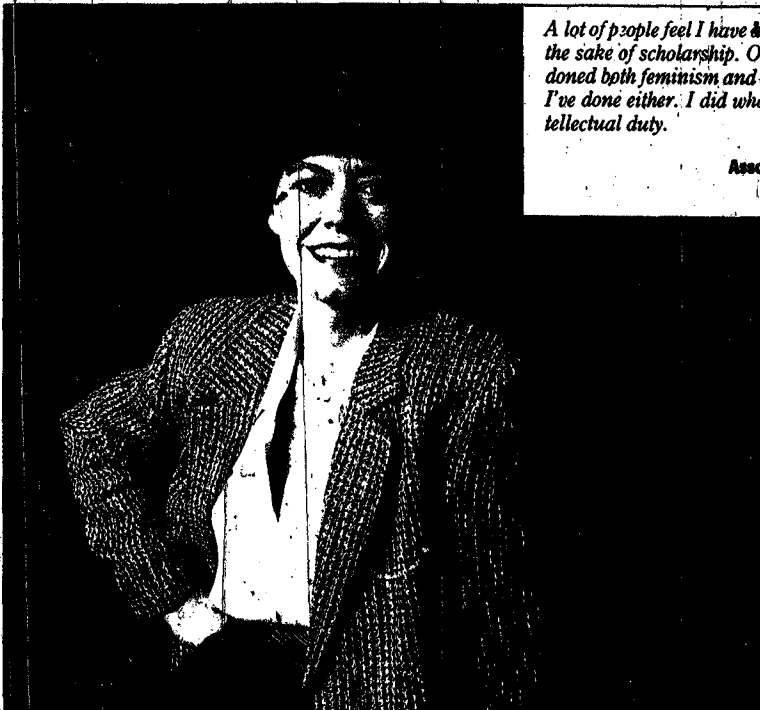


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# LIFE IN THE MAI



*A lot of people feel I have abandoned feminism for the sake of scholarship. Others believe I've abandoned both feminism and scholarship. I don't feel I've done either. I did what I thought was my intellectual duty.*

—Rosalind Rosenberg  
Associate Professor of History  
Barnard College

marked, "This is the hottest ticket all weekend." The reason has something to do with feminism, something to do with scholarship, and everything to do with the very unusual trial of Sears, Roebuck and Company for sex discrimination.

None of the more than 200 historians and curiosity seekers crowding the Gold Ballroom sighed angrily or whispered biting asides while the male panelists were speaking. When the two women panelists stood up, however, even the opulent glass chandeliers seemed to stiffen with tension. Here were two feminist historians, two scholars of women's history, two witnesses in the 10-month trial of Sears in U.S. District Court in Chicago. Here were Rosalind Rosenberg of Barnard College and Alice Kessler-Harris of Hofstra University, key figures in a bitter dispute that has divided historians around the nation and led normally sober scholars to speak of "betrayal," "horror," and "tragedy."

"The feeling people have now is just one of betrayal," comments Kathryn Kish Sklar, professor of history at the University of California at Los Angeles. "I find it tremendously disturbing to think that our special knowledge as scholars might be used to reverse years of struggle by a social movement that improved the lives of countless women—us among them. Women in academic life owe our existence to the collective efforts made by women activists over the last twenty-five years. How can we ignore that?"

"I feel terribly sad about the Sears case," says University of Kansas historian Regina Morantz-Sanchez. "The tragedy of this is that it's pitting two committed feminists against each other in a way that hurts our profession and hurts women in general. I don't think anyone wants that to happen."

Whether anyone wants it or not, the polarization exists, and few feminist historians seem to share Morantz-Sanchez's conciliatory mood. Instead, more are likely to agree with Renate Bridenthal of Brooklyn College. "Most people are quite appalled that Rosalind Rosenberg put her

BY CAROL STERNHELL

**S**UNDAY MORNING AT NINE IS DEAD time at most academic conferences, a forgotten hour when panelists declaim earnestly to empty rooms and Saturday speakers sleep it off and out-of-town professors begin stuffing underwear and lecture notes into suitcases. But one April Sunday the "Gold Ballroom" of Manhattan's Penta Hotel was filled to its fake-velvet corners with yawning academics; well before nine they began finding places along the neat rows of red plush chairs. An early session on "Historians and Public Policy: The Case of the Expert Witness" may not seem like a crowd pleaser, even at a meeting of the Organization of American Historians, but in fact, as a professor of women's history from California re-

JEANNE STRONGIN

# INSTREAM

## What Happens When Feminists Turn Up on Both Sides of the Courtroom?

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skills in the service of a company when we mostly identify with the position of women workers and the Women's Movement," says Bridenthal. "Some people think she was misguided; that she made a mistake. Others think it was more than that, that she was stupid or evil. Personally, I can't believe anyone could be so stupid. I'm more inclined to believe she was defending a class interest as she understood it."

