

THE DYNAMICS OF HOMOSOCIAL REPRODUCTION IN ACADEMIC INSTITUTIONS

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Efforts by institutions of higher education to diversify their faculties and administrations have frequently fallen short of stated intentions. Instead, considerable homosocial reproduction persists in predominantly white, male-intensive settings in academia. Using a fable as a vehicle to highlight the problem, we describe the subtle and cumulative processes of advanced discrimination used to achieve homosocial outcomes. Specifically, we identify the pervasive influence of ideological hegemony in personnel decisions; the ways in which differential perceptions reinforce ideological hegemony; and the differential treatment faced by committee members from underrepresented gender and racial-ethnic groups in the decision-making process. We conclude that standard gestures of affirmative action are inadequate approaches to diversification because they fail to address forms of advanced discrimination that pervade the process of selection and promotion in academic institutions. Legal remedies are lacking for the forms and processes of advanced discrimination highlighted here.

I. INTRODUCTION

More than a quarter of a century has elapsed since Congress passed Title VII of the Civil Rights Act of 1964¹ which prohibits employment

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1. Pub. L. No. 88-352, §§ 701-716, 78 Stat. 241, 253-66 (codified as amended at 42 U.S.C. § 2000e to 2000e-17 (1988 & Supp. III 1991)).

discrimination on the basis of race and sex. In 1965, President Johnson issued an Executive Order calling for equal opportunities for Federal Government employees and Federal Government contractors.² Yet, considerable evidence suggests that the impact of these initiatives on the workplace has been limited at best. For example, researchers at the University of California at Los Angeles compared corporate executive positions in 1979 and 1989 and concluded that “[o]ver that period, neither women nor minorities increased their ranks at the senior vice president level or above by more than two percentage points.”³

Focusing on the professions, sociology professor Natalie Sokoloff found that while women and African-American men made small advances from 1960 to 1980, they, nevertheless, remain seriously under-represented, especially in professions that are white-male intensive.⁴ Sociology professor Sharon Collins’ research demonstrates that African-American professionals are concentrated in Black-owned businesses, public sector work, and “race-oriented”⁵ jobs within the private sector.⁶ Race-oriented jobs, as Collins points out, are not likely to translate into organizational mobility.⁷ Related to Collins’ observations is a 1985 investigation of the California civil service system by David Strang and James Baron, professors of sociology, who determined that “job title proliferation serves to segregate sexes and races within seemingly integrated lines of work.”⁸

2. Exec. Order No. 11,246, 30 Fed. Reg. 12,319 (1965). President Johnson’s executive order requires the federal government to provide equal employment opportunities to all qualified applicants, and prohibits discrimination on the basis of race, creed, color, or national origin. Further, it prohibits federal government contractors and subcontractors, and construction contractors assisted by the federal government, from discriminating against any employee or applicant on the basis of race, creed, color, or national origin. It also requires the federal government, its contractors and subcontractors, and construction contractors assisted by the federal government to provide affirmative action programs to ensure compliance with this order. *Id.*

3. Lori Silver, *Few Women, Minorities at the Top; Survey Finds No Gain in Executive Positions in Past Decade*, WASH. POST, Aug. 14, 1990, at A1.

4. Natalie J. Sokoloff, *Evaluating Gains and Losses by Black and White Women and Men in the Professions, 1960-1980*, 35 SOC. PROBS. 36, 42-44 (1988).

5. “Race-oriented” jobs include affirmative action officers and minority recruiting officers.

6. Sharon M. Collins, *The Making of the Black Middle Class*, 30 SOC. PROBS. 369, 374-79 (1983) [hereinafter Collins, *Black Middle Class*]; Sharon M. Collins, *The Marginalization of Black Executives*, 36 SOC. PROBS. 317, 324-29 (1989).

7. Collins, *Black Middle Class*, *supra* note 6, at 379.

8. David Strang & James N. Baron, *Categorical Imperatives: The Structure of Job Titles in California State Agencies*, 55 AM. SOC. REV. 479, 491-92 (1990). Strang and Baron argue that there is a statistical relationship between job title segregation and job proliferation. This relationship results from jobs originally having been defined by characteristics of incumbents—largely white males. Segregation results from job title proliferation because only those candidates with incumbent characteristics are hired to fill these jobs. *Id.*

The foregoing literature documents a serious lack of progress toward equal opportunity in the workplace. A growing body of social science literature explains how routine workplace arrangements and dynamics subvert the goals of civil rights legislation. Joan Acker, professor of sociology, maintains that the very way in which work organizations, credentials, and jobs are conceived is gender-bound, with the advantage and control accruing to males.⁹ She suggests that these processes also contribute to the maintenance of race stratification.¹⁰ As she points out, the fact that social scientists readily assume that work organizations, credentials, and jobs are rational embodiments of race and gender-neutral management and principles is testimony to the depth of race and gender biases.¹¹ In research complementary to Acker's work, Susan Chase and Colleen Bell, professors of sociology, argue that the language and attitude of predominantly male school board members and consultants—"gatekeepers"—contributes to the persistence of men dominating the occupation of school superintendent.¹² In other words, the way in which "gatekeepers" talk about jobs and perceive potential recruits or incumbents is integral to the reproduction of power and authority by dominant groups in the workplace.¹³

These issues are also of interest for institutions of higher education. Considerable debate and bureaucratic energy are directed toward colleges' and universities' efforts to diversify their faculty and administration by gender, race and ethnicity. Yet, here too, programs aimed at diversification seldom match the rhetoric, especially at the highest levels of administration. A study of administrative positions in 821 institutions of higher education by Alison Konrad and Jeffrey Pfeffer, professors of business administration, reported only a 4% increase in representation by women from 1978 to 1983 and no increase whatsoever for minorities.¹⁴

Whenever search, promotion, and tenure committees are criticized for failing to recommend, hire, promote, or tenure an individual from an under-represented group, members of the committee typically

9. Joan Acker, *Hierarchies, Jobs, Bodies: A Theory of Gendered Organization*, 4 GENDER & SOC'Y 139, 145-54 (1990).

10. *Id.* at 154.

11. *Id.* at 142.

12. Susan E. Chase and Colleen S. Bell, *Ideology, Discourse, and Gender: How Gatekeepers Talk About Women School Superintendents*, 37 SOC. PROBS. 163, 174 (1990).

13. *Id.* at 163.

14. Alison M. Konrad & Jeffrey Pfeffer, *Understanding the Hiring of Women and Minorities in Educational Institutions*, 64 SOC. EDUC. 141, 147-49 (1991) (finding that the number of women incumbents rose from 18% to 22% in the years 1978 to 1983, while the number of minority incumbents—6%—stayed the same).

respond by saying that there are not enough of "them" out there to form a viable recruitment pool;¹⁵ that anti-discrimination efforts have not been in effect long enough for many of "them" to obtain the necessary experience for top-level administrative positions; that in order to hire or promote one of "them," or give one of "them" tenure, the institution would have to "lower the standards" which would not be fair to "them";¹⁶ and finally, some may argue that since the Supreme Court ruled that set-aside programs were unconstitutional,¹⁷ public institutions must be more cautious in their approach to affirmative action.¹⁸

Anti-discrimination efforts have been in place for a quarter of a century and still have not been particularly effective in fostering the upward mobility of African-Americans and white women into central administrative positions in predominantly white, male institutions. While it is true that there is a disturbing and significant decline in the attainment of Ph.D.'s by African-Americans,¹⁹ thereby reducing the traditional pool of new recruits overall, this is not the case in law schools. "The proportion of minority persons in the pool of available [law school] teachers has been higher than that in the faculty

15. ATHENA THEODORE, *THE CAMPUS TROUBLEMAKERS: ACADEMIC WOMEN IN PROTEST* 33 (1986); Marina Angel, *Women in Legal Education: What It's Like to be Part of a Perpetual First Wave or the Case of the Disappearing Women*, 61 TEMP. LAW REV. 799, 834 (1988); Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U. PA. L. REV. 537, 547 (1988); Carolyn J. Mooney, *Affirmative-Action Goals, Coupled with Tiny Number of Minority Ph.D.'s, Sets Off Faculty Recruiting Frenzy*, CHRON. HIGHER EDUC., Aug. 2, 1989, at A1.

