Atlantis Vol. 9 No. 1
Fall/Automne 1983
13-24

Beyond Affirmative Action[1]

Leo Groarke
Wilfrid Laurier University

I

Among the problems that confront women in the work force is restricted access to professions which have been predominantly male. The standard proposal for providing access to the various professions is affirmative action programs, which ensure equal or preferential treatment for women who apply for available positions. Such programs attempt to compensate for the disadvantages women have experienced in the past, though they have sometimes been portrayed as instruments of reverse discrimination. In the present paper, I propose to consider affirmative action and the questions it raises about hiring practices in Canadian and Ontario universities. I will defend affirmative action policies, though I shall also argue that they are not by themselves an effective way for women to make inroads into the predominantly male *status quo* that is currently entrenched within the university system. In the past, such programs have failed to make significant changes in the male-female make-up of university faculties, and there is no reason to expect them to have more success in the future. They do provide some opportunities for women scholars, but they fail to address the most significant hurdles that prevent the hiring of more women faculty. These hurdles are ingrained in the present structure of university appointments and will prevail until one reforms present tenure and retirement practices. I will discuss these practices and argue that changes to them are the key to providing women with real opportunities for entering the Canadian academic establishment.

II: The Present *Status Quo*

Before we turn to the problems with affirmative action programs, we must note the predominance of male faculty in Canadian universities. For though most would admit that the majority of university teachers are male, few appreciate the extent of the imbalance. The available statistics provide sober reading for anyone who believes that women have made significant inroads into the academic world. A case I will discuss in detail, the most recent report on the status of women in Ontario universities (released in January 1982), indicates that women occupy only 15% of the faculty positions in the province, though one half (49.2%) of the students attending Ontario universities are female. The same report reveals that women are concentrated on the lower rungs of the academic ladder, and that 95% of all full professors in Ontario are male. The situation improves only slightly when one considers full, associate and assistant professors, for 88.2% of such positions are held by men. Similar statistics characterize the situation at the national level, where the figures for 1980-81 show that 16% of all university faculty are women—the same percentage as in 1921.

Such statistics, it must be noted, cannot be attributed to a decision on the part of Canadian women not to pursue academic study, for the past two decades have seen a dramatic increase in female participation in university programs. Throughout Canada, the percentage of full-time undergraduates who are women has risen from 24.8% in 1960-61 to 37.3% in 1970-71 and 45.9% in 1980-81. Women constituted only 22.3% of graduate enrollment in 1970-71, but 37.4% by 1980-81. In Ontario 39, 24 and 9 percent of the 1971 Bachelors, Masters and Doctoral degrees were awarded to women, while 51, 38 and 24 percent of the 1980 degrees were earned by female students. Throughout these nine years, graduate schools and faculties of law and medicine experienced a steady increase in their percentage of women students, and (as in other provinces) women now occupy over one third of the positions in such programs. Nevertheless, despite such statistics and the increasing numbers of women qualified to teach in Ontario universities, there have not been significant changes in male-female faculty ratios. Indeed, the present situation is characterized by a progressively increasing percentage of women students and qualified women academics, but a growing disparity between the number of female students and faculty (see Table I). In Ontario departments of agriculture and biology, for example, the number of women students at the undergraduate, masters and doctoral levels increased by 13, 12 and 11 percent from 1972 to 1980, though the percentage of women faculty remained the same. The result is a situation where 55, 41 and 28 percent of the undergraduate, masters and doctoral students in these fields are women, though only 15% of the faculty are female. The discrepancy is still greater in fine arts, where 61, 56 and 62 percent of the undergraduate, masters and doctoral students are female, though only 20% of the faculty are women. Similar discrepancies characterize *all* the disciplines represented in the Ontario university system. The situation in other provinces is undeniably the same. As Monica Boyd puts it in her 1979 AUCC report on women faculty:

> The position of female faculty vis à vis their male colleagues in Canadian universities and colleges has not changed substantially during the 1970s. Women still represent a small proportion of the academic full-time teaching staff; they are still concentrated in the lower ranks.... The overall picture which emerges...is one of the stability and persistence of sex differences concerning rank, salary and demographic representation.[2]

