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THE DIVERSE USAGES OF « DIVERSITY » IN TODAY'S EUROPE: EXPLAINING THE METEORIC RISE OF A CONCEPT THROUGH ITS APORIA

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Intercultural dialogue? I see race and gender.



9. Mai – Europatag



Diversity in the European courts: another story

- The case for national cultural diversity in the EU: article 167 (ex-article 157). *Auf Deutsch*: Die Union leistet einen Beitrag zur Entfaltung der Kulturen der Mitgliedstaaten unter Wahrung ihrer nationalen und regionalen Vielfalt sowie gleichzeitiger Hervorhebung des gemeinsamen kulturellen Erbes.
- In the Council of Europe, the Court guarantees national cultural differences: it is called in legalese the « margin of appreciation » doctrine.

Recognizing minorities in the European courts (article 14, article 9): a losing cause for migrant-origin populations

- Only Roma as pan-European national minorities have seen their lifestyle recognized (Chapman vs. UK in 2001) before in fact acknowledging their structural discrimination (D. H. and others Vs. Czech Republic) followed by Sampanis v. Greece and Oršuš and others vs. Croatia)
- Migrant minorities have always lost so far whether on cultural or religious grounds (e.g. definition of the family and religious practices)

E pluribus unum



Diversity in the US context: interesting lessons

- Diversity used as a value by the Supreme Court in affirmative action cases, for instance in higher education (*Regents of the University of California v. Bakke*). *Reference: Daniel Sabbagh, "Judicial Uses of Subterfuge: Affirmative Action Reconsidered", Political Science Quarterly, 18 (3), 2003, pp. 411-436.*
- Proactive use of diversity management when equal opportunity policies were set into place. *Reference: Frank Dobbin, *Inventing Equal Opportunity*, Princeton, NJ: PUP, 2009.*

Research strategy

- Studying the usage of the term in different spheres at different levels: EU institutions (including FRA) and international organizations such as the ILO, the ECHR, equality bodies, business associations and large firms, trade unions, large cities.
- Understanding its use through its genesis, the scope of the term in practice, the terms not used, its antonyms, synonyms and terms associated with it (Discrimination? Mix? Pluralism?) and the type of diversity at stake (Race and ethnicity? Gender? Disability? All of the grounds of article 13 of the EU treaty?), the tools to measure it and the other issues the term is meant to « solve ».

Super rough conclusions

- It is a positive term, consensual because:
- No legal consequence compared to discrimination or racism even with the anti- and non- prefixes in front of those terms
- Not politically loaded like multikulti which is now the word everyone loves to hate
- More neutral even for scholars compared to integration (integration into what? Diversity in...)

Meteoric rise – the genesis in Europe

- 1997: European year against racism. Two publications that year: *Good Practice for the prevention of racism at the workplace* (Wrench 1997) and *Gaining from Diversity* by the European Network for Social Cohesion.
- EQUAL programme
- 1997: Amsterdam treaty – article 13
- 2000: two directives and an action plan: 2000/43/EC (“Racial Equality” Directive) and 2000/78/EC2 (Employment Equality Directive).
- 1997 EU funded Programme “Preventing racism in the Workplace” and in 2003 EUMC report “Cultural diversity and mainstreaming in employment”
- 2003-now = the story becomes national not just EU and local with the creation of equality bodies and other actors becoming slowly more aware of the implementation of the directives (NGOs and the social partners).

The business case for diversity or why did business lead in promoting diversity?

The French charter for diversity and policies of multinational corporations like L'Oréal: fear of discrimination legal cases, CSR communication, advocacy



In practice it stays a top management, CSR and Human Resource issue and becomes a hodge podge that include conciliation policies.

The business case for diversity – or diversity as a new business?

