Not "Culture" but "Values"

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In this talk I will argue, as others have done before me, that "culture" is an unfortunate and misleading term. The term "culture" can certainly be used in sensitive and revealing ways. Nevertheless, it is often misunderstood by readers who imagine that "cultures" are somehow monolithic, and that scholars who speak of "cultures" believe that all denizens of a given culture share the same culturally determined beliefs. In order to avoid unfortunate misunderstandings of this sort, I propose that we speak not of "cultures" but of "values." Legal systems typically reflect the shared values of a given society. For example, Americans are more or less unanimous in their attachment to the value of "liberty." But it is in the nature of "values" that their precise significance should be contested--as, for example, the precise significance of "liberty" is contested in the United States. By using the term "values" rather than "culture," I suggest that comparative lawyers can communicate a truth about which most of them are (or so I would like to think) in agreement: The law in a given society is not the product of some static set of shared beliefs in that society. But it *is* the product of a shared sense about which questions are the most important, and most worth fighting over.