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Majority–Minority Constellations: Towards A Group–Differentiated Approach

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Abstract

Majority–Minority Constellations: Towards A Group–Differentiated Approach

by Ruud Koopmans and Liav Orgad

Multiculturalism has taken a life of its own, swinging too far in one direction. The authors claim that the rapidly changing reality calls for a new majority–minority theory and argue that the moral justifications for cultural minority rights should also apply to majority groups. They present two areas in which majorities may become culturally vulnerable and need legal protection: the regulation of immigration and representations of national identity in the public sphere. The core of the argument is rooted in a unique framework to address majority-minority constellations. This "intergroup differentiation approach" distinguishes between "homeland majorities" and "migratory majorities", alongside the traditional distinction of indigenous/national and migratory minorities. In doing so, the authors criticize the tendency in the multiculturalism literature to gloss over differences between the Anglo–Saxon classical immigration countries, where majorities are of migratory origin, and the countries of the Old World, where new minorities of immigrant origin face indigenous majorities. The authors provide practical examples for the implementation of their approach and explain the different meanings of cultural majority rights. Only by a contextualized and relational consideration of groups, they thus conclude, can competing demands of majorities and minorities be fairly evaluated.

Keywords:	*majority rights, minority rights, nationalism, multiculturalism, populism, immigration, indigenous peoples*
JEL classification:	*J15, K33, K37*

Zusammenfassung

Mehrheits–Minderheiten–Konstellationen: Auf dem Weg zu einem gruppen-differenzierten Ansatz

Von Ruud Koopmans und Liav Orgad

Der Multikulturalismus hat sich verselbständigt und ist zu weit in eine Richtung durchgeschossen. Die Autoren behaupten, dass die sich rasch verändernde Realität eine neue Mehrheits-Minderheiten-Theorie erfordert, und argumentieren, dass die moralischen Rechtfertigungen für kulturelle Minderheitenrechte auch für Mehrheitsgruppen gelten sollten. Sie stellen zwei Bereiche vor, in denen Mehrheiten kulturell verwundbar werden können und rechtlichen Schutz benötigen: die Regulierung von Zuwanderung und die Repräsentation nationaler Identität in öffentlichen Institutionen. Der Kern des Arguments wurzelt in einem neu entwickelten Rahmen zur Bewertung von Mehrheits-Minderheiten-Konstellationen. Dieser „gruppenübergreifende Differenzierungsansatz" unterscheidet zwischen „einheimischen Mehrheiten" und „zugewanderten Mehrheiten", neben der traditionellen Unterscheidung zwischen indigenen/nationalen und zugewanderten Minderheiten. Dabei kritisieren die Autoren die Tendenz in der Multikulturalismus-Literatur, die Unterschiede zwischen den klassischen angelsächsischen Einwanderungsländern, in denen Mehrheiten migratorischer Herkunft sind, und den Ländern der Alten Welt, in denen neue Minderheiten mit indigener Herkunft auf einheimische Mehrheiten treffen, zu vernachlässigen. Die Autoren liefern praktische Beispiele für die Umsetzung ihres Ansatzes und erläutern die unterschiedlichen Bedeutungen kultureller Mehrheitsrechte. Nur durch eine kontextualisierte und relationale Betrachtung von Gruppen, so folgern sie, können konkurrierende Forderungen von Mehrheiten und Minderheiten gerecht bewertet werden.

Schlüsselwörter: *Mehrheitsrechte, Minderheitenrechte, Nationalismus, Multikulturalismus, Populismus, Zuwanderung, indigene Völker*

JEL Klassifikation: *J15, K33, K37*

INTRODUCTION[1]

Tensions between minority and majority groups are among the most pressing issues of our time. The changing patterns of global migration and the growing diversity of Western societies have shifted the dynamics between groups within the state. On one side, the rise of majority nationalism and the backlash against multiculturalism raise new concerns over the tyranny of the majority. On the other side, fears over the erosion of majorities' cultural identity have emerged due to the accelerated pace of migration and the creation of new minorities. These changes call for the reexamination of fundamental assumptions in human rights law and liberal political theory. To what extent can arguments in favor of minority rights apply to majorities? How can cultural demands of majority and minority groups be balanced? And what should be the definition of "majority", under which criteria, and what type of rights should it be granted?

Policies aiming to defend the cultural identity of national majorities suffer from a low level of normative legitimacy, certainly among liberal scholars and minority rights advocates. Actors advocating cultural majority rights are often denoted with negative labels, such as "populists", "nativists", and "racists". The lack of a common normative ground on which the legitimacy of minority and majority claims can be negotiated fairly leads to a dynamic of "right" versus "might", a major structural force behind increasing political polarization. On the one hand, there is the argument that majority groups have no legitimate "right" to claim privileges for their culture over others. On the other hand, there is the argument that the majority right is absolute because, in the populist view, democratic legitimacy is a matter of "might", reduced to whatever the majority decides. Neither of these extreme positions is tenable. Instead, a normative consideration of the legitimacy of majority claims, which identifies conditions under which such claims can be normatively defensible, is urgently needed. Existing concepts are unfit to address the challenges posed to majority cultures. In fact, the concept of the "majority" does not even exist in international law, which centers on "peoples" and apparently assumes that the right of peoples to self-determination is sufficient to protect the culture of the majority.

This paper develops a new framework for the adjudication of majority and minority claims. It advances a relational approach to majority and minority rights, according to which the normative solution to cases of conflicting norms should depend on the historical rootedness of groups, distinguishing between homeland and migratory groups. Based on this framework, it provides liberal justifications to defend some aspects of the majority culture, based on a rights-based approach. The ramifications of this approach to the fields of immigration, access to citizenship, and public life have yet to be explored in greater detail in separate papers. Here we offer a rather general framework to address majority-minority constellations.

The paper proceeds as follows. The first part asserts that the moral justifications for cultural minority rights can and should also apply to majority groups. The second part

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[1] This paper will be the first chapter of a volume in progress edited by the authors that is entitled "Majorities, Minorities, and the Future of Nationhood". It will include further lead essays by Will Kymlicka, Yael Tamir, and Christian Joppke, as well as commentaries by, among others, Rainer Bauböck, Michael da Silva & Daniel Weinstock, Eric Kaufman, Tariq Modood and Ayelet Schachar. References to "this volume" in the paper refer to this forthcoming book.

explains the historical reasons, rooted in the democratic theory, for granting cultural group rights only to minority groups. The third part challenges the validity of these historical reasons, claiming that the rapidly changing reality requires reassessing majority-minority relations in liberal democracies. It shows that such reassessment has already been started in academic and political circles in which liberal scholars and political parties call for cultural majority rights. The fourth part presents two policy areas in which majorities may become vulnerable and need cultural protection—immigration control and domestic affairs. The fifth part is the core of the paper, offering a first-of-its-kind framework to address majority-minority constellations. It first distinguishes between two types of majority groups, homeland and migratory, and then claims that a fair consideration of majority and minority interests should take into account not only the type of the minority (i.e., indigenous/national, migratory) but also the type of the majority (homeland, migratory); we call it an intergroup differentiation approach to majority-minority constellations. The sixth part provides practical examples for a possible implementation of our approach, while the last part explains the different faces and meanings of cultural majority rights.

