English summary

At the heart of this book lies the issue of how to reconcile and explain the contrasting reports of the felt necessity towards fostering ethnic diversity and inclusion on the one hand and the seemingly absent or marginal space for otherness. While many legal organizations (law firms, courts) appear to be motivated to initiate diversity enhancing practices to increase the number of ethnic minority professionals in the workplace these practices do not live up to their expectation. The urge of recognizing the importance of diversification of legal workforces and the actual space for diversity and otherness seems to lack correspondence. The number of ethnic minority professionals turns out to be low, which raises questions about space for otherness and diversity. In this book I attempt to give insight into this state of affairs by shedding light on the issue of diversity management in order to give an explanation why it does not live up to its expectation. I do this through different angles, showing experiences from the main relevant actors on the matter: those who are professionally involved in developing and executing diversity management, diversity practitioners from different legal organizations, and those who embody the main target groups of diversity management, ethnic minority professionals who have an (actual or perceived) Islamic background. Although previous research has given insight in discriminatory practices at the workplace, our understanding from the actors-perspective is still limited. As this understanding is a necessity to be able to combat workplace inequality and work towards adequate diversity strategies, the main question of this thesis is:

In which ways do organizational actors, holding different positions within the legal sector, reflect and act upon diversity issues within the specific organizational context of diversity management and the dominant societal discursive context on non-Western ethnic minorities and integration and how is this related to the space for diversity and otherness at the legal workplace?

Throughout this book I show how different dynamics related to diversity and otherness on the organization level, societal level and individual level gain meaning and are interrelated, by specifically focusing on dominant societal discourse of ethnic otherness, organizational diversity practices, the elite discourse of the legal settings, normalization of othering and the individual lived workplace day-to-day experiences.

In theoretical chapter 2 I offer this study’s theoretical framework. Several scholars have argued that the body of critical diversity research would benefit from a more discursive micro-analysis in order to illustrate how (diversity) discourses and social practices (e.g. exclusionary work floor experiences) are related. Scholars have analyzed and irrefutably shown how various discourses affect
workplace realities, however more empirical insight in how agency rules in the game is said to be necessary. This study tried to answer this call by developing a multi-level framework which puts the situational logic of acting as the primary point of departure to study and understand acts of inclusion and exclusion. This would be useful in fulfilling the aim to come closer towards a more profound understanding and explanation of the slow or absent progression of the number of non-traditional professionals within the legal sector. Such a multi-level approach provides an analysis on different, strongly interrelated levels of interaction. The focus was on the intertwining between 1) individual othering experiences during everyday workplace reality, 2) organizational practices directly or indirectly related to the issue of diversity (management) and 3) the societal discursive context and space.

**Individual level** - Firstly, this meant scrutinizing the question how the issue of diversity is made sense of and is experienced by the minority workers, with or without an actual, yet perceived, Islamic background, themselves. Here the aim is mainly about analyzing and showing the different narratives about their views of the self and the other and how they gave meaning to the self and the other by using the following theoretical notions. I use the notion of agency which refers to actors' capacity to act independently and make decisions and to the capability to be reflexive about their situation - their discursive consciousness and the act upon it to make a difference (Zanoni & Janssens, 2007:1376). Actors' agency gains meaning and is affected by (enabled and constraint) the discursive context. Here the dialectic nature of the different levels of analysis comes to the fore. While individuals' acts are embedded in dominant discourses, they have within this discursive space room for reflection and, as a result, possibilities to act otherwise. Identity, another key notion used in the theoretical framework, is a narrative of the self: a dynamic process, a changing view of the self and the other that constantly acquires new meanings and forms through interactions with social contexts and within historical moments. Ghorashi and Ponzoni (2014:170). Part and parcel of identity are Bourdieu's concepts of habitus and capital. Habitus refers to ways of acting, being, feeling, and thinking. It concerns how we intrinsically carry our embodied history, and more importantly how we convey this history into present situations and experience it, and how we continually as well as dynamically make choices to act in certain ways and not others. These choices are not completely free from constraints, but are subjected to past and present events. The process of identity formation exists, via agency, in this sense by virtue of the embodied past. How we view ourselves and others and act upon this is undeniably nourished by this habitus. In order to show the explanatory meaning of habitus in relation to present day experiences of minority professionals with acts of in-/exclusion, I used social capital and cultural capital. Social capital refers to the aggregate of the potential or actual resources relating to the availability of having durable networks, of establishing social relations, and of membership in groups. Cultural capital refers to the valuable assets that provide possibilities for social mobility of an actor such as knowledge, skills, style of speech, education, intellect, physical appearance. Both forms of capital can be derived from an actor's habitus. Through analyzing the
narratives of the self and the other I try to make clear how habitus informs how people go about everyday interactions and social relations.

