

Apolitics of Acknowledgement: (In)Action in Patchen Markell's *Bound by Recognition*

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Abstract

TAMAR MALLOY: A politics of Acknowledgement: (In)Action in Patchen Markell's *Bound by Recognition*
(Under the direction of Jeff Spinner-Halev)

In *Bound by Recognition* Patchen Markell relocates interactions that confer respect, moving from a state-centered politics of recognition to a politics of acknowledgement based primarily on individuals' acceptance of their own human finitude. I argue that, while engaging and promising, Markell's theory lacks a politics and, therefore, the potential to create far-reaching social change. In support of this claim I examine obstacles to realizing a politics of acknowledgement, Markell's anachronistic focus on Jewish emancipation in Prussia, and the unique advantages of an antagonistic, state-based politics of recognition, with particular attention to gay rights movements in the United States. I conclude that Markell's warnings about the danger of recognition are exaggerated, and that while a politics of acknowledgement might usefully inform political practice it cannot provide psychic or material benefits on par with those that might be gained through a politics of recognition.

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Introduction

Criticisms of recognition politics are numerous. It is too abstract, too detached from the material conditions of daily life, does too much to distract from efforts to redistribute, seeks remedies that are too purely symbolic, it oversimplifies structures of power, it brings groups into irresolvable struggles for sovereignty, it essentializes, it is too dependent on collective identities, it is somehow inauthentic.¹ These critiques are serious and, if correct, undermine the possibility that a politics of recognition could function towards a mutual multicultural recognition that allows people to be seen by others as valid and valuable on their own terms. Yet that end continues to be an attractive one for those who study multiculturalism, feminism, democracy, and a host of other disciplines relevant to life in an ever-expanding world. And to settle for less than a mutual respect would be to fall short of recognition's promise and to disappoint attempts to ameliorate those enduring injustices that are so frequently and troublingly at issue in contemporary states.²

Patchen Markell's alternative, a politics of acknowledgement, is appealing on a number of counts. In encouraging people to look inwards, Markell circumvents critiques of recognition that are predicated on a belief that offering recognition pretends to sovereignty,

¹ Appiah, K. Anthony. "Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction" in *Multiculturalism*. Amy Gutmann, ed. Princeton: Princeton University Press, 1994. Fraser, Nancy. "Rethinking Recognition." *New Left Review*, Vol. 3 (May/June 2000), pp. 107-120.; Fraser, Nancy and Axel Honneth. *Redistribution or Recognition: A Political-Philosophical Exchange*. London: Verso, 2003. Honneth, Axel. *The Struggle for Recognition: the Moral Grammar of Social Conflicts*. Cambridge: Polity Press, 1995.; Markell, Patchen. *Bound by Recognition*. Princeton: Princeton University Press, 2003. McNay, Lois. "The Trouble with Recognition: Subjectivity, Suffering, and Agency." *Sociological Theory*, Vol. 26, No. 3 (Sep. 2008), pp. 271-296).

² See Spinner-Halev, Jeff. *Enduring Injustice*. Cambridge University Press, 2012 (forthcoming) for a discussion of the term "enduring injustice" used here throughout to capture the particular complexity of those struggles for recognition (a vast majority of them, I believe) that are rooted in a legacy of inequality based on historical treatment that continues to constrain action and limit life prospects for groups and their constituent members.

or that judging others across cultures promotes one set of cultural values above others, or that as a nexus of power the state can abuse its ability to confer or deny recognition. Markell's argument in favor of acknowledgement offers a clear and thoughtful elucidation of some of the issues most deeply and definitionally attached to a politics of recognition and shows much promise as an approach to moving beyond the inter- and intragroup power struggles that have become synonymous with attempts to pursue recognition on a case-by-case basis. By placing the burden of action on those who would confer recognition instead of the groups seeking it, by moving the action of recognition from the interpersonal to the internal and personal, Markell – quite brilliantly – mitigates elements of judgment and antagonism that undermine politics of recognition. Furthermore, Markell's politics of acknowledgment is built on change that could be tangible, that we might make every day, in every interaction, and that still, in the aggregate, could reshape the ways we think about, look at, and talk to each other.

Yet Markell's argument relies heavily on anachronisms and ambiguities that weaken, perhaps fatally, his politics of acknowledgement. He does not question the disparate starting points from which people may be asked to relinquish their desire for control. He relies on a largely outdated notion of the state as monarchical and purely paternalistic, as deriving sovereignty from the coercive and one-sided exercise of power rather than from an electorate that can make demands on those who govern, and thereby ignores the positive possibilities of antagonism. He fails to distinguish between the types of recognition demands that different groups make and the various responses that the state can offer. He also does not acknowledge the challenges inherent in a politics of acknowledgement, which asks citizens to fundamentally reorganize their lives politically, emotionally, and logistically. If realized,

these failings would leave those who are most in need of positive political change without recourse. As appealing as Markell's approach may be, he strays so far from the realms of contentious politics as to be both practically unrealistic and theoretically muddled.

Understanding Acknowledgement

Operating as an alternative to a politics of recognition, Patchen Markell's politics of acknowledgement relocates interactions that confer or deny respect, placing the onus on non-state actors who are asked to recognize their own limitations rather than judging those around them. His emphasis on micro-level power and individual self-awareness offers a substantively different perspective on the process of recognition, emphasizing mutuality over hierarchies and individual interactions over institutionalized categorizations. While Markell's approach offers much more room for nuance and flexibility than do other accounts of the struggle for mutual respect, his focus on the interpersonal comes with some liabilities.

Markell opens *Bound by Recognition* with a series of anecdotes that describe recognition as a phenomenon occurring primarily through interactions between individuals. He recounts a friendly or desirous glance between two people, the offering of a seat on the bus, and interactions between coworkers. Even when the state is present, his focus is on the individual agents who confer or deny recognition or who assess their social position within the confines of state regulation, as when Markell describes a driver "suspended in mistrust" while waiting for police to run his or her record, a couple joined in contemplation of the possibilities foreclosed by the exclusivity of marriage laws, and a voter waiting for a volunteer to find his or her name in the voting rolls.³

³ Markell, *Bound by Recognition*, 1.

This focus on individual actors is not borne of an assumption that the state is inefficacious or unimportant. On the contrary, Markell explicitly acknowledges the “real power” of the state, which “organizes power in a certain way, concentrating certain capacities in specific places, groups, and institutions.”⁴ This construction imbues the state with tremendous power – but not as a set of laws or bureaucratic offices. Instead, Markell’s state is “a set of social institutions that is also among the central objects of identification onto which people displace, and through which they pursue, the desire for independent and masterful agency.”⁵ Rather than being sources of power, Markell’s state derives its dominance from people’s deference to it. Each person contributes to state authority by recognizing the state’s decisions, and is in turn regulated by the same authoritative power they have helped to cement.

The state’s cooptation of and reliance on individuals’ power makes it immediately suspect as a site for recognition. Attempts to glean recognition from the state reinforce its legitimacy and yield agency to those institutions, thereby empowering the groups or individuals behind them who seek to maintain sovereignty.⁶ This cycle, in which groups seeking recognition grant power to the state – and in so doing confirm their position as relatively powerless subjects – is, for Markell, both unavoidable and dangerous. If approaching the state is an implicit agreement to recognize state decisions as legitimate even if they are unfavorable, if the very act of approaching the state has allowed groups with powerful social positions to subvert or mischaracterize requests for recognition, then appealing to the state is very dangerous indeed. If, as Markell suggests, simply engaging the

⁴ Markell, *Bound by Recognition*, 27.

⁵ Markell, *Bound by Recognition*, 28.

⁶ Markell, *Bound by Recognition*, 31.

state creates a danger of misrecognition or denied recognition, it is smart to construct a theory of recognition that does not reinscribe state power, and that instead treats the state with suspicion and keeps it at arm's length.

In lieu of looking to legislatures, bureaucracies, judiciaries, or other state bodies to ameliorate the harms of misrecognition, Markell's politics of acknowledgement builds a theory of recognition that is dependent first, perhaps entirely, on internal awareness. Positing that the core problem of misrecognition, both between individuals and through the state, is individuals' desire to create and maintain a false sense of personal sovereignty, Markell proposes a solution that presses individuals to recognize their own finitude. We are all equally vulnerable to death, to loss, to judgment. Rather than recognizing these vulnerabilities as universal we, according to Markell, seek to create an illusion of personal sovereignty. Since controlling the threads of fate is beyond our ability, we seek "ways of patterning and arranging the world that allow some people and groups to enjoy a semblance of sovereign agency at others' expense."⁷ Inequality stems from this false pursuit of pseudo-independence, from a process wherein those with socially strong positions proceed to – both through interpersonal interactions and through state channels – place the burden of vulnerability unevenly on those who lack the power to resist.