Despite the obviously unsatisfactory position occupied by women in university faculties, it would be a mistake to jump to the conclusion that Canadian universities are discriminating against women in their hiring for new positions. On the contrary, the available statistics suggest that there are more subtle causes of the present inequalities. In Ontario, for example, the percentage of new appointments awarded to women has steadily increased as more women have gained the qualifications for university teaching. The percentage of positions awarded to women has risen from 16.7% in 1971 to 29.3% in 1980 in a way that is in keeping with the increase in qualified women academics (see Table II). Indeed, the statistics suggest that women have to some extent been favourable over men. In 1980, for example, women were awarded 29.3% of the positions available though only 23.7 of the graduating doctoral students were female. Improvements have been slow at the level of full and associate professor (where only 7 and 11.1 percent of the 1970 positions were awarded to women), though it might be argued that this was inevitable given that these appointments are awarded to individuals from lower, predominantly male, ranks. According to this reasoning, the greater changes in the number of assistant professorships awarded to women will eventually give rise to lesser inequalities at higher academic levels. Against this suggestion it may be

TABLE I
Female Participation in Ontario Universities

Students:	1972-73 % Female	1980-81 % Female	Increase
Full-time undergraduate	38.2	45.6	7.4
Full-time graduate	23.7	37.7	14
Part-time undergraduate	51.3	60.1	8.8
Part-time graduate	21.3	37.5	16.2
TOTAL	39.5	49.2	9.7
Faculty:			
Full Professor	4	5	1
Associate Professor	8	12	4
Assistant Professor	13	22	9
TOTAL full-time faculty*	12	15	3

*Figures for TOTAL full-time faculty include figures for ranks lower than assistant professor.

TABLE II
Ontario Universities New Faculty Appointments 1971(-72) to 1980(-81)*

Year	Women Doctoral Students (% of Doctoral Enrolment)	% of New Faculty Appointment Awarded to Women	% of Earned Doctorates Awarded to Women
1971(-72)	**	16.7	9
1972(-73)	19.0	18.4	**
1973(-74)	20.8	20.5	**
1974(-75)	22.4	21.7	14.4
1975(-76)	23.5	21.8	14.7
1976(-77)	25.1	20.9	18.5
1977(-78)	26.1	24.5	21.0
1978(-79)	27.9	26.3	17.5
1979(-80)	30.8	25.2	19.7
1980(-81)	31.6	29.3	23.7

*All figures are for academic (rather than calendar) years, except for those which represent the % of Earned Doctorates Awarded to Women.
**figure not available

said that there is a discrepancy in the percentage of men and women promoted to higher ranks, though this discrepancy has decreased in recent years.[3] Despite the problems with promotion, it can be said that Ontario universities have taken initiatives to improve the position of women faculty,[4] and that the number of assistant professorships awarded to women—23.3% of those available in 1978, '79 and '80—has risen in a way that more than matches the number of qualified women academics. Time will tell whether such appointments will eventually correct the pronounced inequalities in upper academic echelons.

Rather than discriminatory hiring, the main reason for the lack of change in male-female ratios is the steadily declining number of new positions which are available. In view of this drop in the numbers of new positions, the higher percentage of appointments awarded to women has had very little effect on the overall situation. In the academic year 1979-80, for example, 25% of the available positions in Ontario were awarded to women academics, but the actual number of positions involved (171) was less than the number awarded for each of the preceding eight years. In 1971-72 only 16.7% of the available positions were awarded to women, yet this amounted to 235 positions—57 more than in 1979-80. The marked increase in the number of women earning doctoral qualifications has been met by an equally pronounced decline in the numbers of available positions. From 1971-72 to 1978-79, for example, the number of women awarded doctorates rose by more than 44% while the number of new positions dropped by 42.5%. These trends are continuing and, in the most serious cases, will lead to faculty cutbacks. In Quebec, for example, it has been estimated that 1200 faculty positions will be eliminated in the next two years. This effectively means no opportunities for newly qualified women and no change in the male-female faculty ratios in Quebec universities. Indeed, the cutbacks are likely to hurt women more than men, as the eliminated positions will come from lower academic ranks—the ranks most likely to be occupied by women. A similar situation is unfolding at the University of Toronto where provincial cutbacks are forcing the lay-off of untenured faculty. Once again a disproportionate number of these faculty are women and the end result will be a worsening of male-female faculty ratios. The situation is not as serious elsewhere, though cutbacks in other provinces have only been averted by steadily increasing enrollment. This increase has allowed a minimal increase in the number of university faculty, but the increase has been too small to allow the increasing percentage of positions earned by women to significantly change male-female faculty ratios. In view of this lack of employment opportunities, the number of women (and men) enrolled in doctoral programs has declined in recent years.

