ARTICLES

EQUAL OPPORTUNITY VERSUS EMPLOYMENT EQUITY

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This paper calls for the abolition of employment equity, which is Canada’s equivalent of affirmative action for females. It argues that equal opportunity and meritocracy are necessary and sufficient for social justice, and that preferential treatment only engenders and protracts injustice. To illustrate its claims, the paper presents a case study treating the Canadian Philosophical Association’s notorious 1991 Report by the Committee to Study Hiring Policies Affecting Women. Some debilitating effects of Canada’s radical politicization of sexuality on the general culture are also mentioned.

Introduction

“Employment equity” is Canada’s version of affirmative action. However, given palpable differences between Canadian and American history, notably Canada’s lack of involvement in the slavery of the Triangular Trade, Canada’s preferential social and economic policies primarily favor females over males, instead of non-whites over whites. In Canada, a pervasive and systematically-inculcated mythology of socially constructed “gender imbalance,” biting into the body politic with the totalitarian teeth of Orwellian laws, is utilized to discriminate viciously but often covertly against males. The Canadian Philosophical Association (CPA), which during the 1990s was colonized by proponents of so-called “group rights” and radical equity feminists, commissioned and adopted a set of overtly anti-male hiring recommendations, replete with suggested quotas, which drove this author (among many other well-qualified...
males) out of that country. This paper argues that employment equity, along with all its bureaucratic appurtenances, should be abolished. The CPA’s scandalous hiring recommendations are discussed as a case study, to illustrate the untenability of the equitist position. I claim that social justice demands equal opportunity, which in the free play of enlightened market forces leads to unequal but fair outcomes; and that social justice does not need employment equity, which engineers unfair outcomes to suit arbitrary or egregious assumptions, and thus engenders copious unfairness as well as economic costliness. Meanwhile, the politicization of sexuality in Canada has exacerbated social conflict between the sexes, and has had deleterious effects on the culture.

**Prelude to the Critique**

As a prelude to my critique of employment equity, I must explain something of my vision of social justice. I do this at the outset in order to preempt the sort of charges directed at those who dare speak out against the political programs that equitists regard as sacrrosanct icons of fairness. In America, any white person who criticizes affirmative action is reflexively branded a “racist.” Any black person who does so is labelled an “Uncle Tom.” Tragically, such *ad hominem* pass for sound argument among dozens of millions. Those who refuse to hear or even listen to arguments against affirmative action treat it somewhat like a religious crusade, not a political program (e.g., see Sowell 1995). Anyone who opposes it is thus a heretic.

Let me therefore say that I believe in equal opportunity of employment. Equal opportunity means that no-one should be debarred from seeking employment on the basis of age, race, ethnicity, sex, gender, religious belief, disability, or any other criterion irrelevant to the standard of performance demanded by the position sought. If I engage a basket-weaver, then I reasonably expect that person will be competent to weave a basket. If I hire a taxicab, then I expect that the driver will be competent to operate a motor vehicle and will know the most efficient way to take me to my destination. If I engage a university student as a research assistant, then I expect that the student will be competent to read, write, reason, and conduct literature searches.

Though different positions may be valued differently by society in terms of necessary preparation and financial remuneration, each demands a respective minimal standard of performance. I submit that no irrelevant criterion of discrimination should be utilized either to exclude, or to include, a particular person seeking a position. There may be cases in which people with physical disabilities are legitimately excluded from some kinds of employment (e.g., a one-armed person may not be competent to weave a basket or to practice dentistry) but on the whole there is no criterion, whether of age, race, ethnicity, sex, gender, religious belief, or irrelevant disability, that should be used a priori to exclude a competent person from seeking employment, or from seeking to become qualified to seek employment.

**Critique of Employment Equity**

Thus far I have rehearsed an equal opportunity doctrine to which most enlightened people subscribe. We now arrive at a crucial fork in the path toward justice: we must turn either left or right; there is regrettably no middle way. The left-hand fork asserts that it is just to practice both equal opportunity and employment equity. The right-hand fork asserts that it is just to practice equal opportunity, but manifestly unjust to practice employment equity. This fundamental claim of the right-hand fork—which I take—is advanced on two grounds: the unconscionable inconsistency of employment equity, and the unworkable symmetry of the rettributive justice it implicitly invokes.

