Affirmative Action Is on the Way Out

by Phyllis Schlafly March 23, 1995

When even the head of the Democratic Leadership Council (DLC) says that Affirmative Action on the basis of race and sex is "patently unfair" and has helped lead to a breakdown of society, you know that reverse discrimination practices are doomed. Senator Joseph Lieberman told the National Press Club that "you can't defend policies that are based on group preferences as opposed to individual opportunities, which is what America has always been about."

What do you mean, you can't defend those policies? Reverse discrimination on the basis of race and sex has been the centerpiece of Democratic Party ideology and politics for the past 30 years. These policies have had such blanket support by the media, academia, and major opinion makers that Republicans have been cowed into paying lip service to them all these years.

Until the 1994 elections, that is, when Affirmative Action turned out to be the sleeper issue that elected a new Republican majority. All of a sudden, trend-setting California is about to pass an initiative banning preferential treatment on the basis of "race, sex, color, ethnicity or national origin" in public employment, education or contracting.

Affirmative action was instituted by Democratic Presidents, politicians and judges primarily to help the blacks, but the major beneficiaries have been women. Every employer knows that he must hire his quota of female employees, or he faces bureaucratic harassment and expensive lawsuits.

The first reason why Affirmative Action is wrong is that it is based on the theory of group rights as opposed to the American tradition of individual rights. As Lieberman implied, the whole concept of group rights is just plain un-American.

The second reason why Affirmative Action is wrong is that the woman receiving the benefit is not a woman who was discriminated against. Nobody should be entitled to receive a remedy for an injury suffered by someone else. Women are not a monolithic, cohesive community in which a grievance suffered by one woman can be remedied by a preference given to another woman.

The third reason why Affirmative Action is wrong is that compliance is judged on quotas. As a rose by any other name smells just as sweet, quotas by other names such as "numerical indicators ", "goals ","timetables " ,"statistical balance " and "equitable representation," smell just as bad.

The fourth reason why Affirmative Action is wrong is that it is based on the feminist notion that women and men are fungibles, that there is no difference between the behavior of women and men in the labor force, and that anything less than a 50-50

male-female distribution in all job categories is "underrepresentation" and proof that the employer discriminated against women. This is false. Despite 30 years of equal employment opportunity statutes and aggressive enforcement through Affirmative Action, the majority of women still avoid a whole list of occupations that require physical strength, risky and unpleasant working conditions, or 60-hour work weeks.

Employers should not be forced to preferentially hire less qualified women in job categories that few women want and men are better at anyway. We should not be forced into the Procrustean model demanded by the feminists seeking a gender-neutral society.

The fifth reason why Affirmative Action is wrong is that it is an open invitation to blackmail and extortion. When an employer is served with a lawsuit on behalf of a woman he didn't hire or promote or award a contract to, the employer's lawyer will tell him it's cheaper to pay off the woman than to defend the case. That's the costly way the system has been working for three decades.

The sixth reason why Affirmative Action is wrong is that it is demeaning to women. Women should be willing to compete equally with men on the basic of equal opportunity and should neither expect nor accept preferential treatment.

In most jobs, women should be able to compete equally because they are just as smart. If women are hired by Affirmative Action, they will never be recognized for their merit but will always be considered to have gotten where they are "just because they are women."

In jobs where most women cannot compete equally with men, such as those that require physical strength, women should not be hired unless they meet the same standards and pass the same tests as men. We should abolish from our society the outrageous practice of "gender-norming," which means falsifying test results to make it appear that women perform equally with men when they don't.

Gender-norming is widespread in the military and in jobs such as firefighters. Women do not meet the same standards as men; women compete with other women for designated female slots (otherwise known as quotas).

The seventh reason why Affirmative Action is wrong is that it creates enormous resentment and animosity in the workplace. Everybody knows the system is fundamentally unjust, and this poison produces contempt for the hypocrisy of pretending that injustice is justice.

There is no more justification for giving women preferential treatment today than there would be for giving women two votes on the rationale that, long ago, women were denied the vote. And that's ridiculous.