One indication of the lack of new positions in Canadian and Ontario universities is the changing structure of university faculties. In all provinces, the present situation is characterized by more and more faculty at higher academic levels along with fewer appointments at the lower levels occupied by newly qualified women (see Table III). The numbers of faculty at the level of full and associate professor in Ontario have, for example, risen from 5,240 in 1971-72 to 8,245 in 1980-81, while the number of positions at lower levels has dropped from 8,245 to 4,098. While the latter positions accounted for 49.6% of all positions in 1971-72, they account for only 32.8% of all university positions in 1980-81. There is no reason to think these trends will not continue, and they suggest a situation where more and more university resources are used to support promotions to entrenched male academics while fewer and fewer opportunities are available for newly qualified women. With the other trends we have already noted, this suggests a disappointing scenario for women faculty—a situation where a steadily increasing proportion of newly qualified academics are women, though a steadily declining number of new positions ensures no

TABLE III
Full-time Faculty in Ontario Universities

	1971-72		1980-81		Increase	
	#	% of total positions	#	% of total positions	#	% of total positions
Full Professor	2371	22.8	3870	30.5	1499	7.7
Associate Professor	2869	27.6	4700	37.1	1831	9.5
Assistant Professor	3564	34.2	2477	19.6	-1087	-14.6
Other	1597	15.4	1621	12.8	24	- 2.6
TOTAL	10401	100	12668	100		

real change in male-female faculty ratios. In the worst possible scenario, faculty cutbacks at lower academic levels may result in an even greater discrepancy in the percentage of women students and faculty. We shall discuss ways of preventing such scenarios.

III. Some Initial Considerations

Given the lack of available university positions, it might be thought that there is no way to avert declining prospects for women academics. Such a view is self-defeating, however, and ignores a number of measures which could improve male-female faculty ratios. To prepare the way, we should first consider the underlying causes of the present dearth of new positions. Most obviously, economic pressures on the universities have led to a substantial decline in the number of new appointments which are available. In all provinces, funding increases have not kept pace with inflation and this has meant less money for new positions. In the most serious cases, cutbacks have meant faculty lay-offs. In view of such considerations, one could make more opportunities available for women academics simply by increasing university funding. The number of new positions would thus increase, but it is unrealistic to think that such funding will be forthcoming, and a mistake to rely on it as an answer to the problems facing women academics. We must turn to more subtle causes which contribute to the present situation.

One of the underlying causes of the scarcity of new positions in Canadian universities is the present system of tenure, which ensures that those (predominantly male) individuals who were hired ten, twenty or thirty years ago will continue to teach and that their positions will remain in the hands of male faculty. Given the lack of new opportunities, this means that the bulk of university appointments will continue to be held by men. There are, of course, things to be said in favour of tenure, though it perpetuates male-female faculty ratios, which were established in times when sexual biases and stereotypes prevented most women from qualifying and competing for university appointments. This aspect of tenure has largely been ignored, though Marlene Fried, Judith Jarvis Thompson and others have noted that tenured male faculty have effectively insulated themselves from any measures taken to rectify the present imbalance in faculty ratios. In view of such considerations—and the present lack of new appointments—I shall argue that amendments to the tenure system are an important part of any serious attempt to increase the number of women academics.

A second factor in the continuing imbalance in male-female faculty ratios—a factor that will play an increasingly important role during the next thirty years—is retirement policy in Canadian universities. It may at first seem that there is little connection between retirement and male-female faculty ratios, yet retirement makes room

for new appointments and in this way affects the opportunities for newly qualified women. Theoretically, this should mean that more positions will become available as present faculty reach retirement age, and one might hope that this will result in a quick resolution of sexual inequalities. This is not likely to occur, however, for a number of reasons. First, most faculty are ten or twenty years from retirement and, second, those who do retire are often not replaced. Third, more and more faculty are electing to continue teaching past retirement age. The latter problem, a particularly serious one, has caused university administrators to push for mandatory retirement. However, such policies, whose legal and moral bases are questionable, are not likely to be accepted in the future. In Manitoba, for example, the courts have ruled that mandatory retirement for university faculty is discriminatory and violates the Manitoba Human Rights Act. The new Charter of Rights also rejects discrimination on the basis of age, putting mandatory retirement on a shaky legal basis. Morally the question arises whether it is just to force individuals to retire at a specific age regardless of their competence at that time.

