

## CHAPTER 7

## Affirmative Action and the Myth of Merit

We have no words to speak about our oppression, our distress, our bitterness, and our revolt against the exhaustion, the stupidity, the monotony, the lack of meaning of our work and of our life, against the contempt in which our work is held; against the despotic hierarchy of the factory; against a society in which we remain the underdogs and in which goods and enjoyments that are considered normal by other classes are denied to us and are parceled out to us only reluctantly, as though we were asking for a privilege. We have no words to say what it is and how it feels to be workers, to be held in suspicion, to be ordered around by people who have more and who pretend to know more and who compel us to work according to rules *they* set and for purposes that are *theirs*, not ours. And we have no words to say all this because the ruling class has monopolized not only the power of decision-making and of material wealth; they have also monopolized culture and language.

—André Gorz

INJUSTICE, I have argued, should be defined primarily in terms of the concepts of oppression and domination, rather than distribution. Racism and sexism are major forms of oppression in our society. Philosophical discussion of racial and gender injustice tends to be largely restricted to issues of equal opportunity, with a major focus on the question of whether affirmative action programs that give preference to women or people of color in order to equalize their opportunities are just.

In this chapter I suggest that affirmative action programs challenge principles of liberal equality more directly than many proponents are willing to admit, and that making this challenge explicit strengthens the case for these programs. In particular, affirmative action challenges the primacy of a principle of nondiscrimination and the conviction that persons should be treated only as individuals and not as members of groups. The equal opportunity discussion of which the affirmative action debate is a part, however, represents a very narrow mode of thinking about racial and gender justice. I argue that affirmative action debate is an instance of the

application of the distributive paradigm of justice. It defines racial and gender justice in terms of the distribution of privileged positions among groups, and fails to bring into question issues of institutional organization and decisionmaking power.

The bulk of this chapter focuses on and criticizes two assumptions about institutional organization that often underlie discussions of equal opportunity, assumptions whose justice is not questioned. Philosophers and policymakers usually assume as given, and thus as not unjust, a hierarchical division of labor with scarce positions of high income, power, and prestige at the top, and less privileged positions at the bottom. They also assume that these positions should be distributed according to merit, by measuring the individual technical competence of persons and awarding the most competitive positions to those judged most qualified according to impartial measures of such competence. I question both these assumptions.

For the merit principle to apply it must be possible to identify, measure, compare, and rank individual performance of job-related tasks using criteria that are normatively and culturally neutral. For most jobs, however, this is not possible, and most criteria of evaluation used in our society, including educational credentials and standardized testing, have normative and cultural content. Since impartial, value-neutral, scientific measures of merit do not exist, I argue that a major issue of justice must be who decides what are the appropriate qualifications for a given position, how they will be assessed, and whether particular individuals have them.

If objective, value-neutral merit evaluation is difficult or impossible, the legitimacy of a hierarchical division of labor is called seriously into question. I do not argue that any division among tasks and functions is wrong, but only the division between task design and task execution, which appears in the social class division between professional and non-professional jobs. This division allows only relatively few to develop and exercise their capacities. It subjects most people to structures of domination and many to the oppressions of exploitation, powerlessness, and cultural imperialism. Development of workplace democracy can do much to remedy this injustice, but a workplace democracy that retains the given division of labor is not enough. Relations of knowledge, autonomy, and cooperation must themselves be restructured in the definition of tasks in order to reduce or undermine oppression.

## AFFIRMATIVE ACTION AND THE PRINCIPLE OF NONDISCRIMINATION

My purpose in this section is not to engage in a thorough justification of educational and employment policies that specially attend to excluded or disadvantaged groups and prefer members of those groups some of the

time. Rather, I wish to put this much-discussed issue of justice and group difference in the context of the arguments I have made in previous chapters. Thus my discussion will be restricted largely to considering how affirmative action policies violate a principle of equal treatment, and to illustrating how much affirmative action discussion presumes a distributive paradigm of social justice.

Most affirmative action policies mandated or upheld by the courts have been justified as compensation for past discriminatory practices. In traditional legal terms, such a justification is least controversial when redress benefits the actual persons who have suffered discrimination, as when a court orders preferential promotion procedures for those who were wrongfully segregated into race- or gender-specific job categories. But where they have found evidence of intentional past discrimination courts have often ordered or upheld an affirmative action remedy even though the individuals benefiting are not the same as those discriminated against.

Justifying affirmative action policies as redress or compensation for past discrimination is fairly uncontroversial, but such a justification also tends to restrict permissible programs to a very narrow range. Some writers and litigators attempt to justify affirmative action policies as compensation or redress for a history of general societal discrimination against women or Blacks (see Boxill, 1984, pp. 148–67). Such arguments are weak because, as I will argue shortly, they render the concept of discrimination unacceptably vague. Arguments that affirmative action policies counteract the current biases and prejudices of decisionmakers are more compelling. Although explicitly discriminatory policies are no longer legal, and many institutions have in good faith eliminated explicitly discriminatory practices, women and people of color continue to be subject to often unconscious stereotypes, reactions, and expectations of decisionmakers, who continue to be white or male, and usually both. Affirmative action procedures are a necessary and just means of combating such assumptions and perceptions, which persist in excluding and disadvantaging women and people of color (Davidson, 1976; cited in Fullinwider, 1980, pp. 151–52).

Robert Fullinwider suggests that this reasoning creates a dilemma. On this argument, he says, “if we do not use preferential hiring, we permit discrimination to exist. But preferential hiring is also discrimination. Thus, if we use preferential hiring, we also permit discrimination to exist. The dilemma is that whatever we do, we permit discrimination” (Fullinwider, 1980, p. 156). Proponents of broad affirmative action policies often find themselves in this dilemma because they share with their opponents the conviction that the primary principle of justice at stake is a principle of nondiscrimination. Fullinwider’s formulation of the dilemma also re-

lies on an equivocation on the term discrimination; in the first use it means unconscious biases, prejudices, and assumptions that disadvantage women or people of color, and in the second it means conscious preferential practices that favor group members on grounds of their group membership. The dilemma disappears, I suggest, if proponents of affirmative action abandon the assumption that nondiscrimination is a paramount principle of justice, and stop assuming that racial and sexual injustice must come under the concept of discrimination.

