

NEW PERSPECTIVES

U.S. COMMISSION ON CIVIL RIGHTS SPRING 1985



**New York City: Aftermath of the Civil
Rights Revolution**
by Roger Starr

**What We Don't Know About Sex
Differences**
by Joseph Adelson

For Equity and Excellence
by Morris B. Abram

**Comparable Worth—An Interview with
Heidi Hartmann and June O'Neill**

Editorial

On the Feminist Critique

Controversial feminist topics are the subject of several articles in this issue of *New Perspectives*.

The civil rights revolution was based in large part on the belief that race *per se* could not explain any of the significant differences in ability or achievement among individuals. In equally large measure, the feminist movement of the 1970s was based on the assumption that gender, like race, could not account for recognizable differences between men and women. Those differences, they argued—whether in terms of education or careers—were either the product of discrimination or differential treatment by the authority figures and institutions of our society, such as parents, schools, or employers.

What has served, however, as doctrine for many feminists is still the subject of much confusion and speculation. As Joseph Adelson points out in his article, research has yet to yield any firm conclusions as to whether heredity or environment accounts for sex differences in mathematical precocity, much less for gender differences in morality, aggression, or career aspirations. Along similar lines, our interview with June O'Neill and Heidi Hartmann reveals that economists do not yet agree about the causes of the much heralded "wage gap" between men and women. According to Dr. Hartmann, the difference is largely attributable to either blatant discrimination or the influence of social forces that shape women's career choices. Dr. O'Neill argues, however, that freely determined personal choices, not societal coercion, determine women's decisions about families and careers.

Mary Tedeschi, in her review of Diane Patai's *The Orwell Mistique*, notes a 180 degree turn in radical feminist thought—from environmental determinism to biological determinism. According to Tedeschi, this new thinking posits biological differences so great that a belief in a single human nature is brought into question.

Theoretical differences aside, the feminist movement continues to press for the elimination of single-sex institutions, such as private men's clubs. In his wide-ranging article on civil rights developments in New York City, Roger Starr examines some of the assumptions underlying the assault on these all-male preserves.

These are the first of many articles *New Perspectives* will publish exploring the current state of feminism and examining the conventional thinking about sex discrimination in America.

M.G.

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New York City: **AFTERMATH** *of The Civil Rights Revolution*

by Roger Starr

America's civil rights revolution—and in particular the landmark legislation of the 1960's forbidding discrimination and mandating equality of opportunity—has enabled millions of minority group members to attain economic, political, and social goals which would have seemed wildly visionary just a few decades before.

In recent years, however, we have become increasingly aware of another legacy of the civil rights movement—and that is a sense of disappointment and frustration which has affected many black leaders and which appears to be rooted in the disillusionment that ensued from the unfulfilled, unrealistic expectation that civil rights legislation would produce not just equality of opportunity, but equality of results as well. As we should have expected, there are many problems for which a legal remedy offers only a partial solution, or no solution at all. Entangled as they are in a complex web of social and economic circumstances, some problems cannot, in fact, be resolved by legislative means. Further progress must instead be achieved through other routes—by encouraging individual efforts, stimulating group activities, or by forming new coalitions to sway public policy.

The impact on the civil rights agenda of unrealistic expectations from legislative solutions is especially significant in New York because that city has long played a vanguard role in the civil rights movement. Ideas and approaches were often first developed in New York and then imitated elsewhere. Therefore, it is of more than local interest to examine how the black leadership in New York has dealt with unrealized expectations from purely legislative solutions to racial problems and how the choices those leaders have made have helped to shape the current direction of civil rights activism in that city.

A survey of some of the more prominent items on the civil rights agenda in New York reveals that leaders of the black and women's movements have turned to the courts and local legislatures for changes in the law and legal practices which they think

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will enable more of their constituencies to move forward. Unfortunately, this approach ends up not only *not* solving problems but, in some cases, distorting legal principles and the traditional values and objectives of the civil rights movement.

Thus, one of the most interesting movements for change in New York, led by the local offices of the NAACP, was an effort to stop, rather than promote, racial integration in a large middle class, privately owned, governmentally subsidized housing project: Starrett City.

After many years in which the goal of minority group advocates was the development of racially integrated housing, the local branch of the NAACP went to court in New York to oppose the efforts of Starrett City's management to ensure exactly that. The Starrett City policy was endorsed by a firm majority of its residents, both black and white. The cornerstone of the policy was a principle that minority groups have accepted without hesitation in recent years, namely that purely color-blind policy would not be sufficient to ensure residential integration. Given that there was no shortage of well-qualified applicants for apartments in the 5,500 unit complex in a semi-suburban section of the city near the shores of Jamaica Bay, it seemed clear that only a token number of whites would live in the development unless they felt the percentage of blacks was to be less than overwhelming.

The Starrett management rented its first few apartments to whites. It then deliberately limited the number of minority families given apartments to approximately 30 percent of the total units. That category includes other ethnically or racially distinguishable minority groups like Hispanics and Asians. Since minority families tended to be larger than white families, the actual number of individual whites in Starrett City is little more than 50 percent, not markedly different from the percentage of whites in the general population. That, after all, would seem

totally consistent with the racial distribution of the general population in New York City, and thus with the goal, long dreamed of, of racially integrated housing.

That numerical congruity, however, leaves at least one count on which the Starrett City integration program causes discomfort to many advocates of integrated housing. That is, the program is not itself color-blind. A number of black families were refused admission to Starrett City simply because of their race. It may also be the case that a number of white families or other minority families were also refused admission on the grounds of race because, at the time they made application, their presence would have endangered the integration formula. Many people, including the present writer, find that the policy of refusing admission to any prospective tenant on the basis of race is troubling and distasteful. But, of course, the NAACP supports the exclusion of some job applicants and the inclusion of others on the basis of race to meet quotas or guidelines in the field of education and employment.

If any quota or guideline to achieve a benign purpose is acceptable, it should surely be acceptable more readily in housing developments than in employment or education. There are no special qualifications for admission to housing other than ability to pay the rent with a reasonable fraction of one's income, a record of acceptable housekeeping, and of meeting one's fiscal responsibilities.

Achieving racial integration as a living pattern is, by itself, a significant goal for the whole housing effort. In employment or education there are measurable differences in qualification by natural talent or education. The purpose of both employment and education is not simply that of achieving racial integration, but of assigning people to the task they are likely to perform most effectively. That the NAACP chose to challenge both the goal of housing integration and strategies for achieving it that their

officials and members had at least tacitly supported over the years hints at a serious change in perspective. It seems to indicate that racial integration is no longer the significant goal that it has been in the housing field, where it had seemed to be the key to integrated schools and other community-based institutions. Instead, the institution of the suit suggested that the NAACP had replaced integration in housing with the goal of achieving the maximum number of units for black occupancy, and that whether the blacks were to live separately from whites and other minorities, or together with them, was no longer a matter of supreme interest.

The institution of the [Starrett City] suit suggested that the NAACP had replaced integration in housing with the goal of achieving the maximum number of units for black occupancy...

The disposition of the case by settlement has not been ratified by the courts. The settlement accepted by both parties permits Starrett's management to continue its integrationist policies, and imposes on the New York State Division of Housing and Community Renewal the obligation to use its best efforts to raise to 20 percent the black occupancy of other housing projects of which it is the supervising agency. An initiative by the U.S. Department of Justice to intervene in the case after the settlement, on the grounds that a color-conscious housing policy, however benign in intent, is suspect under the relevant laws, appears to be the reason for the delay in ratifying the settlement. Curiously, the Justice Department refused to intervene at an earlier stage when its participation was requested by Starrett.

The general subject of relations between the police and black civilians is currently an extremely emotional issue in New York City. In June, 1983, a delegation of black citizens, described as "community leaders," visited the Subcommittee on Criminal Justice of the House of Representatives. The delegation complained both of mistreatment of black civilians by the city police force and "hazing" with strong overtones of racism of black police officers by white members of the force. To investigate the extent of the alleged abuses, which, if true, would suggest a dangerous breakdown in the morale and performance of the police, the subcommittee held a hearing in September, 1983. Testimony of incivility, violence, abuse, and apparent racial prejudice was heard. Mayor Koch refused to testify because he objected to the site of the hearings in a Harlem armory and promised to attend a subsequent hearing at another location, which he did.

The subcommittee heard allegations of misconduct the victims of which were individual black police officers and civilians. In addition, charges were made by the Guardians Association, a protective association of black New York City police officers, that the number of blacks on the force was inadequate. There was

testimony to the effect that although 4,000 blacks sought to join the force in 1979, only 318 passed the background checks and the departmental tests and were actually appointed. The absence of the Mayor and all other high city officials during the September hearing made it inevitable that allegations were allowed to stand without challenge or corroboration, while the printed report of the subcommittee (issued in October 1984), contains phrases that suggest that it tended to believe the basic charges made. Thus, the report discusses complaints by five black police officers (minority officers actually numbered 11 percent of the force, or about 2,700 at the time, a number that now stands at 4,100 or 17 percent) in these words: "The testimony, whether wholly or only partially factual, speaks of a disturbing degree of hostility within the N.Y.P.D., the Housing Police, and Transit Police which would seem to be racially based." Even if "wholly factual," the testimony would seem only to support the theory that five black officers out of 2,700 blacks and Hispanics complained of "disturbing" hostility by their fellows.

In all, 108 cases of misconduct were cited as a result of the hearing. The city police department eliminated cases involving white complainants or black officers, and cases that had occurred five or more years before the hearing. The remaining 52 cases were reported in detail. The police described most incidents very differently from the way in which complainants described them, leaving the subcommittee to comment that there was a "serious breakdown in communications" between the citizens and the Civilian Complaint Review Board.

The case that played an important part in stimulating the subcommittee's interest in New York's police-civilian relations involved a charge by a Reverend Lee Johnson that he had been beaten by police in Harlem, without any provocation on his part, because he had allegedly committed a minor traffic violation. The report states that when the District Attorney of New York County sought to investigate the matter, Rev. Johnson refused to appear before the Grand Jury, refused to be interviewed by any member of the District Attorney's staff and declined to reveal the whereabouts of the person who had been riding in the automobile with him and should have observed the incident. The comment by the subcommittee is interesting: "Apparently some New Yorkers trust none of the officers or agencies through which justice is meant to be protected."

Notwithstanding the somewhat inconclusive nature of the first hearing, and the rebuttals furnished by the mayor and other officials at the second hearing, in November, the subcommittee was clearly helpful in encouraging the police department to change some of the standing rules of the Civilian Complaint Review Board. Despite the name, the board is not composed of civilians; it hears "civilian complaints." Three members of the board are not police officers, but they are civilian officials of the police department. The board had previously refused to arrange a confrontation between complainants and the officers charged. It gave cursory, unsatisfactory reports of its disposition of cases

and seemed not to be interested in plumbing the matters brought to it. That has been changed.

The greatest change, in the view of the subcommittee, has been the appointment of the city's first black police commissioner. In commenting on Commissioner Benjamin Ward's appointment, the subcommittee reported: "Benjamin Ward set out to respond to some of the concerns voiced in the September and November hearings." And it even quotes the Rev. Lee Johnson as saying that he feels "there is a possibility of justice."

These glad tidings notwithstanding, routine police work in New York City still occasions difficult confrontations between police and people whom they apprehend or must take into custody. At this writing, the city has on its hands a number of serious complaints of mistreatment of minority group suspects by white officers, which are already in the hands of the district attorneys involved. The charges resulting from these confrontations can be settled only by formal hearings in court at which the rules of evidence govern testimony and an effort is made to keep communal or political overtones from affecting the proceedings. It certainly does not seem reasonable to assert that the criminal justice system of New York City overlooks systematic abuse of the rights of individual members of minority groups by officers of the law. But that does not mean, as the Mayor emphasizes, that the police department and other law enforcement agencies can weed out everyone, black or white, who at moments of crisis may respond to deeply hidden emotions, and use an unreasonable degree of deadly force.

All of this brings to the fore the need for intelligent, capable, well-trained police officers, particularly in the ranks above patrolman, and that, in turn, brings up a current court challenge to the examination for promotion to sergeant given on June 25, 1983. The test itself was the product of a protest upheld by the courts that a previous test for sergeant was not sufficiently job-related and discriminated against minority groups whose members passed in disproportionately small numbers. The outcome of the litigation on the challenged test was that the new 1983 test was prepared to meet the objections to the old one. The procedures for developing the new test, free of cultural or ethnic bias and directly related to the work of a police sergeant, were set forth in the resolution of the suit over the first test, and approved by the court in November, 1981.

Nearly 12,000 police officers took the new examination. Of them, 1,420 were black. Of the total number of officers taking it, a few more than 1,000 passed—approximately eight percent. Of the white officers who took the test, 10.6 percent passed. Of the black officers who took the test, only 1.6 percent passed. The Guardians Association challenged the test's validity and asked the court to overturn it and refuse to make promotions on the basis of the test ranking. The test was in two parts, one testing technical proficiency, worth about one-third of the whole value of the test, and one part for job samples—including movie recreations of police situations to which officers were required to respond—that counted for two-thirds of the score. It is hard to

think of a challenge to the validity of the test that would sound convincing to an impartial observer. A member of one organization that challenged the test said that while the test may have been fair, the result was not.

If a test as carefully prepared as this by acknowledged experts in the field of unbiased examinations can be condemned as unfair, it is hard to imagine that a "fair" test will also be fair to the black and white civilian population of New York City. They have a vital interest in a highly qualified and competent cadre of police sergeants. Even the House subcommittee that investigated the complaints of police misconduct in New York recognized the importance of proficient officers. The civil rights of all police officers certainly encompass the requirement that a promotion test be related to job performance and that it should be free of questions that require specific knowledge of cultural patterns that only part of the group taking the test can reasonably be expected to know. Beyond that, the theory that civil rights require that every group taking every test pass it within the limits of an acceptable statistical deviation is as absurd in the case of a police sergeants' examination as it is in the case of an Olympic track team.

Another curious turn in the fight for civil rights has been the challenge to the Board of Estimate of the city government. This has been mounted largely by the New York chapter of the American Civil Liberties Union. The Board of Estimate is a body of eight officials, all of whom serve *ex officio*. Three are elected by the voters of New York City as a whole, and each of those—the Mayor, the Comptroller, and the President of the City Council—has two votes on the Board. The president of each of the five boroughs that compose the city also sits *ex officio* on the board. The counties are disparate in size, Brooklyn having more than two million residents, and the Borough of Richmond much less than half a million. The ACLU challenge is based on the theory that each resident in Brooklyn (a very high percentage being minorities) is underrepresented.

The Board of Estimate is hardly a legislative body. Though it spends a brief amount of time each year in a hasty consideration of the budget, which, having been proposed by the Mayor and examined and presumably amended by the directly-elected City Council, must be ratified by the Board of Estimate with the Mayor abstaining. For the most part, the board is a singular kind of indirectly elected executive body, approving contracts, deciding on the location of public improvements, and ratifying certain actions of boards and bureaus that are part of the executive branch of municipal government. A major activity of the board is granting the public the right to express opinions, without the need to qualify oneself as an expert or taking the oath as a witness, on the matter under discussion. Generally, these matters consist of the distribution of the welcome and unwelcome necessities of municipal life. Such an unwelcome necessity might be a garbage treatment plant or, much though one might regret the realism of placing it in this category, the location of a low-rent

housing project. Desirable municipal necessities might include the construction of a new firehouse or police station or library. The notion that ruling the present Board of Estimate unconstitutional will give each individual Brooklyn voter a more significant voice in demanding welcome necessities and resisting unwelcome ones seems wholly far-fetched. The city-wide representatives automatically outvote the borough presidents, and would presumably continue to do so.

If locational decisions were truly to be affected by the vote of the residents in each borough, it seems that the least populous borough would get very few of the welcome necessities, and a great many of the unwelcome ones until, in good time, the little borough would secede from the city. The secession, if it were to take place, would be of dubious benefit to the residents of the most populous boroughs because it would remove entirely from the jurisdiction of the city its biggest reserve areas of vacant land, making location of new housing developments and other necessities within the new city boundaries increasingly difficult.

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An alternative outcome would be the removal of the decision-making process from the Board of Estimate and making it entirely a function of the Mayor's administration if, indeed, such a charter revision could be passed by the voters. If, instead of the present configuration, the courts would insist that each borough be represented on the Board of Estimate by a number of representatives proportional to that borough's population, the city-wide elected representatives would have to have an even more decisive majority of the votes on the board, because each of the three of them represent a constituency equal to the sum total of all the voters in all five boroughs. Instead of giving the Brooklyn voters more power, the maneuver would end up giving the city-wide representatives more power, a power in which the Brooklyn voters' wishes would be indistinguishable from those of the other four boroughs. No single borough has as many as half of the total population of the city, and so the present two-to-one ratio between the city-wide officials' votes and any borough presidents' votes would necessarily be higher.

