Deweyan Democracy and Reconciliation in Canada

By

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For Lemmy

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Introduction

The problem of Attawapiskat

According to the 2011 Canadian census[1], 1549 people lived on the Attawapiskat First Nation reserve, located in Northern Ontario. Of these 1549 people, 75% were younger than 35 years old; more than 30% were younger than 19. On April 9, 2016, Chief Bruce Shisheesh declared a state of emergency in the community when eleven people attempted suicide in Attawapiskat. This came less than five years after a previous state of emergency in Attawapiskat, declared by former Chief Teresa Spence due to a housing crisis that included families living in tents and multiple condemned buildings, and a widespread lack of access to electricity and clean drinking water. The problems faced in Attawapiskat are tragically non-unique among Canadian reserves. A cursory keyword Google search turns up top hits with phrases like "Grinding poverty", and "Infrastructure crisis." UN Special Rapporteur on Indigenous peoples has called the living conditions on Canadian reserves, "akin to Third World conditions".[2] National newspapers report that the suicide rate among Indigenous men on reserves in Canada is five times higher than that of non-Indigenous men (ibid.).

To say that reserve communities in Canada are in crisis is an understatement. In a an April op-ed for *Macleans* magazine Canadian novelist Joseph Boyden addresses the suffering and "deep crisis" being experienced in Attawapiskat in a broader context:

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[1] Though 2016 is a census year, data has only just recently been collected, and will not be updated until next year. http://www5.statcan.gc.ca/subject-sujet/result-resultat?pid=3867&id=-3867&lang=eng&type=CENSUSTBL&sortType=2&pageNum=2, accessed May 28, 2016.

[2] http://www.theglobeandmail.com/news/national/attawapiskat-four-things-to-help-understand-the-suicidecrisis/article29583059/, accessed May 28. 2016.

> So why the insanely high suicide rates among our Indigenous youth, especially in northern communities? Why are our Indigenous women four times more likely than any other female population in this country to be murdered? Why such high addiction and physical and mental health issues in so many of our communities? Is it because our Indigenous peoples are somehow lesser? Somehow not well enough equipped for contemporary life? Are our Indigenous people somehow less smart, less motivated, less well-equipped genetically or socially? Do we really need to move south to cities from our remote communities? Of course not.[3]

The answer, he writes, is in the legacy of the residential school system in Canada, a system that spanned over a Century and forced the movement of Indigenous children out of their communities and into state-run schools. "You can't attempt cultural genocide for 140 years," Boyden writes, "and not expect some very real fallout from that" (ibid.). The "problem" of Attawapiskat, then, is a problem of justice, or of *injustice*.

This dissertation attempts to grapple with the injustices perpetrated against Indigenous people in Canada within the explicit framework of democratic theory. Specifically, I examine the ability of *Deweyan* democracy to deal with this problem of widespread social injustice. Significantly, many contemporary scholars who employ and apply Deweyan democracy claim that Dewey offers a substantially advantageous resource for *solving* political problems (Anderson 2006; Bohman 1999, 2010). Deweyan democracy is distinctively epistemic, and depends upon *diversity* and *inclusion* in order to function effectively as a social and political mechanism for problem-solving. With close analysis of the examples provided by Deweyans, I argue that

[3] http://www.macleans.ca/news/canada/attawapiskat-and-the-fallout-of-intergenerational-trauma/, accessed April 14, 2016.

inclusion is insufficiently theorized to provide justice-based solutions to social problems. Further, through analysis of my own examples, I argue that the characterization of inclusion as overly instrumental can actually create *injustice*, and that this is a failure of the theory to be adequately *democratic.* Finally, I suggest that while contemporary Deweyans have applied Deweyan democracy in ways that do not provide sufficient solutions for social and political problems, there may yet be resources in Deweyan democratic theory to be explored, specifically with regard to reconciliation between Indigenous and non-Indigenous people within a democratic society.

This project winds its way from a close-reading of Dewey's masterwork in political theory, *The Public and its Problems*, through to an examination of contemporary democratic theorists who employ Deweyan democratic inquiry in the service of political problem-solving, finishing with a convergence of Deweyan democratic theory with Indigenous self-determination and the potential for reconciliation. The goal of this work is to bring Deweyan democracy into dialogue with the urgent, contemporary crisis of injustice facing Canadian society with respect to the Indigenous people that live within its borders, and to open up new avenues for investigation that have as of yet received little attention from political philosophers working explicitly within a Deweyan tradition. In 2008, the Canadian government established the Truth and Reconciliation Commission (TRC) as one attempt to address the legacy of injustice caused by the residential school system. The Commission concluded in 2015. I argue that the findings of the TRC provide a substantial resource for political philosophers who work within the discourses of democracy and justice and, further, that there is work to be done by political philosophy in identifying, articulating, analyzing, and providing normative solutions to the problems of injustice created by the treatment of Indigenous people by the Canadian government.

The structure of the argument

This dissertation has three chapters. The first chapter will provide a close and critical reading of Dewey's masterwork in political philosophy, *The Public and Its Problems*. Dewey was a prolific writer, producing thousands of pages of work on almost every philosophical topic imaginable. Despite the breadth of his work, much of his political work comes in the way of monographs or essays, or can be drawn in bits and pieces from other major works. He did, however, provide us with one complete text focused on his political theory: *The Public and Its Problems*, a novel treatment of a variety of political themes: autonomy, legitimacy, justification, the role of experts, community, freedom and, most importantly, democracy. As a result of this status as Dewey's *only* book-length treatment of political theory (Rogers 2012, 2010; Westbrook 1991), it calls for – and has received – specific focus from political theorists.

The central focus of *The Public and Its Problems* is political community, and on developing an account of democracy that is based on participation and shared inquiry with the goal of solving the problems that arise as a result of association within a public. My first chapter is what I would call an *internal* examination of Deweyan democracy. The first half of the first chapter focuses exclusively on *The Public and its Problems*, drawing out the particular vision of democracy that Dewey presents. The second half of the chapter turns to one of the most prolific and impactful contemporary scholars of Dewey's political theory, Melvin Rogers. I argue that Rogers mischaracterizes Dewey's democratic theory as being essentially justice-based, and offers an interpretation of Dewey that is not available from Dewey's work itself. This interpretation, I suggest, depends on emphasizing the concept of *inclusion* as presented by Dewey. My first chapter argues that not only is Deweyan inclusion as we find it in *The Public and its Problems* unable to support the robust justice-laden view that Rogers identifies, its ambiguity within the text makes possible interpretations of inclusion that might enable *injustice*.

The second chapter moves into what I call an *external* examination of Deweyan democracy, moving away from the text itself and from commentators on Dewey's scholarship as a whole to contemporary political theorists who *employ* Dewey's democratic theory as a means to address social and political problems. This chapter focuses closely on the Deweyan applications of both Elizabeth Anderson and James Bohman, and develops a sustained critique of the capacity attributed to Dewey to *solve* problems. Specifically, I examine the way *inclusion* is utilized by an applied Deweyan theory of inquiry in processes of democratic deliberation. I argue that inclusion is under-theorized by Dewey, and that this gets replicated when the theory is applied. An account of participatory democracy, I argue, must properly account for *participation*, and to do so, it must deal substantially with the concept of inclusion in a particularly justice-based way. Failure to do so can lead to what I identify as an excess of instrumentalism, which not only fails to solve political problems in a sufficiently democratic way, but can also create *injustice*. My second chapter argues that the ambiguity or under-theorization of inclusion as we find it in the first chapter becomes pernicious in these applications.

The kind of inclusive social epistemology upon which Deweyan democracy rests is particularly political, and more specifically, justice-dependent. To take a similar example, when sociologists of science talk about the social knowledge production involved in the scientific enterprise, they do so by talking about things like division of labour and shared expertise, with an eye always toward scientific objectivity and truth. The method is only valuable because it engenders the right kind outcome, and this particular kind of outcome is possible only through this process. So if Dewey is to rest his vision of democracy on epistemic foundations, he must give a normative account of outcomes by which we can evaluate and judge the efficiacy of the process. This chapter will address the connection between inclusive, discursive democracy and epistemology, arguing that the *kind* of extrinsic justification Dewey and Deweyans provide for

their epistemological account of democratic processes also requires an intrinsic, justice-centric justification.

In "The Need for a Recovery in Philosophy", Dewey writes, "Philosophy recovers itself when it ceases to be a device for dealing with the problems of philosophers and becomes a method, cultivated by philosophers, for dealing with the problems of men" (2011, 42). Dewey's political theory, then, should provide a method for action. As a philosophy, pragmatism is deeply committed to the fit between theory and practice; yet the world is a deeply unjust place. Moreover, pragmatists often celebrate their distinctly American roots – pragmatism is, more than anything, the philosophy of democracy, and America is the birthplace of both – with rarely a reference to the distinctly racial and racist roots of American colonialism.[4] While I do not focus of the work of Charlene Haddock Siegfried in the body of this dissertation, it is her project in *Pragmatism and Feminism: Reweaving the Social Fabric* that I imagine my work here to be aligned with – not in the sense that I see myself as actually engaged in *reconstruction*, but rather that I hope that some of the potential that my dissertation identifies opens some avenues of investigation for the ways in which pragmatist political theory – and Deweyan democracy in particular – might be once again "reconstructed" with an eye to previously overlooked experiences, perspectives, injustices.

My third chapter, then, turns to the injustices within Canadian society regarding the circumstances of Indigenous people. I spend a substantial amount of my third chapter discussing justice, and the relationship between justice and democracy, both in an articulation of what Nancy Fraser calls *three-dimensional justice*, and in an attention to the way justice figures in

[4] Some obvious exceptions here include Eddie Glaude, Judith Greene, Melvin Rogers, Cornel West, who have paid substantial attention paid to race relations between African Americans and white Americans but nothing to Indigenous people in America.

philosophical discussions of truth commissions, one mechanism for addressing greivous injustice against marginalized people. I provide four examples of what I identify as state-based mechanisms of inclusion, and using the argument I developed in my second chapter about the justice-based deficiencies of thinking about inclusion as primarily *instrumentally* valuable, I demonstrate the ways these examples are implicitly continuous with explicit state-based assimilation of Indigenous people. Finally, I examine the possibility for Canada's recent Truth and Reconciliation Commission to provide a way forward for *reconciliation* between Indigenous and non-Indigenous people in Canada, and I argue for an understanding of reconciliation as a democratic obligation, one which perhaps provides an avenue for the reconstruction of Deweyan democracy with an eye to justice-based inclusion.

