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# CAMEo

## CUTS #1

# What is Creative Justice?

Mark Banks

## CAMEo Cuts

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# What is Creative Justice?

Mark Banks, CAMEo Research Institute

This first issue of CAMEo Cuts summarises observations from Mark Banks' recent book 'Creative Justice' (2017). The aim of the book is to consider the various sociological approaches taken to studying work and education in the cultural industries. It also suggests a new framework for tackling some of the inequalities and injustices occasioned by such work. This summary outlines three concepts – 'objective respect', 'parity of participation' and 'reduction of harms' – which might help us to better focus on the issue of 'creative justice', and how best to achieve it.



## About the author

Mark Banks researches cultural industries, work and cultural policy. He is Director of CAMEo and a Professor in the School of Media, Communication and Sociology at the University of Leicester. His latest book *Creative Justice: Cultural Industries, Work and Inequality* was published in 2017.

# What is Creative Justice?

## Mark Banks

### Introduction

The growth of work in the cultural industries – and the ‘creative economy’ that contains it – raises serious questions for social justice. This is because a widely-distributed opportunity to work in cultural production might be taken as one significant indicator of the existence of a fair and democratic society. However, that we tend to inhabit societies where this opportunity is *not* evenly or equitably spread is now a given. This should be considered sufficient motivation for seeking the grounds upon which we might challenge inequalities and so bring into effect what we might term a greater ‘creative justice’. In this way, we can think of creative justice as both a descriptive account and a normative aspiration.

In this piece I outline three ‘working concepts’ for beginning to theorise creative justice – each of which should be taken as propositional, and non-comprehensive, while also being grounded in the observable realities of cultural work<sup>1</sup>. However, the concepts are also offered as a provocation; as a way of encouraging others to offer similar (or better) concepts that can help support a challenge (both intellectually and practically) to the prevailing injustices of cultural industries work. The concepts themselves derive from the wider analysis presented in *Creative Justice*.

### #1 ‘Objective Respect’

The first concept is ‘objective respect’ which I define in the following way:

- *To respect cultural objects and practices, by evaluating them in terms of their own objective qualities, as well their subjective apprehension and value.*

In *Spheres of Justice* (1983) the philosopher Michael Walzer suggested that since humans are ‘culture-producing creatures’ then it’s vital ‘we do justice to [them] by respecting their particular creations’ (p. 314). In agreement with Walzer, I’d argue that before we talk about justice in work, then we first need to respect the cultural objects and practices of work in *themselves* – but not, I would hasten to add, in any reactionary or idealist sense. Rather, I want us to (re)connect with a valuable and long-standing (though currently unfashionable) concern with culture’s *objective value* – or, to put this in more academic terms, how cultural value might be better understood through a non-relativist sociological aesthetics. Less abstractly, just as Andrew Ross eloquently argues in *Real Love: In Pursuit of Cultural Justice* (1998), it’s an attempt to ‘pay respect’ and do justice to culture, which first involves trying to take it seriously on something like its own terms:

*‘While culture may be viewed as a vehicle for rights or political claims, part of my purpose is to show that justice must also be done to culture itself. Doing justice to culture, for example, includes respect for the rules and law of a genre’*

(Ross, 1998, p. 4).

Respecting culture in this sense means taking seriously the *objects* of culture – the texts, goods, symbols and signs of culture produced – as meaningful phenomena with their own

objective (as well as subjectively-experienced) properties. This runs somewhat counter to prevailing sociologies of culture which have tended to relativize cultural value, and disclaim any notion of objective quality outside of its socially-inherited determination (as in Bourdieu, 1993). Yet informed decisions about the value of art and cultural goods should continue to recognise that cultural goods have aesthetic qualities that not only objectively exist, in a realist (if not idealist) sense<sup>2</sup>, but also have some significant bearing on how they are judged, and why they matter to those who produce and consume them (see Wolff, 2008). Yet it's surprising how few of the recent studies of cultural industries work and production engage with the particular qualities of cultural goods or objects in themselves; surprising since the existence of such qualities is much the motivating reason why people might want to work in these industries in the first place. So I would argue that only by thinking through holistic forms of valuation that consider historical context, subjective apprehension *and* objective quality (in active combination) can we better know what the culture *is*, and what it can *do* – and so do it justice. I think this is absolutely vital for retaining some sense of the possibility a creative economy *critique* – since culture remains recognised as having its own (partly) objective value, beyond that which is deemed to be commercially expedient or purely 'subjective' (and by implication socially arbitrary) – and this is what allows it to retain a political potential.

