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Abstract

Both in moral philosophy more generally and in political philosophy and theory (including constitutional theory) more specifically we have been witnessing a paradigmatic challenge of the conceptual foundations of moral constructivism and political liberalism. Although building on rather different sources such as the ethics of authenticity and difference, or on socio-philosophical inspirations derived from a critical interest in the pathologies of modern forms of life, approaches based on recognition theory seem to share a basic (Hegelian) conviction that morality and justice must be seen as anchored not in practical reason as such, but in a much broader web of normative concerns and orientations shaping an ethical form of life. Seen in this light, recognition presents itself as a theoretical alternative to political justice which acquires priority over justice, and in political terms promises to establish a new kind of balance between self-fulfilment, self-realisation, and self-determination. Accordingly, political liberalism is challenged as being too constrained as to handle the many faces of injustice and the multiple forms of oppression, exploitation and alienation; as such it seems too restrictive in order to do justice to all those concerned, be it within existing constitutional orders of 'res publica' or as a hypothetical idea of realising Kant's 'societas generis humani' within the framework of a word-constitution. While acknowledging that recognition theory tries to capture the fact that self-realisation is not only a matter of justice, but that justice is a matter of self-realisation in the sense that we are asked to look for remedies of all sorts of failed or oppressed forms of self-realisation, we confront the question whether recognition theory allows for a distinction between legitimate and illegitimate claims to recognition – i.e., if it may also provide us with a normatively convincing account of self-limiting mechanisms that are built into the social, political or psychological dynamics of self-realisation.

Keywords

Constitution Building – Diversity/Homogeneity – Identity – Legitimacy – Normative Political Theory

Introduction

The academic resonance recognition theory has acquired in recent years can be clearly traced back to a growing dissonance between the normative promises of (dominantly liberal accounts of) justice on the one hand and the kind of normative challenges we face when addressing the question of the social preconditions of political integration of modern societies and of the normative status and political (mis-) representation of members of deeply divided societies – who, in their claims to authentic forms of identity and difference, are very often denied the prerequisites and resources necessary to acquire a full sense of themselves as publicly visible subjects of processes of collective self-determination. While this may remind us of the fact that there are important dimensions of the formation of political identities – such as the politics of dignity, difference and care (cf. Iser 2004: 13-18) – on which the normative status as citizen is effectively dependant and which none the less may escape the normative grammar of the idea of equal justice, we are also aware of this gap in the factual dimension of solving pressing problems of collective action for which we need consensual solutions – even though we are deeply divided about the comprehensive doctrines or value orientations which inform our view on the solution to these problems (ranging from questions of bioethics to ecological questions, cf. Basaure et al. 2009: 158-159). This gap is equally challenging the epistemological grammar underlying the distinction between morals and ethics and the concept of mutual and general justification (cf. Forst 2007) based on it.

These kinds of questions seem to force us to transcend our notion of justice in the direction of an enlarged vision rooted in the idea of an undistorted form of life (Basaure et al. 2009: 159). In light of this perspectival change we can discern the contours of the larger project in which (among many others) most prominently Honneth (1994) and Taylor (1995) have engaged themselves in recent years. They both share the conviction that the whole range of socially mediated processes and forms of the individual's self-realisation provide normative – justice-related – criteria of recognition for the evaluation of social relations and intersubjective practices, but also for the identification of social pathologies. Identity-formation and the development of an ethical understanding of a 'good' are important because they are constitutive for a successful convergence of self-esteem and social esteem. The underlying idea is that social esteem is both a source and a result of self-esteem and vice versa. That is to say, recognition by others shapes the way we think of our selves, it gives us a sense of dignity and self-worth which in turn depends upon recognition of the 'value' of the particular form of the 'good' we are embedded in. These social-philosophical approaches envisage a comprehensive notion of justice entering social relations in depth – in Honneth's words: Recognition is the normative grammar of 'sociality' (1995). Accordingly, struggles for recognition are not merely struggles for moral and ethical dignity but struggles for the confirmation of selfhood and self-realisation. These struggles can obviously not be restricted to the constitutional level, because denying recognition gives rise to scandalising complex social forms of subjectivation and alienation. Still, these socio-ontological insights have inspired political/democratic/constitutional theory approaches in two ways: In broadening the notion of democratic constitutionalism as more cautiously reflecting upon its social, ethical, 'private' and identity-related preconditions and as strengthening its emancipatory and inclusionary potentials – by asking how certain forms of social and cultural identity, identity formation and reproduction can be protected and actively affirmed within a constitutional framework, f.i. by guaranteeing representation of marginalised groups (Young 1990),

by institutionalising autonomous group rights or veto powers for groups (Taylor 1995; Kymlicka 1989, 1995), or by rendering political processes more open for struggles for recognition or identity politics (Tully 1995). The literature on multiculturalism in particular emphasises the need for normative justification with respect to public recognition of difference and diversity (see Shklar 1985) – especially in response to increasingly blurred boundaries between political borders as well as between membership and citizenship; not least in reaction to the accommodation of minority groups on the one hand, and ‘refugee’, ‘asylum-seeker’, and ‘guest worker’ migration and immigration on the other, and due to dissatisfaction with the way in which liberalism has traditionally reacted to immigration and migration by assimilationist and homogenising policies.¹ A shared background understanding of the various approaches is yet that the ‘factum brutum’ of misrecognition as the main source of injustice requires a restructuring of the generic processes of self-formation and ethical self-understanding as well as forging identities and cultural values.

Broadening the view on the debate triggered by recognition theory and introducing into the picture the concerns of those who wish to reemphasize the merits of the idea of equal justice (Gosepath 2004) in distinction to recognition theory, we should acknowledge that their claims do not altogether deny that recognition is in conceptual and normative terms a matter of justice² – they would not even deny the premises of a substantial social ontology and teleology spelling out the preconditions of ‘successful’ self-formation and ‘healthy’ relations of social esteem, however, they would restrict the conceptual status of recognition-frameworks. One doubt concerns the assumption that recognition altogether constitutes what we can call the ‘moral space’ (cf. Iser 2004: 24-26) and that misrecognition is the sole heuristic to identify injustice. Another doubt concerns its relevance in the more concrete perspective of political or democratic theory of justice, i.e. the feasibility and applicability of recognition as a normative principle and as a constitutional principle structuring social (power) relations and political processes. This scepticism is well captured by Forst’s (2007) critical remarks on a comprehensive social philosophy of just self-formation that relies on an all encompassing phenomenology about individuality, sociality and normativity, and that takes the burden to identify somehow inarticulate, ‘pre-political suffering’ (Honneth 2001) and ‘still unthematized, but no less pressing embryonic forms of social misery and moral injustice’ (Fraser and Honneth 2003: 114). When Forst states that critical theories of justice are well advised to advance – something he calls ‘first-things-first-approach’³ –

¹ For discussion see Carens 2000; Iser 2008, 2004; Kymlicka 1995; Raz 1986; Shklar 1985; Parekh 2000; Tully 1995; Young 1990. A shared conviction is that the recognition of diversity is a key to political stability in plural societies, and that democratic systems have to incorporate certain identity- as well as diversity-securing remedies: F. i., minority identities should be publicly recognised and affirmed, legal protection for minority rights that may be exercised individually as well as collectively should be secured, governmental power should be devolved to regions and localities where minorities live, political institutions should make efforts to ensure effective participation of minorities and encourage accommodation between groups; see Kymlicka 1989, 2001; Jackson Preece 2008.

² For discussion see esp. Fraser 1998, 2000; also Young 2000; Butler 1997, 1999, 2000a, 2000b, 2000c.

³ Forst specifies how to spell out such an approach like this: ‘The maxim ‘first things first’ does not just have a normative meaning, with respect to the apriori of justification. [...] a critical theory of (in)justice has to be first and foremost a critique of the existing relations of justification (or of ‘justificatory power’). Such a critique, speaking in ‘diagnostic’ terms, has three essential aspects. First, by way of critical social analysis it aims at exposing unjustifiable social relations, not just political ones in a narrow sense, but also those of an economic or cultural nature [...] Second, it implies a discourse-theoretical (also, in part, genealogical) critique of ‘false’ (possibly ideological) justifications for such relations [...] And third, it implies an account of the failure (or non-existence) of effective social and political structures of justification to (a) unveil and (b) change unjustifiable social relations’ (Forst 2007: 299).

