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## Contested values: Economic expertise in the comparable worth controversy, USA, 1979-1989

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**CONTESTED VALUES: ECONOMIC EXPERTISE IN  
THE COMPARABLE WORTH CONTROVERSY, USA,  
1979-1989**

CLÉO CHASSONNERY-ZAÏGOUCHE

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**CENTER FOR THE  
HISTORY OF POLITICAL ECONOMY**  
AT DUKE UNIVERSITY

**Contested Values: Economic Expertise in the Comparable Worth  
Controversy, USA, 1979-1989**

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## **Contested Values: Economic Expertise in the Comparable Worth Controversy, USA, 1979-1989**

The comparable worth principle – a call for a general readjustment of wages according to a measure of the worth of an occupation – gained a policy momentum in the United States in the early 1980s. A Supreme Court decision, multiple bills, congressional hearings as well as an arsenal of initiatives from women and labour groups all over the US shaped the debate as a technical as well as political issue. At the core of the quarrel lie diverse opinions on the criteria and practices of setting fair wages. Between 1979, the start of a national movement, and 1985, when all US government agencies declared the principle unsound, this paper follows the deployment of economic arguments on both sides of the controversy. The main shifts in the dominant position are the location of biases affecting pay settings and the criteria for rational wage determination: from the market to job analysts for the bias, and from bureaucratic procedures to market for the locus of rationality. I am documenting this shift using the discussions on scientific evidence brought by experts in legal and political hearings. The paper describes three moments in the relations between science and policy: first the scientisation of policy, the politicisation of science and finally, its weaponisation.

Keywords: comparable worth; gender discrimination; job evaluation; wage determination

### **Introduction**

Should female prison guards be paid the same as male prison guards? In 1974, four women sued the county of Washington, Oregon, over alleged wage discrimination against ‘matrons’. The case went to the Supreme Court, and the subsequent decision enlarged the interpretation of the principle ‘equal pay for equal work’ to encompass ‘equal pay for *comparable* work’. Settled in 1981, the case was considered as the first victory of the comparable worth mobilisation. The general aim of this movement was to ‘equalis[e] compensation for jobs requiring comparable levels of effort, skill, and responsibility’ (Durbin & Melber 2001, p.369). This reformulation of the strict principle of ‘equal pay for equal work’ was not new but gained a policy momentum in the United States in the early 1980s: national conferences, several congressional hearings and bills on comparable worth took centre stage of the debates

on labour. In 1985 however, all US government agencies concerned with labour issues and equal opportunities declared the principle unsound. This paper tells the story of the role of economists and economic knowledge in the political history of the comparable worth argument.

The term ‘comparable worth’ is a thick concept, referring to a set of interrelated facts and evaluative considerations. Comparable worth as a comparison of the worth of different occupations is intrinsically linked to both occupational segregation and occupational crowding. The basic idea is that ‘[t]he more ‘female’ an occupation is, the less it typically pays’ (Reskin 1984, p.3). It was a consensual fact that the labour market was divided into men’s and women’s job in the 1980s, and that this barely changed since the 1960s. With inferiority of work and differences in human capital investment, uneven distribution into occupations have been the main explanations of unequal pay since at least the end of the 19<sup>th</sup> Century (Chassonnery-Zaïgouche 2019). In addition, women were crowded in a significant *lower* number of occupations. In 1984, 80 per cent of women in the work force concentrated in 20 of the Labour Department’s 427 job categories.<sup>1</sup> The empirical relation between occupational distribution and low wages has also been consensual within economics. Explanations however, from social norms to women’s choices, from the industrial structure of the economy to market forces, has always been fiercely debated. The comparable worth argument almost exclusively concerned gender segregation, while the political and legal strategies deployed by the movement were directly inspired by the civil rights movement and the analogy with racial segregation.

Comparable worth was indeed more than a set of ideas, it was an explicit and organised political demand for new reforms for gender equality. Comparable worth claims for a wage readjustment policy based on a comparison of wages in *different* occupations, and especially between jobs seen as segregated by sex within a specific firm or organisation. What was crucial to the controversy in the 1970s was that the large empirical literature that produced evidence of the correlation between occupational segregation and low wages was used as a policy argument by a coalition of civil society organisations with large reach within the Carter Administration. Rather than being the fantasies of some marginal feminists, the concept became part of a major policy discussion stirred by a powerful alliance between the grassroots movement and high politics actors.

Comparable worth was also a tooled controversy. As noted by sociologists Durbin and Melber, John Stuart Mill's argument on gender crowding of occupation is not dissimilar to the one made by the National Academy of Sciences committee reports in the 1980's.<sup>2</sup> By contrast with the earliest theoretical debates, the modern debate became a debate on how to use specific *tools*. At the centre of the discussions (and misunderstandings) were job evaluation methods: a scoring method used to rationalise wage structure. While job evaluations had been used within big corporations since World War II, these methods were reframed as the main tool for applying the comparable worth principle to a readjustment of wage structures. Job evaluation is an umbrella term for various scoring methods of the worth of a job.<sup>3</sup> It aims at measuring what a given job is worth to a company: it crucially concerns jobs, and not persons. Typically, a questionnaire is used to classify specific jobs within a firm by describing and assigning points relative to skill, effort, responsibilities and requirement of the job. A unique score for each job is then used to rationalise or readjust the comparative worth of job: if average score in jobs held mainly by minority members do not predict well the job's actual rate of pay, the difference points to potential discrimination and called for readjustment.

The historiography on the comparable worth movement mainly focused on legal battles and labour organisations (Turk 2016) and on the role of job analysts and management studies (Dobbin 2009, Lussier 2021, Adler forth.). This paper focuses on the role of economists as experts and the way economic arguments were used in the political arena. It directly addresses the ambivalent effects of the scientisation of policy debates (bringing expertise in), the politicisation of knowledge (when experts testify in political settings), and, finally, the relatively minor effect of expertise compared to ongoing structural changes. As such, the comparable controversy offers a crucial window on the influence of economic ideas and their ambiguous impact on social change.