That a civil liberties organization should be devoting itself to this reshaping of the city charter, based on no serious calculation of whether or not the present arrangement deprives any body of voters of the right to express themselves and whether or not the change will narrow the gap between the achievements of minority and majority groups in the city, is commentary enough on the lack of a serious agenda for civil rights in the city. The whole "one person, one vote" agitation, once the basic right to vote had been established, has not only been a needless waste of time,

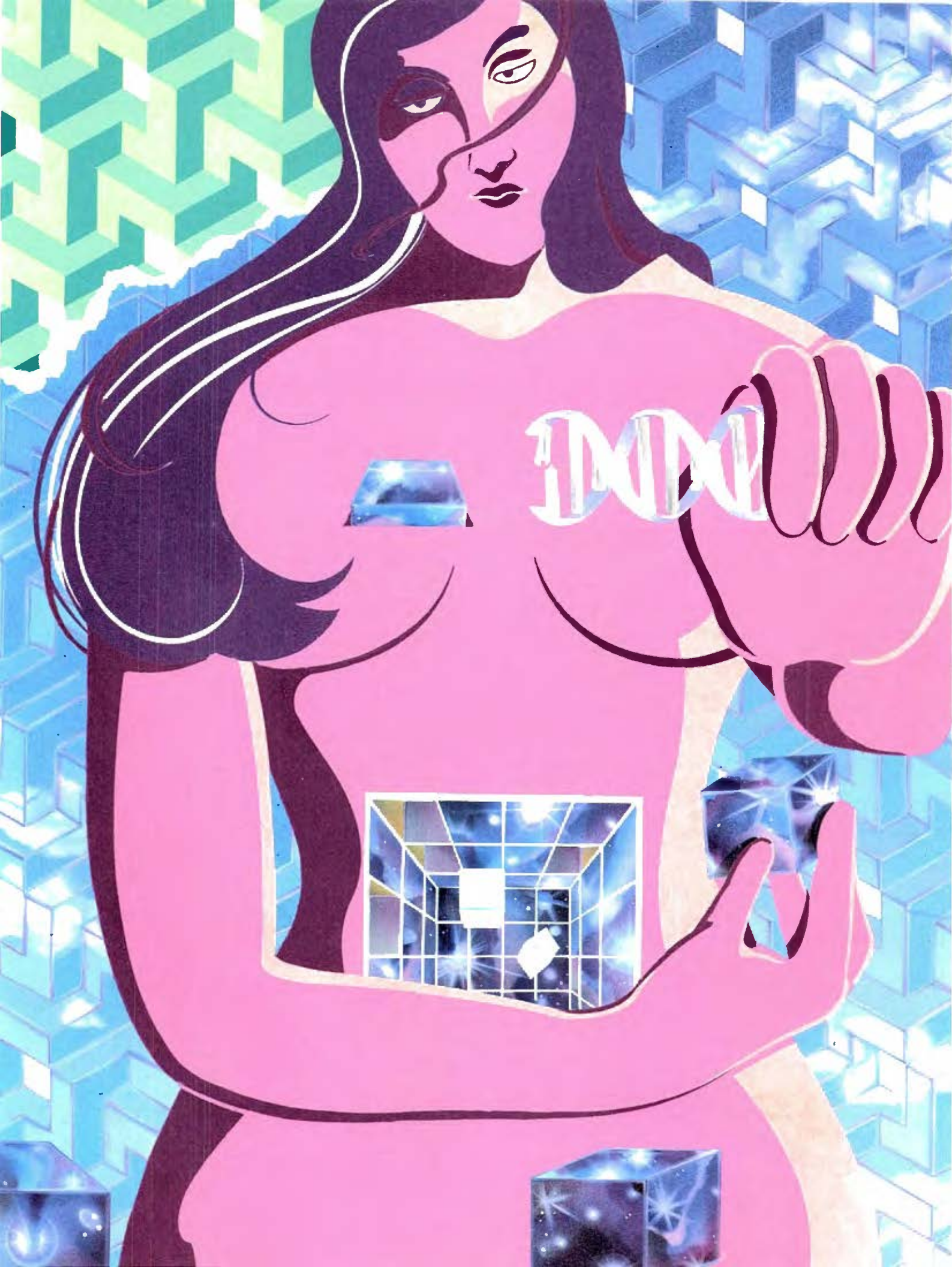
it has obscured the basic issue: minorities remain minorities. What they need is not an insistence on the power of the majority, but practice in the art of building coalitions so that they can become part of a coalition majority.

A final bit of trivia from New York City may be the appropriate way to close this brief survey. The city council, having been empowered to do so by the state legislature, has passed, and Mayor Koch has signed, Local Law 63 in 1984. This remarkable piece of legislation is intended to persuade men's clubs to admit women as full members by establishing a presumption that if any club has 400 members, serves meals, and allows members to rent private dining rooms in which non-guests may be invited to have meals, drinks, or other services "regularly," it is no longer a "distinctly" private club. Therefore, it becomes a place of public accommodation that may not refuse membership to people because of invidious discrimination.

New York has a number of distinguished clubs that confine their membership rolls to those of one or the other sex, but the measure, to judge by the testimony offered, applies primarily to men's clubs, many of which invite women guests to dinner, to private lunches, to special celebrations and concerts, art exhibitions, and other events. Those who support the legislation on substantive grounds (many accept it simply to return peace and quiet, or so they think, to their luncheon tables or libraries), argue that no matter what the stated purpose of a club, people do talk business in them, and that women's careers are blighted by their exclusion from membership.

Whatever the merits of that argument, and certainly it would be hard to demonstrate that the careers of male members of any men's club have benefited generally from their membership, it is clear that, as in the case of most civil liberties, the added freedom of joining is won only at the cost of someone else's loss of a right, in this case the right of free association. Requiring people to consent to the infringement of the latter right would surely be more acceptable as public policy if the benefit to the party now granted the new right of consideration for membership was concededly material. In the case of club membership, it is hard to imagine that opening a traditionally male or female club to both sexes as a matter of law has any other than a symbolic significance. And one must wonder whether the symbol is not more effective for militant feminists when it is allowed to wave freely, and men's clubs can be denounced with the plausible charge that if only I were allowed to join this club I would win the Pulitzer prize.

When one recollects the hard battles with which black people won the right to attend state-owned universities, to sit in the front of the bus, and to vote without having to parse the preamble of the Constitution, it is hard to avoid recognizing that the nation has reached the limits of effective new civil rights legislation. Continuing enforcement of present basic statutes remains vitally necessary. Civil rights do not make individual efforts unnecessary; they do make these efforts plausibly worthwhile. ☐



What We Don't Know About Sex DIFFERENCES

by Joseph Adelson

I can think of few activities more enervating emotionally than to survey the psychological literature on sex differences. I first did so about 15 years ago, soon after the birth of contemporary American feminism, and was taken aback by the gap between the actual, enfeebled state of our knowledge, and the dogmatic self-assertion of so much then being written on the topic.

Since that time, things both have and have not changed. What has changed is the sheer quantity of work done or in progress, a dearth having become a glut; what has not changed is our depth of understanding. The abundance of new data has produced no breakthroughs, no new insights, and few bases for changes of heart or mind. If you believed 15 years ago that sex differences, the important ones, were at bottom biological in origin, you would have no compelling reason to believe otherwise today. If you were a doctrinaire environmentalist then, you would still be so today. In either case, you could muster far more support for your position than previously, as in fact you could for all positions between the extremes. So one major reason to be dispirited is the strong sense one gets of a discipline merely treading water—it is depressing to read through dozens of laborious articles reporting minor variations on this or that empirical theme, to find that in the end they add up to little in the way of enhanced understanding.

To some considerable degree, these problems reflect a larger set of problems we find in social science generally: given a complex topic, it is extraordinarily difficult to obtain secure, non-trivial findings, and to articulate compelling or even heuristic theoretical models. The optimism we once had about the powers of social science, our belief that it would soon clarify and help resolve a wide range of social and psychological troubles—that optimism, so strongly felt in the 1950s and 1960s, now seems heady if not utopian.

Yet these generic problems are compounded, within the domain of sex differences research, by the tendentious intentions of so many investigators. It is not merely that so many seem drawn

to the topic because of an overweening personal interest; beyond that, we see a steady erosion of that necessary line between scientific disinterestedness and ideological purpose. It is not true in all cases, perhaps not even in most; but it is common enough to force a wariness upon the reader who can no longer assume that some tainting or tilting either of facts or interpretation, whether witting or unwitting, is an event either rare or guarded against. Indeed, some scholars in this area have become quite open about their intentions, proclaiming that their aim is to support their “values” through the medium of research. Many others are not quite so bold publicly, but will talk freely in private about what they expect their findings to demonstrate, and how it will lead to the betterment of humankind. Still others take to wearing two hats, playing the role of the objective scientist part of the time, and that of the activist while speaking to the press or in public appearances. In all of these instances we find a touching faith in the power of the scientific method to help keep one’s partisan passions at bay, a faith often misplaced. Yet in some cases, as we will see later, the belief in the scientific method itself has waned, there being the view that science is masculinist, thereby keeping us from larger and truer truths.

One would like to believe that so far not too much has been lost. The more carefully refereed journals, like *Psychology Bulletin*, are unlikely to print egregiously biased articles, and those journals remain the most prestigious. That is indeed comfort, but rather smaller than it may appear, since only a fraction of the total range of research is subjected to close scrutiny. Furthermore, neither trade nor textbooks are carefully refereed, from the point of view of scholarly balance, and these tend to receive favorable attention in both the scholarly and general press, as long as they follow current fashion. Still further, those books tend to be selected for use in college-level courses in women’s studies, many of which are exercises in political indoctrination. Thus we find texts which seem given over monotonically to complaints or rationalizations, all differences between the sexes, including those seemingly favorable to women, seen as connected to discrimination or to invidious forms of child-rearing. In one recent text, for example, the male advantage in spatial perception is seen as an outcome of girls’ being dissuaded from

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participation in sports, whereas the female advantage in verbal ability evokes the comment that despite this advantage, women are not allowed to use these gifts to the fullest.

The problem of bias has been exacerbated by the dubious positions taken by some of the scholarly associations, now given over to the propagation of liberal or leftist political causes. Much of the American Orthopsychiatric Association's annual program is devoted to agit-prop; issues on the feminist agenda are not given objective discussion. That division of the American Psychological Association presumably devoted to the study of feminine psychology has shown a quick and unseemly devolution from the sponsorship of research to the promotion of feminist causes, including some which do not, logically speaking, have much to do with feminism *per se*, such as the support of both male and female homosexuality. The sad fact is that it has become nearly impossible to tell the difference between a scholarly meeting and a political caucus, and what is worse, there seem to be few within the societies willing to complain, or even call attention to what would have been deemed, just a few years ago, a scandalous situation.

Hence, much of social science scholarship, rather than helping to solve these inherently difficult questions, participates in or contributes to the irresponsibility with which these issues are discussed in public discourse. A certain frivolousness in dealing even with simple facts is now so commonplace as to be nearly normative. Consider the straightforward question of differences in earnings between the sexes. One hears a great many assertions made on this matter, nearly all false or misleading. A moment's thought leads us to the understanding that wage differences are due to the fact that the two sexes usually do *not* do the same work or have the same history of continuity or seniority in the job, two factors being the major determinants of wages in the marketplace. Yet these facts have not prevented feminists from pointing to the "59 percent wage gap" as evidence of discrimination in the market, despite the fact that this statistic is based on gross comparisons between male and female incomes.

This essay concerns itself not with wage rates or labor economics, but with psychological sex differences, questions having to do with variations in ability, emotions, drives, personal traits, and the like. The reason I mention differential earnings is to provide a foretaste of the problems lying in wait. Money is one of the simplest variables we can imagine—it is tangible, quantifiable, morally neutral, and universally understood. The literature on sex differences typically deals with variables extraordinarily complex and elusive—such qualities as aggressiveness or dependency or moral outlook. Such qualities are intangible, difficult to quantify, morally controversial or ambiguous, and the source of considerable confusion and disagreement. In this area, questions which initially seem to be entirely straightforward soon turn out to be maddeningly tortuous, and teeming with nearly insoluble problems of measurement and interpretation. Consider whether men are more aggressive than women. One would certainly think so, on the basis of common observation, or such indices as the statistics on assault and disorderly conduct, or preferences in spectator sport. Yet when we approach the question analytically, matters do not seem at all straightforward. What do we mean by aggression? Do we mean physical violence or verbal abuse? Do we mean violence alone or such qualities as competitiveness or

assertiveness? And how do you measure them? These questions or others like them have come to dominate the literature on sex differences and aggressiveness, which has further evolved into a group of sub-literatures exploring and arguing about fairly narrow matters of research design and the like.

That is the inevitable evolution in all areas of research, and should not distress us. Yet one senses that on this topic the evolution is being guided not so much by a more-or-less disinterested wish to clarify the issues as by the wish to substitute a new set of stereotypes for the ones we already have in place. What we now find in the literature influenced by feminist doctrine is that aggressiveness-as-violence is thought to be a masculine quality, whereas aggressiveness-by-assertiveness is thought not to be differentiated by sex. One can make a plausible case for that construction; but then one can make equally plausible cases for a number of entirely different constructions. The state of the literature, here as elsewhere, is so jumbled as to allow the findings to be arranged and interpreted almost at will.

The sad fact is that it has become nearly impossible to tell the difference between a scholarly meeting and a political caucus...

The "gender and aggression" topic is more or less typical, neither the worst nor the best example of the problems involved in obtaining secure knowledge on difficult topics, and of the compounding of those problems when ideological passions are on the loose. It has seemed to me that any survey of the sex differences literature, prepared for a general audience, entirely misses the point, since an honest report of most topics within the domain would have to say something like: "This is the little that we know. The rest is speculation or pretense or wishful thinking. You do well to take it all with a grain of salt." It seems far more useful to look closely at a representative topic, to examine the state of the knowledge, to look at the controversies and why they exist, and in general to introduce the reader to a necessary skepticism.

Let us consider a fairly simple question—sex differences in mathematical ability—where the dependent variable is relatively easy to measure, where the differences between the sexes are well established, and where the major desideratum—an improvement in female achievement—is universally accepted. It is also a topic where we have had, again relatively speaking, an abundance of research, enough so that the conflicts and disagreements that have emerged cannot be written off as a result of our ignorance, as is so often the case in the sex differences literature.

Julian Stanley and Camille Benbow, psychologists at Johns Hopkins University, are our leading scholars in the study of mathematical precocity. For some years they have devoted themselves to the question of early mathematical achievement—how to recognize it, how to cultivate it, and beyond that, the lessons to be learned about the origins and nurturance of mathematical and scientific talent in general. They have been working for nearly 15 years to discover ways of identifying young talent and under-

standing its evolution: academic programs chosen, the effectiveness of acceleration and enrichment courses, the progress through high school, college, and early career.

From the beginning the emphasis has been on precocity itself, not on gender, but the fact of sex differences has become salient for two reasons: (1) it became evident that talented girls were far less likely to skip grades or take advanced classes, some indication of an absence of drive or encouragement or opportunity; (2) there were far fewer girls to be found at the very top in mathematical aptitude. Although on the whole boys and girls do not differ by a wide margin, there are astonishing differences at the highest levels of aptitude. In early adolescence, boys are represented ten or twelve times more often than girls at the highest levels of the test employed (and in the latest figures reported the ratio is 17:1). They feel that this is a datum of great social importance, since innovators in science and technology are drawn from the ranks of the highly talented, most of whom were precocious. For that reason, the modest advantage in boys generally may be of less importance socially than the extraordinary differences at the top. They have argued for a concentration on that particular gender gap, given the need to cultivate and recruit a scarce supply of the mathematically talented required in the generations ahead.

Benbow and Stanley were in a good position to make this point. They were not primarily students of gender, but of education; they had done more work on the question of mathematical talent than anyone else; and—no small matter—they were female and male, and hence were not easily accused of malice or invidiousness or sexism. Nevertheless, that accusation was made. Since some of the popular media in reporting their findings had raised the possibility of a genetic sex difference, it was argued that if mathematical aptitude were to be widely understood as genetic, it would act as a disincentive to girls, to their families, and to schools. Benbow and Stanley replied that first, they had done more to stimulate mathematical learning, in both boys and girls, than anyone else; second, that they had not themselves raised the issue of a “math gene,” third, their own view held that a mixture of exogenous and endogenous influences were involved.

So despite the bitterness between the adversaries, both agree—indeed, both aver—that there almost certainly is an interaction between nature and nurture. They also agree that the relative degree of influence cannot be measured with any precision, now or in the immediate future. They also agree that efforts at remediation could make a difference, and ought to be tried. In short, they agree that, speaking practically, one must be environmentalist, that is, if one is to improve the performance in girls one must concentrate upon “social reality.” And it is at this point that the truly difficult question appears, since it soon becomes evident that we have no clear idea what comprises that reality.

There are two major ways in which “environment” might influence mathematical performance: through socialization, the myriad ways in which the family and other institutions form the total personality; and through situation—the pressures, constraints, opportunities, and incentives of the here and now. When we look to socialization as the key, we must choose among a vast array of possibilities. Is the clue to be found in cognition—are boys and girls perhaps being encouraged to think differently,

boys being rewarded for logical as against expressive thought, or for playing number rather than word games? Might the differences have to do with the motivation each sex is permitted—girls, let us say, being forbidden competitiveness? The problem may lie in expectations—teachers, believing that girls cannot do well in mathematics, communicate these expectations to them, thereby inducing a self-fulfilling prophecy. Or it may be that girls and boys, looking at the occupational world they are about to enter, make commitments of effort and ambition based on an appraisal of the opportunities.

One gets a sense of the problem by looking at some of the variables just mentioned. Think how difficult it is to measure almost any aspect of the differential rearing of the sexes. The most economical way is some survey or interview of the parents, but that is fallible for obvious reasons—false memory, self-deception, the wish to say the right thing, and so on. Or one might spend a great deal of time, as anthropologists do, in the close and more-or-less constant observation of a small number of families; but the problems there have to do with the expense and effort required, and the limited samples available. Even so, there would be problems having to do with an unbiased assessment of the observations. Or one might have occasional meetings with a larger number of families. Whichever method we choose, we will be getting only a partial picture, since for a full account one would have to study families at different social levels, of different sizes, with different structures, and at different ages. Even then, one could not easily make the case that socialization, or any particular aspect of it, is genuinely influential in the development of a given talent. One might do so, if the results were decisively clear; but to my certain knowledge, that has never yet been the case in socialization research on any topic.

Looking at the situation as a source of influence presents its own formidable measurement problems. Thus, there has been some attempt to directly observe the interactions among youngsters, or between youngsters and significant adults, sometimes preserving more-or-less “true life” situations, but more often setting up controlled experimental situations and observing behavior within these. Reviewing the results of these experiments, we soon become aware that there are often no strong correlations among situations, or between experimental behavior and real life behavior, or between experimental behavior and various measures of traits or abilities. Furthermore, even the most carefully crafted laboratory experiment, one which finds stable differences between males and females, may not find those at different ages, or given different conditions (such as the tasks given), or when conducted by different experimenters (there being, it now appears, a tendency for both men and women researchers to emerge with findings favorable to their own genders).

Does this account exaggerate the complexities? If anything, it understates them. For example, the best current model of academic choice—itsself only one part of the larger question of talent and its training—provides for eleven *general* categories of variables, most of these subdivided, making more than twenty that would have to be defined, measured reliably, with the interrelationships plotted. Even so, it omits several variables which would seem to be necessary for an adequate picture.