« Diversity goes well beyond human resources it is a business issue. We must convince public opinion that diversity, it's all of us, It's France as a whole» (Soumia Malinbaum – President of the French Association of Diversity Managers in Le Parisien, 2011)

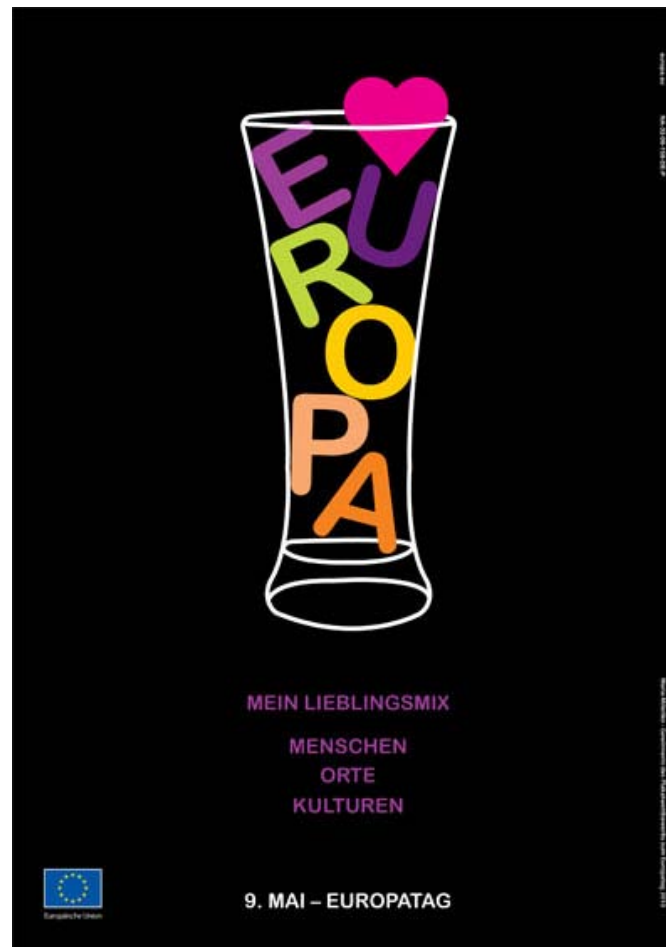
John Wrench on improving employment of migrants and their conditions

1. Training the immigrants
2. Making cultural allowances
3. Challenging racist attitudes
4. Combating discrimination
5. Equal opportunities policies with positive action
6. Diversity management

City-level policies (Brussels, Lyon area, Lille area, Paris)

- Main motivation is often territorial marketing
- Main focus is usually employment.
- The process is outsourced and mainly focuses on the private sector.
- « Mainstreaming » the stake is difficult within city departments.
- In the end, most units keep doing awareness-raising internally.
- It is often a way of helping migrant-origin populations by another name and without clearly targeting groups.
- Exception in public sector may be policing in the UK (and similar discourses in other countries including France): diverse public requires diverse police force.

The right mix? Europe as a cocktail.



Conclusions?

- Diversity critics speak about dilution of the fight against racism and discrimination and the fear that the term justifies inaction.
- But they know it may be better than ... nothing given that all that is left are the punitive integration policies for newcomers.
- Is there «diversity fatigue»? That is a risk at the local level and even within companies but a whole new profession and HR departments will make sure that the diversity flame does not burn out.

Top 5 related publications

- "Discrimination in comparative perspective: policies and practices" (with Valérie Amiraux), *American Behavioral Scientist* 53 (12), 2010, p. 1691-1714.
- "Equality in the making: implementing European non discrimination law" *Citizenship Studies* 13/5, 2009, p. 527–548.
- "La diversité en Europe: une évidence? ", *Raisons politiques* 35, n°3, 2009, pp. 67-85.
- "Monitoring Ethnic Minorities in the Netherlands " (with Karen Phalet and Jessika Ter Wal), *International Social Science Journal* 183-2005/1, p. 75-88.
- "The Emergence of a European Union Policy Paradigm amidst Contrasting National Models: Britain, France and EU Anti-discrimination Policy" (with Andrew Geddes), *West European Politics* 27/2, 2004, p. 334-53.