The first section describes how intellectuals, activists and academics defined comparable worth and how a national political campaign successfully transformed this political claim into a policy position. Comparable worth advocacy gained traction until a Supreme Court decision in 1981, which opened the gate to comparable claims in court. The scientisation of the debate successfully put comparable worth on the policy agenda. The second section focuses on the politicisation of the controversy between 1981 and 1985, namely when it entered the political arena and the Congress. It shows the emergence of 'an economist position' that framed the debate as one of abstract principles. The third moment is the political defeat of the movement

from 1985. At the same time however, comparable worth was implemented in many state administrations all over the US, while the use of market surveys increases significantly in private industry. While the paper shows how the neo-Conservative movement used economic arguments as weapons during the Reagan's administration, economists' positions were more contrasted. The paradoxical influence of the idea of comparable worth – a very loud political defeat but some practical (local) implementation – is analyzed in terms of a trade-off between the effects of the scientisation of the policy pipeline and the politicisation of science.

## **Separate and Unequal: Opening the Case for Comparable Worth, 1979-1981**

### *Beyond discrimination*

Congress ruled discrimination illegal in the 1960s but the gender wage gap had not narrowed in 20 years.<sup>4</sup> Reframing occupational segregation as discriminatory became one of the main strategies of the feminist movement in the 1980s. If the idea of gendered occupational distribution dates back to the 19<sup>th</sup> century, debates were reshaped by the emergence of the gender wage gap as a stylised fact (Hirschman 2022). 'On the average, women now earn 57 percent of men's wages, which is down from 60 percent,' reported Ruth Blumrosen in a 1979 *New York Times* article. Blumrosen, at the time a consultant to the Equal Employment Opportunity Commission, punctuated her figures with a quote from economist Frances Hutner on the persistence of the wage gap over decades:

In 1939, women earned 58 percent of what men earned. Twenty years later, in 1959, women earned 59 percent of what men earned. And in 1977, women still earned only 59 percent what men earned.<sup>5</sup>

Ruling out educational differences ('women who have completed four years of college earn less than men who have completed the eighth grade'), Hutner pointed to effects on wages of 'female occupational ghettos' – 'half of all working women hold jobs that are at least 70 percent female, and one-quarter are in jobs that are 95 percent female'. Consequently, she argued, legislation on equal pay that consider strictly equal work is largely ineffective to tackle the gender pay gap and should be replaced by consideration on equal pay for work of *comparable* value. Nominated by Carter at the direction of the EEOC, Eleanor Holmes

Norton pitched comparable worth as ‘the issue of the 1980s’ ‘...for the average woman who works — who is increasingly the average woman: This is a true sleeping giant.’

The context of these quotes is the first national conference pushing for comparable worth. A coalition of labour, women, public interest, legal, government, and educational organisations under the name of National Committee for Pay Equity organised a national conference in October 1979 in Washington D.C. If the idea behind the claim ‘equal pay for comparable work’ has been revived during the so-called second-wave feminism, what was new in 1979 was the launching of an advocacy national campaign that would give a new impetus to the movement for equality, after the defeat of the ratification of the Equal Rights Amendment.

What came out of the 1979 meeting was a series of advocacy instruments published a year later as the *Manual on Pay Equity* (Grune 1980) provided by the hundreds of ‘experts and activists who had gathered to share information, discuss problems, and to begin to develop a coordinated strategy to raise women’s wages’ (Grune 1980, p.3). An ‘action guide’ (Johansen 1984, p.72), the *Manual* listed legal, policy, and bargaining experiences of proponents of comparable worth as well as strategies. The chosen strategy was the use of job evaluation methods to locally ask for wage readjustment. The main advantage of this strategy was to reframe the issue under the ‘label of objective job evaluation’ (Johansen 1984, p.79). The point of entry into policy was the technical issue of personnel’s classification systems.

### ***Counting on objectivity***

The agency in charge of enforcement of antidiscrimination legislation, the Equal Employment Opportunity Commission (EEOC), and the Department of Labor commissioned research on comparable worth to the National Research Council (and later the National Academy of Sciences, NAS) in accordance with its charter.<sup>6</sup> The first reports of the NAS (Treiman 1979; Miller *et al.* 1980; Treiman & Hartmann 1981) show the scientisation of the policy debate between 1979 and 1981. Within the NAS, the Committee on Occupational Classification and Analysis was set up in 1979.<sup>7</sup> If the first objective was to gather facts on how employers set wages and which methods they use, this knowledge would form the basis of concrete strategy towards better pay for women’s jobs. The research was framed along two lines of inquiry: a comparison of job evaluation methods and an evaluation of the *Dictionary of Job Classification* (DOT).



The first (interim) report was entirely devoted to the description of various job evaluation systems and edited by the sociologist Treiman. Job evaluation methods usually encompass a series of elements—a description of jobs in a specific unit of a company; a list of compensable factors that identified degree of skills, effort, and responsibility; a mechanism to link job descriptions and those factors (usually a scale with ranks or points); the sum-up of the ranking or rating in a single score; the use of this synthetic score to assign pay in the firm. A foundational element of job evaluation is ‘that it is the job, not the worker that is evaluated and rated’ (Treiman 1979, p.1).

Job evaluations are usually performed by consultants. This first report ends on three problematic features of these methods. First, such methods were inherently subjective: it was especially feared that scoring procedures may incorporate stereotyping. Second, scores were dependent on choices of variables and weights assigned to them. Most job evaluation methods use market wage rates to establish such weights, hence potentially incorporating market discrimination. Finally, the diversity of practices of wage settings and the non-comparability of such practices across firms reinforced the discretionary aspect of such practices. Mitigating biases from job analysts—either from previous or current discriminatory practices within the firm or from market valuation—was precisely the goal of a renewed use of job evaluation. Making it more ‘objective’ using... the same method.