Even when we achieve a plausible map of the variables we need to know about, we meet another problem far more serious than is generally recognized: the instability of findings from study to study. Seemingly straightforward relationships tend to lead to murky findings. It has been widely believed, for example, that mathematical talent has a great deal to do with spatial skills, but the evidence on that rather narrow, focused question turns out to produce no strong findings. "Thus it appears that the relation between spatial skills and mathematical achievement is not yet fully understood."¹ Needless to say, the uncertainties and confusions increase when we deal with more complex relationships. Even when we find what seems to be a clear set of correlations, it is not at all clear how we ought to construe the causal sequences. One example: most (though by no means all) studies show girls to be less confident of their math abilities, take fewer advanced courses in math, do more poorly, and have lower expectations directed toward them by parents and teachers. One plausible construction of these findings holds that the indifference to math achievement in girls (or the active discouragement of it) communicated by the culture through significant adults is the primary source of lowered achievement and loss of interest. Yet one could turn that on its head without doing any violence to the facts, arguing that girls on the threshold of adolescence, watching boys suddenly move ahead of them in math achievement, lose interest and put their energies elsewhere. I should say that I find the first construction somewhat more plausible than the second, but then again when we look closely at the findings in this area, we find that there are many plausibilities which turn out not to be true. One would certainly believe that there is an association between the amount of math done by parents and their children's attitudes toward math, and plans to enroll in courses; but there is not. Throughout the literature on this topic, we find the belief that parents and teachers expect less from girls in math; in fact, the better studies are unable to confirm that nearly universal expectation.

Another confounding element has to do with historical changes. When we deal with such variables as values, sex roles, socialization patterns, economic incentives, careers, and so on, we are dealing with matters which are highly vulnerable to changes, both real and symbolic, in the culture at large. Almost all of the literature I have surveyed on parental expectations for their children's schooling is over a decade old, and it is hard to believe that attitudes have not changed in that period of time, especially given the continuing increase of women in the work force.

Let us pause here to review what we know about sex differences and math ability. It amounts to very little. Boys and girls do not differ much until early adolescence, and even then the gap between them is not at all substantial, although the number of genuine prodigies is vastly disproportionate between boys and girls. We do not know why this is so, nor why pubescence is the apparent turning point. A biological explanation would seem to account parsimoniously for what is known, (it is my own preference, by the way) but so would an

entirely environmental explanation.

Once we get past these plain facts we find ourselves awash in findings, which add up to very little when examined closely. Does a child like math because he is good at it, or vice versa? Do math teachers pay more attention to boys because they are boys, or because they are better in math, or because they are believed to be better in math, or believed to be better when paid attention to? Here, as elsewhere, the findings we have can be read variously. They do not compel any specific model of how mathematical talent is evoked, or enhanced, or directed. An existing model is imposed upon the evidence, guides the interpretation of what is found, and directs the search for relationships as well as the search for new findings. Hence, research tends toward the confirmation of existing belief, and although the controls of science are meant to minimize that tendency, they do so only over the long run, and never easily or perfectly. Given strong beliefs and frail evidence, there is all the more temptation to employ a coercive model to order the evidence and to formulate its meanings.

It is discouraging to reflect that after so much work, we end up knowing little more than we would from common sense.

With respect to mathematical talent, the common belief has it that sex differences are a function of differential (and invidious) processes of socialization, initiated in the family, reinforced by later agents, such as the schools, the intent of which is to inhibit expectation, and aspiration, and ultimately performance in areas deemed to be "masculine" such as mathematics and science. If the socialization processes against math achievement in girls are so powerful, why do they not work in childhood, when presumably there is a greater malleability to adult pressure? Why are the data on parental pressures so weak and uneven? To return to the original Stanley-Benbow question, why are there such huge differences in talent at the top, and not elsewhere? If there is indeed a conspiracy to draw boys toward mathematics and girls away, what is the point of it? Presumably to keep women "powerless." If that is the case, why are they "permitted" to be better than men in verbal performance? It is the lawyers and memoir-writers who rule the world—ask any engineer.

It is discouraging to reflect that after so much work, we end up knowing little more than we would from common sense alone. Here, for example, is one of the conclusions of the most thorough review of this literature we now have: "Thus, if a girl likes math but feels that the amount of effort it will take to do well is not worthwhile because it decreases the time she will have available for more preferred activities. . . she will be less likely to continue taking math. Similarly, if a girl sex-types mathematics . . . as masculine and not in line with her own sex values, she will be less likely. . . to continue her mathematical studies, especially if she does not expect to do well."²

1. See Meece, J.L. et al. "Sex Differences in Math Achievement," *Psychological Bulletin*, 1982, 91 (2): 324-348.

2. Meece, J.L., et al. Op. cit.

Of course we know that already. Furthermore, there is nothing at all sex-specific about that conclusion, since it also might apply to boys. Boys who like math but feel that the effort to do well is not worth the time, if it cuts into, say, football practice, will tend not to take math courses. And boys who consider academic study to be unmanly, will be less likely to put any effort into school work, especially so if they do not expect to do well.

Much of the research...[gives] full credence to the idea that society is no more than a vast, coercive, relentless, and evil machine for the perpetuation of sexism...

The authors go on to argue that what counts is not so much reality as the youngster's perception of reality—an arguable proposition—hence, adults ought to “become more sensitive to their own attitudes toward mathematics and avoid perpetuating stereotypic views of math achievement and [quantitative] careers. . . as inappropriate for girls and women.” Yet if we look more closely at that very modest bit of advice, we see that it embodies an idea of human action itself quite arguable, to wit, that youngsters choosing a career are easily dissuaded from doing what they truly want to do, thus easily persuaded to do otherwise by enlightened adults. Why not assume instead that youngsters, both boys and girls, are on the whole rational consumers of careers, choosing through a calculus made up of opportunities, incentives, values, and talent? Why assume only benighted teachers and parents determined to grind down the young? We have, after all, seen during the past two decades some remarkable changes in the rise and fall, or fall and rise, of gender distribution in a number of occupations, especially such elite vocations as law and medicine. These changes took place because of other changes—economic, demographic, and legal—which in turn produced still other changes, in opportunities and incentives. Yet much of the research treats the labor market and other realities almost as epiphenomena, certainly as secondary, giving its full credence to the idea that society is no more than a vast, coercive, relentless, and evil machine for the perpetuation of sexism, so powerful that it must be countered by a vast and continuing propaganda campaign. That image of the American social order lies behind most of the research on gender and talent—inspiring the questions it deems important to ask, the answers it expects to find, and the interpretations it imposes on findings which, as we have seen, are invariably weak or equivocal.

Even so, the problems in literature on mathematical achievements are indeed minor when weighed against what we have in most other areas. What do we have where the variable is intrinsically complex or ambiguous, or difficult to define and assess? A good example is the current state of thought on the question of sex differences in morality. To begin with, there are a large number of disputes about what “morality” really is—whether it is behavior, or sentiment, or quality of thought. Beyond that, there are vastly complicated questions of how to approach each of these elements conceptually and empirically. The specific question most recent research has concentrated upon is whether men

or women have “higher” or “lower” levels of moral thinking. Depending on the instruments employed, one can demonstrate (a) that one sex or the other is higher or lower; (b) that there are no sex differences; (c) that there are differences, but only in quality or direction, not in degree; or (d) that there are qualitative differences which prove that either one sex or the other has a higher or lower level of moral maturity. The reader unwilling to believe this account of the state of the research is advised to study a recent issue of the scholarly journal *Social Research*, devoted entirely to the question of women and morality, containing a dozen or so contributions, all of them focusing on essentially the same body of information, yet differing so remarkably in approach and interpretation that the reader soon imagines he has come upon a Tower of Babel.

The serious reader, trying to keep up with what is going on in the social sciences, must rely upon the better newspapers, the weekly news magazines, or those publications devoted to reporting science for a general audience. So he will pick up the *New York Times* or *Newsweek*, or *Psychology Today*, or *Discover*, and therein learn about the breakthroughs, the recent findings, the new perspectives. The accounts given will likely be accurate, yet quite as likely misleading, in that they rarely capture the provisional, tentative, often ephemeral nature of the work reported. If you were to see the same studies discussed in a technical journal—let us say, the *Psychological Bulletin*—you would probably learn that for every finding in one direction, one can discover another in the opposite direction; or that earlier work has not been repeated, or is repeated only under very special conditions; or that an entire genre of research has proved to be false because of newly discovered methodological errors. And it is important to bear in mind that the “discrediting” of earlier work is by no means an occasional event; far more often than not, the secular trend is for prior work to prove insubstantial or incomplete.

In short, secure knowledge is extremely difficult to achieve in the social sciences. Minor variations in procedure can produce major variations in outcome. When findings accumulate in a domain, they are often such a mixture of yeas and nays and maybes that the scholar must order data through an interpretation others may find false or idiosyncratic. When findings are unclear or uninteresting, or when they conflict with current belief, the investigator will be too disheartened to write them up, or the journals will be unwilling to publish them. That is not conjecture: studies in several areas confirm that research which disconfirms the conventional wisdom of the field is less likely to find its way into print.

These are the ordinary hazards of doing and using social science. They can be overcome, but only in the long run, when there has been a considerable accumulation of work; we have in fact seen that take place in such areas as psychotherapy and education, but only when we have had hundreds of studies on a limited range of issues. That is not yet the case with respect to sex differences, where the quotidian difficulties of research are compounded by the strong ideological interests at work. On these topics, the prudent citizen ought not to believe what he reads, not fully, and those responsible for public policy should keep themselves fanatically skeptical when instructed on the latest lessons from social science. ♪

For Equity and Excellence

by Morris B. Abram

In Maryland's Prince George's County, black students sue the public school system, claiming discrimination because a higher proportion of black students than whites are being suspended from school. In Florida, a discrimination suit filed on behalf of high school students seeks to abolish a competency exam required for graduation because the failing group includes a disproportionate number of blacks. The Georgia Regents Test, a prerequisite for graduation from the state university system, is challenged by the U.S. Department of Education, again because the numbers show that a higher proportion of blacks than whites fail the test.

Some civil rights activists call for the eradication of standards whose application yields different passing numbers for blacks and whites. If more blacks than whites fail a test on Shakespeare or physics or auto mechanics, get rid of the test; if enforcement of a school's disciplinary code makes for more suspensions of blacks, throw out the code. The theory is that if you do not like the temperature reading, you simply break the thermometer.

Do those who would abolish educational standards that do not pass the black/white numbers test serve the true interests of blacks and the disadvantaged? Are the lawyers who are seeking to establish race-preferential precedent acting in accordance with the interests and wishes of those they purport to represent? Are educational standards and civil rights, excellence and equity, incompatible?

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These are questions of great importance to the fate of our educational system and especially to the fate of disadvantaged minorities. Discrimination is wrong and cannot be tolerated. But the mere fact that a higher proportion of whites than blacks pass a test does not make the test discriminatory; it may be that factors other than race account for the difference.

Unfortunately, special pleaders, mainly lawyers, have largely preempted the arena. These are lawyers removed from client control, listening not to parents, children and educators, but to each other. The civil rights movement has to a large extent become the captive of litigating attorneys, who face problems by focusing on their litigation potential and not on the best interests of their clients. Many courts have gone along. When a court, as in the Boston desegregation case, takes over a school system, those with educational expertise are no longer running the schools. And when schools become battlegrounds for lawyers, students pay the price.

Agreement is widespread that the American educational system is in trouble. In its 1983 report, *A Nation At Risk*, The National Commission on Excellence in Education concluded that nearly 40 percent of all 17-year-olds could not draw inferences from written materials; two-thirds could not solve a math problem requiring several steps. According to New York City Board of Education statistics, in 1983, 44.5 percent of students in the city were below their grade level in reading; 41.9 percent lagged behind in mathematics. Nearly one-fifth of New York's public school students were reading more than one year below their grade level. The figure was nearly the same in math achievement.

The National Assessment of Educational Progress reported that in 1975 only 58.4 percent of black 17-year-old students sampled were functionally literate, as opposed to 91.8 percent of white students. A 1980 Department of Defense basic test of reading skills among 18 to 23-year-olds showed that the average white performance was at nearly a tenth grade level, while the average black performance was three grade levels behind that.

Grades have always served as the traditional standard by which student performance is measured. But The National Commission on Excellence in Education found that while average student achievement had fallen and homework assignments had decreased, grades had actually risen. The Commission's findings show that grades have lost their meaning and can no longer be relied upon as accurate measures of academic achievement.

Now our schools are plagued by the practice of educational fraud: students are promoted without having learned, and diplomas are handed out for merely having put in time.

In addition to grades, advancement from grade to grade and the award of a diploma have traditionally measured student performance. Now our schools are plagued by the practice of educational fraud: students are promoted without having learned, and diplomas are handed out for merely having put in time.

Raising standards is the only reasonable response to this situation, and school systems have finally begun to do this. Despite the argument that all standards should be held hostage to racial proportions, common sense (in short supply over the past decade) tells us that one cannot educate without reliable measures of achievement. If a school is supposed to teach literacy, then without some test of who has learned to read and write, you cannot tell whether the school is doing its job and which students need additional help.

Moreover, standards largely determine what is learned. If children are not required to learn, chances are they won't. Standards then do not just measure progress; they tell children what the adult world requires of them. Anyone with a rudimentary knowledge of child psychology will tell you that without concrete goals and defined expectations, children will not learn up to their potential in school.

Academic competence is an issue for teachers as well as school children. In 1983, over three-fourths of the white applicants for teaching licenses who took the California Basic Educational Skills Test passed the exam; nearly three-fourths of the black applicants failed. It now seems that almost any effort aimed at improving the level of competence of teachers will show disproportionate numbers of blacks failing. The answer, of course, is

not to resign ourselves to low teacher standards, but rather to provide the extra preparation for those minority candidates who need it. In the meantime, as Berkeley's Bernard Gifford has noted, "to employ teachers who lack the most basic reading and math skills would be to cheat our children out of an education."¹

Disadvantaged minorities in particular should applaud schools that institute competency standards for both students and teachers. Why then are minority spokesmen not in the vanguard of the movement to raise educational standards—particularly since many of these spokesmen have in the past chastised public school teachers for having low expectations of black children? The answer, I think, lies in the fear that requiring excellence in education will at first spell failure for many blacks. The fear is undoubtedly justified, and the recognition of this discouraging fact has led a majority of black leaders to turn their backs on minimum standards of competency and sacrifice long-term interests to short-term ones.

Indeed, many of these leaders argue that imposing the same standards for both blacks and whites is discriminatory because blacks as a group have had less academic preparation and therefore do worse. Thus, abolishing the exam, or establishing a dual standard of achievement, is necessary in order to remove the present effects of past discrimination. This was the argument in *Debra P. v. Turlington*, a Florida challenge to competency testing in the public schools.

In that case, black high school students failed a basic skills pre-graduation exam in disproportionately high numbers. Since most of the plaintiffs had, prior to 1972, attended inferior segregated schools, the court concluded that "immediate use of the diploma sanction would punish black students for deficiencies created by the dual school system." The court accepted the plaintiffs' argument and enjoined the state for several years from using the exam as a prerequisite for the awarding of a diploma.

There is a shocking quality to the logic of the plaintiffs' argument in the *Debra P.* case. In the name of civil rights it resurrects the argument of the old white supremacists that blacks are not yet ready to be treated like all others. It defers raising the quality of education for black students, even though segregated education was outlawed because of its intrinsically inferior quality.

The claim that civil rights means engineering standards so that blacks as a group show a pass rate at least as high as whites is part and parcel of the claim that civil rights no longer means color-blind standards. In deciding *Brown v. Board of Education*, the Supreme Court finally renounced its earlier decision in *Plessy v. Ferguson* that racial segregation was consistent with the Constitution. Instead, in *Brown* the NAACP argued, and the Supreme Court agreed, that the Constitution was color-blind and segregation by race was illegal.

1. As quoted in William Raspberry, "Necessary Tests—for Teachers," *Washington Post*, January 30, 1985.

How did we get from *Brown's* rejection of differential treatment by race to today's insistence by many that *Brown* and the cases that followed demanded just that? Diane Ravitch, in her book *The Troubled Crusade* and in a recent *New Perspectives* article (See "The Ambiguous Legacy of *Brown*," *New Perspectives*, Summer 1984), has pointed to several reasons for this turnabout: the perceived need to find some mechanism to overcome southern white resistance to desegregation; the use of statistics in U.S. Office of Education guidelines to identify and penalize those school districts integrating too slowly; court invalidation of free-choice school assignment plans that failed to produce substantial integration; a growing frustration with the failure of color-blind policies to improve the condition of minorities; the charismatic emergence of a black power movement that advocated black self-interest; and the civil rights movement's need for a new agenda following the demise of legal segregation. These factors, together with the conclusion that group preferences were instrumental to minority progress, led the movement for civil rights away from color-blind standards.

How did we get from Brown's rejection of differential treatment by race to today's insistence by many that Brown and the cases that followed demanded exactly that?

The growing preoccupation with race-conscious policies profoundly affected black academic achievement. As Charles Murray documented in his book *Losing Ground*, two national exams, administered under the auspices of the U.S. Office of Education in 1960 and 1965 (before the advent of race-conscious policy), indicated improvement for blacks in public elementary and secondary education—not only better test scores, but also better economic benefits from education. Between 1957 and 1965, the average sixth-grader in New York City schools with at least 90 percent black enrollment went from lagging more than a year behind the norm to being only a few months behind. Third-graders caught up fully.

Yet after 1964, as Murray has noted, our schools did not continue to improve. In the period 1965–1980, with the establishment of race-conscious policies requiring the avoidance of racial patterns in grades and other measures of achievement, inner city schools deteriorated, along with the standing of black students. Murray has analyzed this reversal:

[A]t least one reason for the widely publicized deterioration in educational standards is obvious. The only way to avoid racial patterns in grading . . . or any other decisions based on achievement measures, is to employ a double standard of

some sort if in fact one racial group has a markedly different pattern of achievement.²

The Boston school desegregation case, the most publicized desegregation case in the North, exemplifies the trend toward race-conscious remedies. There, Federal Judge Arthur Garrity ordered busing to balance the proportions of black and white students. A numerical racial balance was to be reestablished yearly. He also ordered strict racial quotas to increase the numbers of black teachers and administrators. At the Boston Latin School, the court ordered separate qualifying lists for prospective students by race. Indeed, the judge issued hundreds of orders in the case. For a decade the court has exercised pervasive control over the workings of the school system. If the school system wanted to reassign a student or close a building, it had to answer to the court. Only now is the court trying to pull out of the schools.

