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Valedictory Remarks

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At the outset, allow me to say what an exceptional learning experience this has been for me as a neo-literate in European Union governance and law. That I am not as good a learner as one can be will be demonstrated, alas, by what I say here by way of some random valedictory remarks!

We have traveled far and wide in these two and half days. I suspect that everything important --- that is worth saying - has been already said. Even so, I engage here in the main the terrain of the EU cultural diversity policy, law, and administration, hoping that the resonance thus created will not escape students of the distinctive federal principle, design, and detail. If the EU is the world's first 'postmodern federation' (to evoke the imagery of the late Professor Daniel Judah Elazar), India provides a narrative of the world's first postcolonial constitutionalism (here of course ignoring some claims to that description that may be made on the behalf of the early forms and formats of American constitutionalism.) Perhaps, it is the time that the twain meets at some point!

So learned an audience surely deserves an order of communicative courtesy that refrains from burdening the text of these Remarks with labored and copious bibliographic references. Yet surely a word of apology is also owed for the intertextual density of what here gests said/unsaid concerning the relationship between 'diversity' and 'plurality,' 'civilization,' and conflicting legal cultures. I offer these Remarks then in quest of a future conversation.

DIVERSITY

In order to raise the concerns I have about the coalescence of 'diversity' and 'plurality,' I must acknowledge the fact that 'cultural diversity' [hereafter CD] is a term of art in EU law and policy, mentioned in Article 151 of the old EC Treaty (now Article 167 of the new Treaty on the Functioning of the EU (TFEU)) and Article 22 of the Charter of Fundamental Rights of the European Union; and further the fact that the EU has played a singular role in the adaption of the UNESCO the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005.

Understanding 'diversity' in the world's first postmodern federation is no easy task. Each one of the Member-State has its own histories of conflict and containment of cultural diversity. These histories vary of course according to both the within-Europe colonizing experiences and outside-Europe imperial imposition on the First Nations, and other colonially subjugated peoples. The Third World peoples thus share with AmõÂlcar Cabral the notion that the very *Idea of Europe* thus remains 'indefensible!'! This imagery stands further developed in the works of Walter Rodney, Dadabhai Naroji, Edward Said, Eduardo Galeano, and more recently in Vijay Prasad's *The Darker Nations*. In contrast, within each nation-people of the EU-member states remain fully imbricated in the memories of within-Europe practices of colonization.

Initially, as we all know, the Customs Union of the EC, and later very different EU-formations, pursue spatial rather than temporal conceptions of 'diversity.' Thus eventually emerge some new cartographies of a distinctive EU culture, mapping differences within the specific cultures of the member-states and the EU culture as a whole. What this latter may signify, if not an intergovernmental regulatory, developmental and (within—EU) human rights based metaculture?

Understandably then this metaculture, as it were, while drawing from many constituent similar cultures of the member states, also strives to affirm its relative autonomy. This striving has often been named as the EU's 'democratic deficit.' Concerning this, a preliminary digression remains necessary as framed in terms of Robert Cover's germinal text—'The Uses of

Jurisdictional Redundancy'-- the multiplex overlapping jurisdictions, as a resource for, rather a limitation on, inter-systemic and often innovative governance and democratic deliberation. No doubt, the way in which Cover is being extended to grasp the 'polyphonic' American constitutional pluralisms remains contested (notably in a recent analysis by Paul Schiff Berman.) Even so, there may be room for thinking with Robert Cover that the EU governance culture continues to pose some significant constraints on the *jurispathic* governance, named in terms of 'democratic deficit.' How far the relative autonomy of the EU governance metaculture may remain fully *jurisgenerative* is, as we all know, a question partly addressed by Jurgen Habermas via the languages of virtue naming 'constitutional patriotism,' incidentally resonating rather well with the Hamiltonian celebration (February, 1788) of 'diversity' as constituted by 'federalism' in terms of a 'national virtue.'

Without further trespassing upon this domain, it is sufficient here to say (evoking a striking phrase-regime of Sharon Traweek from another context) that the EU metaculture is not so much a culture of *'no* culture,' but rather a 'culture of many cultures.' From outside the EU, the EU metaculture is often referred to and talked about as a 'winning culture.' From within–EU perspectives, it signifies, many a travail of the emergent new cartographies seeking to contribute and consolidate the endeavor of forming a 'more perfect Union.' And, of course, it goes without saying that I refer here to more than the learned lawyerly concerns, for example, about the futures of the regimes of EU 'private' law (as recently addressed by Thomas Wilhelmsson and others.)