*People keep asking, why did Rosalind Rosenberg do what she did? Why did she testify for a corporation accused of sex discrimination? That's not the right question—she had a right to do what she did. The real question is, what did she do? And in my opinion what she had to say about the nature of wage-earning women was entirely wrong.*

—Alice Kessler-Harris  
Professor of History  
Hofstra University



What's going on here? What does feminist scholarship have to do with a sex discrimination case against the world's largest retailer? What were experts in women's history doing in that Chicago courtroom?

When the Equal Employment Opportunity Commission filed suit against Sears in 1979, it seemed like a routine antidiscrimination case. Other big corporations charged with sex bias in the 1970s—like AT&T, General Electric, and General Motors—had settled out of court, awarding millions of dollars in back pay to victims of discrimination or endowing affirmative action programs. According to the EEOC—which began the investigation in 1973, when an EEOC Commissioner's Charge was filed against the giant retailer alleging discrimination by race, sex, and national origin—there was reason to believe Sears was guilty of a systematic "pattern or practice" of sex discrimination. Specifically, the government charged when the case went to trial in 1984, Sears discriminated against women in hiring for its high-paying, "big-ticket" commission sales jobs, failed to promote women from noncommission to commission sales work on the same basis as men, and paid women less than men in certain management positions.

Between 1973 and 1980, the years covered by the suit, 61 percent of the applicants for all full-time sales jobs at Sears were women. Forty percent of those well qualified on the basis of age, experience, and education for full-time commission sales positions were women, claimed the EEOC—yet only 27 percent of those actually hired for that

position were women. During the same period, while 72 percent of noncommission salespeople at Sears were women, they received only 40 percent of the promotions to commission sales. These percentages translate easily into dollar signs: as Queens College sociologist Ruth Milkman has pointed out in an article in the current issue of *Feminist Studies*, "First-year commission salespersons had median earnings about twice those of all noncommission salespersons."

Behind the unhappy statistics, the EEOC charged, lay an extremely subjective—and ultimately discriminatory—hiring process. The Sears Retail Testing Manual, for instance, described the ideal commission salesperson (called the "Big Ticket Salesman" until 1966) in notably masculine terms. Such a salesperson has "considerable physical vigor," "likes work which requires physical energy," and "has a liking for tools"; he

*Was it based on statistics alone as Reclaimers?*

(or optimistically, she) is also likely to get a high score on the Vigor scale of the Thurstone Temperament Schedule, an attitude test administered to Sears sales applicants. These 20 questions, supposedly measuring "vigor," actually measure a stereotypical sort of masculinity: "Do you have a low-pitched voice?" "Do you swear often?" "Have you ever done any hunting?" "Do you enjoy a race or game better when you bet on it?" "Have you played on a football team?" While Sears didn't always use this test, it existed as a hiring guide for managers and personnel officers; as EEOC attorney Karen Baker points out, "You don't have to actually administer a test to hire people who fit the test. And what does this set of questions suggest they're looking for? Would a normal woman look like that? Of course not."

