

## **Diversity in the Profession\***

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*Diversity in law librarianship is not a new idea, but why is it so difficult to discuss issues surrounding diversity in a way that leads to permanent change? In a new feature, different aspects of diversity and how it interacts with and impacts the profession will be discussed. In this first article, Ms. Gabriel discusses definitions of diversity and the importance of defining it within the context of the profession.*

### **Introduction**

¶1 Let's start off with a quick question—upon seeing the title of this article, what was your immediate reaction to the word “diversity”? Was it positive or negative? Did you roll your eyes and think, “This again?” or did you think, “It’s about time!”? How would you define diversity? Or do you think of it as an amorphous concept? Do you define yourself as being a member of a diverse population? Do you have a preconceived definition of “diversity,” and do your ideas differ depending on whether you are at work helping someone or are away from your professional “self”? Does “diversity” include race? Sexual identity? Age? Would you include individuals with differing levels of physical or mental abilities? What about political or religious viewpoints? What about the number of years of experience in the profession?

¶2 What should we be talking about when we say “diversity” anyway?

¶3 There are no easy answers to any of these questions. Instead, the simple fact is that definitions of diversity abound, and, depending on one’s life or work experiences, the concept of diversity will take on different meanings. Very often the tensions that arise when people discuss these issues are due to the perceived, learned, or cultural ideals that may exist in each individual’s perception of diversity. It can even be difficult to start the conversation in a manner that protects and allows different viewpoints and makes it comfortable for all opinions to be voiced and heard without judgment or prejudice by other parties.

¶4 Part of the goal of this regular feature, “Diversity Dialogues,” will be to attempt to draw out the different ideals of what “diversity” *means*—not only for each indi-

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\* © Raquel J. Gabriel, 2010. “Diversity Dialogues” is a new feature of *Law Library Journal*. In each article, Ms. Gabriel will address an issue relating to diversity as it affects law librarians and law libraries.

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vidual, but also within the profession as a whole. I firmly believe that without a discussion of diversity, the profession will be unable to understand what may—or may not—draw diverse candidates to law librarianship. The ability to articulate and discuss issues that affect diversity in law librarianship is critical to assessing the factors that attract such candidates to the profession. Without these discussions and the examination of diverse viewpoints, the profession loses part of its ability to innovate in a world where the practice of law and legal education is rapidly changing. My goal is to solicit a question in the reader’s mind after reading each article: Do you agree or disagree? And if so, why or why not? It is my hope that the curiosity and reflections of readers can lead to open discussions with coworkers or supervisors, with other librarians, paraprofessionals, students, and patrons.

¶5 Today, with a precarious financial environment and a changing legal landscape, a continuing examination of what makes law librarianship valuable to the legal profession should be ongoing among librarians. I leave it to another day (and other writers) to discuss the merits of faculty status or tenure, of electronic versus print format, the dizzying changes that occur as we teach legal research to the next generation of lawyers, and the whole host of other issues that are equally as important to the profession. My goal will be to stimulate thought on the importance of diversity—however it may be defined—and how it may impact the different facets of law librarianship.

### Defining “Diversity”

¶6 Which brings us back to the threshold question: What *is* “diversity?”

¶7 Although part of the problem surely lies in the fact that multiple definitions exist, the meaning of diversity is also difficult to articulate because different circumstances may trigger different definitions. For example, in a work environment, “diversity” may be constrained by the legal classifications of a particular jurisdiction or the unique mission statement of an institution. On a personal level, when interacting with friends or family outside of the workplace, “diversity” may be more limited—or expansive—depending on one’s experience.

¶8 It is not uncommon to define diversity based on the professional and personal interests in the context of one’s life. For example, I am a first-generation, first-born, Filipina American, but don’t speak a second language. I grew up outside of New York City in an urban area, where I briefly attended a public school, then went on to a religiously affiliated co-ed elementary school and a single-sex high school. My undergraduate and law degrees were obtained in schools in Washington D.C., and I worked my way through college at the library to assist with tuition expenses. When I returned to New Jersey, I worked in a public library while completing my M.L.S., and eventually ended up at CUNY School of Law.