Despite these objections to mandatory retirement, it should be clear that a large scale decision on the part of older academics to continue teaching will prolong the sexual bias already evident in university faculties. Problems that are likely to occur in this regard appear in the results of a recent survey of twenty-two faculty scheduled to retire at the University of Manitoba. Of the eighteen who responded to the survey, fourteen indicated that they intend to continue teaching, two of them on a part-time basis. Of the remaining four individuals, two are expected to continue teaching. As the University of Manitoba concludes, such prospects leave the university with "a pretty bleak picture in the area of staff renewal."[5] The picture is still more bleak for women, as any lack of staff renewal will further prolong the under-representation of women in university faculties. In these circumstances, particular kinds of retirement policies (though not mandatory retirement) are a necessary part of attempts to increase the number of women faculty.

In light of the causes of the continued under-representation of women in university faculties, we may turn to specific measures to alleviate the present situation. To chart a course for improvement, we may consider the role that affirmative action, and tenure and retirement policies can play in rectifying the present imbalance in faculty appointments.

IV Affirmative Action

The most common suggestion for improving the position of women academics is affirmative action in university hiring. It includes measures to ensure that discrimination does not occur, along with various kinds of preferential treatment for women who apply for available positions. As it is the latter aspect of affirmative action that has received the most criticism, we may briefly discuss it before we consider the effectiveness of affirmative action programs (and the reasons why they cannot rectify the present lack of women faculty).

Those who have objected to preferential hiring for women have based their objections on two arguments. First, they have argued that preferential policies are unacceptable because they subvert the maximization of academic excellence which is the goal of the university system. According to this argument, the goal of academic and educational excellence is best served by hiring the most qualified individuals for teaching and research positions, and preferential hiring is unacceptable because it replaces such a policy with one which grants special privileges to women academics. Second, they argue that preferential practices are themselves unjust because they discriminate against those who compete with women for new positions, in this case male academics. According to this second argu-

ment, an individual who is best qualified for a position is entitled to it, regardless of sex, and their rights are violated when one awards the position to a less qualified individual. The opponents of affirmative action conclude that it is itself discriminatory and morally unacceptable.

The arguments against preferential hiring are not convincing in contexts where teaching considerations make plausible the claim that an individual of a particular sex will be able to contribute more to the intellectual and educational atmosphere of a particular institution. In such cases, the decision to hire a particular individual may take gender into consideration without compromising academic excellence or individual rights, for sex is relevant to one's ability to perform the job in question. Indeed, it is precisely because gender enhances competence that a particular gender may be preferred. As the Ontario Human Rights Code puts it, preference is not objectionable when it "truly represents a bona fide occupational qualification." Preferential hiring for women faculty can be justified on these grounds for, as Michael Martion points out in "Pedagogical Arguments for Preferential Hiring," the needs of a growing number of women students can best be met by the hiring of more women faculty. The disparities we have already noted do, for example, provide a solid basis for the claim that women faculty are needed to provide role models and encouragement for women students, and to compensate for the lack of concern for women and women's perspectives which has characterized most disciplines in the past. Also, such faculty enrich the educational atmosphere for male students, for any broad conception of education must foster students' respect for individuals of both sexes, and this aim could be enhanced by a more equitable distribution of faculty positions. Preferential practices that are justified are well illustrated by the following resolution, adopted at the University of Manitoba:

> In faculties/schools/departments in which the sex ratio of faculty members differs substantially from that of students...preference shall be given to the under-represented sex. Conversely, in units in which the student body is predominantly of one sex, special efforts shall be made to hire one or more members of the opposite sex as a means of promoting a more equal sex ratio among the students. Both of these practices shall be subject to the primary objective of developing the best possible educational program for students.[6]

In answer to those who have rejected preferential hiring, it may be said that the two arguments they have appealed to *legitimate*, rather than undermine, such proposals. Thus, preferential hiring at the university does maximize academic and educational excellence, and a failure to grant preference to women would amount to a refusal to consider all factors that contribute to their ability to contribute to the university as an educational institution.

