**Reassessing Recognition**

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Alan Patten’s *Equal Recognition* presents a series of powerful and original arguments in defence of a liberal theory of minority cultural rights.[[1]](#endnote-1) At the same time, *recognition*, the master-concept that threads through the book, points also towards a body of theory and an intellectual approach orthogonal to Patten’s liberal framework, a point he briefly notes (163). My aim here, which is more commentary than criticism, is to explore something of the alternative conceptual lineage of recognition, and briefly to speculate on how this usage might be accommodated within his account.

For Patten, the justice of cultural recognition is conceptualised in terms of a distinctive account of liberal neutrality as fair accommodation towards diverse conceptions of the good. The state has a pro tanto duty equally to accommodate each person’s ‘self-determination’, or fulfilling the conception of the good that one happens to have (130). Self-determination is a dimension of autonomy (100, 109, p.132). Thus individuals have an interest in revising their conceptions of the good if they are pursuing worthless ones, and they are responsible for ensuring that their conceptions of the good can be met within the fair background conditions defined by liberal justice, for example revising those which involve expensive tastes (139-45). The value of self-determination is especially acute in the case of personal commitments with a certain character (133-6). These include when a particular commitment has pivotal role in their pursuit of a whole set of ends so that frustrating it would deny those other ends too (two examples are religion and language use); when elements of one’s conception have non-negotiable character; and when commitments are ‘implicated in the basic relationships of respect and recognition that a person enjoys with other members of society’ (135-6). A failure to extend equal recognition to a person holding such a commitment – Patten’s example is same sex marriage – would denigrate or disparage those individuals who cleave to it.

A further plank of the argument is a thesis about the identity and individuation of cultures, given that they evolve over time. The challenge is to vindicate a claim about cultural continuity, necessary to show that cultures may be disadvantaged, without at the same time essentialising cultures. Patten’s solution focuses on the social lineage of people who share cultural beliefs, meanings and practices. Cultures are identified by the distinct formative conditions its members experience which explains the institutions and practices which constitute it (51). No particular set of practices and institutions, just by themselves, constitute any culture (50); rather, they emerge in a formative context which was at least some extent isolated from the formative conditions to which outsiders were subject (54). Individuals participate in particular institutions and practices reflecting the formative conditions to which they’re subject, while their participation generates the formative conditions for the next cohort, and so on (53). The question of justice is who controls the socialisation processes at work in these formative conditions. When a minority culture controls its own political, economic and educational institutions then it will be able to maintain its culture’s identity over time (47-8). A failure of control, conversely, threatens cultural loss. A culture whose members share a common territory, language, and political, legal, bureaucratic, economic and media institutions tends to emerge as a ‘dominant discursive practice’ (55) of cultural narratives, references and so on. This raises questions about minority groups in the territory who identify less with the dominant discursive practice.

Patten gives the complex concept of recognition a distinctive meaning. In general, for the state to recognise a conception of the good is to accommodate it, to assist in some just and fair way, with its fulfilment. It is identity-related conceptions of the good which are Patten’s interest; those where individuals’ preferences reflect their deeper commitments (158), having as we saw a pivotal role or non-negotiable character; and where those commitments reflect an individuals’ membership of a cultural community (158). Accommodating a conception of the good does not guarantee its flourishing. Instead it involves laws, policies, resource transfers and institutional arrangements which give individuals a fair go at realising their identity-related aims, given the point about personal responsibility above. Equal recognition seeks equally to accommodate identity-related conceptions of the good, relative to a baseline of fair opportunity for self-realisation (118). Expanding the range of official languages recognised by public institutions and available to access public services is one example of an equal recognition policy. Giving employees the latitude to take off those days of the week which are associated with their minority religion is another. Federal political arrangements are an important branch of equal recognition since, by delegating self-government powers to territorialised minority groups, the state recognises how those arrangements reflect their distinct interests, and sense of identity (165).

Recognition, as I said, denotes a larger intellectual landscape than found in *Equal Recognition*. I chart some features of that landscape by means of three distinctions in recognition, examining, in each case, how they map on to Patten’s conceptualisation.

The first distinction is between conceptualising recognition as accommodation of individuals’ aims, and conceptualising it as valuable in itself for more constitutive sorts of reasons. On Patten’s accommodation account of recognition its value lies in fostering individuals’ opportunities for self-determination, something which enables them to lead flourishing lives. But we might also think about the conceptual shape which recognition has in itself, and how the ‘equal’ in equal recognition can be given a stronger inflexion. Though I can’t articulate it as clearly as I’d like, my own view is that equal recognition denotes a fundamental equal status among the members of polity, a basic egalitarianism in the way citizens relate to one another. Absent pathologies of subordination and superordination, recognition considered this way registers each citizen’ basic right to inclusion in the polity they share. It affirms that each person’s interests count and they are equally members of political institutions; none has a higher status than others. This intrinsic value account of recognition points towards an ideal of social equality in individuals’ civic status.