Identity I approached from an intersectional angle. With that I see gender, class and race [ethnicity] as simultaneous processes of identity, institutional and social practice (Holvino, 2010:262). Taking this approach in the study stems from a recurring issue within diversity debates, whether diversity should be narrowly -limited to specific identity categories- or broadly -encompassing all possible ways in which people can differ- approached. Both approaches appear to have their empirical or theoretical shortcomings which I aimed to overcome by taking an intersectional approach. This means that the preliminary focus was on ethnicity and gender while recognizing the interactions and intersections with other dimensions of identity that come to fore within the specific situational logic of acting at hand, with a special eye on class. Concretely this meant I focused on male and female ethnic minority professionals with an actual or perceived Islamic background while being receptive for other social identity markers (e.g. class, age).

Part and parcel of the everyday narratives on workplace diversity and identity are issues of otherness, acts of othering and experiences of being othered (Prasad & Prasad, 2002). Othering refers to a discursive process and that process serves to mark and name those thought to be different from oneself (Weis, 1995:18), in this case from the majority perspective. Othering is also, according to Canales (2000:19), a complex, interrelational process that shifts depending on how identities are constructed and interpreted. Othering relates to the discursive context in which acts of othering take place. It has to do with the ways that images of the other are constructed. Agency takes on a central position in the process of othering, as othering may lead to two different forms of agency, which Jensen (2011) coins as capitalization and refusal. Capitalization refers to a form of agency in which one is able to let his or hers otherness be valued. Refusal refers to a form of agency in which the individual who feels subjected to othering takes a distance from this othering practice by refusing to take this position. The reason for giving agency a key place within the framework in this way was because it allowed me to emphasize the minority employee's active engagement with discursive structures of societal as well as organizational discourses, through their ways of reflecting and acting which in the end would contribute to add to longing improved or alternative inclusionary efforts.

Organizational level - Secondly, particularities of the social and cultural order of the legal organizations are taken in, in the analytical framework. The social order refers to the organization's systems of recruitment and selection, job descriptions and evaluations, rewards, feedback, mobility and interdependencies, and conflicts of interest (Glastra, 1999:87-91; Glastra et al., 2000). To be able to empirically analyze the social order I use the following themes of Cox (1994) Interactional Model of Cultural Diversity: employment profile, distribution of power, practices of recruitment and selection, and retention and upward mobility. The overall employment profile refers to the representation of members of minority groups in the total work force of an organization. The issue of power distribution can be considered as a result of the employment profile as it refers to the relation
between the ratio of professionals from majority groups and professionals from minority groups and the allocation of power and decision making positions. Also practices of recruitment and selection strategies are part of the social order. This means analyzing the \( \text{how, what, when, why} \) of the initiatives that are undertaken to reach non-traditional young professionals. To conclude, the topics of retention and upward mobility taken up in the framework to scrutinize. Obviously these themes are highly intertwined with themes that constitute the cultural order. The cultural order of the organization consists of norms, values, and perceptions of organizational reality that organization members act upon and live out reflexively or unreflexively in order to develop policy, arrange and realize their tasks and those involved mutual social relations (Glastra, 1999:77). To empirically investigate the cultural order I use Cox's (1994) themes: organizational culture, the issue of adapting to the norm/organizational socialization, and valuing diversity. Organizational culture refers to a more or less entangled interplay of values, beliefs, meanings, norms, traditions, symbols and rituals (Martin, 2002). For the empirical analysis I selected the following cultural manifestations: rituals, jargon, humor, and physical arrangements. A ritual \( \text{[\ldots]} \) consists of a carefully planned and executed set of activities, carried out in a social context (an audience), with well-demarcated beginnings and endings (like a play) and well-defined roles for organizational members (like a script) (Martin, 2002:66). Jargon and language are key distinctive cultural manifestations of the legal sector. When a newcomer enters a culture, one of the first manifestations of culture they will notice is jargon \( \text{[\ldots]} \) the special language that only cultural insiders seem to comprehend (Martin, 2002:77) and may therefore be an important feature of in-/exclusion. Part and parcel of jargon and language use is the use of humor and jokes. Humor functions in this sense as a demarcation between cultural insiders and outsiders. Organizational specific humor or jokes are powerful cultural clues and acted as meaningful contributors to sources of in-/exclusion on the work floor. Culture is strongly expressed by means of physical arrangements, three arrangements in particular: architecture, interior decor and dress norms/codes. These different cultural forms that constituted a dominant part of the cultural order may have significant importance to two other parts of the cultural order: organizational socialization and, as a result, how diversity and otherness is valued. Organizational socialization is a process of conveying the organization's values, norms, and preferred ways of behaving and doing things. Members from the established order often convey this to newcomers with the aim to make them cultural insiders. Through this process, (new) organization members come to understand the values, abilities, expected behaviors, jargon and social knowledge essential for assuming a specific organizational role and for participating as an accepted and included member (Cox, 1994:164). In different levels of intensity, all the features of the social as well as cultural order had meaningfully affect how diversity and otherness are valued in the organization and, in the end, the space for diversity. The ways diversity and otherness are valued in the organization relate to the prevailing norm. This norm is influenced by different aspects of the social and cultural order. Valuing diversity involves the conceptual space for diversity in terms of how open and eager people are to share cultural knowledge and experiences and how open and eager people are
to learn from other people’s cultural knowledge and experiences. To be able to make this theme visible I analyze the personal and professional views on diversity and their arguments for being committed to enhance diversity of diversity practitioners and the organization.

