



Espeland, W. N., & Sauder, M. (2016). *Engines of anxiety: Academic rankings, reputation, and accountability*. New York, NY: Russell Sage Foundation.

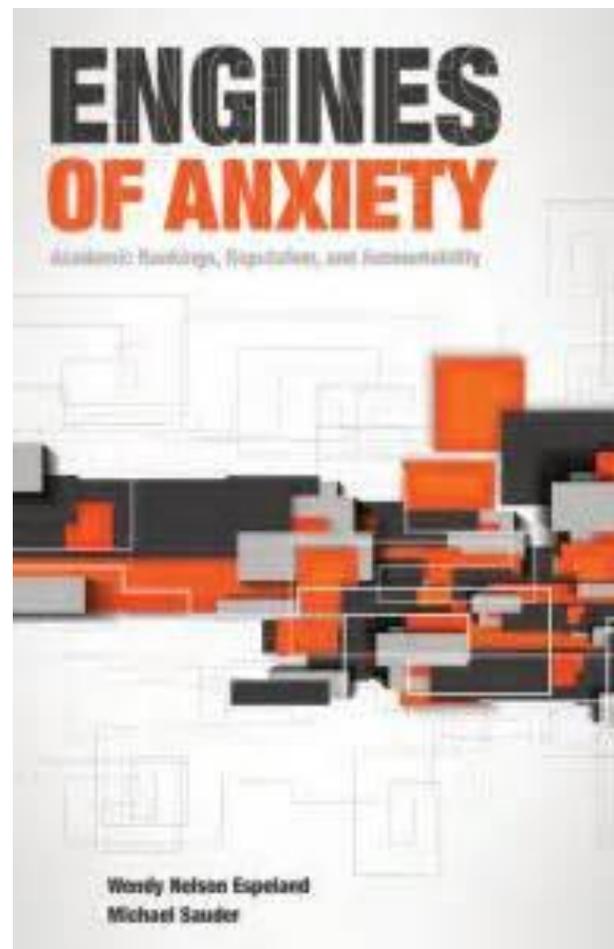
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We live in a world of rankings. We rank everything from sports teams to flavors of ice cream. However, rankings of educational institutions are some of the most popular and most influential rankings. A school's rank is a status symbol. Graduating from a top ranked school opens doors into the upper echelon of society, whereas affiliation with a lower ranked school can be a mar on your record forever. The public rely on these rankings and make many decisions based upon them. However, do we know what the rankings actually measure? Or, how valid and reliable they are? Or, what are the consequences, intended or unintended, of our reliance upon them?

In *Engines of anxiety: Academic rankings, reputation, and accountability*, Wendy Nelson Espeland and Michael Sauder (2016) address these questions by analyzing one discrete set of education rankings, the *U.S. News and World Report (USN)* law school rankings. Supported by various grants and fellowships, Espeland and Sauder, two sociologists at major research



institutions, delved into every nuanced aspect of the *USN* rankings of law schools from the metrics behind the rankings to their impact on everyone involved, even peripherally, with legal education.

Espeland and Sauder set forth three rather lofty goals in *Engines of anxiety*: an overall goal to more fully comprehend the “new culture of evaluation” (p. 3) through the in-depth study of the *USN* rankings of law schools; an empirical goal to detail the effects of the *USN* rankings on legal education; and a theoretical goal to gain awareness about quantitative evaluations and measurements generally and the effects they cause. Although readers may be cynical of such lofty goals, the authors deliver on their promises in this book.

Starting with a history of rankings generally, including an exploration of the use of numbers as a mode of measurement and the cultural significance of numbers, Espeland and Sauder document Americans’ “mania for rankings” (p. 13). The authors quickly turn to education rankings and specifically the *USN* rankings of law schools. In explaining their choice to focus on the *USN* rankings of law schools, they stated that these rankings differ from other education rankings because *USN* publicly ranks every law school, not just the top tier schools, as it does with other types of schools.

Espeland and Sauder explain that currently *USN* uses a two-tier system, wherein the top 75% of law schools are ranked and the other law schools (the remaining 25%) are placed in a second tier, listed alphabetically. However, they spend most of the book, discussing the former structure of the rankings, which included four tiers. In addition to the various tiers, the authors explain *USN*’s ranking methodology in detail, which includes four general categories, providing for the following weights in overall score: (1) reputation for 40%; (2) selectivity for 25%; (3) placement success for 20%; and (4) faculty resources for 15%. Further breaking down the

numbers, they explain that the reputation data is gathered from surveys sent to practitioners and academics and that the faculty resources measure includes expenditure per student (and financial aid), student-faculty ratio, and the number of volumes in the library. Espeland and Sauder do not seek to further explain or evaluate these categories, which they note have been addressed by others, who disagree on whether the categories reflect meaningful information to prospective students.

