SOME MISTAKES IN THINKING ABOUT

AFFIRMATIVE ACTION*

Donna H. Kerr

Educational Policy Studies
University of Washington

Once I was a member of a university council that, among other things, played "watchdog" when decisions were being made regarding whom to appoint to high places in the university administration. One of my colleague's favorite points was that if a candidate hedged with a "yes and no" or a "yes, but..." to the query, "Would you support affirmative action?", such a response should be taken as prima facie evidence that the candidate didn't really support affirmative action and so should not be hired. It is difficult not to empathize with the "yes, but" response. Most anyone who works in educational institutions can cite cases in which it seems that affirmative action worked—that it encouraged just decisions. As illustration, there is the case of the brilliant young minority professor who would likely have been passed over for lesser applicants had it not been for affirmative action. But also it is disappointingly easy to recall cases in which injustice has reigned in the name of affirmative action, e.g., the woman who, with minimal qualifications, was appointed project director, in consequence of which both the project and the woman suffered. Indeed, it is with such cases in mind that many of us (whether of the minority or majority, whether female or male) reply with a "yes and no."

How are we to understand the inconsistent results of affirmative action policies? That is, why is it that affirmative action seems to promote both just and unjust decisions? Is it that affirmative action policies, by their very nature, encourage arbitrary decisions?

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Or does the seeming inconsistency derive not from the affirmative action policies themselves, but from failures to implement properly the policies? Or perhaps is it differences in understandings of what constitutes affirmative-action policy that accounts for the sometimes just and sometimes unjust decisions made in the name of affirmative action? My hunch is with the latter; there is more than one type of affirmative action policy and not all types are just.

In order to distinguish just from unjust affirmative action, some analysis of the notion of affirmative action policy is required. Professor Maccia's paper, "Affirmative Action Plans: A Policy Analysis" serves well in that it nudges us into attempting to refine our thinking on affirmative action. Only with such analysis can our apparent hedgings be shown to be not hedgings at all, but rather qualifications warranted by their capacity to pinpoint our moral commitments.

In her paper, Professor Maccia undertakes to pursue a "logical and moral illumination" of affirmative action plans in universities and colleges. With the aim of logical illumination, she first says some things about the nature of policy, policy analysis, and affirmative action plans. Then, in pursuit of moral illumination, she attempts to use Rawls's principles of justice to show that affirmative action plans are moral. In order to indicate where Professor Maccia's argument in support of affirmative action goes awry, I propose to identify (1) her brand of affirmative action and (2) some mistakes in the logical-illumination section. Then, in a critique of her moral illumination of affirmative action plans, I will attempt to show how these mistakes and other foibles contribute to the failure of her argument in support of affirmative action. Finally, I will suggest what forms of affirmative action in education appear to be defensible as just programs.
What Counts as Affirmative Action?

In order to identify Professor Maccia's argument in support of affirmative action, it should help at the outset to locate the brand of affirmative action that she considers. Let us begin with the distinction she draws between affirmative action and a passive stance of non-discrimination.

"(Affirmative action) requires deeds that rectify inequality of opportunity due to discrimination," whereas non-discrimination requires only that "no person... be denied employment or related benefits on grounds of his or her race, color, religion, sex, or national origin," except where such grounds are relevant. If my plan goes as intended, it will be helpful to extend the distinction with further refinements. There are, it seems to me, four basic types of affirmative action, two that logically require reverse discrimination and two that entail non-discrimination. Here I take "reverse discrimination" to mean that the job-irrelevant criteria of minority status and womanhood are given positive weight when screening applications. "Non-discrimination" requires that applications be discriminated on job-relevant criteria only.

Practice suggest the usefulness of analyzing reverse-discriminatory affirmative action into two types -- one that in some specified percentage of cases makes the job-irrelevant criteria of minority status or being female crucial and another that in all cases assigns some positive weight to the same job-irrelevant criteria. The former constitutes the quota system and the latter what Professor Maccia would, as I understand her paper, call the "honest try" (the handicapping form), which is the form of affirmative action that she attempts to defend as a moral policy and for which she thinks the Higher Education Guidelines—Executive Order 11246 calls.
In x% of job openings of a given category, job-irrelevant criteria of minority status and being female are made criteria that must be met to be considered for the job.