**Societal level** - On a broader level the social and cultural order and therefore the space for diversity within the organization are also influenced by external factors, the societal discursive context outside the organization. While organizations have their own dynamics they are also affected by the dominant contextual discourses they are embedded in. So thirdly, this study pursues a contextual approach as defined by Glastra (1999). This means that in addition to empirically scrutinizing the internal organizational dynamics this study departed from the assumption that acts of in-/exclusion are significantly impacted by the societal context and that othering acts cannot be meaningful understood and explained without examining the broader context outside organizational acting.

**Discursive power** - The situational logic of acting -the overarching starting point for this study- benefitted from taking a discursive approach to power and I argue that discursive power is imperative to focus on in any diversity related framework to be able to make sense of ambiguous organizational patterns of inclusion and exclusion. Power in a Foucauldian or discursive sense is about normalization, routinization, standardization, formalization, and regulation of human activity in everyday practices (Ghorashi & Sabelis, 2013). Discursive power means seeing power as omnipresent in social relations of everyday practices meaning that power is embedded in the fibre and fabric of everyday life. Discursive power is considered omnipresent and as web of relations normalizing the actions of dominant and subordinate groups alike (Ghorashi & Sabelis, 2013; Foldy, 2002). So by taking such a discursive approach to power it is rather the power of discourse and the power of normalization that merit consideration in the analysis. Normalization refers to the enactment of an idealized norm at local levels of interactions characterized by subtlety and repetition. I argue that taking the everyday situations organization members find themselves in and their acting as point of departure in the analysis, the possibility is created to capture everyday meaning making practices of individuals which are a result of group dynamics as well as discursive societal events and organizational practices. Taken together this comes down to a continuous pursuit of recognizing the different aspects of the involved individual, organizational and societal dynamics that make the situation(s) as it/(they) is/(are).

In chapter 3 I explain the choices made regarding methodology and methods. I divided the research trajectory into five phases. The first phase was mainly about designing the research. I did literature research, I established research relations in order to gain access to the research settings and I conducted mainly pilot-interviews and did preliminary observations. The second phase was the first fieldwork phase. I interviewed and observed professionals holding different positions in the legal profession (ethnic minority professionals as well diversity practitioners). For a few months I was able to work as a participatory observer in the court as a judicial clerk. The third phase centered much
about the analyses of the gathered data by means of the interview texts, fieldwork notes and collected documents. The second fieldwork phase, comprised the fourth phase of the trajectory. This phase was mainly about planning member-checking interviews. The last phase, was about further analyses, text work and more specifically about writing the manuscript. In this chapter I reflect on my own identity position as an female ethnic majority researcher and what this could have meant for the research process and the collected data.

In chapter 4 I described that (historical) societal developments regarding migrants, migration and integration relates to the normalization of othering and is needed to understand the mindsets and practices on diversity and images of the ethnic other at the workplace. This relation between societal discursive practices and workplace interactions and realities has been established in the studies of Siebers (2010) and Ghorashi and Van Tilburg (2006), for example. In this chapter I show that the data demonstrate that specific Dutch historical developments with regard to ethnic minorities/migrants, migration and integration have left undeniable imprints on contemporary discourses and political and public debates relevant for the issue of diversity within organizational contexts and its work floors. The analysis of the underpinnings of the governmental policy approaches and the public sentiments towards minorities over a period of about forty years identified a discourse of lack as part of a more broader negative discourse on migrants, especially with a Islamic background. I describe that throughout history, migrants/ethnic minorities have always been constructed as different (during the multiculturalist discourse). Later the culture and background of migrants, particularly those from predominantly Muslim countries, was considered as deviant and lacking, resulting in demands to assimilate in order to meet the norm (during the assimilationist discourse). In order words, integration approaches have always been directed at resolving an assumed weak, unequal, and disadvantaged status in society by focusing on the lack and deficits of migrants. The dominant assumption has always been that migrants/minorities lack the proper education, language skills, knowledge of cultural and social norms and values to be able to become equal and (fully and successfully) integrate into and participate in society as a whole and the labor market in particular. This led to a fixation on the notion that these groups are not only at a disadvantage, but deviant as well. Difference has been increasingly viewed as lack (see also Zanoni & Janssens, 2003), adding to a discourse of lack. This discursive context informs the process of societal othering, and as a result may inform sources of workplace exclusion. Due to the societal discourse of lack within the processes of othering, ethnic difference is not only considered as just different, ethnic difference has been construed as deviating because of a deficiency from the Dutch norm. I describe how the societal discourse of lack comes to the fore through several tangible manifestations: the excessive repetition of (often even rhetorical) questions and remarks about one’s (cultural) background and the doubt about a migrant’s loyalty to the Netherlands which surfaces through these questions. Regardless of how fluent, well-articulated, or immaculate one’s language mastery is, it will (be perceived as) never meeting the standard of a native
Dutch as is part of a larger issue of exclusion, symbolizing negative images and fear of migrants. The ethnic other is not approached as an individual within the discursive space with a sense of own sovereignty, but always as a group, labeled as an allochtonous. As a result the fixation is on the difference(s) between majority and minority members which leads to practices of othering. No space for (multiple) identification or a mutual ground seems to be left. Within the discursive process of othering, difference as lack has become the dominant source for interaction. This has led to a situation where participants feel that have become more and more stigmatized and that their contributions are dismissed.