After briefly outlining the metrics behind the rankings, Espeland and Sauder explore why the rankings hold such power and pose the pragmatic question of “[h]ow did numbers published in a popular magazine, numbers that many considered illegitimate, come to have such an extensive impact on legal education?” (p. 38). The common answer, according to the authors, is that prospective students rely on and use the rankings. This use by prospective students has required law schools, legal employers, and the public generally to take notice of the rankings. However, not only did law schools, legal employers, and the public start to notice and pay attention to the rankings, they also started to use them, often to the detriment of many.

Illustrating how the rankings are used, one employer stated that “[i]ntelligence is signaled by the reputation of one’s school more than one’s grades” (p. 159). This sentiment is common where the main employment application-screening device used by top law firms is the rank of the applicant’s school, regardless of the applicant’s grades or other accomplishments. Even neutral, objective arbitrators of facts, federal judges, use the rankings when hiring their law clerks. Espeland and Sauder conclude that the power of the rankings lies in how both insiders and outsiders to legal education make sense of legal education and highlights their general observation that there is an unquestioning acceptance and use of numbers and their validity.

An interesting twist explored by the authors is how law school faculty and administrators bemoan and yet use rankings themselves with “more than a whiff of hypocrisy” (p. 70). Faculty and administrators rank students using LSAT scores and grading curves. Additionally, they hire new faculty using the same *USN* rankings that they detest, only hiring faculty who graduated from first tier schools.

In addition to documenting the pervasive use of the *USN* rankings, Espeland and Sauder explore the effects caused by the rankings, which include identity issues and the gaming of the numbers. They describe the identity crisis felt by law students, alumni, faculty members, and administrators, who find it hard to separate their personal identity from the rank of their school. Institutions also suffer from this identity crisis because they are penalized for not following the elite model, the research institution model. Therefore, law schools, which are mission driven and possibly not fitting the mold of a research institution, must make hard choices between their identities and the rankings.

Another side effect is the gaming of the numbers, making law school administrators and deans do anything to stay afloat in the rankings. The authors describe how the most miniscule and meaningless differences in admission or employment statistics make a huge impact on the numbers. Some of the gaming techniques that the authors explain include the “poaching” of students through transfers to shuttling students into part-time programs to courting student applications just to deny them to improve their selectivity numbers. As one administrator noted, “[y]ou feel a conflict between the perception of what’s best for the student and [what’s best] for the numbers, and ideally both of those things will coincide. But . . . that’s not necessarily the case” (p. 145).

In addition to objectively exploring their topic, Espeland and Sauder personalize

the effects of the rankings by including stories rife with anxiety and strife from prospective law students to deans to career service and admission professionals. For example, the authors tell the story of a career services professional, who had been fired the day before because the school where she worked dropped two spots in the rankings. With these insights and stories interspersed throughout the text, the authors provide an insider’s look at personality profiles and job descriptions of law school employees as well as the impact of the *USN* rankings on their positions. Espeland and Sauder spend a chapter focused on one position: the career services professionals. Many professionals entered this field having been unsatisfied in their own career placement following their graduation from law school. They truly wanted to help others find meaningful and rewarding legal employment and did so for a number of years by individually counseling students and maintaining contacts with prospective employers. However, the rankings changed that. Now, career service professionals spend large amounts of their time tending to the numbers of the rankings, specifically the student employment rate post-graduation. They tirelessly track down graduates to be able to compile these numbers, playing the role of private investigators rather than law school administrators. In addition to their roles changing, they are often the favorite scapegoats when the rankings drop.

The majority of the book delves into the rankings and their impacts on legal education; however, after thoroughly exploring the *USN* rankings of law schools, Espeland and Sauder take their findings to a larger audience by addressing other educational rankings, global and domestic. Drawing analogies to other educational fields, the authors conclude with recommendations that law schools can use to diffuse or counter the effects of the *USN* rankings. First, in lieu of the four categories utilized in the *USN* rankings (reputation, selectivity, placement

success, and faculty resources), the authors suggest using different categories that could highlight the various strengths of schools instead of having all law schools be defined so narrowly by the four *USN* categories. For example, alternative categories could include teaching expertise and innovation, mission-centered, or practice area expertise. Second, the authors suggest that law schools have rankings by different entities, like the multiple rankings available for business schools, instead of the monopoly of the *USN* rankings of law schools. Third, the authors recommend law schools boycott the rankings by refusing to submit data to the *USN* to use for its rankings, as dental schools have done.

