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Preface to Responses: Dynamism, Not Just Diversity

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PREFACE TO RESPONSES
DYNAMISM, NOT JUST DIVERSITY

LANI GUINIER AND MARTHA MINOW*

> *Today's problems cannot be solved at the same level of thinking that created them.*
> —ATTRIBUTED TO ALBERT EINSTEIN

Remaking institutions of higher education so that women succeed and lead is an example of the kind of aspiration that requires new thinking as well as motivation and hard work. Generated by the innovative scholarship of Susan Sturm, the articles in this collection offer intellectual resources for the requisite new thinking. Lack of diversity emerges as a valid point of critique, but, as the authors in this response issue demonstrate, the presence of diversity is not alone the solution. There is power for newcomers who become institutional players, but bringing people in without changing the institution can both reproduce and legitimate new forms of marginalization.

We are most struck that these essays about rethinking organizational change to achieve gender equity converge around Sturm's metaphor of citizenship rather than equal treatment or opportunity. Real change, the authors indicate, is more likely to come and stick through participation by many people. Hence, the authors consider how change works through networks of people, not through the actions of one individual, and through alteration of ongoing operations, rather than the introduction of different actors playing the same roles. In this brief introduction, we seek to specify the dynamism within this new conception of citizenship. And yet, as several of the Workshop participants acknowledge, even when citizenship is tethered to durable motors for institutional change, the slipping back into familiar ways of thinking remains a real risk.

STATING THE PROBLEM

Longstanding efforts to overcome exclusion of women in institutions of higher learning have produced some changes, but the small numbers of women in academic posts in science is especially striking given the rise of coeducation over several decades. The losses that result from continuing exclusion redound not only to individual women but also to the project of building knowledge. Failures to afford effective opportunities for women in science are particularly disturbing because of the special importance of colleges and universities in conveying and expanding knowledge, in generating

* Lani Guinier is the Bennett Boskey Professor of Law at Harvard Law School. Martha Minow is the Jeremiah Smith, Jr. Professor of Law at Harvard Law School.

new approaches to truth, in fueling the "knowledge economy" in this information age, in developing critical thinking skills among citizens, in training a representative group of future leaders, and in signaling to succeeding generations what the society values and passes on.

Reformers have tackled historic exclusions of women from college and university opportunities within the familiar frame of equality. Programs receiving public support cannot discriminate on the basis of sex or race.[1] This legal norm focuses on treatment of individuals and uses each individual as the locus for assessment. It conventionally frames exclusion or under-representation as the product of prejudice or bias among decision makers. That bias then presumably animates discrimination or disparate treatment. Decisions about hiring and promoting individuals become the focus for enforcing the equality norm. The goal is to achieve fairness, or nondiscrimination, by assuring that decisionmakers forego individual animus and instead treat all employees the same.

Bias, however, is often unconscious and unintentional. It may simply mirror the overall culture, organizational structures, power dynamics, and patterns of interpersonal relationships. The anti-discrimination/fairness paradigm ignores the incentive structures and peer pressure, dominant rituals, and unspoken habits of thought that construct and then define the interpersonal, institutional, and cognitive behaviors and beliefs of members of the institutional community. Moreover, even when a college or university creates what seems to be a structural change, such as appointing an administrator charged with improving prospects for women, people of color, or other historically excluded groups, the spotlight on personnel changes further reflects the faulty focus on individuals by tending to treat the creation of such a position—held by one visible person—as the end of the inquiry. By linking multiple levels of inquiry, Sturm's approach reminds us that no one individual, even when operating at the highest levels of authority, is equipped to alter the culture and organizational practices of institutions, especially those, like universities, with longstanding investment in their traditions, their reputations, and their autonomy. Because culture and practice operate at multiple levels and influence individual cognition in both formal and unconscious ways, the focus on formal rules to regulate individual behaviors—whether by decision makers or change agents—is inadequate to the challenge.[2]

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[1] *See, e.g.*, Title VI, codified at 42 U.S.C. §§ 2000d (2000) (prohibiting discrimination on the basis of race, color, and national origin in federally funded programs and activities); Title IX, codified at 20 U.S.C. §§ 1681 (2000) (prohibiting discrimination on the basis of sex in federally funded education programs and activities).

[2] *See, e.g.*, Susan Sturm, *The Architecture of Inclusion: Advancing Workplace Equity in Higher Education*, 29 Harv. J.L. & Gender 247 (2006); Guy-Uriel E. Charles, *Toward a New Civil Rights Framework*, 30 Harv. J.L. & Gender 353 (2007).