Following the interim report, a second report (Miller *et al.* 1980) was devoted to the evaluation *Dictionary of Occupational Titles* (DOT). A publication of the department of Labor, the DOT was used by employers, government officials, and personnel professionals to describe jobs and ascribe wages (US Department of Labor 1999).<sup>8</sup> How exactly it was used was part of the inquiry. The NAS Committee on occupational classification was in charge of reviewing the uses of the 1977 edition and pointing to possible ways to reform it, especially by reworking the definitions, content, and classification of occupations in the contexts of new challenges — the automatising of the DOT *via* computer systems, the impact of technological innovation on the content of many occupations and the ‘proliferation of services’ (Miller *et al.* 1980, p.xix).

The DOT had been accused of sex biases in the rating of occupation in its third edition (Miller *et al.* 1980, p.188). A section of Chapter 7 of the report was therefore devoted to ‘sex biases’ (Miller *et al.* 1980, p.188-191). The authors found no such biases (p.190-191), but remarked

the main inadequacy of the DOT being the underrepresentation of analysis of jobs in services, especially in comparison to jobs in manufacturing industries. Other limitations are the lack of rigorous data collection and job analyses (one example is the lack of representativeness of establishments surveyed). Many criticisms focused on the outdated ('1950s') vision of the variables included to define occupations and their content measurement, pointing that the general inadequacy of classification may have a disparate impact on the classification of women's jobs.

Further steps were planned, and another report was drafted. The activation of a policy network in which academics expertise is activated in a well-defined relationship to Federal agencies produced a favorable context for comparable worth claims under the Carter Administration. This particular network is usually defined as an 'iron triangle' between parliamentary committees, bureaucracy or administration, and interest groups, mediated by academic research.<sup>9</sup> The type of science and the relation between science and policy displayed in the NAS reports were, however, specific.

### ***Fact and values***

Exclusively devoted to the comparable worth controversy, the third report (Treiman & Hartmann 1981) was characterised by a reliance on a plurality of disciplines – economics, sociology, legal studies, and political science. Wage readjustment was justified by evidence of occupational sex segregation resulting in low pay (Treiman & Hartman 1981, p.ix). Coupled with the interim report's results (Treiman 1979), both market processes and job evaluation systems were deemed potentially tainted by biases. Reviews of empirical evidence show a consistent and stable wage gap between men and women. Between 35 and 40 per cent of this gap was attributed to occupational differences. The interpretation of the effect of occupational distribution on wages was based on a variety of theoretical hypothesis used to explain portion of the gap, or different occupations: theories of labour market segmentation, human capital theory, socialisation.<sup>10</sup>

Concerned with both employment discrimination (defined in the report as 'denied access to higher-paying jobs solely or partly on the basis of social characteristics' – Treiman & Hartman 1981, p.8) and wage discrimination (unequal pay for equal work and unequal pay for comparable work), the committee made the crucial precision that it did not seek to measure

‘intrinsic job worth—whether it exists, on what it should be based, whether it is a just wage’ because they ‘do not believe the value—or worth—of jobs can be determined by scientific methods’ as ‘hierarchies of job worth are always, at least in part, a reflection on values (Treiman & Hartman 1981, p.10). The authors ‘limit’ themselves to assess whether current practices for assigning pay incorporate discrimination. To the question whether the actual wage rates structure is a good approximation of the worth of a job, the report’s answer was no.

Our ultimate view [...] is that the substantial influence of institutional and traditional arrangements makes it impossible to view current wage rates as set solely by the free interplay of neutral forces operating in an entirely open market, no matter how attractive such a theoretical formulation may be. (Treiman & Hartmann 1981, p.x)

As for the conclusion, the report called for more research and advocated for a permanent research unit on occupational research (Miller *et al.* 1980, p.14).

The character of the early comparable worth controversy can be described as a the building of a successful policy network. The reports from the NAS are the main channel of the scientisation of public policy: this process means bringing expertise in, using the perceived objectivity of science to argue a specific policy position. The first reports of the National Academy of Science can be described as cautious—mirroring the Supreme Court decision which opens the door to claims in court—it did endorse the principle ‘but no policy shift [was] asked.’<sup>11</sup> This pluralistic, open-ended advocacy for more research exhibited a conception of science as limited and established a clear boundary with political decision, which remained the prerogative of policy makers, not scientists. Following a changing legal context, this conception and use of economic arguments would be contested in the political arena.

## **Comparing ‘Apples, Pumpkins and Cans of Worms,’ 1981-1984**

### ***A contested agenda***

According to Dixie Lee Ray, Democratic governor of the State of Washington, comparable worth was like comparing ‘apples, pumpkins and cans of worms’.<sup>12</sup> Nancy Perlman, director

of the Centre for Women in Government, a non-profit organisation part of the comparable worth campaign, publicly struck back to the governor's remarks with another food comparison: 'You can compare apples and oranges if you compare their nutritional qualities rather than the superficial appearance' (Perlman 1982, quoted in Turk 2016, p.119). Measuring the worth of a job did not yield the same consensus as measuring the nutritional qualities of fruits. With the new political context, quarrels over statistics, definition, and values moved to Congress.

The EEOC agenda was integrated within the national campaign and gained traction within the administration during the Carter era. The new political context after Reagan's election in November 1980 radically changed this alliance. The EEOC's enforcement efforts were stopped. The 1981 Supreme Court decision, argued from March to June 1981, however, pointed into another direction and was considered a major victory for the comparable worth movement. The decision concerning prison guards held that a plaintiff did not need 'equal work' to be established to sue using Title VII. Crucially, it left open the possibility to claim discrimination between work of *comparable* value. As Judith Lichtman, director of the Women's Legal Defense Fund, one of the many organisations involved in the case, declared,

The door [was] now open to challenge employers who keep women in the kinds of jobs that are low-paid solely because they are traditionally held by women.<sup>13</sup>

Right after the decision, the NAS Committee on Occupational Classification and Analysis became the Committee on Women's Employment and Related Social Issues.<sup>14</sup> The committee was now responding to requests from Congress, rather than from Federal agencies. A flood of Congressional bills proposing comparable worth intensified the debate by bringing experts who disagreed with the committee's previous reports into the conversation. The form and context of testimonies and especially the constitution of a binary opposition between job evaluation and 'the market' directly illustrate the second phase of the use of economic argument: the politicisation of expertise.

