

# **Diversity? The Europeanization of difference and the influence of the United States on conceptualizations of equality policy**

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### *Transnational policy ideas and backlash*

The fight against social injustice is global, and the exchange of strategies and approaches to improve the position of discriminated groups is an important industry. Equally so, the sophistication of those who would discredit efforts to improve the position of discriminated groups has grown. There are few areas in scholarship that are more polarized and infected in the United States at present than those that deal with racial and sexual injustice and measures to counter it. Equality issues are front-page news in the U.S. with Supreme Court debates on legality of homosexual sexual activity, legality of affirmative action in education, as well as a number of cause célèbres such as the Jason Blair incident at the *New York Times*, and court action against Wal-Mart for sex discrimination. These debates are both symptom and consequence of the changed public environment. Equality policy has empowered groups to make claims and led organizations to make some changes on the one hand, but has also led to a concerted and well-funded backlash on the other. The sophisticated opposition to public policy to address inequality put proponents of equality on the defensive. Driven to consolidate their forces and analyses, the strategy of diversity arose. But it may be argued that this approach contributed to the construction of higher walls of difference. Just at a point of time when it seems that there are ever-increasing occurrences of crosscutting or intersecting identities the strategy of diversity in the U.S. may have led to an increasingly forced homogeneity amongst very diverse groups

As the European Union moves towards a higher degree of social integration, the issues of living together with difference will also grow in importance. Any newspaper in the Northern part of Europe makes this apparent every day. The European Union itself has made one of the furthest reaching declarations of ambition in relation to discrimination in the Amsterdam Treaty Article 13 (in effect 1999) which forbids discrimination on the basis of sex, racial or ethnic origin, sexual orientation, religion or belief, age and disability. The directives to carry out these ambitions signal a new approach to the issue of equality, with a far wider reach, demanding that governments not only change their laws to sanction

discrimination, but further set up institutions to deal with complaints and stimulate research<sup>1</sup>. In combating gender inequality the EU made some, if limited progress in part due to the lack of a strong legislative base (Duncan 1996, Hoskyns 1996, Rossilli 2000). The Amsterdam treaty provides the beginnings of that legal base not only for gender, but also for a wide range of other issues. The ambition is to battle all forms of discrimination, and the aspects to be addressed are explicitly mentioned in the treaty. Social movements of feminists, gays, lesbians, and the disabled lobbied intensively in the Amsterdam process to see that their groups were named in the Treaty. A perhaps unintended consequence of this grouping is that implementation has begun to address discrimination as a homogeneous problem, rather than one with diverse contextual and structural causation. In naming the claimants, and clumping them together in a single article, policy makers began a process, which is leading towards an Europeanization of the problem of inequality in ways that echo the developments in the United States.

There are interesting parallels between the fight to combat inequality in the United States, which began with an attempt to address discrimination on the basis of race, and was expanded to address the issue of women, and the situation in the EU which began indirectly with the issue of women, and has been expanded to tackle almost all major forms of ascriptive inequality. But there are also divergences. In the US case, the strategy of diversity flowed from reactions and backlash against legally backed affirmative action. By making a case that by mirroring the demographics of the labor force in private sector organizations, a competitive advantage could be achieved; the equality movements transferred the venue of equality to business and temporarily transformed equality into a positive story. In the discourse, dirty words like discrimination are taboo (although businesses are probably primarily motivated to do Diversity out of fear of legal sanctions). In the EU, the diversity approach is being promulgated by European public sector actors in a format directly linked to the word 'Discrimination'. The slogan is 'For Diversity, against Discrimination'. Action plans (Community Action Plan to combat discrimination 2001-2006) are directed towards seeing that the concept of 'Diversity' and the groups to which it applies become known Europe-wide.

Chabot and Duyvendak (2002) examining transnational policy flow between social movements, argue that understanding how policy ideas move between different settings has been conceived in a western-centric or essentialist perspective, and that the 'receiving

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<sup>1</sup> Directive on Equal treatment in employment or training, education, healthcare, access to goods and services and housing irrespective of race or ethnic origin 2000/43/EC and Directive on equal treatment in employment and training (covering religion, belief, age, disability and sexual orientation) 2000/78/EC.

societies' or critical communities that adapt innovations are not just passive recipients of transnational ideas of the West, but also transform them and adapt them to work in new setting and with different issues and opponents. The insight that policies are not passed intact between settings, but are changed by actors is relevant not only for relations between advanced and less advanced countries, but also for policy transfer occurring between different issue groups (such as women and ethnic minorities) and between different developed settings.

This contribution is a reflection on how equal opportunities strategies have been shared and adopted by different groups in the European Union. It departs from the standpoint of the women's movement and begins to consider the implications for the inclusion of other issues of discrimination such as ethnic/racial identity and sexual orientation in the same policy envelope. More particularly, developments in the United States and how they seem to be reflected in Europe is the focus. Ultimately one possible question is the extent to which development in feminist theory that inspired such approaches as mainstreaming, may be relevant in transforming the American idea of diversity into an approach that can take on the ideas present in feminist theory dealing with 'intersectionality'. 'Inter-sectionality' in feminism as developed in the US (Crenshaw 1997) U.K. and the Netherlands may allow the development of a 'diversity' approach that does not simply repeat the creation of separate identity boxes to be filled in on forms. The 'boxes on forms' approach characterizes some aspects of the American experience and has dogged affirmative action.