16. See THEODORE, *supra* note 15, at 46-47 (stating that a typical statement made about faculty women in denying tenure is that "[h]er qualifications are not as extraordinary as they must be to maintain the high standards of the university."). Women professors' qualifications commonly are seen as "unsatisfactory," "deficient," "unscholarly," or "untraditional." *Id.* at 46-47.

17. *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 498-508 (1989). The City of Richmond required contractors awarded city construction contracts to subcontract at least 30% of the dollar amount of each contract to one or more minority businesses. *Id.* at 477. A minority business was defined as a business where at least 51% of the owners were Black, Spanish-speaking, Oriental, Indian, Eskimo, or Aleut citizens. *Id.* at 478. The Court held that the city failed to demonstrate a compelling governmental interest for the plan. *Id.* at 505. Since the city could not prove that it discriminated, the plan was not remedial of the city's prior discrimination. *Id.* Remedying societal discrimination was an insufficient justification for the plan. *Id.* Further, the Court held that the plan was not narrowly tailored because it gave companies owned and controlled by minorities from anywhere in the country an absolute advantage over other citizens based solely on their race, and it did not consider the use of race-neutral means to accomplish the goal of minority business participation. *Id.* at 507. Finally, the Court held that the rigid 30% quota rested upon the unrealistic assumption that minorities will enter the construction business in proportion to their representation in the community. *Id.*

18. Jeff Foy, *Reforms Raise Old Questions: Are All DBE's Created Equal?*, PORTLAND SKANNER, March 31, 1993, at 15.

19. See MINORITIES ON CAMPUS: A HANDBOOK FOR ENHANCING DIVERSITY 56, 57 (Madeleine F. Green ed., 1989) (stating that the number of doctorates awarded to African-Americans declined from 1,213 — 3.6% of the total doctorates awarded—in 1976, to 904—2.8% of the total doctorates awarded—in 1987).

population for quite some time."²⁰ The claim of a limited pool, then, should not be accepted at face value. Even with a limited pool, some institutions have successfully recruited people from under-represented groups. The claim that institutions have to "lower the standards" in order to hire, promote, or give tenure to non-white males and females also requires closer scrutiny. Despite the Supreme Court's ruling in *City of Richmond*, affirmative action efforts remain an option for academic institutions.²¹ Indeed, the Civil Rights Act of 1991²² was intended to restore federal protection against employment discrimination,²³ despite the significant ambiguities it contains.²⁴ In short, these typical explanations are unsatisfactory to account fully for the lack of diversification in universities' faculty and administration. Alternative or complementary explanations are needed.

How does the replacement of dominant group members with other dominant group members—"homosocial reproduction"²⁵—occur in higher education? A partial explanation can be found in the fact that university decision-makers generally fail to commit to specific goals for diversification, or to provide funding and other incentives to achieve the results they claim to support. With regard to ethnic diversification, a recent survey of almost 400 institutions by the American Council on Education found that 71% do not "[o]ffer incentives to academic departments to increase hiring of minority faculty;" 64% do not "[p]lan a major increase in funds allocated for improving minority participation;" and 57% do not even "[o]perate under a board-adopted policy with specific goals for increasing minority participation."²⁶ Professors Sandra French and Alan Wells found

20. Chused, *supra* note 15, at 548.

21. Jacqueline Conciatore, "Jury Still Out" on Affirmative Action Limits in Higher Education, *BLACK ISSUES IN HIGHER EDUC.*, June 22, 1989, at 6 (noting that the Supreme Court in *City of Richmond v. J.A. Croson Co.* did not address the issue of preferential hiring of women or minorities in public universities for non-remedial purposes such as diversity, and therefore the question is still open).

22. Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (1991).

23. H.R. Rep. No. 102-40(I), 102d Cong., 1st Sess. 2 *reprinted in* 1991 U.S.C.C.A.N. (105 Stat.) 549, 552.

24. See Steven A. Holmes, *Lawyers Expect Ambiguities in New Rights Law to Bring Years of Law Suits*, *N.Y. TIMES*, Dec. 27, 1991, at A20 (stating that job discrimination lawyers claim that the Civil Rights Act of 1991 contains many ambiguities and unresolved issues, such as whether the Act operates retroactively, whether it covers discrimination suits that were pending in court at the time of the enactment or only in new cases, and whether employers can legally continue voluntary programs that favor women and minorities).

25. See ROSABETH MOSS KANTER, *MEN AND WOMEN OF THE CORPORATION*, 48, 63, 68 (1977) (defining homosocial reproduction as a selection process by which corporate managers select individuals who are socially similar to themselves for hiring and promotion).

26. ELAINE EL-KHAWAS, *HIGHER EDUCATION PANEL REPORT NO. 78 CAMPUS TRENDS* 48, 82 (1989).

that over two-thirds of academic institutions advertising in the *American Sociological Association Employment Bulletin* over a two year period failed to provide the applicant with an Equal Employment Opportunity Information Retrieval (EEOIR) form.²⁷ The EEOIR form is required by the U.S. Department of Labor as a measure of an employer's "good faith" in pursuing affirmative action.²⁸

Further explanation of the prevalence of homosocial reproduction can be found in the far more subtle decision-making dynamics of hiring and promotion. This paper focuses on the practice of institutional discrimination in academia, otherwise known as "advanced discrimination." Advanced discrimination refers to the utilization of seemingly neutral rules and criteria that nevertheless have a different impact on distinct groups of people, with the benefit accruing to the dominant group.²⁹ This kind of discrimination is especially difficult to overcome because the assumptions on which it rests appear neutral and logical, and thus claim universal applicability and acceptability.³⁰ In other words, recruitment and selection processes appear to operate fairly. The fact that these processes are grounded in dominant group ideology generally goes unacknowledged, and the nature of the process remains unquestioned.³¹ Because there may be no discernible intention to discriminate, a legal remedy is usually unavailable.³² In this paper, we will show, however, that advanced discrimination operates insidiously and cumulatively in academia. The result of such practices, intentional or not, is the same as if the discrimination were purposeful. The dominant group

27. Sandra French & Alan Wells, *Affirmative Action in the 1980's: A Study of Compliance in Higher Education*, 24 SOC. FOCUS 343, 348 (1991).

28. See *id.* at 348 (explaining that since EEOIR forms are routinely mailed to all applicants for positions at U.S. institutions placing employment advertisements in the *American Sociological Association's Employment Bulletin*, failure of an institution to send an EEOIR form was seen as an indicator that the institution did not make a good faith effort to use affirmative action as a part of its recruitment process).

29. See Harold M. Baron, *Racism Transformed: The Implications of the 1960's*, 17 REV. RADICAL POL. ECON. 10, 25-28 (1985) (describing advanced discrimination as a set of relationships consistent with the contemporary market economy in which discrimination relies less on racial classifications). Baron also explains how the dynamics of the market economy operate with historically inherited racial patterns which subordinate African-Americans. *Id.*

30. *Id.* at 27-28.

31. *Id.*

32. See *id.* at 26-28 (stating that there are three patterns of the contemporary market society which produce advanced racism—latent racist government policies, racially segmented labor markets, and stigmatized dependency on the government). Although a complainant may argue that a particular employment practice which causes a disparate impact on the basis of race, color, religion, sex, or national origin violates the Civil Rights Act, the employer can rebut the complainant's case by showing that the employment practice is required by business necessity. 42 U.S.C. 2000e-2(k) (1991).

reproduces itself and its ideas, and in so doing systematically marginalizes those unlike it.

