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Diversity and Unity in the European Union

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ABSTRACT

Two diversities are operative in the EU: the traditional diversity *between* member states, and the more recent minority-related diversity whose proper site is *within* member states. This article traces the EU-level evolution of minority-related diversity, whose legal-political focus expanded from old (national) to new (immigrant) minorities. It looks at "interculturalism" and "diversity" as normative follow-ups to a notionally discarded "multiculturalism," reviewing their manifestations in the EU. And it addresses two seemingly contradictory campaigns recently launched by the European Commission: a progressive campaign for a Union of Equality, and a more populist campaign to Promote our European Way of Life. I argue that the unity and identity of the EU, which is the necessary foil for its diversity policies, continues to be based on universal values; it has not shifted to cultural or even ethnic particularism, as claimed by some authors.

KEYWORDS

Diversity; multiculturalism; interculturalism; old and new minorities; European identity; European Union

The *Oxford English Dictionary* (OED) defines "diversity" as "the practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc." This definition suggests that, with respect to "including" and "involving," diversity is axiomatically related to a unity, and, with respect to diversity itself, in a way that the integrity of its composite elements is retained. The official motto of the European Union, United in Diversity, nicely captures the underlying tension, which had already marked its semantic precursor in the preamble of the 1957 Treaty of Rome, the notion of an "ever closer union among the peoples of Europe"—"ever closer" denoting a "union" that could never be complete, because the "peoples of Europe" were there to stay.

As the self-description of a political community, the European motto differs in kind from the motto of the United States of America, E Pluribus Unum (out of many, one), because the latter marks a unity in which the composite elements have lost their distinct features. Hence, the proverbial notion of America as a "melting pot," which even the most ardent defenders of a federated, single-state Europe never made their own. Of course, the composite elements of the EU motto are not individuals as presumed by the OED definition, but nation-states, whose different traditions and identities are to be preserved and respected in the Union. But the steep career of the diversity concept is not least due

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to its semantic elasticity, so that in the EU context it could easily be extended from inter-state diversity to what, according to the OED, it *really* stands for, which is individual-related (intra-state or-polity) diversity, in particular the one that stems from international migration.

In a first step, this article contrasts the two diversities pertaining to the EU, the traditional diversity between member states and, more recently, the minority-related diversity that is primarily located within member states. In a second step, it traces the EU-level evolution of minority rights, as it expanded from old (national) to new (immigrant) minorities.[1] The main sections compare and contrast "interculturalism" and "diversity" as normative follow-ups to a discarded "multiculturalism," and demonstrate their workings in the EU. The article closes with a look at two seemingly contradictory campaigns recently launched by the European Commission: the progressive campaign for a Union of Equality that continues the Union's long-standing antidiscrimination efforts, and the more populist drive to Promote our European Way of Life. I thus return to the question of what kind of unity or identity is the necessary foil for the EU's diversity policies, and argue that European identity remains based on universalist values and has not shifted to cultural or ethnic particularism. There has been no "civilizational turn" in the EU, as claimed by some authors.

Europe's Two Diversities: Inter- and Intra-State

Both types of EU-level diversity, the foundational inter-state and the more recent individual- and group-related type, are enshrined in primary treaty law. With respect to inter-state diversity, Treaty of European Union (TEU) Article 3(3) stipulates that the Union "shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced"; Article 4(2) even more explicitly requires the Union to "respect the equality of Member States before the Treaties as well as their national identities". With respect to what is *really* meant by diversity, the one located *within* rather than *between* states, it has more recently, in the 2007 Treaty of Lisbon, been elevated into one of the EU's "foundational values": "respect for human rights, including the *rights of persons belonging to minorities*" (Art. 2; italics added).

This article is primarily about how the EU has tackled the second, intra-state type of diversity, which has been classically understood as minority rights. The formulation in TEU Art. 2, which speaks of the "rights of persons," suggests a liberal distancing from a radical understanding of minority rights, as rights invested not in individuals but in groups—in short, "group rights." This is one reason why "multiculturalism," which even in Will Kymlicka's liberally softened version has been understood as a claim for "*group*-differentiated rights,"[2] has never been embraced at the European Union level, where the kindred but differently accented notions of "diversity," of course, and the closely related "interculturalism" have been preferred (more on this below).

In principle, one must wonder how and why the very concept of minority, whatever its inflection (liberal or radical), could ever have gained entry at EU level. This is because "minorities" (commonly used in the plural) logically require a "majority" (in the singular). But there is no such thing as a majority in the European Union, which is not a (nation-)state but a supranational organization

(though one with many—and ever more—state-like features). As Dimitry Kochenov plainly but acutely observed, there is "no single dominant culture, language, or historical tradition at the level of the European Union as a whole," and "anyone in the Union can plausibly be said to belong to a minority of some kind, in some context."[3]

The concept of minority, which first appeared as a legal term in the Wilsonian international order instituted after the break-up of the European land empires, post-World War I, has an intrinsic "conceptual connection" with "nation."[4] A minority, classically understood, is a "national minority"—that is, "portions of a 'nation' that found themselves in the 'wrong' state," as Julie Ringelheim aptly put it;[5] it is the flip side of the Wilsonian principle of national self-determination.[6] But then it is unsurprising that the "European Union remains a reluctant promoter of minority rights," as a state-of-the-art review summarizes the situation.[7] Not being a traditional state with nation-building aspirations, the EU is simply the wrong address for such a thing.

When calibrating the EU's two diversity mandates, the inter-state and the minority-related, it becomes clear that furthering one must be at the cost of the other. "Respect" for the "national identities" of member states, as commanded by TEU Article 4(2), necessarily means leaving these states' nationhood policies to their discretion. This includes policies on majority–minority relations, with respect to old (national) and new (immigrant) minorities alike. This has been the default condition, anyway.

Hence, there is a paradox. On the one hand, the dissolution of internal borders under the Schengen free-movement regime has necessitated the "communitarization" of external border controls and the formation of an immigration policy. On the other hand, the integration of immigrants ("third-country nationals," in EU parlance) has remained largely unaffected by this, remaining under member state control.

It follows that the main EU policies on immigrant integration are no more (but also no less) than soft "best practice" recommendations by the European Council. They were published, in 2004, under the title "Common Basic Principles of Immigrant Integration."[8] Despite multiple updates, the Common Basic Principles, issued notably under a Dutch presidency that was under huge domestic populist pressure at the time, remains the gold standard for immigrant integration policy in Europe. It states clearly that integration policy is "the primary responsibility of individual Member States rather than of the Union as a whole."[9] However, as policy failures in a Member State are expected to have "adverse implications for other Member States," it is still "in the common interest of all Member States of the Union that each individual Member State pursues effective integration strategies."[10]

Hence the need for "common basic principles." The European Council document lists ten of them. The first is a solemn commitment to a liberal conception of integration as a "dynamic, two-way process of mutual accommodation"[11]—an obvious discarding of cultural assimilation. Consequently, the EU is conceived of as a "values"-based entity, cherishing "liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law."[12] "Respect" for these values is expected of immigrants, but these values' universalist content in turn implies that "full respect for the immigrants' own language and culture should be also an important aspect of integration policy."[13] In policy terms, the main thrust of the Common Basic Principles is "civic integration,"[14] a term not used in the Council document, but identifiable in its emphasis on employment and "basic

knowledge of the host society's language, history, and institutions" as "essential to successful integration."[15]

Because immigrant integration is understood as primarily a member state responsibility, it is no surprise that there has been a persistent "absence of an explicit minority policy" in the EU.[16] The EU policies pertaining to minorities are all indirect and non–minority-specific, most importantly the two non-discrimination (Race and Employment Equality) directives enacted in 2000 (see below). Departing from this cautious line, which amounts to the maintenance of inter-state diversity over addressing the individual-related kind, would have to be to the detriment of inter-state diversity, flattening the particularities of national societies. Anything else would mean for the EU to arrogate to itself nation-building functions that are plainly outside its purview, streamlining European societies in light of an externally imposed diversity ideal.

