

Values Newsletter

“What is needed, much more than money, are leadership, imagination, reflection, discussion, caring, and commitment to transmitting shared values and educating students in the process of values inquiry.”

Emphasis on Values

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White Men and Affirmative Action

Elliot Wreh-Wilson
Edinboro University

After all these years, affirmative action still irks some of our white friends. Where they live and work, they make sure to stick to practices that restrict minority, especially black, intrusion into their lives. As if present restrictions didn't go far enough, UCLA's Richard H. Sander took on a project¹ whose conclusions, if followed through, would drive the restrictions even further.

According to Katherine Mangan (*Chronicle of Higher Education*, November 12, 2004), Sander based his project on bar-passage rates conducted between 1991 and 1997 by the Law School Admission Council as well as data from Sander's own study regarding (black) students who entered 20 law schools in 1995. By luring black students to "prestigious" law schools, Sander argues, affirmative action has unwittingly caused black law school grads to do poorly on bar exams. His recommendation: black students must choose less prestigious law schools over the more "prestigious" schools to which affirmative action often lures them if they wish to avoid their present predicament.

It is not hard to see what Sander is getting at. The trouble is that he is not saying anything new.² We do remember the bell curve's version of this same argument, i.e., that society wastes its resources when it directs them toward the education of people struck with the curse of nature. Yet, when individuals not known to be black also fail these exams, then we can no longer blame nature's curse for blacks. Thus, others blamed affirmative action until Texas and California did away with it, thereby holding down

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Reflecting on When Human Service Values Clash with Multisystem Clients in the Criminal Justice System

Gregg Hungerford
Edinboro University

Recently, I attended a planning meeting where the subject of female offenders and their children was discussed. Several agency staff persons presented research or experience that indicated that school, child welfare, mental health and community based services should be coordinated to service and care for the needs of children with a mother in prison. Yet when prison staff involvement was brought up, it was the consensus of the human service providers that correctional values systems are in total contradiction to social work's values and ethics and that correctional auspices work against the best interests of offenders and their children. Upon reflection on this discussion, I began to realize the extent of the clash between helping professional value systems and working with clients engaged in the criminal justice system, and therefore the difficulty in collaborative treatment planning for services. When values clash between human service providers and the criminal justice system, the only ones who lose are the clients.

In a later discussion of this paradox with fellow social workers I was appalled to hear statements that indicated extreme bias on their part. One person felt that collaborative treatment planning for female offenders and their children was impossible and that any attempts at working with prison staff should be ignored or at least limited because correctional professional value systems are inhumane. Another person stated that working with prison, jail or court personnel would only be successful if the planning

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black presence at the flagship institutions in both states. This time, however, Sander may be inviting further restrictions on minority presence at all flagship institutions across America.

In his review³ of *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* by W. G. Bowen and Derek Bok, Ronald Dworkin⁴ asks whether affirmative action has fulfilled its mission, i.e., produced more successful black businessmen and community leaders, increased black earning power, improved the number of black and minority professionals, and more importantly, reduced race-based problems on college campuses as a result of the emphasis on diversifying both university faculty and student body.⁵ Dworkin concludes that the Bowen and Bok report points more toward progress than to the picture Sander is eager to paint.

Naturally, one would prefer to continue what works. So the question for Sander and others like him becomes whether blacks deserve the opportunities afforded them at these “prestigious” law schools and whether they would be better off without them. For Sander, the bar-passage rates demonstrate that blacks are not making the most of those opportunities—hence his recommendation that black students choose America’s less “prestigious” law schools.

But, why does Sander believe blacks will fare any better at the less “prestigious” schools when studies show they are not doing that well on bar exams even after graduation from the “prestigious” schools? Are the less prestigious schools more eager, willing, and equipped to educate blacks than their more prestigious counterparts?

Indeed, Sander does not say we must end affirmative action. He is not daring enough to say what an awful policy it is. Nonetheless, he is willing to suggest that there is something about black students that causes them to perform in ways they would not had affirmative action not lured them to America’s “prestigious” colleges and universities.

To see why Sander may have misdiagnosed the problem, I suggest the following: Which should we blame when law school graduates fail bar exams? (a) the graduates (b) the law schools (c) both graduates and law schools (d) the bar exams (e) affirmative action.

Now, imagine your car was repaired by a “prestigious” mechanic after you dropped it off using a tow truck. Upon getting your car back, you realize it will not start. Do you blame (a) yourself, (b) the mechanic (c) both yourself and the mechanic, (d) the

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group could control the thinking of “those” people since “they” are punitive and do not believe in the value and integrity of human beings.

It appears that the perception of helping professionals is very value laden, especially of social workers who adhere to strict beliefs grounded in our Code of Ethics. I went back to read the Code of Ethics for my profession, and it clearly states that we should work toward change in systems that are contrary to our perceived values and beliefs. It does not state that ignoring other professionals, or ridiculing or controlling others if those others operate under different beliefs and values, is in the best interests of our clients.

