an "issue of a whole political debate and social confrontation" (73). In terms of statistics as a particular scientific discourse, Foucault (1988c; 1991) argues that statistics, as a "*savoir* of the state," was not only "indispensable for correct government," (1988c: 77), but also tied "problems specific to the population" to economy, providing the conditions for the emergence of "political economy" (1991: 99,100). Given that statistics also formed a "moral science" (Hacking 1991), the science of government merged political economy and the "art of self-government."[5] McNay (1992) argues that Foucault's conceives of "self-government" as both a "self-policing," yet also a mode of resisting the "government of individualization" (68).

In order to understand the ways in which the formation of statistical discourses function through (and alongside) government and self-government to (re)produce particular relations of power, particularly gendered, racial, and class oppression, I connect Foucault's conception of statistics to Gramsci's theory of hegemony. Like Foucault, Gramsci is concerned with "formations," struggles, contradictions, education,

[5] Foucault (1991) refers to Le Vayer's conception of "three fundamental types of government:…the art of self-government, connected with morality; the art of properly governing a family, which belongs to economy; and finally, the science of ruling the state, which concerns politics" (91).

and self-government.[6] For Gramsci, hegemony is a form of dominance that operates through an ideological struggle to gain consent or consensus, or the constant articulation of goals of disparate social groups in order to attain self-identification (of those different groups) with a particular collective, "national-popular," or "universal" will or world-view, that in fact maintains the dominance of a particular class or historic bloc (Simon 1991[1982], Mouffe 1979). Like Foucault's political economy of truth, the formation of what is considered truth or "common sense," depends on a type of silence as the "uncritical and largely unconscious way in which a person perceives the world" (Simon 1991[1982]: 64), and also occurs in the context of struggle and through the educating of consent by the "interventionist state": "The state is both political society and civil society, in other words hegemony protected by the armour or coercion" (Gramsci 1971: 263). The notion of hegemony allows us to consider the ways in which statistical discourses become "common sense" through struggle, negotiation, and (re)articulation,[7] as well as providing insight into the ways that particular groups form a historic bloc and function through the state in projecting their world-view and in structuring their dominance.[8] According to Mouffe (1979), while hegemony is "ethico-political, it must also be

[6] Foucauldian analyses are frequently critiqued as leaving out the question of subjectivity, particularly by feminist scholars (McNay 1994, Deveaux 1994) for leaving out the possibilities for subjectivity. While McNay suggests that Foucault's concept of self-government attends to this critique, I find that the Gramscian notion of self-government, with its emphasis on negotiation and struggle, better addresses the question of subjectivity, as it tends to be used by authors studying resistance.

[7] I consider Gramsci's rearticulation to be similar to Foucault's concepts of "rupture and recuperation" that Stoler (1995) suggests is Foucault's "key insight" in understanding how "racism appears *renewed* and *new* at the same time," accommodating the "fundamental paradox" whereby racism "effectively incorporates emancipatory claims" (89).

[8] Apple's (2001) work on the formation of the Right's historic bloc in gaining hegemony in educational reform is precisely such a Gramscian approach, which I consider indispensable in understanding the hegemony of the "marketization of education" and its materialization in the reproduction of inequities in education.

economic," and this allows for a Marxist interpretation of the commodification (commodity fetishism) of statistical discourses and an understanding of how the formation of the "common sense" of testing intersects with economic interests.[9] Thus, while Sacks and Wasserman explain the intensification of testing via an "obsession with quantification," I explain it through the processes by which statistical discourse becomes the "commonsensical" way of both representing educational "achievement" and governing (individuals and populations in) educational systems; and through the political economy of that statistical truth whereby a particular coalition educates this common sense via state interventions and economic consumption.

For Desrosieres (1998), the importance of statistics as a technique "for inventing, constructing, and proving scientific facts, both in the natural and social sciences" (3) derives from the process of statistical *objectification* or "making *things that hold*, either because they are predictable or because, if unpredictable, their unpredictability can be mastered to some extent, thanks to the calculation of probability" (9). Statistical *objectification* forms "solid things on which the managing of the social world is based" by uniting the "mastering of uncertainty" and the "creation of administrative and political spaces of equivalence" (10). In other words, the materialization of social facts through statistical discourse or a statistical discourse network[10] makes possible the "scientific management," engineering, or governance of individuals and populations (see Seltzer and

[9] One of the traits in Foucault's "political economy of truth" is that it is "subject to political and economic incitement," which I think hints at an analysis of commodification. Bartlett, et al. (2002) use Fairclough's concept of "commodification" to describe what they call the " 'colonization' of realms of social life by discourse types associated with commodity production" (7).
[10] According to Tapper (1999), "discourse networks" are devices of inscription that "articulate certain phenomena [and individuals/populations] as natural or unproblematic targets or instruments of specific practices" (5). I read Tapper as providing a conceptualization of racial governmentality. [expand]

Anderson 2001; Miller and O'Leary 1987; Porter 1995).[11] As Butler (1993) argues, materialization "buries and masks… power relations by which…[social facts are] constituted," (35). My project is to call into question the way in which statistical materialization becomes commonsense or "truth," while masking the relations of power that both objectify and commodify or exploit people (and knowledge). To me, this project is key in understanding McNeil's (2000a) observation about the process of *standardization* involved in high-stakes testing, in that "standardization widens educational inequalities and masks historical and persistent inequities" (230).

Methodology

Many reflections on educational ethnographies indicate a need for conducting ethnographies outside the classroom. In a genealogy of social theory approaches to education,[12] Morrow and Torres (1995) suggest that what tends to be missing from educational social theory is a theory of public policy formation as a mediation of "societal processes" and the "microanalysis of conflicts within educational systems" (343). In his seminal school ethnography, Willis (1981) suggests a need for studies that shift the gaze towards educational institutions, in order to demystify "structure" and cultural processes. Similarly, Devine (1996) points to a tendency of school ethnographers to neither go beyond the classroom, nor examine broader issues of power—which for him

[11] Arguably, this project gave birth to social sciences in terms of underlying the notion of "society." (Desrosieres 1998: 77-79; Porter 1995: 37)

[12] This genealogy traces the following schools of educational theory: Parsonian structure-functionalism; structuralist marxism and correspondence/social reproduction theory; structuralist conflict theories/cultural capital; Frankfurt School critical theory/poststructuralism; Gramscian British cultural studies; (postmodernist) critical pedagogy; and race, gender, and class analysis.

starts even in the school hallways. For McDermott (1997), reflecting on his school ethnographies intended to explain “minority failure,” his focus on the looking toward the Black student for answers to their failure wound up individualizing a very cultural and social *production* of failure. These calls for a shift in the anthropological gaze from the student, which can be individualizing (see MacLeod 1995), to *institutions* mirrors the call for shifting the anthropological gaze from groups of people inscribed by processes of colonization and imperialism as “premodern” and “primitive” to the socio-cultural processes central to modernity, a call that produced the anthropology of science (Fischer 1991: 530). This shift in the anthropological gaze emerged from critiques of anthropology in the post-World War II era of the role of science, particularly with the bombings of Nagasaki and Hiroshima (Rose and Rose 1976) and anthropology in colonialism and US imperialism (Balandier 1951, Gough 1968, Lewis 1973, Asad 1973, Willis 1969, Fabian 1983). Gusterson (1996) describes the anthropology of science as being part of a “third wave” of anthropology whose subject is “the functioning of power and flux of identities within an integrated global system” (x). Framed as “studying up” (Nader 1972, Helmreich 1998), ethnographies of science “deconstruct…[media and scientific] discourses precisely by drawing attention to their presumptions, their particular groundings, or the social contexts from which they are staged” (Fischer 1991: 529).

As Bartlett, et al. (2002) suggest that the “ethnographic study of policy formation” should take into account the historical context, political economy, and social struggle (or “micropolitics”) inherent in discourse production and public debates, my study examines the importance of *scientific* discourses in forging, maintaining, and struggling against the hegemony of certain educational policies. Bartlett et al. employ an ethnographic method they call “critical-discourse analysis.” According to Johnston (2002), the method of “discourse analysis” emerged in linguistics the 1960’s, emphasizing the need to contextualize sentences by examining the broader text (68). With the “narrative turn,” the concept of “culture as text” spread to literary, historic, and social scientific disciplines, resulting in the development of qualitative “‘macro’ discourse analysis” of social movements that “intensely analyzes textual materials with the goal of laying bare the relationships between movement discourse and the discursive field of the broader culture” (68, 69). Bloomaert, et al, (2001) differentiate between two forms of discourse analysis: “critical discourse analysis” (CDA) in Europe, which focuses on textual analyses, interpreting “ideology-as-mystification” and promoting a political strategy of “deconstruct[ing]…the discourse of oppressive commercial and state institutions”; and “linguistic anthropology” (LA) in the United States, which focuses on ethnographic analyses of meaning, interpreting “culture-as-ideology” and promoting a political strategy of advocating against the oppression of linguistic minorities (5,6). The approach to “critical discourse analysis” by Bartlett, et al is to conduct “public anthropology,” which “engages in and informs public debates around issues of economic and political participation and exclusion” (8). Their ethnographic methods of textual analysis, participant-observation, and interviews are part of “ethnographic studies of policy formation” that first, “historically contextualizes contemporary debates, tracking the emergence of (now orthodox) discourses, revealing the political and economic changes that made such discourses possible (and for some, desirable), and implicitly comparing the current moment to a time when people imagined other purposes for education" and second "situates the actors who take up discourses, examining the micropolitics of actors' identities and actions" (24). I interpret the method adopted by Bartlett, et al. as a combining Foucauldian archaeology[13] and genealogy[14] with Gramscian studies of resistance.

My interest in using the anthropology of science as a "cultural critique" (Marcus and Fischer 1987) of testing stems from a broader history of vindicationist literature by scholars writing against racism (see also Stepan and Gilman 1994).[15] One of the major projects of African American vindicationist literature from the end of the nineteenth to the beginning of the twentieth was the formation of a "'race uplift' historiographic tradition" —with authors such as William J. Williams, Alexander Crummell, Anna Julia Cooper, Ida B. Wells, W.E.B. DuBois, and Carter G. Woodson—in order to counter the conception that the "Negro…is without history" (Robinson (2000 [1983]: 187-192). With

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[13] In *Archaeology of Knowledge*, Foucault defines this as "establishment of regularity (v. originality) of statements; description of dissensions, contradictions, and opposition inherent in discourse; limited, regional analysis of analogies, differences ("isomorphisms," "models," "isotopia," "shifts," and "correlations"); relations of discursive formations to non-discursive domains; locating discursive "finitude" in terms of its "rules of formation," and "temporal vectors of derivation"; analyzing discursive "emergences," "transformations," and "ruptures"; and an exploration of discursive practice in terms of the "balance in *savoir* and *connaissance*" or the "ideological functioning of science" (see 135-177)

[14] Foucault (1984b) defines geneaology in "Nietzche, Genealogy, and History" as an "analysis of descent" that is "situated within the articulation of body and history," in which "*emergence* designates a place of confrontation"; that records the history of violent relations of force in which rules, directions of, and participation in discourses are imposed and changed; that forces proximity of the historian to history; that becomes "parody," dissociates continuities, and "sacrifice[s]…the subject of knowledge" by attending to the dynamics of power and injustice by which producers of knowledge become producers of knowledge (76-97). According to Stoler (1995), in his writings of race, Foucault clarified the difference between the complementary strategies of archaeological and genealogical analysis: whereas *archaeology* involves the "analysis of local discursivities," *genealogy* involves analysis of "tactics whereby, on the basis of these discursivities, the subjugated knowledge would come into play" (60).

[15] It may be argued that the upheaval in the sciences and anthropology was in fact this vindicationist literature finally breaking through disciplinary barriers, no less part of a broader struggle against colonization in Africa and Asia.

scholars such as DuBois, C.L.R. James, and Richard Wright, black historiography became radicalized, largely through the appropriation and challenge of Marxist historical materialism. (Robinson 207-8, 287-8) These scholars recognized what Stoler (1994) distinguishes as one of Foucault's insights in his writings on race that historiography is "a political force" (62), as it was DuBois who said in *Black Reconstruction* that "history is 'lies agreed upon' and that the "real frontal attack on Reconstruction…came from the universities, especially Columbia and Johns Hopkins" (714, 718). In fact, part of the appeal of Foucault is due to my intellectual genealogy being informed by the "Black radical tradition" (Robinson) and their project of opposing racism through radical historiography, a tradition that has informed and been informed by activism. As Ella Baker argued,

> In order for us as poor and oppressed people to become part of a society that is meaningful, the system under which we now exist has to be radically changed. This means that we are going to have to learn to think in radical terms. I use the term *radical* in its original meaning—getting down to and understanding the root cause. It means facing a system that does not lend itself to your needs and devising a means to change that system. That is easier said than done. But one of the things that has to be faced is, in the process of wanting to change that system, how much have we got to do to find out who we are, where we have come from and where we are going….I am saying as you must say, too, that in order to see where we are going we not only must *remember* where we have been, but we must *understand* where we have been (in Moses and Cobb 2001: 3).

Thus, part of my project, in conjunction with the "public anthropology" method of Bartlett, et al., is re-examining, or in Baker's terms "remembering," the history of statistics in relation to racism and the "development of…racial capitalism"[16] in order to

[16] "The development, organization, and expansion of capitalist society pursued essentially racial directions, so too did social ideology. As a material force, then, it could be expected that racialism would inevitably permeate the social structures emergent from capitalism. I have used the term 'racial capitalism' to refer to this development and to the subsequent structure as a historical agency" (Robinson, 2).

understand the power relations embedded in statistical discourses today. Lee Baker (1998) argues, in his historical examination of the role of anthropology in shaping racial discourse and policy in the U.S., that "during racial realignment in the US, particular approaches for understanding race came to the fore and shape public opinion, policy, and laws" justifying that realignment (218). For Baker, this history not only contextualizes the racial realignment of the 1980's, but also serves as a tool for opposing the neoliberal politics of "colorblindness" that simply silences the experiences and the persistence of racism.[17]

Often studies of discourse are critiqued by feminists in particular for both leaving out questions of subjectivity and specific experiences (Deveaux 1994) and for reinforcing the study of "great White men" that further silence the experiences of marginalization. For Scheper-Hughes (1995), "If anthropologists deny themselves the power (because it implies a privileged position) to identify an ill or a wrong,…they collaborate with the relations of power and silence that allow the destruction to continue" (419). However, not everyone views anthropology as emancipatory (see also Visweswaran 1994: 9), and in fact, it has long been regarded by Black scholars as one of the prime forces of racialization. In his article, "Skeletons in the Anthropological Closet," Willis (1969) cited DuBois as having "described the black man as the 'football of anthropology'" (126).

[17] Just as Foucault challenges the repressive hypothesis by showing that discourses of sexuality were everywhere, it can be said that despite the politics of colorblindness, "race" is everywhere, especially as statistical discourse. The statistical essentialization of race is one of the areas that scholars opposing race-essentialisms have not addressed (Miles 1993,Gilroy 2000). The attempt of Ward Connerly to remove race statistics from California muddies the waters, since statistical essentialization of race has become so central to anti-racist politics. For me, studying statistical discourses in terms of their history, objectification, and politics helps to shed light on the contradictions of race essentialism, not just the limitations of appealing to racial statistics due to their objectivizing and objectifying force, but also to the centrality of statistics to modern and postmodern hegemony, which necessitates their use in politics of negotiation.

Gwaltney (1980) introduces his monumental ethnography, *Drylongso* with a quote from Othman Sullivan, "I think this anthropology is another way to call me nigger" (xix). Robin D.G. Kelley (1997) argues that "ghetto ethnography" has been a major force in constructing the concept of the "ghetto underclass," as it not only reifies Black culture as a set of behaviors, reducing it to a "set of coping mechanisms," but also erases Black women (19) (at the same time as it pathologizes Black culture because of its "matriarchy." (see Moynihan 1965)). While many scholars of color have responded by conducting "insider anthropology" (Lewis 1973), "insider" status does not always guarantee an escape from the pathologization of Black culture, particularly members of the Black bourgeoisie.[18] For Scheper-Hughes (1995), "The answer to the critique of

[18] For example, while Fordham and Ogbu (1986) are widely cited for their theory of "acting White" as an explanation of Black failure in education, I tend to experience an intuitive opposition to their work. In "Black Students' School Success: Coping with the 'Burden of "Acting White,"'" the authors insist that "the perception of schooling as a subtractive process causes subordinate minorities to 'oppose' or 'resist' academic striving, both socially and psychologically," and this development is "part of a *cultural orientation* toward schooling which exists within the minority community and which evolved during many generations when white Americans insisted that minorities were incapable of academic success, denied them the opportunity to succeed academically, and did not reward them adequately when they succeeded" (183; my italics). For Black students, their "fictive kinship" prevents them from succeeding academically because they shoulder the "burden of acting white" and "underachievers'" "main strategy for coping with the burden of acting White tends, therefore to be *avoidance*" (187). Their ethnography, largely based on Ogbu's conception of race as "caste," presents a form of cultural determinism that tends to reinforce and to *explain* rather than to question the construct of "underclass" (see Cox for a critique of the race-as-caste concept). Their reduction of Black culture to a set of coping mechanisms is exactly characteristic of the "ghetto ethnographies" critiqued by Kelley. Further, their own positions as Black scholars for me go unquestioned, creating a sense of distance between them (as bourgeois ethnographers) and the Black students. To what extent have the authors themselves coped with their "burden of acting White"? The largest omission by the authors, and perhaps the major source of my intuitive opposition, is any historicization of African American schooling and "cultural orientations" toward education. Anderson's (1988) seminal work on the history of US Black education contradicts their characterization of Black cultural responses to racism, chronicling the formation of schools by Black churches and organizations in the South before and after the Civil War—a process resulting in double taxation, since Blacks taxed themselves in order to finance the schools. DuBois (1962[1935]) credits the former slaves' movement for education as the impetus for creating public school systems in the South, and argues that "had it not been for the Negro school and college, the Negro would…have been driven back to slavery" (667). They do not discuss the movement for desegregation and affirmative action led by people of color since the nineteenth century (Kluger 1975, Donato 1997, San Miguel 1987). Valenzuela (1999) rejects the application of this construct to Mexican children, arguing that "subtractive schooling" contradicts their cultural construct of

anthropology is not a retreat from ethnography but rather an ethnography that is personally engaged and politically committed" (419).[19] However, as Behar (1993), Enslin (1994), and Gordon (1993) reflect, ethnography is inherently problematic, due to the power differentials between the "observed" and the "writer-ethnographer," as well as to the awkward position enabling the ethnographer to obtain status and financial gains through observing the pain and struggle of others.[20] The question Foucault (1994 [1973]) asks of the clinic surfaces for me as a question we should pose of ethnography,

> But to look in order to know, to show in order to teach, is not this a tacit form of violence, all the more abusive for its silence, upon a sick body that demands to be comforted, not displayed? Can pain be a spectacle? Not only can it be, but it must be, by virtue of a subtle right that resides in the fact that no one is alone, the poor man less so than others, since he can only obtain assistance through the mediation of the rich…what is benevolence towards the poor is transformed into knowledge that is applicable to the rich (84).[21]

As Spivak (1988) reminds us, "giving voice," even under the guise of political commitment, often hides intellectuals' complicity in reproducing the international capitalist system and the construction and assimilation of subaltern women as Other. For Spivak, stories of experience must be counterbalanced by studies of "ideological

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bien educado, rather than causing them to oppose education. I join other critics in opposing the concept of "acting White" because it can be so easily rearticulated in cultural deficit theory, espoused, for example, by UT Law Professor, Graglia who claimed that African American and Hispanic cultures do not value academic success.

[19] For example, Hardt and Negri (2000) provide the case of NGO's (non-governmental organizations) as potentially representing "a universal moral call," "the vital force that underlies the People" (313) that cannot be simply generalized as "serving the neoliberal project of global capital" (312,3); yet, they suggest that like missionaries, NGO's also provide the context for which "moral intervention has become a frontline force of imperial intervention" (36) and "prepares the stage for military intervention" (37).

[20] See also the Appendix of the Second Edition of Jay MacLeod's (1995) *Ain't No Making It,* in which he also deals with the dilemma of profiting from the stories of students.

[21] See Jones (1993) and Fry (2001 [1975]) for the example of the Tuskegee Experiment, in which Black men exposed to syphilis were denied treatment in order for researchers to study the progression of the disease.

formation" and "measuring silences" (296). For Freire (1993 [1970]), the research process should parallel dialogue, with the subject of study being ideological formations and the "themes" of domination and liberation. Freire argues that the "danger lies in the risk of shifting the focus of the investigation from the meaningful themes, to the people themselves, thereby treating the people as objects of the investigation" (99). It is Freire's model that has informed the development of "Activist Anthropology," whose "basic methodological steps" consist of choosing research questions, collecting data, interpreting results, disseminating results, and validating results through collective effort with a certain (activist) group of people (Hale 2001: 14).

The goal of this project was to become politically involved, conducting as close to what would count as activist anthropology as I could, with my anthropological gaze on the *processes* or strategies of and forms of resistance against statistical objectification, without losing sight of the politics of experience.[22] The public anthropology approach by Bartlett, et al provided a basis for me to both study discourses and movements, while staying politically engaged. The basis of my fieldwork began with my (secondary) research on the *GI Forum* case and with my decision to tutor (Math) at a predominantly minority Austin high school (for the Spring semesters of 1999 and 2000) and at a local branch of the Austin Public Library (from the summer of 1999 to the fall of 2001). These experiences provided me with a historical and social context with which to begin an ethnography on statistical objectification processes related to the Texas accountability

[22] This term is used by Kritzman (1988) in his introduction to Foucault, describing Foucault's work as analyzing the "politics of experience." I didn't use quotation marks in the text itself because my theorization/knowledge of the politics of experience comes (or originates) not from Foucault, but from feminists, but particularly feminists of color.

system. Over the course of the study, I conducted mostly informal and non-taped interviews with Austin teachers and school staff, members of civil rights organizations, and employees of the Texas Education Agency. My true participant observation began when I attended a rally held by Texans for Quality Assessment in January of 2003, in support of creating multiple criteria for students in Texas, particularly Third Graders, who for the first time would be required to pass the new, more difficult state assessment in order to be promoted to the fourth grade. At the rally, I met an aide for the Latina Representative[23] sponsoring bills that would institute multiple criteria for both grade promotion and high school graduation. She was one of the few Black people attending the rally, and I asked her why she thought there were so few Black people there. My question piqued her interest and at that time, she introduced me to the Representative, who then invited my husband and me to her office. There, she invited me to volunteer for the Office since, as a graduate student, I would be able to help with research needed to gain support for the bills—thus began my study. I drove to the Representative's Austin office from San Antonio two to three times a week over the duration of the Regular 78th Legislative Session, usually working there from five to ten hours, particularly towards the latter portion of the session when the office became short in staff and when the other volunteer interns from the University of Texas had final exams. At first, I mostly attended Public Education Committee Meetings regularly, which were scheduled every Tuesday at 2:00pm, and depending on the bills, both in terms of their significance, but also number, the meetings could proceed late into the night. I was limited to some extent by driving

[23] From this point forward, she is referred to as "the Representative."

from San Antonio, since severe weather one some occasions forced me to stay in San Antonio and because I limited the amount of time I spent in Austin so I would not have to drive home by myself too late at night. The Representative was gracious enough to pay for my gas and give me a pass for free parking near the Capitol. I soon found out legislative work proceeded far beyond regular working hours, and I left many a night wishing that the others could go home at the same time I did. Most of the work I did in the office consisted of attending and taking notes regarding House Public Education Meetings, as well as researching for "talking points" that would aid in gaining support for the bills. I was even recruited by the Representative to write a speech on multiple criteria for a press conference. However, as the session progressed, the Office became short-staffed, and I was needed for answering phones, filing bills, running documents for the Representative to the House floor, and making copies. At times, the Representative had to recruit her friends to volunteer with the administrative assistant work. Working in the Capitol took a physical-emotional toll on me, and at times, it became so stressful that I experienced chest pains. As I spent less time on ethnography and more on filing bills, I worried that my position was better suited for a study of employment or the workplace than one for educational politics.[24] While working as an intern, I was given access to meetings, luncheons, and dinners held exclusively for Legislators and I was able to

[24] I kept myself from recording my observations of the workplace, feeling that to do so would violate my commitment to Freire's vision of not making the people with whom you are working objects of study. I also viewed my positioning in terms of a "drawbridge" (Sudbury 1998, 181). Speaking of coalitional politics, Anzaldúa contends, "Many of us choose to 'draw up our own bridges' for short periods of time in order to regroup, recharge our energies, and nourish ourselves before wading back into the frontlines….The other option is being 'down' may mean a partial loss of self. Being 'there' for people *all the time, mediating all the time* means risking being 'walked on,' being 'used.'" (Anzaldua 1990:223 in Sudbury 1998: 182). I knew that as a volunteer I could be exploited as a free laborer, yet at the same time, as writer-ethnographer, had the potential to exploit those with whom I worked.

speaking with and listen to so many different groups of people, from the civil rights organizations (LULAC, MALDEF, NAACP, La Raza, IDRA) to groups lobbying for teachers, midwives, interior decorators, and people with disabilities. I also participated in a lobby day for the Representative's multiple criteria bills in which we, representatives from groups supporting the bills, visited the offices of House Representatives in order to speak in support of the bills. Legislative offices also provided access to news updates and search databases not available to the public. In observing the committee meetings, I was able to take notes as would a "fly-on-the-wall" anthropologist, but in other situations, I largely took notes after holding conversations or even after I drove home to San Antonio. Technology, particularly Real Player, made it possible to view committee meetings and floor proceedings in real time and taped over the internet, both while I was in the office and when I was at home. Real Player, however, was no substitute for physically being present in meetings, given not only the wider range of vision, but also an embodied ability to sense the emotions concerning particular bill debates.

In addition to interviewing and participant observation, I also conducted a media review, both being fortunate enough to be on mailing lists concerning educational news, but also having access, as a University of Texas graduate student and a Legislative intern, to electronic newspaper databases. I conducted most of the historical research in this paper through secondary sources, particularly the history of statistics. I did analyze primary statistical texts released by the Texas Education Agency on its web-site, as well as "non-secure" (paper) documents given to me by a TEA employee, particularly the Technical Digest of 1999-2000 summarizing the manner in which tests are designed, scored, and reported. I visited internet web-sites dedicated to testing issues, particularly that of Texans for Quality Assessment and its links. Also, I watched television broadcasts of educational issues, primarily news and newsmagazines and Congressional proceedings, official speeches, and conference proceedings on C-Span.

Writing

As I employed a “public anthropology” approach as a way of conducting activist research, the methodology of writing I have chosen for this project is also embedded in the politics of using “anthropology as cultural critique.” While Denzin (1997) locates the movement of ethnographic writing as a form of cultural critique as a moment in (and reflecting) the postmodern, “multinational…to transgressive” phase of capitalism, I tend to draw on Lewis (1973) and Willis (1969), locating this moment in terms of the “crisis in anthropology” that developed out of broader anti-colonial struggles in which the role and “truth” of anthropology were challenged by the objectified subjects of anthropology.[25] For Marcus (1998 [1994]), postmodernist questionings of “conventional forms” have produced experimental, reflexive ethnographic writing that he calls “messy texts.” According to Marcus,

> These authors [of messy texts] refuse to assimilate too easily or by foreclosure the object of study, thus resisting the kind of academic colonialism whereby the deep assumption permeating the work is that the interests of the ethnographer and those of her subjects are somehow aligned (188).

[25] Denzin does recognize this crisis in his reprinting of a poem by Fred Westerman of the Dakota Nation called “Here come the Anthros” (214,215).

Messy texts are “*symptoms* of a struggle” to challenge commonsense perceptions of the world and anthropology, to “critically displace sets of representations that no longer seem to account for the worlds we thought we knew, or at least could name” (189). While my method of writing in this ethnography may be considered as a “messy text,” I prefer Visweswaran’s (1994) conception of ethnography as an “interrogative text” that “emphasizes the subject split into both subject and object, as continually in the process of construction: a ‘subject in process,’” and that rests and risks its authority on constantly posing questions (62). In this sense, my text as interrogative is born not purely out a postmodern concern for challenging convention, but out of my lived struggle against racism; against a form of “academic colonialism” that does not simply impose its interests on those it is studying, but has aided in the colonization and imperialist assimilation of people of color, of whom I am a part; and against a form of “disciplinary colonialism” that silences the interventions and scholarship of us “natives” (McClaurin 2001: 59). Thus, in the tradition of Black feminist anthropologists, inspired by DuBois, Fanon, and US Third World feminists, my reflexive, interrogative text practices “autoethnography” that not only questions the division of the observer/observed (Denzin 225) and subject/object (Visweswaran 62), but also critiques the (elitist and imperial) temporal and spatial distancing of the anthropologist from the object-as-subject (Fabian 1983, Peters 1997) through an “almagamation of self and community” or self and society (McClaurin 67). Thus, my autoethnography emerges exactly from the “interest of…her subjects,” exactly from the politics of the “community”[26] of which I am a part. It does

[26] This term goes unquestioned by McClaurin, but is interrogated in *Between Woman and Nation* (Kaplan,

require the “messiness” of acknowledging “academic colonialism” against which Marcus cautions, and I question whether we can really “de-colonize” anthropology. It also requires me to interrogate the ways in which I, myself, am a producer of and produced by the very processes of statistical objectification/subjectification about which I am theorizing and writing. Through autoethnography, I acknowledge my *double consciousness*, as a product of the university and discipline of anthropology, but also as a Black woman with a critical and experientially-grounded perspective or “embodied theoretical standpoint” (McClaurin 56-63,65); as a theorist employing the language, theories, and methods of “dead White men,”[27] yet as a theorist capable of what Sandoval (2000) calls “differential movement” or exercising the “middle voice,”

> …wherein the activist attempts to exercise power upon *what* is conceived as an object (as in the active verb form), and unlike positions of social subordination such as those of ‘pet,’ ‘game,’ or ‘wild,’ positions permitted the oppressed in which exterior powers exercise domination on the citizen-subject, who can only act in response (as in the passive verb form),…the middle voice represents the

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Alarcón, and Moallem 1999), following Partha Chaterjee’s notion of “imagined community.” I put it in quotation marks here because I became involved in a political movement in Texas formed by a multi-racial coalition, made mostly of women, who came together after a charge that testing in Texas constituted *racial* discrimination. My birthplace and palce where I grew up is not Texas, but Columbus, Ohio; thus, I cannot authentically assert that Texas, where I’ve lived for six years, is my “home.” I also felt that if perhaps I was a teacher or a mother of a child in public school, I would have more at stake in the testing system and thus a deeper understanding of the processes of objectification occurring due to the testing system. In Chapter 6, I explore the idea of “imagined community.”

[27] I once accused my Black professor of reproducing the power structure by teaching about resistance by first studying Marx, Foucault, Gramsci, and Althusser, i.e. “dead White men,” instead of actual struggles of people of color. In finally producing research, in going beyond graduate-level deconstruction, I have come face to face with my own critique, finding myself also relying heavily on “dead-White men.” My answer to my critique of my professor and of myself is that these theorists have been critical to struggles of people of color and articulated historically within these struggles, simultaneously being critiqued and expanded Marxism in particular became a way of allowing struggles in different parts of the world, from Mao to Guevara to Wright to DuBois, to be articulated as one struggle. (see Leslie Marmon-Silko 1992[1991], Robinson 200[1983]) Why Foucault? As Spivak (1988) suggests of Foucault, “Sometimes it seems as if the very brilliance of Foucault’s analysis of the centuries of European imperialism produces a miniature version of that heterogenous phenomenon: management of space—but by doctors; development of administrations—but in asylums; considerations of the periphery—but in terms of the insane, prisoners, and children. The clinic, the asylum, the prison, the university—all seem to be screen-allegories that foreclose a reading of the broader narratives of imperialism” (291).

> consciousness required to transform any of the previous modes of resistance out of their active-or-passive incarnations into what White calls a 'reflexive,' or differential form. That reflexive mode of consciousness self-consciously deploys subjectivity and calls up a *new* morality of form that intervenes in social reality through deploying an action that re-creates the agent even as agent is creating the action—in an ongoing, chiasmic loop of transformation. The differential activist is thus made by the ideological intervention that she is making: the only predictable final outcome is transformation itself (156,157).

My text escapes (or "goes beyond") neither the "empirical omniscience" (Denzin 210) nor claim of "rigor" and "validity" characteristic of modernist (yearnings for) scientific anthropology. My use of narrative, self-reflectivity, and experiential standpoint are attempts at blurring the lines between "fact" and "fiction" (see Denzin 126-162), but in the sense that they attempt to *politicize* the production of truth while maintaining "authority" (Clifford 1988): not only to chart the racial and gendered political economy of "truth," i.e., to problematize the ways in which the production of "facts" objectify and commodify/exploit people and their knowledge (through statistics); but also to argue that the "lived experiences" of objectification are *facts*[28] or truths that need to be taken into account in order to oppose the "marketization of education," which ultimately is the "de-democratization" of education (McNeil 2003a), or the retrenchment of the (welfare) state's policies of redressing inequities, implemented as a result of historic struggles for "civil" and human rights. As Hardt and Negri (2000) suggest, "Truth will not make us free, but taking control of the production of truth will" (156).

In this project, I interrogate statistics as a hegemonic discourse network, whose genealogy as a *science of the state* and as a *probability calculus* (or mathematical

[28] In *Black Skin, White Masks*, Fanon's chapter in French "L'experience vecue du Noir," in which "l'experience vecue" is literally "lived experience," is translated in the English version as "The Fact of Blackness."

science) allows it to be a technique not only of objectifying “subjects” through governmentality and exploitation, but also of producing truth, materializing (social) facts, and providing measures of certainty, representativeness, and significance. I argue that the hegemony of high-stakes regime as an element of the “marketization of education” is maintained through the operation of statistics as a discourse network, allowing the coalition of the Right to do the following: (1) “conduct the conduct” of students, teachers, administrators, and the public—despite the appearance of “freedom”; (2) commodify knowledge and exploit public education through a system of competition; and (3) produce the “truth” of testing through notions of progress, representativeness, standards, and validity. I also examine questions of subjectivity in both the production of and resistance against statistical discourse. Self-identification with statistics and *becoming* of a producer of statistics—i.e., statistical subjectivity—one the one hand, reinforced statistical discourse and the regime of high-stakes testing, yet also, on the other hand, formed the basis for constructing a statistical counter-discourse that challenged high-stakes testing. However, it was exactly the politicization of experiential narrative as a *contre-histoire* to statistical discourse that became both central to the resistance against high stakes testing and also diagnostic of the forms of power (objectification) through which high stakes testing operated. Thus, I viewed this form of resistance as constituting what Foucault calls the “struggle against the submission of subjectivity.” While this “struggle against subjectivity” did not articulate *race* or anti-racism as its *raison d’être*, it not only emerged from the opposition to the impact of high-stakes testing on students of color (led by MALDEF), but it was also racialized in terms of its being led by a Latina

Democratic Representative. Given both the articulation of race through statistical discourse and the use of testing as a technique of segregation, I also examine the ways in which the statistical discourse of high-stakes testing racialized U.S. Mexican and Black students not only as the embodiment of risk, but also the markers of failure and inefficiency. I consider the ways in which the dual strategies of statistical counter-discourse and experiential narrative as *contre-histoire* signify what Sandoval (2000) calls "differential movement," part of the "methodology of the oppressed." Further, this differential movement is present within and echoes my combining of anthropology of science and *autoethnographic* activist anthropology, what may be called "studying up" with a view "from below."[29]

In the following chapters, I contextualize the Texas testing system historically and examine three forms of statistical objectification (government; commodification; and statistical truth production) that I contend maintain the hegemony of the testing system. In Chapter 2, I provide a historical context for my involvement in the movement to pass multiple criteria bills in the wake of the *GI Forum* decision that denied that the Texas testing system was racially discriminatory and of the passing of the "no social promotion" bills. I examine the emergence of testing in the context of desegregation in Texas, but also in the context of the racial realignment of the Republican Party in Texas.

[29] Hardt and Negri (2000) use the term "from below" to refer to the "multitude," masses, or oppressed (357). Sandoval (2000: 74) suggests that the vertical metaphors of *up* and *below* have been replaced with horizontal metaphors of *margin* and *center*. The critique by Kaplan, Alarcón, and Maollem (1999:8) of the metaphor of *marginality* as "complicit with the discourse of the nation-state" may also apply to the vertical metaphors of *up* and *below*. I use them to suggest not only my differential movement between science and activist anthropologies, but also my positionality as both of the state (as intern and university student) and not of the state (as Black woman of the *petit-bourgeoisie*). This conceptualization is in concert with the "in-betweenness" or "double concept of the border" that Kaplan, Alarcón, and Maollem suggest should replace *marginality*.

I also argue that deconstruction in-and-of-itself does not always serve in favor of anti-racist politics, particularly the deconstruction of statistical proofs of discrimination that I argue occurred in the *GI Forum* case. Finally, I discuss the national movement for "multiple criteria" in the context of No Child Left Behind. In Chapter 3, I describe the ways in which students, teachers, and the public become manipulated or governed through statistics. Characterizing statistics as a "discourse network," I examine the way in which statistical production objectifies students in a similar way as the "trained gorilla" of Taylor's scientific management. I also explore the ways in which statistics impose a "structure of feeling," particularly what Woodward calls "statistical panic." Third, I view the ways in which statistical production supports practices of making students of color invisible statistically, objectifying marginalization and invisibility. In Chapter 4, I discuss the ways in which statistics allow the commodification students and their knowledge via the "informational economy." I argue that the assimilation of students, teachers, school administrators, and the public into a system of competition works to maintain the hegemony of the testing system. Third, I argue that in the neoliberal imperative to combine profitability with governmentality, conservatives are deploying statistical discourses in order to attack the democratization of the public school, in their general attack on the "welfare state." In Chapter 5, I examine Desrosieres' concept of statistical objectification in terms of stabilizing objects and "taming" (Hacking 1991) uncertainty, discussing the ways in which statistical fact production operates to make certain truths hegemonic. First, I call into question the ways that the statistical objectification of "minority failure" has underscored the hegemony of the testing system. Second, I view the ways in which polls on testing serve as tools for educating consent by statistically constructing a collective will. Third, I examine the way in which statistical constructs of *standard error of measurement* and *correlation* also operate to stabilize objects and serve as a form of ideological glue (or establish relationships) between different objects. Fourth, I examine "statistical subjectivity," including in my own practice, as a way of understanding the ways in which statistical discourses become a terrain for negotiating politics as well as commonsense. In Chapter 6, I elucidate the ways in which narratives of children's experiences with testing served as the major political tool in gaining support for the multiple criteria bills, which I describe as opposing statistical objectification. I also call into question the postmodern deconstruction experience, suggesting that it supports the very objectification testing imposes. In this chapter, I reflect on my own "romanticization of resistance," and interrogate the ways in which the "Subaltern cannot speak." In the Concluding chapter, I summarize objectification, as well as address the problematic of "studying up," public anthropology, activist anthropology, and autoethnography. I also interrogate the politics of my arguments and whether or not my product will be useful to activists, exploring the concept of providing or "prescribing" "solutions." In order to consider solutions, we need to first examine the historical context and political economy of testing in Texas.

Chapter 2. Context

According to Wat (2003), challenges of the impact of high-stakes testing have come mostly from White organizations. While the multiple criteria movement appealed to the rights of all students and children, the basis of the bills came from the struggle against racism, specifically in response to the 1999 *GI Forum v. Texas Education Agency* decision. In this case, nine students (eight Latino, one Black), Image de Tejas, and GI Forum (a Latino advocacy group composed of former GI's) became plaintiffs in a suit against the Texas Education Agency, charging that the disproportionate number of Hispanic and African American students failing the state-mandated test, the Texas Assessment of Academic Skills (TAAS), constituted racial discrimination. MALDEF, the attorneys for the Plaintiffs, argued that the TAAS high school exit exam prevented a large number of Hispanic and African American students from graduating at a rate so disproportionate to that of White students that it constituted a disparate impact under discrimination laws and litigation. MALDEF argued that this disparate impact was caused by a test that did not meet the standard of educational necessity, showing that 1.) the establishment of a cut-off score for passing or failing was guided by political reasons instead of educational standards, 2.) the choice of items of the test failed to pass psychometric standards for the ridding of (racial) bias, and 3.) the testing system accompanied educational policies that contradicted the stated purposes of the test (such as severely limiting the curriculum, causing increased drop-out rates, and retaining students in the pre-test grade (ninth grade)). (Saucedo 2000) According to the Texas Education Agency, the TAAS was not only educationally necessary, but it also served as a system for discovering which districts and schools needed improvement. TEA argued that the decreasing racial gaps in test scores evidenced that the test was not racist; rather, it was a tool for redressing racial inequalities throughout the state. In the end, the Judge found that the disparity in the test's impact on students of color did in fact constitute statistically significant disparate impact, but that this disparity resulted not from any racist intentions of the Texas Education Agency (whose intentions were to redress racial inequality), but from the minority students' failure to "catch up" to their White counterparts (*GI Forum, et al.* 87 F. Supp. 2d 667 [2000]). As the reactions by expert witnesses on the side of MALDEF attest (see Padilla 2000), the decision marked a refusal to acknowledge the historical conditions of segregation that produced the disparate impact and a reinscription of "deficit-thinking" (Valencia 1997) that forced students to bear the full "responsibility" for those conditions. In this chapter, I examine the ways in which the movement towards intensifying high-stakes testing in Texas, rather than *redressing* segregation, *reproduces* racial and class-based school segregation, particularly in the context of racial politics in the state concerning the realignment of the Republican Party. I also address the way that statistics figures into this reproduction, both as a way of writing race, but also as a terrain of political negotiation, whereby statistics-based claims by civil rights organizations of racial discrimination are being deconstructed by conservatives. Third, I discuss the context of the 78th Legislature and the movement for multiple criteria in which I participated and of which I observed.

Brief History of Racial Politics in Texas

In order to understand current racial politics, an examination of the racial history of Texas is necessary. The incorporation of the state of Texas into the United States in 1845 brought about a racial dynamic unlike states of the Southeast. Texas was first colonized by Spain in 1690, largely through the establishment of missions by the Franciscans that required the formation of alliances with Indians. (Menchaca 2001: 113) According to Menchaca, while the Spanish imported about 200,000 African slaves—mostly Malinké from Mali—to Mexico, the colonies in Texas had few African slaves. (2001: 42, 112) In 1810, “mestizo, mulatto, black, and Indian masses” revolted against Spain in the Mexican War of Independence (Taylor 1998: 37). Gaining independence by 1821, the newly independent Mexican government instituted liberal racial reforms that naturalized all non-slaves as citizens and instituted “the legal infrastructure to dismantle slavery” (Menchaca 2001:162). According to Taylor, the liberal laws enticed fugitive slaves and freed men and women to migrate to Texas in the 1820s. In the same period, Anglos, largely from the Old South, migrated to Texas and the Southwest, bringing slaves, but also an ideology and institution of slavery that both differed sharply from the Spanish-Mexican one and that violated the Mexican constitution (and the spirit of Independence).[30] The increased immigration of Anglos to Texas and their illegal acts of enslavement clashed against the Mexican government, which in 1829, led by Vincent Guerrero of African descent, abolished slavery. This conflict underlined the battles

[30] Menchaca argues that under the Spanish in Mexico, slaves were granted some legal rights and that “people born one-sixteenth Black were legally classified as Spaniards” (2001: 60). Also, the Church prevented slave-owners from revoking these rights, such as the granting of freedom to the offspring of a Black male slave and Indian woman—no such provision existed for Black women. (62) By the time of Mexican Independence, slavery was reformed to such an extent that the government emancipated any slave entering Mexico, Mexican-born children of slaves at the age of 14, and adult slaves after serving a certain amount of time (163).

waged by Anglo Texans for secession from Mexico (Menchaca 2001:166). According to White (1974:19-21), when Anglos rose against the government in 1839, the first grievance Anglos used to justify their declaration of war was "the failure of the Mexican government to provide public education in Texas," despite the fact that compulsory schooling was decreed by the Republic of Mexico in 1829. White suggests that the contention centered on the requirement of the Mexican government that instruction be conducted in Spanish. (19)

After Anglo Texans fought to establish independence from Mexico and statehood in the United States, the new government instituted laws and practices—including the formation of the coercive police force, the Texas Rangers—that redistributed Mexican-owned land to Anglos, essentially colonizing Mexican people in Texas and their land (see Blauner 1987). The Texas constitution denied political enfranchisement and citizenship rights to Black and Indian people, as well as Mexicans of African and Indian descent, and forbade the residence of freed Blacks without the consent of the Texas Congress. Blacks were either declared slaves or deported to Mexico. After the Treaty of Guadalupe Hidalgo, the US federal government established laws denying Black and Indians citizenship rights, and forbade people of mixed European and Indian descent both the right to vote and the right of citizenship. (Menchaca 2001)

During the Civil War, many of the Confederates transplanted their slaves from the Eastern states to Texas. Texas was the last state of the Confederacy to fall to the Union in June 19th 1865, making Black slaves in Texas the last to be emancipated under Lincoln's Emancipation Proclamation. In terms of education, freed Black people, through a system of double taxation and through churches, formed public schools, accompanied by the establishment of public schools by the Freedmen's Bureau and Northern philanthropists. (Anderson 1988) According to DuBois (1962[1935]), the origin of the public school system in Reconstruction South in particular can be traced to the efforts of freed slaves. Additionally, DuBois asserts that without schooling "the Negro would...have been driven back into slavery" (667).

In 1877, Southern states accepted the Presidency of William Taft in exchange for the withdrawal of Northern troops, known as the Great Compromise, bringing to an end the Reconstruction Era. In the post-Reconstruction Era, racial violence became particularly brutal in Texas. By the mid 1930s, Texas ranked third among Southern States in lynching.[31] Additionally, once its vast lands became targeted for establishing (agricultural) industries, railroads, and settlements, the US government waged war with Indian Nations, either wiping out populations or pushing them out of Texas into Mexico or Oklahoma reservations by the 1870s. (Menchaca 2001:230) In 1915, Mexicans led an uprising including Black, Japanese, and Indian called the Liberating Army for Races and People, united under the *Plan de San Diego* to create an independent republic in the Southwest. After several raids, Texas Rangers hunted down, executed and lynched Mexicans daily, burning their homes and forcing them to move. (Montejano 1986: 117-123) The US military even established a regiment of Black soldiers responsible for guarding the border of Texas against Mexicans racialized as "bandits" and Indian warrior nations, inciting racial tensions not only between Blacks on the one hand and Mexicans

[31] While lynching is often thought to have only been used against men, Ida B. Wells-Barnett (1991[1895]) provides several examples of women being lynched.

and Indians on the other, but also with the former Confederates who viewed the presence of Black soldiers as a sign of continuing military occupation by the North (Taylor 1998: 165-167).