Those who oppose affirmative action policies usually do so on the grounds that they discriminate. For them a principle of equal treatment, a principle of nondiscrimination, has absolute moral primacy. On this conception of social justice, policies that are group blind and apply the same formal rules to everyone are both necessary and sufficient for social justice. Since affirmative action policies violate this principle of equal treatment, they are wrong (see, e.g., Reynolds, 1986). Supporters of affirmative action policies would be less on the defensive, I suggest, if they positively acknowledged that these policies discriminate, instead of trying to argue that they are an extension of or compatible with a principle of nondiscrimination. We should, moreover, deny the assumption, widely held by both proponents and opponents of affirmative action, that discrimination is the only or primary wrong that groups suffer. Oppression, not discrimination, is the primary concept for naming group-related injustice. While discriminatory policies sometimes cause or reinforce oppression, oppression involves many actions, practices, and structures that have little to do with preferring or excluding members of groups in the awarding of benefits.

In Chapter 6 I argued against an assimilationist ideal that equates social equality with the elimination or transcendence of group differences. Taking a principle of equal treatment, or nondiscrimination, as an absolute or primary principle of justice assumes such an ideal of equality as sameness. I have argued that equal treatment should not receive such primacy. Equality, defined as the participation and inclusion of all groups in institutions and positions, is sometimes better served by differential treatment. This argument shifts the context for discussing the justice of affirmative action policies that favor members of oppressed or disadvantaged groups. No longer need affirmative action be seen as an exception to the otherwise operative principle of nondiscrimination. Instead, it becomes one of many group-conscious policies instrumental in undermining oppression.

Considering discrimination the only or primary injustice that women or people of color suffer in American society focuses attention on the wrong issues. Discrimination is primarily an agent-oriented, fault-oriented concept. Thus it tends to focus attention on the perpetrator and a particular action or policy, rather than on victims and their situation (see Freeman,

1982). Identifying group-based injustice with discrimination tends to put the onus on the victims to prove a harm is done, case by case.

As a concept of fault, moreover, discrimination tends to present the injustice groups suffer as aberrant, the exception rather than the rule. Now that law and public sentiment agree that specific discrimination which excludes or disadvantages women or people of color is wrong, people have come to think of the normal condition as the absence of discrimination (Fitzpatrick, 1987). Since explicit discrimination against women and people of color has decreased, the equation of group-based injustice with discrimination leads people to assume that injustices against these groups have also been eliminated.

The concept of discrimination, I suggest, should be restricted to the explicit exclusion or preference of some people in the distribution of benefits, the treatment they receive, or the positions they occupy, on account of their social group membership. Ironically, when discrimination in this sense becomes illegal and socially unacceptable, it becomes very difficult to prove that it takes place. People easily retreat into appeals to qualifications, or into asserting preferences for kinds of character and comportment, instead of for groups. Many legal theorists have argued for a results test rather than an intent test of discrimination; that is, a policy or practice should be found discriminatory if it results in a disproportionate exclusion of women or people of color, whatever the intent of its makers. The "disparate impact" doctrine articulated by the Supreme Court in 1971 in the *Griggs* case suggests such a broadened meaning of discrimination. In recent years, however, neither courts nor the general public have appeared willing to accept such an expanded concept of discrimination.

I agree that the moral focus should be on victims and results, rather than perpetrators and intents. But it confuses issues to bring such a focus on results under the concept of discrimination. A much better strategy for addressing the injustice suffered by disadvantaged groups is to restrict the concept of discrimination to intentional and explicitly formulated policies of exclusion or preference, and to argue that discrimination is not the only or necessarily the primary wrong that women and people of color suffer. As groups, the primary wrong we suffer is oppression.

In Chapter 2 I argued that oppression should not necessarily be understood as perpetrated by particular oppressing agents. While many individuals contribute to oppression, and particular groups of people are privileged because of the oppression of other groups, one misses the mundane and systematic character of oppression if one assumes that particular oppressors can and should always be identified and blamed. In its focus on individual agents, the concept of discrimination obscures and even tends to deny the structural and institutional framework of oppression. If one focuses on discrimination as the primary wrong groups suffer, then the

more profound wrongs of exploitation, marginalization, powerlessness, cultural imperialism, and violence that we still suffer go undiscussed and unaddressed. One misses how the weight of society's institutions and people's assumptions, habits, and behavior toward others are directed at reproducing the material and ideological conditions that make life easier for, provide greater real opportunities to, and establish the priority of the point of view of white heterosexual men.

A focus on oppression rather than discrimination as the primary wrong that women, people of color, and other groups suffer allows us to admit that affirmative action policies are indeed discriminatory (see Sumner, 1987). They call for consciously and explicitly preferring members of particular groups on account of their group membership. Discrimination in this sense may or may not be wrong, depending on its purpose. An all-male club of city officials and business people is wrong, for example, because it reinforces and augments networks of privilege among men that exist even in its absence. It is not wrong to found an all-women's professional association, on the other hand, to counteract the isolation and strains that many professional women experience as a result of being less than welcome minorities in their fields.

If differentiation of groups reinforces undesirable stereotypes about their members, excludes them, segregates them, or puts them in subordinate positions, then it is wrong (Rhode, 1989, chap. 10; cf. Colker, 1986). Most historical discriminations have been wrong not because they distinguished people according to group attributes, but because they aimed at or resulted in formally and explicitly restricting the actions and opportunities of group members. They have been wrong, that is, because they have contributed to and helped enforce oppression. If discrimination serves the purpose of undermining the oppression of a group, it may be not only permitted, but morally required.

Institutions and policies too often have differential adverse impact on formerly excluded or segregated groups, even though this may not be intended. Bias against women, people of color, disabled people, and gays and lesbians is embedded in institutions, either because they are designed with the lives and perspectives of the privileged in mind, or because their structure still reflects the subordination that formal rules have outlawed. Explicit policies of exclusion, segregation, and subordination, finally, have left a deep legacy of group-differentiated capacities, culture, and socialization that continue to privilege white men in the competition for the most rewarded social positions. Much of this difference in capacity or preference should be conceived simply as difference rather than inferiority, but as I will discuss shortly, merit standards often translate difference into hierarchy. Oppression thus remains an ongoing process reproduced by many rules, practices, actions, and images.

