

God, women and stealing

Joan Chittister | Feb. 3, 2009 From Where I Stand

Editor's Note: Sr. Chittister has been on a sabbatical from her Web column to finish another writing project. But we received this column and a note today that said: "I'm back online." Welcome back Joan.

"Stealing is a sin," we teach to our children and preach to our converts and enshrine on the tablets of Ten Commandments we display in our public institutions. But don't worry, we don't really mean it. We don't believe it. We don't practice it; we don't argue for it and we don't protect it. In fact, use enough legislation and enough god-talk and, in certain well defined arenas, it can be absolutely virtuous to steal. Ask any woman.

The first act of the new president, Barack Obama, was to sign into law a new Equal Pay for Equal Work Act. A similar act had been signed 46 years before, but it took another act of Congress to make it operable. In the meantime, from then until now, the stealing -- and the lying that made it possible -- went on.

The new bill did not really attract much attention. The passing and the signing of the Act was almost as quiet as the dishonesty in which it was rooted and the sanctimonious underpinnings that supported it. After all, it was basically about women -- whom God, after all, had made "equal but different." Equally qualified to do physically hard or intellectually difficult work but different -- read female -- and, therefore, unworthy of being treated equally.

The 1963 Equal Pay for Equal Work Act years before this one required that a person being paid a discriminatory wage -- wages that were less than others doing the same work were paid to do -- launch their complaint about the situation within 180 days of having received the first discriminatory paycheck.

Problem: Few people could get actual proof of the difference between what they were being paid to do a job and what others doing the same job in the same corporation were also being paid.

Take Lilly Ledbetter, for instance. It took 19 years to prove her case. Lilly was hired by Goodyear Tire and Rubber in 1979 at the age of 48 as one of four online supervisors. There were three men and herself each heading one of four different teams of workers and all of them doing the very same work.

Lilly was paid \$3,600 a month; each of the men were paid from \$4,300 to \$5,200 for performing the same service on the same assembly line for the same number of hours every month.

But though Lilly had always suspected there was a difference in the pay scales of the four of them, there was no way to be sure. And after all, believe it or not, they had all been instructed not to talk about their pay to anyone but their families. It was a "don't-ask,-don't- tell world" for everyone: for gays, for children, for minorities, for women workers.

Only as she neared retirement, almost 20 years later, did some anonymous person secretly deposit a copy of the company's pay rate scale on her desk. "I lost my composure," she says. "It was sort of like falling. I looked to see if anyone was looking at me as I read the note."

A lower court ruled in her favor but the Supreme Court in a 5-4 decision ruled against her. That Court ruled that she did not qualify for redress unless she had protested the discrimination within 180 days of the first discriminatory pay check 19 years before. Despite the fact that she had no proof of the discrimination until she was almost ready to retire.

So, more than 40 years after the signing of the first Equal Pay Act, she took her case to Congress to change the law.

Yes, the lower court had awarded her \$3.8 million but, given the fact that wage discrimination compensation is only granted on the last two years of employment, her award was capped at \$300,000. Her lawyers were to receive 50% of that amount and she would be liable for taxes on the remaining amount "in lieu of wages."

Then, the Supreme Court wiped even that amount out completely.

Clearly her march on Congress was not about the money. As she said, "It was always about the right thing to do..." As she talked about the boxes of letters she got from people all over the country in all professions who had gone through the same thing, she added, "People told me to keep up the struggle." And she did. For years.

A sad story? Indeed. Lilly Ledbetter was a mother of two children, one in high school, the other in college when she went to work in a society in which a one-paycheck household can barely put food on the table, pay the mortgage and educate children, all at the same time.

A tragic story? No doubt about it. For 20 years, this woman -- and an entire population like her -- was demeaned as a person, diminished as an employee and doomed to a lower standard of living than the men she worked with side by side all her working years.

A criminal story? Clearly. It was white-collar stealing, supported by an equal-but-different theology, legislated by the courts and ignored by corporations who are the icons of ethics in this culture.

Lilly Ledbetter -- do the math -- not only received anywhere from \$896,800 to \$1,033,800 less in lifetime earnings than her male counterparts, she is left to live out her retirement based on the pension and social security figures computed on those lower figures. This kind of corporate theft has affected her entire life.

Surely, equal-but-different does not mean to imply that God had poverty in mind for women. Surely "thou shalt not steal" does not really mean that you can rob a woman and claim moral innocence. Surely no law is meant to imply either.

From where I stand, it seems clear to me why Barack Obama wanted this particular bill to be the first piece of legislation to launch his new presidency. After all, who else, besides descendants of people who had been forced into slavery and out of the social mainstream really knows the effects of legal discrimination. Who else is brave enough to admit that slavery will not really be over until women have all the rights of men -- as blacks for years sought those of whites.

The question is when will the rest of us realize it, too, -- and say so.

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