People disagree on what has happened to the quality of education in the Boston school system in the course of this process. But what clearly has not occurred is the achievement of numerical racial balance. The percentage of white students has dropped by over half, while the percentage of black students has gone up. There are too few white students now to distribute among the various schools in order to achieve racial balance. The balance plan is now mathematically impossible. We now know that the court takeover of the school system was an exercise in folly.

Moreover, there is evidence that race-conscious remedies have imposed burdens and stigma on many whom those remedies were meant to help. At the Boston Latin School, minority enrollment was less than ten percent before desegregation. Now 30 percent of the entering class is comprised of minority students, but 40 percent of them do not last more than a year at the school. In a school that requires five years of Latin, with a curriculum that may also involve three years of classical Greek, a student without basic skills is presented with almost insurmountable problems.

School discipline is another area in which the advocates of race-conscious policies sought to elevate balancing the racial numbers over the capacity of the schools to function. The Children's Defense Fund (CDF) published studies focusing on the disciplinary use of suspension from school. CDF found that black children experienced "disproportionate suspension," with, for example, a suspension rate at the secondary school level three times the rate for whites.

CDF rejected the notion that disproportionate suspension reflected disproportionate misbehavior, since two school districts could show similar demographic characteristics but dissimilar suspension rates. CDF concluded that school policies and practices—not student behavior—were to blame.

2. Charles Murray, *Losing Ground: American Social Policy, 1950–1980* (New York: Basic Books, 1984), 106–107.

CDF's answer to the school discipline problem was not to ferret out cases of actual race discrimination. Instead, the organization made clear in its publication *School Suspensions* that it sought to prohibit any disciplinary action that affected black students in greater numbers than whites:

Along with other civil rights groups, [CDF] urged release in 1970 of an internal [Office for Civil Rights] memorandum . . . addressed to all school districts . . . , [that] would have prohibited . . . :

Any act of school administrators . . . relating to the discipline of students . . . the effect of which is in fact to discriminate . . . on the basis of race, color or national origin.³

CDF stated that where the number of school districts suspending more blacks greatly exceeded the number suspending more whites, "discrimination should be presumed . . . until proven otherwise."

Though CDF did not prevail in the Office for Civil Rights, the capacity of school administrators to maintain discipline was in fact cut back. Imposing discipline on children disrupting classes invited protests, publicity, and suits. As Charles Murray has pointed out, "teachers had new reasons *not* to demand high performance (or any performance at all)."⁴

Obviously, slowing down black educational progress was the last thing civil rights and black leaders were seeking. But the road to hell is paved with good intentions. Those good intentions have backfired in the schools. As W.E.B. Du Bois stated in 1935:

[T]he school has but one way to cure the ills of society and that is by making men intelligent. To make men intelligent, the school has again but one way, and that is, first and last, to teach them to read, write and count. And if the school fails to do that, and tries beyond that to do something for which a school is not adapted, it not only fails its own function, but it fails in all other attempted functions. Because no school as such can organize industry or settle the matter of wage and income, can found homes or furnish parents, can establish justice or make a civilized world.⁵

The organizations and lawyers of the civil rights movement who have sought to jettison any standard yielding different racial numbers, would have schools first cure all the ills of society and then teach. But all that schools can do is teach—if we let them do even that.

The pivotal role education has traditionally played in the rise from poverty should make restoring and improving school quality a top priority with blacks and other minorities. It should be the last place in which real gains are sacrificed for symbolic ones. If in no other arena of public life, we ought to be able to agree that in our schools the institution should be responsible for getting the job done—real education should be going on, measured by real achievement standards.

After years of silent deferral to the civil rights movement's opposition to standards and push for preferential treatment, people are now beginning to demand their due from schools. The change in part stems from a recognition of the educational crisis in our schools, but other factors seem to be at work as well: growing opposition to having a society in which the government decrees who is to succeed, and a return to the meritocratic ideal; refusal to sacrifice economic production in the name of equality of results and group rights; and the declining moral authority of the civil rights movement as quotas and other result-oriented remedies have become unpopular. The quality of our children's education and the vision of effective, integrated schools will no longer be quietly sacrificed on the say-so of the professional activists.

The way to improve our schools and preserve the path out of poverty is by putting the interests of students in receiving a good education first. Ahead of an applicant's interest in getting a teaching job for reasons apart from his value as a teacher. Ahead of a teacher's interest in keeping his job despite poor performance. Ahead of the school administration's interest in maintaining the appearance of education by handing out diplomas when in reality the school has not done its job. Ahead of the lawyer's interest in establishing new legal precedent regardless of what educators, parents, and children want.

It is especially critical that minority leaders recognize and adapt to the fact that all of our society's institutions—from colleges to automobile manufacturers—are raising their standards. As standards rise, fewer allowances will be made for those who fail to meet those standards. Minorities will suffer disproportionately—unless drastic measures are taken to raise their level of educational achievement.

Therefore, civil rights leaders should be demanding standards, not working to defeat them. As more and more states struggle to devise and impose useful educational standards, the civil rights movement should be in the vanguard, not only in calling for standards, but in analyzing what test results tell us about who needs remedial assistance and what kind of assistance will work.

What will doom the children of the disadvantaged is not high quality education and the imposition of educational standards. What will doom them is chaotic classrooms, in schools that do not teach, whose diploma is worthless. On the other side of the playground lies a world where the one who cannot read or count or solve a complex problem is the one who is lost. ☐

3. *Children's Defense Fund, School Suspensions: Are They Helping Children?* (Washington, D.C., 1975), 64, note 1.

4. Murray, *op. cit.*, 174.

5. As quoted in Raymond Wolters, *The Burden of Brown, Thirty Years of School Desegregation* (Knoxville: University of Tennessee Press, 1984), 282.

The **MISMEASURE** *of Unemployment*

by Melville J. Ulmer

Perhaps the most closely watched indicator of our nation's economic health is the unemployment rate, issued each month by the Bureau of Labor Statistics. Public dismay and calls for federal actions rise and fall with its fluctuations. In particular, much attention is paid to the relatively high jobless rate for blacks—particularly for black teenagers—which is cited by some civil rights leaders as evidence both of widespread discrimination in hiring and of government's callous disregard for minorities. Upon careful examination, however, the unemployment rate turns out to be a rather unreliable gauge for assessing the economic well-being of the nation as a whole or of its subgroups.

One might suppose that a more convincing indicator of national well-being would be found in the level of production rather than the unemployment rate. Except for the few Einsteins and Darwins among us, we do not, after all, live to work but rather work to live. If production rises faster than the population, the average American is bound to be better off. And if output rises even faster than employment, all the better. For that would mirror an advance in productivity—output per worker—the basic source of a nation's economic growth. Historical experience in the United States and other free countries has shown that general prosperity benefits an entire society, including people of all classes, races and creeds.

It is also important to note, however, that questioning the choice of indicators is not meant to minimize the impact of unemployment. The loss of a job is often a staggering personal disaster which typically hits the poorest the hardest. Labor statistics cannot adequately convey the degree of suffering or

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dislocation endured by the unemployed and their families. Yet the unemployment rate, which measures the total percentage of jobless men and women actively seeking work, is probably the least reliable and most deceptive of all the leading income indicators. Its propensity to err has frequently misguided public policy in the past and is likely to do so again in the future.

Yet the unemployment rate, which measures the total percentage of jobless men and women actively seeking work, is probably the least reliable and most deceptive of all the leading income indicators.

We shall return to the serious—perhaps even fatal—errors in unemployment data a little later. First a few words are in order about their significance for public policy. During the 1960s and 1970s many prominent economists and their political allies were entranced with the vision of “fine-tuning” the economy. Full employment without inflation, they hoped, could be ours if only their sensible recommendations on the counter-cyclical use of fiscal and monetary policies were implemented. The advice they offered was drawn from the masterwork of John Maynard Keynes. The key variables to watch, they said, were the level of aggregate demand as measured by the GNP and the level of unemployment. When the latter rose above the minimum “full employment” level (which at the time was felt to be about four percent), the order of the day was to open the throttle—that is, raise aggregate demand by more government spending, tax reductions and/or increasing the availability of easy money. Then keep the throttle open until full employment was regained, meaning unemployment of roughly four percent.

One of the blunders of standard neo-Keynesian thinking was its treatment of the unemployed as a precisely known, undifferentiated aggregate pool of workers. Suppose there had been a significant shift in demand that favored “brains over brawn” in the labor market. Would not a brisk rise in the *overall* level of aggregate demand create intense shortages for skilled workers, along with a resulting inflation, while leaving most of the unskilled without jobs? Suppose, alternatively, that the number of unemployed had been systematically overestimated. Would not a stubborn effort, through expanding aggregate demand, to bring the jobless rate down to the official goal of four percent prove almost unattainable? By attempting, in effect, to go beyond true

full employment, would it not also be highly inflationary?

It was my thesis, then and now, that both of these hypotheses were realized in practice, leading to “stagflation” and the economic debacles of the last decade. The blunders also produced, ultimately, the 13 percent annual inflation rate combined with eight percent unemployment that greeted President Reagan when the Carter administration left Washington in 1980.

While especially disastrous under Keynesian ministrations, a misinterpretation of unemployment data can be costly to the goals of stability under any administration. Hence, government officials (as well as the general public) ought to be aware of how unemployment is measured by the U.S. Bureau of the Census. Each month the Census Bureau conducts a “Current Population Survey” in which a sample of households is interviewed to determine the size of the nation’s labor force and the number of persons actually at work. Unemployment is simply the residual—the labor force *minus* those presently in jobs. One question immediately rises: Who should be counted in the labor force? Certainly not children, the fully retired, or those who have no immediate intention of working. Supposedly, it is all those 16 years of age or older who are presently in jobs *plus* those out of jobs who are seriously looking for work. It is the latter group—the unemployed—that is most difficult to identify.

A glance at the accompanying table suggests that something is amiss. Representative years since 1950 are shown in the first column of the table, but are grouped in three categories based on the levels of employment (stated as a percentage of the adult population) given in the second column. The *unemployment* rates for each of these years are displayed in the final column. What is remarkable, even startling, is the behavior of the unemployment rates in *each* of the three categories *after* 1972 (indicated by asterisk).

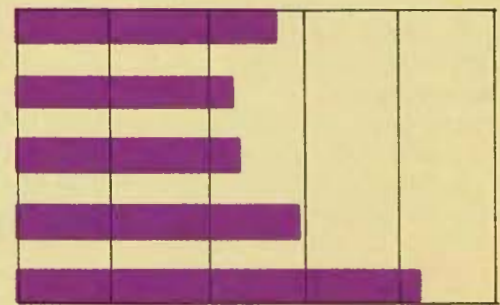
In the lower employment periods between 1950 and 1971, the unemployment rates range between 4.4 and 5.9 percent. In 1975, with a comparably low employment level, the *unemployment* rate leaped to 8.5 percent. Between 1956 and 1972, the unemployment rate ranged between 3.6 and 5.6 percent. But in 1976, with the same (medium) employment level, *unemployment* jumped to a record rate of 7.7 percent. Finally, in the periods of highest employment, the phenomenon just noted is even more pronounced. In 1969, employment as a percentage of the adult population had reached a temporary peak of 58 percent, while unemployment was at a low point of 3.5 percent. Yet in subsequent good years *after* 1972, while employment reached a roughly equal or an even greater peak, the official unemployment index rose even higher—just the opposite of what would be

Employment and Unemployment Rates, Selected Years

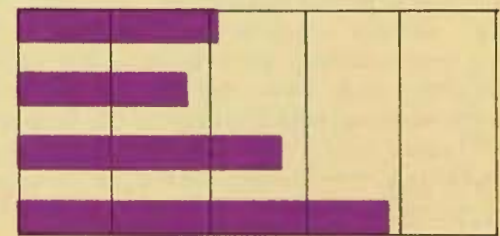
Civilian Employment as a Percentage of Noninstitutional Population, Age 16 and Over

Measured Unemployment as a Percentage of Civilian Labor Force

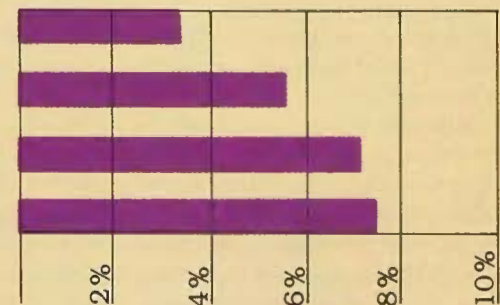
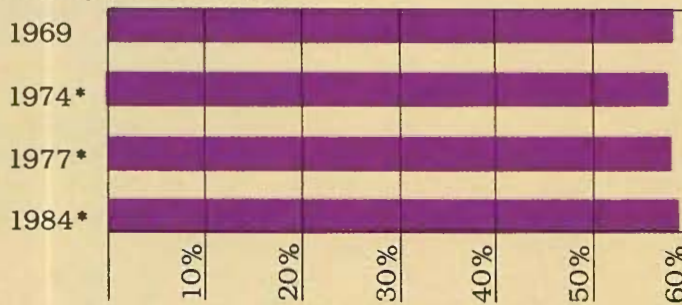
Lower Employment Periods



Medium Employment Periods



Higher Employment Periods



(Source: Adopted and extended "Distortions In Official Unemployment Statistics: Implications for Policy Making," by Kenneth W. Clarkson and Roger E. Meiners, Research Monograph Series No. 3, Texas A&M, 1979. Basic Source: U.S. Bureau of Labor Statistics.)

rationally expected—skyrocketing to seven percent or more.

What caused this astonishing quirk in the data beginning in the later 1970s? Bear in mind that what we must confront is an unemployment increase (in years after 1972), during periods in which employment (as a proportion of the adult population) either *remained the same or actually increased*. One readily advanced explanation seems relatively inconsequential: the greater proportion of teenagers and women in the labor force. My own estimate and that of others (e.g., Phillip Cagan and Paul O. Flaim) suggest that the impact of this demographic shift *since 1972* may have been to increase the overall unemployment rate by just one-half of one percent or less. The difference in unemployment rates for comparable years before and after 1972 (as shown in the table) ranges somewhere between three and four full percentage points. Thus, a more cogent explanation must be found elsewhere.

Several events after 1972 can be counted as important contributing causes. One has to do with a new legal requirement, introduced in July 1972, forcing beneficiaries of welfare and food stamp programs to register with an official government employment service or lose their benefits. (Of course, the very old, the very young, and those with little children or other dependents at home were exempted.) The principal effect of that regulation was to increase the recorded number of unemployed. New registrants were now reported as “out of jobs but looking for work,” although no check was established to determine how many were actually employable and, among those, how many truly sought a job. Those who have studied the subject (especially the ingenious efforts of Kenneth Clarkson and Roger Meiners) estimate that the artificial rise in the unemployment index from this source was roughly one full percentage point.

A second significant event during the 1970s precipitated a purely factitious rise in the unemployment rate: Under a more lavish and liberal administration, the size, duration, and coverage of unemployment insurance benefits were greatly expanded. Those formerly not considered part of the labor force—students, seasonally idled workers, even school teachers during summer vacation—applied for and received unemployment compensation, although in many cases those who claimed to be looking for employment in fact had no intention of doing so. In addition, the more generous unemployment compensation benefits encouraged recipients to stay out of the work force longer than necessary. In all (according to the estimates of authorities such as Martin Feldstein, Ronald Ehrenberg, and Ronald Oaxaca), the impact of more liberal unemployment compensation was to add an additional percentage point or more to the official unemployment rate.

Two recent studies under the auspices of the independent

National Bureau of Economic Research (NBER) reveal a third (and possibly the most significant) major contributor to the overestimation of unemployment. One of the NBER authors, Robert E. Hall, suggested that the laxity in Census Bureau survey procedures produced a gross overestimation of the number of those actually “looking for work.” According to Hall:

Only a minority of the unemployed (as counted by the Census Bureau) conform to the conventional picture of a worker who has lost one job and is looking for another job. Other important categories are those who have jobs but are not at work because the jobs have not yet started or because of layoffs, workers who are in normal spells between temporary jobs, people who are looking into the possibility of work as an alternative to household duties, school, or retirement, and people who have come back into the labor force.... One of the most significant findings is the large number of the unemployed (close to one million in 1977) who are looking for temporary work. Another important finding is that only a minority of the unemployed are looking for work as their major activity during the week of the survey. The majority of those classified as unemployed are identified by the household as keeping house, going to school, or retired.

“...only a minority of the unemployed are looking for work as their major activity during the week of the survey.”

Many of those counted as seeking work and therefore “unemployed,” according to Hall’s exhaustive study, are so classified if they merely certify that, at some point in the preceding month, they “checked with friends or relatives” for employment opportunities. Only those who said they had literally “done nothing” about finding work for the entire month were excluded from the labor force. While Hall does not attempt to measure the net impact of these survey procedures on the official unemployment rate, a significant overstatement is clearly indicated. His data show that the proportion of questionable cases included among the jobless rose throughout the 1970s.

A second NBER study by David A. Wise and Richard B. Freeman casts light on the tragedy of high unemployment among out-of-school blacks, aged 16 to 24, at the end of the 1970s. Their intensive investigation centered upon “the worst poverty tracts in the U.S. cities” and hence was not intended to

be nationally representative. The handicaps of young blacks in these areas—discouraging home environments, lack of role models, weak incentives, and ineffective educations—were startling. So were the extremely high unemployment rates reported by the Census Bureau. Roughly half of the interviewed youngsters either had jobs or seemed eager to take jobs if they could find them. Yet an alarming proportion of those counted as “looking for work” asserted that the returns available from illegal activities “on the street” exceeded their expected proceeds from legitimate jobs, even after allowing for the risks involved. According to their own reports, one quarter of the total income of the 2,000 youngsters interviewed was derived from crime. The financial temptation of these extra-legal activities helps confirm one of the survey’s most important findings. Their “reservation wages”—the amounts they were willing to accept—were often higher than those offered in the legitimate jobs for which they might be qualified.