Chapter One

The Public and its Problems, James Bohman claims, provides Dewey's "fullest account of democracy under the emerging conditions of complex, modern societies" (2010, 49). Bohman's assessment of *The Public and its Problems* appears in a 2010 special edition of *Contemporary Pragmatism* dedicated to Dewey's text, a volume which includes glowing critical assessments of Deweyan democracy. The editor of this special issue, Melvin Rogers, writes in the introduction to 2012 reissue of *The Public and its Problems* that the text is the preeminent source for Dewey's democratic theory: "[It is] this work, above all else, to which scholars consistently turn when assessing Dewey's conception of democracy and what might be imagined for democracy in our own time." (2012, 1). Robert Westbrook refers to *The Public and its Problems* as Dewey's "substantial venture into abstract political theory", setting it apart from "his more topical volumes such as *Individualism Old and New*, *Liberalism and Social Action*, and *Freedom and Culture*" (2005, 53), and identifying it as "his one sustained work of political theory" (2005, 135). As it is the text that most clearly provides the theoretical foundations for Dewey's view of democracy, and as Deweyan democracy has increasingly been a topic of focus within political theory, interest in *The Public and its Problems* has seen a revival in the past decade.

The purpose of this chapter is to problematize the valorization not only of this cornerstone work of Dewey, but also the account of democracy that some contemporary scholars argue it contains. My central argument in this chapter and the one that follows is that Deweyan democracy – specifically as presented in *The Public and its Problems* – fails to attend sufficiently to democratic justice that would allow it to do the kind of work that many contemporary theorists claim that it can, and that there is a creative revisioning within Deweyan scholarship that imagines away this failure. The purpose of this chapter is to lay the foundation for a critical

analysis of the problem of the occlusion of justice from the view presented in *The Public and Its Problems*, and an assessment of what this occlusion *eclipses* in contemporary applications of this account.

The democratic vision of *The Public and Its Problems*

I begin with a close and critical reading of Dewey's masterwork in political philosophy, *The Public and Its Problems*[5], with a specific focus on the view of democracy that Dewey presents. Despite the breadth of Dewey's work, much of his political work comes in the way of monographs or essays, or can be drawn in bits and pieces from other major works. *The Public and Its Problems* provides us with one complete text focused on his political theory,[6] a novel treatment of a variety of political themes, and a text that is increasingly turned to for contemporary applications. *The Public and its Problems* provides a descriptive account of human association and social organization as a foundation for a robust normative "how to" in constructing a flourishing political community. In *The Public and its Problems*, Dewey articulates a democratic theory that grapples seriously with the relationship between individuals, collective political society, and political institutions with regard to authority and legitimacy. This close reading of *The Public and its Problems* is necessary, I propose, to later assess what goes wrong in the application of Deweyan democracy as a problem-solving mechanism by contemporary political theorists. By examining Dewey's text in detail, I hope to draw a clear connection between what I identify as a gap in Dewey's own work and the gap that gets carried through to contemporary applications.

[5] Unless otherwise noted, all references to Dewey here are from the 1927 Ohio University Press version of *The Public and its Problems*. Because my emphasis here is on this particular text, I have endeavored to refrain from references to other works by Dewey, except where absolutely necessary.

Dewey both begins and ends *The Public and its Problems* with a methodological focus, a discussion that boils down to understanding – and ideally collapsing – the distinction between theory and practice. The problem, Dewey writes initially, is that people who talk about the state begin with a particular theory, rather than looking at the way things actually are. But it is equally problematic, he goes on, to assume that things *are* in a particular, static way, that there are political facts "outside human desire and judgment" (1927, 6). In order to engage in political theorizing, we must find a way of talking about both the way things are, and the way things should be: "It is mere pretense, then, to suppose that we can stick by the *de facto*, and not raise at some points the question of *de jure*: the question of by what right, the question of legitimacy. And such a question has a way of growing until it has become a question as to the nature of the state itself" (1927, 6). This question of the *de jure*, however, remains unanswered in *The Public and Its Problems*.

The central focus of *The Public and Its Problems* is political community. Dewey begins with what he considers the "fact" of human association: There is no point in trying to answer – or even ask – what makes human beings come together in association (1927, 23). Beginning from this fact then, we can construct an idea of political community – what Dewey refers to as "the public." Instead of looking to the "causative power" of human beings, we should focus on consequences if we are to find the public – this is how we avoid mythology and speculation, and remain grounded in the facts: "We take then our point of departure from the objective fact that human acts have consequences upon others, that some of these consequences are perceived, and that their perception leads to subsequent effort to control action so as to secure some consequences and avoid others...When indirect consequences are recognized and there is effort to

regulate them, something having the traits of a state comes into existence" (1927, 12).[7] For Dewey, the identification of consequences provides a touch-point for the formation of the public, but is also a key aspect of social inquiry; he writes, "What is needed to direct and make fruitful social inquiry is a method which proceeds on the basis of the interrelations of observable acts and their results" (1927, 36).

The public, then, "consists of all those who are affected by the indirect consequences of transactions to such an extent that it is deemed necessary to have those consequences systematically cared for" (1927, 15-16). How this public, once identified, determines the proper way to address these shared consequences becomes a *political* question, and if we point to democracy as the means by which these consequences are confronted *politically*, we are referring to democracy as "a mode of government, a specified practice in selecting officials and regulating their conduct as officials" (1927, 82). There are more robust, more creative, definitions of democracy to be had, those that provide an understanding of how to raise and cultivate democratic citizens, found within *Democracy and Education*, for example; or how to inculcate what Dewey calls "democratic faith" in the everyday lives of individuals, which is the view we find in "Creative Democracy: The Task Before Us", but it is *The Public and its Problems* that provides first and foremost an *explanation* of how to understand what democracy is *politically*.

In his chapter, "The Democratic State," Dewey provides a narrative explanation for the emergence of political democratic institutions, and describes how the liberal tradition has created "the individual" as a social and political fiction: "The idea of a natural individual in his isolation possessed of full-fledged wants, of energies to be expended according to his own volition, and of

[7] "Following this clew, we are led to remark that the consequences are of two kinds, those which affect the persons directly engaged in a transaction, and those which affect others beyond those immediately concerned. In this distinction we find the germ of the distinction between the private and the public" (1927, 12).

a ready-made faculty of foresight and prudent calculation is as much a fiction in psychology as the doctrine of the individual in possession of antecedent political rights is one in politics" (1927, 102). There is no way of understanding "the individual" as something that stands separate or outside already-existing associations. "Industry", as Dewey describes it, does not arise naturally out of the antecedent interaction of individuals. Human beings have "organic or native needs," like those for food, housing, and reproduction, but these needs cannot be understood to be the basis of a naturally-occurring political economy; rather, the only industry that might result from these basic needs are "the lowest type of savagery just emerging from a brute condition" (1927, 104). The purpose of this narrative is to undo the assumption of political association as it supports "industry and commerce" as somehow *natural* and as a result of *need*.

Instead, Dewey supposes, our social and political modes of organization arise out of our desire to fulfill our *wants*: "Associated behavior directed toward objects which fulfill wants not only produces those objects, but brings customs and institutions into being" (1927, 106). The democratic state as Dewey identifies it is not a natural result of human beings in their natural state, and in fact are institutions that actively prohibit "the social and humane ideals that demand the utilization of government as the genuine instrumentality of an inclusive and fraternally associated public" (1927, 109). Human relationships have a potential that has not been realized in Dewey's political history: "The democratic public is still largely inchoate and unorganized" (1927, 109). When already-associated individuals begin to perceive and recognize that they share interests with each other, and that those interests are driven, in part, by the understanding that there are shared consequences to their joint activity, a particular group moves towards "something truly social and not merely associative" (1927, 188).

Social ideals are what create and formalize political institutions, and, once formed, "Political structures fix the channels in which non-political currents flow" (1927, 114). So social

ideals flow back through "political structures", but so to do other industrialized aspects of human life: transportation, technology, communication etc. These things together create a "political unity" in the modern state, and allows for influxes of immigration, for example, by "heterogeneous peoples" without disrupted the "social equilibrium" (1927, 115). But it is this "attained integration" that Dewey says is responsible for the "eclipse of the public." When these political institutions and associated technologies start to run out of habit, rather than as fueled by the social pressure and influence of the public, the public gets lost, or "bewildered" (116). Political officials and legislators who supposedly represent the public make and enforce laws, but it becomes difficult to find what or who is actually being represented:

> Just as philosophers once imputed a substance to qualities and traits in order that the latter might have something in which to inhere and thereby gain a conceptual solidity and consistency which they lacked on their face, so perhaps our political "common-sense" philosophy imputes a public only to support and substantiate the behavior of officials…If a public exists, it is surely as uncertain about its own whereabouts as philosophers since Hume have been about the residence and make-up of the self. (1927, 117)

This eclipse of the public leads to the breakdown of the political institutions themselves, exemplified in voter apathy[8] and widespread cynicism and skepticism of government (1927, 118). When these take hold within political society, it creates a *vacuum* between government and the public, which can allow for corporatization of government (1927, 120).

[8] Dewey writes, "Only habit and tradition, rather than reasoned conviction, together with a vague faith in doing one's civic duty, send to the polls a considerable percentage of the fifty per cent who still vote. And of them it is a common remark that a large number vote against anything or anybody, except when powerful agencies create a scare. The old principles doe not fit contemporary life as it is lived, however well they may have expressed the vital interests of the times in which they arose. Thousands feel their hollowness even if they cannot make their feeling articulate" (1927, 135).

Attachment is the force that drives human association, claims Dewey (1927, 141). Modern society has challenged the ease with which we form attachments to each other and thereby associate, because we have failed to advance our moral ideals in a speed analogous to the technological and industrial change society has undergone; "Conditions have changed, but every aspect of life, from religion and education to property and trade, shows that nothing approaching a transformation has taken place in ideas and ideals" (142). According to Dewey, we fail to enact or realize the idea of democracy when it does not permeate all modes of our association, including those that exist between us on a personal level. He writes, "Ideals and standards formed without regard to the means by which they are to be achieved and incarnated in the flesh are bound to be thin and wavering" (1927, 141). Democracy, as an ideal, "remains barren and empty save as it is incarnated in human relationships" (1927, 143).

The normative take-home from this description of the interplay between human relationships and political institutions is that since political institutions arise out of and are formalized through the interactions of people seeking to fulfill and attain their "wants", we must ensure that we target the human relationships as the foundation of democracy. But it doesn't end there: political institutions must support and encourage the flourishing of human relationships, so as to support and encourage their own flourishing. Democracy, then, robustly understood, cannot be reduced to either a social concept or a political understanding, nor can the two be analyzed as distinct from one another. Deweyan democracy properly constituted is the amalgamation of both social ideals with the political institutions and customs that can support and promote that ideal with an eye to the flourishing of "the new age of human relationships" (1927, 109).

The challenge, then, is to ensure that the political institutions that provide the framework for this complex interchange of social, political, and technological characteristics of society are *democratic* in the right kind of way. There is one line of Deweyan thinking that addresses the

foundational issues of human interaction directly, that of *education*. Indeed, Dewey's most lasting influence has been on the discipline of Education, and even the most cursory literature search in top contemporary Education journals will bear that out. My interest here, though, is on Dewey's *political philosophy*, and most specifically on his understanding of political democracy as a system of government, as presented in *The Public and its Problems*. The focus here is *not* the application of democratic social ideals to other social institutions (for example, though education as the proper foundation for the generation of the democratic way of life is detailed elsewhere by Dewey, it receives little mention in *The Public and its Problems*). To be *realized* as an idea, democracy must "affect all modes of human association, the family, the school, industry, religion", but my focus here is on the "political arrangements…[and] government institutions [that act as] a mechanism for securing to [the] idea channels of effective operation" (1927, 143).

