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WHEN THE STATE LEARNS TO CARE: MORAL INJURY, AFFECTIVE RECOGNITION, AND THE CRISIS OF DEMOCRATIC LEGITIMACY IN LATE MODERNITY

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ABSTRACT

Something has shifted in the grammar of democratic authority, and so far political theory has been notably reluctant to plainly address the issue. This article takes the position that the Western state has run up against the limits of rational contractualism – not because Hobbes was wrong about fear, or Rawls about procedure, but because neither framework was built to receive the specific kind of claim that late modern political subjects are demanding: the claim to be seen in their suffering, to be acknowledged as victims before the remedy is proposed. What is emerging in response is what this article calls a sentimental grammar of legitimacy – a mode of political authority that grounds itself in affective recognition, in the institutional performance of care, and in the symbolic repair of historical harm. Axel Honneth's theory of recognition provides the primary theoretical lens, placed in debate with the contractualist tradition that it both extends and contests. Three domains – feminist care politics, ecological constitutionalism, and biopolitical-algorithmic governance – serve as the analytical terrain. In each, the article tracks both the genuine democratic potential of the affective turn and its equally genuine risks: the conversion of political wounds into administrative categories, the selective distribution of empathy along lines that reproduce prior hierarchies, and the substitution of performed care for the structural transformation that recognition, taken seriously, would demand. The article concludes with what it calls a criterion of sufficiency: the conditions under which affective legitimacy accomplishes its real democratic task.

KEYWORDS: Democratic Legitimacy; Moral Injury; Affective Recognition; Sentimental State; Recognition Theory.

1. INTRODUCTION

The modern state has always required a justification. What changes, historically, is the register in which justification is sought —and that register has shifted again in ways that most political theory has been slow to name with adequate precision.

Three centuries of contractualist thought were not wasted. Hobbes grasped something real about fear — about the rationality of submission in the face of mutual destructibility— even if what he built from that insight was, as he was honest enough to admit, a theory of power rather than a theory of justice. Locke converted rights into something that the sovereign could not simply dissolve, and that matters. Rousseau felt, before he could quite articulate, that there was a difference between being governed and being self-governing, that legitimacy required something more than a calculation that the sovereign is better than the alternative. Rawls constructed from this inheritance the most methodologically careful version of the question: what principles would rational agents choose if they did not yet know where in the social order they would land? The elegance of the original position is genuine. But reading these thinkers now —reading them against the background of what democratic politics is actually being asked to do— we keep noticing the same gap. Each of them is, in different ways, constructing the subject of politics before that subject has a history. Before she has been humiliated. Before her labor has been made invisible. Before her body has been treated as a resource someone else was entitled to manage. The theories work on the non-historic versions of the subject, and this fact is not incidental to how they work —it is, as we want to argue, precisely where the debt accumulates.

What we are trying to describe is not primarily a philosophical problem. Or rather, it becomes a philosophical problem because it first presents itself as a political one —as the pressure that actually existing democratic movements are exerting on actually existing institutions, in forms that existing theoretical frameworks receive badly. Something has shifted in what people ask of their governments. Not what policies they want, though that too; but at a more fundamental register, what kind of acknowledgment they require before they will extend even provisional legitimacy to the institutions that claim to govern them. The demand —and it appears in movements as different as indigenous land rights, feminist anti-violence campaigns, climate litigation, and disability rights activism— is not simply for more equality, more redistribution,

more procedural fairness. It is something harder to name: a demand to be seen in the specificity of what has been done, to have the particular history of contempt that shaped a given social position registered as a matter of political consequence rather than biographical misfortune. Recognition is the word in the philosophical vocabulary that we will be drawing on throughout; it carries more than it usually appears to, and we want to use it carefully rather than broadly.

This article argues that these demands are generating a mutation in the grammar of legitimacy —a shift toward what it calls the sentimental contract: the increasingly operative logic through which states seek to ground their authority in affective recognition rather than procedural correctness or redistributive adequacy alone. Not the sentimental state as a completed institutional form — nothing so settled has arrived yet— but a grammar, a set of rhetorical and institutional moves through which the performance of empathy, the acknowledgment of moral wound, and the promise of symbolic repair become primary conditions of democratic credibility. The theoretical resources for understanding this mutation are available chiefly in Honneth's critical theory of recognition, but they have not been brought into adequate contact with either the contractualist tradition they implicitly contest or the specific political domains in which the mutation is most legible.

Three such domains organize the analysis: the feminist politics of care and institutional recognition; the ecological crisis and its demands on constitutional legitimacy; and the biopolitical administration of life through algorithmic systems. The three domains are not chosen because they are the only ones where this mutation is visible —it is visible in transitional justice, in disability rights, in indigenous sovereignty movements, in the politics of public apology. They are chosen because each of them tests the sentimental grammar in a different way, under different conditions of resistance. Feminist politics forces the question of whether recognition can do anything that the structural architecture of the politics of care has not already pre-empted. Ecological constitutionalism forces the question of whether the grammar can be extended beyond the human subject without dissolving the specific moral seriousness that makes recognition different from mere legal status. Algorithmic governance forces the question of whether recognition can survive being administered through systems that do not recognize anything —that sort and categorize and assess without any of the

attentiveness that the concept seems to require. If the argument survives all these three tests, we take that to be significant. If it does not, the failure will be instructive about where the limits of the sentimental grammar actually lie.

A note on vocabulary before proceeding: the word sentimental tends to attract the wrong connotations. Weakness, excess, the abdication of reason in favor of feeling. None of this is intended. The tradition we are drawing on – the one that runs through Hutcheson (2004) and Adam Smith before it arrives at contemporary care ethics – uses sentiment to name something more precise than feeling: the affective capacity that makes certain kinds of moral knowledge possible in the first place. To perceive that someone is in pain, to recognize it as pain rather than mere behavior, requires a form of attunement that is neither purely cognitive nor reducible to emotion. Smith's account of moral sympathy in the *Theory of Moral Sentiments* (Smith, A., 2002) is worth pausing on here, not because we think he anticipates everything the present argument requires, but because he sees clearly that detached rationality is not morally sufficient – that what is missing from the impartial spectator when the impartiality is taken too far is precisely the capacity to be affected by the particular situation of another person. When we argue that states are becoming sentimental, we are arguing that this capacity – to be structured by, and accountable to, the specific suffering of specific subjects – is becoming a condition of political legitimacy rather than a supplement to it. Whether that is good news or bad news is precisely what this article is trying to determine.