With the state ruled out as a site of action, Markell calls for individuals to look inward, to acknowledge their own "practical limits in the face of an unpredictable and contingent future", which "involves coming to terms with, rather than vainly attempting to overcome, the risk of conflict, hostility, misunderstanding, opacity, and alienation that

⁷ Markell, *Bound by Recognition*, 5.

characterizes life among others.”⁸ This acknowledgement – not of each other, but of our own fragility – will ameliorate the injustices usually associated with misrecognition by recognizing that “the underlying forms of desire and motivation that sustain and are sustained by unjust social arrangements...are supported by structures of desire that are not in the first instance *about* others”.⁹ Once we acknowledge that we do not need to control others, and that attempting to do so will not help us realize our desires or exile our vulnerabilities, we can move towards an interpersonal recognition that is more realistic than the “appealing” but “also impossible, even incoherent” “ideal of mutual recognition.”¹⁰

There is much to recommend Markell’s critique of recognition. He is likely right about the degree to which individuals – particularly individuals in developed Western nations – pursue individual sovereignty. Markell is probably also correct that people exercise control over others in an attempt to create illusions of sovereignty. Everyday social life gives us plenty of examples of this, whether it’s wielding economic power to get others to complete undesirable or unpleasant tasks for us (hiring someone to clean the house, ordering dinner, pulling into a full service gas station on a cold day) or engaging in acts of psychic harm intended to validate our choices at the expense of others (criticizing someone’s manners, sartorial choices, or professional path with the intent of affirming our choices as superior). And the state’s incredible power has undeniably been used to enslave, ghettoize, demean, and disadvantage certain groups, usually in the service of those with the social and economic power needed to obtain (or lobby those already in) governmental office. Historically empowered groups and individuals have, as Markell suggests, used appeals from

⁸ Markell, *Bound by Recognition*, 38.

⁹ Markell, *Bound by Recognition*, 5. Italics original.

¹⁰ Markell, *Bound by Recognition*, 5.

disadvantaged groups to subvert requests for recognition, whether by deeming groups “separate but equal” and thereby ensuring economic and political disadvantage¹¹ or by using protectionist logic to support stereotypes, as with gender-specific labor laws and social welfare programs.¹²

But Markell’s construction of the state leaves little room, if any, to account for the positive change that has occurred as a result of appeals to government, or the ability of disadvantaged groups to gain access to state apparatuses. It also leaves groups without a clear path when it comes to advocating for change in the social order. These liabilities, both practical and theoretical, derive from a characterization of the state that is more limited and exclusive than is often the case in modern liberal democracies. By mischaracterizing the state Markell also avoids confronting the many challenges that come with asking people to voluntarily cede the personal power that defines and enriches their lives and thereby neglects a thorough examination of the potential dangers of abandoning the antagonistic political exchanges that come with accounts of recognition.

The (Im)Possibility of Acknowledgement

Markell’s politics of acknowledgment avoids granting power to potentially oppressive state apparatuses. But the alternative it provides may be of little assistance to those suffering materially and psychically from unjust social arrangements.

Acknowledgement requires, after all, that those with power willingly recognize that the

¹¹ For discussion of the relationship between segregation and disadvantage see Sherry Cable and Tamara L. Mix, “Economic Imperatives and Race Relations: The Rise and Fall of the American Apartheid System.” *Journal of Black Studies*, Vol. 34, No. 2 (Nov., 2003), pp. 183-203.; Robert A. Margo, “Education Achievement in Segregated School Systems: The Effects of ‘Separate-but-Equal.’” *The American Economic Review*, Vol. 76, No. 4 (Sep., 1986), pp. 794-801.

¹² Theda Skocpol. *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States*. Cambridge: Harvard University Press, 1992.

power they wield is false and cede the control they exert over others. While Markell is undoubtedly correct that no one is capable of controlling all circumstances, the sovereignty that some are able to exert over their lives is not entirely illusory. Markell neglects the ways in which personal sovereignty is not only psychological but material, resulting in habits of domination that structure lives, and will not be easily changed.

The idea that people will freely choose to engage in the deep self-reflection that can create an awareness of human finitude *and* that they will then choose to restructure their lives in order to relinquish their personal power is near-fantastical. This is true for those powerful elites who are most steeped in the sort of privilege that can create an appearance of autonomy. It is also true for the great majority of people who both oppress and are oppressed, who already live with precariousness and vulnerability and who – because a politics of acknowledgement would have to be far-reaching to work at all – Markell would ask to forego the striving for security that sustains hope in the face of adversity. It is hard to believe that people in either case would relinquish control without some external motivation.

Conventional politics supplies this motivation by creating venues through which groups can assert and fight for their material and psychological needs, and can thereby apply pressure to those who would not otherwise need to consider their interests. Without the mechanisms of the state those most in need of assistance are left endlessly waiting for a remedy that may never arrive.

Markell's treatment of personal sovereignty conceives of interpersonal exercises of control as rooted in a psychological resistance to vulnerability. To live in accordance with a politics of acknowledgement means "accepting that the existence of others – as yet unspecified, indeterminate others – makes unpredictability and lack of mastery into

unavoidable conditions of human agency.”¹³ To do this we must “refuse something, restrain an impulse, forego an advantage, evade a recognition.”¹⁴ Substituting acknowledgement for recognition “might involve translating democracy’s egalitarian impulses into a new idiom in which risk, loss, and vulnerability are seen as constitutive features of political life rather than as burdens to be overcome once and for all”.¹⁵ But *Bound by Recognition* does not offer any specific course of action to ameliorate enduring injustices. Acknowledgement instead asks that people let go of their political demands which, for Markell, will otherwise lead to escalation in an unwinnable race for domination. Instead, acknowledgement would require that people – even those who are dominated as well as dominating, who are already intimately familiar with finitude and vulnerability – refuse the urge to make the cultural, economic, or political demands that are often seen as part and parcel of demands for recognition, lest they oppress others in the process. As a result, Markell’s emphasis on giving or welcoming, as opposed to demanding, does not open many concrete possibilities. Instead, it seems to ask that everyone demand less of others while waiting for the powerful to come to a place of welcoming, which is in turn dependent on a realization that a normative ideal of justice and equality should outweigh selfish and endless (and therefore unattainable) desires for control.

There is little reason to believe that those who have come to enjoy the psychological comfort of sovereignty, illusory or otherwise, would willingly trade that state of mind for an acceptance of loss and risk. This is especially true when, as Markell writes, “people who are able to identify relatively unproblematically with the ‘larger’ society’ and its institutions are

¹³ Markell, *Bound by Recognition*, 180.

¹⁴ Markell, *Bound by Recognition*, 182.

¹⁵ Markell, *Bound by Recognition*, 188.

also typically better able to set the terms under which any exchange of recognition with less powerful and more vulnerable others will occur, making their own desires and needs into nonnegotiable items.”¹⁶ Acknowledgement is, then, contingent upon the individual realizations of society’s most powerful, even though Markell’s politics of acknowledgement includes no mechanism for convincing people to prioritize social justice, or to engage with justice as a consideration.

This lack of a mechanism is especially important when considering the breadth and depth of people’s attachment to the pursuit and experience of individual sovereignty. Contra Markell, the enjoyment of personal sovereignty is not strictly psychological. Those with power may, in a material sense, bend the world to their will. The places where people spend their days – homes, cars, offices – may be designed to taste. Consumer goods from around the world can be delivered to one’s door. Unpleasant tasks – cleaning, laundering, food preparation – may be outsourced to paid help. For those with economic means a sense of psychological control may not only be generated from ongoing acceptance, but from the real, everyday experience of having tasks accomplished without seeing or partaking in the labor involved. Toilets may be cleaned, meals may appear, clothes may become wearable once more, all effortlessly and on demand, thereby creating the illusion that the world really is controllable, that personal sovereignty is achievable. Even in life-or-death realms, the privileged are likely to live lives that are longer and both physically and psychologically healthier and are less likely to face the moments of vulnerability, including impacts on family and employment, that come with low socioeconomic status.¹⁷ Those with sufficient financial

¹⁶ Markell, *Bound by Recognition*, 6.

¹⁷ American Psychological Association, “Socioeconomic Status and Health Fact Sheet.” <http://www.apa.org/about/gr/issues/socioeconomic/ses-health.aspx>. (Accessed 8 March 2012).; Nancy E. Adler,

and social resources may also be able to plan such that they can be assured that their sovereignty can extend even beyond death, whether through pre-established funeral arrangements, plans for descendants' financial health, or for charitable or political donation through trusts or planned estates. From the cradle to the grave, domination is not only a psychological state but a series of habits. And these habits of domination are so deeply engrained – and so deeply reliant on unequal relations of production, which make low cost goods and labor more widely accessible – that even those who might try would find it difficult to eliminate oppressive behavior from their daily routines.

This tradeoff – material comfort and psychological security versus a more just and respectful world – is not unusual, not a question of a few super-elites relinquishing yachts and private jets. Most, if not all, people in the developed world engage in some practices that create a sense of personal sovereignty. These may be as simple and central to daily life as driving your car to your destination and being able to choose your route and timeframe, or locking the door to your home to maximize your ability to control who you interact with and who has use of your things. Relinquishing the practices that Markell implicitly asks people to refuse, restrain, and forego may lead to a materially and psychologically different quality of life. For those who are starting out in tenuous positions, things might quickly become unsafe. Yet Markell remains unclear about the amount of risk that any one person should be willing to tolerate, and whether their starting position in society affects the degree to which they should relinquish the pursuit of autonomy. If it is difficult to imagine the powerful ceding their psychological ground it is near impossible to imagine people who already live precariously choosing to give up material comfort in the interest of an abstract principle.

et al., "Socioeconomic Status and Health: The Challenge of the Gradient." *American Psychologist*, Vol. 49, No. 1 (Jan., 1994), pp. 15-24.