Democratic political institutions are not sufficient to realize the idea of democracy, but they are necessary, and they must be such that they prioritize the needs of the community as *served by* the government (1927, 146). "We have every reason to think", argues Dewey, "that whatever changes may take place in existing democratic machinery, they will be of a sort to make the interest of the public a more supreme guide and criterion of governmental activity" (1927, 146). The motto to guide our movement toward more concrete manifestation of the democratic ideal? "*The cure for the ailments of democracy is more democracy"* (1927, 146, emphasis added). What this manifestation will look like in terms of governance and institutions is a matter of each individual "having a responsible share according to capacity in forming and directing the activities of the groups to which one belongs and in participating according to need in the values which the groups sustain" (1927, 147). Since the ideal of democracy is just that, an ideal, it is not something that we will ever truly "attain," but rather something towards which we will always strive.

In order to properly theorize democracy as an idea, Dewey claims what we must start from "a community as a fact," for democracy is "not an *alternative* to other principles of associated life. It is *the idea of community life itself*" (1927, 148, emphasis added). Key democratic principles – liberty, equality – can only be theorized through an understanding of *community*:

> Liberty is that secure release and fulfillment of personal potentialities which take place only in rich and manifold association with others: the power to be an individualized self making a distinctive contribution and enjoying in its own way the fruits of association. Equality denotes the unhampered share with each individual member of the community has in the consequences of associated action. (1927, 150)

Equality is not some objective measurement of equivalence – it is a normative term that can only be employed within the context of an already-constituted community. It is a term, then, that *depends* upon the community for meaning.

A community, though, is not just an association. The primary motivation for the democratic state, as Dewey presents it in a respectively titled chapter, is the need to combat the private interests of individuals, as it is individuals who make up the public: "The public has no hands except those of individual human beings. The essential problem is that of transforming the action of such hands so that it will be animated by *regard for social ends*" (1927, 82, emphasis added). An association is "organic"; it arises naturally as a fact of human existence, whereas a community is "[morally] sustained" (1927, 151). A democratic state that realizes its ideal is one in which human association is bound together with a shared sense of morals and desired ends to create a democratic *community*. Community membership is active, not passive. We are not born into communities, we must be "brought within the traditions, outlook and interests" of a

particular community through education and other learning processes (1927, 154).[9] A community, properly defined, involves "participation in activities and sharing in results," but most importantly, it requires *communication* (1927, 152).

The kind of communication Dewey advocates for is founded on face-to-face participation and deliberation. The confluence of these foundational concepts makes up Dewey's criticism of the "omnicompetent individual" (1927, 158). It is not sufficient for democracy to hold elections where every individual is able to vote for their representative officials based on their best interest. We can't be expected to know what our interests are as well as how to bring them about – this is based on a conception of knowledge as something that "originate[s] in individuals by means of isolated contact with objects" (1927, 158). Even if we had access to knowledge in this way, it's demonstrably false to think that this is the basis on which we act; rather, we act on the basis of "crudely intelligized emotion and from habit" (1927, 158). It is through interacting with each other that we *experience* each other, and through these experiences we can come to create new emotional reactions and establish new habits. For Dewey, knowledge itself is generated in this way, as "a function of association and communication"; knowledge "depends upon tradition, upon tools and methods socially transmitted, developed and sanctioned" (1927, 158).

It is this interactive quality of a truly democratic public that ensures transparency and *publicity*, which itself is a requirement of the public: "There can be no public without full publicity in respect to all consequences that concern it" (1927, 167). It is not enough, claims Dewey, for democratic citizens to become aware of themselves, their interests, and their membership in a wider community; in order for democracy to be realized, citizens must also be

[9] Dewey writes, "To learn to be human is to develop through the give-and-take of communication an effective sense of being an individually distinctive member of a community; one who understands and appreciates its beliefs, desires and mthods, and who contributes to a further conversion of organic powers into human resources and values. But this translation is never finished" (1927, 154).

able to acknowledge the interests of all of the members of their public. Creating the conditions for these kinds of interactions partially constitutes the *freedom* required both of and for democracy (1927, 168). Dewey identifies a "central need" that we all have to engage in inquiry, testing and revising the results of our social investigations.[10] By engaging in this basic human activity *together,* we create a body of social knowledge, a social intelligence. This use of *knowledge* refers to both communication and understanding; "a thing is fully known only when it is published, shared, socially accessible" (1927, 176). In order for social knowledge to be acquired, it must be disseminated and distributed, and the acquisition of this knowledge, so shared, is the definition of the formation of public opinion (1927, 177). The formation of public opinion as the result of social inquiry is one of the central tenants of political democracy.

"The essential need [of a democratic public]," writes Dewey, "is the improvement of the methods and conditions of debate, discussion and persuasion. That is *the* problem of the public" (1927, 208). A truly great democratic community is one in which the larger political associations mirror, as much as possible, the local, face-to-face communities in which individuals live and act. This is a significant if not idealistic strength of Dewey's account, the attention paid to the day-to-day circumstances in which democratic citizens find themselves, as well as the focus on *bettering* those circumstances and scaling them up to regional, provincial, national levels. Deweyan democracy is about employing the kind of close, interactive relationships that one has with their neighbourhood in the service of large-scale democratic problems. This is how we overcome our detachment from and apathy for democracy, by reconstructing it from the bottom up.

Despite Dewey's assertion that democracy is a means of social problem solving through which individuals and groups interact, he provides no framework through which to situate these

[10] Dewey goes so far as to say that injustice might be a catalyst for inquiry, that "the sense of external oppression, as by censorship, acts as a challenge and arouses intellectual freedom where it does not exist" (1927, 168).

activities. There is no explanation given of *how* individuals can, for example, form or direct group activities, or how the need to participate is evaluated – either from within or outside the group – or how to normatively understand the interaction of individual potentialities and the common good of the group. Is a "responsible share," for example, a matter of equality? If so, equality of what? Are we to understand "harmony" in terms of fairness? What would that mean for association? How can we make sense of consequences, and how our consequences on others get picked up? Surely not any action that I undertake that has a consequence on other individuals is *political.* These are all questions related to justice. Dewey need not address every possible political concept in order to present a robust account of democracy and political community, but an account of participatory democracy must properly account for *participation*, and to do so, it must deal substantially with inclusion, and in my next chapter I argue that *inclusive* democracy requires a concept of justice.

In his political writing, Dewey deals with topics that require a concept of justice, both theoretically and practically, but he consistently fails to critically and substantially engage the topic when proposing his democratic vision. These oversights are particularly glaring given Dewey's own activism in the social justice movements of his time; Dewey had first-hand experience allying with and advocating for groups who were marginalized and rejected as having experiences that were validly part of political society (Westbrook 1991). There is, therefore, a *pragmatic* failure in this work: Dewey's activism was centered around issues of justice and a discussion of the concept – or even any relevant examples of the social justice activities in which Dewey was engaged – is completely absent from *The Public and Its Problems*. Given his emphasis on the importance of collusion between theory and practice, this lack of connection between the descriptive and normative accounts of democracy and the real-world situations in which Dewey himself was an active part in *The Public and Its Problems* is a puzzle, to say the

least. At best this is a pragmatic failure, but given the practical emphasis of pragmatism, the occlusion is at worst a *philosophical* failure. This failure gets replicated when Dewey's account of democracy is taken up and applied to current political issues by contemporary theorists, as I demonstrate in my next chapter. But there is another

What Dewey said vs. What he is said to have said

A tremendous amount of scholarship has been dedicated to discussion about Dewey, and in particular, what it was that Dewey said or meant about various topics. The interest in Dewey has grown in the last decades, both within academic philosophy and in other disciplines (Fesmire 2015, 232). Because Dewey's canon is so vast, many scholars have made a career out of trying to knit together a narrative on certain Deweyan topics – cognition, inquiry, experience, democracy, education – from Dewey's early works, through his middle works, all the way to his later works. Indeed, the most oft-cited and seemingly canonical version of Dewey's work is the complete collection – *The Collected Works of John Dewey* – published by Southern Illinois Univeristy Press. In some instances, this has led to the formalization of sloppy argumentation: "Dewey said this (EW), and this (MW) and then finally this (LW), and so it's clear that what he meant was this (thought that could be seen as perhaps loosely implied by the connection of the three statements, but certainly not stated directly)." I suggest that this trend in Dewey scholarship can be partly attributed to the collection of his work into a catalogue that separates it chronologically (thus inviting potential interlocutors to tell a story over time about any given topic). It is also likely that the sheer volume of Dewey's work has made it difficult to parse a particular viewpoint, as his writing is so dispersed across multiple works. However, one of the central challenges to Dewey

interpretation is that the *kind* of writing that Dewey produced over his career varies greatly.[11] During his career, Dewey wrote scholarly journal articles, brief topical works, sustained monographs, and countless public interest pieces geared towards popular audiences. These can all be found as part of the total corpus of his work in the *Collected Works*.

Possibly as a result of this curatorial decision to publish all of Dewey's work together in one central place, some Dewey scholarship has developed into a kind of philosophical archaeology, where Deweyans dig through the established scholarly archive, looking for new insights into Dewey's own work. There are always new ways of combining old thoughts to argue that Dewey was actually saying something different from what he said before. This can be seen most easily in a brief survey of fields outside of philosophy, where scholars in education, art theory, and public policy, for example, pick and choose from among the *Collected Works* to cobble together a version of "what Dewey said" that works for their contemporary projects.[12] This project is bolstered by the "eclipse" narrative put forward by a number of contemporary pragmatists, a narrative that argues that pragmatist philosophy was forgotten or ignored for much of the 20th century, and needs now to be nurtured and advocated for in order to correct for this injustice (Fesmire 2015, 232; Talisse and Aikin 2011, 6).

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[11] This, I argue, is substantially covered over by the lumping-together of Dewey's collected work as one continuous whole.

[12] To provide citations here would be exhausting, but for a sense of numbers consider the following: a May 29, 2016 search for journal articles containing the key word phrase "John Dewey" (as mentioned in the abstract) in the University of British Columbia library system turned up 14,161 articles in Education, 7,352 articles in Philosophy, 4,956 articles in Medicine, and 4,537 articles in History and Archaeology. But this search also returned hits in disciplines such as Forestry (79 articles), Dance (104 articles), Veterinary Medicine (99 articles), and Meteorology and Climatology (115 articles). As anecdotal support to this claim, I can say that in my four years of working as a research facilitator, where my job involves project and proposal development with academic faculty in the health sciences, social sciences, humanities and fine arts, it is more common than not for someone to say, once they have asked me what my research focuses on, "Oh! We should talk more sometime. I'm very interested in the way Dewey talks about X due to my interest in Y". These conversations have been with faculty in Education, Creative Writing, Performance Studies, Social Work, Nursing, Anthropology, Human Geography, Psychology, and Kinesiology, among others. They have never occurred with faculty in Philosophy or Political Science.