Unlike other large national corporations charged by the pre-Reagan EEOC, Sears decided to fight, and fight aggressively. Far from having violated Title VII of the Civil Rights Act of 1964, the company said, it was an early advocate of affirmative action; a rough program was adopted in 1968 and specific quotas—requiring that 50 percent of all new hires be women or minority men—were established in 1973. Sears also contended that from 1973 to 1980 the percentage of full-time and part-time commission saleswomen hired and promoted rose steadily. Even before the EEOC lawsuit was filed, Sears attorneys—led by Charles Morgan, Jr., former civil rights activist and former head of the Washington, D.C., office of the American Civil Liberties Union—filed a suit of their own against the EEOC and nine other federal agencies, charging that they had created a morass of conflicting antidiscrimination regulations that were extremely difficult to comply with. Sears also charged that it was the government's own policies that had "deprived" employers of "a pool of qualified minority and female applicants" and resulted in "an unbalanced work force dominated by white males." After that suit was thrown out of court, Sears charged the EEOC with "conflicts of interest" and asked that the case against the retailer be dismissed. The primary conflict of interest under dispute was the membership of an EEOC attorney and several investigators in the National Organization for Women, which had been pursuing its own campaign against Sears since the early 1970s. ("Sure, lots of EEOC employees belong to women's organizations," comments one EEOC attorney close to the case. "Civil rights is our business—it's like being a doctor and belonging to the AMA.")

By the time the trial actually began in September, 1984, Sears—or Morgan's Washington, D.C., law firm—had constructed an unusual defense. Yes, Sears agreed, most of its commission salespeople were men, but the reason was simple. The company was more than willing to hire women, but women didn't want these high-paying, high-risk jobs. Women didn't like competition and the "dog-eat-dog" atmosphere of commission selling; women couldn't face rejection; women didn't want to work long hours; women preferred "keeping busy" and wouldn't like the slow pace of big-ticket sales; women feared increased "re-

**T**hey're both first-rate historians," says a colleague. "This isn't Darth Vader versus the Force."

sponsibilities, problems, pressure, and uncertainty"; women (as the Sears director of equal opportunity told the court) wouldn't take jobs selling tires because they didn't like going outside when "it's snowing or raining or whatever." The problem wasn't opportunity (Sears, the nation's largest private employer of women, had provided that); the problem was interest (women didn't have any).

At this point, history entered that Chicago courtroom.

"Sears had to prove that women weren't interested in these jobs," says Temple University vice provost Julia Ericksen, an expert witness for the EEOC. "If you just concentrated on the statistical analysis, it would be difficult to make a case for Sears. So they had no choice," adds Ericksen, a sociologist who has worked extensively with labor force statistics.

How do you prove that women don't want high-paying jobs? Sears produced surveys of female employees and applicants (attacked by Ericksen as flawed) and the testimony of managers (one of whom said they had "interviewed every woman in the store and found not one who was willing to sell big-ticket merchandise"). But most remarkably, Sears presented Rosalind Rosenberg, feminist historian.

"Historically," Rosenberg told the court, "men and women have had different interests, goals, and aspirations regarding work. . . . Because housework and child care continue to affect women's labor force participation even today, many women choose jobs that complement their family obligations over jobs that might increase and enhance their earning potential."

In other words, if Sears doesn't have a lot of commission sales women, it may really be because women prefer less competitive, less aggressive (and lower-paying) work that doesn't interfere with their responsibilities at home. If few female Sears employees are selling washing machines, it may be because women don't like selling washing machines. "Men and women differ in their expectations concerning work, in their interests as to the types of jobs they prefer or the types of products they prefer to sell, and in the continuity of their participation in the labor force," testified Rosenberg, author of *Beyond Separate Spheres: Intellectual Roots of Modern Feminism* (1982). "It is naive to believe that the natural effect of these differences is evidence of discrimination by Sears."

The EEOC responded to Rosenberg's testimony by producing its own feminist historian, Alice Kessler-Harris, the author of *Out to Work: A History of Wage-Earning Women in the United States* (1982). "I would never have brought history into the courtroom that way," Kessler-Harris says now. "But she'd cited my work and that of others in her offer of proof and deposition and when I read what she'd said, I was horrified. I felt she'd made statements that were both harmful and inaccurate. The real issue between the two of us is how history was used in this case."

A segregated labor force, Kessler-Harris testified, cannot be explained as a result of women's

"choice." Indeed, she said, such arguments fall squarely within a long tradition of employer excuses for, and manipulations of, women's work force experience." In fact, "choice can be understood only within the framework of available opportunity": as particular jobs become available, women develop new "interests." According to Kessler-Harris, our ideas about what jobs are suitable for women tend to change as social needs change; "they are not so much characteristics of women as convenient tools for structuring the labor force." When in 1917 the banking industry needed women to fill low-level clerical positions, she pointed out, it argued that women were "exceptionally fitted" for such work because of their "neatness, deft handling of money and papers, tact, and a certain intuitive judgment." When, during the Depression, men became available for those jobs, the industry insisted that it could not hire women "because they were poor at figures."

