

Legal attitudes changing

Attorney cautions against inequality

By ERIC BENJAMINSON
Of the Emerald

The United States Constitution says all men are created equal. "But it don't say nothing about women. Our democratic ideology pays mere lip service to the concept of equality," says Pamela Jacklin, Northwest feminist attorney and administrator.

Speaking Wednesday at the first of a series of symposiums dealing with sex equity in schools, Jacklin explored the issue from a legal perspective, focusing on its effects on educational policy. The seminars are sponsored by the Center for Educational Policy Management.

Before the turning point of the early 1970s, an attitude of "romantic paternalism" predominated in the judicial and legislative branches of the government, Jacklin said.

"This paternalism", she explained "manifests itself in the placing of women on pedestals, in an attempt to protect them from society and the occupational world."

Court opinions from the nation's beginnings to the late 1960s have attempted to keep women there, she added.

But by 1970, both the courts and Congress had recognized sex discrimination, Jacklin said, and began to look upon gender as an "accident of birth." Since this pivotal point, significant action has been taken.

Citing a number of legal cases, Jacklin pointed to substantial changes in public policy in the area of

discrimination. After passage of the women's suffrage bill in 1920, she said, many of the special privileges given men were removed.

Women now have the right to hold political office and to serve on juries, although the right to serve in the armed forces is still somewhat restricted.

The Supreme Court and Congress now are grappling with the question of whether distinctions can ever be made on a sexual basis.

Quoting Supreme Court Justice John Stevens, Jacklin said that "the force of habit makes distinctions on the basis of sex. Today, we are beyond that habit, and gender is no longer a permissible distinction."

Jacklin's main concern is that distinctions not be based on untrue generalizations.

The key question, Jacklin said, is whether to look at the average characterizations of men and women or to deal with individuals, which that would make sexual differences irrelevant.

Insurance industry policies are particularly susceptible to the "fallacy of generalization." Women, Jacklin said, are forced to pay more in pension payments than men, because their life expectancy average is greater. Jacklin argued that such concerns would be meaningless if people were treated as individuals rather than averages.

Jacklin said she sees hope in the changing legal attitudes toward sex discrimination.



Pamela Jacklin Photo by Suzanne Aigun

Linguistics courses get senate approval

The University Senate dealt with its one-motion agenda in short order yesterday, approving English Prof. Derry Malsch's motion to add two new linguistics courses to University group requirements.

Malsch's motion proposed that Linguistics 151 be included among those courses fulfilling Arts and Letters group requirements, and that Linguistics 311 meet requirements of the Social Science group.

The body approved, with 28 Senate members voting in favor of the motion, none opposed and four abstentions.

Senate members also argued that Linguistics 311 should be listed with Arts and Letters courses instead of with Social Science group requirements as requested in the motion.

An amendment to include Linguistics 311 with Arts and Letters courses was eventually defeated, however.

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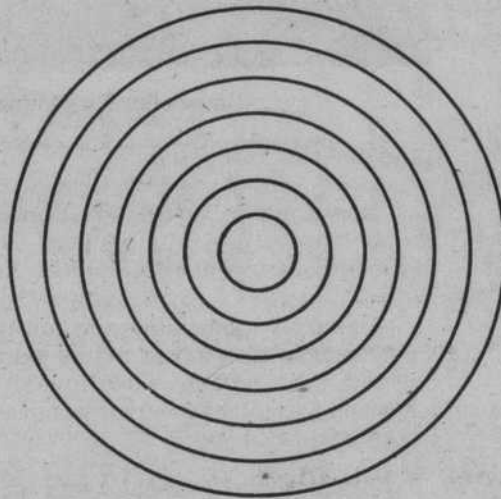
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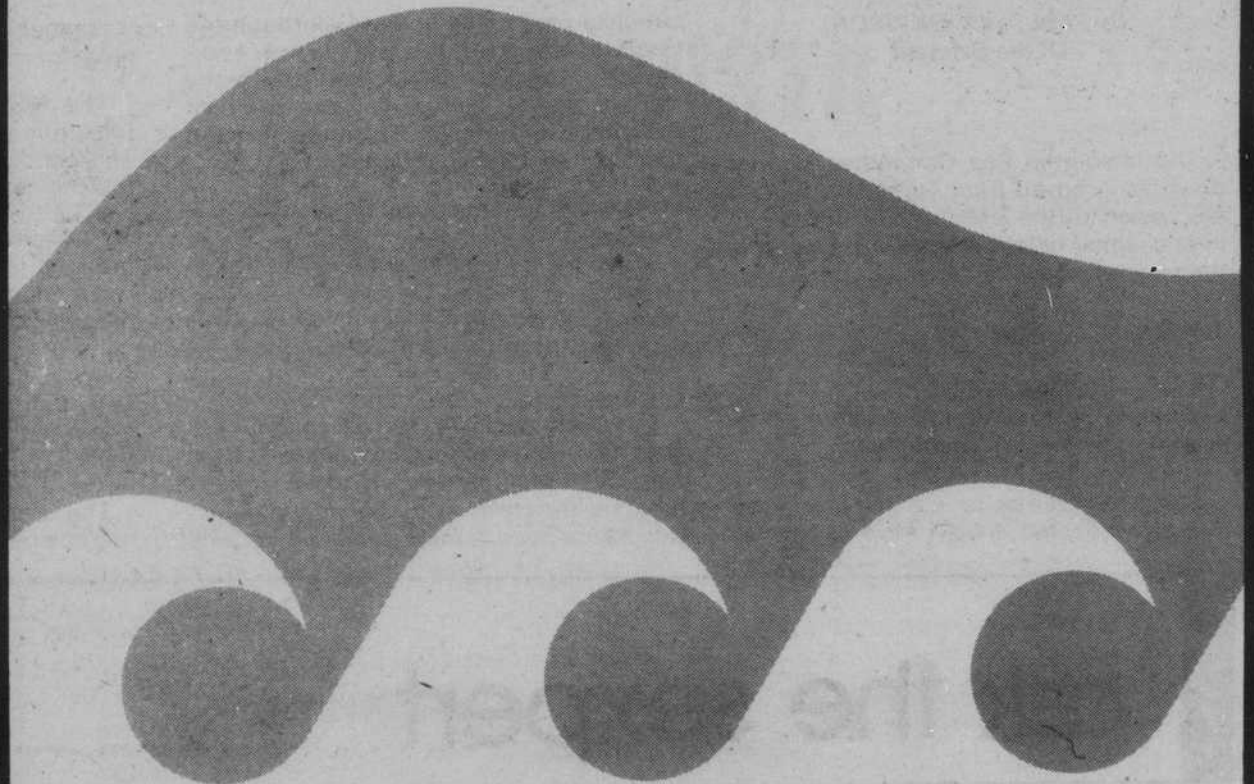
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