

Reconceiving Recognition: Towards a Cumulative Politics of Recognition*

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THE politics of recognition asks us to make a “presumption of equal worth” when encountering cultures other than our own. It seeks to reconcile a western, liberal belief in the importance of equal dignity with the increasing heterogeneity of the modern world, through an openness to seeing the value in others’ modes of living.¹ Yet the politics of recognition have been variously critiqued: as too abstract; as too detached from the material conditions of daily life; as a distraction from efforts to ameliorate injustice through redistribution; as being focused on remedies that are mostly symbolic; as being dependent on oversimplifications of structures of power; as being destined to create irresolvable struggles for sovereignty; as essentializing; as potentially condescending; as too heavily dependent on collective identities; and as somehow inauthentic.² Recognition remains an attractive end for those interested in multiculturalism, feminism, democracy, and the possibility of living a just life in an ever-expanding world. Still, these critiques are sufficiently serious that they would, if correct, undermine the hope that recognition holds out as a remedy for enduring

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¹Charles Taylor, “The politics of recognition,” *Multiculturalism*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1994), pp. 25–73, at pp. 37–8, 72.

²K. Anthony Appiah, “Identity, authenticity, survival: multicultural societies and social reproduction,” *Multiculturalism*, ed. Gutmann, pp. 149–63; Wendy Brown, *States of Injury* (Princeton, NJ: Princeton University Press, 1995); Nancy Fraser, “Rethinking recognition,” *New Left Review*, 3 (2000), 107–20; Nancy Fraser and Axel Honneth, *Redistribution or Recognition?* (London: Verso, 2003); Axel Honneth, *The Struggle for Recognition* (Cambridge: Polity Press, 1995); Patchen Markell, *Bound by Recognition* (Princeton, NJ: Princeton University Press, 2003); Lois McNay, “The trouble with recognition: subjectivity, suffering, and agency,” *Sociological Theory*, 26 (2008), 271–96; Taylor, “The politics of recognition.”

injustices.³ Perhaps most damning are critiques that combine a normative appreciation for the goals of recognition with a belief that the legal and political mechanisms for pursuing them will ultimately backfire.

Turning to Patchen Markell, Wendy Brown, and Nancy Fraser, I focus on those arguments that support the goals of recognition while foreclosing possible paths towards its achievement. These authors return to similar concerns, centered on the possibility that a politically engaged pursuit of recognition may ensnare recognition-seeking groups in a web of sanctioned oppression and reified stereotypes that hide state-led domination behind the banner of rights protections. These three critiques exist along a spectrum, with Markell cautioning most vehemently against state engagement, Brown advising against any approach to the state that relies on identity politics, and Fraser opposing only the pursuit of those state interventions that she sees as violating her principle of participatory parity or as likely to preclude further change. All agree that turning to the state for protection may come with unexpected and steep costs.

These arguments' strengths are multiple, but they neglect political realities, precedents, and—perhaps most importantly—possibilities. In practice, I argue, state apparatuses are too ubiquitous and groups' investments in state-oriented strategies too entrenched for disengagement to be a viable strategy, particularly when the state will continue regulating those groups who seek alternative solutions with or without their participation in regulatory discourse, and when the needs of oppressed groups and group members are often too pressing to abide the patient waiting for transformative, structural change that Markell, Brown, and Fraser endorse. Rather than accepting that the politics of recognition may have reached an intractable dead end, I argue that the dichotomy between immediate and philosophically sound action is a false one, and that historically specific moments of group recognition need not—perhaps cannot—be the end point of struggles for cultural, legal, political, or economic equality. Contra Markell, Brown, and Fraser, I argue that when groups enter legal and political arenas and gain even partial or contingent recognition, they are empowered to use their new status as a tool in continuing fights for inclusion and equality. Viewing the pursuit of recognition as a resource to be utilized, rather than as an end unto itself, I argue that engaging with the state remains a viable and necessary strategy for those marginalized groups in search of recognition.

³See Jeff Spinner-Halev, *Enduring Injustice* (Cambridge: Cambridge University Press, 2012) for a discussion of the term “enduring injustice,” used here throughout to capture the particular complexity of those struggles for recognition that are rooted in a historical legacy and continue to manifest in contemporary inequalities that constrain action and limit life prospects for groups and their constituent members.

I. DOMINATION THROUGH DEFINITION: MARKELL ON RECOGNITION

In *Bound by Recognition*, Patchen Markell argues that a state-centered rights paradigm binds recognition-seekers to static identities and empowers the state to take oppressive, ghettoizing action under the guise of protection. After offering examples of state tactics historically used to confuse recognition and repression, Markell turns towards strategies that are grounded in personal and psychological action as an alternative to state-sanctioned recognition. While these tactics are intended to confront and uproot the underlying causes of injustice, I contend that they remain too abstract and contingent to be of use to those in urgent need of recognition-related redress.

Markell's focus on individual actors is not borne of an assumption that the state is inefficacious or unimportant. On the contrary, Markell writes that the state is responsible for "organiz[ing] power in a certain way, concentrating certain capacities in specific places, groups, and institutions," though not only through laws and political institutions. Markell's state derives its dominating power from those who defer to it. Attempts to glean recognition from the state will necessarily require that marginalized groups yield to its decision-making authority, thereby reinforcing its legitimacy and reifying the power of those groups or individuals who have and seek to maintain sovereignty.⁴

There is no real possibility, per Markell, that those in power will defer to recognition-seekers because the state is not only legal and political, but "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." Markell proposes that the desire to subjugate is borne of a deeply entrenched psychological drive to seek "ways of patterning and arranging the world that allow some people and groups to enjoy a semblance of sovereign agency at others' expense."⁵ Subjugating those who seek protection, whose requests for assistance identify them as vulnerable potential sources of consolidated sovereign power, is an extension of this drive. Creating special legal statuses for those who lack political and social standing allows those in power to fend off universal human feelings of weakness and insecurity through comfortingly potent acts of control and domination. Because this dynamic is rooted in often unconscious psychological drives, Markell sees interaction with the state as only able to reinscribe a relentless and unquenchable thirst for the illusion of control. It is, therefore, best avoided.

Markell's proposed alternative, which he calls a "politics of acknowledgement," calls on individuals to "com[e] to terms with, rather than vainly attempting to overcome, the risk of conflict, hostility, misunderstanding,

⁴Markell, *Bound by Recognition*, pp. 27, 31.