Three concepts operate as the article's core, so their relationship requires brief mapping before the analysis begins. Moral injury names the specific damage accumulated by persons who are systematically denied the recognition their dignity requires – not a psychological aberration but a structural wound produced by institutions that formally serve those they practically demean. The concept, as Honneth develops it, is not about individual trauma but about a political economy of regard: who, in a given social order, is constituted as worthy of moral attention, and who is rendered invisible by the same operations that claim to represent them. Affective recognition names the political response that this injury increasingly demands: the claim that institutions must not merely protect rights and distribute resources but acknowledge, publicly and institutionally, the particular history of what has been done and to whom – that the wound must be named before the

remedy can be legitimized. Democratic legitimacy, as this article uses the term, is not a procedural property but a relational one: the quality that authority acquires when those subject to it experience it as genuinely responsive to their condition rather than merely correct by its own internal standards. The connection among the three is the article's central claim: moral injury generates the demand for affective recognition; then, the state's capacity to respond to that demand without converting it into an administrative technique – performing care while deferring transformation – determines whether the sentimental grammar strengthens or forecloses the democratic legitimacy it claims to repair.

2. THEORETICAL FRAMEWORK: THE DEBT THAT CONTRACTUALISM COULD NOT PAY

Hobbes, Locke, Rousseau, Rawls: the names themselves carry the shape of a narrative. Each one corrects the excesses of the previous one. The tradition learns from its failures. Philosophy becomes, over three centuries, more adequate to the demands of political life. We do not think this is simply false but a story the tradition tells about itself – and what any tradition omits from its self-description is usually more philosophically significant than what it includes. What the contractulist tradition omits from its progress narrative is the structural constant that all the improvements leave untouched. Each thinker, reformulating the framework, inherits and preserves a particular decision about who the contracting subject is. This tradition of thought considers this subject deprived of his historical dimension – the history of contempt, of invisibility, of having been rendered politically unreal by the very institutions that claimed to represent him. This removal of the historical features of the political subject is not careless. It is architecturally necessary. You cannot build principles that anyone could endorse without first constructing a subject who, for theoretical purposes, is everyone and therefore no one in particular. We understand the logic. What we are unwilling to accept is that the logic is politically innocent.

So who pays? This is the question the narrative of progress does not ask, because asking it would require admitting that universality, constructed this way, has a cost and that the cost is not shared equally. The subjects whose particularity was most thoroughly erased by the abstraction – those whose lives, personal histories, and accumulated injuries least resembled the theorist's imagined default –

bear the cost of everyone else's universality. They provide, in a sense, the raw material from which the abstract subject is constructed by subtraction. The theory needs to remove their specificities in order to generate principles for everyone. And in doing so, it produces principles that arrive in a world already shaped by the removal, unable to contest the shape, equipped only to regulate what happens within it. Whether this counts as a philosophical problem or merely a political one depends, we think, on whether you believe that the conditions of knowledge production are philosophically relevant to the knowledge produced. We believe they are.

Hobbes is the most useful here precisely because he is the least pretentious about what he is doing. He does not describe the social contract as an expression of solidarity. He describes it as a transaction carried out under duress —an exit from mutual destructibility whose terms are set by whoever can make non-compliance most costly. There is no mutual recognition in this. There is calculation, and fear, and the cold arithmetic of who can enforce what. It is an exit from a situation that is worse. And the terms of the exit favor whoever can make the threat of non-compliance most credible —which is to say, the powerful. Potestas is not an unfortunate residue of an otherwise rational arrangement. It is the arrangement. What Hobbes cannot see, or rather what his framework has no conceptual architecture to accommodate, is the possibility that the subjects who enter this arrangement might have something more than interests —that they might have claims to be seen in their suffering, to have the specific texture of their lives and the history of what has been done to them register as politically significant rather than merely as a variable in the sovereign's calculations. They have preferences that the sovereign may or may not serve. The relationship is, and can only be, transactional. What is not transactional —what Hobbes cannot name — is what the present argument is about.

Locke introduces rights without transforming the fundamental logic. The claim that natural rights to life, liberty, and property exist prior to political organization and constrain its authority is a genuine advance: it establishes that state power is limited by what it is constituted to protect (Locke, 1689/1988). But the rights in question are formal and individualistic. They are rights of non-interference — the right not to be harmed by others, including by the sovereign. The question that this framework is not built to ask is what happens to those whose formal freedom coexists with structural unfreedom: the person who is formally free to work but effectively

compelled by material necessity, formally equal before the law but systematically disadvantaged in every encounter with it. The Lockean framework does not raise this question because it presupposes a subject who is already, in principle, free —who simply needs the political conditions for the exercise of a freedom he already possesses. Structural unfreedom, in this picture, is a failure of individual circumstances rather than a systemic feature of the political arrangement.

It is with Rousseau that the tradition begins to strain against its own limits, and the strain is instructive. The general will represents an attempt to think political legitimacy in terms that go beyond both fear and formal rights —to ground it in something like collective self-determination, in the idea that the law is legitimate when each citizen can recognize herself in it as co-author rather than merely as subject (Rousseau, 1762/1997). There is something right about this, and the affective dimension it introduces —the idea that legitimacy requires identification rather than mere compliance— will become central to the analysis that follows. But the general will is also abstract in a way that proves fatal to the aspiration it embodies. It speaks in the singular and suppresses the plural. It achieves its universality by eliminating precisely the differences —of position, of history, of accumulated disadvantage— that make subjects unequally placed within the social order it is supposed to express. The general will ends up subsuming the individuals, therefore eliminating them in practice. And this elimination is not incidental to the concept but constitutive of it.

