Liav Orgad

*The Cultural Defense of Nations – A Liberal Theory of Majority Rights*

The question of the potential changes that those coming from the outside through the means of immigration may bring upon the majority cultures in, particularly, liberal states, and how to deal with such potential contestations of certain liberal values through migratory movements, has been at the forefront of political and legal debates over the last years. Liav Orgad, in his insightful contribution, identifies certain mechanisms that he terms ‘cultural defense policies’, which are being applied by Western liberal states in order to defend the majority cultures from allegedly negative influences stemming from illiberal practices brought into liberal nation states through immigration movements. These mechanisms consist of for example citizenship tests, integration contracts, loyalty oaths, attachment requirements or certain language requirements. Orgad thereby identifies that such cultural defense policies have been widely applied to protect the values of majority cultures, while the states using such mechanisms have not been explicit about the culturally-oriented protection goals of these policies. In his analysis, he tries to make the implicit goals of these culture defense policies explicit while also to some extent questioning the legitimacy of such policies from a liberal point of view. Additionally, in reaction to some of the normative problems related to cultural defense policies of the liberal point of view, he provides a model for a narrow defense of majority cultures under certain specific circumstances in the form of a concept that he coins ‘national constitutionalism’.

The book is divided into two main parts. The first three chapters comprising the first part provide a descriptive analysis over how the changing dynamics of global immigration patterns have contributed to mostly unjustified moral panic over changes in the demographic composition of certain populations, and how liberal democracies have responded to this through legal means in the form of cultural defense policies. The three chapters making up the second part of the book provide the normative analysis, which seeks to distinguish in
between the justifiable and unjustifiable efforts of liberal states to protect their culture and draws out the certain narrow conditions under which cultural defense policies can be a tool that can be legitimately relied upon.

Orgad starts with a discussion of the changing dynamics of global immigration as a factor that contributed to the development of cultural defense policies in liberal states. He discusses the changes in immigration patterns, such as scale, character, and intensity of the global movements of people. He also looks at the demographic and sociopolitical changes in Western societies, such as a steady population decline, changing lifestyles and new human rights regimes limiting the means of immigration control, which altogether contributed to certain perceived demographical changes triggering the development of cultural defense policies as a reaction. Additionally, he also assesses how certain global geopolitical developments, technological advances, and globalization as a phenomenon in itself contributed to a stronger fluidity of cultural identities, which further contributed to the development of seemingly reactionary defense policies.

The dynamics in immigration patterns has created political reactions in liberal states, which due to the therefrom-stemming changes in the demographic composition of populations contributed to a public hysteria about a perceived cultural demise of the majority culture, something that Orgad calls ‘demophobia’. In tackling this issue, Orgad engages in a detailed analysis of several case studies of certain groups of foreigners who are being perceived as an existential threat to the majority cultures within several countries. He thereby particularly looks at how certain parts of the public and conservative thinkers picture Hispanic immigrants in the United States, Muslim immigrants in Europe and Palestinian immigrants in Israel as existential threats to the host countries’ majority cultures. These case studies remain an underlying thread throughout his analysis within the book, whereby in Europe he specifically looks at the situation in France, Germany, the Netherlands and the United Kingdom.

Next to these political reactions, the legal reactions in the form of immigration and citizenship mechanisms aimed at cultural defense of the majority cultures within the case study countries are at the core of the analysis in the book. Orgad thereby differentiates in between three types of pro-active immigration policies designed to defend the culture of majority groups – ethno-religious, ethno-cultural and civic-political defenses, whereby the policies applied by liberal states are usually a certain mix of these three different types of cultural defense. A classic case of an ethno-religious defense, is for example, the citizenship policy in Israel, which is broadly limited to targeting people of Jewish descent. An example of an ethno-cultural defense is the citizenship test in the Netherlands, where the credo of the test is that one cannot study to be Dutch,