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The Concept of 'Diversity' among Swedish Consultants

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Abstract

This paper examines Swedish diversity consultants' definition of 'diversity' and its management. While research from the USA and the UK asserts a tension between the concepts of 'diversity' and legal 'equality', studies on continental Europe and Scandinavia tend to posit their reconciliation. This paper adds to research by using the case of Swedish diversity consultants. While confirming previous reports from the USA on diversity rhetoric's 'managerialization of law', the essay's interpretative approach brings insight into the strategic ambiguity and the subjective motives underpinning diversity rhetoric. The examination suggests that the same diversity rhetoric that creates managerialization may be used to further other than typically managerial interests. In particular it is suggested that what might be seen, from the researcher's perspective, as a weakening of legal ideals, may simultaneously be seen by the actors themselves as an extension of legal ideals beyond the limits of antidiscrimination law.

Introduction

Research on 'diversity' and 'diversity management' (DM) stresses the need to understand DM not as a fixed concept but as a management model shaped by various discourses, national contexts, and organizational settings (Holvino & Kamp, 2009; Janssens & Zanoni, 2005; Klarsfeld, 2009, 2010; Omanovic, 2008, Zanoni & Janssens, 2004; for a review, see Zanoni, Janssens, Benschop, & Nkomo, 2010). Further, DM is usually understood as involving antidiscrimination efforts; however, except for research on the USA (Edelman, Riggs Fuller, & Mara-Drita, 2001; Kelly & Dobbin, 1998) and the UK (Barmes & Ashtiany, 2003; Liff & Wajcman, 1996) antidiscrimination *law* is rarely adressed in critical diversity studies. Where law is discussed at any length (e.g., Klarsfeld, 2009, 2010; Süss & Kleiner, 2008; Toggenburg, 2005), its relation to DM is largely left untheorized: law and diversity are thus conflated, or law is simply taken as a normative pressure on organizations. This research thus implicitly portrays diversity as either a voluntary organizational strategy unrelated to legal discourse or as a 'natural' continuation and replication of legal mandates.

Drawing from institutional theories on the transformation of law in organizational arenas (Edelman et al., 2001; Suchman & Edelman, 1996; Kelly, 2003), this paper examines the ambiguous interlocking between legal antidiscrimination discourse and the rhetoric of diversity. The case of Swedish diversity consultants is used to examine the tension between diversity and antidiscrimination law. While partly confirming previous reports on the 'managerialization of law' (Edelman et al., 2001; Edelman, 2004, 2005), this study adds an interpretative approach that explores how consultants view their own rhetoric and make strategic use of its ambiguities. It is suggested that the same diversity rhetoric that creates managerialization and thus weakens legal ideals (Edelman et al., 2001) may be used for various non-managerial ends, including the *extension* of legal antidiscrimination values.

The article proceeds as follows. In the next section, I briefly review the debate on diversity's relation to law and explain how the Swedish case adds to this discussion. I then sketch the theoretical frame guiding the study and explain how this paper extends previous research. Finally, I discuss research methods before presenting and analyzing results.

Research on diversity and law

DM emerged in the USA in the late 1980s as a management model stressing the organizational benefits of antidiscrimination programs (Edelman et al., 2001; Kelly & Dobbin, 1998). Since then, a crucial point of research and debate has been the relation between diversity and legal or moral approaches to equality in the workplace. In the case of the USA (e.g., Edelman et al., 2001; Kelly & Dobbin, 1998) and the UK (e.g., Barmes & Ashtiany, 2003; Greene, Kirton, & Wrench, 2005; Liff & Wajcman, 1996), scholars situate diversity as a discourse *replacing* and *reframing* former legally-based approaches to workplace equality. While 'equality' addressed systemic discrimination stressing moral rationales, 'diversity' is said to focus on individual differences and traditional managerial goals. Hence, the rhetoric of diversity has been theorized as creating a managerialization of law (Edelman et al., 2001).

However, the picture is arguably different in the case of continental Europe (e.g. Klarsfeld, 2009, 2010; Toggenburg, 2005) and Scandinavia (e.g. Greene et al., 2005; Holvino & Kamp 2009; Kalonaityte, Prasad, & Tedros, 2010; Rönnqvist, 2008). Here, the tension between diversity and legal equality is said to be considerably more relaxed as diversity is infused with public values and associated with social justice concerns. Because antidiscrimination laws developed simultaneously and in conflation with DM, scholars posit

their reconciliation and suggest that in many European countries 'diversity management appears strongly linked to equality and non-discrimination legislation' (Klarsfeld, 2010, p. 1).

This study examines how Swedish diversity consultants construct 'diversity' in relation to law. Swedish ideas of diversity are particularly interesting because the Swedish context stands out in two significant ways. First, and in contrast to the USA (Edelman et al., 2001; Kelly & Dobbin, 1998), Swedish diversity (management) developed simultaneously with antidiscrimination laws and a growing awareness of social exclusion, ethnic discrimination, segregation, and racism (de los Reyes, 2000; Kalonaityte et al., 2010; Omanovic, 2008; Rönnqvist, 2008). This would suggest that Sweden joins France and continental Europe in challenging 'the idea that diversity management "comes after", "reframes" or even "replaces" anti-discrimination laws, as has been argued in the USA' (Klarsfeld, 2009, p. 366). However, I argue that it is not necessary for diversity to *succeed* legislation in order for the former to reshape legal ideals, as is assumed by Klarsfeld (2009) and implied in American research (Edelman et al., 2001; Kelly & Dobbin, 1998).

Second, the capacity of organizational actors to transform the meaning of law in the USA is typically assumed to stem from the broad and ambiguous character of laws (Edelman et al., 2001; Edelman, 1992, 2004; 2005; Suchman & Edelman, 1996) and the American state's weak involvement in industry (Dobbin & Sutton, 1998). In contrast, Swedish antidiscrimination law is relatively clear (as shown below) and the state has been deeply involved in championing initiatives of organizational diversity management as a way of integrating immigrants into the labor market (Kalonaityte et al., 2010; Omanovic, 2009; Rönnqvist, 2008). Again, this would suggest—as does research—that the Swedish concept of diversity is limited to *ethnicity* and biased toward public interests such as equality, integration, and antidiscrimination (de los Reyes, 2000; Kalonaityte et al., 2010; Rönnqvist, 2008). However, the present case gives nuance to this picture. Although shaped by social democratic

governments and public sector concerns, the meaning of diversity continues to be influenced by a wide variety of organizational actors. Swedish diversity is indeed invested with different meanings and interests, making the concept highly hybridized (Omanovic, 2009). Shifting focus from state policy-making to organizational management, this paper calls attention to private diversity consultants, yet another set of actors central to the introduction of diversity ideas in Sweden (Omanovic, 2009; Rönnqvist, 2008).