Thus the primary argument for policies that consciously aim to increase the participation and inclusion of women, Blacks, Latinos, or disabled people in schools and offices and in positions of high reward and authority is that these policies intervene in the processes of oppression (Hawkesworth, 1984, pp. 343–44; Livingston, 1979, chaps. 1–3; Fullinwider, 1980, pp. 151–52; 1986, pp. 183–84; Boxill, 1984, chap. 7; Wasserstrom, 1980b; 1986; Rhode, 1989, chap. 10; Sumner, 1987). This positive intervention has several dimensions. Through strong affirmative action policies an institution announces its acceptance of formerly excluded groups. Affirmative action policies also counter the particular group-related biases of institutions and decisionmakers which put women and people of color at a disadvantage. Finally, inclusion and participation of women, people of color, disabled people, and so on in institutions and positions carries the advantages of group representation in decisionmaking bodies. Because of their differing experiences, cultures, values, and interactive styles, people from different groups often bring unique perspectives to a collective endeavor, supplementing those of others. The primary purpose of affirmative action policies, then, is neither to compensate for past discrimination nor to make up for supposed deficiencies of formerly excluded groups. Instead, the primary purpose of affirmative action is to mitigate the influence of current biases and blindnesses of institutions and decisionmakers.

#### AFFIRMATIVE ACTION DISCUSSION AND THE DISTRIBUTIVE PARADIGM

In Chapter 1 I argued that a distributive paradigm dominates philosophical and policy discussions of social justice. While distributive issues are important concerns of social justice, an approach that focuses solely on distribution tends to obscure questions of the justice of social institutions at least as important as distributions. Theories of justice that focus on distribution tend to assume the institutional structures which produce distributions as given background conditions whose justice is not brought into question. Insofar as this paradigm of justice limits evaluation to distribution, ignoring and obscuring questions of the justice of institutional organization, it serves an ideological function; it implicitly supports the institutional relations it assumes as given.

Both philosophical and policy discussions of affirmative action exhibit the distributive paradigm of social justice. Richard Wasserstrom is representative of those who conceptualize affirmative action as an issue of distributive justice:

There is, at present, a maldistribution of power and authority along racial and sexual lines that is part of the social structure. Within the major political and

social institutions, such as the university, the bench, and the bar, the state and federal executive branches, and the corporate world, the great majority of positions are held by those who are white and male. One thing to be said for programs of preferential treatment is that by their operation they directly alter the composition of these institutions by increasing the number of nonwhites and women who in fact fill these positions of power and authority. This is desirable in itself because it is a redistribution of positions in a way that creates a new social reality—one which more nearly resembles the one captured by the conception of the good society. . . . To the degree that the present distribution of services and goods is unfair to members of these groups, the distributional change is justifiable simply because it is now a more just distribution. (Wasserstrom, 1980b, p. 56)

Where affirmative action programs are in place they do indeed have some success in redistributing desirable positions among women and people of color who otherwise probably would not get them. While some would argue that procedures of formally equal treatment should not be violated in order to produce more just patterns in the distribution of positions, I agree with Wasserstrom that the goal of achieving greater justice legitimates preferential treatment. Even if strong affirmative action programs existed in most institutions, however, they would have only a minor effect in altering the basic structure of group privilege and oppression in the United States. Since these programs require that racially or sexually preferred candidates be qualified, and indeed often highly qualified, they do nothing directly to increase opportunities for Blacks, Latinos, or women whose social environment and lack of resources make getting qualified nearly impossible for them. Change in the overall social patterns of racial and gender stratification in our society would require major changes in the structure of the economy, the process of job allocation, the character of the social division of labor, and access to schooling and training (cf. Wilson, 1978; 1986; Livingston, 1979, chap. 11; Hochschild, 1988). Intersecting the oppressions of race and gender are the oppressions of class.

In the past twenty years debate about affirmative action policies has occupied a great deal of the attention of policymakers, policy analysts, courts, unions, and professional associations. This debate is important because it raises fundamental issues of principle. So much energy invested in the issue of affirmative action, however, means energy deflected from other aspects of racial or gender justice, and from imagining other policy proposals that might undermine racial and sexual oppression. Affirmative action is one of the few policy proposals on the social agenda in the United States that address issues of sexual and racial oppression. I suggest that one reason it is so much discussed, even though more rarely supported, is

that it is a "safer" proposal for addressing group inequality than others that might be voiced.

The terms of the affirmative action debate define a set of assumptions that accept the basic structure of the division of labor and the basic process of allocating positions. In their debate, both proponents and opponents of affirmative action assume as a *prima facie* principle that social positions should be distributed to the "most qualified," disagreeing only on whether it is just to override that principle. Both sides assume as given a hierarchical division of labor in which some few people are winners in the competition for scarce desirable positions, and most people must settle for positions of little reward, or no positions at all. Without this division of labor, the stakes that make the affirmative action debate so bitter would not be so high. Some participants in the affirmative action debate may in other contexts not accept these assumptions; but the terms of the debate itself presume them. Because the affirmative action issue is restricted to the distribution and redistribution of positions, broader structural questions about justice in the definition of positions and how admission to them is determined rarely get raised in public. To the degree that the affirmative action debate limits public attention to the relatively narrow and superficial issue of the redistribution of positions within an already given framework, that debate serves the function of supporting the structural status quo.

The remainder of this chapter examines in detail two assumptions about institutional structure that usually underlie affirmative action debate: the assumption that positions should be distributed to the most qualified, and the assumption that a hierarchical division of labor is just.

#### THE MYTH OF MERIT

A widely held principle of justice in our society is that positions and rewards should be distributed according to individual merit. The merit principle holds that positions should be awarded to the most qualified individuals, that is, to those who have the greatest aptitude and skill for performing the tasks those positions require. This principle is central to legitimating a hierarchical division of labor in a liberal democratic society which assumes the equal moral and political worth of all persons. Assuming as given a structural division between scarce highly rewarded positions and more plentiful less rewarded positions, the merit principle asserts that this division of labor is just when no group receives privileged positions by birth or right, or by virtue of arbitrary characteristics such as race, ethnicity, or sex. The unjust hierarchy of caste is to be replaced by a "natural" hierarchy of intellect and skill.

Just how this principle of merit should be interpreted, and whether it should function as the principle of the distribution of positions and rewards, is the subject of some controversy. Rawls, for example, argues that using natural talents as a criterion for awarding positions can be considered just as arbitrary as awarding them according to race or sex, because a person is just as little responsible for his or her talents as for his or her race (Rawls, 1971, pp. 101–4; cf. Sandel, 1982, pp. 72–82). Thus many argue that effort and achievement should be a large part of merit criteria (e.g., Nielsen, 1985, pp. 104–12). Many argue, further, that a principle of merit distribution should apply only after basic needs are met for everyone (Sterba, 1980, pp. 47–62; Nielsen, 1985, chap. 6; Galston, 1980, pp. 162–70, 197–200). Others question whether a principle of merit has any moral force, arguing that claims about efficiency or productivity cannot support claims of right or desert (see Daniels, 1978).