Nevertheless, the job experience of many young blacks (especially in these high crime areas) contained an element of self-inflicted “Catch-22.” Often uninterested in the low level jobs they were able to find and fill, their work records were marred by frequent absences and other breeches of discipline that led to firings. Such episodes left an unpleasant legacy. When especially attractive work opportunities opened up, their faulty work histories discouraged prospective employers. The jobs would go to those with better work records who, according to the Wise-Freeman study, were frequently whites from another part of the city. Thus, what might appear to some as race discrimination was in fact selection on the basis of qualification. As for less attractive jobs available for youngsters in these blighted areas, the authors noted, “[c]lose to one-half of the youths thought it would be very or somewhat easy to find a job as a laborer” but declined to do so. The official unemployment rate for black teenagers rose enormously during the past 15 years, but as this study shows, some significant though uncertain part of the advance was supported by an overcount of those out of a job but actually seeking work.

In all, the foregoing considerations flash a seminally important warning signal that may be summarized as follows:

1. The official measures of unemployment probably overstate actual unemployment by at least three percentage points for the nation as a whole, as much as seven percent for blacks, and by an unknown multiple of that number for black teenagers. Further, their behavior over time can be seriously misleading. In particular, their astonishing advance from the 1960s through the 1970s and 1980s was at least largely fallacious. Therefore, if federal stabilization measures, however formulated, were based on the measured unemployment rates, they would also be fallacious,

both in timing and in magnitude. They would often be destabilizing, as they probably were at times in the 1970s.

2. A far superior guide to labor market conditions—and for federal action if any is needed—is the measured level of *employment*, especially when related to the adult population. For these two quantities—population and employment—are not subject to the same errors of judgment that impair unemployment estimates in the Census Bureau surveys. Furthermore, Census employment figures enjoy a thoroughly independent check for accuracy obtained from another source: job data collected monthly by the Bureau of Labor Statistics directly from business payrolls.

3. The interpretation of labor market changes between 1980 and the start of 1985 must be clarified. The highly questionable unemployment rate suggests a slight worsening in conditions between those two periods. The much more accurate employment data show a rousing improvement. More than six million new jobs were created in that span, nearly one million of which were filled by blacks. While the adult population grew by just over one percent between 1980 and January 1985, employment rose by more than seven percent.

Clearly, one ought not to treat the unemployment figures as a homogeneous aggregate that provides a true reading of the state of the economy. There is in fact a very questionable summation of people in widely different circumstances whose problems are enormously varied in magnitude and kind.

For this reason, it behooves us to be extremely cautious in drawing social policy implications from the different rates. Take the black unemployment rate as an example. It does not even tell us whether the employment opportunities for blacks are increasing or decreasing. Nor does it tell us anything about why the black rate is higher than the white rate. To the contrary, presented without qualifications or explanations, it obscures the crucial differences in training, skills, and attitudes that most often spell the difference between being employed or not.

The foregoing notwithstanding, there are clearly large numbers of both whites and blacks who need and want to work but are unable to find a job. What can government do to help them? Beyond maintaining a healthy, growing economy, the call is for specific “micro-economic” measures to relieve pockets of unemployment, which are disproportionately filled by minorities. Possible examples include the reduction of the minimum wage to enhance job opportunities for teenagers, tax incentives for realistic worker training or retraining in private industry, and positive tax encouragement for “enterprise zones” in blighted areas. ☐

The “TASTE” for Discrimination

by Barry R. Chiswick

Discrimination in labor markets is generally considered to be outside the realm of economic theory. Economics might explain the price of butter or the rate of inflation, but has trouble providing insights into such social and psychological matters as labor market discrimination. This view is unfortunate, as economic theory over the past quarter century has provided a very fruitful framework for looking at the consequences of discrimination in labor markets. An understanding of these consequences is crucial for designing policies that are constructive rather than counter-productive in attaining the nation's goal of ending unwarranted labor market discrimination.*

The application of the tools of economic theory to discrimination began with the publication in 1957 of the now classic study by Gary S. Becker, *The Economics of Discrimination* (University of Chicago Press, 1957). Becker's theory argued that, when labor markets and markets for goods and services are competitive and there is no threat of violence (i.e., the government protects property rights and personal safety), market forces tend to drive discriminatory wage differentials to zero; that is, wage differences for workers with the same level of skill and experiencing the same working conditions. Recent research does indeed show that much of the observed differences in wage among racial and ethnic groups and between men and women are attributable to the different skills that they bring to the labor market.

Economists approach human behavior by assuming that, given their “preferences” or “tastes,” people act rationally and are willing to pay (i.e., give up something of value) to have something pleasant or to avoid something unpleasant. However, the more they must pay the less likely they are to buy the pleasant or to avoid the unpleasant. People are willing to pay to eat good food, obtain new clothing, or get gasoline for the car. They are also willing to pay to have their garbage removed, their car washed, and their broken limbs mended. To say that people have

a “taste for discrimination” in the labor market is to say that they have a preference for or against associating with someone or some group in the labor market. Tastes for discrimination can influence behavior and hence who gets hired. Regardless of how immoral it is for people to engage in such behavior, understanding the consequences of this behavior is crucial to understanding its impact on the labor market.

The concept of “tastes for discrimination” can be applied to any of the three roles that people play in the labor market: consumers, employers, and employees. We are all consumers, buying some things and not others, from some people and not others. Driving into a new community we may prefer to buy pizza from an Italian restaurant rather than a Korean restaurant. If so, we are engaging in discrimination on the basis of expectations regarding the quality of the product (i.e., Italians are “better” at making pizza than Koreans).

Many people are also employers, even if it only involves hiring the services of babysitters, domestics, gardeners, and dog walkers. If we prefer to hire teenage girls as babysitters rather than teenage boys, even though both may do an equally good job, we are engaging in labor market sex discrimination.

Finally, most people, at some time in their adult life, are employees. In this role they may find themselves more productive and get more satisfaction from their job if they work with some co-workers rather than others. Discrimination arises if a person is willing to take a slightly lower wage to work with a clean, cheerful colleague, rather than the colleague's messy, boring identical twin.

The implications of discrimination are easiest to discern through example. Let us assume that *all* consumers perceive a difference between Chinese food served in a restaurant with a Chinese atmosphere and the same food lacking this ambience. The atmosphere may include the restaurant's decor, but also the racial characteristics of the service workers visible to the customer, including the maitre d', waiter or waitress, and busboy. Consumers prefer a meal served by a Chinese waiter to an

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*“Unwarranted discrimination” refers to forms of discrimination that violate the law. Discrimination in the labor market against persons because of their race, ethnicity, national origin, religion, sex or disability violates federal law.



otherwise identical meal served by a white, black, or Hispanic waiter. Put differently, they would be willing to pay more for a Chinese meal served by a Chinese waiter than for an identical meal served by a non-Chinese. This difference in price measures the intensity of the consumer's taste for discrimination.

As a result of consumers' tastes for discrimination, Chinese waiters are more valuable to employers in Chinese restaurants than are waiters of other racial backgrounds. If they are otherwise equally efficient, employers would be willing to offer Chinese waiters higher wages than other waiters. Other waiters would be employed in these jobs only if they accepted a lower wage.

As long as consumers either do not know or do not care who is preparing the food in the kitchen, Chinese cooks would have no advantage over other cooks. If consumers do care who prepares the food and they can check the identity of the chef (e.g., by looking through the kitchen door), Chinese cooks would be more likely to be hired by the employer if the wages are the same.

No one knows who makes the noodles or grows the vegetables used in a Chinese restaurant, and even if they did, they might not care. Then Chinese noodle makers and Chinese vegetable growers would have no particular advantage, assuming others can be equally productive in making noodles and raising Chinese vegetables.

Assume the Chinese community in an area, say Provincial City, is relatively small. The non-Chinese in Provincial City have a high demand for Chinese food and a strong "taste for discrimination." The wages of Chinese waiters and cooks will be bid up by Chinese restaurants *above* those of similar jobs in other restaurants. As a result, restaurant workers who look Chinese will gravitate to Chinese restaurants and will avoid other types of restaurants where they may even be at a disadvantage.

In addition, because the taste for discrimination results in high wages in this sector, Chinese workers who otherwise would have worked elsewhere or not worked at all would be more likely to become Chinese restaurant employees. As the Chinese community is sufficiently small, segregation in employment results with the Chinese concentrated in visible Chinese restaurant jobs and under-represented in non-visible Chinese restaurant jobs and elsewhere in the economy.

Wage differentials may be created. Within the Chinese restaurant sector, any firm that hired non-Chinese workers would have to charge lower prices and offer a lower wage for the restaurant to survive the competition because it is offering an "inferior" product. And Chinese workers, having a scarce characteristic prized in the Chinese restaurant market, would command higher wages than otherwise identical non-Chinese workers in other sectors of the economy.

Cosmopolitan City, on the other hand, has a large Chinese community relative to the population and the number of Chinese restaurants. So many Chinese are enticed by the high wages in

the restaurant sector that their entry into these lucrative occupations lowers their wages. Wages fall until they are the same as those received by non-Chinese restaurant workers in non-Chinese restaurants, and the same as what Chinese workers could earn in other parts of the economy.

In Cosmopolitan City there are no differences in wages among workers of the same skill, regardless of the race of the workers or the sector of employment. Although all workers in visible Chinese restaurant jobs are Chinese, many Chinese work elsewhere in the economy. There is occupational segregation but it is less intense than in Provincial City.

In these examples wage discrimination, defined as the payment of different wages to workers with the same "objective" level of productivity, existed in Provincial City but not in Cosmopolitan City. Yet, would wage discrimination persist over time in Provincial City?

The wage premiums received by Chinese workers in Provincial City because of their scarcity value would be difficult to maintain over time. The supply of Chinese workers would grow until the premium disappeared. Recall that in Cosmopolitan City there is no wage premium for being Chinese while in Provincial City there is a wage premium for being a Chinese waiter. If there are no artificial barriers to mobility, such as restrictions on migration or union or occupational licensing that limit job choices, Chinese workers will migrate to Provincial City Chinese restaurant jobs. The movement from low wage to higher wage jobs will continue with the subsequent rise in wages in the lower wage sector and the fall in wages in the higher wage sector, tending to eliminate the wage differential. Thus, if there is sufficient mobility among the Chinese workers in the economy, the wage differential in Provincial City will set in motion a process by which changes in residential and occupational patterns tend to eliminate the differential.

Suppose a significant portion of the population of Provincial City concludes that Peking Duck is Peking Duck, whether or not it is served by a Chinese or non-Chinese waiter. They, of course, will patronize Chinese restaurants with *non*-Chinese waiters. Indeed, by charging lower prices, non-discriminating consumers who would otherwise eat Greek food or eat at home would now patronize the cheaper "non-Chinese" Chinese restaurants. ("Non-Chinese Chinese" restaurants may be rare but they do exist. I have eaten in at least two such restaurants.) If there are a sufficiently large number of non-discriminating consumers, the scarcity value of Chinese waiters (even in Provincial City) disappears. While the Chinese may still work disproportionately in the restaurant sector, there is no wage differential among restaurant workers by race, or between restaurant jobs and other jobs for the Chinese.

Suppose the government instituted a policy to end what it perceives to be wage discrimination. Wages for restaurant workers have to be the same in all restaurants. Either the wages of Chinese waiters in Chinese restaurants would have to be lowered, or the wages in other restaurants would have to be raised. If

Chinese restaurant wages were lowered it would be harder for restaurant owners to hire Chinese waiters (some would work elsewhere, others may leave the labor force). There would be fewer Chinese restaurants providing the preferred service. Consumer satisfaction would fall as the remaining Chinese restaurants would be more crowded, meals would be rushed, and lines would be longer. Illegal behavior would be encouraged as it would be in the interests of consumers and employers to make "under the table" payments to Chinese waiters in Chinese restaurants.

Raising wages for *other* restaurant workers through the equivalent of a minimum wage or the adoption of the concept of "comparable worth" to end the wage discrimination in favor of the Chinese is equally undesirable. Compelling other restaurants to pay artificially higher wages would raise their prices; some would go out of business and others would reduce the ratio of waiters to customers, perhaps by substituting other labor (e.g., busboys) or by adopting alternative means of providing service (e.g., salad bars). Working conditions would deteriorate or side payments would be made by non-Chinese workers seeking to obtain the smaller number of "high paying" jobs. Again, there is a divergence between actual practice and what would have been optimal if there were no equal pay or comparable worth legislation.

The Chinese restaurant example considers consumer discrimination in favor of a racial/ethnic group viewed by many to be a disadvantaged minority. It is, however, perhaps no less racist in essence than other forms of racial differentiation, such as avoiding members of particular racial and ethnic groups or a particular sex. The implications for labor market behavior of other forms of consumer discrimination, such as aversion to blacks or females, is essentially the converse of what was developed above.

Assume, for example, all patients have the same taste for discrimination against female dentists. Patients would be willing to pay more for equally good dental care, up to a point, if it is provided by a male dentist. Female dentists would have to charge lower fees and would receive lower incomes. If, however, some patients no longer perceive women as inferior providers of dental care, either because their "consciousness" has been raised or, for some other reason, they perceive the fee differential as too costly. The newly non-discriminating patients will flock to female dentists as they charge lower fees. The movement of non-discriminating patients from male to female dentists tends to reduce the sex differences in fees. As long as there are some non-discriminating patients, their behavior in seeking lower cost dental care, and changes in the supply of male and female dentists, will tend to eliminate the fee and income differential by sex among dentists.

Employer and employee (co-worker) discrimination can also be developed in a similar manner. Under the former, discriminating white employers, for example, would hire black workers

only if they worked at a lower wage than white workers. Non-discriminating employers would clearly have an advantage in hiring workers, and hence a cost advantage in selling their product. Under employee "tastes for discrimination," white workers would have to be paid a higher wage to work with black workers, that is, in an integrated workforce. Integrated employment would tend to emerge with the least discriminating white workers working with blacks.

This approach offers an effective way to combat unwarranted wage discrimination, whether caused by consumer, employer, or employee motivated behavior. Unhindered competition in labor markets encourages the flow of resources, including workers, from where they are less well rewarded to where they are most highly rewarded. No government agency or court, regardless of the best of intentions, can be as effective as the impersonal market forces in determining who "should" work where and at what wages and working conditions. Restrictions that limit labor mobility can perpetuate, or at least lengthen, the period until the unwarranted wage effects of discrimination are dissipated by competition. Thus, minimum wage laws, union restrictions on hiring (e.g., de facto requirements of union membership), occupational licensing and other hindrances to labor mobility serve to slow the effect of market forces in reducing discrimination. Similarly, restrictions on the entry of new firms through reduced competition in product markets or capital markets (including licensing or the granting of de facto or de jure monopoly power to existing firms) also shields discriminators from the economic consequences of their actions. There is much to be done in removing the remaining barriers to free competition, and one among many benefits would be the further reduction or elimination of whatever wage discrimination may persist among workers who bring the same skills to the labor market.

Much has been done in another area. It was not uncommon in the past in some jurisdictions for the authorities to permit (and sometimes participate in) "extra-legal" means to enforce discriminatory behavior or to impose one group's desire for discrimination on the behavior of others with smaller or no tastes for discrimination. Terrorism or violence, direct and implied, against the property or person of those who chose not to discriminate or against those who sought relief from discrimination through changing their residence or employer was not uncommon in American history. And it is not unknown today. Continued vigilance in preserving property rights and protecting personal safety is a prime function of the government, if not its *raison d'être*. The benefits of eliminating any remaining wage discrimination are also obvious.

Unhindered competition and the preservation of property rights and personal safety also mean that those with the strongest "tastes for discrimination" pay the heaviest cost in terms of paying higher prices for goods and services (consumer discrimination), receiving lower profits (employer discrimination), and receiving lower wages (employee discrimination). This is as it should be. ☞

The Comparable Worth Controversy

An Interview with
Heidi Hartmann and
June O'Neill



Heidi Hartmann



June O'Neill

The issue of comparable worth—equal pay for dissimilar jobs requiring “equivalent” amounts of effort and responsibility—has become, as former EEOC Chairwoman Eleanor Holmes Norton predicted, “the civil rights issue of the 1980s.” Five states have already adopted comparable worth legislation; another 15 are currently debating such measures or conducting comparable worth studies. And the U.S. Congress is considering a bill that would authorize a major evaluation of Federal pay practices as the first step toward the implementation of comparable worth on a national scale.

To its advocates, comparable worth is seen as an essential step in the direction of “fairness” and “equity” in wage setting. To its detractors, the idea reveals both a hostility towards and an ignorance of the workings of the free market, upon which the prosperity of men and women alike is based.

Recently, New Perspectives interviewed two nationally known economists to discuss the roots of the “wage gap,” the feasibility of determining sex-based wage discrimination in the marketplace, and the practicality of implementing comparable worth. Dr. Heidi Hartmann, study director of the Committee on Women’s Employment and Related Social Issues, National Research Council of the National Academy of Sciences, is recognized as one of the leading experts on comparable worth. Dr. Hartmann, who lectures and writes frequently on the subject, is co-editor of the widely-cited study on comparable worth entitled *Women, Work, and Wages: Equal Pay of Jobs of Equal Value*. Dr. June O’Neill, who also frequently testifies on comparable worth and has authored numerous important studies on income differences, is the director of the Program of Policy Research on Women and Families at the Urban Institute. She is currently directing a study on income trends of Americans for the U.S. Commission on Civil Rights.

The interview, conducted by New Perspectives Editor Max Green and Managing Editor David A. Schwarz, took place in the offices of New Perspectives on November 8, 1984.

NEW PERSPECTIVES: Let’s start off with the so-called 59 percent wage gap. What is it?

HEIDI HARTMANN: Basically that’s the ratio of the earnings of women who work full-time, year ‘round to the earnings of men who work full-time, year ‘round.

NP: Has the wage gap narrowed over time?

HARTMANN: I don’t see any pattern of narrowing. The recent Rand report argues that it has been narrowing recently and will continue to do so, but very, very slowly, so that by the year 2000 it will still be 74 percent.

JUNE O’NEILL: One problem with comparing full-time annual earnings is that full-time for men tends to be close to ten percent more hours than for women. Another problem is that annual earnings are more difficult to remember and report. And the restriction to only those who work 50 to 52 weeks eliminates many of the more highly paid women, like teachers. If you look instead at the hourly earnings of workers in their current job, the wage gap is considerably less—about 72 percent.