It is nevertheless incontrovertible that "diversity is both the origin and the core of the European integration project,"[17] and that even in its more recent minority-related inflection, the EU has "clearly embraced diversity as a value."[18] Hence the need to further explore its meaning and policy implications.

Evolving Minority Rights: From Old to New

Old Minorities

The issue of minority rights first appeared at EU level in the context of admitting new member states. Two major episodes of enlargement had opposite implications in this respect. In the early 1970s, the UK, Ireland, and Denmark joined what was then the European Economic Community (EEC). At that point, several self-governing territories—the Isle of Man, the Channel Islands (both under UK jurisdiction), and the Faroe Islands (part of the Kingdom of Denmark)—were exempted from parts of European Community law that were considered threats to "vulnerable local identities."[19] This episode revealed European law, particularly its right to free movement (protected in TEU Article 18 that prohibits discrimination "on grounds of nationality"), to be a threat to local identities, and even more so to national-level minority rights. As Kochenov put it, "while the EU itself lacks a legal basis for regulating minorities, it is perfectly capable of making life difficult for any member state wishing to do so at the national level."[20] Proof of it is the European Court of Justice's *Bickel–Franz* decision of 1998, which forced Italian authorities to make a special right for Italy's German-speaking minority in South Tyrol (to be tried in the German language in local courts) "in principle available to innumerable German-speaking tourists or visitors."[21] The obvious effect is must be make states reluctant to grant such rights in the first place.

The word "minority" first appeared as an EU-level legal term in the post-communist Eastern enlargement of 2004.[22] The conditions for joining the EU at that point (and henceforth) were set in the 1993 Copenhagen Criteria, which, among other requirements, call for "respect for and protection of minorities." Minority protection was an acute issue in the ethnically mixed lands of the former Habsburg Empire. Accordingly, in this second major enlargement episode, minority protections were granted not as acquis *exemptions*, as in the early 1970s, but as an explicitly stated *condition* for the candidate countries to join the

EU. Alas, once these countries were accepted, the EU lacked the capacity to enforce their adherence to the promised minority protections.[23] Not only were the old member states never required to embrace the minority protections that came to be imposed on the new member states, but the latter happily continued to discriminate against certain minority groups, such as the sizeable Roma minorities in Romania and Bulgaria (which joined the EU in 2007) or Russian-speaking minorities in Latvia and Estonia.[24]

Indeed, while protection of minorities was dignified with a clause in the 2007 Treaty of Lisbon, it was never added to the Union's "delegated powers" and not concretized by follow-up legislation. Accordingly, it remains true that the "EU does not have any legal competence to regulate minority issues."[25] The main benchmark in this domain is external, in the form of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM), which was passed in 1995 and took effect in 1998. Importantly, the convention speaks exclusively of "*national* minorities," though without defining the term. Traditionally, it is understood that citizenship in the state of residence, as well as "longstanding, firm and lasting ties with that state," are minimal conditions for counting as a national minority.[26] The classic, narrow understanding of national minority as being territorially based and caged in the "wrong" state, is manifested in the FCNM's persistent focus on minority language rights, access to media and education, "transfrontier co-operation," and protective measures in "areas inhabited by persons belonging to national minorities." In addition to the convention's narrow focus, its impact has been hampered by the refusal of several countries (including France, Belgium, and Greece, among others) to sign or ratify it. A bone of contention is that the FCNM does not limit itself to negative protection from "any discrimination based on belonging to a national minority" (Article 4), but also requires, in the same article, positive "adequate measures in order to promote . . . full and effective equality." France, in particular, with its Republican denial of intermediary groups between citizen and state, does not even acknowledge the existence of national minorities on its territory, and "assimilation," prohibited under FCNM Article 5, continues to be a legal requirement in French nationality law.

New Minorities

With respect to the FCNM, the signatory states diverged between inclusive and exclusive understandings of "national minority." But the overall trend has been toward an inclusive understanding, that is, to include immigrants. An inclusive understanding has been pushed by the convention's own Advisory Committee, according to which citizenship in or long-lasting ties to the resident state are not required to qualify as "national minority," so that the convention becomes "relevant for all sorts of ethnic, cultural, linguistic or religious groups."[27] This implies that the "new" minorities stemming from immigration are also protected by the convention. Ringelheim attributes this outcome to the "rise of multiculturalism," which "popularized the idea that immigrants can legitimately claim to conserve their cultural specificities."[28] A review of "new versus traditional minorities" in the EU, by Kristin Henrard, confirms that an inclusive European Union attitude "corresponds to the international trend, where new minorities are increasingly accepted as minorities."[29]

The traditionally strict boundary between new and old minorities is also undermined by the fact that the Roma people, on which EU minority-rights action has persistently focused over the past decades,[30] defies this distinction.[31] Most of this 6-million-strong minority population, arguably Europe's most precarious, may be sedentary today, with strong regional concentrations in Romania and Bulgaria. But commonly known as "gypsies," the Roma are also the proverbial "travelling people," and many retain the nomadic tradition today. Their continuously precarious state was demonstrated in 2010, when France, under the conservative Sarkozy presidency, demolished over 50 Roma camps, and expelled some 1200 of their inhabitants by plane, despite their EU citizenship status that normally guarantees them free movement and residence rights. While the European Commission did not condone this action, "enforcement is perhaps the greatest weakness in the Commission's performance on minorities."[32]

While the EU-level trend may be toward blurring the distinction between old and new minorities, member states have retained predominantly narrow views on the scope of minority protection under the FCNM. For example, Germany has refused to recognize immigrants as minorities under the FCNM; Denmark limits national minority status to its German minority in South Jutland; and the Netherlands limits this status to its Frisian minority in the north. Liechtenstein and Malta have signed the convention as a "symbolic" act, but hold that no "national minority" resides in their respective territory.[33] The one exception to this restrictive pattern is, or was, the UK, which equated the term "national minority" under the FCNM with "racial group" under its 1976 Race Relations Act.