In terms of post-Reconstruction political economy, colonization and enslavement manifested itself as segregation. According to DuBois (1962[1935]), segregation emerged from the post-Reconstruction alliance among the White labor class, the Southern oligarchy, and Northern capitalists.[32] Simultaneously, the establishment of sharecropping, vagrancy laws and apprenticeship laws, trapped Black workers into "cheap" labor, and the legitimation of Black codes ensured Blacks limited access to land, juries, and proper education. Thus, political enfranchisement of Black people through the thirteenth, fourteenth, and fifteenth constitutional amendments never accompanied "economic emancipation" or "economic enfranchisement" (DuBois 1962[1935]:351). According to DuBois, the prison system became a new form of slavery, and Taylor asserts that Texas became "notorious" for its "convict leasing system" (1998: 107). In terms of education, former Confederate Democrats in control of Texas state government, who viewed the public school as a product of Black freedom and the imposition of the Republican Freedman's bureau, repealed the system of public schooling set up by Republicans (White 1974, Veninga 1984). Once public education was re-established by 1883, de jure segregation was enforced for Blacks and de facto segregation for Mexicans (San Miguel 1987, Donato 1997). Despite the Treaty of Guadelupe Hidalgo which guaranteed equal treatment under the law for Mexicans in the Southwest (San Miguel and

[32] For DuBois, this alliance undermined a "General Strike" against the Southern plutocracy.

Valencia 1998), segregation of Mexicans in Texas became particularly hardened by the 1920s upon the migration of northern capitalists into Texas. The transformation of the agricultural economy to an industrial one, further displaced Mexicans from their land and property, while vagrancy laws and residential codes coerced them into becoming a "reservoir of cheap Mexican labor" (Montejano 1986: 178)[33] In the 1920s, segregation of Blacks in Texas also intensified. In Austin, for example, a City Ordinance called the "Master Plan" was passed in 1929 to push Blacks to the East Side of the city. This plan accompanied policies such as the withholding of public services, construction of highways such as Interstate 35 and the Mopac Expressway, closure of Black schools, zoning changes, and restrictive housing acts that forced Black communities spread throughout the city to falter and be reconstituted—some of the lands taken by the University of Texas. (Jackson 1979) According to McArthur (1998), one of the contradictions of racial segregation in Progressive Era Texas was that it provided support for the growing feminist movement, permitting White women to enter more public spaces:

> Enlarging public space for respectable white women was inseparable from constricting that of the African-American male; segregation became socially dangerous spaces "safe" for the New South's new women (87).

From the 1930s to the 1950s, Mexican American and African American political organizations waged legal campaigns against segregation, particularly in education. Through the formation of the League of United Latin American Citizens (LULAC), Mexican Americans lawyers of Texas challenged the segregation of Mexican American

[33] Garza-Falcon notes that the practice of passing property rights through women in Mexican society led many Anglo men to marry Mexican women and thus obtain their land.

students in Del Rio, Texas. In the landmark case, *Del Rio v. Salvatierra* (1930, 1931), segregation of Mexicans based on *race* was rendered unconstitutional given LULAC's contention that the Texas Constitution held that segregation must occur between Whites and "colored," meaning Negro, people, and Mexicans were not Negro, but White. The court ruled, however, that segregation based on language was permissible. According to Blanton (2003), from 1920 to 1940, intelligence-testing allowed "the legal justification for the racial segregation of Mexican Americans in the public schools of the American Southwest…to rest upon a pedagogical basis." In the 1940s, Thurgood Marshall and the Legal Defense Fund (LDF) of the National Association for the Advancement of Colored People (NAACP) also took on racial segregation in Texas, first successfully challenging Texas' all-white Democratic primary in *Smith v. Allwright* (321 U.S. 649 (64 S. Ct. 757) [1944]) and second, successfully challenging the actions taken by the University of Texas Law School to provide severely inferior education to Black students in *Sweatt v. Painter* (339 U.S. 629, (70 S. Ct. 848) [1949]). In terms of using the courts to overturn the *Plessy v. Ferguson* doctrine of "separate-but-equal," the first successful case occurred in California in the *Mendez v. Westminster* case (161 F.2d 774 [1947]),[34] in which a federal court for the first time ruled unconstitutional the *de jure* educational segregation of Mexicans on the basis of race. (San Miguel and Valencia 1998) The *Mendez* case sparked Mexican more legal battles in Texas, as a similar ruling was handed down in *Delgado v. Bastrop* (1948), but it also arguably provided the groundwork for *Brown v.*

[34] According to Kluger (1975), while the District court in *Mendez* ruled that the "separate-but-equal" doctrine was unconstitutional, the Court of Appeals ruled that segregation of Mexicans in California was illegal, not because "separate-but-equal" was unconstitutional, but because there was no provision in California law allowing for racial segregation (399).

Board of Education (347 U.S. 483, (74 S. Ct. 686) [1954]), which struck down the "separate-but-equal" doctrine and *de jure* racial segregation. Not only did the NAACP file an *amicus* brief in the case, but the governor of California at the time of decision was none other than Earl Warren, the Chief Justice of the Supreme Court in *Brown v. Board of Education*.

"Subterfuge," Testing, and the Racial realignment of the Republican Party

Brown v. Board of Education (1954) failed in many cases to bring about desegregation despite the ruling in *Brown II* (349 U.S. 294, (75 S. Ct. 753) [1955]) that desegregation occur "with all deliberate speed." For Wilson (1987), in *The Truly Disadvantaged*, the failure of post-*Brown* liberal reforms and antidiscrimination laws to alleviate racial segregation and poverty suggests social and economic theories do not fully explain the persistence of segregation. Instead, we need an explanation of "ghetto-specific cultural characteristics" to fully account for the persistence of segregation.[35] For

[35] I read Wilson as suggesting that we consider the social pathology associated with segregation as a function of social isolation: Black male joblessness is a function of social isolation; crime and female headed households are functions of Black male joblessness; the sheer increase of young people is a function of female households; and social isolation is a function of the sheer increase of young people. In Mathematical terms, his formulas could look something like the following:

$$\text{Black male joblessness} = f_1\,(\text{social isolation})$$
$$\text{crime} = f_2\,(\text{Black male joblessness})$$
$$\text{female headed households} = f_3\,(\text{Black male joblessness})$$
$$\text{sheer increase in young Black people} = f_4\,(\text{female headed households})$$
$$\text{social isolation} = f_5\,(\text{sheer increase in young Black people})$$

Then you could argue that social isolation = $f_5\,(f_4\,(f_3\,(f_1\,(\text{social isolation}))))$, i.e. social isolation is a function of social isolation. I express it this way in order to argue that Wilson's cycle of poverty thesis is a circular argument.

Sugrue (1996), racial politics and resistance, e.g. the Detroit riots of the liberal 1960s, can only be understood in terms of the US racial political economy that involves both the spatialization of racial identities through racial covenants, housing discrimination, and school segregation, but also broader issues such as the contradictions of industrialization, land reconstitution and deindustrialization. In terms of education, Bowles and Gintis (1976) suggest that the behavioral, evolutionary, familial, and cultural models ushered in to explain the failure of liberal reforms are "based on a fundamental misconception of the historical evolution of the educational system" (8). The central misconception is that equalization of educational attainments necessarily parallels or generates the equalization of income and, thus, leads to the alleviation of poverty. Lemann (1999) argues that the utopian vision of educational opportunity stems from the partnership of large universities and corporate philanthropy, which extended (and commodified) the ideology of Jefferson's aristocratic meritocracy and worked to "turn…education into the modern equivalent of the frontier as Frederick Jackson Turner has imagined it—the locus of opportunity in America" (110). Thus, as the promise of the frontier could resolve tensions in the crowded industrial city, the rhetoric of educational opportunity could replace that of frontier, particularly as intra-continental expansion Westward—made possible by the violent incorporation (or stealing) of indigenous and Mexican lands—reached its limit. For Bowles and Gintis, the evolution of schooling, both reflecting the contradictions of the broader society and corresponding to the organization of the workplace, has occurred in the context of capitalists' and professionals' temporary resolution or suppression of conflicts and social unrest through a "strategy of reforms which leaves untouched the property and market institutions that characterize capitalism as a system" (232-3).[36] This is particularly true of *integration* as the strategy of desegregation (see Bell 1995). Orfield (1996) suggests that the "dismantling of desegregation" or resegregation of schools across the nation parallels and echoes the legitimation of *Plessy v. Ferguson* and thus a recuperation[37] of post-Reconstruction Era politics and ideology. In the award-winning tome *Simple Justice,* Kluger (1975) warns of the South's (and the North's) "skill at [constructing] legal barriers to slow desegregation" (725). San Miguel (1998) even calls the post-Brown era the "era of subterfuge":

> …it was during this period that a multitude of practices—for example, freedom of choice plans, selected transfer and transportation plans, and classification systems based on language or scholastic ability—were utilized by local school districts to maintain segregated schools (137).

One of the major strategies of avoiding desegregation was White suburbanization, which became legitimated in the cases of *San Antonio Independent School District v. Rodriguez* (411 U.S. 1, 93 (S. Ct. 1278) [1973]) and *Milliken v. Bradley I* (418 U.S. 717, 94 (S. Ct. 3112) [1974]). The cases prevented the legal recognition of the intersectionality[38] of race and class in segregation litigation. In the former case, plaintiffs from the Edgewood Independent School District in San Antonio, sparked by student walk-outs used the equal protection clause to charge that finance inequity between

[36] This is very much the argument of Omi and Winant (1994) in their conceptualization of the "racial state" and the strategies of "absorption" and "insulation" (86,87).
[37] This is a Foucauldian term, which I use to suggest both rearticulation and reenactment. Stoler (1995) argues that Foucault's key insight into race is that he recognized the "analytic and political tension between rupture and recuperation," which would explain how "racism appears *renewed* and *new* at the same time" (89). Additionally, the "fundamental paradox" of race for Foucault, according to Stoler, is that "racism effectively incorporates emancipatory claims" (89).
[38] Crenshaw uses this term to designate the intersection of race and gender, particularly the refusal of the court to allow for that intersection to be recognized. The dichotomization of race and gender to me parallels the dichotomization of race and class that prevented the legitimation of a concept of segregation as possessing racial and class dimensions.

districts was unconstitutional. The case went to the Supreme Court after a district court had ruled in 1971 that the resource inequalities were unconstitutional. In a 5-4 decision, the Court ruled that education was not a fundamental right under the constitution, that Texas had provided each student with the funding necessary for minimal basic skills, and that the Rodriguez's attorneys from MALDEF did not establish "a suspect class" or an identifiable group for whom equal protection was denied (Kluger 1975, Kozol 1991, Farr and Trachtenburg 1999). Kozol describes the *Rodriguez* decision as "the ending of an era of progressive change…[that] set the tone for the subsequent two decades which have left us with the present-day reality of separate and unequal public schools" (1991:219). Kluger (1975) contextualizes the decision in a critique similar to that of Bowles and Gintis:

> Lurking unspoken in the background was the profoundly unsettling question of how far government in a capitalist nation dared to venture toward wiping away the advantages of private wealth in order to provide truly equal public services (770).

Another Supreme Court decision that affirmed this limit the nation would take in providing equality was *Milliken v. Bradley I,* in which the court ruled against a desegregation remedy that integrated Detroit suburbs with the inner city. According to Freeman (1995) and Orfield (1996), the combination of the *Rodriguez* and *Milliken I* decisions legitimated the concentration or isolating of students of color in school districts while denying these districts resource equalization.[39] Freeman further argues that the decisions created a legal condition worse than *Plessy v. Ferguson* since at least under the

[39] A case in point is West Lake in Austin, which refused to desegregate in the 1970s and broke away from Austin Independent School District, forming its own district in the West center of the city.

latter “separate-but-equal” was required. For Freeman, the Supreme Court, in *Milliken I*, “for the first time applied antidiscrimination law to rationalize a segregated result in a case where a constitutional violation had been found to exist” (1995: 41).

According to R. Scott Baker (2001), testing and tracking in addition to teacher competency exams were in fact legal forms of evading *Brown*, and the paradox of testing and tracking is that the meritocratic ideal appealed to the Black elite.[40] Miller (1974) argues that the acceleration of testing in the 1970s resulted from the usage of testing in the 1966 Coleman Report to evaluate desegregation. Like Miller, Charles Asbury (1978) critiques the use of testing as a proper method of evaluating the effectiveness of desegregation given that “the problems of test abuse and the improper use of tests have been well documented”:

> …why are we measuring the effects of desegregation with achievement tests? ...unless there is another point one wishes to make; and, that is that ‘no matter what you do by the way of educational provisions for Blacks, they won’t improve very much anyway because Black people aren’t as smart as white people.”…Carried further, this reasoning leads one to espouse that if whites are smarter that Blacks it must be because Nature (or God) preordained it this way, and that in the natural order of things, whites are supposed to be in charge.
>
> The marriage of convenience between ‘scholarship’ and racism has existed throughout our history (70).

Guinier (in Sturm and Guinier 1996 and Dowdell, Cortez, Nadal, and Hair 2001) argues that high stakes testing is comparable to the use of literacy tests in constructing barriers to voting (before being outlawed during the Nixon administration), in that it limits access to work, higher education and forms of civic participation.[41] Guinier stresses, “Making

[40] This is parallel to or part and parcel of the expansion of the Black middle class, precipitated by the Nixon administration’s legitimation of affirmative action.
[41] One of the things I learned working as an intern in the Capitol was that most legislators are attorneys, and their salaries as legislators is $600 a month, which requires high economic standing, which in turn requires

these connections between literacy tests and the current testocracy is particularly crucial because although the literacy tests may have been adopted and justified as a way of keeping Blacks out, they were also effective at keeping poor Whites out" (in Dowdell, Cortez, Nadal, and Hair 2001). For me, Guinier's point reinforces the idea that segregation is part of racial capitalism—spatially organized, ideologically expressed, and socio-economically structured at the intersection of race and class.

The use of intelligence testing to evade laws enforcing equal treatment under the law had already extensive practice in Texas before *Brown*, as Blanton (2003) argues that from 1920 to 1940, testing allowed "the legal justification for the racial segregation of Mexican Americans in the public schools of the American Southwest…to rest upon a pedagogical basis." Like Baker (2001), I argue that testing was another form of evading desegregation in Texas couched in a language of "equal opportunity." Further, I argue that the racial realignment of the Republican Party accompanied a party commitment to testing that ran alongside a commitment to "dismantle desegregation," starting with the fact that the first state-mandated testing system was established in 1979 with the election of William Clements as Governor, the first Republican elected governor since Reconstruction.[42]

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higher education. I learned through many conversations with different workers in the Capitol that the effect of *Hopwood* for instance was to limit the number of Black and Latino/a students who could become legislators because many legislators are attorneys. High-stakes testing in the lower grades could weed out even more students of color.

[42] While the support of testing by the Republican Party has roots in Tower and George H.W.Bush, who supported a system of national testing, it also has roots in the neo-liberal wing of the Democratic Party, particularly former President Bill Clinton. According to Newman (1987), Clinton was the governor of Arkansas when it became the first state to require competency testing for teachers. (158) Clinton also supported "accountability" and no social promotion bills as President. In Texas, the neo-conservative Republican

The election of Clements was the culmination of the transformation of the Republican Party, both in Texas and in the broader United States. Before the 1960s, Texas had been a one-party Democratic state, as the Republican Party served less as its own entity and more as a political space of negotiating between battling factions of the Democratic Party (Davidson 1990). A deep rift formed in the Texas Democratic Party in the 1940s over the New Deal policies of Democratic President Franklin Delano Roosevelt between liberal Democrats in support of FDR and conservatives deeply opposed to the New Deal. While the liberal faction had small victories in the 1940s, conservative governor and strict segregationist Allan Shivers, elected in 1949, put policies in place to prevent liberal Democrats from becoming elected. According to Davidson, the "Shivers machine" crossed party lines in the Presidential race to push for the election of Republican Eisenhower in 1952. The "liberalization" of the Texas Democratic Party, culminating in the rise of liberal Ralph Yarborough and moderate Democrat Lyndon Baines Johnson to the US Senate—where each voted *for* the Civil Rights Bill in 1957—pushed many of the "Radical Right" to support third Party candidates in Presidential elections such as Strom Thurmond's Dixiecrats and George Wallace's American Party. Like the Shivers machine, the Radical Right, composed of billionaires, evangelical Christians, and anti-communists/McCarthyites, employed the strategy of using the Republican Party to oppose the liberal Democrats. In 1961, when Lyndon Johnson left his Senate seat to become Vice-President under John F. Kennedy, this strategy proved

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and neo-liberal Democratic coalition proved to be a formidable force, particularly given that some of the neo-liberal Democratic House Representatives were Black, such as Dutton, Garnett, and Coleman of Houston.

successful, when John Tower won the election for US Senate as a Republican. According to Davidson (1990), “The modern Texas Republican party was born with the election of John Tower to the U.S. Senate” (198). Tower had been famous for his support of segregation, and as a Senator, he became nationally famous for preventing the adoption of a more liberal civil rights agenda in the national Republican Party Platform at the Republican Party Convention in 1964. While in the Senate, Tower opposed the Civil Rights Act of 1964 and the Voting Rights Act of 1965; pushed for a constitutional amendment designating “forced busing” as unconstitutional; and opposed the adoption of the Martin Luther King Holiday. In the 1960s, Tower represented for Republicans in Texas what Barry Goldwater, strongly supported by John Tower, represented for a newly forming Southern Republican base. When Senator Barry Goldwater of Arizona ran for President in 1964 as a Republican, he formed a base of Southern voters opposed in particular to Kennedy’s policy of sending federal troops to Mississippi when James Meredith faced a riot in attempting to desegregate the University of Mississippi. According to Davidson, Goldwater was “the first major-party candidate since race became prominent after World War II to pursue a southern White-oriented strategy,” deploying not an overtly racialized or racist discourse, but a discourse of “state’s rights” (226,7). As Goldwater ran for President, Strom Thurmond and George Wallace switched to the Republican Party. Despite Goldwater’s defeat by Lyndon Johnson, a new Republican base formed in the South, particularly in Texas, from which many of Goldwater’s most powerful supporters came, including John Tower. Davidson writes that “one of the most vocal supporters” was of Goldwater was Governor of California, Ronald Reagan, who led a campaign to defeat an open-housing law (227). As the Democratic Party absorbed Black and Latino voters, the Republican Party in Texas coalesced around opposition to the imposition of a “second Reconstruction on the South” (Davidson 1990:205), particularly civil rights bills and desegregation. In this context, the Republican Party in Texas produced such leaders as George H.W. Bush and James Baker. For Davidson, “Race, rather than class, turned out to be the driving force behind party realignment” (239). Davidson even quotes Congressman Mickey Leland, who in 1982, remarked, “Blacks supporting the Republican Party is like a bunch of chickens getting together to support Col. Sanders” (235). Thus, in 1979, the election of William Clements as the first Republican Governor since Reconstruction had significant racial overtones. According to Davidson, one of the platforms on which Republicans, including Clements, ran for office was a commitment to end busing precisely because at the time over 20 districts, including Austin, Houston, and Fort Worth, faced desegregation suits (237). In the first year of Clements’ tenure as governor, the Texas legislature passed the Equal Educational Opportunity Act that established the first state-mandated testing system, the Texas Assessment of Basic Skills (TABS). (Haney 2000) In 1980, a close friend of Governor Clements, Ronald Reagan was elected to President, instituting a policy of “dismantling desegregation” that included removing federal funding of desegregation plans, limiting funds to desegregation centers, calling on the courts to end busing, and even suggesting that the Department of Education be disbanded. (Orfield 1996: 16) In 1983, the Reagan administration published *A Nation at Risk*, submitting “proof” from standardized test results that U.S. students were “lagging behind” their international counterparts. Texas was among many states which used the manifesto as an impetus for reform, particularly by mandating standardized minimum competency exams. Although Democratic candidate Mark White was elected Governor of Texas in 1983, the person he chose to spearhead his educational reform in the Select Committee on Public Education (SCOPE), intended to fulfill the campaign promise to raise teachers' salaries, was Texas billionaire Ross Perot, who had served under Reagan's Foreign Intelligence Advisory Board (PFIAB)[43] and also served on Governor Clements' War on Drugs Committee. As McNeil (2000a) documents, SCOPE became dominated by corporate leaders selected by Perot and sought more widespread reforms packaged in House Bill 72, including teacher certification exams, a no-pass, no-play rule, and new state-mandated exams (Texas Educational Assessment of Minimum Skills or TEAMS) that at the high school level required passage for a diploma. According to Newman (1987), for SCOPE, increased teacher salaries and increased funding to public education were not possible at the time because of a downturn in the Texas economy and because the legislature was not going to continue funding at same or greater levels without "changes in accountability *and* quality assurances that the money was spent appropriately" (212). Newman also reported that in 1982 Texas had a surplus of $5 billion.

Because HB 72 failed to properly remedy the problem of finance inequity between school districts, the plaintiffs from *Rodriguez* and the attorneys from MALDEF sued again for finance inequity, this time in State court, in *Edgewood Independent School*

[43] I find this interesting given the comment in Richards, Shore, and Sawicky that the roots of performance contracting (the basis of privatizing public schools) originate in the Pentagon with ex-members of the Department of Defense. President Reagan's address to the Nation on Education in 1983, presenting the findings of A Nation at Risk?, included the inflammatory description "education under siege." [get source]

District v. Kirby (see Farr and Trachtenburg 1999). Teaming with the Equity Center, MALDEF (using a strategy of fighting the inequity of school funding resources as a way of attacking racial inequality[44]) successfully argued the case before the Texas Supreme Court, and in 1990, the Texas school finance system was deemed unconstitutional. The court ordered the legislature to come up with a finance bill that would successfully equalize "adequate" and "efficient" funding. As the legislature debated and passed finance equity bills, which would become labeled "Robin Hood," and as the bills were taken before the court, the State Board of Education approved a more difficult state-wide testing system, the Texas Assessment of Academic Skills (TAAS). The approval came despite state-wide poor performance on the 1989 TEAMS and projections that on the new high school exit exams,

> at least 73 percent of African Americans and 67 percent of Hispanics [versus 50 percent of Whites] would fail the math portion of the test; at least 53 percent of African Americans and 54 percent of Hispanics [versus 29 percent of Whites] would fail the reading section; and at least 62 percent of African Americans and 45 percent of Hispanics [versus 36 percent of Whites] would fail the writing section (*GI Forum, et al.* 87 F. Supp. 2d 667 [2000]).

When in 1995, the courts finally approved state legislation (SB 4) that improved finance equity among school districts in Texas, the bill contained the provision of an accountability system that centered on the state-mandated test, the Texas Assessment of Academic Skills (TAAS), dropout statistics, and school attendance rates. (Farr and Trachtenberg 1999) According to Palmaffy (1998), the accountability system was put in

[44] This was mentioned to me in an interview with Leticia Saucedo. The same strategy was tried in GI Forum, but denied by Judge Prado.

place "to ensure that redistributed funds would be spent well."[45] While the Perot reforms brought to Texas a high school exit exam, the accountability system impressed higher stakes for schools, teachers, and students, such as the threat of state control; the power of test scores to determine principal tenure, teacher salary and promotion; and student's high school graduation and grade promotion. (McNeil 2000a) Just days after finance equalization and 15 years after desegregation court orders swept Texas, TEA was demanding that poor, resegregated districts and schools perform at the same level as historically wealthy districts and schools. As Black educator Ruth Davis Sauls conveyed in an interview with Huston-Tillotson sociology professor Dr. Rosalee Martin (2001) on the issue of the TAAS test,

> …it's been said over and over again that the students in the black schools were behind the students in the Anglo schools or the other schools. If this be the case, then how in the world could you expect the black child to then take a test and come out equal if their teaching or training has been what has been called inferior? How in the world can it come out in balance with the other students who had superior or master teachers all along?

The imposition of the TAAS high school graduation or exit test resulted in the disproportionate denial of Black and Mexican American students high school diplomas, initiating legal action by the NAACP and MALDEF. The NAACP filed a complaint with the Office of Civil Rights in 1995 and reached a settlement with TEA on the agreement that the agency would provide proper remediation for students who failed the TAAS. MALDEF filed a class-action suit in the case *GI Forum v. TEA*, charging that the TAAS

[45] This was also written in Achieve Inc document and in an article by Braceras in which she says that "The Texas accountability system was enacted in response to a series of court challenges to the constitutionality of the financing of the Texas educational system." Additionally, she writes, "As in the case of Texas, the Massachusetts testing regime was a adopted as part of an overall reform package and in response to litigation challenging the constitutionality under the state law of the state's public financing system."

tests unconstitutionally discriminated against Hispanic and Black students. However, in 1999, Reagan-appointed Judge Edward Prado, himself a former student of the Edgewood School District, ruled in *GI Forum* that while MALDEF proved that the TAAS did produce a disparate impact on Black and Mexican American students, this disproportionality was not caused by the actions of the Texas Education Agency, but by the individual failure of students of color to attain a legitimate educational goal. In that same year, under the leadership of then Republican Governor George W. Bush, in 1999, the legislature passed both a "no social promotion" bill (SB 4) that would require third, fifth, and eighth graders to pass the state mandated exam before being promoted to the next grade; and a bill implementing a more difficult state mandate testing system, the TAKS (Texas Assessment of Knowledge and Skills) to replace the TAAS (Texas Assessment of Academic Skills). The bill passed in spite of rising cases of statistics-reporting fraud in districts across Texas. That same year, Austin ISD ended busing at the high school and middle school levels, returning to "neighborhood schools," and removing the last vestiges of the 1970 desegregation plans. Once Governor George Bush became elected as President in 2000, the administration pushed for the broad expansion of testing in every grade under the No Child Left Behind Act.

Retranslation and the Deconstruction of Statistical Proofs of Discrimination

In a speech before the American Enterprise Institute in January of 2004, Education Secretary Rod Paige compared opponents of the President's No Child Left Behind Act to 1950s era segregationists. According to Paige, the No Child Left Behind Act represents a political equivalent to the *Brown* decision itself, and the fact that "the very critics and organizations that applauded Brown and worked to implement it" are opposing the law—what he contends is leaving "minority children behind"—could only be explained by these organizations' commitment to "special interests" (Archibald 2004). For Paige, "racism cannot end as long as there is an achievement gap." Subtracted from Paige's equating of the alleviation of racism with the achievement of a statistical equality in standardized test scores (between a White and Black norm) is the impact of social and politico-economic factors that shape racial inequalities within schooling (see McNeil 2000b). Considering the volume of scholarship that documents the historical negative impact of standardized testing on students of color and racial equity (e.g., Miller 1974, Fraser 1994, Valencia and Guadarrama 1996), Paige's suggestion that opposition to increased state-mandated testing parallels support for segregated systems commits a form of thinking comparable to "double-think" (Orwell 1984[1949]) that Sandoval (2000) calls *retranslation*, particularly characteristic of neo-liberal and neo-conservative hegemony:

> the "late-capitalist retranslation of difference allows hierarchical and material differences in power between people to be erased from consciousness, even while these same economic and social privileges are bolstered" (73).

In fact, Townsend (2002) reminds readers that the "'leave no child behind' mantra" represents the Bush administration's rearticulation of a discourse used by Marian Wright Edelman in articulating the goals of the Children's Defense Fund. For Townsend,

> …Ironically, the federal proposal that aims to "leave no child behind" will have the opposite effect. With high stakes testing as its cornerstone, it will guarantee that the very child who gets left behind is African American. In addition to being left behind academically, African American children's racial identities, self-concepts, and achievement orientations will be sacrificed in the process.

For me, one of the reasons that Paige is able to argue that closing “the gap” will terminate racial segregation is that the conception of segregation is framed or *reified* in an overdetermined statistical discourse, in which complex material and historical conditions of segregation can be ignored. Abstracted from the grounded experience and politico-economy of segregation, the reification of social and educational segregation allows for the substitution of explanatory models for these material conditions. Ironically, the view of segregation in terms of statistics is a result of anti-racist politics and litigation. Unfortunately, I believe that this contradiction has supplied the groundwork for the deconstruction of statistical proofs of discrimination, allowing both the retranslation of racial difference as racial inferiority, and the retranslation of educational equity as test-score equality.

Arguably, the attempt to reduce segregation to a simplistic and deterministic formula is a manifestation of the hegemony of viewing segregation and the segregated—indeed, race in general—as statistical/mathematical in nature. For me, this tendency has emerged from the historical writing of race through statistics, what I term as a *statisticography* (as a parallel to historiography), occurring in three “moments”: slave and colonial inventories; racial science; and the sociological discourse of inequality as racial difference. This schema comes from Silva (2001), who argues that the modern use or deployment of “racial difference” as a “strategy of power” or the “*analytics of raciality*” occurred in two “moments”: first, the nineteenth-century development of a scientific classification of race that translated older typologies of the racial *body* into a typology of racial *consciousness*, a “*scientia racialis*”; and second, the twentieth-century retranslation of racial difference into a “sociology of ‘race relations’” that centered on “the argument that the consciousness of ‘racial difference’ (race consciousness) produces the unbecoming ideas (‘race prejudice’) and practices (‘race conflict’) of exclusion” (429, 434). For Silva, the *scientia racialis* “required the manipulations, measurement, and classification of racial bodies to produce the racial soul,” (429) and I would argue that such measurement and classification was made possible by the enumeration of colonized and enslaved bodies in censuses, registries, and inventories. Statistics in their nascent Western forms existed as inventories and mortality tables or “written records of baptisms, marriages, and burials” (Desrosieres 1998: 23, see also Woolf 1989, Curtis 2002). As early as the sixteenth century, Bartolome de las Casas employed records of mortality in Spanish colonies to call attention to the inhumane colonization practices that resulted in a horrifying number of Indian deaths (Robinson 2000[1983]: 127), yet also to argue for the replacement of Indian slaves with Africans who could better survive the conditions of slavery (Trouillot 1995: 75). Within the formation of Western nation-states, statistics (as “science of the state”) and censuses became central to projects of creating a homogenous unified national “social body” in the late eighteenth century (Desrosieres 1998, Cohen 1982, Curtis 2002), as well as serving as a mode of state control (Appadurai 1993).

In the context of nineteenth-century social struggles against colonization, slavery, and industrialization—that created crises not only for state economies (e.g., in the case of the French Revolution and Poor Laws in 1830s in Britain) but also the sense of citizenship (e.g., in the case of the abolitionist movement and Civil War in the United States) and right to nationhood (e.g., in the case of Haiti’s revolution)—the development and merging of social science, racial science and social statistics transformed censuses from recording systems to modes of knowledge (Appadurai 1993). In the United States, the first appearance of the "free colored" in the census occurred in the context of the debates over Missouri in 1820. In 1840, when the addition of statistical categories such as "illiteracy," "insanity," and "feeblemindedness" "revealed" that there were more incidences of insanity among freed black persons, the following census—upon the urging of pro-slavery American ethnologist Josiah Nott—according to Nobles (2000),

> boldly ushered in the inextricable and enduring link between census categorization, racial scientific thought, and public policy in the United States. Despite fundamental political, social, and economic changes in the country as a whole between 1850 and 1930, the agenda if the consulting (social scientists) and census administrators remained essentially unchanged. A better theoretical understanding of race gave credence to the development of a segregationist public policy (43).

While nineteenth century racial science was not all statistically based—for instance, much of the early nineteenth century racial science was based in non-numerical anatomical or structural comparisons (Johnson and Bond 1934)—the physical-anthropological conception of race and racial difference in terms of measurement had tremendous influence on both the development of racial science and commonsensical ideas of race (Du Bow 1995, Baker 1998, Tapper 1999). Race and statistics would be intimately connected within the development of modern mathematical statistics by the British statistical school committed to eugenics, led by Galton (who coined the very term eugenics). MacKenzie (1981) argues that it was in fact Galton's commitment to eugenics that led him to develop the concept of "statistical dependence," formalized in statistical theory as regression and correlation.

Upon challenges by Boasian anthropologists and Black sociologists (Baker 1998), the biological conception of race began to be displaced and in its stead a sociological conception of racial difference. Black sociologists appropriated the theory of assimilation by Chicago sociologist Robert Park to suggest that racial difference evidenced racial exclusion, employing statistics to show that incidences of deviation from the (White) norm were pathologies caused by factors that inhibited full assimilation, factors such as slavery, urban relocation, and racism (Baker 1998: 178-9).[46] Desrosieres (1998) suggests that changes in the conceptions of race occurred in the context of Roosevelt's New Deal, accompanied by a new (or renewed) statistical formulation of "inequality," where inequality was defined as a social problem for the government to resolve (207). Myrdal's *American Dilemma* brought the (Black) Parkian conceptions of racial inequality to the forefront in American politics (Silva 2001, Desrosieres 1998, Cherry 1997), and this conception of inequality would not only be legitimized in the Brown decision (Baker 1998: 198-207, see Kluger 1975: 257). This legitimization would discursively produce segregation as a primarily *statistical* entity—particularly as the courts defined desegregation in terms of "racial balance," for which statistical measures such as index of dissimilarity, index of interracial exposure, and index of racial isolation were formed (Raffell 128-130, 207).

While the intention of statistical definitions of segregation may have been to aid in constructing desegregation plans, overly statistical and abstracted analyses of

[46] Inequality read through the Parkian sociological view of racial difference, however, as Silva suggests, normalizes "the *particularity* of European (white) bodies" and culture: "the *racial* would produce them as the privileged signifiers of *universality*" (435).

segregation tend to erase the historical, politico-economic, and embodied context of segregation. For example, according to Massey and Denton (1993), residential racial segregation is so extreme because it “reflects effects of white prejudice rather than objective market forces.” (11). Segregation, in their formulation, is the manifestation of a prejudice against Blackness; thus, the only Hispanic group that “developed underclass communities” are Puerto Ricans because they have African origins (12). Such a creation of an underclass, in their view, prevents “ghetto dwellers” from achieving pluralist politics and thus perpetuates poverty (13, 14). Although Massey and Denton “argue against the culture of poverty explanatory model,” they argue that racial “failure” is caused by a “culture of segregation” that causes the “emergence of an oppositional culture that devalues work, schooling, and marriage” (7, 8). Such an argument is in fact exactly Oscar Lewis’ (1965) thesis of what constituted a “culture of poverty” (see also Leacock 1971). As Silva argues, the “sociology of race relations” that both centers on “race prejudice,” but also centers the White ideal against which others are measured—for instance, defining racism as being in essence the existence of quantifiable racial distance from White—fails to account for the complexity of racism. This weakness in the sociology of race relations and its product(ion) of statistical proofs of discrimination have made anti-racist statistical counter-discourse vulnerable to deconstruction by conservatives.

In the early 1970s, the courts legitimated statistical proofs of discrimination in the *disparate impact* doctrine. According to this doctrine, facially neutral policies that created racially disproportionate effects, proved with statistical tests, were in fact deemed racially discriminatory. In the areas of employment and education, the cases that set this notion were *Griggs v. Duke Power Co.* (401 U.S. 424, 91 (S. Ct. 849) [1971]), *Swann v. Charlotte-Mecklenburg Board of Education* (402 U.S. 1, 91 (S. Ct. 1267) [1971]), *Wright v. Council of Emporia* (407 U.S. 451, 92 (S. Ct. 2196) [1972]), and *Keyes v. Denver School District I* (413 U.S. 189, 93 (S. Ct. 2686) [1973]) (see Freeman 1995). According to Freeman (1995), the era "managed to offer to black people expectations of proportional racial political power, a working system of equality of opportunity, if not actual jobs, and integrated schools" (41). From the late 1970s, however, as the opposition to desegregation and anti-discrimination claims gained steam, the courts narrowed the applicability of the civil rights litigation and legislation. For Freeman, the decision of *Washington v. Davis* (426 U.S. 229, (96 S. Ct. 2040) [1976]) set a precedent for undoing the gains made in the arena of civil rights by ruling that racially disproportionate effects did not by themselves constitute racial discrimination but required proof of intent. Greene (1995) argues that in the 1989 *Wards Cove Packing Co. v. Atonio* (490 U.S. 642, (109 S. Ct. 2115)) decision, the Supreme Court ruled through "a surreal analysis of statistics," overturning a lower court decision on the basis that "too much weight [had been given] to statistics that had demonstrated segregat[ion]" (292-3). In addition to litigation, conservatives began deconstructing statistical proofs of discrimination in journal contributions. For example, Kingsley Browne (1993) published a law review entitled, "Statistical Proof of Discrimination: Beyond 'Damned Lies,'" in which he argues that "statistical evidence of intentional discrimination should be abandoned as a primary method of proof and should become, at most, merely an adjunct to evidence that specific persons have been subjected to discrimination." According to Browne, the disparate impact doctrine is based on two false assumptions: (1) the "statistical fallacy" that statistically significant differences in employment is due *not to chance*, but to discrimination; and (2) the "central assumption" that "equal interest" and "qualifications are randomly distributed by race and sex within the qualified labor force." For Browne, proof of discrimination should consist of "strong anecdotal evidence" and statistical evidence of "gross disparities" in place of statistically significant differences, since proofs based on statistical significance tests rely too heavily on probability theories (and hypothesis testing) and do not reflect the reality that "most employers do not base their decisions purely on quantifiable objective factors." Browne—who also believed that women's inability to crack the glass ceiling was not due to sexism, but women's "natural preferences" (see Ward 1997)—constructs an argument that is, ironically, very consistent with the postmodern critique of science and even contains some of the same ideological elements appealed to by those insisting on the use of portfolios in place of quantitative assessments. Underlying Browne's argument and the cases above is a conservative postmodern critique of statistical fact production, illustrating that postmodern deconstruction in-and-of-itself is not simply equivalent to leftist/ radical democratic or feminist politics. The major contradiction in these cases and in conservative politics is the simultaneity of the deconstruction of statistical proofs of discrimination yet also an upholding of a quantitatively reductive conception of meritocracy and a push for testing. For instance, D'Souza (1995) in the *End of Racism*, argues that proportionality or statistical representation should *not* qualify as proof of discrimination, yet he uses statistical proportions and representation to prove the inferiority and pathology of Black culture. In light of this contradiction, we must take the critique of postmodernism to heart (see Collins 1998, Enslin 1994), and in turn view statistics as a terrain upon which race, merit, gender, discrimination, and racism are contested.[47]

In the "progress" from *Debra P. v. Turlington* (474 F. Supp. 244, (U.S. Dist.) [1979]) to *GI Forum* v. *TEA* this contesting is evident. In the *Debra P. v. Turlington* case of 1979, the Eleventh Circuit court ruled that the implementation of minimum competency tests (mct) as a requirement for graduation in Florida created an unlawful disparate impact because students forced to pass the exam had attended segregated schools. (Elul 1999) In later cases, the court ruled that the mct could be implemented beginning with the first class that attending under the desegregation order. However, as Elul writes, in the 1985 case of *Georgia State Conference Branches of NAACP v. Georgia*,

> Eleventh Circuit found that a school grouping system that disproportionately placed black students in lower groups did not perpetuate past discrimination because none of the students in question had ever attended school in a racially segregated system. Such a result is typical as courts come to view racial segregation in schools as a thing of the past.[48]

For Freeman (1995), the tendency "to 'declare the war is over,' to make the problem of racial discrimination go away by announcing that it has been solved" constitutes a *rationalization* of social structures of inequality (41) Greene (1995) reiterates this notion,

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[47] In Chapter 5, I discuss the importance of this view in light of Ward Connerly's recent attempt to outlaw the gathering of racial statistics in California, of course except crime statistics.
[48] Elul cites the following cases: Quarles v. Oxford Mun. Separate School District (1989); Montgomery v. Starkville Mun. Separate School District (1987).

recognizing that forms of discrimination become shielded from legal redress (292).[49] The view of racial segregation as a thing of the past also surfaced within Judge Prado's ruling in the *GI Forum* case, as the judge even retranslated discriminatory impact into remedy:

> In short, the Court finds, on the basis of the evidence presented at trial, that the disparities in test scores do not result from flaws in the test or in the way it is administered. Instead, as the Plaintiffs themselves have argued, some minority students have, for a myriad of reasons, failed to keep up (or catch up) with their majority counterparts. It may be, as the TEA argues, that the TAAS test is one weapon in the fight to remedy this problem.
>
> - Judge Edward Prado (*GI Forum*, 2000).

As Saucedo (2000), a MALDEF attorney working on the *GI Forum* case, argues, Judge Prado dismissed MALDEF's claims that the TAAS exit exam was linked to past discrimination. While acknowledging the use of testing in Texas' past as a form of racial discrimination,[50] the judge ruled that MALDEF had not proven the existence of racial discrimination or inequalities at the time of the TAAS, dismissing the invoking of finance inequities proven by *Edgewood v. Kirby*. Similar to Elul, Saucedo asserts that "the court was not inclined to relate the history of discrimination in the public schools in Texas to disparity in TAAS exit scores" (2000: 416). Instead, the court legitimated TEA's argument that the difference in test results were due to "socioeconomic factors, single-

[49] Although Hardt and Negri (2000) propose that postmodern racism is (Balibar's theory of) "differential racism" based on a "theory of segregation, [but] not on hierarchy" (193), I think that rather than "racism without the races," postmodern racism is more of race without the racisms. Thus, I think of the "new" racism as not simply "differential racism," but a *deferentialist* racism, a racism that moves at a differential to racism, denies that it exists, but retains the old forms of racial discourse.

[50] In the decision, Prado cites the Report of Dr. Uri Treisman, testifying for TEA, as acknowledgment of testing as past discrimination and not the testimony of Cardenas, Haney, or Shabazz, who, for the plaintiffs historicize racial discrimination in Texas' public educational system. In testimony, cited in Gomez, Kastely, and Holleman (2000), Treisman argues, "The use of standardized tests in American education has a complex history. On the one hand, it is a well documented fact that they have served as principal instruments of discrimination and disenfranchisement. However, it is equally true and well-documented that such tests have been used to create more equitable access to higher education and career opportunities for immigrant and minority populations." In his decision, Prado accepts Treisman's argument.

parent families, the need to work while in school, teen pregnancy, and similar reasons" (420). Judge Prado's ruling that the disparate impact of the testing system reflects *individual* failure, while the closure of gaps reflects *institutional* success is a contradictory retranslation of racial difference that marks racial bodies as pathological, while erasing institutional "accountability" for creating the conditions for failure. This contradictory retranslation is exactly reproduced in Paige's contention that those not supporting the imposition of more testing must, consequently, be supporting segregation. In the context of national politics and the 78th Legislature in 2003, the Republican reforms stood to exacerbate, rather than redress, segregation.

The context of Texas Racial Realignment and the 78th Legislature

> You know, if we had elected [Strom Thurmond] 30 years ago, we wouldn't be in the mess we are in today.
>
> - Trent Lott, December 5, 2002[51]

The 78th Legislative Session of 2003 marked a historic moment in Texas politics, as it was the first time since (post-Civil War) Reconstruction that Republicans dominated the Texas House (as well as the Governorship and Senate). The racial significance of the 78th Session and Republican control of the state government was not lost on an Austin American Statesman journalist, Ken Herman (2003), who reported that "White Democrats…are vanishing from the Texas legislature" given the presence of "only three white Democratic Senators [out of 31 total Senators and 12 Democratic Senators] and 19 white Representatives [out of 150 total Representatives and 62 Democratic

[51] In Esdall and Faler (2002).

Representatives]" and *no* White women Democrats in the Legislature. The author suggests that the disappearance of White Democrats results from "their GOP foes target[ing] them one by one, district by district." Democratic Representative Garnet Coleman told Herman that "It shows that somebody was really smart in drawing maps. They know how to eliminate, through gerrymandering, districts that would elect Anglo Democrats." Herman suggests that the disappearance of White Democrats translates into the diminishing of Democratic power in the House.[52] Of the 107 *Republican* legislators, only two were non-white: one Mexican American and the other Asian American.

During the 78th Legislative Session, Republican control of the Governorship, House, and Senate initiated legal reforms that were part of a broader national "radical" Republican strategy. Elements of that effort include the war in Iraq and the discourse of the "irrelevant United Nations," the impeachment of Governor Gray Davis in California, and the redistricting bills passed in Texas and Denver. A *Houston Chronicle* article described the 78th legislative session as historic given the "GOP control of all points of power in the statehouse" creating a situation in which "the always-present business lobby will be more influential than ever, and long-dormant priorities of social conservatives will be boosted" such as limiting abortion rights, promoting school prayer, creating school vouchers, and banning same-sex marriages (Robison and Ratcliffe 2003). The article describes the business lobby as being "hardly [able to] restrain their glee," quoting Bill Hammond, the President of the Texas Association of Business as saying "The outlook for Texas business has never been better" (Robison and Ratcliffe 2003). One of

[52] He writes, "As their numbers dwindle in the Legislature, so does the Capitol clout wielded by white Democrats."

the first battles in the House in the 78th Legislative Session centered on a Republican sponsored bill HB 4 on tort reform that would limit the amount awarded in malpractice suits to $250,000.[53] The debate over the bill reflected the Republican strategy and strength, as Democrats found their attempts to amend the bill defeated at every instance (see also Elliot and Ratcliffe 2003). Republican House Speaker Tom Craddick said of the debate, "It was the most passionate debate I've seen in the 35 years I've been in the House" (Elliot and Ratcliffe 2003). However, Representative Dunnam, D-Waco called a "point of order," revealing that the Republicans had held a meeting closed to the public that considered combining HB 3, which would cap awards from malpractice suits, and HB 4, which would limit awards from other civil lawsuits. Such an action violated the House rules that stipulated that all committee meetings must be open to the public. I heard that such a violation is actually considered a criminal act according to the House rules, but no action was taken. Once it was speedily reintroduced, the House easily passed it 102-45. Another major battle for Democrats centered on the state budget, and an Editorial of the *Houston Chronicle* (2003a) called the state budget a "horror show":

> The state budget process, which Republican leaders said would lead to new efficiencies and a healthy transparency, is beginning to resemble something closer to a murky Dickensian novel in which ill health plays the central role.
>
> From children's health insurance to Medicaid availability to cuts in mental health care and other programs, the procession of hearings and testimony paints a grim

[53] One person informed me that Republicans supported this bill so heavily not only because of the funding of their campaigns by insurance companies, but also because Democrats both received significant contributions from trial attorneys and may in fact have occupations as trial attorneys. The limit on malpractice suits, which was part of the national Republican agenda as well, could then translate into the limiting of Democratic legislators. Supporting this, Elliot and Ratcliffe write, "The debate was highly personal for many of the lawyers who serve in the Legislature. Some of the HB 4 supporters make their livings defending corporations, while some of those most strongly fighting the bill work at law firms that represent injured persons."

> picture for tens of thousands of disadvantaged Texans. And this is a state already known far and wide for its miserly ways.