There is, in short, little reason to think that those who benefit from unequal social arrangements will spontaneously come to the conclusion that they should willingly surrender the material and psychological comforts, derived from historical and global inequality, that make life relatively controlled and comfortable.

Furthermore, if this transformation were to take place, it would be less a politics than a job for individual psychotherapists and yoga instructors. Even someone who was willing to relinquish the material and psychological pursuit of control would likely find the task exceedingly difficult. Forgoing privilege and embracing finitude would require a near-total re-imagination of self. This type of personal discovery must be sought and chosen, and even then would be difficult to achieve without a deep well of emotional and material resources. Outside of a conventional political discourse there would be few ways to push people on a large scale to embrace their mortality and publicly acknowledge that their own needs are not as important as those of others. There is no reason to believe that those who enjoy a very convincing simulacrum of personal sovereignty – let alone the many more who cling to a precarious semblance of same – will one day wake up and come to the conclusion that it's time to contemplate their own powerlessness for the sake of people they don't know or in the service of an abstract concept of justice. And even those who might do this will find that dominance is not an object that can be let go of, but a constellation of habits and views that infuses all parts of daily life.

Embracing a politics of acknowledgement, then, is not only a question of deciding to be more just or deciding to be humble, but a process of questioning everything that is familiar and reliable. Markell encourages this, but does not ask: Do you have the emotional support needed to engage in a contemplation of mortality? Do you have the money to avoid

buying clothes and food whose production relies on international and interpersonal domination? Do you have a community that can help you understand how the ways you interact with others may be harmful to them? Can you afford to stop advocating for your own political needs? Can you trust that you will remain safe if you stop pushing others to change their behavior towards you? Can you trust, ultimately, that others will lower their guards and make the same concessions? Or will a politics of acknowledgement leave you more vulnerable, more psychologically naked and materially deprived than those around you? Will it leave you with enough internal resource to be welcoming of others? Will it leave you with fewer critical resources than you had – or could have had – if you had continued to fight for recognition?

Acknowledgement: The Waiting Game?

That Markell's politics of acknowledgement relies so heavily on voluntary and unlikely actions leaves little recourse for those groups most in need of action. Though political institutions have historically provided a venue through which groups could make demands of those in power, Markell's vision of a politics of acknowledgement excludes these bodies. He writes that:

if there is a 'politics' to the idea of acknowledgment, it...involves criticizing the ways in which our conceptual frames, modes of identification, and animating political visions not only obscure the conditions of politics but do so in ways that reinforce inegalitarian distributions of power and vulnerability; it involves articulating different political imaginaries...and it involves reflexively examining, criticizing, and altering the institutional and practical forms through which our political imaginaries are reproduced.¹⁸

¹⁸ Patchen Markell, "Ontology, Recognition, and Politics: A Reply," *Polity* 38 (2006), 39.

But there are few venues for the kind of reflection Markell imagines. Even when spaces like this do exist (at least ostensibly) outside of the state – fraternal or sororal organizations, sporting groups, university or community classes, corporate managerial retreats – those who enter them have little impetus to engage in the kind of difficult, empathetic conversation that a “politics” of acknowledgement demands. These groups are also likely to be homophilous, making it difficult to imagine how alternative viewpoints would be introduced, or why group members would be moved to take up this task.¹⁹ Even if dialog does occur, the possibilities for action are unclear. To be effective, Markell says that new political imaginaries must replace old imperatives and norms. This is a tall order, especially if it is to occur in a nation with millions of citizens, and especially if the state and traditional political activities – protest, lobbying, canvassing – are off-limits to activists.

In his response to a symposium on *Bound by Recognition*, Markell says that a politics of acknowledgement can be useful because “it involves reflexively examining, criticizing, and altering the institutional and practical forms...which help orient us in political life”²⁰ But Markell does not explain how this reorientation will occur. Nor does he account for the asymmetry of political life, for the possibility that some will be more willing and able than others to practice a politics of acknowledgement. As a result, he does not seem to provide an alternative to waiting for individual realizations to occur. Without the involvement of state apparatuses there is no clear recourse for those who are most desperately in need of change. It is unclear where they would go to be heard, or how they would know to go there, or how they would get others to listen. While a conversation on a therapist’s couch or in an Elks

¹⁹ J. Miller McPherson and Lynn Smith-Lovin. “Homophily in Voluntary Organizations: Status Distance and the Composition of Face-to-Face Groups.” *American Sociological Review*, Vol. 52, No. 3 (Jun., 1987), pp. 370-397.; Miller McPherson, Lynn Smith-Lovin, and James M. Cook. “Birds of a Feather: Homophily in Social Network.” *Annual Review of Sociology*, Vol. 27 (2001), pp. 415-44.

²⁰ Markell, “Ontology, Recognition, and Politics: A Reply”, 39.

meeting might articulate more vulnerable and humble political imaginaries it will only impact those who seek it out or choose to pay attention to it. The legal and social power of governmental bodies has greater reach and gives these dialogues greater impact, therein creating more meaningful incentives for those who are otherwise reluctant or resistant. Any number of conversations, consciousness raising groups, or community conversations intended to challenge power structures or create new political imaginaries could still fail to change the minds of those who are entrenched in prejudicial beliefs. Laws and political conversations may also fail at this. However, no amount of discussion – even successful discussion – can levy the power of anti-discrimination laws attached to fines and penalties or the conceptual weight of state approval. Nor can atomistic private action offer a guarantee to those who do or would benefit from state protection in non-state settings; it is difficult to imagine any uniform protection against prejudicial hiring or workplace treatment or housing discrimination developing out of a politics of acknowledgement.

Yet Markell seeks to exclude the state from his (increasingly thin) politics of acknowledgement. He paints appeals to the state as dangerous because they reinscribe and channel sovereign power that is predicated on exclusion, because “to appeal to the state *for* the recognition of one’s own identity – to present oneself as knowable – is already to offer the state the reciprocal recognition of its sovereignty that it demands.”²¹ Markell is right that a politics of acknowledgement need not reinforce pre-existing structures of power or offer the state more power.

But a state will still be needed to make sure that citizens are protected from international threats, that roads are paved, that food and medication are not toxic. That state,

²¹ Markell, *Bound by Recognition*, 31.

even if it operated in a pared-down form, will continue to wield power, and those living within it will be affected by that power regardless of their engagement with governmental bodies. Markell seems to implicitly concede that engaging with the state will, at some point and in some way, be necessary for those living within its borders, at least inasmuch as orientation within political life is at issue in a politics of acknowledgement.²² However, acknowledgement does not give those actors who are denied recognition or experiencing misrecognition an alternative non-state channel through which to engage those with whom they share a state, and therefore denies them any plan of action for facilitating a change in their own circumstances.

In recent history, engagement with the state has proven to be a useful tool, and certainly the most tangible, for disadvantaged groups seeking to change social orders. Minority groups have formed relationships with state agents and have learned to direct their resources towards specific actors or levels of government. Though it might call state power into question, refusing to treat the state as a political nexus (as Markell suggests) would require an investment in re-education and re-organization that groups seeking recognition can hardly afford. Even if advocacy groups were successful in re-orienting themselves towards inspiring the privileged to rethink their psychological and material comfort on purely normative grounds, they might be expected to have a hard time finding an audience. Groups' recourse to the state is much more immediate and tangible. State institutions can be structured to make political representatives or bureaucracies at least somewhat responsive to constituent needs, whether through elections, public comment periods, or investment in interest group funding and endorsements. And, especially when these access points are even nominally open to all, interest groups have used them to leverage their collective power

²² Markell, "Ontology, Recognition, and Politics: A Reply", 28-39.

against legislators and other political groups who would not otherwise have a reason to devote mental energy to the desires of the marginalized. Political movements may also gain enough cultural traction to encourage private individuals to rethink their views about particular groups, whereas they would have no reason to reconsider their views – let alone embark on a difficult and deeply personal project like that Markell demands – without that prompting. Markell’s approach would move so far away from this sort of traditional politics that groups seeking recognition would likely be left in perpetual suspense, knocking on doors that have no reason to open, with a message that need not be heard.

Interestingly, this potential result replicates the dynamic that Markell is so critical of in his study of Jewish Emancipation, wherein the psychological states and political perceptions of those already in power matter most, and can be exercised arbitrarily. Waiting indefinitely for the powerful to accept their finitude and accepting that arbitrary and voluntary personal acknowledgement will rule the political day are both unacceptable solutions for those who suffer daily from the psychic pain of exclusion and derision, and the material effects of same. Waiting should be similarly unsatisfactory for those who, like Markell, claim a normative interest in creating a more just world – especially when engagement with the state may be less hazardous than Markell suggests.