My focus here is on some of the ways that Dewey has been read specifically with regard to his political philosophy. The examples I consider in this section run the gamut from straightforward textual explication, to a creative imagining of things that Dewey *should* have said reintegrated into texts where those things are explicitly *not* said.[13] My primary analysis focuses on the work of Melvin Rogers, though I look to Robert Westbrook – inarguably Dewey's canonical biographer – and recent work by Steven Fesmire for added context.

There are a number of reasons to centre this critique around the work of Melvin Rogers. First, Rogers has written extensively on Dewey's political theory, with particular attention to *The Public and its Problems*; in 2012, Rogers provided a long, critical introduction to a newly released edition of Dewey's text, and in 2010 he provided the editorial introduction as well as a contributing paper to the special edition of *Contemporary Pragmatism* dedicated to *The Public and its Problems*. Secondly, Rogers' scholarship is resoundly contemporary, focusing on current, on-going political issues such as Ferguson in particular[14], and race and racism in America more broadly (2015, 2014). Rogers is, then, engaged in both explicating and interpreting Dewey's political work in a comprehensive way, with an eye to bringing Dewey into dialogue with contemporary political philosophy. This differs from the Dewey scholarship that while comprehensive is not as interested in locating Dewey within contemporary political debates, as well as the work that applies Dewey in a more focused or functional way to address a particular

[13] In many ways, referring to "Dewey" amounts to, in certain lines of scholarship, referring to a kind of "Deweyan ethos" – a narrative of things that Dewey may have implied, or could have said given other commitments he had made explicit. There exists a particularly *Deweyan* way of reading Dewey's political philosophy, where we are encouraged to read Dewey's words, apply them to real life scenarios and circumstances, and then reinterpret the theory before reapplying it. One might call this a pragmatic reading or, more properly, a *Rortyian* approach, where the words of philosophers come to mean whatever one *needs* for them to mean for any given purpose. There are of course many examples of this kind of reading, but the most notable example in Rorty's political theory is the reading he gives of Rawlsian liberalism in "The Priority of Democracy to Philosophy" (1991).

[14] John Hopkins University Press Podcast interview, "Ferguson and the Tragic Presence of the Past", http://www.melvinrogers.com/ForthcomingResearch.html accessed May 29, 2016

issue (I discuss two such scholars – Elizabeth Anderson and James Bohman – in my next chapter). These latter approaches are not as focused on presenting a comprehensive view of Dewey's work.

However, the main reason for prioritizing the work of Rogers[15] in this analysis is that he credits and promotes *The Public and its Problems* for a specifically justice-laden account of democracy that is *just not in the text.* This is important because a) Rogers has prefaced the most recent version of this increasingly popular work of Dewey's with an introduction that provides a reading of Deweyan democracy and the book itself that cannot actually be found within it (at best it can be knit together creatively by way of reading all of Dewey's works as developing one constant and continuous theme, at worst it is misappropriating Dewey as a means for ends that he did not – and could not – reach on his own), and b) Rogers is centrally interested in questions of social justice, and he claims Dewey's political philosophy is a resource for dealing with contemporary social justice issues. Out of Rogers, Westbrook and Fesmire, it is only Rogers that explicitly advances a substantially and specifically justice-focused view of Deweyan democracy, though I suggest that Fesmire – and Westbrook, to a smaller extent – seem to slip towards a reading of Deweyan inclusion that I argue is not available from the text itself.

Rogers and Westbrook both emphasize the importance of *The Public and its Problems* for Dewey's demcoractic thought: Westbrook describes *The Public and its Problems* as Dewey's "only work of formal political philosophy" (1991, 300).[16] Rogers writes of *The Public and its*

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[15] This "main reason" is also the primary reason I am not focusing in this chapter on the work of Charlene Siegfried, who engages in similar scholarship, both interpreting and providing a comprehensive view of Dewey's work as a whole, as well as using it as a resource for contemporary social and political discussions. One of the key difference's in Siegfried's approach is that she sees herself as actively engaged in *doing* pragmatist philosophy, as the subtitle to *Pragmatism & Feminism* makes clear: "Reweaving the Social Fabric". This "reweaving" is a form of *reconstruction* with the explicit aim of expanding the scope of pragmatist political theory by engaging more perspectives and experiences (Siegfried, 6).

[16] Westbrook describes the goal of the book: "For the democratic political philosopher and political scientist, Dewey argued, the tasks were to determine the theoretical conditions essential for a public life consonant with democratic

Problems that it is "one of [Dewey's] richest meditations on the future of democracy in an age of mass communication, governmental bureaucracy, social complexity, and pluralism" (2012, 1). Fesmire does not emphasize *The Public and its Problems* over all of Dewey's other political texts, but his 2015 book, *Dewey*, presents an incredibly comprehensive overview of Dewey's philosophical work writ large, weaving his democratic theory throughout the text and ending with a substantial analysis of Dewey's legacy and impact.[17] If Fesmire is right about the importance of Dewey for contemporary social and political philosophy, we ought to care about whether those who represent Dewey's political theory "get it right."

I identify three different approaches to Dewey scholarship, and I contend that Rogers incorporates elements of all three. The first approach is to provide what is presented as a kind of explication of Dewey's thought, sticking to the text itself, and unpacking what are identified to be key claims. Rogers does plenty of this – most evidently in his book-long treatment of Dewey's work, *The Undiscovered Dewey*, and this close-reading is the approach that Westbrook[18] most closely mirrors, and an approach that Fesmire also takes. The second is a comprehensive, critical interpretative approach to Dewey's work and major conceptual themes found within it. This is Rogers' main approach, and I will point to examples of where Fesmire also does this in *Dewey*. The third approach is to make use of Dewey for other purposes. As I already noted, there are many contemporary theorists who engage in this form of Dewey scholarship. This third approach

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ideals, to point out the obstacles to the establishment of these conditions, and to suggest "political technologies" that might remove these obstacles and sustain the conditions for democracy" (1991, 301).

[17] "Philosophers build houses of theory. The dimensions, room locations, and finishing touches are our own, but the overall floor designs and general layouts juxtapose the architectural labors of other philosophers. There are few master philosophical architects of the twentieth century whose constructions became archetypes for thousands of others and whose influence is still expanding. By these criteria, John Dewey must be included on any short list" (Fesmire 2015, 231-2).

[18] Knitting together the thought of a given philosopher is itself a *philosophical exercise*. What Westbrook does methodologically in his biography of Dewey's life and work is not disconnected from his philosophical explorations on Dewey's thought.

gets scant treatment in this chapter, though I turn to it more substantively in the next chapter. This approach draws out salient themes in Dewey's work and uses them to elucidate contemporary issues, thereby providing philosophical contextualization for these issues.

While at points Rogers does take care to keep separate the three approaches, I argue that what he takes to be his explicative work is actually too an exercise in critical – even creative – interpretation, of reading into specific Dewey texts a narrative of his life's work and conceptual standpoint as a whole. Additionally, I suggest that Rogers reads into Dewey's life's work and conceptual standpoint a broader set of commitments of Rogers' own making, specifically a set of commitments that aligns Dewey much more closely with the social justice-focused political theory of Rogers than can be found within Dewey's own political theory. I consider examples of all three of these approaches in order to demonstrate that what Rogers suggests *The Public and its Problems* is saying is a result not of what is in the text itself, but a philosophical view that Rogers himself puts forward in his own work. Most notably, Rogers argues for a reading of Deweyan democracy that explicitly represents the view as an account of democratic justice as non-domination, which allows him to claim that Deweyan democracy is equipped to deal with contemporary problems of social justice. This claim is the primary target of my analysis here.

One of Rogers' central interpretive arguments about understanding Dewey is that there is a continuity between "The Ethics of Democracy" and *The Public and its Problems*, a connection that has been overlooked, but one that can elucidate previously ignored facets of Deweyan democracy. This is an argument that pushes against a dominant view of Dewey's work that identifies a clear break between Dewey's earlier and later work, where Dewey's early work is described as having a strong Hegelian influence (Part One of Westbrook's biography develops this interpretation with explicit detail close reference to Dewey's work and intellectual development). Instead, Rogers frequently engages in an exercise of "recovering" this (and other)

earlier work by Dewey to draw out later themes (2012; 2011; 2010; 2009b). Many of these themes are those covered in *The Public and its Problems*. Rogers defends the early "The Ethics of Democracy" in three distinct ways: 1) A critical reading of the text itself; 2) A creative reinterpretation of the text, relying on injecting new terms into the themes introduced therein to elucidate connections to Dewey's later work; and 3) A re-reading of the text via Dewey's later works, layering the concepts of his later works over what Rogers recognizes as the seeds of these thoughts. This argument – about the continuity between "The Ethics of Democracy" and *The Public and its Problems* gets carried through a number of Rogers' other works, and becomes a central claim in the 2012 introduction to *The Public and its Problems*.[19]

In a 2011 article, "The Fact of Sacrifice and Necessity of Faith," Rogers argues that Dewey sees "the people" as "indeterminate," and that this view is emphasized "more forcefully" in *The Public and its Problems*:

> Since citizens can neither know when or if sacrifice will be redeemed, their commitment to democratic life necessarily demands faith. In this regard, sacrifice and faith reveal both the sovereign capacity of "the people" even as it implies the inescapable non-sovereignty of democratic action. It is this response by Dewey that answers the question how one can both belong to "the people", and yet form a member of the minority. (2011, 279)

[19] "Written at the age of twenty-nine, ["The Ethics of Democracy"] marks Dewey's first explicit reflection on democracy and contains elements of his view that he never abandoned and to which he returned almost forty years later. Although Dewey published a number of important works between 1888 and 1927 in which democracy figures as a central theme, "The Ethics of Democracy" is the most immediate thematic and conceptual predecessor to *The Public and its Problems*. This is not simply because each work owes its existence to an intellectual provocateur. Independent of the similarities in motivation for writing each text, both center on the meaning of democracy as a political and ethical ideal, its institutional elements, the political standing of the people therein, and the relationship between citizens and their representatives" (2012, 6).

