Why majority cultural preferences should shape, but not determine, immigration policy

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Liav Orgad writes convincingly that the issue of cultural rights for majorities has been thrust into view by immigration. No longer can a white French or German person think of her ethnic identity and national identity as one and the same. In the introduction to Rethinking Ethnicity: majority groups and dominant minorities (2004), and again in Political Demography (2012), I argue that migration and differential ethnic birth rates are driving a wedge between the ethnic majority and 'its' nation-state.

The changes are dramatic: in the United States, minorities already make up half of all births. Transformation has spread well beyond gateway cities: 22 of the top 100 metropolitan areas (not just their central cities) are currently 'majority minority', as are Texas, California, two smaller states and the District of Columbia. In Canada, two of the country's three largest metro areas, Vancouver and Toronto, are approaching 50 percent non-white and minorities comprise 20 percent of the country's population, up from 2 percent as recently as 1971.

Demography is the most predictable of the social sciences since today's babies will be society's median voters in the 2050s. Immigration levels will also affect the picture, but a great deal of the change is already baked into our ethnic age structures. In western Europe, the share of the population made up of non-Europeans is expected to double or triple by 2050, reaching some 15-20 percent of the total. By the end of the century, those of unmixed ethnic majority background are projected to be in the minority in Britain, giving rise to what David Coleman terms the 'third demographic transition.' Other west European states such as France or the Netherlands may get there sooner. Yes, assimilation and ethnic boundary change could alter this picture, but we should expect that demography will exert profound changes on western societies.

Political theory has, as Liav Orgad recognizes, been negligent in addressing the problem of majority rights. The phrase itself seems an oxymoron since liberalism has been centrally concerned with protecting minority rights. However, liberal theory was developed in France, Britain and America, countries with strong ethnic majorities (non-slave America was 98 percent Protestant and 80 percent British in 1776). Individual, not group rights, were the main concern. John Stuart Mill, for instance, took it for granted that minorities such as Bretons or Scots should assimilate to the French and British nations rather than 'skulk on [their] own rocks, the half savage relic of past times'. Lord Acton (1862) took it as read that Mexico, with its racial diversity, was a weaker society than an ethnically homogeneous one: 'the races are divided by blood, without being grouped together in different regions. It is, therefore, neither possible to unite them nor to convert them into the elements of an organised State'.

The view that nation-states should not regulate their ethnic composition largely dates from the 1960s. The US, Canada, Australia and New Zealand favoured British immigrants, and, second, northwest Europeans, effectively barring nonwhites from their countries until the mid-1960s. Most who spoke about the US as a melting pot – Crevecoeur and Emerson, for instance – were quick to qualify that it was also an Anglo-Saxon Protestant country. Beginning in the early 1900s, small groups of Pluralist intellectuals, radical artists and ecumenical churchmen began to espouse non-discriminatory immigration and a cosmopolitan America. They were always a small minority, and failed to hold back the tide of anti-immigration sentiment that led

to the 1924 National Origins quota immigration act that stipulated that the national origins of immigrants must match that of the US population. The Act was only repealed in 1965.

The ideas of Pluralists like John Dewey and Randolph Bourne formed an important current in American intellectual life which was launched into the mainstream by the New York Intellectuals after World War II. These notions subsequently became the elite consensus with the expansion of higher education and the wholesale shifts in American attitudes to race which accompanied the Civil Rights movement for blacks.

Political theory and politicians' rhetoric matched these developments. Not only were discriminatory immigration laws like the 'White Australia' policy or US National Origins scheme repealed, but multiculturalism – the allocation of rights to minority groups – emerged in its wake. Canada enshrined a Multiculturalism Act in 1971, and in the 1980s and 1990s multiculturalism became a battle cry of the New Left.

To an extent these cultural changes were needed, since minorities had suffered discrimination at the hands of majorities. However, obvious liberal advances such as black civil rights were accompanied by murkier assumptions, such as the notion that ethnic majorities should no longer select immigrants on cultural grounds.