THEORY

Institutionalism of law and organizations

This paper draws mainly on institutional theory on law and organizations. Partly building on organizational neo-institutionalism (e.g. DiMaggio & Powell, 1983; Meyer & Rowan, 1977), Lauren B. Edelman and collaborators have developed theories on how laws and organizations interact and mutually constitute each other (Suchman & Edelman, 1996; see also Edelman et al., 2001; Edelman, 1992, 2004, 2005). While early neo-institutionalism tended to portray organizations as responding to clear, stable and coercive laws, more recent theory emphasizes the active character of organizations in shaping the meaning of ambiguous, instable, and culturally embedded laws (Edelman, 2004; Dobbin & Sutton, 1998; Kelly, 2003; Suchman & Edelman, 1996).

Many employment laws are vague and are rarely read directly by employers or organizational administrators; instead, organizations rely on their 'legal environments' (Edelman, 2004, p. 233) for interpretations of law and legitimate models of organizational compliance. The legal environment is the arena in which legal and organizational fields overlap, since it comprises not only formal legal institutions but all informal law-related

aspects of organizations, including the wide range of practices, norms and ideas deriving from law (Edelman, 2004, 2005). Because legal and organizational fields share common actors and processes, they are not empirically distinct. However, legal fields revolve around logics emphasizing moral notions of justice, rights, and fairness, whereas organizational fields emphasize efficiency, productivity, and profit (Edelman, 2004).

In these legal environments, then, 'compliance professionals' (Edelman, 2004, p. 239) such as lawyers, managers, and consultants collectively construct the meaning of law and champion models of organizational compliance. As they discuss and exchange ideas, legal and organizational logics intersect and become blurred (Edelman, 2004, p. 238-39). Compliance professionals are 'the first-line interpreters of law; they communicate to organizational administrators what laws are relevant, how they are relevant, and how much threat they pose' (Edelman, 2004, p. 240). Hence, before being implemented in organizations, the meaning of law is mediated through the values and interests of consultants and other agents acting as 'social filters' between law on the books and law in action (Edelman, 2004: 239; see also Suchman & Edelman 1996; Edelman et al., 2001; Edelman, 2004, 2005).

Institutional theory of law and organizations stresses that organizations may subtly alter the meaning of laws that challenge managerial interests. This 'transformation of law' (Kelly, 2003) includes both material practices—such as compliance structures not required by law (Edelman, 2005; Dobbin & Sutton, 1998; Kelly, 2003)—and rhetorical reconstruction or 'managerialization' of law (Edelman et al., 2001; Edelman, 2004, p. 345; Edelman 2005, p. 241). The managerialization of law is defined as a process by which 'legal ideas are refigured by managerial ways of thinking as they flow across the boundaries of legal fields and into managerial and organizational fields' (Edelman et al., 2001, p. 1589). As law becomes managerialized, 'the logic of efficiency and rationality will often trump the logic of rights and justice' (Edelman, 2005, p. 345).

While managerialization makes antidiscrimination laws more consistent with organizational logics and thus more easily accepted by managers, it may simultaneously 'weaken, de-emphasize, and depoliticize legal ideals by subsuming them under managerial goals' (Edelman, 2004, p. 243). A case in point is how the rhetoric of diversity in the USA reframed civil rights law by substituting efficiency rationales for ideals of rights and justice (Edelman et al., 2001; Edelman, 2004, 2005).

Because this paper examines rhetorical managerialization, I now turn to specifying its three components in the case of diversity (Edelman et al., 2001, see also Edelman, 2004; Edelman, 2005).

First, managerialization constructs *the scope* of diversity. While antidiscrimination laws provide rights to nondiscrimination on the basis of sex, ethnicity, disability and other determinate categories, the diversity model considerably expands the legal scope by framing diversity as a seemingly random list of personal features. Thus, skills, personality, communication style or dress may be placed on a par with the legal categories (Edelman et al., 2001).

Second, managerialization constructs *the rationality* of diversity. While managerial diversity repudiates discrimination, it does so based on efficiency concerns rather than legal or moral principles (Edelman et al., 2001). For instance, employee diversity may be framed as a 'resource' supporting traditional organizational ends, such as competitiveness, productivity, flexibility, and profit. In this way, managerialization de-focalizes the moral underpinnings of law.

Third, managerialization constructs *the novelty* of diversity. Either by not mentioning law or by explicitly detaching 'diversity' from law, a difference is made that depicts the diversity model as superior to law—that is, more rational, more effective, or more progressive. Importantly, in dissociating diversity from law, 'managerial rhetorics not explicitly about law

may be especially powerful in shaping conceptions of law and the legal environment *precisely* because their relation to law is veiled' (Edelman et al., 2001, p. 1597-1598).

While applying the approach of managerialization outlined above, this paper adds to previous research as elaborated in the following section.

Extending previous research

This paper adds to previous research in three ways. First, it gives nuance to previous comments suggesting that in continental Europe, Scandinavia, and Sweden, diversity is biased towards public interests and/or reconciled with law and social justice ideals (e.g. Holvino & Kamp, 2008; Kalonaityte et al., 2010; Klarsfeld, 2009, 2010; Rönnqvist, 2008).

Second, this paper elaborates on the concept of 'managerialization' (Edelman et al., 2001). While research suggests that organizational actors tend to slip their interests and values into their interpretations of law (DiMaggio & Powell, 1983; Edelman, 1992; Edelman et al., 2001; Suchman & Edelman, 1996), these interests and values are typically ascribed rather than empirically examined. For instance, Edelman et al. (2001) assert that law is managerialized as 'diversity' is stretched beyond legal categories (see also Edelman, 2004, p. 243). While this conclusion is justified, it is also one-sided because the implications of such rhetorical move are here exclusively viewed from the point of the researchers. Is it not possible for a widened diversity scope to include non-managerial goals and even extend legal ideals beyond the inherent limits of legal statutes? To address this question, a closer look at the actors' own perspective is needed. How do advocates of diversity view their own rhetoric? By asking consultants why they favor a specific diversity construct, this paper calls attention to the intentions underpinning diversity rhetoric.