RELATIONSHIPS, NETWORKS, AND CULTURES AS RESOURCES

People used to the legal framework of equality analysis should find the insights from other disciplines refreshing. Here, new perspectives elucidate interpersonal and institutional relationships, cultural practices and assumptions, and arrangements through which colleges and universities operate. Tools from organizational behavior, social psychology, anthropology, and political science can highlight what may seem invisible through the lens of anti-discrimination norms. To generate and support these real changes, reformers need to understand what connects individuals to their settings, what influences a sense of membership, and what directs and redirects the practices of power. Institutional change does not merely require good rules, but also a culture that endorses the values behind the rules, and attitudes and incentives that sustain rather than rebuff processes of change.

The new work represented in this issue thinks in terms of groups and relationships instead of individual transactions and job positions. Networks of relationships rather than dyadic transactions become the focus of attention.[3] Rather than viewing individuals as solo actors, or as agents serving a single principal, the articles in this issue conceive of each person within the educational institution not only as a member but also as a citizen, with responsibilities to the whole. An institutional citizen belongs to, forges, maintains, and is accountable to a community of commitments. For purposes of change strategies, the institution rather than individual actors becomes the unit of analysis, and the institution—as well as its members—must be made to think differently about their responsibilities. Institutional "thinking" in the form of rules, incentives, and habits deserves deliberate attention and reform. Obligations and actions are horizontal as well as vertical; a disaggregated notion of equality is replaced by an interconnected idea of citizenship.

Attending to folkways, incentives, norms, habits, and rituals may not be obvious tasks if the frame for change is instead individual rights or compliance with rules or laws. Yet directing attention to how people live their social lives, conduct day-to-day work, and thereby construct the practices of the institution offers more resources for sustained change than do notions of rights and rules. The obligations and opportunities for individuals become more vital in a structure that expects participation. Here, the rhetoric of citizenship puts forth the idea that each member of the community should be engaged in a normative and prospective project that enhances the institution and locates the institution in the larger polity.[4] Before the reader assumes

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[3] *See, e.g.*, Richard R.W. Brooks & Valerie Purdie-Vaughns, *The Supermodular Architecture of Inclusion*, 30 HARV. J.L. & GENDER 379 (2007) (claiming that structuring any selection process at the individual rather than the group level increases bias).

[4] Guy-Uriel Charles argues that citizenship calls the legitimacy of the institution's role within the larger polity into question; it also engages ideas of power and participation. *See* Charles, *supra* note 2.

that these are utopian ideas, it is telling that similar ideas appear in the corporate context, where dimensions of citizenship and culture prove crucial to making and sustaining change.[5]

By attending to networks of relationships within the educational institution, an effective reform initiative can pursue an idea of distributed leadership. Organizational change can start with, and continue by, leaders at the top, like a university president or dean, but also by diffusing leadership within interdisciplinary and locally based networks—what Sturm and others call "communities of practice."[6] Such networked relationships encourage individual members, including local agitators who push for information and accountability from recognized leaders, to see themselves as catalysts. The catalyst may have a formal role, like "diversity coordinator," but the title is less important than the abilities of that person to keep the issue of inclusion and transformation on the agenda in a variety of meetings, to earn and use credibility and respect while pushing for change, and to build ongoing communication and reporting about progress in enhancing the diversity in hiring and promoting faculty. Each of these potential leaders can be demobilized or disrespected, but each also has the potential to infuse the change process with dynamism, animating networks of relationships so the diversity mission becomes salient and integrated into the daily operations of the college or university. In an academic setting, the key for such catalysts is not a formal position but a hybrid role as an insider with a mission to bring about change. Organizational catalysts work best if they are existing and respected faculty members already tied organically to the institution rather than if they are individuals superimposed from the outside. Such respected individuals maintain their legitimacy in scholarship and teaching while they rotate in and out of the role of catalyst. Such rotation also valuably communicates the understanding that many individuals can act as catalysts, hooking into the networks with power to change institutional culture and practice.