Equal opportunity asserts that it is unjust to exclude any person from seeking employment on the basis of irrelevant criteria. But employment equity sets implicit or explicit biological quotas, and thereby asserts that it is just preferentially to employ certain people (e.g., females of color) on the basis of criteria irrelevant to the position (i.e., skin pigment and sex chromosomes) and preferentially to exclude certain other people (e.g., white males) from employment on the basis of criteria irrelevant to the position (i.e., skin pigment and sex chromosomes). The inconsistency is blatant.
At the same time, it is interesting that many employment equitists deny the existence of quota systems. Such denials imply that even equitists view quota systems either as ethically unjustifiable or (more likely) as publicly indefensible. But their wistful denials are discredited by incontrovertible facts. For example, Article 2.2 of Ontario’s defunct Employment Equity Act (Bill 79) states: “Every employer’s workforce, in all occupational categories and at all levels of employment, shall reflect the representation of Aboriginal people, people with disabilities, members of racial minorities, and women in the community.” And for example, “in November 1988 the Board of Governors [of Ryerson Polytechnic] approved a staffing plan which designated 57 positions of the 72 that would become vacant because of retirement over the next 10 years as ‘equity positions.’... Ryerson will only accept recommendations to hire qualified females for these designated positions” (from “Employment Equity Programs at Ryerson,” produced by their office of EE). And for example, “When Canada’s biggest art school hit on a quota system for hiring women instructors, all hell broke loose. While able-bodied white males complain that they’re an endangered species, most women at the Ontario College of Art in Toronto welcome the dawning of the age of affirmative action” (Cameron 1991). And for example, “In 1992, Ontario Provincial Police Commissioner Thomas O’Grady proposed the force intervene at the National Parole Board to obtain ‘expeditious consideration’ for pardons for certain convicted criminals. His reason? So the OPP could hire them to meet employment equity quotas” (White 1996). These are but a few among legion examples. The quotas are undeniable. Perhaps the most ironic example of equity quotas and their concealment is afforded by Ontario’s (now-defunct) Employment Equity Commissioner’s Office itself: “In response to verbal and written requests, the Office refused to provide... information [about its workforce composition].” The responses to a series of Freedom of Information requests may explain this reluctance. The most recent figures, provided in January [1994], suggest that hiring is overwhelmingly based on criteria of race and gender. The 1991 census indicates that women constitute 46.6 percent of the Ontario labour force; they constitute 90.5 percent of the Office of the Commissioner’s staff. Racial minorities constitute 13 percent of the provincial labour force but 53 percent of the Office staff. What of able-bodied white males? The Office of the Commissioner reported that 0 percent had identified themselves in this category” (Loney, 1994).

Having established that employment equity does entail hiring quotas, I now sharpen the focus on its inconsistency and injustice with a few academic examples with which I am familiar. These are anecdotal (as are many examples used in arguments supporting employment equity), but are nonetheless instructive.

In a Canadian university, a male and a female candidate were finalists for a tenurable position. The male was demonstrably better-qualified in every significant respect (i.e., teaching experience, publications, recommendations, research program, etc.), but the female was offered the position. Two members of the selection committee were willing to testify to the province’s Human Rights Commission that the female’s appointment had been politically orchestrated, and that she was clearly the superior candidate. (One of the willing witnesses was soon to retire, the other soon to expire, so neither feared administrative reprisals). When the male finalist formally asked the province’s Human Rights Commission to investigate—such investigations of unequal treatment being the very raison d’être of the HRC—his request was denied. He was informed by the Human Rights Commission that, since he was a white male, it was impossible for anyone to discriminate against him.

In another Canadian university, all and only five female applicants were short-listed for a tenurable position. Dozens of male applicants—many of whom were better-qualified than the females—were simply disregarded. The first-and second-ranked females accepted job-offers at American institutions; the third-and fourth-ranked females accepted job-offers at other Canadian institutions; and so the offer in question fell to the fifth-ranked female. She accepted it conditionally on the hiring of her husband—a well-qualified academic—on some peripheral basis. (Many Canadian universities have “spousal-placement programs,” which find make-work for well-qualified husbands in order to entice their wives to accept permanent positions). But the institution in question was handcuffed by its own stringent “employment equity” policies: it
could not “find” any work for a male spouse (had the spouse been female, a position could have been found). So the fifth female candidate took another job. The search committee re-convened, and a well-qualified male was hired. Following public notification of the hiring, vociferous protests of “gender inequity” and “misogyny” erupted on campus.