Our description of advanced discrimination reinforces Acker's theory of gendered organizations and develops her hypothesis that gender stratifying processes are also race stratifying.³³ It builds upon Professor Teun van Dijk's analysis of racist discourse in two ways: by extending the principles to sex-based discrimination, and by focusing on naturally occurring conversations rather than structured interviews.³⁴ In addition, our paper expands on the ideas of Chase and Bell regarding how everyday discourse reproduces occupational power relations.³⁵ Furthermore, through our focus on individual hiring and promotion decisions from an interactional perspective, we complement Konrad and Pfeffer's structural examination of individual hiring decisions.³⁶ The focus here on subtle and relatively hidden forms of discrimination complements sociology professor Joe Feagin's study of blatant public discrimination against middle-class African-Americans.³⁷ Finally, our focus on institutions of higher education has implications for the reproduction of dominant cultural ideologies in the classroom through the selection and retention of relatively homogeneous personnel.

II. METHODOLOGY

Our intent is to describe and catalogue the ways in which advanced discrimination emerges during committee negotiations over hiring and promotion decisions in academia. This is a difficult task precisely because it calls for making public the otherwise "hidden transcripts" of dominant groups.³⁸ That is, the micropolitics we wish to describe

33. Acker, *supra* note 9, at 154.

34. See TEUN A. VAN DIJK, COMMUNICATING RACISM 12-13, 30 (1987) (studying the ways in which racism is socially reproduced through informal discourse about ethnic minorities by whites). Van Dijk used about 180 informal interviews of whites from neighborhoods in Amsterdam in the Fall of 1985, and San Diego, California between 1980 and 1984 to collect data for this study. In an attempt to closely replicate natural conversation, the interviews began with discussions of the interviewees' opinions and experiences about the people of the neighborhoods and about ethnic minorities. A general interview scheme existed, but there were few fixed questions and no fixed question ordering. *Id.* at 16-17, 402-04.

35. See Chase and Bell, *supra* note 12, at 174 (stating that the gatekeepers' speech helps reproduce male domination of positions of power).

36. See Konrad and Pfeffer, *supra* note 14, at 143-47 (studying the hiring and promotion results of higher education institutions with respect to gender).

37. See Joe R. Feagin, *The Continuing Significance of Race: Antiblack Discrimination in Public Places*, 56 AM. SOC. REV. 101, 103-04 (1991) (studying blatant discriminatory responses to African-Americans, such as avoidance, poor service, verbal epithets, police harassment, and other harassment, through interviews with thirty-seven middle class African-Americans in twelve U.S. cities between 1988 and 1990).

38. JAMES SCOTT, DOMINATION AND THE ARTS OF RESISTANCE 4-5 (1990).

occur behind closed doors under a veil of confidentiality defined as personnel matters. This concealment of relevant data virtually precludes a systematic scientific study that simultaneously satisfies a host of ethical requirements. While we do not claim to have accomplished such a study, we believe we can provide some preliminary assessments about how advanced discrimination occurs. These assessments stem from consistent themes which emerged in our conversations with colleagues. Most conversations took place at professional conferences, often during sessions devoted to problems of discrimination, where we spoke to our counterparts from diverse institutions around the country. We introduce these themes in the form of a heuristic fable in order to discuss critical but often hidden dynamics in higher education.

Although our effort does not satisfy the most stringent requirements of qualitative research, it does address the issues of dependability and trustworthiness.³⁹ Our method utilizes several principles of participant observation: (a) using material from people with thorough access to insiders' worlds; (b) relying on multiple informants across a variety of settings; and (c) passing the test of use in everyday life, including positive feedback of preliminary papers given on this topic at conferences and in other professional settings.⁴⁰

The reader may wish to view this fable as a condensed set of working hypotheses about the processes of advanced discrimination in academic employment. The ability to test these hypotheses with rigorous scientific procedures while simultaneously addressing fundamental ethical concerns is problematic. The dilemma of such an effort is perhaps further evidence of the intricate ways in which privilege is built into and protected in complex organizations.

The fable was conceived to demonstrate how diverse groups interact in academia. It illustrates the struggle between the forces of continued dominance and compelled assimilation (a "melting pot") on the one hand and efforts toward cultural pluralism ("multiculturalism") on the other hand. This struggle is being waged most visibly on

39. DANNY L. JORGENSEN, PARTICIPANT OBSERVATION: A METHODOLOGY FOR HUMAN STUDIES 37 (1989). As Jorgensen points out, most forms of qualitative research measure reliability of results through simple, routine, and highly standardized procedures. Participant observation rarely involves conventional measures, but is preoccupied with defining concepts by what they mean and how they are used by people in concrete situations. *Id.* at 36-37. Thus, participant observation results in highly valid concepts of human life and daily existence which ultimately draws its reliability from fundamental concerns and delineated strategies that ensures dependable and trustworthy findings. *Id.* at 38.

40. *Id.* at 37-38.

today's campuses around curriculum requirements.⁴¹ More subtly it surrounds the question to which we now turn: "Who should be hired, promoted, and tenured?"

III. THE FABLE: "BEEFING UP THE ACADEMY"

Within the parameters of this tale, the struggle in the academy takes place over what new ingredients should be added to a stew. The central characters are four beef cubes whose flavor has dominated the stew and a carrot and a potato who are seeking a greater proportion of vegetables in the stew. While the action centers around the issue of recruitment, the story is haunted by the unspoken question: "Whose stew is it anyway?"

* * * *

It was an exciting era in the kitchen. For the first time in most everyone's memory, Stew University, popularly known as Stew U., was adding a new ingredient. Not just any ingredient, either, but the Chief Ingredient, whose role would be to make Stew U. known in kitchens far and wide by blending all the other ingredients into a flavor with a national reputation. Not long ago Stew U. had only been Broth College, so here was a chance to prove that it was truly a big-time meal.

Wanting to do things right, the Head Cooks for Stew U. put together a recruitment committee (the "Committee") whose job was to search all kitchens high and low for the best Chief Ingredient. The Committee was composed of four beef cubes. The beef cubes had, after all, started the stew; there were more of them than any other ingredient; and, their flavor pervaded the entire pot. It also had two vegetables, one potato and one carrot. It was, after all, both legally mandated and politically correct to give acknowledgement to Vegetable Rights, but it was also politically wise not to have too many vegetables together at once—they might try to change the nature of the stew.

The Committee was instructed to find the best Chief Ingredient available, regardless of where it might be found. "Of course," the Chief Cook said while looking at (or perhaps being reminded by the presence of) the vegetables, "the best ingredient will be the Best Ingredient without regard to whether it is a beef cube, a vegetable, or even an ingredient from Mars." All of the ingredients on the

41. Nathan Glazer, *School Wars: A Brief History of Multiculturalism in America*, BROOKINGS REVIEW, Sept. 22, 1993, at 16.

Committee nodded their heads in agreement and set about their task. The Chief Cook appointed a beef cube to be in charge.

"The first thing we have to do," said Chair Beef Cube, "is advertise in kitchens all around the country." Then he looked at the potato and the carrot and said, "And, of course, that means vegetarian kitchens, too." The vegetables had assumed all along that he meant vegetarian kitchens, but apparently he had not. Still looking at the vegetables he continued, "But I will need your help on that. You'll have to get me the names and addresses of all of the vegetarian kitchens and all of the recipe books that focus on vegetables." During his work at Stew U., Chair Beef Cube communicated only with meat kitchens and other beef cubes and only read recipe books for meats; he saw no need to change that pattern now.

The four beef cubes and the two vegetables concluded the first meeting, but only the vegetables had committee work to do. The beef cubes went back to their personal pots and worked on their recipes, just as they'd been hired to do and promoted for doing. The vegetables, however, had to find the names and addresses of every vegetarian kitchen and vegetable recipe book and every chief or vice-chief vegetable in the land. They believed that their hard work could make a difference.

