

Difference, Disadvantage and Claims to Compensation

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Abstract: Injustice against minorities is less a question of whether their inherited culture is decaying and more a question of whether they are structurally disadvantaged vis-à-vis mainstream society. If minority groups have less access to mainstream society or have less institutional representation because of their differences, then they should be entitled to special treatment and compensation.

Introduction

Given the subjective component of conceptions of the good, the values promoted by the majority are not equally valuable to the minority. Respecting the minority as equals also means respecting their differences. The fundamental question is: how should states treat people's differences with equal concern? I answer this questions by reviewing how some philosophers have approached them.

1. Interpretation of Difference in Philosophy

Before answering the aforementioned question, a more fundamental question is: how ought differences between people to be philosophically conceptualized? Young proposed two interpretations of difference: difference as otherness and difference as relational. This distinction elucidates why the politics of cultural difference inadequately addresses discrimination against minorities.

1.1 Difference as Otherness

According to Young, the traditional philosophical approach is to understand difference as absolute otherness. When we say "my attributes are different from yours," difference as otherness is interpreted as "you and I have different sets of attributes that are exclusive or opposite." Thus, difference as otherness is conceived as (1) a clear boundary between the self and other and (2) one's identity as a set of characteristics, where people who share a set of characteristics constitute a group. Two groups are thus mutually exclusive. In this respect, difference as otherness is totalizing and essentialist: it totalizes those characteristics that specify an identity and, in doing so, constructs a clear essence that underlies a person's identity. Consequently, "the logic of identity thereby generates dichotomy rather than unity, dichotomies of what is included and what is excluded from the categories" [1].

Difference as otherness is not unproblematic. Empirically, the identity of a person or group is formed through interaction with other groups and with social and natural forces. Thus, self-understanding and cultural membership is flexible and interactive: the border between groups or categories is fuzzy. Furthermore, people can belong to various groups, and their identity is not solely constituted by their inherited culture. Difference as otherness, with its either/or logic, fails to account for this phenomenon.

Moreover, difference as otherness harmfully encourages people to perceive people from other social groups or with different conceptions of the good, as adversaries rather than as partners. However, one requires people with different conceptions of the good to complete one's self-understanding.

1. 2. Difference as Relational

In the conception of difference as relational, the different identities of people are constituted through interaction with others who differ from them. Difference is neither an indicator of social disunity nor a means to demarcate groups from each other. Rather, difference is the pool in which everyone contributes their perspectives and stories. In this sense, identity, whether of the individual or group, is flexible and open to change.

Difference as relational offers a complex portrayal of differences. First, difference as relational recognizes the importance of cultural distinctiveness. After all, people have a particular affinity for “sharing assumptions, affective bonding, and networking” [2]. Second, difference as relational does not suppress heterogeneity. Differences unite people as a social group by excluding them from other groups, but they cannot justify trapping people in a certain role or group: people are allowed to withdraw from a certain group and enter a new one. Thus, in the conception of difference as relational, group boundaries are protean to the point where friend–enemy dichotomies cannot hold.

1. 3. Gender Equality and Difference as Relational

To illustrate the preceding discussion, consider the following example: Judy lives in a society where a woman has the same opportunities for career success as her equally able male counterpart does. However, one can argue that Judy experiences inequality because she compromises her femininity to achieve career success. According to this view, gender equality is achieved only when women are not disadvantaged in their career by virtue of their femininity [3].

The preceding argument presupposes difference as otherness. It presupposes two sets of mutually exclusive characteristics that distinguish women from men. Thus, gender equality, based on this conception of difference as otherness, is indicated by women not having to compromise on this set of immutable feminine characteristics to achieve career success.

However, such an understanding of gender equality is problematic in that it is totalizing and essentialist. In presupposing an immutable set of feminine attributes, a less feminine woman is defined as being less of a woman, and women are less free to define themselves differently. Rather, gender equality ought to be construed in terms of becoming rather than being: people ought to be allowed and encouraged to determine who they are and who they want to be. Furthermore, even if one grants that women are predisposed to have traditionally feminine traits, these traits are not mutually exclusive with traditionally masculine traits: a woman can be equal parts caring and assertive. The biological characteristics that a person is born with alone do not entail the social roles that the person ought to bear.

So in addition to respect for the differences of women in their personal attributes, gender equality also means that women in particular ought to be guaranteed opportunities to redefine them without reference to their biological features.

2. Politics of Difference

After clarification of difference in philosophy, let us revisit the idea of respecting people’s difference.

2.1 Cultural Differences and Cultural Preservation

In the discussion of difference, some philosophers focused on cultural differences, where respect for people’s differences means respect the distinctiveness of the minority culture. Therefore, states should accommodate the distinctiveness of the minority into policymaking; for example, “recognition and support for minority languages; constitutional recognition of the multinational character of the state; enhanced representation for national minorities in central government and parliamentary institutions; and permitting the national minority to have a presence in the international arena.”[4]

Philosophers like Kymlicka go further, arguing that respect for the distinctiveness of cultural characters follows the requirement for preservation of cultures that are in decline. Because the

inherited culture shared by people creates “a history of interaction” and makes people undergo “a similar socialization” [5], the importance of the inherited culture in developing people’s self-understanding is irreplaceable. Thus, although people have access to many other cultures, they suffer disadvantages with the loss of their own culture.