¶9 In each situation, my understanding of diversity changed, depending on whether I was student, an employee, or considered part of the faculty. It changed as I found myself in a religious atmosphere or a secular one. It expanded when I had the good fortune to meet new people with different ideas and came to know how they identified themselves. Even today, it does not feel odd to identify myself as different “selves” depending on where I am. I shift my identity automatically and

without thinking in many cases, adjusting to my particular role at the time.<sup>1</sup> These overlapping ideas of diversity occur even in the context of a society where “diversity” is commonly understood to apply to ethnic identity, and arguably, first and foremost to the realm of employment.<sup>2</sup>

¶10 The *Oxford English Dictionary* defines “diverse” as “[d]ifferent in character or quality; not of the same kind; not alike in nature or qualities,”<sup>3</sup> and “diversity” as “[t]he condition or quality of being diverse, different, or varied; difference, unlikeness.”<sup>4</sup> *Merriam Webster* states that “diverse” means “1: differing from one another: UNLIKE . . . 2: composed of distinct or unlike elements or qualities . . .”<sup>5</sup> and “diversity” is defined as “1: the condition of being diverse: VARIETY; *esp.*: the inclusion of diverse people (as people of different races or cultures) in a group or organization . . . 2: an instance of being diverse . . .”<sup>6</sup> Neither source provides very clear definitions, and each can be interpreted as broadly or as narrowly as one wishes. But they reflect, as Joyce A. McCray Pearson so astutely pointed out in an earlier volume of *Law Library Journal*, that perhaps ultimately “[t]he definition, concept, or notion of what diversity is, is personal.”<sup>7</sup>

¶11 For me, diversity dovetails into the concept of multiculturalism. While the *Oxford English Dictionary* defines multiculturalism as: “Of or pertaining to a society consisting of varied cultural groups,”<sup>8</sup> I prefer the definition offered by *Merriam Webster*, which characterizes it as “of, relating to, reflecting, or adapted to diverse culture.”<sup>9</sup> In my interpretation, diversity implies the ability to incorporate *variety* within a group. I will be using this definition as part of my understanding of diversity for this column. By extension, what constitutes diversity in law librarianship may change, depending upon the topic, setting, or power structure of the situation,

1. This particular ability to “switch roles” is not limited to those who have been exposed to a variety of experiences, although I believe it is one that many members of minority groups experience on at least a sporadic, if not constant, basis. I don’t believe that those who label themselves as part of a “minority” group can be limited to a set list of definitions—they can feel that they are part of a “minority” based on a multitude of factors, including gender, sexual orientation, political viewpoint, or religious affiliation. This movement between roles may be automatic for individuals at times, but it is not always an easy process. For a small sample of the literature that discusses the potential conflicts that may arise when fulfilling roles, see generally Jeffrey H. Greenhaus & Nicholas J. Beutell, *Sources of Conflict Between Work and Family Roles*, 10 *ACAD. OF MGMT. REV.* 76 (1985); Donald C. Reitzes & Elizabeth J. Mutran, *Self-Concept as the Organization of Roles: Importance, Centrality, and Balance*, 43 *SOC. Q.* 647 (2002); Uco J. Wiersma, *A Taxonomy of Behavioral Strategies for Coping with Work-Home Role Conflict*, 47 *HUM. REL.* 211 (1994).

2. The concept of “diversity” in employment, usually related to the policy of affirmative action, is the subject of endless debate, and there is an enormous amount of material on the subject. See generally, e.g., TERRY H. ANDERSON, *THE PURSUIT OF FAIRNESS: A HISTORY OF AFFIRMATIVE ACTION* (2004); STEPHEN L. CARTER, *REFLECTIONS OF AN AFFIRMATIVE ACTION BABY* (1991); LEE COKORINOS, *THE ASSAULT ON DIVERSITY* (2003); CHARLES R. LAWRENCE III & MARI J. MATSUDA, *WE WON’T GO BACK: MAKING THE CASE FOR AFFIRMATIVE ACTION* (1997).