The argument that women do not want certain jobs, Kessler-Harris added, is itself a result—and a cause—of discrimination. "In the past," she said, "opportunities offered to women have been conditioned by society's perceptions of women and assumptions about them. Thus, women have been hired into limited numbers of jobs, and discriminated against in the work force generally. The resulting profile of women's work has been then perceived to be what the women 'choose.'"

To Rosenberg, the key issue in the Sears case is the meaning of statistical inequalities between men and women. As she told the court, "Disparities in the sexual composition of an employer's work force, as well as disparities in pay between men and women in many circumstances, are consistent with an absence of discrimination on the part of the employer." She adds now, "It's absurd to argue that employer discrimination is the only possible explanation for these differences. Not all employers discriminate."

To Kessler-Harris, however, the real question is "not whether discrimination is the only explanation, but whether it is a significant explanation. The question is, what is the best, most appropriate explanation for statistical disparities? The question is, how is inequality best explained? Rosalind Rosenberg says by women's 'differences,' by the choices women make. I suggest discrimination."

The trial of Sears produced some 20,000 pages of testimony over its 10 months. Before the trial even began, Morgan—the former civil rights hero—dismissed the very idea of sex discrimination. "The government has to get its priorities straight," he told the *New York Times*. "There's just no equation between minorities and women." (In fact, Morgan also represented Sears against the EEOC race discrimination charges, all of which were settled out of court in 1981.)

In his closing statement last June he went even further. Anyone with "common sense," he suggested, would realize that the notion of discrimination against women was absurd. "Strange, isn't it, that we live in a world where there is supposed to be a monopoly of white men who some-

# The dispute has led normally sober scholars to speak of "betrayal," "horror," and "tragedy."

how get up every morning trying to find a way to discriminate against their wives, their daughters, their mothers, their sisters."

This February, Judge John A. Nordberg, a Reagan appointee, decided the case in favor of Sears. Some of the evidence he found particularly persuasive came from Rosalind Rosenberg, whom he characterized in his opinion as a "well-informed" and "highly credible" witness who offered the "reasonable conclusion that differences in the number of men and women in a job could exist without discrimination by an employer." Kessler-Harris, on the other hand, offered "sweeping generalizations" that were "not supported by credible evidence." Nordberg found in favor of Sears on all claims at issue.

Sears, claiming that the suit was "frivolous, unreasonable," and brought in "bad faith," is now petitioning the court to have the EEOC and the individual attorneys involved in the case remit a reported \$27 million in fees and costs. (The bad faith claim resurrects the old conflict-of-interest charge—the EEOC's notorious NOW connection.)

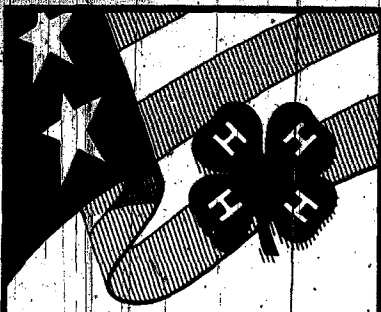
The EEOC is appealing Judge Nordberg's decision.

The Sears chronicle, in brief: Rosalind Rosenberg says men and women are different. Alice Kessler-Harris agrees. "Who would deny difference?" she asks. Rosenberg says, "Alice and I aren't really very far apart; we're just on opposite sides of this case."

Rosenberg says ignoring the fact that men and women still lead very different lives will lead to bad public policy: if women aren't taking certain jobs, perhaps corporations have to change the conditions of those jobs (for instance, by providing child care). Kessler-Harris says that such an argument—that women's domestic orientation explains labor force patterns (including women's absence from high-paying jobs)—is a way of blaming the victim: "It avoids dealing with the complex ways in which discrimination is institutionally and socially manifest." Rosenberg says history is multicausal; statistics alone can't prove discrimination. Kessler-Harris agrees, but says when we find a large-scale statistical disparity, there's a good chance discrimination isn't far behind.