In chapter 5 I analyze particular dynamics of the social and cultural order of the judiciary and the bar and argue that they are both impacted by the discursive societal context as well as affect the daily organizational reality of the organizational members. By analyzing the contours of the employment profile, how power is distributed within the legal sector and how recruitment, selection, retention and upward mobility practices were organized I was able to provide a picture of the social order of the legal organizational context. In addition, the analysis of meaningful particularities of the legal culture, the process of organizational socialization and the valuation of diversity and otherness elucidates the cultural order of these organizations. Taken together, this allowed me to portray the organizational diversity climate and as a result to show the discursive impact and organizational action.

Although law firms have different arguments to strive for diversity than the judiciary, they both appear motivated to pursue a diversified workforce. However, the empirical findings strongly indicate that an inclusionary environment and the battle against exclusion is more challenging and demanding and requires much more than managerial intention and motivation. Both with the Zuidas law firms and in the judiciary the dominant employee profile turned out to be characterized by a privileged majority male native Dutch professional. The outcome of that being that positions of power, decision making and influence are occupied by mostly members from this same majority group. Although it is often claimed that is solely about one's capabilities and merits when in search of a new employee, studies (e.g. Acker, 1992; 2003; Wekker, 1998; Gowricharn, 1999) showed that this ideal worker has a specific intersection of gender, ethnicity, and class background. In this case this comes down to a privileged white male. The notion of the ideal worker manifests itself subsequently in different organizational themes such how practices of recruitment and selection are given organized, what the opportunities are for upward mobility. Although these recruitment and selection practices are increasingly focused on gender and ethnic diversity, the underlying assumptions of what makes an ideal employee remain those of the standard and idealized norm (privileged white male). Despite the fact that numerous legal organizations (e.g. nearly all Zuidas law firms) have signed the declaration of intent on diversity, stating that diversity and otherness are welcome and in need to be strived for, it turned out that organizations still use their own, often obscure, criteria and assessment standards to guide employment decisions. The prevailing norm (still) underpins and prescribes these seemingly
neutral criteria and assessment standards. In addition, the particular legal culture can be described as an elite culture with a complex set of intersections of prescribed behaviors, modes of dress, and language use. Members from ethnic minority groups are said not to fit into this elite culture for various reasons. They seem to be at a disadvantage on entering into and belonging to an elite work setting because practitioners often see them as lacking a refined understanding and expression of particular class-based behaviors, language use, and other skills. In other words they do not have the "correct" habitus of their privileged counterparts. It is important to note, however, that although not all majority professionals come from privileged backgrounds, elitism is still a present feature of the legal culture. Majority professionals of lower class seem to have a head start as they do not carry the discursive burden that fuels the dominant negative image projected onto the constructed group the ethnic minority professionals are thought to be part of. The fact that many ethnic minority professionals come from low-educated families adds to the preconceived image and to difficulties with inclusion. As a result, this background, the elite culture and their discursive embedding are said to cause an almost unsurmountable gap between inclusion and exclusion.

Besides particular internal organizational dynamics, the discursive societal impact was undeniably noticeable and had an impact relevant to the organizational practices regarding diversity. It turned out that the discourse of lack informed the mindsets and practices regarding diversity as it led to a deficit approach to the issue of diversity management in the workplace. This meant that the target of diversity initiatives (ethnic minority employees) are seen as lacking key resources. They were looked upon as lacking proper educational and linguistic skills and cultural and social capital. As a result diversity management is not about providing space for a profound contribution of difference as added value. Diversity programs are directed to reduce the alleged deficit(s) to bring the other closer to the norm. So instead of making space for difference and otherness as added value (as is the point of departure in the organization's documents and speech patterns on diversity), it turned out to be mere a matter of assimilating this difference into the norm as this difference is looked upon as lack.

In sum, notwithstanding the efforts to select and recruit non-traditional professionals, the impact of the norm worker, the specific elite organizational discourse and the normalizing power of the societal discourse limit the space for diversity. The all-pervading presence of the ideal worker led to the similar-to-me phenomenon or as Essed (2002) calls it, cultural-cloning which leads to selecting "our kind of people" (Ghorashi & Van Tilburg, 2006). Despite the motivation to be culturally sensitive, it turned out that practitioners revert to the inclination of cultural-cloning. It turns out that the non-traditional professionals who were actually recruited need to meet the standard traits of this ideal worker in order to become selected or promoted. This contradicts with the desired inclusion as stems from diversity policies and programs. In addition, it is not only that minority professionals do not seem to be able to meet the intern ideal norm worker, as they also have the discursive burden. The image practitioners appear to have of minority professionals is that they mainly have shortfalls. Here we see
the impact of the discourse of lack that fuels the mind-sets of the practitioners and in the end how they deal with the issue of diversity management.