### *Experts battles*

With bills and court rulings pushing for comparable worth, the issue was brought to Congress. The hearings became adversarial and the debate polarised. The first scene of this new

confrontation was the Joint Economic Committee hearings held in November 1983, at the occasion of the release of the Census Bureau Report on ‘American Women: Three Decades of Changes.’ In addition to the writers of the NAS reports, two economists – Barbara Bergmann and June O’Neil – were asked to provide written assessments and oral testimonies on the Bureau’s work. Bergmann, a vocal feminist economist, whose pioneering work on occupational segregation went hand in hand with the rise of comparable worth research in academia, produced a political testimony based on the existence of a discriminatory wage structure. She pointed towards the necessity of anti-discrimination laws’ enforcement effort, provision of child support and strong interventionist unemployment policies. Calling O’Neil the ‘Phyllis Schlafly of economics’ (JEC 1983, 68), in reference to the conservative *pasionaria*, Bergmann insisted economists who negate the existence of discrimination were ‘bigots’. O’Neil, an economist at the Urban Institute, presented a series of 15 studies on earning differences between men and women, insisting that factors other than discrimination explained the gap and its narrowing (table 2, JEC 1983, 62-63). In the cross examination by the members of Congress, it became clear that the two economists disagreed as a matter of interpretation. While both agreed that the wage decomposition methods were producing an unexplained residual, O’Neil tended to interpret this residual as a mixture of un-measured variables and potential discrimination while Bergmann interpreted it as evidence of discrimination, adding that discrimination was probably underestimated.

In the next hearing of the JEC, focused on comparable worth itself, the first expert to testify was Hartmann, who presented the results of the last report of the NAS committee (Hartmann & Treiman 1981). In addition to the content of the report itself, she commented on the ongoing political strategy based on the organised ‘confusion’ and ‘alarmism’ (JEC 1984, 19), while Newman insisted comparable worth was now used as a ‘red herring’ (JEC 1984, 26). The lawyer explicitly pointed towards the extension of the claims by opponent, referring to O’Neil’s testimonies which were always referring to economy-wide earning studies to counter local, firm-specific ones. What appears very clearly in the testimonies of non-economists was the idea that ‘the economists’ (27) were now referring to a specific use of abstract principles, which did not correspond to the type of economics the members of the NAS committee were practicing. The two economists in the JEC panel fall into this description of the ‘economist view.’

Cotton Mather Lindsay, professor of economics at Emory University and a member of the Mont Pèlerin society, displayed the slippery slope argument in full force, grounded in references to ‘economic theory’: The ‘undesired side effects’ of the ‘universal enforcement’ of ‘this untested doctrine’ on an ‘economy-wide scale would create severe incentives, employment, and productivity problems’ (JEC 1984, 78). As an almost symmetric and opposed testimony to Bergmann’s one the year before, the intervention was a judgement on the remedies, based on the superiority of competition over intervention considered as the two binary alternatives. This position was anchored in a skeptical view on the existence of discrimination itself, for which ‘very little evidence’ existed according to him (JEC 1984, 78). His main alternative explanations relied on the economic approach to human behaviors as consolidated by Gary Becker and others during the 1970s: the division of labour between men and women in the household explain the different choices they made in terms of efficiency, and what followed is valuation by the market of differential in experience and other human capital differences. Lindsay adds that discrimination can also be ‘a statistical artefact’ due to measurement errors of productivity variables.

While part of his first argument was about the idea that one cannot prove nor disprove discrimination, economic theory predict discrimination will disappear.

One of the reasons for this dearth of testing of the discrimination hypothesis is that it is very difficult to develop from standard economic principles a theory in which race or sex prejudice can produce a wage gap. [...] Economic theory recognises no such distinction as intrinsically high or low paying jobs. The wages in each occupation are determined by the demand for workers and the numbers seeking employment in each. (JEC 1984, 81)

Relying on an interpretation of the Beckerian standard model, if there were discrimination, some employers would increase their profits by employing equally productive women for less: discriminatory firms would be kicked out the market by non-discriminatory ones. In a nutshell, more competition and flexibility were advocated as the solution, not the cause of the problem. Lindsay’s rendition of Becker’s model – which do not include other standard models that show the possibility of discrimination, viz. consumers or co-workers’ discrimination – did not engage with the empirical and technical discussion on the use of job evaluation and refers to application of demand and supply applied to the labour market.

Mark Killingsworth, the second economist, professor at Rutgers and a regular expert witness in discrimination trials, appeared more focused on the nuances of data and interpretation while expressing the same doubts on the ‘untested remedy’ (JEC 1984, 88). While he recognised that employers’ discrimination exists, pre-market and ‘societal’ discrimination were considered more important than market discrimination. Killingsworth pointed to the universal effect of a market economy on the internal pay scale of any companies.

The whole concept of comparable worth is simply fallacious. [...] even in a society where all employers were literally gender blind, there's absolutely no reason on earth to believe that jobs that job evaluation finds to be comparable are necessarily going to get the same pay. (JEC 1984, 85)

While job evaluation methods incorporated market factors, how exactly it did so was not discussed. Killingsworth’s policy recommendation lies in the enforcement of existing anti-discrimination legislation based on equal pay for equal work and, in the case of collusive employers’ practices to keep some wages down artificially, the solution was more competition via anti-trust legislation.

Referring to hypothetical cases at the macro level, what became branded as ‘the economist view’ rely on the familiar supply and demand model. On the opposite in the spectrum of economic arguments lies the theory of internal labour markets as defended by Blau (1978) and largely developed in the NAS reports. These two perspectives crystallised opposite interpretations of discrimination. What filled the missing data and incomplete models were non-statistical evidence and theories, beliefs, and the intuitions of experts. These addenda, while not absent of discussions in the seminar rooms, become crucial points when the debate takes place outside academic settings.