The veil of ignorance is the most sophisticated device in the contractualist arsenal, and we want to spend a moment on what makes it sophisticated before saying what makes it insufficient. What Rawls recognizes —and what distinguishes his version of contractualism from all earlier ones— is that principles of justice cannot be generated by parties who know their place in the social order, because any such party will design principles favorable to their position. The veil makes this impossible: behind it, no one knows where they will land, and so everyone must choose as if they might land anywhere. The elegance is real. The problem —for the present argument— is what the veil requires you to leave outside the theoretical space in order to enter it. Not social position in the abstract, which the veil explicitly excludes, but something more intimate: the experience of having been, across generations, not recognized as a full political subject. The suffering experienced as private misfortune rather than political fact. The contributions to collective life that

were dissolved into a social background leaving no record of them. All of this has to stay outside, because if it came in, the resulting principles would be conditional –defensible from a particular historical position– rather than universal. So it stays outside. And the principles, elegant and impartial, arrived in a world whose shape produced those excluded histories. We call this the deferred debt: the wound that the procedure neither heals nor names, but simply places outside its field of vision and then forgets.

Honneth inherits from the Frankfurt School a refusal to confine the analysis of domination to the registers in which liberal political philosophy is most comfortable –economic distribution and juridical status. The inheritance is visible in the central thesis of *The Struggle for Recognition*: that there are modes of social damage whose operative mechanism is neither poverty nor legal exclusion but the withdrawal of recognition itself, the social practice of constituting certain subjects as less than fully real (Honneth, 1996). This is not a new claim in the history of political thought –there are traces of it in Hegel, in Rousseau's second Discourse, arguably in Aristotle's account of the social conditions of flourishing. What Honneth adds is a phenomenological precision about where the damage shows up and what it costs its recipients. It does not show up primarily as cognitive distortion –as ideological mystification of the kind the Frankfurt School first generation emphasized. It shows up as moral injury: the specific damage that accumulates in persons who are, over time, seen as unworthy of the regard their dignity requires. This injury takes different forms across three distinct domains of social life: love, where its absence leaves a person without the foundational self-confidence from which any political agency must depart; rights, where their absence produces the deficit of self-respect that goes with being treated, in practice, as less than a full member of the political community; and solidarity, where its absence means that whatever one contributes to collective existence disappears without recognition into a common fabric of society.

A terminological clarification is necessary at this point. Moral injury, as this article employs the term, is not a psychological category. It is a political-theoretical one. The distinction matters. As a psychological category –in the literature on trauma, combat, and moral residue– moral injury names the internal damage that results from participating in or witnessing acts that violate one's moral framework. That is not what is meant here. What Honneth's analysis makes available, and what this article draws

on, is the concept of moral injury as a structural effect of systematic misrecognition: the damage that accumulates, not in exceptional or traumatic moments, but in the ordinary operation of institutions that produce recognition-deficits as a routine output of their normal functioning. This damage is political in two senses simultaneously: first, because its causes are institutional and therefore addressable through political action –they are not natural, not accidental, not biographical; and second, because it generates claims that are political in form: not claims for therapy or compensation, but claims for acknowledgment that redress the political condition that produced the wound. Moral injury, in this sense, is what connects the phenomenological register –where Honneth's analysis of the three spheres operates– to the political-institutional register –where the question of democratic legitimacy is posed. It is the category that makes suffering politically legible: that transforms the experience of being unseen from a private misfortune into a demand on institutions, and thereby into a criterion by which those institutions can be evaluated and understood. Affective recognition is the name for the institutional response that this demand requires: not the management of suffering but its acknowledgment as a political fact, prior to and conditioning whatever procedural or redistributive response may follow. The relationship between the two is not symmetrical. Moral injury generates the demand and affective recognition is the form that a politically adequate response must take. Finally, democratic legitimacy is the quality that institutions acquire when their response to moral injury is genuinely affective in this sense. If their response is merely administrative then they have failed in their attempt to acquire such democratic legitimacy. It becomes a simulation.

What follows for the theory of democratic legitimacy is not comfortable. If institutions fail to provide proper recognition (mere non-affective administrative response) creating more moral wounds along the way, and if those wounds have been distributed along the same lines that structure inequality more broadly, then political legitimacy cannot be fully assessed by examining the correctness of procedures. A procedure can be exemplary and the institution that runs it can still be producing contempt, systematically, toward the people it formally serves. Consider what it would mean to take this seriously: a state that formally guarantees equality while generating, as a practical consequence of its institutional culture and its symbolic order, the routine denial of social esteem to large portions of its

population —such a state is not merely falling short of procedural ideals. It has produced a form of illegitimacy for which the contractualist tradition, organized as it is around formality and procedure, has no specific term. The gap between what the procedure promises and what the institution delivers at the level of recognition is real, and it is politically consequential, and it cannot be addressed through procedural refinement alone. Sentimental legitimacy is the term we want to use to name this gap —not as a warm supplement to cold proceduralism, but as a dimension of political authority that is now, in late modern democracies, constitutive of whether that authority is experienced as legitimate at all. This comes, however, with a warning that Honneth's own later work forces onto the analysis. Freedom's right is, among other things, a warning about what happens when states position themselves as the primary source of recognition across all three spheres. This does not emancipate subjects from dependence, it reconstructs dependence in a more intimate regard —binding through the promise of care rather than through the threat of force, which is harder to name as binding and therefore harder to contest.

3. THE FEMINIST TESTING GROUND: CARE, MORAL INJURY, AND THE SEXUAL CONTRACT'S HIDDEN DEBT

Feminist political theory did not need recognition theory in order to arrive at its central insights. It arrived at them through a different path —more concrete, more materially grounded, less indebted to the philosophical tradition it was contesting— and with a sharper sense of what is actually at stake when the social contract renders certain subjects invisible. The contribution feminist thought makes to the present argument is therefore not merely illustrative. It is foundational, and it carries a warning that any theory of the sentimental state needs to hear before claiming to have understood what affective recognition means politically.

