The current debate in Australia about affirmative action, particularly from the right, is deliberately mindless and confusing. We need some categories to apply to the debate which will be useful at dinner parties and other venues where people get you so angry that you turn blue and red and can’t think what to say. These remarks are quite practically intended even though they may sound very theoretical.

The four categories are: (a) the issue of accurate definitions; (b) the issue of what I’ll call, in shorthand, the automatic moral superiority of women; (c) the issue of class, income, and masculinity protection; and (d) the issue of using the patriarchal state, or what we might call the judo of feminism.

Point one is the issue of definitions. Much of the current debate about affirmative action deliberately confuses how the term affirmative action is used in Australia in state and federal legislation with how it has been used in the United States.

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It’s fair to say that the extremity of the remedy — direct, positive discrimination as we call it here, or preferential treatment for Blacks — was in response to serious social disruption, including what looked like revolutionary situations in some Black ghettos, such as Watts and Detroit. I’m not making value judgments on this, but it’s very important to understand it historically.

When Equal Employment Opportunity (EEO) was translated to Australia it came in a milder form. Affirmative action in Commonwealth, New South Wales and Western Australian legislation provides for targets in hiring but not quotas.

Gabriel Moens, a member of the faculty of the Sydney University Law School, has written a report on affirmative action originally commissioned by the Human Rights Commission under the Liberal government. The Labor government has, in fact, repudiated his report. There was a bit of a scandal, as I understand it, because the commission was being accused of suppressing it. But lest this precious bit of scholarship be lost to posterity, it has now been published with the support of the Centre for Independent Studies, a rightwing organisation; in effect, with the support of the New Right. The study is called Affirmative Action: The New Discrimination and, from a newspaper account, it seems quite clear what it’s about. I’ll quote a choice bit which refers particularly to universities.

Hard vs. Soft

When referring to the difference between the American and the Australian affirmative action programs. Moens uses the terms (no comment, but consider these in the context of patriarchal language) “hard” and “soft” programs. The American programs are hard, in that they actually provide in some cases, for direct preference to people from the target groups, as opposed to Australian programs which are soft because, with some exceptions, they operate on merit. Thus, Equal Employment Opportunity in Australia means just counting and making sure that we are removing the barriers so that women and other members of minority groups get a look in.

Moens makes two points. Firstly, while Australian programs are currently “soft” they could become “hard” later on. Once affirmative action has a foot in the door there’s no guarantee it will not change in character, on the model of American developments.

On this point I would not quarrel with Moens. Particularly if soft programs are seen to fail, pressure will inevitably mount for giving them more teeth. But it is a form of bad faith to say (a) soft can become hard; (b) here are the arguments against hard; and (c) the arguments under (b) stand up against affirmative action in any form, as specifically against Australia’s current programs which are soft.

The second point is the view expressed about the role of universities. Moens states that, “introducing affirmative action programs could dramatically change the function of tertiary institutions from preservers of knowledge to instruments...
social engineering".*

Shock, horror! The university might actually become an institution which determines people's later fate in the world and decides who shall live and who shall die, who will have a high income and who will be on the dole. We can't have that!

Muddying the debate

That is what I mean by "mindless and confusing". Moens is muddying the debate, swirling up a cloud of misinformation to obscure the important issues for discussion. When you get into one of these arguments with people, it is crucial to find out what they are talking about. What do they mean when they use the term affirmative action? Are they referring to preferential hiring of members of target groups, and within that, are they talking about people with equal qualifications to, or lesser qualifications than, the members of the majority groups usually selected for the positions being discussed? Are they talking about so-called soft affirmative action programs which, in effect, have no power to enforce the filling of targets and which merely set them as forward estimates.

Affirmative Action is now a technical area, and there is a range of measures discussed under the umbrella term. It is thus crucial to be clear what country is being talked about, what year, what legislative provision and what practices within that, what actual practices are being discussed, because there's legislation, and then how it's implemented.

The second category is the issue of the moral superiority of women and is probably addressed more to the left than to the right. The notion is that the rise of women, even in small numbers, to positions of authority and high income outside the traditional area of women's employment, must be justified by the ideological soundness of those women. That is, the shift of greater power to women, socially speaking, can only be justified if those women are ideologically sound feminists who are going to change the world in the correct directions. I make this argument frequently as a defense of EEO and AA. If enough women get into places of influence and power and they are feminists, then they will have the opportunity to exert influence in areas of policy, etc. But, underlying this is the assumption that if such women are not ideologically sound, if they are rightwing shits, then they have less entitlement to positions of influence and power than rightwing shits who are men.

Article of faith

Very often we are making the argument, as feminists, that the point about giving women greater power and influence in the society is that women will bring with them a different perspective and will, in fact, effect social change in the direction of egalitarianism. That's almost an article of faith in a lot of feminist circles. However, the truth is that women as a group have much less power, much less income, many fewer options educationally and vocationally than do men as a group.