The first equal opportunities policies in many European countries borrowed tools from the Civil Rights struggle in the United States to focus on women. In continental Europe<sup>2</sup>, there was relatively limited attention to the situation of other groups than women such as people of color, and sexual minorities. The criticism of color and sexuality blindness could be raised both against the actors of the 'white' women's movement pressing for equality policy, and against the policy makers themselves. On the other side of the Atlantic the standard history of equal opportunities policy begins with the struggle of African Americans, and sees women and other groups join on to successful approaches. As both women and race/ethnic activists achieved success in the U.S., opposing power holders succeed in discrediting both the strategy and the groups benefiting from it thanks to an ever more sophisticated intellectual right. Nancy Fraser has recently written about this process of tarring the victim who identifies

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<sup>2</sup> With the exception of the Netherlands, the U.K. and some of the Scandinavian countries, but even in these countries, the few contributions there underline the absence of this perspective in the dominant equality literature.

herself as ‘*Adding insult to injury*<sup>3</sup>’ - the very process of fighting to redress inequality by standing up for an identity, and claiming benefits for that identity means continuing injury of that identity.

The question for critical justice scholarship and activism in Europe (uniting ethnic, sexuality, and gender researchers and activists) is how to recoup the initially successful strategies in the US and elsewhere for future struggles in Europe and beyond. These will be increasingly about issues of ethnicity and color. How can the lasting harm done by the attacks and engagement with a rabid political right that hopes to maintain established social hierarchies be avoided? What effect do European Union Action plans and the interpretations given to the implications of Article 13 have on the ability of identity based interest groups to utilize their analyses of the sources of injustice to acquire specific action? For equality movements to overcome the challenges of discreditation as well as adapt to new sorts of definitions of the problem will require reconceptualization of strategies and of sorts of goals, which in turn each may have their own particular pluses and minuses.

In what follows, I will briefly sketch in broad terms what gender equality policy has meant for northern and increasingly all European countries in the last thirty years, and the relevant points of contrast and parallels with the United States. Then I will discuss briefly the approach known as diversity as it has been developed in the United States. This could perhaps be usefully modified for Europe. An interesting way of organizing the various strategies for fighting inequality by the Dutch scholars Essed (2002) and Nimako(1998) seems to offer a positive future for the Diversity approach. Instead of specific measures for the specificity of each group and their problems, the focus is on discrimination itself. However this presentation also speculates on a possible worst-case scenario for Europe where no lessons are learned from the American experience. Such a worse case scenario seems possible after an initial examination of new literature launching the ‘For Diversity/Against Discrimination’ campaign.

In the worst-case scenario, the efforts to make women visible and equally represented at all levels of society have become increasingly discredited . This is ‘the women have it all and are ruining the men story’ Women no longer have a right to remedial measures and must let others take their place. By making women visible, in statistics and elsewhere in society, women have been cast as ‘victims’ and ‘minorities’ on the one hand, and as illegitimate claimants on the other. Women’s successes, in this construction, as in the interpretation of educational results where girls have become moderately more successful than boys (Business

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<sup>3</sup> *Adding Insult to Injury the social politics of recognition* Verso 2000

Week 2003), are an indication of how the feminization of the world is disadvantaging men. Women in this worst-case scenario must move to the edge of the scene and join together with other defined 'victim' or target groups. Instead of tailor made strategies for disadvantaged or discriminated groups based on analyses of the specific structures of inequalities for that group, all groups become grouped together. They are surfaced or outed, as beneficiaries, but also as 'inherently second class'. This is in part the result of the forcing of trans-identity equality policy. In this way any potentially helpful interpretation of diversity as being beyond clear boundaries becomes lost as does any analysis of their specific power relations (Essed 1996). Diversity in its most pernicious form means a policy for everyone except white non-handicapped middle-aged middle class heterosexual males.

In all equality strategies, there lies this paradox- that by making power inequalities visible, one also constructs the power poor as a subject of oppression, or a member of a victimized group, in a visible way. One of the first demands for any equality strategy is that the power inequalities become 'visible' through counting. Yet the US has discovered that the counting exercise is also a constructing exercise, which while primarily beneficial (ASA May 2003), also constructs communities of compliance, artificial communities. What will this mean in Europe where the most palpable and important inequalities/discriminations for the future may be those of ethnic/national/religious identities? Let's first briefly examine how equality policies have developed in the two settings.<sup>4</sup>

### *Three stages of women's equality policy in Europe*

The advances of European gender equality policy as told in official versions has started to take on a relatively canonic quality relating three stages. Hondeghem and Nelen (2000) building on Rees (1998, 1999) construct a chronological house of efforts to address equality issues. In the northern European Union countries gender equality began first with efforts to eliminate the legal barriers to an equal role in society by striking discriminatory legal codes from the law books. The following, or sometimes parallel step was to redress past wrongs by providing extra resources to catch up. These actions (positive or affirmative) aimed at bringing more women into non-traditional professions or higher places in decision-making. The logic of such an approach was borrowed from North America, as we will see later. Both of these strategies were attacks launched by the disadvantaged on the power structure to claim

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<sup>4</sup> It is not the intention of this piece to provide a full discussion of thirty years of equality policy on both sides of the Atlantic, but to sketch parallel moments in the progression as a step towards exploring policy diffusion and transformation.

an equal place and more power. Frequently they rested on data that made the disadvantaged position of women visible. The injustices were there for all to see once one disaggregated the data and made women visible. Making 'women' a visible category in society was an essential policy step to both demonstrate inequities and provide yardsticks for measuring progress.

