

WHICH SIDE ARE THE ANGELS ON?

There is a widespread belief among academics that to favor affirmative action for women and people of color is to be on the side of the angels. But why? Three types of arguments have been offered for engaging in affirmative action when making faculty appointments.ⁱ I will present some objections to each type of argument, and argue that none of them justifies adopting affirmative action as an across the board policy.ⁱⁱ By "affirmative action" I do not mean merely "procedural" affirmative action, which tries to ensure that all candidates receive fair consideration. I mean "preferential" affirmative action which involves overriding the professional judgment of the search committee about the qualifications of a candidate by asking them to give an edge to female and minority candidates.ⁱⁱⁱ

Backward-looking arguments justify affirmative action as a compensation for previous injustice and discrimination against women and people of color. Black people have the strongest case for compensation, but even in this case affirmative action benefits those who have been least harmed and places the burden of compensation on those not in a position to have reaped the benefits of earlier injustice. Furthermore, the underlying tort law model breaks down when applied to wrongs that span many generations. It runs aground because we cannot know what the situation of American black people would be today if slavery had never occurred. Indeed, in the absence of slavery, their ancestors would have stayed in Africa and they would not exist as the people they are either biologically or culturally.

The case for compensation is considerably weaker for Hispanics and Asians, most of whom are recent immigrants. Nor is it very convincing in the case of women. Women are evenly distributed among all economic and cultural groups, and, in any case, appointing a young woman just out of graduate school does nothing to compensate those older women who have suffered the most from discrimination. Finally, the choice of beneficiaries is arbitrary, since there are many other groups who have been victims of injustice and discrimination, and who therefore might justly claim compensation -- Arabs, Jews, Portuguese, East Indians, Poles, etc.

The forward-looking arguments justify affirmative action in terms of the desirable consequences its advocates believe it will have -- e.g., providing role models for female and minority students and contributing to an educationally valuable sort of diversity. This type of argument is popular because it calls attention to the positive contributions that the beneficiaries will be able to make to the college community, instead of emphasizing how they have been victimized.

Looking first at the need for role models, there is very little empirical evidence so far that having teachers of the same race or gender actually improves the performance of students.^{iv} In any case, it is self-undermining to accord *preference* to female and minority faculty in order to encourage female and minority students to break out of limiting negative

stereotypes. For if it is known that female and minority faculty are being given preference over better qualified white men, this knowledge will impair their ability to provide same kind students with role models for excellence, and confirm female and minority students in their fears that they cannot be expected to achieve at the same level white men do. In order to prevent this result, the fact that a candidate's ability to function as a role model for same kind students was the deciding factor in his or her appointment must be concealed, and consequently the role model argument encourages deceit.

Such a policy also has bad effects on the preferentially appointed faculty. It casts suspicion on their qualifications (and those of all other female and minority faculty, since people cannot tell which ones received preference and which did not) and puts pressure on them to do more than their share of mentoring female and minority students. If this occurs it may harm the professional prospects of such students, especially at the graduate level. White male faculty may feel that they have no obligation to mentor them (having appointed female and minority faculty to do the job), and since female and minority faculty tend to be more junior in rank they will be less well placed to help their students obtain the best jobs.

The diversity argument claims that greater racial, ethnic, and gender diversity among faculty will introduce intellectual and cultural perspectives that will be beneficial for everyone on campus -- not just for those students who resemble the faculty member in sex or race -- and that this makes it legitimate to give an edge to female and minority candidates. The argument is, however, rather vague and protean. Surely not every sort of diversity is valuable; it depends on the nature of the task at hand. Although there is currently very little consensus about the purpose of higher education (especially in the Humanities), the sort of diversity desirable on a college faculty cannot be discussed without a brief detour into this heavily mined territory.

The two most influential ways of understanding the goals of higher education for our purposes are the democratic liberal model and the multiculturalist model. Both value diversity, but they mean very different things by it and value it for different reasons. Understood and implemented along the lines of the democratic liberal model, diversity can, I believe, be educationally valuable, but when the practice of affirmative action is guided by the multiculturalist ideal, it will not have educationally desirable results -- not even those sought by the multiculturalists themselves.