'justificatory monism and diagnostic-evaluative pluralism' (2007: 294), he pronounces a kind of scepticism that is frequently underlying the critiques of recognition-frameworks. The idea is that we have to translate a grammar of justice into structures guaranteeing just social, economic and political relations – in this respect justice is (not only but) foremost about justifiable claims and unjustified deprivations, about citizen's status as equals and free in political and social life, about how one is treated and subjected to rules, and about duties persons owe to one another.

Against the background of this broader debate we will take up the question of the politico-theoretical implications of recognition theory in some greater detail by exploring its merits and deficits on two different, but complementary paths. After having set out the conceptual tensions that arise from the ambition to introduce recognition as a paradigm-building term in moral theory more generally, we will evaluate this rather ambitious claim against the kind of challenges that arise when it is to be understood as a framework of democratic constitutional justice. Although this is obviously a subject that up to now has not attracted sufficient attention in Honneth's work, we will hint to some political paradoxes of the politics of recognition that may precaution us against the normative premises built into it. Acknowledging that recognition is a kind of 'thorn in the side' of political and constitutional justice, we plea for a more self-limited account of the merits of recognition within the limits of political justice: Our conclusion is that political normativity cannot escape the institutional framework of justice, providing for the reflexivity of processes of political justification in guaranteeing its procedural preconditions.

Recognition as a 'paradigm-building' term and its 'loose ends'

Drawing on recognition as a paradigm-building term moved Honneth, through quite a number of different but closely related kinds of reasons, to reach beyond the disciplinary, methodological and thematic confines of the discourse on political and social justice in political philosophy:⁴ In most general terms, on the disciplinary level, he was striving for, firstly, a systematic re-appropriation of the merits of social in contradiction to political philosophy properly which consisted in social philosophy's emphasis of what he termed the diagnosis and theoretical explanation of structurally induced societal pathologies indicating structural barriers that lead to systematically distorted forms of self-appropriation under conditions of modern society. Closely related to this move – by which he also wanted to rearticulate the inspirations of earlier Critical Theory and which was partly inspired by his reception of the ethics of authenticity figuring so prominently in Foucault's later work (cf. Basaure et al. 2009: 92) – is, secondly, his dedication to the methodological persuasion associated with left-hegelianism and its notion that the social domain already contains the normative criteria applied in order to criticize its incomplete realization in society – i.e. the idea that a critical perspective must be thought of as always already anchored in existing forms of life (cf. Basaure et al. 2009: 112, 150; Jaeggi and Wesche 2009). These motives are, finally and on a substantial level, firmly connected to his interest in investigating into those kinds of human needs which come into play when we ask for the normative principles of justice, and where the reference to needs underlying claims to justice has a double function to the motives which fuel the dynamics and direction of moral

⁴ A good account of the different theoretical motives that inspired his work is provided by a recently published series of interviews with Axel Honneth in Basaure et al. 2009; see also Forst et al. 2009, especially part one.

development, and which allow for a much broader account of our everyday moral conviction than for example discourse ethics (cf. Basaure et al. 2009: 106-107, 120). Against this background we can follow the broad programmatic lines of recognition theory up to a point where some of the conceptual tensions built into it become visible – especially by its attempt to internally link an account of injustice as the denial of the normative status of persons which protects our vital interests connected to our status as equal members of a political community to an account of those psychological needs that must be fulfilled in order to safeguard our personal integrity and thus the conditions of self-realization.

For Honneth, recognition does not just – like Fraser prominently claims – denominate a partial dimension of the political realm that might be captured in status-related struggles of cultural groups (see Stojanov 2007), it is not just – as critics frequently state – a culturalist perspective of identity politics. For him, recognition is far more a perspective that tries to grasp normativity as a social phenomenon and tries to explain the sources and reasons for social struggles in general. For Honneth, as for Taylor, recognition is a ‘vital human need’, a constitutive aspect of ‘the intersubjective nature of human beings’ (Fraser and Honneth 2003: 145). As Kompridis summarises the intuition of Honneth:

We do not just desire recognition, we need multiple kinds of recognition – respect in the political sphere, esteem in the social sphere, and care in the intimate sphere of the family. Lacking these interlocking experiences of recognition, we cannot achieve full ‘self-realization’: we cannot become who we want to be, cannot realize the kind of life we want for ourselves [...] Lacking such confirmation we will be unable to develop ‘intact’ personal identities, and so, by implication, be unable fully to function as self-realizing agents.

(Kompridis 2007: 278)

The claim is hence that recognition does not only address status-related experiences and struggles of groups that are characterised by a set of cultural and ethical forms of identity but the whole range of socially mediated processes and forms of individual self-realisation within sociality (Honneth 2003: 173 ff.). Recognition is a paradigm building term (Honneth 1992a, 1992b, 1994) because it grounds a different theoretical perspective on the intersubjective and social conditions of the individual’s self-realisation. An underlying premise is that it is possible to formulate general normative principles of (modern) sociality by reconstructing social pathologies in terms of practices and structures that damage the subject’s ability of worthy self-formation and development. That is why the conceptual starting point is a moral phenomenology of insult, harm and suffering – because ‘our reactions to insult reveal fundamental features of our normative orientation to the world’ (McBride 2005: 501).⁵

The normative criteria derived from such a reconstructive phenomenology can be used to describe the process of self-realisation as the subject’s capability of confirming herself as both in her uniqueness and selfhood and at the same time in her being a worthy member of society. In Honneth’s view, an intertwining of three forms of rec-

⁵ We will come back to the question of the consequences in terms of political justice by discussing Honneth’s idea that the dynamic for progressive social change is somehow inherent in the struggle for recognition, although we cannot in fully discuss the debates about his notion of recognition-struggles leading to reconciliation and an amelioration of the terms of reciprocity; cf. critical with respect to the a-political scheme of recognition-theory, Deranty and Renault 2007.

ognition holds the subjective and intersubjective side of the coin together. That is to say, there are three layers of a person's practical self-relation that are dependent on three kinds of recognition, together constituting 'the moral point of view': The first and original form is designated to the sphere of care, empathy and love, the second form is recognition as respect and the third form recognition as social esteem (Honneth 1992a). The experience of empathy at first constitutes a self-relation of the subject in which she becomes aware of herself as an independent and concrete person equipped with her own needs and wishes. To develop this elementary form of confidence or self-esteem, each of us needs to be recognised as an individual whose needs have a unique value for somebody else. However, to value one's own discernment and to develop self-respect, we also need to be recognised as universally equal. So, the experience of respect enables a person to consider herself also as a subject with dignity and with moral autonomy. And finally, the experience of social esteem enables her to articulate those personal features and capabilities on the basis of which she can make her unique contribution to society and by means of which she becomes a worthy member of a society. Apart from that, to develop a feeling of possessing a certain good and appreciated capacities has some intrinsic value – because each of us needs to be recognised as a valuable member of a 'concrete' community.

The central idea is that the subjective and intersubjective perspectives are co-original in a strong sense, i.e. self-realisation is always intersubjectively mediated at the different stages of self-formation. Or in other words: Self-consciousness can only be realised intersubjectively, since the self depends on the presence of another consciousness to affirm its own self-image (Honneth 1995). Beyond this background, Honneth (1997) criticises that strictly formal Kantian notions of symmetry and similarity in terms of equal treatment exclude the more substantiated responsibility for the concrete other who is always different from me, and in consequence he argues that 'the moral point of view' should be more comprehensive. It should refer to all the attitudes we must adopt 'to protect human beings from injuries that spring from the communicative presuppositions of their self-relation' (Honneth 1997). The intuition underlying his model is that social progress is based on the normative expectations of individuals which must be construed as moral claims, and which cannot be reduced to the status of socio-economic interests, political expectations or legal demands for example. As Deranty and Renault note,

[c]onsequently, the political model to be derived from the framework of a struggle for recognition is a form of 'ethical life' (Sittlichkeit), in the precise Hegelian sense of a multi-layered social morality, not just an institutional framework designed by legal principles, but the structural model of a 'decent society' in which all aspects of individual demands for recognition are met.

(Deranty and Renault 2007: 92)

Honneth emphasises that recognition is not only a psychosocial condition of individuation and autonomy, but a moral claim as far as each individual needs to be recognised in her dignity if she is to maintain a positive relation to herself. One implication of this kind of reasoning is that individual subjectivity depends on intersubjective relations and that, accordingly, individual autonomy functioning as the telos of individual demands of recognition is 'decentred' autonomy (Honneth 1995), i.e. an autonomy that can only be reached through social recognition. For Deranty and Renault, this is the reason why Honneth's theory is basically an ethics of recognition (and not a political theory of recognition): 'The purpose of the concept of recognition is not only

to describe injustice but also to emphasize that justice is a matter of conflict' (Deranty and Renault 2007: 97).