Mischaracterizing the State

While democratic institutions are deeply imperfect, history does show that it is possible for organized interests to infiltrate both the bodies that govern and their agendas, to snatch some of that sovereign power that Markell is afraid of reinscribing. A politics – and a more interactive, antagonistic, engaged politics than the one Markell proposes – is necessary

if justice is to be extricated from governmental systems that subsist on and perpetuate inequality. Fortunately, a politics that engages the state might not be so dangerous if Markell's assumptions – that the state regulates identity to control it, and that engaging the state will result in narrowly cast pictures of identity – don't tell the whole story.

Markell's model of the state is limited in large part because it is drawn from a peculiar and anachronistic model – the emancipation of Prussian Jews in the early 19th century. Based on this example, Markell constructs the state as a static consumer of sovereignty. But to say that the Prussian Empire was different from modern liberal democracies is an understatement at best. The Prussian Empire evinced no concern with righting historical wrongs or creating equal access for its subjects. Its central aim had much more to do with consolidating power than with ensuring the psychic or financial health of Prussians, Jewish or otherwise.²³ Defenses of Jewish emancipation occurred “not (as is sometimes suggested) in the context of a defense of universal human rights, but rather in the course of a psychological argument about how the state might most effectively weaken the parochial ties among Jews and convert them into loyal German citizens.”²⁴ Jewish emancipation was not strictly, or even primarily, an attempt to correct historical injustice or expand rights in line with changing normative judgments about the reach of justice. Rather, it was a political attempt to count and regulate Jews, and a conditional offer of civil freedoms that required Jews to recast or abandon social and religious institutions in exchange for a paltry and contingent recognition.²⁵

²³ Michael Meyer, ed. *German-Jewish History in Modern Times, Volume 2: Emancipation and Acculturation 1780-1871*. New York: Columbia University Press, 1997.

²⁴ Markell, *Bound by Recognition*, 134.

²⁵ Meyer, 29-40.

Prussian Jews did appeal to Kaiser Wilhem III and, as Markell suggests, did so in ways intended to affirm state sovereignty. Markell cites a letter from the Jewish community of Königsberg to the Kaiser, which praises his wisdom and affirms their subject position: “Your eternal royal Majesty’s noble and wise orders and reforms fill every subject of the Prussian state with love, awe, and joyful anticipation; therefore, the members of a people that...has felt itself besieged and neglected, do venture to have resort to your eternal royal Majesty’s good sentiments, full of hope and confidence.”²⁶ This tactic can hardly be surprising, given the precarious position of Jews across Europe and – importantly – the lack of institutions that gave them any recourse in the face of unjust state decisions. It is on this model that Markell paints the state as a static consumer of sovereignty which will absorb the power of groups who appeal to it, rendering them powerless to resist the state’s authority and affecting both their legal status and self-image as “the modern state is...one of the central objects of identification onto which persons displace, and through which they pursue, the desire for independent and masterful agency.”²⁷

This theory holds true in the case of the Prussian example. The extension of rights to Prussian Jews was piecemeal and self-serving. Jews were granted the right to hold public office, and then denied it.²⁸ The ability to hold academic positions was extended as part of the Edict of 1812, only to be repealed in 1822.²⁹ To earn rights Jewish families had to – counter to Jewish traditions – take on fixed family names, agree to conduct their commercial and state business in German or another living language, and sign their names in Gothic or

²⁶ Markell, *Bound by Recognition*, 132.

²⁷ Markell, *Bound by Recognition*, 125.

²⁸ Meyer, 39-40.

²⁹ Meyer, 39.

Latin script.³⁰ By design, Jewish people lacked any official recourse when these rights were repealed. Their inclusion was “not derived, and did not purport to be derived, from first political and moral, let alone universal, principles. Prussian reforms were pragmatic and opportunistic. They were intended to maximize and mobilize the resources of the state and were governed by what its master and his loyal servants considered expedient, not just.”³¹

Prussian Emancipation is a strategically well-chosen example on Markell’s part. It adheres closely to the Hegelian readings of recognition that are clearly a part of Markell’s intellectual lineage. Markell likens the roles of state and recognition-seeker to that of Hegel’s master and slave. The example succeeds in suggesting that freedom-from is superior to a state-conferred freedom-to, and demonstrates the pitfalls of endorsing and depending on a state that absorbs sovereignty, accepting recognition without being accountable to any mechanism of reciprocity. However, it is not a good example of how recognition-seeking interactions with the state might take shape in modern liberal democracies, where the construction of both procedural and substantive rights gives groups suffering from enduring injustice the ability to build upon their victories in ways that Hegel would have been hard pressed to imagine.

Unlike Prussia, many modern states do evince a normative interest in increasing equality for equality’s sake. While not naming recognition per se many aim to limit the degree to which citizens experience subjugation, legally and conceptually through enumerated civil and human rights and more materially through social welfare programs. Civil rights laws and jurisprudence similarly put states’ power behind normative judgments

³⁰ Meyer, 27.

³¹ David Vital, *A People Apart: The Jews in Europe 1789-1939*. Oxford University Press, 1999, 67.

about justice and equality. In addition to individual states' commitment to visions of equality and recognition, many nations are signatories to international human rights treaties, suggesting that the pursuit of at least a basic adherence to human rights principles is understood as a condition of international engagement.³² Many of these human rights principles – the universal right to nationality, free movement, family, religion, free thought, expression, employment, rest, participation in cultural life, and protection even in times of war – hold closely to what is required for the realization of recognition.³³ That nations sign these protocols, and that they experience international pressure to uphold them, speaks to an increasingly widespread agreement on the importance of individual rights and group rights – including cultural rights – that was not of concern to Prussian officials.

While both domestic and international laws are, in practice, ignored or selectively enforced with unfortunate frequency, they provide a standard to which the populations of modern liberal democracies can hold officials who would otherwise deny recognition. The violation or unequal application of these normative stances can be taken as grounds for protest or political dissent. Even if (or when) citizens' demands are dismissed, the perception that agency can be exercised in seeking rights suggests that social justice is not a privilege or a gift, but a right to be demanded and negotiated. Citizens seeking rights need not do so

³² At writing, all United Nations member states are signatories to at least one of the UN's ten human rights treaties, and 80% of member nations have ratified four or more treaties. (Office of the High Commissioner for Human Rights. "Human Rights Bodies." <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>. Accessed 6 March 2012).

³³ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), <http://www.unhcr.org/refworld/docid/3ae6b3712c.html> (accessed 6 March 2012).; International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, <http://www.unhcr.org/refworld/docid/3ae6b36d2.html> (accessed 6 March 2012).

through supplication to an all-powerful ruler, as was the case for Jewish people in the 19th century.

Markell's anachronistic example also makes assumptions about the perceived audience for recognition requests. Markell may be right that the state levels its "needy and suspicious gaze" at members of minority groups. But the meaning of that gaze is altered when it is not the paternalistic and singular eye of a monarch. Instead, the contemporary democratic state looks at its members with a shifting aggregation of gazes – an increasing number of which belong to those who are not part of the historical majority and whose inclusion changes the agendas that determine state action.³⁴ The liberal democratic republic does not, itself, offer recognition or possess a gaze that exists outside of its component parts. Rather, it is the conduit through which citizens gaze at each other, and – importantly – gaze back. While this does make the state, as per Markell's critique of recognition, dependent on citizens' deference, governmental bodies are also held accountable to those who supply their social meaning and sovereign power. It is no longer simply a case of majority-white, male, Christian governments being magnanimous towards *subjects* who are "other" – as is the case in Markell's example of Jewish emancipation – but of non-white, non-male, non-Christian *citizens* entering state apparatuses and changing conversations from within the state.

³⁴ Research from the Inter-Parliamentary Union addressed both the successes and struggles of attempts to increase legislative diversity. See: Inter-Parliamentary Union and United Nations Entity for Gender Equality and the Empowerment of Women. "Women in Politics 2012." http://www.ipu.org/pdf/publications/wmnmap12_en.pdf. February 2012.; Inter-Parliamentary Union and United Nations Department of Public Information, United Nations Division for the Advancement of Women. http://www.ipu.org/pdf/publications/wmnmap00_en.pdf. 11 May 2000.; Protsyk, Oleh. "The Representation of Minorities and Indigenous Peoples in Parliament." Mexico: Inter-Parliamentary Union and United Nations Development Programme. <http://www.ipu.org/splz-e/Chiapas10/overview.pdf>. 2010. (Accessed 8 March 2012)

Markell continues to suggest that “the state participates in and reconfigures, but by no means transcends, the conflictual and potentially unjust dynamics of recognition.”³⁵ This inability to transcend dynamics of recognition is worthy of more attention than Markell gives it. In a modern context it should denote the ways in which few states can still act with the individualistic independence afforded to a politically calculating Kaiser, the way in which the yielding of sovereign power to the legislators, judges, and bureaucrats who constitute the state is often conditional and can be revoked if members of government do not meet with the approval of those who put them into power. In these cases, it may not be as problematic as Markell suggests for a government to engage in a conflictual dynamics of recognition, especially when democratic forms of government may mean that conflict holds governments to higher ideals in ways that would have been unimaginable to Prussian subjects.