Pateman's analysis of the sexual contract remains, decades after its publication, the most precise account of what the liberal social contract actually presupposes (Pateman, 1988). The public arrangement between formally equal individuals rests on a prior, silent arrangement: women are assigned to the sphere of care and reproduction, whose labor makes the public sphere possible while never appearing within it as labor. It appears as background —as the natural precondition of political activity rather than as the work that sustains it. There is a question that Pateman forces and that we think

has not been sufficiently absorbed into the mainstream reception of her argument: who is the subject that arrives at the theoretical negotiating table free and ready to contract? Not merely free in the sense of not being enslaved —though that exclusion matters too— but free in the more banal and more consequential sense of being unencumbered by the demands that sustain bodily existence. The Lockean rights-bearer. The Rawlsian agent behind the veil. The Habermasian participant in the ideal speech situation (Habermas, 1981). Each of these figures is, implicitly, someone who has been released from the demands of care before the theory begins —whose bodily maintenance, emotional sustenance, and reproductive labor have already been absorbed by someone else, off-stage, prior to the moment when philosophical reconstruction commences. The theory does not mention this. It presents the unburdened subject as simply what a subject is —as the default from which everything else departs as a special case requiring separate treatment. Pateman's contribution is to show that this is not an oversight but rather structurally necessary. The claim to universality that the contract makes possible depends on the prior invisibilization of the individuals and their historical dimensions that makes the contracting subjects available to theorize.

What the feminist critique of the social contract adds to the present argument is something harder to absorb than might initially appear. The demand is not simply for a better version of inclusion —a more genuinely universal contract that this time also counts women. It is a demand that the framework reckon with the debt it has been carrying: the just mentioned structural invisibilization of the individuals that makes contractual life possible, distributed along gendered lines that the theory was built to naturalize, whether intentionally or not. Acknowledging that debt is not the same as retiring it. And this is where the analysis becomes uncomfortable in ways we think are worth sitting with. A state that extends formal recognition to women as rights-bearers —equal before the law, protected against discrimination, represented in institutional positions of authority— while leaving entirely intact the economic and symbolic architecture that makes that equality nominal rather than substantive has not addressed the feminist critique. It has refined it. The currency has changed from explicit exclusion to symbolic inclusion that coexists, apparently without contradiction, with structural subordination. Recognition, deployed in this way, does not liquidate the deficit. It administers it.

What Honneth's three spheres add to this analysis is a way of tracking where in social life the deficit shows up and what it costs the people who absorb it. In the sphere of love –the domain of primary affective relations– the failure we are concerned with is not about whether care is emotionally warm or cold. It is about something more structurally consequential. Care labor has been constituted, over a very long period and across different kinds of societies, not as labor at all –not as something women do– but as something women are. The distinction is not merely semantic since an activity can be claimed but a natural quality cannot. Nature is what you start from, not what you demand recognition for. The political consequence is that the demand for recognition of care work hits a wall that is not visible from inside a rights framework, because rights frameworks are built to process claims about things the social order already sees. What has been rendered invisible by being called natural –the cooking, the cleaning, the emotional management, the physical tending of bodies that make every other form of social activity possible – is not yet a thing in the relevant sense. To claim a right to its recognition, you first have to make visible what the naturalization made invisible. The framework cannot do that from within itself. The trap was set before the legal language arrived.

In the juridical sphere, the argument becomes genuinely uncomfortable, and we want to handle that discomfort rather than to avoid it. Over the past century, formal legal equality between women and men has been significantly extended across liberal democracies. This matters. It was achieved by sustained, costly political work against resistance that was often fierce. It has generated real protections in real situations. It should not be minimized in theoretical retrospect by people who did not pay the cost of achieving it. We want to be clear about this before moving to what Rottenberg (2018) shows, because what she shows is not that the achievement was worthless. It is that formal equality and ongoing symbolic subordination are not, as liberals often assume, a tension that formal equality is gradually resolving. They coexist. They are, in a certain structural sense, complementary: the same social arrangement can deliver anti-discrimination law and a cultural grammar that determines, prior to any legal proceeding, whose testimony carries evidential weight, whose professional competence is taken for granted rather than having to be demonstrated in each new encounter, whose description of her own experience is received as credible. Law is not equipped to examine the assumptions it inherits from

the culture in which it operates. The symbolic order is precisely what law takes for granted –and taking it for granted is what allows the law to function as impartial while the social world it presupposes is not impartial at all.

The sphere of solidarity is where the contemporary feminist demand for sentimental legitimacy speaks most directly –and where the stakes of the present argument become most visible. What the movements against femicide share with the campaigns for institutional acknowledgment of gender-based violence and with the demands for social recognition of care work, is not primarily a demand for specific policy reforms, though those matter. It is a demand to be taken seriously in a way that exceeds what a rights framework can deliver. To have suffering registered as politically real rather than as a natural or private misfortune. To have a form of life accorded with public significance rather than private management. Liberal contractualism is structurally unable to satisfy this demand –not because it is insufficiently sympathetic but because satisfying it requires institutions to do something that contractualism was not designed to do: to say, publicly and institutionally, that something was done that should not have been done, and that the history of its consequences is a matter of collective responsibility rather than individual adjustment.

Something genuinely shifted in what democratic states understood themselves as mandatory to do, and the shift is documented in institutional form across most liberal democracies: ministries for gender equality, legislative parity requirements, institutional protocols against discrimination and violence, public commitments to closing the care gap. We want to resist the temptation of dismissing this as mere simulation, because the political labor that produced these changes was real and the changes themselves, in specific situations, have consequences. McNay (2023) does not dismiss them either. Her argument is more precise and more troubling: when the state becomes the central institutional vehicle for recognizing feminist claims, it simultaneously becomes the adjudicator of which feminist claims its own grammar is capable of processing. Claims the state can accommodate –claims that ask for inclusion within existing arrangements, for better enforcement of existing laws, for symbolic acknowledgment of previously ignored contributions– get processed. Claims that implicate the structure of those arrangements, that demand transformation rather than accommodation, that ask why the arrangements are what they are –these do not get refused, exactly. They become illegible.

Institutions produce paperwork about them. Ylöstalo (2024) tracks this at the organizational level and finds a pattern that should by now be unsurprising: sustained gender equality activity generates reports, audits, training programs, and awareness campaigns that demonstrate institutional seriousness while leaving structurally intact the conditions that make the activity perpetually necessary. De Boer (2024) finds the same dynamic in diversity work: celebrating difference is compatible with, and may actually stabilize, the hierarchies that determine which differences cost their bearers most.