JUSTIFICATIONS FOR CULTURAL GROUP RIGHTS

The starting point of any discussion on cultural group rights is the human need for recognition. The plea for recognition is fundamental; it is related to happiness, self-realization, and well-being. It entails a need to belong, as humans are social creatures. The "great cry for recognition", to cite Isaiah Berlin in his classic essay *Two Concepts of Liberty*, is "one of the greatest forces that move human history" (1969: 142). Berlin shows that individuals seek not only freedom from tyranny, equal opportunities, or "a rational plan of life", but also "proper recognition". People wish to avoid a reality in which one's unique identity is "simply being ignored" or "being taken too much for granted … even if this means to be unpopular and disliked". This is true for individuals, as for groups. It is group membership that provides a person with personality ("the sense of being someone"), meaningful life, and the liberty to fulfill his/her life goals. What people want "is simply recognition (of their class or nation, or color or race)", and to live and act together with "members of the society to which, historically, morally, economically, and perhaps ethnically" they feel attached (ibid: 142-143). Berlin reminds us of self-evident truths about human nature: "For what I am is, in large part, determined by what I feel and think; and what I feel and think is determined by the feeling and thought prevailing in the society to which I belong". Social belonging, in essence, is "the heart of the great cry for recognition on the part of both individuals and groups" (ibid, 143-144).

These plain and simple truths have guided liberal theory and human rights law in the past decades with regard to cultural minority rights. In *The Politics of Recognition*, Charles Taylor explains how the demand for recognition has motivated some of the greatest movements in international law and politics. A major focus has been the development of multiculturalism and minority rights to secure the recognition of minorities' cultural identity. Taylor claims that "*Everyone* should be recognized for his or her unique identity", yet adds that, in a majoritarian democracy, demands for recognition of being different should only apply to minority cultures. This is because their distinct personality "has been ignored, glossed over, assimilated to a dominant or majority

identity" (1994: 38). International human rights law has entrenched the demand of minority groups for cultural recognition in a long list of documents (Kymlicka 2008). Indeed, the rise of cultural minority rights (and multiculturalism) has been one of the most important developments in human rights law and liberal theory in the past five decades.

The moral validity of the argument supporting recognition, identity, and self-worth is not limited to cultural minorities. If one accepts that "persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture" (UN Declaration on Minority Rights 1992: art. 2), and that "persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture" (ICCPR 1966: art. 27), then equal recognition requires that majority groups can enjoy such rights too—as a fundamental human need. If Quebecois, native American Pueblo peoples, and Frisians can claim cultural rights, so should be the Danes, the Dutch, and the Italians. Majorities, like minorities, have an interest in adhering to their culture and preserving core elements of it—maintaining a meaningful, yet distinctive, collective way of life. The justifications for this are based on personal autonomy, individual liberty, and social identity. In a political and normative reality in which cultural minority rights exist, there should be, in appropriate cases, cultural majority rights of some scope (Koopmans 2018). The human need for political recognition is not the monopoly of minority groups and should not be contingent on whether the group is a "minority" or a "majority". So are the hopes to preserve a specific culture, and the aspirations for its continuity, in some form, throughout future generations.[1]

MAJORITY RIGHTS IN DEMOCRATIC THEORY

A liberal theory of majority rights seems paradoxical. In liberal political philosophy, majorities have been associated with "evils against which society requires to be on its guard" and, consequently, "precautions are as much needed against this, as against any other abuse of power" (Mill 1859: 3-4). The concern of liberal democracies has traditionally been the tyranny of the majority because democracy is based on a majoritarian rule of some kind, implemented by an electoral system of some sort (direct or representative, presidential or parliamentary, national or regional[2]). Democracy represents the "rule of the people", yet the phrase "the people" is essentially a majority population (Mill 1859: 3-4). In such a system, there is a constant threat that the majority population will "do whatsoever it pleases" to tyrannize the minority (de Tocqueville 1835: vol. II, part 2, ch. 7; Constant 1815: book II, ch. 1-2). This threat exists particularly in a democracy, in which a majority has a privileged status.[3] Majorities matter less in authoritarian regimes; numbers matter, especially in a democracy, which is based on the rule of numbers (Burke 1790: 53-57, 103-104). The majority is regarded as able to "take care of itself" (Margalit & Halbertal 2004; 530]. It can dominate the public sphere by controlling entry into the community and by utilizing the forces of democratic decision-making.

Because of these majority privileges, the design of democratic institutions included, at the very outset, a variety of barriers to restrict their power: judicial review, supermajority requirements, checks and balances, inalienable rights from which no

majority can deviate, and federalism. These barriers are needed "to correct the errors of democracy" and, although they can never be "able to stop the movements of the majority", they can still "succeed in slowing and directing them" (de Tocqueville 1835: vol. II, part 2, ch. 8). The traditional liberal response to the tyranny of the majority has been tolerance—"letting minorities conduct themselves as they wish . . . so long as they do not interfere with the culture of the majority" (Raz 1996: 172). As a result of World War II and the human rights movement in the 1960s, anti-discrimination laws on the grounds of race and religion have become part of human rights law and an additional limitation on the power of the majority. During the 1980s and 1990s, a third liberal response became common—the rise of minority rights. Cultural minority rights intend to compensate minorities for the democratic privileges of the majority. Since the "state culture" reflects the preference of the majority—vis-à-vis its languages, holidays, symbols, values, and political institutions—minority groups "are unfairly disadvantaged" (Kymlicka 1995; 109). This inequality needs to be compensated by providing cultural privileges to minority groups.

The democratic privileges of majorities have led courts to assume that majorities need no special legal protection; the majority is considered to be well-off. Canonical texts and leading caselaw claim either that majorities do not exist or need no protection. This philosophy also guides international law. It assumes that individuals need special protection as members of ethnic, religious, or linguistic *minority* groups (ICCPR, art. 27), yet not as members of ethnic, religious, or linguistic *majority* groups. International law offers instead the notion of self-determination of "peoples", which is not identical with the concept of "majorities". In principle, self-determination can refer to groups that define their identity in an ethno-cultural sense—as in "the Jewish people" or "the Slovak people". However, once a state has been established, international law remains vague on whether self-determination also includes the perpetuation of the majority status of the foundational ethnic group, or enduring privileges for its culture in the public domain. Within the framework of established states, "the people" is defined in international law and in most liberal-democratic constitutions as "the citizenry", regardless of ethnocultural features. Neither democratic constitutional theory nor international law recognizes a concept of "majorities" and, overall, assumes that majority populations are well-protected.