I also want to suggest we think about how 'objective respect' might be given to cultural work in itself. Again, this is not meant to idealize or romanticize work, or to ignore its undesirable or damaging aspects, but simply to recognise the standing of cultural work as a specific kind of complex social *practice*,

particularly in the sense conceived by neo-Aristotelian writers such as Alastair MacIntyre (1981). Here, doing justice to cultural work means respecting the 'internal' goods and qualities of work as an ethical practice – the benefits, capacities and pleasures it provides – but without discounting the 'external' structures and pressures (such as exploitation, alienation, low pay, stress) that tend to make such work somewhat less than appealing, and often deeply unfair and unjust. We might say that one way to do justice to cultural work would be to examine holistically *all* of its particular qualities – the fullest range of factors that pertain to its organisation, valuation and undertaking; something like the kind of comprehensive and 'enriched' criticism proposed by Georgina Born (2010, p. 199) perhaps, in her studies of the BBC and IRCAM. This would involve consideration of both the objective qualities of work, including the kind of activity that it actually is, and its social effects, as well the way it is constructed, mediated and subjectively experienced through discourse. Ideally, through such an approach, we might come to know cultural work better – and so do it justice<sup>3</sup>.

Providing we have satisfied the requirement of respecting culture and giving the cultural industries their *due* – by better appreciating what the cultural industries produce (cultural goods and objects), and *how* they're produced and why (in cultural work) – then the more urgent current priority (at least in social justice terms) comes in examining how the *opportunities and rewards* that might be occasioned by such work are being socially allocated and dispersed. More specifically, we need to be concerned with *distributive justice*<sup>4</sup> – especially in terms of who receives the most prestigious cultural education and training, the highest pay and the best (or indeed any) kind of cultural industry job.

This aspect of 'creative justice' can be expressed in three dimensions – the economic, the cultural and the political. Taken together, they suggest a set of principles or foundations for occasioning a greater creative justice in cultural work. Firstly, we can argue that a more even distribution of jobs, positions and rewards in the cultural industries is defensible on grounds of *economic opportunity*, since everyone who wishes to should have a fair chance to enter, participate in, and earn a living from cultural industries work. Secondly, distributive justice has a 'cultural' aspect, since, in the workplace, people should have similar opportunities to obtain *recognition*, and to express or represent themselves and their world-views and interests, within certain limits<sup>5</sup>. Thirdly, diffused participation in cultural production enhances the *democratic polity* since a pluralist, multi-vocal society that permits cultural dialogue between different democratically-inclined parties and interests is better than one that does not. Yet, as is now well-known, the cultural industries are far from ideal in the ways they allocate and dispense their opportunities and rewards, and that creative *injustice* – evidenced in various kinds of discrimination, misrecognition and inequality – is now entrenched. The creative economy is not only failing to provide the conditions that would allow ordinary people to enter the labour market and participate in the production of culture – but actively exacerbating social inequalities *in* work through its own structures and patterns of organisation (e.g. see Connor, Gill and Taylor, 2015; Randle, 2015).

In seeking to challenge these outcomes, I argue we must accept *equality* and *equity* as social goods and inequality and inequity as social bads. I take equality in this case to mean that people are able to be treated as dignified beings of equivalent human worth who have the right to seek cultural employment (and cultural education) on an equal basis with

others. Additionally, thereafter, I suggest any differences in the way positions and rewards are socially distributed should be *equitable* – that is, the result of a fair and just process<sup>6</sup>, one whose outcomes are sufficient to minimise or offset undue disparities in opportunities, incomes or social statuses. In short, people should be given equal opportunity to try and *enter* the cultural workplace (should they wish to) and should then be treated fairly and justly *within* it, as they navigate through it. But how can we occasion this ideal? Two other concepts might help address this explicitly.

## #2 Parity of Participation

The second concept I want to propose is *parity of participation* – one I've taken from the political philosopher Nancy Fraser. Fraser defines parity of participation as 'social arrangements that permit all (adult) members of society to interact with one another as peers' (Fraser, 2013, p. 184) and is intended as way of bringing different kinds of justice under a common measure, namely the degree to which people are able to engage and interact in different spheres of activity as moral and juridical *equals*. Parity of participation therefore offers a point of commensurability between different types of justice claim. It first supports claims for economic justice (for example through redistribution of wealth in the form of fairer pay, taxation and social support), as well as cultural justice (for example through equal recognition of the legitimate cultural rights and statuses of persons). Fraser has also more recently identified a third kind of justice claim (one she terms 'representational' or political justice) which also demands parity of participation in the political systems and architectures of (national and transnational) organisations and states. When it comes to parity of participation in the more specific case of the cultural industries, I suggest we might

adapt this concept and propose the following as foundational ideal principles:

- *Advancing social arrangements that allow for the maximum range of people to enter and participate in cultural work, in which they will be fairly treated and justly paid and rewarded for their efforts, relative to their peers;*
- *Ensuring that people are not prevented from entering cultural work on the grounds of any unfair cultural discrimination or prejudice, and that they have equal opportunities to participate and develop once they become engaged or employed;*
- *Developing the cultural industries as democratic arenas where minority and marginal groups can advance their own fair representation and secure a more equal share of the public communicative space.*