Fraser's analysis sharpens the critique to its essential point (Fraser, 2022). The feminist sentimental state that performs recognition while the material conditions of women's labor remain structurally undervalued has produced legitimacy without justice – a state that cares, demonstrably and visibly, more effectively than it transforms. Care work celebrated but unrecompensed, gender violence institutionally acknowledged but materially enabled by the economic dependence that the state's care policies leave intact, algorithmic bias procedurally audited but socially inherited from the same cultural order the audit leaves untouched: these are not failures of implementation. They are the constitutive features of a recognition politics that has learned to perform adequately without being required to produce structurally.

4. THE ECOLOGICAL TESTING GROUND: RECOGNITION BEYOND THE HUMAN AND THE LIMITS OF GREEN LEGITIMACY

The contractualist tradition imagined itself as addressing a problem of human coexistence on a stable natural substrate. Territory was the container of political life, not its condition. Nature was the resource base from which social wealth was generated, not a participant in the arrangements governing its distribution. That background assumption – nature as infinitely available backdrop – has not survived contact with the geological and biological reality of the Anthropocene. What this creates is not simply a new policy problem to be added to the existing framework. It exposes something foundational: a political ontology whose categories were formed on the assumption of a stability that no longer obtains, and whose account of who counts as a party to the political arrangement has become inadequate in ways that cannot be remedied from within the tradition's own resources.

Whether recognition theory can do useful work beyond the boundary of the human is a question that

deserves genuine philosophical difficulty rather than quick resolution in either direction. Honneth's three spheres were elaborated for subjects capable of experiencing misrecognition in a morally specific sense – subjects capable of forming a self-relation that can be damaged by contempt, of making claims that can be refused, of contributing to a shared form of life whose social value can be withheld. A river does not experience contempt. An ecosystem does not make claims. Extending recognition to nature by analogy with its application to persons risks generating a category error that obscures rather than clarifies the political problem it is supposed to address.

Smith (2022) solves the philosophical problem that makes this extension difficult – the problem of whether recognition can operate at a non-human scale – by reframing it. The question is not whether ecosystems experience contempt in the morally specific sense that persons do. We remain genuinely uncertain about this, and we think the uncertainty is appropriate rather than evasive. The reframed question is whether the systematic destruction of ecological conditions constitutes a structural injustice toward the human beings whose capacity for a self-determining life is not merely affected by those conditions but constituted by them. For the communities in question – in many cases indigenous communities whose entire orientation toward selfhood, memory, and political agency is organized around specific landscapes – ecological destruction is not an inconvenience to be compensated for. It is the destruction of the conditions under which the kind of life they might recognize as their own is possible. The wound this inflicts is human in the sense that it registers in human experience. But it is structural in its production, generated not by individual carelessness but by a political economy whose working logic requires treating ecological integrity as an externality – something to be priced and distributed elsewhere rather than maintained as a genuine political obligation. Applied this way, recognition theory does what it does best: it names the structural wound, tracks its distributive logic, and asks what kind of political response would actually address rather than merely acknowledge it.

Meyer and Sanklecha (2020) approach the intergenerational problem with a clarity that we think is genuinely illuminating about what consent-based theories cannot do, and cannot be modified to do. Future generations do not vote, litigate, organize, or negotiate. They are structurally absent from any agreement that could be reached in any present moment – and yet the decisions being made now

will determine the conditions of their existence in ways that no subsequent correction may be able to undo. The contractualist tradition has tried to accommodate this. Rawls extended the original position to cover future generations, asking what parties would choose behind the veil if they did not know which generation they belonged to. The extension is clever and the intention is serious. But the extension, examined closely, requires exactly the kind of non-consensual moral premises that the procedure was supposed to generate from within itself: you cannot ground intergenerational obligation in hypothetical agreement without already presupposing a moral relation of responsibility to those who cannot yet agree. Consent-based frameworks reach their limit here, and they reach it in a way they cannot repair from within their own resources. The sentimental grammar is, in principle, better positioned: it grounds obligation not in what parties could agree to but in the attentiveness to structural vulnerability that the moral sentimentalist tradition – from Hutcheson (2004) through Smith (A., 2002) – identified as the foundation of genuine moral responsiveness. We are obligated to future generations not because they could consent but because we can already see, with sufficient clarity, the conditions of suffering and closing we are producing for them.

The theoretical argument meets political reality in Ecuador and Bolivia, and the encounter is instructive in both its achievements and its limits. Ecuador's 2008 constitution drew on the Kichwa concept of *Sumak Kawsay* – a phrase that resists clean translation into English precisely because its meaning is structured against the individualist and utilitarian assumptions that 'good living' matters as background – to grant Pachamama juridical standing as a rights-bearing entity (Boyd, 2017). Bolivia did so within a plurinational constitutional framework that was itself already doing something that liberal constitutionalism had consistently refused: treating multiple legal and political orders as co-legitimate rather than as subordinate variants of a single sovereign architecture. Tanasescu (2022) is right about the fact that enforcement has been uneven and extractivist pressure has not abated. But the significance of the constitutional inscription is not reducible to its enforcement record. What it did was to force into the space of constitutional contestation a form of recognition that the dominant political ontology had systematically excluded – changing the terms of what could be legitimately demanded, even when the political will to meet those demands

remained absent. Normative shifts of this kind have their importance. They are, characteristically, what precedes material transformation when material transformation happens at all.

The ecofeminist argument complicates this picture in ways that the constitutional analysis cannot fully capture, and the complication is philosophically productive. The claim that Mies, Shiva, Salleh, and Rocheleau developed across several decades is not that women and nature suffer analogous oppressions that can be strategically aligned (Mies & Shiva, 1993; Rocheleau, Thomas-Slayter & Wangari, 1996; Salleh, 2017). The stronger version of the argument – and it is the more interesting one philosophically speaking – is architectural: the same symbolic logic that constitutes the feminine as naturally available for appropriation constitutes the natural world as available for extraction and disposal. Both are constructed as 'other' to a subject whose freedom is defined precisely by its capacity to appropriate what it designates as given. The domination of women and the exploitation of ecosystems are not parallel problems that share a rhetorical vocabulary. They are expressions of a single logic of domination, and a justice that repairs one expression while leaving the generative logic intact has not addressed the problem. It has given it room to reconstitute.