The “murky Dickensian” aura that haunted state budget debates seemed to echo itself in the freedom with which Republican Representative Debbie Riddle made the following comment during a debate in a Border and International Affairs Committee meeting on health care for undocumented workers:

> Where did this idea come from that everybody deserves free education, free medical care, free whatever? It comes from Moscow, from Russia. It comes straight out of the pit of hell…And it is cleverly disguised as having a tender heart. It’s not a tender heart. It’s ripping the heart out of this country (Taylor 2003).

The racist overtones of her comment sparked members of the Mexican American Legislative Caucus to react symbolically, wearing badges that read “I’m from the Pit of Hell.” On April 29th, after the House debated several bills late into the night, Representatives felt free to mock the Black vernacular, as Representative Keffer, responding to another Representative calling him “brother,” pointed his fingers down awkwardly, mimicking a stereotypical “homeboy,” saying “What it is?” The acceptance of Riddle’s comments and Keffer’s mimicry to me symbolized the true lack of representation and political power Latino/a and Black people had/have in the legislature. By the end of the session, this lack of power expressed itself in the redistricting bill pushed quickly through the house under the pressure of U.S. House Majority Leader Tom Delay and Bush adviser Karl Rove. The bill would redraw district boundaries, giving Republicans more seats in the U.S. House of Representatives than Democrats, and radically decrease the voting power of people of color. Given that Republicans would vote en masse having the majority, Democrats protested by refusing to allow a quorum in the House necessary to pass the bill. Following a tactic by Senators in 1979, "the Killer Bees," Democrats fled the state in a protest that garnered national attention and despite the defection of a few Democrats (such as Representatives Coleman and Dutton), successfully thwarted the attempts to pass a redistricting bill in the regular session. While Democrats across the state praised the protest calling the fleeing Representatives, "Killer D's," Republicans reacted harshly, sending state troopers and the Texas Rangers after the Representatives. Headlines called the Democrats "AWOL," and Craddick labeled them, "Chicken D's." The Texas Republican Party web-site (www.texasgop.org) even posted playing cards of the Democratic Representatives, objectifying them in the same way as did the U.S. Army in Iraq when it distributed playing cards whose faces were members/leaders of Saddam Hussein's administration.[54] Despite the protest, the Governor was able to pass the bill after calling a third Special Session.[55]

In terms of educational reforms, the major legislation facing the House was a bill to "sunset" the "Robin Hood" bill passed in 1995 in accordance to *Edgewood v. Kirby.* At the first House Public Education Committee hearing, Public Education Committee Chairman Representative Grusendorf presented his "Robin Hood" sunset bill HB 604. Many of the legislators justified the sunset as taking a proactive stance in the face of an impending lawsuit by Orange County that threatened to render the current system unconstitutional since it could be argued that the redistributive finance system approached an illegal state property tax. As I discuss in Chapter 4, the provisions that

[54] The makers of the cards smartly refrained from designating any of the Black Democrats as "Spades."
[55] I read the redistricting bill in the context of voter intimidation tactics employed by Republicans in the 1980s (see Davidson 1990: 235,236).

would be eliminated by the passage of the sunset bill were those that provided for equity and that accounted for costs in education. Although the bill passed the House, it did not pass the Senate. After four Special Sessions called by Governor Perry, the legislature still had not enacted a bill, leaving "Robin Hood" intact—for now. One of the most radical bills was HB 859 by Representative Madden, a bill that could strengthen a law implemented in 1995 to allow school districts to become "home-rule" school districts, also called "charter districts." [56] Under current law, a "home rule" school district can be established by a school board if the following occurs: a district charter is requested by a petition signed by at least five percent of registered voters in the district or two-thirds of the school board vote to commission a charter; and that charter is approved by a majority of voters in that district with a minimum voter turnout of 25% of registered voters on the first try and 20% on the second (TEC §12(B)). Current law also contains stipulations that the charter must comply with federal regulations under which public school districts are bound, including non-discrimination. At the Public Education Committee Hearing on Tuesday March 4th, Madden described HB 859 as relieving districts of "laborious" requirements, noting that not a single school district sought to establish a charter district. However, for civil rights advocates the bill raised alarm in the Capitol. Under HB 859, a "home-rule" district charter could be commissioned by a petition signed by a significantly lower number of voters, by 5 percent of the "number of votes received in the

[56] The "home-rule" school district was, according to A. Phillips Brooks, the "cornerstone" of George W. Bush's campaign for Texas Governor in 1995. The home-rule district was part of SB 1, a law with "sweeping" educational reforms, led by Republican Senator Ratliff (and Democratic Rep. Sandler). An amendment by Black Democratic Representative Sylvester Turner to remove the home-rule district from the education reform bill was defeated. Rep. Turner remarked, "Don't throw me back to the 1950s" (A Phillips Brooks).

district by all candidates for governor in the most recent gubernatorial election" instead of 5 percent of registered voters. Likewise, a majority of a school board under HB 859 could commission a "home-rule" school district charter instead of the two-thirds required in current law. Radically, HB 859 would lift the following restrictions for the development of home-rule or charter school districts:

1.) discrimination against students with disabilites and on the basis of race, socioeconomic status, learning disability, or family support status
2.) educator certification
3.) inter-district transfers
4.) class-size limits
5.) high school graduation requirements
6.) special education programs
7.) bilingual programs – if the district does not offer them
8.) pre-kindergarten programs
9.) safety provisions relating to transportation
10.) charter commission reflecting the socioeconomic and racial make-up of district
11.) determination of compliance with Voting Rights Act
12.) minimum voter turnout of 25% registered voters on the first try and 20% on the second
13.) compliance with the Voting Rights Act
14.) governance section on choosing of officers

While the question of resegregation was not raised at the Committee hearing, it was clear to me that this is exactly what the bill intended to do. One of the ironies in the bill is the exemption of districts from high school graduation requirements, thus from the TAKS requirements. The ultimate surprise for me was the approval of the bill by the Public Education Committee with the support of Black Representative Dutton from Houston. Rep. Dutton also surprisingly supported HB 2465, a bill sponsored by Rep. Grusendorf that would establish a pilot voucher program in the state.[57] Neither of the bills reached

[57] I expand on this bill in later chapters.

the House floor for a vote, as Reps. Madden and Grusendorf postponed consideration several times—which a legislative aide suggested meant that the bills lacked the sufficient support—before the Democratic protest against the redistricting bill ended further discussions of bills on the floor. Although these bills did not pass in the regular session, their approval by the Public Education Committee signified the direction the Committee (and the selection of the Committee) intended to pursue, a direction that would intensify racial and class inequalities. The historic 78th Republican-led state government intended to end the finance equity system that was the very justification for the establishment of the test-based accountability system in Texas. Given the force of the accountability movement and its Republican leadership, one strategy of Democrats in the US Senate and Texas House became embodied in the movement for multiple criteria.

The Movement for Multiple Criteria

After the ruling by Judge Prado in the *GI Forum* case and the passing of SB 4 both in 1999, MALDEF approached the Representative with the proposal to author "multiple criteria" bills that would provide students with alternative criteria for graduation and promotion in case that a student could not pass the TAKS. The bills were actually written by one of the expert witnesses in the case, Dr. Angela Valenzuela of the University of Texas at Austin.[58] (see Valenzuela 2002) In the 2001 77th Legislative Session, the Representative authored two multiple criteria bills concerning graduation and the

[58] Personal communication with the Representative.

promotion of third, fifth, and eighth graders to the following grades. The Representative was able to pass the bills through the Public Education Committee and the full House. However, once the bills proceeded to the Senate, they met Republican Teel Bivins, who killed the bills in a Senate Committee. Despite the defeat, in the 2003 78th Legislative Session, the Representative attempted to pass the multiple criteria bills again. In Texas law (TEC § 28.0211), while high school students must pass the test to graduate, third, fifth, and eighth grade students may pass to the following grade after failing the test, but only after retaking the test at most twice more. Only on the third failure would multiple criteria be used in the decision to pass the student to the next grade, as a committee made up of the student's parent, teacher, and principal must unanimously decide to *pass* or *promote* the student to the following grade. Out of concern for the psychological effect that failing such a high-stakes test would have on the student, particularly younger students, the multiple criteria bill addressing promotion of third, fifth, and eighth grades would allow multiple criteria to be used after the first time a student fails a test. In the 78th session, the Representative proposed a further change, intended to empower parents in the promotion decision, in which the committee deciding the student's fate would have to unanimously vote to *retain* the student in the same grade. This would safeguard against the potential for principals to influence the teacher's vote on the committee.

I term the support of the multiple criteria bills as a movement because of its basis in historical critiques of testing. According to Sacks (1999), in the 1970s and 1980s,[59] the critiques of testing coalesced in an "anti-testing movement," formed in reaction to the

[59] Valencia and Solórzano (1997) and Thomas (1982) situate critiques by scholars of color of testing in the 1930s and 1940s.

reinvigoration of the IQ- debate on race-based intelligence by Arthur Jensen in 1969 and to the proliferation of "minimum competency" standardized tests in public education, teacher certification, and employment in the 1970s. This movement included left-wing responses to IQ testing, such as Stephen J. Gould's *Mismeasure of Man;* ideological attacks on Educational Testing Service, responsible for many higher education exams such as SAT, LSAT, GRE, MCAT, GMAT, by Black organizations and Allan Nairn's Report commissioned by Ralph Nader, *The Reign of ETS*; and the formation of the Fairtest organization by educators. (Lemann 1999, Sacks 1999) As a result of these movements, states such as New York and California enacted Truth-in-Testing Laws. In the 1970's, court battles waged against the racial discrimination caused by minimum competency tests, particularly *Debra P v. Turlington,* and tracking according to IQ-testing, particularly *Diana v. California Board of Education* (1970), signaled partial victories for the movement.

However, with the Reagan Administration and the publication of *A Nation at Risk*, the pressure for states to develop minimum competency tests and subsequently raise scores intensified. As Kozol (1991) found in *Savage Inequalities,* minimum competency tests only exacerbated inequalities and justified underfunding schools (70, 75, 101, 143, 161, 196). Challenging the racial inequalities in the courts testing became more difficult as an ideology that racial discrimination was a thing of the past became hegemonic (Elul 1999). One of the ways in which the anti-testing movement transformed was to articulate writings that celebrated multiple intelligences and the testing of a broader range of competencies. (see Valencia and Guadarrama 1996) In search for more fair and democratic modes of assessment, many educators and scholars began to push for "performance-based" testing. As an alternative to multiple-choice exams, performance-based assessments evaluate students on their performance in lab activities, multi-subject projects, and portfolios, providing students with opportunities to more broadly display their knowledge and "competencies" (Ascher 1990). According to Ascher, while this form of assessment proved more costly than standardized multiple-choice tests and could not fully guard against (racial) bias, it could be more beneficial to students who have historically had difficulty performing well on standardized tests, particularly students of color. Such a use of testing was even proposed for the National Assessment of Educational Progress (NAEP), a voluntary nation-wide assessment system that provides national and state "report cards" on achievement. States, such as Kentucky for example, attempted to implement such performance-based assessment within their state testing programs (Whitford and Jones 2000). However, as Ascher warned, "as long as performance-based assessments are used as part of high stakes testing situations, pressure to generate good and improving test scores means there is no sure safeguard against a new trivialization of learning." In Kentucky, the increased pressure to raise test scores actually signaled a "leaving behind" of performance-based assessment (as well as the push for teacher innovation in the classroom) and, instead, a reimplementation of multiple-choice standardized tests (Whitford and Jones 2000). With the Clinton and Bush administrations' programs for establishing high-stakes accountability regimes and "no social promotion," the move to incorporate more democratic forms of assessment has suffered.

Another proposal for attending to students' "multiple intelligences" (Gardner 1983) in making educational decisions, particularly in the identification of gifted students, is the use of "multiple criteria," which Frasier (1997) defines as

> …the process of obtaining comprehensive information about a student's abilities by gathering and interpreting results from: standardized measures of aptitude, achievement, and creativity; observations by teachers, parents, the students, and others e.g., community members who are familiar with the student; and standardized evaluations of student products and performances, e.g. juried performance portfolios.

With the political pressure for "no social promotion," educational decisions to pass a student to the next grade have increasingly incorporated standardized testing as a criterion. While the use of testing in addition to teacher evaluations and grades may be considered "multiple criteria," Valenzuela (2002) differentiates between "multiple *conjunctive* criteria" and "multiple *compensatory* criteria." In the former case, while a student must achieve a passing grade in a course in addition to passing a mandatory test, failing the test *guarantees* that a student will not pass or graduate. In the latter case, a student who passes the course yet fails the mandated test may still move on to the following grade or graduate based on their overall performance. For Valenzuela, using multiple *compensatory* criteria is both consistent with professional standards and ethics, but is also the process by which universities select students for admission.[60] In 2001,

[60] See "A Review of the Use of Standardized Test Scores in the Undergraduate Admissions Process at the University of Texas at Austin: A Report to Larry Faulkner" by Walker, Ashcroft, Carver, Davis, Rhodes, Torres, and Lavergne. In this report, the authors find that neither tests or grades alone are strong enough predictors of freshman academic success. The report also reminds the President that "the developers of the ACT and SAT agree that test scores should not be used as a sole criteria for making high stakes decisions but that scores should be used in conjunction with as many other variables as possible." Also, students are required to pass the TASP (Texas Academic Skills Program) in order to take higher classes in the University System, but are exempted if they "earn a grade of 'B' or higher in a freshman-level credit course in the subject matter of the assessed deficit" (TEC § 51.306(g)).

U.S. Senator Paul Wellstone[61] proposed a multiple criteria bill at the national level, S. 460, to coincide with “No Child Left Behind,” citing the report by the National Research Council of the National Academy of Sciences, commissioned by Congress in 1997,[62]

> High stakes decisions such as tracking, promotion, and graduation, should not automatically be made on the basis of a single test score but should be buttressed by other relevant information about the student’s knowledge and skill, such as grades, teacher recommendations, and extenuating circumstances.” (S. 460, § 1(a)(5)(C))

Though the bill garnered support from teacher organization such as the National Education Association and the National Council of Teachers of Mathematics, the bill suffered defeat. In the context of these battles in the national and state legislators, students, parents, and organizations across the country began protesting against high stakes testing. In Massachusetts, nearly 300 students boycotted their state-mandated test, and organized an “anti-MCAS [Massachusetts Comprehensive Assessment System] movement called the Student Coalition for Alternative to MCAS, SCAM” (Shaw 2000). One sophomore, who joined SCAM, objected to the fact that “education is starting to be reduced to “what we can put on the test’” (Shaw 2000), and another student held a sign at a rally which read, "Don't confine our minds to bubbles. Stop the MCAS." In this context emerged MassRefusal.org, a web-site maintained by "New Democracy," which calls for teachers and teacher unions to refuse to administer the high-stakes test used in Massachusetts, the MCAS. In September 2002, twelve English and Social Studies

[61] On October 25, 2002, Senator Wellstone died tragically in a plane crash in Minnesota.
[62] In Public Law 105-78, enacted November 13, 1997, Congress commissioned the report in light of proposals for national tests. According to the mandate, the National Academy of Sciences was “to conduct a study and make written recommendations on appropriate methods, practices, and safeguards to ensure that…existing and new tests that are used to assess student performance are not used in a discriminatory manner or inappropriately for student promotion, tracking, or graduation...”

teachers from Curie Metropolitan High School in Chicago composed a letter “intending to refuse to administer the controversial CASE (Chicago Academic Standards Examinations)” (Schmidt 2003). Two years earlier in Illinois, about 200 students purposely filled in wrong answers in protest against a new state exit exam. (Shaw 2000) The inequalities of standardized testing led seniors in Los Angeles to boycott the Stanford Achievement Test--Ninth Edition (SAT-9), and subsequently sparked a movement by the Coalition of Educational Justice to lobby the for parental notification of their right to waive testing for the children (Wat 2003). Both Los Angeles and San Francisco school boards voted to study and develop alternative assessments to the state-mandated tests, promoted by then governor Gray Davis. In Wisconsin, parents and educators fought against the imposition of high school exit exams and promotion exams (Shaw 2000). In Louisiana, Virginia, and Texas, tests were challenged in the courts on the basis that they were racially discriminatory. In 2002, NCS Pearson, with whom Texas contracts for administering and scoring the TAAS and TAKS, agreed to a $7 million settlement after it incorrectly reported that 8,000 students in Minnesota had failed their exams. (Pugmire 2002) Through the internet, these movements united, as exhibited in Texas through the web-site of Texans for Quality Assessment (texastesting.org), as the web-site garnered support for the passing of multiple criteria bills in the 78th legislative session.

Conclusion

Testing as a mode of educational reform must be looked at in the historical and politico-economic context of segregation (desegregation and resegregation). First, I contend that there is a tendency to view segregation and for that matter educational reform in terms of abstracted statistics, allowing explanatory models to be deducted from statistics that do not reflect the lived experience of segregation. In order to understand more fully the dimensions of segregation we should view it in *terms* of historical materialism and in the *context* of racial capitalism. Second, I argue that the political force of testing as a mode of educational reform is in part a product of the racial realignment of the Republican Party (and as I will discuss in Ch.4 part of the broader strategy of neoliberal privatization reforms such as charter districts and vouchers) and the simultaneous use of testing and its statistical discourse to evade desegregation, yet deconstruct statistical proofs of racial discrimination. Third, I historicize the opposition to testing and proposals for multiple criteria within struggles against segregation and racial discrimination. Through my ethnography, I found that the movement for multiple criteria while coming out of struggles against racism, articulated a broader struggle—what Foucault calls the struggle against the submission of subjectivity, one that I argue in the next chapter to be a struggle against objectification by testing and its statistical discourse.

Chapter 3. Statistical Objectification, Manipulation, and Discourse Networks

Just before the 78th legislative session, on January 25th, a coalition formed by teachers, professors, and parents called Texans for Quality Assessment organized a rally in support for the Representative's multiple criteria bills. On that cold, drizzling Saturday afternoon, on the Southwest side of the Capitol building in Austin, protestors circled a platform, which I estimated as having a radius of about ten to twelve people--some holding signs, some wearing Texans for Quality Assessment t-shirt. The crowd was mostly Hispanic and White and mostly women with a sprinkling of Black people.[63] There were contingents from Laredo with about 20-30 students, El Paso, Ed Couch-Elsa, Houston, Amarillo, Georgetown, and of course, Austin. In the shadow of the intimidating Capitol building, I noticed a bronze general pointing his gun toward the East, which I thought symbolic of the segregation pervading Austin since the interstate divides the city into the Black and Latino East Side and the mostly White Westside. While one of the rallying points was the projection that 42,000 Third-graders could fail the TAKS in the following Spring, I saw a different argument emerging, a critique of objectification by tests and their statistics, a critique symbolized by stories of children's personal experiences. There was a group of women wearing coats that on the back bore stories, such as the following worn by a White woman with graying hair:

> I am marching for Peter. Peter is a first grader. His teacher told his mother (in September!) that she did not think he would do well on TAKS and needs a tutor. This is the child who writes in his journal such things as going on an excavation

[63] This rally countered the suggestion by Wat (2003) that the anti-testing movement was mostly White, with the exception being California.

for fossils in his back-yard.[64]

A mother, who had chosen to home-school her child and had been a prominent figure in the movement against high-stakes testing in Texas with her organization Parent United Against TAAS, passed out miniature bubbles that afternoon. When it was time for her testimony, she proclaimed that the bubbles represented the bubbles on the test sheets. For me, blowing the bubbles brought about an exuberance as they broke before the misty air of the capitol; it was the feeling of enacting a protest, that through our breath, which mediated embodied experience and words yet to be spoken, we could break the bubbles encasing the hegemony of testing. "Spread the word,...collectively," she said. The Texas legislature has "sold out our schools to corporate test-makers." During the second half of the rally we heard Susan Ohanian, a national speaker against the adverse affects of high stakes testing.[65] In her speech, she told us about a letter she received from a parent in a school with high-stakes testing: the parent's third grade child didn't want to go to school, would vomit and break out in hives, and needed psychological help, all of this because the school had placed the child on the list as likely to fail a test. "We are harming children," she said.

Abu-Lughod (1990) uses Foucault's addage that "where there is power there is resistance" to suggest that this (chemical) equation be reversed: that resistance is really a "catalyst," a "*diagnostic* of power," and that moments of resistance can "tell us more about the forms of power and how people are caught up in them" (42). Hearing the

[64] Peter is a pseudonym. The sign had the actual name of the student.

[65] Susan Ohanian had been chased by Georgia police to Vermont when suspected that she had compromised a standardized test there. (Bracey, 2002) It just so happens that the Superintendent in charge was appointed by Secretary of Education Rod Paige to join the team composing the No Child Left Behind Act (Bracey, 2002).

children's stories at the rally and through the course of fighting for the multiple criteria bills, I sensed that the movement was engaging in what Foucault (1982) calls the "struggle against the submission of subjectivity" (212, 3).[66] For Foucault, this form of struggle opposes government (or "governmentality") that individualizes while suppressing individuality. The struggle calls into question the relationship between power and knowledge, centering on a "refusal of …abstractions, of economic and ideological state violence which ignore who we are individually, and also a refusal of a scientific or administrative inquisition which determines who one is" (212). As Foucault (1991) says of governmentality, "To govern means to govern things" (94), and this struggle against governmentality is a struggle against objectification. The rally centered on such a struggle against the submission of subjectivity: calling attention to the specificity of children's experiences, refusing the knowledge that constructed and labeled students as "deficient," refusing the abstraction of education from the student via standardized tests (representing by the blowing of the bubbles), and presenting a case that the testing system imposed a system of violence on children. I argue that the submission of subjectivity imposed by the testing system is tied to the production of testing statistical discourse.

The tie between statistics and government is an intimate one, given the founding of *statistics*, literally "science of the state," as an *administrative* discipline. (Desrosières 1998) According to Foucault (1988c, 1991), statistics—as a "*savoir* of the state"—became "indispensable for correct government" (1988c: 77) through the discursive construction of *population*. Whereas seventeenth-century (mercantilist) administrative

[66] Ironically, by the end of the session, I felt that the movement embodied the feminist *critique* of Foucault's own submission of subjectivity in his work, particularly docile bodies. (see Deveaux 1994)

statistics served as a description of the state, by the end of the nineteenth century, administrative statistics came to represent a tool for governmental intervention.[67] In the context of nation-building, the notion of statistical *population* became an abstracted representation of the nation, constructing the "purpose" of government as "the welfare of the population" (Foucault 1991: 100). For Foucault, the art of governing a population merged two (previous) types of government: economy, as "the art of properly governing a family"; and politics, "the science of ruling a state."[68] Statistics, then, argues Foucault, made possible the "birth of political economy" (1991: 101). Given that statistics also formed a "moral science" in the nineteenth century (Hacking 1991), the government of population merged political economy and the "art of self-government." Statistics, then, connect both to the sense of government as "the political structures or management of states," but also to a broader sense of government, which Foucault argues is the "conduct of conduct," a means by which "to structure the possible field of actions of others"

[67] Curtis (2002) critiques Foucault's notion of "population" as ahistoric, a problem stemming from Foucault's conflation of populousness (in mercantilism in which populousness signals wealth), the social body, and population. For Curtis, population is only made possible by one, the construction of equivalences within a nation or the creation of "a common abstract essence," and two, the merging of administrative statistics with the calculus of probabilities; thus, the emergence of *population* is historically located in the *twentieth* century. Stoler (1994: 39) also critiques Foucault's notion of the emergence of population as ahistorical, but she critiques Foucault's *distinction* between the social body and population. In Desrosières (1998), the adunation of France signals the transformation of administrative statistics from the "mirror of the prince" to the "mirror of the nation," which I believe is the distinction that Foucault is making between statistics within *sovereignty* and those within *government* (or the "governmentalization of the state"). Also, Cohen (1982) provides evidence that in the late eighteenth century, statistics in the United States were used to create a homogenous national essence. Thus, here I connect Foucault's notion of governmentality (specifically, the relation of population to government) to the concept of *nation*. This is also a synthesis of Gramsci's (1971: 123-206) analysis of Machiavelli and the "modern prince" and Foucault's (1991) analysis of Machiavelli and the sovereignty-government distinction. The problem of locating statistics historically is rooted in the very "emergence" of statistics, which Woolf (1989) describes as "provid[ing] a classic example of the nonlinearity of scientific evolution" (592).

[68] Foucault (1991) refers to Le Vayer's conception of "three fundamental types of government:…the art of self-government, connected with morality; the art of properly governing a family, which belongs to economy; and finally, the science of ruling the state, which concerns politics" (91).

(Foucault 1983: 221). Asad (1994) argues that statistics provide “not merely a mode of understanding and representing populations but an instrument for regulating and transforming them.” In this sense, governmental statistics form the quintessential “discourse network,” which Tapper (1999) defines as

> the apparatuses of power, knowledge, storage, transmission, reproduction, training, surveillance, and discipline that make it possible to visualize certain objects, rendering them knowable, calculable, manipulable, and consequently, amenable to administration in the broadest sense of the word (6).

In this chapter, I examine three ways in which testing statistics function as a discourse network. As the rally indicated, the testing system objectifies students, and I explore the ways in which the historical connection between statistics and (standardized) testing has provided the conditions for this objectification. Second, statistics not only objectify, but also govern through the conduct of conduct, and I discuss the way in which statistics, through what Woodward calls “statistical panic,” structured the ways in which people responded to the testing system. Third, I examine the raciality of both the objectification of students and the conduct of conduct, particularly the way in which testing statistics objectifies—in Desrosières’ sense of “making hold”—the marginalization of students of color.

“Trained gorilla”

> They [American industrialists] have understood that 'trained gorilla' is just a phrase, that 'unfortunately' the worker remains a man and even that during his work he thinks more, or at least has greater opportunities for thinking, once he has overcome the crisis of adaptation without being eliminated: and not only does the worker think, but the fact that he gets no immediate satisfaction from his work and realises that they are trying to reduce him to a trained gorilla, can lead him into a train of thought that is far from conformist. That the industrialists are

> concerned about such things is made clear from a whole series of cautionary measures and 'educative' initiatives which are being brought out in Ford's books and the work of Phillip (Gramsci 1988: 290).

In this passage, Gramsci objects to the characterization of workers by American industrialists' employing (or deployment) of the concept of "trained gorilla" from Frederick Winslow Taylor, author of *Principles of Scientific Management* (1967[1947]). One critique of the accountability movement and the overemphasis on standardized testing is that it objectifies students in a similar fashion as the Progressive Era use of the factory as the model for organizing school systems, largely through the use of Taylor's *Principles*. (McNeil 2000a; Saltman 2000; Richards, Shore, and Sawicky 1996)[69] For Gramsci, Taylor's "trained gorilla" represents the mechanization of the worker, which could be said to be a rearticulation itself of the eighteenth century conception of "man-as-machine" and the "docile body" (Foucault 1995[1978]). Part of the objectification of the worker occurs through quantification. In *Hard Times*, a satire on the use of statistics (see Desrosières 1998: 174, Hacking 1991: 188), Dickens (1996 [1907]) describes this objectification through the resistance of laborer Stephen Blackpool: "Most of aw, rating them as so much power, regulating them as if they was figures on a soom, or machines: wi'out loves or likens, wi'out memories and inclinations;; wi'out soles to weary and souls to hope" (143). According to Porter (1995), "corporations began early to evaluate workers by quantity of production," and that such quantification not only supplied the basis for "crucial kind of self-discipline," but also created the conditions in which "individuals are made governable" (44). For MacKenzie (1981), the alienation of

[69] See Chapter 4 for a longer explanation of Taylorism.

workers through the quantification of labor became the basis for the “modern notion of intelligence” as a measurable, abstracted quantity (34). In fact, in *Hard Times*, Dickens compares the objectification of the worker to the objectification of students, who are simultaneously renamed as numbers and viewed as “little pitchers...to be so full of facts” (6).

According to Desrosières (1998), statistics involves two processes that combine administration and science: “the political construction of a political space of equivalence and encoding and a mathematical processing often based on probability calculus” (13). The earliest form of administrative statistics, particularly in German statistics, were descriptions of the state in tabular form, and the *table* provided the spaces of equivalence that allowed the insertion of numbers (Desrosières 1998: 21). Foucault (1995[1975]) describes the *table* as a “technique of power and a procedure of knowledge” (148) that provided a means for the sorting and dividing practices through which school systems organized students—often which was based on class. Interestingly, Porter (1995) argues that the organization of educational systems “actually created the kinds of statistical populations that Galtonian psychology took as its basis” (210). While the arrangement of students provided what Desrosières calls the “construction of political space of equivalence,” the examination provided the means for the “mathematical processing” of students. In *Discipline and Punish*, Foucault (1995[1975]) analyzes the examination as a form of disciplinary power that serves as both a mechanism of objectification and subjection.[70] For Foucault, the examination makes possible the formation of knowledge (pedagogy) of an individual as “a describable, analysable object” at the same time as it operates as a normalizing "comparative system that made possible the measurement of overall phenomena, the description of groups, the characterization of collective facts, the calculation of gaps between individuals, their distribution in a given population" (190). The collective facts, gaps, and distributions are exactly the objects of statistical knowledge. Lewis Terman’s application of the Gaussian distribution or the bell curve to the IQ test produced not only the Stanford-Binet, but also the proto-type for mass standardized testing (Gould 1996: 207). Testing also provided a means for scientifically rationalizing tracking (Porter 1995: 210), a system of school organization developed out of the application of the factory model to schooling, particularly with the application of Taylor’s scientific management. Embedded within the historical organization of schooling, examinations, and standardized testing is the use of statistics, in the form the *table* or the *distribution*, as both a “procedure of knowledge” and a “technique of power,” as a discourse network. Students’ experiences of alienation and the submission of subjectivity resulting from testing are rooted in an objection to this statistical discourse network.

Over the duration of the 78th session, one student, Kimberly Marciniak of San Antonio, in particular became a famous symbol for her protest against testing. Her story was covered not only by several articles in the San Antonio Express News, but also in newspapers across the state, in a television appearance on the local news, and an

[70] “At the heart of the procedures of discipline, it [the examination] manifests the subjection of those who are perceived as objects and the objectification of those who are subjected” (184-5).

interview on National Public Radio (Martinez 2003). The young freshman boycotted a field TAKS test[71] after conducting a study on the TAAS (the previous test) in which she found that the state had implemented a program called the Texas Successful Schools Award program, granting schools rewards of between $500 and $5000 for achieving high TAAS scores. (Martinez 2003) She wrote an essay objecting to the way in which the overemphasis on the test that led her history class to become test preparation:

> It was April, and going to Coach Bloomer's third-period history class had become a dreaded task. Since November, he had been systematically destroying my interest in what had once been my favorite subject (in Torres, 2003).

According to Torres, the young student had written to a reporter, “I don't want to be a statistic and I don't want to be a human guinea pig for the district.” In this sentiment, the student equates the suppressing of learning and subjectivity by the testing system with being an object of an experiment and becoming a statistic.

On a link provided by Texans for Quality Assessment on their web-site (www.texastesting.org), a study of college students' views of TAAS by Blalock and Haswell (2002) at University of Texas A&M-Kingsville also exhibits students’ feelings of being objectified, of the suppression of their subjectivity. The researchers asked students to send them electronic mail message responses describing their views on the test. While the authors' content analysis revealed 63% of the 402 comments about the TAAS were completely negative, and 15% largely negative, I found among the comments a feeling of the loss of agency. One college student lamented being known simply as a “name and a score” (13-252). Another of the students in the college survey

[71] The “field test” is a process of testing the test “in the field” or testing the questions with students in real testing situations.

remarked that the TAAS tests “were so pointless that you could teach a chimpanzee to do these sort of problems” (01-002), revealing a feeling of being reduced to a “trained gorilla.” For one of the college students in the survey, “We became robots that were programed [sic] to write in TAAS format and no other format” (03-041), and another student mentioned that students' “whole lives they are pounded with information on how to take this test. They are like mini-robots ready to spit out the info” (05-084). Of the 402 responses, 127 remarked that the whole testing experience was either boring or a waste of time, and 179 remarked on how much teaching to the test went on. Students felt that their “opinions didn't matter” (10-001), that the school and testing systems was “not allowing us to think” (01-015). The students felt “TAAS-ed out” (01-016), subjected to “routine” (01-102), “drill” (10-193), “regurgitation” (14-236, 18-355), as if they “lived breathed and ate TAAS” (03-045), with the TAAS “crammed...down my throat” (16-303). One student called the time not spent on TAAS their “freedom time” (01-020). Students felt as if schools were only aiming for “recognition” (02-033), for “good statistics” (18-341), and one student even wrote that the testing system was “designed to give a bell curve for the state” (03-049).

School administrators are aware of the way in which the pressure to produce statistical test results objectifies students. One Houston principal admitted that “We have created TAAS robots,” and another Houston principal said “if all we do is teach to the test, we will numb our kids to death” (Downey 2002). In *Savage Inequalities,* Kozol (1991) interviewed a principal dealing then with the pressure of tests, Principal Ruthie Green-Brown, who commented

> "What is the result? We are preparing a generation of robots. Kids are learning exclusively through rote...They do not learn to think, because their teachers are straightjacketed by tests that measure only isolated skills...Is this what the country wants for its black children?" (143)

While proponents of the testing system push for data-driven improvement, this very process has objectified students. However, as Gramsci says of the “trained gorilla,” objectification never fully robs the student of agency. Hughes and Baliey (2002), interviewing high school students attending schools with exit exams in Indiana, found that students considered the tests, as a single determinant of their graduation, unfair; and that they were “suspicious of the scoring process” and concluded that “the test ‘doesn’t prove anything’” (75, 76). A student from San Antonio, Julie Rae Maldonado, wrote a satirical letter to the President, which appeared in the *San Antonio Express News* in March 2003, thanking him “in the most sincere fashion for all you have done to the great state of Texas.” With eloquence and creativity, her letter both recognizes and refuses the attempt to be normalized as a “trained gorilla,” a refusal that leads, as Gramsci suggests, to a “train of thought that is far from conformist”:

> For weeks, children and teachers alike have skipping joyously through the halls of my high school, with a happy cloud of failure looming over everything they do. But we don't worry about not graduating, because we are spending all of our time learning that TAKS test, subject by subject, question by question, diagram by diagram. We are no longer wasting our time with math or history! All of our educational needs have been condensed into one multiple choice and short answer test with a cheerful "No Pass, No Graduate!" label.
>
> When I am trained in English class how to form a Correct Opinion about a passage, I praise your name. When we go weeks on end in math class without a single homework problem, I am eternally greatful for your birth! Thank You for lightening our load, Mr. President! Now we only have to worry about not graduating, which isn't nearly as bad as worrying about getting educated. I personally am convinced that educating too much might cause instability and ultimately turn us all into American terrorists.

She even goes on to say:

> the greatest thing about the TAKS test is that with its long life, and continued anti-education, we are assured to elect wonderful men like you, Mr. President, for the rest of this country's existence.

Her letter recognizes testing as a “technique of power” that attempts to suppress subjectivity and literally “educate consent” (Gramsci 1971: 259), both of testing and the uncritical support of President Bush, through "anti-education."

Using Abu-Lughod’s (1990) conception of resistance as diagnostic, the struggle of students against the submission of subjectivity imposed by the testing system allows us to view the way in which the testing system objectifies students. The objections against becoming a statistic, being just “a name and a score,” and being used by schools to get “good statistics” embedded within objections to the test reflect the centrality of statistics in the use of testing as a way of organizing and governing schooling.

Statistical Panic

Governmentality works not only by inscribing students as governable objects, but also by the “conduct of conduct,” or “structur[ing] the possible field of actions of others” (Foucault 1983: 221). One of the cornerstones of the test-based accountability system is the “constant and comparative public assessment” (Apple 2001: 72) through media reporting of school and district report cards. For Skrla, Scheurich, and Johnson (2000), the public dissemination of data within the Texas accountability system, particularly the disaggregated of data by race, evidences a “radical openness [that] is a major benefit to democracy itself and serves specific purposes in eliciting school and district transformations" (11). The association of "publicity" with democracy is, for Habermas, a historical one, since "publicity, as the principle of public access to state decisions and of glasnost within social intercourse" (Peters 1997: 76), marks the transition from feudal states to modern democratic states. However, Habermas also warns against the privatization and state (re)incorporation of the "public sphere." For Desrosières (1998), the "public sphere" is "historically and technically structured and limited," and statistical knowledge, in particular, given its state and scientific authority, should be studied as a component in the construction of the "public sphere" (324, 325). According to Woodward (1999), the omnipresence of statistics indicates not necessarily a sign of democracy, but a condition of postmodernity, an "expression of late capitalism," in which statistics, continuously produced and disseminated, "hail us in the Althusserian sense," becoming subjectively internalized. In the form of probabilities and produced in a "discourse of risk," statistics often create a "sense of foreboding and insecurity," a "structure of feeling" that she terms "statistical panic." For Woodward,

> The structure of feeling I have been calling statistical panic (and its oscillating partner, boredom) is a response to the social technology of statistics that has both contributed to the creation of the omnipresent discourse of risk and has produced a calculus to avoid that very risk, a prime contradiction of capitalist culture as we enter the third millenium.

As Ewald (1991) writes, the "technology of risk," is constitutive of the development of insurance technologies. Insurance both constructs *risk* through probability calculus or predictive statistics—which is ultimately the "objectification of possible experience" (Gordon 1991: 39)—and also ascribes value to or commodifies risk. In the nineteenth century, insurance technologies merged with Western social and political economy (and the government of populations) through the governmental strategy of providing social insurance or social security—largely as a way of resolving the conflicts of capitalist (or industrial) society. According to Ewald, by the end of the nineteenth century, "[European] Societies envisage themselves as a vast system of insurance..." (210), providing the conditions for what Woodward describes is the "postmodern society of risk." Given that the target of insurance is *fear* (Ewald 208), I conceive of statistical panic not only as a "response" to the society of risk, but as a target of governmental projects of hegemony, as "the conduct of conduct." For instance, the first meeting of the Select Committee on Public Education (SCOPE) headed by Ross Perot—a committee that would implement sweeping educational reforms, among which were increasing the stakes of teacher and student competency exams—was "characterized as the day of 'the gloomy statistics'" (Newman 1987: 97). Although we "generally regard statistics as a depersonalizing force" (Woodward 1999)—in the rejection of becoming a statistic—not only are the statistical objectification of possible experience and the targeting of fear through the discourse of *risk* still hegemonic components of a wide range of political projects, but also the divide between statistical panic and boredom is guarded by a politics of statistical *significance*. In 2002, the Texas Education Agency's release of the projected scores on the new TAKS test caused widespread panic in Texas, and the statistical projections of the percentage of students at risk of failing became fodder not simply for a push for test preparation, but also for the political grounds for arguing for multiple criteria. Once students, particularly third-grade students, took the test and passed in numbers that exceeded the statistical projections, the state and media regarded this result as a success. The statistical panic subsided to "boredom," signaling that the number of children who did fail was not statistically *significant*[72] enough to sustain a critique of the way the system would significantly harm children and necessitate the use of multiple compensatory criteria (Valenzuela 2002).

Nothing more created a "statistical panic" in the accountability debates in Texas over the course of the 78th legislative session than the predictions of children's scores on the Texas Assessment of Knowledge and Skills (TAKS), scheduled to replace the Texas Assessment of Academic Skills (TAAS). The year marked the taking effect of SB 4, the piece of legislation key to the administration of then governor George W. Bush, which enforced a no social promotion policy. In this first year of implementation, third graders would be the first class to have to pass the reading test in order to be promoted to the fourth grade. **42,000** was the projected number of third graders expected to fail the third grade TAKS reading test. Articles throughout Texas reflected the fear generated by this projection. An elementary school principal wrote into the *Austin American Statesman* that under the surface there was "fear running rampant throughout the system" (Kramer 2002). One mother said, "I've never seen so much high anxiety and stress in a third grade class. The kids are terrified" (Schmidt 2002). Another article called the projections "dismal and dispiriting" (Downing 2002). Assistant Superintendent of curriculum and instruction for the Southwest School District in San Antonio said of the projections "it's staggering and it kind of takes your breath at first" (Gutierrez 2002). For a Houston mother, "It's like every student is in a suspense movie. Everybody knows something is

[72] This is a play on words, since statistical significance is a formal concept within mathematical statistics. I am referring not to this formal concept, but to a commonsensical notion of significance. [more?]

going to happen, but nobody knows what" (Peabody 2003a). The pressure on young children is compounded by the fact that the stakes of these tests fall not purely upon the shoulders of the students, but relate to schools' and districts' ratings, leading not only to test-prep rallies, but also for a system of incentives and punishments. Additionally, stories circulated about children throwing up from all of the stress, elevating test anxiety to a whole new level, an occurrence not only happening in Texas, but also North Carolina and Louisiana.

42,000 was also the number used by the organization Texans for Quality Assessment and to rally people to support the multiple criteria bills. According to Woodward (1999), "In part, the challenge for those who are activists is to convince others to understand the urgency implied in the tedious, quantitative language of the statistics. Boredom must be converted into concern, into a kind of panic." While children's stories were the most important aspect of the argument for the multiple criteria bills, statistics were a significant part of the lobbying points: that 42,000 third-graders were expected to fail; that disproportionately students of color would fail at 20% of Hispanics and 25 % of African Americans; and that, the chances for a retained student to drop-out of school later in their career were significant- 40% on one retention and 60% on the second (Representative 2003c: 5,6). At the rally, I remember being even more alarmed at speaker Susan Ohanian's statement on the probability of failure: 50% of students retained once will not graduate high school, and that the rate increases to 90% if a student is retained twice. The same sentiment was expressed by Arturo Almendarez, an assistant superintendent at Corpus Christi Independent School District, who cited a study showing that “a child who was retained one time in his or her schooling will be five times more likely to drop out than a classmate who has not repeated a grade....that when a child is held back twice, the student is practically guaranteed not to earn a diploma” (Eaton 2003). For high school students, the picture was even more grim, as the Texas Observer (2003) reported that the projection of the failure rate on TAKS for 10th graders was 145,000.

The source for the projections was a Texas Education Agency document entitled “Texas Assessment of Knowledge and Skills (TAKS) Standard Setting: Summary of Projected Impact of Possible Standards--Estimated Numbers and Percentages of Students,” tucked away on a link on the TEA web-site press release revealing TAKS field-test results (TEA 2002). The document itself is a story that takes multiple readings in order to decipher. Imagine 32% third graders or 89,600 failing the TAKS, of whom 70% are Hispanic and Black, when they make up 52% of the (estimated) student population. Taking the passing standard recommendation by the State Board of Education, imagine the following story: The TAKS passed the eighty-percent rule for disparate impact for Black students in fifth, sixth, seventh, eighth, ninth, and eleventh grade math; in fourth, fifth, sixth, seventh, and eighth grade reading; and in fifth, tenth, and eleventh grade science. On the English Language Arts test, 72% of African American tenth graders were expected to fail the test, the same group that will have to pass the test in the following year in order to graduate from high school. Becoming affected by the statistical panic myself, I was truly alarmed by this data and felt the only way to convince the NAACP and other Black people that there was a problem with the testing system was to show them the statistics on predicted impact. However, “statistical panic,” by abstracting experience, allows for interpretations of statistics that in many ways reinforces the inscription of racial inferiority. When interviewed about the projections, Reverend Michael Williams, a Houston pastor, said "I would be the last to say there is some inherent deficiency with minority kids... The problem has more to do with the environment, even the pathology, of their home lives" (Peabody 2003a).

According to Woodward, statistical panic is “usually fleeting. Based as it is on a number, it usually cannot be endured for long. Moreover, in virtually all cases it will surely be drowned out by another number.” Such a “drowning out” did occur over the session, and the statistical panic of the **42,000** third graders that TEA *predicted* would fail was replaced on the first administration with the “banality” of 28,143 actual third graders who failed the English TAKS in addition to the 4,516 who failed the Spanish TAKS; and by the third administration, the very "boring" statistic of 11,748 third graders failing the TAKS and in danger of being retained in the third grade (see TEA 2003b-g). In one of the meetings assembled by the Representative before the test results came out, one of the group members, dared to say out loud, “you almost wish the kids will fail this test in big numbers,” revealing the sense that the support for multiple criteria necessitated a certain statistical panic. However, once the **28,413** “drowned out” the **42,000**, newspapers such as *Austin American Statesman* reported jubilantly that “Students rise to challenge of tougher test in reading: Third-graders breeze through state's new assessment” (Blackwell 2003). By the third administration, 96% of third graders passed the TAKS, a fact on which Joe Bernal, a member of the State Board of Education commented, “I'm very happy; in fact, I'm ecstatic... I didn't think we'd reach this level this soon" (Gutierrez 2003c). The "good scores" proved that passing the multiple criteria bills would face major difficulty, exhibited by a Houston Chronicle editorial (2003b) that reported only "a small percentage of children will be held back for failing TAKS. That's bad news only for those who favor social promotion over demonstrated academic mastery." The good news of the third grade TAKS passage rate even overshadowed the results of the tenth and eleventh grade TAKS high school exams, which according to Gutierrez (2003b) of the *San Antonio Express News* "produce[d] massive failures." After the first administration, only 52% of all sophomores taking the test passed all of the exams (TEA 2003h). These same students in the next year would have to pass all tests within five tries in order to graduate from high school. Only 35% of African American sophomores and 38% of Hispanic sophomores, compared to 66% of White students passed all the tests (TEA 2003h).[73] It was a forewarning, as an *Austin American Statesman* article read "Many 10th graders on way to flunking, test data show" (Martinez and Rodriguez 2003). The panic inherent in such numbers was tempered by the "fact" that the TAKS scores, as worrisome as they are, still exceeded those scores of the TAAS in its first administration in 1990, according to Darlene Westbrook, Austin Deputy Superintendent for curriculum and instruction. She told reporters that she "was expecting that we would have a challenge" (Martinez and Rodriguez 2003), a comment that sounds very similar to Texas a comment by Education Commissioner Felipe Alanis that "We expected high school to

[73] On the web-site presenting the tenth and eleventh grade TAKS results, results are given for the passing rates at the level of the SBOE panel recommendation, however there was no such column in the "All Tests Taken" category, describing how many students would have passed all tests had the SBOE recommendations been accepted. This is an important issue considering that the higher standards will be phased in over the next few years.

be our most challenging area" (Gutierrez 2003a). Although the session ended before TEA released the results of the high school exam, there was still a quieted panic that prompted a Republican legislative aide to tell a group of us lobbying for the multiple criteria bills that because high school TAKS scores were projected to be so low, the multiple criteria bill for high school would have a better chance than that for the third, fifth, and eighth grade.[74]

Materializing Invisibility and "Pushing-out"

> A mental block is built over time in the Anglo mind that says we shouldn't count, hence we aren't seen and don't exist.
>
> —José Angel Gutiérrez (1998: 59)

> 'Cause I've been to ___ and___ high school before, and it seems like they try to make you drop out instead of helping you. And I plan to send 'em an invitation to my graduation.
>
> —"Roy"[75], Texas high school student

The statistical panic surrounding test scores must be understood in the context of the sanctions-rewards system attached to test results. According to Valenzuela (2002), such a highly publicized, highly stressful system of sanctions produces "perverse incentives…to marginalize children through various mechanisms" (8). One such mechanism is the encouraging of students to drop out or the phenomenon of "pushing out," a component of what McNeil (2003b) calls the practice of "artificially manipulating the testable student populations" (512) in order to produce a particular institutional score. In the GI Forum case, MALDEF pointed to the findings by Haney (2000) of the statistical

[74] In fact, I consider SB 1108, signed into law by Governor Perry, to be such a compromise. It possibly allows for high school students to be given grade placement committees that would decide whether a student after a number of failed attempts to pass the test would still be allowed to graduate.
[75] This quote is taken from Confrey (2001) "Systemic Crossfire: Texas Students Speak Out on TAAS."

anomaly of enormous retention rates of Hispanic and Black students in the ninth grade and increasing drop-out rates of students of color since the implementation of the TAAS.[76] For MALDEF, students were being forgotten and disappeared due to manufacturing of the statistical mask (or illusion) of improvement. In its post-trial brief, MALDEF wrote, “It is on behalf of these ‘olvidados’ and ‘desaparecidos’--victims of an educational system harmful and arbitrary in its effect on students--that the Plaintiffs seek relief from the TAAS Exit requirements” (Kauffman, et al 1999: 1). The terms *olvidados* and *desaparecidos* not only call attention to the politics of silence in racializing and racial discourse (Trouillot 1995) and the forgetting mechanisms within scientific discourse (Adorno and Horkheimer 1979[1944]: 230), but also to the practicing of a sort of racialized, state-sanctioned violence.[77]

Arguably, racial bodies as desaparecidos is a key component in the U.S. racial history itself, given that land displacement, market displacement, and political displacement have been central to U.S. racialization and the establishment of US hegemony (DuBois 1962[1935], Montejano 1986, Takaki 1979). Further, as Anzaldua (1999) suggests, the violence of racial displacements is rooted in objectification (59).[78]

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[76] In light of this evidence, Judge Prado wrote in his summary opinion:

> Plaintiffs have failed to make a causal connection between the implementation of the TAAS test and these phenomena, beyond mere conjecture. In other words, Plaintiffs were only able to point to the problem and ask the Court to draw an inference that the problem exists because of the implementation of the TAAS test. That inference is not, in light of their evidence, inevitable. The Defendants hypothesize...just as plausibly, for example, that the ninth grade increase in drop outs is due to the cessation of automatic grade promotion at the beginning of high school in Texas.