Institutional structures are still, in practice, biased. There are relatively few women and minorities in most governmental bodies, and those who most need meaningful protection may lack the political power to provide it for themselves. But when groups demand recognition from liberal democratic states they are demanding it from their fellow citizens and, as they gain enfranchisement, from themselves. It is shortsighted to ask that the state remove itself when state apparatuses can be changed to include diverse actors who are likely to have either a procedural or substantive investment in guaranteeing rights. Citizens of a liberal democracy have the ability to vote politicians out of office, to form interest groups, and to work on changing cultural norms. All of this makes the relationship between citizens and their state significantly different from the relationship between subjects and their Kaiser. In a modern liberal state – unlike the Prussian Empire – citizens can and do make demands on political actors and institutions. Through protest, political organization, the wielding of

³⁵ Markell, *Bound by Recognition*, 126.

interest group money and pressure, participation in cultural discourse, and attempts to move public opinion, those in need of recognition may be able to hold the state responsible for its failings. Responsive liberal democratic states can adjust to evolving and complex requests for recognition by including those who seek recognition in the decision-making process.

Once able to enter state apparatuses, members of minority groups can work to ensure that depictions of their needs are not one-dimensional or static – that they will not be, as Markell fears, bound by recognition. The state itself, and the process by which recognition is granted, can be made inclusive, can become a useful site for and tool in struggles for recognition without consigning groups to misrecognition. There is little reason to believe that liberal democratic states are destined to create “unjust relations of inequality, asymmetrical dependence, and exploitation among people, groups, and institutions.”³⁶ This may have been true for Jews facing the monolithic Prussian empire, but groups seeking recognition from dramatically different states will not necessarily meet with the same subjection and cooptation of power that defined the Jewish struggle for emancipation.

Different Identities, Different Recognitions

Markell’s reluctance about affirming and increasing state power is not solely based on the example of Jewish emancipation; he is also more broadly concerned that state recognition will have a binding effect. He writes that: “by making the protection of the state, the distribution of resources, and the institutionalization of rights dependent upon one’s recognizability as the bearer of an identity, the politics of multicultural recognition risks subjecting the very people whose agency it strives to enhance to powerful forces of

³⁶ Markell, *Bound by Recognition*, 150.

normalization, binding them ever more closely to who they are.”³⁷ Markell’s view of recognition here is needlessly narrow. It seems to assume that individuals are bearers of only one unified cultural identity that the state will be able to constrain in uniform ways, that there are no forces outside of the state that would push back against attempts to restrict or flatten identity, and that the state will be able to succeed in enforcing processes of normalization without finding that norms are changed by the process of inclusion. These implicit claims are deeply problematic. There is no single way to be part of a culture. Even within especially restrictive cultural groups men and women, children and adults, single and coupled people tend to have different cultural roles and would, therefore, respond differently to state restrictions.³⁸ Cultures are not – maybe cannot be – the same thing to all members. Nor can members ever be only one thing. Even when, to take Markell’s own example, the Prussian Empire recognized “Jews” it did not, could not, create one single template for Jewish identity or create a set of laws that had an identical impact on men, who faced more direct economic and legal pressure to learn new languages and who were more likely to be effect by laws about holding office, and women. In spite of the conditional recognition allowed to Jews in Prussia, there was no singular Jewish role. The state could expand or restrict possibilities, but it could not force members of the group to adhere more closely or singularly to their Jewishness and could not stop Jewish identity from being modified by gender, age, or coupled-ness.

³⁷ Markell, *Bound by Recognition*, 175.

³⁸ Susan Bickford, “Reconfiguring Pluralism: Identity and Institutions in the Inegalitarian Polity.” *American Journal of Political Science*, Vol. 43, No. 1 (Jan., 1999) pp. 86-108. ; Kimberlé Crenshaw, “Intersectionality and Identity Politics” in Mary Lyndon Shanley and Uma Narayan, eds. *Reconstructing Political Theory: Feminist Perspectives*. University Park, PA: Pennsylvania State University Press, 1997, pp. 178-193; Kimberlé Crenshaw, “Demarginalizing the Intersection of Race and Sex” in *Feminism and Politics*, ed. Anne Phillips, Oxford University Press, 1998, pp. 314-334.

Markell's assumption of singularity overlooks the many different ways in which people can demand recognition, and the many different ends they have in mind, both as individuals and as group members. To say that the state will always constrict people's identities when they seek recognition ignores the diverse reasons that groups may pursue recognition in the first place, and the ways that groups operate. There may be a significant disparity between the way that recognition affects groups who earn new rights and individuals whose ability to exercise new rights may still be abridged by other social identities or material positions. Furthermore, conflating the different motivations behind group action denies the many valid goals different groups might wish to pursue in seeking recognition. To that end, it may be illuminating to separate recognition demands into two broad categories, distinguishing between those groups who seek to maintain cultural separation and those who seek to join with a pre-existing state.

Separatist Recognition

Groups seeking separatist recognition – the Quebecois and indigenous nations are oft-used examples – do not seek equal rights with the citizens of their parent country. Rather, they seek to form distinct, self-governing territories in which they will be able to sustain a thick cultural tradition.³⁹ These groups seek recognition to be able to separate from the cultural norms and expectations of the nations that they have been a part of, to be recognized as culturally distinct and given leeway to create their own apparatuses of law, culture, and even internal systems of recognition.

³⁹ The distinction between nested and rival nationalities would importantly distinguish further between separatist groups who are likely to be more or less competitive with or dangerous to the state, but that examination is outside the purview of this paper. (Spinner-Halev, Jeff and Elizabeth Theiss-Morse. "National Identity and Self-Esteem." *Perspectives on Politics*. Vol. 1, No. 3 (Sep., 2003) pp. 515-532.

These cases seem most likely to realize some of Markell's worst fears about recognition. States may deny groups the ability to exit, and use their deference to state sovereignty to entrap and demean them. Already recognized nations seeking to hang on to the resources of those who seek independence may exhibit a "heighten[ed] indifference, or even hostility, towards other possibilities of existence",⁴⁰ especially when losing this control is tantamount to an admission of historical wrongdoing or comes with economic consequences. These states have both psychological and economic motivation to deny recognition.

But this is not binding by recognition so much as binding by *mis*recognition, or refusal to recognize. It is not conditional inclusion that is most dangerous here. Rather than binding, inclusion would give groups purchase on the process through which they could propose legislation or ballot initiatives, or make appeals to international actors for intervention. It is the cultural and legal ghettoizing of groups that is most dangerous and disabling. And in these instances, it is easy to see why Markell has much reluctance about recognition.⁴¹

However, even in cases where groups are constrained by the state, that circumstance does not have to continue into perpetuity. Groups may continue to make cultural and political appeals, may create a political climate that convinces their fellow members of the state to consider their claims. They may continue to argue for the recognition that will allow them to

⁴⁰ Markell, *Bound by Recognition*, 175.

⁴¹ Though the term "recognition" seems misleading here. In this set of cases it does not seem that the issue is that *recognition* offers only nominal autonomy or comes with conditions that limit groups' independence. Rather, these are cases of *mis*recognition or denied recognition. While "Bound by Mis- or Partial Recognition" would be a considerably less enticing title for Markell's book, it seems that in these cases it might be more accurate; even in the case of Prussian Jews it seems that Markell is recounting a *mis*recognition that offered some legal rights predicated on the state's belief that Jew were dangerous, rather than a recognition that acknowledged the equal humanity and cultural validity of Jewish people.

separate and gain autonomy, so that they are bound by neither the sovereign state nor its vision of them and so that they can avoid the pressures to assimilate that may destroy cultural traditions over time.

Though Markell may be right to be wary of state intervention in some separatist cases, it is hard to imagine his politics of acknowledgement having much effect in these cases. If realized, acknowledgement might incline those who govern these groups to allow recognition-seekers to exit the state without resistance. This may be where the idea of a politics of acknowledgement is most powerful and appealing; Markell is probably right that much pain and suffering could be avoided if states would relinquish control over groups who seek independence without a fight. But it remains hard to imagine – and historically, it has rarely, if ever, been the case – that people who live in French Canada or Australia or the U.S. would voluntarily cede power and resources as a result of changed thinking alone. Furthermore, it is hard to see how opinion would change, or how changed opinion would lead to action, if groups seeking recognition were not able to make their appeals to fellow citizens matter by appealing to a shared state. Even when opinions change and people become more willing to accept the possibility that cultural groups should be able to self-determine, little tangible change occurs without prompting from these groups, and it would be hard to know exactly what demands the group sought to have fulfilled if the state did not act as a shared site for demand-making and listening.⁴² While a politics of acknowledgement might remove aspects of antagonism and would (if achieved) expedite the historical process,

⁴² It is also hard to imagine how marginalized groups living within national boundaries *could* avoid the state if their homes and employment are policed by its agents. Even if, as per Markell, groups did risk reinscribing state power by acknowledging the state and its agents, I am hard pressed to call to mind to many historical examples where groups have succeeded at living within national borders without negotiating with the state, though Markell does not, within the construction of acknowledgement, really tangle with the degree to which recognizing the state is involuntary.

it is hard to see how it could come to pass, and how it could meet the needs of groups who lack a way to draw attention to their interests outside of the state.