In order to avoid such embarrassing public remonstrations, yet another Canadian university “short-listed” all and only thirteen female applicants for a position. One hundred and fifty applications by males were disregarded.

Proponents of academic employment equity answer the charge of inconsistency by claiming that they seek to rectify past injustices, reverse present ones, and prevent future ones. But Irvine (1996a) has clearly demonstrated that injustice of the sort that equitists oppose—i.e., inequality of opportunity—no longer exists in the academy. In consequence, employment equity is founded on an obsolete vision of compensatory justice, and its founders on a naïve conception of retributive justice that aims to revenge itself on the descendants of past oppressors. The program is unworkable. If we understand social injustice as a pendulum that swings to and fro across generations, then employment equity merely reverses the direction of the swing and infuses the pendulum with energy, guaranteeing that it will continue to oscillate, and that future injustice will be done in turn against the descendants of the perpetrators of injustice present. If retribution were justifiable, then women could make amends for having been deprived of the vote by similarly depriving men; African-Americans could make amends for slavery by similarly enslaving, dehumanizing and lynching whites; and Jews could make amends for the holocaust by similarly ghettoizing, shooting and gassing innocent German men, women and children. While equal opportunity defends impartial justice for individuals, employment equity sanctions retributive injustice against groups.

Canada’s Orwellian Constitution

In Canada, the legislative root of the problem is contained in the Canadian Charter of Rights and Freedoms, an instrument which effectively mandates and protects social injustices such as employment equity, and thus ironically engenders injustice under the mantle of justice. The abrogation of individual rights and freedoms has been ordained by the Charter, in its notorious Section 15, entitled “Equality before and under law and equal protection under law”:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, color, religion, sex, age or mental or physical disability.

In other words: (1) everyone is equal; but (2) some are more equal than others. Or, on a strictly logical interpretation: (1) discrimination will not be tolerated; and (2) discrimination will be tolerated. And this contradiction masks a deeper flaw. Sub-section (2) pre-empts individual rights by supersession of “any law, program or activity that has as its object the amelioration of conditions” of various kinds. This means that any such law, program or activity—even if it turns out to be an unmitigated catastrophe—continues to pre-empt individual rights and freedoms, so long as its avowed “object” is the amelioration of some condition. A factually worsening condition is therefore a constitutional irrelevancy, as long as its blithe intention was ameliorative.

Anti-Kantian Ideology

The ideology that supports employment equity does not tolerate the simple truths that we are unequal in innate abilities, and that we differ in acquired tastes and interests. No two people—not even so-called “identical” twins—are equal in their physical constitutions, their mental compositions, their personal histories, and their individual aspirations. People are equal only but significantly in a Kantian moral sense, in that they deserve dignity and merit regard as autonomous ends-in-themselves. Smith may be a better ditch-digger than Jones, or a better runner than Jones, or a better dentist than Jones, or a better scholar than Jones, but one should
not say that Smith is better than Jones. They are unequal in every sense, save in the Kantian moral one.

But Kantian equality does not mandate employment on the basis of unfair preferment; rather, it demands that we hire on the basis of merit and merit alone, for to do otherwise is to erode the very foundations of that sole equality to which we can lay claim: namely, desert of dignity and regard for autonomy. If I require that a ditch be dug, I should employ the best ditch-digger that I can find and can afford. My criteria of merit are entailed solely by the job that needs to be done, and by nothing else. This makes for true equal opportunity, since as an employer I do not care whether the best ditch-digger I can find and can afford is male, female, gay, lesbian, hermaphroditic, black, brown, white, red, yellow, communist, capitalist, fundamentalist, reads Kant regularly, does not read at all, defends individual rights, or is an advocate of employment equity.

Were I to hire anyone other than the best ditch-digger I can find and afford, then I would violate the Kantian canon of equality, for I would be exploiting that person as a means to my end while disrespecting her as an end-in-herself. Similarly, from the employee’s perspective, to be hired to satisfy someone else’s political agenda rather than to exercise one’s own ability is to be deprived of dignity and autonomy, which is in fact to be humiliated. Three possible outcomes obtain from such a hiring. First, the employee may learn to be competent, but that would be a matter of chance. Second, she may become extremely insecure and unhappy, especially in the event that she works alongside accomplished peers, who were employed on the basis of merit. Such an ethos naturally stirs anger and resentment among the competent, and breeds feelings of rejection and guilt among those hired because of equity programs. Third, a bureaucratic infrastructure may be established in an attempt to legislate equality. Anyone who casts aspersions on the resultant defective ditches can be branded a sexist or a racist.