[77] See Saldivar-Hull's (2000) use of the definition of *desaparecidos* (183nn22). Also, according to Adorno and Horkheimer (1979[1944]), “All objectification is a forgetting” (230).

[78] As Robinson (2000[1983]) suggests, "From the twelfth century forward, it was the bourgeoisie and the administrators of state power who initiated and nurtured myths of egalitarianism while seizing every occasion to divide peoples for the purpose of their domination. The carnage of wars and revolutions preciptated by the bourgeoisies of Europe to sanctify their masques was enormous" (26).

While Stoler (1995) suggests, using Foucault, that state racism involves the right over life (biopower), Davis' (1983[1981]) work suggests that state racism demands control of the right over life not simply as the right to kill, but as a right to *containment*. According to Davis, "one of racism's salient features [is] the assumption that white men--especially with economic power--possess an incontestable right of access to Black women's bodies," i.e., "assumed property rights over Black people" (175). For Collins (1998), the "politics of containment" operates on producing hypervisibility as it simulatenously produces invisibility (35). Such invisibility as a form of containment can be understood in terms of what Silva (2001) describes as the construction (or deployment) of "blackness and brownness" as "always-already" outside of the transcendental (normalized) domain of justice and legality (436). In such a deployment, racial injustice is not simply defined by *exclusion* from participation within the normalized processes, but by an "outsidedness" by which racial violence, such as police brutality, becomes legal and normalized. This "outsidedness" is surely not an inscription only of blackness, but that of racial Other (see Takaki 1979),[79] and can also be inscribed in a particular racial population through statistics. In the Dark Side of Numbers, Seltzer and Anderson (2001) assert the following:

> As many commentators have indicated, particularly in the literature on the efforts of European colonialists to control of populations in their far-flung empires..., there is a darker side to the development of these systems. Population data systems also permit the identification of vulnerable subpopulations within the larger population, or even the definition of entire population as "outcasts" and a threat to the overall health of the state.

[79] I experienced this first hand, when, in one of my undergraduate biology classes, the professor posed the following question, "What is the most common disease among humans? [pause] Did I say humans? I meant Caucasians." The answer was cystic fibrosis.

This “darker side” can be conceptualized in terms of racial governmentality. Tapper (1999) extends Foucault’s concept of governmentality to describe the way in which a particular racialized population becomes (identified as) a target for government intervention. In education, the inscription of “at risk” defines racial populations as threats to the overall productiveness of US society. As a “predictive concept” (because it is a statistical-probabilistic concept) and as a technology of risk, the notion of “at risk” allows for the targeting of these racial populations through governmental policies (Margonis 1992). In the Texas testing regime, Black and Latino bodies and populations become inscribed as “at risk” and are targeted by school administrators. In many cases, students of color expected to fail the test are “pushed out,” literally subtracted as if disposable statistical data.

Dan Rather, narrating: Houston schools also won national acclaim for raising average scores on a statewide achievement test given to tenth graders. Principals were judged on how well their students did on that test. So, in Houston's schools, Kimball [former Assistant Principal of Sharpstown] says principals taught addition by subtraction. They raised the average test scores by keeping low-performing kids from taking the test. In some cases, that meant the kids never got to the tenth grade at all.

Robert Kimball: It's real easy to do.

Rather, interviewing: It is?

Kimball: What Sharpstown High School did, and many other schools did, they said, okay, you can not go to the tenth grade unless you pass all these courses.

Rather: In the ninth grade?

Kimball: In the ninth grade.

Rather: What's wrong with that? Some people might say, well, that's pretty healthy. Hold them back in the ninth grade until they've got those basics down, and then move 'em along.

Kimball: Because you didn't...you failed Algebra, you may be in the ninth grade three years until you pass that course. But that's not a social promotion if you just allow the student go to the tenth grade, just, you now, let them take Algebra again and work on it there.

Rather, narrating: That's just what happened to Perla Arredondo. She passed all of her classes in ninth grade, but was then told she had to repeat the same grade and the same courses.

Rather: Why did you spend three years in the ninth grade?

Arredondo: Because I went to my counselor's office and I told her, I said, you're giving me the wrong courses because I already passed them. So, she said, “Don't worry about it. I know what I'm doing, that's my job.”

Rather, narrating: Perla spent three years in the ninth grade. She did fail Algebra, but passed it in summer school. Finally, she was promoted...right past tenth grade and that important test, and into the eleventh. Without enough credits to graduate, Perla dropped out. But she was smart enough to work as a cashier, a secretary, and a waitress, where she learned an important lesson.

Arredondo: I know that I could get a good job without a high school diploma, you know, I can get it as a waitress, and I don't want to be doing that all my life.

Rather, interviewing: Why, do you have some reason for wanting a better job, other than just to do better?

Arredondo: For my dad and for my mom, you know, I want to give them...I want them to be proud of me. You know, that's another thing I want, for them, you know, I want them to be proud of what I am.

This portion of a 60 Minutes II segment titled, “The Texas Miracle” (Rather, 2004)[80] provides an example of the phenomenon of “pushing out” that has been being “uncovered” in the press since the selection of Rod Paige, former Houston Superintendent, as national Secretary of Education and the passage of No Child Left Behind Act. In his last years of tenure as Superintendent of Houston Independent School District, Paige placed extreme pressure on his district to raise TAAS scores, lower drop-out rates, and increase accountability ratings. According to Peabody, Mason, and Bernstein (2003) “Paige created a boiler-room, no excuses atmosphere that effectively

[80] I video-recorded and transcribed this segment that appeared on January 7.

forced employees to massage scores and statistics." The 60 Minutes II segment reported that Paige gave principals one-year contracts based on their statistical production, providing large incentives to those who succeeded while threatening harsh sanctions to those who failed. Teachers felt they had no choice but to cheat and falsify data, and in the summer of 2003, one particular high school, Sharpstown, faced with allegations of falsifying data, became the center of national controversy. Assistant Principal of Sharpstown, Robert Kimball charged that the high school had been masking its drop-out rate by coding students' reasons for leaving in ways that would not be counted *officially* as drop-out, a practice that yielded a phenomenal 0% drop-out rate.[81] Kimball took his findings to State Representative Noriega, who then asked Texas Education Agency to issue an audit not only of Sharpstown, but also other high schools in the Houston area. TEA substantiated the claim, but an even more sinister plot was being uncovered: while the district was hiding its true drop-out rates, it was in fact "pushing out" students at risk of failing the TAAS. As Peabody, Mason, and Bernstein (2003) write "Teachers have said students who passed all their classes are sometimes held back to keep their low test scores from affecting accountability records in the next grade. Poor performers are also weeded out with disciplinary expulsion or alternative placement." In the 60 Minutes II segment, Gilbert Moreno, director of the Association for the Advancement of Mexican Americans, said

> There are some horrible stories... A youngster passed say five different subjects, passed the English, but wasn't given Algebra, and then was later told at the end of the year, well, you're not gonna pass to the tenth grade, you never passed Algebra, you never took Algebra. And the youngster goes, I never knew this. And

[81] See reports by Intercultural Development Research Association (2003).

> it looks almost that there was an attempt to maybe identify some certain students and not give them the required curriculum (Rather, 2004).

Moreno even suggested that one school had retained up to 60% of its ninth graders. An official from TEA found that retaining a student in ninth grade, then skipping them past the tenth grade test, as happened to Arredondo, was not only practiced in Houston, but across the state. Texas was apparently not the only state to be engaging in "pushing out" students at risk of lowering institutional scores. In July 2003, Lewin and Medina (2003) of the New York Times reported that in New York City students "who may tarnish the schools' statistics" are being pushed towards equivalency degree programs. Other cases of pushing out were reported in Birmingham and Miami (see also Ward 2003, Washington Times 2003). In an editorial column, entitled "Leave No Child Behind Means Make 'em Vanish," Bill Maher (2003) writes, "it does take a special kind of Texas-size nerve to then treat those children like cards in a gin rummy hand, where you get to ditch the two low ones, and where bodies just disappear like dissidents in Argentina..."

Reading through the articles on Sharpstown, pushing out, and watching the segment, there is one clear omission in the discussion of push-outs, a discourse of *race*. However, Gilbert Moreno mentions race in a very subtle way as he says "it looks almost that there was an attempt to maybe identify some *certain* students and not give them the required curriculum" (Rather, 2004 [my italics]). In 1999, Austin Independent School District was indicted on charges of tampering with governmental records for manipulating test scores. I was informed by an Austin LULAC member that it was the tests of some Latino males in which names were changed to their social security numbers in order to disqualify their tests from being scored. When the issue of counting drop-outs arose at a Public Education Committee meeting, race was also coded. Representative Dutton of Houston authored a bill to replace the current system of calculating the drop-out rate with the system used by the National Center for Education Statistics. The new system would significantly raise the drop-out rate. Representative Griggs commented that he was “concerned that the new definitions would create mayhem, especially on the border.” Representative Dutton, who authored the bill, replied that he “respectfully disagree[d],” that the current system is “designed so you don't appear to have a problem.” Dutton commented that “students are lost in this statistical battle,” particularly when it became clear at the meeting that students were being lost and not tracked by the schools. In a letter to President George W. Bush, Greg Palast (2004), author of “The Best Democracy Money Can Buy,” wrote, “And if I bring up the race of the kids with the low score, don't get all snippy with me, telling me your program is colorblind. We know the color of the kids left behind; and it's not the color of the kids you went to school with at Philips Andover Academy.” He titled his commentary, “The New Educational Eugenics in George Bush's State of the Union.”

Conclusion

One of the ways in which the testing system maintains its hegemony is by the use of statistics as a form of governance: turning students into governable objects, conducting the conduct of the public through statistical panic, and hiding the practice of pushing out which marginalizes and attempts to literally subtract students of color. The resistance against high-stakes testing emerged as a struggle against the submission of subjectivity, signaling not only a tendency to overemphasize testing statistics, but also the very inscription of students as *statistics*. The students' objections to becoming a statistic, a "name and a score" reveal the use of statistics as a discourse network. The objectification of students (as a form of power) is buttressed by the constant public dissemination of their test performance, abstracted into a school's institutional score or an overall passing rate. While public assessment is considered a sign of democracy, it nevertheless also governs the public sphere by conducting conduct and constructing the "structure of feeling" of *statistical panic*. While this statistical panic may be used as a rallying point for politics, the state and media have the ability to temper that panic through an underlying perception of statistical *significance.* So, because the number of third-grade students who failed the TAKS was lower than that of the widely publicized prediction, administrators and newspapers could speak of how third-graders "exceeded expectations." Not only was the number of students who *did* fail by the end of the school year not "significant," but the *political questioning* of the state's policy of high-stakes testing itself became silenced. Also silenced are the mechanisms by which schools obtain their scores, particularly the targeting of students of color as "at risk" and the objectification of "at risk" students as "disposable" data through the literally subtractive process of "pushing-out." The simultaneity of being hypervisibly at risk and invisibly "pushed-out" is symptomatic of a broader racializing "politics of containment." While the inscription as a governable object is one form statistical objectification, it is accompanied by another form of statistical objectification in the Marxist sense: exploitation. In the next chapter, I discuss issues of exploitation and the political economy of the statistical discourse of high-stakes testing.

Chapter 4. Commodification and Political Economy of Statistical Discourse

Houston Story

On February 27 of 2001, I attended House Public Education Committee Meeting in which one of the multiple criteria bills was set to be heard. When I finally arrived, I found that the meeting was standing room only. A large group of mostly Black parents crowded the room wearing green t-shirts reading "Children Equal Profit." When their time came to speak hours later, these parents, who have been characterized by education literature as apathetic, revealed that they have driven from Houston to speak about the commodification of their children. Testimony revealed that the parents created “Children Equal Profit” as a parody of CEP, Community Education Partners in Houston, a for-profit company that provides "alternative schooling" for students who violate school rules on violence, part of a "zero tolerance" policy. The parents told the committee that Rod Paige, as Superintendent of Houston ISD signed an $18 million annual contract with CEP to guarantee that 2500 students would be placed in alternative placement for 180 days regardless of infraction, despite the district's own policy of alternative placement for 11 days up to the end of the school semester. While an NAACP representative provided statistics on the disproportionate alternative placement of students of color, the most moving testimony came from the stories of parents desperate to find better opportunities for their children. One parent told of her five-year-old child having bruises on his arms from being pinned by a teacher and of a teacher being asleep in the classroom set aside for autistic children, calling the “alternative placement” “not education, just a place to put students where they don't need to get education.” Children were placed in isolation in a small area with a partition for hours at a time, said the mother, as she added, "What happens to children who are not able to explain?" Another mother stood up and explained that they tried to place her child in alternative placement allegedly because "he doesn't think before he acts and needs more severe punishment." She also said that the principal lacked concerned for her child, waiting until the TAAS test to place him in a class. She quit her job in order to send her child to another school, a private school, for which she had to leave at 6:15 in the morning just to get her son to school on time. For her, this committee meeting was the only forum in which to voice her protest, and she posed the question to Representative Sadler the Education Committee Chair, "What can you do?" He responded that unless she put her child back in the public school system, there was nothing he could do. Sadler, however, grew angry upon hearing about the contract and asked the Superintendent or Board Representative for HISD about the contract, saying "I'm a little bit concerned with a contract that guarantees 2500 students to AP. How could a board approve such a thing?" The board representative responded with a statistical discourse claiming that "schools were much safer" with the CEP alternative placement, and that there was a pattern of schools being slow to send students there.

In an article entitled, "The Numbers Racket," Metcalf (2001) writes that CEP was established by a group of Republicans from Tennessee with ties to former secretary of education in the senior Bush administration, Lamar Alexander. Metcalf argues that the alternative placement was a way to avoid high drop-out rates, and found that "chaos" ruled: parents were not receiving report cards, exams were not being graded due to understaffing, students were being placed in classes lower than their abilities, teachers were given class sizes from 30 to 40, and fighting often erupted. Said one student, “It was like a jail” (24). Research specialist for HISD Accountability, Thomas Kellow found that while students’ academic performance at CEP worsened over time, an internet press release claimed that CEP achieved “an average growth of in reading of 2.4 grade levels and an average growth in math of 2.2” (24). When Kellow e-mailed 1800 statisticians about the data, he was reprimanded by the district, “moved to a workstation without Internet access,” and he found that his computer had been tampered with. Metcalf ends his article with this poignant quote from a female employee at CEP, “Rod Paige's scores in Houston look good on paper. But he sacrificed so many kids to get there” (24).

In February of 2003, the Channel 11 News Defenders in Houston found that schools were being encouraged to change drop-out rates, revealing loopholes in which school officials would “cook the books” by reporting students as transferring or receiving a GED instead of dropping out. According to Werner (2003),

> Some of the school districts reward schools for keeping track of kids and keeping them in class because with high enough test scores and low drop-out rates, employees get bonuses—that means money for everyone from the janitor to the principal...unfortunately, some HISD schools seem more interested in cash than in the kids. And the kids are suffering.

The pay-off for HISD was the Broad Prize in Education, worth $500,000. According to Brad Duggan of Just for the Kids, at a House Public Education Meeting on accountability February 18, 2003, the selection of HISD for the prize, revealed how the "accountability system [had] driven more effective change. All of this happened because of data...and efficiency in the system." It is no wonder Linda McNeil, at the January rally for the multiple criteria bills, compared the current system in Texas to Enron. An Austin high school teacher, told me as she reflected on the TAAS, that “someone is benefiting and it is not the kids. It must be about money.”

While, in the last chapter, I discussed objectification in the sense of manipulation, in this chapter, I consider the political economy of that objectification, exploring the term *objectification* in a Marxist sense, considering questions of exploitation and commodification. First, I discuss what Bartlett, et al (2002) call the “marketization” of education, in order to contextualize testing in Texas within a broader national ideological movement (the “accountability” movement) to both rearticulate the goals of education in terms of the economy and to exploit economic opportunities in or privatize aspects of the public education system. Second, I discuss the centrality of statistics in the creation of those opportunities through making possible the commodication of knowledge. I also discuss more in depth the major economic players in the accountability movement in Texas and discuss the incentive system with schools that operates to secure the hegemony of the testing system. Third, I will discuss the ways in which the profitability of the testing movement is juxtaposed with a broader ideological attack on the welfare state, and in this case on public schools. I argue that one of the main components of that ideological attack has been the recuperation of statistical discourses that have historically been used to oppose social security (in the broad sense, as state provisions for social welfare).

The “Marketization of Education”

“Do America’s schools need a ‘Dow Jones Index’?”
- James W. Guthrie (1994)

The actions of Houston ISD constitute what Bartlett, et al (2002) describe as the "marketization of education." Characterized by the recuperation of 1920's scientific management of schools, marketization of education includes the policy implementation of intensified standardized testing and tracking, investment in charter schools or schools of "choice" (and in the case of Texas, charter districts), and privatization of partial or entire public school operations. Accompanying these policies is a "cultural change in the perception of school's purpose" from a democratic perception to an economic one, laced with market metaphors and enhanced by the racialization of poverty and "failure"(6). According to Bartlett, et al, this movement for the marketization of public schools, becoming known as the "accountability movement," obtained its hegemony from the coalescing of what Apple (2001) calls the "New Right," which encompasses four groups: neoliberals, neoconservatives, authoritarian populists, and the managerial and professional middle class. According to Apple, neoliberals share a commitment to rearticulating politics into an economic paradigm stressing free markets, privatization, and individualism (individual responsibility), without government intervention—that is, unless government resources are employed to further the free market economy (17-20, 38-41). In the neoliberal formulation, democratic "freedom" equals "free market" and free competition. Neoconservatives, according to Apple, center their politics in the sense of "return" (to a nostalgic or romantic past), "traditional values," and "cultural order," discursively forming a notion of societal "decline" as a way of constructing "the Other" as a pollutant, contaminant, or pathology (20-22). Apple argues that neoconservatives favor a "small strong" state centered on regulation, surveillance, and discipline (20-22, 47-53). By authoritarian populists, Apple is referring to the Religious Right, formed out of "conservative evangelical movement" or a form of Protestantism that stresses individualism, the need for "salvation," and the naturalization of sociopolitical conditions as "God's will" (22-28). Finally, the managerial and professional middle class refers to a group of people who supply technical expertise to the state and corporations, particularly in management and efficiency (57-59). As products of suburbanization (thus segregation), the managerial and professional middle class expresses a commitment to meritocracy, and while their political views may be moderate or even "liberal," they can exploit the job openings created by a regulatory state (57, 75). For Bartlett, et al., the loss of middle-management jobs, increased personal debt with simultaneous heavy credit marketing, and the outsourcing of manufacturing jobs overseas have caused a "shrinking of the middle class." Additionally, these economic misfortunes caused the middle class to break with the liberal democratic concept of redistributive justice, a concept characteristic of the welfare state. (9) The joining of forces between neoliberals, neoconservatives, and the managerial middle class has produced the discourse of "crisis" in public education through the media and research organizations, a discourse into which corporate and conservative leaders invested heavily. Further, the New Right became prolific in forming powerful lobby organizations whose purpose was to "educate" legislators to implement policies in concert with privatization (9-11).

According to Saltman (2000), the alignment of the New Right was also hastened in opposition to desegregation policies[82] and federal expenditures for such reform.[83]

[82] This is also Davidson's (1990) argument about the realignment of the Republican Party in Texas.

According to Richards, Shore, and Sawicky, demands for "accountability" and movements towards performance contracting (as a means of privatizing operations of public education) occurred following the passage of the Elementary and Secondary Education Act of 1965 that established the federally funded programs of Title I, Job Corps, and Head Start. For Mansbridge (1986), the glue between the middle class and the New Right was also formed by the opposition to the Equal Rights Amendment:

> The battle against the ERA was one of the first in which the New Right used 'women's issues' to forge a coalition of the traditional Radical Right, religious activists, and that previously relatively apolitical segment of the noncosmopolitan working and middle classes that was deeply disturbed by the cultural changes—especially the changes in sexual mores—in the second half of the twentieth century" (16).

The opposition of equality in pay between men and women could also explain the opposition toward teacher unions. Apple (2001) argues that the broad-based approach of the New Right accommodates neoliberal interests in privatization and neoconservative interests in a strong state, returning to traditional education (back to the basics), through the use of public assessment, which combines "marketized individualism and [constant] control" and surveillance (72). This need for public assessment, couched in terms of "value" and the language of salvation appeals to the Religious Right, for whom the Protestant Ethic presumes individual responsibility for social positioning (infusing a market philosophy into Christianity) and the concept of "moral decay" in schools allows for a "militant" approach to public scrutiny of teachers. According to Apple, public assessment also creates opportunities for the middle-class managerial class who

[83] An example is given by Morantz, where in Charlotte, North Carolina, the "business elite urged the Chamber [of Commerce] to help dismantle the race- and class-desegregated educational system, which they believed to be impeding educational success by lowering educational standards" (1996: 185)

“populate” “the evaluative state” and appeals to their commitment to patriarchal society and to meritocracy (75). The New Right’s approach to education through public assessment allows “elites to profit from a once off-limits sector” (Saltman 2000: 8) while creating a discourse of “failure” that delegitimizes redistributive justice of the welfare state, particularly of public school systems. (See McDermott 1997) I argue that what provides the conditions for profitability and the discourse of failure (or profiting from failure) is in fact the political economy of statistical discourse.[84] First, statistical discourse creates the possibility for education to be articulated in economic terms, as Guthrie suggests education might be indexed as the Dow Jones. Second, statistics, as an administrative science, provides the measures of efficiency necessary for regulation, and necessitates professionals in order to collect, analyze, and report statistical data. Third, as I discuss in Chapter 2, statistics has historically served as a terrain for articulating racial discourse, particularly as a mode of establishing White as norms and racial “Other” deviants.

Commodification of statistical knowledge

> "Someone profits while the children fail."
> - Representative Dutton

The case of Houston ISD exemplifies the political economy of statistical discourse, in that “good” statistics (or “good” statistical production) proved itself to be a hot commodity. Gluckman (2002) suggests that the "hard-data, number crunching world

[84] See Foucault (1984a) on the political economy of truth, as containing five traits: centered on the form of scientific discourse; subject to political and economic incitement; the object of immense diffusion and consumption; produced and transmitted under the control, dominant if not exclusive, of a few great political and economic apparati; and the issue of a whole political debate and social confrontation. [fix]

of the business roundtables...are now setting the education-reform agenda," and it is exactly the number-crunching companies, like NCS Pearson, and other data managing organizations such as the National Center for Educational Accountability, with their mantra of “data-driven assessment” that seem to benefit most from what Richards, Shore, and Sawicky (1996) call the “potentially vast education market” (54). According to Sacks (1999), “sales of standardized tests to public schools, in real dollars, more than doubled between 1960 and 1989 to $100 million a year” (6). A large portion of the cost of standardized tests comes from companies that process those tests, producing student scores and statistics. Arguably, the connection between test score processing and computer development is an intimate and historical one, since according to Lemann (1999), one of the original projects of IBM was to develop a machine to score tests. (Perhaps, it is no wonder that one of the leaders of the national accountability movement is IBM CEO, Louis Gerstner.) In the late twentieth and early twenty-first centuries, one of the largest companies in the United States processing test score data is NCS Pearson. NCS or National Computer Systems is a data processing company acquired in 2000 by the Britain-based corporation Pearson, “an international media company with market leading businesses in education, strategic business information and consumer publishing” (Pearson 2002a). In the Pearson Education division, NCS is accompanied by acquisitions of well-known educational textbook publishers such as Scott Foresman, Prentice Hall, Addison-Wesley, and Allyn & Bacon/Longman (Pearson.com). On its web-site, Pearson Education proclaims, "There has never been a better time to be in the business of education,”

> With federal and state governments [in the U.S.] wanting both to measure academic progress against clear standards and modernise their school systems, we are seeing faster rates of growth in demand for testing and the enterprise software that powers many schools. The acquisition of NCS…means we can meet this demand and work with schools to embed assessment as part of the daily curriculum and to tailor learning to the needs of each student (Pearson 2002b).

According to Pearson Education, the market for educational publishing in the U.S. is "valued at some $8bn...[and] is currently growing on average at around 8% per year" (Pearson 2002b).

> The trends in the US are also playing out in developed countries around the world, [where] school rolls are growing even more rapidly…and, around the world, ownership of educational publishing and learning companies is often fragmented, creating major opportunities for consolidation and growth. As the world's most international education company, we are in a very good position to capitalise on these trends (Pearson 2002b).

In 2000, The Texas Education Agency (TEA) signed a contract with NCS Pearson, giving them $233 million over 5 years, increasing from $19.5 million in 1995 to $68.6 million in 2001 (Gluckman 2002). According to the 2001 Comprehensive Report by TEA (2001a), the agency expected to spend $69.14 million dollars on accountability and assessment in the 2000-2001 fiscal year. In the fiscal year of 2002, National Computer Systems (NCS) received over $53 million, and the Psychological Corporation of Harcourt, responsible for developing the test, received about $1.3 million. This gives a sense of the extent to which data processing, statistical producing companies profit from testing (TEA 2003a. In addition, companies that promise to boost schools' statistical production, such test-prep companies such as Lightspan, also earn huge profits, and just in 2002, Austin Independent School District, despite massive budget cuts, signed a contract with Lightspan for $1 million.

The profitability of statistical production can be understood in the context of what Hardt and Negri (2000) describe as the "passage toward an informational economy" (289). For Hardt and Negri, the shift from an industrial global economy to an informational one occurred with the “computer and communication revolution of production” (291) and the ecological limitations to industrial expansion (272). More importantly, the shift occurred also as a response to resistance movements in the 1960’s and 70’s against Fordist modes of production that centered on assembly-line mass production and Taylorist forms of discipline that constructed workers as “trained gorillas” (see Chapter 3). For Hardt and Negri, these movements demanded democracy, flexibility, politics of difference, and a higher “social valu(ation) of cooperation and communication” (275). The authors argue that while communication technologies absorb and rearticulate the demands for democracy, flexibility, and difference, these technologies are, nevertheless, coming under more and more centralized control:

> …today we are witnessing a competition among transnational corporations to establish and consolidate quasi-monopolies over the new information infrastructure. The various telecommunication corporations, computer hardware and software manufacturers, and information and entertainment corporations are merging and expanding their operations, scrambling to partition and control the new continents of productive networks (300).

This merging is clearly evident not only in the acquisition of NCS by Pearson, an international media company, but also in other companies involved in test production and textbook publication, such as Harcourt General (Harcourt, Brace, Jovanovich Inc), which was acquired in 1991 by General Cinemas and then “purchased by British-Dutch scientific publisher Reed Elsevier” by the year 2002. According to Rosales (2000), Harcourt, Brace, Jovanovich, Inc also owns Sea World. (155) Gluckman (2002) refers to these acquisitions as “edutainment,” using the word with which French media company, Vivendi Universal SA, described its acquisition of education publishing company, Houghton Mifflin. Hardt and Negri view the centralization of control of the communication technologies as “hold[ing] out the promise of a new democracy and new social equality,” but “hav[ing] in fact created new lines of inequality and exclusion” (300). For Persuad and Lusane (2000), the demarcation of such lines of inequality and exclusion is manifested within the division of the service economy into two types of flexible laborers: “core workers,” “the upper rung of professionals [such as] consultants, executives, upper-level managers, medical, computer and informational specialists”; and “contingent workers,” “those supplying unskilled personal services, taxi drivers, security personnel, food service workers, lawn care workers, office cleaners, retail sails, and so on.”

Within an informational economy, testing and its statistical production have become super-exploitative, serving both as a means of objectifying or commodifying knowledge and information and as a means of dividing core/professional and contingent workers. In terms of commodification, Cicotti, Cini, and de Maria (1976) argue that the necessary conditions for the transformation of information into non-material commodity, i.e. its *objectification,* are that “information [is] made quantitative and its consumption measurable” (43). Thus, at the heart of the informational economy and its globalization is the quantitative objectification of information. Statistical objectification is particularly crucial in the production of *social* information as commodity, being not only the extension (or application) of the language of capitalism and commerce to the social, but also a "*technologie assurentiel*" or tool of "social assurance," i.e., a governmental science deemed necessary to "providing a stable social order" (Hacking 1991: 183). According to Porter (1995), the "language of quantification [has been] more important than English in the European campaign to create a unified business environment" (77). Central to this unification is the administrative science of statistics[85] (and it discourse) whose genealogy can be traced to the development of eighteenth century political economies, in which the language of commerce (arithmetic) merged with the concerns of the state for the wealth and governance of its populations,[86] both metropole (Desrosieres 1998: 250, see also Woolf 1989, Foucault 1991, Porter 1995, and Cohen 1982) and colony (Appadurai 1993, Asad 1994). In the nineteenth century, the German word for a largely descriptive "science of the state," *Statistik,* in its English and French translations and transmutations into *statistics and statistique* became essentially enumerative/quantitative (Desrosieres 1998: 16-44, Woolf 1989: 590-592). By the mid-nineteenth century, the census and other governmental statistics transformed in their functions from providing the basis for taxation and comprehensive analyses to bodies of knowledge and tools for policy intervention (Appadurai 1993: 321, Desrosieres 1998: 221, Nobles 2000). At the same time, in the midst of political and social upheaval, social scientists and social reformers fused administrative/government statistics and probability calculus into a "social physics," a "positivist…social construction of reality" (Woolf 1989: 592) or of "society":

[85] I use "administrative science" to reinforce Desrosieres's distinction between the developments of two forms of statistics: the *administrative science* used by states and *probability calculus* developed by mathematicians, as well as astronomers, physicists, and social scientists.
[86] See Curtis (2002), who argues against Foucault's historicization of "population," which Curtis describes as a phenomenon of the nineteenth century. Curtis argues that Foucault conflates population with "populousness."

> The apparition of the new entity, *society*, objectified and seen from the outside, endowed with autonomous laws in relation to individuals characterizes the thought of all the founding fathers of sociology, a science taking shape precisely at this time. Comte, Marx, Le Play, Tocqueville, and Durkheim [and Quetelet]: despite their differences…all were confronted with the disorders and the breakdown of the old social fabric brought about by the political upheavals in France and the industrial revolution in England (Desrosieres 1998: 79).

According to Procacci (1991), statistics "served as a technique of decipherment enabling the chaos of pauperism to be disentangled" (164), aiding in the "task of governing poverty," which like the problem of "governing 'savages'" addressed the question of "what would enable a person to give up freedom for the sake of civilization" (160). Hacking (1991) notes that the object of statistical congresses was "les miserables," as social reformers used statistics in order to "reorganize the 'boundary conditions'" (188). For Donzelot (1991a), statistics were incorporated in the project of the welfare state in France as a means of resolving the contradiction between the "language of rights" and the inevitable inequality of industrialization. At the turn of the century, Galton and Pearson headed the establishment of mathematical statistics as an autonomous discipline through the efforts of their English biometric school of eugenics at the turn of the century (Desrosieres 1998, Porter 2002), spawning disciplines such as educational psychology and econometrics, as well as innovations in sampling techniques. By the end of the World Wars, welfare/social security legislation and regulation, (particularly the New Deal in the United States); the development of national consumer markets and market studies; and national elections and campaign polls secured the professionalization of government statisticians. (Desrosieres 1998: 225, see also 176, 194) As statistics served a key role in the development of the welfare state in response to crises in industrial capitalism understanding and controlling/governing the poor and "savages," it also played a key role in incorporating nation-states into an international system of competition, becoming hegemonic as "the language of the modern nation-state" (Urla 1993: 831).[87]

Hardt and Negri argue that, "In the passage to postmodernity [and informatization], one of the primary conditions of labor is that it functions outside of measure. The temporal regimentation of labor and all the other economic and/or political measures that have been imposed upon it are blown apart" (357). I argue that the imposition of "economic and/or political measures" introduces opportunities for the creation of capital, a part of the process Hardt and Negri call "real subsumption," in which the "integration of labor into capital becomes more intensive than extensive and society is ever more completely fashioned by capital" (255). The proliferation and expansion of standardized testing, particularly high-stakes examinations which determine grade promotion (or retention) and high school graduation, is a prime example of the intensifying imposition of measurement of (children's) labor; of the profitability of labor-related statistical information and knowledge; and of the use of measurement to reproduce (structure and justify) occupational divisions between the "professional" and the "unskilled" worker. Despite Foucault's (1994[1971]) observation that in modernity, there appeared a retreat of the "mathesis" (or order, taxonomy, and measurement) and a tendency to view the reduction to quantity as naïve (349), the postmodern world is

[87] In "Race, 'Culture,' and Mestizaje: the Social Construction of the Ecuadorian Nation," Clark (1998) writes that in 1950, "The census thus became part of Ecuador's long-standing effort to join the community of nations" (194).

inundated with “the all-pervasive recitation and quotation of statistics that we encounter in enormous quantities everyday” (Woodward 1999), arguably representing the penetration of capital into every aspect of our lives (or the incorporation of every aspect of our lives into the capitalist sphere). For Porter (1995), “This is not because the world is inherently statistical. It is because quantifiers have made it statistical, the better to manage it” (213). I would add, “the better to profit from it.”

For Bowles and Gintis (1976), the combination of management and profitability are central to understanding the ways in which corporate leadership co-opts educational reform:

> While the impetus for educational reform sometimes came from disgruntled farmers or workers, the leadership of these movements--which succeeded in stamping its unmistakable imprint on the form and direction of educational innovation--was without exception in the hands of a coalition of professionals and capitalists from the leading sectors of the economy (179).

This observation is particularly true of the accountability movement of the 1980’s to the present, a movement for which the 1983 report by the National Commission on Education, *A Nation at Risk*, provided the impetus and “instigated more than 300 state and national business reports and commissions assessing public schools” (Bartlett, et al 2002: 11). In 1989, the National Business Roundtable campaigned heavily for its chapters to influence state governors to reform (Bartlett, et al, 11), and according to Metcalf (2002), one of the “founding texts” of the "accountability" movement was *Reinventing Education: Entrepreneurship in American's Public Schools*, by Louis Gerstner, chairman of IBM, a member of the national Business Roundtable. At the National Education Summit in 1996, Gerstner helped found Achieve, Inc., “a nonprofit organization created by governors and corporate leaders to help states and the private sector raise standards and performance in America's schools" (Achieve, Inc., 2002). The Board for Achieve, Inc. consists of four state governors from Georgia, Oklahoma, Ohio, and Washington and four corporate leaders from Intel, State Farm Insurance, Prudential, and Williams. Its co-chairs were then governor of California Gray Davis and Phillip Condit, the CEO of The Boeing Company, and its chair other than Gerstner was Michigan Governor, John Engler. This board provides an example of the coalition of governors and corporate leaders in educational reform.

In Texas, *A Nation at Risk* initiated the study committee on education that then Governor Mark White designated the Select Committee on Public Education by Mark White in 1984. Consistent with the language for business leadership, Governor White selected billionaire Ross Perot. The reforms proposed by the study committee eclipsed the reforms for higher teacher salaries sought by the teacher organizations that helped elect White for the governorship (McNeil 2000a). Ross Perot gathered a group of lawyers, including Tom Luce of Dallas, whom, after the course of the meetings, some called his "little group of dictators" (Newman 1987: 195). Tom Luce founded Just for the Kids, along with UT Regent Charles Miller, who himself in the 1980's founded one of the most powerful education lobbies, the Texas Business and Education Council. (Peterson and Wilder 2002) In 2001 by Charles Miller, Tom Luce, Representative Kent Grusendorf, and Sandy Kress, founded another organization Texas Public Education Reform Foudation (TPERF). Representative Grusendorf served as the Chair of the

House Public Education Committee in the 78th session.[88] According to Peterson and Wilder, Sandy Kress is the architect of President Bush's No Child Left Behind Act. One of the vice chairmen is John Stevens of the Texas Business and Education Council and one of the board members is Brad Duggan of Just for the Kids. For me, the agenda of TPERF read as the Public Education Committee's agenda itself.

In their document assessing the Texas assessment and accountability systems, Achieve, Inc. reported that “In our view, business leaders must continue to play a strong role in anchoring public sentiment supporting high standards so that reforms can be sustained over time” (12). Part of “anchoring public sentiment” or forming hegemony has been through the neo-liberal combining of individualism and a regulatory state (Apple 2001) through the use of the rewards and sanctions system of public assessment—using testing statistics to both create opportunities for individual profit yet also manage educational differentiation. DuBois (1962 [1935]) recognized this strategy of corporations to combine strong government or regulatory state and marketized individualism in the spread of northern capitalist hegemony across the nation after the Civil War:

> Great corporations through their control of new capital, began to establish a super-government. On the one hand, they crushed the robber-barons, the thieves and the grafters, and thus appeased those of the old school who demanded the old standards of personal honesty. Secondly, they made treaty with the petty bourgeoisie by guaranteeing them reasonable and certain income from their investments, while they gradually deprived them of real control in industry. And finally, they made treaty with labor by dealing with it as a powerful, determined unit and dividing it up into skilled union labor, with which the new industry

[88] His position which made me wonder whether or not Foucault was right in saying that power could not be possessed because he ultimately decided which bills would be considered by the committee to pass to the House.

> shared profit in the shape of a higher wage and other privileges, and a great reservoir of common and foreign labor which it kept at work at lower wages with the threat of starvation and with police control (584).

In forming the hegemony of the accountability system, corporations, through their influence on and connection to government, have used or recuperated (in the Foucauldian sense) this strategy of treaty-making with different levels of the educational system. The appeal of accountability is its promise to the public and school boards to provide sanctions against the failing schools, "dysfunctional" principals and school administrations, incompetent teachers, and socially promoted students. According to Bartlett, et al, (2002) this appeal allowed neoliberals to forge alliances with both neoconservatives, “appeased with promises of input in curriculum” and also “social evolutionists…placated with the promises of standardized testing” (10). Through governmental/state accountability regimes, corporations forged “treaties” with teaching professionals, principals, and superintendents, like the petty bourgeoisie DuBois describes above, offering them better income and awards based on their statistical production. For instance, Superintendents are offered $25,000 bonuses for raising scores (Kolker 1999). The legislature instituted a program called the Texas Successful Schools Award Program, offering $500 to $1500 to schools with good scores on the TAAS (Martinez 2003). Teachers in Texas could net "bonuses of up to $650" (Kolker 1999). However, the promises of rewards are balanced by those of sanctions,[89] in which Texas superintendents’ contracts contain clauses “that allow them to be terminated should

[89] Metcalf (2002) says of the use of the term *sanctions* in accountability rhetoric, “Predictably, CEO’s bring to education reform CEO rhetoric: stringent, intolerant of failure, even punitive—hence the word “sanction” as if some schools had been turning away weapons inspectors.” Metcalf points to the merging of corporate/market metaphors with those of war, as do McNeil and Saltman in their use of the war terminology “collateral damage.”

performance rates be low" (Kramer 2002). Principals and teachers are also threatened with reconstitution for low scores, particularly schools whose majority of students are "economically disadvantaged" and Black and/or Latino/a. (Saltman 2000, Kozol 1991) I spoke to a teacher at such a high school in Austin, who told me that due to the schools' low accountability rating, in the following year, the district was planning to fire and replace most of the teachers. Valenzuela (2002) writes that

> especially in poor, minority schools, logic dictates that when assessment gets tied to the threat of sanctions that teachers and administrators must bear if test scores drop or remain stagnant, perverse incentives exist to marginalize children through various mechanisms [such as]…relegating them to test-exempt status categories…;'encouraging' the academically weak to remain so by retaining them at the ninth-grade level so that they do not become tenth-grade TAAS-test takers who lower school averages; and by 'pushing students out,' such as practice of withdrawing students for lack of attendance (8,9).

The Houston case of pushing out students and using privatized alternative education to lower drop-out rates exemplifies Valenzuela's characterization. On the other spectrum, student laborers are also offered rewards for good scores beyond that of grade promotion. According to students in the survey conducted by Blalock and Haswell (2002), not only did schools receive monetary rewards for better scores (06-109, 12-224), but students were also offered rewards mostly in the form of school trips (01-103), to Sea World (08-143) (owned by Harcourt General), and Schlitterbahn, a water theme park in New Braunfels, TX (19-365). In addition to creating a rewards and sanctions system, the testing business has also created job opportunities within the Texas Education Agency, through the creation of the Accountability and Assessment divisions, as well as in the private corporations with whom TEA contracts. For instance, in the summer, Harcourt Assessment—headquartered in San Antonio—posts several job announcements for test scorers, and many teachers and school librarians can supplement their income by scoring tests. There are also opportunities to earn money by writing test questions. One TEA employee with whom I spoke described his job as "boring," expressing the trope of banalisation (Trouillot 1995) that sustains the normalization (or habitus) of testing. The rewards and sanctions system is an example of the neoliberal use of statistics not only as a mechanism of incorporating students, teachers, and school administrators into an individualistic system of competition, but also as a mode of control, differentiation, and segregation.

Efficiency and the Delegitimization of Public Education

For Valencia, et al (2001), "results-driven" accountability (too heavily focused on test scores) through its refusal to acknowledge the historical and social context of educational inequality both maintains racial inequalities, but also accommodates a discourse, *deficit thinking,* that individualizes and racializes failure. Accountability discourse, then, is part of what Sandoval (2000) describes as the "late-capitalist retranslation of difference [that] allows hierarchical and material differences in power between people to be erased from consciousness, even while these same economic and social privileges are bolstered" (73). For Saltman (2000), retranslating differences is part of a broader neoliberal political and economic strategy of "redistributing public resources to private high-tech, military, and carceral industries," a strategy to delegitimize the welfare state, particularly public education and the federal interventions systems aimed at class and race desegregation in public education (xiii).[90] I contend that a key component of this strategy to delegitimize social welfare and public education is statistical discourse, in particular, the recuperation of three important statistical discourses that relate population and economy: Malthusianism, eugenic meritocracy, and statistical quality control. Ironically, according to Desrosieres (1998), it was Roosevelt's administration and its implementation of the New Deal that provided the conditions for the expansion of government statistics, an expansion for which former (Progressive Era) President Hoover could not obtain widespread support.[91] (194, 202) Since the forming of the hegemonic conservative historic bloc in the 1980's, the opposition to the welfare state, particularly public education, has occurred through the resurrection of 1920's discourses of efficiency, Taylorist scientific management, and racial and gender conservativism characterized by neohereditarianism (Saltman 2000, McNeil 2000a, Valencia and Solórzano 1997). I contend that part of the conservative strategy has been both the deconstruction of liberal statistical discourses of the welfare state (see Chapter 2) and also the recuperation of conservative statistical discourses historically deployed in opposition to social security, namely Malthusianism and eugenic meritocracy. These statistical discourses reinsert the Progressive Era concern for efficiency and Taylorism, by applying the discourse of statistical quality control to social relationships.

Malthusianism

[90] I consider public education as a program of welfare or social security, as defined by Rothschild (1995) "in the broad sense of social assistance and the social assistance of the poor."

[91] Hardt and Negri (2000) argue that FDR's welfare state "invested social relations in their entirety, imposing a regime of discipline accompanied by greater participation in the process of accumulation" and it was one of the first expressions of Empire (242).

According to Rothschild (1995), neoliberalism breaks with laissez-faire liberals of the eighteenth century, such as Adam Smith and Condorcet. While neoliberalists view social security as "inimical to economic development and social equality as a form of luxury," laissez-faire liberals of the eighteenth century conceived of social security as a necessary "condition for the development of commerce." In post-revolutionary France, Malthus inserted into political economy the political anxiety over the conflict between resources and population, proposing a law of population that stated increased populousness is a detriment to future economic progress (versus the mercantilists' equation of increased populousness to the wealth of the nation). Further, Malthus opposed social security because it removes the "prudential check" on "idleness" by relieving the poor of the fear of poverty (Rothschild). Rothschild asserts that in the 1990's a "renewed Malthusianism" arose with the anxiety over shortage of natural resources,[92] a result of the tensions between "production and reproduction."