It should perhaps be noted that preferential hiring does not justify the hiring of women faculty whenever new positions are available. Rather, individuals must be considered on their own merits, and gender is only one of a number of factors contributing to educational excellence. Even when it is taken into account, there will be many cases when gender is not decisive and new positions are awarded to male academics. Given the lack of women faculty, it might therefore be said that universities should adopt stronger preferential practices, but such practices are difficult to justify. They would for example, amount to a rejection of academic excellence as the prime goal of university hiring and would entail a situation where universities hire women who are less qualified than male competitors (even after pedagogical considerations are taken into account). Not a viable way to achieve respect

for women academics, it is unlikely to be accepted by the academic establishment (including many women faculty). The argument that such measures constitute reverse discrimination is not so easily undermined. Thus, preferential hiring that grants some (but not total) preference to women academics is the most that can be expected. Exactly how much preference constitutes "some" is an important question, but one which we need not consider here.

Although justifiable, the preferential aspects of affirmative action will not suffice as a remedy for the lack of women faculty in Canadian universities. For though affirmative action does provide some opportunities for women academics, it fails to address the real cause of the continuing inequalities. If implemented, it ensures that a significant proportion of new positions go to women academics, but we have already seen that the real problem is the present lack of new positions. By not addressing this problem, affirmative action makes possible only a marginal improvement in the number of women faculty. In Ontario, for example, women have been favoured in hiring for new positions during the last ten years, though this has had no significant effect on male-female ratios. Affirmative action is still more problematic when it comes to faculty cutbacks, for its concern with the allotment of new positions means that it can have *no* effect on the situation which occurs when universities lose segments of their teaching staff (and, in all probability, a disproportionate number of women faculty). Thus, something more than affirmative action is required to alleviate the male-female imbalance in university faculties. A reliance on affirmative action is effective only when a significant number of new positions are available (for it is only then that it secures a significant number of opportunities for women). Affirmative action must therefore be combined with measures which ensure that positions are available. To such measures we may now turn.

V Tenure: A Modest Proposal

We have already noted that tenure helps sustain the under-representation of women in university faculties. Essentially, it prolongs male-female disparities by keeping many positions in the hands of men who were awarded their posts in times when sexual biases did not allow women to qualify and compete for university appointments. The lack of new positions ensures that the male *status quo* which occupies university faculties will continue to occupy a disproportionate number of positions in the foreseeable future. The easiest way to change this situation would be to replace tenure with a system of five- or ten-year appointments. Such a system would ensure that available positions would be open for competition on a more regular basis and this would allow newly qualified women more opportunity to enter the academic world. Those who currently hold positions would not automatically lose them; they would only have to compete with other individuals on a regular basis. Considering the increase of qualified women, and preferential practices, this system would allow a relatively quick improvement in male-female faculty ratios. Such a system effectively does away with tenure, however, and it will no doubt be argued that tenure is an essential part of the university, which provides necessary protection for academic freedom. Many commentators have rejected this claim in recent years, though we need not consider the debate on tenure in the present context. Suffice to say, a complete rejection of tenure by Canadian universities or their faculty is not a realistic goal.

In lieu of a full scale rejection of tenure, less drastic ways of amending the tenure system exist so that room for greater numbers of women faculty appears. University policies that call for the review of tenured faculty every five years could be instituted. Teaching evaluations, publications, presentations, administrative and editorial work, as well as other activities could be

used as a measure of an individual's performance. Faculty judged not to be sufficiently active could have their contracts terminated, leaving room for new appointments. Room for more women faculty and an improvement in male-female faculty ratios would result.

Against the proposed review of tenured faculty, a number of objections may be raised. It may be suggested that tenure review will not be accepted by present faculty. However, it appears that the majority of faculty will accept some form of review if they perceive it as fair. Thus, tenure review has been adopted at a number of institutions in the United States,[7] and the University of Ottawa has instituted a review process which has led to the dismissal of tenured faculty. Many academics who currently hold positions are well aware of the lack of opportunities for newly qualified scholars. They should be particularly sympathetic to some process of tenure review, and there is no reason to believe that they would favour inactive faculty (so-called "dead wood") over newly qualified individuals who are or would be more active.