Taylor's (1995) dialogic account of recognition hints in a similar direction, but emphasises more explicitly the importance of identity in moral and political life. He is likewise claiming that recognition designates a comprehensive ethical ideal and as such the 'moral space' or 'moral point of view', and that it is embedded in the reproductive structures of sociality. His major point is to show that recognition by others does not passively reflect our self-interpretations, but actively shapes the way we think of our selves: it 'forges identity' (Taylor 1995, see also Schaap 2004). While our basic self-confidence depends upon loving recognition in private relations with intimate others, recognition in the public sphere takes mainly two forms. On the one hand, our sense of dignity depends on recognition of a person's universal status as a moral agent. Citizen's sense of dignity implies that we expect to be accorded the same rights and entitlements as other members of society. On the other hand, the sense of self-worth depends upon recognition of the values of a particular form of life (ibid.). While identity is partly constituted through immediate relations of recognition, it is also immediately worked out through self-interpretation and articulation. An identity is, in this sense, 'something one ought to be true to, can fail to uphold, can surrender when one ought to' (Taylor 1989: 30). At the same time, a practical identity makes persons capable of 'strong evaluations' by supplying a normative vocabulary of dignity and worth. As strong evaluators, we act and judge according to the 'kind of beings we are or want to be' (Taylor 1985). Accordingly, the notion of human agency depends upon being able to positively identify with a particular form of life – for we cannot act meaningfully both in the sense of cognitive orientation and normative worth without being embedded in a 'good' that an identity provides. In this sense, identity is a strong focus of an ethics of recognition, because within the 'moral space', identity itself becomes a social good and object of recognition. If social recognition to the achievement of my selfhood is important, in normative terms, misrecognition implies harm in a twofold way, either because it reduces ethical judgements to relations of domination, i.e. self-images are distorted by asymmetric power relations, or because it fails to see the other as she really is in her unique dignity and worthiness:

A person, or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confusing or demeaning or contemptible pictures of themselves. Non-recognition, or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.

(Taylor 1994: 25)

At the most general level, recognition theory is relying on two assumptions: the first one is that recognition as a moral point of view has to be conceptualised as a comprehensive process of ethical self-realisation, the second one is that recognition is not just about acknowledging the generalised self, the universalisable properties of personhood respectively, but also about acknowledging the particular uniqueness of a concrete self. But to combine these two fundamental dimensions of the normative project asks us to take as serious the preoccupation with an authentic form of self-realization (insofar as our individual identity is concerned) as the intersubjective concerns and demands that are wedded into any such project (as far as our social identity is concerned).

It is ultimately this challenge, we want to argue, that already on the more general level of moral theory seems to introduce some fundamental tensions into the theory that are decisively felt when applying the theoretical framework to more specific questions of justice – especially in political and constitutional theory. Broadly speaking, the problem is that there is a structural gap between emotions of misrecognition and psychologically induced claims to social recognition of the particular traits of one's own identity resulting from them, and the justification of such claims (cf. Rogers 2009) – because the structure of general and reciprocal justification introduces a kind of selectivity that asks us to evaluate individual claims from the perspective of not only everyone else (taken separately), but from the perspective of a collective (social or political) identity that reflects the scheme of reflexive cooperation we are engaged in as members of a society or political community. Now, while it is certainly true that it is an important merit of recognition theory to sensitize us for processes at the psychological level of social identity formation that are constitutive of our capacity to effectuate the normative statuses we acquire as participants of a scheme of reflexive cooperation, it is certainly also true that recognition theory has, precisely for this reason, normative trouble in discriminating between the normative content of claims generated in the individual or collective perspective. Following this line of reasoning we can term three kinds of conceptual challenges that arise when applying recognition theory to issues of political and constitutional theory. We do not only have to understand how the specific kind of normativity that is derived from the harm and suffering that different forms of misrecognition inflict upon the self-understanding of a subject demanding recognition; but we have to understand how misrecognition makes itself felt on the part of all those (i.e. all the others) from whom we expect recognition (this is the tension between particularity and universalisability or between a substantial and a more formal concept of ethical forms of life). But with respect to identity issues involved in recognition we also have to take into account the specificities of the generic processes leading to the formation of identities in the perspective of I/we relations on the one hand and of I/thou relations on the other (i.e. the concrete vs. the generalized other) – a distinction which in turn induces the need to investigate the contours and characteristics of social practices that are involved in recognition (especially when these practices comprise a constitutional dimension), and which necessarily seem to entail an important cognitive aspect. Finally, we should acknowledge the fact that the phenomena of identity politics such as 'wounded attachments' hint at the problem of sorting claims for recognition and their respective normative dignity or merits, especially when measured against the prospects of democratic constitutionalisation.

Recasting recognition as a morally reflective struggle over the norms of recognition

After looking at the broad conceptual outlook and lines of recognition theory in its strong variant its attractiveness is quite obvious when it comes to the question of constitutionalisation under conditions where the meaning of constitutional norms or the relative weight of their organizing principles is contested along cultural and ethical lines of self-understanding and self-affirmation: The point is simply that it promises to grant access to a layer of generic processes of norm building where – beyond or beneath contestable norms or principles – the grammar of moral development and moral consciousness as such becomes visible, together with a kind of transcendental (or grammatical) rule that in turn may normatively inform a common (and democ-

atic) practice of the generation of norms on the constitutional level of political justice (cf. Tully 2006). Taken in the paradigmatic use of the term as suggested by Honneth, recognition theory is nothing less than a key to the device of a reflective and self-civilizing political practice of constitutionalisation, thus offering a solution to the foundational paradox of classical liberal constitutionalism which is self-referentially premised on the validity of those principles and norms it seeks to establish.

To be sure, these are rather immodest claims, and part of the problem is of course to know whether they are immodest in the right way. Conceptual and theoretical immodesty may be a virtue, especially under political circumstances where, as Kompridis recently put it, the struggle for the recognition of one's legitimate identity claims turns into a struggle over the norms of recognition, and recognition thus becoming a matter of freedom and not just a matter of justice or identity – as for example when the struggle is fused with a quasi-Foucauldian perspective of contesting to be governed in a distinctive way (cf. Fraser 2007: 325). In these cases we may have reason to

[...] imagine different practices of recognition, practices which do not neatly divide between affirmative and deconstructive practices. Perhaps we need to work towards practices of recognition that do not already have form or place in our social life, expressive practices which are nonetheless continuous with self-criticism, engaging the misrecognised and misrecognisers in ways we can not yet describe.

(Kompridis 2007: 287f.)

What motivates this gesture is the insistence that '[...] recognition claims are highly indeterminate claims, and that their inarticulacy is internal to the nature of such claims' (Kompridis 2007: 282, see below), so that such claims explicitly run counter to attempts of domesticating them within justice – as reasoned deliberation about what really merits the title of injustice or what is merely experienced as injustice, as for example Fraser would like to have it (Kompridis 2007: 281; cf. Fraser 2007: 320-327). This argument about the indeterminacy of recognition claims and in favour of a practice in search of a vocabulary more responsive to what really wants or needs recognition (irrespective of the fact whether it is conducive to the end of an intact personal identity or full social and political participation, cf. Kompridis 2007: 284) does not only end up in valuing the struggle over recognition above the end to which struggles aspire (Fraser 2007: 325), moreover, it seems to be unable or at least unwilling to designate and interrogate those terms of contestation which at the same time could allow for the settlement of contested contents (Fraser 2007: 324). This suggests that while Kompridis' account of recognition theory is politically and conceptually immodest (in the right sense), he remains too modest in theoretical terms when it comes to the question of an account of those forces implied in practices beyond affirmation and deconstruction that at the same time may serve as self-civilizing mechanisms. In order to see what is at stake here we will in a first step try to dig a little bit deeper into the normative foundations of such a practice, while in reaction to the kind of challenges thus becoming visible we want to suggest a more modest version by introducing two interrelated distinctions that refer to the concept of an ethical form of life and the notion of practice itself.