The reason this is so, argues Rogers, is because the participatory nature of Deweyan democracy allows that the minority is always provided with the opportunity to form the majority. In a discussion about the equality of the minority within democratic deliberation, Rogers quotes a passage from *The Public and its Problems* where Dewey writes about the "relative satisfaction" the minority receives in political discussions where it is unsuccessful at acquiring the decision or outcome it seeks by way of "the fact that it has had a chance and that the next time it may be successful in becoming a majority" (2011, 285). While Rogers does refer to "economic or other social institutions" that might create barriers to the minority ever achieving its goals, instead of digging into the ways that these institutions can create *structural* inequalities in a democratic society that *ensure* the minority remains a minority, he lauds Dewey for noting that democratic decisions, "if they are to have legitimacy, cannot alienate the minority from the process of decision making" (2011, 285).[20]

Rightly, Rogers follows through on an analysis of this crucial aspect of legitimate democratic procedures, by highlighting the example of "political minorities who may very well have *no* legal standing" (2011, 285). He concedes that even with a revisiting of "The Ethics of Democracy" readers of *The Public and its Problems* "might easily interpret the term ["public"] as excluding the idea of minority status" (2011, 285). Reading the term in this way, claims Rogers, "would simply mis-describe the work "public" does for Dewey" (2011, 285). Rogers defines Deweyan publics as "groups seeking a systematic response to their problems, among which may be their political status," and refers to Dewey's call to "revolution" in cases in which state power as "ossifie[d] in the service of extant interests to the detriment of other members of the polity"

[20] Rogers claims that Dewey's emphasis on the indeterminacy of the people protects a political minority from alienation. In my final chapter, I will explore how a minority that is permanently marginalized can be structurally alienated despite being included in broadly democratic deliberative processes.

(2011, 285). Rogers cites Dewey's assignment of "negative power" to minorities, power that allows them to "disrupt the flow of institutional power through extra-political mechanisms" by way of social movements and protests, for example. Extra-political mechanisms are those that are *outside* of institutional processes or "existing political forms" through which the public operates (2011, 285).

Rogers moves seamlessly from this to a description of how such external mechanisms might function to incite change that is found in a much later essay of Dewey's, "Is there Hope for Politics?". In this instance, Rogers injects a much later discussion about political movement back into *The Public and its Problems*. One problem with this is that this inclusion of a much later essay into the conceptual framework of an earlier text comes to be seen as a part of that earlier text in later readings of *The Public and its Problems.* Rogers does the same thing with "The Ethics of Democracy" – in the end, the "salvation" of this early text from its detractors does not come by way of simply embedding new terms within the text to elucidate things readers may have missed, it is to embed a charitable reading of Dewey's entire corpus of democratic theory into the early essay, thereby both saving the essay from this maligned reputation and championing it as the bedrock on which the corpus itself is built. An additional problem, however, is that Rogers must make a substantial effort to save the fact that Dewey has overlooked the problem of minorities who *do not have access* to the public, or to institutional mechanisms for inclusion, and who may lack legal standing altogether; Dewey himself does not acknowledge or recognize this as a problem in *The Public and its Problems*.

On this interpretation of Dewey's democratic theory, Rogers credits Deweyan deliberation as "an integral force not simply to have one's preferences acknowledged, but to transform the entire political landscape that shapes those preferences" (2011, 286). According to Rogers, Dewey's democratic vision contains as an "underlying impulse" the commitment to "legitimacy [as] tied to

a fundamental openness" (2011, 287). Deweyan democracy retains its "integrity" in virtue of the way "the minority never feels wholly apart from the process of decision making" (2011, 287). The problem of the exclusion of the minority in Deweyan democracy is covered over through a creative stitching and layering of Dewey's ideas into a narrative of inclusion as the very foundation of his thought. This narrative of inclusion then provides the background for the reading of *The Public and its Problems* that Rogers provides as the preface to its newest edition, a reading which will no doubt influence the next generation of Deweyan scholars.

In essays like "The Fact of Sacrifice and Necessity of Faith", Rogers engages in a critical, philosophical interpretation of Deweyan texts and concepts in order to advance both the scholarship on Dewey, and indeed the field of democratic theory. Rogers introduces his theoretical framework for rethinking Dewey's "The Ethics of Democracy" by noting that the terms he employs in his "re-visiting" – "sacrifice", "redemption", and to some extent "faith" – do not *properly* belong to this text. Instead, Rogers claims, "these terms and their meanings help to better focus [Dewey's] response to Maine" and allow the reader of "The Ethics of Democracy" to "think about the essay and its connection to Dewey's later writings in a different register" (2011, 278). Whether or not Dewey actually employs these terms is less important than "whether once deployed they nonetheless help illuminate his understanding of democracy as he conceived it" (2011, 278). The reason this is a significant choice as an author is because Rogers does *not* make this same set of qualifications when he argues for an understanding of Deweyan democracy as fundamentally articulating a view of the centrality of non-domination.

In his 2008 book, *The Undiscovered Dewey*, Rogers aims to present a comprehensive narrative of Dewey's work as knit together primarily by *inquiry* as Dewey's central motivation and method. Inquiry, according to Rogers, is what provides the necessary epistemic *contingency*

that acts as the foundation for Dewey's entire corpus.[21] This involves moving through Dewey's foundational ontological and psychological commitments, to his moral and religious concerns, to arrive finally at a robust conception of Deweyan democracy as necessarily tied to inquiry, faith, and inclusion. Rogers' chief goals are to defend Dewey against prominent critics, both historical and contemporary, argue for an understanding of Dewey that highlights the previously "undiscovered" elements of his work, and finally, to allow for this new understanding of what Dewey's work means to be taken up and applied to contemporary political issues in order to "critically engage the complexity of our modern lives," a task he identifies as properly "Deweyan" in its emphasis (2008, 23).

The book focuses on inquiry – but as I will argue in my second chapter, there is a problem with inquiry as the hinge for democracy, as Deweyan inquiry is driven by instrumentalist aims. Rogers claims that Dewey's emphasis on inquiry as necessarily inclusive and his focus on self-actualization/individual flourishing are what demonstrate his commitment to non-domination as an essential feature of his democratic theory (2008, 195). "Dewey worries about this", Rogers argues, "not simply because reflective self-governance is central to human growth, but, more importantly, because without all participants having a say, power may easily be used to dominate" (2008, 195). However, inclusive inquiry, as it is characterized in *The Public and its Problems*, *does not* protect against this worry, because "inclusion" itself is under-theorized. In "discovering" Deweyan inquiry through *The Undiscovered Dewey*, Rogers inserts this much more robust view of inclusion into *The Public and its Problems*.

[21] "Eschewing epistemic certainty, as we know, is the mainstay of Dewey's philosophical outlook and underwrites his moral and political philosophy" (Rogers 2011, 283).

Rogers and Westbrook identify the idea of "the Public" is the *central idea* in *The Public and its Problems*. Rogers writes, "The view of democracy that Dewey defends and that informs *The Public and its Problems* is fundamentally linked to how he understands the function of *the public* and its relationship to *the state*" (2012, 24). In explicating Dewey's concept of the public and the state, Westbrook – like Dewey – moves from defining the public as those individuals who are similarly affected enough by indirect consequences of any given circumstance that it is necessary to have the consequences addressed and cared for in a systematic way to noting that these publics, once formed, become a "state" through "organizing themselves to deal with the indirect consequences of associated action" (1991, 302). There is no explicit mention – in Dewey or in these follow-up accounts, of *how* publics are formed, just the reasoning for why they come to be. Similarly, there is no mention of what happens if people are left out of publics, or if publics can form around individuals without those individuals being aware of it or, more worrisomely, whether publics can include individuals against their will.

According to Rogers, the "Public" is "a politicized sphere in which citizens seek to translate the grievances of specific publics into state power, disrupting the idea of "the people" as a static signifier" (2008, 245-56). Rogers claims that for Dewey, the public is imagined as "the permanent space of contingency in the sense that there can be no a priori delimitation, except as it emerges from individuals and groups that coalesce in the service of problem solving." (2012, 24). Westbrook describes the public as "a collective noun designating plural publics that concerned themselves with the indirect consequences of particular forms of associated activity" (1991, 305). The existence of the public relies, at its base, on the interpersonal associations we find ourselves in as human beings, the interpersonal associations that are necessary to understand ourselves *as* human beings. "For Dewey," writes Rogers, "our interpersonal associations provide a necessary, albeit insufficient, condition for describing democracy" (2012, 8). It matters, then, with whom we

associate, as those associations form who we are, and subsequently form and inform our interests. For example, if we *don't* associate with certain people – either by choice or because of structural mechanisms that keep us separate – it is hard to see how we might come to identify ourselves as part of a public with others. Moreover, if association with others is what constitutes our individuality, segregation and limited interaction with diversity in our every day life is going to shape us in particular ways.

This everyday association is the basis of the emphasis on face-to-face interaction that Dewey saw as so central to democracy as described in *The Public and its Problems*. In claiming that democracy had its fundamental roots in community and interpersonal interaction, Fesmire writes that in *The Public and its Problems*, Dewey "had in mind face-to-face conversations with family, friends and neighbors in the local community as a participatory medium for awakening our slumbering democratic imagination – from schools to markets to neighborhood associations and meetings" (2015, 172). The exclusion that can follow from this image of democracy as a local, community-based process is supposed to be addressed by the concept of the public because we do not form a public merely with those with whom we share *interests* but rather as a result of *shared consequences*. This division of labour, in terms of inquiry, is supposed to ensure that the diversity of experiences within a given public are recognized and understood. But there seems to be a something missing in the account of distributed knowledge and shared experience. In all of these articulations of the importance of the public and our interpersonal associations, what remains central – even in Rogers' reading of Dewey – is the specifically *instrumental* role that these processes and concepts play. The public is "in the service of problem solving", our interpersonal associations "provide a necessary…condition for describing democracy" (2012, 10). This instrumentalist tendency makes it possible to read the inclusive inquiry in *The Public and its Problems* as pernicious, or as promoting injustice. "Inclusion", in *The Public and its*

Problems, is an ambiguous concept, under-theorized. In my next chapter, I demonstrate an approach that applies the Deweyan view where the ambiguity falls away and "inclusion" does indeed become pernicious. That view is available, I suggest, because of the ambiguity of the concept in Dewey's democratic theory.

But Rogers does not explicitly identify Dewey's democratic theory as instrumentalist, which would move the focus from a substantive, moral account of what democracy is and *what* it can achieve, and towards a more proceduralist account of *how* it operates. Deweyan democracy is radical, according to Rogers, because it articulates a view of *democracy as non-domination*. For Rogers, when Dewey talks about experts, authority, and legitimacy, he is talking about power and domination: how it is exercised, who can exercise it, and who should remain free from it (2012, 22). The contingency of the public provides a moral element to Deweyan democracy, on Rogers' view, because "insofar as the claims of a particular public are instantiated in the state, they cannot exclude the possibility of addressing developing needs that require systematic care" (2012, 27). While not all needs might be "legitimate," Rogers identifies the first step for Dewey as "the extent to which addressing those needs might potentially implicate us in relationships of domination" (2012, 27). But Dewey doesn't, in fact, say this. There is no mention of power or domination in *The Public and the Problems*, and there is nothing to suggest – in Dewey's discussion of how the public is formed through the identification of shared consequences that arise from associated action – that the identification of consequences or the subsequent formation of the public that will provide "systematic care" requires any attention to groups or individuals that might be marginalized.