In all cases of job openings, the job-irrelevant criteria of minority status and being female are given positive weight in review of job applications.

Note: While these two types of reverse-discriminatory affirmative action are logically distinct, they can, of course, be combined in various ways in practice.

Figure 1

Perhaps because Professor Maccia treats non-discrimination and affirmative action as dichotomous, she overlooks the two basic types of affirmative action of the non-discriminatory category. The first of these types, active non-discrimination, should not be confounded with the "passive stance of non-discrimination," even though it is a type of non-discrimination. Active non-discrimination consists in taking steps to overcome blocks to non-discrimination in the objective sense -- blocks such as prejudices or prejudicial habits and practice, the existence of which or the discriminatory nature of which persons may be unaware. To see just how active non-discrimination differs from non-discrimination simpliciter, it is important to underscore "in the objective sense." One might honestly believe that he or she has not discriminated on the basis of race, sex, national origin, etc., and yet have unknowingly so discriminated. That is, one might not discriminate in the subjective sense against women and minorities and yet be so discriminating in the objective sense. Deeds undertaken to block discrimination in the objective sense or unintended de facto discrimination, so as to avoid discriminating directly or in effect against minorities and women, would count as examples of non-discriminatory affirmative action.
The second type of non-discriminatory affirmative action would consist in defensibly treating minority status and womanhood as job-relevant criteria. For example, the producers of Sesame Street might defensibly treat being a Chicano as a job-relevant criterion if, say, the job consists in serving as an adult model (educationally speaking) for those viewers who are Chicano children. Here note that although it is required that Chicanos be chosen rather than non-Chicanos, this still counts as a case of non-discrimination in that Chicano status is job-relevant. The sense in which this type of non-discrimination qualifies as affirmative action is that it serves to counter "underutilization" of minorities and females.

![Diagram](Non-discriminatory Affirmative Action)

Action is taken to remove blocks to non-discrimination in the objective sense.

Where educationally defensible, the criteria of minority status and being female are made job-relevant and crucial, so that only a minority or woman may be considered for the job.

Figure 2

Given four logically distinct forms of affirmative action, to obtain the answer that along with Professor Maccia we seek, we cannot simply ask whether affirmative action is moral. Instead, we must put the question to each form and at least be open to the possibility that we will find them to be neither all morally defensible nor all morally indefensible.

Three Mistakes in Thinking About Affirmative Action in Higher Education

Mistake #1: Failure to see that some might be more qualified than others.

The Higher Education Guidelines—Executive Order 11246 is written in language that suggests that any given person either is or is not qualified for any specified position.
As far as I can determine, Professor Maccia accepts the point in the sense she employs the same qualified/unqualified distinction. Further, as the distinction is used, if more than one person is "qualified" for a given position, then an affirmative-action choice would be made on the basis of the job-irrelevant criteria of minority status and being female.

Now there is no doubt about the fact that if I wish to go sailing, I'll need a sailboat, rather than a speedboat, a tug, a steamship, or a freighter. But if I wish to sail as precisely and efficiently as possible, then I would be a fool to say that just any boat that qualifies as a sailboat will suffice. Clearly some would be better for my purposes than others. Likewise, if a faculty wishes to fill a vacancy, not just anyone who satisfies the minimal requirements for the position may qualify in the stronger sense. That is, being qualified admits of degree. While a group of candidates may all in some minimal sense be "qualified" for some position in an educational institution, it is, I think, most commonly the case that some are more qualified than others. Strength of graduate degrees, quality of publications, depth of teaching experience and expertise, significance of contributions to the academic community and the like all suggest a variation in the quality of "qualified" candidates. I offer this point not as a fresh insight, but as a commonplace. My reason for underscoring the fact that qualifications (at least in educational institutions and likely in many other places) admit of degree is this: if anyone but the most qualified applicant is offered the position first, then the decision has been made on the basis of job-irrelevant criteria and, like it or not, where the job-irrelevant criteria are minority status and being female, that constitutes reverse discrimination. Moreover, if the two most qualified candidates are judged to be equally qualified, then to choose outright the woman or minority candidate over the equally-as-qualified non-minority male rather than to toss a coin, would constitute reverse discrimination.
The Higher Education Guideline—Executive Order 11246 explicitly denounces any reverse discrimination "which leads to the selection of unqualified persons over qualified ones." By failing to recognize the fact that "qualified" persons' qualifications typically vary in degree, neither the Guidelines nor Professor Maccia has acknowledged that in cases in which a qualified candidate, who happens to be a non-minority male, appears to be more qualified than another "qualified" candidate, who is a minority or a woman, reverse discrimination would consist in the less qualified (not unqualified) person's being selected over the more qualified one. (This point seriously damages Professor Maccia's argument for the justness of the honesty or handicapping form of affirmative action, as will be discussed later on.)