2. 2 Positional Difference and Structural Equality

By contrast, other philosophers focused on structural equality. Specifically, in their views, minorities experience discrimination not merely because they have a culture that differs from the majority but because of power asymmetry. Cultural bias or intolerance is a peripheral reason explaining injustice toward minorities. Essentially, injustice toward minorities stem from their exclusion or underrepresentation in decision-making: the foundation underlying injustice toward minorities is institutional and structural [6].

2. 3. The Shift from Cultural Difference to Positional Difference

The focus on cultural difference, Young argues, detracts from a fundamental problem: that minorities suffer injustice because of structural inequality. Rather, overemphasis on the association between people’s inherited culture and meaningful life ignores that people have the ability to absorb nutrition from other cultures. The inherited culture is not the only source of people’s membership or self-understanding; other cultures can also enlighten people on what the good life is. On the condition that other cultures are open to people, a loss of a particular culture does not shrink their access to meaningful choices, nor does it damage their expectations of a good life [7].

Meanwhile, the politics of cultural difference can be used to excuse systematic harm by privileged subgroups of minority groups on weaker members. According to Kymlicka, the loss of a particular culture disadvantages the minority because its members have fewer meaningful choices. This argument easily leads readers to the other side: If the minority culture is flourishing, it faces no injustice [8]. However, emphasizing cultural prosperity while ignoring the measures that ensure the minority can enter mainstream practices is malnourishment. With no opportunities to shape the capacities that enable them to participate in mainstream practice, the minority are excluded from mainstream society. Under this circumstance, for minority members, residing in the cultural group they were born into is their only choice, and cultural flourishing is the rhetoric of marginalization.

In addition, social structure influences a person’s prospects, implying a need to prioritize structural inequality over cultural inequality. According to Rawls, people enter society from birth and leave it upon their death: people have no choice but spend their whole life in a social structure (i.e., the framework that specifies the rules of interaction and competition). This importance of social structure implies that that in addressing people’s differences, structural issues should be prioritized over cultural ones, particularly in how institutions are structured.

3. Practice: Institutionalization of the Idea of Respecting Difference

So far we have shown that overemphasis on cultural difference shifts our attention from a fundamental problem that results in the minority suffers unequal treatment, the problem rooted in social structure. The subsequent question is: how is the idea of respecting difference institutionalized?

According to Patten, respect for the minority has two requirements. First, states should accommodate the distinctiveness of the minority culture into institutional arrangements, such as their long-established traditions and rituals. The identity-related differences are nonnegotiable and take precedence over other ends and commitments that people have. Thus, denying these differences or tailoring them to suit majority preferences causes psychological pain and strains “their commitments to the institutions to which they are subject, making it impossible for them to feel fully at home under those institutions and making it harder for others to count on their willing support for those institutions” [9].

Respecting the minority also means measures taken to ensure the minority’s access to mainstream practices [10]. For example, society should shape people’s general skills—such as

literacy and cognitive skills, which enable them to participate in mainstream practices. No access to nurturing these generic skills or encouraging them to isolate themselves from the majority is invisible discrimination and a vicious strategy to marginalize them. In this scenario, to say that mainstream society enthusiastically embraces the minority is hypocritical.

By emphasizing policies that encourage the minority group to integrate, my point is not that people should give up their original culture or be forced to assimilate into mainstream culture. It is that mainstream society should provide resources and means that allow the minority to integrate. Thus, when people are willing to enter mainstream practices, they also have the ability to do so.

In conclusion, if a minority group has an equal opportunity for cultural prosperity, then the eclipse of the minority culture is regretful but does not oblige other social groups to sacrifice their goods to preserve or revive it. Moreover, the prosperity of a minority culture is not synonymous with justice. The minority culture may be flourishing, but injustice such as bias against women can persist in that cultural group. Despite the prosperity of the minority culture, its exclusion from mainstream practices indicates that it is vulnerable to social discrimination and bias.

References

References

- [1] Iris Young, "Together in Difference: Transforming the Logic of Group Political Conflict," in Will Kymlicka (ed.) *The Rights of Minority Cultures* (New York: Oxford University, 1995), 159.
- [2] Iris Young, *Justice and the Politics of Difference*. (Princeton: Princeton University Press, 1990), 171.
- [3] Existing biological evidence does not conclusively demonstrate such innate gendered predispositions. Furthermore, women and men can be nurtured to be more masculine and feminine, respectively.
- [4] Nicola McEwen, "Does the Recognition of National Minorities Undermine the Welfare State?" in Banting & Kymlicka (eds.) *Multiculturalism and the Welfare State: Recognition and Redistribution in Contemporary Democracies* (New York: Oxford University Press, 2006), 247.
- [5] These expressions are from Patten. See *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton: Princeton University Press, 2014), 96.
- [6] In Young's account, people are oppressed by "socially recognized settings, or institutionalized social processes which inhibit people's ability to play and communicate with others or to express their feelings and perspective on social life in contexts where others can listen." See Young, *Justice and The Politics of Difference* (Princeton: Princeton University Press, 1990), 38.
- [7] Here I do not deny the role that cultures play in people's self-understanding or the necessity of respecting people's differences and the distinctiveness of their cultures. What I doubt is the view that a particular culture contributes to people's self-understanding and that a loss of that culture necessarily damages people's conceptions of the good.
- [8] This inference is not logically derived from Kymlicka's argument, but the danger of his argument lies in that it misguides us to equate the prosperity of minority cultures with justice.
- [9] Patten, *Equal Recognition*, 134.
- [10] Patten, *Equal Recognition*, 71.