Bowles and Gintis (1976) point to the contradiction between, the demand of technologies for white collar workers and the need to create a reservoir of skilled white collar laborers on the one hand, and the demand of the working-class and middle-class people of color and White women for affirmative action, i.e. inclusion in the universities that produce white collar workers on the other. One of the strategies of the Carnegie Commission on Higher Education, according to the authors, was to "curb the rate of growth of the total postsecondary educational system to restrict the size of the reserve army of white collar workers to politically acceptable levels," at the same time

[92] As I mention earlier, this is one of the conditions to which Hardt and Negri point in their discussion of the transformation into an informational economy.

advocating community college and vocational higher education (206). Clark (1961) calls the function of the community college system, "cooling out," a way of resolving potential conflict. One of the ways of resolving the contradiction posed by affirmative action and its variants, such as the Ten Percent Plan,[93] is to restrict access to high school diplomas. I heard a story by a mother whose son won a scholarship to college, but because he did not pass the TAAS exit exam could not go to college and had to pursue a GED. For Bowles and Gintis, one form of resolving the contradiction between accumulation and reproduction is the production of an "ideological perspective which served to hide rather than clarify the sources of exploitation and alienation of the capitalist order" (232). Renewed Malthusianism in the accountability movement hides the political anxiety over the overpopulation of universities and an overpopulated reservoir of skilled workers, particularly people of color—who find that educational opportunity does not automatically translate into economic opportunity—through the ideology that the value of a high school diploma has decreased (see Hinds 2002) and that achieving accountability occurs through the deployment of fear[94]—the fear of failure in students, fear of unemployment in teachers and administrators, and the fear of school closure for

[93] In Texas, the Ten Percent plan was designed post-Hopwood to still provide a way for "disadvantaged" students (of color) to attend college by allowing students graduating in the top ten percent of their class automatic entry into the University of Texas system. However, Republicans in the Texas Legislature have introduced legislation in the past two sessions that would restrict those included in the top ten to only those high school students that complete a college preparatory curriculum (the recommended curriculum for graduation versus the required curriculum). However, given that many predominantly impoverished and minority schools do not offer the recommended curriculum, passage of the law would then oppose the intent of the plan.

[94] For Hardt and Negri, "Fear of violence, poverty, and unemployment is in the end the primary and immediate force that creates and maintains these new segmentations…As we argued earlier, the fundamental content of the information of the information that the enormous communication corporations present is fear. The constant fear of poverty and anxiety over the future are the keys to creating a struggle among the poor for work and maintaining conflict among the imperial proletariat. Fear is the ultimate guarantee of the new segmentations" (339).

communities.[95] Republicans in the 78th Legislature frequently appealed to the word *fear*, particularly in their discussions of vouchers, charter districts, and the repeal of Robin Hood, repeatedly asking opponents to these measures, "What are you afraid of?" At the same time, they appealed to fear as a proper incentive for change.

Eugenic Meritocracy

As I write in Chapter 3, in the accountability system of Texas high-stakes testing and statistical projections are the mechanisms by which fear or panic is deployed. According to MacKenzie (1981), "The building of a system of education on the assumption that the extent to which a child could benefit from education was determined by a single number that was highly correlated with parental occupational position—the children of professional and managerial parents 'having' the highest average IQ—reproduced to a large degree the *institutionalization* of the eugenic model of society" (43). In the eugenic model of society, individuals' social or "civic worth," or inheredited aptitude in Galtonian terms, is fixed and quantifiable, but also representable on a statistical scale that follows the Gaussian distribution or law of deviation, that contemporaneously we know as the "bell curve" (Desrosieres 1998: 112-127). Given this view of society, proponents of eugenics opposed social security or social assistance because "these measures increased and strengthened the most [naturally] inept segments

[95] Woodward (1999) argues that in the postmodern economy, health industries project endless statistics in order to commodify fear, in what she calls, "the pricing of panic" or the production of risk as commodity. However, this commodification of risk is part and parcel of insurance technologies developed in the nineteenth century (see Ewald 1991). Daston (1988) historicizes insurance even further back to the "sale of maritime insurance and annuities…known since ancient times and revived in the fourteenth century by Italian entrepreneurs" (9).

of the population" (Desrosieres 262). In the view of eugenicists, the goal of state intervention should be to both minimize deviants or the naturally "unfit," who cause "regression to mediocrity" (Desrosieres 121-124) by actively decreasing their reproduction, either through sterilization or ceasing public assistance; and to also promote the reproduction of the "well-to-do" through the use of family allowances and income tax allowances for children, since "few manual workers paid income tax" (MacKenzie 21). With the invention of intelligence testing in the early twentieth century, eugenicists increasingly viewed civic worth as measured by the intelligence quotient, their IQ (MacKenzie 34, Gould 1996).[96] Sharing the pessimism of Malthusianism, eugenic meritocracy thus naturalized social inequality within a statistical discourse, reinforcing the trope of the inevitability of failure of liberal reforms inherent in Darwinian racial and sexual sciences of the nineteenth century.[97] DuBois (1962[1935])observed that Darwinian racial science was used to prove that post-Reconstruction reforms in the South were an impossibility (631). Russett (1989) chronicles/traces the emergence of "sexual science" in the context of women's demands for suffrage, entrance into college, and economic independence (205).

In the 1960's and 70's, social scientists resurrected this trope of statistically

[96] For instance, Gould (1996) and Roberts (1997) discuss the case of Carrie Buck whose right to reproduce was taken away due to her low IQ. While eugenics evokes these policies of sterilization, MacKenzie's point is that eugenics was much broader than sterilization, akin to DuBow's (1995) contention that racial science was not simply inconsequential pseudo-science, but gave birth to disciplines, particularly physical anthropology.

[97] Russett attributes the pessimism of nineteenth century social sciences to the application of the Second Law of Thermodynamics, in which mechanical energy would be transformed into heat, which "at a uniformly low temperature life on earth would cease" (). For Russett, the restrictive model of physics dominated social scientific ideology, versus the expansive view of biology (126). [Is this the idea of the zero-sum?, that there is only a fixed amount of energy in the earth.] As Protestantism infected capitalism, Calvinist determinism invaded social science despite the attempts of scientist to eschew religion as irrational (203).

representing the (inevitability of the) failure of liberal reforms. Bowles and Gintis (1976) argue that "the barrage of statistical studies in the late 1960's and early 1970's--The Coleman Report, Jencks' study [Inequality], the evaluations of compensatory education and others--cleared the ground for a conservative counterattack" (6). The popularity of the *Bell Curve* by Hernstein and Murray in 1994 suggests the acceptability of an overt rearticulation of eugenic meritocracy, while the propagation of testing since it publication suggests the covert application of its foundations. Heise (2002) argues that accountability systems and testing have "made it much easier for activists to appeal to the courts for more inputs…to define adequacy as that level of funding necessary for a school district and its students to meet state education standards," thus "enabl[ing] school districts to gain financially from their inability to perform at desired levels." In Texas, however, school district funding equity was only legitimated by the courts and legislature when contingent upon an accountability system [thus the logical opposite]. The persistent failure of school districts and students, as shown in the *GI Forum* decision, is individualized, proof of the inevitability of the failure of social assistance since it is minorities' and poor districts' own "failure to catch up." Further, in Texas, the language of adequacy as "efficiency" in the face of massive cuts in federal and state budgets is increasingly being invoked to undermine the current system of equity.

Efficiency, Taylorism, and Statistical Quality Control

As Saltman (2000) and McNeil (2000a) write, the use of efficiency in the accountability movement is a recuperation of the Taylorist scientific management model of educational reform promoted in the 1920’s. Taylor’s scientific management centered on promoting “national efficiency” by eliminating hidden wastes in human production through scientific management and the hierarchal (re)organization of labor (Miller and O’Leary 1987: 251, 252). Taylorism is located within the historical the intersecting of physics with engineering and economics, a connection Porter (1995) states first occurred in France during the Old Regime, where French engineers introduced into physics the concept of *work* (as an equation of force times distance) (55-60). This concept of work “made the labor of machines, animals, and men commensurable,” but also provided a quantitative system by which human labor could be managed (55), creating the construct that O’Leary and Miller call “the governable person.” Taylorism invoked the physics of mechanical efficiency, later known as “quality control,” dedicated to the problem of minimizing defective commodities in mass production, a science Shewhart (1986[1939]) locates historically in the introduction of interchangeable parts in 1787. By the 1920's, probability statistics was introduced into quality control, supplying to the engineer (in solving the problem of efficiency in mass production) both a “method of prediction within minimum error” and a “means of minimizing variability in the quality of a given product at a given cost of production” (9)—replacing a science of exactness with one of probability.[98]

According to Hardt and Negri (2000), social struggles for power and creativity in the 1960’s and 70’s have rendered Taylorism unable to “control the dynamic of productive and social forces” (288). For Donzelot (1991b), late-capitalism has progressed

[98] See Hacking (1991) for his description of what he calls the “taming of chance” and the “erosion of determinism.”

“beyond Taylorism” through the construction of “pleasure in work” (267-270). For Marshall (1999), within an informational and computerized economy, the absence of physical constraints signals a movement from a Foucauldian disciplinary society to one based on “busnopower,” a form of power directed at choices. Similarly, O’Leary and Miller argue that as the Taylorist conception of “person as machine” gave way to “motivationally-complex decision-maker” as early as the 1950’s, a new form of power emerged that “operates through freedom: a freedom for the individual to have an informal life within the organization, to deviate from criteria of rationality, to brood on personal problems, and to be influenced by the environment outside the firm” (263). If these authors suggest that late-capitalism has gone beyond Taylorism and discipline, why have exactly Taylorism and discipline been viewed reorganizing public education? O’Leary and Miller suggest that the “freedom as power” construct is in continuity with efficiency models of the 1920’s, and I argue that the reconstruction of the subject as one with variability, choices, decisions, and freedom is the extension of the *probabilistic* model of quality control to social organization. Castel (1991) observes that in computerized, advanced capitalist, particularly neo-liberal states, new "preventive strategies of social administration" displace the notion of “a particular precise danger embodied in a concrete individual or group” with that of *risk* or “the effect of a combination of abstract *factors* which render more or less probable the occurrence of undesirable modes of behaviour” (287). For Castel, the new preventive strategies no longer center on individual subjects, but rather reduce and “dissolve” subjects into statistical risk factors, resulting in the subordination of the care-taking, intervening "specialist" to the autonomous policy- and decision-making manager. This probabilistic preventive social administration, then, constitutes a new mode of surveillance through "systematic predetection":

> The modern technologies of prevention are overarched by a grandiose technocractic rationalizing dream of absolute control of the accidental, understood as the irruption of the unpredictable. In the name of this myth of absolute eradication of risk, they construct a new mass of risks which constitute so many new targets for preventive intervention…Thus, a vast hygienist utopia plays on the alternate registers of fear and security, including a delirium of rationality, an absolute reign of calculative reason and no less absolute prerogative of its agents, planners and technocrats, administrators of happiness for a life to which nothing happens (289).

Like Taylorism, this preventive social administration is "obsessed with efficiency" (295). Castel's concept of the preventive social administration is similar to Hardt and Negri's notion of *omni-crisis* that allows for continual intervention, but also repression and physical violence (as an extension of the police state).[99] (35-38, 189) This preventive social administration and omni-crisis, as an extension of statistical quality control, underlines discourses on public education. Continual intervention and portrayal of students in terms of statistical risk factors characterizes the Texas accountability system and President Bush's No Child Left Behind in which students in every grade are tested; and in theory, constant testing prevents "incompetent" students from receiving diplomas. Despite the heavy cost of testing, the economic discourse of efficiency is often invoked as the rationale and many times results in the scaling back of funding despite Heise's argument to the contrary. The eugenic conception of a fixed quantum of intelligence is then corrected through a sort of postmodern multiplicity, replaced by the notion of a fixed

[99] This is unlike Marshall who sees the absence of physical constraints. Physical repression and discipline in education continually occur and particularly for schools with majority Black and Latino/a populations, spaces into which police and metal detectors have entered. See Devine (1996).

“achievement” level at different grades.

Delegitimizing Public School and Equity through Statistical Discourse

In observing the proceedings of the 78th Legislature, I became aware of dual strategies emerging from Republicans. On the one hand, testing intensified both in terms of its consequences for students, its coverage of subjects, and its difficulty; but also in terms of its broadening support base. On the other, proposals for vouchers (re)termed “freedom scholarships,” charter districts, and the repeal of equitable funding emerged, contradicting what was being touted as the strengthening of the Texas public school system. In the proposed charter districts and voucher schools, the intensified testing would not even be required. While these measures did not pass (perhaps in part due to the protest of Democrats against the redistricting bill), they still gave me the impression that Texas Republicans were in fact undermining the public school system, much in the same way as it had done in the post-Reconstruction Era. For me, constituent in this attack on public schools was the deployment of a statistical discourse that combined Malthusianism, eugenic meritocracy, and statistical quality control, in which the following occurred: (1) the reduction of people to statistical factors in order to delegitimize public education as social security; (2) the exposition of the "inefficiency" of equity and the reconstruction of "equality" as "just meritocracy" and "freedom" as "free market"; (3) the naturalization of racial and socio-economic inequity through the discourse of minimizing "failure," and (4) the articulation of “quality control” as a form of gender conservatism.

(1) Statistical Reductionism in the Delegitimization of Public Education

The largest Public Education Committee meeting was the March 18th meeting on HB 2465, authored by Chairman Grusendorf—which gained support as HB 658 by Rep. Ron Wilson a Black Democrat from Houston. The bill would establish a voucher pilot program in 11 districts with 40,000 students or more and with 50% or more students receiving free or reduced lunch. The allocation, entitled “freedom scholarship,” would cover the full cost of the private school. The meeting had been moved to the auditorium in anticipation of the crowds, and I, myself, had to find a seat in the spill-over room, and watch the event live on television until about half way through. Grusendorf introduced his honored speaker, Milton Friedman. He began his speech asking, “why [has] so little progress” in public schools? After stating that in reading, math, and literature, students are “way behind,” he contended that public schooling, “like every socialist industry, is low quality and high cost.” The findings of Nation-at-Risk document of 1983, he suggested, are “more true of this generation. SAT scores 40 years ago are higher than they are today. The drop-out rate is increasing. The quality is going down, while the cost is going up.” In the suburbs, public schools approximated private schools, but in the low income areas, because there was “no choice,” there was “no reason for teachers and administrators to pay attention.” For him, you “get at the real root of the problem by competition.” He even proclaimed with the fervor of a minister looking for an Amen, “I don’t like to call ‘em public schools, but ‘government schools.’” The government school should be in fear of “losing its customers.” As a key proponent of privatization, Friedman's speech is full of statistical discourse that could receive the same critique as Malthus by Ensor that "to 'talk of population as of abstract numbers...[and] led him to misjudge the causes of economic successess'" (Rothschild 1995). Friedman even received critique from the Committee itself, for example about the historical conditions that allow for comparisons between public education now and that of 40 years ago. His rhetoric follows the characterization by Collins (1998) that "the public becomes reconfigured as anything of poor quality," and further he associates social assistance with socialism in order to evoke McCarthyism (34). It also may be proof of the hegemony of the argument that people would usually be opposed to testing were countering Friedman's statistical rhetoric, and that of some of the witnesses, with their own TAAS statistics on the "Texas Miracle." The Texas Observer (2003) claimed that the multiple criteria bills,

> may also encounter opposition from proponents of vouchers. The more kids who flunk the test—and the worse the public schools look—the easier it will be to sell the public on a program that funnels students and state money into private, for-profit schools.

Collins (1998) also suggests that accompanying such devaluation of the public are attempts to underfund social services (33, 34). One of the criticisms of the No Child Left Behind Act by Congressional Democrats and by organizations such as the National Education Association (NEA) was that it was an unfunded mandate. In Texas, the experimental site for the NCLB act, the very year that third-graders would be forced to pass the new and more difficult TAKS test in order to be promoted to the fourth grade, the legislature scaled back funding. In a meeting on school finance, Rep. Oliveira referred to the proceedings of the Appropriations Subcommittee "Saturday night's raid on public education," sparking Chairman Grusendorf to interrupt indignantly, "Now, wait a minute...” After a heated debate, the Chairman asked Rep. Branch, who sat on that committee, whether there was a “raid” on public education, to which Rep. Branch answered, “the net effect is to expand Public Education, [but also] to find as many *efficiencies* as possible” [my italics]. While lobbying for the multiple criteria bills, a group of us met with a Republican legislative aide to discuss the bills. The legislative aide, speaking to a group of nearly all women of color, spelled out to us the reluctance of the committee to hear and pass the multiple criteria bills. I asked him why Chairman Grusendorf could not support the multiple criteria bills, yet sponsored the voucher bill which would allow students to attend school and not be required to take the TAKS. He answered to us that frankly, Rep. Grusendorf did not believe in public education, that private schools were simply better schools. However, then, in the office, sitting across from this legislative aide, it became as transparent as the glass walls and windows enclosing the meeting space that perhaps there was more to what Rep. Oliveira let on in the meeting for HB 5, perhaps there was a raid on public education.

(2) The Inefficiency of Equity

According to Laclau and Mouffe (1985), the “notion of of social or redistributive justice, insofar as it is invoked to justify intervention by the state, is one of the favourite targets of the neo-liberals” (172). For Republicans, one of the biggest goals of the session in terms of Public Education was the repeal of the “Robin Hood” law, which recaptured money from the wealthier districts and distributed it to the poorer districts. I was shocked that the very first Public Education Committee meeting of the 78th session raised HB 604, the “sunset” bill that Committee Member Rep. Branch called the “death sentence for Robin Hood.” Just from studying about the Edgewood cases that led to the current law, I felt a sense of foreboding—that in this little number, 604, thirty years worth of fighting for equity led by MALDEF and the families of Edgewood could be wiped out. One of the ironies of the night was the testimony by a Latina representing Texas Hispanics Educating on Law and Politics or Texas HELP, who said that we should “put a stake through the heart of Robin Hood.” Another irony was that Chairman Grusendorf's own uncle, representing rural districts, officially testified “on” the bill, while really opposing the bill, joking that he “would disappoint his mother” by testifying “against” on Rep. Grusendorf's first bill as Chair of the Public Education Committee.

Many witnesses contended that there was a need to conduct a study on what constituted an “adequate” education and scale back what Committee member Rep. Madden called “inefficient spending by districts.” When committee member Rep. Oliveira responded that if districts could be equally poor, then “everybody could be equally stupid,” I realized that “adequate” education could be defined in such a way as to provide an equitable system on the surface, but leave money only for the basics. For districts that could not raise money outside the state budget, this could spell trouble. I was made aware of this while talking to a teacher at a predominantly minority high school in Austin. She told me that, sure, schools can be given equal amounts of money by the state, but our school might require that the money go into building repairs instead of providing more resources, while a school on the West side might be able to raise enough money in fundraisers to cover the costs of things such as building repair. The librarian at the school told me to take the libraries as an example. As we stood in their library, outlined with half-empty book shelves and at the time with only two computers and one printer, he said that the library of a high school on the West side received enough private donations to have more than one floor. Later, looking on this school's web-site, I found that the school also sponsored annual summer trips to Hawaii. Thus, an “adequacy” study might define education in such a way as to deny resources for courses beyond the basics, particularly art, music, and extra-curricular activities. One witness even suggested that an adequate education is one that shapes students into “productive citizens in the economy.” Although the bill passed the committee that night, with only Democratic Rep's Hochberg and Oliveira voting against it (Rep. Dutton was absent), HB 604 did not make it past the House floor. However, Rep. Grusendorf attached the bill as a subsitute to another of his bills HB 5 that was meant to give districts “monetary relief” of an extra $300 per student. After attending the meetings I realized that the bill tried to dispel with the adjustments in the distribution of money, namely giving districts money based purely on ADA, or average daily attendance, instead of on a WADA or weighted ADA and CEI or cost of education index that took into account the economic differentials in each city. For instance Laredo ISD, according to one witness, with its 99% Hispanic and 93% economically disadvantaged population depended heavily upon the adjustments. Also, Bill Grusendorf, speaking for rural schools, noted that the elimination of small school adjustments would also hurt rural schools. For MALDEF lawyer, Leticia Saucedo, the repealing of Ch. 42.001(b), the equity provision of the finance structure, “signals [the intent] to eliminate the equity principle.” After posing several questions to Saucedo, Rep.

Madden, raising his voice, as I wrote in my notes "almost yelling," as she held her ground on the issue of equity, "we have Supreme Court guidelines, do we not [that uphold the equity principle]." Madden's question must be taken into context with the mood of the meeting: a mood of confidence expressed by the Committee that the Texas Supreme Court would rule the current Robin Hood system, which relied on the principle of redistributive justice, unconstitutional. When Committee member Rep. Griggs then asks, "does adequacy trump equity?," I felt as did David Kennedy, Superintendent of Gregory Portland in South Texas, who said that to attach HB 604 to a bill that was meant to provide relief to districts in this year of federal budget cuts, was "dishonest," a "red herring." I began to feel that all the talk of caps, inefficiency, crisis, and the "absolute failure" of Robin Hood, as one witness put it—a discourse filled with technical language of abbreviations and statistics—was a way to repeal, as Saucedo said, "what Edgewood was all about." Rep. Madden ended the discussion on HB 5 with the following comment: "Don't you agree that the witnesses [against the bill] are like patriots who wouldn't throw out the Articles of Confederation." As the committee postponed the vote until the room cleared of all the discontents, and subsequently voted 7 (including Rep. Dutton of Houston, the only Black Representative on the committee) to 2 (Oliveira and Hochberg) to send it to the full house, I had an almost apocalyptic feeling—no doubt part of the combination of my Catholic upbringing and habitus as a Black woman growing up in the Reagan years—that of the coming of a new era of post-Reconstruction, much like the era that repealed the gains of the Radical Republicans.

(3) The Naturalization of Inequality

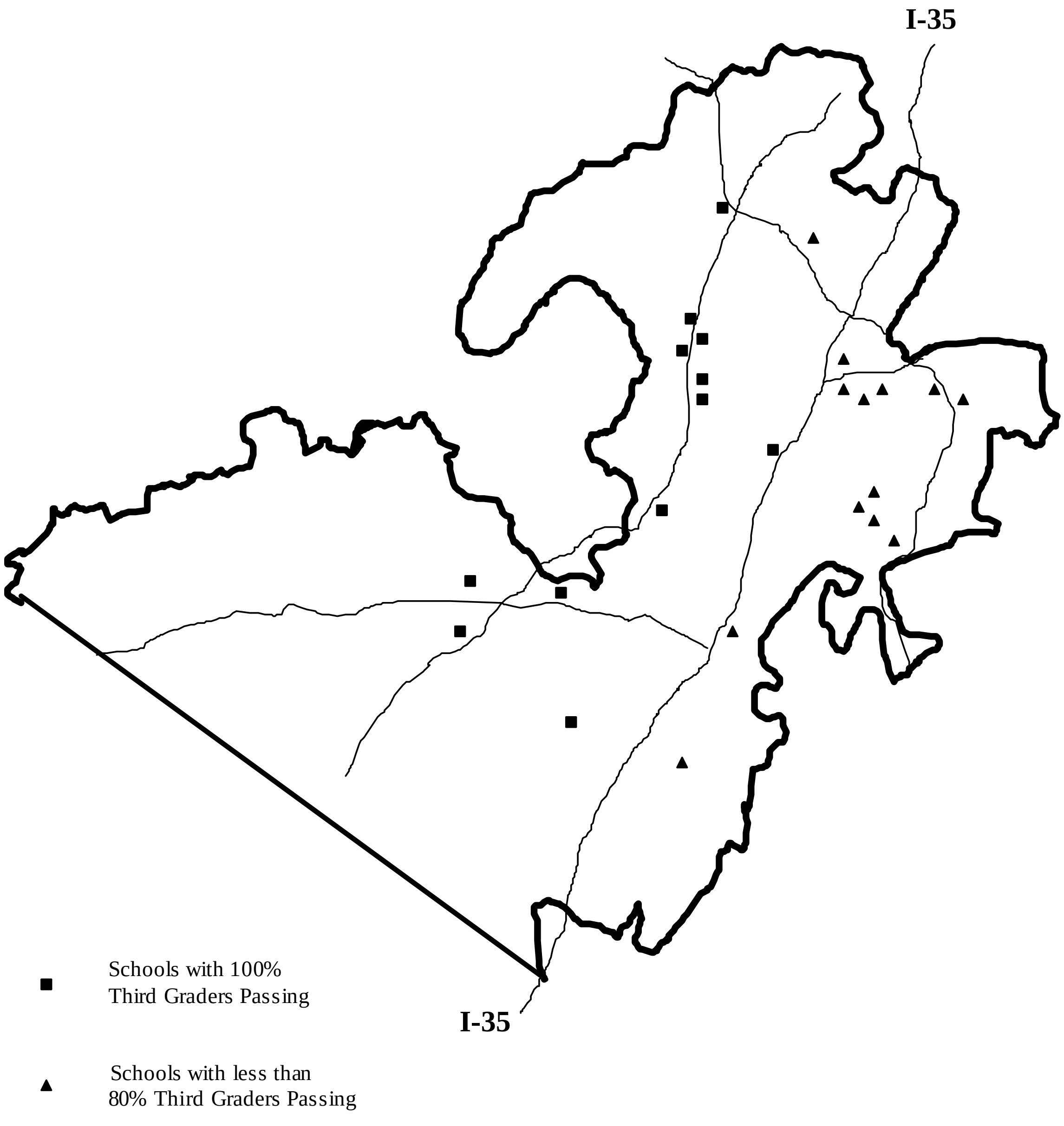
According to Rothschild (1995), what proved so momentous for Malthus' Essay on Population, was "his extension to social policy of the rhetoric of natural forces." Similarly, the laws of physics contained in Quetelet's "average man" and Charles' Booth's social categories both biologized by Galton and the eugenicists, provided a language with which reformers could articulate social policy. (Desrosieres 1998, MacKenzie 1981) Contained within the current neo-liberal discourse is the naturalization of social inequalities, paricularly in what I call the "discourse of the gap." Such a naturalizing discourse masks structures of inequality, an inequality supported by the bourgeoisie. According to MacKenzie, "the eugenic theory of society corresponded in its main features to certain important aspects of the social interests and typical social experience of the professional middle class" (31).[100] Similarly, the theory of a "just meritocracy" (see LaClau and Mouffe), founded on the ideal of Galton and Pearson naturalizes inequality. A clear example of this in the committee meetings was the way in which the TAKS projections were talked about by a member of the Dana Center. I had been warned by MALDEF attorney Leticia Saucedo that the argument by TEA in the GI Forum case—that the closing of "the gap" not only revealed the non-discriminatory nature of the TAAS, but also signaled the improvement in education for students of color generated by the TAAS—would be exposed as false, since a new test would produce even larger gaps. The statistical projections of the impact that the new TAKS test would

[100] As Robinson (2000[1983]) writes "From the twelfth centtury forward, it was the bourgeoisie and the administrators of state power who initiated and nurtured myths of egalitarianism while seizing every occasion to divide peoples for the purpose of their domination" (26).

have in 2003 did, in fact, show large gaps between White students and students of color. One test of this impact, used by MALDEF experts in the *GI Forum* case, is a statistical significance test created by the EEOC, termed the eighty-percent rule. For example, according to the eighty-percent rule, if the number of people in one group passing a test is less than eighty-percent of the number of another group passing a test, then this shows a disparate impact. While there are many more tests of statistical significance required in order to prove the existence of racial discrimination (as well as proof of either intent or unnecessary impact), it nevertheless serves as a primary indicator of disparate impact in discrimination cases. Looking at the projections, in the grades at which passing the TAKS test determines promotion (third, fifth, eighth, and eleventh), the passing rate of Black students is less than eighty-percent of the passing rate White students in the fifth, eighth, and eleventh grade Mathematics test; in the fifth and eighth grade Reading tests and eleventh grade English Language Arts test; and in the eleventh grade Science test. For Hispanic students, the eighty-percent rule shows disparate impact in the eighth grade and eleventh grade Mathematics test, and the eleventh grade English Language Arts test. These projections ran counter to the argument that the testing system was effectively "closing the gap." Surely enough, it became apparent that TEA and one of its major witnesses had also grown aware of this, and at the Committee meeting on Accountability, the head of the Dana Center said, "you're going to have have gaps with higher standard tests. It might take five or six years to get the gaps...close to zero." If the projections materialize, such a sentiment could be used to resolve this contradiction by naturalizing and individualizing these differences, much in the same way as did Judge Prado, as he said the gaps might be caused by the failure of minority students to “catch up with their counterparts.” (see Chapter 2).

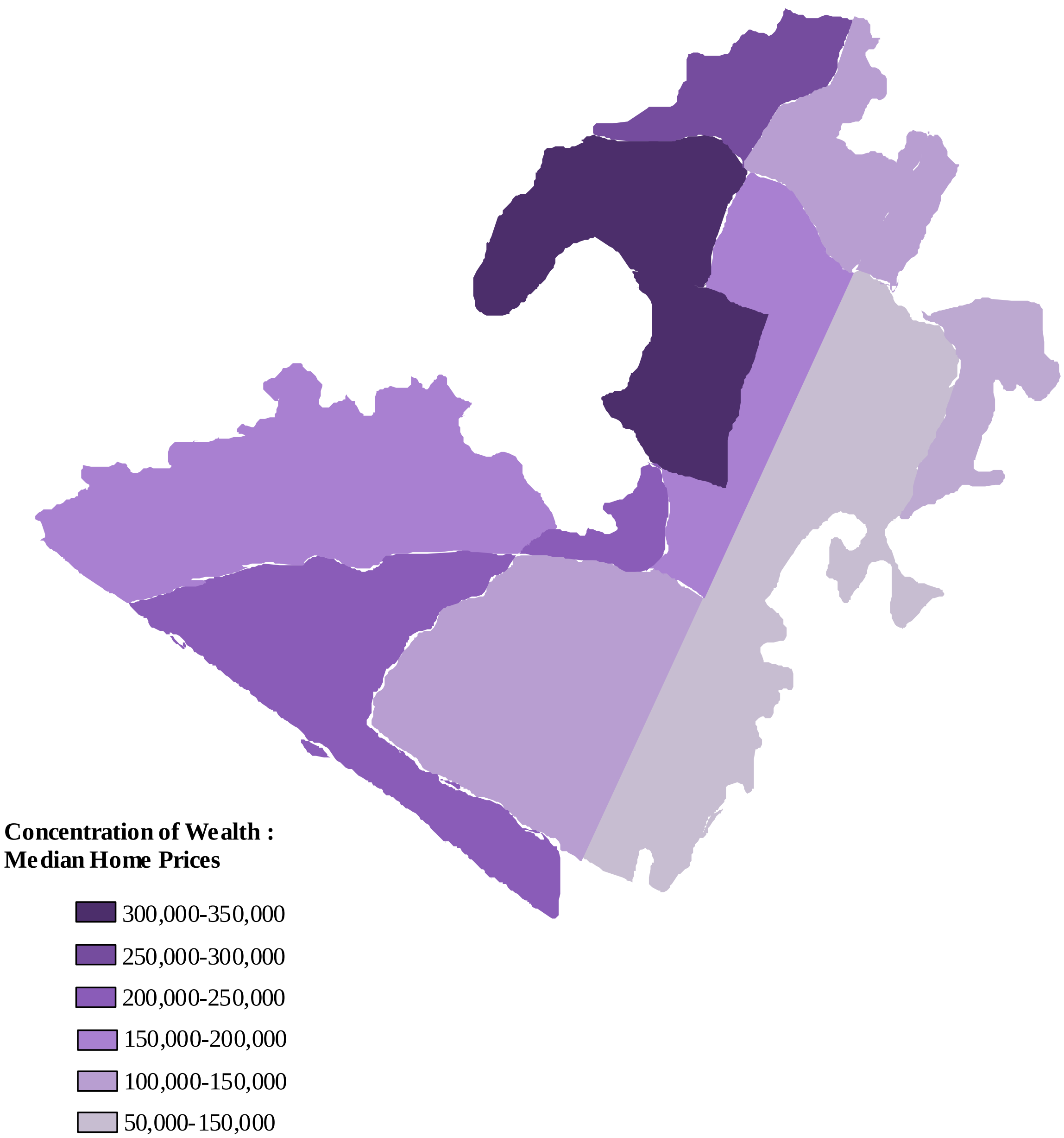
On the night the multiple criteria bills were scheduled, I showed the projections to an NAACP representative, who, thinking of the potential materialization of the results (as well as the full impact of the potential rejection of the multiple criteria bills), said “they are creating an underclass.” For her, as it was for me, it was clear that the testing system represented a form of economic “containment” (Saltman 2000: xvii, see also Collins 1998). One of the ways in which this occurs is the use of school testing statistics by real estate market. The city of Austin, for example, is heavily segregated with the line marking that segregation being Interstate 35. Map 1 shows the schools with third-graders with the highest passing rates and those with the highest failing rates in Austin. Map 2 shows the concentration of wealth as a measure of median home prices that I obtained from a realtor’s web-site (McDonald 2002).

At the same time the committee had decided that maintaining the equitable funding system was inefficient and that funding for public education in general was in jeopardy, a proposal to fund a program for career and technology education or CATE made “fiscal sense for the state,” preventing students from becoming “a tax-burden for us tax-payers.” Just who constituted this “tax burden” was answered by the Representative sponsoring the bill, who, earlier in the meeting, stated the “facts”: “50% of male Hispanics are drop outs.” He also reminded the audience of the “cliché [that dropping out] leads to the three p’s: pregnant, prison, and parole.” I was reminded of a racist comment made the librarian of the predominantly minority school about Latino males.



Map 1. Austin ISD Highest and Lowest Passing Rates: Third Grade TAKS (First Administration)

Source: www.statesman.com/ (Metro and State/ TAKS scores). Accessed March 26, 2003



Map 2: Austin: Concentration of Wealth

Arguing that his school should be provided with more programs in vocational education, he stated, confident in his knowledge of the racial geography, “they (Hispanic males) like autobody better than sex.” At the meeting, this racialization of Latino boys, and by default the “willing” Latina girls as overly sexed beings, who drain state money by populating welfare rolls and prison cells sketched the backdrop with which to accept the provisions of the bill, one of which would allow districts to contract with other districts, “using Chapter 41 money to help 42 districts [in a] skills-training program or apprenticeship.” When Representative Griggs asked if this bill could create CATE magnet schools or “clustering” of schools, I couldn't help asking myself if this would constitute tracking a whole ISD.[101] The opposition to the bill came ironically not from the teacher organizations or civil rights organizations in attendance, but from the Texas Eagle Forum, a Religious Right organization. The representative from the organization, who stood opposed to the Committee's reforms for most of the session, argued that the bills, promoted “life-time tracking,” “training instead of education,” and the replacement of the diploma with the certificate for completion allowed by the CATE program. While for her, the “school-to-work” program was reminiscent of socialist Germany, for me it sounded like a form of “industrial education” that Spivey (1978) called a “new slavery.”

(4) Quality Control and Gender Conservatism

[101] In my mind, I could picture my days at Father Wehrle High School (a Catholic school), on what the city called the "South End" of Columbus, Ohio—which was subsequently closed after my freshman year (1990-91) by the Diocese. When our state champion, nearly all-Black basketball team began closing out a victory against the affluent all-boys St. Charles High School—who at the same time we were being closed were rumored to be receiving a new swimming pool—shouted in unison, "You'll work for us! You'll work for us!" Somehow our reply "SCOREBOARD!" seemed helpless to change the weight of the future.

“Just so you know; I do have a voice.”
- Rep Glenda Dawson[102]

Underlying the discursive attack on public education is an attack on the teaching profession as a predominantly female occupation. At the meeting on HB 5, when Oliveira charged the Appropriations with committing a “raid on public education,” one of his main concerns was that support for giving “relief” money to districts would have an adverse impact on teachers' health insurance. Texas teachers’ fight for occupational protection without the benefit of collective bargaining in the state of Texas can be traced to the very origins of the accountability system itself. Teachers’ own call for educational reform and higher salaries became co-opted and rearticulated through the Perot reforms, the rhetoric of which was dominated by a discourse of the “incompetent teacher,” buttressed by statistics on the poor performance of Texas students (see McNeil 2000a). For McNeil (2000a), “The cost issue shifted the discussion of *teacher quality* into *quality control*” (166).

Apple (2001) suggests that since the “majority of teachers…are women,” the attacks on teachers and teacher unions (as done by Friedman) should be read in a broader context, as “part of a longer history of attacks on women's labor” (39). As Bowles and Gintis (1976) suggest, a major reform (by Mann) in the Progressive Era was to replace male elementary teachers with females because they could be given lower pay: “The fact that female teachers were much cheaper to hire than males may have provided the main impetus for the feminization of the teaching staff” (171). The current accountability

[102] One notable aspect of the politics of education in the 78th Legislature was the presence of only one woman on the Public Education Committee Meeting, Rep Glenda Dawson. At the first committee meeting, I noted that she had not spoken throughout the entire meeting, and even qualified it at the end by saying that she did have a voice.

reform movement discursively produces the feminization of teaching as a deficiency and a *risk* in need of better (more masculine) management. For example, in "2002 Carnegie Challenge: Teaching as a Clinical Profession: A New Challenge for Education," Hinds (2002) of the Carnegie Corporation argues for the transformation of the teaching profession from its "long…treat[ment] as an art, craft, or second-rate occupation" and its "long and lingering reputation as a low-status job for women [that] continues to sabotage efforts to strengthen the profession" to a profession modeled after clinical medical-school training (1). According to Newman (1987), "intentionally ommitted [from SCOPE] were employed public school teachers or administrators," an omission argued to make the reform process more objective (93). The focus on objectivity and statistical data by the accountability movement—as evidenced in Brad Duggan's statement that "without data, you're just another person with an opinion"—may be a recuperation of the historical association of data with masculinity and opinions with femininity, as the English mathematician Arbuthnot in 1701, "promised a 'manly vigour of the mind' to all who studied mathematics, and condemned the 'weakness and effiminacy' of all those who preferred witty opinions overly closely reasoned quantitative arguments" (Cohen 1982: 139). On October 20, 2002, 60 Minutes aired a segment on girls' outperforming of boys on standardized tests, despite "statistically [there being] more boy geniuses that girls" (Stahl 2002). Appearing as an expert on the show, conservative Christina Hoff Summers blamed feminists and the "culture of women" for letting boys fall behind, a result of teachers' view that boys are "toxic." Lesley Stahl reported that at a predominantly Black single-sex school for boys with male teachers, "test scores for boys have jumped dramatically." The story, thus, recuperated Progressive era fears of "emasculation" by female teachers and coeducation as expressed by psychologist G. Stanley Hall (see Russett 1989: 62). According to Feldstein (2000), Hall's conception of women as bad mothers or "mother-blaming" became hegemonic in 1950's and 1960's liberalism, evident for example in Moynihan's document on the Black American family, which rooted the Black family's cultural "pathology" in its "matriarchal" structure (60). For Maher (2002), the rearticulation of mother-blaming as "teacher-blaming" is a major component in the high stakes testing movement:

> …this mostly White and female teaching force is being widely blamed, almost if they are bad mothers, specifically for failing to educate student populations whose chronic poverty and inability to advance is laid either on themselves or the schools rather than on deeper social structural barriers. (7)

The structure of reforms in Texas, in which curricula is often described as "teacher-proof," treats teachers as mere executants[103] (see McNeil 2000a: 192-200), suggesting that Castel's (1991) formulation of the preventive social administration—based on statistical quality control—that subordinants the care-taking specialist to the managerial administrator is inherently gendered.

Conclusion

In this chapter, I discuss the ways in which statistical discourse underlies the "marketization of education." The Houston case, in which the district signed a contract guaranteeing a number of students to an alternative placement and in which statistical production won the district a $500,000 prize exhibit the profitability of statistics within

[103] According to Russett (1989), it was G. Stanley Hall's conception that "women are designed to be racial conduits rather than racial catalysts" (61).

accountability reforms at which high-stakes testing is the center. The historical bloc through which the marketization of education has achieved hegemony is made up of neoliberal and neoconservative corporate leaders and governmental leaders, namely legislators and governors, but also members of the managerial class, who benefit from statistical expertise and of the Religious Right, who value (Protestant) individualism. The "marketization of education" includes, first, the articulation of the goals of education in terms of the market, which tends to be articulated within statistical discourse—as Guthrie asks if education needs a Dow Jones Index. Second, the marketization of education includes the privatization of educational realms, and I argue that the objectification (in the Marxist sense) or commodification of knowledge (both of and about students) is made possible through statistical discourse, a condition of the postmodern informational economy. High-stakes testing and its statistical discourse are thus, super-exploitative, not only allowing corporations to profit from the production of testing statistics, but also creating a means by which to divide contingent and core laborers. Third, the creation of a rewards-sanctions system based on statistical production incorporates students, teachers, administrators, and the public into a system of competition that further sediments the hegemony of the testing regimes. The agenda of privatizing (and, thus, exploiting) public education is supported by the recuperation of conservative Malthusian and eugenic-meritocratic statistical discourses that deploy fear, the trope of efficiency, and the naturalization of inequality to delegitimize equity and redistributive justice. Further, the coalition of corporations and the state create a preventive social administration that through a discourse network of statistical quality control both treat students as statistical risk factors, but also subordinate teachers (a largely female occupation) through a gendered discourse of deficiency. As the marketization of education depends on the production of statistical truth or objectification, in the next chapter, I will discuss the means by which that truth is negotiated and objectified (in Desrosieres sense of "making hold") through statistical discourse.

Chapter 5. Statistical Objectification, Truth, and Hegemony

In the previous chapters, I discussed the ways in which statistical discourse on testing allows for two types of objectification: objectification in terms of treating students as manipulable objects; and objectification in terms of commodifying students and their knowledge through statistics. The latter mode makes it possible to discredit public education as a program of welfare, while materializing a racial economy and operationalizing a masculinist view of education that minimizes the effectiveness of teaching, a profession in Texas of which over 77% percent are women (TEA, Division of Performance Reporting 2003). In this chapter, I will argue that a third form of statistical objectification operates in reproducing the hegemony of the testing system. According to Desrosieres (1998), "statistical objectification" is a way of stabilizing objects and providing forms for describing the relationship between them, making objects "hold," visible, and consistent. I suggest that statistical objectification be seen in terms of the struggle for the production of truth. As Urla (1993: 836) suggests, statistics can be better understood if conceptualized as *discourse,* as a terrain upon which occurs the *struggle* for truth.

When Hacking (1991) asks, "how should we do the history of statistics," I argue that it should be understood in terms of hegemony. Gramsci (1971), himself argued that

> Numbers..[give] measure and a relation and nothing more...What is measured is precisely the effectiveness, and the expansive and persuasive capacity, of the opinions of a few individuals, the active minorities, the elites, the avant-gardism etc.--their rationality, historicity or concrete functionality (192).

Yet, he also thought that "it would be interesting to know the statistical occurrence of deviation...broken down according to social group" (1971: 305). On the one hand, the formation and deployment of statistical discourses can be viewed as the hegemonic way of proving, predicting, estimating, representing, and correlating data. On the other, if we historicize hegemony within the development of capitalism, it may be possible to consider statistical materialism as constitutive of capitalist hegemony itself. The central features of hegemony are its national-popular component, the way in which a hegemonic class can forge the model of the "collective man"; its ability to become a popular religion; the pedagogic role of hegemony; and self-identification or self-government. I argue that statistics have become hegemonic ways of production discourses of truth based on their use as a popular religion and within state pedagogy. I argue that statistics are constitutive in the historical formation of capitalist hegemony based on their emergence as the representation or essence of the nation, but also the basis for national identity and self-government.

The origin of administrative statistics and the very term "statistics" come from the German word meaning "science of the state." Desrosieres (1998) suggests that the creation of a unified France or the "adunation" of France—the same France that Gramsci takes as his example of hegemony—was made possible in the standardization and the publicizing of national statistics. Donzelot (1991a) suggests that the one of the ways in which 1848 France was able to achieve "solidarity" was to replace the "homogeneous language of statistics for the contradictory language of rights." Looking at numeracy in the United States, Cohen (1982) also suggests "in the 1790's, statistical thought offered a way to mediate between political ideas based on a homogeneous social order and economic realities that were fast undermining hegemony" (173). National unification and the centrality of statistics has also been discussed in terms of Italy (Woolf 1989) and Germany (Desrosieres 1998). Quetelet, who is credited for first applying the probabilistic statistical model to social sciences (Desrosieres 1998), used the Gaussian distribution or the law of errors to suggest that human beings approached an ideal, the average man, and Karl Pearson at the turn of the century would call the Gaussian distribution, the "normal curve." Urla (1993) suggests that statistics is "the language of the modern nation-state" (831). It is possible, then, to think of statistics as giving essence to the nation. According to Urla, "More than an administrative technique for the extraction and distribution of resources, statistics have become tools in the crafting of modern subjectivity and social reality." This leads Urla to the notion of "statistical subjectivity," which can be thought of as the formation of a statistical counter-discourse. According to Appadurai (1993), "the counting of bodies that had served the purposes of colonial rule at lower levels in the last half of the nineteenth century turned gradually into the idea of the representation of the Indian selves (self-rule) as nationalism became a mass movement" (332.) Statistics, then, by producing groups by race, in particular, are like maps, that not only essentialize, but become the basis for a national identity. In terms of self-government, we could also look at the history of statistics as once meaning "moral science," judging the norms of society, the public health, "the science of deviancy, of criminals, court convictions, suicides, prostitution, and divorce,...immoral behavior" (Hacking 1991: 182), particularly, through Galton, who changed the language of the "law of error" or "probable error" to standard divergence or standard deviation. Thus, the idea of “becoming a statistic” really means to become part of that “immoral group.” As a football coach, Bob Shannon, revealed to Jonathan Kozol in *Savage Inequalities*:

> In certain ways, …it’s harder now because in those days it was a clear enemy you had to face, a man in a hood and not a statistician. No one could persuade you that you were to blame. Now the choices seem like they are left to you, and, if you make the wrong choice, you are made to understand you are to blame.[104]

According to Mouffe (1979), a “hegemonic principle does not prevail by virtue of its intrinsic character, but rather when it manages to become a popular religion” (194). Desrosieres (1998) uses the term “statistical magic” to describe “the possibility of manipulating macrosocial objects on statistical calculations without distorting those objects today enables us to circulate effortlessly amongst several levels of reality, whose modes of construction are nonetheless very different” (71). Hacking (1991) suggests that the “avalanche of numbers” in the mid-nineteenth century that led to the formation of mathematical statistics constitutes a “sheer fetishism for numbers” (198, 192). In critiquing the nation’s “obsession” with testing, Sacks (1999) suggests that statistics have a “magical power...over Americans” (7). Terms like "magical," "fetishism," "quantifrenia" describing statistics suggest that statistics do constitute a popular religion, "a conception of the world" (Gramsci 1971: 171) and perhaps is indicative of the hegemonic success of Quetelet and his British predecessors. Porter (2002) suggests that Karl Pearson viewed statistics and their scientific basis as upotic, and referred to statistical methods as "gospel." Pearson also thought of statistical thinking as a way of replacing theological thinking, particularly with his theory on correlation as a

[104] In Kozol (1991) *Savage Inequalities*, New York: Crown, 26.

replacement to causality (MacKenzie 1981 and Desrosieres 1998). In *Hard Times,* Dickens satirized Pearson's predecessors, revealing also that statistics had become like a religion, “...and what you couldn't state in figures, or show to be purchaseable in the cheapest market and saleable in the dearest, was not, and never should be, world without end, Amen” (25).