In his thorough and thoughtful study of the conflict of values he perceives in the goals of equal opportunity, James Fishkin defines the merit principle as entailing "widespread procedural fairness in the evaluation of qualifications for positions" (Fishkin, 1983, p. 22). Procedural fairness requires that the processes of evaluation "approach the model of an impartial competition." Qualifications are "criteria that are job related in that they fairly can be interpreted as indicators of competence or motivation for an individual's performance in a given position." Education, job history, fairly administered test results, or other tokens of ability or effort, says Fishkin, can all be used to assess qualifications. A fair assessment of an individual's qualifications must rest on that person's own past or present actual performance of relevant tasks; determination of qualifications cannot rest on statistical inferences (Fishkin, 1983, pp. 23–24).

Use of a principle of merit to allocate scarce and desirable positions in a job hierarchy, and in the educational institutions that train people for those jobs, is just only if several conditions are met. First, qualifications must be defined in terms of technical skills and competence, independently of and neutral with respect to values and culture. By technical competence I mean competence at producing specified results. If merit criteria do not distinguish between technical skills and normative or cultural attributes, there is no way to separate being a "good" worker of a certain sort from being the sort kind of person—with the right background, way of life, and so on. Second, to justify differential job privilege the purely technical skills and competences must be "job related," in that they operate as predictors for excellent performance in the position. Third, for merit criteria to be applied justly, performance and competence must be judged individually. In order to say that one individual is more qualified than another, finally, the performances and predicted performances of

individuals must be compared and ranked according to measures which are independent of and neutral with respect to values and culture.

Proponents of a merit principle rarely doubt that these conditions can be met. Fishkin, for example, finds it obvious that the technical competence of individuals can be measured and predicted apart from values, purposes, and cultural norms. "It is hard to believe," he says, "in a modern industrial society, with a complex differentiation of tasks that qualifications that are performance related could not be defined so as to predict better performances" (Fishkin, 1983, p. 56). It may be hard to believe, but in fact such normatively and culturally neutral measures of individual performance do not exist for most jobs. The idea of merit criteria that are objective and unbiased with respect to personal attributes is a version of the ideal of impartiality, and is just as impossible.

First, most jobs are too complex and multifaceted to allow for a precise identification of their tasks and thus measurement of levels of performance of those tasks. Precise, value-neutral, task-specific measures of job performance are possible only for jobs with a limited number of definable functions each of which is a fairly straightforward identifiable task, requiring little verbal skill, imagination, or judgment (Fallon, 1980). Data entry work or quality control sorting may satisfy these requirements, but a great many jobs do not. A travel agent, for example, must keep records, communicate effectively on the telephone and through ever-changing computer networks of information, and study and keep at hand options in tour packages for many places. Service sector work, a vastly expanding portion of jobs, in general can rarely be evaluated in terms of the criteria of productivity and efficiency applied to industrial production, because it makes much less sense to count services rendered than items that come off the assembly line.

Second, in complex industrial and office organizations, it is often not possible to identify the contribution that each individual makes, precisely because the workers cooperate in producing an outcome or product. The performance of a team, department, or firm may be measurable, but this is of little use in justifying the position or level of reward of any particular team members (cf. Offe, 1976, pp. 54–57; Collins, 1979, p. 31).

Third, a great many jobs require wide discretion in what the worker does and how best to do it. In many jobs the worker's role is more negative than positive; he or she oversees a process and intervenes to prevent something from going wrong. In automated processes, from individual machines to entire factories, for example, workers routinely contribute little to the actual making of things, but they must be vigilant in tending the machines to make sure the process goes as it should. The negative role increases worker discretion about whether, when, and how often to intervene. Perhaps there is one easily identifiable and measurable way to per-

form many positive actions. But there are many ways of preventing a process from going wrong, and it is not usually possible to measure a worker's productivity level in terms of the costs that would have been incurred if she or he had not intervened, or the costs that would have been saved if she or he had intervened differently (Offe, 1976, p. 56).

Finally, the division of labor in most large organizations means that those evaluating a worker's performance often are not familiar with the actual work process. Modern organizational hierarchies are what Claus Offe calls task discontinuous hierarchies (Offe, 1976, pp. 25–28). In a task continuous hierarchy, like that exemplified by medieval guild production, superiors do the same kind of work as their subordinates, but with a greater degree of skill and competence. In the task discontinuous hierarchies of contemporary organizations, job ladders are highly segregated. Superiors do not do the same kind of work as subordinates, and may never have done that sort of work. Thus the superior is often not competent to evaluate the technical work performance itself, and must rely on evaluating workers' attitudes, their compliance with the rules, their self-presentation, their cooperativeness—that is, their social comportment.

While these four impediments to a normatively and culturally neutral definition and assessment of job performance occur in many types of work, they are most apparent in professional and managerial work. These types of work usually involve a wide diversity of skills and tasks. Most or all of these tasks rely on the use of judgment, discretion, imagination, and verbal acuity, and none of these qualities is precisely measurable according to some objective, value-neutral scale. The achievement of professional and managerial objectives usually involves a complex series of social relationships and dependencies, to the extent that it is often unreasonable to hold professionals responsible for not meeting objectives (Rausch, 1985, pp. 97–103). Professional and managerial jobs, finally, often are evaluated not only by superiors in a task discontinuous hierarchy, but by clients who are even less aware of the nature of the jobs and the skills required, and who are thus not in a position to apply criteria of technical performance that are normatively and culturally neutral.

If professional and managerial positions are even less liable to value-neutral assessment than other jobs, then this creates a particular problem for the legitimation of a hierarchical division of labor. Since these are the most scarce and most rewarded positions, and thus the positions for which there is the greatest competition, it is these for which value-neutral merit criteria are most needed. For these positions it is not enough that decisionmakers be able to justify the claim that the person chosen can do the job; they must also justify the claim that out of all candidates this one can do the job best. For such comparative claims under circumstances of stiff competition to be legitimate, it must be possible precisely to define and

measure the technical competence of individuals. But this requirement is least present in those jobs for which it is most needed (cf. Fallon, 1980, p. 849; Wasserstrom, 1980b, p. 68).

