



The Risk of Freedom

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Diverting the crowd

Rousseau's *Discourse on Inequality* (1755) defined the goal of radical politics for the succeeding two and a half centuries. Henceforth legislation, in the radical mind, would have no higher purpose than to abolish the hierarchies that had divided mankind and to equalize the condition of the citizens. The theories advanced in support of the goal have changed, as have the methods used to achieve it; but equality remains a fixed star on the political horizon. In our time, however, the description of the goal has changed with each convulsion of the political culture. Egalitarians in the sixties advocated 'liberation'; their successors favoured 'social justice', which gave way to 'anti-racism', 'anti-sexism', 'anti-discrimination', and so on. But

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those labels were judged to be too confrontational and were therefore discarded, to be replaced first by 'multi-culturalism', then by 'social inclusion' and now — in a subtle shift of rhetoric that suggests a radical change in the scope of the egalitarian agenda — by 'diversity'. Reading between the lines, you will see in the progression 'anti-racism', 'multi-culturalism', 'social inclusion', 'diversity', a gradual softening, not in the goal, but in the sentiments that surround it. That is why 'diversity' should be treated with caution, even by those who sympathize with its aim. 'Diversity' shows its wounds to the public and dares you to enlarge them. And it advances towards the legislature and the law courts, as touching as a mother seeking justice for her child.

But we should not ignore the fact that 'diversity' poses a threat to many freedoms previously assumed in a market economy: the freedom to employ whom one wishes, to associate with one's elected friends, to offer and receive selective favours, in short the freedom to discriminate, on whatever grounds seem relevant. The agenda is now passing into legislation, both at the national and the European level and, as Kenneth Minogue points out (inside), all businesses will have to react to it. But how do you react to the voice of 'inclusion', which wishes merely to rectify injustice, and to put all groups on a par? We

believe in a universal human nature, and refuse to discriminate on grounds of race, sex or inner conviction. But to what does this commit us in the various spheres where our decision-making is exercised? To close our doors to people, simply because their sex or their skin-colour displease us, is surely to offend against one of the ground rules of our culture. But this does not mean that an academic institution cannot discriminate on ground of intelligence, or a business on grounds of utility. And utility might be bound up with ethnicity, religion or gender — it all depends upon the business.

The problem is exacerbated by the rapid growth of the 'diversity' agenda. We might all agree that we should not discriminate on grounds of race or religion; but does this mean that we should make positive efforts to ensure that our institutions reproduce the distribution of ethnic groups and religions in the wider society? How can we do that, without engaging in discrimination, the very fault that we are trying to avoid? The American Supreme Court, faced with this problem (the problem of 'positive discrimination'), has sat on the fence, no doubt for fear of the uproar that would ensue, should it come down on either side.

Furthermore, for many advocates of diversity 'sexual orientation' appears alongside ethnicity and gender as an equally illegitimate ground of discrimination. In this way advocates of 'gay rights' have been able to present their cause as though it were indistinguishable from that of racial equality, and businesses have put sexual orientation alongside religion on the list of those things that they strive either not to notice or to adopt as part of their 'diversity program'. The fact that the movement for gay rights is profoundly offensive to Catholics, Muslims and Orthodox Jews means that one kind of diversity is here bound to conflict with another.

The controversies reflect a deeper dispute, as Munira Mirza makes clear. We are heirs to the Enlightenment, which tells us to discount difference in favour of a universal vision of the human condition; but we are also being invited to notice difference, and to promote it, in order to show how very 'inclusive' we are. As Munira Mirza shows, you cannot have it both ways. Meanwhile businesses, like the Supreme Court, are sitting on the fence, beset by an ever-increasing pain in the bum.

Our Theme

Diversity

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www.riskoffreedom.com

Diversity and the art world

Munira Mirza

In October 2005, the British Culture Minister, David Lammy, accused the arts establishment of being 'too white'. He complained that people with ethnic minority backgrounds were put off entering the arts because there was a sense that 'that place is not for me'. Although the subsidised arts sector today is more ethnically mixed than ever and most people in it do not believe it is deliberately discriminatory, his comments reflect the widespread anxiety of policy makers about the need to make the arts more 'diverse'. However, when diversity policies are put into practice they do not challenge racial thinking; they reinforce it.