A MAJORITY–MINORITY SHIFT

The assumption that the majority can take care of itself is no longer self-evident. This is due to various reasons, among them fundamental changes in the scale, character, and intensity of global migration, the rise of cultural minority rights, and legal limitations that make it relatively more difficult for majorities to demand integration from newcomers and minorities.[4] Majority groups in the West have become smaller in size, and their cultural identity has become more vulnerable. The percentage of people with "migration background" (defined as being born abroad or having at least one parent born abroad) is between 20 and 25 of the population in several European states, including France, Germany, the Netherlands, and Sweden. In Germany, among children under the age of fifteen, its share amounts to 38 percent. And because immigrants tend to concentrate in metropolitan areas, the majority has become a numeric minority in many

cities, for instance, in the largest cities of the Netherlands (Amsterdam, Rotterdam, and The Hague). These demographic changes would be of little concern if people of migration background were to integrate into the host society, adopting the political and cultural values that are at the *core* of the majority self-understanding of society. To the extent that this does not happen, the majority may end up feeling culturally "strangers in their own land". One may argue that this is the way of modernization, in which no one has any special claim to a certain part of the world and, therefore, members of majority groups should accept the inevitable. This may be a possible position, but it cannot be easily combined with a simultaneous defense of only the cultural rights of indigenous and national minorities.

The majority-minority shift is also a function of globalization and technological developments. In a globalizing world, majority cultures face intense assimilation pressures from the outside, just as national minorities and indigenous groups are subjected to assimilation pressures from inside the societies in which they live. Languages, even if they are official state languages, have come under pressure due to the proliferation of English as the dominant language. Master's programs in Europe are predominantly taught in English. Similarly, in the domain of cultural products—such as cinema and popular music—the market share of local products has been declining for decades. Free markets, international media, the Internet, and global transport challenge the notion of cultural exceptionalism. Trans-cultural diffusion is greater today than in any other period in human history. Even if the state can control the flow of migrants, it cannot control the flow of ideas and cultures. Free movement zones, such as the Schengen area and the ECOWAS, and modern technology—low-cost flights, high-speed trains, and short-term rental platforms—have led to a massive increase in the number of visitors, who change the landscape of cities. "Tourists go home" is a popular slogan in small cities, such as Venice and Dubrovnik. This process is apparent particularly in Europe, where majority populations have become a minority community in the Union, striving to preserve their identity by cultivating a local bond that goes beyond Western European values (Orgad 2015: 85–112).

Two transformative changes have occurred in the intersection between the rapidly changing patterns of migration, the rise of cultural minority rights, and the accumulated effect of globalization and technological developments. First, majorities face an identity crisis. Paradoxically, the expansion of minority rights and the growing number of migrants have paved the way for the revival of cultural majority demands; they have boosted the majority's sense of being culturally distinctive as well as its fears of being under cultural pressure.[5] We are witnessing an interesting phenomenon in which states seek to protect *their* unique identity (e.g., Britishness), but cannot clearly specify what it is, given their commitment to universalism. This is not necessarily the case for ordinary citizens, who can often formulate broadly consensual answers on what constitutes national identity. In a recent Dutch study (de Hart 2019), for instance, respondents were asked to express their opinion on "what contributes the most to your sense of belonging to the Netherlands?" Most people defined Dutch identity as a combination of universalistic values (e.g., democracy, freedom of speech, gender equality, sexual self-determination) with particularistic elements, such as the Dutch language, national symbols (e.g., the flag, the anthem), historical experiences (e.g., World War II and the

Holocaust), and folk traditions (for instance, "Sinterklaas", the Dutch ancestor of Santa Claus).

Second, cultural conflicts between majority and minority populations have increased. Some of the conflicts relate to liberal values—topics such as freedom of speech and gender equality. Others concern liberal principles and institutions, such as the rule of law and the authority of Western constitutions (rather than the supremacy of God) as the supreme law of the land. These conflicts are not "a mere disagreement on a certain policy", as Yael Tamir shows, but concern "the sources of political legitimacy" (this volume), the basic organizing principles of liberal communities on which a minimum agreement is essential for the operation of government (John Jay Federalist 2: 1787; James Madison Federalist 10, 1787). These are not cultural conflicts about the way things are done "here", but about the fundamental backbone of a liberal society (Barry 2001: 284-286). Conflicts have also emerged around the role of religion in public life and sexual openness—topics such as gender segregation, homosexuality, "covering-up", and nudity. Gaps on different values and attitudes are not always becoming smaller in second and third-generation migrants, and sometimes they are even growing wider. Alongside conflicts around liberal values and principles, there are increasing tensions around local lifestyles and folk traditions—topics such as burial, dress code, food, holidays, national symbols, and ways of doing things in schools, worksites, and public places. Minority demands in these areas often show little sensitivity to local historical and cultural contexts and different systems of meanings and connotations of the host society. Examples are the debates around Zwarte Piet ("Black Pete") in the Netherlands and the tradition of the "Sternsinger" ("Three Kings' Day" on January 6) in Germany and Switzerland. Local practices are often judged by imported, mostly American standards, instead of within the context of their original social meaning. Thus, Kymlicka's argument that "to understand the meaning of a social practice, therefore, requires understanding … the language and history which constitute that vocabulary" (1995: 83) does not always apply where majority cultures are concerned. In a global world in which the Anglo–Saxon culture sets the norm in many domains, the distinction between "dominant" and "minority" cultures no longer exclusively applies to relationships *within* nation–states but can also refer to the unequal balance of power *between* cultures of nation–states.

The topic of cultural majority rights has become the focus of academic attention, both descriptively and normatively. In Canada, under the title of interculturalism, Gerald Bouchard has made a strong case for protecting "the interests of the majority culture, whose desire to perpetuate and maintain itself is perfectly legitimate" (Bouchard 2011: 438–439; *see also* Eisenberg 2019; Da Silva & Weinstock, this volume). A similar view has been endorsed by Charles Taylor (2012: 420). The concern of Bouchard and Taylor is the cultural identity of the French-speaking majority population in the province of Quebec, an interesting twist since it is a minority in relation to the English-speaking majority in Canada and thus can invoke minority, rather than majority rights. In the United States, support of cultural majority rights comes from liberal circles. Alan Patten, for one, claims that "majorities do have certain rights and permissions with respect to the expression and defense of their culture". He also touches upon the connection between majority rights and minority rights: "It seems arbitrary to restrict theories of multiculturalism to minority cultures if the application of the labels – 'minority' or 'majority' – can flip so easily according to context and baseline … concepts, terminology, and arguments

deployed by multicultural theorists in favor of minority rights sometimes seem relevant and applicable to the situations of majorities" (2020: 2–4). Patten supports a thin version of cultural majority rights and mentions that this can be done "without opening the floodgates to racist and chauvinist forms of majoritarianism" (Ibid). In Europe, where the backlash against minority rights has arguably been the fiercest, Tariq Modood is a strong voice for majority rights. "[I]t is fair to say that multiculturalists have not addressed the issue of the majority and do need to do so", he states, and adds, "I confess to being guilty here" (Modood 2014: 307). Modood puts the finger on one of the biggest flaws in the democratic theory: "Multiculturalists normally assume that the majority already has what the minority is seeking", and concludes that "multiculturalists need to show the same sensitivity to change, and identity anxiety in relation to the majority as to the minority" (ibid, 309–310). Modood calls for a "political adjustment", which would be mutually "sensitive to anxieties about threats to identity on the part of the majority as well" (ibid, 310–311; for similar views, see Koopmans 2018).