In my article, 'Liberal Ethnicity' (2000), I make the point that political theorists focus only on the nation-state and minorities, ignoring the ethnic majority. This is partly because those were the concerns of academics when society was more homogeneous, and partly because of the instinctive liberal-egalitarianism of all but a few theorists, such as Yael Tamir, Michael Walzer or David Miller. The idea of majority cultural rights is actually not seriously contested in academic political theory (Jonathan Seglow and Robert Goodin are especially insightful here). Yet it feels uncomfortable so academic theorists don't trumpet this fact. Thus the message has not filtered through to political elites, who mistakenly assume that majority concerns have no moral foundation and are simply 'politically incorrect.'

Ethnic majorities and their concerns are absolutely central to understanding nationalism and ethnic conflict. Just as minorities have a right to defend their culture subject to respecting others' rights, it follows that majorities may do so as well. I argue that while treating other ethnic groups as inferior, or discriminating against ethnic minorities within the state, is clearly illiberal, migration policies legitimated on cultural grounds are not. Indeed, many liberals accept that Native Indians are justified in restricting band membership to those who can prove a certain 'quantum' of Indian ancestry. The aim is not only to defend Indian culture, but also to limit shocks to the existential ('who am I') security of band members.

Ethnic majorities should be permitted to do likewise with the proviso that their ethnicity is liberal. As I define liberal ethnicity, this means the ethnic group is open to accepting outsiders through intermarriage. Those who marry in, or adopt the group's culture (and thus place themselves on a trajectory whereby their descendants will probably marry in), should be accepted. Immigrants from Christian countries are more likely to assimilate into European ethnic majorities than others, but it is worth noting that some largely non-Christian groups, such as East Asians, have high intermarriage rates. Some Muslim groups, such as Iranians in Germany or Berbers in France, also do. In Britain, Muslims intermarry with whites at higher rates than Sikhs, and only somewhat less than Hindus. So I don't believe there is a specifically Muslim issue.

Nation-states must reflect the wishes of all their members, so the ethnic majority must not solely determine migration policy. Economic and political concerns of states: for more young workers, or to meet international refugee obligations, should weigh in the balance. Yet from a liberal-communitarian point of view, ethnic majorities are perfectly justified in lobbying for reduced migration, or for a preference for migrants who are more likely to assimilate into the ethnic majority – thus maintaining the ethnic balance. The presumption, though, should be that all groups are assimilable unless social scientific evidence from similar countries suggests otherwise. Moreover, if, over time, groups exhibit an assimilationist trajectory, the

cultural criteria must immediately adjust to relax selectivity. This view holds that immigration criteria should not be explicitly ethnic, but can allow for temporary cultural preferences with a view toward phasing them out based on evidence of assimilation. Assimilation must be fully voluntary, not coerced, as minority groups have a right to remain apart if they so desire.

Naturally, as Liav notes, some majority groups may have concerns that justify more ethnically-selective admission. A history of anti-Semitism means that Israel has a Law of Return which favours Jews. The same is true for 'returning' co-ethnics in much of Eastern Europe. I would not reject this out of hand, but would urge the insecure 'minoritized' ethnic majorities that Liad mentions to continually question their fears and open themselves up to the possibility that the world has become less threatening. I believe Liad is right that majorities have a right to protect their culture and that this is an omission in political theory. My only plea is that ethnic majorities adopt permeable ethnic boundaries which accept assimilation. In this sense, Slovakia and Hungary are justified in preferring Syrian Christians, but are not justified in barring Muslims entirely. They should accept some Muslims and honestly see how they integrate, bearing in mind that inequality and discrimination will retard this process. If integration is successful, and a portion assimilate and intermarry as in France and Germany, criteria should be relaxed. Laws should be based on objective social scientific indicators rather than popular fears.

In Quebec, for instance, the French-only laws should only have been permitted on the basis of solid evidence that French was losing ground and that the number of speakers was falling beneath measurable thresholds such as, say, a 7:1 French to English mother tongue ratio.

Overall, Liad Orgad has written a timely and necessary book for an age in which the West's majorities can no longer take their dominance for granted.

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