3. 4 *OXFORD ENGLISH DICTIONARY* 886 (2d ed. 1989).

4. *Id.* at 887.

5. *MERRIAM WEBSTER’S COLLEGIATE DICTIONARY* 366 (11th ed. 2003).

6. *Id.*

7. Joyce A. McCray Pearson, *Diversity in AALL—It Does Exist*, 90 *LAW LIBR. J.* 541, 541 (1998).

8. 10 *OXFORD ENGLISH DICTIONARY*, *supra* note 3, at 79.

9. *MERRIAM WEBSTER’S COLLEGIATE DICTIONARY*, *supra* note 5, at 815 (defining “multicultural”).

just as it does in the context of our everyday lives. For example, how I relate to different groups within my life, and my reactions to them, whether it be my supervisor, my colleagues, or my students, changes depending on what I need to be at that time: employee, coworker, or teacher. In each instance, and with each individual, it may be a slightly different interaction depending upon my history with each of them or the relationship between us as equals, or whether one of us has authority over the other. And how I react to all the individuals in my work life can be markedly different from how I react to certain situations in my personal one.

¶12 Although it may seem obvious, my point in trying to establish a definition of diversity is that there must be a recognition that it closely correlates with the idea of multiculturalism—specifically, the ability of “relating to, *reflecting* or adapt[ing]”<sup>10</sup> to different groups. In future articles, I will aim to take a closer, critical look at situations within the profession and examine the issues impeding or promoting diversity within law librarianship. My hope is that readers will then examine their own reactions to the scenarios presented.

### Current Status of Diversity in Law Librarianship

¶13 The question of how to increase diversity in librarianship—or law librarianship—is not new. As a past committee member and immediate past chair of AALL’s Diversity Committee, I learned about all the work that caucuses, committees, and individuals have done to promote diversity within the profession.<sup>11</sup> It is not news to anyone in the profession that there also have been concerted efforts to increase diversity in the wider field of librarianship.<sup>12</sup> In fact, it’s not even a surprise that in 1998, *Law Library Journal* devoted a substantial section of an issue to “Focus on Diversity,”<sup>13</sup> which, I confess, I had remembered only vaguely until finally sitting

10. *Id.* (emphasis added).

11. Within AALL, the Diversity Committee is charged with, among other things, “Identifying issues related to maximizing the diversity of AALL membership,” “Exploiting the benefits and possibilities of a diverse and complex membership,” and “Recognizing and celebrating the richness of an active, diverse membership.” Am. Ass’n of Law Libraries, Diversity Committee, <http://www.aallnet.org/committee/diversity.asp> (last visited Nov. 5, 2009). The committee’s web site can be found at <http://www.aallnet.org/committee/diverse>. Several AALL caucuses and one standing committee can be clearly identified with diversity: the Asian-American Law Librarians’ Caucus, the Black Caucus of the American Association of Law Libraries, the Gen X/Gen Y Caucus, the Latino Caucus, and the Native Peoples Law Caucus. Am. Ass’n of Law Libraries, AALL Caucuses, <http://www.aallnet.org/caucus> (last visited Nov. 5, 2009). The Social Responsibilities Special Interest Section (SIS) has a Standing Committee on Lesbian and Gay Issues. Am. Ass’n of Law Libraries, Standing Committee on Lesbian and Gay Issues: Embracing the Diversity of Sexual Orientations and Gender Identities, [http://www.aallnet.org/sis/srsis/Lesbian\\_and\\_Gay\\_Issues.html](http://www.aallnet.org/sis/srsis/Lesbian_and_Gay_Issues.html) (last visited Nov. 5, 2009). At the Annual Meeting and Conference in 2009, the Diversity Symposium brought together all of these groups to discuss the topic “Rethinking Diversity: Defining Ourselves for the 21st Century.” See Nichelle J. Perry, *A New Look at Diversity*, AALL SPECTRUM, Sept./Oct. 2009, at 18, for a review of the symposium.