Now consider where employment equity has made the most inroads—namely in the public sector; specifically in government and in the academy—and consider the two most obvious contrasting characteristics of private and public sectors. First, the private sector is profit-driven; the public sector, debt-driven. Second (and in consequence), in the private sector effective products conduces to advantage and profit whereas defective products conduce to disadvantage and loss; whereas in the public sector effective or defective products alike (e.g., just or unjust government, rigorous or unr rigorous research, wholesome or unwholesome education) conduce to fiscal deficit. The public sector is therefore much more vulnerable to ideological rationalization, because in the short fiscal run it appears that bad products are no more costly than good ones. But in the longer socio-economic run, a public sector that inculcates injustice, unrigor, and unwholesomeness debilitates itself and eventually devitalizes the private sector too. In sum, the body-politic (i.e., the private sector) can remain productive and prosperous only if the mind-politic (i.e., the public sector) remains just, rigorous and wholesome.

A Case Study: The Canadian Philosophical Association

A case study writ large most sharply illustrates my argument against employment equity. Consider the Canadian Philosophical Association, which in 1990 convened a “Committee to Study Hiring Policies Affecting Women.” The members of this committee were two male proponents of group rights and five feminists in philosophy departments. The committee commissioned an “outcome-oriented study,” whose “findings” were set down in a document entitled “Report to the CPA from the Committee to Study Hiring Policies Affecting Women.” The Report epitomizes unrigorous research promoting unwholesome education in the service of unjust outcomes. The Report claims that women are “under-represented” in professorial posts in institutions of higher learning. This claim is ill-founded because it is predicated on false
premises and is supported by misleading statistics. I quote from the Report’s “Conclusions and Recommendations”:

Only about thirteen percent of tenured and tenure-track positions in Canadian philosophy departments are currently held by women. There is widespread consensus that this situation must be rectified . . .

The false premise that there is a “situation” in need of “rectification” emanates from an unreasonable focus on the proportion of women in philosophy. If this fraction is smaller than that of men, then equity proponents claim that it proves “discrimination against women.” They suggest conspiracy, cite historical disadvantage, and demand equity. The Charter guarantees it to them. On this basis, some feminists claim that mathematics, physics, chemistry, computer science, engineering, and medicine discriminate against women (they overlook the fact that the same principle suggests that biology, psychology, sociology, social work, nursing, and midwifery seem proportionately to discriminate in favor of women). In the CPA case, they conclude that there are “too few” female philosophers both because females have been allegedly excluded from philosophy, and because the putative “political agenda” of erstwhile male-dominated philosophical inquiry apparently “socially constructs” a subject-matter, tradition, and climate hostile to the interests of women.

But one cannot claim that women are “under-represented” in the professorial population by means of simplistic head-counts. A straightforwardly lucid refutation of this claim has been provided by philosopher Andrew Irvine (1996a). On the basis of careful statistical analysis, Irvine shows that women are significantly over-represented in the Canadian academy when compared to their respective applicant pools. In other words, proportionately more females than males are hired when one considers relative numbers of male and female applicants. This in turn suggests that males are significantly disfavored—not favored—by current hiring policies which, Irvine soundly concludes, ought therefore to be abandoned. By contrast, the CPA’s Report seeks to disfavor men to an even greater extent.

The Report observes that small proportions of female philosophy students “cause” small proportions of female philosophy fac-
ulty in Canadian universities. This is true, but not pejoratively so. (Similarly, small proportions of white Black Studies students “cause” small proportions—near zero—of white Black Studies faculty in American universities, and small proportions of male Women’s Studies students “cause” small proportions—near zero—of male Women’s Studies faculty in North American universities, but in neither case does anyone reify a “situation” that must be “rectified.”) The Report then advances the converse causal claim: that relatively small numbers of female philosophy faculty “cause” relatively small numbers of female philosophy students. This is untenable. Consider the same logic in a different context. I might reasonably convince you that my infrequency of headaches causes me to ingest very few aspirins. But it surely does not follow that my infrequent consumption of aspirin produces very few headaches, and by implication that my hypothetical ingestion of many more aspirins would therefore increase the frequency of my headaches.