After Multiculturalism: Interculturalism and Diversity

In its 1990s heyday, "multiculturalism" was the premier term for the theory and practice of accommodating minorities in liberal societies, particularly those resulting from international migration, it signaled respect and even support for these migrants` identities. Reviewing "diversity in the EU," Elisabeth Prügl and Markus Thiel observed, with respect to migrant minorities, a "de facto convergence toward a European approach that combines multiculturalism with a requirement that migrants assimilate to some extent."[34] This well describes the European reality, despite significant variations.[35] The "assimilate-to-some-extent" proviso is even present, without being labelled so, in Will Kymlicka's influential theory of "multicultural citizenship." According to it, the purpose of comparatively weak "polyethnic rights" for immigrants is not "self-government," which is the focus of stronger protections for national and indigenous minorities, but "integration" into the host society.[36]

It is thus surprising, though to be understood in a context of politicized Islam and allegedly failing Muslim integration in European societies, that multiculturalism has fallen into disrepute. The watershed event was the terrorist attack against the United States on September 11, 2001, which was followed by a wave of Islamist terror in Europe and mounting concern about Muslim "parallel societies". In late 2010 to 2011, in remarkably quick succession, the three major European state leaders denounced multiculturalism as having "absolutely failed," as German Chancellor Angela Merkel started the chorus; similar declarations were made by the British Prime Minister David Cameron and French President Nicolas Sarkozy.[37] However, this was mostly a rhetorical retreat, pandering to

the populist right that was growing in strength all over Europe. Except for reinforcing "civic integration" policies for immigrants, these public acts of multiculturalism-bashing were not followed by significant policy change.[38]

But the notion of multiculturalism, at least, was discarded, and other concepts moved to the fore, most importantly interculturalism and diversity.

Interculturalism

The term "interculturalism" first appeared in the Canadian province of Quebec in the 1980s. It meant criticism of the federal government's multiculturalism policy, and insisted that immigrants to Quebec must accept the "culture of the foundational majority"[39] in the province, above all the French majority language. In Europe, where the notion of interculturalism arrived more than two decades later, its opposite thrust has been to eschew multiculturalism's trademark majority–minority binary. This may explain why the term was eagerly adopted by European Union institutions, in particular the European Commission. The Commission made 2008 the "European Year of Intercultural Dialogue." And, when reviewing the "highlights" of that year, it declared that "European societies are moving away from previous models of multiculturalism and assimilation, where different cultures tend to co-exist without interacting and where migrants are expected to adopt the majority culture."[40]

But this endorsement of "intercultural dialogue" implied a distorted view of "previous models of multiculturalism and assimilation,"[41] which in this form never existed. As an intellectual construct, interculturalism grew out of a critique of multiculturalism, which is said to have favored group separation over inter-group "dialogue" and to have ignored the common ground, whether understood in national-identity terms (as in Quebec) or in human-rights terms (as in Europe).[42] Multiculturalists have plausibly responded that the interculturalist critique thrives on a questionable view of multiculturalism that most of its protagonists do not endorse.[43]

In contrast to Quebec, where interculturalism is a code word for immigrants to respect French "majority precedence,"[44] in Europe a post-majoritarian form of interculturalism took hold. Its central document is the Council of Europe's 2008 White Paper on Intercultural Dialogue, *Living Together as Equals in Dignity*, which has also been influential at the EU level (see next section). The White Paper advocates "intercultural dialogue" as alternative, on the one hand, to "multiculturalism," which "had been found inadequate" in fostering dialogue; and, on the other hand, to "assimilation," which in reality had been long discarded at elite political level in Europe. Multiculturalism and assimilation are found guilty of "the same, schematic conception of society set in opposition of majority and minority, differing only in endorsing separation of the minority from the majority … (or) assimilation to it."[45]

Diversity

European interculturalism is closely connected to the celebration of diversity, which is the second follow-up approach to a discarded multiculturalism. There is again an interesting contrast with Quebec. Quebecois majority-preferencing

interculturalism has never warmed up to "diversity," which is associated with the cosmopolitan multiculturalism of the federal government, and suspected of being a façade for Anglo-Canadian hegemony. European interculturalism, by contrast, rests on the fact of "unprecedented and ever-growing [diversity],"[46] which is deemed to have rendered anachronistic "old approaches," multiculturalism included. That is, the European approach to interculturalism takes diversity as a feature of European societies and argument to go beyond the group-focused majority–minority binary that multiculturalism is said to be caught in, the latter being accused of fueling "communal segregation" and "mutual incomprehension."[47]

Like interculturalism, the notion of diversity is often thought "to do … the work that 'multiculturalism' used to (do)."[48] This ignores the fact that, much like interculturalism, diversity entails a departure from multiculturalism's core intuition: the obligation to deliver justice for historically wronged minorities. This new accent is obvious in the very first appearance of diversity as a legal term, in the US Supreme Court's 1978 *Bakke* decision on affirmative action. According to that decision, a "farm boy from Idaho" should get preferential access to "Harvard College" if this helps to build the "educational diversity" that is functional for higher learning.[49] Justice Powell's well-chosen example suggests that, depending on context, the inclusion of white males may enhance "diversity"—something inconceivable in a constitutively asymmetric multiculturalism, which is exclusively an asset or claim held or made by historically fixed minorities *against* majorities. In business school manuals, "diversity" might even mean, bizarrely, the mixing of "chatty" and "quiet" people.[50]

In *Bakke*, diversity replaced a focus on justice with an efficiency rationale, which may operate in multiple spheres, from education to business. Today, in fact, diversity is firmly established in the corporate world. Here, "diversity management" and "productive diversity" are means to better manage the workforce and opportunity to create new ethnic niche markets, respectively, while increasing corporate legitimacy in a society that celebrates diversity. Thomas Faist is right that diversity "straddles many worlds."[51] Diversity is a diluted multiculturalism adjusted to the logic of functionally differentiated societies, without an intrinsic meaning, meant to serve sector-specific goals: educating, profit-making, governing, etc. Above all, diversity's overarching efficiency rationale is perfectly suited to, and determined by, a neoliberal order that prioritizes market principles over other forms of sociation and political organization.[52]

Note that interculturalism and diversity are not freestanding or independent alternatives to multiculturalism, where one might appear without the other. Instead, they appear in tandem (with the mentioned exception of Quebec), so that interculturalists are also diversity advocates. For instance, Ricard Zapata-Barrero, a leading European interculturalist, has praised interculturalism for "placing diversity within the mainstream."[53] He does not even mind interculturalism's compatibility with a business-oriented "diversity advantage."[54] By contrast, Will Kymlicka, the premier advocate of "liberal multiculturalism," dislikes both: interculturalism, because of its "rhetorical" parroting of right-wing stereotypes about multiculturalism;[55] and diversity, because of its embracing of a "neoliberal multiculturalism" that is "inclusion without solidarity," reducing "equality" to "equal access to (or perhaps better: equal exposure to) the competitive global marketplace."[56]

Interculturalism and Diversity in the European Union

Ever since Friedrich Hayek's prophetic vision of an "interstate federation,"[57] which anticipated much of the architecture of the European Union, "neoliberalism" has been one of the "narratives" of the EU.[58] Neoliberalism has been prominent from the beginning, due to the centrality of a "common market" to the European project. And it took a quantum leap with the 1985 Single European Act, as a result of which European "nation-states" morphed into market-conformant "member states."[59] Thanks to their shared neoliberal credentials, one would expect the EU to be a center of diversity and interculturalism rhetoric and practice. And, indeed, this is the case.

Immigrant-related diversity entered the EU through two different angles: antidiscrimination and cultural policy. Both are at heart not minority-specific, confirming that minority protection in the EU has been arrived at only indirectly.