The second meeting of the Committee commenced. This time the Chief Cook and Chair Beef Cube outlined the rules that would govern the recruitment and selection process. "It will," they said, "be an entirely confidential search and selection. No one must know who applies or who we favor. If that became public," they said, "some of the best ingredients might not apply because they're already in a good stew." All of the members of the Committee nodded in approval because Rule #1 made sense. The vegetables particularly took this to heart because they knew how some beef cubes look for any excuse to discredit vegetables, especially uppity ones who are outspoken about the importance and contributions of vegetables in stews.

The Committee then discussed how to advertise for a new Chief Ingredient and what sort of ingredient the stew needed most. "We need someone who will be respected by all of the other ingredients in the stew," a beef cube said. "Someone who is presently the Vice-Chief Ingredient of a stew with a national reputation; someone with a national reputation for publishing outstanding recipes; someone who has won and managed major awards from places like Campbell's and Progresso." Without a pause the beef cube concluded, "Yes, someone who can really beef up our stew."

The potato and the carrot looked at each other to see which would have the unenviable task of challenging the beefist bias in the beef cube's language. "I know you didn't mean it intentionally," said the carrot, although she was lying for decorum's sake, "but your language precludes our thinking of the next Chief Ingredient as possibly being a vegetable."

The Committee fell into a tense silence. The beef cubes were thinking, "Oh, no, another militant vegetable. Give us a break." The vegetables were thinking, "Can't we ever get beyond beefist language? Here we are back at square one."

The vegetables were instantly put at a serious disadvantage by the beef cube's remarks. First of all, the beef cubes felt the carrot's comment shattered the cosmetic collegiality of the Committee by initiating a divisive comment—or so it seemed to the beef cubes. To the vegetables, it was the beefist language which had created a strain in the Committee's collegiality, not the challenge to the beefist remark. Second, by focusing on the most overt evidence of beefism—the beefist language—the vegetables gave up the opportunity to challenge the advanced beefism contained in the beef cube's stated preference for The Chief Ingredient. Yet the advanced beefism pervading the criteria for preferred applicants would prove to be a pivotal factor as the recruitment process went on.

The Committee moved on to another point: how to describe Stew U. in the job advertisement. The Chief Cook had historically referred to Stew U. as a Cajun Stew because, after all, it sits in the heart of Cajun country and its students represent a variety of spices and other ingredients. The potato said, "I think it's important in the ad that we mention that Stew U. is a Cajun Stew so that we get applicants who appreciate a lot of spices" and, she thought to herself, a Chief Ingredient who would want to see far more vegetables in the stew.

"Oh no," remarked a beef cube. "If we want to be considered a nationally prominent stew, we must not seem so specialized. We want to be thought of in the same way as . . ." and he proceeded to name what "just happened to be" beef stews with very few vegetables and spices. In the end, the compromise advertisement described Stew U. as "Cajun" but the advertisement also included a number of sentences which elaborately conveyed that it was still a respectable stew—not too spicy.

So the job for Chief Ingredient at Stew U. was advertised far and wide in high-circulation publications produced and read mostly by beef cubes and in publications with differently targeted readerships like *Vegetable Times*, the *Carrot Register*, and the *Potato Scholar*.

Simultaneously, the carrot and the potato worked hard to recruit applicants among vegetables because they both believed that their hard work could make a difference.

Meanwhile, the beef cubes on the Committee were back in their personal pots writing recipes, just as they'd been hired to do and promoted for doing. The beef cubes could rest assured that publication of the advertisement in the various beef-dominated outlets would produce a wide variety of beef applicants to choose from. Naturally, a couple of the beef cubes called some beef friends to tell them about the job opening, but their recruitment efforts did not take on the same intensity and urgency as that of the vegetables. After all, they did not worry that no beef cubes would apply.

When the applications started coming in, the Committee began ranking them, eliminating some and holding others for further consideration. Up to this point the vegetables felt pretty optimistic about the search. They had placed the advertisement in key vegetable publications; and, they had convinced some exciting vegetable candidates to apply.

The Committee once again began discussing criteria for the job. Again the beef cubes' position was articulated in seemingly neutral terms. The Chief Ingredient should have experience at the highest levels of a stew with a prestigious reputation and the Chief Ingredient should be known widely for the large number of recipes it has published and the prestigious awards it has won. What could be more reasonable than that?

But the carrot cautioned, "While I agree with those ideas in the abstract, one of the things we have to be careful about is unfairly and arbitrarily eliminating good vegetable candidates. Due to longstanding discrimination, most vegetables have been kept out of the best-known stews, especially at the highest administrative levels. When they have been chosen for administrative appointments, they've been called assistant or associate Main Ingredient, not Main Ingredient or Vice-Chief Ingredient, and they've been told to put their emphasis on other vegetables, not the stew as a whole. While they've gotten solid administrative experience, it isn't likely to carry the title you've said it should."

A beef cube interrupted, "But those are special interest jobs, not mainstream administrative work." The beef cubes thought to themselves: "Real work comes when you have to deal with beef cubes. Besides, the vegetable probably was made an associate ingredient because no vegetables were represented in the stew's administration. So how can we trust that the vegetable is a worthy ingredient?" Aloud

one of the beef cubes continued, "We need someone who has come up through stew ranks the proper way. Otherwise, we will be setting things up so that it looks bad for other vegetables when one fails and it will look bad for our judgment when the vegetable fails, too." (Note the beef cube's assumption that the vegetable is bound to fail.)

The carrot replied, "Well, here are several vegetables who are presently Chief Ingredients or Vice-Chief Ingredients in either smaller stews, vegetable stews, or broths. They clearly have the necessary administrative experience we need."

Another beef cube entered into the conversation: "But we don't want the public to think that we had to reach 'down' to 'places like that' to find a Chief Ingredient for our stew." Although he didn't say it in such words, the beef cube clearly thought vegetable stews and broths were inferior to any beef-flavored stews, regardless of how well-known and highly regarded they were. The other beef cubes agreed in silence.

At this point, the potato and the carrot were beginning to get frustrated. They knew that the seemingly neutral criteria the beef cubes laid out would eliminate highly capable vegetables precisely because beef stews, which dominated the whole stew system, had been able to keep vegetables out of their stews for so long. And the beef cubes figured that anything that was not beef stew was not worthy of notice. Even when the vegetables highlighted candidates who seemed to meet the beef cubes' criteria, new criteria would arise, or priorities for criteria would shift, effectively eliminating any of the vegetables from consideration.

The potato and the carrot began spending more time together outside of the Committee in order to vent their frustrations. And the beef cubes on the Committee, as usual, continued retiring to their pots to work on yet more recipes in which beef is the main ingredient, a task, as we've already noted, they were hired to do and promoted for doing.

A day came when the vegetables believed they had found the perfect applicant: a pole bean who had been through one of the top beef stews in the country, was Chief Ingredient of a stew herself, for which she was widely praised, had extensive experience with Cajun stews, had won several awards from nationally-known sources, and was widely published in both beef stew and vegetable recipe books. The potato and the carrot were elated, but not for long.

"Oh, dear," said Chair Beef Cube, "some of the pole bean's publications look like they focus on vegetables, maybe even vegetables' rights. I wonder how well she could get along in a stew with so

many beef cubes. Her work seems awfully specialized around vegetables." Never mind that the beef cubes' work is specialized around beef. It became a hindrance to the pole bean that her work is specialized (that is, some of what she wrote—the rest was ignored) around vegetables. The beef cube further mused, "She's had three different administrative positions in three different stews. I wonder why she's moved around so much." Some of the beef cubes started grumbling about having to be in a stew with vegetables, especially if the vegetables have a robust flavor.