Though its conclusions are based on statistical and converse-causal fallacies, the CPA’s Report espouses the need to feminize philosophy in order to correct its reified (though non-existent) gender imbalance. The suggested quotas are: “By the year 2000 at least twenty-seven per cent of permanent or probationary faculty in any unit should be female, and by the year 2010 at least forty percent should be female.” This imperative is ordained irrespective of female versus male graduation rates of Ph.D.s in philosophy, and irrespective of other criteria of academic merit. In theory, it means that every female with a Ph.D. in philosophy will be guaranteed an academic job, whether competent to hold one or not, while only 40 percent of male Ph.D.s (based on current graduation rates) will obtain positions.

In practice, the pool of qualified females is quickly exhausted, so unqualified females are vaulted to the front of the hiring queue. This means that women who have not yet completed their doctorates, who have not acquired postdoctoral experience, who have published little or nothing, and who have taught little if at all—in other words, female applicants who should rank at or near the bottom of any list of candidates for a tenurable position compiled on
the basis of objective merit—are preferentially hired in the place of male applicants who have doctorates, postdoctoral experience, significant publications, and evidence of outstanding teaching ability. Declaring that “being female is itself an academic asset in a job candidate,” and thereby confusing gender with merit—that is, confounding chromosomes with accomplishments—the CPA’s Report next concerns itself with “enlarging the pool of potential [i.e., female] candidates”:

It would appear that young women are getting almost as much initial exposure to philosophy as young men [sic] but that they are not sufficiently attracted to pursue it at more advanced levels... Do we mistake traditional male social roles (particularly those associated with aggressiveness) for philosophical skill? Many women are simply not comfortable with the social behaviors associated with adversarial philosophy... Hiring policies at the faculty level cannot possibly succeed in achieving their goals unless female undergraduates can be convinced that philosophy provides a hospitable climate for women.

This suggests that male philosophers must avoid the exercise of reason lest they “intimidate” their students. Other “social behaviors associated with adversarial philosophy” include a three-thousand-year-old tradition of quiet contemplation, careful observation, patient reflection, thoughtful discussion, rigorous writing, and principled instruction. Such a “climate” is indeed inhospitable to adversaries of reason—male and female alike—yet the region conditioned by this climate welcomes anyone—male and female alike—who sincerely wishes to inhabit it.

Subsidiary recommendations of the Report are all informed by overt hostility toward men, and/or by overt favoritism toward women, with a view to redefining the philosophical enterprise in particular but also to feminizing the academy in general. Its recommendations include the following [with my comments in square brackets]:

“Keep job specifications as flexible as possible so as to generate a larger pool of applicants” [so a woman can be hired]; “Above all, try to avoid advertising positions in areas known to be overwhelmingly dominated by men” [don’t hire the expertise you need; hire a woman instead]; “Write personal letters to likely [female] candidates inviting them to apply for your department’s job”; “Do not accept a short list without female candidates” [pay attention to gender, not qualifications]; “Ensure that candidates are assessed in a setting that does not privilege the paradigmatically masculine skills of argumentative battle” [don’t ask your female candidates any philosophical questions; assume that females lack verbal skills and cannot defend philosophical positions]; “Recognize that feminist scholarship is an important focus for scholarly work” [don’t exercise independent critical judgement]; “If you are unable to find a suitably qualified woman, consider deferring the appointment for a year”; “Take steps to ensure that yours is a woman-friendly department” [regulate social interactions]; “Make it clear to all that sexist comments or jokes will not be tolerated” [suppress freedom of speech]; “Remember that women faculty are often excluded from informal lines of communication, and so it may be necessary to institute more systematic measures to compensate” [don’t discuss academic affairs in the men’s room]; “Ensure that your curriculum makes adequate room for feminist concerns and that these are not regarded as weird or marginal” [suppress freedom of thought]; and “Finally, it is important to bear in mind that not all potential women philosophers are white and able-bodied.”

This last injunction is surprising to many Americans, for it places women before non-whites in the queue for compulsory and reverse-discriminatory benefits. The CPA’s Report thus reveals a fundamental difference between American and Canadian social conflict. In America, racial issues assume pride (or shame) of place; gender issues, however vituperative, take a back seat to them. Canadians mercifully experience nothing remotely resembling the cathartic history and legacy of black-white race relations in America. In America, the most damning social epithet that one can wear is “racist,” so American feminism equates sexism with racism. The culture of compensation demands and creates discrimination in favor of women, but this takes place in the shadow of compensatory reverse-discrimination in favor of racial minorities. In Canada, by contrast, the most damning social epithet is “sexist” to begin with. So this leaves the Canadian field of political compensation wide open for women—and they are having a political field-day.