Antidiscrimination

The two centerpieces of antidiscrimination policy in the EU are the Race Equality and Employment Equality Directives, which were passed with great fanfare in the year 2000. They prohibit direct and indirect discrimination on the grounds of "sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation" in key societal sectors, both public and private, including employment, housing, education, and the provision of goods and services. Their swift passage, just one year after the Amsterdam Treaty had stipulated the goal to "combat discrimination" on the aforementioned grounds in its Article 13, must be attributed to a political factor: French-led EU opposition to the first coalition government in a member state (Austria) that had dared to include a populist-right party.[60] But the two directives only broadened a long-standing penchant for assuring non-discrimination in market access, which had been a central plank in European Community law from the start. It began by prohibiting national-origin discrimination, and it was followed by action against sex discrimination. Since Milton Friedman had trumpeted the non-discriminatory virtues of capitalism—"a free market separates economic efficiency from irrelevant characteristics"[61]—any remaining discrimination undermined the meritocratic legitimation of a neoliberal order, of which the European Union must be considered a prime example.[62]

Fighting discrimination became particularly important to the "Third Way" political left as it warmed up to neoliberalism, transforming the latter from political "movement" into "order."[63] In the process, the left shifted their allegiance "from workers to migrants, from distributive justice to inclusion,"[64] a dynamic that played out at member-state as much as at European level. "Inclusion" now became the watchword of progressive politics. As Alexander Somek concisely observes,[65] inclusion "is a specification of the equality principle that leaves morally unexamined the domain from which someone must not be excluded."[66] The resultant "equal opportunity" society is jointly "'multicultural' and unequal," as Somek finds.[67] This is also a good description of the European Union ethos. Its heart, in Somek's trenchant metaphor, is not the "city," a place where people live together, but the "airport," where "everyone wants to be safely on the move." Parallel to this, "cosmopolitan self-determination" takes the role that "citizenship" once held in the nation-state.[68] In social policy terms, the EU represents "the lean and neoliberal version of

a welfare state which assists self-controlling citizens in governing themselves in a manner consistent with a market society."[69] Hence, the EU's long-standing engagement in anti-discrimination, before and after 2000: antidiscrimination guarantees equal access to the "common market" that is the EU's lifeblood.

However, in being symmetric (i.e., also protecting markers that are not commonly associated with minority status, including white and male, depending on context) and in being individualistic (protecting individuals not groups), antidiscrimination is not usually considered an expression of minority policy or of multiculturalism. As Kochenov describes the "classical dual approach to minority protection,"[70] it is a "fusion of non-discrimination . . . and special measures." In other words, antidiscrimination falls short of "special measures" that are the hallmark of multiculturalism. In the United States, the color-blind civil rights law of the 1960s (equivalent to "non-discrimination") branched out to color-conscious "affirmative action" (equivalent to "special measures"), due to the unique and persistent difficulties of coping with the consequences of black slavery. But the US recently abandoned even a weak (non–quota-based) form of affirmative action,[71] which —since the aforementioned *Bakke* case of 1978— had operated in the guise of promoting "diversity."

In the EU, in which there is no domestic equivalent to the American race problem, "positive action" has mostly been eschewed, except in limited respects for women and in the form of "reasonable accommodation" for disabled people in employment law—even though a potential for positive action exists in the latently group-recognizing mandate to redress indirect (or statistical) discrimination.

In principle, antidiscrimination follows a difference-destroying rather than difference-affirming logic. It thus differs in kind from the logic of minority or multiculturalism policy. As Will Kymlicka describes the latter, it goes "beyond . . . rights guaranteed to all individuals" and "the broader politics of civil rights and nondiscrimination"; it is "public recognition and support for minorities to express their distinct identities and practices."[72]

This caveat is not to belittle the "sea change" in EU equality law that was brought about by the two 2000 antidiscrimination directives.[73] They transformed EU equality law from a "legal tool to facilitate interstate mobility" to an active means to "combat discrimination" on a much broader range of ascriptive markers, filling the "broad and empty" Aristotelian norm of equality—to "treat like cases alike"—with substantive content and direction.[74] Age, religion, sexual orientation, and particularly "racial or ethnic origin," the latter targeting immigrants or "third-country nationals," were all new grounds of legally prohibited discrimination that had not previously been on the radar of EU law. A further "specification"[75] of an otherwise vacuous equality norm was to target also indirect discrimination. Long known (though controversial) in US civil rights law, this was a novelty in most European countries (except the UK and the Netherlands). Moreover, from an organizational perspective, the antidiscrimination directives commanded the creation of equality bodies at both EU and member state levels to guarantee and monitor their implementation, along with support for private (NGO-type) associations to assist the victims of discrimination. A final novelty was the antidiscrimination directives' "horizontal effect," which made them binding not only on public institutions but also on private actors. This turned out to be hugely controversial in Germany, where constitutional rights are considered not to have "*Drittwirkung*" (third-party effect)—that is, they bind only the state but not private actors. Accordingly, in Germany the new European norms were seen

as breaching the principle of private autonomy in contract law, for instance, with respect to the selling or letting of houses and apartments.[76]

Overall, the EU antidiscrimination norms made the Anglo-American–inspired fight against "access racism," by means of civil law, the norm also in continental European countries, like Germany or France. Here, "discrimination" had previously been understood narrowly as "symbolic racism," that is, intentional acts of slander or aggression, processed under the more exacting standards of penal law.[77] While often decried as ineffective, European antidiscrimination law thus had a "cross-fertilizing" impact on the legal systems of member states, raising "awareness of structural disadvantage suffered by specific groups."[78]

Cultural Policy

A second avenue for bringing immigrant diversity onto the European Union's radar has been cultural policy. This has been a long and uneven process marked by multiple twists and turns. Not mentioned in the 1957 Treaty of Rome that founded the European Economic Community, culture first entered the ambit of EU policy in the early 1970s, in terms of "cultural heritage." The latter had to be furthered if Europe wanted to be more than a market, something that people could identify with.[79] As the 1972 Paris Summit declared, "economic expansion . . . is not an end in itself . . . In the European spirit special attention will be paid to non-material values . . . ."[80] A year later, the 1973 Copenhagen Declaration on European Identity confirmed the need to review European states' "common heritage," to "ensure the survival of the civilization which [the member states] have in common" and to preserve "the diversity of cultures within the framework of a common European civilization."[81] Tellingly, culture entered the ambit of Europe in the plural, as *cultures*, and together with the enigmatic notion of diversity that would mightily grow in importance—as well as change direction—over the years.

"Diversity of cultures" in the Copenhagen Declaration had the ring of multiculturalism, with one crucial difference: its point of reference was internal to Europe, the bits and pieces of the "common European civilization." It had nothing to do with immigrant diversity, with which it is associated today, even at EU level, as we shall see. Concretely, the "cultural heritage" to be furthered by European funding was the high culture, or the sites in which it materialized, of ancient Greece and Rome and Christianity. The first president of postwar West Germany, Theodor Heuss, used the metaphor of the "three mountains" on which Europe stood: "The Acropolis, the Capitol and Golgotha, representing, respectively, Greek cultural heritage, the Roman legal system and Christianity."[82]

Importantly, even with a narrowly intra-European (or inter-state) meaning in its first articulation, "diversity" was from the start put to the service of a proclaimed unity. The ambiguity of Europe, as either "one people or many," a "unified and singular entity" or "space of diversity," is a running thread in the evolution of European identity.[83] It is inherent in the 1957 Rome Treaty formula of an "ever-closer union among the peoples of Europe," which at the "union" end logically had to push the notion of a singular "European people" as integration moved forward. Chris Shore suspects that the creation of a European people was never far from the mind of Euro-elites, who in his view embarked on "a project of social engineering uncomfortably reminiscent of other failed modernist ideologies of the 20th century."[84]

This suspicion applies even more to a second round of identity-engineering in the mid-1980s—a time when the "common market" was finally relieved of its non-tariff barriers, in the Single European Act, while the "people" of Europe remained stubbornly aloof and unimpressed. Now a "People's Europe" needed to be created, according to the influential Adonnino Committee of 1985. It provided "Europe" with a flag, an anthem, and a logo. And there was a plethora of "European Years" and annual "European City of Culture" designations (predictably, Athens being the first in 1985, followed by Florence in 1986); and one must not forget the many "Jean Monnet" fellowships and professorships paid out of the EU budget. Last but not least, the Adonnino Committee called for a European citizenship, which saw the light of day seven years later, in the 1992 Maastricht Treaty on European Union.