This essential step of seeing women as a category had unintended organizational consequences. Women became encapsulated in the policy structure in women's offices, and a separate policy machinery to address women's issues sprang up (Mazur and Stetson 1995, Mazur 2002). Enclosed in a ghetto where women talked to women and launched forays at the male establishment; equal opportunities activists began to develop more sophisticated analyses of inequalities and new strategies even as they focused on redressing past gaps through training initiatives to bring women up to the level of men.

Important to note here is that when the terms equal opportunity or emancipation were used generally in Europe from the mid-seventies to the beginning of the nineties, everyone 'knew' that it was about *Women*. Most European women's policy machinery was directed at an undifferentiated 'woman' (without a color, and therefore White). The issues of race and ethnicity were seldom if ever explicitly mentioned in other countries than Holland and Great Britain.

These two first strategies of legal equalization and affirmative action seemed to be based on bringing women up to the level of men. By the mid-nineties, there seemed to be a kind of stagnation in the progress toward gender equality, and a need for new impulses. The combined problems of the fact that affirmative action provoked increasing resistance<sup>5</sup> and that the equality issue remained segregated in the women's room made the field ready for new strategies to move gender equality further. Developments in feminist scholarship increasingly focused on the relational aspects of inequality and on gender itself. The debate circled around the issue of difference, going beyond 'equality' in the meaning of 'equal to'.

The ideas and strategies for policy were numerous and related both to these developments in feminist theory and to the increasing skill and quantity of professional women's policy agents and politicians. One of the most interesting in the context of the discussion of trans-issue and transnational innovations was 'gender mainstreaming'. While the diffusion of 'Affirmative action' might be said to have followed what Chabot and Duvendak call the essentialist model of diffusion, coming from the U.S center to the periphery of Europe, gender mainstreaming followed a more convoluted path. The idea of

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<sup>5</sup> The Kallanke case and other examples can be mentioned in this context.

inserting the issues of discrimination into the wider picture seems to have begun in disability and educational policy in the United States. The approach was adopted and changed in the context of women and development and aid to developing countries. It was affected by the increasing global contact between women in UN activities (Piettilä 1996, 2002, Tinker 1999, Meyer and Prügl 1999). It was thus transfused to activists working in very different settings, both mediators from the rich industrialized countries and grass roots and local activists became important members of critical communities who demanded that gender be taken into consideration as an evaluative criteria in making policy.

The idea was transfused and transformed in the global process of drafting the UN Beijing Platform for Action, where it seems northern European feminists and femocrats from the European Commission were particularly active in inserting the term into the final document as well as in conceptualizing it as a policy tool. Mainstreaming would require policy makers from other sectors than equal opportunity issues to gender test their policy. Particularly interesting in the context of this paper is that this idea of mainstreaming gender issues is quickly taken up by other groups with justice concerns, including children's rights and disability, who also demanded that policy makers test their policies in all sectors to see that their rights and position are enhanced. However, in terms of branding, it does seem that women have managed to maintain ownership of the term. If one uses the term mainstreaming in Europe, people hear 'women'.<sup>6</sup> That it is about gender is a result of the UN process and direct statements in EU policy making. Fighting for keeping 'mainstreaming' as an exclusive tool for gender issues may be a losing battle however in the context of the directives and developments following on the Treaty of Amsterdam<sup>7</sup>. Further, the issue of other kinds of intersecting sources of inequalities raises important questions. Gender mainstreaming generally only obliquely acknowledges differences between women such as race and class.

#### *American influences on European equal opportunities and crossroads*

In America the story of equal opportunities is told in a slightly different way. Whereas in Europe the story is women first, in America a trans-issue alliance happens that originates with the Civil Rights struggle of African Americans. Some say that the movement for racial equality was the midwife of the feminist movement (Evans 1980). The first legislation mandating equal opportunities originates primarily from mobilization to end racial

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<sup>6</sup> This is also the case with the word 'gender' where one only hears 'women' and not 'men'.

<sup>7</sup> For example, those studying equality initiatives in Northern Ireland claim that the activity there is 'Equality Mainstreaming' (ref from IPSR article).

discrimination (Civil Rights Act 1964 extended to women under Johnson in 1967) In an inspired strategic move (Ferree and Hess 2000), the women's movement succeeds in becoming a beneficiary of legislation. The idea of redressing past injustices to reach a level playing field becomes an important element of the discussion of how to ensure equal opportunities, and affirmative action is born (1969- construction employment under Nixon). When inequalities in employment or education are discovered, remedial or affirmative actions to rapidly improve the situation can be undertaken. These actions can range from relatively soft initiatives such as improved training to initiatives involving preferential hiring to reach a specific target. A whole toolbox of procedures was developed in equality policy circles to improve the representation of underrepresented groups. A number of sanctions ensured dramatic change in the employment of women especially, although other groups also move into new areas of employment (Reskin 1998). To identify areas where discrimination is occurring and measure progress, however, there is a call for better disaggregated labor market and educational statistics. To this end, the United States begins to further develop and refine ethnic and racial categories in their statistics (Yanow 2003). This was one of the major implications of equal opportunity as policy. There needed to be some way of measurement- a construction of the disadvantaged, or the other- to make them countable. From 1980 on more and more of statistical information in the United States was gathered on the basis of race beginning with five basic racial/ethnic categories: White, Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native and capable of being disaggregating on the basis of sex. Despite the obvious critique that these categories confused race and ethnicity, the practice has had an important role in building walls between groups. This critique is of critical importance for Europe as there is no doubt that there will be and does exist discrimination on the basis of 'appearance' even if it has not been 'racialized' as it has been in the US. By 1990 in the U.S census surveys there were not only five main categories but also 41 sub categories<sup>8</sup>.