The body-territory concept developed in Latin American feminist and indigenous thought makes this convergence concrete in ways that resist the abstractions of the Northern theoretical tradition (Cabnal, 2010; Svampa, 2021). What abstract Northern frameworks cannot do is to ground the relation materially and politically rather than rhetorically: in contexts of extractivist violence, the relation between the body of the woman and the body of the territory is not a metaphor that two separate oppressions happen to share. It is a material and political fact: the same economic logic that authorizes the opening of a territory to extraction generates, with remarkable consistency, intensified gendered violence within the communities whose lives are organized around that territory. The companies that open the mine and the men who assault the women living near the mine are not separate phenomena linked only by spatial coincidence. They are expressions of the same authorization – the same prior constitution of a territory and the people who inhabit it as available, as not requiring consent, as external to the circle of those whose claims generate obligations. This is why, for Cabnal and others in this tradition, defending bodily autonomy and defending ancestral land are

not two projects that can be pursued in sequence, alternating attention between them as resources allow. They are the same project, which means that a sentimental grammar of legitimacy that addresses one while deferring the other has not grasped the architecture of what it claims to contest.

Dryzek and Pickering's (2023) proposal – a democracy adequate to the Anthropocene, governance that builds planetary limits into the structure of deliberation rather than treating them as external inputs – is genuinely important as a procedural contribution. But we think it faces a difficulty that the procedural framing cannot resolve on its own, and that recognition theory helps to name. The difficulty is not primarily institutional. It is cultural and affective: the political capacity to hold ecological interdependence as a genuine obligation – rather than as an acknowledged fact that is then systematically discounted in every actual political decision – depends on a prior transformation in what subjects are capable of morally perceiving and feeling. No institutional redesign, however sophisticated, will produce this transformation. It requires the kind of affective restructuring that the sentimental grammar is, in principle, built to generate – the felt sense of what is at stake, the weight of obligations toward those who cannot yet speak for themselves. The problem is the gap between producing the feeling and following through on what the feeling, taken seriously, would demand. Hickel's (2023) analysis of degrowth names what fills that gap: not a failure of affect but a feature of a political economy whose operational logic requires treating ecological systems as externalities. Green recognition that does not contest that political economy – that performs the appropriate emotional register while the underlying extraction continues – does not address the crisis. It generates the political credibility that makes continued extraction sustainable by making it appear that something adequate is being done.

4.1. The Biopolitical Testing Ground: Algorithms, Care, And The Administration Of Life

What makes Foucault's account of biopolitics philosophically productive for the present argument is not its empirical novelty – biopower is now a familiar concept – but what the account reveals about the relationship between governing and caring that becomes, in late modernity, structurally central to political authority. Sovereign power, in the classical formulation, operated at the limit: it made die and let live, exercising itself through the final

threat of termination. Modern governmental rationality operates differently – not at the limit but throughout the substance of existence, managing populations through the optimization of life conditions, the mapping of health risks, the surveillance of pathologies, the administration of vital processes that present themselves as technical rather than political decisions (Foucault, 1976/2007). This is not a gentler form of power. It is a more pervasive one – power that operates not at the boundary where life and death meet but inside the texture of daily existence. What Foucault's framework was not built to develop – he deliberately resisted, for theoretical reasons, the vocabulary of moral injury and normative recognition – is the way this shift transforms the conditions of political legitimacy. If the authority of modern states increasingly bet on their capacity to appear as genuinely attentive to the vulnerability of their populations, then managing life and performing care become inseparable. The institution that governs bodies must also be seen to care for them. The caring is part of how the governing justifies itself. This is the logic of the biopolitical sentimental state: not an institution that merely administers vital processes, but one that stakes a portion of its legitimacy on whether that administration is experienced as an expression of genuine concern rather than bureaucratic management.

The 2020 pandemic made the logic of the biopolitical sentimental state visible in ways that years of theoretical analysis had not managed to do. For decades, liberal democratic states had legitimated themselves primarily through the thin register of procedural competence – getting the process right, managing risk through expertise, producing outcomes that could be evaluated in measurable terms. COVID-19 interrupted this. Suddenly, states were required to govern grief. To address fear at a population scale. To invoke solidarity and mutual obligation in registers that their institutional vocabularies had not been designed for. The public health messaging was also unmistakably a simulation of political legitimacy: stay home, wear a mask, protect someone you will never meet – not because the law compels you but because you care, because we are all in this together, because the state is asking you to participate in a collective act of recognition of shared vulnerability. Compliance was framed as care. Authority was grounded in empathy rather than enforcement. The state positioned itself not as the administrator of a public health emergency but as the custodian of a community's capacity to care for its own members.

Fraser (2022) has documented with precision what the universalist framing of that simulation worked to obscure: the distribution of protection was steeply differential, organized along the familiar lines of class, race, and gender. Precarious workers, undocumented migrants, elderly residents of care facilities, racialized communities disproportionately concentrated in sectors designated 'essential' and thereby exposed to the highest risk: these populations were not protected by the state's performance of collective care. They were managed. The language of universal solidarity and the practice of differential expendability operated simultaneously, in the same institutional space, producing a political experience that was structurally incoherent without being experienced as such — because the language of care was doing the ideological work of making the selectivity appear as a tragic limitation rather than a constitutive feature of the arrangement.

Han's analysis illuminates what this produces at the level of subjectivity (Han, 2012). Neoliberal biopolitics does not primarily govern through prohibition. Its instrument is activation —the internalization of the simulation as self-realization, the conversion of external demands into personal aspirations, the colonization of interiority by the logic of productivity. Within this framework, care is not a value that stands in tension with efficiency. It is a productivity variable: health optimized as human capital, resilience cultivated as a substitute for structural security, and any suffering that cannot be converted into recoverable performance simply rendered invisible by the categories available for registering it. Ratzinger (2005) identified something similar, in a different language, as the spiritual crisis of modernity —the exhaustion of normative frameworks capable of grounding themselves in something other than instrumental value. In its biopolitical form, this exhaustion manifests as a governmental rationality that has evacuated the ethical and relational substance of care while retaining its language, because the language continues to do political work long after the practice it claims to describe has been emptied.