Commenting on these developments, Chris Shore is on the mark with his grumpy charge of "social engineering."[85] Consider, for instance, the "urgent" question, raised by Commission President José Manuel Barroso in 2004, "what Europe can do for culture and what culture can do for Europe."[86] This reciprocity-admonishing statement, whose intended order of priority was likely the reverse, is remarkable for two reasons. First, it depicts Europe and culture as separate entities. This unwittingly confirms that Europe's beating heart is not culture but a technocratic polity encasing the common market. Secondly, Barroso's statement starts with "Europe" doing something "for culture." This obviously means EU money for the cultural sector, for which a measurable return is expected: "culture" doing something "for Europe," presumably in the form of popular loyalties and identities generated by what sounds like an investment. Barroso, a champion of the revolving door who is now employed by Goldman Sachs, thus expresses a deeply instrumentalist take on culture, which is symptomatic of the technocratic and business-oriented mindset usually attributed to European elites. Shore correctly noticed in this respect that the notorious "democracy deficit" of the European Union, in the perception of its elites, is in reality a "culture deficit,"[87] which explains these elites' continued engagement in this domain.

However, European culture policy took a surprising turn after being legally enshrined in primary Community law, in Article 128 of the Maastricht Treaty on European Union (1992). The text of the article does not give it away: "The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore." This seems to be the exact same "united in diversity" muddle as before. In Shore's critical view, the EU's adoption of United in Diversity as official motto was intended to deflect claims that the post-Maastricht talk of culture really served the effort to "enlarge the scope of EU governance and control," with the new EU citizenship as flagship.[88] And indeed, this may have been the persistent intention of Euro elites. In reality, the fine print of Maastricht's "culture article," whose multiple constraints on supranational institutions made it a showcase of subsidiarity, had the effect of moving the diversity part of the United in Diversity motto mightily to the fore. Any suspicion that Europe was a super-state in the making was to be painfully avoided—hence the provision in the Maastricht EU citizenship clause that the new citizenship was to "complement" but not to "replace" member state citizenship.

Secondly, and most importantly, post-Maastricht 1992, minority concerns entered the diversity discourse, and they even came to occupy a central part in it. This was at first limited to national minorities within member states. Their protection, as mentioned, became part of the 1993 Copenhagen Criteria for new members of the EU, and it was the notionally exclusive focus of the Council of Europe 1995 Framework Convention for the Protection of National Minorities. Though the convention failed to define its central term, "national minorities," most signing states declared separately that it did *not* mean immigrant minorities.

However, within the ambit of EU cultural policy, there has been a move "from diversity of national cultures to subnational diversity due to migratory flows."[89] And the linkage between diversity and migration occurred through the invocation of "intercultural dialogue." This notion first appeared in the Barcelona Process of the mid-1990s, which aimed to establish a Euro-Mediterranean Partnership with North African countries (suggesting that the relationship with Islam and Muslims was a central part of EU interculturalism from the beginning). Interculturalism was separately pushed by the European Commission in the first decade of the new millennium—possibly to establish its credentials on the political left, as a substitute for the failing ideal of Europe as "social model" that had been pushed under Commission President Jacques Delors (1985–1994). This effort culminated in declaring the year of 2008 the European Year of Intercultural Dialogue (EYID). When the European Commission first proposed the EYID in 2004, the migrant-minority element was only cryptically included, as the task of "managing our diversity, which is enriched by increasing variation and by the changes and additions brought about by globalization."[90] But in the actual events taking place under the EYID flag, there was no reference at all to "European culture" or "heritage" in the traditional singular. Instead, almost all activities dealt with minority cultures as imported by migration.

Moreover, the Council of Europe White Paper of 2008, which provided the ideological underpinnings for the EU's interculturalism and diversity discourse, makes it clear that an increasingly centrifugal and pluralistic "Europe" could no longer be held together by any specific cultural content, but that its foundation had to be the "common values" of the EU and its "citizens."[91] Oriane Calligaro is to the point when arguing that there has been a "discursive shift from culture-based identity to value-based citizenship,"[92] conditioned by the fact that a culture-based identity was insufficiently inclusive of migrant diversity. "Europe" thus returned to its original dilemma: that its values cannot but be universalist, and hence incapable of drawing boundaries—in response to which the culture policies had been launched in the early 1970s, apparently inconclusively.

Union of Equality

In 2020, with the global expansion of the Black Lives Matter movement, the European Commission plunged head-on into "antiracism," thus launching a second round of anti-discrimination policy. The most astonishing aspect of the EU Anti-Racism Action Plan 2020–2025, issued as part of a grander Union of Equality campaign that includes five-year action plans for various (minority) groups and embattled characteristics (gender, sexual orientation, gender identity, disability, and the Roma), is that it is hardly distinguishable in form and substance from the radical movement under the same name. The larger campaign demonstrates the porous boundaries between left identity politics and

institutionalized diversity.[93] It goes without saying that the EU's adoption of antiracism confirms that "diversity," whose initial point of reference was the different "peoples" that make up the Union, is now fully associated with the migrant minority issue. The action plan opens with an alarmist statement by Commission President Ursula von der Leyen:

> We need to talk about racism. And we need to act. It is always possible to change direction if there is a will to do so. I am glad to live in a society that condemns racism. And we should not stop there. The motto of our European Union is: `United in diversity.` Our task is to live up to these words.[94]

This sounds dramatic. But one page down, one learns that "the EU has legal instruments in place and a comprehensive policy to build a true Union of equality," in terms of the Race and Employment Equality Directives of 2000.[95] Why then "change direction"? The Commission is obviously responding to the street demand for "action" (hence the label "action plan"), which it is feeding at the same time,[96] in an apparent quest to bolster its popular legitimacy and shed the image of a business-captured technocracy.

The same Commission that, as a member of the "Troika," had saved the banks and imposed great hardship on ordinary Greeks in the wake of the 2008 Financial Crisis,[97] is pushing a radical standard of equality on the race front, reminiscent of what in antiracist circles is called "equity"[98] (which means equality of results, not just of opportunity, but only for designated groups). In order to make "equality and non-discrimination … a reality for all,"[99] the Commission has adopted the arsenal of claims and measures made or proposed by the antiracist movement, including:

- "tackl(ing) racism in everyday life" (for instance, through policing the internet and the police itself);
- adopting an "intersectional perspective" (a central plank of the antiracist and other left identity movements);
- eradicating the "historical roots of racism" and the "historical legacy of colonialism" through educational measures and campaigns (such as "European Capital(s) of Inclusion and Diversity" and an "International Day for the Abolition of Slavery");
- cooperating with the private sector in the implementation of "diversity charters" and developing an "online toolkit to help companies assess their internal diversity";
- creating a new internal "Task Force on Equality," along with a new post of "coordinator for antiracism";
- calling for regular "summits against racism," coinciding with the annual "International Day for the Elimination of Race Discrimination";
- and creating a Commission-internal HR "Diversity and Inclusion Office" to assure the diversity of its staff, impose "mandatory training on unconscious bias," and make sure that employees "feel safe to report any possible unfair, discriminatory or hostile practices."