For Gramsci (1971: 259), the "state does have and request consent, but it also 'educates' consent, by means of the political and syndical associations; these however, are private organism, left to the private initiative of the ruling class.” Cohen (1982) suggests that an essential component of the hegemony of numeracy, besides the adoption of decimal money, was education. While Foucault (1995[1978]) argues that the table is mimicked in the structure of the school, the statistical distribution, which the table provided the spaces of equivalence, is both mimicked in the structure of schools and in the production of knowledge about schooling and about knowledge itself--through standardized testing. The pedagogy of statistics is not only passed through schooling, but also through the media, as private companies, and as Woodward (1999) suggests penetrates our daily lives like capital, but also informs structures of feeling. For instance, in the 1920's when statistics were being used in newspapers to aid the propaganda of xenophobia and ethnic nationalism, Duncan Aikman called it a “statistical terrorism” (Montejano 1986: 180). If we take education reproductive theory, the pedagogy of statistics also educates the masking of the structures of power that inform statistics (Bourdieu and Passeron 1977, Kuhn 1996 [1962]), leading to statistical materialism as common sense. Finally, acknowledging the reproductive, pedagogical role of statistics, we can also the ways in which statistics, as hegemony, produce subjects, but also produces subjects as producers of statistics, thus self-identification (see Rouse 1995).

In this chapter, I contend that the interrelation between hegemony and statistical materialism or the formation of statistical discourses is central in understanding the hegemony of the testing system in Texas and the ubiquity of statistics in debates on testing. First, I discuss the way in which the statistical objectification of failure is based on the "popular religion" of statistics as a language of progress and serves to naturalize "minority failure." Second, I discuss the use of poll data to project a collective or national-popular will, in which the representativeness of "Texans" functioned as a form of representation and interpellation. Third, I discuss statistical theories of standard error of measurement and correlation as they relate to what Desrosieres calls the two main objectives of statistics (to stabilize objects and construct relationships between those objects) to examine the ways in which the testing system is both legitimated and validated in the context of social struggles. Fourth, in each of these cases, I present cases of statistical subjectivity as modes of resistance.

As MacDermott (1997) suggests the cultural construct of failure is not only racialized, whereby failure is really thought of as "minority failure," but he says that it is "highly predictable and institutionally overdetermined" (129). At one of the meetings this notion of failure as racialized was apparent in the testimony on accountability. As *one* witness displayed his testimony in statistical charts and graphs projected literally into space, I imagined him performing the character of Mr. Gradgrind in Dickens' *Hard Times*. The audience seemed mesmerized by his testimony, and the Committee Chair complimented him “I am very impressed by your charts,” though he usually asked chart-bearers to explain them more carefully. Absorbed by the crowd in what I heard as “hmmm”’s and "wow”’s was the chart that *really* defined the success of Texas testing, the comparison of the Black average score on the National Assessment of Education Progress (NAEP) in Texas to the White average scores in LA, MS, MO, UT, WV, AR, HI. Quetelet's vision of the “average man” seemed oddly to come to life as well as the eugenicists' envisioning of the competition of the races. As the “data” projected through the air, I felt it weigh on my shoulders, as I one of the only Black people in the room, objected to this portrayal, feeling the muscles between my eyes tense in the knowledge that I *was* comparison, Fanon had it right.[105] Our *Blacks* do better than their *Whites*, seemed to prove that Texas had progressed, that the "testing system really worked." I was the only one in disbelief, and I felt that the crowd had accepted the authors' suspension of disbelief, accepting the logic that Black equals failure, and the racism tied in pretty ribbons,[106] the oft-quoted phrase “soft bigotry of low expectations” wrapped in data comparisons, that presented the logic that our failure is better than their success. But I was particularly offended by the next racial slide presented by this modern-day Gradgrind, who not only proclaimed his state-nationality as a Texan by announcing Texas’ statistical superiority over other states and his aversion towards federal outsiders, but reproduced the discourse of the Nation at Risk as he discussed how the testing data revealed a “national security crisis.” My note-taking abilities garnered in my science

[105] See Fanon (1967).

[106] This comes from a poem, entitled “Chains” by Lydia Saenz: “Whether by chains/ or by beautiful ribbons/ we are tied/ it makes no difference./ In fact,/ in all probability/ it would be easier/ to break the chains/ because we associate ribbons/ with beauty/ and cannot see/ that they are tied around us/ to keep us/ in our place.”

classes ran wild as I injected “I am starting to get OFFENDED!” instead of taking down the exact words of his lecture. The mesmerized crowd soaked in the argument, presented with such thorough scientific rigor, that Texas was making progress since African Americans having taken Advanced Placement courses in high school scored higher g.p.a.’s in public higher education than “White kids” not taking AP courses in high school. I looked around, at this point, unable to hold back my utter appalled amazement, and surveying the grayish blue-blond sea of nodding heads. While it was common sense to me that students in AP, like me, would be better prepared than those who had not enrolled in AP classes, I realized that this common sense battled a broader Gramscian common sense that Blackness equals failure, a common sense projected through the air and—as I saw my research merge with his practice—throughout history in statistics.

For the multiple criteria bills, the discourse of statistical failure paired with that of progress proved to be a formidable barrier. Critics followed the line of argument suggested by Governor Rick Perry, that "We are not going to turn back the clock on progress...We will ask our children to meet certain standards, and we will ask them from time to time to clear a higher hurdle" (in Joyce 2003). According to Asad (1994), the difference between the politics of reform and the politics of progress is that the latter is “inconceivable without the concepts and practices of statistics.” While MALDEF's statistical subjectivity—what Urla (1993) describes as “attempting to appropriate statistics as a strategy of resistance” as a way of “articulating their own alternative truths”(836)—was in fact the basis from which the multiple criteria bills originated the bills were countered by an alternative statistical subjectivity expressed by teacher organizations in defense of public schools against vouchers. Although an Austin high school teacher expressed to me her opinion that all teachers were against the TAAS, two of the major teacher organizations lobbying in the Capitol, Texas Federation of Teachers (TFT) and the Association of Texas Professional Educators (ATPE) did not support the multiple criteria bills. When I watched the meeting on vouchers, there appeared to me to be logic behind the comment ATPE representative Broch Gregg made to the Texas Observer (2003), that "There may be some members who do support [the multiple criteria bills]...But this is not a good issue for us right now." In the March 18th meeting, JoHannah Whitsett, testifying on behalf of ATPE argued that public schools did work, that the accountability system worked and since 1994, test scores were increasing. Lindsay Gustafson from TCTA, Texas Classroom Teachers Association, repeated this argument, stating that the accountability system works. Her testimony directly followed the impassioned testimony of a Black reverend—in a Black t-shirt with the letters BAEO on it (see Chapter 6)—that the "tests do not guarantee anything," particularly closing the "achievement gap" because he knew of a high school graduate "who could not read a Coke can." The reverend testified that if students were "placed in the right group, [they] don't have to take the TAAS [to graduate]." Given this testimony, Committee member, Rep. Hochberg, asked the suit-clad TCTA representative about this "conflicting testimony. Would you speak to this disparity?" Rep. Madden also chimed in with a story that community college professors told him that there were high school graduates from Plano ISD who "couldn't write sentences." The testimony on the successes of the accountability system that so entranced the committee were light years away, despite the fact that it had only been a month ago. Even groups that did support the multiple criteria bills, like Texas Freedom Network (TFN), also used the statistical discourse of progress to defend public schools. Handing the committee statistical charts and graphs, Samantha Smoot of TFN compared voucher schools with charters, “low-performing schools” in which she said that students were “trapped.” Texas Association of School Boards (TASB) president, Rick Ogden (whose organization opposed the multiple criteria bills), used the proof of the recently released third-grade TAKS scores to show that schools were succeeding. Even Committee member Branch interrupted the meeting to publicly document that his daughter passed the Third Grade TAKS exam and that the whole third grade of his daughter’s school passed. The hegemony of the statistical discourse of progress was clear in the meeting, even as contradictory testimony threatened the common sense notion that testing was the panacea for public schools' ills. I wondered if there weren't some symbolic violence (Bourdieu 1977) occurring at the voucher meetings. By supporting the discourse of progress in testing as a real evaluation of teacher effectiveness, the teacher organizations were in fact strengthening the very ideological attack on teachers inherent in the high-stakes testing movement, were they not--despite the fact that the accountability system “de-skills” teachers, as McNeil (2000a) suggests. McNay (1992) reconstructs Foucault's concept of self-government to describe the contradiction of hegemonic discourse, that the notion of “self-government,” explains “the individual's ability to resist power through the very techniques by which he or she is governed,” and implies both self-policing and also potential ways individuals can ensure that freedom (68). In the case of the teacher organizations, I see a delicate balance of self-government, between the symbolic violence of accepting hegemonic discourses that in turn de-skill many in your profession and the war of position or using that very hegemonic discourse to defend the existence of public school teachers. For me, it reiterates the trap of meritocracy embedded in the educational system that achieves what Donzelot (1991a) suggests of the 1848 French welfare state: the materializing of the homogeneous language or discourse of statistics as a type of language of solidarity in ways that displace the contradiction within the public schools: as emancipatory, yet disciplinary and reproductive of inequality.[107]

Representativeness and the "Collective Will"

Over the course of the session, I quickly learned that the hegemony of testing was not only secured by testing statistics themselves, but also statistics on testing, particularly poll data. In fact, one of the contradictions displayed by the meeting was the Chairman of the *Public Education* Committee sponsoring a bill for vouchers or as he called them “freedom scholarships,” which would not require students using the state assistance to take the TAKS, was a spokesperson for an organization, Texas Public Education Reform Foundation, publishing poll data which concluded that “Texans are saying, ‘Don't mess with testing.’” Polls raise interesting questions in terms of the production of truth and

[107] At the meeting, the testimony of Dr. Angela Valenzuela exposed this contradiction, in which she historicized vouchers and Friedman's proposals as a tool of evading desegregation orders, while acknowledging parents' disappointment with the current system. For Dr. Valenzuela, the accountability system allowed discrimination inherent in the current system to be "mask[ed]...through fuzzy math," but vouchers, which themselves were tools of evading the achievement of racial equality, were neither the answer to alleviating discrimination, nor the answer to providing more resources for students with disabilities (which was the argument of many of the Latino parents testifying for vouchers). [Her testimony, which by the way opened the door for the use of Spanish in following testimonies, seemed to be rushed.]

hegemonic formations, particularly when following Woodward (1999) in using the R. Williams' (1977) concept of "structures of feeling." Polls encompass a politics of *representativeness*, i.e., a part for the whole, which Desrosieres (1998) suggests matures in the twentieth century at the same moment in which the function of statistics transforms from a tool of comprehensive analysis to one of intervention, particularly with the emergence of the welfare state. The scientific acceptance of the statistical technique of sampling enables the concept of representativeness to gain broader acceptance, which in the U.S. was partly due to the success of Gallup in predicting the re-election of Roosevelt in 1936 (Desrosieres, 205-206). An underlying *savoir*[108] within the concept of representativeness is the idea that statistics reveal a universal order (Desrosieres 1998: 74-75). Whereas, in the sixteenth century, statisticians such as Sussmilch conceived of this universal order as "divine order," in the nineteenth century, Quetelet and Durkheim conceived of society in terms of an "average man" or "society" (respectively), "realities sui generis, different from individuals" (Desrosieres 75). Statistics, which in its earliest senses was named "social physics," could reveal underlying laws of society that, for me, epitomize what Foucault (1994[1971]) terms the "modern episteme," the idea of rendering visible invisible or "hidden forces" that formed the basis for "human science," defined by Foucault as "wherever there is analysis of norms, rules, and signifying totalities which unveil to the consciousness the conditions of its forms and contents" (364) The representativeness of polls then not only allows a part for the whole, but as a sort of "visualization technology" (Helmreich 1998: 101), is also an attempt to reveal a

[108] Procacci (1991: 157) uses *savoir* to refer to an science of intervention. Hacking uses the term *savoir* as distinct from *connaissances* (193).

hidden essence, some abstractable universal opinion hidden in the population and quantifiable within statistics, or exactly what Williams calls a "structure of feeling." At the same time, considering that polls can both reveal and predict, we are reminded of Gramsci's (1971) statement on the objectivity of prediction,

> …it is absurd to think of a purely 'objective' prediction. Anybody who makes a prediction has in fact a 'programme' for whose victory he is working, and his prediction is precisely an element contributing to that victory (171).

At the same time, realizing the importance of polls, I was also drawn into the politics of polls as a political struggle over truth production. Polls present this "hidden" abstracted opinion or structure of feeling in order to shape a particular structure of feeling, i.e., using sampling to represent a collective will as a form of interpellation (see Woodward 1999), which Althusser (1971) describes in the following passage:

> Ideology 'acts' or 'functions' in such a way that it 'recruits' subjects among the individuals (it recruits them all) or 'transforms' the individuals into subjects (it transforms them all) by that very precise operation which I have called *interpellation* or hailing, and which can be imagined along the lines of the most commonplace everyday police (or other) hailing: 'Hey, you there'' (174).

I compare interpellation to that concept Tapper uses in his discussion of culture as a set of discourse networks, which "unifies a complex of discourses, practices, and institutions as if they expressed a common habitus" (9).

Nowhere is this dual play on "structure of feeling" more apparent than in the presentation of survey results by the Texas Public Education Reform Foundation, headed by Public Education Chairman Rep. Grusendorf. The following is a table representing the document, "Statewide Texas Education Survey" (TPERF, 2002b).

Page	Result	% Favor/ Agree	% Oppose/ Disagree	%Undecided / Unsure
2	Texas adults overwhelmingly favor standardized testing	64	30	6
3	Texas adults want schools to identify problems and points of strength early-on	92	7	1
4	Texas adults support a standardized testing program that is based on knowledge and skills instead of just memorization	78	14	7
5	Texas adults support continuing testing and accountability using the TAKS test	79	15	6
6	Texans support ending social promotion	82	16	2
7	Texans say it is smart to use test measure school and hold schools accountable [sic]	77	20	2
8	Texans are saying, "Don't mess with testing"			
9	Standardized testing helps schools improve	53	34	12
10	Seen, read, or heard anything recently about the new TAKS test?	49	51	
11	Texans are saying, "Don't mess with testing"			

Another document in the folder given at the conference stated that the survey consisted of 808 randomly selected Texas adults, August 4 through 6, with "a margin of error of plus or minus 3.5 percent" (TPERF 2002a). In that same document, which I believe was a press release, the Chairman of TPERF, Vidal Martinez, made the following remark, "The survey results validate the Texas public education reform movement...[and] shows that we need to continue moving forward to make Texas schools and students the best in the nation" (TPERF 2002a). I read the bills as a response to the multiple criteria bills, which could potentially break the hegemony of testing as the panacea to educational reform, and thus challenge the political economy of testing (see Chapter 4) because of the emphasis in the survey on the connection between standardized tests, promotion, early diagnosis, and the eschewing of "teaching to the test." What the survey could attempt to prove is that the bills were not in accordance with Texan voters, that the Representative did not represent her constituency by bringing up the bills. The production of the truth presupposes that there exists a quantifiable Texan habitus and uses this presupposition to then project a Texan collectivity in order to persuade others to accept standardized testing and to “validate the reform movement,” particularly in the face of what the Public Education Committee, TPERF, and TEA knew were troubling projections about the number of students who could fail the TAKS. The fact that the survey is based on 808 Texans was not placed in the major handout on the survey. The validity of the survey was taken as a given, and, being unfamiliar with survey techniques, I wrote in the margins that I wondered about the racial, class, and gendered make-up of the surveyed adults, and whether or not these adults included educators. Those debates on sampling that Desrosieres (1998) suggested characterized communities before the 1930's seemed centuries away in that room, although Desrosieres suggests that embedded in the “routine use of statistics...[is] in part a criticism of its own realism” (204). Such criticism, while absent from the meeting I attended, was present in the publication of a related poll years ago during the re-election of then Governor Bush as Texas governor. Vying for re-election, Bush ran on the platform of ending social promotion, and a Houston Chronicle article appeared in March with the title “Non-readers shouldn't go to 4th grade” and the subtitle, “Poll: Majority agree with Bush's position” (Walt 1998). The article presented the findings of a Scripps Howard Poll that showed that 92% of Texans favored “insisting that no pupil leaves third grade without the ability to read,” and 78% “view[ed] social promotion as a serious issue in public schools.” However, Walt also presented results from a Houston Chronicle/Dallas Morning News statewide poll that showed 76% “would rather leave the promotion decision up to the teacher based on the student's overall performance and 20 percent would base the decision on the results of a single state-wide test." The article reveals the critique of the *interpretation* of poll results, but a refusal to challenge the accuracy of the poll itself.

After receiving the results, I definitely felt myself becoming a both a subject produced by statistics and a producer of statistics, despite the very fact that I was studying statistics. Knowing the power statistics related to the Committee in the accountability meeting, I felt, as an intern, that one of the ways to counter the statistical data was with alternate poll data. As I will discuss in the following chapter, the Representative's approach was based on the collection of narrative. Yet, I "felt" (in the sense of "structure of feeling") the need to collect, present, and juxtapose statistics, at the same time, feeling that my academic preoccupation with deconstructing statistics was neither politically viable nor successful. Instead, I took it as my own initiative, with the permission and support of the Representative's chief of staff (at the time), to collect alternate poll data. Like my position in the "state," I lowered myself into the pit of contradiction, conjuring my own "statistical magic" (Desrosieres 1998: 71). I pulled poll results from the very article by Kathy Walt with the title of "Majority agree with Bush's position," juxtaposing in a chart the data from the Houston Chronicle/Dallas Morning Poll results that 76% "would rather leave the promotion decision up to the teacher based on the student's overall performance and 20 percent would base the decision on the results of a single state-wide test" with TPERF's poll statistic that "82% of Texans support no social promotion." I even pulled statistics from the www.publicagenda.org web-site that claimed there was no national backlash against testing, despite the fact that I considered myself participating in that very backlash. Because it could shape a "structure of feeling" that would better promote the ideal of multiple criteria, I sought out their statistical construction of the "structure of feeling" that "the public does not think important decisions about a child's future should rest solely on a single test," and quoted the Public Agenda poll statistic that showed "78% think it's wrong to use the results of just one test to decide whether a student gets promoted or graduates" (Public Agenda, et al 2000) I even cited a Business Roundtable (see Chapter 4) survey that suggested "the public is well aware of some of the limitations of [statewide] tests and recognizes the value of *measures in addition to tests*--primarily grades and teacher evaluations--in deciding whether to promote or to graduate students" (Public Agenda, et al 2000). These statistics and statistically-based judgments could also counter the TPERF statistic on the support for "no social promotion." I also found a Texas poll conducted by Harstad Strategic Research in 2002 on the Texas State Teachers Association (TSTA) web-site, that showed that "71% think a combination of grades, homework, and standardized tests should be used to determine student achievement"; "55% believe that testing is too excessive"; "57% believe too much emphasis is put on standardized testing"; and "59% believe that testing discourages innovation and creativity in the classroom" (TSTA 2002). Although the Representative's chief of staff thought that my charts were "terrific," later I felt as if I betrayed what I considered was the very heart of this struggle represented: the use of narrative to oppose the statistical objectification of students by the imposition of unfair testing. I felt a little like Winston in Orwell's *1984*.[109] While I was not coerced as was Winston, I do consider my own statistical subjectivity as a form of self-government that bordered on symbolic violence, as I donned the technological mask of my racially cyborg self (see Sandoval 2000: 84) and expressed a sort of professional elitism that made me step back and wonder about the "oppressor within" (Smith 1998) that refused to allow the subaltern within to speak (Spivak 1988). Was I suddenly sampling a taste of what teachers endured in this era of testing, as I heard that teachers felt *compelled* to teach to the test because their students needed to pass: the contradiction some teachers feel in shaping students into statistical products despite their own beliefs in whole learning and inclusion? Despite my inner feelings of betrayal, the Representative did ultimately use the statistical truth production as "talking points"—which function exactly like the "image fragment" into which "full-narrative is compacted," as Woodward (1999) describes of postmodern language—handed out on the day she compacted her bills into committee substitutes to a Republican bill that a MALDEF attorney told me might be a bill that promoted tracking of students of color. While she succeeded in having her substitutes attached to the bill, they were ultimately tabled by a Senate-House committee

[109] Winston's job at the Ministry of Plenty was to readjust figures. "Most of the material that you were dealing with had no connection to the real world, not even the kind of connection that is contained in a direct lie. Statistics were just as much a fantasy in their original version as in their rectified version. A great deal of the time you were expected to make them up in your head. For example, the Ministry of Plenty's forecast had estimated the output of boots for the quarter at a hundred and forty-five million pairs. The actual output was given as sixty-two millions. Winston, however, in rewriting the forceast, marked the figure down to fifty-seven millions, so as to allow for the usual claim that the quota had been overfilled. In any case, sixty-two millions was no nearer the truth than fifty-seven millions, or than a hundred and forty-five millions. Very likely no boots had been produced at all. Likelier still, nobody knew how many had been produced , much less cared. All one knew is that every quarter astronomical numbers of boots were produced on paper, while perhaps half the population of Oceania went barefoot. And so it was with every class of recorded fact, great or small. Everything faded away into a shadow-world in which, finally, even the date of the year had become uncertain" (37).

headed by none other than TPERF leader Rep. Grusendorf. However, I watched the Representative's "tactical subjectivity" (Sandoval 2000: 59), as a person in the contradictory state, and re-viewed my statistical subjectivity in terms of *reappropriation*, in the same way she fought until the end to create a small crack in the hegemony of the testing regime.

Standard Error of Measurement and Making Objects Hold

In November of 2002, the State Board of Education (SBOE) deliberated over the setting of the standards for the new TAKS test, intended to determine promotion of third graders to fourth grade on the basis of the TAKS reading exam. TEA published results of a field test of the new test and posted on its web-site a document of the "Summary of Projected Impact of Possible Standards" (TEA 2002) (See Chapter 4). The Austin American Statesman ran an article, stating that "Nearly one in four third-graders are projected to fail...More than three-fourths of those failing would be black or Hispanic" (Suydam 2002). Commissioner Alanis suggested "lowering standards," and with the outcry of professionals and the prospect of failing so many third-graders, the State Board of Education (SBOE) "lowered standards" to 2 SEM below the Panel Recommendations. What does SEM mean?

The TEA technical digest of 99-00 (TEA, Student Assessment Division 2000), defines the standard error of measurement as "the amount of variance in a score resulting from factors other than achievement" that is calculated by multiplying the standard deviation and a measure of reliability (the square root of the difference of 1 minus a reliability coefficient) (46). The concept of standard deviation as one applicable to human beings or social sciences is traced by Desrosieres (1998) to Quetelet, who instead of the term "standard deviation" borrowed the term “probable error” from "error theory," a theory of probability used by physical scientists to attain precision (Porter 1995: 201). Quetelet was influenced by the work of Gauss and LaPlace, the former of which proposed the curve f(x)=e^(-x^2) as the distribution of elementary errors, and the latter, who "showed that even if the distribution of errors did not follow [this] law, the distribution of their *mean* generally inclined toward such a law, when the number of observations increased indefinitely" (Desrosieres 65). The Gaussian distribution is known contemporarily as the *bell curve*, and in 1835 Quetelet conceived of the bell curve as the distribution of human attributes around an average ideal which he called the "average man." It was Galton, founder of the eugenics, who, in the 1900's, rearticulated "probable error" as "standard deviation" (Desrosieres 116). If we envision the Gaussian distribution as the bell curve, the crest marks the average or the mean, and at a particular distance in both negative and positive directions, we can mark one standard deviation. We can also mark the distance representing two standard deviations from the mean in both directions, and so on. The standard error of measurement may be mapped in a similar way, since it is simply a multiple of standard deviation. This is what is meant by TEA, when they suggest that “a standard error of measurement band placed around the [student's] observed score would result in a range of values that would most likely to contain the student's *true score*” (46, my italics).

According to Desrosieres, “the very choice of the expression 'standard error of measurement' implies a realistic epistemology, according to which objects preexist...The hypothesis that objects exist prior to their construction allows them to be used as conventions of reference, as elements lending order to chaos, serving as ‘objective’ reference points---that is, common to intrinsically different subjects (individuals)” (307). Such a concept, by reconciling imperfectibility and measurability, is one tool in the development of statistics as a science of likelihood that by the 1930's mediated the tension Foucault (1994[1971]) describes as central to the modern episteme: the mathematicization of objects, yet the impossibility of measuring all things human (see Desrosieres 303). Test-makers construct an *a priori* object, described above as “true score” and in the Austin American statesman as “standards,” while mediating the tension between the immeasurability of student knowledge and measurability of student achievement through testing. Haney (1999) suggests that “A common practice in setting passing scores is to reduce an empirically established passing score by one or two standard errors” (21). In the case of TEA this past November, the lowering of passing “standard” by 2 standard errors of measurement was necessary in maintaining the hegemony of both the test-based accountability system and the new measures of test-based promotion. As Bernstein (2002) commented in the Texas Observer, “A massive failure could threaten the credibility of the new system just as it becomes established.”

The contradiction in acknowledging standard error of measurement in the reporting of students' individual scores is the idea that there exists such a thing as a cut-off score that can accurately be used in determining the promotion or retention of a student. In its section on standard error of measurement, TEA's technical digest explains that a “student's *true score*...is assumed to fall within one standard error of measurement of the observed score *68% of the time*” (TEA, Student Assessment Division 2000: 46, my italics). Additionally, “a student with a true achievement level at the passing standard would be likely to pass the test on the first attempt only 50% of the time. This is the definition of what it means...to be ‘on the bubble’” (37). In order to resolve such contradictions, TEA suggests that it gives the students eight times to take the test, since the probability that at a student “on the bubble” passes the test increases to 99.6% after eight attempts at taking the test. (37) Such a calculus of probability confirms Castel's (1991) characterization that social administrations “deconstruct the concrete subject of intervention, and reconstruct a combination of factors liable to produce risk” (288). In the GI Forum trial, Walt Haney (1999) both challenged this deconstruction of the subject, yet reinscribed the discourse of risk, “The reason this calculation seems to me erroneous, or at least potentially badly misleading, is because the authors have presented absolutely no evidence to show the probability that a student who fails the TAAS will continue to take the test seven more times” (16). Nevertheless, TEA's reasoning was legitimated in the *GI Forum* case.

Standard error of measurement not only mediates the contradiction of measuring the immeasurable through constructing probabilities and the discourse of risk, it also points to an issue of power. One of the assumptions of using standard error of measurement is, as TEA suggests, that “measurement error is normally distributed around the true score” (TEA, Student Assessment Division 2000: 37). This points to the “routinization of the use of the Gaussian law” that not only excludes philosophical questions about probability (Desrosieres 1998: 286), but also employs the normal distribution in the same way as Foucault (1995[1978]) suggests of the table, “as both a technique of power and procedure of knowledge” (148). In the case of testing, the assumption that TEA makes, that “measurement error is normally distributed around the true score,” also underlies the way a student is given a score. Each student is given a TLI score (Texas Learning Index) to allow for “longitudinal comparability,” and the philosophical basis of this score is the Gaussian distribution and standard deviation. The technical digest describes the TLI as “a distributional-based metric, relying on a z-score transformation,...normative in nature” (42). The z-score is based on standard deviation of the student from the mean, and if plotted on a two-dimensional graph is usually a distance from x=0 (the mean). The digest suggests that the z transformation, called “re-anchoring,” is transforming the graph (of the Gaussian curve) to fit a distribution of test scores, usually centered or “anchored” at 50 (the new mean). The TLI for the exit exams is “anchored at the exit level passing standard (70) rather than at the mean of the distribution” (40). This symbolizes an effort to fit students into a Guassian distribution and forcing TLI- 70 to the center of that distribution. As Foucault (1995[1978]) says of the examination,

> The examination combines the techniques of an observing hierarchy and those of a normalizing judgment. It is a normalizing gaze, a surveillance that makes it possible to qualify, to classify, and to punish. It establishes over individuals a visibility through which one differentiates them and judges them. That is why, in all the mechanisms of discipline, the examination is highly ritualized. In it are combined the ceremony of power and the form of the experiment, the deployment of force and the establishment of truth (184).

Race, Correlation, and the Struggle for Validity

The public debate in November of 2002 over the issue of *standard error of measurement* in setting the standards for the new TAKS test not only questioned the legitimacy of the testing system, but also the *validity*. In *Recommendations*, Confrey, Valenzuela, and Ortiz (2002) called into question the extent to which TEA properly established the validity of the test, an ethical standard of educational measurement that should precede the imposition of a testing system to which the stake of grade promotion or retention is attached.[110] Validity, according to the technical digest, is "a process of collecting evidence to support inferences from the use of the resulting scores from an assessment" (TEA, Student Assessment Division 2000: 49). Stated in another way, validity measures the *relationship* between test performance and achievement, "mastery" of objectives, or learning. According to Desrosieres (1998), statistics "play a double role": they not only "stabilize objects," such as "test performance" and "achievement" or "mastery," but they also "provide forms for describing the *relationship* between objects thus contructed, and for testing the consistency of these links" (61). The most widely used statistical concept that performs the task of relating two objects is *correlation*, and test validity is often defined through correlation. I view correlation as mirroring hegemony in the fact that it can "act as cement" or ideological glue (Simon 1991[1982]: 61) by binding together "otherwise incommensurable elements" (Asad 1994). In the case of the testing system in Texas, *correlation* and related concepts of regression and factor analysis (see Desrosieres 103) served as a terrain on which the validity of the two tests (the TAAS and the TAKS) were contested.

[110] The authors cite the National Research Council's *High Stakes: Testing for Tracking, Promotion, and Graduation* which I discuss in Chapter 2.

In her testimony before the Public Education Committee on the multiple criteria bills, Susan Maxwell passionately contended, “I also want to make a point that testing, I am told by educators, correlates with the success only of testing. It doesn’t correlate with getting a great job; it doesn’t correlate with any kind of successful anything. Testing just correlates with doing well on tests.” This testimony is referring to the theoretical concept of the correlation between test performance and later success, which is *predictive validity*, a test of validity that TEA admitted in its technical digest to *not performing*. For TEA, sufficient validation of the TAAS consisted of establishing a correlation between test performance and another measure of performance or *criterion validity* and properly aligning or correlating test *items* with the state curriculum to ensure that the tests measures what it claims to measure or *content validity* (49-50). In the case of *criterion validity*, the “other measure” used to establish criterion validity is ironically student performance in their courses, their grades. The technical digest gives seven studies on which the criterion validity of the TAAS (99-00) is based: the correlation of 1992-93 exit level TAAS mathematics scores with math grades in the same year; the correlation of 1994-95 exit Reading and Writing Exit Level Tests with pass/fail performance in English II courses; correlation of 1995-96 8th Grade TAAS Math tests with Math grades for two large urban districts and one large suburban district; correlation of 1996-97 8th Grade Social Studies test with grades in a large urban district, a small urban district, a rural district, and two large suburban districts; correlation of 1997-98 3rd Grade TAAS reading test with pass/fail performance in their reading course; and correlation of 1998-9 Algebra I end-of-course test with the Algbebra I course grade (TEA, Student Assessment Division

2000: 50, 51). Here, sampling comes into play once again, and the validity of the entire testing system (within each grade) can be judged from the correlation of a single test and grades for one year; or that the validity for the entire student population can be set according to correlations based on three or five school districts (where Texas has over one thousand), not to mention valid across racial and gender lines as well as socio-economic status. According to the digest, "Since the tests assess the Texas state mandated curriculum, which is required to be taught to all students, the tests are not more or less valid for use with one subpopulation over another subpopulation" (51). In the *GI Forum* case, Walt Haney (1999) used data from the correlation study done in 1994-95 on exit level reading and found that the correlations between the reading test and the English II grades was 0.34, between the writing test and English II grades was 0.32. While describing these as statistically significant because of the sample size, Haney questioned the strength of the correlation since correlation coefficients range from -1 to 1, (-1 being absolute negative statistical dependence, 0 being independence, and 1 being absolute positive dependence). He then presented a chart of differential passing rates for Black, Hispanic, and White students, finding that while 28% of Black students and 27% of Hispanic students passed the English course but failed the Reading Exit test, 10.1% of Whites passed the course and failed the test. For the Writing test, 17.8% of Black students and 16.6% of Hispanics passed the course but failed the test, the same occurred for 9.2% of Whites. In this argument, Haney was establishing not only that the correlation of test performance to grades, i.e. the *criterion validity*, is weak, but also that testing and grades appears to correlate more for White students than for Black and

Hispanic students. However, Judge Prado found this not to invalidate the TAAS, stating in his opinion that despite these disparities,

> …TEA has argued that a student's classroom grade cannot be equated to TAAS performance, as grades can measure a variety of factors, ranging from effort and improvement to objective mastery. The TAAS is a solely objective measurement of mastery. The Court finds that, based on the evidence, presented at trial, the test accomplishes what it sets out to accomplish, which is to provide an objective assessment of whether students have mastered a discrete set of skills and knowledge. *(GI Forum, et al v. TEA)*

This argument seems confusing given that the very validity of the test is based on its statistically significant correlation to grades. For me, it points to a contradiction between the ethical standards of psychological testing and the theory of the reform movement in Texas that tests are a *better* measure of student achievement than grades and a better indicator of whether a student should graduate or move on to the next grade. It is no wonder that in a Public Education Committee Meeting, a representative of Just for the Kids proposed the imposition of a nationally norm-referenced test. To this suggestion, Representative Oliveira interjected, "What the hell is a report card for?"

The validation of the testing system not only occurs through the correlation of test performance with grades, but also in the alignment of the actual items on the tests with the state-mandated curriculum (TEKS). While this process is not purely a statistical one, the challenge of this validation process from MALDEF in the GI Forum case did employ the statistical techniques of correlation and the related concept of factor analysis. For TEA, content validity was sufficiently established through the formation of "committees consisting of educators from school districts across the state…for each subject area at each grade level" (TEA, Student Assessment Division 2000: 49). Additionally, that test items are written by “independent contractors” “provides for a system of checks and balances for item development and review that reduces single source bias” (49). I learned from a TEA employee that I, myself, could write a question for the TAAS and submit it to Harcourt. I also spoke to a TEA employee who screens those questions, and after telling me of a ridiculous, racially offensive question he had to throw out, his joking manner turned extremely grave as he saw me jotting notes, “that [question] doesn't leave this room” or he could lose his job. After screening, the questions go before a committee, and this process, according to TEA, rids the test of bias. When I told an NAACP member how surprised I was that I could write a question, she revealed to me that she was involved in those screening of questions, but felt that without more educational psychologists or testing professionals, the process was simply an illusion for ridding of bias. Likewise, in *Recommendations*, Confrey, Valenzuela, and Ortiz argue that the absence of content experts in the process of item selection “compromised” the test (7). In the GI Forum case, the consequences of such an absence of content specialists was shown by Ernesto Bernal (1999), who used factor-analysis to suggest that the item selection process was based more on establishing “face validity” and testing objectives “were set *logically* and then not checked for psychological consistency” (7). For Bernal, factor analysis showed not only that the "TAAS measures different factors for the different ethnic groups," but also that

> *…the TAAS measurement indicates such inconsistency that one cannot say whether any given youngster (or group of high school students) knows or does not know a certain skill, cannot say whether he/she has mastered or failed to master a given learning outcome, or even what the learning outcomes are!* (8)

In fact, I was told by a TEA employee that the selection of test items depended on whether the racial difference had represented bias or "the gap," suggesting that implicit in test item selection is the inscription of Black and Latino/a bodies as less educable and lower achievers. Another expert for MALDEF, Martin Shapiro (1999) testified that in the Reading, Math, and Writing portions of the 1994 and 1997 exit-TAAS test, test items with the largest White-Black percent correct difference and with the largest White-Hispanic percent correct difference had the largest point-biserial correlations with performance on the remainder of the test, and those with the smallest percent correct differences had the smallest point-biserial correlations. In other words, the test items with the strongest correlation to overall performance on the test were the very items for which the score difference between Whites and Hispanics and between Whites and Black students was the greatest. The items with the least score difference between White students and either Black or Hispanic students correlated least with overall performance. Summarized by the MALDEF post-trial brief, "test construction procedure results in greater rather than less negative impact on minorities" (Kauffman, et al 1999: 36). Together, the testimonies of Bernal and Shapiro deconstruct TEA's contention that the item selection process both establishes content validity and sufficiently guards against bias. However, Judge Prado in response to the testimony, particularly of Shapiro, argued:

> The Court cannot quarrel with this evidence. However, the court finds that the Plaintiffs have not been able to demonstrate that the test, as validated and equated, does not best serve the State's goals of identifying and remediating educational problems. Because one of the goals of the TAAS test is to identify and remedy problems in the State's educational system, no matter their source, then it would be reasonable for the State to validate and equate test items on some basis other than their disparate impact on certain groups. In addition, the State need not equate its test on the basis of standards it rejects, such as subjective teacher evaluations.

Again, the validation of the testing system as the determinant of high school graduation in opposition to subjective grades clashes against psychological standards. Embedded within the process of validation is both the issue of silence within the state's struggle over common sense, and also the way that this common sense is contested with the statistical subjectivity of MALDEF and their expert witnesses using correlation. What would parents think if they knew that the racial impact of certain questions, not even guaranteed to be written by educators, is known in advance and are allowed to produce inequalities materially as exit and promotion exams?

The theme that is promoted by TEA and their business partners is instead the idea that as accountability measures and standards become more stringent over time, achievement increases, drop-out rates decrease, and the "gap" is closing. The conclusion made by such a statement is that accountability *causes* gains in achievement. TEA made the same argument in the GI Forum case: improved NAEP scores, increased participation by students of color in AP courses and on the SAT occur as accountability measures are implemented and made more stringent over time--thus, establishing a causal relationship. While the mathematical-statistical method of correlation is not used in this case, the argument is based on constructing *statistically* the relationship between achievement levels on the imposition of accountability measures. Present is the assumption of *cause*, an assumption made often in the statistical correlation in social sciences, policy-making, and commonsense uses of correlation. Indeed, Huff (1993[1954]) calls the conflation of correlation with causality a “post hoc fallacy” (93). Interestingly enough, the scholar credited for constructing the concept of correlation—after whom the correlation coefficient is named—Karl Pearson, believed correlation to be a *replacement* of causality. Philosophically influenced by Austrian physicist Mach and German socialism, Pearson critiqued "the old idea of causality" as subjective to be replaced by contingency and correlation with the limits of "absolute independence to complete independence" (Desrosieres 1998: 110). [Hence, the concept of the "strength" of a correlation] For Pearson, causalities were no more than concepts "converted into a dominant reality" (Desrosieres 110).

It is possible to argue that the conflation of causality and correlation, despite Pearson's conceptualization of correlation as *contingency*, derives from the emergence of correlation as an understanding of *racial dependence.* According to statistical historians, the statistical concept of *correlation* was Karl Pearson's mathematical formalization of Sir Francis Galton's concept of regression. (MacKenzie 1981, Desrosieres 1998) MacKenzie 1981 contends that Galton's preoccupation with eugenics "led him to develop radically new concepts" such as statistical dependence, that "eugenic made the understanding and measurement of statistical dependence *as a phenomenon in its own right* a central goal of statistical theory" (71). Galton developed the concept of statistical dependence in his formulation of the concept of a statistical *tendency* or "regression" toward a mean or average, characterized by French engineer Cheysson as "a kind of fatal, irrestible regression, of the individual type toward the average type of his race" (Desrosieres 1998: 122).[111] The appeal of Galton's theory of regression, besides its racial

[111] According to Desrosieres, "The aim of statistical tools was to measure and undo the effects of heredity. If men could be classified in order, from the very best to the very worst, the technique of regression showed the proportion of specific qualities and defects in both good and bad that was preserved by heredity...This

overtones and articulation of "Edwardian" social efficiency (Porter 2002), was that it "opened up areas of common measurement" and provided an "instrument of proof" (Desrosieres, 124,5). According to Desrosieres, these very tools of constructing common measurement and documentation of proof were rearticulated in the 1950's within a "sociology of inequality" (1946).

Using correlation within such a sociology of inequality has been a central strategy in combating racism and contesting the production of truth about the (commonsensical) correlation between accountability measures and improved achievement across racial and economic groups. In a forum organized around the testing system in Texas organized by Drs. Valenzuela and Marshall during the 78th session, one of the most compelling uses of statistical data was that by Dr. Richard Valencia, an educational psychologist at UT. When newspapers headlined with the success of third-graders on the new TAKS, he suggested that this heralding of success "led to a false sense of security," constituting "a blatant case of misleading journalism." His evidence consisted of disaggregated data on the "failure" of the Third-grade TAKS in Austin schools, showing that while Whites in Austin failed at a 4% rate, Hispanics failed at 15%, Blacks at 18%, and Hispanics taking the Spanish TAAS at 25%. He then took the failure rates of the top ten percent and the bottom ten percent, finding that the schools at the top (0 % failure rate) had a population of 8 to 27% Hispanic and African American and that the schools at the bottom (25 to 45% failure rate) had a population of 98.5 to 99%. The crescendo of his testimony was the statistical fact that the correlation of percentage students failing and the percentage of

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led eugenicists to prophesy, using science to support their remarks, a bleak long-term future: if nothing was done, the quality of the English nation would inexorably decline."

Hispanic and Black students in the school population was y=.70, a “very high correlation.”

Dr. Valencia's statistical subjectivity inspired me to literally “measure silences” (Spivak 1988) of the accountability system. As mentioned in Chapter 3, the overemphasis on testing and drop-out statistics has enhanced the phenomena of “pushing-out” students of color, “at risk” of lowering schools' statistics. One of the ways I thought of meta-ideologizing pushing-out was via correlation. Literally, due to the Yule's synthesis of correlation and the method of least squares, the line of regression can be found by minimizing the deviates, where deviate refers to the distance from the observed point to that on the adjusted line. The phrase “minimizing deviates” conjures up images of Galton's eugenic laboratory, as he developed the theory of correlation as a way of understanding the betterment of a race. In the case of schools and testing, the connotation of minimizing deviates reflects the racist practice of targeting students of color in order to push them out of school, a practice invoked by Barbara Townsend (2002) in her phrase "testing while Black." What better tool to measure the way in which schools minimize their deviants than correlation and regression, a move that I envision as a project of “meta-ideologization,” which Sandoval (2000) defines as the ideologization of ideology, serving “to either display the original dominant ideology as naive--and no longer natural--or to reveal, transform, or disempower its signification in some other way” (110). TEA publishes on its web-site data sheets called Participation Rates, which disaggregate by race the percentage of students tested and not-tested, considered in the “accountability subset” “or mobile subset” (TEA 2001c). The category of not-tested is then divided into those not tested due to absence, due to exemption for special education (ARD) or for limited English proficiency, and due to some "Other" reason. If MALDEF's hypothesis was correct, I would see racial disparities in the "not-tested" categories. I chose Austin data since I had established familiarity with schooling in the area and had experience tutoring at one of the high schools. An article in the Austin American Statesman, entitled "Schools rally their students to take TAAS; Austin official hope incentive will boost poor attendance records" (Martinez 2002), also piqued my interest as it focused in on the predominantly minority high schools. For the year 2000 for example, three of the high schools had accountability subsets of over 90%, with a range of 28.2% to 37.6% minority students, while three high schools had accountability subsets under 75% with a range of 84.7% to 95% minority students. I was tempted to "minimize deviates" in order to measure the "minimizing of deviates" only to find that for the year 2000, the correlation between the percentage of minority students and the percentage of students not tested in Austin high schools yielded a Pearson coefficient of 0.897. [Microsoft Excel] Considering that a coefficient of 1 is absolute dependence, I was taken aback by this result. The high school with 95% minority students in the year 2000, a school under scrutiny because it been "low-performing," had an absentee rate of 18.3% students with 56 of its 61 not-tested students being absent. In 2000, Austin ISD recorded 11.4% of its students (Grades 3-8,10) were not tested, 15.4% of its Black students, 14.9% of its Hispanic students, and 5.3% of its White students were not tested. Such disparities continue when you look across the twenty regions of Texas. Here, I use correlation, not to discredit the tool of finding relationships, but to discredit a larger project of statistical objectification of students. But this may only be a tactic (Sandoval 2000). Perhaps, Audre Lorde's (1984: 112) suggestion that "the master's tools will never dismantle the master's house" applies here.

Conclusion

In this chapter, I examined the formation of statistical truth as a hegemonic process of "making hold," what Desrosieres defines as "objectification." I view statistical discourse as, historically, central to projects of hegemony, in that statistics shape conceptions of the world, represent a collective will, serve a pedagogical role (as they are even embedded in the structure of education systems), and serve both as the basis for expressing national essence and also as a tool of self-government. Statistical tools or techniques such as progress, representativeness, standard error of measurement, and correlation provide means for negotiating and solidifying "truth." The statistical notion of progress underlined the formation of "truth" about testing, particularly in "proving" the effectiveness of the testing system and the overall educational system. Underlying the commonsense of the statistical notion of progress in educational reform is "minority failure," as the performance of students of color is often marked as a mode of comparison. In terms of the statistical tool of representativeness, polls provide a means for representing a "collective will," as well as for interpellating or persuading subjects. The poll by TPERF that concluded "Texans are saying, 'Don't mess with testing'" was a means not only for representing or projecting a collective Texas habitus, but also for shaping a particular "structure of feeling." Knowing the persuasive capacity of polls, I collected alternative poll data as a statistical counter-discourse. In addition to representing a collective will, the statistical tool of standard error of measurement allows for the solidifying of objects, which in testing systems are particular test scores. As a technique of mediating the contradiction between what is measurable and what is immeasurable, standard error of measurement served as a way for TEA and the SBOE to negotiate the new, more difficult “standards” of the TAKS, tempering possible objections to the testing system in the context of widespread panic over potential massive failures. Statistical correlation also provides a means for defining validity and causal relationships. One of the contradictions in the push for high-stakes testing is that the validity of the TAAS, for example, depends on correlation between test scores and *grades*, the very “subjective” measure high-stakes testing is supposedly “correcting.” MALDEF also constructed statistical counter-discourses, using correlation to show that the high school exit level tests were neither “valid,” nor psychometrically “sound.” The commonsensical conception of correlation as *cause* provides a way for supporters of testing to argue that the accountability system itself has caused improvements in the educational system. At the same time, Dr. Valencia used correlation as a statistical counter-discourse, representing the presence of structural racism (as an underlying causal agent). The ruling of the *GI Forum* case in favor of TEA, despite the abundance of statistical evidence provided by MALDEF, demonstrated the need for a strategy beyond the formation of a statistical counter-discourse. In the next chapter, I discuss the formation of another strategy used by the Representative to counter both the harmful effects of high-stakes testing and the hegemonic statistical discourses of the state: *narrative*.