The thus emergent discourse remains both complex and contradictory. If on one register, the CD discourse speaks of necessity to the performatives of both EU *identity* and *integration*, on another register it also invites some order of anxious solicitude towards some distinct, even though within-EU, national practices of both *history* and *memory*. As far as I am able to understand the EU/CD talk and action, it preeminently concerns modes of what I may name, with profound apologies to Michel Foucault, *cultural* governmentality [CG, hereafter.] Its postulates worked well within the club of yesteryear colonizing and subsequent post-2nd World War European EC but these now stand tested severely by the current expansion of the EU (the entry of some post-socialist

states) and on the anvil of the Turkish long-pending application for EU membership.

Conceived thus, CG— - a complex configuration of law, policy, administration, and specific related practices of competitive politics — provides many a history of tactic and strategy for managing diversity. I may here only present this is a few swift narrative strokes. First, at the stage of entry of new members 'diversity' needs as it were 'landscaped' by insistence on certain credentials towards secularity, democratic and human rights. Second, CG relates to the management of cultural expression in public spaces via devising supranational policy, never fully at odds with the national [member-states] practices of the containment of diversity. Here, a major problematic unfolds within the insurgencies of diasporic legalities that economic and political migrants necessarily bring with them to Europe. Diversity management remains broadly thus addressed to the task of imagining EU citizenship in ways that relegate religious diversity to non-'public' spheres. Yet especially CG is often disrupted via religion-based articulation of the alien non-European others; for example, the controversies concerning wearing headscarves, turbans, and the *hijab* in public places.

Third, the ways of management of religious diversity flickered on the theatres of the recent history of the EU constitutionalism—often presented as signifying the 'loss of Christendom' in the erstwhile 'heartlands' of Christianity. Even Jurgen Habermas, in a complex move, in the debate over the new constitution for Europe, insisted that 'recognizing our Judaeo-Christian roots more clearly not only does not impair intercultural understanding, it is what makes it possible.' While Habermas strove to distance himself from what Cardinal Joseph Ratzinger (as he then was) described as the EU's 'aggressive secularism,' his urging that 'theology would lose its identity if it sought to uncouple itself from the dogmatic nucleus of religion, and thus from the religious language in which the community's practices of prayer, confession, and faith are made concrete' remained still entirely and various theologically appropriable. In sum, then, and in all fairness, it must be said that the EU cultural governance remains directed towards re-fashioning at once and as

much the orders of faith of the Christian and other peoples of faith currently juxtaposed within the EU multicultural spaces.

Fourth, and related, the EU metaculture has had to address both in its adjudicatory theaters, as also via the constitutional policy device of 'susidiarity,' some intractable issues concerning the 'loss of Christendom.' I refer thus some forms and formats of EU/CG manifest in right- to-life concerns pitting women's reproductive human rights against the Catholic canon, and in an equal measure likewise the right to physically assisted forms of ending life (otherwise transgressing the Christian prohibition against suicide) not to speak any further of similar 'transgressions' honoring human rights to sexual orientation and conduct. At the same moment, some EU/CG however seem also to replenish 'Christendom' by the universal proscription of capital punishment and by its early policy postures against patenting new forms of life invented by technoscience, yielding later of course to the imperatives of the growth of strategic biotech (and now nanotech) multinational Euro-industries.

Fifth, at stake remain of course some forms of relatively autonomous and even irredentist quests for identity *beyond* integration. No designer goods furnished by the languages of 'democratic deficit' of the EU, or all our fond multiculturalism wares, may perhaps ever fully address all this! I have specifically in view here the severance in thriving discourse concerning politics of identity and *difference* from the forms of politics of *redistribution* and *representation* – forms that Nancy Fraser now multiplies in her recent analysis of '*exceptional justice*.' [Incidentally, I cannot help saying that Fraser's discourse would have been enriched by an advertence to Bhim Rao Ambedkar—the Aristotle of the *Atisudras*. But this must remain surely a story for another time!] I may only note here further cryptically what Alian Badiou now designates all this in terms of the practices of 'democratic materialism.'