Even though the merit principle requires impartial technical definition of qualifications, the criteria actually used to determine qualifications tend to embody or include particular values, norms, and cultural attributes—such as whether those being evaluated behave according to certain social norms, whether they promote specifically defined organizational goals, and whether they demonstrate generally valued social competences and characteristics. Factory workers are often evaluated for their punctuality, obedience, loyalty, and positive attitude; professional workers may be evaluated for their articulateness, authoritativeness, and ability to work effectively in groups.

Let me emphasize that using criteria such as these is not necessarily inappropriate; the point is that they are normative and cultural rather than neutrally scientific. That is, they concern whether the person evaluated supports and internalizes specific values, follows implicit or explicit social rules of behavior, supports social purposes, or exhibits specific traits of character, behavior, or temperament that the evaluators find desirable. Use of normative and cultural criteria in addition to and intertwined with evaluation of technical competence is for the most part unavoidable.

Experts in managerial performance evaluation make no secret of the fact that systems of merit evaluation do not impartially measure technical productivity. One writer about job performance defines an evaluation criterion as “a behavior, or set of behaviors, that management values enough to want to be able to describe it, predict it (select for it), and/or control it.” The choice of criteria, this writer admits, is entirely a “subjective” judgment management makes, the result of consensus among managers or between managers and employees (Blumfield, 1976, pp. 6–7; cf. Sher, 1987b, p. 199).

One study of performance evaluation practices finds that evaluators of professional or managerial performance commonly rely on assessment of broadly defined traits such as leadership, initiative, cooperation, judgment, creativity, and dependability, rather than on more specific behavior and performance outcomes (Devrie, et al., 1980, p. 20). The authors of this study regard assessment by personality or character traits as an inferior form of evaluation, because such traits can only be vaguely defined and the judgment that someone exhibits them seems tied to the evaluators’ purposes and preferences. They recommend management by objectives as the most objective or value-neutral system of evaluation. Here managers’ performance is evaluated according to whether and to what extent they meet objectives previously defined by supervisors or by employees and supervisors together. While surely more objective than as-

essment of character traits, management by objectives is hardly value-neutral, since values are usually built into the definition of objectives. Rausch (1985, chap. 6) claims, moreover, that management by objectives has lost favor because managers are often unable to meet objectives for reasons beyond their control. He claims that performance evaluation is inevitably subjective and value-laden, and for that reason recommends use of peer ratings and ratings by several supervisors instead of only one.

If merit evaluation is inevitably subjective and depends on the judgment of evaluators, then merit evaluation will justify hierarchy only if the evaluators are impartial in the strong sense of not being influenced by the social perspective of a particular group or culture. I have argued in Chapter 4 that such an impartial standpoint in the public is a fiction. It is equally so in individual institutions. The conviction that evaluators can and should be neutral with respect to groups, ways of life, and cultural norms in the assessment of performance and competence masks their actual situatedness and partiality. As I shall discuss further in the next section, moreover, such impartial, objective methods of evaluation are impossible even with quantified measures and standardized tests.

Within the hierarchical division of labor, evaluators of merit are usually superordinate to those they evaluate, occupying positions of relative privilege. Their criteria of evaluation often emphasize norms of conformity which contribute to the smooth maintenance and reproduction of the existing relations of privilege, hierarchy, and subordination, rather than neutrally evaluating only technical competence and performance. The hierarchies of privilege in our society are clearly structured by race, gender, and other group differences, moreover, so evaluators are most often white heterosexual able-bodied men, and those they evaluate from other groups.

At least two sources of group-related disadvantage affect members of subordinated groups, even when their evaluators believe they are being impartial. As I argued in Chapter 4, the ideal of impartiality encourages the universalization of the particular. Criteria of evaluation necessarily carry normative and cultural implications and so often will not be group-neutral. These criteria often carry assumptions about ways of life, styles of behavior, and values that derive from and reflect the experience of the privileged groups who design and implement them. Since the ideology of impartiality leads evaluators to deny the particularity of these standards, groups with different experiences, values, and ways of life are evaluated as falling short. For example, in Chapter 6 I discussed feminist arguments that many supposedly neutral and unquestioned norms of the corporate workplace implicitly assume male socialization and a male life style. To take another example, an employee who does not look a white male employer in the eye may be perceived as shifty or dishonest; but the em-

ployee may have been raised in a culture where averting the eyes is a sign of deference.

Second, as I argued in Chapter 5, everyday judgment of and interaction with women, people of color, gay men and lesbians, disabled people, and old people is often influenced by unconscious aversions and devaluations. Thus evaluators, especially those belonging to groups defined as neutral, often carry unconscious biases and prejudices against specially marked groups. A number of studies have shown, for example, that many whites rate black job candidates more negatively than whites with identical credentials (McConohay, 1986). Similar studies have shown that the same résumé receives a significantly lower rating when it has a woman's name than when it has a man's (Rhode, 1988, p. 1220).

#### EDUCATION AND TESTING AS PERFORMANCE PROXIES

I have argued that the merit principle's requirement of normatively and culturally neutral measures of individual job performance usually cannot be met. The maintenance of a hierarchical division of labor with scarce privileged positions at the top will be just, however, only if those positions are filled according to normatively and culturally neutral criteria of technical competence. The pressure is on, then, to find performance proxies—measures of individual competence and achievement that can substitute for performance measures, and that are independent of and neutral with respect to values and culture. Educational credentials and standardized test results function in our society as the primary proxies for direct assessment and prediction of job performance. Despite beliefs to the contrary, however, educational attainment and test results are no more neutral than more direct evaluations of performance.

In a liberal democratic society, education is understood as the means of providing equal opportunity for all groups. But there is no evidence that education equalizes. Despite educators' bemoaning the fact for several decades, the system of education stubbornly reproduces class, race, and gender hierarchies (Gintis and Bowles, 1986, chap. 4). Educators mistakenly believe they have produced equal educational opportunity when no one is barred from following a course of study because of race or gender, and when in principle all students follow the same curriculum and are measured according to the same standards. Schools do not attend enough to differential learning needs, and place responsibility on parents and students when students do not achieve (Bastian et al., 1986, pp. 26–31). Schools continue to be racially segregated in many regions of the United States. Even when they do not actively reinforce gender and racial stereotyping, schools generally do very little to confront cultural images of appropriate pursuits for girls and boys, or to make visible the achievements

of women and people of color. Serious racial and gender differentiation persists in math and science study and achievement in junior high and high school, the subjects most needed for the pursuit of privileged and lucrative careers in a high-tech society. Eleanor Orr (1987) argues that a coherent separate dialect of Black English leads some children systematically to mistranslate instruction in science and mathematics, accounting at least partly for the poorer performance and lesser interest of Black children in these subjects. Similar arguments have been made about gender bias in the culture of math and science.