While it is certainly true that the immodesty of recognition theory is motivated by its interest in promoting freedom, the trouble is that, for a practice to be conducive to

that purpose we need a normative framework that is able to establish and safeguard equality and reciprocity structuring processes of generating norms of recognition – simply because freedom cannot be adequately understood merely as a monological desire or aspiration for individual self-realisation. So the idea of freedom is non-perfectionist in a double sense: Any claim to individual freedom can only be substantiated in an intersubjective perspective. This is the reason why we are confronted with a tension between the demands of self-realisation on the one hand and with the demands of self-determination on the other – the selves of this double-sided process not being congruent (see below). This implies that the normative framework which uniformly informs norm-generating practices cannot (at least under conditions of plurality, difference and diversity) be grounded in a ‘thick’ ethical outlook which is committed to a single, comprehensive and collectively shared vision of the good life. The upshot of this line of reasoning is that recognition cannot be normatively tied to identity either in an affirmative or in a reconstructive mode alone. One strategy usually referred to at this point in order to explain how it might work, is the suggestion of a formal notion of ethical life (*‘formale Sittlichkeit’*), a strategy which has the quite obvious disadvantage of a Hegelian notion of a state. While this problem has triggered energetic attempts to distance recognition theory from the institutional rigidities of Hegel’s model (cf. Honneth 2001; Baynes 2002), we briefly indicate another strategy that tries to capture the normative foundations of reflexive recognition from the vantage point of the notion of *‘sensus communis’* able to make sense of the specific universalism inherent in reflective judgment (for the following cf. Ferrara 2008).

Ferrara’s attempt is instructive in that it is self-consciously designed to respond to the political-philosophical predicament that has inspired recognition theory as an alternative to political liberalism and which starts from acknowledging the fact that the philosophical world we live in is one traversed by an abyss separating the universalist aspiration and the mere surrender to the unbridgeable pluralism of interpretative schemes. Against this background, Ferrara’s programmatic outlook reads as follows:

From this understanding [...] reflective judgment plays potentially the same role that Newtonian physics played for Kant: namely, it offers not so much a specific doctrine, but rather a model of validity which, through its central notion of exemplary validity, allows us to reconcile universalism and pluralism’.

(Ferrara 2008: 67)

The challenge he responds to with his notion of exemplary validity is that of finding a new answer to the question of projecting the cogency of

[...] what emerges from within a historical or cultural context – be it a theory, a constellation of cultural values, a political institution – [...] outside its original context by virtue of entering a relation of exceptional congruency with the subjectivity, individual or collective, that has brought it into being [...].

(Ferrara 2008: 67)

This move of replacing the normativity of a law or principle with the normativity of the example is taken to have the advantage that the problem of translation across contexts ‘simply fades away’. For in the end it’s the cogency of the example which in itself raises a claim that everybody else ought to agree (Ferrara 2008: 68). But for this effect to come about, it is crucial that a (Kantian) grammar of the question on which the transfer of validity depends, remains intact. That question is transcendental in

kind: 'What must we assume that we all share, if we wish to conceive of the transcontextual validity of something as resting neither on a factual consensus nor on the application of a principle?' (Ferrara 2008: 69). The programmatic answer is: A *sensus communis*, but a *sensus communis* which has its roots beyond a tradition anchored in thick forms of an ethical life on the one hand and which is not premised on a kind of natural faculty of all human beings on the other (Ferrara 2008: 69-74). To cut a longer story short, not unlike the strategy Nussbaum (1999, 2000, 2006) is following, the solution to the conundrum of locating the sources of the normativity of transcontextual validity claims is seen in a notion of *sensus communis* that consists of a 'universal capacity to sense the flourishing of human life and what favors it' (Ferrara 2008: 77).

The problem with this solution is that such a sense must be located somewhere before or underneath the differentiation of cultures, so there are three options of explicating the force of it, either in an ontological and anthropological, in an empirical or a reconstructive way. Ferrara, for good reasons, is very much in favour of the third option, and with reference to psychoanalytic theory he tries to delineate four formal characteristics of the flourishing of human life (or alternatively: the notion of a fulfilled identity, i.e. authenticity) – coherence, vitality, depth and maturity (Ferrara 2008: 78) – with reference to which we can make sense of how a judgment on the conduciveness of 'an object, an action, a symbolic whole to enhance and further our life, could possibly claim universality' (Ferrara 2008: 79). However, it is hard to see how, following these lines of argumentation, we should get beyond contestation and contestability, because the objectivating (and universalising) force of this account is very much premised on a prior acceptance of the grammar of the Kantian question which in itself does not take us beyond the kind of objectivity tied to our own moral outlook. Still, this attempt of coming to terms with the predicament of political philosophy in terms of recognition at least reminds us of some of the fundamental conceptual challenges that still have to be addressed, and it may caution us against the promise that, in political and ethical matters, there is a way leading from ethical reflection to theory rather than to a mere explanation of our motives (cf. Williams 1985) – at least unless we have reasons to regard these motives as a mirror of a universal grammar of our self-understanding.

Ferrara's project also exhibits that part of the problem of recognition theory trying to provide an explanation of the normative foundations of a reflective practice of generating norms of recognition resides with the fact of a fusion of a communitarian interpretation of the validity of normative claims with an individualist (or: subjectivist) strategy of explaining the normativity of normative claims – both with reference to the condition of normative relevance which demands an affinity of normative reasons with subjects of action (i.e. their capacity to motivate agents) and with reference to the requirement of objectivity that demands a certain stability and externality for the kind of reasons that inform our practical judgments. This conceptual outlook is, to an important degree, prefigured in the work of Hegel, but may (as one observer puts it – cf. Stojanov 2007: 80) have the disadvantage of not taking seriously enough the notion of intersubjectivity to which the idea of practice is internally linked. For one, the authority of normative claims of recognition is derived from a kind of meta – ('höherstufige Subjektivität') – and not from intersubjectivity; secondly, as far as the issue of motivation is concerned it seems to systematically privilege the perspective of the individual self to its inner world over its relation to the social world. In order to capture these distinctions one may, on the one hand, insist on a distinction of the structure of the social world that can either be described in terms of I-we relations (i.e. in terms of

community) or in terms of I/thou relations (i.e. in terms of a discrete, pluralistically structured intersubjectivity). From this option, it would follow that we have to explain how objective meanings (values, principles, norms or institutions) arise out of the dynamics of I/thou relations – a strategy that puts the idea of social practices as grounding a theory of intersubjective recognition at its centre (cf. Stojanov 2007: 83) and which may be explained at a level that escapes the boundaries of ethical-political action, for it refers to a more fundamental level of the reflexive activity of judging emerging as a rule-governed practice on which our appreciation of the very idea of reason is premised.

The gist of the argument is that, while recognition as a struggle about the norms of recognition is surely a practice, it is a practice which cannot be normatively informed by a logic of recognition, because the norms of recognition in a generic sense can only be captured as an outcome of a practice unfolding its rationality and its normativity at the more fundamental level of the conditions and prerequisites of the activity of public judgment or reason-giving. The reason for this is at least twofold: The conceptual centrality of the notion of practice is on the one hand a reflection of the fact that any account of the idea of normativity has to establish a (motivational) connection between reasons and agents; on the other hand, there seems to be a necessary corollary to the idea of reflexivity which requires agents involved in a common practice to adduce reasons for the justification of their thoughts and actions (cf. Pavlakos 2008: 67, 81). Although there might be, in reaction to the first requirement of normativity, a temptation to look for such a connection at the psychological level and to individualistically conceive of it as a mental state, such an approach would be ruled out by the second requirement – to the effect that it seems more promising to look for a more basic layer of normativity that, as Pavlakos put it, '[...] underwrites reasons as well as agents [and which therefore should be better] located in public practices of action and deliberation' (Pavlakos 2008: 69). To be sure, this urge is also felt by proponents of recognition theory (cf. Ferrara or Honneth – see above) and accommodated by a grammatical interpretation of a struggle for recognition we already referred to. While admitting the strategic merit of this move, we nonetheless contend that it produces a severe tension within recognition which is then torn apart by the demands of self-realisation and (public) self-determination and risks to deprive itself of an ethical force of the idea of recognition internally linked to the acknowledgement of the moral meaning of individual claims derived from identity, needs and wants. What emerges is that, even if recognition harbours important elements of the moral outlook of generic and constitutive practices, the main problem of a recognition theoretic account of such practices still resides in the fact that in order to preserve reflexivity it needs to appeal to '[...] bridging criteria that purport to connect agents to practice' (Pavlakos 2008: 81) – criteria, however, that are mainly to be derived from justice.⁶

This sketch of the basic conceptual strategies and tools of recognition theory in its strong version leads us to a point where we can better grasp the reasons for the abovementioned strategic bifurcation within recognition – one taking the path of

⁶ A similar result is reached when looking at the issue from the vantage point of 'solidarity', especially cosmopolitan solidarity. As Pensky (2007: 173) instructively notes '[...] an account of modern solidarity is needed that avoids both the pitfalls of an overly normative account of solidarity as (merely) intersubjective bonding *via subjective attitudes and motivations*, on the one side, and the (merely) functionalist account of solidarity as successful functional integration and institutional continuity, on the other [...] I think that current work that conceives solidarity in terms of inclusion is the most promising candidate for this range of tasks' (emphasis added).

building upon the paradigmatic qualities of the term of recognition, and the other one conceiving of recognition within a framework of justice and referring to it as a dynamic element in social and political practices, but not as constitutive of it. After an exemplary discussion of some of the conceptual problems indicated above, we turn to the programmatic conclusions we wish to draw.