Overall, then, it may appear that in the EU theory, practice, and movement 'diversity' equals respect for 'plurality.' Yet, and coming from the spheres of jural and juridical 'pluralisms,' I find the semantic, even semiotic shift to the CD languages -somewhat puzzling. In particular, I remain entirely

anxious when 'culture' remains primarily addressed in terms of governmentality and its peculiar ways of law, policy, and administration. CD itself becomes both 'governmentalized when presented as a 'new pillar of world governance' in all the plenitude of neoliberal incarnations, as well as commoditized via the plentiful invocations, both in the EU/CG policy articulation and the UNESCO Convention, conceptualizing further CD primarily in terms of protection and promotion of some 'hard' intellectual property rights regimes.

I may here exemplify thus no better than via recourse to some perambulatory recitals of the UNESCO Convention. Recital (g) thus refers us to the ways of imparting 'recognition to the distinctive nature of cultural activities, *goods and services as vehicles of identity, values and meaning*' (emphasis added.) ' And Recital (f) invites us to grasp the importance of the link between culture and development for all countries, particularly for developing countries.' Entirely understandably then many of the operative definitions and provisions of the Convention speak to us about the protection and promotion of the 'human rights' of 'culture industries!' I must leave for another day the tasks of a fuller decoding of the EU/CG and the UNESCO Convention ordained linkages amongst culture, commerce, and 'development' save saying that 'diversity' and 'plurality' thus awesomely conflated here entail some Fouculadian labors of deconstruction!

PLURALITY

In sum, I suggest here with all the courage of conviction (and some would name this as coequal courage of confusion!) that all this CG talk and action after all relates to constructions of *pluralisms*, that is evaluative stances towards 'diversity' conceived now in terms of social 'plurality.' If 'diversity' and 'plurality' remain at one end of the spectrum, as it were, of the facts of 'Nature,' on the other end giving meanings to these remains fully held within our disciplinary affinities, burdens, and responsibilities.

These at least constitute two related but distinct genres of discourse- on the one side broadly the natural science and on the other the social theory discourse. Disregarding here the valued comments that my esteemed friend

Professor Ralf Rogowski (in his generous response to an early draft) cautioning me against further 'unhelpful neologisms,' I still believe that naming these contrasting frames respectively as NSD and STD may not further hinder communication.

NSD, especially early criminology later maturing into physical anthropology, evolutionary life sciences, and archeology, and ecological sciences, for example, accustoms us to speak about differentiation and variability in human and nonhuman worlds in terms of 'diversity.' NSD remains all said and done a morphological discourse preoccupied with the facts of variety, difference, and unlikeness, at least as grasped via some practices and even histories of critical etymology. Diversity, in the main, signifies thus mapping, according to most controlled dictionary meanings, 'a large variety of peoples and things.'

In contrast, the STD---the discourses of social theory, law, policy and administration, and jurisprudence-- remain preeminently preoccupied with forms of toleration of 'pluralities' via the variously framed talk concerning 'pluralisms.' These come to us heavily freighted in many different languages such as the philosophical –that is, ontological and methodological--, ethical, religious, cultural, and political, fully well presented by Geir Skeie in terms of pedagogic messages for religious education in a postmodern world. I suspect that the EU/CG talk in the main relates to the constructions of an overarching 'theory of practice' (to evoke Pierre Bourdieu) of 'political' pluralism.

The theory of practice directed towards respect for pluralisms raises of course some patent and latent social integration costs. Put crudely, pluralist toleration ends where the tasks of 'integration' begin! Put in more 'erudite' terms, all this entails a recourse to the fidelity to the memory of Herbert Marcuse who strove to educate us all concerning the vice of 'repressive tolerance'—that something that much further Michael Walzer named as marking the contrast between 'thin' and 'thick' conceptions of tolerance. In any event, toleration is a socially and civilizationally learned virtue, rather than any fact of nature. To revisit some Heideggerian orders of distinction,

'plurality' is an 'ontic' fact, whereas our cherished conceptions about 'pluralisms' concern the constructions of the 'ontological.'

To be sure, NSD remains concerned with the tasks of conservation and preservation of diversity – for example, all our contemporary talk and action regarding biodiversity as related to the very survival of lifeforms in 'nature' and of 'lifeworlds' of humans. In sum, 'diversity' languages now proliferate increasingly our STD. Yet, the NSD remains, at least ever since Darwin, concerned with *telenomy*, not *teleology*. Lest my inclusion of archaeology within the NSD fold puzzle, allow me to say that this discipline may not exist, or remain sensible, outside some practices of preservation of the ruins of the ancient past (its material cultures.)