Back in 1995, in developing a theory of minority rights, Will Kymlicka stated that such a theory is a necessity: "There is little hope that stable peace will be restored, or that basic human rights will be respected, until these minority rights issues are resolved" (Kymlicka 1995: 5). Kymlicka was right then. But the same necessity applies today to the need for a liberal theory of majority rights. Kymlicka, however, seems to remain in the 1990s: "in a world organized on the logic of nationhood … majorities are inherently privileged, and minorities are inherently penalized" (this volume). For Kymlicka, the idea of a needy cultural majority is logically implausible: "there is no credible story of how smaller and typically poorer groups could impose their will on majorities in a democratic system" (this volume). Yet, these presumptions do not reflect contemporary Western reality, where majorities do not feel "inherently privileged" but, instead, feel (and often are) culturally vulnerable, sometimes pushed to adopt themselves to the minority culture (Bouchard 2011: 445). Whether this is true in a given society is an empirical question, but social perceptions are part of political reality. Claiming that majorities do not exist, or have no legitimate claims, is part of the "problem", not the solution.[6] While Modood suggests a political adjustment to accommodate changes in the past decades, Kymlicka offers none. Perhaps this is why, in their reply to Kymlicka, Michael da Silva and Daniel Weinstock remind him that "the issue is political, not philosophical" and, further, that "rebranding" multiculturalism "under a new name [e.g., interculturalism] will not change this", due to "the unpopularity of the multiculturalist 'brand'" (this volume). Hence, a new theory, based on revised assumptions that consider the changing political reality, is urgently needed.

Talking about majority rights causes uneasiness due to fears of possible abuse of the concept for illiberal agendas. In *Liberalism of Fear: The Second Coming*, Yael Tamir shows how fears triggered the discourse of nationalism: "Minorities fear the power of the majority, and nowadays majorities fear the growing influence of minorities. What you fear reflects where you stand. In order to understand political reality in all its depth we must therefore query who is afraid of whom, why and when" (this volume). Tamir's point is compelling: the challenge of majority nationalism can only be addressed when majority fears are not ignored. Silencing fears leaves a fertile soil for populism. The more liberalism has envisioned a post-national world, the more post-liberal nationalism has become. A liberal theory of majority rights is not only in the interest of those who care

about cultural majority rights—it certainly should not be left to right-wing parties—but it is also in the interest of those who care about cultural minority rights.

Classical liberalism had individuals as its center, not groups. It recognized neither minority rights nor majority rights. However, in a world where groups exist, de facto if not de jure; assimilation is unwelcome, even condemned; and minority rights are alive, even over-catered, there are cases in which majorities need protection as well. Such protection should apply when the structural democratic privileges of the majority are insufficient to slow down its cultural dissolution (for "asymmetrical multiculturalism", see, e.g., Kaufmann 2019: 52-54, 516-521).

VULNERABLE MAJORITIES

A situation in which majorities need their cultural rights protected can occur in at least two contexts. The first relates to migration control. The majority culture may become vulnerable in four paradigmatic cases (Orgad 2015: 189-195): 1) *dwindling majorities*: it relates to a case in which majority groups have reached a point in which a fundamental feature of society faces a significant challenge due to, among other things, migration. This challenge is a function of the scale of migration and the capacity to absorb more migrants without a reasonable likelihood that their admission would radically affect the majority's ability to freely define its "self" in a state-based framework. Polynesian Fijians are an example. They are still a numeric majority but wield less economic power than the large numeric minority of Indo-Fijians, which is of migratory origin. The Kanaks of New Caledonia have already lost their majority status on both counts and, as a result of migration, make up less than 40 percent of the population; 2) *regional–minority majorities*: it relates to a situation in which there is a considerable gap between the characteristics of the majority within the state and the regional characteristics. A fundamental feature of the majority can be that it is a regional minority.[7] In the Baltic countries or Ukraine, the non–Russian majority lives in countries bordering the Russian Federation. Russian migration, which joins the Russian-speaking minority, is perceived as dangerous by the local regional-minority majorities of Estonians, Latvians, and Lithuanians. This is especially the case of newly independent states, which are generally less secure about their social solidarity and political independence; 3) *victimized majorities*: it relates to a case in which the majority has a rich history of persecution or colonization; victimization is comprehensively rooted in the group's ethos, and there is a plea not to be depended on the goodwill of others. The Jewish majority in Israel is an example. Jews in Israel see public conflicts through the lens of the Holocaust as a metaphor for a long history of an ongoing threat and the narrative of "never again"; 4) *minoritized majorities*: it relates to a situation in which, for historical reasons, a national majority displays a collective "state of mind" of a national minority, acting as if it is weak and living in fear for its future survival. It is a majority with "minority complexes". Examples are the Slovaks and the Hungarian minority in Slovakia, Poles and the German minority in Poland, Romanians and the Hungarian minority in Romania, and the Croats and the Serbian minority in Croatia. In such cases, further migration of people of a minority background is perceived by the majority as a threat to its integrity. The central point is whether migration brings a transformative *normative* change that seeks or leads to a significant departure from a society's basic structure. It is not necessarily about

numbers or ethnic and religious backgrounds, but rather about a transformative change to a society's basic character.[8]

The second context in which majorities increasingly feel "needy" is domestic affairs. In Western societies, there are growing demands for the adaptation of the majority culture, in its different expressions, to minority demands and rights. For instance, calls have been made that France abandon the principle of *laïcité* to accommodate the reality of multiculturalism. In the United Kingdom, there have been voices to revisit the status of the Church of England to fit in with the UK's changing demographics. Western societies face salient demands on behalf of minorities to conform to *their* way of life in the context of traditions (dress codes, customs), shared histories (core curriculum in schools), and commitment to constitutional values. In most cases, the demand is for accommodation— e.g., exceptions from compulsory mixed swimming lessons—but in other cases, the demand goes beyond that and seeks the majority to adopt the minority way of doing things in the public sphere. A useful distinction (Rubinstein 2017) is between "*illiberal* minorities", which maintain illiberal ways of life but do not seek to change the liberal way of life of the political community (e.g., the Amish), and "*anti–liberal* minorities", which maintain illiberal ways of life yet also seek to use political power, especially in parliamentary systems, to impose their way of life in the public sphere, that is, to change the way of life of others, non–members in the group (e.g., ultra–orthodox Jews in Israel). Anti-liberal minorities put at risk not only liberal values but also the very idea of multiculturalism, on the basis of which it is invoked. This is because the existence of multiculturalism depends on the *prerequisite* that the dominant culture is one that recognizes the idea of equality of cultures.