⁵*Ibid.*, pp. 28, 5.

opacity, and alienation that characterizes life among others.” This acknowledgement—not of each other, but of our own finitude—will ameliorate the injustices usually associated with misrecognition through a collective awareness 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.”⁶ A politics of acknowledgement would require that people—presumably a vast preponderance, if it is to be effective—agree to forego the sort of cultural, economic, or political ends that are often seen as part and parcel of demands for recognition.

While I am with Markell in thinking of finitude as an intrinsic part of the human condition, he overlooks the degree to which personal sovereignty may not feel, or be, as illusory as he suggests, especially for those in a position to offer or deny recognition. Those with power may, in concrete ways, bend the world to their will. Consumer goods from around the world can be delivered to one’s door. Unpleasant tasks may be delegated to paid help, such that the experiences of scarcity, drudgery, and insecurity are largely erased from daily life as prepared food appears regularly, houses become clean, and errands are accomplished by largely invisible labor. Access to medical experts may prolong life or mitigate the effects of illness. Even the importance of abiding by laws—and therefore the experience of the state’s regulatory power—may be less salient for those who can readily pay minor fines, who live and travel in neighborhoods where police are allies instead of antagonists, and who can access legal counsel or turn to political connections to escape the consequences of illegal behavior, such that those with the power to create laws may not fully understand the experience of living within them. These habits of domination will not be easily changed, nor do those with the power to change oppressive systems have much incentive to do so. Non-illusory experiences of control extend beyond a select few elites to that vast majority of people who are both dominated and dominating, who are already intimately familiar with finitude and vulnerability, and may rely heavily on whatever semblance of security and control they are able to create. There is no reason to believe that those who enjoy a convincing simulacrum of personal sovereignty—let alone the many more who cling to a precarious semblance of same—will one day spontaneously decide that it is time to contemplate their own powerlessness in the service of an abstract concept of justice.

Furthermore, if this shift towards a voluntary embrace of human finitude were to occur, it would be less a politics than a job for psychotherapists and yoga instructors. Situated outside of conventional political discourse, Markell’s politics of acknowledgement lacks a mechanism for convincing people to prioritize justice over self-interest. Markell acknowledges as much when, in response to a symposium on *Bound by Recognition*, he writes that:

⁶Ibid., pp. 38, 5 (italics original).

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.⁷

While such an exercise could be fruitful, it seems unlikely to occur. Even when spaces for reflection and discussion do exist (at least ostensibly) outside of the state—fraternal or sororal organizations, sporting groups, entrepreneurial summits, spiritual retreats, university or community classes—those who enter such spaces have little impetus to engage in the kind of difficult, empathetic, abstract conversation that a “politics” of acknowledgement demands. Especially since voluntary organizations are likely to be homophilous, it is difficult to imagine why group members would be moved to take up this task or how alternative viewpoints would be introduced.⁸ While a conversation on a therapist’s couch or in an Elks meeting might articulate more vulnerable and self-aware political imaginaries, it will only impact those who seek it out or choose to pay attention. It may be a critically important reframing for those who do choose to partake, and I do not mean to mitigate the importance of discussion and communal reflection or ignore the validity of ethical arguments for engaging in these unlikely practices. I do mean to suggest, however, that such a purely discursive solution is not an adequate substitute for political action, and that political action is sorely needed by those who suffer from enduring injustices.

Without the involvement of state apparatuses there is no clear path to recourse for those who are most desperately in need of change. It is unclear where they would go to be heard, how they would know to go there, or how they would get others to listen or act. The legal and social power of political institutions creates incentives for those who would otherwise resist engaging with these issues. No amount of voluntary, localized discussion can levy the power of anti-discrimination laws attached to fines and penalties or the conceptual weight of state approval, and the idea that a critical mass of people will freely choose to engage in deep self-reflection to come to terms with their own human finitude, *and* that they will then choose to restructure their lives in order to relinquish their personal power, *and* that they will formulate meaningful, far-reaching change

⁷Patchen Markell, “Ontology, recognition, and politics: a reply,” *Polity*, 38 (2006), 28–39, at p. 39. See also: Joan Cocks, “Sovereignty, identity, and insecurity: a commentary on Patchen Markell’s *Bound by Recognition*,” *Polity*, 38 (2006), 13–19; Antonio Y. Vazquez-Arroyo, “Re-cognizing recognition: a commentary on Patchen Markell’s *Bound by Recognition*,” *Polity*, 38 (2006), 4–12, at pp. 11–12.

⁸J. Miller McPherson and Lynn Smith-Lovin, “Homophily in voluntary organizations: status distance and the composition of face-to-face groups,” *American Sociological Review*, 52 (1987), 370–79; Miller McPherson, Lynn Smith-Lovin, and James M. Cook, “Birds of a feather: homophily in social networks,” *Annual Review of Sociology*, 27 (2001), 415–44.

through this process is near-fantastical. So long as a politics of acknowledgement is contingent upon individual realizations, so long as it lacks a mechanism for convincing people to engage with the ideal of justice as a consideration on par with their own immediate psychological and material needs, it seems unlikely to create much change.

Meanwhile, conventional politics supply a motivation for meaningful engagement 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 or normative claims. Without the mechanisms of the state, those most in need of assistance are left endlessly waiting for a remedy that may never arrive.

II. A PARTICULAR POLITICS: BROWN ON IDENTITY-BASED RIGHTS AND RECOGNITION

Wendy Brown, particularly in *States of Injury*, reaches a series of conclusions that resemble Markell's. She concludes that "the state achieves a good deal of its power through its devious claims to resolve the very inequalities that it actually entrenches. . . . it also acquires its own 'right' to govern—to legislate and adjudicate, to mobilize and deploy force."⁹ However, *States of Injury* relies on a logic that is more legalistic than psychological and Brown admits that state actions can ameliorate injustices, even if only conditionally and at some expense to those groups who seek aid.

Instead of attributing pseudo-protective domination to psychic need, Brown sees the politics of recognition as an extension of identity politics. The dependence on group identities makes recognition-seeking groups ripe for exploitation as "politicized identities . . . insofar as they are premised on exclusion from a universal ideal, require that ideal, as well as their exclusion from it, for their own continuing existences as identities." With the affirmation of the status quo as a precondition of political approach, Brown predicts that a politics of recognition will tend towards revenge-seeking instead of social construction or political reconstruction. Not only *can* identity-based recognition claims fail to improve group members' position; such claims *must* fail since they can only meaningfully exist if the recognition-seeking group accepts the equation of its identity with victimization, powerlessness, and antagonism.¹⁰

This argument offers a powerful indictment of state engagement, and its conclusion—if not premise—is in line with Markell's. For Brown, seeking legal rights from the discursive position of an injured party requires that groups suffering enduring injustices treat the state as the legitimate locus of power, thereby allowing it to maintain a façade of universality and impartiality which

⁹Brown, *States of Injury*, p. 109.