Mistake #2: Misunderstanding education as analogous to chess-playing.

Professor Maccia offers the university as an example of a formal social organization that is instituted for the promotion of learning. Further, she states, "a university is constituted by rules which are essential for the promotion of learning." At first blush, these two points may appear to be harmless generalizations that are likely true. Closer scrutiny reveals a misunderstanding that bodes logical trouble when mounting arguments regarding affirmative action in universities and colleges.

Let us take that closer look. Professor Maccia observes that chess is constituted by rules that must be followed if one player is either to capture or to check another player's king. Likewise, she continues, if one wishes to promote learning, then one must follow the rules that constitute the university. The rub appears to come from treating educating as analogous to chess-playing. Surely one can promote learning without following the rules of any university. Indeed, one need not even be aware of such things called rules of the university and yet promote learning within that university, though surely one must be aware of the rules of chess in order to capture another's king.
That is, if one fails to follow the rules of chess, it logically follows that one is not playing chess. But if one fails to follow the rules of a university (e.g., rules for hiring faculty), it does not necessarily follow that one is not promoting learning. (A professor's dream?: Follow my rules and it logically follows that you will learn.)

The analogy misleads insofar as it misses the point of constitutive rules: descriptive definition. The rules of chess constitute the game of chess. Likewise, the rules of a particular university define that university as an institution. But the rules of the university themselves are not essential to the achievement of the goals of the university. Clearly, the promotion of learning could always be accomplished otherwise. Any sound defense of any kind of affirmative action must at least not be based on an assumption to the contrary. Put otherwise, any argument for any form of affirmative action necessarily fails if it hinges on the claim that the essential learning goals of universities cannot be promoted if affirmative action guidelines are not followed in the hiring of faculty.

Mistake #3: Failure to distinguish the university's goal of the promotion of learning from just any promotion of just any learning.

Throughout her paper, Professor Maccia refers to the goal of universities as the promotion of learning. To be sure she has company. Commonly we talk loosely about universities being places of learning, and usually such talk does no harm. But when the topic regards the rules under which universities are to be staffed, the time has come to be more precise. Universities are neither the place for just any kind of promotion of learning nor the place for the promotion of just any learning. The first point first. Learning can be promoted in a tremendous number of considerably different ways, ranging from conditioning to the provision of exemplary models of rational inquiry across the gamut of disciplines. I trust that it is clear that not every way in which learning could be promoted is appropriate in a university.
Second, of the myriad things that can be learned and the numerous levels on which they can be learned, not all learnings are appropriate goals for university endeavors. Not even all laudable learnings are appropriate. For example, the learning of rudimentary reading skills is surely a worthwhile activity, yet the university hardly seems to be the appropriate place to make direct attempts at the eradication of illiteracy. A defense of affirmative action procedures in higher education that is grounded on the assumption that just any promotion of just any learning will do denies, among other things, the university its identity. Surely, no matter how well-intended, proposals for hiring procedures within universities that disregard the nature of the university should not be judged solely on the power of the proposed procedures to diminish "underutilization" of women and minorities.

What's Wrong with Professor Maccia's Argument?