It was especially affirmative action and the definite measurable changes in American businesses and academic life that awoke attention among European gender activists, who were long frustrated by the very slow progress of women's entry into better paying higher

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<sup>8</sup> While the connection between public policy ambitions to level the playing field, and public policy data is not clear to me yet (also probably confused with the rationalization of government given that it was the US Office of Management and the Budget that implemented the definitions that were asked for by the Federal Interagency Committee on Education and its Ad Hoc committee on Racial and Ethnic Definitions of 1974)-The circular becomes policy for all federal agencies by 1980 (Yanow 2003:37) Compare with UK Higher Education loan scheme racial criteria...

level functions. Although some feminists were hesitant (in Scandinavia and elsewhere), many hailed affirmative action as an absolutely essential policy tool if one was to see a change in the position of women in decision-making during the activists' life time (Bacchi 1996, Triest 1986). In the European Commission, and in one country after another in the mid-eighties, the public sector launched affirmative action initiatives to address the under representation of women in civil services and public life. It was hoped to be a tool to improve the labor market position of women by encouraging them into non-traditional occupations (Bacchi 1996).

Ironically the launching of affirmative action as a tool for gender equality in Europe was occurring just as affirmative action was coming increasingly under attack in the United States. Conservative forces succeeded in associating affirmative action with unjust preference. The urban myth of the unqualified (usually African-American) manager who had gotten his/her job through affirmative action tarred the approach. Public opinion surveys demonstrated increasing public disapproval of what was understood as affirmative action, even as actual procedures bore little resemblance to what was being portrayed in the popular press. One successful conservative construction of affirmative action was recasting it using the phrase 'reverse discrimination' with its definite sound of injustice. An event marking the death knell for affirmative action as a popular technique was the public uproar and violent discourse around the Bakke case (see below), where a white male candidate was denied admission to the University of California Davis campus medical school some 25 years ago. (in 1978). Interestingly for this paper, it is also here that the legal use of diversity is launched, as we will see below.

European opposition to affirmative action approaches was also significant, although less orchestrated and seldom as virulent as in the United States. Rather there was what Cockburn termed 'male resistance' (1991). European public opinion surveys also discovered that affirmative action was perceived as the promotion of people without proper qualifications (ref.), and found it repulsive. Yet on both sides of the Atlantic, surveys that asked if it was desirable to provide additional help to disadvantaged (without using the term 'affirmative action'), usually found agreement. Citizens agreed with the content of affirmative action and its goals, while disagreeing with it as it is portrayed by opponents. Cases where ostensibly under qualified women were given jobs became front page news (refs; van Balen university cases in Sweden, etc.).

In the most inflamed attacks against policies of Affirmative Action in the United States the debate pitted 'whites' against people of color. It has been about Race. That women

of all colors have profited from many of the affirmative action programs is usually a footnote if mentioned at all (Reskin). The opposite has been the case in Continental Europe, where Affirmative Action in almost all countries has been directed against gender inequality (with the notable exceptions of Holland and the U.K.).

*Racial and Gender equality and Diversity; the Dangerous next chapter? The American Case for Diversity and its Challenges and Usefulness for Europe*

Like other policy ideas that diffuse to different settings, the idea of diversity and diversity 'policy' is subject to extremely *diverse* interpretations. And like other equality policies, the public debate and policy practice seems to confuse the issues of means or end. This raises the question of whether this is a conscious strategy of activists to leave the end an open issue. The end could be interpreted as a loss for white power holders.

While Affirmative Action was pretty clearly a policy that aims to achieve more equity in society, both gender mainstreaming and diversity suffer from clarity about their relation to equality. Equal opportunities (broadly construed) and equal treatment should result in 'diversity', but diversity in and of itself does not result in 'equality'. If there is 'diversity'-a happy mirroring of demographic realities, then this is a demonstration that there is no discrimination and equal treatment prevails.

*Origins of the concept in the US*

Since 1978 Bakke case it has been constitutional law that 'diversity' is a compelling reason for giving some weight to minority status in admissions to higher education. Justice Lewis Powell has been given credit in recent debates about affirmative action with adding the concept of 'diversity' to the debate, as a justified 'goal' for an institution. As affirmative action was been primarily about employment, and compelling economic institutions and public institutions to better reflect applicant pools, it is not surprising that diversity efforts also began focusing on the workplace. However, the muddy waters that encircled affirmative action in the U.S. (the uneasy alliance between women (undifferentiated) and racial/ethnic minorities as constructed by public administration) were soon to cloud diversity as well. Diversity was a powerless concept, no longer linked to justice. Diversity in its widest sense unified all victims of all kinds of discrimination. Interviews with academic informers from different groups in Detroit all indicated that each individual constructed minority felt unhappy inside their group with 'diversity' as a concept, but externally would embrace it as being a tool to talk in a tolerated way about opening up the work place and the world to their group's

needs. A key element of diversity as a work place tactic or strategy was not only that openings had to be created for ‘difference’, which was thereby of course reified, but further that ‘difference’ had to remain, be embraced/tolerated/encouraged in the name of creativity and profit.

‘Diversity’ just as affirmative action in its time, became primarily a code word for race, although by the new century, the other constructed groups in the US- the rights groups, could also claim to be covered by it in making their demands at work, and in evaluating employers’ ‘diversity friendliness’. (I suspect that an investigation of the literature on ‘work place diversity’ would give less mention of ‘women’ as a problematic group than to other groups.)