Money continues to be a major discriminator. Middle- and upper-class children have better schools than poor and working-class children. Thus they are better prepared to compete for college admission. If by chance poor and working-class children qualify for college, they often cannot pay for it, or for the postgraduate training that can lead them to positions of privilege.

According to Randall Collins (1979, pp. 19–21), studies show little correlation between educational attainment and job performance or occupational success. Much of what schools teach is not technical skills, but cultural values and social norms such as obedience, attentiveness, and deference to authority. Students are often graded according to how well they have internalized these values and norms rather than how well they are able to perform certain tasks.

Educational achievement has nevertheless become a major criterion of job qualifications. As one might predict, this has led directly to a credential inflation. Once a high school diploma became genuinely attainable for the majority of people, a college degree became a *sine qua non* for many jobs. As state support begins to make community college and state four-year college degrees widely available, these too become relatively devalued. One must come from a "better school" or have an advanced degree to "get ahead." The promise of education as a ticket to the top of the division of labor is not fulfilled because the hierarchical system permits only relatively few positions of privilege, and the credentialing system functions as gatekeeper to these positions. In good faith people pursue specialized training and acquire credentials, only to find no room at the top because so many others have done the same. They take jobs for which they are overqualified, thereby raising the formal standards for those positions, and the spiral continues (Burris, 1983).

Standardized testing is the most important of performance proxies, used not only to identify the most qualified job candidates, but also throughout the educational system to identify achievement and aptitude that will admit individuals to privileged educational programs. Standardized tests, it was hoped, would provide the normatively and culturally neutral, objective measures of individual technical or cognitive compe-

tence. Standardized tests appear to comply with the requirements of merit evaluation because they are usually procedurally fair. They are blind to race, sex, and ethnicity. They are "objective" in the sense that when they are used to evaluate individuals we can be sure that all have been evaluated according to the same criteria, and in the sense that for a given individual any scorer will come up with the same score. By quantifying test answers and relying on complex statistical techniques, tests also appear able to measure individual skill precisely and to compare and rank individuals, providing an objective assessment of the most and least qualified.

After World War II, and during the 1950s and 1960s, employers increasingly relied on standardized tests as vehicles for awarding positions, promotions, pay increases, and so on. They appeared to do so on the faith that the tests told them who could do the best job, for rarely did employers perform a job analysis to determine the predictive validity of the tests, and rarely did they have empirical evidence that the tests in fact improved their selection process. Often they used generalized intelligence or aptitude tests without making any attempt to correlate them with actual job content (Wigdor, 1982).

A series of court challenges claiming that such use of tests had the effect of excluding people of color and sometimes women led the Equal Employment Opportunity Commission to specify that when test use has a disparate impact on a group, employers must be able to prove that the tests are fair and unbiased measures of job-specific skills. Most employment tests have been unable to meet such stringent guidelines (Fallon, 1980; Wigdor, 1982). Consequently, many employers today rely on tests a great deal less than before. Employer tests that remain, however, for the most part still appear to be developed and used without specific relation to actual job content (Friedman and Williams, 1982). Many employers continue to use "broad-band" tests that cover many generalized skills. The federal government, for example, uses the same test for all its diverse civil service positions (Friedman and Williams, 1982).

If we cannot obtain normatively and culturally neutral assessments of individual performance, then it is not surprising that employers are usually unable to show that tests are job specific. If one cannot measure performance on the job, moreover, then it should be even more difficult to develop demonstrated predictors of such performance.

In the last two decades use of standardized tests for certification purposes and in the educational system has increased. Since the late 1960s the claim of standardized tests to normative and cultural neutrality has been seriously challenged. After two decades of debate, experts seem to agree that the original hope for objective measures of technical and cognitive competence independent of and neutral with respect to values,

norms, and culture cannot be sustained. Standardized tests inevitably reflect value choices and cultural meanings (Wigdor, 1982; Shepard, 1982; Tittle, 1982).

For one thing, tests themselves have a culture. Tests reward certain personal or cultural styles, such as competitiveness, the ability to work well alone, the ability to work quickly, and a penchant for abstraction (Wigdor and Garner, 1982, pp. 40, 209–10). Whatever the skills a test is intended to measure, test takers with these test-taking skills and temperament have an advantage.

Whatever their specific content or purpose, most tests draw on a relatively restricted set of aptitudes and skills, notably computation, deductive inference, and analogical reasoning. Many of the skills and achievements that contribute to the ability to learn and perform complicated jobs are simply not amenable to packaging in short questions with yes-or-no answers (Wigdor and Garner, 1982, pp. 209–11; Strenio, 1981, pp. 189–91). The process of test formulation thus reflects a *de facto* greater valuation of the skills the tests can identify over those they cannot.

Employers and school officials have put so much weight on tests because they seem to offer a means of satisfying two of the requirements of merit evaluation identified in the previous section—a precise measure of the competence of each individual, and a comparison and ranking of all individuals. Tests appear to satisfy the merit principle's demand that persons be rewarded according to their own individual achievement. Because they are universalized and standardized, however, the individuality of test results is illusory. Through the process that Foucault calls *normalization*, tests produce the reconstituted individuality of a "case" or "score":

The examination combines the techniques of an observing hierarchy and those of a normalizing judgment. It is a normalizing gaze, a surveillance that makes it possible to quantify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them. That is why, in all the mechanisms of discipline, the examination is highly ritualized. In it are combined the ceremony of power and the form of the experiment, the deployment of force and the establishment of truth. At the heart of the procedure of discipline, it manifests the subjection of those who are perceived as objects and the objectification of those who are subjected. (Foucault, 1977, pp. 184–85)

The normalizing system of standardized tests reconstitutes individual qualities as instances of abstractly and universally defined attributes (cf. Levontin, Rose, and Kamin, 1984, pp. 92–93). This normalizing process of reducing all individuals to a common measure necessarily reconstructs difference as deviance or devaluation. What in pretested particularity is simply a difference in kind of skill or the mode of its expression becomes the presence of more or less skill when its measurement is standardized

according to a single criterion and scale. Since the normalizing measures have most often been constructed by white middle-class men unconsciously operating with white male middle-class styles and meanings as the norm, the skills and competences of women, Blacks, Latinos, and poor and working-class people often show up as lower.