According to the democratic liberal model, the intellectual purpose of the university is to strike a balance between the handing on of truths already discovered, and the discovery of new truths. Since vigorous debate helps to expose difficulties with proposed new theories, we ought to welcome diverse viewpoints and methodologies (within some limits, of course). The political purpose of education is to help students become informed and responsible citizens so that America's democratic way of life can be perpetuated. This requires

handing on some core of shared values and teaching students the skills necessary to engage in rational dialogue with people who think differently from them so they can deliberate together over what policies to adopt. One can learn how different people think by reading their writings as well as dealing with them in the flesh, but it could be useful to have a faculty who broadly reflect the differences of outlook among Americans, including especially groups large enough to be politically significant. Religious and regional differences, for example, go quite deep, and students need to understand them.

The intellectual and political purposes of education on the democratic liberal view, then, are mutually supportive, and rational dialogue is important to both. For this reason, diversity must be both recognized and to some degree contained, for if there is too much diversity dialogue and cooperation are likely to break down. Diversity must be balanced by some shared values -- minimally the belief that the search for knowledge is worthwhile and that democratic institutions are of sufficient value to be worth making some sacrifices for.

The multiculturalist model does not accord a central place to either the pursuit of truth or to rational dialogue. By "multiculturalism" I do not mean simply the belief that we can learn things of value from studying other cultures ("weak multiculturalism"), but rather "strong multiculturalism." This is a form of cultural relativism according to which different cultures are both incommensurable (consider, for example, the T-shirt "It's a black thing; you wouldn't understand") and regarded as all equally valuable. Multiculturalists in this sense are often allied with postmodernists and influenced by the thought of Nietzsche and Foucault. Both Nietzsche and Foucault hold that any claim to truth or commonality is oppressive and must be actively undermined; intellectual life is just politics all the way down.

The intellectual purpose of education on the multiculturalist view is to liberate the student from the hegemony of the dominant discourse and to give voice to those marginalized by it. Students must be opened up to new ways of thinking and learn not to assert that their way of life is better than others. It is hoped that this will lead them to be more flexible, tolerant, and accepting of those whose way of life differs from their own. The political purpose of education is seen as either mobilizing students on behalf of the marginalized, or else is taken to be internal to the university itself -- a kind of fantasy politics in which overthrowing the hegemonic discourse takes the place of revolution.

When the multiculturalist model is employed to justify and guide the practice of affirmative action for women and people of color, it is unlikely to have beneficial results. For the way the new female and minority faculty understand their role on campus, and the way they are viewed by their students and colleagues, are deeply affected by the rationale given for their appointment.

One problem is that the groups accorded preference were not selected on intellectual or cultural grounds, but were handed to

universities by the political process in the early 1970's. So why these groups and not others? The problem is complicated by the fact that women, black people, Hispanics, Asians and Native Americans are all internally divided on a number of issues, and important differences cut across the categories. Rural Southern black people, for example, may well have more in common culturally with their white neighbors than with a black person from the ghetto of Detroit. In any case, those with enough education to qualify for college teaching jobs are already among the elite in each group, and hence are unlikely to hold views representative of the group as a whole.^v Since there is no mechanism by which professors are held accountable to the groups they supposedly represent, claims that their appointment democratizes the university are spurious.

Additional problems arise because according preference to members of certain groups increases tribalization. When benefits are accorded on the basis of race, gender, or ethnicity, people band together with their own group to fight for their share. The diversity argument also puts pressure on women and people of color to accept the official position of the group they were appointed to "represent." (Exactly how the "official position" gets determined is something that would make a fascinating study for sociologists, but in any case, going out and talking to non-elite members of the group does not figure importantly in the process.) Since multiculturalists deny the possibility of rational dialogue between different cultures, opponents are usually ignored or subjected to *ad hominem* arguments. But diversity obtained by means of affirmative action will be of no use educationally if the diverse people don't talk to each other. If faculty work within totally different conceptual frameworks and make no attempts to respond to positions other than their own, students tend to become confused and retreat into giving each professor what he or she wants, rather than trying to develop coherent beliefs of their own.

Finally, since the only thing that holds the target groups together is the fact that they are *not* white men, white male bashing becomes a way of maintaining unity among them. But students who feel their whole culture and way of life is under attack, or who feel demeaned on account of their sex (male) or color (white) are likely to become more rigid and strident rather than more open and tolerant. Hence, not only does affirmative action guided by the multiculturalist ideal fail to achieve the sorts of goals desired by believers in the democratic liberal model, it does not achieve those sought by its proponents.