A second objection to tenure review is that it is open to abuse and therefore unacceptable. Any review, it may be argued, is a political process, and the decisions of a review committee may be based on political considerations. It might be suggested that such reviews will adversely effect politically weak faculty, in particular women academics. In answer to such suggestions, it is not at all clear that male faculty members on review committees would discriminate against their female colleagues. Given the statistics on hiring for new positions, there are few grounds for believing that such discrimination would occur, and steps can be taken to ensure that it does not take place. Universities have been receptive to women's representatives on search and tenure committees and there is no reason to think they would reject women's representatives if some review process was adopted. Concerning political considerations, tenure review (unlike the original process of granting tenure) puts the onus on the review committee to give cause why an individual's appointment should be terminated. This onus protects tenured faculty, a protection which can be further extended by some appeal process. Thus, no inherent reason why a process of review must be hamstrung by political considerations appears. Indeed, one would expect such a process to be less political than the process of granting tenure in the first place.

A third objection to tenure review concerns the attitude of university administrators. In view of economic constraints and the need to make cuts in university expenditures, administrators could view tenure review as an easy way to eliminate faculty positions. Even so, tenure review would still allow an improvement in male-female faculty ratios (for tenure review would eliminate positions held by older faculty who are predominantly male), though it would do so primarily by eliminating positions held by men. Thus, it might be said that such review may hurt the university as a whole, without providing any real opportunities for women academics, a situation that could be avoided. Hence, faculty associations could make a condition of their acceptance of tenure review a guarantee that the positions of faculty who have their contracts terminated will not be eliminated, but reopened for competition for new applicants.

Even without such provisions it is arguable that tenure review would benefit female academics. Hence, it is a mistake to see university administrators as the culprits behind the elimination of university positions. Rather, it is government cutbacks which are the cause of the present fiscal crisis and governments who are forcing the hands of university administrators. The only real choice for administrators is how cutbacks are to be made, and if they are not made by the elimination of presently tenured positions (through tenure review) then they will be made

by the elimination of new positions that would otherwise be available. This elimination would, however, hurt women academics; therefore, it can be said that tenure review—even if it results in the elimination of some faculty positions—will benefit women scholars. Without it, even more severe cutbacks in the number of new positions and fewer opportunities for newly qualified women academics are likely to occur.

We may conclude our discussion of tenure by noting that tenure review is a realistic alternative which would improve the position of women faculty. Unlike the complete abolition of tenure, it is an achievable goal and, unlike the present system, it would provide more opportunities for women academics. In order to see what other measures could increase the numbers of women faculty, we may turn to retirement policy.

VI Retirement

Like tenure, retirement policy can substantially prolong the sexual discrepancies which are evident in the present distribution of university positions. In particular, the decision to reject mandatory retirement has negative consequences for the number of women faculty. It allows male professors to retain their positions for extended periods of time; this perpetuates the present lack of new positions and the discrepancies in male-female faculty ratios. It might therefore be said that women should lobby for the retention of mandatory retirement. Such moves are not likely to succeed, however, given the moral and legal questions which can be raised about such policies. An alternative response to the problem of retirement therefore needs to be developed.

One way to ease the problem of retirement without making it mandatory is to require individual faculty members to reapply for their positions in open competition when they reach retirement age (and at periodic intervals thereafter). In such circumstances these individuals would retain their positions only if they can compete successfully against other candidates (something which is quite likely if they are active and have pursued an active academic career). Individuals who lose their positions would do so not simply as a result of age (and age discrimination) but because they are judged not to be as qualified as competing candidates. Such a policy seems both fair to the individual who reaches retirement age and to unemployed academics who may compete with them for positions. It does not slavishly deny all individuals over sixty-five the opportunity to continue teaching, nor does it deny unemployed women (and men) the opportunity to gain entry into the academic establishment. Rather, it allows both groups to compete fairly for whatever positions are in question. In addition, it allows universities to maximize excellence by awarding positions on the basis of merit rather than age.

Assuming that the proposed policy was adopted, it would obviously provide more openings for women than a decision to allow present faculty to retain their positions as long as they wish. To further ensure that more women are hired, universities could stipulate that women will be given preference when the hiring is done for those positions which come open when faculty reach retirement age. This would make it easier for older women faculty to retain their positions and more difficult (though not impossible) for male faculty to do the same. More importantly, it would make the position of older male faculty more accessible to newly qualified women, and would in this way allow a further increase in the numbers of women faculty. The justification for such a move is essentially the same as the justification for affirmative action. In particular, the individuals who reach retirement age and lose their positions to women academics cannot complain that they are the subject of reverse discrimination for pedagogical considerations; the extreme under-representation of women in university faculties does entail the conclusion that women can contribute to the

university in a way that they cannot. Indeed, the only real objection to affirmative action (the claim that it penalizes individuals who did not benefit from or contribute to earlier discrimination) does not apply in this case, for individuals who retire in the next two decades will have earned their positions in circumstances where sexual biases and stereotypes did not allow women to compete effectively for appointments.