Rosenberg says she never would have testified if the Sears affirmative action program weren't so strong and the EEOC case so weak. "This was not a complex case. I started with a straightforward question—did the EEOC err in assuming that all men and women applying for sales positions at Sears were equally interested and available for commission sales? I believe they did." Kessler-Harris says that the EEOC never made such an assumption. (In fact, says attorney Baker, for each Sears product line, statisticians looked at 160 subgroups of characteristics—like prior job experience, age, and whether an applicant indicated a preference for commission sales or a particular product. Only within each small cell, where all other attributes were identical, was

(continued on page 86)



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have the "permission" (as if we ever needed it) to seek out and enjoy sexual adventure for the sheer pleasure of it.

*The Golden Notebook* and *Fear of Flying* share, superficially at least, many characteristics. Both are novels about women writers trying to wade through a morass of conflicting expectations, from without and within, en route to fulfillment. Anna Wulf leads a rich, complex life and struggles with a broad range of issues, while Isadora Wing's conflicts focus mainly on men and sex, her inner dialogues on men and writing. True, I find *Fear of Flying* to be an entertaining and, at times, very funny novel, but I appreciate it more as a piece of history than as a piece of literature. It is the complexity of *The Golden Notebook*, and of Anna Wulf, that make it one of the most powerful and moving accounts of a woman's intellectual and emotional life that I have ever read.

Karen FitzGerald is on the editorial staff of "Ms."

## De Beauvoir

CONTINUED FROM PAGE 58

trophe. She would have spoken, acted, moved. I can no longer tell which of my tears are for which of these mournings; our despair has now become as integrated as our vision for saving the world.

I only know that she, as the "mother" of existentialism as well as of feminism, lived daily with despair and daily transcended it. She found the status quo unacceptable; in turn, the status quo never accepted her. Of all her letters to me over the years (always hand-scribbled on simple graph-pad paper), the one that shocked me most was her humble thanks for the "generosity" of my review of *Adieux: A Farewell to Sartre* (see *Ms.*, May, 1984), since the book had been savaged elsewhere. To the end, she was attacked—for her radical feminism, for her refusal to separate thought from action, for her art (too subtle), for her politics (too blatant), for her style (too cold—since this was one woman they couldn't condemn as "too emotional"). The love and reverence many women felt for her seemed an ever-renewing surprise to her, most welcome but disproportionate to her deserts and her own severe self-standard of excellence.

We have few titans. Simone de Beauvoir was one, and she is gone. More than any legacy of tactics or theory, she leaves us her life: a challenge toward audacity, clarity, *movement*, and—in both senses of the word—integrity. Our last

communication, only a few months before her death, was about my trepidation in finishing my first novel and my unease about stealing time from being at the barricades in order to "indulge" myself in a work of art. Her reply was swift and firm: "For now," she wrote, "forget politics and write the novel. For you, they will be the same thing, in any event. It will demand an act of courage. Bon voyage."

I took her advice. I will feel the absence of that advice in years to come as a constant ache. It's a lonelier, colder, more endangered little planet without her.

"But," she would say, as she did a few years ago, "the changes women are struggling for, I am certain in the long run women will win." I wish I could reply to her, "Yes. It's up to us now each of us to locate in herself her own greatness, because to see the world as it is and transform it will take our collective greatness. Your loss impoverishes us, but it is a splendor that you were with us for so long. Bon voyage."

Robin Morgan, a contributing editor to "Ms.," has completed her tenth book and first novel, "Dry Your Smile," which Doubleday will publish next spring.

## Sears Case

CONTINUED FROM PAGE 51

equal interest by gender assumed. "This isn't at all a radical argument," says Baker.) Rosenberg says she wouldn't have testified if the EEOC had produced a single complainant against Sears. (An EEOC attorney says it would be absurd to trot out complainants in a case involving an estimated seven million applicants: "How many would we have had to produce before what they had to say seemed relevant?") Rosenberg says, "I used to think this lawsuit was a cynical plan of the Reagan Administration to send out their weakest case and give them a rope to hang themselves."

Rosenberg says feminist scholars have a responsibility to truth. Kessler-Harris agrees.

Rosalind Rosenberg wasn't the only feminist historian approached by Sears, but she was the only one who agreed to testify. Kathryn Sklar, author of *Catharine Beecher: A Study in American Domesticity*, says, "I told them they were wasting their time. There was no way, even if I might be interested in the intellectual issues they were raising, that I was going to testify against the EEOC in this case. I didn't feel I could

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testify against the individual rights of women to equal employment opportunities. When one has historical expertise," adds Sklar, "you take it as a compliment to think you could be relevant to anything out there in the world. But then I realized if I was relevant at all, it would be on the other side."