Integrationist Recognition

While some seek independence from the state, others hope to join with the state's decision making bodies to gain rights that are equal to those of privileged groups, usually majorities. While integrationist requests do, like separatist requests, ask that the state recognize multiple life ends as valid, appeals for integrated recognition do not necessarily require that groups have autonomy or rights separate from their fellow citizens, and requests aimed at changing group autonomy or rights tend to focus on expanding pre-existing legal protections (i.e., the right to vote or marry) rather than creating new legal structures or territories.⁴³ These appeals may also be more cognizant of group members' multiple, intersectional identities and move forward in ways that don't require members of the group to identify solely or primarily by the group's shared categories.

There are several reasons why integrationist requests might be both more welcome and more successful in modern liberal democratic states. Unlike the Prussian Empire, many of these states profess a philosophical, normative belief in inclusion and equality, either through having a bill of rights or signing on to international conventions. While this most certainly is not always the leading force behind government action (and is not always present in practice), the ability of groups to hold the government to this norm is powerful on multiple

⁴³ Additional protections may be necessary to ensure that newly included groups are equally able to exercise their rights. For example, in the U.S. has had to pass specific legislation to enfranchise women and members of ethnic and racial minority groups, and many countries rely on gender quotas to increase the number of women who run for and hold political office. These actions are sometimes pointed to as "special" protections, but are really means rather than ends. While groups may fight for new legislation that is specially targeted at creating and protecting their legal rights, these efforts are still integrationist if the intended end of these laws is to ensure rights that are on par with those whose rights are already guaranteed.

counts. It gives groups a rationale on which to leverage limited rights into a more complete conception of rights. And it allows groups to fight back against the possibility that Markell fears, that they will be constrained by requests for recognition, because it puts the power to define and refine requests for recognition into the hands of group members, with the assurance that rights are not to be passively received at the whim of a distant and powerful state. Instead, the fight for integrationist recognition is an ever-evolving conversation that group members are able to actively help formulate. More practically, integrationist requests present less of a threat to the state, which may be forced to reorganize power structures, but does not have to altogether relinquish the human and natural resources that constituent groups control.

When responding to integrationist requests for recognition the liberal democratic state can, in contrast with Markell's fears, allow multiple visions of success to flourish. Groups making integrationist demands join with the state and may, in the process, reinscribe state power. But they also change the composition of that power. The admission of groups making integrationist demands, or expansions of rights intended to include them, have been responsible for changing agendas and compelling others to prioritize group needs differently. The state's reaction to such dynamic demands for recognition suggests that, contra Markell, the substance of recognition demands and the active participation of groups seeking recognition can keep the state's role in granting recognition from being binding.

The flourishing of multiplicity can, itself, be seen as a sign of success for groups who make dynamic recognition demands. It would be strange to argue that the United States' gradual and progressive recognition of black citizens, female citizens, and gay citizens has

bound those groups to one singular image or way of life.⁴⁴ Nevertheless, While Markell worries that “multicultural exchanges of recognition risk overlooking – indeed, risk drawing attention away from – some of the deeper relations of power and forms of subordination that underlie the very injustices they are meant to combat”⁴⁵ integrationist requests tend to lay the groundwork for further political and cultural work intended to curb injustices. Responses to these requests may attempt to limit or constrain identities – to, as per Markell, bind by recognition. And conservative groups may be successfully in enshrining misrecognition into law, with devastating effects for members of affected groups. But political victory gives groups seeking dynamic recognition another tool with which to expand others’ views of who they are, more chance of becoming an equal part of the state, and more opportunity to present their multiplicity to their fellow citizens. Granting groups the right to vote, the right to move freely, the right to practice their preferred religion, the right to work, the right to marry does, at each step, expand the options open to individuals, as well as the group’s claim (internally and to outside audiences) for their worth, and human equality. These political moves open the door to future demands, which will have a stabler grounding at each step along the way.

Furthermore, even if it wanted to bind through a conditional offer of recognition, when faced with dynamic requests for recognition the state cannot account for and constrain every variation on identity. State apparatuses cannot hold groups to static standards. Even if they try, even if they succeed in restricting exploratory spaces to the margins of social movements, activists have repeatedly proven their ability to move agendas and cultural beliefs and leverage limited recognition into more inclusive and expansive political

⁴⁴ This is not to deny that some images – especially those that are derogatory – are more culturally prevalent than others. However, these often pre-date politically organized demands for recognition, and their deconstruction quickly becomes a part of fights for recognition.

⁴⁵ Markell, *Bound by Recognition*, 171.

platforms. For example, a group might make an integration request for expanded enfranchisement or the ability to run for political office. This request, if granted, expands the options available to group members – they may now be able to lobby elected officials, form more powerful interest groups, run for office locally and nationally, take part in public political debates with mainstream candidates, receive federal campaign funds, to, if elected, gain the ear of fellow officials and propose legislation that would further enshrine or expand that groups rights – but does not have to bind them to a static identity. These requests are not, perhaps cannot be, granted on the contingency that all members of the group view their identity the same way or that they all agree on what it means to be black or female or gay in the U.S. Voting rights could not be granted only to women who agree to continue to be homemakers, the right to run for office could not be extended only to those African Americans who agreed to work as manual laborers, marriage rights cannot be extended only to gay people who agree to assign partners to traditional gender roles within the marriage. Rather, once granted, these rights give members of minority groups new purchase on communal life and new opportunities to place demands on state institutions, whether as voters, representatives, federal taxpayers, or private individuals. Integrationist recognitions cannot bind identities, even though they recognize that membership in the state is desirable and defer to and reinforce the state’s power.

And, again, it is difficult to imagine how Markell’s politics of acknowledgement could offer a more powerful remedy than a politics of recognition, even though the latter may be antagonistic and imperfect. Would those in power be expected to use their newfound humility and empathy to represent the interests of newly recognized groups whose oppression they have never experienced? Would they be expected to abdicate positions of

power? Does Markell's demand that we acknowledge finitude and embrace vulnerability extend to those who are all too familiar with both, and ask them to put political demands aside altogether? While appeals for recognition may not always be welcomed or successful, they at least affirm the agency of those who make requests and engage in politics, and come with a possibility of action that acknowledgement denies.

Recognition as Progressive Remedy

Driven by his conviction that the state will subsume agency, Markell advises groups seeking recognition to avoid the state. He reads "multicultural exchanges of recognition as instruments through which many contemporary states and their citizens attempt to reconstruct sovereign agency."⁴⁶ While he concedes that modern states are more genuinely sensitive to the demands of minority groups, and that government intervention "may still result in genuine improvements in the conditions of life of some of the people and groups it aims to benefit" ultimately the state's "capacity to respond productively to injustice will be importantly limited."⁴⁷ These limits are not negligible. They include the risk of overlooking "some of the deeper relations of power and forms of subordination that underlie the very injustices that they are meant to combat"⁴⁸, creating "an impoverished understanding of the nature and sources of the injustices we condemn"⁴⁹, and leaving "beneficiaries subject...to the perpetually needy and often suspicious gaze of the state and its normative citizens, dependent on their continued good will" such that groups are "vulnerable to sudden swings in

⁴⁶ Markell, *Bound by Recognition*, 153.

⁴⁷ Markell, *Bound by Recognition*, 153.

⁴⁸ Markell, *Bound by Recognition*, 171.

⁴⁹ Markell, *Bound by Recognition*, 171.

the national mood.”⁵⁰ While some of these concerns may hold weight – certainly, the needs of minority groups have been used as fodder in elections, and national mood about issues like gender, racial equality, and sexual orientation have bearing on what progress is made – they also neglect positive historical moments when the state has enforced civil rights or passed legislation expanding rights and protections for vulnerable citizens, largely in response to popular movements built around integrationist recognition demands.

Markell’s assumption that ameliorating injustice now, through the state, must lead to a shallower exploration of systematic injustice or others’ identities creates a false tradeoff. While something would surely be lost if we never examined the ways in which privilege (or lack of same) structures lives, there is no reason to think that extending rights and recognition would limit those conversations. Surely Markell cannot convincingly argue that the increased attention to the recognition demands of people of color, women, and gay people in the U.S. over the last half century has served to decrease the attention paid to inequality, or made collective understanding more superficial. It is hard to imagine that, in the U.S., white, male, Christian faculty acting alone would have pushed for the creation or popularization of women’s studies or critical race theory, or that white male Christian legislators would have advocated for civil rights and equal pay acts without pressure from interest groups organized around fights for recognition. What reason would they have had to prioritize these conversations over those more meaningful to their own life flourishing? How would they have the knowledge about other groups to write syllabi or legislation? Conversely, legislative research has shown that once they become a part of legislative bodies female and black legislators are more likely to introduce legislation advocating for issues specific to their communities, changing conversations and pushing their peers to reconsider legislative

⁵⁰ Markell, *Bound by Recognition*, 173.

priorities.⁵¹ Conversations about “deeper relations of power and forms of subordination”⁵² have flourished as historically disadvantaged groups have gained recognition – even the partial, incomplete recognition that Markell would rather avoid.

