

## **Book Symposium on Alan Patten's *Equal Recognition: The Moral Foundations of Minority Rights***

### **Introduction**

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Volume 10, numéro 2, été 2015

URI : <https://id.erudit.org/iderudit/1035332ar>

DOI : <https://doi.org/10.7202/1035332ar>

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Éditeur(s)

Centre de recherche en éthique (CRÉ)

ISSN

1718-9977 (numérique)

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Citer ce document

Lu, C. (2015). Book Symposium on Alan Patten's *Equal Recognition: The Moral Foundations of Minority Rights*: Introduction. *Les ateliers de l'éthique / The Ethics Forum*, 10(2), 139–140. <https://doi.org/10.7202/1035332ar>

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## DOSSIER

### BOOK SYMPOSIUM ON ALAN PATTEN'S *EQUAL RECOGNITION: THE MORAL FOUNDATIONS OF MINORITY RIGHTS*

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#### INTRODUCTION

Alan Patten's *Equal Recognition* addresses a contentious and salient question in liberal political theory and practice: what normative significance should the fact of cultural pluralism have for conceptualizing the demands of liberal justice on our social and political institutions and practices? Patten seeks to respond to two major unresolved problems that objectors have advanced over the years against 'liberal culturalism,' or the view that "certain minority cultural rights, entailing the accommodation and recognition of minority cultures, are, *as such*, a requirement of liberal justice" (Patten, 2014, pp. 8, 22). First, how should we understand ideas of culture and cultural preservation, given widespread concerns that our prevailing understandings rely on an unavowed, but incoherent and objectionable, form of essentialism? And, second, what exactly constitutes the normative basis of support for claims to cultural rights, and do they also entail limits on those claims? Patten responds to these challenges by putting forth a novel and robust principled defense of liberal culturalism based on a reformulation of the ideal of liberal neutrality. In making his theoretical case for liberal multiculturalism, Patten's book makes important interventions in contemporary debates within liberal democratic societies about issues such as language rights, immigrant integration, secession, self-government, the design of political institutions and legal jurisdictional spaces, public spaces, and school curricula, as well as the designation of symbols, flags, and anthems.

Patten's argument for equal recognition of minority cultures involves the claim that the state has an obligation to represent all of its citizens, and to be equally responsive to the interests of each of those citizens. A just liberal state cannot show cultural favouritism toward the interests of one group, such as a national or religious majority, at the expense of the right of other non-majority cultural groups to equal consideration by the state of their interests. The ideal of liberal neutrality is grounded in the claim that each individual has to a fair opportunity for self-determination, which is important to all persons for well-being and autonomy-related reasons. In a culturally pluralistic society, a commitment to fair opportunity for individual self-determination entails neutrality of treatment of different conceptions of the good by the state and its policies. Although departures from neutrality are not always unjust, there needs to be a sufficiently good reason for such departures by a liberal state that is supposed to represent and be responsive to the fundamental interests of all its citizens. Extending a fair opportunity for self-determination to all its citizens gives the state a "*pro tanto* reason to extend neutral treatment to the various conceptions of the good valued by its citizens" (Patten, 2014, p. 29).

*Equal Recognition* is thus an ambitious rehabilitation of the concept of liberal neutrality, which Patten reformulates to serve as the normative basis for minority cultural rights claims. The following commentaries and response were part of a book roundtable that took place at the Canadian Political Science Association meetings held at the University of Ottawa in June 2015.

Jocelyn Maclure questions whether Patten's sophisticated version of liberal culturalism nevertheless is still ill-suited to address the more prevalent and vexing challenges facing contemporary liberal democracies—notably, the status of religion in the public sphere. He also wonders if minority cultural rights and recognition may not be somewhat superfluous, if liberal egalitarianism, well understood, contains the philosophical resources to secure fair terms of social cooperation for members of cultural minorities.

Andrew Lister's contribution to this symposium examines the idea of 'neutrality of treatment' that is at the heart of Alan Patten's defense of minority cultural rights. Patten's resuscitation of the idea of liberal neutrality involves thinking about neutrality in terms of treatment (by the state and its policies) rather than in terms of neutrality of intentions (of lawmakers) or neutrality of effects (of legislation). Lister raises questions about the philosophical foundations of neutrality of treatment, and wonders whether neutrality of treatment can do without an upstream, or foundational, commitment to neutrality of justification.

Patten argues that neutrality of treatment implies certain minority cultural rights; a state that denies such rights puts minorities at a disadvantage about which they can justifiably complain. Jonathan Quong presses Patten's claim that his account of minority rights is broadly continuous with Ronald Dworkin's theory of equality of resources. According to Quong, Dworkin's theory does not provide a basis to offer accommodations or minority rights, as a matter of justice, to some citizens who find themselves at a relative disadvantage in pursuing their plans of life after voluntarily changing their cultural or religious commitments.

Finally, I focus on the last chapter of Patten's book, in which he makes a limited case for accepting some modest departures from neutrality in the treatment of prospective immigrants' cultural rights, and that of majority and minority national groups. I challenge his thesis by asking whether such departures are justified with respect to already settled (as opposed to prospective) immigrants, whether the situational argument for unequal treatment is inconsistent with the theory of culture offered earlier in the book, and whether contexts of historical injustice against immigrant groups might complicate judgements about the national minority/immigrant dichotomy with respect to minority cultural rights.

The symposium closes with Patten's thorough engagement with these four critics, in a generous and spirited defense of his reformulation of the case in favour of liberal multiculturalism, based on an ideal of liberal neutrality that is grounded in the claim that each individual has to a fair opportunity for self-determination.