By contrast, the priority of racial conflict over gender conflict in America gives rise to an interesting sexual division of literary labor, at least among the politically incorrect. In America, “real” men write about race (e.g., The Bell Curve and The End of Racism); “real” women, about gender (e.g., Who Stole Feminism? and Pro-
fessing Feminism). Where excesses of American feminism are deservingly excoriated by men—as for example in Higher Superstition—the target is not radical feminism itself; rather, is radical feminism in a pluralistic context of new-age lunacies. It appears that postbellum Yankee Gradually inherited not only the legacy of Southern slavery, but also a penchant for Southern gallantry and chivalry. Some politically incorrect American intellectuals misregard male critiques of Canadian radical feminism—such as Fair New World and Moral Panic—as somehow un gallant or unchivalrous. Even Michael Levin’s scholarly and cogent repudiation of American feminist dogma (Feminism and Freedom, 1987) was all but ignored in America—it suffered the un forgivable “defects” of being ahead of its time, and perhaps of being misperceived as discourteous. But in a culture where holding a door open for a woman can result in a lawsuit for sexual harrassment, men had better re visit the meaning of “courtsey.”

Opposition to the CPA’s Report

Written opposition to the Report, from philosophers and graduate students across Canada, was reasoned, lucid, cogent, and even satirical but, in the short run, impotent. Some highlights of both the arguments and sentiments against the Report, in letters to then-CPA President Michael McDonald, and in open letters to the Association, are as follows.

The report that we have been asked to consider is unscholarly, dishonest and overtly hostile to the fair treatment of men... Some people think that even though they do not wish to go along with these measures, they have now become inevitable. Like the practice of Gleichschaltung which during the 1930s Naziﬁed the universities of Germany, they think that this wave is bound to roll over us and that the best policy is simply to keep one’s head down and hope to survive... I suggest that it is the path of honor and academic integrity to resist these small time dictators. (Graeme Hunter, 1992)

I have argued in my work over the years that what passes for contemporary “liberalism” is in fact an incoherent congeries of politically ad-hoc interests. This report certainly provides a fine case in point. The Committee makes light of, indeed rides roughshod over the only piece of work in the field that marshals the facts on the normal view of the matter [Irvine 1996a], and rushes to embrace a very thin set of dubious reasons on behalf of the policy it proposes to impose on the profession. And it would impose it admittedly to the very great frustration of a great many deserving people who have the misfortune to be a member of the out-of-favor sex of the time. This isn’t good performance for philosophers, friend. (Jan Narveson, 1992)

It is not the purpose of the CPA to remodel society through social-policy initiatives. Indeed, social engineering through hiring practices is beyond the legal jurisdiction of our Association... Both in conception and in implementation, this Report has been a farce. (Anonymous, 1992)

In general, we find the tone of the report to be offensive to both women and men, especially in view of its several sweeping generalizations and unsubstantiated comments. No one seriously opposes the idea of hiring qualiﬁed competent women. At the same time, however, the more radical proposals contained in the report would not, we believe, serve the long term interests of either men or women in our discipline. And, they can only serve to further divide the Canadian philosophical community. (Alana Wylie, and 38 other signatories of the Philosophy Graduate Students’ Association, University of Waterloo, 1992)

It is a melancholy object for those who walk through the philosophical institutions in this country when they see the corridors, offices and lounges crowded with philosophers of the male sex locked in combative, aggressive, argumentative battle with one, two or even three of their male colleagues or male graduates. These hostile and antagonistic males, because of their biased intellects, cannot apply themselves impartially to feminist issues in philosophy, or for matter, any area of philosophy, and so in their preferred devotion to the insensitive, unyielding topics like ethics and, worse, to those weird and marginal areas of philosophy such as epistemology, metaphysics, philosophy of mind, action and philosophy of science, hinder genuine philosophic progress and do damage to the institution of philosophy itself... I have been informed by several of my more amiable, compassionate and cordial feminist friends that healthy males well schooled in Plato, Aristotle, Aquinas, Descartes, Spinoza, Locke, Hume, Berkeley, Kant, Russell, Wittgenstein, Quine, Kripke, and Carnap are a most delicious, nourishing and wholesome food, whether roasted, baked or boiled... (Peter Joseph, 1992)