Third, the present case moderates the usually assumed conditions and consequences of organizational transformation of law. As noted above, previous research primarily derives the transformation of law from legal ambiguity: vague statutes and uncertain enforcement are said to render the meaning of law open to organizational reconstruction (Edelman, 1992; Edelman et al., 2001; Dobbin & Sutton, 1998; Suchman & Edelman, 1996). As pointed out by Kelly (2003), however, legal ambiguity is not a necessary condition for the reconstruction of law: consultants and other filtering agents may stretch the meaning of even well-defined mandates. Nonetheless, this literature frequently assumes that initial ambiguity *decreases* as organizational actors make sense of law: by offering clear law interpretations and distinct compliance solutions, filtering agents are assumed to spur organizational change through structural isomorphism (DiMaggio & Powell, 1983; Edelman, 1992; Edelman et al., 2001; Dobbin & Sutton, 1998; Kelly, 2003; Suchman & Edelman 1996). In the same spirit, the term 'managerialization' implies that diversity rhetoric is quite unequivocal: it weakens legal ideals by subsuming them under managerial goals (Edelman, 2004, p. 243).

By contrast, the present case suggests that diversity may *increase* ambiguity as compared to (Swedish) antidiscrimination law. Drawing from Scandinavian institutionalism (Czarniawska & Sevón 1996; Furusten, 2009; Mazza, Sahlin-Andersson, & Strandgaard Pedersen, 2005) and research on ambiguity and communication (Giroux, 2006; Kieser, 1997), the ambiguity of diversity may be seen as both the source and the result of its being invested with different interests and constantly reinterpreted or 'translated' by actors in different contexts (Czarniawska & Sevón, 1996; Giroux, 2006). In addition, the particular case of consultants suggests that these actors may even strive for ambiguity rather than ready-to-use models (Kieser, 1997). While uncertainty regarding the law or the meaning of diversity may lead organizations to hire consultants, the latter may benefit from the same uncertainty and seek to keep terms and ideas open. If organizing ideas were clearly defined and easily

applicable, there would arguably be no demand for consultants (Kieser, 1997). For organizations, on the other hand, ambiguous ideas may facilitate 'decoupling' and 'hypocrisy', that is, the creation of discrepancies between formal and informal structures (Brunsson, 1989; Meyer & Rowan, 1977). Thus, rather than standardizing agents of change spurring institutional isomorphism, this paper views consultants as lacking the power, authority and willingness to impose determinate constructs on client organizations. Rather, they are understood as flexible improvisers (Furusten, 2009) and merchants of meaning disseminating 'organizational talk' (Czarniawska, 1988), that is, legitimizing accounts and labels that help organizations portray themselves as modern and rational. In this connection, organizing ideas may be viewed as consisting of a label and some kind of content or prescription for action (Mazza et al., 2005). Vague ideas, however, usually have a standardized label (e.g. diversity) while lacking a clear content. Thus it is not obvious that organizations adopting the same label or vocabulary are implementing the same practices. This brings about an analytical distinction between three institutional effects: *isomorphism* (same form), *isopraxism* (same practice), and *isonymism* (same label) (Erlingsdóttir & Lindberg, 2005).

In the case of diversity, this paper suggests that ambiguity may be used strategically and pragmatically (Giroux, 2006) for various purposes, including the advancement of non-managerial interests. As ambiguity allows for more than one interpretation and practice, the labeling of diversity rhetoric as a 'managerialization of law' (Edelman et al., 2001) becomes somewhat problematic. While diversity rhetoric may indeed weaken legal ideals by subsuming them under managerial goals (Edelman, 2004, p. 243), it may equally extend legal ideals beyond the limits of antidiscrimination law.

Much diversity research indeed suggests that diversity is an open and elastic concept (e.g. Ahmed, 2007; Edelman et al., 2001; Janssens & Zanoni, 2005). With few exceptions however

(e.g. Ahmed 2007), this ambiguity is not dwelled upon nor explored in itself. This paper draws attention to the vague and malleable character of diversity, suggesting that consultants may favor its ambiguity and use it strategically.

METHODS

Previous research on diversity's managerialization of law (Edelman et al., 2001) builds on quantitative and qualitative content analyses of managerial literature. While text analysis perfectly captures the progression of diversity rhetoric, it is however not suited for examining how the advocates of diversity themselves interpret their own rhetoric. As a consequence, one may consider the possibility that what might—from the researchers' perspective—be viewed as a managerial bias, is simultaneously viewed and used differently by the actors themselves. To address this question, a change in methods is required. This paper combines interviews conducted with 14 organizational consultants in 2009 and 2010, and a field study carried out at a diversity conference in 2010. This made it possible to examine not only how diversity is actually championed before potential clients, but also the consultants' motives for their rhetorical constructs. As the various interviews and conference speeches confirmed and contradicted each other, this complementary research strategy facilitated the validation of results and elaboration of the researcher's interpretations. Both interviews and conference speeches were recorded and transcribed for subsequent analysis. At the conference, additional text and image material about diversity was gathered to complement the main methods (conference speeches and interviews).

Diversity consultancy in Sweden is largely unregulated—as is generally the case with the occupation of organizational consultants, described by research as rule-resisters due to the

numerous unsuccessful attempts at standardizing their trade (Alexius, 2007). To be sure, the occupation of diversity consultants does not constitute a full profession in the sociological sense (Abbott, 1988). It lacks a recognized and distinct body of expert knowledge, and there are no institutionalized criteria specifying the activity and content of diversity consultancy. In principle, anyone may become a diversity consultant by simply taking that label and offering their services on the consultancy market. There are no formal authorizations, no trade associations, and no specific educational requirements. Indeed, it is not even necessary to use the label 'diversity consultant' (Swedish: *mångfaldskonsult*), although many diversity consultants do. Some may however prefer to be called 'future strategists', 'change agents' or simply 'organizational consultants' with 'diversity' as one specialization.

This lack of professionalization gives rise to two questions. First, who is a 'diversity consultant´? In this study, diversity consultants are persons who so label themselves or that, under another label, offer 'diversity consultancy'. Further, these persons are regularly hired by organizations to address issues of diversity management and they offer their services through their consultancy firm's websites. This working definition thus excludes academics, celebrities, and entertainers who may occasionally be called in to talk about subjects related to diversity (e.g., multicultural society in general). Second, knowing the exact size of the population of diversity consultants is difficult. However, by searching diversity consultancy websites and asking consultants themselves—all of whom were unsure of the population size—it was estimated that at the time of the interviews, the number of diversity consultants in Sweden was around 50, of whom around 20 were based in Stockholm.

For the interviews, 16 Stockholm-based consultants were contacted by e-mail after visiting their professional websites. These websites were found by combining the search terms diversity and 'consultant' or 'consultancy'. Two diversity consultants lacked the time to take part in the study, thus leaving 14 interviewees, of whom nine were women. The interviewees

were between 30 and 50 years old and of various occupational backgrounds, although all but three had an academic degree. While most interviewees were self-employed at the time, five worked for small consultancy firms. They all had several years of experience as diversity consultants, and their clients were to be found equally in private, public and mixed sectors. In the results section, their words are referred to by the letter 'I' (interviewee) and the number of order in which they were interviewed.