All of these recommendations are reasonable in light of rankings used in other fields. However, as the authors continually note; law school rankings are different. The first two recommendations are completely outside of the control of those in legal education. Although law schools would welcome the use of different categories, which might highlight more meaningful information, like student learning or their specific missions or the use of different rankings, which do exist, until prospective law students stop using the *USN* rankings as their sole source of information, the situation is not likely to change. Therefore, law schools must exist and learn to survive within the current rankings environment. Additionally, the last recommendation of a boycott, as noted by the authors, is a hollow choice. If a school refuses to provide its information to *USN*, *USN* estimates the school's data, which likely results in a drop in the rankings. A drop in the rankings is not a chance schools are willing to take.

In the appendix, Espeland and Sauder explain their methodology in simple yet professional terms, justifying and explaining their choices. Their concept of using a qualitative study to focus on a quantitative measure is an interesting choice that captures the reader's attention and provides a life

behind the numbers. Additionally, the authors demonstrate an impressive triangulation of data sources. They interviewed over 200 law students and law school administrators, staff, and faculty and analyzed law school documents and statistics, historical artifacts, and on-line data.

In addition to the interesting data and conclusions, Espeland and Sauder display a flair of vocabulary and prose, from describing quantitative measures as having the "patina of objectivity" (p. 1) to analogizing rankings with interesting prose, "[l]ike Dad's ugly recliner, they are totemic objects stuffed with meanings and hard to dislodge" (p. 68). They also incorporate student lingo, such as "waitlisters" (p. 41) and "'TTT' the acronym for 'third tier toilet'" (p. 42). The prose flows effortlessly from a prospective law student's musings to the history of higher education to the advent of the neoliberal political movement in a mere three pages. The authors take on this dense and somewhat dry topic in a well-written prose that makes it accessible to educators and researchers, as well as the public.

Overall, the book is extremely comprehensive in its coverage. However, there are some issues that might warrant further consideration. For example, although Espeland and Sauder delve into the negative impacts of the rankings, they do not spend much time addressing what, if any, impact the rankings have on student learning, the main purpose of legal education. They also do not address the role that accreditation plays in evaluating the quality of education. Both of these topics could have added interesting insights into the purpose of legal education and the validity of the categories that the rankings rely upon.

In addition to these topics, the study's sampling techniques raise some questions. Although Espeland and Sauder interviewed over 200 individuals, they only interviewed 33 faculty members, who seemingly could have provided them with a wealth of insights, being

subject to the rankings in so many different ways, as current faculty, as prospective employees of law schools, and as law school alumni. Additionally, in identifying their population, the authors themselves demonstrate a bias towards the top tier law schools. When disclosing the make-up of their sample population, the authors chose to interview those in the first tier twice as often as those in the fourth tier, which may have resulted in a loss of valuable information as those in the fourth tier may have different reactions to the rankings, which may or may not mirror those in the upper tiers.

Although some topics and populations could have been included to provide more insights into the rankings, Espeland and Sauder did attempt to be more comprehensive by considering crime statistics and health care assessments when explaining how measurement can create unintended consequences. Understandably, the authors sought to be thorough, but these brief forays into criminal and health fields, completely unrelated to legal education or even education generally, do not add much substance to an otherwise self-contained educational study.

Aside from these minor critiques, the book accomplishes what the authors set out to do. The authors claim that “[c]losely scrutinizing how these numbers are created and used is necessary if we are to see the

subtle and often unnoticed ways in which ethical assumptions, claims, and outcomes are incorporated into them. Only if these assumptions are brought to light can we decide whether they are desirable and whether we support them” (p. 201). Espeland and Sauder have done just that in this comprehensive case study, which has not been done before. Although law reviews and journals are replete with articles by legal scholars about the rankings and their impact on legal education, this is the first in-depth qualitative study focusing on these rankings.

As the first of its kind, this book traverses the realm of legal scholarship and traditional research and will be of interest to those in legal education, higher education generally, and any field subject to rankings. As a law faculty member, I was impressed by the depth and insights that these two outsiders to legal education brought to one of the main driving forces in legal education. This book would also be of interest to those outside of legal education as it gives an inside look into the workings of legal education and an in-depth exploration of how rankings and evaluation effect changes in behavior and attitudes generally. The book was an interesting, insightful, and comprehensive look at a bizarre monopoly and its twisted effects on the ivory tower of legal education.

About the Reviewer

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