I argue that Rogers misattributes a view of justice to Deweyan democracy that is simply not available from the text. Not only is there not the substantive moral view available in Deweyan democracy that Rogers claims, I suggest that there is actually a *moral deficit* in the theory as

presented in *The Public and its Problems*. The best way to illustrate where I see this deficit is through Dewey's oft-cited metaphor for how to understand the relationship between expert knowledge and situated experience: "The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker is the best judge of how the trouble is to be remedied" (1927, 153). Fesmire calls this example the ultimate example of the "public spirit of consultation to uncover troubles and organize the expertise to deal with them" (2015, 155). Rogers highlights this example to demonstrate how Dewey dismantles elitism and the notion of "expertise" in democratic inquiry: "Dewey's point is not simply that without the input of the wearer of shoes the shoemaker will respond in a way that would not address the existing pinch. Rather, without input from the individual experiencing the pinch, the expert shoemaker will not have the subject matter to initiate or guide his inquiry" (2012, 20). Rogers takes this example to illustrate Dewey's commitment to "the status of citizens" and the localization of problems "in the life of communities and individuals" (2012, 20).

Looking at *The Public and its Problems*, however, we do not find Rogers' focus on the moral status of the individual wearing the shoe. Rather, for Dewey, this is the preeminent example of how inquiry works regarding the relationship between individuals and experts. It is a methodological, instrumental point: the shoemaker cannot fix the shoe without the input from the person who is wearing it; "expertise" is not simply a matter of knowing how to fix something, it must also include knowing what to fix to begin with. But for Dewey, the question of *why* the shoe pinches, or how it feels to be pinched is ignored. What is important for Dewey, in reading the metaphor in the context of where it appears in the text, is that this experiential input gives us a better, more substantial outcome. The problem is that the shoe is pinching, not that it is pinching me in particular. And what this emphasis overlooks is that maybe there is something about *me* that is relevant to *why* the shoe is pinching. Perhaps the problem is actually deeper than simply

identifying the consequence of the pinching shoe. Maybe my feet are swollen from standing all day in poor working conditions. Maybe my shoes shrunk because I don't have adequate shelter and my feet get wet. Maybe my shoes simply don't fit properly because I am a woman and they were made for a man. There is nothing in in this metaphor for inquiry – so lauded by Deweyans for its spirit of deliberation – that takes the moral standing of the individual into account. Instead, as I argue in my next chapter, this example – and Dewey's model of deliberation as articulated in *The Public and its Problems* – highlights the opportunity for shared knowledge to be instrumentally valuable, and therefore possible something that can be exploited. This raises a problem for Deweyan deliberation.

Is Dewey a deliberative democrat?

I have not focused much on the ways that Rogers, Westbrook, Fesmire and others have categorized Dewey within contemporary descriptions of democracy, but it is worth noting that there is a current of thought that identifies Deweyan democracy as an example of *deliberative* democracy (Bernstein 1986; Bohman 1999, 2004; Caspary 2001; Festenstein 1997; Honneth 1998; Putnam 2011; Westbrook 1991; 2005). Minimally, I suggest that is nothing within *The Public and its Problems* to support Deweyan democracy as explicitly *deliberative* democracy – as opposed to *participatory* democracy – and what I provide below is a brief discussion of some central features of participatory versus deliberative democracy that I hope will help to ground my argument. Many of the scholars who identify Dewey as a deliberativist do not distinguish between deliberative democracy and participatory democracy – some in fact seem to use the terms interchangeably (see especially Westbrook 1991; 2005). Deliberation is most certainly a feature of the democratic process articulated within *The Public and its Problems*, and inclusion is a necessary feature of that deliberation. It is clear that Deweyan democracy is *inclusive*, but I

suggest that there is disagreement about upon what that inclusivity hinges. In this final section of this chapter, I want to lay the foundation for a more substantial examination in my next chapter of the nature of inclusive inquiry and deliberation within Dewey's democratic theory.

In *Beyond Adversary Democracy*, Jane Mansbridge presents a participatory conception of democracy as a way of resolving what she has identified as a long-standing tension between two competing conceptions of democracy: the adversary model, where individuals are assumed to have competing interests, and democratic institutions provide an arena for a majority-rules settlement of conflict; and the unitary model, where individuals come together face-to-face to share their common interests and reach consensus. Each model, Mansbridge suggests, has an ideal form that crops up in our ordinary understandings of democracy, but each also contains substantial – and competing – drawbacks that keep both in tension with each other. Mansbridge's *participatory* model "knit[s] together these two fundamentally different kinds of democracies into a single institutional network that can allow us both to advance our common interests and to resolve our conflicting ones" (1983, 7).

In *Participation and Democratic Theory*, Carole Pateman cites Rousseau as the "theorist *par excellence* of participation", writing that his democratic theory, "hinges on the individual participation of each citizen in political decision making", and further, that democratic participation "has a psychological effect on the participants, ensuring that there is a continuing interrelationship between the working of institutions and the psychological qualities and attitudes of individuals interacting within them" (1970, 22). For Rousseau – who Pateman claims provides the foundation for the "basic assertion of the theorists of participatory demoracy of the interrelationship and connection between individuals, their qualities and psychological characteristics, and types of institutions" (1970, 29), participation is a necessary part of the decision-making processes within democratic institutions, but also has a psychological and

necessarily *educative* component: “Once the participatory system is established…it becomes self-sustaining because the very qualities that are required of individual citizens if the system is to work successfully are those that the process of participation itself develops and fosters; the more the individual citizen participates the better able he is to do so” (1970, 25).

Westbrook writes that Dewey’s overarching concern in *The Public and its Problems* was “the decay of democratic citizenship” (2005, 135). In his biography of Dewey, Westbrook sets up Dewey’s approach to the democratic theory he proposed in *The Public and its Problems* as arising out of the erosion of participatory democracy by “democratic realists” who argued the dependency of democracy on the universal rationality of individuals and their engaged civic participation was “impossible and unwise under modern conditions” (1991, 282). The dominant democratic view of the time, argues Westbrook, was an elitist conception of democracy that “severely restricted” the role of the public in political decision making, and put the authority in the hands of “those few men who *were* rational and intelligent” (1991, 285). This context sets the stage for the development of Dewey’s democratic vision in *The Public and its Problems* more broadly than the narrow focus on the text as primarily a response to Walter Lippmann’s texts *Public Opinion* and *The Phantom Public*.

According to Westbrook, Lippmann provided “a damning indictment of participatory democracy” (1991, 294), and the most succinct account of the prevailing attitude of the democratic realists, which was why he became Dewey’s primary interlocutor in *The Public and its Problems*. “From Dewey’s perspective”, writes Westbrook, “the conclusions of these “democratic elitists” were bleak. They saw themselves as repudiating the hopelessly utopian dreams of radical democrats in the interest of a more realistic, “modernized” model of democracy, but as far as he was concerned, their model drained democracy of its essentials” (1991, 286). In order to counter this bleakness, Westbrook argues that Dewey targeted the social

psychology underlying the viewpoint of the democratic realists, focusing on an understanding of *habit* as something necessarily social, that "individual minds were the product of customs and not vice versa" (1991, 288). *The Public and its Problems* describes a model of democracy that embodies the participatory ideal as put forward by Mansbridge, emphasizing the importance of face-to-face deliberation as well as the practical necessity of representative government. In many ways, Dewey employs a unitary model in his construction of the *public*, where face-to-face interaction and an understanding of shared *consequences* helps to determine the very political problems that democracy must then solve.

The central focus of participatory models of democracy is on the participation of citizens equally within a collective society. The emphasis in participatory accounts is on "political equality as a kind of *status*, namely, that of being a citizen" (Talisse 2013, 612). Being a citizen, under a participatory model, requires being a part of something larger – it is not the same kind of thing as being an individual. To be a citizen means that you belong to something, and your citizenship is "understood as the activity of collective self-government" (Talisse 2013, 613). Democracy, on these models, is an activity that engages equal citizens in a process of building community, or political society. Equal citizens work together to build a democratic society, and in turn that society serves an educative purpose that shapes and guides them in their citizenship. Participatory democracy is a distinctly collective enterprise.

The Rousseauian foundation that Pateman describes is important here because Dewey gets entangled in Lippmann's criticisms of the "general will," and spends a substantial amount of *The Public and its Problems* explaining how it is that the public is formed in such a way as to legitimate democratic decision-making. If we follow Westbrook in acknowledging that Dewey's central preoccupation in *The Public and its Problems* is indeed the decay of democratic citizenship, we can properly understand Dewey as a participatory democrat, where *participation*

is directly related to the formation and flourishing of the democratic citizen, which is in turn necessary for robust participation in political life and democratic decision-making. One of the limitations of emphatically participatory views is that while it recognizes the interaction of citizens within a democratic society, its focus is primarily on the institutions and norms themselves, rather than the interactions (Talisse 2013, 613). Participatory democracy does involve interaction that could be characterized as *deliberation*, of a sort, but the interactions are secondary to the institutions through which they are carried out. "Deliberative democracy", writes Pateman, "is a *form* of citizen participation" (2012, 7, emphasis added), but it is not the primary focus of a participatory model. Deliberation is "necessary for democracy [but] not sufficient" (Pateman 2012, 8).

Explicitly *deliberative democracy*, however, places more explicit requirements on deliberation as a process, focusing on the process itself, not on the institutions that frame or make possible the process. It requires, among other things, that the reasons citizens and government provide each other through the deliberative process are *justifiable* to all involved. It is the location of legitimacy in the process of deliberation that distinguishes deliberative democracy from participatory democracy. In order to be justifiable, a deliberative process must have four important characteristics: 1) Reasons and reason-giving are required; 2) Reasons given are accessible; 3) The process results in binding decisions; and 4) The process itself is dynamic. (Gutmann & Thompson 2004, 4).

I suggest that there is something amiss with regard to issue of *accessibility* in Dewey's process of social inquiry, and that this prevents a reading of him as a *deliberative* democrat. Accessibility has a necessary epistemic component, in that depends upon the comprehension or understanding of reasons given and received:

> …the reasons given in this process should be *accessible* to all the citizens to whom they are addressed. To justifiy imposing their will on you, your fellow citizens must give reasons that are comprehensible to you. If you seek to impose your will on them, you owe them no less. This form of reciprocity means that the reasons must be public in two senses. First, it must take place in public, not merely in the privacy of one's mind…[Secondly], the reasons must be public [in terms of] their content. *A deliberative justification does not even get started if those to whom it is addressed cannot understand its essential content*. (Gutmann & Thompson 2004, 4, emphasis added)

In my next chapter I argue that there is a moral component in this criteria of accessibility that is required by the idea of reciprocity. In order to meet the requirement of accessibility, we must receive the reasons given to us by others as being necessarily connected to the individuals that gave them. I argue that there is a hermeneutical failure in the Deweyan account because the requirement of accessibility is missing in Deweyan democracy and that this gap results in a failure of epistemic justice. I argue that while Dewey's *publicity* requirement (Dewey 1927, 167) may mirror deliberative accessibility in some ways, the construction of the public can create opportunities for epistemic injustices that make deliberative democracy impossible on Dewey's account. That is why it is important to pay attention to what Dewey says about "deliberation," even though he is not a deliberative democrat.