The ethnographic study took place at a yearly diversity conference arranged by one of the interviewees. The speakers—consultants, HR-specialists, and private as well as public sector representatives—addressed an audience of nearly 100 people consisting of other consultants, HR-specialists, educators, students, and managers. Because diversity conferences are attended by a variety of organizational actors, they are key arenas for organizational fashion-setting (Prasad, Prasad & Mir, 2010) and a crucial part of the legal environment of organizations (Edelman et al., 2001; Edelman, 2004, 2005).

Organizational ideas and rhetoric about diversity may be viewed as expressions of 'legal consciousness', that is, the way in which ordinary citizens understand law and how social relations assume—or do not assume—a legal character (Edelman, 2005; Ewick & Silbey 1998). In studying how consultants posit law's role or *lack* of role in 'diversity', this paper follows previous recommendations to conduct semistructured interviews, thus allowing respondents to mention law spontaneously only when and if they find it relevant (Ewick & Silbey 1998; Kostiner, 2003). As pointed out by students of legal consciousness, '[l]aw may be most present in its conspicuous absence' (Ewick & Silbey, 1998, p. 27). Similarly, Edelman et al. (2001) stress that organizational rhetoric not explicitly about law may effectively reshape legal ideals precisely because its relation to law is obscured. Thus, if the respondents themselves had not already brought it up for discussion, they were not asked directly about the law until late in the interviews.

Swedish antidiscrimination law

Because the present article examines how diversity consultants define diversity in relation to antidiscrimination law, what follows is a brief account of the Swedish legal frame.

Swedish antidiscrimination laws have developed in a piecemeal fashion over the past thirty years, and the present 2008 Discrimination Act (SFS 2008:567) is largely a result of EU directives (for a review, see Carlson, 2010).[1] The purpose of the Discrimination Act, as stated in the introductory provisions, is to 'combat discrimination' and 'promote equal rights and opportunities' in terms of these seven categories*: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation,* and *age*.

While the American law has been described as vague (Edelman et al., 2001), Chapters 1 and 2 of the Swedish Act define central terms and specify, rather at length, cases of application and exceptions. All seven protected grounds are defined and elaborated, as are the different types of discrimination (i.e., *direct discrimination*, *indirect discrimination*, *harassment*, *sexual harassment*, and *instructions to discriminate*).

Chapter 3 contains provisions on active measures urging employers to conduct 'goal-oriented work to actively promote equal rights and opportunity in working life', 'ensure that the working conditions are suitable for all employees', and 'enable both female and male employees to combine employment and parenthood'. Regarding sex, employers are to promote 'an equal distribution of women and men in different types of work and in different employee categories'. Moreover, employers are to make a 'special effort' to recruit applicants of the under-represented sex. In order to prevent and remedy unfair gender differences in wages, every three years the employer must survey, plan, and report provisions and practices regarding pay. Finally, every three years, employers with 25 or more employees must draw up

a 'Gender equality plan' describing their gender equality work, the content of which is also specified in the Act.

While the Discrimination Act mostly treats 'active measures' in general terms, it appoints a special agency—the Equality Ombudsman (DO)—to specify their meaning and to supervise compliance with the law. In this pursuit, the DO provides manuals containing specified and far-reaching active measures (e.g., Diskrimineringsombudsmannen, 2009). Thus, in addition to the 'Gender equality plan' mentioned above, DO urges organizations to draw a 'plan for equal rights and opportunities' regarding all seven legally protected categories—and to adapt working routines, requirements and structures that may hamper equal treatment and opportunities. For instance, employers are urged to enable prayer breaks and adapt holidays, dishes, dress codes, and equipments so that working conditions suit every employee.

Although not mentioned in Swedish antidiscrimination law, the words 'diversity' (*mångfald*) and 'ethnic diversity' (*etnisk mångfald*) are widely used in connection with discussions about law and active measures. For instance, many organizations keep a so-called 'diversity plan' describing their antidiscrimination policies and compliance efforts (Rönnqvist 2008). This interconnectedness of 'diversity' and antidiscrimination law in organizational discourse must be examined carefully. Rather than simply taking it as a sign of reconciliation, the conflation between law and 'diversity' makes it all the more interesting to explore what 'diversity' possibly adds to—or takes away from—antidiscrimination law.

ANALYSIS

In this section, I first apply the concept of 'managerialization' (Edelman et al., 2001) in examining how consultants build the *scope*, the *rationality*, and the *novelty* of diversity. Here,

the question is how the interviewees' diversity construct relates to official law. Thereafter, I complement this approach by taking account of the ambiguity and malleability of diversity. Here, the question is how the interviewees themselves interpret and motivate their diversity construct.

Diversity: the scope, the rationality, and the novelty

The scope

Diversity reshapes law by adding extralegal dimensions to the concept of diversity (Edelman et al., 2001). On direct questioning, consultants usually answered that diversity included 'everything', 'all things imaginable', 'all differences', 'everything that make us different from each other.' Some consultants made an explicit distinction between two aspects of diversity: on the one hand 'categorical', 'external' or 'visible' diversity; on the other hand, 'individual', 'internal' or 'invisible' diversity. The former aspect mainly comprised the seven legally protected categories while the second aspect included a countless variety of individual(ized) attributes. As illustrated by the following excerpts, diversity was *not* confined to the legal categories:

> Just about everything [goes into diversity]. For example, there are a number of different personality tests showing that some people are entrepreneurs and others are administrators, and there is a lot of research showing that we need to be different in order to perform best. So, working style, personality, dress style, musical taste—anything that makes us unique, or all the ways we differ on. (I8)

If we look at today's working life, then—skills, personality, interests, values in general, life situation, whether you are married or not, whether you have children, whether you are retired … Everything that goes in! (I10)

Actually, diversity to me is about how you are inside your head, how you think. And inside the body, how you feel. We react and think in many ways, we humans. And we do so in part because of our background. Ethnicity is only one part of it. Education, background, shoe size might play a role, I don't know. I don't think so, but it might. If your firm sells shoes it might be good for you to employ people with different shoe sizes. (I2)

While most consultants viewed diversity as including the legal categories, they normally expanded this scope by adding a number of traits in a seemingly arbitrary way. Interestingly, because diversity in Sweden is often taken to mean *ethnic* diversity (Kalonaityte et al., 2010; Omanovic, 2010; Rönnqvist, 2008) consultants particularly emphasized that diversity was more than ethnicity. In sum, the following extralegal dimensions were included: *working style, work experience, skills, culture, knowledge, profession, physical capacity, linguistic capabilities, personality, personality types, shoe size, needs, general experience, way of thinking, perspectives, ways of feeling, musical taste, intelligence, characteristics, view of life, dress, values, educational level, educational background, living situation, marital status, number of children.* In addition, it should be noted that one extralegal category—*social class*—was mentioned by three consultants as important to diversity. I will return to this issue.

