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## THE LENGTHENING SHADOW OF ANDROCENTRISM

*BRYAN K. FAIR*\*

Recently, while attending a national research conference on diversifying science and engineering, Harvard University President Lawrence H. Summers offered three interrelated hypotheses to explain the persistent under-representation of women, especially in high-end science and engineering jobs. Intending to be provocative and speculating broadly, based on anecdote and social science research, Summers shocked some of his audience by implying it is plausible women simply do not have the right stuff for the high-end careers. First, he argued women choose not to work the eighty-hour weeks necessary in those jobs. Second, he contended women lag behind men by several standard deviations in science and math aptitude, decreasing their numbers in the highest level jobs. Third, he opined that socialization and discrimination were, of the three hypotheses, the least likely to explain current employment disparities.

I contest each of Summers' hypotheses, setting forth my own that more completely explain the persistent under-representation of women from high-powered science and engineering jobs and elsewhere. Whether Summers intended his sexist critique is beside the point. What is directly relevant is that his critique, like those of so many other key decision-makers, appears far less sophisticated than one might expect from a highly trained, serious thinker. Summers' remarks did not appear to take his subject seriously. Unless Summers and others more rigorously examine the myriad causes of gender caste, it will persist for generations.

What is most shocking for me about Summers' remarks is all that went unsaid. He had a national stage to discuss systemic gender disparities and the best he could do was offer common stereotypes: women make poor choices; women are not as smart; and discrimination is not a significant cause of gender caste.

Given the same opportunity, I would have proffered quite different hypotheses regarding current gender caste. First, present human conditions rest on past ones. This maxim most assuredly applies at Harvard and Summers missed an

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opportunity to recall Harvard's record of gender discrimination. Second, women are neither defective nor inferior to men; women can do any job men can do. The legalized exclusion of women from men's work is perhaps the best evidence that men feared direct competition from women. To avoid it, men rigged the law to restrict women and thereby establish male privilege. Third, male privilege is invisible to most men much as white privilege is invisible to most white people. For those who deny or ignore history, it is easy to claim that the status quo is normal, that male supremacy is natural or even divined. Fourth, men exclude women from specific opportunities to restrict their competition in acquiring power and wealth, and to maintain their economic, political, and social hegemony over women. Thus, there is a direct connection between gender discrimination and male control. Much as many whites have historically expressed their fear of Negro rule, many men must similarly fear a world ruled by women. Fifth, if men were naturally superior to women in aptitude or otherwise, men would not have had to enact positive law to reify their supremacy. Male supremacy is socially constructed through the persistent exploitation of women. Sixth, many average-aptitude men hold high-end jobs, and many men in those jobs do not work eighty-hour weeks and are not thinking about their work all the time. Indeed, many men accumulate wealth not through their own labor, but rather from the poorly compensated labor of others. Seventh, men do not share equally in the work of caring for family or maintaining a home, often creating at least a double burden on women who receive no compensation for home work and devalued wages for women's work. Too many men have advantages as only part-time or no-time parents. Eighth, girls and women experience discrimination regularly that men do not, including the devaluation of their worth and their work, as well as frequent threats to their personal security. Ninth, absent historic affirmative discrimination favoring men, there is no reason to think men would control power, wealth, and high-end jobs as they do. If we could turn back the clock and impose similar exclusions on men and similar advantages on women, we should expect that men today would be mired in caste too. Tenth, our current world condition, historically guided and dominated so heavily by men, is an unmitigated disaster; there is no reason to think that women could not do at least as well or better in planning human affairs. Abigail Adams threatened a rebellion if John and other framers did not remember the ladies. We must do more than remember them. The world needs the talent of everyone. There simply are no extra people. We must teach our daughters they are full citizens and that they belong in the world as much as our sons. We must make our daughters equal by eliminating all the causes of their caste.

We cannot now measure the costs of discrimination against women over so many centuries. We cannot know where women would stand relative to men in science or engineering had women not been closed out of the best research universities and directed toward pink-collar ghettos. Yet, Summers' and others'

observations on the status of women are inescapably normative, fastening blame primarily on women for poor choices and less ability. Men, they assert, have had little to do with the subjection of women. I cannot agree. Men have had everything to do with it.

### I. HISTORY MATTERS

Perhaps the signal American public endorsement of female subjection was the exclusion of all women from the 1787 Constitutional Convention. A new government, of some men, by some men, for some men, was formed by fifty-five, propertied white men, persons accustomed to running political and business affairs in their respective states and practiced in relying on their women to raise children and maintain the home. From then to now, women have been ruled by men under constitutional interpretations that disable those who challenge male authority. Even modern anti-discrimination theory has failed to eliminate extant female caste.

And challenges to male authority have been abundant: from Abigail Adams' appeal to her husband, the Seneca Falls Declaration of Sentiments, to Myra Bradwell, Virginia Minor, and Susan B. Anthony's judicial appeals against male privilege, the Suffragists' campaigns, to the champions of Equal Pay, Equal Employment Opportunity, and the Equal Rights Amendment and Gender Equity.