Since proponents of affirmative action seldom want to come out and openly advocate appointing someone who is less qualified for the job, the other arguments are often combined with some version of a third type of argument -- the "corrective" argument. According to this argument, affirmative action is necessary to counteract bias embedded in the appointment process -- either because search committee members are prejudiced

against women and people of color, or because the procedures and standards of professional competence employed by the committee are systematically biased against them. The crucial questions for the corrective argument are how to determine when bias is present and when it has been eliminated.

Postmodernism provides a temptingly direct route to the conclusion that bias is present. According to postmodernists, objective standards of any sort are a sham -- merely disguised manifestations of the will-to-power. The standards devised by white men reflect their values and ways of thinking (in other words, they are "androcentric") and function to perpetuate their dominance. However, postmodernists undermine their opponents' position only at the cost of pulling the whole house down. If objectivity is impossible two things follow: first, women and people of color have no basis for complaining that they have been unfairly treated in the past, since talk of fairness is merely mystification; second, since bias is inevitable in any case, the only alternative to androcentric bias, for example, must be gynocentric bias, and why should men adopt this perspective? They might as well continue to favor other men, or indeed anyone they feel like favoring for any reason at all.

What one most commonly sees is a kind of selective postmodernism. Postmodernism is employed to undermine the opponent's proposed standards, but the fact that one's own are equally vulnerable is concealed. This just won't do.

Another way in which people try to justify corrective affirmative action across the board is by relying on statistics indicating that women and people of color are underrepresented on faculties relative either to their proportion among the population as a whole, or their proportion in the applicant pool. There are many twists and turns to this argument, but briefly:

- 1) There is no reason to expect women and people of color to be proportionally represented among faculty relative to the population as a whole. This may be due to the preferences of the groups in question. Women's preferences have shifted markedly over time, and one would naturally expect that racial and ethnic groups that have distinctive and self-contained cultures would be likely to pursue different sorts of occupations. To expect an essentially random distribution of all groups across all occupations at all levels is to deny the influence of culture and tradition on people's choices. And the relative scarcity of some groups in college teaching may be due to any number of other things such as the group being disproportionately young or composed of recent immigrants whose English is poor. Or it may be due to injustice located elsewhere in society -- *e.g.*, poor primary and secondary schools in the inner cities -- rather than discrimination by hiring committees. And to correct for bias when none is present is to introduce bias.

- 2) If the proportion of women and people of color among recent appointments is markedly smaller than their proportion in the applicant pool, this may indeed be evidence of bias against them, but one has to examine the statistics with considerably

more care than is usually done -- taking into account the number of minority and female candidates in the *subspecialty* being sought, and recent changes in the composition of the applicant pool. Furthermore, since so many schools are simultaneously seeking female and minority faculty, the most prestigious ones quickly skim off the best female and minority candidates (usually from a smaller pool to begin with) so that a school with only average bargaining power may be able to get a better candidate by appointing a white man. Doing so, then, would not be evidence of bias or prejudice on the part of the search committee. The proper combination of statistical and anecdotal evidence can sometimes justify corrective affirmative action, but it must be done on a case by case basis.

Given the difficulty of establishing bias on purely statistical grounds (especially in light of the small size of the samples involved) proponents of the corrective argument often claim that white men are all (consciously or unconsciously) irremediably prejudiced against women and people of color (a kind of selective "original sin"), and hence cannot be trusted to be fair in assessing their credentials. This is a kind of liberal version of the hermeneutics of suspicion in that guilt is *presumed* rather than shown. But granting that none of us is perfectly pure in heart, why should anyone assume that only white men can be racist or sexist (consider, for example, the mutual hostility between black people and Koreans in New York City), or that these two prejudices are the only important ones. Regional prejudice, for example, is quite widespread, and sometimes very deep. A colleague recently told me that she had been surprised to discover that a particular student was intellectually serious in spite of the fact that she was blond, attractive and had a Southern accent. Prejudices we seldom hear about and that therefore go unrecognized are particularly likely to corrupt people's judgment; they are simply taken for granted and no attempt is made to compensate for them by making special efforts to be fair when dealing with members of the group in question.