"What do you know about her ability to get along with beef cubes?" Chair Beef Cube asked the carrot and the potato. Unfortunately, neither of them had specific personal knowledge of the applicant because they had carefully abided by Rule #1 of the Committee: Thou Shalt Not Make Any Names Public. They knew that if they had not followed the rule, the beef cubes on the Committee would have argued for their dismissal for not obeying the rules of the Committee. Furthermore, the vegetables did not want to be distracted from participating in a fair recruitment and selection process. What had seemed so minor at first became the fatal blow for the pole bean. There was no verification that she was okay, so it was suspected she might not be. The data the Committee had via the vegetables' indirect line of communication was not accorded full validity because, after all, it was information about a vegetable coming from other vegetables. In other words, it was suspect.

The Committee's work took a critical turn soon thereafter. Some of the beef cubes began talking favorably about an applicant who was Vice-Chief Ingredient at a prestigious institution, Pot Roast University, who previously held administrative posts in other beef-dominated stews. He had a credible record of published recipes. It "just happened" that he was also a beef cube, and a meaty one at that.

"Does anyone know how well he would get along with the ingredients in our own stew?" asked Chair Beef Cube. "Yes," another beef cube replied immediately, "because I have been asking all around about him. Everyone I ask speaks very favorably of him, and I have asked some of the toughest beef cubes at Stew U. and Pot Roast U." He did not say, however, whether he'd asked any ingredients besides other beef cubes.

"That's very encouraging," replied Chair Cube. Chair Beef Cube seemed not at all dismayed that his fellow beef cube had broken Rule #1. In fact, he didn't seem to notice the breach at all. "This looks like the applicant who should become our Chief Ingredient. I am impressed by his array of administrative experience," he continued.

"Excuse me," inserted the potato. "I'm concerned about certain credentials of this applicant. First, he has been in pot roasts or beef stews his entire career. Would he even be able to make a favorable transition to a Cajun stew? Second, there are so few vegetables in his current pot roast that there is no evidence he would be good for a stew that is spicy and has a higher percentage of vegetables." The carrot echoed the same concerns.

The beef cube who had spoken earlier reiterated his data. "Everyone I asked gave him a good report. They said he is fair and he listens." The vegetables were worried because everyone the beef cube had asked had been a beef cube talking about another beef cube. This time, however, the data was not considered suspect even though it was provided about a beef cube from other beef cubes. No one ever raised the point that Rule #1 had been so thoroughly violated by one of the beef cube committee members.

So it was that the former Vice-Chief Ingredient at Pot Roast U. became the Chief Ingredient at Stew U. The beef cubes from the Committee were quietly patted on the back for saving Stew U. from "decline" to a Cajun Stew and promoted for all the recipes they'd written, even while they served on the Committee. The vegetables felt bad that their presence on the Committee failed to produce a Vegetable Chief Ingredient or a beef cube with experience in stews with lots of vegetables. They puzzled over whether next time they should obey the rules or not. Over the following few days and nights, they toiled night and day to write the recipes they hadn't written while working on the Committee. They realized that most ingredients would never understand the subtle and pervasive hold that beef cubes have on Stew U. and the privilege enjoyed by the beef cubes to interpret and prioritize issues to their own advantage. For the first time in a long time, the vegetables wondered seriously if their hard work would ever make a difference.

IV. ANALYSIS OF THE FABLE

The preceding fable illuminates how dominant group ideologies in hiring criteria, differential perceptions of credentials, and differential treatment of Committee members foster homosocial reproduction.⁴² Although the fable focuses on the selection of an administrator from a pool of candidates external to the institution, many of the same

42. VAN DIJK, *supra* note 34, at 193-94. As van Dijk explains, ideologies are group based and "are the cognitive reflections of our social, political, economic, and cultural 'position' within the social structure." *Id.* See also KANTER, *supra* note 25, at 47-48 (illustrating how managers tend to reproduce themselves in their own image in corporations).

dominant group ideologies are at work in issues of faculty promotion and tenure.

A. *The Role of the Dominant Ideology in the Decision-making Process*

Ideological hegemony refers to the imposition and maintenance of the dominant group's culture, values, beliefs, and priorities upon all members of the society.⁴³ In the fable, ideological hegemony operates through vehicles of advanced discrimination.⁴⁴ While the criteria and discourse of the Committee appear logical and neutral, they nevertheless are gendered and racialized in their content and consequences.⁴⁵ The criteria and discourse do not treat all candidates equally or fairly. For example, in the fable, the criteria for selection required viable candidates to have pursued dominant group research, published in dominant group-sponsored publications, utilized dominant theories and methodologies, and obtained mainstream administrative experience in a dominant group institution.⁴⁶ All non-dominant group experiences were devalued.⁴⁷ The overarching but unstated assumption is that a candidate nurtured in non-dominant institutions and professional networks is necessarily an inferior candidate.⁴⁸

43. Charles R. Lawrence III, *The Id, the Ego, the Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 326 (1987) (explaining how political domination occurs when one group imposes its ideology upon other groups).

44. See *supra* note 29 and accompanying text.

45. See *supra* fable, at 46-50 (revealing that the recruitment committee is not truly searching for the best ingredient regardless of whether it is a beef cube or vegetable because the requirements actually preclude a vegetable from being considered). See also Acker, *supra* note 9, at 142, 145-50 (discussing gendered organizations and how organizational thought is not gender or racially neutral).

46. See *supra* fable, at 47-50; see also PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 201-03 (1990) (arguing that because white men and their homosocial cohorts control the "structures of knowledge validation," their interests or ideologies dominate the "thematic content of traditional scholarship"). In academic communities, "a scholar making a knowledge claim must convince a scholarly community controlled by white men that a given claim is justified." *Id.*

47. See *supra* fable, at 47-50; see also Angel, *supra* note 15, at 833 (explaining how women who write in traditional women's areas, such as family law, often do not get serious consideration from senior faculty because these traditional topics are in "soft areas"); COLLINS, *supra* note 46, at 203-04 (explaining how the credentials of Blacks and females do not satisfy the knowledge validation process in scholarly institutions which are controlled by white men, and that those who dare to challenge the dominant culture are considered less credible than those who endorse the dominant ideology); THEODORE, *supra* note 15, at 46-51 (discussing how women professors, especially those in traditional "women's fields," are often denied tenure because they have not published in mainstream journals. Feminist writing by women professors is often called "non-academic" or even "junk.").

48. See *supra* fable, at 47-50 (illustrating that non-mainstream work is treated as a negative quality because, as the beef cubes believe, "real work comes when you have to deal with beef cubes"); see also COLLINS, *supra* note 46, at 203 (explaining how the dominant ideology holders in scholarly institutions devalue the credentials and credibility of those who challenge or do not follow the dominant ideology).

Insisting that all candidates conform to the dominant ideology imposes particular burdens on faculty with non-dominant cultural experiences, value preferences, paradigmatic interests and scholarly talents.⁴⁹ Law professor Regina Austin identifies the special challenges experienced by Black female legal scholars interested in addressing gender, race, and class issues.⁵⁰ Their work is constrained in important respects by the “conservatism that is an inherent part of traditional doctrinal legal analysis.”⁵¹ Sociologist Athena Theodore describes the scorn directed toward women’s studies programs. She explains how the legitimacy of the courses are challenged and how women studies faculty members are devalued for their research and teaching interests.⁵² In sum, the burdens of women and people of color are two-fold: first, there is a general devaluation of one’s perspective; and second, there is a lack of recognition of one’s qualifications in terms of experiences and scholarship.