12. The American Library Association’s (ALA) Office for Diversity “serves as a clearinghouse for diversity resources and a focal point for administering and fostering diversity as a value and key action area of the Association.” The Office’s web site contains numerous links to the diversity initiatives overseen by ALA, and dedicates two staff members to its operation. Am. Library Ass’n, Diversity, <http://www.ala.org/ala/aboutala/offices/diversity/index.cfm> (last visited Nov. 5, 2009).

13. In 1998 *Law Library Journal* published a set of seven articles on diversity. *Special Feature: “Focus on Diversity,”* 90 LAW LIBR. J. 541 (1998).

down to write this article. I realized I should look at it again to make sure I was not missing a big part of the conversation I was trying to start about diversity.

¶14 What struck me while reading articles from ten years ago was how the adage, “the more things change, the more they stay the same” popped into my mind. I realized that the issues I would like to raise regarding diversity are essentially the same as they were ten years ago. Joyce A. McCray Pearson and Yvonne J. Chandler talked about the existence of diversity within AALL and its importance to law librarianship.<sup>14</sup> There were articles on diversity and its history within librarianship,<sup>15</sup> and on the need to recognize the power of group associations and how diversity was critical in helping promote the field.<sup>16</sup>

¶15 But as I write in 2009, there is still no clear, official picture of the number of “minority” law librarians, nor is there a sense that the Association is moving toward collecting that information.<sup>17</sup> While support for the Diversity Committee, the various caucuses and standing committees, and certain diversity initiatives is made clear, there still seems to be a bit of a gap between what is acknowledged as an issue of concern, and what is being done about it.<sup>18</sup>

¶16 I am not singling out law librarianship for such an observation, as even a brief review of the research into the field of librarianship and the number of minority librarians when compared to general populations reveals that the larger occupation most of us belong to has the same problem.<sup>19</sup> In turn, this mirrors the efforts in law schools and the legal profession to increase diversity awareness.<sup>20</sup> Heck, it seems that the United States as a whole has embraced diversity—or tries to, if you are to believe the plethora of statements from companies that are trying to convince you they adhere to a basic concept of inclusion.

¶17 So why the seemingly circular path? Why is it that after years of awareness, and perhaps even limited acceptance of diversity as a goal in many aspects of society, we find ourselves stuck in a time warp when trying to move forward? What is

14. Pearson, *supra* note 7; Yvonne J. Chandler, *Why is Diversity Important for Law Librarianship?*, 90 LAW LIBR. J. 545 (1998).

15. Joan S. Howland, *Diversity Deferred*, 90 LAW LIBR. J. 561 (1998); Teresa Y. Neely, *Diversity in Conflict*, 90 LAW LIB. J. 587 (1998).

16. Jacqueline Ayala, *Diversity and Professional Activism: “Both And,” Not “Either Or”* 90 LAW LIBR. J. 577 (1998); George R. Jackson, *R-E-S-P-E-C-T, Find Out What It Means To Me*, 90 LAW LIBR. J. 579 (1998).

17. Much of the information distributed from AALL in statistical tables is solicited directly from the membership. Minority law librarians are asked to identify themselves in the AALL Directory each year, but that method has its flaws. For example, what of an individual who identifies as multi-racial or with a “minority” group that is not defined by ethnic background? Telephone calls to AALL in September of 2009 indicated that the Association has no statistical breakdown of law librarians by “minority group.” Even if the Association tracked “minority” members, there is no guarantee it would be indicative of the true number of librarians working within the profession, given that membership in AALL is voluntary. Telephone interview by Rebecca Sarro with Hannah Phelps, AALL Membership Services Coordinator, in Chicago, Ill. (Sept. 28, 2009).

18. To be fair, perhaps the invitation to write this column can be interpreted as definite movement toward addressing the issue.