### *The values of experts*

In 1984, the U.S. Civil Rights Commission (USCCR), which had turned conservative the year before, organised another consultation of experts. The conception of science held by experts was more clearly expressed when the commissioners asked about political and epistemic values during the hearings. The hearing started with the discussion of Claudia Goldin’s

historical overview of the economic status of women. Her review of the evidence available pointed to the existence of gender disparities over the century and the importance of different ‘work expectations’ for men and women to explain these differences, mainly crediting factors ‘within society and within the family’ (JEC 1984, 8). When asked her opinion about the comparable worth claim, she admits her uneasiness with the ‘legal literature,’ which is ‘the reverse of what economists generally do’ (13).

[M]y reading of the comparable worth literature from the legal side was that we should look at the attributes of jobs and not the attributes of people. We as economists generally look at the attributes of people, although in competition it wouldn't matter. It just depends upon where your data happen to be better. (USCCR 1984, 6)

Using a century old example, Sidney Webb’s example of teachers’ salaries, she relies on a market explanation for wage differentials: male and female teachers may do comparable work, but they don’t have the same opportunity on the market therefore men command higher wages (USCCR 1984, 8). It became clear that the disagreements mirror different approaches to the phenomena. What became the dominant economists’ view looked at the characteristics of the individuals, economy-wide, while other experts were focused on characteristics of jobs, firm-specific. In the discussions, how to bridge these two perspectives came into full confrontation.

The following panel of social scientists reproduced the binary opposition of how to explain the unexplained gap in earnings studies: economist Andrea Beller and sociologist Paula England start from discrimination, while economist Solomon Polachek and sociologist Brigitte Berger start from women’s choices. While the empirical discussions focused on the explanation of occupational distribution and the decomposition of the wage gap, the main opposition in the end concerned unobservable elements. Beller explains much of the occupational distribution of men and women by crowding of women due to employers’ expectations (USCCR 1984, 16) while Polachek insists on women’s choices in labour participation and commitment over the life cycle (19). He also recognises ‘societal type preconditioning’ (20), broadly in line with England’s ‘socialisation’ explanation, but ruled out blatant discrimination as driven away because of the profit motive. While Polachek insists ‘this research on occupations is still at the preliminary stages’ (31), he adds



Nevertheless, *I am sure that reasons exist that can be explained by the market mechanism*, which characterise the differences as to why women tend to be more in clerical occupations as opposed to blue-collar occupations. (USCCR 1984, 31, my emphasis)

Polachek uses abstract market principles as the main epistemic stand when confronted with limited data, in combination with ‘common sense’ examples, such as women need to be close to a phone and choose occupations accordingly (31, 35).

To Polachek’s ‘voodoo economics’ (25), England opposes ‘blending the information’ from more than one discipline. In the absence of information on preferences, she quotes survey research to elucidate how employers take actual decisions. Citing a survey of 800 managers asked with hypothetical decisions to make on the basis of written characteristics, she advocates for the existence of a customary way of setting wages, tainted by sex stereotypes. Discrimination here concerns the allocation of wages to jobs. She also insists the problem was not crowding of women but custom, produced over time, that define the value of a ‘woman’s job’. The other sociologist also offers a take on values, women’s values. Brigitte Berger, who admits she ‘feel[s], on this panel, like the proverbial rabbit that has unwittingly fallen into a lion’s den of economists, lawyers, and the like’ (28), also provide survey evidence that women value family more highly:

One may consider the strong preferences American women give to their families irrational and misguided. But who is to decide upon life priorities in a world that appears to become ever more complex and uncontrollable? (28)

During the cross examination, Commissioner Bunzel directly asked about epistemic and political values of the experts who see the ‘same data’ ‘through different pairs of glasses’ (37).

Why do these two very good scholars come at these particular data and, very honestly, as colleagues have differences? I suggest [...] that it has something to do with some of the following things: Dr. Polachek believes in the free market and is something of a libertarian. Dr. England believes in something that might simply be called more of the welfare state ethic or the role of the government to have a role in trying to remedy inequity, rather than the market. [...] I really would like to ask each of you to go beyond your papers, beyond the data, beyond what it is we have been

talking about here for the last hour and a half, and just talk with us a bit about what basically are some of the fundamental assumptions based on your own values that lead you to your different views of this question. (37)

England offers both an answer on epistemic and emotional grounds. On the methodological side, the difference, according to her, is one of the status of theory in relation to data.

[Polachek] is trained in the paradigm of neoclassical economics. For neoclassical economists, when the data don't fit the theory, they retain the theory while looking around for data that support the theory. Now, in sociology, we don't have any coherent grand theory, so we look a lot at empirical evidence. We may entertain a hypothesis from economic theory or anywhere else. (37)

In addition, however, she adds that

Maybe in the final analysis it does get down to what moves you. It bothers me a little bit to think of concentrations of government power. If they were much more concentrated, I would be more bothered. It moves me a lot to think that women are not earning their worth because employers may take sex into account in setting the wages of jobs. [...] That moves me to advocate some prescriptions to eradicate this kind of discrimination. (38)

Polachek denied the differences of opinions were 'philosophical,' affirming 'an empirical economist' 'can separate the theory from the numbers, and [that] the conclusions [...] does not depend on any underlying theory' (39). Beller agrees the differences were not 'philosophical' while disagreeing with Polachek.

I am as much of a free market economist as Professor Polachek. We were both trained by the same Chicago-oriented professors, and I agree with England. I think the difference is a difference of experience. Professor Polachek believes that there is no discrimination against women in the labour market by employers, and I do. (40)

If one can agree with Commissioner Bunzel that 'there is something here that has to do with values' (40), emotions, experiences, alongside methodological choices and overall 'philosophical' views entered into the formulation of opinions, that goes beyond the mere scientific analysis when put in the political arena. Crucially this are elements that became salient when economists go 'beyond their models'. The strategy to use 'objective technique' to settle debates on a thick concepts and their implementation proved to have limited reach

when put in a political arena. Scientific knowledge was displayed alongside statements on values of different nature and did not bring the closure expected.