¹⁰*Ibid.*, pp. 65, 74.

can be leveraged to reaffirm the desirability of regulatory systems that atomize, devalue, and marginalize recognition-seekers. Like Markell, Brown argues that deferring to state power allows political agents to work against recognition-seekers by creating and deploying disciplinary regimes that offer equivocal and conditional recognitions that may ultimately affirm certain groups' inferior status.¹¹

Nevertheless, Brown concedes that "Rights function to articulate a need, a condition of lack or injury, that cannot be fully redressed or transformed by rights, yet within existing political discourse can be signified in no other way."¹² While she is with Markell in worrying about the unintended costs of state engagement, Brown recognizes that the political intelligibility of rights paradigms makes them an attractive, perhaps necessary, battleground. With a continued nod to pragmatic politics, she writes that "None of this [concern about the consequences of rights discourse] is to suggest that those without rights in a rights-governed universe should abandon the effort to acquire and use them," particularly when "such counsel, especially from white middle-class academics, is at once strategically naïve and a disavowal of cultural prerogatives."¹³ Though her concession may be grudging and qualified, Brown sees justifications for state interaction in spite of the related costs.

Understanding when the trade-offs between political intelligibility and potential entrapment are worthwhile is more complicated. Though a rights-based discourse may be uniquely able to convey the importance of ameliorating misrecognition, Brown maintains that "rights for the systematically subordinated tend to rewrite injuries, inequalities, and impediments to freedom . . . and rarely articulate or address the conditions producing or fomenting that violation." Because a discussion of legal rights is, Brown argues, necessarily grounded in pre-existing inequalities and legal categories, a discourse that builds only on identity politics and law will fail to account for the multiple, intersectional, "differently marked" identities that exist within movements.¹⁴ And beyond reifying categories that may misrepresent the lived experience of group members, Brown is concerned that "the unmarking or destigmatizing [that rights] promise, has as its cost the loss of a language to describe the character of domination, violation, or exploitation that configures such needs." To seek political satisfaction on the terms of the politically powerful—which legal redress must do—is to forego the opportunity to reconfigure the power structures that precipitated misrecognition, and to render those injured by social, political, and economic marginalization unable to articulate their injuries or fight for redress beyond the terms of conventional political discourse. It may also, inasmuch as

¹¹Ibid., pp. 27, 58, 97–100, 120, 124.

¹²Wendy Brown, "Suffering the paradoxes of rights," *Left Legalism, Left Critique*, ed. Wendy Brown and Janet Halley (Durham, NC: Duke University Press, 2002), pp. 420–34, at p. 431.

¹³Brown, *States of Injury*, p. 124.

¹⁴Brown, "Suffering the paradoxes of rights," pp. 431–2, 428.

liberal rights paradigms treat the individual as the relevant political unit, create “boundar[ies] and privacy [which] leaves the individual to struggle alone, in a self-blaming and depoliticized universe” and “convert social problems into matters of individualized, dehistoricized injury and entitlement.”¹⁵ The value of recognition is certainly called into question if its pursuit would strip recognition-seekers of the complexity of their identities, their sense of community, and the ability to evolve new political solutions.

Brown seeks to reconcile her arguments for and against the usefulness of rights-based discourse by offering them a limited and particularly configured place in fights for recognition. Instead of condemning legalistic strategies, Brown wants “to refuse them any predetermined place in an emancipatory politics and to insist instead upon the importance of incessantly querying that place.” While conventional rights discourses rely on conceptions of identity that are often dangerously oversimplified, Brown argues that progress might be found in a discourse that both contests the usefulness of rights and interrogates the structure and consequences of those group-specific rights that are more frequently at stake in battles for recognition. If Brown is correct, denying state-focused appeals for legal rights their taken-for-granted position of primacy in the pursuit of recognition may succeed at calling the state’s pretense to universality into question, and may begin to remove rights from the “ahistorical, acultural, acontextual idiom” in which they “necessarily operate” and, it would seem, are necessarily harmful.¹⁶

But, as with Markell, there is no mechanism in Brown’s theory to explain how this mass shift in consciousness will occur. There is no explanation of what political or financial incentive activists could use to induce legislative institutions to consider the normative implications of their most commonly used tool, of how legislators will be taught to consider the Foucaultian implications of their policy choices, or of how legislatures that are—as is so frequently the case—lacking minority group representation will be able to understand the gravity of the task or the best modes of approach. Nor is there reason to believe that the politically powerful will acknowledge or join in Brown’s proposed reorientation when the status quo serves them as well as she suggests. And if this conceptual reorientation fails, there are no apparent alternatives to continued engagement with a flawed political system. Activists who refuse to engage with the state are, short of full-scale revolution, unlikely to make much headway without using the inbuilt incentives that accompany group-based lobbying. But, per Brown, the achievements of advocates who rely on identity categories are based on the perpetuation of victim identities that ask recognition-seekers to choose between legal rights or positive self-perception. As with Markell’s politics of acknowledgment, Brown’s critique of recognition politics suggests an idealized

¹⁵*Ibid.*, pp. 126, 124.

¹⁶*Ibid.*, pp. 121, 97.

system that would, if realized, be truly transformative. But it falls similarly short by failing to account for the possibility—perhaps the likelihood—that powerful individuals and institutions are unlikely to be moved to change based on normative arguments, again leaving those in need of remedy to choose between an improbable ideal and an imperfect reality. It also neglects the possibility that identity-based ghettoization may be an impermanent state, with long-term benefits that exceed the immediate exchange of esteem for efficacy.