If adopted and implemented, the recommendations before the CPA would actually guarantee a job to all women with Ph.D.s in philosophy. Since I already have a Ph.D. in philosophy, I need only become a woman to secure employment. In such a world, I would therefore shelf my philosophical works, cease my meditations, and shop for women’s clothing. Alas, while such a gender-change is clearly necessary to be guaranteed employment
in such a world, it is hardly sufficient. Women might justifiably accuse me of attempted exploitation—not of one or more women, but of womanhood itself ... In such a world, it might only suffice to undertake a more compelling metamorphosis; that is, to undergo not just gender-change, but wholesale sex-change itself. Were I to submit to the appropriate surgical procedures, prescribed hormonal therapy, and subsequent professional counseling, would I not then qualify as a female with a Ph.D. in philosophy, and thus be entitled to a job? Again, not necessarily. Radical feminist philosophers might well decide that true females are born, not made ... Still, I eagerly await the counting of the ballots, in order to learn whether I can better serve the interests of Philosophy in this country by continuing my philosophical labors, or by booking a flight to Sweden. (Lou Marinoff, 1992)

This and other opposition proved politically insufficient. The CPA's Report was railroaded through the Annual General Meeting in the summer of 1992, by profoundly undemocratic means, whereupon it became officially adopted by the Association.

**Intolerance ofMerit**

Anyone who doubts that the CPA's Report is representative of commonly held public-sector opinions might look at government-sponsored, outcome-driven “studies”—notably, at CanPan's (the Canadian Panel on Violence Against Women's) ten million dollar Changing the Landscape. The latter's authors portray Canadian women as trapped in “lives few in the world would choose to lead.” Canadian women are apparently “in bondage, bound by inequality and gagged by fear”; Canadian society as a whole is allegedly waging “war against women.”

John Fekete's Moral Panic characterizes the CanPan report as “an extreme example of biopolitics,” which is “Obsessively self-dramatizing, fixated in gender-thinking, and bristling with hostility” (p. 23). And what is its political agenda? To make the country “safe for women” because “Virtually all Canadian institutions are organized around hatred for women and hostility against women” (p. 163). The report concludes that one must justifiably err on the side of “negative tolerance” in order to eradicate alleged hostility toward women. Presumption of innocence and objectivity of evidence are the first casualties in this approach. Fekete (p. 167) depicts the result:


Such intolerances of fundamental freedoms were unwittingly but amply illustrated by a feminist's (L. Salmon's) May 1995 letter of outrage to the editor of Canadian Lawyer, following its printing of Karen Selick's (March 1995) review of Lou Tafler's (a.k.a. Marinoff's) Fair New World. I had penned this merciless parody of radical feminism before quitting Canada in 1994. Selick wrote “It's the most politically incorrect work of art I have ever seen. It's also hilariously funny and scathingly insightful.” Merely offended by this review of a satire on the excesses of political correctness, Salmon compared its printing with Marc Lépine's heinous (1989) massacre of fourteen female engineering students at Montreal's École Polytechnique. While being offended is not the same as being harmed—Salmon was evidently not massacred by Selick's book review—the mis-identification of offense with harm can lead to real harms done to those imagined to have given offense, as in UBC's disgraceful McEwan case (e.g., see Irvine 1996b). The widespread unification of employment equity and sexual harassment offices is an administrative consequence of their ideological linkage, forged by the common denominator of intolerance inflated by empowerment.

The academy itself—the Canadian mind-politic charged with educating those who will one day govern its body-politic—is afflicted by all the aforementioned intolerances, but is debilitated perhaps above all by intolerance of merit.

We can measure the performance of an athlete in a variety of ways, and distinguish the superior from the inferior. The superior athlete can jump higher, or skate faster, or pass and shoot more accurately than can the inferior. Now consider the untenability of the hypothetical equist claim that there are too few white players
in the NBA, or too few black players in the NHL. The fans pay to see the best basketball players or hockey players that can be recruited to respective home teams, and that is all they pay to see. While genetic, cultural, and statistical arguments can be brought to bear which explain why most NBA players are currently black while most NHL players are currently white, the pigmentation of an individual athlete is completely irrelevant to his performance in a sport, and the fans are well aware of it. Driven by free-market meritocratic criteria, professional teams achieve optimal talent pools, any tampering with which on the basis of quota systems can only lower the aggregate performance of the team. Employment equity cannot gain a foothold in such arenas. It would devalue the standards of professional athletic performance, and would reduce the quality and therefore the viability of the product.