Paradoxes of the politics of recognition

By discussing some more particular and substantial issues of recognition theory that might be of relevance for any liberal-minded theory of justice we can specify some of the more pressing and constitutionally decisive deficiencies of recognition theory. The first issue is related to the idea that (ethical) self-formation is constitutively embedded in identity-formation, hence the claim is put forward that justice is also about the normative structures of social and cultural identities. Another issue is, on the one hand, related to the conviction that recognition is distinguished from traditional notions of mutual respect and the principles of reciprocity and symmetry underlying these notions, and that justice should be also about guaranteeing mutuality in the sense of asymmetric and non-reciprocal forms of recognition; on the other hand, it is related to normative phenomenologies of pre-reflexive and inarticulate forms of suffering and of social pathologies invisibilised and preserved through distorted structures and unjust practices. In this perspective, justice would be about identifying and accommodating pre-political forms of suffering and injustice.

Fraser has repeatedly reacted to the challenges of recognition-theory insofar as she, by now, considers justice to involve both issues of economic distribution and of cultural recognition. Beyond this background she tries to show how these two 'irreducible' aspects of justice can be rendered more compatible and less conflictual (Fraser 1997, 1998, 2000b; Fraser and Honneth 2003). Her starting point is that both misrecognition and maldistribution – i.e. both 'objective' patterns of economic distribution and 'inter-subjective' preconditions of cultural value – hamper participatory parity which is the constitutive principle of just social and political relations, for it designates 'social arrangements that permit all (adult) members of society to interact with one another as peers' (Fraser 2000c: 108). Recognition, for her, is a question of social status, misrecognition accordingly 'social subordination in the sense of being prevented from participating as a peer in social life' (2000b: 100). The remedy for misrecognition or status inequality requires 'deinstitutionaliz[ing] patterns of cultural value that impede parity of participation and [...] replac[ing] them with patterns that foster it' (2000b: 102). This solution avoids a strong reliance on identity politics about which she is quite anxious. Identity politics, to her mind, tend to essentialise as well as to reify marginalised groups and identities, and, more seriously, they tend to promote discursive and political separatism, (Fraser 2000a; Fraser and Honneth 2003). Her idea is more willingly that struggles for distributive and cultural justice can be made compatible if they are pursued through strategies that promote group de-differentiation rather than strategies that exacerbate group differences and potential resentments between individuals belonging to different groups (see also Swanson 2005; Alcoff 2007). A general scepticism is that struggles for recognition tend towards promoting 'group differentiation' while struggles for redistribution tend to 'promote group de-differentiation' (Fraser 1997) and that the adverse effects of 'promoting group differ-

entiation' include separatism, internal conservatism, and conformism⁷ – at least in those cases where the struggle for recognition aims for an affirmation of a targeted identity and not for parity of participation (Fraser 2000a).

In turn, Fraser's scepticism towards identity-politics has provoked some kind of sociologically inspired criticism we would like to take as a base to discuss two dilemmas of identity-politics, one that is related to the structure of democratic constitutionalism and one that is related to the idea of emancipatory social struggles for recognition – a paradox that is akin touching on conceptual problems of identity-formation vs. identity-deconstruction. From a phenomenological point of view, Swanson *f. i.* claims that we are confronted with such complex interconnections among economic structures, political processes and cultural identity-formation, and that the resulting 'multiple' forms of oppression go hand in hand with tensions between the different economic as well as cultural struggles which do not 'automatically synergize' (Swanson 2005: 91).⁸ On the other hand, she argues that certain kinds of identity struggles remain a crucial aspect of all emancipatory movements; in this respect the role of identity in social practices, politics and resistance should not be neglected. If politics is also 'a struggle around the very process of constructing and contesting identity' (Smith 1994: 228), it is important to understand, for instance, why so many people identify with practices and norms others judge oppressive (see also Smith 1994a, 2001; Butler 1995a, 1995b). So the task would not only be to distinguish different forms of injustice but to distinguish those 'identities, knowledges and discourses' that make injustice possible and replace them with identities, knowledges and discourses that will enable more just practices (Swanson 2005: 88). Replacing unjust practices with more just ones also requires recognising and valuing different types of social roles and relationships, and encouraging the transformation of individual and collective identities in normative sound ways: 'It is not a matter of getting away from identity, but a matter of fostering those forms of identity that contribute to more emancipatory social practices and ways of looking at the world and our relationship to others' (Swanson 2005: 104). A similar critique is raised by Alcoff (2007: 256), who reproaches Fraser's analysis to be 'driven by a desire to eliminate the political salience of identity to such an extent that its ability either to explain or remedy identity-based forms of oppression is seriously

⁷ Fraser argues that any kind of politics aiming at the affirmation of identities will have negative effects, even if unintended. These negative effects include *f. i.* a displacement of redistribution struggles by diverting energy towards identity affirmation rather than towards resource redistribution; an enforcement of separatism instead of coalition building; a focus on difference rather than on commonality; a reification of identities by instituting them as stable objects/entities (a tendency, she does not so much reject on metaphysical but on political grounds, *i. e.* identity politics leads to forms of policing authenticity and to some form of 'racial reasoning' where the identification of a speaker's identity displaces an evaluation of a speaker's claim); in addition, struggles to affirm identities will tend to produce these effects because they tend to view identity-based forms of discrimination as 'free-standing' rather than caused by a complex array of social institutions (Fraser 2000; Fraser and Honneth 2003).

⁸ Even if one acknowledges the multidimensionality and intersectionality of exclusion, oppression and unjust treatment as well as the fact that oppressed groups usually suffer from both cultural and economic injustices, another problem of group and identity politics is related to the diverse individuals' responses to these injustices (see Fraser 1997, 1998; Young, 2000). Members of the same (ascribed) racial, gender or socio-economic group are differently situated, so that they are privileged or oppressed by various social formations differently. Not unimportant is the circumstance that those who are oppressed, experience and interpret their oppression in a wide range of ways: eventually, they may deny that they are oppressed, they may justify their oppression as natural or socially beneficial, or they may actively resist their oppression (although this resistance will also come into being in a variety of forms) – as Swanson correctly points out, 'not all victims of injustice may necessarily seek to end their oppression, and many non-victims may be eager to eliminate unjust practices' (2005:105; see also Butler 1995a, 1995b, 2000a, 2000b, 2000c; Smith 1994a).

compromised'. Her major point is to clarify that identities do not only negatively affect participation but also positively and substantively. In her view, identity-based political organizing will not divert attention from redistribution, as Fraser predicts, unless it also imagines that identity-based hatreds occur within a completely autonomous cultural sphere – such beliefs are far from being an intrinsic feature of identity politics or of identity-based political organizing which aims at the affirmation and self-affirmation of identities. Positive correlations between identity-politics and social as well as economic emancipation can be demonstrated in many civil right movements, and redistribution demands are part and parcel of virtually all identity-based movements. Apart from that, effectively organizing struggles for redistribution of resources requires identity as a major source of mobilisation.⁹ In this light, identity-based organizing is an integral part of class transformation and 'Fraser's separation of redistribution from recognition is essentially a mischaracterization of the nature of economic oppression because it is based on the reductionist idea that class can be conceptualized apart from identity' (Alcoff 2007: 260).