The distinction between accommodation recognition and intrinsic recognition might not appear to matter much if the latter is realised whenever the former is secured as a matter of justice. That is often the case because, when the state secures fair background conditions for an individual to pursue her conception of the good, it also signals that her status matters, that she has an equal claim to pursue her aims. However, if for no other reason, distinguishing between the accommodation and intrinsic accounts matters because it reveals something about the structure of the value of recognition. But more than that, in some cases the equal accommodation argument may not be able to account for the injustice at stake and the intrinsic value account comes to the fore. One such case is the non-coercive or symbolic dimension to religious establishment, including examples such as posting the Ten Commandments outside a public building, nativity scenes and other public religious exhibitions, or displaying the Christian cross in a state school. A compelling argument against such religious symbolism is that it elevates Christianity over other religious (and non-religious) beliefs, delivering a message that the latter have a lesser official status. Whether symbolic establishment is all things considered unjust is a further question, but I raise the issue because the intrinsic value account seems to explain well what we find objectionable about symbolic establishment; that it gives greater recognition to some citizens than others. It is less clear whether Patten’s equal recognition account can capture this wrongness since the symbolic institutionalisation of Christianity does not really impede non-Christians from achieving their goals, and thus achieving their identity-related conceptions of the good.

For another example, imagine a young citizen who is a member of a national minority but who has no special ambition to keep that minority’s distinctive language alive (she does not speak it nearly as well as her parents), nor to participate in its governance or to maintain its traditions and customs. Even though this individual has no peculiar identity-related aims she may still identify with the national culture of her ancestors and hence have reason to object if it is subordinated in public life. Such a view might be held by a Briton of South Asian heritage, who cares very much about the treatment of her culture of origin in the wider society, even if there are no particular cultural practices she pursues. This raises, of course, questions about the relationship between cultural justice and identity justice, and how far one can disentangle them, an issue which Patten discusses early in the book (58-61).

Patten does acknowledge some ideas in the vicinity of the intrinsic value account. We earlier noted his point that citizens can be disparaged as a result of their identity-related commitments. He says too that ‘people frequently feel excluded or denigrated by the unequal treatment of their religion by public institutions’ (168), and that decisions about flags and official emblems help minorities feel more symbolically included (166). Flying the Confederate flag from US buildings (165), for example, symbolises an antebellum US where black Americans suffered the indignities of second class status. Something a little like this indignity also afflicts Misael, a member of the Machiguenga culture of the Peruvian Amazon, who is introduced in Chapter 2 to illustrate cultural injustice. Forced to take a menial job in a multi-ethnic town elsewhere in Peru, Misael too experiences a second class status (46).

We might ask how fundamental the value of individuals’ civic status is compared to the equal accommodation view of recognition with its liberal focus on autonomy. That is a large question and not one I can answer here. The different views of recognition will be more or less relevant in different contexts, though I will gesture toward the view that equal status is a precondition of the successful pursuit of one’s aims. Instead, I will say a bit more about the interests underlying intrinsic recognition by means of a second distinction, implicit in the above, between a conceptualisation of recognition as aim-assisting and a conceptualisation as identity-forming. Patten’s argument for equal recognition hinges on the former. Identity-forming recognition, by contrast, comes in a number of versions. One very strong view is that individuals need to be affirmed by at least some other persons in order to realise any identity at all. Without such affirmation there would be nothing holding together their diverse wants, desires and urgings. An alternative to this ontological view of recognition is a normative one where others’ recognition is necessary in order for persons to realise morally adequate relationships to themselves. Self-respect is often invoked as a candidate for this self-relation both as a basic constituent of a flourishing life itself, and because without self-respect individuals cannot adequately form and pursue their life goals. Self-respect, then, is a value which intrinsic recognition realises, making it extrinsically valuable too. Subjected to a second class status, self-respect is one important good which Misael may well lack. If the self-respect view is correct, that is plainly important for an account of cultural rights such as Patten’s which focuses on the fair background conditions for individuals to pursue their goals. The social bases of self-respect might be one such background condition.

Rawls takes a relatively narrow view of these social bases which consist principally in citizens’ recognition of each other’s rights and liberties. But we can ask too whether recognition of one’s culture is also a necessary to realise self-respect, and thus accommodate individuals in the identity-forming sense. This argument is sometimes made by liberals. Will Kymlicka, for instance, makes a few brief remarks on acknowledgment of one’s cultural membership is a precondition for self-respect.[[2]](#endnote-2) More often, though, the point is made by critical theorists and communitarians as in Charles Taylor’s argument that the state should positively affirm the value of individuals’ particular cultural affiliations.[[3]](#endnote-3) But in a society marked by cultural pluralism, the principle of liberal neutrality, whether interpreted in justificatory terms or on Patten’s fair opportunity conception, will count strongly against interpreting recognition this way.

