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What Makes Culture Special?

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In *Equal Recognition*, Alan Patten proposes a non-essentialist understanding of culture that nonetheless makes the interest people have in their culture weighty enough to justify some strong minority rights. In doing so, he acknowledges and indeed highlights the control element of cultures. What makes a culture, in his account, is not a set of shared practices and beliefs – there is always too much heterogeneity and transformation for that - but the existence of ‘an unbroken chain of intergenerational transmission’. ‘So long as one generation of a culture is controlling the socialization of a new generation or group of newcomers, there is cultural continuity.’ (p50) This is culture as socialization, not culture as essence, or culture as chosen. Patten talks freely of individuals as ‘subject’ to formative influences, ‘exposed’ to dominant discourses, inculcated into the culture through ‘robust’ mechanisms of socialization, and ‘manipulated’ by elite group actors. He regards it as an advantage of his account that it ‘accents the role of power and avoids the dewy-eyed romanticism that sometimes characterises people’s attitudes about their own culture’ (p99). I very much endorse this understanding of the power relations through which cultural practices and traditions are typically transmitted. But I find it odd that this clear-eyed perception of the way cultural groups exert control over their current and future members then generates rights grounded in *self*-determination. I find it particularly odd that the capacity to exert this kind of control becomes one of the things that makes cultures special.

I share Patten’s critique of exclusionary nationalisms and the unequal treatment (discrimination, disparagement, marginalisation) often meted out to minoritised groups; but

as he rightly says, 'liberals should have no trouble saying that an injustice has occurred' in these circumstances (p150). The more challenging questions arise when what he calls basic liberal proceduralism is in place: when people belonging to cultural minorities are as secure as anyone else in their enjoyment of basic liberties and fair equality of opportunity, and yet these very conditions can still hasten the decline of their culture. A state that represents all its citizens, he argues, is obliged to do more than offer basic proceduralism. It is obliged to extend a fair opportunity for self-determination to everyone, and this means aiming at neutrality between different conceptions of the good. Since persons 'normally have a weighty interest in being able to fulfil their cultural values' (p29), conceptions of the good that are threatened by cultural decline (with culture understood here in the pretty standard multicultural way) are then singled out for special attention. This is the aspect I want to focus on here.

The contrast between a basic and a full proceduralism is compelling. As defenders of Quebec's language policy have long argued, official bilingualism looks on the face of it to offer fair equality of opportunity to francophone and anglophone alike, but in the context of a dominant English language media, and greater employment prospects across the rest of Canada and the USA for those who are fluent in English, there is a 'natural' tendency for the use of French to decline. In Patten's example (borrowed from John Terborgh), Misael moves his family from a remote area of the Peruvian Amazon in order to give his children better educational and employment opportunities, but in the process loses the capacity to pass on to them the language, skills, and traditional ways of Machiguenga culture. That he chose to move is not, in this account, enough of a reason to dismiss all concerns about the subsequent cultural loss. That his children are, in many ways, better off (indeed, that they themselves are unlikely to bemoan the loss of what they never knew) is also not a good

enough reason. Misael has lost control over the socialisation of the next generation; he has had to cede this to his children's school, the local community, his children's peer group of friends, their partners as they grow up, and so on. In Patten's account, this is a disruption of the mechanisms of cultural transmission, and even when basic liberties are protected and fair equality of opportunity is in force (and, of course, very often this is not the case), it is potentially a cause for concern.

But there are many mechanisms of cultural transmission that are disrupted by social, economic, or geographic mobility, so why are some disruptions be regarded as sufficiently problematic to justify strong cultural rights and not others? Patten has his own answer to this, revolving around the extent to which a disruption deprives members of one cultural or linguistic group of the opportunities for self-determination that are enjoyed by members of another cultural and linguistic group; a lack of fairness, that is, in the options and opportunities available to different people. My claim, in this comment, is that he also avails himself of a prior distinction between the disruptions experienced by language groups, indigenous peoples, and national minorities, and those experienced by members of particular social classes or people previously subjected to particular gender regimes.