Chapter 6. Between Women and the State of Texas: Representation and the Politics of Experience

Throughout the history of statistics, the tension between determinism and “free will” has sparked much debate (Desrosieres 1998, Hacking 1991). According to Desrosieres (1998), “in 1753, a plan to take a census of the population was violently denounced by the Whig party as ‘utterly ruining the freedoms of the English people’” (24).[112]   Statistics, as an administrative tool of government, as a method of commodifying information and structuring gendered racial-political economies, and as a tool for formalizing and making hegemonic truth claims, constitutes the quintessential discourse network, in which “becoming a statistic” exists as a possible subject position. Given Woodward's (1999) commentary that this position of becoming a statistic is “undersirable” and to be avoided, I would suggest that “becoming a statistic” signifies a loss of agency or a slippage into determinism. As Lorde (1984) contends, “America's measurement of me has lain like a barrier across the realization of my own powers” (147). Asad (2000) suggests that one of the ways in which social scientists use ‘agency’ is to “attack...the use of statistical reasoning” (29). While Peters (1997) suggests that the polar opposite of statistics is narrative (78), I would politicize this polarity, suggesting that narrative often becomes the counterdiscourse or the *contre-histoire* of statistics. In observing the movement against testing, I sensed the moving away from countering the hegemonic statistical discourses of testing with statistical subjectivity or statistical

[112] Ironically, with the rise of Quetelet, it is the British sense of statistics as political arithmetic, mainly quantitative and not the German sense of statistics as description that becomes the hegemonic sense of statistics.

counter-discourse, and instead, a movement towards countering statistical discourse with narratives of experience. The Representative's political strategy to pass the multiple criteria bills centered on the collection of narratives of children's experiences with testing. Throughout the session, I was overwhelmed with the impression that this strategy came from a womanist politics, a politics of *transfronterista* (Saldivar-Hull 1999).

Imagining Feminism, Imagining *Transfrontera*

The Representative's office was staffed (full-time) by women, and mid-way through the session, by only women of color. While there were several men deeply embedded in the Representative's political network, particularly from MALDEF, it was the presence of women that made the deepest impression on me. The team that the Representative built was made up of Latina, Black, and White women, some representing the major civil rights organizations, some teachers or administrators from the public schools, and others university professors. The lobbyists visiting the office that seemed to give the most support to the multiple criteria bills were women, such as organizations made up of midwives, retired teachers, and interior decorators. I believe that the bill brought together these women because of the Representative's racial *and* gendered identity, since the bill was written in the context of Prado's ruling on the GI Forum case on racial discrimination. All of them remarked, "We love your sign," which read, "Let teachers make the final decisions, NOT corporate test makers." A common sentiment spoken in the Office was that women do all the work—taking care of children, educating them, and working, which reminds me of a line from Anzaldua's "To live in the borderlands means you": "*Cuando vives en la frontera*/ people walk through you, the wind steals your voice/ you're a *burra, buey*, scapegoat" (1999: 216). For me, these women, particularly in the Office, lived on the frontera, a space that made me interrogate the line between state and civil society. Trouillot (2001: 133) suggests that anthropologists need to "look for state processes and effects in sites less obvious than those of institutionalized politics and established bureaucracies" because of a rupture or breaking down in the border-making processes of nation-states. While I agree with Trouillot, I found that government sites, such as the Representative's office, because of the "trajectory" (Omi and Winant 1994)[113] of racial politics in which people of color are literally incorporated by the U.S racial state, can be viewed themselves as a type of border-site, in the Anzalduan sense. Kaplan, Alarcon, and Moallem (1999) conceptualize this border-site as "between woman and nation" that "refers to a particular space of the performative and performativity where woman and nation intersect in specific ways..." (6). In this space, the Latina Representative is both of the state, yet not of the state, both "disordering" the "'pedagogy' of the nation-state" (7) and revealing the ability to "maneuver creatively to cross boundaries and position [herself]...as [a member]...of diverse rather than singular communities" (12). For me, the office represented a disordering in which "unofficial" people could use computers and be welcomed in what I felt was an atmosphere of family, yet it was also a site of political business and very

[113] According to Omi and Winant, "By 'trajectory,' we mean the pattern of conflict and accommodation which takes shape over time between racially based social movements and the policies and programs of the state" (78).

difficult work,[114] where I was educated by the staff about the workings of Texas government.

My vision of the office as a border or as a *transfontera* must be subject to the critique of Abu-Lughod, who suggests that in social and cultural research, there is

> a tendency to romanticize resistance, to read all forms of resistance as signs of the ineffectiveness of systems of power and of the resilience and creativity of the human spirit in its refusal to be dominated. By reading resistance in this way , we collapse distinctions between forms of resistance and foreclose certain questions about the workings of power (42).

I must admit, as does the author, that I fell into such romanticizing, even slipping into acts of mythologizing. One such mythology I constructed occurred after my first visit to the Representative's office. She had invited me to go to a dinner with them hosted by TASB, initiating me into the negotiating terrain of politics. The unhesitant and insistent urgency in the Representative's voice sped up my heart beat as the Representative, Veronica, and Debra[115] piled into her large Black truck. As the Representative wound through the parking lot and undulated up and down the hilly Austin downtown streets, I imagined that the two Latinas and two Black women represented another Plan de San Diego,[116] riding in on a huge Black horse and led by the toughest and hardest working feminista in the Capitol. My psychic and theoretical construction of the office as *transfrontera* is admittedly linked to my position as a woman of color influenced by the writings of feminists of color. Perhaps "imagining" (Kaplan, Alarcon, and Moallem 1999) the office as *transfrontera,* engaged in the feminist politics of opposing statistical

[114] The Representative even said to one male visitor who came then quickly left in the midst of us scrambling to put together packets, "if you can't stand the heat…"
[115] These are pseudonyms.
[116] The Plan de San Diego was an attempt to create a multiracial liberation movement and to create a democratic state by re-taking lands in the Southwest. See Chapter 2.

objectification through narrative, falls into the trap of calling movements by women *feminist*, which according to Abu-Lughod attributes to the women "forms of consciousness or politics that are not part of their experience" (47).[117] While we never spoke of feminism,[118] I felt that the movement's politicization of experience as way of challenging the depersonalizing system of high-stakes testing mirrors feminist politics and theorizing.

For the Representative, the major strategy for passing the bills was to collect children's stories.[119] For me, the use of children's stories draws upon the feminist use of "experience" as a way of breaking the silence imposed by intersecting patriarchal, imperialist/capitalist, and racial systems of oppression. According to MacKinnon (1995[1982]), "Women's experience of politics, of life as sex object, gives rise to its own method of appropriating that reality: the feminist method" (535). I see the children's stories, particularly their use by women, as "experiential deconstruction" (Cook 1995). For Anzaldua (1983), "The danger in writing is not fusing our personal experience and world view with the social reality we live in, with our inner life, our history, our economics, our vision" (172). For many theorists, particularly those who, like me, use Foucault's notion of discourse, the notion of "experience" is problematic. Tapper (1999) problematizes three major assumptions in the use of "experience": one, calling on

[117] But what of Behar's (1993) suggestion of interrogating "no name feminism" (276)? Perhaps, this is what also nudges me into using feminism as a way of describing/theorizing these discussions.
[118] Because feminism is often associated with abortion rights, for example, the Christian, particularly Catholic positionality of women in the office who opposed abortion, might prevent them from identifying as *feminist*.
[119] Perhaps this could be viewed in terms of Saldivar-Hull's (2000) discussion on the politics of *historia*, that, unlike its English translation as *story* or *history*, signifies an "overt political agenda" (85) a method of "counterhistory." This is the sense in which I use the French term *contre-histoire*. Thus, it may be possible to view the children's stories as *historia*, part of the genre of *testimonio*, defined by Saldivar-Hull as "specific histories" that "expose exploitation" (47).

"experience" assumes the existence of an "extradiscursive realm," constructing a false binary between discourse and reality; two, the construct of "experience" ignores the positioning of subjects by discourse, when really agency is an effect of discourse; third, the use of "experience" presupposes that "indisputable truth claims can be made by personal experience" (Tapper 1999: 7-9). I call such a critique the "deconstruction of experience," one that parallels the critique of experience by Joan Scott (1991). In "The Evidence of Experience," Scott argues that the conception of experience naturalizes both the ideological construction and social imposition of categories of identity (race, class, gender, sexuality). For Scott, social and political reality can only be understood by recognizing the inseparability of language and experience, and that "subjects are constituted discursively and experience is a linguistic event (it doesn't happen outside established meanings)" (793). It is the "historical processes" that "through discourse, position subjects and produce their experiences" (779). Further, for Scott, the appeal to experience as empirical proof is a form of objectivism[120] that ignores the historical conditions and discursive formations that make experience possible. While I agree that "experience" must be problematized, I also saw in the use of high-stakes testing statistical objectification that produced the submission of subjectivity that parallels the "deconstruction of experience." I sensed that use of children's stories to call attention to dehumanizing statistics paralleled feminist critiques of both objectivism and also the absence of notions or accounting of subjectivity in (Foucaldian) discourse analyses.[121]

[120] In this formulation, the use of experience as truth while posed as a critique of positivism or as a post-positivist claim, hides in fact a positivist project or argument.

[121] Like Robinson, who challenges the ethnocentrism of Marxism and its erasure of race and nationalism, while simultaneously using the very tool of Marxism, historical materialism, to wage his critique, I would

Narrating Extra-discursives: Measuring Silences

Amarillo Principal: Don't lose sight of the kid. We can talk statistic here, statistic there...

Representative Dutton: Thank you for putting a face on this.[122]

According to Tapper, "experience" assumes that there exists an "extra-discursive realm." The notion of the impossibility of extra-discursivity, I think, may not be the intention of Foucault, since he recognizes both "nondiscursive practices" in *Archaeology of Knowledge* (1972: 68) and experience in "The Subject and Power" (1983: 209) and "The Minimalist Self" (1988a: 14) even suggesting in an interview, "On Power" (1988d: 101), that it was his experience in the Clinic that gave him the context with which to write about psychiatry and "madness." Kritzman (1988) even characterizes Foucault's politics as a "politics of experience" (xviii). While the concept of "discourse network" allows exploration of objectification, the notion of the impossibility of "extra-discursivity" does not fully engage *silencing*, particularly Foucault's notion of silence and secrecy embedded in the production of discourses, which both secure the hegemony of a particular discourse, yet also contain possibilities for the disruption of particular discourses.[123] For me, Spivak's (1988) tool of "measuring silences" that pays attention to both *what refuses to be said* (particularly the collective ideological refusal) and *what cannot be said* (in terms of subaltern consciousness) disrupts the notion of the

like to challenge Tapper's view of subjectivity, while using the concepts of discourse network, as I did in Ch. 3.

[122] This exchange occurred on the Public Education Committee Meeting on Rep. Dutton's HB 381 on counting drop-outs, March 4, 2003.

[123] For Foucault (1978), "silence and secrecy are a shelter for power, anchoring its prohibitions, but they also loosen its holds and provide for relatively obscure areas of tolerance" (101).

impossibility of *the* extra-discursive and makes possible the interrogation of multiple *extra-discursives* as themselves techniques of power (286,287).[124] Experience is not simply disposable as a politics, but the representation of those experiences always contains issues of power. I began thinking about such an interrogation of extra-discursivity as a technique precisely because of the Representative's use of children's stories. These stories simultaneously symbolized the experiential deconstruction of the statistical "pedagogy of the nation-state," and revealed the ways in which statistical discourses on testing **rendered** *extra-discursive* (the effects on) children's embodied subjectivities.

> One fourth grader was sick with the flu and throwing up. He missed school on test day. He is a very good Math student. The teacher called and insisted that his mother bring him to school to take the test because they need his high score to help the school's rating. He did go to school and threw up three times while he was taking the test. (Teacher in Representative 2003a)
>
> I'll end with a story for the record. Teachers are being instructed to have their bags ready, in case kids vomit. If kids vomit, they are told to put the test inside that bag. (The Representative, April 30 testimony)

When the Texas Education released the results that 89 percent of the third-graders passed the first administration of the reading TAKS test, an Austin American Statesman Article ran with the headline, "Students rise to the challenge of tougher test in reading: Third Graders breeze through state's new assessment tests" (Blackwell 2003). The stories above counter such a claim that a statistical product such as 89% automatically suggests that students "breeze through" high-stakes test. In fact, situations of children's sickness

[124] In fact, Spivak's critique of Foucault is exactly his inability to recognize the silences in his own work, namely his mask of "nonrepresenter." I understand Spivak's problematizing of the representation of experience as akin to what Trinh (1989) asserts "a conversation of 'us' with 'us' about 'them'...is a conversation in which "them" is silenced" (67).

such as these stories reveal become erased, rendered extra-discursive in the race to produce statistics. Despite the statistical discourse of progress and projections of "data-driven public school improvement," despite the TPERF survey meant to confirm the consensus (53%) of Texans that "Standardized testing helps schools improve" and "Texans are saying, 'Don't mess with testing.'" (TPERF 2002b), parents are leaving the public school system because the price of "improvement" or the "collateral damage" (see McNeil 2000a: 189, 281n1; Saltman 2000) is their children's health and well-being:

> I'm a parent who is--as I like to say--a refugee from the public school system...last year was a living hell. By the end of the year we were so close to putting our fourth-grade son on anti depressants. Instead we switched him to a Montessori school, and he's flourishing. We moved our second- grade daughter to the Montessori in October, and she is equally happy to be free from the constant pressure of perfectionism.

Yet another parent was a "refugee,"

> My daughter has just withdrawn her girls from public school and moved to a small private school. The oldest is a third-grader who has been having difficulties in completing assignments within the appropriate time. Her teacher advised her parents that she would not pass the TAKS test and recommended they seek medical intervention in the form of psychiatric drugs. Concurrently, she began suffering from chest pains that led to a complete evaluation by a pediatric cardiologist However, once she was removed from the stressful situation she was experiencing in the public school, the pain went away![125]

These narratives of children's painful experiences[126] are not simply meant to conjure up

[125] These stories came from an untitled document that I was given in addition to the Organizers Toolkit (Representative 2003c).

[126] In challenging the conception of experience as discursively constructed, I am not arguing that there is not a discourse on "children" and "child abuse" that makes these stories compelling and political. Rather, I am arguing that in this case narratives of experience disrupt the constitution or construction of these students as a particular score or statistic. It may be as Scott argues that the conflicts between the discourse of child abuse (a historical construction perhaps tied to the struggles against child labor) and the statistical discourse of testing produce the experiences. However, as Stone-Mediatore (1998) argues in critique of Scott, "Equating experience with representations of experience…obscures the role of subjective experience

images of passivity, but, following Asad (2000)—who sees pain is agentic and characteristic of active experiences rather than symptoms of passivity—I suggest that these stories are meant to reinsert subjectivity into a political terrain occupied with statistical objectification, to “put a face on” testing. According to Croissant (1998), “Children are growing up cyborg between the extremes of disembodiment presented by the possibilities of life in cyberspace and the complete reduction to embodiment posited for production workers subject to the machinations of hypermobile global capital in export zones” (285).[127] The stories reveal the extent to which statistical fetishism or statistical panic has generated the disembodiment of children from their scores to the point that test administration not only operates through a sort of objectifying violence (see Anzaldua 1999: 59) that harms children but also normalizes the desensitization of that pain.

For instance, the rationale by Texas Education Agency for offering the TAAS eight times is that the probability that at a student “on the bubble” passes the test increases to 99.6% after eight attempts at taking the test (TEA, Student Assessment Division 2000: 37). However, one of the stories told to the Representative deconstructed such a theory:

About ten years ago I worked with a principal who adopted one of our school's

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in motivating and informing intervention in representational practices” (120). It is the experience of students that facilitates the conflict of the statistical discourse of testing and the discourse of child abuse.

[127] For Dumit and Davis-Floyd (1998), "cyborgification" is a product of the technocratic model of envisioning human biology, stemming from both the Cartesian mind-body split, but also the gendered conception of women's bodies as "defective machine(s)" (4). In the early twentieth century, educational reformers used standardized testing as a method of extending that technocratic model to school systems, thereby constructing children as machines. Foucault (1995[1978]) talks about the way in which discipline (of the examination) assigns an "aptitude" and thus "dissociates power from the body" (138). With the rise of the computer, the disembodiment of children accompanying technocratic disciplining in schools has reached new levels.

> students. This student came from a very poor and abusive home. When she was taken in by this principal and his family she became a happier person, however was still behind academically. She had started school late (at the age of ten), her grandmother had never seen the need to send her to school or to allow her anytime to study at home (I had this child in 5th grade). By the time this child was a senior she had to pass the TAAS exit. Well, she didn't pass. She retook the test and retook the test... After her third failure notice she tried to commit suicide. She wanted so badly to pass the test and keep on learning. She however was never given that little bit of hope she needed so badly.[128]

Simultaneously, the desensitized and computer-generated discourse of statistics, the governance by the removed "expert," and the dissolving of the subject in favor of constructing people as statistical factors (Castel 1991) enables the enactment of violent disembodiment *because* pain is silenced. Thus, extra-discursivity functions itself as a technique of power, as a "masking function" with experienced, material effects (see Bourdieu and Passeron 1977). By speaking from that silenced space, the children's stories enact an objection, an opposition to this violence and an experiential deconstruction of the statistical discourse of testing.

Positioning (in) Alienation

> The possessing class and the proletarian class represent one and the same human self-alienation. But the former feels satisfied and self-affirmed in this self-alienation, experiences the alienation as a sign of *its own power*, and possesses in it the *appearance* of a human existence. The latter, however, feels destroyed in this alienation, seeing in it its own impotence and the reality of an inhuman existence.
>
> —Karl Marx, "Alienation and Social Classes" (1978[1844]: 133)

What Marx's characterization suggests is that an examination of children's objectification, dehumanization, or disembodiment (alienation) is only partial.

[128] See note 14.

Objectification is not simply an effect, but a practice: an enactment of a desire for depersonalization and an exercising of extra-discursivity as a technique of power that not only silences pain but also “refuses to say” the manner in which discourses are produced. For MacKinnon (1995[1982]), “Objectivity is the methodological stance of which objectification is the social process” (541). In the case of testing in Texas, “objectivity” was one of the reasons cited for the exclusion of teachers and school administrators from SCOPE which enacted sweeping reforms that set the foundation for the test-based accountability system (Newman 1987: 93). Many of those objecting to the Representative's multiple criteria bills deployed objectivity-versus-subjectivity as one of the rationales for maintaining the status quo. For example, a Houston Chronicle editorial (2003b) read “...injecting a subjective measure into the equation – along with all the politics and bias that would entail – lamentably would gut the accountability system crucial to improving the quality of education all children receive.” Hubbard (1990) critiques “objectivity” and the desire for depersonalization or the equation of factualization with removal from subjectivity as an erasure of authorship and context. Haraway (1988) opposes the “god-trick” of “objectivity” that “promises transcendence,” functioning as “a story that loses track of its mediations just where someone might be held responsible for something” (579).

Following Epstein (1995), I believe that this same form of depersonalization tends to characterize postmodern critiques of experience. I have struggled with such depersonalization since I, myself, have been critiqued for writing too often in the passive voice erasing not simply my authorship, but the “authorship” of objectification. Who objectifies? Reflecting on these critiques, I believe it stems from my clinging to the theoretical position that discourse positions subjects. It is the argument that subjects are positioned by discourse, and that agency is an effect of discourse that Scott and Tapper use to critique "experience." However, taken to its theoretical limit, such a proposition presupposes that discourses are pre- or extra-*subjective* and further constructs *discourse* not only as a metanarrative (subsuming all relations of power, even culture[129]), but also as a reinscription of determinism. Epstein (1995) argues that poststructuralist and postmodernist theory tends to "divorce theory from reality" and project "a 'fantasy of escape from human locatedness' which leads to the adoption of the very universalist perspective that in theory it deplores" (112). While I argue that statistics forms a discourse network that objectifies students and that statistical discourse affects subjectivity, I also argue that such statistical discourse is, in Foucauldian terms, a *deployment*, an action which has authors. I suggest that the removal of authorship is related to or part of what Spivak (1988) calls the "masculine radicalism that renders the place of the investigator [intellectual] transparent" (295), symptomatic of Western (imperialist) self-alienation and Euro-American masculinity, defined by Helmreich (1998) as "emotional detachment, escape and autonomy, calculative rationality, objectifying, instrumentalizing, and dominating the world" (70). First, there is the desire or fantasy that top-down, data-driven, and emotionally detached reform can produce "miracles" (see for example Haney's (2000) critique of the "Texas Miracle"). Second, the removal of authorship erases the *practice* of discourse (see Foucault 1972) and social

[129] Tapper equates culture with discourse networks (9). Spivak (1988) even critiques the use of *culture* as "parasubjective" (274).

relations of power. In the context of neoliberalism, the removal of authorship can be rearticulated in conservative calls for the removal of the state's responsibility through objectification and individualization. According to Persuad and Lusane (2000), the new ideology of 'personal responsibility' "generates a cultural response that wins many to the belief that state responsibility towards the poor and the subaltern should be eliminated." In terms of suggesting that agency is the effect of discourse, I pose the same question as Butler (1993) poses in *Bodies that Matter*,

> Does Foucault's effort to work the notions of discourse and materiality through one another fail to account for not only what is *excluded* from the economies of discursive intelligibility that he describes, but what *has to be excluded* for those economies to function as self-sustaining systems? (35).

In other words, what contradictions must be resolved for particular discourses to become hegemonic? At a Public Education Committee meeting on accountability, Dr. Cris Cloudt of the Texas Education Agency discussed the difficulties in collecting accurate data on achievement and other indicators such as attendance, exemptions, and drop-outs. She mentioned that TEA found a "weakness in the data quality at the campus level." Representative Oliveira asked Dr. Cloudt, "How much at risk are we that data presented here is manipulated?" Dr. Cloudt replied, "We're not at risk." Representative Griggs then asked out of the more than 7200 campuses, "how many are cheating?" Dr. Cloudt replied, "We are not implying cheating at all." This answer silenced cases of manipulation, such as AISD, whose manipulation of data resulted in a poor rating from TEA, but also landed the district in court. The children's stories about testing in Texas contradicted this notion, showing that cheating and manipulation were occurring, thus disrupting the hegemonic notion that test-based statistics were simply the manifestation of objective progress as had been the dominant discourse behind the "Texas Miracle." The stories suggested that not only was the discourse of accountability both the simulation of (Baudrillard 1983) and self-alienation from accountability, but also that subjects/students weren't necessarily being positioned *by* discourse, but were being positioned by teachers and administrators *for* discourse.

> I..had a principal inform me my son does not perform well on standard[ized] tests, but he's an A-B student, and A-B honor student. And he said it's a good thing that my son is in fourth grade and not in the third grade. [where he would not be promoted without passing the test] Not only do the kids have the negative effect, I mean, also the administrators are indicating the negative effects that this test has because it's a good thing that my son is in fourth grade and not in third grade. (Tressy Murray, April 30 testimony)
>
> I have a third grader this year that informed me that if he did not do well on the TAKS that I was not to argue with the school. Instead, we are to move to another school if he and others do not perform well.., per an announcement by a classroom teacher. This would also increase the institutional score (if he were to perform less well than anticipated or fail). In fact, you could have a quite homogeneous little group of students who perform well on standardized exams in a particular school, and perhaps those that do not, will attend private schools. (RLH in Representative 2003a)

In an article in the Texas Observer (Bernstein 2003), Brad Duggan conceded about testing, “You do lose some of the spontaneity and fun,” telling the Observer that the “trade off is worth it.” However, more is at stake in high-stakes testing regimes than “spontaneity and fun” when students are objectified as movable game pieces. These stories question what types of trades are really occurring under a system controlled by statistical objectification. The contradiction of objectification is evident in teachers’ own accounts of the experience of testing. A Texas professor sent to the Representative some of the following stories[130]:

> A teacher told me that she feels so ashamed of herself because as the children enter her classroom each morning, she mentally sorts them, saying "I need to work with that one today to prepare for the test." or "This one already knows the information, I don't need to work with him." or "This one probably won't pass anyway, so I won't work with him." She blames the testing system for making her stoop so low.
>
> One very good teacher who usually works with student teachers from the university told me, "Don't give me a student teacher in the spring. I am ashamed for them to see what I have to do to drill the children for this test."
>
> In October, the principal of a school in El Paso placed four third graders back in second grade. She was convinced that they would not be able to pass the test.

The teachers were fully aware of and bothered by their acts of positioning and objectifying their students, yet their actions and their “authorship” of institutional scores were erased under the guise of transparency. According to a representative of Texas Business and Education Council (TBEC) at the accountability meeting, “transparency” was one of the reasons for the success of the test-based accountability system, since results were “clear and understandable,” presented in such a way that was “not so complex” and characterized by “openness.” However, “transparency” shields processes and persons that work to produce statistical outputs. These stories challenge the claim that a "data-driven" accountability system is better from an educational standpoint than one that is left to the subjectivity of teachers.[131] These stories, while calling into question the notion that discourses position subjects, suggest that Foucault's theory of

[130] These stories came from a handout that I was given while observing a staff member compose the Representative’s web-site.
[131] I heard that in Houston, in order to raise the number of high school graduates, the district instituted a policy whereby students did not have to take certain classes in order to graduate. This only produces numbers! It goes directly against its own purported objective of accountability—to “produce” better graduates through testing.

discourse as a practice, as that for which struggles are conducted, is more salient.[132]

Essentially Stand(point)ing and the Politics of Representation

> This is a more, personal...issue. It impacts me as a grandmother, mother, and as a teacher, because I still consider myself an educator. I'm raising a granddaughter, who is now eight years old, very bright, very clever, easily, easily eligible for the gifted and talented program in her school. About two weeks before the test...we began to hear the anxiety, that was developing in this child, and here is a little girl, who is clever, who was reading, whose Christmas gift to me when she was in Kindergarten, a Kindergartner, was that she read her first book. She's able to read and she reads fluently, but she was so obsessed over the possibility of failure, and you ask, "Why obsessed?" We think it was because the sense of anxiety basically pervades the entire system. When I wrote the letter that is on the back page of the testimony, I wrote it after an evening that had her crying literally for two hours straight. And as I told [the] Representative…, that evening, I said all of the sudden the Mother took over. I've understood the reasoning behind the legislation logically and intellectually. That night, I understood it emotionally. She [the grand-daughter] just went through the TAKS Math test today. Last night, she prayed for over ten minutes. That's a long time for a nine year old to pray. My point here is very simply this: that when you're dealing with an eight-year-old mind, who still believes in Santa, and the Tooth Fairy, and the Easter Bunny, who has that level of maturity, it is impossible, literally impossible, they are not developmentally ready to be able to reason their way through the fear of failure. It's simply not possible. (Sylvia Bruni, April 30 testimony)

Late into the night, after hours of waiting to testify, Sylvia Bruni, hailing all the way from

[132] The claim to transparency or objectivity, removal of authorship, and deference to "natural forces" or individualism, particularly in the context of racial (racist) capitalism and sexism is consistent with U.S. History, which DuBois (1962[1935]) calls “lies agreed upon” (714) and which is much like Orwell’s (1984[1949])world in *1984* in which "The past was erased, the erasure was forgotten, and the lie became the truth” (64). Taking Gramsci seriously, in order for an erasure to be hegemonic, it must become part of a collective will. Unfortunately, a dogmatic insistence that discourse positions subjects to me ignores and leaves unnamed the complicity of that collectivity in constructing that erasure. For instance, Takaki (1979) writes that in a battle against the Creeks after the Battle of Horse Shoe, Andrew Jackson and his "soldiers cut long strips of skin from the bodies of the dead Indians and used them for bridle reins; they also cut the tip of each dead Indians' nose to count the number of enemy bodies" (96). Extending Marx's definition, Jackson and his soldiers became more heroic through a complete objectification of and alienation from the Creek. Suggesting that their acts of brutality were based *solely* on how discourses of race positioned them in some ways removes their culpability and doesn't fully account for the complex processes that led those men in particular to carry out such acts.

Laredo, delivered her case before what seemed like less than half of the Public Education Committee. Clearly, she spoke from her position as a grandmother, mother, and teacher, imparting knowledge only available from her standpoint. I argue that her self-positioning and self-identification (see Rouse 1995) were in fact staking a claim of epistemic privilege from her experience, an experience which she uses here to deconstruct, both discursively and materially, the statistical objectification of children, as well as to make a truth claim. Her argument comes from "situated knowledge" (Haraway 1988) and contextualizes and humanizes children's experiences in terms of their development, reminding the Committee that "an eight year-old mind,...still believes in Santa, and the Tooth Fairy, and the Easter Bunny." For me, the way she said "Santa" echoed the loving communication between a grandmother and her grandchild in such a touching way that it spoke both to my own position as an aunt of three, but also to the memories of my own childhood.

For Tapper, however, the subjectivist appeal to "experience" presupposes that "indisputable truth claims can be made by personal experience" (7-9). For Sudbury (1998), like Tapper, "'experience' is not simply out there, but it is constructed and mobilized through discourse" (31), and using experience in order to claim "epistemic privilege" falls into the trap of idealization and essentialism.[133] What this testimony injects into the postmodern debates over "experience" is in fact the political necessity of appealing to "subjectivist discourse," to the indisputability and authenticity of

[133] To me, Sudbury raises the critique of experience only to replace standpoint/identity with "location," which itself reinscribes "experience." It is, after all, her experience or "subject position as a community activist," as a "'sister in struggle'" that does in the last instance give her "epistemic privilege" and accessibility to Black women's organizations, theories, and trust "with intimate details of personal development" (42,43).

"experience," and even to the (strategic) essentialism of "child development" and parent-child relationships, particularly in the face of objectifying, disembodying, and depersonalizing systems such as testing. The testimony also suggests that theoretically rejecting "subjectivist discourse" and experientially based truth claims (even unintentionally) works in concert with testing and its objectifying statistical discourse network. According to MacKinnon (1995[1982]), it is exactly women's experiences of silencing and objectification that necessitated and necessitates feminism (535).

The use of experience and the concept of "perspectivist" and "situated" knowledge by feminists is itself a critique, a deconstruction of scientific objectivism and objectification, positivism, and universalism (Collins 1998, Haraway 1988, Harding 1991, Lewis 1973, Sudbury 1998). Just as Haraway (1988) suggests that "situated" knowledge yields "better" knowledge, the case for Representative's bills on multiple criteria centered on the concept that teachers' and parents' *situated* knowledge of student progress constituted better knowledge. In a "Sample Resolution" handed out to supporters, part of a document entitled "Organizer's Tool Kit" (Representative 2003c) the privileging of "situated" knowledge as better knowledge is present:

> **Whereas, a student's overall academic record yields comprehensive and complete data about academic performance--reflecting evaluations based on multiple criteria, professional judgments, and observations by parents/caregivers;**
>
> > We should trust our professionals to judge student learning. Teachers are trained to use multiple criteria to assess students. They recognize that students have different learning styles, and they know how to modify assessments accordingly. They conduct ongoing, timely evaluations as they grade student work; judge portfolios, projects, and presentations; administer teacher-made and local assessments, diagnostics, and inventories; and interact with their students on a daily basis--all examples of existing multiple criteria. We should trust the judgment of out

> parents/caregivers, too. They are their children's first teachers, and know their strength and weaknesses better than anyone else.

One of the main discursive constructions by the movement for multiple criteria was in fact the opposition between a situated teacher and a distant, removed corporation. The position stated in a "Memorandum" to "Friends of Multiple Criteria" was that "This would return true decision-making authority to the real professionals--our teachers, not corporate test-makers" (Representative 2003b).

Despite the role of "experience" in politics, Kaplan and Grewal (1999) suggest, following Spivak's (1988) "Can the Subaltern Speak?," that we cannot simply reject "problematizing the metaphysics of voice and experience, particularly in relation to the representation of nonmetropolitan or poor women in diverse locations" (355).[134] Given political and social processes that are meant to disembody children, such as statistical objectification through testing, speaking from an embodied standpoint and countering hegemonic truth claims with an experiential truth claim is a viable political tool. What Spivak's critique of experience does is not to dispose of experience as a tool, but to call for us to account for and locate the politics of representation.

Representing and Re-presenting children

At the Committee hearing of the multiple criteria bills on April 30, 2003, alongside Sylvia Bruni, three other witnesses spoke from the standpoint of mother. One began her testimony, "I'm here tonight just because I was a parent of a child that turned

[134] This comes from a critique of Anglo-American (hegemonic) feminism, particularly in their dismissal of Spivak's "Can the Subaltern Speak?" (1988).

eighteen and had a difficult time taking that TAAS test." After stating her positions as a faculty member and researcher on issues of testing, Dr. Valenzuela concluded her testimony as a representative of her child:

> I am also a mother. I have a daughter [ten years old] in the district here and her teacher, my daughter's teacher,...says that just two days ago that she dedicated 90 hours, 90 hours to test preparation, and then to testing, and then to giving back the students the results of the test. And in her mind this involves disciplining the minds and the fingers, the habits of small children, [and it is] an injustice not to teach a test. And this is at one of the best schools, elementary schools in Austin Independent School District and I just want to quote my daughter who's in that class, by just concluding with these personal statements that she herself wrote and would have testified on had it not been so late. But, I'll end with this personal account. She wrote,
>
>> A couple of weeks ago, while my class was taking a practice TAKS test, my friend started crying in front of the class because she missed all the questions on the test. She kept on repeating that she just couldn't think. When I take the TAKS test, I usually get headaches from stress. Though some questions are easy, some are really hard and some just don't make any sense. My teacher spent about 90 hours preparing us for the test, in fact today and tomorrow we've been taking the test, which means we lose close to 100 hours. While we're taking the test and while we're preparing, we could be learning more for the next grade. A test can only show us if our answers are right or wrong. It doesn't teach us anything. (April 30 testimony).

For Spivak (1988), “radical practice should attend to [the]...double session of representation,” (279) given two distinct senses of representation: political representation as proxy, and philosophical and artistic re-presenting (275). In the case of testimony for the multiple criteria bills, parents stood as political representatives of their children by re-presenting their stories. At a meeting on Black Education in Austin ISD, a Black female middle school principal admonished the crowd, “We are what's wrong with the children. We've sold them out...Kids look to us to speak up [in their behalf].” This taking on the role of political representatives may in fact be part of the tradition of vindicationist politics and that experiential deconstruction within this vindicationist politics calls for all to be representatives and critically (counter-hegemonically or oppositionally) re-present the world in ways that "disorder" hegemonic re-presentations.[135] According to Asad (2000), "An agent suffers from the pain of someone she loves--a mother, say, confronted by her wounded child. That suffering is a condition of her relationship...She lives a relationship...The other's hurt...is a practical condition of who she and her suffering child are" (42).[136] It is this condition to which parents appealed when re-presenting and representing their children, such as the following introduction to one of the children's stories, "As the mother of a third-grader, I have experienced first hand the negative impact that the stress this new mandatory testing program places upon students" (Representative 2003a).

However, Spivak (1988) also reminds us that in accounting for two senses (and the politics) of representation, theories "must note how the staging of the world in representation--its scene of writing, its *Darstellung*--dissimulates the choice of and need for 'heroes,' paternal proxies, agents of power—*Vertretung*" (279). In this context, the statistical re-presentation of children's progress in Texas, hiding contradictory objectifying and exploitative processes of testing, allowed, in part, George W. Bush to ascend to the Presidency as the "compassionate conservative" and the "Education President." It also guided the ascendance of Rod Paige to the position of National Secretary of Education.

[135] See Collins' discussion of the conception of "lift as we climb" within Black women's organizational style. The origins of this conception lie within the vindicationist politics of the early twentieth century.
[136] It must be noted that parent-child relationships do *not* absolve the problem of representation, given that mother-child and father-child relationships can be abusive and exploitative.

The problematic of the double sense of representation was also present in the way in which *conservatives* positioned themselves as representatives of parents re-presenting their children's experiences as a way of supporting vouchers. Curiously enough, most of the parents supporting vouchers were Latino and Black, and they were being politically represented by the Chair of the Public Education Committee, who could not even pronounce their names and who appeared less than attentive when one of the voucher supporters testified completely in Spanish. Many of the parents spoke about their children's needs not being met by the public schools, particularly those with learning and physical disabilities. For example, one mother was a divorcee, raising a child with a disability, "My daughter is falling behind. She had problems following directions. The teachers didn't have time for her. She fell through the cracks." When she moved her daughter to a private school, "she learned." There were many groups of parents and students wearing t-shirts in support of vouchers, and one of t-shirt groups was the Black Alliance for Educational Options (BAEO). The online newspaper, *The Black Commentator*, called this organization, a "Trojan Horse," since the organization was funded by none other than Milton Friedman and also financially supported by President Bush. When I told the Representative about the compelling testimony in support of vouchers given by a large group of parents of color, she said not to be fooled, that those present at the meeting didn't really represent the mass of working-class parents of color. Really they are organized by House Republicans to give the illusion that they do represent such a mass.

At one of the meetings on school finance, Committee member Hochberg asked

Carolyn Hoxby, a presenter from Harvard, "Who do you represent?...I just wanted the father of the plan to be recognized." At once this question revealed to me the immediate (sexist) assumption that plans are only "fathered" and that perhaps, we must indeed, question ourselves about the ways in which our re-presentations conceal these "fathers" and "the choice of and need for 'heroes,' paternal proxies" as Spivak calls them. Thus, parent's stories in-and-of-themselves are not "innocent"; rather, they are caught up in a politics of representation, another sense of "politics of location" of which Sudbury (1998) speaks.[137] It also raises the question of the extent to which the need for heroes, the choice of representatives silences the subaltern more. I had to admit to myself that witnesses were really networks organized by Representatives and lobbyists to attempt to gain the Committee's support, to appear as hegemonic or representative, as a collective will and widespread. Politically, we needed to present the case that the experiences of the children whose parents wrote in to the Representative's office did in fact represent the broader, essential experience of all children across the state, or at least children of color. I did take notice that the movement for multiple criteria was made up of mostly middle-class women, mostly White and Latina.[138] In political arenas, where establishing hegemony is critical to passing a law, the projection of an essential "experience" posed in a causal relationship with a particular law may perhaps be necessary. Yes, we were involved in a hegemonic process, necessitating negotiation. In the Capitol, political networks and the structure of the legislative process, which I found favored a mobile,

[137] DuBois (1962[1935]) made a comment in Black Reconstruction that "suffering, thus, in and of itself, does not prove the justice or injustice of a cause" (129).
[138] My entry into the "field" was in fact my asking the question of a Black staff member of the Representative, "Where are the Black people" [a story they found amusing and recounted often.]

middle-class lobbyist, produced which experiences would be heard and which testimony would go into the public record.[139] I found that, in the Capitol, the Subaltern cannot speak, and ironically, I found myself in that very place.

The Subaltern Cannot Speak

On the day that the multiple criteria bills were scheduled to be heard (April 29), the Representative asked me to testify, given that I was researching high-stakes testing and its effects on students of color. As I had gotten used to my role as an intern, simply to file documents and take my place behind the scenes, down in the office without windows to the outside world, only televisions and live digital play on the internet, this role frightened me. I had seen how the Public Education Committee treated women witnesses, the only time I recall a Committee member raising his voice was at a Latina witness. Further, subjective testimony often brought dismissive reactions or intimidating deconstructing questions that seemed prosecutorial in tone, resembling a cross-examination. After all, I was simply a "fly on the wall" anthropologist, right? Nevertheless, I began writing my testimony, linking what I thought were research findings with a personal experience as a tutor seeing a Latina student experience not passing the TAAS and having the threat of not graduating. Me, testify? Despite my intent to take a stand and not repeat falling silent as one of my former students asked, "Why didn't you testify?," I was terrified at the prospect of speaking. I convinced myself that I could still "go on the record" by giving written testimony without speaking if I

[139] Indeed, this is perhaps where I find myself in the critique of Trouillot that I mention earlier in this chapter.

became too nervous. I even filled out a witness form and ran off copies of my testimony. The presence of so many others, particularly women, started to embolden me to testify—how could I let the Representative down? Likewise, the young White student from San Antonio, who had become famous for not taking the TAKS field-test was there. Many people—mostly women—had come in from out of town to testify. I, myself, came from San Antonio. However, the night drew longer and longer, and each hour we heard that the "floor activity" would cease and allow committee hearings[140] It was a struggle for the bills to even be heard. It was rumored in the office that the Committee Chairman said, "Sure, she'll get her hearing," on the last day of the session, which would guarantee not having a hearing at all. It seemed that night that the bills were destined not to be heard as the hours passed...9 p.m., and the young San Antonio student and her father began to leave--she needed to go to school in the morning. After an hour or so, she came back and we all clapped. Other witnesses started going home, too, especially mothers, and finally the student and her father really did have to leave and drive back to San Antonio. I believe it was 1 a.m., when the floor activity stopped and the Representative came to the office to give us word of whether or not there would be a committee hearing that night. Some of the women from the NAACP and the office found out that I (a young woman) was driving back to San Antonio that night alone and insisted that I follow another group heading back to San Antonio. The last I heard, as I loaded up my things around 2 a.m., was that there would not be a committee hearing that night. I could still testify. However,

[140] Committee meetings are divided into different areas (such as Education) and open for public debate. "Floor" activity refers to the meeting of the full House and while the public can observe the proceedings, only the Representatives take part in debate.

I learned the following morning that the Representative kept fighting to have a hearing because key witnesses had *flown* in from different parts of Texas and needed to speak that night. I missed my chance! I felt not only that I let the Representative down, but, for my ethnography, I missed a key event—despite the fact that it was taped, and I could gain access to it. While I thought that going home that night was a detriment to my study, I realized that I experienced what it felt to *not* be able to speak: like those parents who worked full time and could not wait all day to testify at a hearing; those who lived away from Austin and could not make the trip in order to testify or perhaps whose disabilities prevented them from testifying; those children, like the student from San Antonio, who could not stay up until 3 a.m. to testify. It made me reflect on the broader structure of the meetings, and the claim of "openness" and "transparency" that masked the more obscure structure of meetings, when, for instance, a witness from the Eagle Forum insisted that the public had no access to the committee substitutes being heard.

Not only did my experience shed light on the ways in which the subaltern cannot speak, but the committee substitute for one of the multiple criteria bills also shed light on this. One of the Black mothers testifying for the multiple criteria bills was going over the bills and noticed something. One of the intents of was to give parents more say in the decision of promoting their child. As the law stands, if a child fails the test three times, she can only be promoted if a committee made up of the student's teacher, principal, and parent decides *unanimously* to *promote.* The second substitute for the promotion multiple criteria bill replaced *promotion* with *retention*, in other words, changing the law to state that the committee must unanimously vote to retain a student. Thus, a parent's decision cannot be outweighed by the teacher and principal. In the final substitute, the language read that the committee must decide *by majority* to retain. When the mother saw this, she said that such language would not change the current law--a principal could lean on the teacher to support retaining a student despite the opposition of the parent[141] (see Fine 1991), in which case the parent could still not speak. She even hesitated at supporting the bills, but decided to proceed in testifying for the bills. The nature of substitutes is that they are compromises, negotiations that in the political process can lose some of the more radical edges. In the Representative's case, the opposition to *any* change in the law regarding promotion of third, fifth, and eighth graders--due in part to the weight of Washington--ruled out even these compromises. The bills, though becoming attachments, were tabled ultimately by the Public Education Committee Chairman himself, a way of silencing both the critique of high-stakes testing and also a possible reform measure that could prevent teachers and children from feeling alienated and objectified.

Conclusion

I argue that the strategy for the gaining support for the multiple criteria paralleled feminist politics of *transfrontera*, as a coalition mostly composed of women, as well as feminist critiques of objectivism and the "deconstruction of experience." At the forefront of the movement for multiple criteria were children's stories and the politicization of experience as a way of opposing the governmental objectification, commodification and exploitation, and objectivist production of truth characteristic of

[141] Fine (1991) found that in many cases, Black and Latino/s parents suspected that their child's teacher held racist

testing and its statistical discourse. The stories functioned as experiential deconstruction, mirroring the feminist use of experience as a source of politics and knowledge-formation. By *measuring* silence, accounting for authorship, and using a particular standpoint from which to act politically, the narratives also echoed feminist theories on silence, critiques of scientific discourse, and conceptions of situated knowledge. At the same time, the stories were a critique of the "deconstruction of experience" by calling attention to extra-discursivity as a form of power, to the two senses of alienation (as exploitation, but also desire), and to embodied subjectivity as a critique of the reduction of experience to discourse and language. However, the use of stories in support of vouchers necessitates a critical view of issues of representation, in the two senses of re-presenting experience and becoming a political representative of that experience. In viewing this use of experience, we have to account for how the "staging" of those stories, as coming from mostly Black and Latino parents, concealed the sort of underlying political organizations that both made that staging possible, but also stood to benefit from the legislation at the expense of the very communities that the parents testifying were said to represent. In many cases, due to the structure of the committee meetings, many parents and students cannot speak. While acknowledging these issues of representation, it was ultimately the acts of retelling experience, of *contre-histoire* that were called upon to disrupt the hegemony of high-stakes testing. Though the bills were not successful, the politicization of experience, as a measuring of silences, still has the potential to "loosen the holds" of statistical discourse and its objectification.

Conclusion

Summary

In this project, I have argued that statistical objectification works to maintain the hegemony of the high-stakes testing system in Texas. In one sense, statistics objectify Texas students, teachers, and the public, inscribing them as objects of governance. I came to this conclusion by using Abu-Lughod's (1990) suggestion of viewing resistance as diagnostic of power, seeing the forms of resistance against testing as resistance against being transformed into a statistic, as one student put it, as "a name and a score." I found that Texas students, their parents, teachers and others were engaging in resistance against what Foucault calls the "submission of subjectivity." For me, the statistical objectification of students must be understood in terms of governmentality because the implementation of testing imposed a statistical discourse network on students and schools, making testing the determinant of graduation and promotion decisions. Statistics on testing also generate what Woodward (1999) calls "statistical panic." This "structure of feeling" constructed by the Texas Education Agency and the media enforced wide-spread test anxiety across Texas, that both imparted fear on children and their parents, teachers and their administrators, but also served as a political rallying point for the movement for multiple criteria. I argue that the panic generated from statistics on testing allowed for teachers and administrators to target students of color as "at risk" of failure and render them invisible through the policy of "pushing-out."