Arguably, fulfilling these ideal ambitions would increase levels of participatory parity (in the terms understood by Fraser) since they would provide the necessary improvements in patterns of *economic distribution, cultural recognition and political representation*. Such parity is of course much easier to advocate than achieve. As long as the social backgrounds of people wishing to enter cultural work so markedly differ, then the provision of equality of opportunity *only* within work is unlikely to lead to equal outcomes (see Gomberg, 2007). This is because some people are already disadvantaged when they come to enter the competition for positions – and equality of opportunity only works if the starting conditions are the same for all candidates. In order to obtain anything like parity in cultural work, the more fundamental issue we will need to address is the prevailing inequalities in society *at large* – not easy in contexts where inequality seems to be becoming more socially ingrained and difficult to oppose. Nancy Fraser has herself argued that a truly transformative

social justice requires the deepest restructuring of social relations ‘in multiple dimensions and on multiple levels’ (2013, p. 204) – a claim which is difficult to dispute.

Yet, we can also draw attention to some of the benefits of more modest and specific (or ‘affirmative’) measures that seek to compensate for pre-existing social disadvantage and increase participatory parity in cultural work – since these offer us more immediate prospects for change, and might well propel our thinking into the kinds of spaces that suggest more transformative options. Three (indicative) interventions I’d cite in passing from cultural work would be a) *blind auditions and selection*, b) *recruitment targets and quotas*, and c) *fair pay*. *Creative Justice* outlines the arguments for each intervention. But as Fraser would doubtless argue (and as Andrew Ross himself noted in *Real Love*) it’s important to remember that these kinds of ‘affirmative action’ are most valuable when conceived as a first step, and not the last, on the road to solving structural problems of cultural and social injustice.

### #3 Reduction of Harms

The final concept I want to propose is reduction of harms, which I define thus:

- *Reducing the physical and psychological harms and injuries inflicted by cultural work, based on assessments of objective conditions and their human effects.*

I suggest we need this since – even if we have greater ‘parity of participation’ – we might still need to intervene to ensure explicitly that in work people are treated fairly and justly (as dignified and deserving human beings), and with appropriate consideration and respect, sufficient to ensure that principles of participatory parity are upheld.

We might think of harm as a condition of physical or psychological hurt or ill-being induced (in this case) by the self- or other-imposed practices of cultural work. These might include exploitation (or self-exploitation), overworking, stress, bullying, intimidation, domination, aggression or violence, for example. Some of these harms we can locate in forms of class, gender and race-based discrimination and misrecognition; others might be more personal or indiscriminate, or derive from some kind of institutional carelessness or indifference. Regardless of source, 'reduction of harms' is an important principle, not least because its activation suggests the possibility of a positive and complementary effect coming into force – an increase in human well-being through *flourishing*. Flourishing consists in being able to expand or develop one's human faculties and capacities – which derive from being able to live well and work in environments that are safe, supportive and sustaining (Nussbaum, 2011). The reduction of harms – and an increase in flourishing – therefore seems to be a principle worth pursuing in a post-financial crisis context where firms and employers seem increasingly divested of strong commitments to treat their workers either very fairly or very well.

One objection to the idea of a reduction of harms, however, might be the relativist one that would suggest harms are actually quite difficult to define. One person's bullying can be another's 'strong leadership', for example. 'Overworking' can be a difficult condition to specify, especially in the kinds of cultural work we're concerned with here, where intensive and sacrificial labour is often seen as a prerequisite for the production of authentic art. Certainly, these are tricky issues to deal with – and matters of dispute in most cultural (and other) workplaces. Yet it's quite possible to argue for a reduction of harms using plural-objectivist<sup>7</sup> grounds that can accommodate a diversity

of understandings of well-being, without adopting a purely relativist position. Such an approach focuses on the rational possibility of specifying the conditions under which people might be seen to objectively *better or worse off*. Such work is strongly influenced by writers such as Martha Nussbaum (2011) and 'capabilities' thinking, which has offered an account of human well-being that emphasises the necessary conditions under which humans might be judged to flourish or suffer.