But we can also measure, without only slightly more difficulty, the performance of a professorial candidate, and similarly distinguish the superior from the inferior. Advanced academic qualifications include a doctoral degree, post-doctoral experience, lecturing experience, significant publications, a well-conceived program of research, and a willingness to assume some administrative responsibility and to volunteer some public service. Usurping these criteria of merit by instituting explicit or implicit quota systems devalues the standards of professorial academic performance, reduces the quality of education and research in the academy and in government, and thus debilitates the mind-politic and ultimately devitalizes the body-politic itself.

Libertarian and lawyer Karen Selick is among the most spirited defenders of merit. She recently told a national television audience that she declined an offer to apply for a judgeship in Ontario, because the Attorney General’s invitation was motivated neither by her legal expertise, nor by her reputation for fairness, nor by her passion for justice, nor by any other qualities that a sane society would prize in a judge. Selick told the television audience that she had been invited to apply for a judgeship primarily because she has a vagina. She did not deem the invitation worthy of reply. One wonders how many equitists understood her indignation.

In the context of restructuring, the crucial point is that employment equity does not contribute to the productivity of institutions. An employment equity officer has no business except that of monitoring everybody else’s business. Employment equity politicizes appointments instead of awarding them on the basis of merit. It thus conflates right with privilege. While every Canadian has the right to a secondary public education (and thus has equal opportunity to display preliminary scholastic merit), not every Canadian earns the privilege—based on the display itself—of attending university. And among those who earn the privilege of attending university (and who thus have equal opportunity to display more advanced scholarly merit), not everyone displays sufficient scholarly merit to earn the further privilege of becoming a university professor. Employment equity encourages preference of opportunity on the basis of criteria irrelevant to the performance of the position, and thus transmutes institutions of higher learning into edifices of intolerant inconsistency and flagrant injustice. Perpetrated in the name of so-called “group-rights,” such inconsistency and injustice can be maintained only by the abrogation of fundamental individual liberties, manifest in the widespread political regulation of conduct, speech and even thought itself. Thanks to employment equity and the intolerances it sanctions, the academy has become a place in which students are not broadly taught how to learn, but narrowly told what to think.

Speaking as a metaphysician and socio-surgeon, I offer the following prescription: let restructuring be used to remedy the affliction of employment equity, which has metastasized like an opportunistic cancer of the mind-politic. Surgery is necessary, not elective. In the best interests of the public sector and of the larger entity which it is meant to serve—not subvert—I propose that employment equity be cut out at once. Let employment equity and sexual harassment offices, political commissars, and all their accoutrements be excised from academe and government, and let their monies be spent—if at all—on rigorous research and wholesome education, not on politicization and debilitation. Nothing more than equal opportunity makes a society just, and nothing less than
meritocracy makes a polity thrive. Let us restructure wisely, so that this malady—properly called employment inequity—will assume its rightful place in history's lamentable catalogue of socially-engineered injustices.

Notes

1. An early version of this paper was presented at The First Annual Laurier Conference on Business and Professional Ethics, at Wilfrid Laurier University in October 1996. I wish to thank Miro Todorovitch for inspiring the paper; Leo Groarke for inviting, discussing, and editing it; Andrew Irvine, Michael Levin, and Judith Wubnig for their helpful discussions; and Grant Brown for providing evidence of explicit quota systems cited in it. I further thank John Furedy and the Directors of the Society for Academic Freedom and Scholarship (SAFS) for their defense of free and reasoned scholarship, and the referees and editors of Sexuality & Culture for their helpful suggestions in preparing this publication.


3. But this is exactly the information they required to be made public by private employers!

4. Irvine's argument will be very briefly summarized in my case study that follows herein.

5. Thus Canada has actually legislated Orwell's infamous aphorism from Animal Farm.

6. I.e., "Now I say: man and generally any rational being exists as an end in himself, not merely as a means to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must always be regarded as the same time as an end . . . So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only." Kant, ([1716], 1898).

7. The social and economic costs of entrenched and corrupt affirmative action programs and practices in America are staggering: see e.g., D'Souza (1995). Canadians could learn much from America's more advanced misfortunes.


9. An "outcome-oriented study" is a euphemism for a politically motivated pseudo-scientific "research" project whose "results" are known in advance. It is thus the antithesis of scientific research.

10. For appalling details of the misguided feminist (and deconstructionist) attack on science, see e.g., Gross and Levitt (1994).

11. This was originally broadcast on W5, March 7, 1995.