Discussing the topic of vulnerable majorities requires defining a majority (Orgad 2015: 182–189). Providing a definition that fits all cases is theoretically misguided and practically impossible, since the defining characters of the collective conscience of the dominant majority differ among societies, as does the dividing line between majorities and minorities. In some nations, the dividing lines are religion or ethnicity, in others, culture or language, and in some, political ideals and institutions. The core of the majority varies: primordial, civic, and cultural (Eisenstadt & Giesen 1995). It is also a function of the political system. One can think of a "constitutional majority", whose values are reflected in the constitution, alongside a "political majority", whose values are reflected in a political body "here and now". Constitutional theories also matter (Volkmann 2018: 1650–1651). A constitutional majority can refer to a text (constitution as a form), or to basic conventions of the political community that are not written in a formal text (constitution as a substance). For originalists, the key may be the timeless truths of a historical majority, while living constitutionalists may support an approach that accommodates a changing society. Finally, majorities have different conceptions of peoplehood. Some groups are open and wish to expand their power and sovereignty (in this regard, citizenship is seen as a method of national growth and is favorable), while other groups engage with political closure and local preservation (in this regard, new members are not encouraged). Historically, Rome was an example of the first type, while Sparta and Venice of the second.

Talks about the tyranny of the minority may be premature, yet the errors of democracy can also affect majority groups. However, while the idea of minority rights has been baked for decades, the notion of majority rights is relatively new. Political

theory and human rights law still depart from the presumption that "the majority is omnipotent, and the minority defenceless" (Adams 1787: vol. 6, III, ch. 1). This narrative is predominantly one of multicultural citizenship, under which the majority is assumed to control the state and govern it according to its own conceptions of the good life. This is no longer a full representation of Western reality. A new approach to address minority-majority constellations is thus needed.

AN INTERGROUP DIFFERENTIATION APPROACH

The conceptual foundation for theorizing minority rights has mainly been laid down by Will Kymlicka, who distinguishes between three types of ethnocultural minority groups—indigenous peoples, national minorities, and migrant groups—and formulates the rights that ought to be granted for each type. "Indigenous peoples", such as Māori people or Native Americans, are entitled to self-government and land claims; "national minorities", such as the Catalans or Québécois, are entitled to territorial autonomy and linguistic rights; and "immigrant groups" are entitled to reasonable accommodations and access to citizenship (Kymlicka 1995). In this typology, the legitimacy of the claim of minority groups towards state institutions varies according to the type of the group. In Kymlicka's analysis, "the state is understood in generic terms as a 'Western liberal democracy'" (Kymlicka 2009; 374), without considering how majority group-differentiation can or should influence the legitimacy of minority claims. Majority groups are categorically undifferentiated. In Kymlicka's words: a theory of "minority rights is virtually destined to take the form of group differentiated rights that are applicable to all (democratic) states. In short, minorities are differentiated, states are undifferentiated … both in the challenges they face and in the normative evaluations they should adopt in relation to minority claims" (ibid: 376–377). International human rights law follows this path. The scope of minority rights is not affected by the type of the majority; majorities are presumed to be the same.

Michael Walzer offers a different approach to theorizing minority rights. For him, the type of protection of minority groups should be a function of the type of state. Walzer distinguishes between four types of states: empires (e.g., the Ottoman empire), federations (e.g., Switzerland), post-ethnic multinational states (e.g., the United States), and nation-states (e.g., Germany). Each type offers a different set of minority rights: liberal tolerance in empires, autonomy in federations, pluralism in multinational states, and access to citizenship in nation-states. In Walzer's analysis, states are differentiated, while minorities are undifferentiated. Hence, minority rights are the same for all types of minority groups (indigenous, national, migrant); the factor that affects them is the state's conception of statehood—"This is the crucial point that follows from acknowledging that there are different sorts of states" (Walzer 1983a: 382).

Neither Kymlicka nor Walzer develops a relational theory of majority-minority relations. Kymlicka's *minority*-differentiation theory and Walzer's *state*-differentiation theory are unfit to deal with the challenge of *majority* groups around the world. Majorities are not one unified category but vary according to historical experiences and surrounding circumstances, which define their type, interest, aspiration, and sense of commonality, and, as a result, shape not only their rules of membership but also the essence of their political membership (Safran 1997). In order to get a conceptual grip on

different majority-minority constellations, we thus propose applying the distinction between migratory and non-migratory groups to majority groups as well.

Homeland majorities are historically rooted in (and have a special tie to) a particular territory. Their identity rests on a cross-generational cultural and political history, linked to a territory that recalls and symbolizes the past. It includes the burial places of ancestors, real or imagined, the statues of heroes, ancient ruins and historical buildings, and features of the landscape, both natural (such as the Lorelei narrows of the Rhine Valley in Germany) and human-made (such as the onion-shaped church towers dotting Bavarian valleys or the dikes and polders of the Dutch lowlands). Historical places are not only imbued with positive associations. In Germany, they include Wittenberg (where Luther preached), Frankfurt's Paulskirche (seat of the country's first elected parliament), as well as the Dachau concentration camp and the Berlin Wall. Cultural identity includes shame as well as pride, but the common denominator to both is the desire to transmit them to future generations, often in a particular place. David Miller argues that the majority's attachment to a specific territory is crucial for justifying the protection of its culture: "When a people with a distinctive national culture occupy territory over time and transform it to meet their needs, they acquire the right to preserve and enjoy the value that they have thereby created. Part of that value is material, but another part is symbolic, as the territory comes to bear the imprint of the national culture" (Miller 2016: 12). Culture is reproduced through territory: "members of the national majority come to understand their own historic identity partly through their direct experience of the environment they and their predecessors have created" (ibid). Gérard Bouchard reaches a similar conclusion. In referring to the culture of the "founding majority"—in the sense of the initial act of settlement and nation-building—he asserts that it "can legitimately claim some elements of contextual precedence based on its seniority or history" and, as a result, "preserve the cultural and symbolic heritage that serves as the foundation of its identity" (2011: 442, 451).

Migratory majorities cannot make similar claims. In particular, they can make no claims concerning the groups who were already in the territory when the first settlers arrived—Aboriginals, First Nations, or Native Americans. At most, migratory majorities can claim privileges vis-à-vis later generations of migrants who have joined an already-established society with regard to elements of the culture of the majority that have emerged *after* its migration (Huntington 2014: 39–46).[9] The Thanksgiving tradition and the US Declaration of Independence are uniquely American cultural features, as are the memories of slavery and the Civil War. However, no equivalent privilege can be accorded to elements of the majority culture that predated migration and originated in the majority's country (or countries) of origin. Migratory majorities have given up their claim to such rights by their voluntary movement to a new land. Thus, they do not have the same right to privilege their cultural identity or religion in the public sphere, as homeland majority groups would. Moreover, because migrants in settler countries came from several cultures of origin (e.g., the English, Dutch, and German roots of the original colonies of the United States, or the French and Anglo-Saxon origins of Canada), the post-migration aspects of the culture of such countries tend to emphasize cultural pluralism as a "nation of immigrants", rather than a specific ethno-culture as the core of national identity.