III. PARITY AND PREDICTABILITY: FRASER'S PROPOSED REMEDIES

Even as she disputes aspects of the politics of recognition, Nancy Fraser's critiques largely avoid the abstractions that stymie Markell and Brown's proposals. She acknowledges the importance of the state, especially where recognition and redistribution can work in concert, and breaks from Brown's assumption that a politics of recognition must be predicated on identity politics, instead proposing a status model of recognition which takes misrecognition as "an institutionalized relation of *subordination* and a violation of justice." Recognition will therefore require participatory parity, which demands that "the distribution of material resources must be such as to ensure participants' independence and 'voice'" and that "institutionalized patterns of cultural value express equal respect for all participants and ensure equal opportunity for achieving social esteem."¹⁷ Fraser's construction of this standard suggests an inbuilt place for the state as redistributive agent and potential institutional model for equality. More directly, she acknowledges that "to reject the politics of recognition *tout court* . . . would be to condemn millions of people to suffer grave injustices that can only be redressed through recognition of some kind."¹⁸

Fraser nevertheless hesitates to rely on identity-based state engagement which, especially when enacted through state-run assistance programs, can "mark the disadvantaged as inherently deficient and insatiable . . . add[ing] the insult of disrespect to the injury of deprivation." Such a reinscription of social inequalities would violate the principle of participatory parity and could be used to justify further inequality. Fraser therefore argues for limiting the importance of identity in conferring legal rights. This approach "requires a measure of institutional restraint: strategies of nonreformist reform should avoid constitutionalizing group rights or otherwise entrenching status distinctions in forms that are difficult to change."¹⁹ While laws or bureaucratic policies may be acceptable forms of intervention, deeper legal change runs the risk of enshrining the discrimination it seeks to eliminate.

¹⁷Nancy Fraser, "Social justice in the age of identity politics: redistribution, recognition, and participation," in Fraser and Honneth, *Redistribution or Recognition?* pp. 7–109, at pp. 29 (italics original), 36.

¹⁸Nancy Fraser, "Rethinking recognition," p. 120.

¹⁹Nancy Fraser, "Social justice in the age of identity politics," pp. 77, 82.

Fraser is not entirely clear about what constitutes a “constitutionalized” group right nor which forms of legal action are too “difficult to change,” though she alludes to institutional or legal alterations more deeply entrenched than simple laws, which might be overturned with a popular or legislative majority. If Fraser’s discussion of “constitutionalization” refers to the creation of identity-based state institutions—sex-, caste-, or race-based quotas for representation, for instance—she would seem to foreclose possible points of entry for transformative change, especially where changing the composition of legislative bodies might set a precedent for further-reaching institutional change through altered agendas or more meaningfully enfranchised minority constituencies.²⁰ If she means to preclude amendments to constitutional documents that rely on identity categories—like the 15th and 19th amendments to the U.S. Constitution, which guarantee suffrage in spite of race and sex respectively—Fraser’s admonitions against entrenching group identities may find future-oriented restraint and the requirements of participatory parity coming into conflict.

Either of these forms of constitutionalization would enshrine identity-based categories in legal and political structures with some permanence. But in her concern about the distant future, Fraser neglects the possibility that the same high hurdles that keep reformers from moving past constitutionalized identities will also stand in the way of those who would adopt premature and ideologically motivated rhetoric about “post-racial” or “post-feminist” politics to strip away legal and political protections intended to combat enduring injustices. As Fraser notes, challenging constitutionalized group identities is intentionally difficult. Where state protections are concerned, these obstacles may be an opportunity. Prolonged debate, the need for larger majorities, and more careful scrutiny—all provide opportunities for affected groups to interrogate and expose the rationales behind proposed changes, to assess different measures of progress, and to adjust and innovate strategies to address proposed amendments or repeals. The level of consensus required to do away with constitutionalized recognition of enduring injustices may, ultimately, provide a uniquely strong form of protection.

Even in cases where constitutionalized protections may not immediately seem to promote participatory parity, long-term outcomes may be unpredictable. The U.S. military’s “Don’t Ask, Don’t Tell” policy, which required gay service members to conceal their sexuality or face dishonorable discharge, certainly fell short of parity but helped to create backlash against biased institutions when gay former service members became well-respected narrators who helped interest groups draw attention to a larger set of injustices. Conversely, the passage of the 15th amendment to the U.S. Constitution should have moved non-white citizens towards participatory parity by extending suffrage to minority groups, but the

²⁰*Ibid.*, pp. 74–8.

Jim Crow laws that emerged in response had the opposite effect in practice. The institution of gender, race, and caste-based quotas may increase participatory parity by diversifying legislatures, giving historically marginalized groups an opportunity to introduce new issues and make claims for redistribution, and increase group esteem by way of symbolic representation. Yet quotas have been criticized as a normatively misguided, ineffective, and manipulable attempt at redress.²¹ As is evident in these cases, the “measure of institutional restraint” that Fraser suggests cannot anticipate how political events will unfold. Avoiding constitutionalization, then, asks groups to avoid some of the strongest available remedies because of a potential for future abuse, even when the harms that come with foregoing these strategies may be more immediate, tangible, and certain.

While Markell, Brown, and Fraser offer incisive critiques of recognition and thought-provoking admonishments against varying levels of engagement with the state, all offer strategies for engagement that could limit the tactics available to groups and group members who are suffering psychically and materially even as debates about recognition proceed. This lack of practical solutions matters philosophically, inasmuch as each argument falls short of its stated goal, offering strong criticisms of recognition without accounting for the possible negative effects of closing off a path to redress. The entreaties to wait, to refuse the use of available resources, also matters pragmatically and historically, as groups waiting to find a “right” way to advocate for their needs will find it ever harder to recover lost ground or overcome injuries that have compounded in the interim. Though each seeks just solutions, the tactics that Markell, Brown, and Fraser propose will, at minimum, slow the process of political advocacy. They offer strategies that may be unintelligible, and therefore functionally inadmissible, in a conventional political arena of the sort that is most able to offer remedies. Contra all three, I now turn to arguing that engagement with the state—whether at all or only the highest levels—need not foreclose transformative political possibilities or end in entrapment.

IV. EQUALITY, NOW? RETHINKING THE PURSUIT OF RECOGNITION

While I grant Markell, Brown, and Fraser’s shared contention that the state’s power may make it dangerous, I argue that it also makes engagement necessary—especially when states and state actors will continue to exert tremendous influence regardless of whether some citizens choose to engage a politics of acknowledgement or otherwise reorient themselves with regard to state power. How, then, to reconcile the philosophical points that Markell,

²¹Anne Phillips, “Quotas for women,” *The Politics of Presence* (Oxford: Oxford University Press, 1995), pp. 57–83; Lisa Baldez, “The pros and cons of gender quota laws: what happens when you kick men out and let women in?” *Politics & Gender*, 2 (2006), 102–9; Medha Nanivadekar, “Are quotas a good idea? The Indian experience with reserved seats for women,” *Politics & Gender*, 2 (2006), 119–28.