The dominant group’s valuation of basic research and mainstream publications can be seen as a form of advanced discrimination. In effect, basic research is a luxury of privileged groups, for whom social change (which is grounded in applied research) is not an urgency.⁵³ In academia, the preference for basic research as an outgrowth of dominant group privilege becomes an ideology of performance evaluation that affects faculty differently, depending upon one’s group

49. See, e.g., COLLINS, *supra* note 46, at 45-57, 71-80, 91-95 (explaining that women, especially feminists, are often paid less, required to write longer pieces, denied tenure, denied administrative positions, and suffer harassment in part because they are not part of the dominant cultural ideology); MINORITIES ON CAMPUS, *supra* note 19, at 65, 89, 96, 101 (discussing how practical guidelines for increasing minority participation and hospitality to minorities in colleges are necessary because minority students and faculty members are frequently denied tenure, pigeon-holed into lower administrative positions with no hope of promotion, denied employment opportunities because recruitment efforts focus on dominant groups, and because research conducted by minority students and faculty members concerning minority issues is devalued).

50. Regina Austin, *Sapphire Bound!*, 1989 WIS. L. REV. 539, 540-41, 544-45, 548-49. A severe lack of writings dealing with the legal problems of minority women exist because minority feminist legal scholars who desire to write on this topic face many constraints. *Id.* at 540. For example, no rewards in the form of tenure, promotion, or favorable evaluation, are offered for research on minorities’ legal problems. *Id.* at 541. Those of the dominant ideology label such writings as being “too angry, too emotional, too subjective” and question the legitimacy of such research topics. *Id.* at 540. There is a lack of intellectual resources available to the scholars who actually venture into such a research project. *Id.* at 541. Finally, finding a non-minority publisher for a completed research project is a challenge. *Id.* at 549.

51. *Id.* at 548.

52. THEODORE, *supra* note 15, at 8, 17-18, 22, 50, 171.

53. See Austin, *supra* note 50, at 541-43, 546 (discussing that typical legal writing cannot translate the plight of minority women). Austin also points out that undertaking a research project on the legal problems of minority women is daunting because it is necessary to conduct a lot of grass-roots inquiry and first-hand investigation prior to even writing the paper. *Id.*

interests.⁵⁴ This problem is compounded in the hierarchy of professional publications when journals focusing on basic research are seen as superior to those publishing applied work.

The lack of recognition of a candidate's community service derives from the vantage point of privilege as well. Dominant groups lack understanding of the urgency of community needs precisely because their privileged positions foster a certain isolation from the larger community. Consequently, they are likely to view community service as a supplementary rather than an essential part of the candidate's qualifications.⁵⁵ Faculty who come from marginalized groups are likely to assess their professional priorities differently and may feel a personal responsibility to utilize their talents and status on behalf of community concerns.⁵⁶

In short, the message is that the best faculty, those likely to be tenured and promoted, or hired for administrative positions, are those who work to reproduce dominant group power and who align themselves beyond the institution with traditional professional networks.⁵⁷ These are the standards set by dominant groups, standards that clearly work on behalf of dominant group interests.⁵⁸ Anyone pursuing alternative priorities which may challenge dominant groups' interests is said to be "lowering the standards."⁵⁹ The fact that the criteria are presented as neutral operates to disguise the power arrangement from which it is constructed.⁶⁰

54. See Austin, *supra* note 50, at 544-48 (explaining that those who pursue non-dominant ideology research are not offered rewards and are often met with hostility and skepticism, while those who pursue dominant ideology research receive positive evaluations and rewards in the form of tenure and promotion).

55. See Angel, *supra* note 15, at 804, 833-34, 840 (noting that clinicians, who perhaps teach the most valuable legal skills, are not treated as regular faculty members and are rarely tenured).

56. See, e.g., Austin, *supra* note 50, at 542-43 (discussing how Black women need to be motivated to pursue non-dominant research projects and to "write with an empowered and empowering voice"); Henry W. McGee, Jr., *Symbol and Substance in the Minority Professoriat's Future*, 1986 HARV. BLACKLETTER J. 67, 68-69 (urging minority law professors who "remain at the margin of the consciousness of their faculties and their students" to "jar the consciousness" of the nation by researching, teaching, and writing about the continued presence of racial discrimination).

57. THEODORE, *supra* note 15, at 45-63.

58. THEODORE, *supra* note 15, at 45-63.

59. See *supra* fable, at 49 (depicting how the beef cubes are loathe to "reach down" to find candidates in non-dominant positions).

60. MURRAY J. EDELMAN, *POLITICAL LANGUAGE: WORDS THAT SUCCEED AND POLICIES THAT FAIL 3* (1977). Linguistic manipulation is very powerful and useful because it is "language that evokes most of the political 'realities' people experience." *Id.* at 136. The manipulation that occurs when the phrase "lowering the standards" enters the discussion is that perception is moved from a political issue (discrimination in hiring) to a neutral subject (standards to be upheld in hiring). *Id.* See also Chase and Bell, *supra* note 12, at 163, 169-70 (explaining that "removing gender from the discussion is the best possible defense against the accusation of gender bias."). Taking references to gender out of the discussion, however, does not create a gender-neutral discussion, but merely attempts to conceal linguistically the underlying non-neutral dominant ideology. *Id.*

B. Negative Perceptions of Candidates From Non-Dominant Groups

Ideological hegemony is reinforced in this fable through the dominant group's negative perceptions of the credentials of candidates from the non-dominant group.⁶¹ The negative perceptions take several identifiable forms in our story: selective focusing, negative interpretations, and a fatal flaw mentality.

Selective focusing refers to the use of limited data or the selective use of data to evaluate someone's capabilities.⁶² Selective sympathy typically accrues to dominant groups, while others receive selective indifference.⁶³ Dominant groups are inclined to accept negative hearsay about non-dominant individuals⁶⁴ or focus unduly on limited negative aspects of their performance at the expense of more reliable or more representative data.⁶⁵ In the fable, for example, any experience with non-dominant institutions or publication outlets was highlighted and labeled specialized or considered suspect—even when a candidate also had extensive experience with mainstream institutions or journals.⁶⁶ At the same time, the equally specialized focus on dominant groups was not considered problematic.⁶⁷ In fact, the latter was elevated to a necessary criterion for consideration.⁶⁸ Non-dominant group members applying for a position are necessarily considered suspect in terms of their ability to get along with others (namely, the dominant group) unless it is verified by a dominant group member.⁶⁹ In contrast, candidates from the dominant group are only expected to get along with other dominant group members;

61. See *supra* fable, at 48-50 (finding non-mainstream and high-ranking experience in vegetable stews inferior to beef-dominant experience).

62. VAN DIJK, *supra* note 34, at 240-41.

63. See Paul Brest, *Foreword: In Defense of the Antidiscrimination Principle*, 90 HARV. L. REV. 1, 7-8 (1976) (defining "the phenomenon of racially selective sympathy and indifference" as "the unconscious failure to extend to a minority the same recognition of humanity, and hence the same sympathy and care, given as a matter of course to one's own group.").

64. THEODORE, *supra* note 15, at 162-68.

65. See THEODORE, *supra* note 15, at 51-53, 93 (illustrating how tenure is denied to women faculty members by putting aside their outstanding publishing accomplishments and looking at their "poor" teaching performance or irrelevant criteria such as marital status and personal attributes).

