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Harvard Law sees setbacks; in bid to diversify its faculty

BYLINE: By Chris Black, Globe Staff

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Efforts by Harvard Law School to diversify its faculty are hitting internal and external obstacles as one controversial feminist scholar fell short of the two-thirds vote needed to win appointment last week and another prominent female professor rebuffed the school's approach.

Catharine MacKinnon, a professor at Michigan Law School who ranks among the nation's most prominent feminist legal theorists, received a majority of votes at last Friday's faculty meeting, but fell several votes shy of the two-thirds needed for appointment. The vote was 32 to 22, according to several faculty members.

The previous week, Carol Rose, a professor who teaches property and environmental law at Yale Law School, was approached by the Appointments Committee, which screens candidates and makes recommendations to the full faculty. She said yesterday that she seriously considered the offer but turned it down because she is happy in New Haven. The Harvard Law Record last week incorrectly reported that Rose is black.

Despite these two setbacks, Robert C. Clark, Harvard Law School dean, said the school was making steady progress toward diversification of the faculty.

Three of the four faculty job offers made this year have been to women, he said - two to senior women at other schools. Elizabeth Warren, a visiting professor from the University of Pennsylvania, received an overwhelming endorsement from the faculty, but she has not yet accepted the offer.

Despite continuing controversy at the school over the lack of black females on the tenured faculty, the university has not yet made an offer to a black woman and faculty members indicated that they are still having difficulty finding a candidate.

MacKinnon, who has broken legal ground in her work on sexual harassment and pornography, said that she was gratified by the number of supportive votes but not surprised by the rejection.

"It's amazing how close it was without a bloody fight," she said. "Everyone knows Harvard has a problem. This is not anything new. This does suggest they have not yet moved to solve that problem."

MacKinnon has taught at Harvard twice as a visiting professor, in 1980 and 1983, and said she thinks well of the school.

Of the 60 tenured professors at the law school, only five are women, all white, and three are black men. One of the woman, Kathleen Sullivan, has announced that she is resigning this year to take a position at Stanford Law School. Derrick Bell, the senior black faculty member, left the faculty last year after taking an extended leave to protest the lack of a minority woman on the permanent teaching staff.

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Clark declined to discuss the MacKinnon case in keeping with school policy that the candidacies of faculty members remain confidential until they are approved and accepted. "The bulk of our appointments activity in terms of actual positive results, has been women and minorities," said Clark. "I expect in the next few years, certainly with respect to women, there will be a much larger number in the faculty."

Harvard professors and students suggested that MacKinnon's failure to muster a two-thirds vote showed the difficulty that some controversial women have in winning acceptance from the male-dominated faculty.

"Her message is the biggest problem," said a law school professor who asked not to be identified. "By definition, her message is intimidating to men. It's a bit of a miracle that she got as many votes as she did. I do think conservative women have a much easier time getting tenured appointments."

Camille Holmes, the coordinator of the student Coalition for Civil Rights which held a silent vigil in support of MacKinnon outside of the faculty meeting last week, said, "They seem to have a real difficulty accepting women and blacks."

"For them to reject a person of her stature in the academic community invalidates the standards they proclaim to rely upon for objective consideration," she said. "There is a different standard for women."

Not all students supported MacKinnon's candidacy. Hans Bader, a second-year law student from Maryland, strongly opposed her and said her opposition to pornography amounted to censorship.

Her legal work to restrict pornography has collided with free speech proponents who otherwise might be supportive of her. At Harvard, for example, professor Alan M. Dershowitz, a specialist in the first amendment, told students that he strongly opposed her candidacy.

PERSON: CATHARINE A MACKINNON (58%);

ORGANIZATION: HARVARD UNIVERSITY (94%); HARVARD UNIVERSITY (94%); UNIVERSITY OF PENNSYLVANIA (55%); UNIVERSITY OF PENNSYLVANIA (55%);

COUNTRY: UNITED STATES (92%);

STATE: MICHIGAN, USA (92%); CONNECTICUT, USA (56%);

CITY: NEW HAVEN, CT, USA (56%);

COMPANY: HARVARD UNIVERSITY (94%); HARVARD UNIVERSITY (94%); UNIVERSITY OF PENNSYLVANIA (55%); UNIVERSITY OF PENNSYLVANIA (55%);

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