Brown, and Fraser quite rightly make with political strategies that will let groups advocate for their needs, without losing the power of self-definition or being subsumed by systems that are ostensibly, but perhaps falsely, protective? I suggest that these dangers are overstated and that the answer may lie in rethinking our perception of recognition itself, rather than the process by which groups pursue it.

The political actors who lobby for (or against) and have the power to enforce (or ignore) recognition-oriented policies have many incentives to maintain the status quo. There is little reason to think that those candidates, politicians, and organizations who benefit from a system of endorsements and campaign contributions would eschew a politics based on the mobilization of identity-based interest groups, especially in favor of a new paradigm that is as nebulous and personally demanding as Markell's politics of acknowledgement, or that asks them to cede an orientation towards granting legal rights, as Brown would suggest, or that requires that every act meet Fraser's standard of participatory parity. While a politics of acknowledgement or reorientation away from some conceptions of rights might have transformative power if enacted, moving away from state engagement is not going to incite or direct the collective action needed to ameliorate gender- and race-based wage and employment gaps, change education and housing policies, or compel reluctant citizens to adhere to newly inclusive paradigms. It is hard to imagine Fraser, Brown or Markell's strategies leading to the integration of public schools or guaranteeing equal pay for equal work regardless of gender, since these remedies all relied on the state's pro-active response to entrenched disparities between identity groups and required that individuals identify themselves with larger identity group in order to make claims for redress. Without the authority of the state, those who are opposed to integration or gender equality can largely ignore the issues, disregarding the calls of pro-equality advocates and taking the lack of constitutionalized identity-based protections as license to discriminate. Conversely, putting the weight of the state behind declarations of recognition—even those that are conditional or incomplete—sends powerful signals about cultural norms and ideals, about acceptable national and political rhetoric, and about which discriminatory claims will no longer hold legal water and must, therefore, be allowed to fade. Recognition through the state may be imperfect, for precisely the reasons Markell, Brown, and Fraser suggest. But imperfect recognition is, I maintain, still a step in the right direction.

Markell and Brown suggest otherwise when writing about, respectively, Prussian Jews and the masculinist state. However, both take their cases as though out of history, without regard for the advances that followed.²² As a result, they argue against engaging with the state for recognition by citing cases of

²²Markell, *Bound by Recognition*, pp. 123–51; Brown, *States of Injury*, pp. 166–96.

state-sanctioned *misrecognition*. In Markell's chosen case, Kaiser Wilhelm granted some legal rights to Prussian Jews in exchange for adherence to laws that required them to register with the state and conform to Prussian social and economic norms.²³ Markell describes an exchange wherein Jewish Prussians would be allowed to hold public office, avoid special taxes, and choose their place of residence if they used German for business and legal purposes, took Western surnames, and registered with authorities, and notes that these measures were designed "for the sake of making them 'more useful to the state.'" Though the Kaiser's Edict of 1812 "doubtless contributed to the general skyrocketing of the Jewish standard of living in Prussia" it also allowed the state to assert its sovereignty and threaten revocation of new privileges in cases of non-adherence to the state's sovereign will.²⁴ In Brown's example, the predominantly white male liberal state constructs and supports structures that disadvantage and ghettoize women.²⁵ These stories of recognition gone wrong are important cautionary tales for activists trying to construct recognition strategies. However, it should not be surprising that the state, its component parts, and its citizens could not make the leap from subjugation to recognition in a period of a few years, particularly when both the Kaiser and U.S. political institutions undertook these projects with an eye towards consolidating political control and juggling competing interests rather than out of a normative commitment to equality. The common shortcoming in these cases is not engagement with the state, but the implicit insistence that the pursuit of political equality is only successful if it ends in fully realized recognition, and that anything less demonstrates the dangers of imperfect tactics.

Yet any definition of recognition that rests on the speedy and expansive conferral of full equality is destined to fail, not because of the particular strategies used by any one group or state, but because recognition is contingent upon ever-changing identities and contexts. One groups' gains will create backlash from another, different groups will be differently maligned or elevated by political and cultural events external to their advocacy, individuals who belong to multiple groups will experience recognition along some axes while being forced to hide or experiencing degradation along others, political subgroups will emerge with different and sometimes conflicting demands as established groups gain acceptance. Even those groups who we can identify as politically or financially advantaged may not see themselves as having recognition if or when they feel challenged by shifting socio-political dynamics, or the lack of a particularized identity.

²³Markell, *Bound by Recognition*, pp. 123–51; Michael Meyer, *German-Jewish History in Modern Times, Volume 2: Emancipation and Acculturation 1780–1871* (New York: Columbia University Press, 1997); David Vital, *A People Apart: The Jews in Europe 1789–1939* (Oxford: Oxford University Press, 1999).

²⁴Markell, *Bound by Recognition*, pp. 132–5.

²⁵Brown, *States of Injury*, pp. 166–96.

There seems never to be a point at which we can declare that any particular group has achieved recognition, that the struggle for recognition is over. But it would be similarly strange to suggest that groups never progress towards recognition. To say, then, that a politics of recognition has failed because it has not been achieved during a particular timeframe or on account of a particular set of remedies is to misunderstand the nature of recognition as, I contend, the process of pursuing and utilizing stores of cultural, psychic, and material resources.

V. RECOGNITION AS RESOURCE: AN ALTERNATIVE FRAMING

To reconceive the conferral of recognition as a resource in an ongoing struggle, rather than an attainable end, changes the salience of each set of criticisms outlined above. Markell's fear of definition is less worrisome if definition is a contextually-specific strategic tool rather than an eternally static label, if we grant that—as has been the case historically—groups are able to redefine themselves as circumstances change. Brown's qualms about victimizing groups with ghettoizing, faux-protective rights are mitigated by a longer view of the historical uses of rights-based protections as legal, political, and cultural leverage. Fraser's concerns about divergence from participatory parity and the use of political labels that are difficult to change may be assuaged if we examine the ways in which these labels have been used to build towards participatory parity. Towards this end, I turn to a case explored by all three authors, that of gay rights in the post-World War II United States.