In sum, this conflation between 'diversity' and 'plurality' thus overawes! This less rather than more fully said, may I invite your engagement with what may be gained and lost thus by this awkward paradigm shift? Put another way, is it the case that the fungible and contingent acts of CD/CG policy, law, and administration take us far away even from the forms of post-metaphysical thought-practices concerning social constructions of plurality?

Let me explain this a bit further by revisiting John Rawls, who continues to educate us all in the task of construction of a 'reasonable pluralism.' This directs attention to at least three elements. First, the state may not provide any comprehensive conceptions of good life for its citizens. Second, however, the state and the law should be guided by some 'constitutional essentials.' These name some Spartan notions of basic human rights. Third, 'reasonable pluralism' ought to provide for platforms of 'overlapping consensus,' platforms of 'public reason,' which somehow adjudicate conflicted conceptions of 'good life.' The difference between Rawls and Habermas here matters, and even decisively. By no means, incidentally, I do here indict Habermas (as Ralf Rogowski reads my early draft) of any 'empty procedural formalism.'

Put differently, how far the dimensions of cultural governmentality may after all fully engage the tasks of construction of 'reasonable pluralism' remains an open question, especially given Rawls' heuristic differentiation

between the 'rational' as contrasted with the 'reasonable.' Multicultural forms of EU/CG acts of relegating religion-based cultural expression to the private sphere may be apperceived as entirely rational (at least in terms of governance efficiency conceived in terms of means-ends relationships.) Yet, these do not emerge as 'reasonable' to those EU-citizens and others who thus feel fully culturally harmed and wounded.

Likewise: How far the 'winning' EU culture in its 'foreign policy' aspects accord dignity to cultural difference to non-EU states and peoples is a question that might further illuminate our understanding of the distinctive ways of cultural governmentality. By this I here mean, and refer to, the EU/CD *Programschrift* causing immense and enduring cultural harm now constituted via the EU-USA forms of globalizing grammars of militarized state, symbolized by some regimes of the so-called 'war *on* terror.' Surely, wearing headscarves and the *hijab* teases and tests some limits of progressive Eurocentrism; but equally surely a great deal *more* is at stake here than premised and promised by this discourse?

I may thus only refer to the statement/appeal co-signed by Jurgen Habermas and Jacques Derrida [*Frankfurter Allgemeine Zeitung* on 31 May 2003] calling upon 'European states and citizens to forge a common European foreign policy to balance the hegemonic power of the United States' and thus celebrating '15 February, 2003.' The date marks the march of millions of human beings in all the global cities against war on Iraq as the veritable 'birth of a European public sphere.' Poignantly this birthing was subjected to an early amniocentesis by the EU's ways of further participation in the global war on 'terror,' including the distinctive biopolitical techniques of 'rendition' and European 'search-warrants.' In this tormenting conjuncture, one also needs recall, howsoever elliptically, yet fully to a phenomenon that elsewhere Pierre Bourdieu names as the emergent 'neoliberal' practices of cultural governance as constituting the states of 'war against pluralism.'

THE LAW AS A GENRE OF CIVLIZATION

Contemporary forms of CD talk and action seem to me to ignore (and I sincerely keep hoping that I remain entirely wrong on this register) the

relationships between cultures and civilizations. Ever since the reinvention of the *Volksgeist* of the so-called 'Aryan Culture' by the Fuehrer, the term 'civilization' has acquired an awesome plenitude of Holoucastian odor. Nor has its revival in the contemporary 'terror' wars, notably via Samuel Huntington's 'clash of civilizations' thesis helped retrieve in any manner the 'C' word. Nor further the terminal gestures of Mahatma Gandhi enable us to retrieve the 'C' word. I have in view specifically here his withering response—when asked what he thought of 'western civilization' the Mahatma famously said that it might be a good idea! He thereby went so far as to question the imperious factitude and plentitude of its existence!

Because I view law as a civilizational genre, I wish to highlight the contributions that may help us rethink our now conventional and yet the newly- fangled talk about 'plurality,' 'diversity,' and 'multiculturalism.'