NP: Whatever the size, why is there any gap?

O’NEILL: There are some factors that help explain the pay gap and changes in it over time—work experiences and education for instance. In the early 1950s, women actually had about one and a half more years of education than working men. During the late 1950s and early 1960s there was a large increase in the labor force participation of older, less-educated married women, while at the same time, the educational level of working men rose. As a result, the education of women in the labor force declined relative to that of men—and the wage gap at that time widened.

Editor’s note: The opinions expressed by the interviewees are their own and do not necessarily reflect those of the organizations employing them.

NP: *Is the return on investment in education greater for men than women?*

O'NEILL: That's hard to say. Women appear to have a greater return on schooling than men. But I think this captures both returns on education and returns on career commitment. More highly educated women are more attached to the labor force. As of the late 1970s, the average working woman over the age of 35 had worked about 60 percent of the time since completing school, while her male counterpart worked more or less continuously. That points to the real source of the wage gap.

NP: *Is it true that the salaries of college-educated working women are comparable to their male counterparts?*

HARTMANN: It might be true for women in selected fields who are between 20 and 25.

NP: *What about the older working women? Have the salaries of those who have remained in the labor force for their entire adult lives kept up with men?*

O'NEILL: The differentials are larger for the mothers of the baby boom generation who dropped out of the labor market while their husbands built up valuable work experience.

NP: *Where do the women who stayed in the labor force stand?*

HARTMANN: I suspect the differential for women and men with comparable education and experience there is about 20 percent.

NP: *Are you saying that the differential was halved for those women who stuck it out in the labor market?*

O'NEILL: We both seem to agree that about half of the differential is explained by a few basic factors, such as years of schooling and years of work experience.

We may disagree more about the unexplained half. I would argue that important variables are omitted; variables which may not be measurable. For example: the importance of a career in one's life. Most working women have two careers—one at home and one at work. Many women are in the same situation as a student who works to put himself through school. That student is not going to earn what he could if he gave up school and found a job that demands his full attention and energy. Women are in a very similar situation. Time budget studies show that women work many more hours at home than men. And as I have said, they don't spend as much time at work. You have to expect that this difference will be reflected in the type of jobs women can feasibly take and in the size of their paychecks.

HARTMANN: June might argue that, if you add up the effects of all of the intangibles, like willingness to move (that we don't quite know how to measure yet), you might be able to explain away the remaining gap. I say the evidence doesn't show that. If we look at some very specific groups of people—take people with master's degrees in business administration coming right out of graduate school—the wage differentials between men and

women are pretty small. Five years later—before they've married, before they've had babies, before they have done anything differently than men—the women's salaries are substantially lower. That is probably due in whole or in part to discrimination.

NP: *Well, what is going on here? Why would an employer not discriminate when someone gets out of college and then start discriminating as a person picks up skills and becomes more valuable to his business?*

HARTMANN: I think employers tend to believe, "Well, they haven't gotten married yet, but they will. They will have babies, then I don't know what will happen to them." There is just an awful lot of evidence, in workplace-oriented studies, suggesting that women don't get the same opportunities on the job for advancement or promotion because it is assumed that training women won't pay off for the firm.

O'NEILL: I see a tremendous amount of circumstantial evidence suggesting that most of what you're referring to has to do with choices that women are making. Many of the women who went to graduate school with me gave up job offers that were very lucrative because they preferred to spend more time with their families.

HARTMANN: On the other hand, maybe women are being placed in slightly different kinds of jobs, positions with fewer promotional opportunities attached to them. The perception of these limited opportunities perhaps then leads women to "choose" family life.

O'NEILL: But maybe they do choose them freely. We don't know. A recent article in *The Wall Street Journal* reported on a survey of successful women in management. A substantial percentage of them were not married, and if married, were childless. They felt there would be a conflict between the responsibilities of a marriage and a demanding job. Some of them did say that they felt they were treated differently or that they could have advanced further than they had. When you get down to concrete cases it is really very hard to tell whether discrimination is a factor.

HARTMANN: You're right. We do not have absolute proof. We don't know how much is choice and how much is discrimination. But we do have evidence and we have judgment. Knowing as we do that women have historically been discriminated against in the market, I think it is reasonable to conclude that discrimination is still a major factor.

O'NEILL: Well, what percentage of women were paid differently than men on the same job in the past? There is evidence that with piece work, women were paid less per hour than men because they turned out fewer pieces. But men and women were paid identical piece rates for each piece they produced.

NP: *One thing that troubles me is that we do not have massive evidence that there was wage discrimination against women over the past 100 years. So why should we now pass legislation or have a court make a ruling that assumes that the difference between*

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men's and women's wages is due to discrimination? Does it make sense to base policy on a phenomenon for which we have no clear explanation?

HARTMANN: Well, I think there is lots of evidence of discrimination. Job evaluators have studied men and women at work in Washington State (and in the past at Westinghouse and General Electric) and have consistently found that women's jobs are paid about 20 percent less than equally rated men's jobs.

NP: *Because of discrimination? Would an employer, for example, say "I have women who work for me and I will pay them less than I would pay a man because they are women"?*

HARTMANN: Some of it certainly is intentional discrimination. Some companies have generalized policies placing women in different jobs and paying them less than similarly qualified males.

There is also a lot of institutional discrimination. For example, you could have a company policy that rewards heads of households in various ways, most of whom might very well be men.

O'NEILL: I define discrimination as unequal treatment for workers who have identical productivity. Competition in the market makes discrimination expensive. If an employer shuns a particular group of workers simply because of their sex, then that employer will have to pay more to get workers of the "preferred" sex. In a free market—and I know of no evidence of collusion in this regard—another employer will hire on a sex-blind basis. As a result, he will be more competitive and tend to drive the discriminating employer out of business.

Also, prejudicial male workers may refuse to work with women. In that case, some employers would hire only men and others would hire only women. Still, there wouldn't be any reason for wages to differ between the groups. If an employer hiring men paid higher wages for the same work, his profits would be lower. There are penalties imposed on employers for discriminating.

NP: *Dr. Hartmann, what do you think about this?*

HARTMANN: I think June's definition of discrimination is fine. But I think she seriously underestimates the amount of fat in the market. You know, Saks Fifth Avenue can lose a million dollars worth of fur coats in a warehouse and the loss just gets absorbed. The point is that employers can afford to indulge in lots of discrimination.

O'NEILL: I think that there's much more competition out there than Heidi suggests. Even the largest companies—e.g., automobile companies—eventually face competition from others, here or abroad. They can't continue to pay any wage, pass it on in the form of higher prices for cars, and get away with it. They have to face the consumers. And large department stores do close if they are not managed properly.

HARTMANN: I do not believe competition in the U.S. economy is sufficient to eliminate discrimination. It hasn't done so yet. And you're forgetting that discrimination can take many forms. It

might not be overt. You might not even bother to *apply* because a company discriminates.

NP: *How is comparable worth going to deal with barriers to jobs? How will raising the wages for jobs that seem to be of comparable value make it easier for women to move into traditionally male jobs?*

HARTMANN: I don't think comparable worth is so different from a lot of other things. Take the Equal Pay Act. Once an employer is forced to pay women as much as men he comes to view their labor power differently. He could say, "Hey, since I've got to pay them the same as men, I'll just make sure I get the same productivity out of them that I get out of men." And one way of doing that is by assigning them to tasks traditionally performed by men.

O'NEILL: I think the reverse is more likely. Comparable worth would discourage women from moving into non-traditional fields. Right now younger women have higher career expectations than their older sisters or certainly their mothers did, and they are qualifying themselves for different occupations, mainly through formal schooling. They realize that they are going to be spending a lot of their adult lives working and they want to have higher pay. If you artificially raise the pay for women's jobs, the desire to do so will be blunted. They'll figure they can stay in the jobs that are easier to fit into a married life and still get higher pay. The real down side to this is that as the pay goes up, employers will begin to phase out the traditional jobs, with the result that fewer women will be hired. Lucky women, those with more education and more valuable characteristics will be retained. Others—the relatively disadvantaged and those with fewer work skills—will lose out.

HARTMANN: I think June is right in principle. There might be some layoffs. But none of us knows how many there would be. And I don't think higher pay in "female" jobs will blunt women's desire to enter other jobs. That has independent dynamics of its own that will not be altered by comparable worth. I want to go back and say what I think comparable worth is and what it isn't and what it would and wouldn't do. We were talking about the wage gap and discrimination. Maybe we could start there. I find it useful to distinguish two types of discrimination that contribute to the wage gap. Barbara Bergmann argues that women have been kept out of certain occupations and are thereby crowded into others, consequently earning lower wages than they would otherwise. So job discrimination indirectly affects wages. There is also direct wage discrimination. If men were nurses or secretaries, those occupations would probably pay more. Because the culture undervalues women for what they do, those occupations tend to be paid less. Comparable worth is an attempt to eliminate the effects of both types of discrimination. It asks what would those occupations pay if there were no discrimination in the labor market, if women could get any job they were qualified for, and if women's work were not culturally undervalued.

It addresses the single employer and it asks the employer not

to discriminate in setting the wages of female-dominated jobs. If comparable worth proceeds on an employer-by-employer basis, much like other EEO policies, wages would be gradually realigned and massive unemployment would be extremely unlikely. The most significant effect would be that women would earn more money. We might even reduce female poverty as the salaries of low wage "female" jobs were increased.

O'NEILL: I cannot agree with Heidi's claim that comparable worth corrects, or even addresses, discrimination. The fact that a firm does not base wages for different occupations on a comparable worth job evaluation does not mean that the firm discriminates, any more than it would if it charged different prices for fruits and vegetables with the same nutritional value, weight, and esthetic appeal.

Moreover, comparable worth is not like existing equal pay and employment policies which do not require that firms abandon market forces and pay wages that exceed the worker's productivity. Under EEO policies a firm that treats workers with the same skills in the same fashion should not have any difficulty with the law. Under comparable worth, a firm will never know how it will be judged since the standard of comparability has no single, objective meaning.

It is possible that women are kept out of certain occupations by discriminatory and artificial barriers. If so, the obvious remedy is to remove the barriers. But choice may also account for gender differences in occupation. In fact, the work that I and others have done is more consistent with the interpretation that women are in certain occupations because of their own uncoerced choices. And younger women are moving into what were once male occupations because their career outlooks are different from those of their mothers and so are their choices.

Furthermore, I don't believe that predominately female occupations would pay more if men held them. There are certainly male occupations that pay low wages — for example, farm work or the clergy.

HARTMANN: Women do want to get into men's occupations, even physically demanding ones, that pay relatively well, such as coal mining or the military. There is definitely a pattern of women's jobs being systematically devalued as well as barriers to entry to other jobs.

O'NEILL: I can tell you exactly what I found after looking at approximately 300 occupations. For every ten percentage point increase in the percent female in an occupation, pay went down by one and a one-half percent, which is not very much. That's after holding constant easily measured variables like education and age, but not taking account of equally important, but less easily measured factors, such as the intensity of effort required or the flexibility of working conditions.

NP: *Dr. Hartmann, you have argued that overcrowding is due not just to discrimination, but to a whole range of cultural factors affecting women while they're growing up. Subtle things that eventually influence their career choices. For example, a guid-*

ance counselor might steer them away from courses that would prepare them for a "male" job. Of course, you could go further back than that and say that many women are discouraged by their parents from preparing themselves for various kinds of jobs.

HARTMANN: I'm in favor of trying to educate the parents, telling them that their daughter is not likely to be supported by a man for her entire life given the divorce rate. They ought to be paying some attention to how she's going to support herself, if and when she gets divorced.

O'NEILL: I think you have just cited the reasons why women have changed, why they are gaining more work experience and changing their occupations.

HARTMANN: I also think that the problem is sufficiently serious that schools should get involved. They should actively encourage girls to take courses that will qualify them for "male jobs" when they leave school.

NP: *Dr. Hartmann, you wrote in a paper presented at an Eagle Forum conference that "many women have come to believe that their work is undervalued because it is simply women's work. They believe that such factors of jobs as caring and nurturing, being polite and friendly are undervalued, reflecting the monetary value society places on them." Likewise, nurses argue that their responsibility for life and death goes unrecognized. Do you contend, or are you just reporting a fact, that some women believe that certain characteristics of jobs are not presently given as much value as they should?*

HARTMANN: The kinds of job evaluation systems that have been used tend to stick pretty much with the established variables. Variables like responsibility and skill. What comparable worth advocates say, and I agree, is that the job evaluation plan should look at all the different kinds of responsibility found in jobs. Women may have different kinds of responsibilities than men on average. Nurses have responsibility for life and death, secretaries have responsibility for coordinating and scheduling and so on. Men have financial and supervisory responsibilities. So if we are going to factor in the variable responsibility, let's make sure we measure it in all of its different manifestations.

NP: *Let's return to the question about caring and nurturing. I think part of a nurse's job entails being friendly and having a nurturing attitude toward patients. Does it make any sense then to do a job evaluation of a nurse's job and not include these factors? Isn't that an argument against the kind of job evaluations that don't include them as factors?*

HARTMANN: Well, job evaluation is an extremely flexible tool. You can include anything you believe should be valued. Some job evaluations have 15 job factors—there is even a type of job evaluation that's called task analysis which inventories 200 different features of each job on the average.

NP: *Yes. But you are saying that job evaluations that have been used are fine, while many comparable worth advocates are saying*

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there is something fundamentally wrong with them: they don't take into consideration some of the most important aspects of their jobs. You can't have it both ways it seems to me.

HARTMANN: Well, not exactly. Present job evaluation systems do need to be improved, but even the unimproved ones tend to suggest women's jobs are undervalued.

O'NEILL: I do a lot of statistical analysis of the factors relating to pay. I can tell you that I would never want anyone to use them to set my pay. Their purpose is to gain insight into the way different factors affect earnings. Most studies can explain only about 35 percent of the difference in pay among individuals. By using such a crude tool, you are obviously not measuring a lot of things that affect pay. Moreover, some of the things you measure are only proxies for other variables. It may not really be factor "X" that's producing the effect. It is for reasons like this that planned economies are so inefficient. They attempt to substitute planning for the market. The Soviets have sophisticated computers and computer scientists, and they try to measure demand and the likely supply of inputs, but these factors are too complex and change too fast for any planner to keep up with. Since they don't allow functioning markets to tell them how to set wages for different jobs and how to set prices for consumer goods, they never get the right mix. A job evaluation doesn't tell you the appropriate—i.e., the market clearing—wage to pay; it only tells you how a given group of job evaluators measure certain job characteristics. Most companies do not even use job evaluations. Those that do are usually large, bureaucratic enterprises that need to establish some hierarchy within clusters of jobs. For example, they look at the cluster of clerical jobs and they try to assign points to each, the purpose often being to establish a ladder for promotions so that workers within the group will know where they stand and why. As to the cluster itself, the firms know that they are competing in a market for the skills that the cluster calls for. Thus, in the final analysis, it is to the market that the firm must turn to find out the wages it must pay. I don't think that any job content evaluator can tell a firm the wage it should pay for any job because the job evaluation doesn't address the market situation, which is always changing.

HARTMANN: In fact, job evaluators market their systems to companies based on their ability to "capture the market." They say "Look, we have a system that identifies the factors that are compensated in the marketplace and if you use this to adjust the internal hierarchy of jobs in your firm you won't be totally out of wack with the marketplace." The same kind of job evaluation plans are being used in comparable worth cases and they have at least two problems. One you identified: they may not identify the factors that are important in women's jobs, such as nurturing and caring. That is one problem. Second, evaluators may just perpetuate discrimination in the marketplace in the way they identify and weight factors. That is less true in places where workers are organized enough to demand a comparable worth study, in which case they work with the job evaluators. Typically, there is a committee of workers and managers set up to advise the job

evaluation consultants.

O'NEILL: Then it immediately loses its objectivity, because it becomes a political decision. You can imagine what goes on in the room when the head of the nurses' association sits on a panel that assigns points. You can be pretty sure that nurturing will be weighted very heavily indeed.

NP: *Is it like a bargaining situation?*

O'NEILL: Yes, it's negotiating over what's to be considered valuable. What do you do with two occupations both of which require a college degree, but one essentially uses math skills and the other one uses verbal skills. Are they equal? It all depends on how many people have the math skills—how hard it is to get someone with these skills as against someone with verbal skills. Job evaluations can't tell the two jobs apart, but the market sure can.

I think this points to the reason why job evaluations tend to show that women are paid less than men for "equally valuable" jobs. The only objective factor the evaluators have to grab onto is years of schooling. I think if you look at years of schooling that would probably explain most of the variation in the job points.

And women and men are not that far apart in years of schooling. They are far apart in other characteristics, such as years of on-the-job training, or field of study in school, but not in years of schooling.

HARTMANN: It is generally the skill variables that explain most of the differential. Skill can be measured in a variety of different ways. Schooling is just one way. But other factors do enter in.

NP: *How about the politicization of the process that June is talking about. Does it take away from the objectivity of a comparable worth study?*

HARTMANN: You can call it political infighting if you want. You can also call it consensus building. Comparable worth, through job evaluation, says this: whatever you want to value in a job, let's make sure you value it equally for all different kinds of jobs. If we are going to value nurturing let's make sure we look at the different kinds of nurturing. Men's jobs can involve nurturing. The senior mechanic who shows the ropes to the junior mechanics—he nurtures. And you can still use the marketplace but try to eliminate the part that is discriminatory.

O'NEILL: Say what you will, the job evaluation is going to be subject to biases of all sorts. Once a group gains control of the process, it can make the points come out to meet its own objectives. Any job evaluator will tell you that. What happened in Washington State is a good example of what I'm talking about.

NP: *What happened there?*

O'NEILL: Basically, women's jobs, like nursing and secretarial occupations, got a lot of points. Nurses were the highest ranked occupation in the state, higher than the highest level computer systems analyst, higher than the highest level actuary, or the highest level chemist or physicist.

NP: *Dr. Hartmann, how would you account for the fact that nurses scored so high in comparison to Ph.D. scientists?*

HARTMANN: I do not recall the specific factors they looked at or the weights assigned to them. One result I am aware of seemed perfectly reasonable to me. Licensed practical nurses came out with about the same points as correctional officers. And yet the nurse made about \$4,000 a year less.