In chapter 6 I focused on how ethnic minority professionals themselves reflect and act upon their position in the workplace by asking them about their daily experiences. We talked about their past experiences, their present situations and their future expectations. From the narratives of the minority professionals it appeared that acts of them being othered are present on a daily bases. Being othered or othering turned out to refer to the process that identifies them (minority professionals) as not only being the other but the deviant other in the workplace. Acts of othering (re)produced and reinforced positions of power. These othering acts surfaced during interaction situations by means of asking questions, making remarks and joking mostly by majority workers. From the past experiences we learn that the sense of being different has always been present in the lives of most of the participants, yet not with much significance or negative connotations. That changed though mainly after societal events, national as well as international (e.g. the attacks of September 11th in 2011). Co-workers started to ask questions about identity issues (e.g. double nationalities), as well as more specifically Islamic-related issues (e.g. Ramadan). These questions could range from what they felt about the actions of the 9/11 attackers and other terroristic events (e.g. London, Madrid), whether or not one could have sexual relations during Ramadan. All taken together, these questions served one purpose, as experienced it by the participants, to mark them as the other and on the long run mark them as deviating from the Dutch/organizational norm. Sources of these othering acts were mainly language, religion/cultural background, gender and class and the intersections of these sources. They experience an omnipresent doubt about their language proficiencies, in particular about whether they master the Dutch language (e.g. grammar, pronunciation) as it is assumed that it is not their mother tongue. In addition, they are expected to have great trouble with the particular legal technical jargon. Minority professionals experience a constant negative form of curiosity and distrust about their (assumed) religious and cultural background. The questions became not only more rhetorical (implying that it was not a sincere question of interest, yet a manner to be othered), but even more unfriendly and at times even judgmental and hostile. Female minority professionals experience an extra dimension about the process of othering. They felt that they were looked upon as being oppressed and in need of help. As a result being a minority woman implies lacking or lagging behind even more so than being a minority man and being further away from the norm. Also class acted as a source of othering. Being a descendant from low-educated migrant workers implied no or few (material) resources or a network, and a lack of knowledge about etiquettes of the upper middle and higher classes. This meant that they felt looked upon as being not from the right class to be considered a full legal professional. Also being quicker considered the interpreter instead of a lawyer or the suspect instead of a legal professional implies that it is still a long path to inclusion.
The analysis of the professionals’ experiences shows that the dominant discursive context fuels mindsets and negative images about them. This combined with a prevailing presence on all organizational levels for the norm worker appear to have a significant impact of the othering experiences and the absence of feelings of organizational belonging. On the whole the findings suggest that the negative image on ethnic others is particular (re)produced through the discourse of lack. Participants feel a constant doubt and suspicion about their background, capabilities and skills which they constantly have to enfeeble. The omnipresent focus on their assumed lack seems to make it practically impossible to create space for valuing the contribution of minorities, as is the ultimate goal of enhancing diversity. In addition, they felt that these (assumed) deficits feels as an justification to exclude them. Discursive events, appear to have a significant impact on the positioning of the participants. Due to the exclusionary discourse of lack and the way organizational diversity approaches come about, they feel that they are less and less seen as Dutch and more and more as that deviating ‘allochtoon’ or Muslim. While at the same time they should be in a position to have some influence on these normalized images and debates because of their obtained capital (diploma, status for example) and ‘new elite’ status, one would say. However, again they feel they are fighting a lost battle, as these discourses and images seem to be so powerful and consistent.

Participants often felt marginalized, disempowered and frustrated because of these othering acts, but at the same time some of the participants managed to found a way to go against this negative discourse surrounding them by claiming their agency. They managed to master some situations in their favor by actively showing their added value to combat the dominant approach of lack. The narrative of female lawyer Zerdali showed such an example. She said that she is particular capable of acquire new Turkish clients and provide legal aid because she bears the Turkish culture, its norms, values and language in mind. Judicial clerk Aziza said she could be of help to judges during legal cases in which people from Moroccan origins are involved as she can shed a different light on such cases due to her familiarity with the culture and habits. Also the example of setting up a Turkish desk specifically aimed at providing legal advice for Turkish clients, as female lawyer Harika managed to do, is a situation where the core of othering is not about lack, but about difference as added value and in the enrichment instead of assimilation. These are all acts of claiming agency by capitalizing their distinctive (cultural) capital and habitus. By claiming their agency they as well reproduce this othering, yet not othering with difference as lack at its core, but with difference as added value at its core. This analysis taken together with the insights of the findings from the previous two chapters highlight the doubleness of inclusion and exclusion which is the core subject of the next section.