What I have to say in this section is addressed to Professor Maccia's argument in favor of honest-try or handicapping affirmative action. While I have seen no other argument in support of affirmative action that is exactly the same as Professor Maccia's, her argument seems to be of the same form as arguments in support of reverse discrimination in general. So I think that my remarks will have applications that go beyond the criticism of the Maccia argument and extend even beyond a refutation of handicapping to a criticism of the quota form of affirmative action.

In my interpretation, Professor Maccia's argument in support of handicapping constitutes an argument in support of a revolutionary tactic and, as such, suffers a moral malaise that is common in the justification of revolutions. In an attempt to clarify and back up this interpretation, I will (1) distinguish two kinds of revolutions, (2) call on a distinction between the Good Life and right action, (3) show that Professor Maccia's argument calls for a revolutionary "great leap forward" and, in so doing, does not satisfy Rawls's principles of justice. At this point I can only
beg the reader's indulgence while I take this "revolutionary" detour and hope that it will have been worth the efforts.

There are two kinds of revolutions, one that changes the political order (the "overthrow" revolution) and another that consists in a "great leap forward" (the great-leap revolution). Both overthrow and great-leap revolutionaries have a vision of the Good Life, a utopia in which to believe. Realization of the Good Life as they envision it serves as the focus of the efforts of both types of revolutionaries, though the two types perceive themselves as being at different stages in their strivings. In the Overthrow, the revolutionaries conceive themselves to be laying the foundation for the political order or power structure that undergirds the Good Life they envision. On the other hand, the revolutionaries who press forward with the Great Leap believe that the basic political order for the Good Life has already been established and that they, instead, are taking a short cut in the establishment of the social relations, culture and technology that, atop the political foundation, constitute the conditions for the Good Life. Here care needs to be taken to distinguish revolutions -- both Overthrows and Great Leaps -- from just any change in the political order, social relations, etc. The revolutionary, as opposed to other agents of change, believes that pursuit of the Good Life is itself sufficient justification for the suspension of individual rights, though just which rights are deemed suspensible varies from revolutionary to revolutionary.

The proponents of affirmative action as reverse discrimination, if ascribed patriotic purposes, are great-leap revolutionaries. They believe that the basic political foundation for the Good Life in the United States has already been laid, but that other conditions of the American dream of a thoroughly democratic society have yet to be established. For example, evidence remains that discrimination on the basis of race, color, sex, etc. still largely determines who enjoys what social and economic benefits. As a great-leap revolutionary, the proponent of reverse discrimination is both
committed to the realization of the American dream as a goal and impatient. "We have waited long enough!" or "It is past time that we make amends for the injustices of discrimination!" is the clarion call. The rationale for revolutionary tactics is this: (1) an essential feature of the dream realized is that there be no significant correlation between race, color, sex, etc. and position in the society; (2) whatever can be done should be done -- and done as soon as possible -- to destroy the imbalances that the present correlations indicate. The dream first; fairness to individuals second.

I propose that the difference between making the great leap via quotas and "leaping" via handicapping rests with the extent to which individual rights (in particular, the right to fair treatment) are considered suspensible. With the quota system, the right to an equal chance at jobs is, in some percentage of cases, flatly denied the non-minority male. With the handicapping method of leaping forward, the non-minority male's chances are systematically reduced, though not denied outright. That is, the non-minority male is docked relative points for his status as non-minority male, though he would not be denied the job if, in spite of his handicap, he were still to acquire the greatest number of points. The non-discriminationist (i.e., the person who believes that decisions should be made only on job-relevant grounds), on the other hand, does not believe that the individual's right to fair treatment is suspensible, even if without its suspension the dream (as a goal rather than as an aim) takes longer to realize.

Herein lies the crucial difference between non-discriminatory affirmative action and reverse-discriminatory affirmative action. Under non-discrimination, fair treatment is not believed to be morally suspensible under any condition, while under reverse discrimination, fair treatment is believed to be morally suspensible for purposes of expediency and welfare, i.e., if its suspension promises to contribute to the realization of the Good Life.
This preoccupation with the dream, even to the detriment of fair treatment of individuals, constitutes the central moral failing in justifications of revolutions. Demonstration of the priority of individual rights over establishing utopias reaches well beyond the bounds of this small paper. I refer to John Rawls's development of "the priority of justice over efficiency and welfare."