This sketchy picture of experts' disagreements during three different hearings between 1983 and 1984 is in itself at odds with the depiction of the 'consensus' reached within the NAS research. The later reports based on two different conferences held in 1982 and 1983 respectively and published in 1984 and 1985 would incorporate these opposite stances: more proceedings than collective writing, it reads as a list of approaches and opinions. The 1985 report is the result of a seminar organised in October 1983 and mainly sponsored by the Ford Foundation, edited by Hartmann (1985). The two papers by economists, reproduced in the report, one by Bergmann, the other by Killingsworth illustrated the binary opposition seen in testimonies. The report's conclusion emphasised the fundamental political nature of the debate in relation to diverging conceptions of choices and determinism. While a further agenda for research was delineated, the Administration's assault against the Washington's decision was imminent.

### **A Pyrrhic defeat, 1985-1989**

In 1985, the same year the committee published a fifth report (Hartmann 1985), all the agencies in charge of equal opportunity declared the principle of comparable worth unsound. Starting in 1984, battles in courts reversed most decisions of the early 1980s, no federal legislation was voted. However, in many different places, comparable worth schemes were implemented, especially in public employment. This last moment is characterised by the use of economic arguments against comparable worth by a variety of actors. This last section questions the trade-off between the scientification of policy and the risk of weaponisation of scientific arguments: it questions in particular the effect of organised skepticism when the chosen strategy relied on the objectivity of a method.<sup>15</sup>

### ***'A rhetorical issue'***

In the 1980 Presidential race, Reagan was elected on a clear anti-feminist agenda. For the first time in the US history, the 1980 November presidential election displayed a marked gender

gap in voting patterns: a majority of women voted for Carter (Coste 2016; Carroll 2018). Addressing this gender gap was on the agenda for the re-election campaign four years later.

The new administration's agenda was based on the rehabilitation of the traditional role of the housewives as the main *choice* of women. As one White House memo puts it in 1983

as real wages once again begin to rise, women who have been *forced* into the labour market to help buttress eroding family incomes will *once again be freer to stay at home* and care for their children (quoted by Coste 2016, §18, my emphasis)

During a 1983 White House meeting devoted to this question, Reagan's staff concluded that no concrete gestures had to be made towards women as, according to them, 'the women's issue is rhetorical.' In this regard, 'perceptions are more important than substance.' In other words, all Reagan needed to reassure women was a 'successful communication strategy' (Women's Issue Meeting Conference Report, April 6, 1983, quoted by Coste 2016, §20).

Another court decision made the 'rhetorical' issue even more burning. The State of Washington has been a pioneer in comparable worth research as well as implementation, the first state to actually study its wage structure in 1974 (Turk 2016, 110). Starting in 1982, the State would also be the site of one of the most important lawsuits following *Gunther*. In October 1983, Judge Tanner, the first black federal judge in the northwest United States, found the state guilty of sex discrimination and ordered to implement a comparable worth program, which would have given pay raises to about 15,000 state workers, costing the state more than \$500 millions. This decision was still pending during the campaign.<sup>16</sup>

The rhetoric of the Reagan Administration relied on the extension of the scope of comparable worth beyond what was advocating (the slippery slope) and the idea of women's choices, both central to neo-conservatism.<sup>17</sup> The abstract principles of market forces were used to advocate for *status quo*, while comparable worth was framed as threat to capitalism at large, abstracting from the administrative, technical, and firm-specific agenda of its advocates. It is paralleled by the rise of references to 'economic theory' in both experts' and politicians' discourses. As Turk (2016, p.120) points out: 'powerful men deployed the abstract metaphor of the free market as an antidote to many of the nation's specific problems.' The relation between this rhetoric and knowledge produced in economics at the time is however ambiguous.

### *A 'medieval concept' vs modern Labour Economics*

The use of abstract economic principles by politicians was not new and not specific to the comparable worth controversy. Neither were the specific strategy of organised skepticism backed up by a network of think tanks (O'Connor 2010)—such strategies were used on both sides of the political spectrum. In this case, Phyllis Schlafly's Eagle forum and the Heritage Foundation were at the forefront of the battle against comparable worth. One of the strongest opponents to comparable worth, conservative activist Phyllis Schlafly, shifted her target from the defeated ERA to the comparable worth principle during the second Reagan campaign. In a discourse in front of the Chamber of Commerce in 1984, she urged Reaganites to 'stop in its tracks' the comparable worth movement, a 'tremendous threat to the private enterprise system.'<sup>18</sup> Schlafly's political group, the Eagle Forum, started lobbying state legislature to block comparable worth bills and sent letters to Congress about the danger of this doctrine.

Heritage Foundation's policy analyst Anna Kondratas detailed the 'Orwellian definitions' (1984, 3) of pay equity defined by 'objective numerical rating system' (4). Despite appearance of moderation, implementing comparable worth 'would mean a giant step toward central economic planning, because "fair wages" would be determined by bureaucrats and consultants instead of employers and employees.' (1984, 2). Replacing market value by objective worth makes 'no economic or social sense' as it 'would make women a protected special interest whose wages would reflect not market value but arbitrary bureaucratic edict' (1984, 12). The Foundation's agenda for the Justice Department advocate that 'the fight against comparable worth must become a top priority for the next Administration.' Concrete recommendations were included in a document 'Mandate for Leadership II: Continuing the Conservative Revolution'. As the Associated Press reported that 'After the foundation issued a similar report in 1980, more than 60 percent of its proposals were acted on in the first year of Mr. Reagan's term'.<sup>19</sup>

One key element in the rhetoric was the rejection of comparable worth as a 'medieval' approach to the measurement of worth, interpreted as assigning an intrinsic value to work. The adjective 'medieval' is a direct reference to the theory of St Thomas of Aquinas. It was common to associate the scholastic theory of just price with the idea of intrinsic value (cost) determining price.<sup>20</sup> In fact, close reading of Aquinas shows that the just price was associated

with the current market price ‘established in the absence of fraud or monopolistic trading practices ... the price generally charged in the community concerned, rather than the price dictated by the preferences or needs of any one individual’ (Gordon 1987). Medieval concepts – or other concept from the past – have been used to justify current policy by giving it the aura of tradition. The scholastic doctrine of just price taken from various authors have been convoked to justify the theory of living wage, or to support guild socialism or the corporate state. The recurrent reference in the present case was used to undermine rather than give authority to comparable worth. The reference can be found in Mark Killingsworth’s and June O’Neil’s respective testimonies at Congress, but the association was most notably publicised by Reagan economic advisor, William A. Niskanen.