The combined effect of the type of the majority group (homeland, migratory) and the type of the minority group (indigenous and national, migratory) has never been systematically examined. In such a framework, the type of the majority group should be balanced with the type of minority group to decide the legitimacy of the claims by each group towards the other group. Table 1 presents the four ideal–typical combinations that result from this framework.

Table 1: Majority-Minority Constellations by Indigenous or Migratory Origin

		Majority is-	
		Indigenous	Migratory
Minority is-	Indigenous	Scots and English in the UK; Muslims and Hindus in India	First nations in settler countries, e.g., Maori in New Zealand; Kanaks in New Caledonia
	Migratory	Immigrant minorities in Europe (e.g., Turks in Germany, Moroccans in the Netherlands); Indian minorities and Polynesian/Malay-Muslim majorities in Fiji and Malaysia	Immigrant minorities in settler countries, e.g., Ukrainians in Canada; Muslims in the United States

Table 1 shows that, in addressing minority–majority constellations, it is essential to consider the characteristics of minorities *and* the type of majority they face. An indigenous minority may face majorities that are also indigenous in the sense of being historically rooted in a specific land and having a distinctive cultural identity (e.g., English and Scots, Hindus and Muslims in India, Jews and Palestinians in Israel). In this case, while there is numeric imparity between the majority and the minority, there is normative parity between them. The same holds true for the diagonally opposite constellation in which both minorities and majorities are of migratory origin (e.g., Muslims in the United States). Overall, descendants of earlier migrants have a weak normative basis to claim cultural privileges over other immigrant cultures, which happened to arrive later. A different case exists when homeland minorities face a migratory majority (e.g., indigenous Māori and British settlers in New Zealand). This constellation provides the strongest type of *minority* claims. In contrast, the case that provides the strongest ground for *majority* claims exists when homeland majorities face minorities of migratory origin (e.g., immigrant minorities in most European societies). For this reason, there should be no generalizations from analyses of minority–majority constellations in the settler countries of the New World to the countries with indigenous majorities of the Old World. There is a general tendency to extrapolate conclusions drawn from the literature on minority rights, which draws heavily on settler countries (notably, the United States and Canada), to European debates. In the absence of a theoretical consideration of the majority type, attempts to Americanize or Canadianize European states are theoretically misplaced.[10] The legitimacy of minority claims (e.g., territorial

autonomy, recognition of religious law, or exemptions from rules) should depend not only on the type of the minority group (indigenous peoples/national minorities vis-à-vis migrant minorities), but *also* on the type of the majority (i.e., homeland or migratory).

Deciding which group is of indigenous or migratory origin is an exercise in classification; there is no one-size-fits-all formula, and the classification is often the core of the debate. A valid question is, what does it mean that a group is "indigenous"? This is a challenging question for majorities as it is for minorities. In referring to indigenous minorities, the Venice Commission at the Council of Europe finds that the "time element is one of the essential criteria when it comes to the definition of the term 'indigenous peoples': the latter are the original inhabitants of the land on which they have lived from time immemorial or at least from before the arrival of later settlers" (Venice Commission 2007: 9). There is no fixed timeframe, and the answer is context-dependent. In Europe, people sometimes advance the claim that "we are all descendants of previous waves of immigrants" and, in that sense, countries such as Germany or Italy are taken as no different than Canada or the United States. There may be some truth in this claim, but it is based on an ethnic (or racial) view of political membership. In our framework, what matters is not genealogy but whether the group members share a distinctive history and cultural identity and define themselves as an ethnic group in a Weberian sense.

A similar challenge applies to the reverse question: what does it mean that a minority group is of "migratory origin"? For first-generation migrants, born in another country, this question is easily answered. For the second and further generations, born in the country of immigration of their ancestors, it is once again crucial to distinguish a genetic (or racial/racist) view of group membership from the cultural view. To the extent that the offspring of immigrants, or even the first-generation immigrants, choose to identify with core aspects of the majority culture, they become part of the majority cultural group, regardless of their skin color or of where their own cradle or that of their ancestors stood. It is a matter of choice. To the extent that they choose to retain the cultural identity of the homeland of their ancestors, they cannot claim the same rights for that culture as those who practice the indigenous majority culture. Blood and place of birth are irrelevant in a liberal approach of cultural group membership; what counts is identification.

PRACTICAL EXAMPLES

At the center of majority-minority constellations are three policy areas: immigration, citizenship, and accommodation in the public sphere. Offering a normative assessment for each area will be the focus of separate papers, yet we seek to demonstrate our claim by providing two examples, one is related to the public sphere and another focusing on immigration policy.

The first example concerns the legitimacy of religious identities of the majority in the public sphere. When it comes to national and indigenous minorities, human rights law requires states to "protect the existence and the national or ethnic, cultural, *religious* and linguistic identity of minorities", and "encourage conditions for the promotion of that identity" (UN Declaration on Minority Rights 1992: art. 1), including taking measures "to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, *religion*, traditions and customs"

(art. 4(2)). The European Framework Convention for the Protection of National Minorities (1998) is even more explicit. It requires states to "promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to *preserve* the essential elements of their identity, namely their *religion*, language, traditions and cultural heritage" (art. 5), and to "establish religious institutions, organisations, and associations" (art. 8). When it comes to persons belonging to the majority, however, they have a right to practice and express their religious practices and identities as part of the human rights to freedom of religion—as individuals, not as groups. In fact, the majority is expected, often required, to remain religiously neutral in the public space. Yet, if minorities have a right to preserve their religious identities, why should not majorities, on equal conditions, have such a right? The idea that majority identities should remain neutral, or be universal, while minority groups are allowed to preserve their religious particularity, creates asymmetric political and normative realities (Kaufmann 2019: 516-521).[11] When both the majority and minority are indigenous, the "state identity" can and should include the religious identity of the two groups. However, when the majority is indigenous and the minority is migratory, the majority has stronger claims for maintaining its religious identity as the state/public identity (e.g., religious public symbols and holidays or publicly-funded faith schools[12]), as long as it had been the state identity before the arrival of the migratory minority (as, e.g., is the case of England, Greece, and Denmark) and subject to the exercise of religious freedom for members of minority groups, without indoctrination, on a sub-state level.[13]