The history of GLB politics in the U.S. provides a particularly rich and timely example of the ways in which recognition—even in conditional or limited forms—can be a foundation for building towards expanded legal and social recognition instead of binding groups to ill-fitting and inflexible identities. Activists in the U.S. GLB 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.²⁶ Their success has been limited, as seen in the creation of piecemeal, identity-based protections that expand pre-existing legal and cultural institutions (marriage, parenthood), under some conditions and in some places, but continue to exclude many, often with devastating effects.²⁷ Nevertheless, I contend that neither the limited nature of

²⁶Though this is implicit in much contemporary discussion of GLB rights, see especially: Shane Phelan, *Sexual Strangers: Gays, Lesbians, and Dilemmas of Citizenship* (Philadelphia: Temple University Press, 2001); William N. Eskridge, *The Case for Same-Sex Marriage* (New York: Free Press, 1996).

²⁷Human Rights Campaign, "Federal legislation," <<http://www.hrc.org/issues/pages/federal-legislation>>; Human Rights Campaign, "State laws & legislation" <<http://www.hrc.org/laws-and-legislation/state>>. See also Kenji Yoshino, *Covering* (New York: Random House, 2006) for a discussion of the uneven application of custody laws.

GLB rights victories nor their reliance on state intervention suggests or predicts a failure in the pursuit of recognition. Instead, U.S. GLB advocates have used moments of partial recognition as political and rhetorical tools, turning incremental increases in legitimacy or political protection into a foundation from which to build on previous claims.

The strategies of GLB rights groups play to the fears of Markell, Brown, and Fraser. For Markell, who sees inequality in this case as driven by a fear of being attached to an unchosen and disorderly sexuality, a politics of acknowledgement is the only viable solution because it “means accepting these attachments, not in a spirit of resignation, but as one’s point of departure in this world,” while recognition will result in postures that “reassert the ideal of the sovereign agent.”²⁸ Brown worries that the use of a rights framework in the case of GLB advocacy opens those groups to “the charge of ‘special rights’ attacks” and that, within the movement, a focus on expanding legal rights may preclude deeper examinations of regulatory power, since rights “may be incitements to freedom only to the extent that they discursively deny the workings of the substantive social power limiting freedom.”²⁹ Fraser does contend that, because “overcoming homophobia and heterosexism requires changing the sexual status order,” recognition-based solutions are merited. But she nevertheless argues that some approaches to gleaning recognition from political institutions are better than others: it would be acceptable to legalize same-sex marriage or to do away with civil marriage altogether, but would be unacceptable to adopt “an approach, like the French PACS or the ‘civil union’ law in the US state of Vermont, that establishes a second, parallel legal status of domestic partnership that fails to confer all the symbolic or material benefits of marriage.”³⁰ While Fraser is more permissive about the possibility of gaining some positive outcome through state interaction, all three circumscribe realms of political activity out of concern for the possibility that legally enshrining identities may foreclose the possibility of fuller recognition or future change.

In the non-theoretical political realm, GLB rights advocates have called on every strategy that Fraser, Markell, and Brown reject. They have made identity-based arguments, appealed to the state through lawsuits, ballot initiatives, and conventional lobbying, fought for the expansion and creation of rights paradigms and for constitutionalization through the application of heightened or strict scrutiny in the courts. As Markell, Brown, and Fraser might predict, these victories have been limited, and have depended on presenting a falsely monolithic and sanitized image of non-heterosexual identities. But it would be hard to argue that GLB U.S. citizens are worse off than they were prior to these efforts. Well into the 20th century, GLB people were marginalized and

²⁸Markell, *Bound by Recognition*, p. 182.

²⁹Brown, *States of Injury*, p. 134.

³⁰Fraser, “Social justice in the age of identity politics,” pp. 19, 39.

pathologized as perverts, corrupters, child molesters, and psychopaths. Those with unconventional attractions were subject to incarceration, forced hospitalization, and blacklisting, and may still risk losing employment, 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.³¹ This misrecognition has crossed social status lines and centuries, resulting in psychic, economic, social, legal, and physical harm for people with same-sex attraction.³²

Campaigns against these discriminatory regimes have been identity-based from the start. When GLB people organized, it was around cultural identity categories already in use. When the Mattachine Society hung a sign in the window of the Stonewall Inn following the famous 1969 riot, it read: “We homosexuals plead with our people to please help maintain peaceful and quiet conduct on the streets of the Village.” Activists lobbied individual states for the institution of non-discrimination bills, modeled on the 1964 Civil Rights Act, which quickly became publicly known as “gay rights bills” even though their legal goals were more expansive than that title might suggest. The mainstream media covered “The Homosexual in America” and “Homosexuals in Revolt.” But even though these advocates approached the state, and did so while accepting the use of identity labels like the much-medicalized, much-pathologized “homosexual,” they made quick progress. The Mattachine Society, a more intentionally political group than its primarily social predecessors, did not organize until 1950. The Stonewall Riots didn’t catalyze public attention until 1969. Still, by the end of the 1970s activists convinced the American Psychiatric Association to remove homosexuality from its Diagnostic and Statistical Manual of Mental Disorders, saw the election of the country’s first openly gay Member of Congress, and organized to defeat California’s Proposition 6, which would have banned people in non-heterosexual relationships from teaching in public schools.³³ Though not without setbacks, this trend has continued, and legal recognition has been accompanied by cultural change. Popular media has increasingly depicted gay and lesbian relationships in a positive light.³⁴ For the first time, in 2010, a majority of people polled in the U.S. expressed moral approval of gay and lesbian relationships, and rates of popular support for

³¹Michael Bronski, *A Queer History of the United States* (Boston: Beacon Press, 2011); Joey L. Mogul, Andrea J. Ritchie, and Kay Whitlock, *Queer (In)Justice* (Boston: Beacon Press, 2011).

³²Michael Warner, *The Trouble with Normal: Sex, Politics, and the Ethics of Queer Life* (Cambridge, MA: Harvard University Press, 1999); Yoshino, *Covering*.

³³Bronski, *A Queer History of the United States*, pp. 210, 219, 214–5, 180, 209–10, 216–8, 220.