In front of a group of women in Washington, Niskanen told his audience that comparable worth was a ‘medieval concept of the just price and the just wage [...] whose time had passed’.

Would you want your own salaries to be based on the determination of some committee of social scientists, with the force of government behind them?

The event was a debate between Niskanen and George L. Perry (from the Brookings Institution), one of the Democrat presidential candidate Walter F. Mondale’s top economic advisers. Brought to the floor by Niskanen, who attack Mondale’s only new proposal, ‘something called comparable worth, a truly crazy idea’. Niskanen cited extensively June O’Neill’s research. <sup>21</sup>

Former Carter Labour Secretary Ray Marshall had responded to this line of argumentation in his testimony before the U.S. Commission on Civils Rights in 1984. While he based his position on the duals markets hypothesis, he also argues that conception of value as ‘just price’ was widespread practices, by which he means pay practices based on status and perception of equity.

[I]t is sometimes argued that comparable worth is like attempting to return to the obsolete, medieval concept of the just price. The trouble with this argument is just price or equity still plays an important role in wage determination in internal labour markets, especially in government employment. Governments typically make surveys, but do not translate the results into wage changes, arguing that such survey

results are too high or too low — which is an equity and not a market idea. (USCCR 1984, 120-121)

Marshall's analysis of practices on the labour markets was becoming less and less representative of 'modern labour economics' – which primarily refers to the application of neoclassical price theory to labour issues.<sup>22</sup> What used to be framed as a rational wage policy (using job evaluations) became seen as based on an obsolete and subjective conception of value: While proponent of comparable worth has analyzed the market as biased, modern labour economics sees bureaucratic processes as biased.

### *Some concrete implementation*

In 1985, the US Civil Rights commission, the EEOC, as well as the Office of Management and Budget condemn the comparable worth principle as unsound. The same year, a court of appeals reverse the earlier Washington judgement. Eleanor Holmes Norton has been replaced by Clarence Thomas as the head of the EEOC.<sup>23</sup> June O'Neil would become head of the U.S. Commission on Civil Rights. But comparable worth was, in fact, 'far from dead:' some concrete implementation of comparable worth compensation in the public services followed the political defeat of the movement.<sup>24</sup>

Comparable worth has been adopted by the International Labour Organisation and many nations, and by 1989, twenty US states had implemented similar programs (Hartmann and Aaronson 1994). In 1989, the Committee on Women's Employment and Related Social Issues established a Panel on Pay Equity Research. Funded by the Ford and Rockefeller foundations, it distributed \$150,000 in research funds. The reports based on the proceedings of a workshop held in 1987 concluded that 'the largest gap in the base of knowledge was not a gap in theory nor a gap in policy measures, but rather a gap in the facts about how the labour market functions, how wages are set, how firms operate in structuring their remuneration schemes, how decisions about promotions and new hiring are made, and for the several instances in which comparable worth legislation has been implemented, how comparable worth worked, and how it was accepted' (Michael, Hartmann, and O'Farrell 1989, vii-viii). Presenting 'new, and, in some instances, contradictory findings,' the purpose of the panel 'was not to draw conclusions and make recommendations for policy' but 'rather to stimulate research' and to

encourage (1989, ix). The report contains analysis of state-imposed comparable worth legislation in Iowa (introduced in 1985) and in Minnesota (passed in 1982), as well as studies of national policies in Australia and Britain.

From the 1950s to the 1980s, a majority of US employers used job evaluation methods (Adler forth.). By the 1990s, the system was dismantled and framed with new narratives about employers as price takers. Practices of pay setting relying on market-based surveys became the norm in the late 1980s. Market survey use data from typical pay rates in a given market for a given set of jobs, collecting information on how much competitors are willing to pay for certain skills. According to Adler, the majority of companies abandoned the use of job evaluation in response to the increasing risk of liability (Adler forth.). Adler shows ‘the unique role of markets in American society, as a construct to which organisations can ascribe responsibility for controversial outcomes’ (p.4). In that sense, the shift from a job’s worth to a person’s price (Adler’s expression) was first imagined before being establish in practice.

## **Conclusion**

Comparable worth did not change the world as fully as its champions had hoped or its opponents had feared. Dobbin (2009, p.3) described the 1970’s and 1980’s as ‘the fourth act of the equal opportunity drama’, when personnel experts, judges, and bureaucrats were left to define concretely the practical meaning of ‘equal opportunity.’ In this ‘drama,’ sets of ideas and tools became the centre of debates. The resolution of the comparable worth controversy into a political defeat and a paradoxical (limited) implementation is a specific window on how a set of ideas lose value to another.

In this controversy, three location of the intersection between economics ideas and the real world can be delineated: economic knowledge in policy reports, economic expertise discussed in the political arena, and finally, economic ideas in the public sphere. Comparable Worth claims got traction into policy by the activation of a tested policy network. It lost its traction essentially because of the dislocation of the favorable policy network due to the new political context, whose consequence was to create a critical assessment of the idea and its implementation in Congress. In the larger debate in the public sphere, economic arguments



were successfully used by a variety of economic actors to produce skepticism over comparable worth as an idea and a policy.