The reaction among scholars of women's history has been almost uniformly—and often bitterly—critical of Rosenberg. In December, when both Rosenberg and Kessler-Harris addressed the Columbia University Seminar on Women and Society, the audience was openly hostile to Rosenberg's position. That same month, at the annual meeting of the American Historical Association, the Coordinating Committee of Women in the Historical Profession and the Conference Group on Women's History passed an angry series of resolutions in response to the case. "We believe as feminist scholars we have a responsibility," the third resolution read, "not to allow our scholarship to be used against the interests of women struggling for equity in our society."

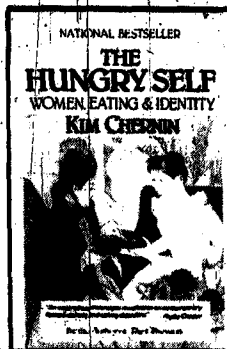
"It's outrageous," comments Renate Bridenthal, of Brooklyn College, who helped draft the resolution. "Those of us who teach women's history wouldn't be getting recognition for the field if there weren't a strong and vibrant Women's Movement. To now lift up the ladder and say, 'I'm all right, Jack,' is just wrong. We don't want other women out there to feel sold out by all of us—we don't want them to identify us with Rosalind Rosenberg."

Not everyone agrees, but most of those who don't defend not so much Rosenberg's testimony as her right to give that testimony. (A few people told me off the record that they "like both Roz and Alice" and didn't want to alienate either. No one was willing to publicly criticize Kessler-Harris's testimony, although a few historians said privately they had found it weak.) In general, however, most of the "pro-Rosenberg"—or at least, "anti-anti-Rosenberg"—historians seemed concerned that the profession was stifling dissent.

"Although I might not have testified in court, or taken her position, I believe she has the right to take any position she wants," says Catherine Clinton, an assistant professor of history at Harvard University. "Not all truths are going to emerge politically correct. This is a sad epoch in women's history, when people can be accused of being disloyal for saying what they think. I personally believe that a larger percentage of people believe she had a right to do what she did, but no one is willing to say so. That

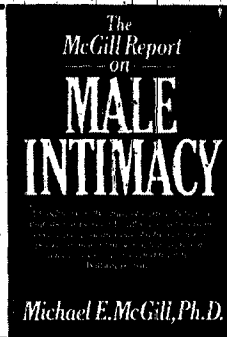
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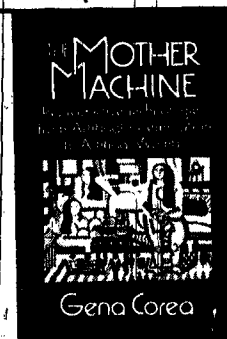


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frightens me."

Clinton notes that both Rosenberg and Kessler-Harris are respected feminists: "This isn't Darth Vader versus the Force." Regina Morantz-Sanchez of the University of Kansas agrees. "They're both first-rate historians committed to advancing women—I hate to see them pitted against each other. I can't help feeling someone in the White House is laughing at us."

Carl Degler of Stanford University, the author of *At Odds: Women and the Family in America from the Revolution to the Present*, was the only historian of women I found who supported not just Rosenberg's decision but the substance of her testimony. He had himself been approached by Sears, but had refused to get involved. "I just backed away," he says now, "partly from simple

laziness, partly from cowardice, partly because I didn't care to compromise my feminist bona fides." Now he thinks that Rosenberg—a former student at Stanford—made a strong case. "I'm all in favor of affirmative action: unless you go out and look for women and minorities, you don't get them—but you may not always be able to find them," he explains. "It's important to ask what—besides discrimination—seem to be the obstacles to women accepting jobs. Down the line the Kessler-Harris argument—that women will respond much as men do if opportunity is equal—will prove extremely dangerous."

The Sears controversy, Degler believes, is not healthy for the profession. "I'm disturbed at the criticism of Rosenberg for having testified for Sears; I think criticism along those lines will hurt

women's history will make it seem to be simply a polemical subject and not a true historical subject. We still have to convince a lot of people that women's history is a real field of scholarly inquiry. If people have to follow a party line that will be fatal."