Abigail Adams admonished John to remember the ladies, lest they foment a rebellion. Her correspondence to John and with friends at home and abroad demonstrates that despite her privileged status as his partner, Abigail and other women resented their involuntary relegation to second-caste status. The framers ignored the ladies, ensuring their caste condition for generations.

Consider also the feminist manifesto presented by conferees a half-century later in Seneca Falls, New York. Anyone who reads the Declaration of Independence with misty eyes will find it hard to resist its compelling reiteration in the Seneca Falls Declaration of Sentiments. Women and their supporters urged that they, too, were created equal, but that men had closed off occupations and professions from them, that men had denied women economic or political rights and made women unequal in society generally. Even in the so-called women's sphere, men ruled and controlled women, children, and other personal property. According to the conference speakers, one tyrant, King George, had been supplanted by another, men in America, who ruled over all women, excluding them from the best opportunities in education, employment, and public affairs. Thus, the tyranny constitutionalized at the end of the Eighteenth Century remained extant in law and custom a half-century later.

After the Civil War and the adoption of the Equal Protection Clause of the Fourteenth Amendment, hopes for equality for women were dashed repeatedly. The Supreme Court also endorsed female caste based on its narrow interpretation of the Fourteenth Amendment.<sup>1</sup> The Slaughterhouse Cases not only made the

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<sup>1</sup> See *Slaughterhouse Cases*, 83 U.S. 36 (1873).

Privileges and Immunities Clause a nullity, but also limited the rights provided by the Equal Protection Clause, stating that the Clause could only apply to cases concerning race.

For the next century the Court rejected legal claims by women challenging laws that discriminated against them. For example, in 1872, Myra Bradwell challenged an Illinois law prohibiting married women from practicing law.<sup>2</sup> Mrs. Bradwell argued that the Privileges and Immunities Clause protected her right to practice law; but the Supreme Court majority, basing its decision on the Slaughterhouse Cases, stated that the right to practice law was not a privilege or immunity belonging to a U.S. citizen.<sup>3</sup>

In a concurring opinion written by Justice Joseph Bradley, the legal ideology of patriarchy was set forth:

[T]he civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interest and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband. So firmly fixed was this sentiment in the founders of the common law that it became a maxim of that system of jurisprudence that a woman had no legal existence separate from her husband, who was regarded as her head and representative in the social state . . . .<sup>4</sup>

Justice Bradley justified the validity of a law excluding women from the practice of law by employing negative stereotypes of women. The Illinois law and Bradley's opinion contributed to gender caste by unjustly limiting women's employment freedoms. That decision best explains why women remain a small percentage of the legal profession and why they are severely under-represented in the American judiciary.

Likewise, the Court ruled that Missouri could deny women the right to vote, emasculating their potential political influence. Virtually all the states, except Wyoming, followed suit, placing women in a political caste from which they have not escaped. And when one examines public officeholders today, it is difficult to claim that the sparse number of women in Congress or state offices is unconnected to past law and customs that made women strangers in the public sphere.

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<sup>2</sup> Bradwell v. Illinois, 83 U.S. 130 (1873) (mem.).

<sup>3</sup> *Id.* at 137-38.

<sup>4</sup> *Id.* at 141; see also DOROTHY MCBRIDE STETSON, WOMEN'S RIGHTS IN THE U.S.A. 25 (1997).

I reject unequivocally the traditional view that male dominance is universal and natural, and the assumption that sex differences determine the modern sexual division of labor and wages. Instead, I find much evidence that American society has largely accepted patriarchy as a core value, one which pervasively permeates all its institutions. Moreover, it seems obvious to me that truly superior persons would not have needed pro-discrimination legislation but, instead, could have competed on the basis of talent and merit. This has not been the case for men and women in the United States.

By law and practice, men not only controlled the legislative and judicial bodies that made and interpreted the law, they also controlled the family, denying adult women any political voice and delimiting what education was appropriate for them and what work was suitable, including the hours and wages for their work. While claiming to place women on a pedestal, men, in fact, put women in a caste.

History is relevant both descriptively and normatively in understanding current gender caste. As a descriptive matter, with notable, quite limited, exceptions, men control society. They are the heads of state, the law makers, the judges, the financiers, and the chief executive officers. They are the generals and the police, the lawyers and doctors, the engineers and scientists, the professors and educational administrators. No occupation is involuntarily closed to men; they can labor in any field and hold any public office.

Conversely, again descriptively, one can observe that women have been relegated to specific roles in society: to bear and raise children, maintain the home, and to service men. Many positions traditionally have been made off-limits to women because of the social construction of what it means to be male versus female.

For centuries, men have viewed this maternal/domestic function for women as paramount to the continuation of the human species, and, therefore, as a protected male property interest. Consequently, men have affirmatively restricted women's labor opportunities by closing off entire categories of work for men only, creating occupational ghettos for women, and making women's work generally unprofitable and insecure. Such restrictions increase women's political, social, and economic dependence on men, ensuring that those women who step outside their assigned roles are punished, poor, and powerless.