Written in 1927, *The Public and its Problems* precedes the delineation between participatory and deliberative democracy, or any other kind of contemporary categorization. Dewey, therefore, need not answer to whether he properly advocates for one or another kind of democratic theory. That said, these categorizations are useful for contemporary purposes in analyzing the extent to which a particular theory can be applied to contemporary issues in a useful way, and regardless of

Dewey's articulation of the particular kind of democracy he might advocate for, contemporary theorists *do* categorize him within these definitions. Rogers and Westbrook are not unaware of the distinction between participatory and deliberative democratic theory, and both argue for an understanding of Dewey as a *deliberative* theorist on the basis of *The Public and its Problems.* By focusing on what I identify as a necessary requirement of deliberative democracy – the requirement of public accessibility of reasons – I contend that there is nothing to substantiate this claim within the text itself, and make the further – and perhaps stronger – claim that in order to call Dewey a deliberativist, we would need to be able to make the claim directly from this text, as it has been acknowledged as his only properly theoretical text on politics, containing the most robust and comprehensive account of his democratic theory.

Final thoughts

I want to conclude by returning to the issue of method, as Dewey addresses it in *The Public and its Problems*. Political theories fail to provide a working theory of democracy when they start with an abstract theory without regard to the actual social and political realities of a given community, Dewey argues, and so an understanding of political society must start from the existing activities of individuals and groups, and construct a theory there. This is not, however, something that can be seen as a solid "foundation" upon which to build a theory of democracy, so any such theory must be understood to be dynamic and contingent upon the changing social and political conditions upon which it rests. This is where I anticipate criticism to my examination of Dewey's work – surely this emphasis on theorizing from *where we are*, as well as the built-in contingency of the view allows for a dynamism that would allow course-corrections in the development of a working and employable democratic theory. Furthermore, Dewey's commitment in his non-academic life to social justice issues such as anti-war movements,

equality of women, and civil rights no doubt should provide enough evidence about his awareness of exclusivity, domination, and oppression as political realities. His emphasis on the face-to-face component of political society and its importance for our understanding of democracy requires that the method of inquiry he promotes is *inclusive.* However, as I develop in my next chapter, "inclusion" is insufficiently theorized by both Dewey and those who employ Deweyan inquiry to solve social problems.

Indeed, Rogers claims that Dewey's emphasis on inquiry as necessarily inclusive and his focus on self-actualization/individual flourishing are what demonstrate his commitment to non-domination as an essential feature of his democratic theory (2009b, 195). "Dewey worries about this", Rogers argues, "not simply because reflective self-governance is central to human growth, but, more importantly, because without all participants having a say, power may easily be used to dominate" (2009b, 195). Rogers *argues* for this interpretation, and I contend that this interpretation does conveniently fill a gap in Dewey's logic in *The Public and its Problems*. This is a gap between the instrumental value that inclusive inquiry provides to democratic processes, and the instrumental value that inclusion has for those of us who look to democracy to serve a *just* society. However, I think the *gap* is what is found in Dewey's text, not Rogers' argument. In *The Public and its Problems*, Dewey may have provided a robust defense of *participatory* democracy, which substantiates the instrumentalist requirement for inclusive inquiry, but he does not present us with an account of *deliberative* democracy that properly addresses the issue of *accessibility*, which I suggest would be necessary to satisfy the intrinsic element of a justice-focused (or even more minimally non-domination-based) democratic theory.

To close, I quote at length from "The Eclipse of the Public", where Dewey roots his face-to-face, participatory theory in what he observes as the political history of American democratic society:

American democratic polity was developed out of genuine community life, that is, association in local and small centers where industry was mainly agricultural and where production was carried on mainly with hand tools. It took form when English political habits and legal institutions worked under pioneer conditions. The forms of association were stable, even though their units were mobile and migratory. Pioneer conditions put a high premium upon personal work, skill, ingenuity, initiative and adaptability, and upon neighborly sociability. The township or some not much larger area was the political unit, the town meeting the political medium, and roads, schools, the peace of the community, were the political objectives. The state was a sum of such units, and the national state a federation…of states. The imagination of the founders did not travel far beyond what could be accomplished and understood in a congeries of self-governing communities. The machinery provided for the selection of the chief executive of the federal union is illustrative evidence. The electoral college assumed that citizens would choose men locally known for their high standing; and that these men when chosen would gather together for consultation to name some one known to them for his prohibity and public spirit and knowledge. The rapidity with which the scheme fell into disuse is evidence of the transitoriness of the state of affairs that was predicated. But at the outset there was no dream of the time when the very name of the presidential electors would be unknown to the mass of the voters, when they would plump for a "ticket" arranged in a more or less private caucus, and when the electoral college would be an impersonal registering machine, such that it would be treachery to employ the person judgment of the affair.

> The local conditions under which our institutions took shape is well indicated by our system…of public education…
>
> We have inherited, in short, local town-meeting practices and ideas. But we live and act and have our being in a continental national state. We are held together by non-political bonds, and the political forms are stretched and legal institutions patched in an *ad hoc* and improvised manner to do the work they have to do to. *Political structure fix the channles in which non-political, industrialized currents flow.* (1927, 111-114, emphasis added)

The public has been eclipsed, in part, because the political institutions that were set up to house democracy when America was founded were set up to support small, community-based, face-to-face democracy and they became out-scaled by a large population and national scope. To use Mansbridge's terms, they were designed for unitary democracy, and the size of the nation caused a shift towards adversary democracy because the institutions themselves could no longer support it.

The search for the public and the discovery of the great community depend, in large part, on a return to the ethos of the foundational unitary model. However, this model, as Dewey describes it, is a model that does not include as citizens the African American slaves whose labour drove the agriculture and industry mentioned in the above narrative.[22] It does not include as citizens the Indigenous communities who were murdered and disenfranchised to create the townships, the roads, or the schools.[23] It does not include women as citizens.[24] A working theory of democracy,

[22] African Americans did not become proper "democratic citizens" in the United States until they were enfranchised in 1965.
[23] Native Americans were formally granted American citizenship in 1924, though they did not have universal suffrage nationally at that time because of different state laws.
[24] Women received the vote in the United States in 1920.

claims Dewey, must reflect the social and political realities in which it is constructed. It should stand as a problem, then, that there were vast swaths of people not recognized as people when Dewey wrote his only substantial work of political theory, and that this receives no mention anywhere within *The Public and its Problems*.

There is no doubt that Dewey – more than almost any political philosopher *at any time* – recognized the inequalities and injustices in the society around him as is evidenced by his life of public scholarship and his active engagement in social justice issues[25]. But these inequalities – among many others, no doubt – are not reflected in the society that Dewey presents in *The Public and its Problems*. These inequalities are not identified – either specifically or even generally – as *the kind of things* that exist as obstacles to democratic society. Conflicting interests, the challenges of representation and legitimate authority, political apathy – these are all indeed substantial barriers to a working democracy, but there is nothing in the creation of the public or the establishment of the great community that invites us to attend to those individuals who are so severely marginalized that they are not even recognized as citizens with whom we ought to engage. And this silence – in addition to the specific issues that I address in the following chapter – undermines the claim by Rogers that Dewey's democratic theory emphasizes *non-domination*. More strongly, I suggest that it undermines the *radicality* of Deweyan democracy. In my next chapter, I turn to two contemporary theorists who I argue employ a more applied interpretation of Deweyan democracy with respect in particular to inclusive inquiry – Elizabeth Anderson and James Bohman. Examining the ways in which Dewey's democratic theory functions in their

[25] Westbrook describes Dewey's "radical convictions" at great length, noting his participation and interest in anti-war protests and the revolutionary movements of Central and South America (biography, 277). Westbrook writes of Dewey in the 1920s, "At home, he remained a vigorous advocate of social action that would create the conditions for thoroughgoing democracy…" (277), and points to the societies and movements that he joined in the United States in evidence of Dewey's democratic convictions and renunciation of political oppression (277-8).

applications to contemporary political issues highlights, I suggest, some of the structural justice-related deficiencies within Dewey's democratic theory in more specific detail.

Chapter Two

My previous chapter dug into Dewey's masterwork in political theory, *The Public and its Problems*, in order to explicate the central vision of democracy provided by that text. I also demonstrated the ways in which this particular text has been explicitly interpreted as saying things about power and justice that it simply does not say. In this chapter, I move away from an explicit focus on *The Public and its Problems* to discuss Deweyan democracy more broadly. My focus here is to highlight a particular vein of Deweyan scholarship that relies on appropriating the Deweyan vision for contemporary projects without attending to contemporary challenges that might require a modification of the presentation of democracy in *The Public and Its Problems.*[26] Specifically, I highlight the focus that contemporary political philosophers have placed on the inquiry-based *problem-solving* nature of Deweyan democracy. My goal in this chapter is to clearly illustrate that like Dewey, contemporary political pragmatists following in his tradition fall into an unnecessary instrumentalism in their focus on the inclusive problem-solving features of democratic institutions.

In that sense, I move away from a direct discussion of *The Public and Its Problems*, and towards an account of two contemporary Deweyan democrats, Elizabeth Anderson and James Bohman.[27] My focus in the previous section was on teasing out exactly how Dewey understands political democracy as a system of government. My focus here is to narrow in on one particular

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[26] There is much to be added to this account when the full social idea of democracy is provided, and we receive this account throughout an analysis of Dewey's other political manuscripts, his ethics, his epistemology, and his work on education, and I am not trying to claim that *The Public and Its Problems* gives us the only working definition or understanding of Deweyan democracy. It is, however, a central text in Dewey scholarship, and the one that provides, according to James Bohman, the "fullest account" of Deweyan democracy.

[27] To be clear, my target here is *not* that scholarship that engages and creatively applies Deweyan principles in a way that challenges an "orthodox" reading of Dewey. Examples of work that takes up Deweyan themes and weaves them into new narratives applied in innovative ways to problems in social and political theory include – but are not limited to – Shannon Sullivan (eg. 2006), Jose Medina (eg. 2006), Charlene Seigfried (1996).

understanding of that system of government – that of democracy as a process through which we can identify and solve social and political problems – and to problematize its application. As a result of this focus, a substantial amount of analysis in this chapter is spent looking at particular examples of the application of so-called inclusive processes. The purpose of this chapter is to expose the issue I then address fully in my third and final chapter, where I approach the "problem" of justice for First Nations in Canada, using examples from a small-scale examination of the continuing struggles of one small community, to a conceptual examination of "aboriginal research" within higher education, to a large-scale treatment of the Truth and Reconciliation Commission and the resources it offers for thinking through the problems of justice in settler-indigenous relationships within a democratic society.