³⁴The Gay and Lesbian Alliance Against Defamation (GLAAD), “Where we are on TV report: 2010–2011 season” (September 2011) <<http://www.glaad.org/publications/tvreport10>> and “GLAAD Network Responsibility Index 2010–2011” (August 2011) <<http://www.glaad.org/publications/nri>>.

marriage equality and for allowing members of the military to serve openly have both increased steadily.³⁵

The successes of GLB advocates have not been borne of an adherence to the tactics Markell, Brown, and Fraser recommend. They have engaged the state, they have relied on identity politics, they have used legal strategies that rely, in whole or in part, on the application of heightened scrutiny to GLB people as a group, they have leveraged equal protection and due process clauses aimed at the protection of historically disadvantaged minority groups and group members.³⁶ And in spite of these tactics, the struggle for equality remains quite incomplete. GLB youths are more likely to be harassed in school and are more likely to be homeless; a majority of the 50 U.S. states refuse relationship recognition to same-sex couples and permit housing and employment discrimination on the basis of sexual orientation; and systematic discrimination persists in many other arenas.³⁷ But it would be fallacious, even straight-up untrue, to suggest that non-heterosexual U.S. citizens suffer more from misrecognition now than they did before employing these strategies. After accepting identity labels and identity-based, state-endorsed protections, even reaching for constitutionally-grounded definition as a suspect class, GLB people in the U.S. are undoubtedly better off than they were a half-century ago.

This claim should be suspect in light of Brown, Markell, and Fraser's arguments. If they are correct these strategies should have disastrous consequences for GLB rights activists, who we might expect to experience an inability to find and articulate identities that do not bind them to a state-sanctioned "victim" identity or to formulate new, more expansive political

³⁵Gallup, "Americans' acceptance of gay relations crosses 50% threshold" (May 25, 2010) <<http://www.gallup.com/poll/135764/americans-acceptance-gay-relations-crosses-threshold.aspx>>; Gallup, "For the first time, majority of Americans favor legal gay marriage" (May 20, 2011) <<http://www.gallup.com/poll/147662/First-Time-Majority-Americans-Favor-Legal-Gay-Marriage.aspx>>; Gallup, "In U.S., broad, steady support for openly gay service members" (May 10, 2010) <<http://www.gallup.com/poll/127904/Broad-Steady-Support-Openly-Gay-Service-Members.aspx>>.

³⁶Nan D. Hunter, "Sexual orientation and the paradox of heightened scrutiny," *Michigan Law Review*, 102 (2004), 1528–54; "Litigating the Defense of Marriage Act: the next battleground for same-sex marriage," *Harvard Law Review*, 117 (2004), 2684–707; Cass R. Sunstein, "What did Lawrence hold? Of autonomy, desuetude, sexuality, and marriage," *The Supreme Court Review*, (2003), 27–74; "Constitutional limits on anti-gay-rights initiatives," *Harvard Law Review*, 106 (1993), 1905–25; Patricia A. Cain, "Litigating for lesbian and gay rights: a legal history," *Virginia Law Review*, 79 (1993), 1551–641.

³⁷J. 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" (2010) <<http://glsen.org/sites/default/files/2009%20National%20School%20Climate%20Survey%20Full%20Report.pdf>>; Nicholas Ray, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness* (New York: National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless, 2006), available at <<http://www.thetaskforce.org/downloads/HomelessYouth.pdf>>; Human Rights Campaign, "Statewide housing laws & policies" (June 4, 2013) <http://www.hrc.org/files/assets/resources/housing_laws_062013.pdf>; Human Rights Campaign, "Statewide employment laws and policies" (June 4, 2013) <http://www.hrc.org/files/assets/resources/employment_laws_062013.pdf>; Human Rights Campaign, "Statewide marriage prohibitions" (June 4, 2013) <http://www.hrc.org/files/assets/resources/marriage_prohibition_laws_062013.pdf>.

strategies. But in suggesting that state-sanctioned, state-defined recognition may be intractably binding, Markell, Brown, and Fraser do not adequately account for the effect of passing time, and the related multiplicity of social movements. One could, at any given moment in the past several decades, take a snapshot of the GLB rights movement and argue that continuing discrimination in housing, employment, and relationship recognition is proof positive that identity-based, state-dependent politics of recognition are failing. GLB people still have not achieved recognition now, today, this year. But if recognition is a cumulative process wherein advocates use each expansion of rights to increase political legitimacy and access with an eye towards a more just future, instead of an end that can only exist in the binary states of “achieved” or “not achieved,” we might just as truthfully say that GLB people in the U.S. are achieving recognition, that they have achieved some recognition, that they are more recognized and less misrecognized than they used to be.

We might also argue that non-heterosexuals are not bound by the legal categories and state mechanisms they have engaged in the past because these, too, continue to change as even relatively minor recognition victories, especially when taken in the aggregate, have empowered groups to redefine themselves and their access to political institutions. GLB advocacy has moved from the purchase of social organizations in the shadows to an economically and politically powerful force for legal, political, and cultural change. GLB people in the U.S. are increasingly able to work within the state as Members of Congress, judges, lawyers, plaintiffs, police, and bureaucrats, all of which should undermine any implicit assumption that those who seek recognition from the state are necessarily outside of its institutions. Rather than being hollowed by this move towards and into the state, movements for equality have plied the political trade with greater care and access, and with an eye to the future. Activists have built strategies that accept partial victories as intermediate steps on a road towards recognition. While Fraser might find French PACS (*Pacte Civil de Solidarité*) or U.S. civil unions unacceptable, advocates on the ground have used their presence to help make the idea of same-sex relationships more familiar and less threatening, such that the legalization of marriage equality now seems to be almost an eventuality in the U.S. and has occurred in France. Though Fraser is right to argue that alternatives like PACS and civil unions do not meet with the standard of participatory parity, this partial victory was nevertheless a resource for advocacy communities. By necessitating the reconsideration of corporate benefits policies, by introducing the idea that same-sex relationships could be recognized without posing a threat to heterosexual relationship recognition, by allowing more GLB people to live openly, and by drawing public attention to the bundle of rights denied to those without federal marriage rights, these non-marriage alternatives provided a resource that GLB advocates used to build a political and rhetorical strategy that has turned the tides of public opinion. It has also opened discussions about the usefulness of marriage and introduced new relationship distinctions for

heterosexual couples, thereby simultaneously beginning to decouple the idea of marriage from straight relationships and domestic partnerships from non-straight relationships, in a move towards deeper questioning that is surely in line with Fraser's goal of transformative change. While Markell and Brown might eschew the use of identity categories, GLB advocates have used identity-based lobbying and litigation to gain protections that have made it possible for non-heterosexual people and relationships to be visible in ways that would have been unthinkable two generations ago. If legally defined identity categories are constraining the GLB rights movement, it is hard to tell from their increasing legal and political success.