To date, modern legal reforms in place since the 1960s, including anti-discrimination legislation and Supreme Court decisions extending constitutional norms to women, have done little to reverse persistent gender caste. Surely, any legitimate critique of the under-representation of women in a field must take account of history.

## II. WOMEN ARE NOT DEFECTIVE OR INFERIOR TO MEN

Likewise, gender caste is the direct product of normative judgments about men and women. Men have justified historic constraints on women through a blend of religious and anthropological theories designed to make male hegemony

appear natural. The Bible teaches wives shall obey their husbands. Moreover, men are the sons of God, while women are the daughters of men. Both instructions seemingly endorse male supremacy.

Alternatively, men have asserted that because they are stronger, more aggressive, and more skilled or worldly, they are most fit to rule society (including controlling women and children). This rationale is Darwinian: the strongest will *naturally* dominate the weakest.

Men impose their theories of the human condition on women through essentialist positive law, offering reductionist explanations for current conditions. They ascribe to all men valued traits of strength, ability, knowledge, and aggressiveness (certainly a gross exaggeration), while implying (wrongly) all women lack these traits; and they delimit the opportunities for women based on their unique, extraordinary biological ability to bear a child (even restricting opportunities for those women who do not wish to bear children). This unique capacity of women is turned against them; it is presented as their only ability and a disability. Thus, when Summers rationalizes the few women in high-end positions on their poor choices and aptitude variances, his musings repeat a longstanding pattern that demeans women and undermines their self-worth. He implies women are defective in judgment and faculty. Their difference is not exceptional; it is unremarkable.

### III. MALE SUPREMACY IS A ROPE OF SAND

Religious and biological determinism, described as science by Summers and others, make modern divisions of labor and wages by sex appear ordinary and universal, with men sitting atop the gender hierarchy. Simultaneously, such explanations for male dominance make patriarchy invisible. And it is that invisibility which makes female subjugation to men so intractable. Men take no responsibility for what appears normal in all societies and some women endorse patriarchy by accepting what men give and embracing definitions of equality that assure the extension of male hegemony for generations.

Consider, for example, the disparity in wages between men and women. According to the United States Bureau of Labor Statistics, in the first quarter of 1999, the median weekly income of men was \$655, whereas the median weekly income for women was \$488.<sup>5</sup> Perhaps a more revealing comparison is that the number of men working in managerial and professional jobs was 15,268,000; their median weekly income was \$939.<sup>6</sup> The number of women in similarly classified positions was close at 14,940,000, but their median weekly income was \$662,

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<sup>5</sup> Bureau of Labor Statistics, *Table 2. Median Usual Weekly Earnings of Full-Time Wage and Salary Workers by Age, Race, Hispanic Origin, and Sex, First Quarter 1999 Averages, Not Seasonally Adjusted*, available at <http://www.stats.bls.gov> (last modified Apr. 15, 1999).

<sup>6</sup> Bureau of Labor Statistics, *Table 3. Median Usual Weekly Earnings of Full-Time Wage and Salary Workers by Occupation and Sex, Quarterly Averages, Not Seasonally Adjusted*, available at <http://www.stats.bls.gov> (last modified Apr. 15, 1999).

nearly thirty percent less.<sup>7</sup> Thus, men are not supreme because of aptitude variances. Their socially constructed supremacy rests on the special premiums paid for men's work.

It is not simply that women earn less than men. They are also significantly confined to occupations performed primarily by other women. Men restrict most women to lower-paying, women's work.

Standing alone, these statistics may not give one pause because many neutral factors might explain the significant disparities. Consider, for example, those commentators who assert that income disparities and occupational choices reflect education, skill, experience, or even biological or physiological differences. Those arguments are unpersuasive and misplaced; instead, the disparities reflect a fundamental defect in American life, namely, that women and their work have been devalued throughout American history and the cumulative effect of that devaluation has been the creation of a female caste and male privilege.

#### IV. MEN MAINTAIN MALE PRIVILEGE

If one were to set forth first principles regarding employment and wage opportunities in the United States, one could accurately assert that men have the best employment opportunities, their work is valued more highly than work performed by women, and in higher-paying jobs, males predominate. In many of the lowest-paying jobs one finds a disproportionate percentage of women. What factors have caused these disparities and sex divisions? Are they attributable to random choice? Is there something in nature which causes women to become secretaries, waitresses, domestic workers, or nurses, while men become engineers, scientists, lawyers, or doctors? To answer these questions requires a contextual assessment of longstanding American policies and customs which afforded men control over society, both the public and private sphere.

President Summers seems an unlikely candidate to address gender disparities at Harvard or elsewhere. While it is easy to be provocative, it is hard work to examine root causes of specific conditions and to plan for their elimination. I have little doubt that the chief obstacle for Summers and others is their unwillingness to relinquish male privilege which they protect every day. And they will keep it, under the protection of the law, until the constitutional guarantee of equality requires that every vestige of gender caste be eliminated, root and branch. Until we re-define the scope of the Equal Protection Clause, male hegemony will remain the American rule.

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<sup>7</sup> *Id.*