In its definition of racism, the Commission follows the narrow understanding of the Council of Europe, for which "racism" is "the belief that a ground such as 'race' … justifies

contempt for a person . . . or the notion of superiority of a person."[100] But the Action Plan also stipulates the existence of "structural racism" that is "based on unconscious bias" and "embedded in social, financial and political institutions."[101] These two understandings of racism, one narrow and subjective and the other broad and objective, coexist uneasily. And, however you define it, to hold racism responsible for the disadvantages faced by minority individuals ignores the existence of other sources of inequality.[102]

Promoting our European Way of Life

Diversity, to reiterate the OED definition, is necessarily related to a unity, and this combination also appears in the official motto of the EU. But what sort of unity or identity is espoused by the European Union as a foil for its diversity policies? The traditional answer is that EU identity is based on universal values. Article 2 of the Treaty of European Union outlines the EU's "foundational values":

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

According to the second recital of the preamble to the TEU, these "universal values" have "developed" from the "cultural, religious and humanist inheritance of Europe," but in being "universal", they are not limited to it. This yields the paradox of a "universalistic identity."[103] In Andrew Glencross's reading, the EU's self-attributed mission is to "extend the benefits of peace and economic growth globally."[104] The highpoint of this mission was the very creation of the "European Union" in the 1992 Maastricht Treaty, from which the above citation of Europe's "foundational values" is drawn. This was also the moment of the fall of Communism, and of Francis Fukuyama's "end of history" tale.[105] The new "European Union," argues Glencross,[106] "espoused a liberal international order that sought to replicate the EU by building multilateral institutions and expanding the legalization of international politics"—a globalist vision that, almost forgotten today, was rewarded with the Nobel Peace Prize in 2012.

The post-2010 poly-crisis, from financial to refugee to public health to military, dented the EU's optimistic self-image as "template for global governance," or "mass inoculation program against nationalism," as Glencross put it sarcastically.[107] Now European elites, faced with populist right movements growing stronger by the day, at least in Glencross's view, concocted a "new narrative" of Europe as a "civilizational state." As a "civilizational state," he claims, the EU no longer sees itself as the nucleus of a peaceful global order but as "promoting a distinct identity against other value systems," in particular those pushed by China and Russia. This goes along with "greater assertiveness in the form of political boundary-making."[108] Indeed, the ardently pro-European French presidential contender Emmanuel Macron had made "*l'Europe qui protège*"—"a Europe that protects"—a key slogan of his successful bid in 2017, and this only replicated the dominant view of EU elites at the time.[109]

Echoing Glencross, Hans Kundnani[110] has diagnosed a "civilizational turn" in European identity, and he singles out the 2015 Syrian Refugee Crisis as watershed event. But he sees

this turn a touch more darkly, as departure from a previous "civic" toward an "ethnic/cultural regionalism." The latter is nationalism writ large, with racial overtones —"Eurowhiteness" is the provocative title of his intervention (in which the "white" component, however, remains questionable). For both Glencross and Kundnani, the main case in point is the controversial creation in 2019, under the incoming European Commission President von der Leyen, of a new Commission portfolio, initially entitled "Protecting Our European Way of Life" (after protest by the European Parliament, "Protecting" had to be replaced by "Promoting"). The bone of contention was that the new portfolio, among other tasks, included migration control. The linkage of European-way-of-life protection with negatively connoted migration is openly made in the portfolio's 2019 mission letter: "The European way of life is built around solidarity, peace of mind and security. We must address and allay legitimate fears about the impact of irregular migration on our economy and society." Indeed, since the 2015 refugee crisis, asylum migration has become equated with "irregular" migration. And it fired the rise of nationalist populism even in countries previously immune to it, such as Germany and Sweden, also launching a restrictive turn in EU migration policy, emblemized in its new Pact on Migration and Asylum that took effect in June 2026.

However, against Glencross's claim,[111] there is little "cultural particularism" in the pronounced "European Way of Life" (EWOL). It still claims to be "built on the principle of human dignity and respect for different beliefs, religions and cultures."[112] Even the primary focus on "solidarity, peace of mind and security" merely replicates what has long, and well before the arrival of Donald Trump, been called "homeland security" in the US. Francois Foret and Noemi Trino appositely argue that EWOL is "an outgrowth of the European values narrative,"[113] and that it was "unlikely to … alter EU legitimization,"[114] considering that this new language has remained of "low significance for most people."[115] The Commission website notably fuses the "security" and "values" elements that guide the EWOL and Union of Equality campaigns: "A Europe that protects must also stand up for justice and for the EU's core values."[116]

The same meta-critique applies to an equally controversial remark, in 2022, by EU Foreign Affairs High Representative Josep Borrell, who had contrasted the "garden of Europe" with a "jungle" outside of it:[117]

> Europe is a garden. We have built a garden. Everything works. It is the best combination of political freedom, economic prosperity and social cohesion that humankind has been able to build—the three things together … The rest of the world … is not exactly a garden. Most of the rest of the world is a jungle, and the jungle could invade the garden. The gardeners should take care of it, but they will not protect the garden by building walls. *A nice small garden surrounded by high walls in order to prevent the jungle from coming in is not going to be a solution* [emphasis added].

This statement has been accused of being Euro-centrist, racist, colonialist, and more, which are all connoted with "civilizationism." However, it is merely a differently accented version of Europe's "universalist values" identity, and it even includes a critique of "high walls" as "not … a solution" to protect the "garden" of Europe.

Kundnani's claim of "civilizational turn" downplays the continuity of a values-based European identity. The EU Commissioner for Enlargement, Olli Rehn, expressed the gist of it in 2005: "Geography sets the frame, but fundamentally it is values that make the borders

of Europe."[118] This statement has not become anachronistic in an era of revived regional geopolitics.

Kundnani, however, is correct when linking the intensification of values and identity talk in the EU to the neoliberal transformation of European economies and the demolishing of its national welfare and labor protection schemes, which were partially mandated by the European single market and competition rules. There is a "structural connection between the (neo)liberalization of the EU and the salience of cultural issues in European politics."[119]

By the same token, there is little evidence for the turn to an ethnic or racial identity in the EU, as suggested by Kundnani's "Eurowhiteness" notion. This would be a European identity that is shoring itself up against the "jungle" of the Global South: "As economic policy has been depoliticized within the EU, political contestation has shifted to issues around identity, immigration and Islam."[120] At a minimum, the European colonialism charge, which brings "whiteness" into the picture, ignores the EU's "internal neo-colonialism"[121] that was launched during the 2010s Sovereign Debt Crisis by northern creditor countries (especially Germany) against Europe's own southern debtors (Greece, in particular), and that fed on the structural feature of "European integration (as) a means to constrain the democratic impulse."[122] Kundnani's hope for Europe to "move back" from "ethnic/cultural regionalism" towards a "more civic regionalism,"[123] which should go along with the "repoliticization of economic policy," idealizes a democratic past that never existed in the EU, and that in Hayekian fashion was never meant to be there. As Michael Wilkinson dryly concludes, the EU in past and present "is functioning precisely as it is meant to function,"[124] as a Hayekian democracy-neutralizer.