This wide concept of diversity was significantly different from the legal frame. However, the two deviant cases are noteworthy. Both consultants explicitly based their definitions of diversity on legal or moral rather than organizational concerns. The first case

(I12), a social science researcher, explained that diversity to him was about challenging stereotypes based on the legally protected categories along with *social class*. To the extent that individual attributes (such as dress or musical taste) were relevant to his notion of diversity, he linked them to social class and perceptions of ethnicity, gender, and sexual orientation:

> I depart from the legal grounds of discrimination and how people are being categorized in an unfortunate manner or excluded or given wrong treatment. The absolute heaviest divisions are still, I think, sex, class, ethnicity, age, disability and so on. Everything else [individual differences] is easier to adapt to. (I12)

Interestingly, in the view of the second consultant (I6), diversity did not include *any* of the legal categories, but only people's 'real needs and merits'—what she called 'internal diversity.' This construct was explained by the fact that law prohibits judging people on the grounds of sex, ethnicity, and the like. In her version, then, diversity was about learning to *disregard* rather than to *utilize* differences based on the legal categories. In her opinion, diversity rhetoric inviting employers to 'make use' of ethnic or sex differences was opposed to the legal ideal of equal rights *regardless* of the legal categories.

While these two consultants expressed the scope of diversity in seemingly opposed ways—the first excluding individual attributes, the second excluding the legal categories—they basically shared a similar approach: their diversity construct was tightly attached to the legal frame and they explicitly focused on antidiscrimination and equality rather than organizational efficiency. However, most consultants used a diversity construct that stretched the scope of law by placing a variety of individual and seemingly arbitrary features on a par with the legal categories. This result contradicts previous comments stating that as DM travels

to Scandinavia, 'the stress on individual differences […] tends to disappear' (Holvino & Kamp, 2009, p. 397; see also Kalonaityte et al., 2010; Rönnqvist, 2008).

The rationality

Apart from widening the scope of diversity, managerialization entails substituting managerial motivations for legal or moral ones (Edelman et al., 2001).

A utilitarian view of employee diversity was prominent among consultants, and utility was mainly conceived as organizational efficiency and business economics rather than public interests (such as national economy, the need to decrease unemployment or other social concerns). Diversity and its management was thus construed as a means to other organizational ends—such as inventiveness, creativity, flexibility, productivity, low absenteeism, and profit. Some consultants interwove these concerns with references to the need to 'develop democracy' (I10, I14), to create 'a better civilization' (I10), and to encourage 'human rights' (I14). However, such references were dropped in passing and never elaborated. The stress was rather on how organizations could benefit from workforce diversity and increasingly diversified markets. A recurrent theme in these accounts was the need for organizations to internally 'mirror' external diversity among costumers. As put by one consultant, 'diversity is best met through diversity' (I2).

Referring to the private sector, consultants usually stressed 'business value' (*affärsnytta*), while in the case of the public sector, they stressed 'organizational value' (*verksamhetsnytta*).

I look at diversity from a business perspective. How are we to do business through
a deeper understanding of different cultures and ways of thinking? Diversity for

diversity's own sake is not interesting to me … If diversity is important, it's important from a business perspective. (I11)

We link diversity to business value. It's very effective. And the attitude we want to change is to see diversity as a business advantage and nothing else. It has been our watchword: diversity is equal to business value. I've said that several thousand times. That's in focus when talking with business. When you talk to public sector employers, then diversity is equal to organizational value. (I13)

Diversity means business value, it's not a question about fairness or pity or anything, but it's about making our clients understand the business benefits of diversity. (I3)

As evident from the above excerpts and other interviews, diversity was framed as a resource meant to be used for managerial and/or organizational goals. Moreover, legal and moral rationales were often ironically dismissed as being about 'taking pity' or 'being nice'. Ironically, despite being common among them, the interviewees often highlighted their utilitarian approach as novel and unique to their consultancy services. However, one consultant deviated from the pattern by strongly dissociating himself from what he called 'this principle of profitability' and 'this efficiency frame':

I have trouble with this principle of profitability, though I understand it completely, but it is not in my heart, so to speak. I usually say: 'What if someday it's possible to show that [diversity] is not profitable? What should we do then, should we throw out all immigrants and throw the women back in the kitchen

again?' I think it's dangerous to say that it all gets more efficient and profitable.

It's a rough tone as well, when everyone just has to be really effective. (I12)

This unusual case suggests that consultants are not constrained by a cognitive 'iron cage' of 'the business case for diversity,' as suggested elsewhere (Litvin, 2002). Instead, consultants seem to choose between available diversity constructs—particularly between justice and business rationales—and resist frames that they judge problematic even when those frames are recognized as dominant among colleagues. In sum, however, traditional organizational and managerial concerns were the dominant rationales, with 'business value' as the most salient. This result contradicts previous comments suggesting that DM in Scandinavia is tempered by moral and social concerns (Holvino & Kamp, 2009; Kalonaityte et al., 2010; Rönnqvist, 2008).

The novelty

Managerialization entails portraying diversity as distinct from—and superior to antidiscrimination law (Edelman et al., 2001). During the interviews and conference speeches, few consultants drew attention to the law or its role in diversity efforts, and while some consultants offered law courses, this was not described as essential to DM. Yet when law was brought up for discussion, consultants often explicitly dissociated 'diversity' from legal discourse. This was done in subtle and ambiguous ways. For instance, diversity was construed as a natural response to legal mandates while simultaneously portrayed as better than 'merely' fighting discrimination and/or following the law. Compliance with antidiscrimination law was described as a *side-effect* of diversity rather than its central concern. Thus, in pursuing

traditional organizational goals, discrimination was presumed to be remedied almost automatically by managing diversity:

> When you're working from a business perspective and a market-driven approach, a great deal of discrimination is bitten off almost automatically. That's what's so nice really. In the USA, the issue of diversity was always driven by compulsion, but it was not really until the 1990s that they began to realize that these segments are so large that one cannot avoid them any longer. So you start to see this as a business imperative, the need to understand and appreciate diversity in order to survive and compete. (I11)

Another way of dissociating antidiscrimination law from diversity was to construe the latter as a positive, fun, and voluntary way of handling negative, dull, and compulsory antidiscrimination laws: 'When you do non-discrimination, you focus solely on the negative, what you *don't* want to happen. Diversity is about highlighting the positive' (I10). In the same spirit, consultants who approved of the Discrimination Act did so referring to the need of both 'stick and carrot' (I4)—law being the stick, and diversity the carrot. Hence, the terms *diversity* and *antidiscrimination (law)* were conceived of as referring to different—although interrelated—approaches. Rhetorically these things were kept apart and had different connotations. Diversity was associated with organizational utility and gain while antidiscrimination was linked to law, costs, duty, and morals.