Although the Dutch and the Scandinavians probably mean ‘ethnicity and color’ when the term diversity is used, it is possible that each individual member state of the European Union would fill in ‘diversity’ with its particular problem child. Countries with relatively homogeneous populations, or those who are in denial as regards their multi-cultural composition may focus on gender. To what extent is trans-issue alliance building that led to the successful clause in the treaty of Amsterdam on discrimination, also going to lead to ‘diversity’ ministers? And at what cost?

Public debate in Europe about living together with difference has been constructed in terms of ‘multi-culturalism’. Diversity as a concept slipped in at the end of the nineties. Most people in Europe probably associate it with American business and management techniques (Molinare, de los Reyes 2002, Barmes and Ashitany 2003, Janssens 2002). The group that is problematic in the labor force may become the one that is the focus of diversity management. Thus while women were the particular focus of early German efforts, the ‘colored’ or risk groups, reconstituted as ‘possibility groups’ are the focus of Flemish attention. (Janssen 2002: 5).

The American government provides definitions of diversity, which flow from the earlier ambitions of affirmative action, namely that workplaces should mirror the demography of the labor force. The realization that the American consumer and worker was no longer white and male was an argument of both the women’s and the African American movement, who started their own media (Ms., Ebony) and advertising in the seventies. Reports such as Workforce 2000 (Johnson and Parker 1987 cited in Janssens 2002) helped underline the fact that the American population was changing dramatically so that firms and public authorities would need to rethink their organizational practice. In ‘Best Practices in Achieving Workforce Diversity’ from the U.S. Department of Commerce we find the following

definition and comments on diversity from the year 2000, which indicate the breadth of the concept (and perhaps also thereby limit usefulness for any real attack on various levels of inequality by refusing to prioritize one sort of ‘difference’ over another):

*‘For our purposes, we use the following definition of diversity: "Diversity includes all characteristics and experiences that define each of us as individuals." ... A common misconception about diversity is that only individuals or groups with particular attributes are included under its umbrella. Exactly the opposite is true. Diversity encompasses the entire spectrum of primary attributes of individuals, including Race, Ethnicity, Gender, Age, Religion, Disability, and Sexual Orientation".(in Savoie and Sheehan 2001: p.2)*

The U.S. Department of the Interior presents its definition in even broader terms

***Diversity**" is used broadly in this Plan to refer to many demographic variables, including, but not limited to, racial, religious, color, gender, national origin, disability, sexual orientation, age, education, geographic origin, and skill characteristics" (US Department of the Interior 5 year strategic plan for improving diversity in the Office of the Secretaryhttp://www.doi.gov/hrm/diversty/divpln12.htm March 2004.)*

Yet in practice, an examination of the visual material on websites devoted to giving advice to businesses and institutions wishing to ‘manage’ diversity, shows that workforce diversity in the United States seems to focus on diversity of the population along race-ethnic lines. If there happens to be a ‘white person’ in the picture, it is usually a female or someone with a physical disability. For example *DiversityInc.com* includes all the usual equality issues in its definition, but its workforce diversity seems to focus on diversity of population along race-ethnic lines rather than on the more stable categories of gender or sexuality (see illustration). The main attribute of diversity is ethnic diversity and cultural diversity. Questions about gender, sexuality or physical ability less of an issue. So is diversity about ‘gender’? In the U.S, only peripherally so. Is diversity about ‘sexuality’? Probably even less as the issue is hard to visualize, and further extremely controversial.

In her probing critique of diversity counting, Yanow zooms in on phrases such as ‘women, minorities and immigrants (would) constitute 84% of the new entrants to the American work force. Already, white men make up less than a majority of American workers, a milestone passed in the first half of the 1980’s’( cited from Schachter 1988 on page 156).The argument is that new demography requires new management skills But according to Yanow this also means that the assumption is that management is still white male- and that somehow any of the other groups (women, blacks) would not need these skills. Another of her criticisms is that when training is done on ‘diversity’ much of what is trained is based on stereotypes of the group, and perpetuates these stereotypes, reifies them.

In the rush to underline the differences that make up 'diverse' it seems that an additive multi-color milkshake is created where no one has a right to complain on the basis of any particular specificity. The strategy allows the difficult bits to be swept out of sight. There is no confrontation with the real power differences that made racial and sexual differences relevant in the first place.

### *Relation to Affirmative Action*

In what way is diversity related to equality? In the American commercial management and human resources material reviewed for this piece thus far, the word 'equality' is seldom mentioned. Instead, what is called the 'business case' is underlined. Businesses will be more creative, innovative and better able to respond to demographically changing markets if they reflect those markets. The same argument is made for other institutions. Issues of fairness and justice, let alone discrimination, do not sully the sunshiny picture of a variety of people working next to each other in the 'inclusive' workplace. In the defense briefs for the University of Michigan's case before the Supreme Court to defend admissions policies designed to achieve 'diversity' (which of course later has to be 'managed') the business briefs from Fortune 500 companies and also essentially from the military demonstrate that a racially diverse corps is essential to carry out business.