Statistical discourse on testing not only objectifies students as things, but, through provides the conditions for the commodification of knowledge, as testing corporations profit, such as NCS Pearson, in the millions from testing. By incorporating students, teachers, administrators, state agency workers, and even school communities within a system of competition, the state of Texas has not only shielded the testing system from criticism, but also created a rewards-sanctions system that only supports the profitability of testing. I claim that statistics are key to the profitability of testing because within the postmodern informational economy, statistics provide a means for commodifying (objectifying, in a Marxist sense) social facts. The profitability of testing and data-processing companies is accompanied by the neoliberal imperative to privatize public functions, i.e. redistributing funds directed towards public services to private companies. While statistics historically became integral to the government with the development of the welfare state, neoliberals have recuperated statistical discourses that oppose social welfare, specifically Malthusianism and eugenic meritocracy, while emphasizing the need for economic efficiency through the statistical discourse of quality control. As Castel suggests, preventive policies tend to "dissolve" subjectivity by reducing individuals to statistical factors, but also intervening specialists, such as teachers, to mere "executants" while overemphasizing the role of administrator, creating opportunities, as Apple suggests, for the managerial middle class. Through this recuperation, neoliberal discourses delegitimize public schools as social welfare by reducing education to statistical factors, claiming to prove both the inefficiency of equitable district funding and the inevitability of "minority failure," but also devaluing teaching as "women's work."

Along with objectifying subjectivities and labor, statistical discourses objectify truth through a hegemonic struggle (over the production of truth). I argue that statistical materialism has historically been a key tool in establishing hegemony, by representing the collective or "national-popular" will and functioning as a popular religion or way of viewing the world. Statistical discourses have also been central in educating consent or as Woolf suggests "affirming consensus" and in constituting a tool of moral self-government and self-identification. In terms of testing, statistics, which Asad (1994) suggests is the modern language and politics of progress, are central to the construction of the concept of "minority failure." The statistical tools of *representativeness* via polls and sampling were central in constructing the idea of a "collective will" that TPERF claimed could be summarized as "Texans are saying 'Don't mess with testing.'" For TEA, the statistical tool of *standard error of measurement* was central in stabilizing the testing system in Texas, particularly guarding against challenges to the legitimacy and validity of both the new TAKS test and also the accountability system empowered that year to keep third graders from going on to the next grade. The validity of the testing system also depended on the statistical tool of correlation, which I suggest functions as ideological glue in that it constructs relationships between quantifiable entities, as well as commonsensically suggests a relationship of *cause*. The hegemony of statistical materialism can also be attributed to statistical subjectivity, and I show the expressions of statistical subjectivity by MALDEF, teachers, and even myself, as a mode of resistance, yet also question the extent to which the practice of statistical subjectivity supports a form of self-government that functions like symbolic violence.

In the last chapter, I describe the goal of the movement towards passing the multiple criteria bills: to oppose objectification through the collection of children's stories. I argue that this use of experience embodied a feminist politics, serving as tools of experientially deconstructing the statistical objectification of students. I suggest in this chapter that the postmodern deconstruction of experience, particularly in Foucauldian discourse-analyses, in many ways echoes the very modes of power constituent of statistical objectification. The children's stories reveal the ways in which *extra-discursivity*, the silence of being "outside measure," serves as its own technique of power. The stories also reveal the ways in which statistical discourse aids in the denial of authorship and responsibility, particularly in the positioning of students by teachers and administrators in order to obtain a particular statistical output or discourse Third, the stories reveal the political necessity of arguing from a position of epistemic privilege, in terms of establishing the (largely parental) authority to both represent children in political arenas and re-present children's experiences in the context of the testing regimes (in which the hegemonic statistical "truth" varies from the children's experiential "truth"). This politics is not without contradictions, and I suggest that to a large extent in the Texas Legislature the "subaltern cannot speak."

At the conclusion of this project, I pose the very question to myself that I posed of other texts, what are the political implications of my project? This question can be interpreted in a variety of ways, and in this chapter, I address four different interpretations of what is meant by political implications. In one sense, the question asks what my project and theorization about statistics implies about the state of educational reform. Second, it asks what I am suggesting about the use of statistics in political and educational arenas. Third, what do I envision as the political effect or consequences of this project? Finally, what does my project imply about practicing anthropology as cultural critique and as activism and what are the kinds of effects on anthropology that I envision my work producing?

"What are you afraid of?" : Statistical objectification and the "progress" of education

House Public Education Committee Chairman: Isn't it fair to state that your position [is basically] the fear of the unknown?

> *Wayne Pierce of the Equity Center*: No, it's the fear of past experience. [Laughter][142]

Foucault (1988b) argues that one of the "traps" into which intellectuals are summoned or interpellated by "those who govern" is to assume a position of prophesying, of providing visions of the future upon being asked, "'Put yourselves in our place and tell us what you would do'" (52). For Foucault, this position is a trap because as "governed," intellectuals have limited (or are refused) access to knowledge. For Popkewitz (1999), intellectuals envisioning social change often reinforce the conception of individuals as governable objects amenable to (and malleable in terms of) social administration, which itself is viewed as a form of salvation, of producing individual freedom:

[142] This exchange occurred at the first meeting on February 4, 2003 on HB 604, the sunset of "Robin Hood." Wayne Pierce as representative of the Equity Center had teamed with MALDEF in the Edgewood case that spawned the establishment of the finance equity law.

> When we hear the rhetorical claims that research needs to be practical to help identify successful teaching, or, in a related variant, the writing of the last chapter of a book that outlines what needs to be done to bring the prophesies in existence, we need to recognize that acting as oracles and the prophesies are effects of power constructed by the joining of twin registers of administration and freedom that we associate with modernity (27).

Calling into question intellectuals' roles in governing—rather than a position as governed, as Foucault suggests—Popkewitz, much like Spivak (1988), also problematizes the notion of "empowerment" and giving "voice" underlining intellectuals' proposals for social change. In considering the political implications of my work, I position myself not as an oracle, elaborating the "unknown," but rather as an interpreter of the history of the present, afraid, like Wayne Pierce, of "past experiences." What I am afraid of[143] is that the testing regimes' method of statistical objectification—as a form of governance, commodification, and the hegemonic formation of truth—is, in the name of "progress," hardening or further sedimenting educational segregation.[144] This fear comes not from a dystopic prediction of the future or the unknown, but rather from past experiences and contradictions involved in methods of social reform. As Orfield (1996) warns of the resurgence of the *Plessy v. Ferguson* doctrine in present educational policy, the surge of the racially realigned Republican Party in the Second Post-Reconstruction Era (Marable 1991) echoes the period of Post-Reconstruction that witnessed state retrenchment of civil rights gains (DuBois 1962[1935]). While the ubiquity of statistical knowledge is made possible by post-World War advances in probability calculus and the

[143] It's interesting that the Committee continued to pose the question of "fear of the unknown" and "What are you afraid of?" in later meetings, particularly on the reincarnation of HB 604 in HB 5 and the voucher or "freedom scholarship bill" HB 2465.

[144] Here, as in Chapter 2, I see segregation as an intersection of race and class—not in terms of *either* racial segregation *or* class segregation, but a *both/and*.

late capitalist informational economy, Dickens' (1996[1907]) critique of statistics in *Hard Times* is nevertheless applicable today, at the same time as Malthusian and eugenic-meritocratic statistical discourses have resurfaced. The efforts after the *Brown* decision to evade desegregation also serve as cautionary tales, with the construction and subsequent deconstruction of the statistical concept of racial discrimination.

As I conjecture in Chapter 2, testing may very well be part of that process of evading desegregation. Further, the statistical objectification of "failures" and "successes," particularly within evaluative accountability systems has serious implications for segregation. In promotion of his school accountability act before the National Governor's Meeting in 1999, President Clinton described the content of his plan,

> It says that school districts accepting federal money must end social promotion, turn around or shut down failing schools, ensure teachers know the subjects they're teaching, have and enforce reasonable discipline codes, and empower parents with report cards to their schools.

While the proposals may sound appealing, closing down "failing" schools only masks the conditions which create that "failure." Threats of school closure in the name of efficiency mask and depersonalize the racial, political and material context in which those schools exist—as well as the ways in which private corporations benefit from this (production of) failure. School closures, like the pushing out of students of color as I have discussed in Chapters 3 and 4, reproduce the forms of marginalization, displacement, and erasure characteristic of U.S. racialization. This could be no clearer than for the residents of East Austin. In the 1970's as part of the desegregation court negotiations between the school board of Austin Independent School District and the Department of Health, Education, and Welfare, St.John's Elementary, Kealing Middle School, and Anderson High School were all closed in the name of achieving racial balance. However, as Wilson and Segall (2001) document, the loss of these schools, particularly Anderson High School, signaled the loss of a community center and a site of cultural history. As Jackson (1979) writes, the fact that there would be "no secondary school with a Black heritage" meant that the "cost of desegregation [was] too high in the Black community" (94, 97). School closure continues to haunt the Eastside. Since the 1990's, one of the high schools with the highest percentage of Black students in the district has been under the threat of closure due to its poor statistical output, its "low performing" status—its high dropout rate and low enrollment. After a "low performing," rating another Eastside high school with a large Black population lost its Liberal Arts Academy, a magnet established to redress segregation. The "achievement gap" on the Eastside prompted a group of Black community leaders to call for privatization and even secession of the Eastside from AISD. Some even viewed the rejection of these proposals by the Superintendent and school board as refusing to address the concerns of the Eastside. With the continued pressure from the No Child Left Behind Act for statistical production, in the form of the AYP (adequate yearly progress), the threat of school closures may reproduce the type of devastation experienced in East Austin and similar communities, for whom school closure means the loss of culturally historic community centers—particularly, when we historicize the movement for public education by ex-slaves in the pre- and post-Reconstruction era (DuBois 1962[1935] and Anderson 1988), and by internally-colonized U.S. Mexicans since the Treaty of Guadalupe Hidalgo (San Miguel and Valencia 1998). At the same time that "failing schools" are under the threat of closure, in the past Regular session, House Representatives sponsored bills to exempt schools achieving "exemplary status" from civil rights obligations, including HB 973.

My argument is that the statistical *objectification* of "progress" whether it be racial balance, closing the achievement "gap," accountability ratings (and their sanctions-rewards system), or adequate yearly progress measures is a constituent part of the process by which "minority failure" becomes "institutionally overdetermined" (McDermott 1997). As Desrosieres (1998) argues, statistical *objectification* is a process of "making *things that hold*" based on their predictability or probability (9) that renders manageable the social realm (10) in which the "solidity, durability, and space of validity" of objectified *things that hold* depends on the strength and "breadth of investment (in a general sense) that produced them" (11). I am suggesting here that we read accountability regimes in terms of the statistical objectification or *making hold* of "failure," based, first, on the predictability and probability that standardized testing reflects (or is highly correlated with) (parental) socioeconomic status (MacKenzie 1981: 43). Second, objectification is based on the differential[145] objectification of students and alienation of teachers in order to manage them. Third, objectification is based on the "possessive investment" (Lipsitz 1998) by the neo-liberal and neo-conservative historic bloc not only in segregation (as an expression of racial capitalism) but also in exploiting

[145] Here, I use *differential* in reference to the conception by Hardt and Negri (2000) of racism as a "strategy of differential inclusion" (). As I suggest in Chapter 3 and 4, while all students are objectified by the testing process, some students, particularly students of color are objectified as *invisible,* as *outside measure*.

the educational realm within the late-capitalist informational economy. Finally, the objectification operates to make hegemonic, i.e. to solidify, validate, and make durable, the truth of "failure"—particularly the inevitable failure of liberal reforms within the public school to correct racial inequality—and the "progress" instituted by the establishment of accountability systems. The statistical objectification or *making hold* of "minority failure" perpetuates the individualization of failure and success via a deficit-thinking model (Valencia 1997) of approaching educational reform that prevents critical analysis[146] of the ways in which closure and privatization of public schools harden segregation and devastate our communities.

"Measuring" Political Implications: Navigating the spaces "Beyond measure" and of Multiple Measures

In his discussion of the "political implications of knowledge," Kelley (2002) "worries" that young intellectuals tend to believe that their production of knowledge constitutes "'droppin' science' on the people [that] will generate new liberatory, social movements," when really it is the "social movements that generate new knowledge, new theories, new questions" (9). While Denzin (1997) argues that anthropologists as cultural critics have an "obligation to create a body of work that embodies a particular ontological, epistemological, and political vision of how things can be made better" (226), I agree with Kelley: it has really been the movement against the racial

[146] As Bourdieu and Passeron (1977) argue, technocratic, statistical conceptions of failure and educational "output" fail to provide a full understanding of "failure" and further preclude an "analysis of educational system's system of functions" (154).

discrimination caused by the testing system in Texas and for multiple measures or multiple criteria, rather than my work, that has provided (and will continue to provide) both a vision and a method for opposing the statistical objectification, which I describe here, caused by high-stakes testing.

Perhaps, by envisioning the opposition to testing as an opposition to statistical objectification (as the suppression of subjectivity, as the commodification of children's knowledge, and as the production of truths that secure the hegemony of the testing regime), I am suggesting a vision similar to that of Hardt and Negri (2000) of "beyond measure" (356-359). For Hardt and Negri, the "beyond measure" represents a "new place in the non-place," a construction of the value of labor in terms of "virtuality" and possibility, emerging from the "vitality of the productive context, the expression of labor as desire, and its capacities to constitute the biopolitical fabric of Empire from below" (357). "Beyond measure" represents a politics that neither accepts the West's "abhor[ration of] the immeasurable" (355), nor rests purely on the deconstruction of measure by privileging that which is "outside measure" ("the impossibility of power's calculating and ordering production at the global level") (357). Doesn't this "beyond measure" sound something like Gilroy's (2000) political call for a beyond race or "anti-race" politics, opposing race essentialism due to its inevitable fascistic potentialities, and supporting, rather, the construction of a diasporic, deterritorialized consciousness? Should I title this work *Against Statistical Discourse* in rearticulation of Gilroy's *Against Race?* It is my conclusion that neither position (against race or against statistics) recognizes the historic struggle for hegemony and the processes of rearticulation that preclude erasure of these discourses.

Gilroy's *Against Race* does not examine *statistics* as one of the primary tools for essentializing race, not only in terms of essentializing racial inferiority (see Gould 1996), but also in terms of providing a basis for "truth claims" in anti-racist politics, for example in the tradition of Ida B. Wells-Barnett. While many regard Wells-Barnett's *Red Record* (1991[1895]) as a politics of *naming* the injustice of lynching and the invisibility of racist violence through reporting the statistics on lynching, I see it as also calling into question the reality or truthfulness—as she says in the autobiography "to tell the truth freely" (Wells-Barnett 1970: 69-75)—of a statistical discourse that justified lynching as a protective force against the "dangerous" and "brutish" Black man, whose life could justifiably be taken due to his "nature" as a rapist. First, she recognizes that objectivity itself is denied to her and uses the statistics on lynching compiled by the Chicago Tribune, "in order to be safe from the charge of exaggeration" (1991[1895]:148). In her autobiography, Wells-Barnett (1970) remarks on the way that statistical reporting on lynching formed a type of symbolic violence,

> Like many another person who read of lynching in the South, I had accepted the idea that meant to be conveyed that though lynching was irregular and contrary to law and order, unreasoning anger over the terrible crime of rape led to the lynching; that perhaps the brute deserved death anyhow and the mob was justified in taking his life (64).

Wells-Barnett documents the cases of lynching to reveal not only the cases of wrongful accusations of rape, but also the nature of lynching as a tool of a broader racial violence used against both men *and* women. I see Wells-Barnett as using *statistical subjectivity*, at the same time critiquing both the politics of *measure*, that not only racializes Black men as rapists, but also serves as a form of self-government in which Black people accept this racialization; and also the politics of *outside measure*, that both inscribes invisibility onto the racial body and silences the centrality of violence to U.S. racism. As Urla (1993) suggests,

> In asking how quantifying techniques and discourses operate as technologies of power, we cannot assume that quantification is always a form of domination imposed upon an unwilling and silent populace. There is no doubt that statistical surveys have most often served various state interests. However,…minorities may also turn to statistics as a means of *contesting* state power and hegemonic constructions of social reality (837).

This contradiction and the problematic stance of "against" statistics (and race for that matter) were made clear to me by the politics of Ward Connerly, who recently argued that statistics on race inhibit a truly colorblind society (Murphy 2003). Connerly actually obtained 980,000 signatures to place a referendum on the California ballot prohibiting the collection of racially based statistical data, coincidentally, at the same time of the vote to recall then Governor Gray Davis. While the referendum failed,[147] it points out a contradiction: on the one hand, statistics are involved in a "politics of containment" (Collins 1998: 35), such as that used to objectify children in testing regimes; but on the other hand, there is an *alternative* politics of containment of which Ida B. Wells-Barnett was a part (or pioneer). That alternative politics uses statistical objectification of racism, i.e. (strategic) race essentialism—to *name* violence or discrimination—as an alternative form of surveillance, as a form of containing or

[147] See the exit poll conducted by Los Angeles Times (2003) showing the racial, geographic, gender, and party breakdown for the support of Connerly's Proposition 54 (along with the Recall vote).

governing those committing racist acts. It is the same alternative politics of containment that has produced this very study and other projects of "studying up." It is also the politics of using the state as a site of resistance, particularly when appealing to maintaining social welfare policies.[148] I consider the politics of constructing an alternative politics of containment as a *reappropriation* of statistical objectification. Hardt and Negri (2000) conceptualize *reappropriation* as "free access and control over knowledge, information, communication, and affects" and the "right to reappropriation is really the multitude's right to self-control and autonomous self-production" (407). Thus, unlike "beyond measure" that is a site "autonomous from any external regime of measure," the alternative politics of containment through statistical objectification—a politics that politicizes *measure* and *outside measure*—constitutes rather a reappropriation of the "regime of measure." In "Mathematics and the Struggle for Black Liberation," Anderson (1970) argues that math is essential to understanding the technological advances and politics of the 20th and 21st centuries. Math education, for Anderson, should be a broad community project, beginning with the "demystification" of math and a radical historiography of the origins of Mathematical concepts in pre-colonial "African, Arab, Indian, and Chinese civilizations" (22). For Anderson, "Understanding statistics is also vital because much of the current statistical analysis is interpreted by whites to further justify our 'need' for a colonial, oppressed existence" (26). For civil rights activist Bob Moses, math education through (Ella Baker's model of) community

[148] This is particularly true given Desrosieres' (2000) suggestion that the statistical concept of "unemployment" and "inequality" were developed largely in the context of Roosevelt's New Deal, becoming "commonplace in all Western countries after 1945" (199).

organizing, which he has done in the Algebra Project, is a central project for countering economic disenfranchisement (Moses and Cobb 2001).[149] In *How to Lie with Statistics,* Huff (1993[1954]) argues that "arbitrarily rejecting statistical methods makes no sense…That is like refusing to read because writers sometimes use words to hide facts and relationships rather than to reveal them"(121). Instead, he provides questions for interrogating the "truth" of particular statistical fact productions. I view the critique of statistical objectification and the outlining of the ways in which statistics are reappropriated as attempting to engage in work that King, Barnes-Wright, Gibson, Johnson, Lee, Lovelace, Turner, and Wheeler (2002) call the "third-shift" that, like the "graveyard shift,"

> …pulls together the work done by the earlier shifts throughout the day, and also prepares operations for the next day. Hence this shift often carries the responsibility for both 'breaking down' prior activities and production modes and 'setting up' the subsequent work activities for the day shift (404).

In the move against high-stakes testing, this reappropriation is encapsulated in the movement for *multiple measures* or *multiple criteria.*

Like Hardt and Negri's concept of "beyond measure," the movement for *multiple measures* seeks the radical and plural democratization[150] of regimes of knowledge. For

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[149] I refer here to DuBois term of "economic enfranchisement" because I think it expresses the sense in which Moses uses it. For DuBois, while freed Blacks were politically enfranchised, they never achieved "economic enfranchisement" or "economic emancipation" that would guarantee the "real end to slavery" (351). Moses ad Cobb write "What is central now is the need for economic access; the political process has been opened—there are no formal barriers to voting, for example—but economic access, taking advantage of new technologies and economic opportunity, demands as much effort as the political struggle required in the 1960's" (6). In this sense, "math literacy…is the key to the future of disenfranchised communities" (5).

[150] LaClau and Mouffe define radical and plural democracy as a "strategy of the construction of a new order" (189) that depends upon the "multiplication of political spaces and the preventing of the concentration of power in one point" (178); "the autonomization of the spheres of struggle"; and the "social appropriation of production" (178); the "construction of a new common sense" (182). I see these elements corresponding to Hardt and Negri's notion of "beyond measure" as a "constituent" versus deconstructive

LaClau and Mouffe (1985), radical and plural democracy is based on "the strategy of construction of a new order" that starts from the "negativity" of deconstruction (189), a strategy that articulates King, et al's conception of the third-shift.[151] While leaving open a critique of utopia, radical and plural democracy nevertheless must be constituted by a utopian, "radical imaginary" (190). It also rejects the idea that there is "*one* politics of the Left" (179), and articulates its political struggle through a "polyphony of voices" (191). As I discuss in Chapters 3 and 6, the multiple measures or multiple criteria movement began with the experiential deconstruction and refusals of objectification caused by the testing system. The politics of deconstruction, as I discuss in Chapter 2, served as a basis for constructing a new formation within the system, a reappropriation of the regime of

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power formed from the "multitude" within Empire (59) and "from below"(357); as possessing collectivity (405); community, cooperation, and "expansive commonality" (358); and "political autonomy" (407). There are differences between "beyond measure" and radical and plural democracy, such as the focus of Hardt and Negri on a "new city" and "global citizenship," whereas LaClau and Mouffe problematize the notion of citizenship and unitary subject (185), "society in general" (180) and "the totalitarian myth of the Ideal city" (190). LaClau and Mouffe differentiate *radical* and *plural* democracy from liberal-democracy, and I stress this distinction given Jameson's conception of postmodern capitalism as the "democratization of oppression that none can escape" (Sandoval 200:36) While both concepts are characterized as "non-place," neither concept—radical, plural democracy and beyond measure—projects an uncritical utopian project: where for LaClau and Mouffe utopianism fails to acknowledge diverse and various spaces (190), for Hardt and Negri, utopianism seeks an "outside" which is an impossibility in Empire and instead beyond measure comes from within and is material (46, 58, 65).

[151] Perhaps part of the "third shift" required in critiquing and producing statistics is to engage in mathematical education and literacy, instead of going "beyond" mathematics. In fact, Mathematics can be seen as both an expression of the virtual (Hardt and Negri's "beyond measure") and a practice of the third-space or third shift, which King, et al liken to "deep talk" which emphasizes the "generative" process in which "there may never be an answer, at least not one answer" (404). I spent the last year of my training as a mathematics major envisioning spaces representable only as amoebas, conjecturing about the contents and dimensions of those spaces, where numbers were themselves assumptions in need of definition. In my Topology class, my professor told us that he couldn't imagine why physicists tried to take these abstract mathematical spaces and apply them to real life. Perhaps this study could be critiqued as a "pure" mathematicians' objection to "applied" mathematics, since I even intended to obtain a doctoral degree in pure mathematics.

measure articulated through utopian visions of love and passion. The late U.S. Senator Paul Wellstone (D-Minnesota), sponsoring a bill for multiple measures, proclaimed that he was motivated by the fact that “education is my passion,” and he thanked his audience for their “love of children and… passion to do what is right” (Wellstone 2000). In Texas, a witness for multiple criteria ended her speech by thanking the committee for “letting me spew my passion.” Positions of support for multiple measures emphasize the productive capability of the multitude of students, (re)define education as desire and development of creativity and talent, and stress the importance of school communities in structuring educational goals. Wellstone (2000) described education as “a process of shaping the moral imagination, character, skills, and intellect of our children.” Multiple measures could counter the construction of children in terms of “deficits” and “limited promise,” in which “Children are measured by their score, not their potential, not their diverse talents, not the depth of their knowledge and not their character.” In support of the bill, the National Council of Teachers of Mathematics (NCTM) (2000) admonished high stakes tests for “not [being aligned with school and community goals,” while Kelly Burk (2000), speaking on behalf of the National Education Association, opposed the manner in which high-stakes testing “stifles creativity, impacts the ability of teachers to meet the unique needs of individual students, and provides an incomplete—and perhaps inaccurate—picture of students’ knowledge and skills.” As Valenzuela (2002) argues, instituting a policy of multiple measures is ethical, democratizes decision-making authority, expands the methods by which students can express their performance levels, and increases the validity and reliability of educational decisions without “opposing the state’s system of testing” (13-15).

Given this take on multiple measures, I see the expression of statistical subjectivity through statistical counter-discourse as a form of what Sandoval (2000) calls “meta-ideologization,” a “political activity that builds on old categories of meaning in order to transform them…into something else” (85). Statistical discourse as a “visualization technology” (Helmreich 1998: 101) is a way of factually objectifying, in the sense of Desrosieres, certain forms of objectification that are silenced and individualized and that, when meta-ideologized, can turn the gaze toward objectifying processes, such as racism. However, statistical counter-discourses as *discourses* also carry with them silences which can loosen their holds. One of those silences is the historical formation of statistics as a tool of governmentality. Wishing that large numbers of students would fail the TAKS in order to maintain statistical panic is one of the ways in which even an oppositional politics does not attend to this silence. In using statistics, we often operate within hegemonic modes of knowledge production, producing statistical discourses from sites of power. This is part of the contradictory position of being incorporated within the state, in which we simultaneously only reform the state, yet govern those acts which are racist, discriminatory, and unjust. However, using the science of the state (as well as reforms of the welfare state) does not automatically solve differentials in power created and maintained by the state (and I say this writing from the University). Second, the pedagogical functioning of statistical discourse, as a scientific discourse, silences and requires the invisibility of revolutions, disjunctions, and contradictions (see Kuhn 1996[1962]). Statistics are often *decontextualized* and users can report the best data in order to conjure a particular image, in order to perform statistical magic. Third, statistical counter-discourse often leaves unchallenged the "*socio-logos*" of race (Silva 2001) and the politics of progress embedded in statistics. We are then left reproducing the reduction of racism and realities of race and segregation to statistically objectifiable *difference* that ultimately produces a White "norm" as the universal signifier.

Thus, meta-ideologization through statistics must be accompanied by an explicit critique of statistics, the same type of practice as autoethnography (McClaurin 2001). The use of ethnography as cultural critique *is* a meta-ideologization of anthropology as an inherently colonizing and assimilating force, which in order to be a form of cultural critique now requires a *reflexivity* and explicit critique of its historical formation. Through the productive power of double consciousness, it is possible, then, for the ethnographic (re)production (or representation) of experience to be a powerful political tool against *statistical* objectification, a tool of experiential *deconstruction*—as was shown by the Representative's strategy. By recognizing the politics of experience, we engage in *democratics* or the appeal to and "centering of identity in the interest of egalitarian justice" (Sandoval 2000: 83). It is this appeal to a radical democratic vision of education that the movement for multiple criteria embodies.

However, experiential deconstruction must also attend to the politics of representation, as Spivak (1988) suggests, through not only the deconstruction of re-presentations, but also the material analysis of hegemony and (the formation of) the historic bloc that simulates and projects a "collective will" that supposedly represents Black and Latino/a collectivities, while reinforcing the production of male (administrative) heroes, such as Presidents, governors, superintendents, legislators. There must also be analysis of the reification of the politics of progress, a politics that not only allows for the use of testing statistics and drop-out rates to operate as a discourse network, but that also allows for students of color to become targets for state intervention, to become *desaparecidos* and *olvidados*.

These techniques (meta-ideologization, experiential deconstruction, democratics, and semiology or a sign-reading of representation) are exactly four of the techniques Sandoval (2000) calls the "methodology of the oppressed." Refusing to dismiss the use of statistics as *essentially* bad or narratives as *essentialist* is possible through *differential movement*, a form of "tactical subjectivity" (59) centering on a "both, and" epistemology, characteristic of US Third World feminists politics. This is what Ida B Wells-Barnett practiced in the *Red Record*, in which she not only collected statistics on lynchings, but also re-presented the stories of those lynchings to *experientially deconstruct* a particular (statistical) discourse of the justifiably lynchable black male rapist. Her project was an inherently political and very personal one, connected to a democratic ethos. Like DuBois, Wells-Barnett challenged the construction of a particular "truth," by political producing "truth," exactly what Foucault (1984a)—nearly fifty years later—calls the "constitut[ion] of a new politics of truth" (74). As Sandoval (2000) writes,

> The "truth" of differential social movement is composed of manifold positions for truth: these positions are ideological stands that are viewed as potential tactics drawn from a never-ending interventionary fund, the contents of which remobilizes power…The differential mode of social movement and consciousness

> depends on the practitioner's ability to read the current situation of power and self-consciously choosing and adopting the ideological stand best suited to push against its configurations, a survival skill well known to oppressed peoples. (60).

Thus, I do not support an anti-statistics stance that would only support Ward Connerly's vision for a world blind to racism. Instead, I envision a politics that would re-articulate or meta-ideologize statistical discourse within a *reflexive* statistical counter-discourse, necessarily accompanied by a recognition of the politics of experience. This first includes an ethnographic re-presentation of experiential narratives and accounts of experiential deconstruction (of statistical objectification). Second, it refuses (a desire for) alienation by reinserting authorship and attention to the issues of power inherent in being a re-presenter of social experience and reality, but also in assuming the political role as representative. By reappropriating the regime of measure and by de-mystifying and politicizing the formation of statistical knowledge, perhaps we can also reappropriate a sense of "accountability" that demands not only statistical *reflexivity* (a political recount), but also a narrative or ethnographic/qualitative "index" of public school reform, whereby democratic schooling on the one hand and the "democratization of oppression" (see Sandoval 2000: 73-74) and privatization on the other are disarticulated or disassociated. The very formation of the coalition in support of multiple criteria (and in opposition to the objectifying measures of high-stakes testing) suggests that all students are being objectified, and that the politics of experience, as a measuring of silence, may be the downfall of high-stakes testing.

Sister Inside/Outside of the confessional[152]: reflections on "ethical ambitions"

> Our vision was to penetrate the power structure. The situation of la raza has always been one of exclusion from government, not lack of willingness to participate. But participation only serves to legitimize the current public policy of that institution. One changes nothing fundamentally—one only makes minor reforms (180).
>
> - José Angel Gutiérrez (1998)

Just as Gutiérrez struggled with the extent to which reforming the state would constitute revolutionary change, so I struggle with the question of the extent to which

[152] Perhaps my self-reflectivity, both in this section and throughout the text, can be subjected to the critique of reflexivity in ethnographic accounts: that it engages in "ethnographic self-indulgence" (Bruner in Denzin 218) and simply constitutes a "confessional text" (see Denzin 221). Visweswaran (1994) as well as Caplan (1988/1989) and Wolfe (1992) [see Denzin 221] argue that these critiques tend to be deployed against feminist writings, while reflexive ethnographies by men tend to be characterized as "experimental," creating paradigms, genres, and "vital technique(s)" (Marcus and Cushman 1982 in Visweswaran). The use or deployment of the term *confession*[152] to describe feminist reflexivity is interesting given Foucault's conception of the confession as "the standard governing the production of the true discourse on sex." For Foucault, psychological and psychiatric sciences absorbed the confession into their discourse, through the institutionalization of the clinical oral examination; the interpretation of the telling of personal histories that could reveal hidden causes, which were largely, sex related; and the "medicalization of the effects of the confession," wherein confessions produced therapeutic and healing effects (65). In sum, Foucault writes when it comes to sex, "we tell its truth, it tells ours." Interestingly, the practices of orally examining and interpreting personal histories to reveal hidden truths are constitutive of the *ethnographic* project. Rosaldo (1976)suggests, "the prevailing anthropological view is as follows: place a tape-recorder in front of Mr. Non-literate Everyman and he will tell the 'real truth' about his life," and through ethnography we can elicit "a revelation of the dark and hidden depths of…intimate and private being[s]" (Behar 272). I consider feminist reflexivity to be a search or a call for ethical practices within ethnography/ anthropology that is both "confessional" and not confessional. As Foucault (1984)suggests, the confession, as a form of "asceticism,"—meaning a "self-forming activity," "practique de soi," which is "the means by which we can change ourselves to become ethical subjects" (354,5)—within Christian ethics, is a means for self-purification, a liberatory revealing of the hidden of the self, a means to an end. Visweswaran suggests that "first-person narratives…by women as part of an implicit critique of positivist assumptions and as a strategy of communication and self-discovery" (23). Thus, in one sense these texts do have a therapeutic and cleansing value for the ethnographer. However, the discomfort caused by feminist "confessional" texts within anthropology rests in their critique of the ethnographer-as-self, that "calling themselves into question" (31) simultaneously questioned the limitations of ethnographic understanding itself, thus precluding any confessional purification of anthropology. (see also Enslin 1994, Gordon 1993). As Sister Insider/Outsider (see Lorde 1984), I am both inside and outside the confessional, inside and outside anthropology. Being raised as a Black Catholic, I have a sense of ethics unquestionably shaped by (Western) Christian ethics, at the same time that I consider myself coming from a Black radical tradition deeply inspired by liberation theology (see Cook 1995) that focuses not only on self-critique, but also a "critique of the power of the Church" (Bell 2002: 80,81). These confessions of my "failures" to decolonize anthropology are admittedly a form of Christian asceticism, a therapeutic telling of the truth of my experience, yet also an admission of the painful experience of double consciousness, of the inability of my Black skin to shed the White Mask (Fanon 1967, Sandoval 2000) or to escape the oppressor within (Lorde 1984 and Smith 1998).

reforming anthropology by participating in efforts to reform the state can be revolutionary. I began with what Bell (2002) calls "ethical ambitions," envisioning my project as part of the Gramscian or Freirian project of producing knowledge for the sake of "consciouness-raising," *conscientização* (Foley 2002: 471), believing that charting statistical objectification as one method by which the Right is maintaining the hegemony of the testing regime can challenge the commonsense of that regime. Ultimately, I see my project as concurrent with that outlined for Critical Race Theory by Crenshaw, et al (1995): "to use the critical historical method to show that the contemporary structure of civil rights rhetoric…[is] a collection of strategies and discourses born out of and deployed in particular conflicts and negotiations"; and by doing so to take part in the process of creating a critical vocabulary with which to oppose racism (xvi, xxi, xxvii). For me, naming statistics as *discourses* embedded in cultural processes of negotiation and hegemony provides a vocabulary with which to critique neohereditarian (Herrnstein and Murray 1994, see also Valencia and Solórzano 1997) and cultural-determinist (D'Souza 1995) *statistical* arguments "proving" the existence of racial supremacy and inferiority. However, watching the proceedings, I recognized that this project may not be politically tenable, for instance, as a standpoint for testifying at a Public Education Committee hearing or in court because my valorization of the experiential deconstruction of testing statistical discourse could be rearticulated in such a way as to support the deconstruction of statistical proofs of racial discrimination. More importantly, my vocabulary may be untenable in political arenas such as public hearings because it targets an audience of scholars who already distinguish the Foucauldian notion of discourse from the use of *discourse* in the broader sense as public discussion or debate, and who are well-versed in Gramscian theories of hegemony. One of the questions to be answered in future research projects is mapping out the ways in which these theories are already integrated and could be integrated into a vocabulary useful in those political arenas.

I chose anthropology as “home-work” (Viswewaran 1994) and “studying up” (Nader 1972, Helmreich 1998) as a way of countering colonial relationships and the problematic of possessing more privilege than the subjects inherent in the ethnographic process. In terms of “de-colonizing anthropology,” I could not avoid the problematic of entering different cultures or escape those relationships of power that Behar (1993) calls the “webs of betrayal” constructed by ethnographers “seeking out intimacy and friendship with subjects on whose backs, ultimately, the books will be written upon which their productivity as scholars in the academic marketplace will be assessed” (297). First, observing committee meetings, I instantly became aware that the Legislature, with its rules, language, and culture, in many ways did not constitute a “home,” and I felt that I had not attained what Briggs (1986) calls “metacommunicative competence” (61-92). Not only did I not always speak and understand the culture of the Capitol, but my inability to speak or understand Spanish also attributed to a failure to attain metacommunicative competence within the meetings and the multiple criteria movement, for which I *was* called out. At many times I felt like *la vendida*[153]—a word I did know—hiding my true interest in studying statistics by suggesting that I was studying “power

[153] According to Anzaldua (1983), “I can write this and yet realize that many of us women of color who have strung degrees, credentials and published books around our necks like pearls that we hang onto for dear life are in danger of contributing to the invisibility of our sister-writers. ‘La Vendida,’ the sell-out” (167).

relationships" in the educational system, in large part, because I felt that my questioning of statistics could be considered detrimental to the tradition of people of color of using statistics in anti-racist politics.[154] Conducting ethnography did at many times feel to me as Trinh (1989) describes it, as spying or "legal voyeurism" (68,9), and I asked myself whether or not I would want someone watching me work, enabled to engage in "academic colonialism" (Marcus 1998[1994]: 188), assimilating and rearticulating my words into their theoretical formations. I felt that "studying up" does *not* resolve the problem of writing on the backs of those with whom ethnographers establish close relationships, an issue with which Gusterson (1996: 151, 167) also dealt in his ethnography of a weapons lab, as he was caught in between the intimate relationships established with lab employees, but also observing the anti-nuclear weapons activism. My notebook(s) often felt as the dividing line between insider and outsider, as one person at the rally thought I was a news reporter although I wore the Texans for Quality Assessment t-shirt. I feel as did Behar (1993: 302): that in me there is no heroine. I questioned my own position in and impact on the movement, particularly since I hesitated to speak formally and did not do all that I could to testify at the committee hearing on the multiple criteria bills. Unlike ideal activist anthropology, I chose this topic without consulting activists or organizations, without obtaining their stamp of validity, and without even discussing my interpretations with them. Instead I searched for an "open

[154] For this political reason, I expanded my vision to include Urla's concept of "statistical subjectivity," but also to suggest that the challenge of statistics was neither new nor originated in my research. However, if DuBois found himself rearticulated by Southern lawyers fighting desegregation (Kluger 1975: 546), then I must accept that by the very act of writing our work enters into a charged political field and is always susceptible to critique and rearticulation—particularly, we people of color who are at once hypervisible and invisible (Lorde 1984: 42).

problem,"[155] and assimilated my politics and the movement of others into that problem. As I come to the conclusion, I must be accountable to community politics, but also produce academically "rigorous" and "valid" work—at the same time that communities are "imagined," and "rigor" and "validity" are positivist social constructions. Some questions for further research that I might investigate are the following: how does the community with which I worked in this project view my conclusions about testing and multiple criteria?; what is their critique of my work?; and what projects do they view as necessary research in the movement against the harmful effects of testing?

In some sense this project could be viewed as "failure" (Visweswaran 1994) in terms of its limited utility in political arenas such as public hearings and because of its inability to "decolonize" anthropology or achieve truly dialogical activist anthropological research. At the same time, the movement for multiple criteria also "failed" to transform the testing regime through the legislative process in the 77th and 78th Regular sessions. However, as Bell (2002) writes:

> I do not believe that earlier attempts to combat social injustices were failures, even if they did not realize their goals, or once achieved, proved of only temporary value. I say so harking back to our discussion of faith and remembering this: If our goal is greater than ourselves, our own comfort or gain, and we continue to strive for it, then as feminist leaders proclaimed, failure becomes impossible (164).

For Bell, "failure" not only teaches activists lessons on the necessity of humility and self-critique, but also leads to the realization that activism is a continuing process, not simply a question of winning and losing. In a symposium I attended, "Latinos and Educational

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[155] In Mathematics, research depends on finding an "open problem," one that no one else has solved. I found that by going to social science, I could not avoid the pressure to find an "open problem" or "nuance" in the field.

Equity" held by the Center for Mexican American Studies on January 26th, 2001, a heated debated on the Texas testing system and the GI Forum case ensued between the leading MALDEF attorney, and a key expert for the Texas Education Agency, who had worked with MALDEF before and had been honored by the Journal of Black Issues in Higher Education. To my recollection, the debate began with the question on why TEA should not place a moratorium on the testing system until the problems of racial and economic inequality could be resolved. "Who won?!" exploded into the air out of the mouth of the TEA expert, intended to imply that Justice determined the right(eous)ness of the testing system. However, its deployment upon the mostly Mexican American audience for me seemed ironic and (unintentionally) insensitive, symptomatic of racialization and the forms of erasure upon which tales of American victory and Justice are written (see Montejano 1986, San Miguel and Valencia 1998). Speaking to women of color, Míranda (2002) tells us,

> …the *erasure* of aboriginal literature defines *you*. You are constituted by erasure; you negotiate not just your own histories and oppression, but a huge national fantasy on which those histories and oppressions rest, a fantasy that surrounds you in every detail of your daily life (201).

In a quintessential United States fashion, the question of "Who won?" belies the presence of an "oppositional culture" within institutions (Willis 1981) and the functioning of state processes such as litigation and the bill process "cooling-out" processes (Clark 1961) to resolve contradictions within the state.[156] It was the movement that taught me the

[156] As I learned for the first time over the session, the Committee Chair makes the decision as to which bills come before the committee. While the notion of a public committee hearing makes the process appear "democratic," the selection of bills seemed totalitarian in my view. Not only were the Representative's bills not heard until late into the session, the hearings were scheduled on a day in which House proceedings extended beyond midnight. Further, committee deliberations and voting could take place on the House

meaning of the ethics of “evolving faith” (Bell 2002:75-93), “middle voice” (Sandoval 2000: 154-157), the “sojourner” (Collins 1998: 231), the “subject-in-process” (Visweswaran 1994: 62). At a conference sponsored by Dr. Valenzuela, held during the 78th Regular session, a representative of the Texas PTA, who worked closely with the Representative on her bill, said to the audience, “Don’t tell the Representative I said this, but these bills won’t pass.” However, fully aware of the potential that the bill would not pass, the Representative never stopped fighting for the bills. In fact, at the prospect of the bills not passing, one of the women in the Representative’s Office suggested that if the bills were not passed, maybe it was time for a boycott. I learned from this experience that my project is not simply a work in progress[157], but a *work in process*, a process of *disordering*,[158] engaging in what Maya Angelou calls “deep talk,” that King, et al (2002), define as the following:

> …the ever-deepening spiral of revelation, truth telling, truth seeking, meaning making, and planning. There may never be an answer, at least no one answer. But the process itself is generative and leads to the discovery of new possibilities, of identity, voice, community, and action (404).

Epilogue: Situating the Non-Place

> Struggle is par for the course when our dreams go into action. But unless we have the space to imagine and a vision of what it means fully to realize our humanity, all the protests and demonstrations in the world won’t bring about our liberation.
> —Robin D. G. Kelley (2002: 198)

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floor, where the public was not permitted and often at times when not all committee members, particularly dissenting members, were present—as was the case with the passing of Rep. Grusendorf’s HB 2465, the “freedom scholarship” or voucher bill.

[157] See Chapter 5 for a critique of the notion of progress.

[158] As Pérez (1999) writes, “Our social psychological, and spiritual well-being continues to depend upon the discursive disordering of ‘power’s’ collectively imposed imaginings” (39).

Writing this is as much about self-transformation (Foucault 1988a: 14, Anzaldua 1983: 169), as it is about the ethical transformation of anthropology (Trinh 1989: 71)[159], as it is about the transformation of our educational system. Before working at the capitol, Sandoval's (2000) discussion of love did not appeal to me, as a woman feeling that "love" can hide abusive relationships. I tend to see utopia as a dangerous reflection of Western escapism that have supported the "spatial confinement of the native" (Mohanram 1999: 184), from the frontier dreams (Garza-Falcon 1998: 122) to the spatialization of race and class in segregation (Sugrue1996); to the "colorblind bind" occurring in the rearticulation of the racial equality arguments of Thurgood Marshall and the NAACP (Baker 1998: 208-228). However, the experience of working in the Capitol disrupted the postmodern pessimism or *dystopia* into which I descended, not only by working with the Representative, but also by working with the men, but particularly the women of the movement. I cannot truly conclude this study without the following story about the ethic of love (Collins 1998: 200). I had begun falling into a slight depression in the Capitol, developing chest pains not only from the stress that looms in the Capitol air and division of labor, but also from watching the process and the bills being passed—in the broader context of the War on Iraq, which I believed a travesty of justice. On an early

[159] For Scheper-Hughes (1995), "the ethical" is "precultural to the extent that our human existence as social beings presupposes the presence of the other" (419). However, responding to Scheper-Hughes, Ong questions this conception of "precultural," being "uncomfortable with her sense of political righteousness," asking "What are the political implications of an anthropologist's firm moral position in the face of the actual play of negotiation, contradiction, and interchange with other moralities?" (see Scheper-Hughes 1995: 429). By this critique Ong does not imply abandoning ethics; rather, she calls into question a type of "moralizing" that reproduces the ideology of Third-World "development" in need of salvation by the West, which is present in Scheper-Hughes' article. For Ong, "an ethical anthropology must be more aware of the local effects of geopolitics, transnational capitalism, and rescue anthropology" (430). Ong's concept of ethics is similar to Foucault's concept of ethical self-criticism that abandons the search for universality and authenticity in favor of historically investigating the constitution of (our)selves as subjects. (McNay 1992: 98)

April afternoon, we were on an errand to find the “women with the pink crosses,” in support of legislation to help the women of Juarez. We found the two women, one of whom was a Latina legislative aide, who talked to me at length about education, expressing her support of the multiple criteria bills because her daughter was a teacher in the South-side of San Antonio. She spoke of her daughter calling her in tears because of limited resources of the school and her inability due to testing to use innovative methods of teaching, “you know, like Jaime Escalante.” At the end of our conversation, she hesitates and says, “Let me give you a heart.” Pulling out a small, red heart, whose glassy contours resembled candy, she says to me, “Here is my heart because I love you. God bless you.” For nearly an hour, I clenched the heart in my fist, feeling as if she had read through my smiling face and found that my heart was breaking there in the Capitol,[160] but also feeling as if she had restored hope in the emptiness I felt surrounded me in the office without windows. For me, the gift supplied me with what Bell (2002) terms as the nourishing “energy of passion” (22-24, 32). At that moment, I understood Sandoval’s (2000) emphasis on love, desire-in-resistance, and her definition of love as revolutionary hope and faith (140). As Cherrie Moraga (1983) writes:

> But what I really want to write about is faith…I am not talking here about some lazy faith, where we resign ourselves to the tragic splittings in our lives with an upward turn of the hands or a vicious beating of our breasts. I am talking about believing that we have the power to actually transform our experience, change our lives, save our lives. Otherwise, why write this book? It is the faith of activists I am talking about (xviii).

[160] On the hearing for the Head Start bill 2210 in the U.S. House, Representative Maxine Waters descended to the podium after other Black and Latina/o Representatives presented the case opposing the privatization of funds for Head Start, and said, “This is breaking my heart.” (CSPAN, July 24, 2003).

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