Over the past decade, arts organisations (including museums, galleries, theatres, dance companies and arts centres) have

sector in the past two decades, concerning what is artistic value and whether it can be regarded as universal. Today, there is acute discomfort with the idea of 'cultural authority', because this is presumed to be anti-democratic and socially exclusive. Many arts professionals are encouraged to believe their expertise is a barrier to non-traditional audiences and that they must do more to celebrate the 'diversity of culture'. The result of these policies is that whilst racism is in decline in the arts (as in wider society), the sector is now highly *racialised*. Funders are so keen to demonstrate their lack of racial prejudice that they positively discriminate and give specially designated funding to minorities. Artistic projects are funded and marketed on the basis that they can 'include' ethnic people by appealing to 'their culture'. The emphasis on who creates the work reveals an anxiety about making value judgements based on expertise, lest the judge be deemed to be 'racist'. Ironically, cultural diversity policies have reinvented the ghettoising effect of racial discrimination. The tragic legacy is that the arts are now celebrated for affirming ethnic

identities, rather than transcending them. The universalism of the arts — that any human being might be able to appreciate the beauty and meaning of different kinds of art — has been lost.

Today, arts practitioners and galleries assume that each ethnic minority has its own, homogeneous artistic tradition and that this is more important than promoting a western, eurocentric art which minorities might not understand. For all the talk of dialogue, cultural diversity embodies a depressing worldview according to which we can only ever understand things that are related to our immediate experience.

This creates a double-bind for a younger generation of artists. On the one hand, they are expected (and receive funding) to create art to validate their ethnic identities; on the other hand, they wish to transcend those identities. This pigeonholing does not empower, but rather segregates them into a separate institutional structure with its own funding, programmes and training schemes. It is no wonder that ethnic minority artists feel like victims of racism when they are so blatantly treated as different — the 'token ethnic'.

We need a new, universalist approach to the arts which allows people to draw from whatever cultural heritage they choose, but also gives them the freedom to experiment and try out things beyond their ethnicity. Artists should be free to explore their inner world without the burden of 'diversity'.

Munira Mirza is editor of *Culture Vultures*. She presented the BBC Radio 4 documentary *The Business of Race*. See: www.bbc.co.uk.

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come under pressure, either by auditing or funding agreements, to demonstrate they are working to promote diversity in staff recruitment and activity. In 2002, Arts Council England (ACE) made 'cultural diversity' one of its five key priorities and in 2003 it launched Decibel, a multi-million pound programme to support artists from minority backgrounds — its ambition being no less than to 'change the landscape of the arts as we know it'. The ACE has now set a 10% target for funding culturally diverse arts through its Grants for Arts programme.

The argument for these measures is that ethnic minorities face particular barriers to entry because of the prejudices of the arts establishment. It is true that ethnic minorities are proportionally under-represented in arts sector employment, particularly at senior management levels, but this does not mean the arts sector is keeping them out. Career choices rarely mirror census figures, for a variety of reasons to do with socio-economic background, personal ambitions and educational opportunity. White people from lower socio-economic backgrounds are also less likely to enter the arts. The arts sector is certainly intimidating to people from 'non-traditional' backgrounds but this hasn't killed the confidence of highly successful artists like Anish Kapoor, Keith Piper and Chris Offili, or writers such as Ben Okri and Zadie Smith, or popularly acclaimed theatre companies like Tara Arts.

In fact, the preoccupation with diversity is less a matter of combating racism, and more an expression of crisis in the arts

Public sector duty

Sophie Scruton

As a District Councillor I come across the public sector diversity regulations ever more frequently. At the moment I am required to take an on-line test in order to satisfy the diversity agenda which has become our Council's top 'vision'. At the next meeting it is anticipated that there will be a naming and shaming of anyone who has not taken the test, so as soon as I enter my pin-number into the computer the eyes of Big Brother are upon me. Fortunately the Authority has issued a 150 page booklet approved by various quangos telling me how to tick the boxes. Hurrah! We have all passed the test. The next problem is to find groups within our community on whom we can practice our diversity credentials. Our community is 97% white, indigenous English, but by thinking laterally

we can find gipsies and travellers (many of them Irish) who might help us fulfil our diversity agenda. Through consultation, we discover that their needs and aspirations are exactly like everyone else's: a nice home, a bit of land, a good school etc. But they are an 'ethnic minority', and so we grant them the only privilege within our power — special allowances for their lifestyle within the planning system. It is 'discriminatory' not to. So we discriminate in their favour. This alienates the majority who would also like to buy land and have the right to live on it and operate a business from it. The result is something hitherto unknown in the district — virulent prejudice against gipsies and travellers. Hurrah! We have created real diversity, a real social problem and a real job for ourselves in trying vainly to solve it.