In chapter 7 I relate the different findings from the three empirical chapters to each other and offer this study’s contributions, implications for future research, practical implications, limitations and I end with some societal observations. Taken together, the findings of this study add (as building blocks) to an explanation of the doubleness of inclusion and exclusion. At the organizational level, analysis of
the narratives of the diversity practitioners and of organizational documents on diversity management revealed two important elements adding to the doubleness of inclusion and exclusion. First, a proactive engagement geared towards creating a situation of inclusion for non-traditional employees with a specific focus on ethnic otherness can be observed. Formal inclusion efforts are formulated with the idea that difference(s) need(s) to be embraced, cherished and can be valuable for the organization. According to diversity practitioners, otherness is considered an added value for the organization as it may bring competitive advantage, organizational legitimacy, creativity due to the presence of multiple perspectives and innovation. At the same time, the analysis of the interview texts with diversity practitioners shows a different, even opposing narrative. Although the findings indicate that the diversity practitioners say they value diversity and otherness, they still appear to judge minority employees as unsuited for the profession and as inferior to the prevailing ideal. The majority of current diversity projects, approaches and (practitioners') mindsets are rooted in a deficit approach. This means that the primary aim of organizational diversity projects is to eliminate (assumed) deficits in order to assimilate difference and bring the "other" closer to the prevailing organizational norm.

Analysis of the relevant dynamics of the social and cultural order legal organizations have a strong notion of the norm worker. In particular the elite habitus—the embodied history—plays a significant role with regard to the norm and the ideal worker. This elite habitus refers to knowing intrinsically how to behave, how to speak, which words to use, particular interests etc. As a result this boils down to an ideal legal sector employee who is male (albeit the majority of judges are now female and the number of female lawyers is increasing), native Dutch from a privileged background (anything but ethnic minority working class) and age can also be a meaningful factor in some situations (especially related to ethnic minority female professionals). Although formal recruitment and selection practices do aim for culturally diverse employees, the analysis shows that the underlying assumptions are still such that minority workers "do not fit the team" as they are associated with different kinds of lack and are not "one of our kind".

This most strongly came to the fore in the case of language. Even though minority professionals met the high language standards, they experienced persistent doubt about their language skills. I showed that language is a multi-layered aspect of the legal culture significantly adding to its distinctive character in comparison to other (elitist) cultures as it is not only about what is said, but also how it is said and with which words. The first layer refers to mastering the particular legal jargon, the second layer is about the custom of using a particular class-bound type of language, as is customary within law school and especially in the legal sector, and the third layer is the assumption of lack of language skills. One must not only express oneself immaculately in Dutch, but also master a very particular legal jargon comprised of complicated (old-fashioned Dutch) words and (often dense) sentence constructions. This relates to the class element of language as members of a higher class speak in such a manner more often than lower class families; mastering the legal jargon as well as the particular class-bound vocabulary pronounced in a specific manner. Just learning to speak and write...
Legal jargon is a demanding endeavor for ethnic majority students/professionals. However, participants felt that because they are ethnic minorities and Dutch is assumed to be their second language, it was also assumed that it would be impossible for them to reach a sufficient level, let alone this high level, of language mastery. When they make an error it is attributed to their background, which results in the feeling that they must work harder to gain approval similar to that of majority students. Regardless of how perfect their pronunciation or writing is, language remains a marker of difference and, as a result, lack. This assumption was true even for people from families that have resided in the Netherlands for two generations. In addition, the legal sector has a specific elitist culture that is manifested in particular sets of values, beliefs, meanings, norms, traditions, symbols and rituals. These affect how organizational members interact and are expected to behave. This culture is established through organizational socialization (Köhne-Hoegen, 2008) and, as a result, influences how diversity is valued along with the space for diversity. In addition to legal jargon/language, the knowledge of particular rituals and the closely related internalized rules and mores (again referring to elite habitus), the use of humor, dress codes, add to the prevailing normative culture. Fitting into this normative culture through the process of organizational socialization, is expected of newcomers who are taught "how things done around here." The legal culture (both within the judiciary and the bar) can be quite coercive for any type of newcomer, but is especially hard on minority newcomers because they are assumed to lack the proper cultural and social capital. This is a situation that obviously has consequences for the space for diversity. Because of the assumption of lack, minority newcomers often find that deviations from the ideal norm are judged more harshly when committed by them. Their mistakes are seen as representative of their backgrounds and even insurmountable as a result. The mistakes of ethnic majorities are seen as part of the process of learning the ins and outs of the work.