O'NEILL: A practical nurse is not very much different from a housekeeping job. It is a low scale job.

HARTMANN: So is being a guard.

O'NEILL: But a guard can be shot.

HARTMANN: And a practical nurse can be exposed to life threatening diseases. There is a lot of risk.

O'NEILL: Of course your assessment and mine are not what counts—which is the main point. There is no real way of measuring the possibility of contracting a disease against the possibility of being shot. They're like apples and oranges. You can only tell what's an attractive job and what's an unattractive job by looking at the behavior of people. And you can only tell what's valuable and what's not valuable to firms by looking at their behavior. And the only way to balance a worker's tastes and a firm's needs is by letting supply and demand operate.

HARTMANN: But if there is discrimination we must do something to correct the market. Not only because it's the right thing to do; eliminating discrimination also makes the market more efficient. Resources aren't reasonably allocated when some people are underpaid and others are overpaid, relative to their contribution to the employer. Slavery wasn't efficient. When minorities were paid a lot less for doing the same work and they weren't hired for jobs because of their race, we lost GNP. Congress has an estimate of how much GNP we lose because of the inefficiencies in allocation due to discrimination. Comparable worth seeks to readjust wages to remove the discriminatory element in the market and to improve efficiency. If we pay secretaries too little, for example, we use too many secretaries.

O'NEILL: If you pay too low—you usually get too few workers. But you are saying that there are too many. Are all of these women being compelled to do this underpaid work?

HARTMANN: The personnel office of GAO has a sign that says they are always short of secretaries. That suggests they want more than they can get at the wages they offer.

O'NEILL: If you looked at the queue of who is waiting to get into government employment, I suspect you would find that there is a long line of people who wish to be secretaries. If there is no queue and no applicants can be found, that would suggest the federal government is not offering enough in pay or other compensations at this particular time. But this is not an argument for comparable worth. The situation could arise with any occupation. It is an argument for making government more sensitive to market forces.

HARTMANN: It is also an argument that the market may not operate the same way for women's jobs as it does for men's.

NP: *What about the implementation of a comparable worth plan?*

O'NEILL: Bureaucracies would eventually be required to regulate all firms. Government bureaucrats would look over employers' shoulders to see if they were evaluating jobs in a nondiscriminatory way.

HARTMANN: Nobody is going to be looking over their shoulders unless somebody files a complaint. I do not believe it would be any different from what we do right now with equal pay and affirmative action enforcement. All the enforcement agencies combined don't have a fraction of the Defense Department's budget. What's being advocated is an employer-by-employer approach where if you use a job evaluation system you are going to have to use it in an unbiased manner.

O'NEILL: It's a vastly easier task to decide whether two key punch operators are being paid the same, if they have the same seniority and so on. It is a vastly more difficult task to require that firms compare totally different kinds of occupations to see whether they are being paid the same for jobs of comparable worth when there really is no definition of comparable worth. In other words, there is no agreed upon measuring rod.

HARTMANN: I think comparable worth advocates are simply saying that if employers use job evaluation, they should use it fairly. The EEOC could issue guidelines on the fair use of job evaluation just as they issued guidelines on the fair use of testing.

NP: *What if a firm doesn't have a job evaluation plan and the women workers complain about their pay and demand a job evaluation analysis?*

HARTMANN: Well, probably the government won't require a firm to carry out a job evaluation for comparable worth purposes. The cases so far have arisen after the employer has agreed to do the job evaluation and then has not abided by its results.

NP: *Well, wait a second—if an employer discriminates against women wouldn't you want the government to put a stop to that? No one has yet gone and told the employer you have to do the job evaluation. But if job evaluation systems are a way of measuring discrimination, eventually someone is going to get the bright idea that she ought to go to court and demand that her employer do a job evaluation.*

HARTMANN: That could happen eventually. But I'm willing to let the field develop in a case-by-case approach and see what happens. That's how social change comes about. I would argue that on the whole comparable worth is going to improve the market because it is going to create wage rates that do not reflect discrimination and will therefore improve the allocation of resources. And women will earn more money and be better off.

O'NEILL: It will do what administered pricing systems often do. It will create havoc in the market and lots of women are going to be hurt in the process.

NP: *Thank you very much.* ☐

Books

Voting by Color

by Barry Gross

Minority Vote Dilution

Edited by Chandler Davidson

Howard University Press, 1984. 298 pp.
\$24.95

It is sometimes forgotten that during the 1960s there were two revolutionary developments in minority voting rights. The one that comes immediately to mind is the successful legislative struggle that guaranteed minority citizens the right of franchise. But of comparable, even equal, importance, is the judicial revolution that made "one man, one vote" the law of the land.

As late as 1960, malapportionment of federal, state, and local electoral districts was the rule in most parts of the country. Rural residents carried political clout far in excess of their numbers, while urban residents were becoming increasingly removed from the political process. Legislatures could do little to redress these inequities since incumbents were loathe to reapportion their own districts—and threaten their own chances at reelection. In Alabama, for instance, no district reapportionment occurred for a full half century, between 1911 and 1964.

In 1962, judicial intervention finally put an end to what Justice Potter Stewart called "crazy quilt" redistricting. When the Supreme Court held in *Baker v. Carr* that reapportionment was an appropriate subject for judicial review, they reversed an earlier decision to avoid such questions—a position reaffirmed as late as 1946 when Justice Felix Frankfurter held in *Colgrove v. Green* that the judiciary should avoid this "political thicket." Frankfurter's jurisprudential concerns, buttressed by the weight of scholarly opin-

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ion, were three-fold: the judiciary must not become snared in legislative decision making; criteria for deciding what constituted "fair" redistricting were all but impossible; and the judiciary was ill-equipped to fashion proper remedies when a district was found to be malapportioned.

But in 1964, in *Reynolds v. Sims*, the Court insisted that legislative districts must be of equal population—give or take small discrepancies to account for community boundaries and the imprecision of census figures. While they had seemingly plunged head-first into Justice Frankfurter's political thicket, the Justices were not unmindful of his concerns. By establishing the "one man, one vote" standard the Court intended to free redistricting from the web of *partisan* politics. From now on, individuals—not interests—were to be distributed equitably. Moreover, the simplicity of the population rule nearly satisfied Justice Frankfurter's demands. It was easy to verify, and it provided an easy remedy if jurisdictions failed to hew to the law. In the words of Chief Justice Earl Warren, "neither history alone, nor economic or other sorts of group interests are permissible factors to justify disparity from the equal population principle. Again, people, not land or trees or pastures, vote." Henceforth, in electoral districts, as in the Fourteenth Amendment, the individual would be paramount.

Although the plaintiffs in *Reynolds* were white urban residents of Alabama's major cities, the decision was also good news for minorities. As minority voters became urban voters, their votes—when they could vote—were rendered ineffective in a rural dominated legislature. But with a "one man, one vote" standard, all urban residents—black and white—would cast a vote of equal weight.

But almost as soon as they triumphed, the civil rights revolutions of the 60s underwent strange transformations. In both

the private and public sectors, the notion of a strictly color-blind society gave way to race-conscious policies and a resurgence of ethno-nationalism. Quotas, goals, and timetables became commonplace just a few years after the passage of the 1964 Civil Rights Act. For large segments of the civil rights movement, equal opportunity lost force as a motivating objective. Indeed, inequality of opportunity, as manifested in various forms of reverse discrimination, came to be widely viewed as a necessary precondition for the movement's new goal—equality of results.

Likewise, civil rights groups which had once fought for "one man, one vote" began, by the early 1970s, to rethink the concept's very premise. Although no one in the organized civil rights community argued that the "one man, one vote" standard should be scrubbed, the NAACP, the ACLU, and dozens of legal service groups began to question its underlying principle: interest-free redistricting.

Perhaps redistricting did, after all, have to balance black versus white interests; perhaps blacks *qua* blacks were entitled to a particular level of voting strength lest their voice not be heard on the school board or in the state house. Perhaps the same aggressive principles that applied to preferential treatment in hiring and college admissions and seniority ought to apply to voting as well. Such was the line of thinking which led important elements of the civil rights community to repudiate the once uncompromisable principle of "one man, one vote."

A clear expression of the group interest approach to voting rights can be found in *Minority Vote Dilution*, edited by Chandler Davidson and published in 1984 by Howard University Press. Each of the contributors to this volume is active in voting rights litigation, either as a legal counsel or as an expert witness. The essays themselves examine voting rights questions from different angles. Some chart the history of voting rights legislation; some il-

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illustrate "vote dilution;" still others offer remedies for it. But one sentiment runs like a red skein throughout the volume: a conviction that minorities must be assured a particular level of voting strength.

This concern for group rights in voting begins with the very title. What is "minority vote dilution?" Davidson, who authored two of the book's dozen essays, defines it as:

a special case in which the voting strength of an ethnic or racial minority group is diminished or cancelled out by the bloc vote of the majority. In extreme cases, minority vote dilution results in the virtual exclusion of one or more groups from meaningful participation in the political system (Emphasis added).

How are minority votes diluted? Well, not through physical abuse, poll taxes, literacy tests, and the like. (Davidson concedes that these atrocities no longer take place.) The real culprits, we are told, are electoral systems which, while seemingly benign, actually discriminate against minority voters. Run-off primaries are one such form of vote dilution. So too, writes Davidson, are non-partisan slating groups, those "Citizens for a Clean Omaha" type parties that spring up in local elections. Each of these electoral phenomena may be constitutional in certain circumstances and may appear just in the abstract, but each can hinder the political progress of minorities.

In Davidson's view, however, the most serious dilution of minority political power is at-large voting, an electoral system in which everyone in a jurisdiction votes for the same candidate. To illustrate the onerous effects of at-large voting, Davidson turns to Taylor, Texas—a small town with a long history of segregation. Beginning in 1967, just two years after the passage of the Voting Rights Act, black and Hispanic leaders joined forces in Taylor and endorsed minority candidates for

local office. They consistently lost.

[According to Davidson] minorities ought to be represented by other minorities and district lines ought to be drawn according to race.

For Davidson, these minority defeats "illustrate aspects of a phenomenon that scholars and jurists refer to as vote dilution." White votes smothered black ones. Perhaps. But if Davidson means Taylor to stand for all southern towns (let alone all at-large voting systems, North and South), at no point does he explain how this is so. He cites the black population of Taylor (20 percent) and the Hispanic population (19 percent) but ignores the raw fibers that compose the texture, the feel, the life of a political community. Thus, we are told nothing of the quality and experience of the candidates or of the issues in the campaigns. Nor are we told anything about the turnout by race or about cross-over voting patterns. Davidson never allows such particulars to intrude into his discussion. Particulars don't matter, only the failure of minority candidates to win.

Taylor, Texas may well be a racist backwater. But by stretching this tendentious description over the entire South, Davidson has exchanged nightmare for reality—and 1955 for 1985.

For one thing, bloc voting is not apodictic. White voters don't always gang up to defeat minority candidates. Andrew Young of Atlanta, Dutch Morial of New Orleans, and Richard Arrington of Birmingham are three black southern mayors who could not have won without white support. Although he lost a closely contested gubernatorial election in 1982, Los Angeles Mayor Tom Bradley garnered nearly 45 percent of California's white vote. Likewise, Peter W. Rodino, Jr. of

New Jersey, Joseph Addabbo of New York and Wyche Fowler of Georgia are white congressman who continue to win—and win big—in majority black districts.

But while bloc voting may no longer be the controlling principle of American political life, it still plays a significant role throughout much of the country. Much of the time, like votes for like. That means the Catholics who lined the streets of America's northern cities for John Kennedy in 1960 and it means the blacks who flocked to the Jesse Jackson campaign last year.

What, then, should be done if racial bloc voting does make it difficult for minority candidates to triumph at the polls? For Davidson, the only option is to redraw the map to guarantee that some minority candidates win. Davidson would carve the city of Taylor, for example, into voting districts "such that the ethnic minorities constitute a majority in their districts."

In other words, minorities ought to be represented by other minorities and district lines ought to be drawn according to race. If this sounds familiar, it is because we can hear the crunching underbrush of Justice Frankfurter's political thicket, where courts are caught in the trap of balancing interests instead of individuals.

The view of the founders, expressed by James Madison in *Federalist #10*, was that permanent or long-lived interests were bad for the nation. Although such factions were unavoidable, they could be mitigated by structuring the government so that no one interest or set of interests could prevail over time. Competing interests would form or dissolve as combinations of individuals shifted.

At the root of Davidson's argument is a belief that American society is so fundamentally racist that only a politics of color can ensure black political survival. In this view, minority voters can only be represented by minority politicians because white politicians inevitably disregard the needs and wants of their minority

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constituents.

Were this an accurate portrayal of American political life, Davidson might have reason to demand separate political enclaves for minorities. (Though one wonders what effect a few black representatives would have in a legislature dominated by racists.) But is it an accurate portrayal? The facts suggest otherwise.

An extraordinary number of white politicians owe their seats to black support. This is true throughout the South as well as in the industrial North. The combination of increasing black registration and the resurgence of the Republican party makes it imperative for southern politicians, especially Democratic politicians, to court blacks. This, of course, is the great irony of southern politics: the southern Democratic party, whose overriding purpose was once the preservation of white supremacy, now depends for its very life on the support of black constituents. Even Dixie mainstays like John Stennis of Mississippi, George Wallace of Alabama, and Ernest Hollings of South Carolina could not have won without black support.

There are, of course, southern whites who remain unwilling to support black candidates. But that doesn't mean that white politicians are apt to disregard the needs and wants of their black constituents. As historian Stephen F. Lawson has observed, southern whites in Congress overwhelmingly supported the 1982 Voting Rights Act: 71 southerners voted for it—"nearly double the number of southern representatives who had voted for the original statute in 1965." The black electorate in Dixie had grown too large for lawmakers to ignore. As one legislative aide from the South remarked: "You have to cater to these interests, just like you cater to other interests." The desire by blacks to see more blacks in office is understandable. But their absence does not mean blacks are without a voice.

The insistence throughout *Minority Vote Dilution* on having individuals repre-

sented by persons of their own race is entirely foreign to American political life. As Justice William O. Douglas observed, "racial electoral registers, like religious ones, have no place in a society that honors the Lincoln tradition—'of the people, by the people, for the people.' Here the individual is important, not his race, his creed or his color."

Proportional representation would, in effect, guarantee a quota of black elected officials and the systematic institution of racial criteria in voting districts. That this sort of arrangement is the aim of the contributors to *Minority Vote Dilution* is, unfortunately, hard to deny. Edward Still, for example, has set forth a tortuous scheme for revamping the American ballot. Still, an Alabama attorney, plods through a blizzard of graphs, equations, and calculations to conclude that the electoral salvation of black America rests on a preferential ballot called the "Single Transferable Vote" (STV). "Long term experience in the Republic of Ireland, Australia, Malta and several American cities indicates that the STV actually achieves proportionality."

Lest we have any doubts, Still informs us that the STV is the surest way to abolishing the "win-lose system that is part of the cultural mind-set of the Supreme Court." "Majoritarian systems," he laments, "have been part of the American scene for two hundred years, therefore, they must be legitimate, the Justices believe."

Yes, that is what the Justices believe, as did the Founding Fathers. They specifically rejected an electoral scheme where each interest would have its own narrowly focused legislator. They chose larger districts for the House of Representatives (as for the U.S. Senate) as a way of bringing disparate groups together around common interests. And we should be glad they did. It is one reason why our own multi-racial, multi-ethnic country has been spared the disastrous feuding that at dif-

ferent times has threatened to destroy Lebanon or Ireland.

A more subtle means of promoting proportional representation is ventilated in the essay "At-Large Elections and One Person, One Vote" by attorneys James Blacksher and Larry Menefee. In this, the longest piece in the book, the authors propose a legal standard for determining when vote dilution has occurred:

An at-large election scheme for a state or local multi-member representative body is unconstitutional where jurisdiction wide elections permit a voting bloc majority, over a substantial period of time, consistently to defeat candidates politically identified with the interests and supported by a politically cohesive, geographically insular, racial or ethnic minority group.

It is fair to ask who could apply this standard unless the outcome was known in advance. What criterion is to be used to decide whether a "group" does or does not fit therein, or whether a "period of time" is or is not substantial, or whether candidates are or are not "politically identified" with the minority interests in question?

The authors designed their standard with blacks in mind, but their language sanctions the demands of any and all ethnic groups—or even economic classes—willing to hire an attorney.

Another device for achieving proportional representation is, shockingly, already in place. Section 2 of the 1965 Voting Rights Act, a nationwide statute, was originally written to strike down electoral systems that were designed with discriminatory intent. But in 1982, when certain provisions of the Act were up for renewal (despite the constant claims in this volume and in the media, the Act itself is a permanent piece of legislation and thus does not require renewal), Congress amended the statute so that electoral systems with a discriminatory *effect* would also be

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banned. Although the 1982 statute specifically states that "the fact that members of the minority group have not been elected in numbers equal to their proportion in the population shall not in and of itself constitute a violation of this section," in practice, the measure of a discriminatory effect has proven to be a body count of minorities holding office.

Supporters of the 1982 amendments insisted at the time that proportional representation was the furthest thing from their minds. Two years later, however, they have come up with a book which openly calls for proportional representation.

Proportionality is to be the major factor in judging a violation. Lack of proportionality plus a scintilla of further evidence proves the violations. At-large districts might be evidence enough. So might impediments to independent candidacies or even factors unrelated to voting, such as income disparities.

It is not surprising, then, that since 1982 civil rights groups have succeeded brilliantly in striking down electoral systems in municipalities where black candidates have not fared well. The numbers of Section 2 suits are not readily available (many municipalities will change their electoral system under the *threat* of a suit) but it is clear that at-large systems are a prime target, not only in the South, but throughout the country.

To understand the implications of these suits, look at *City of Mobile v. Bolden*, the 1980 Supreme Court case that gave rise to the Section 2 modification. For the authors it was the source of endless frustration: most were involved in the suit brought against Mobile, Alabama's at-large voting system. At issue: the Court's holding that the system which had been in place since 1911 could not be struck down without proof of discriminatory purpose. Section 2, the Court held, was designed to mix electoral systems that were themselves designed to discriminate. It was not meant

to strike down longstanding systems of election which had been put in place for non-racial reasons, such as giving candidates a city-wide view. It happens that, on remand to a lower court, the plaintiffs were able to prove intent in *Mobile*. But under the modified Section 2 they were free to challenge any at-large voting scheme that didn't maximize black office holding.