It was Wolfgang Kohler, the 19th Century C.E German jurist, who strove to relate civilization and law in rather explicit terms that conceptualized the Idea of Progress as an act of two kinds of 'mastery' or 'conquest': over natural nature and human nature. These twin pefromatives of mastery form thus the birthmarks of European civilizational notions of law. The keyword here is 'conquest.' But the 'C' word need not always be thus conceptually, and normatively, dreadful! Clearly, many civilizations of the non-West, or the other of Europe, 'universalized' themselves without recourse to military conquests –the spread of 'Hindu' and the Buddhist civilizations, for example. The distinctive European fusion of missionaries and mercenaries was, relatively speaking, unknown to this civilizational spread.

Further, if civilization is to be imagined in terms of mastery and conquest, the 'modern' law, as a prime vehicle for this attainment, must remain cast in some Lacanian languages of the Master. Put differently the 'civilization' of the Master may proceed with full immunity and impunity to reduce the civilizations of the slave/subject entirely in the name of 'culture.' At stake remains the ways in which the militant subjects may after all *feel* enabled/empowered to question entirely thus the hegemonic forms of cultural diversity talk.

On a different register, this relationship between 'culture' and 'civilization' presents a troubled terrain, if only because while cultures remain 'embedded' within civilizational traditions, they still remain somewhat yet autonomous from these. If so, how any critique of the postmodern EU/CG postures and pastures may then proceed to at best to address cultural diversity at the expense of the loss of grasp of civilizational pluralities? How may we grasp, for example, these troublesome registers of difficulties thus stand presented in terms of coping with any adequate understanding of the Roma and Sinti peoples? And on a wider scenario, how may the EU 'winning culture' ever fully respond to the movement of human rights of indigenous/earth peoples, as they conceive the orders of meaning/signification of who/what may count as being and remaining *'human'* and as having *'human rights*?' What dire contrasts thus stand enunciated? How far may it remain justifiable or appropriate to say that the EU *cultural diversity constituted humans* remain blest only when they fully, remain unmindful of the histories of the imperial Europe that ignored and sacrificed the lifeworlds of those humans constituted by *civilizational diversity*?

No doubt, much stands to be gained in terms of the EU/CD policy regimes concerning the human rights of some 'ethnic minorities.' Yet, it remains dismayingly the case that this may never fully engage the receding futures of the human rights of the First Nations peoples, within and outside the EU.

LAW AS CULTURE AND THE CULTURES OF THE LAW

Mindful of some current constraints of our collective conversation may I still invite your engagement with this contrast? In the early Eighties, I offered this distinction in article published both in Germany and India, entitled as 'Conflicting Conceptions Legal Cultures and Conflict of Legal Cultures?' The not-so benign scholarly neglect of this distinction probably suggests the futility of this endeavor! So be it! And far from any authorial acts of revivalism, I still think that the distinction I attempted then remains pertinent to the thematic of this conference.

For one thing, I here reiterate that the notion of *law as culture*—here the EU metaculture law formations as such-- invites a fuller attention to the semiotics of law. As Algirdas Julien Greimas momentously reminded us, modern law may not be grasped at all outside the forms of transcendence from ordinary languages that create the artificial languages of the law and invents new entities not known to 'nature' or the 'social,' such as citizenship or the corporation, which then come to possess an order of power previously unknown to both. I do not simply know how far, and to what end, the Griemas-type analytic has been extended to the tasks of understanding and critique of the EU cultural governmentality. The question may be equally illuminatingly formed in terms made famous by Pierre Bourdieu's contrast concerning the 'power of languages' and the 'languages of power.' The EU/ CD/CG languages thus constitute new, and ever-proliferating, semiotic spheres and fields. Did we attend enough to these dimensions of EU law and jurisprudence as configuring the law as culture?

A further discursive platform stands offered by the *cultures of the law*. I refer here to sub-cultures of the enunciation of the law at the level of institutions, processes, and outcomes which in turn relate, as well 'outwit' the forms of law *as* culture. How may these local cultures of the law be said to relate to values of the law *as* culture? Does this matter, and if so how and why, in any serious-minded grasp of the tasks of understanding the law as an engine or a vehicle of the production of cultural diversity? I must leave perforce this interlocution further un-elaborated before so learned an audience.

UNDERSTANDING CULTURES

First, did we after all manage to go beyond the conventional understanding of culture as ideational? Did we speak to *material cultures?* Did we fully speak to what I have named as the materiality of hyperglobalizing cultures? Did we, by any chance, address the relations between technoscience placed at the service of 'cultural diversity,' and the newly fangled modes of cultural governmentality? Did we speak to the ways in which technoscientific global mode of production proclaims the slow but sure *dying/death* of law and

regulation, as once upon a time we understood this? Did we address fully either the early Ulrich Beck who speaks to us of the creation and sustenance of the global risk society or the later Beck who spawns rather relentlessly the talk about 'methodological nationalism,' even to the point of articulating the diction of 'cosmopolitan' transnational corporate 'citizenship?'