Now to Professor Maccia's argument in particular. After her having noddingly quoted Kant's imperative that persons never merely be treated as means and rawls's principles of social justice, her argument for denying fair treatment to non-minority males for purposes of achieving social ends may seem a bit of a surprise. Let us review, step by step, the Maccia argument for honest-try affirmative action.

Good-Life Premise: Persons should "share in the benefits of the distribution of natural talents, whatever that distribution might be."12

Good-Life-Not-Yet-Achieved Premises: Discriminatory practices have denied us all benefits of the natural talents of minorities and women.13

Short-Cut Premise: "By actually hiring women and minorities qualified to promote learning, (natural) talents formerly unavailable result in benefit for all."14

Conclusion (Recommendation): We should hire minorities and women who are qualified, before hiring non-minority males who are qualified.15

Let us examine each premise in turn. First, the Good-Life Premise, which appears to be based on a misunderstanding of Rawls's second principle of justice. As I understand the second principle, its point is to define the conditions under which social and economic inequalities are justifiable. In the Maccia reading, with which I take issue, Rawls's second principle does more. Namely, it requires that arrangements be made so that everyone benefits from the distribution of natural talents. My point is this: contrary to the Maccia reading, the second principle is in agreement with extending those persons with greater natural talents greater liberties.
only if such extensions are of benefit to even the least socially and economically advantaged. In other words, Professor Maccia appears to mistake the second principle as a statement that obligates the naturally more talented to act so as to share whatever the benefits of their talents with others, when all that can be drawn from the principle about natural talents is that the naturally more talented should not be extended greater social and economic liberties unless such inequalities can both (1) "reasonably be expected to be to everyone's advantage and (2) be attached to positions and offices open to all be" (presumably on a merit basis).

There is surely a grain of truth in the Good-Life-Not-Yet-Achieved Premise. It does seem plausible that discriminatory practices have denied us all a number of things, some of which may well be benefits that might derive from natural talents of minorities and women. Rather than to press for a definition of "natural talents," let us consider the context and what natural talents likely are not. The context of affirmative action that Professor Maccia discusses is higher education. If benefits of talents are at issue, surely it would be benefits of acquired, not natural, talents. If the statement were rewritten with "acquired talents of minorities and women," the premise could then serve well as a piece of an argument in support of non-discrimination, but not as a piece of an argument for handicapping. It would serve an argument in support of non-discrimination in that the relevant acquired talents would count as job-relevant criteria and those with the highest ranking job-relevant acquired talents would be hired, without regard to sex, race, etc.

The three mistakes identified earlier permeate the Short-Cut Premise which, for ease of reference, I repeat here:

By actually hiring women and minorities qualified to promote learning, talents formerly unavailable result in benefit for all.
Perhaps most obviously, the Short-cut Premise suffers from Mistake #1, the failure to see that some might be more qualified than others. Only if in fact women and minorities historically have been or perhaps now are more qualified to promote learning, then it would follow that hiring minorities and women would avail us of benefits presently denied us by discrimination against minorities and women. From our armchairs, we cannot say whether women or minorities as a group have been or are in fact more qualified, but it seems unlikely. Indeed, part of the discrimination problem has been the denial, whether outright or indirect, of educational preparation that would have qualified women and minorities to compete for the most-qualified status. It perhaps should again be noted that not only does this mistake damage the internal logic of the premise, but also it serves to camouflage the fact that handicapping is a form of reverse discrimination.

Additionally (or maybe alternatively), the Short-cut Premise may be interpreted as ailing from Mistake #2, misunderstanding education as analogous to chess-playing. For the premise to stand up under scrutiny, it would have to be true that the mere having of rules that require women and minorities to be given preferential treatment in hiring decisions would insure that their promotion-of-learning talents would benefit us all. As discussed in earlier consideration of Mistake #2, educating cannot be done by definition; instead, it must be done by acting in a world not in which results are obtained by declaration, but in which action must be assessed by empirical means. No definition can warrant the claim that preferential treatment of women or minorities will either promote learning or, in a more general sense, benefit us all.