> Antidiscrimination is a legal perspective, there you have a fairness perspective throughout saying that you shouldn't discriminate. And it's quite obvious. It has to do with fundamental values of human equality. Equal worth—that's

antidiscrimination. Diversity is something else. It's a mix. For me, diversity is absolutely superior, it's a completely obvious advantage. There are obvious advantages when you mix groups so you can get different types of skills and different experiences and different personalities and different types of thinking and different types of all things that allow you to develop. *That's* diversity! Antidiscrimination is that you shouldn't exclude anyone, but that's different thing. (I4)

Antidiscrimination and legal ideals were thus subtly construed as inferior to the diversity model by being attached to scorned rationales, attitudes, feelings, or concepts. Being too concerned with antidiscrimination and law was made to connote a passive, enforced, easy, boring, and half-hearted reaction to external pressures—whereas diversity connoted control, prevention, insight, agency, voluntariness, ambition, and gain. Legal and moral approaches to antidiscrimination were thus depicted as *artificial* and *inauthentic:* they were positioned as something people do because *they have* to, not because they *really want* to.

Moreover, law, fairness, equity, and justice were often described as soft rationales, while diversity was framed as 'strategic'. People driven by legal or moral ends were depicted as naïve or hypocritical and referred to ironically as having a 'being kind' attitude. Indeed, a criterion that distinguished diversity from antidiscrimination (law) was the perceived motive for action:

Of course you can get diversity if you don't discriminate—but why have you done it? Well it's because you shouldn't discriminate, because you're being forced, and maybe because you want to be fair and kind. Away with that! I mean, you should

be looking for someone you really want and who can develop your business. It's a completely different thing than not to discriminate. (I4)

This analysis points to the ambivalent ways in which antidiscrimination and diversity were linked together. On the one hand, compliance with antidiscrimination law was posited as a *precondition* for diversity; on the other hand—and precisely by being a precondition— antidiscrimination was seen as less ambitious and less effective than diversity, that is, a 'minimum-level' (I5). Hence, organizations were encouraged to start doing diversity by 'taking advantage of people's differences' (I4) or they might otherwise 'get stuck' with doing antidiscrimination work.

Yet antidiscrimination law was crucial to diversity rhetoric in a special way. It was precisely against the 'stick' of the law that diversity stood out as more rational, more effective, and more fun than 'merely' not discriminating. The law could thus be used before clients to pave the way for the 'carrot' of diversity:

I usually start by creating some kind of understanding for the fact that you just have to accept the situation […] So I begin with demographics, with some legislation, and the fact that you have to deal with it. But then I get to the fun in seeing the possibilities in it, and in the case of companies, the business opportunities. (I11)

So far I have focused on how consultants construct the *scope,* the *rationality,* and the *novelty* of diversity. The analysis suggests that consultants' diversity rhetoric may be viewed as a *managerialization* of law. While confirming previous research (Edelman et al., 2001), the analysis nuances the notion that in travelling from the USA to Europe and Scandinavia,

diversity is equated with antidiscrimination and reconciled with law (Klarsfeld, 2009, 2010; see also Rönnqvist, 2008; Kalonaityte et al., 2010). However, the concept of managerialization as applied here and in previous research (Edelman et al., 2001) is problematic because it fails to account for the obvious ambiguity of a broad diversity construct. Moreover, it is silent regarding the subjective motives that underpin this diversity rhetoric. Thus, the following section complements and gives nuance to the above analysis.

The uses of ambiguous diversity

This section makes two points. First, previous research on the transformation of law usually assumes that filtering agents—such as consultants—decrease legal ambiguity by constructing distinct law interpretations and compliance solutions (Dobbin & Sutton, 1998; Edelman, 1992; Edelman et al., 2001; Kelly, 2003; Suchman & Edelman 1996). However, by encompassing all conceivable differences and arguing for their usefulness, the idea of diversity becomes even more ambiguous and malleable than antidiscrimination law. And because ambiguity admits more than one interpretation or route of action (Giroux, 2006), the term 'managerialization' becomes problematic: it ascribes *one specific* set of values to a diversity rhetoric that allows for various interpretations.

Second, the broad scope of diversity has previously been seen as reflecting managerial interests and a watering down of legal ideals (Edelman et al., 2001; Edelman, 2004, 2005). However, this is not necessarily the case. As the scope of diversity is broadened, it is stretched beyond the inherent limits of law, thus allowing the advancement of social justice goals *that are absent from law.* In particular, this is illustrated by some consultants' inclusion of *social class* as an extralegal category relevant to diversity.

The interviewees were very aware of the risk of vagueness resulting from broadly defined diversity. Some consultants even expressed tiredness over diversity's capacity to mean almost anything. As put by one consultant, no one is able to say what diversity means in practice: 'If you ask ten diversity experts, you get ten different answers' (I6). Another consultant explained that 'although everybody agrees that organizations should work for diversity, they only agree on that it should be *called* that way, not on what diversity actually means' (I10). However, this ambiguity or vagueness was viewed as 'both an advantage and a drawback' (I5). In the following, it is suggested that diversity allows for strategic or 'pragmatic' ambiguity (Giroux, 2006) facilitating the advancement of various and at times opposing interests. I will focus on three possible uses of ambiguous diversity: (a) the advancement of non-managerial ends; (b) the facilitation of the work of consultants; and (c) the facilitation of decoupling or organizational hypocrisy (Brunsson, 1989; Meyer & Rowan, 1977).

a) *Diversity in the service of non-managerial interests*

Although consultants dissociated diversity from law, they did not oppose the legal principle of 'equal opportunities and possibilities'. However, consultants tended to assume that Swedish law is blind to people's varying life conditions. Assuming that the law presupposes *sameness* and requires *equal treatment* throughout, they advocated diversity as a model that acknowledges the need of *differential treatment* precisely in order to reach equal opportunities. In addition, reference was made to an alleged assimilative obsession in Swedish society—a so-called 'sameness ideal' permeating Swedish culture in general and antidiscrimination law in particular. In contrast to this sameness ideal, the diversity model was understood as a way of addressing unequal conditions at work and the perceived contradiction in applying equal treatment to reach equal opportunities.