Second, we failed to address post-metaphysical traditions of critique of multiculturalism. I have specifically here in view the Zizek-type critique of multiculturalism as a genre of '*postmodern racism.*'

Third, and how precisely, did we after all address the situation of what the American Anthropological Association now names as a 'human right to culture?' Who may be, after all, said to 'own' this human right in the face of the globalization induced, promoted, and protected forms of 24/7 mass media, which (and for the most part outside some insurrectionary practices of activist journalism) presents the narratives of inhuman injustices and human rightlessness as the 'contingent necessity' in the hot pursuit of spiraling advertisement revenues? Put another way, human abuse and human rights violation principally remain news and views type commodifiction of human and social suffering, and even presented as an aspect of emancipatory peoples' politics! Further, what may accessing a human right to culture after all signify, beyond the impoverishing , and often fake, discourses about 'universality' and cultural specificity?

I know that each of this questioning entails several sorts of anxieties, even *angst*, further 'unpacking' the EU CD/CG talk and action. For example, the question surely remains crucial: How far may any one read the EU feats of developmental and foreign policy action as actually engaging the tasks of global reparative justice directed towards the amelioration of the worst-off erstwhile European colonial subject peoples? In what/which ways some newly fangled talk now engaging future 'foreign policy' of the EU may after all address the tasks of reversal of 'the development of underdevelopment' thus far practiced by the pefromatives of an overall 'winning' and somewhat also the triumphant EU metaculture?

In saying this, I do not here suggest any belittling of the acts of EU 'financing development', for example, fully manifest in the programs of EU Africa/Caribbean, Pacific and other OCT [overseas countries and territories] and related instances. Yet, from the standpoints of the recipients of this EU forms of largess and at least in the languages of the human rights and social movement discourse, stand raised some intractable problems of the outward developmental foreign policy stances of the EU/CG. Please forgive me this heavily encrypted remark rendered thus, on this occasion, somewhat inevitable!

TO CONCLUDE THE ALREADY 'INCONCLUDABLE'…

The anxious interlocutions of the EU CD/CG talk remain animated by the fact that it, for weal or woe, affects many thousand million lifeworlds of the subaltern peoples within and beyond the EU formations of the 'wretched of the Earth.' From their perspectives, all metacultures of cultural governance seem to perpetuate what Kwame Nkrumah described as 'power without responsibility and exploitation without redress.'

Now this may appear an overstated conclusion at least from the perspectives of the managers of cultural diversity and of cultural governance, especially as their policy enunciations speak in the name of human rights of cultural minorities and relate cultural protection to the endless tasks of human and social development. No doubt, both the EU/CD talk and action render more visible the practices of dominant culture's discrimination against the minority ones, and even provide spaces for new social movement based politics of identity and difference. Critics of the EU adjudicatory policy may however proceed to demonstrate variously that these CD openings also mark closures. These Remarks provide no space for any further elaboration.

Yet, it must be said, overall, that neither CD nor CG discourse fully refers to claims of *justice*, not always fully addressed by the languages, logics, and paralogics of contemporary human rights. In fact, the word 'justice' occurs as 'social justice' only once (on my count at least) in the UNESCO Convention. I have not been able to do a similar count for the 'hard' and 'soft' regimes of EU law and jurisprudence.

The November 2007 civil unrest in Villiers-le-Bel, the governmental response to it, and its aftermath, for example, expose the underbelly of the European CD/CG talk. So do some events of civil unrest in EU in the wake of the global economic meltdown. These, of course, remain complex stories. But cumulatively these also suggest the magnitude of difficulties thus posed for CD talk and action that fail to measure up to the demands of justice within each member-state of the EU and the EU/CG generally.

If so, our tasks begin not so much when we merely question the cultural minority's articulation of the practices of politics of identity and difference at the bar of human rights values, standards, and norms but emerge rather severely and seriously only when we also begin to more fully confront the structural injustices that generate culture-conflicts. To be sure, this is by no means any EU–specific problematic. Yet, perhaps all this also provides, by the same token, some testing times for some new forms of the EU cultural governmentality?