The least to say is that, if there were an "ethnic/cultural regionalism" in the EU, one should find it in law or policy. But there is no sign of it. At the level of primary (Treaty) law, there was a debate, in the first decade of the 2000s, about including a reference to Christianity in the preamble of a European constitution (which never saw the light of day). This surely would have been a cultural particularism (though one tilting toward universalism, considering the nature of the Christian creed). But it was rejected, and the notion of a "Christian Europe" remained limited to nationalist populists like Hungary's Viktor Orban.[125] The eventual reference, in the Lisbon Treaty, to Europe's "religious inheritance" even allows acknowledging "the Moorish influences in Spain and the strong Muslim influence because of immigration to Europe in the second half of the 20th century," as a research report for the German Bishop's Conference noted.[126]

With respect to policy, one needs to consider that the opposite-sounding "Promoting Our European Way of Life" and "Union of Equality" campaigns were launched at about the same time, the progressive even slightly postdating the populist one. This timing is a further element to render implausible the "civilizational turn" hypothesis. The Union of Equality campaign includes ambitious action plans covering the two staples of progressive identity politics—race and sex.[127] This sits oddly with the claim that there has been, with respect to EU-level "migrant integration," a new "boundary integrationism," that entails the "normalisation of nativist, anti-immigrant, neocolonial, racist and nationalist positions."[128] And it defies the notion, implied in the "civilizational turn" hypothesis, that there has been a continuity between populist right and liberal EU elite positioning in this respect.[129]

Conclusion

In a perceptive historical review of "diversity-as-ideal," Peter Schuck reminds us how unusual it is. Indeed, as he says, over most of human history "diversity" was considered "a potentially dangerous condition that threatens social turmoil and hence must be carefully controlled", and he cites the Old Testament's Tower of Babel dystopia as pertinent example.[130] Schuck deems the United States "the great exception" to this "nearly universal pattern," if only since the civil rights movement of the 1960s and the "evolution of black politics."[131] But just when he published his review, the EU made United in Diversity its official motto. Tellingly, this is an integrationist formula, "united" figuring ahead of "diversity." Hence, the need to map the meaning of diversity in the EU, in the context of the unity or identity that is to be furthered by it. This has been the purpose of this article.

My first take-away is that the EU, as an inter-state organization, is in principle the wrong address for minority protection, which is properly an intra-state affair. In a nutshell, without a "majority," there can be no "minorities." Secondly, the EU's neoliberal inflection as a common market project inevitably colors the "rare successes" that the EU may have achieved in minority protection.[132] As Kochenov keenly observes, these successes are due more to geopolitical interests and economic objectives than to human rights considerations or any intrinsic respect of diversity.[133] As I have emphasized throughout, the minority protections that have been implemented at EU level are all indirect—in particular, the non-discrimination norms that simply prolong the EU's constitutive market-building mandate; and the minority protections in the Copenhagen Criteria for new member states, which are foreign-policy–nested.

But then, now contra Kochenov, it may be off the mark to criticize, as he does, the "failure by the Union to embrace any substantive vision of justice which would go beyond the market-driven logic."[134] Considering the nature of the European beast, this is simply asking for too much. From a normative angle, the whole point of diversity, as a minority-related follow-up to a discarded multiculturalism, and as first legally articulated in the US Supreme Court's *Bakke* decision and quickly emulated elsewhere, is exactly its efficiency rationale, decoupled from justice considerations. Thus, it is no accident that diversity thrived in a European Union that at heart is a market-building rather than a nation-building project.

To the European Union's indirect minority protections, one must add the Union's "federal essence" and constitutive free-movement rights, which have had the same effect. This, again, has been keenly observed by Kochenov: "So a lesbian couple can improve their life by moving from Greece to the Netherlands, a Hungarian family by moving from Cluj to Eger, and a devoted Catholic by moving from Bulgaria to Poland."[135] This protection arises from the fact that, exactly like the US states, European member states are disempowered to "select their citizens,"[136] which entails a significant net gain of individual freedoms.

Finally, returning to the unity or identity of the EU, the fact that diversity is constitutively linked to it, limits its risk of drifting too far in a particularistic direction, as feared by Kundnani and others. The classic sociologist Georg Simmel observed that individualism and group identity are inversely related, and that the identity of very large groups can

only be thin and procedural.[137] Because the external boundaries of the EU, and thus the diversity of its societies, are likely to expand further, the European sense of unity and identity cannot but depend ever more on universal values, however paradoxical or even impossible that may be.

Notes

1. In this article, the term "immigrant" (or "new" minority) refers to migrants arriving in the EU from outside its borders (as distinct from EU citizens residing outside their state of citizenship, who are simply exercising their right of free movement within the EU). The EU legal term for such migrants is "third-country nationals" (TCNs).
2. Kymlicka, *Multicultural Citizenship*.
3. Kochenov, "The European Union's Troublesome Minority Protection," 85.
4. Ringelheim, "Minority Rights in a Time of Multiculturalism," 103.
5. Ibid.
6. See Jackson-Preece, *National Minorities and the European Nation-States System*, ch.5.
7. Bieber and Bieber, *Negotiating Unity and Diversity in the European Union*, 205.
8. https://data.consilium.europa.eu/doc/document/ST-14776-2004-INIT/en/pdf.
9. Bieber and Bieber, *Negotiating Unity and Diversity in the European Union*, 4.
10. Ibid.
11. Ibid., 6.
12. Ibid., 8.
13. Ibid., 10.
14. See Goodman, *Immigration and Membership Politics in Western Europe*; Joppke, "Civic Integration in Western Europe."
15. https://data.consilium.europa.eu/doc/document/ST-14776-2004-INIT/en/pdf, 6.
16. Henrard, "An EU Perspective on New versus Traditional Minorities," 58.
17. Bieber and Bieber, *Negotiating Unity and Diversity in the European Union*, 57.
18. Prügl and Thiel, *Diversity in the European Union*, 4.
19. Kochenov, "The European Union's Troublesome Minority Protection," 90.
20. Ibid., 85f.
21. Ibid., 87.
22. In May 2004, the EU was formally expanded to include ten new states: Cyprus, Czechia (Czech Republic), Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.
23. Indeed, the EU's only potential ammunition against member states that fail to provide the promised minority protections is the "nuclear" option of TEU Article 7. The article allows strong sanctions, including the suspension of voting rights, against a member state found to be in "serious breach" of "European values." However, activation of Article 7 requires a unanimous vote in the European Council, which is practically unachievable.
24. See Ahmed, "The European Commission and Minority Rights."
25. Crepaz, "The Minority Safepack Initiative," 25.
26. Ringelheim, "Minority Rights in a Time of Multiculturalism," 110.
27. Ibid., 128.
28. Ibid., 111.
29. Henrard, "An EU Perspective on New versus Traditional Minorities," 93.
30. Most recently, European Commission, *A Union of Equality: EU Roma Strategic Framework for Equality, Inclusion and Participation*.
31. Needless to say, the Roma also straddle the distinction between "third-country nationals" and EU citizens. Formally, most Roma are EU citizens (through their citizenship in Romania, Bulgaria, or another member state), but factually they tend to be treated as undesirable foreigners.