19. See generally Am. Library Ass’n, *supra* note 12.

20. See generally Am. Bar Ass’n, General Diversity, <http://new.abanet.org/centers/diversity/Pages/GeneralDiversity.aspx> (last visited Nov. 5, 2009).

it about diversity that feels as if we are continually repeating the same talking points with no significant movement? If I had an answer, or thought that there was *one* answer, I don't believe that there would be a reason to write a regular feature on the subject. Although I believe that the answers that have eluded us within law librarianship also burden other fields and professions, finding those answers means acknowledging that while some progress has been made, there remains a significant amount to be done to reflect the diversity we say we embrace within the profession. In my view, *acknowledgment* of an idea or issue is not *acceptance* of it. Simply because a profession states that there is a recognition of diversity—of viewpoints or people—does not mean there is an acceptance of the value of those viewpoints or people within a profession.

¶18 Law librarianship, therefore, struggles with the same issue of acceptance as other professions and society as a whole. Similarly, we share the same shortcomings when trying to tackle the issues. We are lulled into complacency, thinking that discussion of diversity equals action, but discussion is often limited by fears of being perceived as (oddly enough) “different.” Therefore, we express our opinions with carefully crafted vague statements or safe words, in the hope that such techniques will mask potential biases that could be exposed to our peers. There is also the difficulty of even trying to determine what diversity is, given that individuals may not want to identify themselves within the traditional categories of race or gender.

¶19 AALL has already seen this trend, with the inclusion of the Gen X/Gen Y Caucus and the Standing Committee on Lesbian and Gay Issues. The establishment and existence of the Asian American Law Librarians Caucus, the Black Caucus of the American Association of Law Libraries, the Latino Caucus, and the Native Peoples Law Caucus reflect the categories one would most likely identify with common perceptions of diversity. Perhaps additional groups will spring up in the future if a significant “minority” group petitions to be recognized within the Association. Conversely, it may be that the further development of “specialized” groups—already broken up by type of law environment, job description, or by “diversity” categories—may act to dilute the effectiveness of any one group to the overall detriment of all of them.

### **Moving the Profession Forward**

¶20 With these complexities in mind, how then do we begin to discuss the issues relating to diversity in law librarianship? Is it possible to do so in a manner that recognizes and respects the history behind the traditional categories, but allows for the inclusion of other groups? How do we discuss the dominant power structures within the profession in a way that does not disintegrate into an “us versus them” argument? And in the midst of it all, how can we extrapolate the best ideas to invigorate and empower the next generation of leaders in the profession and future generations of law librarians?

¶21 I do not believe that there is anything necessarily wrong with the fact that the diversity issues mentioned in a 1998 issue of *Law Library Journal* are still with us today. Nor do I think there should be blame assigned to leadership within the profession for failure to examine more closely the reasons diverse individuals may

feel excluded within certain circles of law librarianship. I also refuse to accept that those of us who are of “diverse” backgrounds shoulder the sole responsibility of insuring that the profession expands its horizons. What I do believe is that this is a *collective* effort, and that in order to have meaningful discussions about diversity issues there needs to be a willingness to examine what may be uncomfortable or unfamiliar (or at least the willingness to read about it).

¶22 My hope is that “Diversity Dialogues” will be able to tackle some of these questions. I hope to raise questions as a result of input from readers. I plan to explore the ideas of diversity in a variety of arenas, such as management, dealing with coworkers, and the legal profession as a whole. But I am also hoping that along the way, readers will feel free to give me their opinions on what they read and what they would like discussed. I believe that this feature can be a “safe space” for individuals to discuss the opinions they have about diversity and what it means for the profession. Here, on a printed page, words may still prove provocative, but, at least in theory, they can provoke without causing the anxiety, fear, or possible anger they might if stated in a face-to-face conversation or misconstrued in a larger group setting. Please feel free to react or suggest a topic in an e-mail or letter to me,<sup>21</sup> and I will do my best to address some of the issues raised in your responses.

¶23 On a daily basis, law librarians everywhere solicit information to assist their clients, patrons, and students. Isn't it time we did the same to determine if we are best serving ourselves?

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21. Comments or thoughts can be sent to: [gabriel@mail.law.cuny.edu](mailto:gabriel@mail.law.cuny.edu) or to Raquel J. Gabriel, CUNY School of Law, 65-21 Main Street, Flushing, NY 11367. Any comments used will not identify the author, but will be labeled “Anonymous.”