One argument for affirmative action is that it will broaden those options for women, giving them access to a wider variety of education and training, and then to kinds of work, and levels of work, including positions of very senior responsibility. The entitlement of women as a group or as a class to that greater access should not necessarily be linked to an expectation of their intrinsic moral superiority over their male peers. That's a very nineteenth-century argument for feminism.

I gave a talk at the University of Wollongong which has just appointed its first woman professor, Dr. Carla Fasano, who holds the Chair of Education there. I was giving my
standard EEO talk about merit and how women have to have a look in, how women are often not judged accurately on their skills and so on, and often in a competition that is fair and open, the women, at least 50 percent of the time, will have the edge on the male candidates.

I was going on with my rave about how women would contribute to the university "a range of other skills and life experiences" and enrich the community overall, when Carla cut in and said, "Listen, I'm sick of this, I don't care if these women are better, let them be worse! We just want in." My jaw dropped, and I thought, she's right: in effect, the argument should be about a slice of the action.

Gender bending

My third category is the issue of what I'm calling class/income/masculinity protection. This draws a lot on the work of Clare Burton, which looks at the role of gender in the workplace. When looking at affirmative action programs, much of it has to do with opening up areas of work to women that have not traditionally been accessible to them. We've had, in recent years, in New South Wales (the media love this), the first woman train driver and the first policewomen. Much of that debate looks at the challenge to gender roles and gender expectations that is constituted by the entry of women into non-traditional areas.

Claire Williams' book Open Cut is a brilliant exposition of the linkage of masculinity to certain kinds of jobs. She discusses open cut coal mines where, in interviews with the miners, one grasps the enormous intensity of their identification as tough men out there with these enormous machines that are shearing off the top of the mountain. Being the men who drive these machines is not just related to the issue of income and access to those jobs, which is very well protected by trade unions. It also concerns the meaning of those jobs to the men in terms of their identity, their strength in the world, and their sense of themselves.

Clare Burton, Claire Williams and others who have written about this, talk about the resistance of men to the entry of women into so-called non-traditional areas as an issue of masculinity protection. This is a psychological argument, an argument about identity. When the women are interviewed, and I'm thinking of some of the American material about women who have become coal miners and gone into the so-called hard (again) masculine professions, these women are not discussing gender identity. They're talking about income. "I wanted to have more money and more security and this job pays so and so many dollars an hour". So they're not having a crisis about their femininity, they are, in fact, entering an area of work where they will be rewarded for skill and ability in a way that they do not get rewarded in the traditional areas of work for women.

There is an American example of how women are (or are not) rewarded for traditional female skills. The official government evaluation of skill sets salaries in a certain range of public service positions. Women in one particular classification of book-binder in the government printing office were not awarded any points for skill in sewing because it was assumed that all women know how to sew. When the men entered that field they got extra points because they had learned to sew and it was considered an acquisition of skill.

That is why I say it is also an issue of class. Many people say affirmative action is only about senior women getting more money. It's also about women at the bottom of the heap getting a bigger range of jobs to go into, some of which will get them out of impossible financial situations.

Feminist judo

My final category is making use of the patriarchal state. I called this feminist judo, cleverly placing yourself so as to use the overwhelming weight of state power in your favour. This is a very big debate in women's studies circles. Is the state a patriarchal institution, is it inevitably masculine? It's masculine and serves masculine interests, is it not a contradiction for us, as feminists, to use the power of the state to defend women?

This is a serious issue in the intellectual and university debate about affirmative action, because in a sense it's attacking feminism for being insufficiently of the left, insufficiently wedded to the class struggle because it's appealing to the state which defends patriarchal capitalist interests only.

I suppose, though, that the intervention into that argument is to say: Look, the debate about the state is much more complicated. There are all kinds of different concepts of the state. One of these is as a countervailing force to the raw untrammelled action of capitalism as an economic system. There is a very long and honourable history, particularly in Australia, of using state intervention as a force for social change, as a brake on the interests of capital.

A striking example is the industrial arbitration system. Historically, it has been an important brake on the free play of the labour market. A feminist attempt to use the state, with all the doubts and fears that you may have about it, is nonetheless in this tradition. A group with limited social power is calling upon government action in a sense to even up the odds against an otherwise very harsh and untrammelled market for the purchase of people's labour as a commodity.

Women are in a very respectable tradition on this point. A legitimate counter-argument to this raises the question of control and accountability. If the women's movement says, "Right, we want such and such legislation", and the government of the day says "OK, there's votes in this, folks" and passes the legislation, one is then faced with the issue of implementation. How can we control the legislation, does it continue to act in the interest of the people who brought it in, or who were responsible for it being brought in? That's a much larger issue.

But, with all the reservations one may have, I don't think that it is illegitimate for a social group such as women to require government to intervene to make the labour market work for women fairer. I think that, in this, feminists are part of a very respectable tradition of social change.

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