That point about neutrality aside, I want to explore how the liberal state’s recognition of individuals’ cultural identity might legitimately shape a theory of justice. To do so, we can make a third distinction in recognition, between its narrow and wide dimensions. By narrow recognition I mean the state’s laws, policies and institutional design, as configured for example in Patten’s account of equal recognition. By wide recognition I mean citizen’s beliefs, values and attitudes, and the way these express an evaluative assessment of individuals’ identities and affiliations, cultural or otherwise. Wide and narrow recognition can pull in different ways, as can be seen by the example of a racist or sexist society where the state nonetheless seeks to enforce anti-discrimination laws. Sometimes narrow (equal) recognition can help prompt a shift in the social attitudes of wide recognition, as seems to have occurred through the increasing legal recognition accorded to same sex couples in some liberal democracies for instance. But narrow recognition might also prompt a conservative backlash in a population that is not yet ready for liberal reforms. Ideally, wide recognitive attitudes and the laws and policies of narrow recognition should be in alignment, but they won’t always be.

One way of cashing out the intrinsic value view of recognition is to interpret wide recognition as a central component of identity-formation, and also something which is necessary for self-respect. Taking an indirect approach to such recognition can be a way of bypassing the neutrality objection where the claim will be that a person’s cultural affiliation should matter to us, her fellow citizens, because it matters to her, a member of a minority.[[4]](#endnote-4) There is no official state assessment of that culture, but rather the recognition that its treatment is a central component of a person’s self-assessment and her flourishing, necessary perhaps for her successfully to pursue her aims. Wide recognition is not necessarily easy to achieve. As I noted, narrow recognitive measures can sometimes help shift wide recognitive attitudes. Registering minority history in school curricula and commemorating it in exhibitions, festivals, displays, and public rhetoric may give such history a greater public presence, for example. Such measures announce the public status of minority groups, and together with wider attitudes this impinges on how persons evaluate their place in the shared social world, at least if the claim about self-respect is correct. Patten’s equal recognition approach certainly supports these sorts of measures, but I am suggesting an independent way to make the claim, one anterior to individuals’ pursuit of their identity-related cultural commitments.

A further way that recognition might influence a theory of justice takes us back to Patten’s social lineage account outlined earlier. The social lineage account is a view about both cultural identity, and a perspective on cultural injustice. On the latter, the idea is that if a culture is not in command of the formative conditions of its own evolving practices that is prima facie unjust. I separate out the identity and justice elements here because I want to distinguish between the notion of *isolation* that plays a role in the account – distinct cultures experience relatively isolated formative conditions – and the idea of social *control*, with its suggestion that justice involves enjoying some normative authority in shaping the socialisation processes of one’s group. It seems to me that one can have the latter without the former. As Patten notes at one point there are cases where less powerful groups are socialised into society’s central institutions but in a different way than dominant ones, men and women perhaps being one example (57). This suggests that sometimes minority groups may share the same wider culture as the majority, but lack the much of a say in that culture’s beliefs and practices. Dominant groups can act to reproduce social structures which keep in place keep in place formative conditions from which emerge norms, beliefs, values and so on which may not be in the emancipatory interest of subordinate ones. The socialisation process is not one where the latter are empowered, something kept in place by a failure wide recognition.

I am not exactly sure whether Patten would endorse this reading of social lineage as hegemony, but I mention it because it illustrates for me the intellectual fertility of the idea. I think the social lineage argument points in the direction of a more democratic public sphere, one where minority groups, cultural and otherwise, are empowered to contribute to processes of social reproduction. The injustice here is that the dominant discursive practice disables minority groups (including national minorities and the descendants of immigrants) from helping shape the narratives and references that it registers. They count less in making the wide public culture what it is. Their having more of a say would give them greater reason to feel included in the public culture; it would be one punctuated by their practices, traditions and symbols. (Think for example of the way that Aboriginal history is now acknowledged in Australian society, while until quite recently Aboriginal peoples were largely erased from that history). Being given a voice is generally a swift route to self-respect, and in this case it would mean that the socialisation process is less one which is imposed upon a group and more one in which they are empowered to participate.

This matters not only because it would assist minorities in the fulfilment of their aims as the recognition as accommodation argument has it, but also because having some control over the formative conditions of the wider culture makes it more a culture *for*, and not simply *of*, the minority groups who inhabit it. Recognition matters not merely for what it enables citizens to *do*, but also for what citizens can reasonably conceive of themselves as *being* in the first place. I have tried to illustrate how this second sense of recognition is in some ways more fundamental, but at any rate independent of and not reducible to the first.

1. **NOTES**

 Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton: Princeton University Press, 2014). Henceforth cited paranthetically in the text. [↑](#endnote-ref-1)
2. Will Kymlicka *Liberalism, Community and Culture* (Oxford: Oxford University Press, 1989), 164, 166, 192-3. [↑](#endnote-ref-2)
3. Charles Taylor *Multiculturalism: Examining the “Politics of Recognition”* Ed. Amy Gutmann (Princeton: Princeton University Press, 1994). [↑](#endnote-ref-3)
4. Peter Jones, ‘Toleration, Recognition and Identity’ *Journal of Political Philosophy* 14, no. 2 (2004): 123-43 at 133. [↑](#endnote-ref-4)