But let us momentarily forget the first two mistakes in the Short-cut Premise, in order to uncover a third foible. Let us imagine that women and minorities have special talents (natural or acquired) for promoting learning -- talents that would make them qualified to promote learning in
in a way that non-minority males could not be qualified or as qualified. For the premise to stand up, it would have to be true both that the type of promotion of learning in which minorities and women have special talents and that the learnings that they are especially talented in promoting are appropriate in the university. Though perhaps an interesting logical possibility, it seems most unlikely that this is in fact so. If, for example, the type of promotion of learning that is appropriate in universities is the provision of exemplary models of inquiry in the knowledge disciplines, then minorities and women, as groups, would not appear to be especially naturally talented in the requisite way. That one would be a "born" inquirer in some intellectual discipline -- a human artifice -- seems clearly unlikely. And, as noted before, women and minorities have not had opportunities equivalent to those of non-minority males to acquire such talents. So surely they have not acquired special talents of the same sort. If women and minorities do have special natural talents in the promotion of learning (Here sexist and racist phrases come to mind: "a woman's touch," "blacks are born musicians," etc.), it seems most unlikely either that these sorts of "talents" would enable one to promote learning in the manner or with the content that is appropriate in an institution of higher education. So even if the Sort-cut Premise were not ridden with Mistake #1 and Mistake #2, it would still be weakened by Mistake #3, the failure to distinguish the university's goal of the promotion of learning from just any promotion of learning and the promotion of just any learning.

In Defense of Non-Discriminatory Affirmative Action

Having argued against the quota and handicapping forms of affirmative action, I feel compelled to draw attention to the alternative, non-discriminatory affirmative action, lest what can and should be done in pursuit of the Good Life be overlooked. I share the revolutionary's dream that one day prejudicial practices and attitudes will have disappeared -- that
positions in our social and economic order will be granted and assumed fairly, which means at least without irrelevant regard to any person's race, color, religion, sex or national origin. Do I support affirmative action? Yes, but...Yes, I support non-discriminatory affirmative action, but no, I cannot abide the suspension of fair treatment of some individuals that reverse-discriminatory affirmative action requires.

The crucial question is this: what justly can be done to bring minority and female participation in our society up to par with that of non-minority males? That is, without treating any persons as means rather than ends, without violating any person's right to justice as fairness, what can we do in pursuit of our dream? More particularly, what can and should we do in the context of education?

Let us begin with the anti-affirmative-action, laissez-faire thesis: all that is required to bring minority and female participation up to par with that of non-minority males is that discrimination against minorities and women in hiring and employment practices be stopped. The validity of this view rests on the premise that the effects of past discrimination will disappear at least automatically, if not immediately. In other words, if we just stop discriminating against minorities and women, they will gradually begin to share in the social and economic positions on a par with non-minority males. It seems to me that the point really cannot be disputed, especially if no consideration is given to how long that might take and if it is assumed that raw intelligence is distributed randomly throughout the population. Over time the statistics would no doubt change. But must we be content with merely not disallowing their participation? Short of discriminating against non-minority males (i.e., short of the reverse-discrimination short cut), are there perhaps ways in which the fuller participation of minorities and women might be discouraged?
What we seek here are employment policies in higher education that (1) must not deny fair treatment to anyone as an individual and (2) must have the likely effect of encouraging minorities and women to become prepared to compete and actually to compete for the "most qualified" status. The possible means to these ends are infinitely many. What I propose here are what I take to be the three categories of actions that could and should be undertaken. Definition of more particular prescriptions that would fall within these three categories is limited only by criteria 1 and 2 above, one's imagination, and empirical support regarding "what works."