If Markell is worried that the “beneficiaries” of recognition will be subject to “sudden swings in the national mood”⁵³ it may be of some comfort to find that beneficent conferral of rights is neither the whole story nor the end of a conversation. While groups do, as Markell implicitly concedes, benefit from increased state recognition, calling them “beneficiaries” is an unfortunately flat choice of words. Recognition is not tantamount to a charitable handout, it is not a one-time offering that can be easily revoked at the whim of the majority. While it is certainly true that lawmakers have, after periods of reform, made serious and successful attempts to restrict minority rights (as with Jim Crow laws in the post-Reconstruction South) the legal inclusion of minority groups has expanded the philosophical and legal grounds that disadvantaged groups use to fight back against these new forms of control. On this model extending recognition does not, as Markell suggests, foreclose the possibility of deeper conversation about the root causes of injustice. Rather, it opens the legal and cultural door to those who are most capable, and have the most reason, to instigate and pursue those conversations. There is no reason to think, as Markell suggests, that a “genuine improvement in the conditions of life” for minorities will create “an impoverished understanding...of the injustices we condemn.”⁵⁴ In fact, quite the opposite.

⁵¹ Bratton, Kathleen A., and Kerry L. Haynie, Beth Reingold. “Agenda Setting and African American Women in State Legislatures.” *Journal of Women, Politics & Policy*, 28:3-4, 71-96.

⁵² Markell, *Bound by Recognition*, 171.

⁵³ Markell, *Bound by Recognition*, 173.

⁵⁴ Markell, *Bound by Recognition*, 171.

Gay Rights Movements: A Case for Progressive Recognition

The history of gay and lesbian politics in the U.S. provides a particularly rich and timely example of the ways in which recognition – even when it is conditional or limited – can be a basis for building progressively towards expanded legal and social recognition, rather than binding groups to one ill-fitting identity. Activists in the U.S. gay rights movement have appealed to the state for recognition in the form of economic and legal rights and, in the process, have recognized the state as the ultimate arbiter of recognition, and citizenship as a starting point for advocacy.⁵⁵ And the example may be particularly interesting in reference to *Bound by Recognition* because gay rights movements have not been successful at establishing equal legal rights or social status. The piecemeal success of these movements – as seen in the creation of protections specifically for gay and lesbian people and the expansion of pre-existing legal and cultural institutions (marriage, parenthood) to include gay and lesbian people in some U.S. states – have created a particular, but limited, set of rights⁵⁶, which continues to exclude many, often with devastating effects. As Markell suggests many U.S. states do use their sovereignty, built in part on the citizenship of gay people, to deny recognition. But, contra Markell’s theory, gay rights movements have built on even limited successes to expand rights and social approval.

In an era where the fight for marriage equality takes central stage it is easy to forget how persecuted gay people have been in U.S. history. While same-sex sex and sexual attraction were discussed at times, gay sex was a capital offense in some British colonies, and

⁵⁵ Though this implicit in most contemporary discussion of GLBT rights, see especially Shane Phalen, *Sexual Strangers: Gays, Lesbians, and Dilemmas of Citizenship* (Philadelphia: Temple University Press, 200) and William N. Eskridge, *The Case for Same-Sex Marriage: From Sexual Liberty to Civilized Commitment* (New York: The Free Press, 1996).

⁵⁶ Human Rights Campaign, “Federal Legislation” at <http://www.hrc.org/issues/pages/federal-legislation> and “State Laws & Legislation” at <http://www.hrc.org/laws-and-legislation/state>.

gay and lesbian sex was explicitly forbidden in others. Well into the 20th century gay people were decried and pathologized as perverts, corrupters, child molesters, and psychopaths. Gay people were subject to incarceration, forced hospitalization, and blacklisting. Their relationships and social lives were hidden, and being outed could mean that losing employment (still the case in many U.S. states), losing parental rights, being forced to register as a sex offender, and being subject to disparately violent and abusive treatment within the criminal justice system.⁵⁷ And none of these consequences have ever been strictly legal. The demonization of gay people has translated into an intense social stigma that has led those with non-traditional attractions to experiences of shame, desperation, and alienation. Gay people may be encouraged (or forced by family) to attend therapy meant to “correct” them, they may be told to keep their sexualities hidden, may see themselves depicted in the media as dangerous, less than, or other. This social and legal misrecognition penetrated across social groups and centuries, creating psychic, economic, social, legal, and physical harm for people with same-sex attraction in the U.S.⁵⁸

Yet, gay people organized – or, rather, made their social organizations public and political. By the 1950’s the Mattachine Society and Daughters of Bilitis were printing newsletters and otherwise catalyzing political action within gay communities. As other identity movements took center stage in American politics in the 1960s, gay rights advocates both borrowed from and developed calls for recognition that were predicated on an innate equal human worth and right to dignity. Gay rights leader embraced a politics that was overtly political, even politically violent at times. Many of their ends were cultural –

⁵⁷ Michael Bronski, *A Queer History of the United States*, (Boston: Beacon Press, 2011).; Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice: The Criminalization of LGBT People in the United States*. Boston: Beacon Press, 2011.; Kenji Yoshino, *Covering* (New York: Random House, 2006).

⁵⁸ Yoshino, *Covering*; Michael Warner, *The Trouble With Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge: Harvard University Press, 1999).

campaigns encouraged gay people to come out to those around them in order to make homosexuality more visible, and in 1973 activists succeeded in convincing the American Psychiatric Association to remove homosexuality from the list of psychological illness in its Diagnostic and Statistical Manual of Mental Disorders. Other ends were more explicitly political. Building on increasing social legitimacy, gay rights advocates entered the state and introduced bills to target discrimination based on sexual orientation. In 1975, Massachusetts elected the country's first openly gay congressperson. In 1978, gay rights advocates in California organized against Proposition 6, which would have banned gay people from being teachers, and the proposition lost a popular vote by a large margin.⁵⁹ In even a relatively short period of time, gay rights advocates were able to fight back more and more effectively against social and political forces of misrecognition. As they succeeded, the makeup of the state began to change. With increasing social approval, openly gay legislators and judges were able to work from within state apparatuses. Gay rights groups were able to move from being shadowy social organizations to being economically and politically powerful forces for change. This change has accelerated in the last ten years, as increasing numbers of states make marriage available to same-sex couples, make discrimination on the basis of sexual orientation in housing and employment illegal, and give legal protection to same-sex couples who are parenting jointly. Cultural change is also afoot, with popular entertainment increasingly depicting gay and lesbian relationships.⁶⁰ For the first time, in 2010, a majority of U.S. Americans polled expressed moral approval of gay and lesbian relationships, and

⁵⁹ Bronski, *A Queer History of the United States*.

⁶⁰ GLAAD. "Where We Are On TV Report: 2010-2011 Season." <http://www.glaad.org/publications/tvreport10>. September 2011.; GLAAD. "GLAAD Network Responsibility Index 2010-2011." <http://www.glaad.org/publications/nri>. August 2011.

rates of support for gay marriage and for allowing members of the military to be openly gay have both increased.⁶¹

This listing of victories is not to say that the struggle for gay rights has been entirely successful. GLBT youth are more likely to be harassed in school than their straight counterparts and are more likely to be homeless.⁶² 30 of the 50 states do not prohibit housing discrimination, 29 do not prohibit employment discrimination, 29 states have constitutional amendments banning same-sex marriage, and an additional 12 states have laws in place to restrict marriage to pairs with one male and one female.⁶³ But over time, the movement itself has expanded and splintered. It has engaged allies in larger numbers and from diverse groups. It has changed attitudes and laws. And it shows no sign of stopping, especially as the public expresses more and more acceptance of and support for the movement. And this momentum is, in part, what makes gay rights movements a prime example of the way in which fights for recognition can succeed by building on previous recognition gains, and can do so without becoming tied to one particular identity.

⁶¹ Gallup, "Americans' Acceptance of Gay Relations Crosses 50% Threshold." <http://www.gallup.com/poll/135764/americans-acceptance-gay-relations-crosses-threshold.aspx>. 25 May 2010.; Gallup, "For the First Time, Majority of Americans Favor Legal Gay Marriage." <http://www.gallup.com/poll/147662/First-Time-Majority-Americans-Favor-Legal-Gay-Marriage.aspx>. 20 May 2011. Gallup, "In U.S., Broad, Steady Support for Openly Gay Service Members." <http://www.gallup.com/poll/127904/Broad-Steady-Support-Openly-Gay-Service-Members.aspx>. 10 May 2010.

⁶² J.G Kosciw, E.A. Greytak, E.M Diaz, and M.J. Bartkiewicz, "The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools." http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1675-2.pdf. New York: GLSEN, 2010.; Ray, Nicholas. "Lesbian, gay, bisexual and transgender youth: An epidemic of homelessness." <http://www.thetaskforce.org/downloads/HomelessYouth.pdf>. New York: National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless, 2006.