66. See *supra* fable, at 49-50.

67. See *supra* fable, at 49-51.

68. See *supra* fable, at 48.

69. See *supra* fable, at 50 (depicting that a vegetable without a character reference from a beef cube is suspect). See also THEODORE, *supra* note 15, at 18, 20, 32, 52 (explaining how decisions are based on a woman's "collegiality" and that aggressive, feminist, or non-dominant traits are considered disruptive to faculty group relations).

they are not expected to get along with non-dominant group members.⁷⁰

Negative interpretations refers to a focus on possible negative features of an ambiguous situation or a decision to interpret neutral or positive information negatively.⁷¹ Recall Chair Beef Cube's election to view the vegetable candidate's diverse administrative experiences as "mov(ing) around so much."⁷² Alternatively, he defined the similar experience of the beef cube candidate as impressive.⁷³ In short, one's preference for a candidate determines whether data will be seen as demonstrating potential or evidencing shortcomings.⁷⁴

A *fatal flaw mentality* is a mindset which inevitably leads one to find something wrong with a candidate who comes from a non-dominant group, regardless of demonstrated evidence of accomplishments. The fatal flaw mentality is grounded in an assumption that non-dominant group members are inferior.⁷⁵ Consequently, non-dominant group candidates experience extreme performance pressures, or differential demands for consistently flawless performances in order to be perceived merely as competent.⁷⁶ In some cases, women have been denied tenure on the grounds of lacking *future* promise.⁷⁷ Once such an extreme performance standard has been set, the dominant group comes to view any ordinary lapse from perfection as something for which they then must make special accommodations, or "lower their standards." They view any routine shortcoming as reinforcement for their initial prejudice that the candidate never was up to par with the dominant group.⁷⁸

70. See *supra* fable, at 50-51; see also MINORITIES ON CAMPUS, *supra* note 19, at 1-6, 81-94.

71. See THEODORE, *supra* note 15, at 46-49 (describing how ambiguous criteria such as "scholarship," "quality of mind," and "collegiality" are used to deny tenure to women faculty members).

72. See *supra* fable, at 50.

73. See *supra* fable, at 50.

74. E.g., THEODORE, *supra* note 15, at 52 (explaining how women are denied tenure because they are "aggressive," "assertive," or "belligerent" whereas "if such criteria are applied to men at all, they are presented as a definite advantage").

75. VAN DIJK, *supra* note 34, at 25, 195-98 (explaining the cognitive process of prejudice and that it is group focused).

76. KANTER, *supra* note 25, at 212-21; see also Eileen M. O'Brien, *Black Women Isolated, Misunderstood and Shut Out on College Campuses, Says New Study*, BLACK ISSUES IN HIGHER EDUC., Sept. 28, 1989, at 1, 18-19 (explaining how one female faculty member who was an affirmative action candidate had to work twice as hard as other faculty members to prove that she was competent).

77. THEODORE, *supra* note 15, at 49.

78. VAN DIJK, *supra* note 34, at 243. Van Dijk offers the following illustration: a California cab driver had an accident with a Mexican. Instead of focusing on the damage to his car as a result of the accident, the cab driver focused on the fact that the Mexican driver did not speak English. *Id.*

The fatal flaw mentality is related to what Theodore describes as the "almost-but-not-quite" syndrome of decision-makers.⁷⁹ That is, the beef cubes may be quick to acknowledge some level of a vegetable's achievement, but they inevitably find that the candidate falls short of the responsibilities for which they are under consideration.⁸⁰ When viable vegetable candidates were identified, the beef cubes chose to focus on their vegetable-specific experiences and ignore their beef-specific backgrounds.⁸¹ This effectively eliminated the vegetable from thorough consideration because any vegetable-specific experience became a fatal flaw in an otherwise credible career.

C. *Different Treatment of Committee Members*

Those who make conscious efforts to include under-represented group members on decision-making committees may assume that the latter's presence will ensure a fair process. Such an assumption is dangerous.⁸² Indeed, as our experience indicates, the process of decision-making continues to be biased against non-dominant group members. As the fable vividly portrays, non-dominant group committee members, whose presence is presumed to ensure equity, continue to be treated as different from the other committee members.

First, the vegetables had to cope with the effects of having only a few representatives from non-dominant groups on the Committee.⁸³ While the presence of the vegetables gives the Committee an air of credibility and fairness, their small number precludes collective power. The fact that there were only two of them on the Committee also produced different performance pressures. With only two vegetables on the Committee, their visibility was heightened and they had to perform consistently well and follow the rules perfectly.⁸⁴ Even

79. THEODORE, *supra* note 15, at 46.

80. *See supra* fable, at 49-50.

81. *See supra* fable, at 49-50.

82. Theodore points out several fallacies with the assumption that tokens ensure fair process. THEODORE, *supra* note 15, at 201-03. First, there are "Queen Bee" tokens who actively advocate non-feminist or even anti-feminist viewpoints to male colleagues in the hope of cementing their power positions. *Id.* Second, minorities may come to the defense of the administration when its practices are questioned on discriminatory grounds in exchange for benefits and privileges. *Id.* Finally, tokens are frequently used "as a protective cover for the administration rather than as an advocacy group for the women [or minorities]." *Id.*

83. *See supra* fable, at 45.

84. Kanter informs the reader that tokens have higher visibility since their groups' relative proportion to the majority is small, causing the individual token to "capture a larger share of the awareness given to that group." KANTER, *supra* note 25, at 210 (emphasis in original). Furthermore, "[tokens] serve as symbols of their category, especially when they fumble, yet they also are seen as unusual examples of their kind, especially when they succeed." *Id.* at 239.

though a dominant group member violated rules without penalty, and was able to use information gained to promote homosocial reproduction,⁸⁵ if a vegetable had violated the same rule it likely would have been perceived differently, since both its occurrence and its informational effect would have challenged ideological hegemony.⁸⁶

Second, non-dominant committee members experienced "boundary heightening" in several ways. "Boundary heightening" refers to behaviors or remarks that signal and reinforce the outsider status of non-dominant group members.⁸⁷ The first incident of boundary heightening occurred when the Chief Cook stated that he wanted the best ingredient regardless of whether it was a beef cube, a vegetable, or an ingredient from Mars.⁸⁸ A more typical sequence in recruitment parlance is that an official does not care if the best candidate is "white, black, green, or polka dot." The linkage of unequivalent groups in such a sequence has the effect of trivializing the non-dominant group even as it exaggerates the latter's outsider status. Boundary heightening was further manifested with Chair Beef Cube's expectation that the vegetables were responsible for recruitment of vegetable applicants.⁸⁹ Such practices allow dominant group members to avoid participating in the recruitment of non-dominant candidates, thereby reinforcing existing group boundaries.

A third example of the different treatment the vegetables received is the double burden placed on the vegetables. This double burden is frequently experienced by non-dominant group members who must not only perform work equivalent to the dominant group members but are expected to simultaneously serve as representatives of their group.⁹⁰ In the fable, not only did the vegetables share typical

85. See *supra* fable, at 50-51.

86. See *supra* fable, at 50.

87. Boundary heightening is a phenomenon observed when an individual who is "different" in some respect enters an otherwise homogeneous group. KANTER, *supra* note 25, at 221-22, 223, 224-30. In this scenario, the mere "presence of a token or two makes dominants more aware of what they have in common at the same time that it threatens that commonality." *Id.* As a result, "tokens, unlike people of their type represented in greater proportion, are thus instruments for underlining rather than undermining majority culture." *Id.*

88. See *supra* fable, at 45.

89. See *supra* fable, at 46.

90. Angel gives several examples of how a female professor's role in the academic community will often include numerous additional burdens that a similarly situated "dominant" group member (here, a white male professor) would not be asked to shoulder. Angel, *supra* note 15, at 833-34. Because the woman professor is viewed as the best candidate to represent other women, she may be asked to be the token woman on the admissions or faculty selection committees, the discrimination or women's issues committees, or asked to speak on behalf of the institution at related-topic public events. *Id.* These additional responsibilities create a double burden: the first being the time and energy spent on such assignments which are not accorded weight in the tenure process, and the second being the performance of these duties at the expense of tasks traditionally given weight in the tenure process, such as publishing one's

committee responsibilities with other group members, the vegetables also shouldered sole responsibility for seeing that fair consideration was given to vegetable candidates.⁹¹ The latter burden was undertaken at considerable expense, both personally, in terms of the frustration caused by the unaccommodating reception of dominant group members, and professionally, in terms of the time deflected from their own career interests.⁹²