A second example concerns immigration. Unlike national minorities, which often cannot choose between different ways of life without special cultural privileges, immigrants can choose, and they indeed choose by moving to a new country. Voluntary migration is exactly this: a choice to adopt a new way of life. Kymlicka claimed that "In deciding to uproot themselves, immigrants voluntarily relinquish some of the rights that go along with their original national membership" (1995: 96). Likewise, Miller asserted that immigrants cannot "expect to be able to reproduce the inclusive 'societal culture' … of the place they have left. They have joined a society with an existing public culture, and although they can reasonably expect that the culture will over time adjust in ways that recognize their presence, for the moment they must acknowledge its precedence in some domains" (2016: 13). Immigrants are expected to accept not only universal values and principles but also cultural particularity of the new society—political institutions, national holidays, and religious heritages; "the contract of integration they have implicitly signed entails that they must respect the practices and institutions that the public culture of the indigenous majority supports" (ibid). Asking immigrants to respect the cultural particularity of the host country is not based on deontological or paternalistic grounds on what is good for the immigrants, but on the majority's demand for *recognition* of its way of doing things *here*, the prevailing understating of living together in *this* society, "even if this is not particularly to their [immigrants] liking" (ibid). Immigrants may require special accommodations or changes in the majority way of life as a condition for their move—this can be relevant when the majority encourages migrants to move out of self-interest—and may try to bring about a democratic change in the essence of the dominant culture once they live in a society as citizens. However, the majority can seek respect for its cultural particularity, even if it is not universally justified, the same as minorities should not provide universal justifications for their

cultural way of life as a prerequisite for it to be respected and protected (Walzer 1983b: 62; Miller 2005: 199-204). Even Joseph Carens, a strong advocate of open borders, seems to agree that immigration restrictions are permissible if "they are necessary to preserve a distinct culture or way of life" (Carens 1992: 25). Carens provides the example of Japan: "It seems reasonable to suppose that many Japanese cherish their distinctive way of life, that they want to preserve it and pass it on to their children because they find that it gives meaning and depth to their lives ... It also seems reasonable to suppose that this distinctive culture and way of life would be profoundly transformed if a significant number of immigrants came to live in Japan. A multicultural Japan would be a very different place. So, limits on new entrants would be necessary to preserve the culture if any significant number of people wanted to immigrate" (ibid: 40).

CULTURAL MAJORITY *RIGHTS*?

The greatest majority privilege is a democratic regime, since democracy, by its nature, provides inherent priorities to majorities. Very often, what is needed to protect the majority's culture is not more majority rights but fewer minority rights. A concrete majority right may be required in two cases: when the majority, due to internal and external pressures or structural political limitations, cannot protect its culture merely by democratic decision–making, *and* when members of the majority cannot secure their cultural interests, as individuals, or impose a duty on another party, but *only* on the basis of a group right, as a joint collective. In this sense, a right is the legal expression of the cultural interests of individual members as a collective. It entails that their interests are strong enough to be legally recognized in some cases and subject to some limitations.

Cultural majority rights have two sides. A negative right entails living according to cultural essentials (public holidays, social mores, religious traditions, national lifestyles) within the state and maintaining them without the interference of others, even if it is not to their liking, provided that they do not cause severe harm to others. A positive right further includes a demand for recognition of a group's cultural essentials and providing it with (financial, educational, institutional) means for continuity through generations. Continuity may require preservation of some elements of this culture, maintaining them over time, and may call for development and change, as reinterpretation and recreation are essential for cultural survival. A legal right should protect a group from changes imposed against its will, that is, a right to avoid certain types of unwanted changes by external forces. It may be related to content—a think of a constitutional monarchy, the principle of *laïcité*, and Holocaust classes—or form, namely, the process to bring about a cultural change. It is for the members of the majority to generally decide the content of their cultural essentials, and the process/pace of the change.

Using Kymlicka's typology, cultural majority rights may include *internal* restrictions—"the right of a group to limit the liberty of its own individual members in the name of group solidarity or cultural purity"; and *external* protections—"the right of a group to limit the economic or political power exercised by the larger society over the group, to ensure that the resources and institutions" on which the group depends are not vulnerable to external decisions (Kymlicka 1995: 7). Kymlicka's typology, which applies to cultural minority rights, holds for majority rights, too. *Internal* restrictions can protect

a group from the decisions of its members, which, due to a collective action problem, fail to defend their culture. Patten (2020: 10) gives a useful example: "A related phenomenon is the recent 'AirBnB-ization' of certain historic European cities, like Barcelona and Florence. No individual decision to rent out an apartment as an AirBnB makes much of a difference to the historic cultural community. So even people who value their historic culture may find it rational to do so. But when large numbers of people do it, the impact may be substantial". In such a case, as Pattan shows, the cultural defense may protect a majority from itself, since its members face a collective action problem and fail to cooperate to protect the Florentine way of life (as long as they value it and generally desire to preserve it). Perhaps more important is that each group member, as an individual, will also fail to do so, since the interest to protect the cultural particularity of Florence cannot be an individual right but only a collective right, even if its fulfillment limits the freedom (and property rights) of individual members.[14] Alongside internal restrictions, *external* protections can provide a shield from forces of the larger society, which, in the case of a majority population, can be sub-national demands, such as cultural minority rights, supra-national powers, such as the European Union, and transnational forces, such as international migration. External protection implies the consideration of cultural majority interests when balancing inter-group demands. For instance, it may recognize a policy outcome that, in the absence of cultural majority rights, could be considered unjust. It can be a *justification* for a certain policy, or an *excuse* to deviate from a particular legal norm—a form of mitigating circumstances.

While these observations are general (quite obviously, the scope of majority rights should be country-specific), the justifications for cultural majority rights are stronger when the majority culture is vulnerable—in these circumstances, the majority's claim resembles the characteristics of a minority group facing internal and external pressures of cultural dilution; when the majority is a homeland (rather than migratory) group; and when the claim is based on universal (rather than particular) values. To these three factors—the nature of the claim, the type of the group, and the degree of vulnerability—one should add the type of the minority group, the nature of its claim, and its cultural vulnerability in order to properly assess majority–minority constellations. Other considerations are the severity of the threat posed to the group culture, the probability of it occurring, and its consequences; the moral value of the culture, its strength and centrality in defining the group identity (e.g., historically-rooted modes of life); and the principle of justice: is cultural protection bringing a more, or less, just society? The central consideration is the *normative* transformation that the majority culture faces due to internal and external reasons, rather than the numerical ratio between the majority and the society outside. Numbers may become central when the majority's ability to enjoy cultural preservation, development and continuity is connected not only with interests to protect some cultural essentials but also with interests to protect the dominant *status* of being the majority in a given territory or the normative and institutional framework that enables this (e.g., immigration control, public school curriculum, state-funded organizations, territorial rights, constitutional amendment procedures). Taking into account the rights of *both* minority and majority groups allows us to go beyond a one-sided assessment and consider the full spectrum of the issue.

CONCLUSION

The rise of multiculturalism has been a significant development in human rights law. At the outset, multiculturalism was a demand for respect, equality, and justice, which later turned into a language of accommodation, diversity, and recognition, mostly for oppressed and marginalized minority groups and as a compensation for the errors of democracy, which prioritizes majorities. Yet multiculturalism has taken a life of its own, swinging too far in one direction. In recent years, the demand is that the majority identity remains neutral in the public sphere and that even political liberalism, the structure that has allowed multiculturalism to flourish, should compete with other cultures in "the marketplace of cultures".[15] This is not just a battle of laws but a battle of narratives, founding stories, of how to organize societies and live in political communities.