Sophie Scruton is a District Councillor in North Wiltshire.

Diversity makes sense

Margaret Transom

A lot of the pressure for diversity comes from agenda-driven anti-business groups, who prefer equality to profit, and who often target the multinational as symbols of 'capitalist imperialism'. For this reason many business people are apt to dismiss the 'diversity agenda' as an attempt to put political correctness in the place of shareholder return, as the mark of a 'successful' firm. In fact, however, the call for diversity makes good business sense. Rightly or wrongly, consumers are being encouraged by the prevailing culture to identify with their gender, religion or ethnic group. They are uncomfortable with a business to which 'we' do not belong, however 'we' are defined. Their custom will gravitate to the businesses in which they are

continued over . . .

Workplace diversity

Kenneth Minogue

'Diversity' refers to the characteristic moral ideal of a society containing more than one race, culture, religion or 'ethnicity.' Indeed, sometimes in an ecstasy of pluralism, the elements may include disability, sex/gender, sexual orientation and much else. All these elements are first carefully separated out, given legal rights, and then told they must mix. Diversity is thus a

state, and the question arises: why should the state get involved? The answer is that such a distribution would not result from the normal processes of the economy, in which prejudice against outsiders is assumed to block the assimilation of newcomers. This is sometimes intentional but may merely result from some traditional practice. The Race Relations Commission in Britain, for example, challenged the rule that policemen should be 5ft. 10 inches or

composition of a population. Countries such as Canada and Belgium are notable examples of this procedure, and so are international organisations such as the European Union and the United Nations. The consociational ideal for some years was Lebanon, whose politics maintained a fragile balance of ministries between conflicting religions and ethnicities so that it seemed like a model for multicultural harmony — until it broke down and culminated in a nasty civil war in the mid-1970s. In international organisations variations of culture mean that the 'representatives' of some countries are significantly more efficient and less corrupt than others.

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department of the wider ideal called 'social inclusion.' Diversity is construed as a virtue because it triumphs over such vices as prejudiced antipathy to people who are different. It must be universalised, so that all social groups and all activities exemplify it — diversity in social classes, friendships, schools, industrial enterprises, bureaucracies, clubs and so on. But at this point the abstract ideal of diversity turns into its Orwellian opposite — homogeneity. Since everything must be diverse, everything becomes the same.

'Workplace diversity' in Britain requires that employees should replicate the composition of society at large. Since Britain contains about nine percent of people ethnically distinct from the indigenous majority, 'minority' employees in large firms should also be at the level of nine percent. Further, these 'representative' elements in the firm ought to be distributed right across the levels of seniority. 'Minorities' must be promoted. This ideal structure is imposed by the

higher. Such a rule would impact differently on men and women, and on whites and people from south Asia.

Clearly the ideal of diversity involves a balance of desirabilities. In an ideal world, employers would choose the best person for the job, but they (or their personnel departments) might be prejudiced on grounds of race, religion or some other group marker. On the other hand, central direction requiring the universality of diversity clearly mandates the employment of people whose ability to do the required job may be suspect. What is an employer to do who must choose (as the Somerset police were recently forced to choose) between white applicants whom they judged more suitable for the force, and less suitable non-white applicants who had to be selected in order to fill the required ethnic quota?

In political life, the ideal of diversity is known as 'consociationalism' and is to be found in the distribution of political offices according to the ethnic

As the diversity bureaucracy gathers momentum, New Labour at both national and local levels has moved into 'contract compliance', which uses the power of state procurement to impose ethnic quotas on suppliers. In the Race Relations Amendment Act of 2000, all public bodies have a duty to promote equality, but much of the enforcement of this system results not from parliament but from government patronage. Diversity thus violates the rule of law. We begin to approach the American situation in which white contractors employ phantom black companies to bid for contracts in order to comply with affirmative action, and it is the white company that does the work.