It is surely right to be aware of the fact that minorities frequently form ascriptive or colonized class segments in which segmentation is organized through race, ethnicity and cultural forms of identity (Barrera 1979). The reason why certain social actors are denied full participation in given societies is frequently related to their identity, thus, the denial of equal status is organized around and justified on the basis of identity. Beyond that background there is a need to tackle the issue of identity because certain persons form part of group identity status that is interpreted as deficient, so their 'status of full partner in social interaction' is denied precisely because of their identities.¹⁰ However, there is a certain ambivalence when this critical awareness leads to the suggestion that politics of recognition require to break with the notion of impartial deliberation and the model of the public sphere that goes with it (see Young 1990: 97ff.; Phillips 1999: 121 ff.), and that group differences should be made present in the public sphere by, for instance, providing resources to aid the self-organisation of disadvantaged groups, by special representation of marginalised groups in form of setting aside parliamentary seats for the representatives of marginalised groups, or by instituting group vetoes on issues of central concern to these groups (see Young 1990; Kymlicka 1995). It is ambivalent, because, on the one hand, the concern with the identity of political representation

[r]eflects a deeper ethical problem which predisposes it to demand deference to claims phrased in the language of group identity and experience and which, in consequence, threatens the [...] goal of enhancing political inclusion and the wider project of facilitating democratic social transformation through democratic contestation and deliberation.

(McBride 2005: 498)

⁹ One example Alcoff (2007: 260) presents is related to organizing sweatshop workers in the US, one of the most economically oppressed groups of workers, which has largely developed out of ethnic-based community centers. In her interpretation, languages and cultural backgrounds of immigrant workers significantly affects not only the possibility of communication but also the possibility of developing a sufficient level of trust required in organizing efforts that involve the risk of not only job loss but also of deportation: 'In these cases, identity-based organizing is simply a necessity, and has in no way blocked the coalition efforts made between these ethnic organizations of workers and broader based labor unions'.

¹⁰ Cf. Sayer 2005 about class' internalisation of self-hatred and feelings of inferiority as a matter of identity-formation.

The problem with 'politics of presence' insisting that non-members of a certain group are unable to acknowledge the normative demands springing from experiences of group members is that it enhances group authority to the detriment of public deliberation by 'ring-fencing certain issues' (as privat, as protected by undisposable criteria of belonging, as infallible in terms of authentic identity etc.) and by insulating groups from deliberative scrutiny (see Habermas 1989; Barry 2001; Jackson Preece 2008). As McBride notes,

[i]ronically, while the politics of recognition proclaims the need to render the public sphere more pluralist, on closer inspection it is effectively seeking to 're-feudalise' the public sphere, by privatising questions of culture and identity and thereby insulating them from public scrutiny and challenge.

(McBride 2005: 512)

Conversely, the claim that an 'impartial' point of view necessarily embodies a kind of difference-blindness and suppresses 'difference', too easily privileges 'partiality' instead of 'particularity', i. e. it neglects the terms of minority politics fighting discrimination on the base of 'morally relevant features' and generalisable interests of equal respect and equal participation. If recognition of diversity gives short shrift to equal rights, shared values and, ultimately, to the overarching political constitution itself, it is in normative terms a predicament – because it neglects the importance of a shared political constitution underwritten by the principles of individual liberty, public and private autonomy as well as equality between citizens. At the same time it disregards that the idea of universal egalitarianism can also provide guidance for balancing the interests of individuals, i.e. members of a group and the group itself.¹¹ Within a framework of being accorded recognition as a person capable of being held accountable and being treated as an equal member of a community of moral agents and citizens, claims for group recognition 'remain within the ambit of egalitarianism' insofar as they entail egalitarian arguments for non-discrimination which aim at securing 'universal' rights for group-members (s. Honneth 1992b; McBride 2005). Privileging group-identities at the constitutional level implies a factual sectarian standpoint that favours the 'endorsement' of particular identities (especially those that are privileged). This is in normative and in egalitarian terms precarious, because it encumbers the freedom of the individual to seek social endorsement of identities, to make evaluative judgments and to adopt dissenting views. Habermas (1994: 131) f. i. argues that cultural reproduction should well be enabled, yet not guaranteed by the state for exactly the reason that the state should not deprive community members of 'the very freedom to say yes or no that is necessary if they are to appropriate and preserve their cultural heritage' – this would itself lead to a kind of 'misrecognition' because by scripting an identity too tightly, a policy of cultural survival may be just another form of tyranny in that it forces members of a group into a social role with which they may not identify (see Appiah 1994). McBride quite nicely summarises the egalitarian critique of moral and political deliberation relying on identity-representation:

¹¹ Consider, among others, the potential negative side effects of political mobilisation that is in a strong sense relying on 'identity'. Even in emancipatory projects, the demands of constituting individuals as a group and sustaining a collective political identity can inhibit internal diversity and limit the opportunities of group members to work out their own identities (Benhabib 2002: 68; Fraser and Honneth 2003: 76). Members can easily come under pressure to conform to a particular view of the group's identity and its attendant practices, frequently those of the elite of identity-entrepreneurs (see McBride 2005). Politisation of identity requires group solidarity and the resulting imperative to police group boundaries can produce sharper and even more exclusive membership criteria – so the risk is twofold, in term of costs to personal freedom, but also in terms of restricting heterogeneity in the public sphere itself.

[f]irst, diverging views are a product of the free use of reason, and we must respect the right of others to form such views, regardless of their potential to expose us to recognition failure. Second, the criterion of equal respect ought to determine who, if anyone, is obliged to undertake any revision of social identities and practices when such failures occur, that is, the recognition seeker, or the respondent. Third, the pursuit of egalitarian recognition will, in some circumstances, require us to withhold recognition from certain social identities, or aspects of those identities, that is, not simply to hold them in low esteem, but sometimes to subject them to legal sanction. In encouraging deliberation about identity-based claims rather than demanding a presumption of deference, the politics of egalitarian recognition advances deliberative democratic objectives: the democratisation of political judgment and the pursuit of social justice through democratic politics.

(McBride 2005: 505)

The crucial point in this perspective is accordingly that identities should always be taken as candidates for moral scrutiny and potential revision.

The second paradox of identity-politics is related to the dilemma that, on the one hand, difference and identity may itself be a product of inequality, distorted by relations of power and embedded in asymmetric social structures, and that, on the other hand, even if certain social identities are constituted by the fact that their bearers stand in relations of superiority or subordination to others, struggles for recognition will take a progressive-emancipatory course (the latter being taken as a premise in recognition theory). Both Honneth's assumption that struggles for recognition might eventually lead to reconciliation, reciprocal communicative structures and less alienated forms of self-realisation (Honneth 1995) as well as Taylor's (1995) presumption of equal worth when entering into a dialogical encounter with the other and the notion of a fusion of horizons in which the other is recognised undistortively have provoked several doubts questioning the feasibility and the preconditions of such a progressive course – apart from questions as to the consequences with regard to the very concept of 'identity'.

The first and second aspect is very much questioning the ethical impetus of struggles for recognition and its structuring force with respect to political processes. Especially scholars drawing from post-structuralist theory, hegemonial and colonial studies emphasise the 'dark side' of recognition and centre their analyses on the complicity of recognition with 'logics of violent appropriation' (Yar 2001). In this perspective, the struggle for recognition 'does not gradually progress from combat to combat until it arrives at mutual reciprocity', rather, it 'proceeds from domination to domination' (Foucault 1984: 85, cf. Foucault 1980). The 'ascriptive' and 'knowing' look of recognition over-determines the other – for to render the other 'known, understood, interpretable, is to rob her of her alterity or difference, to appropriate and assimilate her into a sameness with my own subjectivity' (Yar 2001: 62). Schaap (2004) f. i. displays Fanon's (1986: 109f.) analysis of the colonial situation as hinting in a similar direction: One is either the seeing-subject or the object-seen, and qua being object-seen objectivated, at the same time there is 'no ontological resistance' to the colonizing gaze and to asymmetric power relations, hence there is few reason to be optimist about a fusion of horizons or reciprocal recognition (or about 'black authenticity in a white world', for example). The crucial point of these authors is to draw attention to the contingency of struggles for recognition, it is a reminder in order to qualify the assumption

that politics of recognition have a 'moral potential that is structurally inherent in communicative relations between subjects' (Honneth 1995: 67). This contingency should draw our attention to a missing link in conceptual and normative terms, in particular to the necessity to specify the conditions of an emancipatory course of struggles for recognition, or *ex negativo*: to specify the conditions of the impossibility of struggles for recognition leading to either self-negation and self-condemnation (Memmi 1990; Kruks 1996), to reciprocal exclusivity (Schaap 2004), to repressive authenticity (Wolfe 1994), to colonial forms of cultural appropriation (Povinelli 1998), or to immobilisation of social relations and inside-outside distinctions (Young 1997). The potentials of politics of recognition are perhaps best illuminated beyond the background of deeply divided societies sharing a history of colonialisation, segregation and enmity. For there we can notice that politics of recognition also risk entrenching relations of enmity insofar as it takes identity, or better: reified opposing identities, as the origin of action, while at the same time presuming that a common identity will emerge, either in a fusion of horizons or from conflict – in which the terms of recognition must itself be risked in seeking to overcome relations of enmity. This paradox is well captured by Schaap when he writes:

The struggle for recognition conditions the possibility of reconciliation by raising the question of who 'we' are and staking the prospect of community between former enemies on the answer. Yet it also leads to a dilemma. The desire for recognition provides the basis for an ethical and integrative conflict that holds out the possibility of constituting a horizon of understanding that might enclose former enemies without distortion. However, the anti-political moment of recognition threatens to close off the political possibility of reconciliation by over-determining the terms in which it can be enacted. Recognition thus appears as both a necessary and untenable basis for political reconciliation. In order to initiate reconciliation between former enemies, a politics of recognition must be predicated within the terms of identity and otherness according to which past wrongs were perpetrated. Yet, to the extent that such a politics takes these identities as irreducibly social goods, it risks entrenching and reifying those self-understandings that political reconciliation ought to call into question.

(Schaap 2004: 535)

The third aspect has in part already been discussed by looking at the precarious relation between recognition and reconciliation; conceptually however, it is more closely related to the question of identity-(re)affirming and identity-deconstructing potentials of struggles for recognition. The above mentioned dilemma that, on the one hand, we have to acknowledge a 'presumption of equal worth' (see Taylor 1995, or reciprocity in Honneth's words) when entering into a dialogue with the other – in order to avoid misrecognition – and that, on the other hand, recognition is oriented 'toward a wider understanding which can englobe the other undistortively' (Taylor, 1995: 151), leads to the conceptual as well as normative quandary of distinguishing just from unjust practices of identity-affirmation or deconstruction. If the normative dignity of identity is measured against its capacity to draw us closer to the good, and if, at the same time, processes of recognition in terms of rearticulating identities has value in itself, 'since it is through our dialogical relations with others that we enrich our vocabulary of worth and hence draw closer to our own moral sources' (Schaap 2004: 530), then it is correct to assume that '[n]ot only our self-interpretations and the frameworks within which

we make strong evaluations are risked, but also the terms in which recognition is construed' (ibid.).

However, and that point captures again a critical perspective on identity and recognition, if the terms of recognition-relations might (and should, under certain conditions) be transformed, the normative status of identity cannot be settled beforehand – neither by setting it off political processes nor by institutionalising constitutional prejudices.

In a final step we can now shortly explore the notion that recognition is somehow distinguished from the classical idea of mutual respect based on the principle of strict reciprocity and that nonreciprocal forms of recognition are necessary because, in normative terms, we have to take account of pre-reflexive and eventually inarticulate forms of suffering as well as of failed self realisation. The need to explain non-symmetric and non-discursive forms of recognition follows in part from the general conviction that the interpersonality of discursive practices display more than just a rational game of 'reason-giving and reason-taking' and more than a scheme of 'deontic scorekeeping' (Brandom 1994; cf. Stojanov 2007). Meaning-making and judgement-making – as such the premise – entails more than the self-relation and self-understanding of persons as rational, logical and linguistic creatures. Intersubjectivity as well as subjective capacities are relying on pre-cognitive social experiences (empathy, love, care, vulnerability, dependency, f. i.) entailing more elementary pre-rational and pre-linguistic components (Honneth 1992a). An underlying and related intuition is that the social bases of recognition and the commonality of values – i.e. to be capable of enculturation, of having concerns and commitments, of being capable of flourishing or suffering – depends on more 'emotional' forms of evaluative judgements which in turn affect relations of recognition.¹² The same holds for struggles for recognition at the level of social mobilisation, as Deranty and Renault (2007: 98) point out: 'one has to admit that the motivational basis for political action is not the positive representation of moral principles, but rather experiences of injustice: being the victim of an injustice is a feeling rather than a rational conviction'.

The idea is that the origin of struggles for recognition is an instance in which 'right is not assertible; instead something must be shown' (Cavell 1990, cited in Kompridis 2007: 282), but the idea is also that we have to take subjective experiences seriously and take into account that misrecognition has disabling 'ethical-psychological effects' on persons. What follows is a need to disclose morally relevant but still not sufficiently considered or unnoticed structures and practices of misrecognition, sensitise for inarticulate forms of suffering and misery, for experiences of aphonia, alienation, voicelessness and inexpressiveness which are themselves effects of misrecognition.¹³ Although there is surely a problem of making inarticulate suffering articulate – not just at the methodological level within a social-philosophical perspective but also at the practical-political level – the overarching aim is to bring new articulations of injustice and identity into being, to enlarge the horizon of 'moral significance' and not to reduce public reason to formalist and rational justificatory discourse. But as we have

¹² Cf. Sayer 2005 who illustrates how 'shame' is likely to be endemic to the experience of class; see also Nussbaum 2001 and Archer 2000.

¹³ This is reason why the need of a phenomenology of suffering is sustained, 'a greater sensitivity to forms of suffering for which no public language is currently adequate, and so of previously unnoticed aspects of our practices and institutions that might not otherwise merit the title of injustice' (Kompridis 2007: 284).

already hinted at, even if we acknowledge that the interpersonality of discursive practices is in normative terms depending on intact forms of subjectivity-building including pre-reflexive experiences of empathy, care and the fulfilment of emotional needs (Honneth 1992a), the status of such normative claims is still precarious; for, on the one hand, it is still not tangible, how these claims can be rendered accessible within a reflexive structure of intersubjective deliberation, and, on the other hand, how the fallibility of these claims can adequately be warranted – especially when negligence or denial of ‘objective’ criteria ‘shelter from public contestation’ and isolate these kind of normative claims from ‘critical scrutiny in open debate’ (Fraser and Honneth 2003: 205).

Taking a closer look at the claim that recognition necessarily involves non-symmetric or non-reciprocal forms of recognition we can distinguish two strategies of questioning the principle of symmetry. The first line of thought (exemplified by Erman 2006) is directed to capture the more substantial aspects of interpersonal relations and intersubjective discourses and follows the critical lines of challenging liberal notions of formal equality, generality and universality. The second line of thought starts from the terminological and conceptual premises of recognition theory (exemplified by Burke 2005) and follows the line of exposing non-reciprocity as a generic paradox of self-formation. Erman’s (2006: 381) strategy aims at replacing symmetry with mutuality in order to thicken the ‘inter’ of intersubjectivity and, at the same time, to illuminate the ‘very preconditions of communicative rationality’ so that ‘communicative rationality is able to meet the essential demand of recognition, in particular those kinds of recognition that are dependent on something other than symmetry’ (ibid.). Here, the main point is to capture the substantive elements of communicative action, not just the formal, especially the formal-semantic characteristics of discourses and the structure of language (Habermas 1970, 1979, 1995, 1996):

[T]he conditions of everyday language leave substantive traces on the content of actual communication. Looking at the implications of such counterfactual discourse presuppositions, I argue that Habermas’ idea of communicative action actually carries substantial epistemic and normative contents that cannot be defined exclusively in formal-semantic terms, or in terms of a symmetric relationship between the ‘I’ and the ‘You’.

(Erman 2006: 385)

In her view, the reason is first of all that there is a strong relationship between interaction and mutuality, and accordingly a tension between similarity and difference. Not unlike Honneth she claims, ‘[w]hen discourse participants mutually recognise each other as both similar and different they grasp in a more substantial way the internal connection between intersubjective recognition and morality’ (ibid.).