Another example of the different treatment experienced by the vegetables is role encapsulation by non-dominant group committee members. Role encapsulation is the product of group members' limited views of relevant roles for non-dominant group members.⁹³ In the fable, for example, the vegetables were expected to represent the non-dominant groups' perspectives.⁹⁴ When one expressed concern about beefist language, however, she was perceived then and henceforth as a militant, and thus unworthy of trust or credibility from dominant group members. By labelling and stereotyping the vegetables, the dominant group members were then able to dismiss the substance of the issues raised.⁹⁵

Dominant group members also dismiss the substantive concerns raised by non-dominant group members by simply ignoring them. Non-dominant committee members' remarks are either ignored through the use of jokes or through silence. For example, law professor Ann Freeman found in her research that, "as a group, men seemed comfortable treating issues of sexism as jokes and making hostile or ridiculing remarks to women who took vocal feminist views."⁹⁶ After the "joking" occurs, the Chair of the committee may say, "Let's quit fooling around and get back to work now." The work is resumed as if no challenge was ever made. Silence is another strategy used by dominant group members to sidestep challenges. For example, when a challenge is raised and greeted by silence, the Chair of the committee may avoid the issue with a putatively neutral

research. *Id.* In addition, as Kanter notes "[i]t is likely that the burdens carried by tokens in the management of social relations take their toll in psychological stress, even if the tokens succeed in work performance." KANTER, *supra* note 25, at 239.

91. See *supra* fable, at 46-50.

92. See *supra* fable, at 46-50.

93. For example, token women tended to be relegated to such stereotypical roles as "the mother," "the seductress," or "the pet." KANTER, *supra* note 25, at 230-37.

94. See *supra* fable, at 46; see also KANTER, *supra* note 25, at 233 (finding that corporations often give "women areas of responsibility that [address] stereotypically female concerns, or . . . giv[e] them the role in the group of expert on women.").

95. See *supra* fable, at 47.

96. Ann E. Freeman, *Feminist Legal Method in Action: Challenging Racism, Sexism and Homophobia in Law School*, 24 GA. L. REV. 849, 875-76 (1990).

statement such as, "If no one has anything to say, we'd better move on."

The reason why non-dominant group members are treated so differently stems primarily from the dominant group's resistance to crossing group boundaries either materially—accessing unfamiliar professional networks—or cognitively—viewing the process from non-dominant group members' standpoints. They are able to avoid crossing group boundaries through strategies that seek to maintain their reasonableness and/or to discredit challengers. They frequently appeal to seemingly neutral standards: "You could get those names more quickly than I could," or pseudo-altruistic claims: "I wouldn't want to impose on contacts you've already made." Finally, they may avoid crossing group boundaries by simply ignoring or stereotyping the person who proposed the alternative viewpoint.

V. CONCLUSION

As the fable demonstrates, systematic and cumulative processes of advanced discrimination produce homosocial reproduction. Whether the issue is one of tenure, promotion, or an initial hiring decision, similar dynamics ensure that whites and males will maintain their dominance in academic institutions.⁹⁷ If members of the institution's recruitment or selection committee are criticized for *not* selecting a non-white male or a female, they typically respond by saying that the criteria were applied neutrally and the decision was a fair one,⁹⁸ and that the critic is either too sensitive about the issue or too willing to "lower the standards."⁹⁹ Dominant group members are unwilling to question the hegemony of the criteria and refuse to recognize the negative perceptions of non-dominant group candidates and the different treatment non-dominant committee members receive. Consequently, they maintain the belief that the process is not biased, even in the face of outcomes that are discriminatory.

Occasionally, decisions do favor someone from a marginalized group. When this occurs, the dominant group members often individualize the outcome by patronizingly claiming that they lowered their standards or succumbed to affirmative action quotas.¹⁰⁰

97. For a discussion of homosocial reproduction in the corporate environment, see KANTER, *supra* note 25, at 47-48, 63, 68.

98. See Angel, *supra* note 15, at 827 ("Most male law school faculty members would be shocked by an accusation that they intentionally or even unconsciously discriminate against women in the hiring and tenure process.").

99. See *supra* fable, at 48-49.

100. While some minorities and women are appointed and do receive tenure, Angel asserts that "[a]t many schools tenure standards exist primarily for women, who in large numbers fail

Alternatively, they may view the favorably affected candidate as an "exception" to his or her group.¹⁰¹ These types of attitudes enable dominant groups to maintain ideological hegemony.

While the presence of non-dominant group members on a committee does not ensure a fair process, their participation is likely to reduce the degree of discrimination in decision-making.¹⁰² We can only speculate about the level of discrimination in committees comprised solely of dominant group members. The fable presented here is undoubtedly a conservative representation of advanced discrimination in higher education since it describes a committee with token representation of non-dominant group members.

Singularly and collectively, the dynamics identified in the foregoing fable promote homosocial reproduction in academic institutions, despite the adherence to standard gestures of affirmative action. If colleges and universities remain content with token representation on recruitment committees, passive advertisement in targeted publications of non-dominant groups, and hegemonic definitions of academic achievement, they will perpetuate the relative homogeneity of their faculties and administration. In addition, the individuals they do attract from traditionally under-represented groups will come to recognize how institutions attempt to "annex . . . [their] energy . . . for [the institution's] own ends."¹⁰³ Non-dominant group members will soon become cynical and alienated as a result of a collegiality that is fundamentally disrespectful of who they are and what they have to contribute.¹⁰⁴ The impact of homosocial reproduction on the curriculum of the academic institution is ideological hegemony in the classroom. This exacerbates the disparate educational outcomes for female, racial, and ethnic minority students, since the presence of role

to meet them." Angel, *supra* note 15, at 828. To claim standards were "lowered" to allow these outcomes is an attempt to protect the existing status quo. In addition, blaming quotas—which are generally objected to by Americans as an anathema to individualism—achieves a similar result. KANTER, *supra* note 25, at 241.

101. KANTER, *supra* note 25, at 239.

102. See Angel, *supra* note 15, at 829 (quoting Richard H. Chused, *The Hiring and Retention of Minority and Female Faculty in American Law Schools*, at 26, Table 2, Hiring Trends for Female Faculty (1988)) ("[a]t schools with higher proportions of tenured women, untenured women were denied tenure much less often, left at lower rates and obtained tenure at higher rates. At schools with lower proportions of tenured women, the untenured women were denied tenure much more often, left at higher rates and obtained tenure at lower rates."); see also KANTER, *supra* note 25, at 210 (finding that "[t]okenism . . . sets in motion self-perpetuating cycles that serve to reinforce the low numbers of women and, in the absence of external intervention, keep women in the position of token.").

103. COLLINS, *supra* note 46, at 228.

104. Kanter has found that as minorities and women attempt to conform they "accept their exceptional status, dissociate themselves from others of their category, and turn against themselves." KANTER, *supra* note 25, at 240.

models appears to have a positive effect on their aspirations.¹⁰⁵ As a result, the pool of candidates for subsequent hiring may become even more homogeneous than it currently is. The solution to homosocial reproduction does not lie exclusively in the legal realm. Academic institutions and individuals within these institutions must make a conscious effort to understand the dynamics discussed in this paper and work to eliminate them.

105. Konrad and Pfeffer, *supra* note 14, at 141-42 (noting that “[r]esearch on the gender and ethnic composition of educational institutions is particularly important because of recent evidence that demographic composition may affect the educational outcomes of female and minority students.”). For example, Konrad and Pfeffer cite several studies indicating that “female and minority students appear to benefit from the presence of demographically similar authority figures.” *Id.* One particularly telling statistic came from Hispanic undergraduates. Of those “who attended high schools with few Hispanic administrators, 67% reported that their high school counselors *discouraged* them from attending college, while among those who attended high school with many Hispanic administrators, 92% reported that their high school counselors *encouraged* them to attend college.” *Id.* (emphasis in original).