Understanding this interpretation of law and social norms is important because—however misguided they may seem—they draw attention to the complexity of diversity rhetoric. What at first glance seems to produce a managerialization of law—in terms of a stretched diversity scope and dissociation from law—may simultaneously be viewed by the actors themselves as a rhetorical move advancing moral ideals that are supposedly missing in law itself. Thus, ironically, consultants that dissociated diversity from law could at times justify this with reference to ideals that indeed replicate the DO's prescriptions for active measures (Diskrimineringsombudsmannen, 2009). For instance, one consultant stressed that before diversity could deliver on its promise of increased efficiency and profit, it was necessary to adapt organizational cultures, structures, and working routines to the needs of every employee. While this consultant still highlighted efficiency goals rather than legal ideals, the latter were posited as a *necessary condition* for the former.

> How many people at work have to hide that they're gay? And you need extreme amounts of strength and energy do hide that you're gay. As an employer, I'd rather have that power and energy put on the job instead of having that person going around worried sick and maybe staying home from work more often than needed. (I4)

To be sure, in this excerpt homophobia and heteronormativity are framed not as morally reprehensible but as inefficient use of manpower. However, increased efficiency is conditioned on complying with legal demands. It is thus not legal and moral ideals that are conditioned on managerial interests (Edelman et al., 2001, p. 1632; Edelman, 2004, p. 243), but rather the other way around: managerial goals are premised on reaching equal opportunities and possibilities.

Hence, the rhetoric that constructs diversity as superior to antidiscrimination law could, but did not necessarily, displace legal or moral ideals. While rhetorically repackaged, these ideals could indeed be extended beyond the limits of antidiscrimination law. To illustrate, stretching diversity beyond legal scope was sometimes explained by the fact that bullying, tensions or unequal conditions at work may arise due to factors not covered by any law. Significantly, the extralegal dimension of *social class* was described as a 'forgotten' diversity dimension which 'we often pretend does not exist today' (I8). This consultant explained that social class differences may act on 'anything from the way we dress to the way we move and talk'. Thus, in order to account for class-based inequalities at work, she deemed it necessary for diversity to include even seemingly unimportant differences functioning as class identifiers, such as dress or musical taste.

In summary, the same diversity construct that produces a managerialization of the law may be used to further interests and values that are not typically managerial. Indeed, stretching the diversity scope beyond legal categories may be intended as a way of applying legal principles beyond the limits of law itself, as is shown by the inclusion of extralegal *class*. Again, this points to the ambiguity of diversity rhetoric and, therefore, the problematic label of managerialization.

b) *Diversity facilitating the work of consultants*

Consultants and other filtering actors are usually depicted as agents of organizational change disseminating organizational models and paving the way for institutional isomorphism (e.g. DiMaggio & Powell, 1983/1991; Edelman et al. 2001; Edelman, 1992; Kelly, 2003; Kelly & Dobbin, 1998). However, diversity consultants rather stand out as 'improvisers' (Furusten 2009) without the power or authority to force any ideational constructs on clients. The

interviewees themselves described their work as a process involving constant adaptations to the various viewpoints, interests and contexts within client organizations. They rejected being labeled as experts or activists imposing specific definitions of diversity on organizations. Instead, the meaning of diversity and its management was said to grow out of the consultancy-client relationship itself. This was deemed as both important and inevitable: important in order to let organizations 'own the issue and let them feel that they arrived at it by themselves' (I14), and inevitable because consultants do not get commissions if they do not conform to their clients' wishes:

> As a consultant I can recommend something, but unless the client wants to buy it I can choose to either say that I'm not the right supplier or I can deliver what the client wants. The client decides. I can argue for defining diversity in this or that way, but it's the client who decides. (I8)

This need to adjust concepts and services makes ambiguity indispensable for consultants. By defining diversity in broad and instrumental terms, consultants are better prepared for whatever clients might ask of them. However, in the actual process of consultation, broad diversity is usually either confined to one single legal category (e.g., ethnicity) or defined in more extensive ways, depending on the clients' wishes. Hence, in practice, diversity might be more or less attached to the legal frame.

Precisely because they are asked to perform varying tasks, consultants need a diversity construct that is adaptable to a wide range of situations. For instance, in order to avoid or handle disagreements, tensions, and resistance among audiences, consultants may benefit from keeping diversity rather vague by including every imaginable difference. In this way, some interviewees hoped to make employees feel that diversity was about advancing the

interests of each and everyone, not of specific groups. As one consultant explained, broad and efficient diversity was a rhetorical strategy:

> So that Kalle Svensson, 35 years, who's not an immigrant or a woman or gay, should feel that 'okay, I have something to gain from diversity too'. So it's purely tactical. I am not an activist. If I were an activist, I'd say 'I don't care whether you have something to gain from this or not'. And that's a different tactical approach. But working as a consultant calls for a certain willingness to compromise on a tactical, strategic level—how do I bring about a change that as many as possible can stand behind? (I10)

By emphasizing individual attributes in diversity, then, 'even white middle-aged men' (I11) would feel that diversity was about them. However, as one consultant pointed out (I8), this idea is based on the assumption that white men lack sex, ethnicity, age, sexual orientation, and the like.

Moreover, keeping diversity broad and vague was assumed to add to its 'positive' connotations. Interviewees mentioned the difficulty of using certain words before audiences, such as *discrimination, equal rights, patriarchy, injustice,* or *racism.* Words that too explicitly refer to unequal power relations were seen to potentially arouse unwillingness and opposition to diversity efforts. Diversity, however, was a useful euphemism because it seemingly just drew attention to the fact that everyone is 'unique' and 'different':

> The word diversity has a more positive sound to it than antidiscrimination. We probably don't really want to recognize that we are discriminating against people, so we think diversity sounds more positive. (I5)

In addition, broad and efficient diversity made it easier for consultants to promote their services as a technical rather than an institutional demand (Meyer & Rowan, 1977). Consultants regarded moral and legal rationales as hampering the prestige of diversity—and consequentially, of diversity consultants. Thus, actors who framed diversity as a matter of law and morality were seen as dull and their efforts were depreciated. Such actors were assumed to 'be nice', 'love couscous and belly-dance', and 'have the will but lack the language and the knowledge' to make diversity an issue for top management (I4, I5, I11, I13). According to these consultants, diversity should be promoted as 'strategic' and not as 'one of those soft issues' (I4). This softness was associated with legal and moral motives, trade unions, aid organizations, and a general 'rights and fairness approach' (I4). By dissociating themselves from this 'soft' approach, consultants tried to increase their own status. Hence, diversity was framed as being about 'business value and nothing else' (I13), 'new markets and the war for talent' (I11) and 'a strategic issue for top management' (I4).

c) *Diversity facilitating decoupling*

Although this paper focuses on the *idea* of diversity rather than on organizational practices, a clue to the latter is given by some consultants describing their own or their clients' implementation of diversity.