There is an analogy to be drawn from the corporate context: Frank Dobbin shows how diversity managers and task forces can operate as organizational catalysts more effectively than can outside consultants.[7] Firms that formalize diversity management into productivity measures, and that solicit ideas from all workers about how to increase and institutionalize diversity, do better, and data produced and evaluated on a regular basis can support a dynamic of change. An intermediary, such as the Department of Labor, can play a valuable role in soliciting such data, but only if there are internal

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[5] Frank Dobbin points to dimensions of organizational citizenship in corporate culture in the formal performance evaluations, salary classes, and transparency in promotion. *See* Frank Dobbin & Alexandra Kalev, *The Architecture of Inclusion: Evidence from Corporate Diversity Programs*, 30 Harv. J.L. & Gender 279 (2007).

[6] Sturm, *supra* note 2.

[7] *See* Dobbin & Kalev, *supra* note 5.

actors who are accountable and who are ongoing members of the organization's culture will information gathering and reporting support change.[8]

Recognizing organizational culture as both a potential obstacle and resource for change is one important element in focusing on relationships rather than rights and on networks rather than individuals. For a normative push, it can help to approach the diversity within the college or university through the lens of citizenship. That idea invites imagining anew the relationships between individuals, the institution, and the community that it supports.[9] For example, rather than conceiving of racial or gender disparities in hiring and promotion as violations of individual rights to be treated equally and violations for which individuals deserve blame, the inclusiveness and diversity of the institution become values to animate change and to locate the institution itself within a larger polity where those values and aspirations are also embodied. Such a shift moves away from individual rights and blame toward institutional citizenship and culture. It invites exposure of the taken-for-granted practices and rituals, incentives and habits, relationships, and unspoken cultural norms that may contribute to the difficulties in hiring and promoting women and people of color.[10] It may point toward initiatives like structuring the process of faculty hiring to operate collectively across all of the sciences rather than simply within specific departments; the ecological idea would permit cluster hiring—allowing the institution to promote synergies in substantive research and also breaking the patterns of single-slot hiring that persist in low yields of women and candidates of color.[11] It may also support deliberate decisions to hire a critical mass of women, or women of color, or another underrepresented group, in acknowledgement of the potential gains to each of those individuals and to the institution as a whole from the creation of a peer group or "posse."[12] The benefit is not only potentially increased numbers, but also the support for each individual who can

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[8] *Id.*

[9] *See* Charles, *supra* note 4; Dobbin & Kalev, *supra* note 5; Londa Schiebinger, *Getting More Women into Science: Knowledge Issues*, 30 Harv. J.L. & Gender 365 (2007).

[10] *See* Schiebinger, *supra* note 9; Debra Meyerson & Megan Tompkins, *Tempered Radicals as Institutional Change Agents: The Case of Advancing Gender Equity at the University of Michigan*, 30 Harv. J.L. & Gender 303 (2007).

[11] *See* Brooks & Purdie-Vaughns, *supra* note 3.

[12] The posse idea historically has guided recruitment and success of promising urban public high school students who lack the traditional indicators of success relied on by colleges, such as high SAT scores and GPAs. Mentored in groups of ten, which they call "posses," these students become campus leaders and academic achievers at "top-ranked" colleges. *See, e.g.*, Jonathan D. Glater, *In Search of Standouts Who May Not Stand Out Enough*, N.Y. Times, May 24, 2006, at B9; Univ. of Michigan, Educational Opportunity Initiatives, http://www.flint.umich.edu/EOI/services.php ("The Bridges to Success Program features a unique concept entitled the "Posse" component . . . . Students from diverse backgrounds (particularly African American, Hispanic/Latino, and Native Americans) are identified, recruited and selected to form teams called 'Posses.' Students are grouped into teams according to academic majors as one means to promote strong networking opportunities for Posse members as they pursue their educational goals. The Posse philosophy promotes academic achievement and leadership; it further empowers students to succeed and become active agents of change.").

gain a sense of agency and a sense of belonging with the reference group of others. Moreover, there is evidence that a diversified leadership that is networked and integrated into important decision making settings does create a different dynamic around at least gender throughout an organization.

What Can Go Wrong

Yet none of these approaches, alone or in combination, guarantees success. Especially where they involve shifting attention from external legal standards and claims of individual rights, the focus on cultural change, relationship building, and information management by catalysts risks loss of external accountability and critique.[13] In addition, even the idea of citizenship risks smoothing away the dimensions of conflict potentially necessary to pressure institutions to change and defusing motivations that might otherwise go into political mobilization. Institutional and organizational change can produce reliance on language, such as the "pipeline" for candidates who would increase the institution's diversity, that deflect responsibility to outside causes beyond the power of anyone inside the institution.[14]

Creating a position, such as diversity coordinator, can be helpful but it can also invite others to assign responsibility solely to the person in that role, rather than changing the priorities and cultural norms that would make diversity a central priority. Investing responsibility in one position can also expose the person in that position to the risk of cooptation or accommodation, limiting that person's energy and commitment for change while allowing others to relax in the belief that change is now someone else's responsibility.