⁶³ Human Rights Campaign, "Statewide Housing Laws & Policies." http://www.hrc.org/files/assets/resources/Housing_Laws_and_Policies%281%29.pdf. 29 November 2011.; Human Rights Campaign. "Statewide Employment Laws and Policies." http://www.hrc.org/files/assets/resources/Employment_Laws_and_Policies.pdf. 6 January 2012.; Human Rights Campaign, "State Marriage Prohibitions." http://www.hrc.org/files/assets/resources/marriage_prohibitions_2009%281%29.pdf. 13 January 2010.

Furthermore, gay rights movements have helped to birth queer politics, which devote great attention to the subtle structural injustices that Markell thinks may be lost if recognition is granted. Queer theorists, building on gay culture and identity politics, have questioned the tangible effects of state regulation, have challenged understandings of even the most seemingly fundamental social structures – concepts like “sex” which might otherwise be taken for granted, and have developed a mode of questioning that has been adopted across both national and disciplinary boundaries. Queer politics also integrates questions of race, class, education, and other forms of social power into the fabric of most every political concern, bringing an attention to intersectionality that makes it difficult to define queerness in a way that could be bindable. Yet the political viability of a transformative queer politics that questions institutions and resists state authority would be unthinkable without the forerunning movement for gay rights. Not only has the fight for recognition in the gay rights movement led to a mitigation of oppression and its effects, it has generated a deep interrogation of state power instead of, as Markell fears, superseding it.

A demand or fight for recognition cannot, by nature, exist in a vacuum. Members of gay groups demanded affirmation for their particular identities *from* somewhere – in this case from the straight majority who have, over time, been reassured that the life paths represented by gay identity politics are not abhorrent or dangerous and that they do not require sacrifices – including the sort of sacrifices that Markell’s politics of acknowledgement would demand – from the majority. Continuing to recognize the sovereignty of the state and the non-negotiability of democratic processes reassures those who are being asked to grant recognition. Rather than demanding that pre-existing systems transform, seeking recognition for non-heterosexual identities has made it possible for majorities to adjust to the idea that

gay particularity does not overwhelm human commonality and that non-heterosexual individuals are deserving of rights. If some people are, now, more willing to offer recognition to gay and lesbian people it is because fights for recognition built on one another. And if some people are, now, more willing to recognize queer identities and engage in queer questioning of state institutions – which challenges both the right of the state to exclude (as with the denial of pre-existing employment protections to non-heterosexual people) and the breadth of state activity (as when asking is marriage, as opposed to civil unions, should ever be the purview of the state) – it is because the fight for recognition paved the way for deeper questioning. These successes have occurred because the fight for recognition behaved exactly as Markell fears, by reassuring powerful groups who control the state that they can maintain their sense of self-determination.⁶⁴

This case is not anomalous. It is not as though any enduring injustice levied against a particular group has been remedied in one go. Groups demand recognition because they are suffering, because they need to increase their political, economic and cultural resources. Fortunately, humans are, time and again, able to levy even the smallest recognition in order to assert “new” ways of living as equally valid, a move that still designates groups as particular but begins to move towards transformation. Once these alternate ways of life become familiar, and are seen as culturally valid by the people and institutions who have been in a position to offer or refuse recognition, groups can begin to move towards a deeper political equality. Group members may become a part of the state, may make their voices

⁶⁴ Indeed, if there is a place for acknowledgement it may be in a world where fights for recognition have progressed across the board, where people have come to feel secure enough in their power to take the risks that a politics of acknowledgement demands – where acknowledgement is a scion of, rather than replacement for, recognition.

heard within state agencies in order to change agendas and create the expectation that higher standards of inclusion should become the norm.

It is hard to see how these ends could have been achieved without engaging the state, even when it has meant extending state power and affirming the state's role as ultimate arbiter of rights, and even when it means that life has not improved for all gay and lesbian people in all parts of the country. But even as this change is incomplete, it hardly seems that a politics of acknowledgement would be as effective in creating real change for those affected. There is every reason to believe that the state would assume sovereignty even absent explicit appeals for recognition, as states actively regulated gay people and relationships for centuries preceding any explicit rights claim from gay activists. If gay people had not declared that their ability to exercise personal sovereignty was unequal to that of their straight counterparts, if they had not approached the state to demand protections, if they had not used actively political strategies like protests, political campaigning, and interest group formation to ply the ears of their straight fellow citizens, it is hard to imagine what would have prompted straight people in the U.S. to change their views on these issues. For that matter, it is hard to imagine what would have prompted straight people to pay any attention to these issues at all – to discuss them, debate them, right stories about them. And even if it could have happened – even if a majority of heterosexual U.S. citizens woke up one morning with the firm belief that gay people are fully human and deserving of rich, free lives – it is hard to know what impact that would have on gay people. Without a way to set the agenda, to use political venues to affirm the importance of mutual respect, without a way to ensure that those who were not in touch with their finitude and vulnerability would not

intervene in the pursuit of these free, rich loves, it seems unlikely that any change – even change that is piecemeal and incomplete – would have come to fruition.

Conclusion: Between Recognition and Acknowledgement

While Markell's politics of acknowledgement fails to account for concerns both theoretical and practical, his desire to improve on theories of recognition remains relevant. Markell is attentive to the role of individuals within political systems, moves away from the idea that broad and inherently biased judgments must be the basis for group rights, and takes care to question the structural underpinnings that can multiply the power behind legal and political abuses. But neither recognition nor acknowledgement offers a satisfactory path forward.

Theories of recognition offer greater potential for action but, especially in integrationist cases, the possible actions are often problematically overbroad and reductionist. Markell's politics of acknowledgement is so careful to avoid these pitfalls that it forecloses the possibility of productive collective action and ignores the real advantages that can come from even limited and contingent conferral of recognition. The options, then, are to accept that a certain amount of harm will come to group members and individuals, or to wait for a more perfect result that may never arrive.

For all that Markell's model is admirable, the harm of waiting, the harm of hoping that those in power will cede it without any way to push for that result, outweigh the dangers of an imperfect improvement. At least a partial recognition can be a tool for further advocacy. At least it can ameliorate some harms for some people. At least the exercise of fighting for rights can, on its own, give groups and group members something that

acknowledgement cannot: the ability to affirm their agency, to assert the importance of their voice, to join together and experience cohesion and community through the fight for psychic and material benefits. And in this way, the act of fighting against the state wards off some of what Markell fears, especially as those demanding recognition become more aware and critical of the force of administrative power and question state norms as part of their political activism.⁶⁵

Rather than foregoing recognition, as Markell suggests, a mindfulness of all those things that Markell groups together under the umbrella of “acknowledgement” may co-exist with and improve discourse around recognition demands. We can ask that political actors accept their inability to control cultural trends or other people’s desires without asking them to confront deeply entrenched psychological fears and habits of domination. We can ask those engaged in discourse around multiculturalism to accept that judging other cultures is an act of domination without asking them to avoid the urge to judge altogether. We can accept that in a globalizing world large-scale cultural homogeneity is largely a thing of the past without having to forego an attachment to our traditions. We can accept that difference can be uncomfortable without being harmful, and that discomfort is not a license to exercise

⁶⁵ The power of this increased awareness has been especially evident in the activism of transgendered, transsexual, and genderqueer people. Legal and political strategies favored by the trans* community have specifically targeted administrative and regulatory power. These have included challenges to those groups with the power to define and regulate the definition of gender, including the American Psychological Association and American Medical Association, fights to close those regulatory gaps that exclude those who are between traditional classification as “male” or “female” from employment protections, and attempts to have sex reassignment surgery classified as medically necessary rather than cosmetic. Trans* activists have also criticized legal remedies for their tendency to demand adherence to pre-existing categorizations – a critique that Markell might be sympathetic towards. Though trans* activists, like Markell, have voiced the possibility that recognition on state terms might be damaging or limiting, their ability to articulate that fear has motivated the creation of innovative strategies aimed at guarding against that possibility. (Currah, Paisley. “Expecting Bodies: The Pregnant Man and Transgender Exclusion from the Employment Non-Discrimination Act.” *Women’s Studies Quarterly*, Vol. 36 Nos. 3&4 (Fall/Winter 2008), pp. 330-336.; Currah, Paisley and Richard M. Juang and Shannon Price Minter, eds. *Transgender Rights*. Minneapolis: University of Minnesota Press, 2006.; Fausto-Sterling, Anne. *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books, 2000.; Spade, Dean. *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law*. Brooklyn: South End Press, 2011.)

personal sovereignty at others' expense. We can accept that some change is not as deeply structural and thoughtful as would be ideal without foregoing the intermediate victories that make life more livable.

Many of these shifts are in line with Markell's call to rethink political imaginaries. But unlike his argument in *Bound by Recognition* they recognize the positive historical legacy of a politics that can be antagonistic, imperfect, and at times unsatisfying. They recognize the importance of advocacy as a personal and political act, and the urgency with which change is needed. They also attempt to reconcile the importance of deep change to institutions and discourses with the necessity of creating change as soon as is possible for those who suffer from the effects of exclusion, denigration, and prejudice. And while Markell's politics of acknowledgement has much to offer, a combination of other approaches admits a possibility that may be still more appealing: that as members of political communities and as humans in need of recognition, we can build on the growth we have achieved and create a more just world without having to first pursue personal perfection – that we can strive for more without doing less.

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