Algorithmic governance is where the argument arrives at its most contemporary expression, and also, we think, at its most philosophical difficulty. It is tempting to treat AI bias as a technical problem — a matter of skewed data sets and inadequate oversight that better engineering can correct. Waelen and Wiczorek (2022) show why this framing consistently understates the problem. Algorithms do not manage populations in the way that a welfare

bureaucracy does. What they administer, prior to any specific decision, are the conditions of social visibility: who is seen, in what category, with what level of credibility attached before the specific interaction begins. And what machine learning takes from its training data is not information in some neutral sense —not the world as it is, from no particular perspective— but the social grammar of contempt that was already operative in the human practices that generated the data. The algorithm does not introduce bias into an otherwise neutral social world. It formalizes the bias that was already there. This formalization is, we want to suggest, the specific philosophical danger: it grants the authority of technical output to what was previously informal prejudice, presenting the social grammar of misrecognition as the result of an objective process whose normative character has been, in the translation from human judgment to machine classification, rendered invisible. And what cannot be named as normative cannot be contested as normative.

Waelen's (2023) argument goes further than the bias literature typically goes, and for the present purposes it is precisely the extension that matters. Facial recognition technology does not merely misidentify —though it does, and the misidentification correlates with race and gender in ways that are not random, as anyone who has read the empirical literature will know. More fundamentally, these systems reinterpret: they assign gender, attribute emotional state, infer credibility and risk through processes that are normative in their structure while presenting themselves as purely descriptive. This is where Honneth's vocabulary becomes precise in ways that other frameworks are not. What facial recognition performs when it classifies a subject is not simply an error about an already-given identity. It is an imposition —an overriding of the subject's own self-understanding by a technical system whose authority derives precisely from appearing not to be imposing anything, but merely reading what is objectively there. Ullah et al. (2025) confirm empirically what the philosophical analysis suggests: the factors that determine AI bias are social rather than technical, which means the corrective cannot be primarily technical either. Recalibrating the training data addresses a symptom. The social grammar from which the training data was generated —the prior determinations about whose face reads as credible, whose affect as threatening, whose claim as worth processing— remains undisturbed by the recalibration and will reproduce itself in the next dataset.

Butler's concept of grievability names the prior determination that gives this analysis its sharpest political edge (Butler, 2020). Before any specific act of recognition occurs – before any algorithm generates its assessment, before any welfare official makes her determination, before any court weighs testimony – there is a prior normative framework that decides whose loss demands acknowledgment and whose does not. Mezzadra's analysis of European responses to migration since 2022 makes this visible without theoretical mediation (Mezzadra, 2021). The differential treatment of Ukrainian refugees relative to migrants from sub-Saharan Africa and the Middle East was not a failure of the sentimental grammar to extend far enough. It was a revelation of the grammar's constitutive structure: the affective resources of sentimental legitimacy are distributed according to prior determinations of which suffering is grievable and which registers as a management problem. The sentimental contract that does not contest these prior determinations is not a universal contract. It is a preferential contract in universal costume – and that disguise is, arguably, a more effective instrument of exclusion than explicit restriction, because it is harder to name and therefore harder to contest.

4.2. Discussion: Between Emancipation and Administration

The three testing grounds have not produced three separate arguments. They have tested a single one from different directions. In each domain – feminist care politics, ecological constitutionalism, algorithmic governance – the state responds to a legitimacy crisis by deploying the sentimental grammar: performing empathy, acknowledging historical harm, promising symbolic repair. And in each, that deployment reveals the same structural split: a genuine capacity to render historically invisible suffering politically legible, and an equally genuine tendency to convert that legibility into a technique of governance.

Fraser names the risk most precisely (Fraser, 2000, 2022). Recognition politics, when it operates in place of redistributive politics rather than alongside it, produces injustice in the language of repair. The woman whose care work is celebrated while remaining economically undervalued, the indigenous community whose knowledge receives cultural recognition while its territory is opened to extraction, the racialized subject affirmed by diversity protocols while algorithmic systems reproduce structural disadvantage: in each case, recognition has been delivered. Transformation has

not. The delivery of the former makes the absence of the latter politically tolerable – which is precisely the problem.

But Fraser's critique has a limit. Her account proceeds as though recognition and redistribution are analytically separable in the very situations in which they actually arise. The phenomenology of contested situations does not confirm this. When women demand that domestic violence be treated as political rather than private, the demand is not for a symbol instead of a resource – it is a claim that material distribution has been shaped by a symbolic order of contempt, and that contesting one requires contesting the other. Honneth's response to Fraser (Fraser & Honneth, 2003) makes this entanglement precise: the pathologies of freedom he identifies are failures of the social conditions under which structural contestation becomes possible at all. Recognition is not a substitute for transformation. At its best, it is the condition under which transformation can be coherently demanded.

The productive position is to inhabit the tension rather than resolve it. A sentimental politics that subordinates recognition to redistribution loses what is specific about moral injury as a political category. One that subordinates redistribution to recognition, as Fraser insists, produces legitimacy without justice. Han adds a concern that neither side fully captures (Han, 2016): that institutionalized affective governance produces domination harder to contest than classical repression precisely because it presents itself as care. A political order that makes subjects dependent on institutional validation for their sense of worth has not liberated them – it has found a more efficient governing technology, one that operates through the promise of recognition rather than the threat of force. When the state monopolizes recognition across all three spheres, it does not extend it. It simulates it, and produces subjects whose political agency is organized around managing their relationship to the simulation.

The grievability analysis developed in section 5 reveals something constitutive rather than accidental about the sentimental grammar's structure. The prior normative framework that determines which subjects' suffering warrants institutional response is not an imperfection to be corrected by extending the grammar's reach. It is the condition of its operation. A sentimental contract that extends recognition generously within the circle of the already-recognizable while leaving the boundary-drawing logic intact is not practicing universalism. It is simulating it – and the simulation is harder to contest than explicit restriction precisely because it

presents itself as the genuine article.