Bringing people from previously excluded or underrepresented groups into an institution can prove frustrating and disappointing for those individuals; they may feel alienated by a culture that is not welcoming or by individuals who doubt their worth. That alienation in turn can lead some of the people most equipped to promote new recruiting to feel disaffected and disengaged.[15] This can occur at the micro level—in the classroom—as well as in the college or university faculty and management.[16] The risks of aliena-

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[13] *See* Susan D. Carle, *Progressive Lawyering in Politically Depressing Times: Can New Models for Institutional Self-Reform Achieve More Effective Structural Change?*, 30 Harv. J.L. & Gender 323 (2007).

[14] Evelynn M. Hammonds, Senior Vice Provost for Faculty Development & Diversity and Professor of History of Science and African & African American Studies, Harvard Univ., Remarks at the Harvard Journal of Law & Gender *Architecture of Inclusion* Faculty Response Workshop (Oct. 20, 2006) [hereinafter Hammonds Remarks].

[15] *See* Bonita London, Vanessa Anderson & Geraldine Downey, *Studying Institutional Engagement: Utilizing Social Psychology Research Methodologies to Study Law Student Engagement*, 30 Harv. J.L. & Gender 389 (2007).

[16] *See* Jason Osborne & Christopher Walker, *Stereotype Threat, Identification with Academics, and Withdrawal From School: Why the Most Successful Students of Colour Might be Most Likely to Withdraw*, 26 Educ. Psychol. 563 (2006); Claude M. Steele, *A Threat in the Air: How Stereotypes Shape the Intellectual Identity and Performance*, 52 Am. Psychologist 613 (1997).

tion in the classroom injure the immediate individuals and also rob everyone in the class of the energy and insight that can come from new perspectives.

As difficult as it has been for women to come into and thrive in some sectors of higher education, such as the sciences, gender disparities may be easier to address than racial ones, given the sheer numbers in the general population and differences in patterns of prejudice and opportunity. Persistent failure to address women of color reflects in no small measure the defects in categorical thinking.[17] The very phrase "women and minorities" leaves out women of color and reflects the kind of reductionist thinking that informs conscious actions and unconscious perceptions.[18] The visual image of a diverse group to this day may include bringing in white women and African-American men and women, but still miss Native Americans and Asians.[19] This kind of partial inclusion means that diversity programs may open the door selectively—and the most privileged of the excluded group, those least likely to disrupt the framework, may be the most likely to come in. Yet challenges may be experienced differently for different members of historically excluded groups. There is some evidence that women are more likely to assimilate to their environment than men, so that in a historically-male institution, even a class that is more than half women will still be dominated by men; this may be less likely for people of color in the class.[20] Similarly, even in roles of leadership, women are more likely to adopt a role of follower through their speech and behavior.[21] But recruiting people of color remains a more difficult challenge than recruiting white women, given numbers, social isolation, and disadvantages at early, as well as later, stages of education and career development.

The research reflected in this volume shows the benefits of organizing change from within the institution in order to ensure continuity and knowledge of local folkways and culture. Similarly, assessment can be more reliable when conducted by participant-observers rather than outsiders given their different knowledge of the unspoken ways of the local cultures. At the same time, membership for both the change-agent and the evaluator risks the distortion and self-referential blindness, the inevitable tilt in perspective that comes with being an inside participant.[22]

In their efforts to build in mutually reinforcing dimensions of various strategies, reformers who institutionalize change could undermine its dynamic potential. The dynamism of change may simply be captured and domesticated by a different, even if more diverse, elite. Although law can

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[17] *See* Hammonds Remarks, *supra* note 14.

[18] *See* Brooks & Purdie-Vaughns, *supra* note 3.

[19] *Id.*

[20] Valerie Purdie-Vaughns, Assistant Professor of Psychology, Yale Univ., Remarks at the Harvard Journal of Law & Gender *Architecture of Inclusion* Faculty Response Workshop (Oct. 20, 2006).

[21] *Id.*

[22] *See* Meyerson & Tompkins, *supra* note 10.

remain a potential resource for ideas and analogies as well as a backup tool when relationships break down, political and social elites may nevertheless be enabled to act politically without publicity and the concomitant checks of their power.[23]

What to Do?