The argument that corrective affirmative action is necessary because white men are irremediably tainted with racism and sexism also suffers from two further defects. First, it generates suspicion and hostility among colleagues. Second, since there is no way of determining when racism and sexism are no longer distorting the judgment of the search committee, it is necessary to fall back on a statistical criterion for success (usually proportional representation). And given the inertia caused by the tenure system, the shifting composition of the qualified applicant pool, and the preferences of the groups in question, the choice of numerical goals is deeply arbitrary.

Finally, the last type of corrective argument is the one which alleges that the disciplines themselves, having been constructed by white men, are biased against excellences characteristic of women and people of color. Again, this argument is a complicated one, and I limit myself here to noting only one of the difficulties with it. For this version of the corrective argument to be more than a case of selective

postmodernism it is necessary to give some reasons for supposing that bias infects the disciplines besides the fact that the academic disciplines were largely shaped by white men, and to do this it is necessary to specify just what is meant by, for example, "androcentrism." But academic women do not agree on this (although differences among them are often obscured by the fact that they all tend to identify themselves as "feminists").

Some women insist that women can and should do just the same sort of work that men do, and that to change the standards to favor those women doing less rigorous work than men are doing is a betrayal of feminism.^{vi} Another group holds that "Feminism" represents the viewpoint of women, and that to correct for androcentric bias it is necessary to approach every subject matter trying to see how women have been constructed to be lower in the gender hierarchy than men. Yet other women understand the woman's point of view to be the "feminine voice" which they identify with the sorts of traditionally feminine virtues praised by Sara Ruddick or by Carol Gilligan in her description of the ethics of care.^{vii} But until some sort of agreement can be reached about whether there is a distinctive women's perspective and if so what it is, correcting for androcentric bias will be impossible. Attempts to do so will merely advance the interests of some women at the expense of others, since reforms that make a discipline more hospitable to some women will make it less hospitable to others.

Affirmative action in faculty appointments does not raise only issues of fairness; it also touches on questions that concern the whole nature of the educational enterprise. Will the academy be a community in any meaningful sense? Will we be able to enter into dialogue with each other? What attitudes and habits of thought will our students take away with them when they leave? Given that the broader society has changed so much since the sixties when affirmative action was first instituted, the proper role of universities must be thought through anew in light of this changed context. Our current problem is not just that some individuals are being unfairly disadvantaged and are falling behind in an otherwise fair and orderly race, it is whether we will be able to continue to be one nation at all. Universities could play a vital role in keeping the lines of communication open among different factions and teaching students to understand and reason with others in a balanced and charitable way. To the extent that affirmative action is designed and implemented in ways that feed tribalization and undermine any sense of commonality, it cannot claim to be on the side of the angels.^{viii}

- i These are discussed in detail in my forthcoming book, *Diversity and Community in the Academy: Affirmative Action in Faculty Appointments*, (Lanham, Md.: Rowman & Littlefield, March 1996).
- ii This does not mean that there are *no* circumstances in which affirmative action would be warranted. But such circumstances are fairly narrowly circumscribed, and it should be done on a case by case basis.
- iii Steven Cahn suggested the terms "procedural" and "preferential" to me in conversation. Robert Simon also uses them in his article "Affirmative Action and the University: Faculty Appointment and Preferential Treatment," in Steven M. Cahn, ed., *Affirmative Action and the University: A Philosophical Inquiry* (Philadelphia: Temple University Press, 1993). My use of "procedural," however, differs from Simon's, and although my understanding of the terms is closer to Cahn's, it is developed in slightly different ways.
- iv A symposium, organized by Paul Ehrenberg, was recently held at Cornell on the importance of role models in education, and the papers are reprinted in *Industrial & Labor Relations Review*, 48(3), April 1995.
- v Just for example, a recent poll found that more women, when faced with two candidates equally attractive one of whom is pro-life and one of whom is pro-choice, would support the pro-life one (45% versus 42%). For non-white women, the figures were 54% pro-life and 31% pro-choice. Similar arguments can be made for other groups.
- vi See, e.g., Harriet Baber, "The Market for Feminist Epistemology," *Monist* 77(4) (Oct. 1994).
- vii See, e.g., Sara Ruddick, *Maternal Thinking* (New York: Ballentine, 1989), and Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982).
- viii I am grateful to Philip E. Devine and Violet Halpert for their comments on drafts of this essay.