Nor does this momentum come at the cost of creative, expansive political strategizing. As rights victories have made visibility and political engagement safer, and as new generations of activists have taken up the political mantles of both gay rights and gay liberation, the movement has expanded and splintered. Rather than forcing a monolithic identity on all group members, resistance to that possibility has helped birth and sustain queer politics and modes of analysis, which devote great attention to the structural injustices that Markell, Brown, and Fraser think may go unnoticed if recognition is granted through rights paradigms. Queer political and theoretical action, made feasible in part because of the decreased risk of legal, economic, and social sanction against those who publicly embrace non-normative gender and sexual identities, has questioned the tangible effects of state regulation, challenged understandings of even the most seemingly fundamental social structures, and developed modes of questioning that have been adopted across national and disciplinary boundaries. While Brown, Markell, and Fraser all worry that an assimilationist identity-based politics can or will empty political discourse and supersede an interrogation of legal and economic structures, the expansion of queer discourses suggests that, with time, the opposite may occur, as previously marginalized groups and individuals are empowered to ask questions and demand answers in the public sphere.

These political and cultural shifts have resulted in meaningful changes to the material and psychic conditions of life for many, and have done so without demanding the kind of sacrifice Markell's politics of acknowledgement would require, without the abstention from rights discourses that Brown would advise, and without eschewing constitutional protections as Fraser would suggest. If some people are, now, more willing to offer recognition to people with non-normative relationships and identities, it is because fights for recognition built on one another. If some are now more willing to recognize and engage queer questioning of state institutions—which challenges the very sort of discursive stagnation and exclusion that Markell, Brown, and Fraser warn against—it is in part because the increased social, cultural, and economic power has secured a safer foundation for deeper questioning and questioners. It is because movements for recognition take place over time, and group members are savvy enough to

know that anticipating and adjusting to attempts to dominate or control will always be necessary, but is not a sign of failure.

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. And they are, time and again, able to levy even small recognition gains into something more—to assert “new” ways of living as viable, to gain protections that facilitate visibility or make advocacy less dangerous. As alternate ways of life become familiar, are seen as culturally valid by the people and institutions in a position to offer or refuse recognition, groups can move towards more nuanced and substantial demands. But it is hard to see how these ends could have been achieved without engaging the state—which offers a clear target for action, a site for analysis, and the coercive power to incentivize engagement from the apathetic or unwilling—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 people, in all places, at one time.

Though GLB advocates’ move towards recognition is, like many others, incomplete, it hardly seems that rejecting or restricting a politics of recognition would be as or more effective at creating real change. There is every reason to believe that the state would assume sovereignty over marginalized groups even absent explicit appeals for recognition; states certainly regulated non-heterosexual people and relationships long before those effected made any explicit rights claims. If GLB people had waited for heterosexuals to acknowledge their own personal finitude instead of declaring that their ability to exercise personal sovereignty had been abridged, if they had not approached the state to demand protections, if they had not used conventional political and legal strategies to ply the ears of their straight fellow citizens, if they had not appealed to a legally and culturally potent tradition of enshrined, identity-based, group-specific protections, it is hard to imagine what would have prompted the straight majority in the U.S. to change their views on these issues. Without a way to set the agenda, to use shared political venues (and the identity categories that allow entry into them) to create space for discussion, to build foundations on which to affirm the importance of mutual respect, it seems unlikely that any change—even that which is piecemeal and as yet incomplete—would have come to fruition.

VI. REDEFINING RECOGNITION

Markell, Fraser, and Brown share, to varying degrees, the conviction that some political strategies may do more harm than good and that the state may subsume or subvert marginalized groups’ political power if it is pursued through the state, full stop, or specific state-oriented strategies. I argue that this assumption is

neither fair nor historically accurate. Instead of being, as per Markell, bound by recognition, recognition gains—demanded of and conferred by political institutions—have acted as a resource that has emboldened and empowered marginalized groups. They have leveraged small-scale victories into bigger political, economic, and cultural gains. They have been able to see through paternalistic state tactics, have accounted for and responded to the possibility of entrapment through protection, have splintered and multiplied and redefined identities and goals when labels have become restrictive.

If the state was as dangerous as Markell, Brown, and Fraser suggest, groups would not have gotten beyond their first steps towards equality as their efforts were co-opted and constrained by inflexible and voracious states. But instead of seeing groups still struggling under the yokes they wore a century ago, the political and theoretical landscapes are dotted with concerns about next steps, new strategies of discrimination, new group definitions, new tools of advocacy. It should be clear from a look at any number of historical cases that state-granted recognition does not simply abscond with groups' or individuals' ability to self-define or advocate. Rather, even periodic and partial moves towards recognition have provided an additional tool that is part of a longer struggle.

This longer struggle is where the real action of recognition takes place. Markell, Fraser, and Brown may be able to point to moments in which groups were disadvantaged or ensnared by particular modes of engagement, but they overlook the potential consequences of limited or non-engagement. They neglect the possibility that holding back from engagement, whether that means foregoing specific constitutional protections or eschewing state interaction altogether, might be more devastating than regulated, disciplined participation or a contingent recognition, especially for those groups that exist within states that can act on them with or without their participation, and can penalize non-participation by intensifying enduring injustices through direct restriction or by comparatively advantaging those constituent groups willing to affirm state power. When the state will march on regardless of their engagement, avoiding state apparatuses cannot be a real option for disadvantaged groups. Their needs are too pressing and the power of the state too pervasive. The potential pitfalls of participation may be overstated too if we neglect what happens after moments of misrecognition or contingent victory: groups evolve, governments shift, the need for redress overwhelms state disciplinary strategies and inspires innovation, and small victories become the foundation for something more.

Markell, Brown, and Fraser offer incisive critiques of the politics of recognition and its strategies, and naming these dangers may help groups avoid or adapt to them. This is, at least in part, where their work continues to be of great importance to those seeking recognition. But the turn to disengagement or elimination of potentially useful tactics is more harmful than helpful for those who are suffering, and whose suffering will only increase if not addressed. To avoid the state, to wait for the perfect solution, is neither advisable nor

necessary—not because Markell, Brown, Fraser, and those who share their concerns are wholly incorrect, but because the story continues well beyond the moments of recognition gone wrong that they are able to identify and attribute to the strategies they reject. Because it is possible to proceed with caution instead of rejecting action. Because even imperfect gains are a resource for future action. And because, once undertaken, the fight for recognition cannot be won in an instant any more than it can, or should, be set aside.