Yet 'diversity' is neither a tool nor a strategy, whereas affirmative action is. Diversity, as defined above to mean a mix of people, does not necessarily imply that the mix is playing on a level playing field with similar advantages. Diversity can be a result of a strategy. What diversity as a means does is perhaps achieve better results (although here, the research record is mixed – latest Putnam study, study on Diversity, Com site demonstrate that diversity has a business case if and only if diversity strategies are accompanied by justice strategies). Thus, even if in America affirmative action and diversity are concepts that hide a concern that is primarily about racial inequality, the two are not the same. Orlando Patterson argues that the original argument that achieving diversity was sufficient ground for affirmative action (rather than aiming for equality) was a strategic mistake. Diversity should not be the rationale for undertaking policies such as positive action, for 'if diversity is the goal, the purpose of affirmative action shifts from improving the condition of blacks to transforming American into a multi-cultural society. Thus the pursuit of inclusion is replaced by the celebration of separate identities.' (Patterson 2003)

Businesses should be investing in diversity, according to proponents, because it is the morally and ethically correct thing to do, because it will improve the bottom line, and finally

because a non-diverse workplace might give ground to legal prosecution thanks to the new laws on discrimination (Janssens 2002: 8-9).

U.K. authors Barmes and Ashitany (2003) see diversity as going beyond the equality paradigm that underpins affirmative action. Citing material from the Work Foundation, they note the perception that appreciating diversity is further reaching than equality<sup>9</sup>. Equal opportunities policies such as affirmative action are remedial and based on a philosophy of assimilation into a dominant work place culture. Diversity is supposed to make everyone feel comfortable and able to make a distinctive contribution.

While affirmative action involves a focus on structural reasons for inequality, diversity thinking focuses on the individual (who carries group characteristics). Stemming from the problems that affirmative action has had, diversity should not reward people on behalf of their coming from a particular group, by for example preferential treatment for promotion. Instead efforts should be made to open the pool. Companies and institutions cannot give an automatic boost on the basis of race or other characteristics. Rather policy must reflect the qualities of an individual. The difference between a rigid quota and a plus factor is hard to see, as Rosen (2003) comments. It was so under the original logic of the Bakke cases and is so now<sup>10</sup>.

In some ways a diversity approach almost assumes that Affirmative Actions have already been taken. Finally, it is not an approach being done because of fear of legal sanctions, but an approach chosen positively for its benefits to the organization involved

### *Debate on the pros and cons of using diversity to address equality issues*

Who likes Diversity? Certainly not the American Right:

*'Diversity as an ideology and legalistic doctrine is a toy for leftist elites, not an enunciation of the rights of ordinary people. The concept does not appear in any of our nation's founding documents' ...'but over the course of 2 1/2 decades, the left realized that Powell had inadvertently provided a powerful tool. Divisive ideas that Americans had emphatically rejected could be repackaged as the much nicer sounding 'diversity'. Diversity became the American left's greatest marketing triumph: a concept that sounded idealistic and virtuous and one that even corporate American and the military came to see as just good common sense. But it is hardly that. Diversity is a recipe for remaking American society in an unending competition of victim groups for ever bigger shares of the spoils'* Wood 2003: B03

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<sup>9</sup> Note that this is the same sort of logic that underpins Gender Mainstreaming for the public sector, the idea that it is the next logical step, going beyond deficit thinking.

<sup>10</sup> This is the most tortuous piece of logic in diversity rhetoric: it is about positive action and rejects positive discrimination (Barmes and Ashitany 2003:277).

Further, conservatives worry that as diversity just seems to be another code word for letting in difference and perhaps incompetence, quality will somehow suffer. In the case of the University of Michigan, there was the claim that unqualified minds were claiming places that belonged to those who were more qualified. As the critics of the right point out, diversity is more politically palatable than affirmative action was, but that is in part because affirmative action was devalued and undermined by the right. Ultimately the handle that conservatives had to tar affirmative action is also present in ‘managing diversity’—that something other than the ‘normal’ must be done to accommodate the ‘abnormals’, who thereby become victimized and re-ified in their difference. A ‘diverse person’ is expected to bring their special ‘diversity’ to the hegemonic master mix. Woe betide the diverse person who does not conform to the to be tolerated limits of difference.

But progressives also have issues with ‘Diversity’. Swedish scholar Pauline de los Reyes is suspicious of the Swedish enthusiasm for the concept of diversity in employment, and notes that in the European context there has been little research to demonstrate its value. She warns of the pitfalls of reifying differences and concealing the sources of inequality and discrimination (2000, 2002). Differences are not only left unexamined, but even expected to persist untouched, and be accordingly ‘valued’ (Janssens 2002).

Feminist philosopher Rosi Braidotti underlines the dangers of emphasizing difference, which she sees as tending towards a renewed binary of ‘us versus them’. Differences are still indexed in a hierarchy. While diversity rhetoric feeds into what she calls the difference engine of advanced capitalism, ‘making them proliferate with an aim to ensure maximum profit’ (1 of web version of 2003 lecture), it also allows the reappearance of the master narrative of white male hegemony. In this insight she is joined by progressive Larry Adelman, a director of a noted program on Race for the Public Television in the U.S. He also hits on this most essential criticism of diversity as a strategy. He feels that diversity is good for white people like himself. Ultimately, diversity demands that the structural issues that produce some of the differences be maintained. Whites reap the benefits, because diversity does not address socio-economic inequality.

*'This emphasis on diversity caps a decades-long retreat from the goals of racial justice and equality that were at the heart of the civil rights movement. It's a discourse that increasingly locks us into a corner. Not because diversity is bad, not at all. But diversity is a means, not an end. The end--the prize we have lost sight of while battling over diversity -- is a more equitable society that works for everyone.(2003)*

The problem is that all groups besides white males become problematized. This is an aspect that the left picks up in a different way than the right, but the situation remains the same. Difference in regard to the norm becomes a coded reason for inequality, which needs to be

managed and massaged within the organization from the point of view of the individual employee, while the real sources of the difference, existing in society at large are not addressed.