Diversity is the legislation of virtue, and like all such enterprises, it creates a parasitic class of compliance consultants, inspectors, regulators and tribunals to make the system work. Kenneth Minogue is professor emeritus of political science at LSE.

properly represented, since this representation will be, for them, a mark of acceptance in the wider society.

At board level, too, diversity is a wise idea. It is not just that diversity of gender, ethnicity and age can help to multiply the expertise of the board. There will be internal problems that only a woman, or a Muslim or a black can effectively deal with; there will be marketing issues in which the sensibilities of ethnic minorities might need to be borne in mind; there might be products specifically aimed at a given gender, ethnic group or religious affiliation. To take note of these factors is not to promote 'reverse discrimination', with its potential burden of litigation and disaffection among the board members and employees of the firm. It is to proceed along the familiar path of profitability, by taking advantage of the enormous possibilities offered by the global economy, in which no single

culture, no single language, no single gender, can dominate the market.

We should recognize, too, that the relation between a large firm and its employees is no longer one of simple employment. Corporations offer membership, and they demand from their staff not work only, but also loyalty and commitment. A new kind of relationship, based on mutual obligation and a long-term identity of interests, has replaced the old relation known to the common law as 'master and servant'. It is unwise, to say the least, for a corporation to demand loyalty from people whose identity is implicitly denied by the decision-making body of the firm. People give their trust to bodies with which they can identify, not to assemblies of strangers. We should not be surprised, therefore, by recent research in America and Canada, which suggests (albeit inconclusively) that the elevation of women and minorities to the board

enhances the economic performance of large corporations.

Finally, we should recognize in the multinationals an unparalleled opportunity to develop a fully diversified workforce, operating under a fully diversified executive. It suffices that multinational employ local people in every place where they produce or market their product, and ensure equal opportunities of promotion to board level, from any point within the firm. In this way it is far more likely that a multinational will have a board in which man and woman, Christian and Muslim, black and white, sit side by side than that a Western university will achieve the same kind of balance among its professoriat. In the global economy diversity arrives 'by an invisible hand', and maybe there is no need to strive for it — simply a need to remove the barriers to trade.

Margaret Transom is CEO of a public affairs consultancy.

Viewpoint diversity

Conservatives (American conservatives especially) complain that the universities do not display the kind of diversity of opinion that would make them representative of the community. Opinions tend to coagulate at the left end of the spectrum, with conservatives often marginalized or censored out of the debate. Is this true? And if it is true, would viewpoint diversity in the academy develop better if the race and gender diversity agenda was less prevalent? Certainly we don't wish for diversity of opinion in mathematics, physics or biology — the pursuit of scientific consensus is what it is all about. Interesting reading is the debate 'Do law schools need ideological diversity?' between Yale professor of law, Peter H Schuck, and Texas professor of law and philosophy, Brian Leiter:

Diversity on Campus

Brian Leiter

The value of viewpoint diversity for 'scholarly flourishing' is a bit trickier. I think of George Mason, the least intellectually diverse law school in the United States, but whose phenomenal success in the last 25 years is largely attributable to that fact. A familiar fact in academic life is that intellectual and scholarly work often flourishes in an environment where like-minded individuals can work together. By adopting as its market niche 'conservative/ libertarian law and economics,' George Mason has been able to attract a highly productive and accomplished faculty, who no doubt stimulate each other to do more and better work. One of the more unfortunate consequences of Justice Powell's introduction of the 'diversity' mantra into American public discourse is that it obscures the extent to which in

scholarly pursuits depth, subtlety, and the comprehensive exploration of the possibilities of an intellectual paradigm require the stimulation of colleagues who share some basic premises, substantive and methodological: it's some degree of homogeneity, not diversity, that often makes possible the deepest work. The beauty of American law schools is that George Mason is but one of the many options from which law students, and legal scholars, can choose, and that most good law schools are large enough to accommodate clusters of scholars who share 'viewpoints,' but who, taken together, produce a remarkable diversity of viewpoints on the real issues that engage lawyers, judges, and academics.