This is relevant here since many cultural work critics *already* adopt a plural-objectivist (rather than relativist) position. So, for example, a writer such as Jack Qiu (2016) tends to assume the humiliations and degradations suffered by workers on the i-Phone production-line are objective and real, rather than merely socially constructed, and it would be better if they didn't happen and workers were treated more fairly and humanely. This isn't just Jack's unfounded 'opinion' but a reasonable assessment of people's needs based on an objective sense of what makes humans suffer or flourish. In Angela McRobbie's (1998) work the ill-treatment of women fashion workers isn't presented as a discursive construct, or simply a bloodless transgression of social norms by some firm or manager, but a genuine form of suffering imposed upon vulnerable and disadvantaged persons<sup>8</sup>. This is not to say that these views are infallible and incontestable – indeed, they might well be mistaken or wrong – but neither are they *merely* a 'subjective'<sup>9</sup> opinion or simply a product of a discourse. To regard them as such would not only be reductive and patronising, but potentially dangerous, since it might lead us to misrecognise or misunderstand the genuine harms or suffering felt by others – and prevent us from doing something about them (Sayer, 2011).



## Conclusion

The three concepts and principles I've suggested are simply one way of thinking through what a better 'creative justice' might actually consist of – but in terms that are perhaps less abstract and scholastic than we might imagine. We can see that ideas akin to 'objective respect', 'parity of participation' and 'reduction of harms' are already informing the specific efforts of many of those engaged professionally in cultural work – and so are helping to shape the standards of justice therein (e.g. see de

Peuter et al, 2015). One challenge now might be to try and harness these concepts, and the principles that underpin them, to try and inform more sustained and systemic successes in justice struggles – or perhaps to expose their limitations and seek out something new and better. Regardless, what they *do* draw attention to is the need to raise consciousness of injustice and inequality, and to help advance the conversation about what constitutes justice in cultural work – a dialogue which academics, practitioners and campaigners must continue to engage with collectively and in common.

## Endnotes

<sup>1</sup> By cultural work I tend to mean activities of artistic, creative or aesthetic production that take place in the contexts of the cultural industries. This mainly includes the labour of artists, designers, musicians, authors etc. While the 'specialness' of cultural work is contestable and open to dispute, it *is* suggested here that culture-making has a particular (if not exclusively-held) value as the kind of work that *might* allow for both economic provisioning and the meaningful (personal and shared) examination of life.

<sup>2</sup> Idealism being concerned with the intrinsic (aesthetic) essences of cultural objects (as in romanticism), now considered by most sociologists to be a socially-constructed fallacy; realism being concerned with the nature of things as they actually are; their 'object properties' so to speak. In this case I argue that cultural objects are made from physical-material properties and contingent repertoires of signs and aesthetic codes that have objective properties and structure, as well as subjectively experienced impacts (see *Creative Justice*, Chapter 2).

<sup>3</sup> By paying objective respect, and in doing justice, we are not simply bound to describe cultural objects and work but to try and evaluate them – since this is the purpose of critical social science. Our research needs to contain evaluation and judgement in order to be effective as critique; that is, to be able to say why some things are better or worse than others, or indeed to argue for any kind of value position.

<sup>4</sup> Distributive justice is concerned with 'comparative allotment' (Frankena, 1962, p. 9) the ways in which material or social goods, conditions, opportunities, incomes and roles are dispersed to, and received by, different populations.

<sup>5</sup> Freedom of expression is not an absolute – and there are more or less desirable forms of it; most obviously, designated forms of 'hate speech' are regarded by many states as an indefensible and illegal, for example.

<sup>6</sup> If equality is concerned with justice through *sameness* or *equivalence* then equity is concerned with *fairness* or *justice in proportion* – the idea that each person gets their due, or what they deserve. In the case of cultural work this means that people’s capacities, achievements and contributions, as well as their social advantages and disadvantages, should be justly accounted for in the allotment and distribution of social positions and rewards. Thus it’s worth noting that to be treated equitably is not necessary to be treated the same as someone else – since we might want to make an adjustment in our allocation to ‘take into account’ social background, for example, or we might feel that someone deserves a differential reward as a compensation for greater effort or attainment. We can therefore have equity without equality – and vice-versa. However, the two ideas are also quite closely related. It is often because people in cultural work are treated *inequitably* that inequalities tend to ensue – when black people are not treated fairly (by being racially-discriminated against in job interviews, for example) then there tends to be a resultant inequality in the way positions and rewards are socially distributed.

<sup>7</sup> ‘...the objectivist conception of well-being does not assume that there is only one good way of living – [so] it is compatible with pluralism, but not with relativism. Pluralism in this context is the view that there are many kinds of well-being, but that not just any way of life constitutes well-being (...) relativism (is) the idea that what is good is simply relative to one’s point of view’ (Sayer, 2011, p. 135).

<sup>8</sup> ‘...when we say something like ‘unemployment tends to cause suffering’ we are not merely ‘emoting’ or expressing ourselves, or offering a ‘subjective’ opinion about a purely normative matter, but making a claim (fallible, like any other of course) about what objectively happens’ (Sayer, 2011, p.42).

<sup>9</sup> Subjective in the sense of ‘untrue’ or merely a ‘matter of opinion’ rather than pertaining to the human subject of consciousness (see Sayer, 2000).

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