The theoretical architecture developed across sections 2 through 5 makes it possible to derive, rather than merely stipulate, the conditions under which the sentimental grammar does genuine democratic work. Each condition follows from a specific structural feature of the triadic framework. The distinction between moral injury as structural wound and affective recognition as institutional performance generates the first: if moral injury is produced by conditions and not by attitudes, then acknowledgment that does not address the conditions that produce it cannot constitute an adequate response –however sincere and symbolically powerful. This is the logic of non-substitution. Honneth's own warning about the colonization of the three spheres by state-administered recognition generates the second: if genuine recognition develops in the unsupervised relations of love, rights, and solidarity, then a state that installs itself as the dominant source of recognition across all three produces not emancipation but a more intimate form of dependency –one that appropriates the vocabulary of care to exercise the function of governance. This is the logic of non-monopolization. Butler's analysis of grievability generates the third: if the sentimental contract operates within a prior framework that has already determined which subjects count as recognizable, then extending recognition generously within that framework while leaving its boundary-drawing logic intact is not universalism but its simulation. This is the logic of boundary contestation. And the specific relationship between affective recognition and democratic legitimacy – argued throughout as one in which the latter is constituted, not merely supplemented, by the former– generates the fourth: institutions cannot discharge their democratic obligations by acknowledging harm if acknowledgment is structurally decoupled from the transformation of conditions that generate it. The acknowledgment must be institutionally linked to something that changes. This is the logic of structural accountability. The four conditions are not a checklist. They are the political-institutional translation of the theoretical framework this article has built.

Four conditions constitute a criterion of sufficiency –the threshold below which the sentimental grammar is simulating democratic work rather than doing it. Non-substitution: affective recognition must not function as a replacement for structural transformation. What matters is not the sincerity of the institutional gesture but its structural

effect –whether acknowledging harm changes the conditions that generate it, or managing political pressure for change by making harm symbolically legible while leaving it materially intact. Non-monopolization: the state must not install itself as the dominant source of recognition across all three spheres. Genuine recognition develops in the unsupervised relations of civil society –in care bonds that are not bureaucratically administered, in communities of practice generating their own forms of mutual esteem. A state that colonizes these processes produces subjects whose political agency is organized around managing their standing in relation to institutional approval, a form of dependence that presents as care and functions as governance. Boundary contestation: the sentimental contract must contest –not merely extend– the prior determinations of who counts as a subject worthy of recognition. A contract that extends recognition generously within existing boundaries while leaving the boundary-drawing logic intact is not universal. It is preferential, and the universalist language in which it presents itself is not an aspiration but a mystification. Structural accountability: the institutional connection between the acknowledgment of harm and the transformation of conditions that generate it must be explicit, sustained, and subject to political rather than administrative evaluation. Public apologies disconnected from policy transformation, truth commissions whose redistribution findings are shelved, constitutional rights of nature coexisting with extractivism, algorithmic audits that adjust procedural representation without touching the social grammar encoded in training data: all these are cases where recognition functions as closure – declaring the wound addressed in ways that foreclose the continued demand for those causes to be contested.

5. CONCLUSION

There is a particular temptation in political philosophy to end with a resolution –to produce, from the analysis of a problem, the outlines of its solution, and to present those outlines with a confidence proportional to the theoretical sophistication that preceded them. This article resists that temptation. What it offers instead is a set of distinctions –criteria precise enough to be useful, honest enough to be uncomfortable, and entirely open about their dependence on the political struggles that will determine whether they remain merely theoretical or become practically operative.

The displacement from rational contractualism

toward the sentimental grammar of legitimacy is not going to be reversed by demonstrating its philosophical insufficiency. It is the response of democratic political life to a structural deficit that three centuries of contractualist thought accumulated by design: the abstraction of the contracting subject from the embodied particularity of her historical position, the invisibilization of the labor that sustains public life, the treatment of nature as the stable and infinite backdrop of human political arrangements, the exclusion of those who could not be convincingly presented as the universal subject that the theory required. The sentimental grammar names the accumulated pressure of those exclusions returning, in political form, to press the institutions that benefited from them. That pressure is not going away. Any political philosophy that responds to it by defending the procedural purity of contractualism has confused the map with the territory.

But the inadequacy of the contractualist response does not validate the sentimental grammar uncritically. The emancipatory potential of the affective turn is real – it has made claims to dignity, to memory, to reparation that the contractualist tradition had no vocabulary to accommodate, and it has forced questions about who counts as a recognizable subject into constitutional and institutional spaces from which they had been previously excluded. These are genuine achievements. They are also, as the three testing grounds demonstrate, achievements that coexist with a consistent structural temptation: the substitution of the simulation of care for the transformation that genuine recognition would require. The feminist state that celebrates without compensating, the ecological state that inscribes rights without reorganizing extraction, the biopolitical state that performs empathy toward the algorithmically misrecognized while outsourcing the determination of grievability to processes that present themselves as technical: these are not failures of will. They are expressions of a grammar that can do administrative work as effectively as emancipatory work – more effectively, in some respects, because the language of care is harder to contest as domination than the language of coercion.

What distinguishes the two possibilities is not, in the end, a matter of institutional design or political

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intention. It is a matter of what recognition connects to: whether acknowledgment of harm is institutionally linked to transformation of the conditions that generate it, or whether it functions as a form of political closure – a declaration that the wound has been addressed that makes continued contestation appear as excess; whether institutional empathy sustains or substitutes the spontaneous relations through which recognition actually develops; whether the sentimental contract contests or consolidates the prior determinations of grievability that give it its selective character; whether recognition and redistribution are held in a relation of genuine mutual accountability or allowed to occupy each other's place.

The genealogy from Hobbes to Honneth is not a progress narrative. It is the record of a recurring deferral – of a tradition that has repeatedly reformulated its account of political legitimacy while preserving the abstraction from embodied particularity that makes the formulation theoretically tractable and politically convenient for those it occludes. The sentimental grammar is the most recent reformulation: the most responsive to the specific wounds generated by that history of occlusion, and for that reason the most susceptible to the temptation to administer those wounds institutionally rather than address their structural causes.

What keeps the sentimental contract from becoming its own negation – from becoming the most sophisticated instrument yet devised for producing the appearance of democratic inclusion while maintaining the structure of democratic exclusion – is not theoretical vigilance, though that is relevant. It is the capacity of the subjects whose recognition is at stake to refuse the closure that institutional performance offers, to insist on the connection between acknowledgment and transformation, to contest the prior determinations of grievability rather than simply demanding inclusion within the existing frame, to hold the tension between recognition and redistribution rather than accepting either as a substitute for the other. That insistence is political work, and it is hard. It is also, this article has argued, the specific political task of late modernity – the work that distinguishes democratic life from its administration.

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