From *Legal Affairs* Debate Club: 'Do Law Schools need ideological diversity?' 23/1/06

For the full debate see: http://www.legalaffairs.org/webexclusive/debateclub_diversity0106.msp

Prominent campaigns for diversity:

Hispanic Association on Corporate Responsibility 'strives to ensure that there is an equitable participation of the Hispanic community in corporate America commensurate with Hispanic purchasing power'. It offers prizes in recognition of companies which increase representation of Hispanics on their boards of directors: <http://www.hacr.org>. *Wal-Mart* is one such prize winning company. *Wal-Mart* has also been awarded a Blue-ribbon prize by **Catalyst** which works to advance women in business and provides a corporate board placement service. <http://www.catalystwomen.org>

National Association for the Advancement of Colored People was established in 1909, so one of the most mature civil rights organizations in the US. Its **Fair Share** program is designed to ensure that a fair share of the dollars spent by African American consumers are reinvested back in to their communities in the form of jobs and business opportunities. Winners of Fair Share Awards have been *Food Lion* supermarkets and *McDonald's Corporations*. <http://www.naacp.org>

Interfaith Center on Corporate Responsibility: a Judao-Christian organization that encourages members to use the shareholder-resolution process to challenge companies on their workplace practices. It publishes the '*Corporate Examiner*', a newsletter on investor activist issues: <http://www.ircr.org>. Another body that uses the tool of shareholder activism is the **National Rainbow/PUSH Coalition**, in particular its **Wall Street Project**, initiated in 1997 by Rev. Jesse L. Jackson, the project has purchased an average of 50 shares of stock in more than 100 companies in order to lobby through shareholder resolutions for the hire of minorities and the right to make board level nominations. <http://www.rainbowpush.org>.

Publications

Leave gender off the agenda, by Heather McGregor, *The Spectator* 12/3/05 argues that the statistics do not bear out that there is any link either positive or negative between board diversity and performance.

Board Diversity, a briefing document available from **Business for Social Responsibility** which promotes the business case for diversifying boards, plus useful facts. www.bsr.org

Corporate America's new stealth raiders, by Nicole Gelinias, *City Journal*, Winter 2005, scrutinizes the activities of public-fund trustees, using shareholder resolutions. Unlike the private fund manager, who bears the full financial risk of investing for ideological rather than profit motifs, there is far less risk for public pension trustees since, at the end of the day, the taxpayer must make up any pension shortfall.

Strength in Diversity — consultation on community cohesion and race equality strategy, launched by the UK Home Office, June 2004, led to the **Government Wide Community Cohesion and Racial Equality Strategy** <http://www.homeoffice.gov.uk/documents/cons-strength-in-diverse-170904/>. Documents that show an active response to the MacPherson report following the Stephen Lawrence Inquiry of 1999 and an active response to the duties set out in the Race Relations Amendment Act of 2000. One interesting formal response to this document was submitted by the Institute of Ideas, authored by Munira Mirza, who suggests the inappropriateness of using the blunt instrument of law to regulate 'good relations' between ethnic groups, since law can heighten, rather than reduce, racial anxieties. Institute of Ideas, Policy Watch: <http://www.institute-ofideas.com/transcripts/policywatch4.pdf>

Culture Vultures ed. Munira Mirza, Policy Exchange, 2006. Six essays considering the social and public role of art and the exercise of state control.

Race Experts by Elizabeth Lasch-Quinn, Rowman and Littlefield, 2003. A powerful argument against the diversity experts whose activities both hamper the civil rights movement and perpetuate differentiation.

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WWW.

The Chronicle of Philanthropy: Building Board Diversity encourages diverse charity boards and points out that 'many grant makers pay a lot of attention to the diversity of boards when deciding which charities to assist'. <http://philanthropy.com>

Intellectual Diversity on Campus, one of many debates current on the Leiter Reports, a group blog initiated by Brian Leiter (see article above). Leiter takes the view that universities are places of great political and cultural diversity. <http://leiter-reports.typepad.com/>. It is well worth reading Peter H. Schuck's position on 'viewpoint' diversity in elite law schools, as set out in his debate with Leiter on **Legal Affairs** (above). <http://www.legalaffairs.org>

The EU has a website '**For Diversity. Against Discrimination**' where a document library of all relevant publications from workplace diversity to anti-discrimination law can be obtained in pdf format. <http://www.stop-discrimination.info>

www.volokh.com a blog with instances of where diversity, for political correctness sake, has had no positive impact. e.g. entries for 1 & 2 April 2005 on affirmative action.

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