Analysis of ethnic minorities' narratives of their day-to-day (workplace) reality, shows that it is highly affected by the normalization of othering. Their otherness is (indeed) not experienced as added value or something that is appreciated or respected, but again actually is seen to imply shortcomings and the absence of proper qualifications regarding language etc. per definition (Ghorashi & Van Tilburg, 2006; Zanoni & Janssens, 2004). As a result, ethnic minority workers have become mainly the carriers of their lack and consequently space for meaningful contributions based on their difference(s) is marginal or absent. As shown, due to the power of the discourse of lack underlying the normalization of othering, the assumption of this lack appears to have a prominent place in the mindsets of people and surfaces during different kinds of interactions (e.g. job interviews, peer-to-peer relations). The omnipresent attention and focus on lack is due to a normalization of (ethnic) otherness informed by the discourse of lack. They are regularly confronted with disbelief about their language skills, doubt about their capabilities as good legal professionals even more so for young women from ethnic minority descent as this also can imply that one did not live in dorms and is timid or shy and with suspicion about their religious faith in need of condemning the actions of terrorists, for instance. As a result they feel coerced into or the need to emphasize their sameness (to meet the norm)
and decrease or ignore their difference, which results in decreasing the lack(s). Instead of achieving inclusion and creating a sense of belonging for non-traditional workers, the need to fit in and diminish all difference is achieved. The focus on difference has backlashed as ethnic otherness has discursively become a synonym for lack due to the presence of the norm worker and the societal discursive context on ethnic minorities and integration. In fact, efforts to include the other in this vein have reinforced the discourse of lack as the normalization power of this discourse that informs the mindset and practices on diversity and the organizational norms remain unchallenged.

Simultaneously, although participants often felt marginalized, disempowered and frustrated because of these normalized othering acts, some of them found a way to thrive. A number of participants managed to claim their agency and capitalize on their otherness (Jensen, 2011). Some managed to steer situations in their favor by actively showing their added value, thus combating the dominant discourse and normalized mindset of lack. The in-betweenness position provides space for a “juggling their difference and sameness” by drawing on their multiplicity of possible identity positions.

Yet mainly departing from their different ethnic identity position (emphasizing their difference) or emphasizing sameness does not question othering itself or the normalization power of the discourse of lack. On the contrary, it adds to the reproduction of the normalization of othering and as a result the status quo regarding the taken-for-granted norm and unequal power relations in the organizations remain unchallenged (Boogaard & Roggeband, 2010). Taken together the findings from the different levels of interaction show that inclusion of ethnic minority employees (through inclusionary efforts, diversity projects, policies) goes hand in hand with their exclusion (through discursive assumptions of lack, normalization of othering).

Contributions - This study’s main contribution is not in ‘proving’ acts of workplace inequality, but in showing the various dynamics surrounding acts of othering and exclusion and the possibilities for inclusion. This study contributes to the growing body of research about highly educated minority professionals and how they reflect on the multiplicity their identity offers them in the work place and society (Waldring, Crul & Ghorashi, 2014). This study approached the issue of organizational diversity from an ethnographic exploratory viewpoint and with a specific attention for a micro-analysis to gain insight into the everydayness of othering and possibilities for inclusion by organization members themselves and to challenge the normalized mindsets about diversity and otherness in organizational settings. This study dovetails with the argument Janssens and Zanoni (2014) make for the need to explore organizational dynamics of large, hierarchical organizations in order to investigate how organizational characteristics facilitate or hinder organizations in their capacity to establish equality-fostering practices (Janssens & Zanoni, 2014:329).

1 “Juggling difference and sameness” is borrowed from Ghorashi & Sabelis (2013).
**Future research** - Future diversity research can benefit from taking a specific focus on agency and the way minority professionals engage with discursive constraints and enabling factors. Further longitudinal diversity research is needed to analyze the impact of the particular discursive impact on intersections of different practices such as selection and appointment practices, upward mobility practices and more specifically on resigning practices of minority professionals. This also provides the opportunity for going more in depth on particular issues. A longitudinal study could also provide the chance to go beyond the workplace context and be more aware about dynamics present in the private lives which in turn may be of importance for their positioning strategies in the workplace.