Abstract and vague organizing ideas stimulate the adoption of specific labels and vocabularies without corresponding specific practices (Erlingsdottir & Lindberg, 2005; Mazza et al., 2005). The adoption of diversity rhetoric is, however, a valuable resource in itself, because this vocabulary pays tribute to norms and values that are widely held in the institutional environments (Czarniawska, 1988; Meyer & Rowan, 1977). That diversity talk is

loosely coupled with structures and practices was confirmed by some interviewees who asserted that organizations often use consultants as mere symbols of commitment:

> Whatever people may say, there are still a lot of cosmetics in this. It's just something that must be done and you can get pretty cheap political credit for it. [...] Now I kind of bite the hand that feeds me, but when they hire me once a year [just to give a lecture] and involve the Information Department to document it, it's just so they can say, 'Look, this was what we did!' (I10)

> Obviously there is a lot of alibi stuff, they get an audit from the DO and I'll help them write a diversity plan to keep, and that's it. (I5)

However, because consultancy firms are subject to the same institutional pressures as are client organizations (DiMaggio & Powell, 1983, p. 132), two consultant managers were asked about their own diversity efforts. They both described their consultancy firms as diverse and stressed the organizational utility of employee diversity. However, they differed in the practical meaning they gave to diversity.

The first interviewee described her staff as diverse along the legal categories of sex, age, and ethnicity. She considered this diversity to be useful because it enabled her to 'mirror' specific clients by matching them with consultants belonging to 'the same' demographic category. The second interviewee, self-described as an 'ordinary, traditional, middle-age Swedish white man' (I2), advocated a broad concept of diversity, explaining that such a broad concept is the more useful to organizations. Accordingly, although most consultants at his firm were white and male, he described the firm as diverse along other dimensions:

We're diverse in terms of thinking. So if you look at our educational backgrounds, we're very different. There are a few engineers, there are economists, political scientists, a biologist, an agronomist, and we have a lawyer ... So in that sense we have diversity. Then we try to ensure a balance between men and women, but I don't think we've done so well. And we have no conscious effort to have ethnic diversity, so we don't have anyone of extremely different skin color. Rather we're all sort of white. (I2)

The point to be made here is not that one firm implemented diversity more accurately than the other. Because diversity fails to single out a specific practice, both practices may be seen as consistent with diversity. As noted by Edelman et al. (2001, p. 1632), a broad notion of diversity allows one to label a primarily white or male workforce as diverse. However, this fact points to the vast ambiguity of diversity as compared to law and demands for active measures. In addition, like other vague ideas, diversity allows for more than one interpretation—for example, more than managerialization.

Thus, the adoption of diversity may lead to greater uniformity in what organizational actors *say* than in what they actually *do*. As suggested in this case, more than isomorphism (same form) or isopraxism (same practice), diversity may result in isonymism, that is, homogeneity in the use of labels but variation regarding organizational practices (Erlingsdóttir & Lindberg, 2005).

Conclusions

Previous research suggests that in travelling from the USA to continental Europe and Scandinavia, diversity is reconciled with antidiscrimination law, legal ideals, and public interests (Holvino & Kamp, 2009; Kalonaityte et al., 2010; Klarsfeld, 2009, 2010; Rönnqvist, 2008). However, the case of private Swedish diversity consultants gives nuance to this picture. Through careful examination of the scope, the rationality, and the novelty of their diversity construct, this paper shows their diversity rhetoric to be consistent with previous reports on the managerialization of law in the USA. Rather than a straightforward replication of Swedish antidiscrimination law, diversity rhetoric reshapes law by extending upon its categories and stressing traditional organizational goals rather than moral or legal ones. Although in Sweden—as in other European countries—antidiscrimination legislation and diversity have developed in parallel, diversity and law remain heterogeneous discourses taking place at various societal levels. Hence, while diversity and law may be reconciled in some given contexts, this paper has shown that they compete in others.

However, while showing that rhetorical transformation or 'managerialization' of law is relevant to the Swedish and European context as well, the present case complements previous reports on the transformation of law in two ways.

First, rhetorical transformation may be relevant in contexts not usually assumed. In the case of the USA, scholars derive organizational transformation of law from legal ambiguity (Edelman et al., 2001; Edelman, 1992, 2004, 2005) and the weak authority of the American state (Dobbin & Sutton, 1998). Moreover, diversity rhetoric succeeds legislation in time and clearly replaces former legal discourses on equality (Edelman et al., 2001; Kelly & Dobbin, 1998). In the case of Sweden, however, these factors are not fully applicable. Swedish law and 'diversity' have developed in conflation, antidiscrimination law is not as vague as the American case, and the Swedish state has been actively involved in launching DM (Omanovic, 2009; Rönnqvist, 2008). Nevertheless, filtering agents such as consultants may

still advance organizing ideas that subtly reshape the meaning of law. This study thus suggests that the conflation between DM and antidiscrimination law found in Swedish (and European) public discourse may even facilitate the intervention of filtering agents precisely because 'diversity' is already legitimately associated with legal demands.

Second, the present case partly questions the concept of managerialization. While law is indeed reshaped by the rhetoric of diversity, the term 'managerialization' suggests that law is reshaped in only one unequivocal way, and thus it ascribes one distinct set of values to a complex rhetoric. This approach fails to account for the vast ambiguity of a broad diversity construct. Through diversity, legal ambiguity is not necessarily decreased, but rather replaced by a concept that offers even more room for interpretation. As shown in this paper, consultants may strategically use this ambiguity to attract different audiences, to expand their market, to meet resistance within organizations—and, importantly, to advance interests and values that are not typically managerial. For instance, the inclusion of *social class* in diversity may be viewed as a way of extending legal ideals of justice and fairness beyond the limits of antidiscrimination law.

This paper's scope is limited to ideas of diversity rather than actual diversity strategies. While showing that rhetorical transformation of law is present in Sweden (and thus in Europe and Scandinavia), many questions remain for future research, such as how common this process may be, in which specific contexts it may occur, and whether or not it may progress with time. In addition, an important issue is whether and how the managerialization of law affects organizational practices and employees' perceptions of their own rights. As this paper has shown, however, addressing the tension between diversity and law requires more than an examination of the scope, the rationality, and the novelty of diversity; it also calls for investigating the actors' own motives for choosing a given rhetoric.

Notes

1 The full English version of the 2008 Discrimination Act is available at: http://www.sweden.gov.se/content/1/c6/11/81/87/f6e1a2b8.pdf

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