Political theories must keep pace with the times. A good theory is rooted in reality. The establishment of modern democracy in Europe was associated with a fear of the tyranny of the majority. In view of the developments discussed in this paper, we contend that the point of equilibrium between majority and minority rights needs to be adjusted. In a rapidly changing political reality, the cultural identity of majorities, too, can fade or even disappear. And no group, majority or minority, wishes that its culture only be preserved in a museum. Charles Taylor rightly says, "if we are concerned with identity, then what is more legitimate than one's aspiration that it never be lost?" (1994: 40). But the aspiration that cultural identity will never be lost cannot last forever, as cultures often cease to exist. "The body politic, as well as the human body, begins to die as soon as it is born", tells us Jean-Jacques Rousseau regarding nations. Yet the body politic differs from the human body. The death of the human body is a matter of nature, but the death of the body politic is a matter of politics (1762: book III, ch. XI).

This paper suggests a new approach to majority-minority constellations. For decades, the topic of minority rights has been examined mostly through the lens of minorities; the specific type of the minority group (indigenous, national, migratory) defines its rights and entitlements. The type of the majority group (homeland, migratory) has been absent from the equation and has rarely affected law and policy. Against this background, majority groups in Europe and North America (and elsewhere) have rebelled against asymmetric identity politics in the sense of "not being given adequate recognition—either by the outside world, in the case of a nation, or by other members of the same society" (Fukuyama 2018: 9). The liberal left has often ignored the cultural demands of majority groups, labeling them (sometimes justly) as racist and populist. By simply dismissing the cultural sentiments of majority groups, liberal scholars "have failed to address the circumstances that have provoked these sentiments" (Judis 2018: 20). This paper advances a more nuanced group-differentiated approach that takes into account the type of both minority and majority groups in order to decide their relative rights. Only by a mutual consideration of the type of each group, can competing demands of majorities and minorities be fairly evaluated. This mutual consideration (and recognition) is crucial for understanding the changing premises in democratic theory and contemporary world politics.

ENDNOTES

[1] *See also* Kymlicka (1997: 62): "national minorities are no different from the members of majority nations . . . Anglophones in Ontario (or Illinois) are as deeply attached to their language and culture as Francophones in Quebec or the Flemish in Belgium. If the demographics were reversed, and Anglophones in the United States were outnumbered by Francophones or Hispanics, then they, too, would mobilize to gain official recognition and support for their culture . . . were their identity to be threatened, national majorities would mobilize in just the same way as minorities".

[2] Most democratic systems are hybrids, yet their common denominator is a majority rule. "The people" rules through a majoritarian decision-making process or, to use de Tocqueville's words, "the majority governs in the name of the people" (1835: vol. II, part 2, ch. 1).

[3] The privileges of the majority in a democracy are *structural*; they are built-in the system and guaranteed by design. Think of voting rules, public institutions (e.g., public schools and state-owned media), legal interpretation (e.g., what counts as "reasonable" and "proportional", "treason" and "rape"), dissolution of political parties whose actions undermine the majority's values, and constitutional entrenchment, which obstructs a future majority from advancing a change of the values and institutions of a past/present majority by democratic contestations.

[4] For a detailed account of ten changes that have given rise to majority nationalism, *see* Orgad 2015: 19-50, 170-178. These changes occur in the patterns of international migration (number, composition, pace), the Western society (demographic shifts, identity crisis, human rights laws, welfare states), and the world (geopolitics, technology, globalization).

[5] Ironically, it is at this point—when the majority sense of being a culturally distinctive group faces external pressure and becomes defensive—that the majority is also blamed for being nationalist. This is asymmetric because, when a core feature of the minority culture is becoming defensive, it is mostly seen as a morally justified response, rather than "minority nationalism".

[6] It seems that Kymlicka does not object to the concept of majorities, but to the assumption that they are, or can become, culturally needy. This is an empirical rather than normative controversy.

[7] A similar spirit appears in the Additional Protocol on the Rights of Minorities to the European Convention on Human Rights, Recommendation 1201 (1993), article 13: "The exercise of the rights and freedoms listed in this protocol fully applies to the persons belonging to the majority in the whole of the state but who constitute a minority in one or several of its regions" (Parliamentary Assembly 1993). A regional-minority majority can also exist within states. Bouchard refers to the situation of Canada where "The francophone majority is a minority nation within Canada and a cultural minority on the continent" (2015: 11). Bouchard mentions that "the francophone majority is itself a precarious minority that needs protection in order to ensure its survival and development in the North American environment and in the context of globalization" (2011: 441). This may also be the case of Scotland, Wales, and Catalonia.

[8] For instance, the demographic changes in the U.S. population as a result of migration are more radical than in Europe, yet the normative change in Europe is seen as more dramatic than in the United States.

[9] Huntington distinguishes between "migratory majority" and "settler majority" to claim that America's founders were not "immigrants" (who moved to an already-existing polity) but "settlers" (who established an entirely *new* polity). For him, only groups who later joined the Anglo-Protestant majority are "immigrants" (2004; 39-46). From this proposition, he derives the "right" of the majority to require assimilation to its Anglo-Saxon culture from newcomers.

[10] We agree with Michael Walzer that, "Most liberal nation-states (think of Norway, France, and the Netherlands as examples) are more like Quebec than Canada. Their governments take an interest in the cultural survival of the majority nation; they don't claim to be neutral with reference to the language, history, literature, calendar, or even the minor mores of the majority" (Walzer 1994: 100).

[11] Compare to Miller: "in many cases public cultures will bear the imprint of the religion that historically has been dominant in the nation in question. This may take institutional form if the country has an established church, or in some other way gives public recognition to one religion at the expense of others. Under these circumstances, the general obligation that immigrants bear to acknowledge and adapt to the public culture of the receiving society must include an obligation to acknowledge, for public purposes, the precedence of that religion. Clearly, this does not mean that they must convert to the national religion, or give up their own beliefs and practices … they must acknowledge and adapt only in the sense of recognizing that in matters of public culture, one religion may take precedence, for example where the state recognizes an established church" (2016: 13-14).

[12] Such privileges may be restricted only to the indigenous majority and minority groups because they have historically arisen from the desire to preserve and protect these cultures and do not apply in the same way to immigrant minorities. For instance, having Frisian-language instruction in public schools does not imply that Turks should get that right, too; state funding for Catholic schools does not imply that Muslim schools should have that right.

[13] One prerequisite for cultural majority rights is the assurance of cultural minority rights within sub-state units.

[14] Patten notes that "Government regulations and restrictions in this kind of context will strike many as a reasonable exercise of the majority's right to protect its culture" (2020: 9-10).

[15][15] In his chapter in this volume, Moodod places multiculturalism and liberalism on an equal footing and concludes that the liberal state should not prioritize liberalism over other cultures. Moodod presupposes that liberalism is a "culture", which should compete with other cultures, yet does not provide justifications for that or explain the normative implications of this approach. If the dominant "culture" is not liberal, would liberalism still be able to be balanced with other cultures? Would it bring a more or less just society? What if the dialogue between a liberal "culture" and a nonliberal culture ends up with no accepted solution; should the majority tolerate female circumcision and polygamy, two examples that Modood uses?

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