Twentieth century literature is full of stories of individuals who were enabled, often through the support of some inspirational school teacher, to move into a social milieu where they became subject to different socialising influences: the miner's son, for example, who goes away to university, and finds himself unable, on his return home, to connect easily with his parents. Never quite at home in the new world that opens up to him through this university degrees, but no longer at home in the family and community through which he had been socialised, this character lives his life with a sense of dislocation, of never quite fitting. He experiences what we could well term cultural loss. The story is rarely told from the

perspective of the parents, but they too presumably feel that much has been lost even while something has been gained, and may regret their inability to pass on to their son's children (the story is almost always about a son) those ways of thinking about oneself and others that they had passed on to their own children.

Many people will sympathise with this sense of loss. The story may, moreover, indicate some unfairness in state practice, so not just an unfortunate but inevitable effect of social mobility, but something that could be at least partially addressed by policy change. It may be, for example, there has been a regime in schools of treating those who enter manual trades as lesser beings than those who go to university, and that this has encouraged a disparagement of working class people and working class communities that the newly successful graduate then imbibes on his trajectory of upward mobility. We might, as a consequence, argue for changes in the practices and ethos of schools that will help combat this effect. I doubt, however, if we would frame the problem as a potential failure of neutrality between different conceptions of good, and even in describing it as a story of cultural loss, it is unlikely that we would look to solutions that might help halt the cultural decline. Why not?

To take a different example, think of the mechanisms of cultural transmission as regards gender. There are powerful institutional forces, operating through the economy, politics, media, law, education, and the family, that combine to transmit and legitimate particular gender expectations and roles. In most instances, one cannot identify a group that controls the transmission process or sets itself up as the authority pronouncing on the appropriateness of particular gender roles, but there is enough coherence to the process for many of us to think it legitimate to talk of a gender order or gender regime. Parents who

transport their children to a different kind of gender regime – not because they wanted to live under different gender codes, but because (like Misael) they wanted to provide themselves and their children with better educational and employment opportunities – may find themselves unable any longer to control the socialisation process. It may be, for example, that in the dominant gender regime of their previous life, it was the norm for parents to select appropriate life partners for their children, and for parents and children alike to accept forms of arranged marriage as a way of securing the closeness of familial relations. Under the changed conditions, where the children are exposed to the influences of their school and school friends, to (often misleading) discourses about self-fulfilment and romantic love, and to new expectations about parent/child relations, the children may begin to balk at the idea of parents choosing their life partner. (They frequently do, and this is the point at which previously consensual arranged marriage sometimes turns into forced marriage, for not all parents are willing to accept this change.)

Again, we may sympathise with the parents' sense of loss, and may feel it is well described as a cultural loss. If, moreover, the schools have been teaching children that arranged marriage is pre-modern and wrong, or failing to differentiate in their discussions between arranged and forced marriage, we might well see this as an illegitimate disparagement of cultural difference that fails to extend an equality of recognition. But whatever we might then recommend in terms of policy change, I doubt if we would think that fair opportunities for self-development required us to reverse the decay of this particular gender order. I particularly doubt if the liberal who is the target reader of Alan Patten's book would favour this.

My point here is not just the familiar one rehearsed in the feminism versus multiculturalism debates: the idea some kinds of 'cultural loss' are more appropriately mourned than others; or that what appears as a loss to some members of a group can be very much a gain for others. Though Patten has little to say about these issues, I take it that he would agree with this charge. Indeed his comment that 'some cultures may be so grossly oppressive or chauvinistic as to lack any value at all' (p66) is tougher than anything Susan Moller Okin ever had to say about oppressive cultures. He is not arguing for a right to cultural preservation; he is not saying that any evidence of cultural loss thereby triggers a right to cultural protection; he explicitly rejects arguments from the badness of cultural loss to focus on the case for fair treatment of cultures. We care about how cultures fare, he argues, 'because we care about the ease with which people having culture-related preferences can access options that correspond with those preferences' (p159); we care, that is, about the fair treatment of people with different culture-related preferences, not about the preservation of culture per se. But when he makes unbroken chains of transmission central to his understanding of culture, and the potential disruption of those chains the first stage in identifying cases of unfair treatment, he lays himself open to the suggestion that he favours preferences related to tough socializing mechanisms over those related to milder ones. Though he offers a potentially broad definition of culture as 'what people share when they have shared subjection to a common formative context' (note again the language of subjection), he takes this to mean people sharing a common social lineage, not people who might owe their social formation to a particular class culture or particular occupational culture or particular gender regime. His paradigm cases of cultural loss are language groups, indigenous peoples, and national minorities, and part of the justification for this selection is that these are groups that have sustained themselves (in the