Sklar disagrees. "Nobody has a monopoly on truth—history is an art as well as a science—but when you go into a courtroom and claim to know the truth about women, that's a very political act," she says. "Rosenberg had a right to do it, but I think she made a serious mistake. And we have a right to criticize that mistake."

Adds Kessler-Harris. "Certainly a lot of people are very angry, but the fact of that anger shouldn't obscure why they're angry. This has nothing to do with party lines—there are legitimate differences of interpretation here. This focus on and criticism of anger is a way of avoiding issues that really deserve to be aired."

A note about anger: there's been plenty of it on all sides. Rosenberg's critics accuse her both of testifying for the money (she reportedly was paid over \$29,000; Kessler-Harris received about \$13,000) and of being too wealthy to understand the concerns of working women. The fact that her ex-husband, John Rosenberg, worked for Morgan's law firm and was involved in preparing documentation for the Sears case is frequently suggested as a possible explanation for her "immoral act" (as historian Sandi Cooper called it in a widely circulated letter). Both pro- and anti-Rosenberg factions note that Kessler-Harris was a candidate for the position Rosenberg now holds at Barnard; comments ranged from "she never should have gotten that job in the first place—she just had the support of powerful men" (from a Kessler-Harris supporter) to "Alice's friends have been angry ever since she didn't get that job, and now they're using this excuse to get back at Roz" (a Rosenberg fan).

"Why all this wild speculation about jobs and ex-husbands?" responds Rosenberg. "Why not look at the most obvious thing? The most depressing part of all this is that no one seems to believe me when I say I decided to testify because it seemed like the right thing to do."

For their part, Rosenberg's supporters have accused their critics of both a surreptitious socialism and a sort of feminist McCarthyism. The anti-Rosenberg position, Rice University historian Thomas Haskell suggested in a letter to *The Nation*, is not so much

scholarly as political; it reflects "not feminism but certain shallow backwaters of Marxism" ("I'm appalled at some of the red-baiting that's been going on," comments Sklar.) Many other historians suggested that the Sears case has created what one called "a mandatory matriarchal politics to replace the mandatory patriarchal politics."

"The stifling of discourse is extremely dangerous," adds Gwendolyn Wright, a Columbia University architectural historian. "It's terrible to say we can only use knowledge in certain ways—it's very distressing for the Women's Movement."

For many reasons, the Sears case may indeed prove distressing for the Women's Movement, particularly if it sets a precedent for future affirmative action battles. In the meantime, it leaves feminist scholars grappling with several complicated, and sometimes painful, questions.

What are the implications of "difference"? Are women and men really different from each other, or are apparent differences socially constructed? And if differences exist, for whatever reason, what should we do about them? What sociologist Ruth Milkman calls "the tension between equality and dif-

## Underlying the debate is "the tension between equality and difference."

ference" underlies the Sears debate: where Kessler-Harris stresses equality and argues that the "difference" in women's interests was created by the needs of the labor market itself, Rosenberg stresses difference and argues that an assumption of equality would only assure that women's special needs are ignored. This is hardly a new dispute—among feminist historians it turns up in discussions of "women's culture" and "separate spheres"; among literary critics it becomes a debate about the existence of a separate female literary tradition; in the Women's Movement it divides "cultural feminists" and "political

feminists"—but the Sears case is unusual, and potentially dangerous, in its direct effect on real women's lives.

"I believe public policy must be based on the best possible scholarship," says Rosenberg. "It's important to understand that men's and women's lives are still fairly different. It doesn't do anyone any good to deny that fact. Avoiding the truth will not bring equality any sooner."

"Of course, we all agree that men and women are different," says Kessler-Harris. "But I say let's look at how notions of difference are used. Roz says gender differences account for inequality. I say differences are fostered and used by institutions, including employers, as part of a pattern of discrimination that perpetuates inequality."

The question of difference is a difficult one for feminism; as Sklar points out, any simple response can be dangerous. "This case seems to clarify the dilemma of contemporary feminism," she comments. "When we admit difference, it goes overwhelmingly against women. On the other hand, to deny difference may also prove futile. I lament the way this case has shown that admitting difference is a negative thing. I would just say that we need to be aware of this problem." ▶

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