There is little doubt that many tests have exhibited and continue to exhibit results differentiated by class, race, gender, or all three (Strenio, 1981, pp. 9, 37-38; Wigdor and Garner, 1982, pp. 195-96; Shepard, 1982). A recent court case in New York State, for example, found that when Regents scholarships are distributed solely according to SAT scores, females receive a significantly lower proportion than when grades are used as well. In response to criticism that standardized tests have been biased against some groups, test theorists and developers have attempted to arrive at methods of eliminating bias. This research has yielded important and refined methods for identifying the presence of test bias, but researchers have concluded that there is no technical method for preventing bias and for ensuring that a test is fair to all takers. Test development inevitably employs words, phrases, and symbols whose meaning may be understood in culturally varying ways. Test formulation involves a multitude of judgments and choices, any one of which can have culturally specific implications. Students of test bias appear to conclude that test makers and users must recognize the inevitable normative and culture specificity of standardized tests (Shepard, 1982).

Norms, values, and purposes influence decisions about test content, format, the weighting of items and sections, statistical methods used for scoring, and so on. I argue in the next section that this does not necessarily imply that tests are bad methods of evaluation. The important point is that standardized tests cannot be said to provide precise quantitative individual measures of technical or cognitive competence independent of and neutral with respect to values and culture.

#### THE POLITICS OF QUALIFICATIONS

Merit distribution of positions of reward and privilege can legitimate a social hierarchy only if criteria for determining people's qualifications assess their skills and competences and not whether they belong to a certain group, behave in certain ways, or conform to the evaluator's preferences and purposes. I have argued, however, that in fact the criteria used for evaluating and ranking individual qualifications are usually value-laden, as well as normatively and culturally specific.

From this argument I draw the conclusion that practices of certifying people's qualifications, and ranking those qualifications, are always *political* (cf. Walzer, 1983, pp. 140-43). As I defined the term in the Introduc-

tion, all aspects of institutional structure, public action, social practices and habits, and cultural meanings are political insofar as they are potentially subject to collective discussion and decisionmaking. The rules and policies of any institution serve particular ends, embody particular values and meanings, and have identifiable consequences for the actions and situation of the persons within or related to those institutions. All of these things are open to challenge, and politics is the process of struggle and deliberation about such rules and policies, the ends they serve, and the values they embody. The ideology of merit seeks to depoliticize the establishment of criteria and standards for allocating positions and awarding benefits. Controversy about schooling, credentials, tests, and admissions and employment policies should be sufficient to show that this depoliticizing effort fails. Especially in a society where most people depend on collective institutions to provide them with work and livelihood, the rules and policies that determine and apply qualifications are inevitably political. Once we understand merit evaluation as political, then important questions of justice arise beyond distribution, questions about who should decide on qualifications and by what norms and principles.

Affirmative action and equal opportunity discussion rarely question the justice of current practices in our society which mandate that managers, administrators, social scientific experts, and those who "lead the field" in professions should determine criteria of qualification and who is qualified. And the power of the qualification makers is awesome: they decide the fate of all the less powerful who do not make those decisions, as well as the fate of their professional colleagues. Professions are self-credentialing on grounds of expertise. According to the ideology of merit, the "best" doctors should decide what counts as good doctoring and who meets those standards, because they above all others have the technical competence to define and identify good performance. Because of their expertise managers and administrators should decide the qualifications for entry into and advancement in the hierarchy of jobs under their jurisdiction. Bosses legitimately make criteria and selection decisions because their having attained their positions demonstrates their competence to manage. Safeguards must be put on the bosses, however, to prevent their personal prejudices and preferences from influencing their decisions, and for this reason bosses should consult with appropriate experts in the development of criteria and their application to individuals. These experts are the scientists with the know-how to develop objective, impartial, and standardized criteria for measuring performance and potential performance. This situation illustrates the claim I made in Chapter 4 that the ideal of impartiality legitimates hierarchy. The alleged scientificity of merit evaluation supposedly justifies a hierarchical decisionmaking process; knowledge justifies power.

This justification of hierarchical decisionmaking power is problematic. If cultural and normative criteria differentiate individuals more than objectively measured competence, then their status depends on their pleasing their evaluators, on managing impressions (cf. K. Ferguson, 1984, pp. 106-8). The organization and its managers take as a primary goal the affirmation and reproduction of the organization's social relations and system of power. That is, the system of performance evaluation within such a hierarchy supports and reproduces relations of domination (Offe, 1976, pp. 95-125; Collins, 1979, chap. 2).

In principle this hierarchy and system of domination is little different from the traditional status hierarchies that application of a merit principle was supposed to eliminate. A class of powerful people establishes normative criteria, some of which have the function of affirming its own power and reinforcing the organizational system that makes it possible. To occupy positions within the hierarchy they choose persons who have certain status credentials (instead of coming from the "right" family, they went to the "right" school), and persons who by nature or training exhibit the preferred behavioral and temperamental characteristics.

In contrast to the merit ideology, I claim that decisions that establish and apply criteria of qualification should be made democratically. In Chapter 3 I argued that democratic decisionmaking procedures are a necessary condition of social justice, both as a means to self-development and the minimization of domination and as the best way to arrive at substantively just decisions. Since the filling of jobs and offices fundamentally affects the fate of individuals and societies, democratic decisionmaking about these matters is a crucial condition of social justice.

In Chapter 3 I also acknowledged that democratic procedures alone are often insufficient to ensure just decisions; thus democracy must be constitutional, limited by rules that define basic rights and norms. Democratic decisions about criteria for job qualifications and about who is qualified should be limited by fairness. As I understand it, fairness in such decisions includes the following: (1) Criteria for qualifications should be explicit and public, along with the values and purposes they serve. (2) Criteria should not exclude any social groups from consideration for positions, either explicitly or implicitly. (3) All candidates for positions should be given thorough consideration, according to formal procedures which are publicly announced. (4) People with particular group affinities, social positions, or personal attributes may be preferred, but only to undermine oppression or compensate for disadvantage, and never to reinforce privilege.