Susan Sturm's *Architecture of Inclusion* and the responses collected in this issue summon today's problem-solvers to focus on leverage points, communities of practice, and change as a dynamic process. They use the concept of citizenship as a powerful heuristic to situate the institution within its public and democratic mission. They challenge reformers to think of themselves as architects of dynamism who collaborate with others in the institution to renovate professional values, consistent with the public values that the institution itself should serve. They make clear that change requires intensive and ongoing work. There are no silver bullets, no guaranteed techniques for institutional change aimed at diversifying the institution.

In fact, institutionalizing change is paradoxical; efforts to make dynamism permanent may seem self-contradictory. Even powerful reformers may be unable to ensure that the most energetic organizational catalysts or widely diffused networks confront the limitations of their own power. Nor will they necessarily work to build external constituencies of accountability that can inform and disrupt the construction of new hierarchies. Participant-observers can generate institutional momentum, but membership also creates risks of complicity and blind spots, impairing insight. Learning from particular settings enables us to transport knowledge. At the same time, the very effort to theorize may be at odds with the recognition that the local context and local values are key.

Yet, as the essays included in this issue suggest, there are lessons that can inform change and inspire vigilant responses addressed to particular contexts. For example, increasing the number of women may be easier than producing racial diversity in faculty hiring, and even when both gender and race are considered in tandem they may need to be used as levers for transformation, not just inclusion.[24] The authors in this issue emphasize the importance of addressing cultural norms through communities of practice, not just through individual leaders.[25] Yet even when leadership is distributed

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[23] *See* Carle, *supra* note 13.

[24] While several authors promote the idea of a more rigorous gender analysis, some participants at the Harvard Journal of Law & Gender *Architecture of Inclusion* Faculty Response Workshop (Oct. 20, 2006), including one of us, questioned whether gender analysis is the right term. Perhaps, we suggested, the idea of "gender literacy" or "racial literacy" is more apt, especially because literacy is a necessary part of citizenship.

[25] Communities of practice socialize newcomers and challenge the old guard. *See* Meyerson & Tompkins, *supra* note 22; London et al., *supra* note 15; Schiebinger, *supra* note 9.

and change goes beyond enforcing rules, it may still be important to go outside the institution to revitalize constituencies of accountability in order to truly break those normative, cognitive, and regulatory practices that insiders too often take for granted. This includes cultivating and sustaining communities of practice within and beyond the single institutions, such as meetings of vice-provosts from different institutions. Then individuals can become a posse for one another, through a network across institutions. Similarly, institutional intermediaries, such as the Department of Labor and the National Science Foundation, can play important roles.

Explicit assessment is crucial but can also be done badly. To institutionalize dynamic change, the organization needs to engage regularly in self-reflection and assessment. The point is not mere data collection. To support dynamic change, the flow of data, the diffusion of information, and the willingness to critique—not just collect—data is crucial. For example, the assessment must ask, what kinds of groups remain outside the institution despite, or even because of, new efforts at inclusion? Yet full citizenship cannot be measured solely by counting the number of women and people of color in the institution. Ultimately, the aspiration of full citizenship requires asking new questions[26] and stimulating measures of cultural transformation, not just changing the faces of people performing the old roles.

Seeking diversity was the response to explicit exclusion. But diversity attempted to solve the problem based on the very thinking that produced it. Equality, too, seems to remedy the most obvious problem of inequality. As the authors here recognize, positive change for educational institutions demands more generative ideas, dynamic practices, and collective responsibilities. No individual alone is either the source of the problem or the sole agent of change. Instead, the locus of change should shift from the individual to relationships, networks, and institutional cultures, and from one-shot events to the succession of transactions.

To prevent solutions that recreate the thinking that made the problems, these essays call forth ongoing relationships, not static solutions. They invoke and make connections across micro and macro perspectives. They use multiple disciplines and methodologies to address structural problems and expose the limited perspective of any one approach. They invite institutions to work collaboratively to loosen embedded assumptions and the taken-for-granted practices. They imagine anchoring reformers inside institutions in multiple networks in order to expose them both to alternative logics and external constituencies of accountability. Most importantly, they encourage members of institutions and the institutions within society to recognize themselves in dynamic terms—as citizens within a community of commitments straddling the school and the world.

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[26] *See* Schiebinger, *supra* note 9.