Against the proposed policy on retirement, it may be said that it is morally and legally objectionable. Legally, it is difficult to predict how the courts would react to such a policy, though the Quebec Labour Commision has ruled that changes to faculty status at the age of retirement do not constitute discrimination on the basis of age. Given the differences between the proposed policy and mandatory retirement, a good legal argument can be made for treating the two distinctly. From a moral point of view, there is little reason to conclude that the proposed policy is discriminatory, a claim that seems based on the unlikely view that a tenured appointment entitles one to a university position in perpetuity until one decides to terminate it. In rebuttal, it may be said that tenure already provides job security not found elsewhere, and it is difficult to see why it is discriminatory not to extend this security further, particularly as the decision to do so impinges on the right of others to compete for appointments. Indeed, a rejection of the proposed retirement policy would itself be discriminatory as it would further prolong the discrimination women have experienced in the past.

One way to understand both the tenure and retirement reforms which have been suggested is in terms of their relationship to affirmative action. Hence, we have already seen that affirmative action is not in itself an effective way to remedy the sexual inequalities in university faculties, and the proposed reforms attempt to provide a situation in which it can perform its intended function. To do so it must operate in circumstances in which new positions are available; the proposed policies are a fair way to relieve the present crisis in this regard. Without them, the future of women in university faculties is very grim indeed.

VII Some Lessons To Be Learned

We may conclude our discussion of women and academic employment by noting that the problems facing academic women are not unique. On the contrary, lack of progress in the numbers of women entering traditionally male professions is apparent, though not because women have not gained the requisite qualifications. Rather, the present economic crisis has meant few opportunities for newly qualified women and this has retarded progress. In law, for example, the dramatic rise in the number of women gaining law degrees has been met by an equally pronounced decline in the prospects for new lawyers. In Ontario the situation is particularly serious; it has been estimated that between sixty and eighty percent of all women completing the Ontario Bar Admission Course are unemployed. Thus, the increased numbers of newly qualified women will have a very limited effect on the male-female structure of the Ontario legal establishment. Similar situations characterize the positions of newly qualified women in other sectors of the economy. The situation is particularly difficult when economic restraints force lay-offs, for women (who have usually entered the work force in relatively recent times) have little seniority and are among the first to lose their jobs. Hence, women workers are suffering more from the present economic malaise than their male counterparts.

Given the dearth of opportunities which characterize present economic conditions, the effectiveness of affirmative action programs inside and outside the university is restricted. In order to stimulate positive changes in the male-female make-up of the various professions, it is time to

look beyond affirmative action to other measures that will provide women with new opportunities. Without going into detail, I submit that the proposed policies on tenure and retirement could be translated into more general policies on seniority and retirement which would significantly improve the otherwise unsatisfactory position of women in the work force. Without such policies, affirmative action will not achieve its intended aims.

NOTES

1. An earlier version of the present paper was presented to a meeting of the Women's Caucus at the University of Western Ontario. I am grateful to Marilyn Friedman and Trudy Govier for comments. I am especially indebted to Kate Hughes for her many comments and criticisms, and her unfailing sense of humour.
2. Monica Boyd, *Rank and Salary Differentials in the 1970s*, p. (i).
3. For an indication of the discrepancy that existed in 1974-75, see tables B-2, B-3 and B-4 in "Women and Ontario Universities," the 1975 report to the Ministry of Colleges and Universities. The decreasing size of the discrepancy is shown by the steadily increasing percentage of full and associate professorships held by women.
4. For an account of these initiatives, see Appendix B in "Women and Ontario Universities."
5. Weston, "When Retirement Is No Longer Mandatory," p. 2
6. Resolution of the Affirmative Action Committee, University of Manitoba.
7. See Chait and Ford, *Beyond Traditional Tenure*, Chapter 8 ("Evaluating Tenured Faculty").

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