Occasionally, when reading *Minority Vote Dilution*, one wonders whether race is the only issue weighing on the minds of the authors. Often, their real concern seems to be electing a *particular kind of black candidate*—the kind of militant neo-nationalist candidate that is likely to emerge when there is no need to reach out to whites. Davidson's own essay on "Non-partisan Slating Groups," co-authored with political scientist Louis Frega, acknowledges that in Abilene, Texas, for example, Citizens For Better Government did nominate black candidates but not the "right" kind of black candidates. Neither "Alcorta nor Scott had been active in minority causes before or during his stint on the council."

Now the authors may only be interested in electing blacks of a certain political stripe, or who have been involved in the right kinds of "minority causes." But surely such activists have no more claim to their own electoral districts than, say, Republicans in Cook County, Illinois. Sometimes our group wins; sometimes it doesn't. But that is politics, not racism.

And while they are engaged in the ancient alchemy of turning political bartering into something more noble, the authors in *Minority Vote Dilution* would do well to remember their physics: for every action there is an equal and opposite reaction. If you create a dozen black majority districts you create at least that many heavily white districts. The most obvious consequence of this gerrymandered segregation is the domination of the political landscape by two political groupings:

black neo-nationalists and white racists un beholden to black constituents. Black leaders should ask themselves if the election of more black candidates is worth this cost. For example, how exactly would blacks be served by a few black assemblymen in a chamber of unsympathetic whites?

It is instructive to remember that in 1964, the NAACP challenged a New York State redistricting plan that would have created a safe black district for Adam Clayton Powell, the Congressman from Harlem. The NAACP knew that black influence would be enhanced by spreading their numbers, instead of buffaloing them in the service of one candidate of the same color. The editor of the present volume, too, once looked at these matters from a different perspective. Chandler Davidson's 1972 work, *Biracial Politics*, though laden with the black power slogans of the time ("white radical allies," "institutional racism," etc.) nonetheless had an inspiring message: blacks and whites must work together. He reached out to whites and called on black separatists to do the same. To judge from *Minority Vote Dilution*, Mr. Davidson no longer believes that such bonding is possible.

It is to be hoped that the courts and elected officials charged with designing redistricting plans will think otherwise. Balancing political interests is a divisive, unverifiable and ultimately regressive method of redistricting. Hopefully, they will remember that that is why the Supreme Court tried to get us out of the political thicket in the first place. ☞

Books

Spurious George

by Mary Tedeschi

The Orwell Mystique: A Study in Male Ideology

Daphne Patai

Amherst: University of Massachusetts Press, 1984. 334 pp.

\$14.95 paperback; \$30.00 hardcover.

Pity George Orwell. Dead some 35 years, he is unable to enjoy the battle being waged for his name. It is especially tragic that Orwell—who once described writing as “the desire to seem clever, to be talked about, to be remembered after death, to get your own back on grown-ups who snubbed you in childhood, etc., etc.”—was not on hand in 1984. Week after week his critics fought it out, and whatever they may have said, of the year itself at least one truth was certain: no one would have been more amused than Orwell himself.

To the casual observer, the war for George Orwell—which featured more mud-slinging and high indignation than most wars for the dead—seemed anything but convivial. Not so, however, to Daphne Patai. On the contrary, she charges, Orwell’s admirers are complicit to the core: left, right, and center, they refuse to tell the truth. A former devotee herself, Patai brings zeal to her attempt to set the record straight. Her mission in *The Orwell Mystique* is two-fold: to dismantle the writer’s legacy, and to expose the corruption of his many and varied critics.

Both are daunting tasks. George Orwell is the most renowned political writer of the century, and the passion he brought to his work is universally extolled. Opinionated and utterly candid, he could contra-

dict even himself with conviction. On this much his critics agree: Orwell never shrank from saying what he thought was true. And it is this observation, naturally enough, that becomes the cornerstone of Patai’s dissent. For “saying what one thinks,” she objects in her introduction, “can be as much an act of aggression as a display of lofty principles.”

It is obvious which description fits Orwell; from the beginning of her book, he is aggressing all over the place. His narration is “belligerent,” his tone is “coercive.” He has a “vigilante mentality,” sees himself as “the sole bearer of the truth,” and “sets himself up as a judge over others.” These are only a few of Orwell’s failings as a writer, and they are venial compared to his failings as a man. Dandy, anti-Semite, hypocrite, and homophobe, his personal reputation for decency has survived only through “the laundering process that usually accompanies . . . memories of a famous friend.” Thus is Orwell, writer and man, bared at the outset of *The Orwell Mystique*.

[Patai’s] mission in The Orwell Mystique is twofold: to dismantle the writer’s legacy, and to expose the corruption of his many and varied critics.

For Patai, of course, these descriptions only emphasize the question of Orwell’s legacy. Why is a man of these shortcomings so widely acclaimed? And why, moreover, is he acclaimed by critics of all political stripes? Patai’s answer to both questions is simple. The champions of Orwell, whatever they may say, have a common ideology. It is Orwell’s ideology as well, and it “can be understood only by explor-

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ing his ideas about masculinity and femininity."

Needless to say, it is an exploration that does not bode well for Orwell or his admirers. Patai devotes most of her book to the charge that Orwell's work is rooted in his "androcentrism," his "traditional and damaging notion of manhood," and—a particularly vivid turn of phrase—his "hypertrophied masculinity." To the ordinary reader, these are curious charges: Orwell the essayist, who reflected at length on totalitarianism, pacifism, war, democracy, socialism, capitalism, and other such abstractions, had precious little to say about sex. But this fact, far from daunting Patai, serves only to confirm how very hypertrophied Orwell was. It forces her as well to ignore most of Orwell's nonfiction and to concentrate instead on his novels.

The results speak for themselves. Consider her treatment of *A Clergyman's Daughter*. This early novel, which is usually regarded as a tale about a Christian woman's fall from piety, reveals many of Orwell's constant preoccupations: poverty, class, the clergy, and so on. But to Daphne Patai, these themes are beside the point: "the novel's second line"—in which Orwell describes "the nagging, feminine clamor" of an alarm clock—"reveals that this woman and her story will be told from a conventionally biased male perspective." Her study of *Keep the Aspidistra Flying*, Orwell's story of a misanthropic young man who abandons his asceticism to marry and support his pregnant girlfriend, yields similar results: "a woman's life, according to the model Orwell sets out in this novel, is dictated by her biology." But it is Patai's examination of Orwell's better-known works that best brings her ingenuity to light.

Generations of critics, for example, have studied *Animal Farm*, but it takes a Daphne Patai to observe that "no critic has thought it worth a mention that the

pigs who betray the revolution, like the pig who starts it, are not just pigs but boars, that is, uncastrated male pigs kept for breeding purposes." Exactly what we are to make of this insight, Patai does not say, but it is obviously of a piece with her conclusion that "*Animal Farm* can be read as a feminist critique of socialist revolutions which, through their failure to challenge patriarchy, have reproduced patriarchal values in the post-patriarchal period."

Even so, nothing quite prepares us for Patai's reading of *Nineteen Eighty-Four*. This book, it turns out, is not about totalitarianism and the individual; in fact, it is not about political oppression—as Orwell and his critics usually construe the term—at all. Rather, it is about a game. "The Party's actions are best understood as a game," she explains, "and O'Brien and Winston are players operating from a common frame of reference, sharing fundamental values." To be sure, the game has winners and losers. The female characters, in particular, lose on two counts. First, they are not allowed to play with the boys. As Patai notes with clear disapproval, the world of *Nineteen Eighty-Four* is exclusively controlled by men. Second, women's issues are ignored throughout the book: "not a word in this novel deals with the problem of contraception and abortion." In sum, *Nineteen Eighty-Four* is not the book that millions of the lettered and unlettered have believed it to be; it is "specifically the story of two men committed to shared ideas of what it means to be a man."

Thus does Patai complete her case against misogynistic Orwell and his fellow-travelling critics. All, it appears, have succumbed to their "inherently dangerous" masculinity. All have contributed—wittingly or not—to the oppression of half of humanity. Yet Patai, as a former admirer, closes her book not in anger, but in pity for what Orwell might have been:

"He himself, trapped by both his manhood and his misogyny, in the end fails to achieve the resonance of a fully human language."

**War, oppression,
hypocrisy, violence:
whatever the evil,
masculinity is its
source.**

Patai's book should become a classic of contemporary feminist criticism. First, the author's understanding of her subject—in this case, the works of George Orwell—begins and ends with the axiom that Orwell was a man. Second, like most works of its kind, *The Orwell Mystique* is loaded with demanding characterizations of men. War, oppression, hypocrisy, violence: whatever the evil, masculinity is its source. Finally, and most important, this book—with its insistence on the idea that men and women read, write, and indeed think in thoroughly exclusive languages—provides an outstanding example of the biological imperative that lies at the heart of today's radical feminism.

Still, there is no denying that feminists like Daphne Patai are on to something. Sexism is indeed thriving in America today. It is thriving in higher journalism, where books like *The Orwell Mystique* are lauded and rewarded; and it is thriving in the academic press, where scholarly standards are politely suspended for writers with feminist credentials. It is an ugly thing, this sexism, and ugliest of all when it is promoted—as is usual in feminist tracts—in the name of equality or fairness. ☞

Notebook

Mark Twain

Since the time of its writing a century ago, *The Adventures of Huckleberry Finn*, Mark Twain's most celebrated, most maligned literary creation, has remained a highly controversial—and sometimes outlawed—work.

The latest skirmish in the battle to ban *Huckleberry Finn* took place in Chicago last February, where a new theatrical adaptation caused so much controversy that its producers held a public roundtable discussion in order to clear the air. Dr. John Wallace of the Chicago Department of Education, who has spent the past dozen years arguing the case for censorship of Twain's classic, referred to it as "the most grotesque example of racist trash ever written." In a recent appearance on ABC's news program, "Nightline," Dr. Wallace contended that exposing young black children to *Huckleberry Finn* might result in untold psychic damage. "It has been very detrimental to them, it has embarrassed and humiliated them in the classroom. . . . This book and books like it are doing a great deal of damage to black children and I want the world to know about that."

Dr. Wallace is not the first to criticize *Huckleberry Finn*. Many public school systems have yielded to the protests of the local NAACP, the Urban League, and other organizations, and have taken the book off the shelves rather than face charges of racism. A little over three months ago, school officials in Waukegan, Illinois removed *Huckleberry Finn* from the required reading list after an alderman complained that it was offensive to blacks.

The striking element in this latest fracas over *Huckleberry Finn* is that neither the author, the message, or the characterization of the book's protagonists are at issue. The real problem, it seems, lies in the use of the word "nigger"—specifically the 160 appearances of the word "nigger"—in the book. Does *Huck Finn* pack such a

psychic wallop as to, as Dr. Wallace claims, make "a black child. . . hate his blackness"? Does the book's incessant use of the word "nigger," and its portrayal of blacks, debase them and incite racism in today's school children?

These, of course, are charges that cannot be taken lightly. It should not surprise us that literal interpretations of works containing such highly charged words can be misunderstood, particularly by an audience of young and untutored readers. Yet it must be remembered that Twain was writing at a time when such words were an acceptable part of the everyday parlance of men and women who lived in a society that gave credence to racist sentiments. Twain parodied those sentiments in his treatment of the characters in *Huckleberry Finn*. It was, as Shelly Fisher Fishkin pointed out in a recent *New York Times* editorial, his way of "[using] irony to shame his countrymen into recognizing the gap between their image of themselves and reality."

In one scene, for example, Huck's Aunt Sally, a God-fearing woman and a good white Christian, asks her nephew to describe the explosion of a steamboat on the Mississippi. "Huck, did anybody get killed?" she asks. Huck replies, "No, ma'am, no, ma'am. Just a nigger." "That's good," says Aunt Sally, "because sometimes folks do get killed."

One seriously doubts that this latest challenge to *Huckleberry Finn* will be the last. It seems however, that Twain himself may finally be acquitted before the bar of public opinion. A recently discovered letter from Twain to Dean Wayland of the Yale Law School (written, incidentally, the same year as *Huckleberry Finn*), reveals the authors extraordinary sensitivity to the plight of blacks in this country. Writing to offer financial support for Yale's first black law student, Twain noted that "we have ground the manhood out of [black Americans], & the shame is ours, not theirs, & we should pay for it."

As to his critics, then and probably now, Twain left us with some especially well chosen words. "Those idiots in Concord [Mass.] are not a court of last resort, and I am not disturbed by their moral gymnastics. No other book of mine has sold so many copies within two months after issue as this one. . . . [They] have given us a rattling tip-top puff which will go into every paper in the country. . . . That will sell 25,000 copies for us for sure."

Miami Firefighters

In April 1977, the U. S. Department of Justice sued the City of Miami, charging that the city had engaged in a "pattern and practice" of discrimination against minorities in their police, fire, and sanitation departments. At the time, there were only 48 Hispanics and ten blacks in the entire Miami Fire Department, which numbered more than 640 employees.

As a result, the city entered into a consent decree with the firefighter's union, agreeing to increase the proportion of minorities hired and promoted in the department. Since 1977, 80 percent of the department's promotions have gone to minorities; a figure well in excess of both the current consent decree order and the civil service's so-called "rule of eight," which provides for the promotion, on the basis of a competitive examination, of the top five scorers, as well as the top three minority scorers, provided only that they had passing scores. By most numerical calculations, Miami's affirmative action plan has been a success: today, roughly 31 percent of Miami's firefighters are minorities.

Yet court-ordered "remedies" tend to follow the laws of unintended consequences, creating as many problems as they solve. Affirmative action plans such as the one in Miami, which allow minority workers to "jump" over white peers with higher scores or more seniority, seem for-

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mulated to engender resentment in every case. The problem is heightened in situations such as this, where the people involved spend more time with each other than they do with their families—where, indeed, they come to think of each other as family—and where, because they depend on each other in life-and-death situations, their trust in each other must be instinctive and absolute.

The unusual resolution to the problem, arrived at by two Hispanic firefighters, Henry Harrison and Nelson Lissabet, was to refuse the promotion and attempt to earn a stigma-free promotion by raising their scores on the next test. Lissabet, the first to turn down the rise in rank to lieutenant, explained to the Miami Affirmative Action Advisory Board that he considered it unfair to be promoted ahead of a white firefighter with a higher test score and more seniority. Both men were convinced that they could successfully compete with whites and other minorities, thereby avoiding the resentment of their peers and the accusation that they, without special treatment, were undeserving of the promotion.

Their courageous decision, however, was not unanimously applauded; indeed, some minority firefighters and union officials were outspoken in their criticism. One official went so far as to call their choice a “disaster” for the carefully-crafted affirmative action plan.

Despite this, both Lissabet and Harrison retook the exam in December. While Lissabet raised his department-wide rank on the competitive test from 29th to 20th, the improvement was not enough to grant him the promotion; that is, should he decide to decline the special treatment still available to him under the department’s affirmative action plan.

One can sympathize with their disappointment; one cannot help but applaud the courage and tenacity in their decision to compete without special help. Theirs is a reminder that there are times—many

times—when there is as much dignity to be gained in “failure” as there is in “success.”

“Hands That Picked Cotton”

What has the ballot really meant to southern blacks? In the 20 years since the passage of the Voting Rights Act of 1965, skyscrapers of books and articles have been built on this question. Yet one of the best treatments of southern politics is a film, “Hands That Picked Cotton: Black Politics in Today’s Rural South.”* Shot in 1982 in the swath of cotton land running from Mississippi to Louisiana, funded by the Louisiana Council on the Humanities, the film depicts blacks passing out leaflets, spouting campaign promises, haggling over zoning laws—in short, slugging through the mundane chores of small town politics. Like Walker Evans photos, “Hands that Picked Cotton” is a gritty, thoroughly unromantic view of southern life. And like the best of documentary film making, it doesn’t shy away from complexity.

For instance, it asks why the end of physical intimidation and recalcitrant registrars hasn’t led to more blacks holding office. (There are 86 counties in the rural South with majority black populations; half of these still haven’t elected their first black to county office.)

Jesse Jackson, who makes a walk-on appearance, lays blame at the feet of white officials “conducting a massive campaign of voting fraud.” But everything else in the film belies that accusation. Robert Clark, an attractive, articulate black candidate for Congress who was defeated in a majority black district, concedes that low black voter turnout did him in. (Clark ran—and lost—again in 1984. Early polling data points to the same reason.) A

black disc jockey speculates that in small towns “everybody knows everybody and nobody likes to see their neighbors get ahead.” Henry Reed, Jr., a prosperous black farmer, who during the course of the film wins county office against a white opponent, attributes it to the vestiges of discrimination. “Blacks still feel obligated to have the white man lead them,” he explains.

Perhaps the most salient explanation comes from a black school teacher: “It used to be that middle-class (blacks) didn’t want to run. They didn’t want to risk their businesses. Instead we got people who weren’t qualified, just unafraid.”

This was especially true in Tallulah, Louisiana, a majority black town where blacks have held a monopoly on political power since 1974. At first, middle-class blacks eschewed politics, leaving it instead to men like Zelma Wyche, a self-proclaimed “mean man” and one of the first black sheriffs elected in the South this century. But in 1978, Tallulah changed. “Doc” Anthony, also black, and Tallulah’s only veterinarian, put aside his concerns about losing white customers and ran for office. With white backing, he beat Wyche for the mayoralty. The battle is representative of the struggle between two generations of southern black politicians—moderates and activists. Wyche prides himself on not getting white votes; Anthony proudly accepts the moderate label. Wyche still thinks of himself as an activist and protestor; Anthony knows he’s a manager of a tight city budget. This transfer of power, echoed throughout the South, is the film’s drama.

While the film makes it abundantly clear that southern blacks have, in the words of Bayard Rustin, moved from “protest to politics,” it also makes it clear that future black political development will owe less to court orders and legal mechanisms and far more to the selection of better candidates and better organizing. ☞

*Produced by Paul Stekler and Alan Bell.

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