The first two categories of action I propose aim to counter the long-engrained crony system and constitute an affirmative action policy of active non-discrimination. One can imagine that a selection committee might honestly believe that it discriminates between candidates only on job relevant criteria and yet always select a non-minority male, especially if additional criteria were unknowingly applied (e.g., extra points for someone who had been a student of an old friend). A non-minority male would certainly be selected if no excellently qualified minorities or women were even to apply for the position. That is, in the selection of persons to be hired, promoted, or granted merit pay or other such social and economic benefits of employment, non-discriminatory criteria could honestly be believed to be applied or could actually be applied and yet no change might occur in the level of participation of women and minorities.

The two categories of action that would seem to be good candidates for breaking through the crony system are (1) a review of the job to be done and publication of criteria to be employed and (2) a comprehensive search for excellently qualified candidates, including excellently qualified minorities and women candidates.
A review of each position to be filled, if undertaken with the express purpose of expunging job-irrelevant hiring and promotion criteria, would likely have the effect of eliminating the "crony criteria" so long engrained in the thinking of so many academics. (By 'review of the job to be done,' I do not intend a weakening of the job so as to reduce qualifications.) It is one thing to believe that one is applying strictly job-relevant criteria and yet another actually to apply only job-relevant criteria. The point of a review of the job to be done and publication of the job-relevant criteria would be to increase the likelihood that no job-irrelevant criteria would be brought to bear in the employment decisions. An underlying assumption here is that whatever the intent of the crony criteria, one of the effects has been to discriminate, if directly, against minorities and women and, to be sure, other groups as well.

The point of the comprehensive search for excellent candidates, including excellently qualified minority and women candidates, is likely transparent; characteristically the crony system limits advertisement of the vacant position to passing the word along to a few colleagues a worst or to making announcements in publications and societies "in the field" at best. Indeed, one point on which the Higher Education Guidelines appear to be clearly on a just track regards recruitment of candidates in particular, namely the specification of what might be done to uncover whatever excellently qualified minority and women candidates exist.

While the first two categories of affirmative action I propose likely ring familiar, the third may sound novel: a policy of allowing educationally defensible minority and female jobs. (It should be noted that there is some evidence to suggest that the kind of action I have in mind may run counter to some interpretations of the Civil Rights Act of 1964.) In short, I wish to suggest that for educational purposes some jobs be defined in such a way that either being a minority or being a woman counts as a crucial job-relevant criterion.
Recall that the point of the first category of action is to "clean up" job criteria so as to make the criteria brought to bear strictly job-relevant; the aim of the second is to seek applications from all persons who are excellently qualified, including excellently qualified minorities and women. The purpose of the third category of action is to educationally encourage women and minorities to prepare for occupations and positions for which historically only non-minority males have been educationally encouraged. It will take considerable imagination and empirical work to determine what specifically could be done that would constitute effective educational encouragement. One possibility comes readily to mind: from what we presently know about the effects of role-models on the young, in order to break the traditional occupational patterns and expectations, it may well be essential that some jobs in educational agencies be defined as being strictly for minorities or women. That is, perhaps we need to define some educational positions as role-model positions, lest we never succeed in altering the role expectations for minorities and women in our society. If "educational" is read broadly, as I think it must be if we are at all serious about the American dream, then expressly minority and women role-model positions must be instituted, for example, in advertising in general, TV and radio programming, service organizations, churches and other agencies with educative potency, as well as within our schools. As illustration, presently allowing advertising to encourage young females to believe that their proper domain of concern runs from the selection of detergents to the polishing of floors bodes a continuation of slim findings in our next generation's searches for excellently qualified female candidates for positions in higher education.

To be sure, not just any educational purpose that could be served by allowing only females and minorities access to particular positions ought to be served. The basis for establishing such positions should be more narrowly defined.
At least we ought to have good reason to believe that the allowance of such educational positions would alter the established and self-perpetuating patterns of exclusion of women and minorities from the social and economic benefits on a part with non-minority males.

I do not mean to suggest that if we design and implement programs that promote actions of these three categories then we will have achieved the elusive dream. Many other factors, some of which we somewhat understand, also block the way. My intent here has been only to suggest what sorts of affirmative action can and should be undertaken in the context of education so that the realm of higher education might, by just means, come closer sooner to the American dream than it would if we were to reply solely on non-discrimination to take its course.