Another reason to question “diversity” as a way to combat discrimination and inequality also finds support among both conservatives and progressives. They both charge that the arbitrariness and construction of the difference that is necessary to constitute successful diversification cannot work cross-nationally. A report on the progress of the candidate countries in implementing the Discrimination Guidelines made clear that for most of New Europe, the issue of race was still very abstract, let alone sexuality and the myriad of other ‘diversities. On a transnational European scale- many candidate countries have only limited ethnic diversity—and no ‘racial’ issues apart from the Roma (ref European Industrial Relations Review 2003).

In the United States there is a clear problem with conceptualization of race and ethnicity. Diversity is comically arbitrary and rests on assumptions that groups share same experiences, even as these groups are infinitely various within themselves. This is an insight that women’s movement came to very fast. This raises a further problem in transferring the ideas of diversity in America to a Europe that is very much in search of an identity, and breaking free from the bounds of ‘nationalism’. At present European countries still define their ‘diversities’ within the boundaries of the nation state with its peculiar colonial and post-colonial histories and migration patterns. In the American debate, the phrase that the ‘demand for public institutions that look like America’ is frequently reiterated as a value that is high in the public and political realm. The question is what would it mean for public institutions in Europe to ‘look like Europe’? The analysis of the structural basis of inequalities that vary in terms of colonial heritages, economic organization, and the organization of intimacy (families and sexuality) that can lead to attuned policy for equality becomes lost under the common blanket of ‘diversity’ that has no referent.

### ***Implications for Europe***

The debate in the United States about the use of affirmative action strategies to achieve diversity has a number of implications for a Europe that is embarking on the implementation of directives against discrimination. The logic of the American case is that the institution or employer must demonstrate that they are not discriminating. To do this, institutions of higher education such as the University of Michigan used systems that could be described as disguised ‘quota systems’ to guarantee that their population would reflect the surroundings, all the while arguing that the end of the

mixed and diverse student body also had substantial benefits for all students. On this type of ‘affirmative action’ Chief Justice O’Connor placed a firm 25 year deadline. The virulence of the debate may originate with some aspects of American society and values that are perhaps less well developed in Europe, namely those of individualism and merit- based competition. However much these values are honored in the breach in the practice of American society, they do make for strong rhetorical weapons.

In Continental Europe, the holy individual is much less of a sacred cow, and thus policies for diversity promotion may run in to less opposition. The question remains however the extents to which such policies are useful in addressing issues of inclusion and equality across the European member states. A first step in the case of the United States has been to create the categories of the potentially excluded, the construction of difference through statistics. Whatever one might say about the categories, at least the US can see what is going on (although there are movements from the right to make the statistics color blind as well). It is incredibly important that the US can see that the population is growing, moving and changing by accurate counts. The diversity—or nature of that population is also evolving due to immigration and birth rates and concentrations including segregation factors. In the U.S., there is clear data about where groups are living, and how concentrations of groups can both offer opportunities and reinforce inequalities. However, it is also so that just having good statistics has not halted segregating trends, where for example African Americans make up 82% of the large midwestern manufacturing city of Detroit, while 98% of Vermont or Maine’s population is white. (Metzger in Savoie and Sheehan 2001:5). Counting also makes clear what is relevant for policy makers, but misses the other reality of the intersectionality of identities.

How to learn from the United States without taking over many of the problems is a challenge for a Europe embarking on a wide reaching equality project. One sort of answer is the approach offered by work in Holland, where thinking about diversity has been an increasing focus of equality efforts since the late 90’s. The present Equality research office E-Quality now focuses on gender and ethnicity. They have been popularizing an analysis technique for equality approaches from Nimako called the 4 D’s. This model brings in lessons from gender equality work, in which Europe has excelled as well as racial equality work. It constructs the nature of equality work not in the chronological fashion that is frequently utilized but on the basis of a typology. The four paradigms are those of deficit, difference, discrimination and diversity. Here diversity is seen as a real ‘paradigm shift’, but whereas others have underlined ‘difference’ when talking about diversity, the Dutch authors pick up on the fact that diversity also includes similarities.

Equality policies focusing on ‘*Deficit*’ are those that utilize remedial methods to remedy past inequalities in for example schooling. Here people have deficiencies and remedial methods are needed. The *Difference* approach focuses on cultural differences (women and

blacks offer something different culturally), and organizations need to be trained to understand it. 'The paradigm is deterministic in identifying cultural difference as a main factor to position newcomers. Cultural difference is seen as a potential source of conflict as well as a source of enrichment. Advocates of tolerance for difference seek to achieve harmony in society through cultural understanding, which can be achieved by transmitting cultural background information about minority groups into mainstream circles' (Essed TA 2002). Approaches focusing on 'Discrimination' look intensely at the causes of inequality and focus on methods to overcome exclusion, patriarchy and racism and finally the 'Diversity' approach identifies differences and likenesses between people.