32. Ahmed, "The European Commission and Minority Rights," 13 (typescript; in author's possession).
33. See Ringelheim, "Minority Rights in a Time of Multiculturalism," 114-116.
34. Prügl and Thiel, *Diversity in the European Union*, 6.
35. See the classic comparison of France and Britain by Favell, *Philosophies of Integration*.
36. Kymlicka, *Multicultural Citizenship*.
37. See Bowen, "Europeans Against Multiculturalism."
38. At least as measured on Banting and Kymlicka's "multiculturalism policy index." For the most recent version, see Westlake et al., "The Puzzling Persistence of Multiculturalism in Europe."
39. Bouchard, "What is Interculturalism?", 461.
40. Quoted in Mikelatou and Arvanitis, "Multiculturalism in the European Union," 12.
41. European Commission, quoted in ibid.
42. See Zapata-Barrero, "Interculturalism in the Post-Multiculturalism Debate".
43. Modood, "Must Interculturalists Misrepresent Multiculturalism?"
44. Bouchard, "What is Interculturalism?"
45. Council of Europe, *White Paper on Intercultural Dialogue*, 18.
46. Ibid., 9.
47. Ibid., 19.
48. Vertovec and Wessendorf, "Assessing the Backlash Against Multiculturalism in Europe," 28.
49. 438. U.S. 265 (*Regents of the University of California v. Bakke*), 28 June 1978.
50. See Edelman et al., "Diversity Rhetoric and the Managerialization of Law."
51. Faist, "Diversity," 173.
52. See Joppke, *Political Neoliberalism*.
53. Zapata-Barrero, "Interculturalism in the Post-Multiculturalism Debate," 6.
54. Ibid., 13.
55. Kymlicka, "Defending Diversity in an Era of Populism."
56. Kymlicka, "Diversity in Diverse Societies," 21.
57. Hayek, "Economic Conditions of Interstate Federation."
58. Blokker, "Narratives of Integration."
59. Bickerton, *European Integration*.
60. See Geddes and Guiraudon, "Britain, France, and EU Anti-Discrimination Policy."
61. Friedman, *Capitalism and Freedom*, 109.
62. A classic "neoliberal" interpretation of the EU is Streeck, *Gekaufte Zeit*.
63. Gerstle, *The Rise and Fall of the Neoliberal Order*.
64. Somek, "From Workers to Migrants, from Distributive Justice to Inclusion."
65. Ibid., 718.
66. For the distinction between "equality" and "inclusion," the latter becoming a staple of leftist Third Way politics, see Collins, "Discrimination, Equality and Social Inclusion."
67. Somek, "From Workers to Migrants, from Distribute Justice to Inclusion," 724.
68. Somek, "Europe: Political, not Cosmopolitan," 148.
69. Somek, *Individualism*, 264.
70. Kochenov, "The European Union's Troublesome Minority Protection," 82.
71. The Supreme Court declared affirmative action to be unconstitutional in its *Students for Fair Admissions v. Harvard and UNC* decision of June 29, 2023.
72. Kymlicka, "Neoliberal Multiculturalism?", 101.
73. De Witte, "From a 'Common Principle of Equality' to 'European Antidiscrimination Law.'"
74. Ibid., 1717.
75. Ibid.
76. De Witte, "European Minority Rights."
77. See Bleich, *Race Politics in Britain and France*.
78. De Witte, "From a 'Common Principle of Equality' to 'European Antidiscrimination Law,'" 1723.
79. To put this in perspective, the direct EU budget for culture is miniscule. Staiger, "New Agendas?" (2), reports a figure of 0.4 percent of the overall budget (not specifying the year).

Most substantial funding for culture is indirect, through structural funds and other non-cultural programs.
80. Calligaro, "From 'European Cultural Heritage' to 'Cultural Diversity'?" 66.
81. Ibid.
82. Ibid., 68.
83. Shore, "'In Uno Plures' (?)"
84. Ibid., 20.
85. Ibid.
86. Staiger, "New Agendas?" 11.
87. Shore, "'In Uno Plures' (?)" 11.
88. Ibid.
89. Calligaro, "From 'European Cultural Heritage' to 'Cultural Diversity,'" 63.
90. Ibid., 74.
91. Council of Europe, *White Paper on Intercultural Dialogue*.
92. Calligaro, "From 'European Cultural Heritage' to 'Cultural Diversity'?" 80.
93. See my discussion in *Political Neoliberalism*, 123-136, 241.
94. European Commission, *A Union of Equality: EU Anti-Racism Action Plan 2020-2025*, 1.
95. Ibid., 2.
96. The Commission is partial sponsor of the European Network of Anti-Racism (ENAR), an umbrella group of over 150 activist NGOs operating in this domain throughout the member states.
97. The "Troika" consisted of the European Commission, the European Central Bank (ECB), and the International Monetary Fund (IMF).
98. Kendi, *How to Be an Antiracist*.
99. European Commission, *A Union of Equality: EU Anti-Racism Action Plan 2020-2025*, 2.
100. Ibid., 1.
101. Ibid., 2.
102. For a trenchant critique, see Wimmer, "Race-Centrism."
103. Glencross, "The European Union and the Temptation to Become a Civilizational State," 333; see also Joppke, "Immigration and the Identity of Citizenship."
104. Ibid.
105. Fukuyama, *The End of History and the Last Man*.
106. Glencross, "The European Union and the Temptation to Become a Civilizational State," 336.
107. Ibid., 335.
108. Ibid., 333.
109. Lavenex, "Common Market, Normative Power or Super State," 575.
110. Kundnani, *Eurowhiteness*.
111. Glencross, "The European Union and the Temptation to become a Civilizational State," 338.
112. Von der Leyen, quoted in Foret and Trino, "The 'European Way of Life,' a New Narrative for the EU?" 5.
113. Ibid., 6.
114. Ibid., 1.
115. Ibid., 13.
116. Ibid., 11.
117. https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration-pilot_en.
118. Quoted in Kundnani, *Eurowhiteness*, chapter 4.
119. Ibid., intro.
120. Ibid.
121. Wilkinson, "European Identity Isn't an Antidote to Nationalism."
122. Ibid.
123. Kundnani, *Eurowhiteness*, intro.
124. Wilkinson, "European Identity isn't an Antidote to Nationalism."
125. https://hungarytoday.hu/a-christian-europe-is-the-only-way-forward-says-viktor-orban/.

126. Naumann, "A Reference to Religion in a European Constitution," 22.
127. For a critique of the Commission's "intersectionality" approach as "segmented" and "superficial," see Debusscher and Maes, "The European Union-Intersectionality Framework."
128. Dodevska, "Boundary Integrationism and its Subject," 17.
129. For the claim of "liberal civilizationism," see Graef and Kundnani, "Civilizationism in the European Union Beyond the Far Right."
130. Schuck, "The Perceived Values of Diversity, Then and Now," 1916.
131. Ibid., 1934.
132. Kochenov, "The European Union's Troublesome Minority Protection," 79.
133. Ibid.
134. Ibid., 94.
135. Ibid.
136. Ibid.
137. Simmel, *Soziologie*, ch.8.

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