**Practical implications** - From the findings in this study it has become clear that diversity management in its current form is open to improvement. A majority of organizations in the legal sector do show an increasing attention for ethnic minorities. However, in spite diversity initiatives, the basic preconditions for possible long-term inclusion are missing: a change in mindset (belief) and mentality (approach) from inside the organization itself. Suggesting an alternative approach involves multiple intertwining steps. I would like to start with inviting organizational members such as majority and minority employees, stakeholders and gatekeepers to take what Meyerson and Scully (2004) call, a tempered radical stance towards the issue of enhancing diversity on their work floors, encouraging, what Ghorashi and Sabelis (2013:84) call {\em passionate activism}.\ A Tempered radicalism is a proactive approach to surviving in an organization while keeping one's sense of self intact and pursuing changes to make the workplace more equitable and inclusive (Meyerson & Scully, 2004:266). Taking this stance means balancing between fitting in and bringing about change, not wanting to rock the boat so hard that they risk not being heard or taken seriously, or even being shown the door (Meyerson & Scully, 2004:266). Taking a tempered radical stance would be a condition under which the search for organizational practices that challenge workplace inequality can emerge and alternative diversity approaches may develop (Janssens & Zanoni, 2014:329). A promising tempered radical strategy, are pre-eminently small wins experiments. The term small wins refers to incremental changes that have the power to add up to profound organizational change for the better for both minority and majority members and the organization as a whole. Meyerson and Fletcher (2004) argue that a small win strategy starts by formulating, which makes the -often invisible- problem tangible and researchable. A next step is diagnosis. This diagnosis can be formulated through probing an organization practices, dynamics and beliefs to uncover its deeply embedded sources of inequity (Meyerson & Fletcher, 2004). An important activity Holvino (2004) addresses is identifying and connecting internal organizational processes with external and seemingly unrelated societal processes to understand organizational dynamics within a broader social context and social change agenda (p. 263). Then, the experimentation begins by launching one (or several) small initiative(s), such as organizing encounters between organization members from different social and hierarchical groups, majority as well as minority. The aim of such encounters would be the raising of awareness and establishing of understanding for the position of particular organization members. It might take a
bit of experimentation and time to find something that works, which is why the organization or
tempered radical might want to launch a small initiative or a series of small initiatives with the aim to
eradicate the particular practices that produce inequality and replace them with practices that have a
more inclusionary nature. Pursuing a small wins strategy makes good sense for companies, like those
of this current study, that have already (modestly) designed diversity programs to recruit, select and
promote minority workers. With a sense of urgency and motivation companies with no concrete
diversity inclusion efforts may also benefit from the small wins approach. Adding the tactic of *alterity*
to a tempered radical stance adhering to the small wins strategy could increase the effectiveness.
Alterity refers to the idea of approaching the other from the position of the other (Janssens & Steyaert,
2001). It is about valuing otherness and diversity between individuals beyond fixations of certain
traits. Alterity leaves room for a sense of becoming in contrast to the often fixed notion of the
classical professional character of non-traditional professionals when discussing and scrutinizing diversity issues.
Embracing alterity can greatly benefit a tempered radical stance, the small wins strategy and other
diversity initiatives (e.g. policy, programs).

**Limitations** - Research with an ethnographic approach departing from a constructivist ontology and
interpretative epistemology does not aim for generalizable findings nor representation of the sample,
but the question would benefit from the involvement of a larger pool of participants. This would
provide a larger variety of narratives and the possibility to broaden and deepen the research topics. The
case studies – the bar and the judiciary- were highly relevant and interesting research settings, yet they
also created limitations concerning the depth of the research. The legal professionals were extremely
busy with filled working schedules. As a result, it was extremely difficult to arrange an interview for
an hour, let alone to delve more profoundly into the professional and personal live worlds of the
participants, as I wished. The inability to do participatory observations within one or more of the
Zuidas law firms was an additional limitation for this ethnographically informed research. This created
an undeniable limitation to the research that may have resulted in certain blind spots in the analysis.

**Final thoughts** - In this study we have seen how the discursive societal context on ethnic minorities
and integration undeniably affects organizational reality in a negative manner. Growing sentiments of
Islamophobia and other negative and hostile feelings towards the ethnic other are recurring themes in
the media, political, public and one-on-one debates. One cannot escape the feeling that the divides
have become almost insurmountable large and this saddens many. However, at the same time there
may be a fiercer growing dissent to the dominant discourse on minorities coming within the public
arena as well. It seems as if a counter movement against this negative discourse has become more
present and noticeable, perhaps due to the easy access and use of social media. A manifestation
pointing towards a shift in the debate on minorities is the increasingly heated discussion about Zwarte
Piet (Black Pete) during Sinterklaas in the Netherlands. In the early 21st century, Zwarte Piet became
increasingly controversial in the Netherlands because of its stereotypical expression and association
with slavery and racism. And never before did the Zwarte Pieten Discussion become as heated as in
2014, also internationally (see Mackey, 2014; Morse, 2012; Thomas, 2013). In addition, in October 2013 the European Commission against Racism and Intolerance (ECRI) - the Council of Europe’s independent human rights monitoring body - issued a report on discrimination and intolerance in the Netherlands. It stated that since the previous report in 2008 the Netherlands made progress regarding combating discrimination and intolerance in a number of fields. Such a report sends out a message that may well contribute to raising more awareness about issues such as the meaning and the effect of the strong prevailing Dutch discourse on being a tolerant society. Various events gaining much attention and evoking an avalanche of public criticism involved Dutch personalities, for example the great public turmoil and outcry (even internationally) after Gordon, a prominent Dutch pop star, made a racist joke concerning a contestant Holland’s Got Talent. These are a few manifestations which may indicate more dissenting opinion about the enduring negative, hostile and exclusionary discourse on ethnic minorities, discrimination and tolerance. Increasingly, people do not seem to hesitate and publicly stand up against the hostility and brutality of such events. These upcoming counter movements against minority-hostile and anti-Islam discourses in society at large may have a positive impact on discourses on minorities and integration for the better and as a result towards a more encouraging and inclusionary one and hopefully in the end may find their way to the workplace.