However, just as in America, Essed and de Graaff note that there is no consensus over what diversity exactly means (17). It is about demographic heterogeneity, but it is

*a paradigm shift: from a focus on difference and patterns of exclusion to a focus on the complete and inclusive organization. Roosevelt Thomas, an expert from the USA and one of the founders of managing diversity as a business strategy suggests that the diversity approach is both about similarities and about differences between individuals and cultures (Thomas 1991, 1996). According to Kwame Nimako (1998) diversity, as a process, should result in the final erosion of 'we' and 'they' categories. The aim of inclusiveness is an advantage compared to group policies and identity politics. Diversity is envisioned to impact all levels throughout the organization...*

In practice however, their study of how three cities implemented diversity policy in the nineties indicates that generally diversity still means minority policy (and not the smaller more diversely crossing groups of that an intersectional perspective can give) (141). They found cities reducing diversity to ethnicity. This is the risk mentioned above. By bunching all sorts of differences together in one anti-discrimination grab bag, the risk is that one difference becomes more salient than all the others. 'Diversity is broader and recognizes that people differ in more ways, such as sex, ethnicity, age, education, background, physical health and sexual orientation. People are not only different from each other but are also alike with each other' (141) Such a recognition is essential if one is to find in a diversity approach a way of going further than equality policy aimed at target groups. At present however, many groups feel threatened by the new diversity approaches, fearing perhaps with reason the homogenization that has characterized the American categorization of difference, as well as their ability to continue to make specific claims to battle the sources of their particular situation of inequality. There are fears that with diversity policy the differences will be

leveled. Seeing common interests does not always come easy in a situation with limited resources. This is a situation that is even clearer in a European framework where transnational groups have fought hard to become visible, and are now forced to sink back into a background of 'the discriminated'. 'In jargon, diversity is inclusive. But it is just the target groups that protest against this aspect of diversity policy' they fear the inclusive thought for risk of loosing their exclusive rights' (Essed and Degraaf 2002:143).

While the Dutch reformulation of diversity offers hope for a diversity that doesn't simply codify difference there are still some major issues to be considered in the present plans of the European Union to popularize diversity as a way to reach a non-discriminatory and equal future.

First of all, whether women are part of diversity remains an issue. Who comes to mind when we hear the word 'diversity' will remain a source of political contention. The grouping of disability and age together with religion, race, gender and sexual orientation is problematic in many ways for Europe. It is certain that the issue of 'racism' and its sources in Europe is less well analyzed than gender, but the risk is that both of these fundamental discriminators will disappear in face of the other, only partially similar causes of other groups.

Secondly, how will we construct the puzzle in Europe? What groups are we constructing? Women /gender is a transversal characteristic but what are the possibilities of an approach such as intersectionality in public policy? Given the difficulties in communicating to policy makers the nature of gender as a concept, is it too much too hope that the subtle, but well-grounded considerations of cross-cutting identities become part of the mind-set of policy makers and organizational management?

And finally, what is the relation of the new approach 'For Diversity/ Against Discrimination efforts to mainstream gender issues? Will other groups covered by discrimination articles also hope to use mainstreaming as an approach? What will the present melting down of women's equal opportunities machinery mean for the attention to gender as a cross cutting issue? There is already evidence that one of the consequences of the new directives on race and ethnicity and equal treatment is the generation of new policy machineries. For example in a report on progress in the Enlargement and Candidate countries on the implementation of the anti-discrimination Directives, countries with commissions or ombudspersons for equality for men and women intended to expand them to include other issues of race, ethnicity and sometimes the whole list (Malta, Poland, Lithuania) (*European Industrial Relations Review* 2003: 24-31.). This is also the case in several present member states .One of the virtues of Gender Mainstreaming had been the fact that women were now

being mentioned in policy rather than the assumption of the gender neutral citizen. With diversity, there is a positive possibility that the citizen in all varieties could become visible, but this sounds even more utopian than the goals of the gender mainstreamer to transform gender relations. Instead, the risk is the branding of all that is different as 'victim', to be cared for by a blanket anti-discrimination agency when the victim cries out. The detailed analyses of the sources and structures of the specificities of racial and ethnic oppression in various national and local settings and between the sexes become lost. As Philomena Essed says, instead we risk glorifying the general gender-less (and thus male) clone even more by creating and underlining and categorizing difference (2003) in the stream of characteristics that make up Article 13. Article 13 was a major achievement in legislating for social justice, but citizens will need to be very vigilant, if it is to be implemented using the language of diversity as coined in the United States.

### ***Conclusion***

What are the implications for the specific claims and forms of discrimination on the basis of color, on the basis of religion, on the basis of sex or sexual preference or of physical disability of bunching them together in public policy? Why do some of us feel unease? I mentioned to a colleague the changing names of ministries and their responsibilities: Equal Opportunities for men and women became Equal Opportunities, and she said, well 'That's good isn't it?' meaning that the goal of equality remains central. While in the United States the right has gradually managed to remove the measurement of social and economic inequities as a goal of policy, and only demands that a rainbow sit comfortably next to each other and hopefully (in Wood's conception) becomes more and more like each other rather than 'wallowing in difference', thus far in Europe, the idea of social justice remains central to policy efforts for equal opportunities.

It will be a difficult time for public policy makers in Europe as they try to avoid the pitfalls that Yanow describes in US public administration desperately trying to find a way to keep track of difference, and constructing it on the way and forcing people into boxes that don't exist. I think that the social science professions rightly argue that it is essential to try to describe characteristics that are associated with disadvantage, if one is to root out the structural sources of inequality and note progress or defeat. There are huge challenges facing Europe in how we will address social justice and racism. Women have managed to make themselves visible in statistics, and other groups should perhaps also make claims to self-description as well.

If in the name of 'diversity' description should disappear (as is one of the real risks in the US where there are movements to cease the collection of any kind of data on ethnic or racial self-identification) then activists will have a hard time making a case of continuing disadvantage. Thus European policy makers and activists should probably be very cautious in the Trojan Horse that the diversity strategy is and keep their focus on equality.

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