Three elements emerge from this story. First, there is an asymmetry of influence between scientific arguments as rebuttal and scientific arguments used as proposals, leaning towards reinforcing the *status quo*, or serving as cautionary tales and precaution principle – depending on the value assigned to the proposal itself. Second, the difference and nuances between local and general knowledge over a phenomenon gets lost or instrumentalised in the general debates. Finally, extending the concept of discrimination beyond equal pay for equal work proves difficult in the absence of a simple measurement of occupational segregation. This last point is illustrated by the forms of the debates and the emergence of discussion on values rather than measurement. The trade-off between the benefit of relying on social sciences to make policies and the risk of politicisation of science largely depends on contexts that determined the scale, scope and strategy of expertise usages. Crucially, it is not the scientists who decide if their ideas are political or partisans but rather politicians tied by electoral and policy agendas.

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<sup>1</sup> Walter Goodman, 'Equal pay for 'comparable worth' growing as job-discrimination issue', *New York Times*, Sept 4, 1984.

<sup>2</sup> 'The remuneration of the peculiar employments of women is always, I believe, greatly below that of employments of equal skill and equal disagreeableness carried on by men.' (Durbin & Melber 2001, p.371). Mention of wage differentials according to skills and disagreeableness is a reference to Adam Smith's compensating wage differentials (1776, *Wealth of Nations*, Book 1, Chapter 10).

<sup>3</sup> For a history of job evaluation methods, especially the Hay Group's method, see Lussier (forth.).

<sup>4</sup> The *Equal Pay Act* banning sex discrimination was passed in 1963; the *Civil Rights Act* outlawed all forms of discrimination in 1964.

<sup>5</sup> Both women are quoted in 'The Equal Pay Issue: Focusing on 'Comparable Worth'' by Leslie Bennetis, *The New York Times*, October 26, 1979.

<sup>6</sup> 'In accordance with the Academy's congressional charter, enacted in 1863, the National Research Council responds to requests from executive branch agencies and the Congress for advice on scientific and technical questions, and on occasion, takes the initiative in proposing studies on topics of national concern.' (JEC 1984, p.2)

<sup>7</sup> The committee is composed social scientists (two demographers, four psychologists, two economists, one statistician, one sociologist), one law professor, one labour representative and two human resources managers from big corporations. Staffers include sociologists Donald Treiman (study director) and Pamela Cain, economist Hartmann, and applied data scientist Charles F. Turner. Research assistants were Patricia A. Roos and June Price.

<sup>8</sup> The DOT was first published in 1939 to supply a classification of occupation to the U.S. public employment service whose origins lies in the Great Depression (the *Wagner-Peyser Act* of 1933). Updated version appeared in 1949, 1965 and 1977.

<sup>9</sup> 'Policy networks are sets of formal institutional and informal linkages between governmental and other actors structured around shared if endlessly negotiated beliefs and interests in public policy making and implementation' (Rhodes 2008, 2).

<sup>10</sup> References to recent works in economics include Beckerian and Mincerian empirical analyses on the one hand, and Bergmann, Francine Blau and Barbara Reagan's respective works on occupational segregation on the other hand.

<sup>11</sup> 'Bias on Women's Pay found, but no Policy Shift Is Asked' 2 September 1981, *Washington Post*.

<sup>12</sup> Quoted in 'The Equal Pay Issue: Focusing on 'Comparable Worth'' by Leslie Bennets, *The New York Times*, October 26, 1979. Dixie Lee Ray had replaced Evans, former governor of the State who commissioned the first comparable worth study in the early 1970s and advocate of equal pay legislation.

<sup>13</sup> 'Justices Widen Range of Women's Pay Suits' by Linda Greenhouse, *The New York Times*, June 9, 1981.

<sup>14</sup> Membership in the two committees extensively overlaps, especially with former staff member becoming part of the sitting committee, such as Treiman, Pamela Cain, Karen Oppenheim Mason, and Patricia Roos; Hartmann became the study director.

<sup>15</sup> It is usually easier to destroy an analysis, rather than establishing the relevance of one's own approach or arguments. This is what Sheila Jasanoff (1992) has observed about scientific expertise in general (she takes the example of DNA tests): adversarial processes reinforce skepticism over every bit of evidence, rather than consensus-seeking. The weaponisation of expertise is about undermining the credibility of the adversary, rather than organizing *disputatio*. See also Colins's concept of 'experimenter regress' (Jasanoff 1992, p. 349).

<sup>16</sup> This 1983 ruling would be killed by a later settlement and overturned by the U.S. Court of Appeals for the 9th Circuit in 1985. In the settlement, more than 35'000 workers received \$482 millions. 'Comparable Worth' Case Settlement: Union and Washington State Agree to Terms Distributing \$482 Million to 34,000 Workers.' By Sara Fritz. January 1, 1986. *Los Angeles Times*.

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<sup>17</sup> This slippery slope line of argumentation is one of the three types of argument Albert O. Hirschman identified as characteristic of the rhetoric of reaction (Hirschman 1991). The case against a proposed reform is not assessed on the basis of the merits of the reform itself, but on its imagined consequences around several elements: the perverse effects (the unintended consequences of the reform), the ineffectiveness of the reform (the intractability of the problem and the insufficiency of the reform as a solution), and danger of the reform itself.

<sup>18</sup> 'Conservative Urges Movement Against Comparable Worth' by Jill Lawrence, April 18, 1985. Associated Press.

<sup>19</sup> 'Reagan Urged to Block Comparable Pay Effort' AP December 3, 1984.

<sup>20</sup> See de Roover (1958) for the debunking of this interpretation.

<sup>21</sup> 'Reagan Aide Assails Comparable Worth Idea' by Peter T. Kilborn, NYT, October 19, 1984.

<sup>22</sup> The shift toward a 'modern synthesis' in economics in general started in the 1950s (Morgan and Rutherford 1998) and became the dominant approach in labour economics only in the late 1970's (McNulty 1980, Boyer and Smith 2001).

<sup>23</sup> Thomas' nomination to the Supreme Court was nearly cancelled as he was accused of sexual harassment. Anita Hill's testimony against him became a landmark in the history of feminism.

<sup>24</sup> 'Comparable Worth: Far from Dead: The Job Can Be Done in Legislatures and in Bargaining' by Michael Evan Gold, sept 10, 1985, *Los Angeles Times*.