Finally, on further reflection on this experience it occurred to me that criminal justice systems are the clearest reflection of our society’s norms that are grounded in values. In fact, I am not so sure that societal values are that far removed from various human service professional codes of ethics. Individuals tend to make stereotypical judgments about other professionals based on insufficient knowledge, oversimplification of one negative experience, or a lack of interpersonal contact. It would appear that cross-training and dialogue between social work and criminal justice staffs could begin to bridge the gap between these deeply held value-laden belief systems. Best practice’s knowledge of collaborative treatment planning, not rigidly held and individually interpreted value paradigms codified in some professional code of ethics, should drive our values for the benefit of multi-system clients and families

Etymological Musings: Virtue

Paul Rovang
Edinboro University

We know how to decline the Latin word for virtue: we do not know how to love virtue.

--Michel de Montaigne, “On Presumption”

The word ‘virtue’ came into English via medieval French from the Latin *uirtus*, meaning “manliness” (L. *uir*, ‘man’, a mature male as opposed to a woman or child). The *Oxford Latin Dictionary* gives as the word’s primary meaning, “The qualities typical of a true man, manly spirit, resolution, valour, steadfastness” (“Uirtus” 1.a). By association, the word came also to mean “Excellence of character or mind, worth, merit, ability” (2) or “Moral excellence” (3), characteristics expected to be found especially in men, though the word was used infrequently of a specific

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mechanic's techniques (e) the tow truck? Affirmative action is the instrument America uses to introduce blacks into America's "prestigious" schools. In the absence of other practicable instruments, the task of the schools that admit blacks is to make sure to address their particular needs—that is why we use affirmative action. Black students are better off turned away than when they are accepted at schools that are ill-equipped, unprepared and unready to address their particular needs.

Professor Sander chose to pick on a soft target rather than address the real cause of the problem with students and bar exams. In fact, a number of white students who enter law schools drop out due to poor performance—not to mention many more who never make it to law school or medical school. This is not because of affirmative action and certainly not because they are white—they are simply not prepared for law school or medical school. The same is true for black students. Some of them may not be cut out for law school. But the schools take and keep them anyway. And those who pass bar exams, whether black or white, will be those who prepare and are prepared for them. Besides, what is a "prestigious" law school when one can fail a bar exam even after completing its "prestigious" law program?

Take the LSAT. It is designed by experts not for experts but for ordinary college students. Students who take this exam say it is logic intensive and requires a decent amount of critical thinking functions. Yet, America's high schools—a few exceptions here and there—offer little or no help for students beyond basic mathematics, algebra, and geometry. American students will be lucky if they took a serious logic or critical thinking course in college. And, rather than urge high schools to include logic and critical thinking in their curricula, because this would enhance student preparedness, Professor Sander is singling out affirmative action as the culprit; rather than question the mechanic who failed to repair the car, Sander wants to talk about the tow truck.

There may be something seriously wrong with the way America educates its children, especially urban and disadvantaged children. The fault lies not with America's children but with American education and the failure to create educational models that would correct the problem Sander so thoughtfully describes. Indeed, while affirmative action may not be the surest indicator of what ails black America, the fact that it continues to command our attention shows Americans have given up on urban and disadvantaged children.

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woman, not women in general. The Greek ἀρετή (*arêtē*), "excellence" (1.a), similarly, came from the word for a male, ἀρρην, ἀρσιν (*arrhēn, arsēn*), hence, again, literally "manliness."

While the English derivation has a wide range of meaning, is it not peculiar that in contemporary usage virtue has come to be associated more with women than with men? We are now more likely to say "a woman of virtue" but "a man of integrity." Calling a male "virtuous" is as likely as not to be taken as questioning his manhood.

The earliest English usages of the word recognize virtue not as a quality inherent in man, but in God, which may then be transferred to a human. Therefore, humans depend on a source outside themselves for virtue, which then becomes available to anyone who seeks it. This sense was also present in the language via which the word came into English. The French hero Roland exhorts his crusading comrade: "Seigneur Franceis, *de Dieu aiez vertu*" (italics added, "you have virtue from God" ["Vertu"]). The earliest meaning for the word found in *The Oxford English Dictionary* is "The power or operative influence inherent in a supernatural or divine being" (1.1.a). A homily from around 1250 included in the *Old English Miscellany* exhorts, "Besech ure lorde þet he do in þe his uertu," and in Robert Mannyng of Brunne's *Handlyng Synne* (1303) the penitent is encouraged: "Þou art weyl with Ihesu; He shewep for þe grete vertu" (note: þ=th). By around 1300 a virtue may also be "An embodiment of such power," such as an angel (1.b), or "An act of superhuman or divine power," such as a miracle (1.c).