past) through powerful mechanisms for inter-generational socialisation, and have previously enjoyed unbroken chains of cultural transmission. He is preoccupied, that is, with groups that have hitherto had the ability to control the socialization of new generations and incomers but are in danger of losing this to a majority or privileged or in some other way now dominant socializing group. He is entirely clear about the power relations associated with culture – the capacity to regulate and constrain and impose – yet it is this previous capacity for control that seems to provide the measure of significance in thinking about who might qualify for cultural rights.

In his argument, the more explicit basis for differentiation is that some conceptions of the good are more significant for self-determination than others. Some conceptions are said to occupy a particularly pivotal position in the set of our ends; some are experienced as of a more non-negotiable character; and some have special recognitional salience, such that the failure to treat them neutrally could convey the judgment that the person pursuing them is worthless or deficient. But this hardly seems compelling as a basis for separating out the 'cultures' that might claim minority rights from those that cannot. Deaf culture would seem to qualify on these criteria as much as Machiguenga culture. The reason it doesn't, for Patten, is partly because he has a somewhat optimistic view of liberal anti-discrimination as already providing an adequate basis for challenging racism, sexism, disablism and so on. 'Standard liberal theories', he argues, 'already have plenty of ammunition for condemning state-sponsored racism, sexism, and so forth, and so it is not obvious that we need recourse to an idea of recognition to say what is going wrong in these cases.' (p164). Basic liberal proceduralism, by implication, is perfectly adequate for these.

I agree with him in his critique of basic liberal proceduralism, but see this as applying well beyond his paradigm cases. I am, moreover, reluctant to follow a line of argument that seems to identify the groups whose treatment demands more than basic proceduralism on the basis of how strongly they have, in the past, managed to control their members. My own somewhat moderate defence of multiculturalism falls into what he would probably describe as the 'derivative' category, the derivation in my case being from notions of equality. Like him, I am very much concerned with the ways seemingly neutral state policies in practice favour particular sub-groups within a society. But I see inequality of treatment as something that is produced and reproduced across a range of different contexts - race-related, gender-related, class-related, culture-related, to name but a few - and I find it more helpful to think about the parallels and intersections than to pick out some of these as representing distinct paradigms of inequality or injustice. Culture in the broad sense of shared values, meanings, norms, and conventions is part of how all inequalities are sustained, while culture in the narrow sense of shared social lineage is one of the axes around which unequal majority/minority relations revolve. It is, however, only one of these. Arguments for cultural accommodation that draw on the limitations of basic liberal proceduralism share much common ground with feminist critiques of the public/private divide as obscuring gender inequalities, or analyses of institutional racism that explore the non-intentional workings of racial power. Each of these can generate policy recommendations that go beyond the guarantees of basic liberties and fair equality of opportunity that figure in a Rawlsian conception of justice. What is gained by treating 'culture' as special?

The one context in which it seems to me plausible to view the case for cultural rights as qualitatively distinct from other arguments for equality is where there is an issue of

historical injustice. Despite the parallels I have drawn above, I do see some grounds for viewing the kind of cultural loss experienced by Misael as distinct from the cultural loss experienced by my upwardly mobile miner's son and his parents, or the cultural loss experienced by parents of the now resistant children who refuse to accept an arranged marriage. My reasons, however, would be informed by evidence of a history of dispossession, discrimination, or subordination, and of the ways in which that history continues to be expressed in present inequalities. This is not something explored in *Equal Recognition*. History does figure in the argument: it figures as the evidence that a group is the kind of group that previously enjoyed the capacity for cultural transmission but is now succumbing to the larger power of the dominant community. But since it is important to Patten's argument that he is addressing cases where standard notions of justice are already met – where basic proceduralism is in place – he is less focused than some other accounts on the way historical mistreatment bleeds into the present. His argument, as I understand it, does not depend on claims about the group in question having been subjected to unjust relationships in the past. It depends, rather, on the fact that the group used to be able to exert particularly effective socialising power. I find this hard to accept as the compelling justification for minority cultural rights.