For that reason she pleads for a distinction giving way to acknowledge normative claims as justified under conditions of a-symmetry. Her intent is to separate what it takes to enact responsibility, i. e., to qualify as a moral agent, from what it takes to be a moral addressee, a receiver of responsibility exercised by a moral agent. This (eventually incongruent) differentiation between moral agents and addressees gives rise to acknowledge asymmetric forms of recognition by identifying criteria to qualify a person as a moral addressee: By way of considering her vulnerability, her dependency (Nussbaum 2002) or her unique difference (Levinas 1987; Derrida 1997, 2001 and 2002). In this perspective, the cognitive dimension of intersubjectivity is pushed in the

background in favour of the affective dimensions of interpersonalit y, i.e. the social capacity for empathy in concrete terms. However, as we have indicated above, a general problem with moral asymmetry is that, by emphasising the differences between a concrete self and a concrete other, between ego and alter in their uniqueness, it is not possible to capture the necessary premise that every self is also the other and vice versa and to elaborate what the self and the other have in common in order to establish a successful relation of recognition.

The second strategy goes a bit further by starting from the assumption that non-reciprocal forms of recognition are a result of the recognition paradox itself: 'the very possibility of self-determination is undermined by the doctrine of mutual recognition, not by consciousness becoming subject to the recognition bestowed by others (and thereby being determined in part by others), but rather because of the very nature of its own act of recognition itself (Burke 2005: 213).

The paradox lies in the fact that '[s]elf-consciousness requires an other to confirm and transform its own self-understanding' (Williams 1997: 52, see also Pippin 2000), i.e., self-consciousness is thus fundamentally dependent upon others for its own sense of identity. In Burke's reformulation it reads like this:

[R]ecognition is the process in which self-consciousness is not only recognised, but is for-itself recognised, aware of itself as recognised. The reason self-consciousness must be recognised in order to know itself as conscious is because consciousness is the agent of knowing, and as such it cannot know itself. As the agent of knowing, it cannot be the content of its knowledge qua its being the agent of its knowing.

(Burke 2005: 214)

In this view, there is a foundational problem insofar as recognising another is a precondition for recognition, including self-recognition. For, recognising another is possible only beyond the background of the reflective structure of self-consciousness (Korsgaard 1996), it enables us to endorse or to reject a claim that presents itself to us. The possibility to either endorse or to reject implies that recognition is recognition 'of value by another of something that one has contributed, something that one also considers to be of value'. This points to the possibility of non-reciprocal recognition, in Burke's words:

[T]he problem of nonreciprocal recognition arises for two reasons. First, the problem arises because it is the specific difference of the other (not their abstract universality) that is potentially recognised as valuable ... But, second, the genuine recognition of value in the other's specific difference cannot be required or taken for granted: It can only be given *voluntarily*'.

(Burke 2005: 219, emphasis added)

The crucial point is that one is not recognised to be making a valuable contribution unless one is voluntarily seen to be valuable by those who bestow the recognition: Recognition must be voluntary and uncoerced. To recognise something as true or valuable is voluntary in that one is able to follow through reasons and rehearse them in a justification of the worth of what one sees as valuable. To be able to give reasons is to agree and voluntarily assent. However, one does not only choose what one recognises as true and valuable (given that one is in possession of reasons, since reasons

compel assent), i.e. to voluntarily assent in this sense is already to give up one's right to voluntarily assent. In this light, non-reciprocity is constitutive for recognition:

To recognise is thus a double-sided sovereignty: It makes one both master and slave. Not only must one recognise the other for a reason that the other also sees as valuable, but both acts of recognition indicate a sovereignty coerced by no one but that at the same time makes one subject to the force of a content that is not of one's choosing. We both are and are not self-determining.

(Burke 2005: 220)

Self-limited recognition – or recognition within justice

Although the specific normative grammar of questions of political justice may not have changed with respect to the post-westphalian constellation and the challenge to accordingly recast the political project of constitutionalisation as a matter of justice in transnational (and transcommunal) terms, what has changed is that, on the one side, the sources of political injustice have been multiplied to the effect that we are confronted with an at least three-dimensional phenomenology of injustice as maldistribution, as misrecognition and as misrepresentation (cf. Fraser 2005, 2007a); so every theory of justice requires a more complex sensorium for the multiple forms of social suffering and injustice. On the other side, we are left with the challenge to rearticulate the motivational ties effectively binding actors to reciprocal duties to overcome situations of injustice. For both reasons there is a temptation to rearticulate the paradigmatic differences between a more Kantian and a more Hegelian approach, the latter primarily aiming at an establishment of social and political relations that are free from grave power asymmetries and unjustified forms of domination or that are directed towards more qualitative and ethically substantive terms of critique. From this vantage point the attractiveness of a recognitional account seems quite obvious. It is not only that recognitional accounts promise to offer direct access to – as Forst (2007: 294) put it – a socio-ontological dimension of social and individual life exhibiting a normative potential that re-emerges anew in social reality because it is so tightly fused with the structure of human interests – and therefore promise to escape the daunting issue of universalism and particularism. It is, moreover, also due to an alleged elective affinity of a recognitional account with issues of culture, identity and difference so prominently figuring on our moral agenda in recent years.

Drawing on these political, sociological and conceptual resources, at first glance, there seems to be massive support for the announced paradigm shift in political theory and philosophy beyond political liberalism. But on closer inspection our own conclusions as to the prospective gains of such a shift did not confirm this optimist stance, mainly for four reasons. Firstly, there seems to be some evidence that in the attempt to recast justice within the frame of recognition, it comes to a kind of conceptual overstretch which in the end tends to severely impair the normative force of recognition – because it is tied to a socio-ontological account of multiple forms of individual suffering that is not well designed to confront the task (of justice) to sort between different degrees of normative dignity of the various claims to recognition. Normative Dignity can only be derived from discursive justification and validation exposed to the criteria of reciprocity and generality. This is why we would underwrite the abovementioned strategy to combine an approach of justificatory monism with diagnostic-evaluative pluralism. The force of this suggestion, secondly, becomes particularly pertinent when recast in terms of a problem of problem-sorting. It emerges once we recognise

that, when claims to recognition are cast in identitarian terms, they are liable to devolve into repressive communitarianism: In order to evade that pitfall one has to acknowledge normative differences among recognition claims, i.e. universalist claims aiming at securing equal respect for a common humanity, or affirmative claims aiming at valorising presumptive group characteristics and specificities, or deconstructive claims aiming at destabilising the symbolic oppositions that underlie existing group differences (Fraser 2007: 307f.). In this respect it is hard to be seen how such differences should be accounted for within recognition itself.

While this endeavour is not necessarily external to a recognitional account, thirdly, a further difficulty arises when we consider the usual reaction to the problem of problem-sorting following more literal lines of a Hegelian reading of recognition (Deranty and Renault 2007: 101; cf. also Tully 2006) and consisting in recommending a political link between recognition and autonomy where the theory of recognition is '[...] to describe the internal normative dynamics of political action rather than to provide abstract criteria to distinguish between legitimate and illegitimate action'.

The problem is that, if one wants to avoid depriving the concept of its normative content, politicisation must be read as a bona fide expression of freedom – but this cannot be the case unless the actions of the antagonists are already constrained by normative demands of justice, i.e. unless they are equally empowered to effectively exercise their freedom. This is why 'politicisation' is more often part of the problem than an answer to it – the real problem is not 'politicisation' as such but to get the right kind of politicisation. Arguing for a political turn, or so we would like to suggest, and in order to address the issue of power relations and legitimate politics within newly emerging cooperative schemes we would be better advised to explore the potentials (and necessary developments) of political liberalism in order to secure 'equal freedom', i.e. such as inclusion, representation, participatory parity and the public use of reason (cf. Fraser 2005, 2007a). For, one lesson that can be drawn from modern political liberalism is that the civilising force of mediating between conflicting normative claims and judgements can be derived from procedures structuring justification and public scrutiny. In this perspective, the idea of democratic constitutionalisation takes the modern insight seriously that normative claims – actions, wishes, desires, needs – are fallible, and therefore essentially relying on reflexive mechanisms facilitating to justify their normative force and dignity – intersubjectively.

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RECON seeks to clarify whether democracy is possible under conditions of complexity, pluralism and multilevel governance. Three models for reconstituting democracy in Europe are delineated and assessed: (i) reframing the EU as a functional regime and reconstituting democracy at the national level; (ii) establishing the EU as a multi-national federal state; or (iii) developing a post-national Union with an explicit cosmopolitan imprint.

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Project website: www.reconproject.eu

RECON Online Working Paper Series

The Working Paper Series publishes work from all the researchers involved in the RECON project, but it is also open to submissions from other researchers working within the fields covered by RECON. The topics of the series correspond to the research focus of RECON's work packages. Contact: admin@reconproject.eu.

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