Just who should be included in the public entitled to deliberate about and determine the criteria of qualification for particular positions must vary with the kind of position. Later in this chapter I will argue that all major workplace decisions should be made democratically; in accord with

such a principle, certainly those who work in an institution should participate in decisions about the criteria of qualification for positions and who is qualified. Does this mean that every employee in a multinational corporation must participate in writing the job description and making the hiring decisions for every other employee in the corporation? Obviously it cannot mean this; principles and procedures of representation must be worked out in this democratic process as in all others, and decisions of general policy are more important than particular applications. It does mean, however, that peers and co-workers should have a significant voice in determining the criteria of qualification for the kinds of jobs they do, and in deciding who their peers and co-workers will be. A primary privilege that now distinguishes professionals from nonprofessionals is that the former often participate in these decisions, while the latter rarely do so. Even many professionals, however, do not have the right to determine the qualifications their co-workers should have; while their job may include defining and evaluating the qualifications of their subordinates, their own qualifications and those of their peers are defined and evaluated by superiors. Where relations of superordination and subordination remain in a democratic workplace, subordinates should also have a voice in determining the qualifications their bosses should have.

In many situations co-workers are not the only persons who should constitute the public that decides on qualifications for hiring, promotion, and so forth. As I will discuss shortly, a democratic workplace should define its general job structure and division of labor with the represented participation of all the workers; this definition would include at least general principles and guidelines for the qualifications of each kind of position.

Workers in the affected workplace, moreover, are not always the only persons who should have a right to participate in defining qualifications for positions. Minimizing domination in such a way as to allow persons to participate in decisions that affect their actions and the conditions of their actions sometimes means others too should have a role in determining qualifications. Consumers or clients particularly affected by the work performed in a position should also have representation. Parents of children who attend a day-care center, for example, or consumer members of a health maintenance organization, should have a voice in determining the qualifications at least of those positions with significant power, authority, or expertise. Occupational positions that involve broad social power and authority, or significant control over important knowledge and expertise, may require that citizens of the general community they serve and affect have a represented voice in determining the criteria for filling them (cf. Green, 1985, pp. 193-99; Gould, 1988, chap. 10).

Finally, in accordance with the principle that all social groups in a society should have the opportunity to participate in all institutions and posi-

tions equally, decisionmaking bodies that determine qualifications for positions should also include representatives of groups oppressed or disadvantaged in the society at large, as well as social groups that suffer oppression or disadvantage within the particular institution or profession in which the position is defined.

How should qualifications be defined? Democracy implies that decisionmakers can define qualifications any way they choose, within the constraints of fairness set out above, after serious deliberation and argument, according to whatever values and purposes they deem appropriate. They must, however, make those values and purposes explicit, both to themselves and others, and be able to show how the criteria they arrive at promote them. They may if they choose develop tests or other formalized evaluation procedures for assessing and ranking the qualifications of persons according to those criteria. Presumably in any division of labor some positions will have more applicants than can be accepted. Developing ways of ranking in order to eliminate some applicants is not wrong, as long as the values and purposes of the criteria are explicit, and always open to challenge and revision. Representation of groups who experience cultural imperialism is crucial both in establishing job goals and in establishing evaluation procedures, however, to ensure that their particular experiences, culture, and values are not excluded or disadvantaged. If no normatively and culturally neutral criteria for assessing qualifications exist, such social group representation is the only means of making evaluation fair, because it balances values, priorities, and knowledge.

#### OPPRESSION AND THE SOCIAL DIVISION OF LABOR

John Livingston (1979, pp. 122–24) argues that in the nineteenth century the doctrine of equal opportunity had a more radical and democratic meaning than it does now. Then it meant that there were no barriers to material and social improvement to those who would work hard and develop their skills. Equal opportunity meant everybody who worked hard could be somebody. Homestead and entrepreneurial opportunities at the time made the claim plausible, at least for white men. Social mobility was not so easy as the Horatio Alger myth portrayed it, but there were multiple avenues for social advancement or at least for establishing a comfortable living.

Today there are few such tracks of mobility, and hopping onto the train has become much more difficult. When the vast majority of people must look to wage or salary employment to obtain a livelihood, getting ahead means getting a high-status job, and moving up a bureaucratically defined career ladder. Today equal opportunity has come to mean only that no one is barred from entering the competition for a relatively few privileged

positions. There remains the shadow of a rhetoric which suggests that actual opportunities are available to anyone who works hard, but it does not fully obscure the certainty that most people are bound to be losers.

For the competition is getting stiffer. According to Wagman and Folbre (1988), the proportion of professional and managerial jobs in the total labor force has remained stable at about 30 percent during the last ten years. During the same period levels of education have risen, thus increasing the competition for these jobs. Current social trends, moreover, indicate a decline in the number of low-level professional and high-skilled nonprofessional jobs. Increasingly, job structure in the United States is divided between prestige positions for which certification is difficult and costly to acquire, and a vast array of low-skill, low-wage, low-mobility positions that carry little autonomy and creativity (see Bastian et al., 1986, pp. 52–55).

Assuming a division between scarce highly rewarded positions and more plentiful less desirable positions as given, the merit principle asserts that this division of labor is just when no group receives privileged positions by birth or right, but these positions are instead awarded according to demonstrated individual achievement of technical competence measured by normatively and culturally neutral criteria. If, as I have argued, these positions are not and cannot be awarded in this way, then the legitimacy of a hierarchical division of labor in a society committed to the equal moral worth of all persons comes seriously into question.

Discussions of equal opportunity and affirmative action tend to presume as a social given this hierarchical division of labor in which relatively few are winners and most are losers (see, e.g., Sher, 1988, p. 117). As we saw earlier, these discussions usually assume a distributive paradigm of justice. They ask what principles are appropriate for ensuring fairness in the distribution of positions, where the nature of the positions and their relation to one another is already given. A more radical approach is to ask about the justice of this division of labor itself. Is a division of labor with scarce desirable positions and more plentiful positions of little reward itself just? How should tasks and responsibilities be defined in the social division of labor, and how should positions be related to one another? Who should decide the division of labor, and by what procedures? Decisions about these questions determine a great deal about the distribution of goods in a society. Once the division of labor is in place, enforced and reproduced by authority and credentialing, redistribution of goods does not appreciably alter the process that produces that distributive pattern. Most societies in the world today have a hierarchical division of labor that distinguishes between professional and nonprofessional work, or work that is task defining and work that is task executing. This division is unjust, I shall argue, because it involves both domination and oppression.