Virtue in a human, therefore, consisted in aligning oneself with divine virtue, becoming a recipient of qualities that one inherently lacked—quite opposite the classical sense of the word. This moral alignment resulted from "voluntary observance of the recognized moral laws or standards of right conduct" (2.a); that is, laws external to the self, which in the medieval context would have been understood as originating in God and being mediated by revelation. Moral and physical virtue alike in humans had their sources in the Creator; therefore, by association, virtue also meant "Physical strength, force, or energy" (6.a). Psalm 38:10 is rendered in the 1325 *Prose Psalter*: "Our Lord shall yeue vertu to his folk."

Virtue in its earliest English sense, then, is contingent rather than inherent. The posture for obtaining virtue, therefore, is one of receptivity and reliance rather than self-sufficiency, a position which men in the Western world have never, characteristically, accepted easily. 'Integrity', on the other hand, derives from the same root as 'intact' and 'entire';

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Sander's most important contribution to the discussion may very well be that he believes affirmative action offers little to black Americans. On this score, I do concur but not because I am persuaded that affirmative action harms blacks.

Endnotes

1. Those findings will appear in the May 2005 issue of the Stanford Law Review.
2. Stephan and Abigail Thernstrom have chronicled this point for some time now. Their recent books *No Excuses* and *America in Black and White* are devoted to this issue.
3. *The New York Review of Books*, Volume 45, Number 16. October 22, 1998.
4. Ronald Dworkin is Professor of Philosophy and Frank Henry Sommer Professor of Law at New York University School of Law.
5. See Ronald Dworkin's review of *The Shape of the River*, cited above.

END

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Slavery

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hence, a person with integrity "has it all together," a way in which men, again characteristically, prefer to envision themselves. The Christian recognition of moral need which separated medieval Europe from pagan Rome also made each individual, male or female, an equally eligible recipient of virtue.

The very process that democratized virtue, however, seems at the same time to have gradually devalued it as a concept. The choices made by translators of the English Bible reflect this trend of relegating virtue to women, and probably did much to further it. In the Authorized Version of 1611 the word virtue and its variants are used gender specifically in only four instances, in each case for women, all in the Old Testament. Proverbs 31:29, for example, reads, "Many daughters have done virtuously, but thou excellest them all." The Hebrew word כַּיִל (*khayil*), here translated "virtuously," occurs in a number of other instances with reference to men; however, when it does, it is translated using a word other than "virtue" or "virtuous." Two examples: Solomon says of Adonijah, "If he will shew himself a worthy [כַּיִל] man, there shall not an hair of him fall to the earth" (I Kings 1:52); "Moses chose able [כַּיִל] men out of all Israel, and made them heads over the people" (Genesis 18:25). Whereas the Hebrew word is without exception translated "virtuous[ly]" with reference to women, English words deemed more befitting masculinity, such as "worthy" and "able" are chosen for men. Let it be noted that the early modern translators' choices reflect a developing cultural bias rather than a biblical concept. The language of the Bible ascribes virtue to both men and women, much more so than do classical texts. The democratization of virtue, therefore, in Western culture, as also seen in the early history of the English word, is due to the influence of a Judeo-Christian conception of both genders as equal candidates for the *reception* of virtue, rather than possessing it as a natural attribute mostly exclusive to males.

In view of this development it is arguable that the feminization of virtue has been furthered by a feminization of Christianity in modern Western culture. If this is true, reclaiming the relevance of virtue to men as well as women may be a question of reclaiming the virility of the thought system that made it universally accessible. Social psychologist Roy F. Baumeister notes that self-definition was framed in terms of "Morality and virtue" in the late Middle Ages, but is understood in terms of "Personality" and "Socioeconomic status" today (164). Milton could not admire a cloistered virtue, but at present we scarcely admire any whatsoever. To take a telling example, University of Ottawa philosophy professor Graeme

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Paul Rovang, Editor
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135 McNerney Hall
Edinboro University of PA
Edinboro, PA 16444

Fax: (814) 732-1713
Phone: (814) 732-2916
E-mail: provang@edinboro.edu



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Hunter observes, “Men [today] are expected to engage in indiscriminate sexual encounters and to take no responsibility for the result. Such encounters, indeed,” he adds, “are among the few natural inclinations of average males that still meet with social approval” (50).

Perhaps we can still learn a few things from the Middle Ages, the time during which the classical ideals of virtue became democratized under the influence of Christianity. One mainstay concept of medieval culture, the Seven Deadly Sins, is currently enjoying a revival of interest with books, movies, and academic seminars on the topic. Maybe it’s time for an attendant revival of the Seven Principle Virtues, which, to refresh our memories, are four Cardinal (Classical)--prudence, temperance, fortitude and justice--and three Theological--faith, hope, and charity.

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