This chapter proceeds in three stages: First, I provide a motivation for this critique with a brief discussion of justice as it is relevant to my overall project. This dissertation as a whole is framed loosely by the question of how democratic societies can understand and deal with gross injustice and so while justice is not the focus of my work, it cannot be ignored as a central issue to this particular critique. I start, then, with a brief discussion of the relevance of justice to democracy as outlined by Ian Shapiro in *Democratic Justice.* Next, I demonstrate the clear legacy of democracy-as-problem-solving view that Dewey has bequeathed to political philosophy, and I contrast Dewey's view of inclusive inquiry in *The Public and its Problems* with that of Iris Marion Young's. Both theorists prioritize problem-solving as a key strength of democratic institutions, and both emphasize the necessity of *inclusion* for the functionality of problem-solving. However, I argue that Dewey's version of problem-solving misses something that Young's view is able to capture, in terms of taking seriously the role that individuals play in this problem-solving process. In this way, Young is here as a point of contrast only, a way of putting pressure on the Deweyan view and of illustrating the possibility that the instrumental account is

not necessarily tied to a view of democracy as a way of solving social problems. Finally, I turn to Anderson and Bohman for an analysis of the ways in which the Deweyan problem-solving view is deployed and applied to contemporary political issues in order to demonstrate that Deweyan democracy – while claiming to prioritize *inclusion* is not adequately inclusive and can even tend towards a kind of exclusivity.

Democracy and justice

Despite the fact that the discourses of both democracy and justice frequently make reference to terms that belong to the other, Ian Shapiro argues that little theoretical attention has been given to the relationship between them in academic literature (1999, 5). Nevertheless, there is a popular attitude, he writes, that links democracy and justice necessarily and "intimately," despite the differing values of each that can often "operate at loggerheads with one another" (1999, 18). In *Democratic Justice*, Shapiro offers an account of justice that he claims meets liberalism and communitarianism each half way, maximizes the value of disagreement in politics, and "rise[s] to the challenge implicit in the popular identification" (1999, 18). My next chapter deals more substantially with a particular conception of justice that is framed around *inclusion* – that of Nancy Fraser – in order to help frame my identification of state-based injustices against First Nations in Canada.[28] My purpose here is not to provide an account of the relationship between democracy and justice in a robust way or even to provide a full overview of Shapiro's own positive account; that itself would be the topic of an entire dissertation. However, as this chapter focuses on an inclusion-based critique of Deweyan democracy as applied to contemporary issues, it is germane that I say something about why the relationship between

[28] Fraser defines justice as, most generally, "parity of participation" (2009, 16).

democracy and justice might matter, and suggest one helpful – and largely philosophically neutral – way of thinking about it.

One of the reasons we tend to associate democracy and justice, claims Shapiro, is that in many touchstone examples of *injustice*, we often see those who are working for justice involved in also seeking democratic reform of some kind; we are quick to note injustices against groups and individuals operating within fascist regimes, for example, where the people do not have a voice in political decisions (1999, 18). This expectation – though often unrealized[29] – belies what Shapiro calls the "internal relationship" between democracy and justice: "Among the reasons why people turn to democracy in the quest for justice is that injustice is so often experienced as arbitrary domination. Democracy appeals because of its principled hostility to this" (1999, 20). The internal relationship so articulated "reflects the endemic reality that people have a better developed sense of what is unjust in their circumstances than of what fully just circumstances would be like," and this is, for my purposes, the key characteristic underlying the relationship between democracy and justice: there are competing claims both theoretically and practically about what justice is and what it might require, but what is generally much easier to reach consensus on is the identification of *injustice* (1999, 20). This anecdotal observation about popular understandings of democracy, Shapiro thinks, "suggests that although democracy is not sufficient for social justice, usually it is necessary, and that where democracy leads to injustice it will likely lose legitimacy" (1999, 21).[30]

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[29] "This popular expectation is often frustrated in practice, because achieving political democracy does not guarantee broad advances toward greater social justice. In countries where the basic democratic institutions of popularly elected governments based on universal franchise prevail, wealth may or may not be respected, opportunities may or may not be open to all, and religious dissent may or may not be tolerated. *Far from promoting justice, then, democracy can actually undermine it*" (Shapiro, 1999, 18, emphasis added).

[30] What suffices for my purpose here is an understanding of the relationship between democracy and justice that motivates my examination of *inclusion*, which occupies the bulk of the work in this chapter, and as all the views I look at highlight *legitimacy* as the primary motivation for focusing on inclusive democratic institutions, this

Democracy is, then, a *foundational* good, in the sense that "no prior or more basic institutional commitment rightly commands our allegiance" (1999, 21). This assertion, though, is qualified comparatively: democracy is not a foundational good in a metaphysical or ontological sense, but rather an empirical claim about what is "the most attractive foundational political commitment" when compared to other alternatives (1999, 22). However, it is also a *subordinate* good, in that it "operates best when it shapes the terms of our common interactions without thereby determining their course" (1999, 22). Democracy should be *omnipresent*, in that it "appropriately shapes the pursuit of all goals in which power relations are implicated", but it should not be *omnipotent*; individuals should be free to pursue their goals, and democracy should facilitate this process, rather than dominate it (1999, 22). The idea of democracy as a subordinate good is, like the description of it as a foundational good, couched comparatively, in contrast to what Shapiro identifies as the two main competing ideals: that of communitarian democracy, in which the burden of participation is so high so as to make it impossible to realize democracy as an ideal[31], and that of liberal democracy, where the scope of the public sphere is delimited in such a way that it leaves out swaths of our lives that are indeed political (1999, 23).

Shapiro presents his view of "democratic justice" as walking a middle line between ideal and non-ideal theories of justice, a line he describes as *semicontextual*. His view, he claims, emphasizes the need to attend to power relations, and it is this focus that allows us to best understand what justice as semicontextual is. "The concern," writes Shapiro, "is with democratizing the power relations that structure social life. We must therefore take account of accepted conceptions of how it organized without reifying them in ways that obscure power

affiliation – even so loosely formulated – will be the background justification for my assumption that there is a connection between the two concepts.

[31] "…democracy should be our servant, not our master" (Shapiro, 23).

relations" (1999, 27). In many ways, the view that Shapiro advocates for, in his attention to democratizing social relations and preventing an unjust inequality in power relations, is the view that Rogers develops and attributes to Dewey in *The Undiscovered Dewey*, "Dewey's Vision of Democracy," and his introduction to *The Public and its Problems*. So the context matters, because it provides necessary input and because context can always change, there can be no foundational "decision rule" for democratic governance (1999, 33). However, despite there being no foundational decision rule, "a general constraint for thinking about decision rules…[is that] everyone affected by the operation of a particular domain of civil society should be presumed to have a say in its governance" (1999, 37). This constraint of *inclusion* follows, asserts Shapiro, from the "root" democratic tenet that it is the people who govern themselves (1999, 37). That said, for Shapiro, inclusion could very well require an unequal distribution of authority or input: "To require that everyone affected should have a say is not to require that this presumption be conclusive, or that every say should necessarily be of equal weight. There are often, though not always, good reasons for granting outsiders to a domain less of a say than insiders concerning its governance. Even within a domain there may be compelling reasons to distribute governing authority unequally, and perhaps even to disenfranchise some participants in some circumstances" (1999, 37). Inclusion is, therefore, *not* best understood as a blanket, egalitarian term. As I discuss below – and for the remainder of the chapter – *inclusion* is a central virtue attributed to Deweyan democracy, but it does not get adequately theorized in this contextual way and in fact, it falls into what I identify as an *excess of instrumentalism*. In my next chapter, I discuss the ways in which mechanisms of inclusion can fail to promote justice, and can even promote *injustice* when they seek inclusion on the basis of instrumental aims.

Inclusive problem solving

One of the justifications often provided by contemporary theorists who tout Deweyan democracy is that the view can be powerfully applied to current political issues due to its emphasis on *problem-solving*. That is to say that democracy and democratic institutions have value because they help us to address complex social problems. The focus by Deweyans on the role that shared inquiry plays in democratic processes highlights the problem-solving nature of democracy due to the way in which knowledge is shared between experts and individual citizens:

> Pragmatism sees continuity between the problem-solving efforts of experts and lay citizens. All problem-solving is experimental inquiry under conditions of uncertainty, and involves a number of inquirers rather than the solitary thinker. Social problem-solving in particular features an ever-changing agenda to which particular sorts of expertise may be relevant, but for which any single sort of expertise is rarely conclusive. (Dryzek 2004, 72)

The democratic imperative to include the perspectives of diverse citizens exists because of the need to ensure that the method for solving problems is as robust as possible, so as to get the best outcome. For this reason, Deweyan democracy is necessarily *inclusive*, because an outcome is less likely to apply in the right kind of way if the method is not employed correctly. While I argued in my previous chapter that Deweyan democracy was better understood as *participatory* rather than deliberative, one can see how a view of democracy as problem-solving provides a good foundation for deliberative accounts due to this emphasis on inclusion.

And inclusion is, after all, a central feature that has been championed by proponents of Deweyan democracy. What drives democratic inquiry, for Dewey, is a pooling of views in order to derive outcomes that best map the shared political will of the public. But is the activity of pooling diverse perspectives something that can be understood as properly *inclusive* in a

politically meaningful way? In my previous chapter, I argued that the central metaphor for Deweyan inclusion – that of the person who wears shoes that pinch, and the shoemaker that has the expertise to stop the pinching – is only inclusive of the knowledge of the pinch itself, divorced from the particular experiences and situation of the knower. If what it means to be "included", through a process of deliberative exchange of information, is that what I know is taken up by someone else and incorporated into a general political outcome, there seems to be no qualitative difference between the outcomes produced by inclusive inquiry and those that result from an omniscient benevolent dictator. That is to say that if we were to discover a mechanism by which the perspectives of all citizens could be pooled and used to inform policy, the argument for democratic institutions would lose some of its strength. The *value* of the pooled perspectives, or shared knowledge, is instrumental – it is not the case that inclusion is valued because it provides some sort of recognition or validation to the individual who is being included. Rather it is valuable because what gets included is used in a socially beneficial way, *even if what is included – the perspective of the individual – is something that can be separated from the individual herself.*

Put in terms of participation: if we argue that democratic legitimacy requires equal participation in a deliberative process, presumably we do not take equal participation to mean that each individual's views, no matter what they are, are given equal consideration or equal weighting in the construction of a final political decision or policy. What I take it we mean, when we refer to equal participation, is that each individual has *equal opportunity* to present her view, that the equality afforded in the process tracks the individual herself, not her views, per se (Anderson 1999). No doubt there are participatory accounts of democracy that assert the opposite, but my reading of Dewey scholars in my last chapter demonstrated that many Dewey interpreters credit him with this more robust version of what inclusion means. Specifically,

Rogers' claim of Deweyan democracy as essentially focused on promoting non-domination revolved around a reading of Dewey that saw him as protecting individuals *themselves* from domination, not their views. It is not "inclusive" merely to use people's experience as a means for a more robust democratic inquiry, even if those means result in ends that individuals may agree to.

One way to dig into the nature of Dewey's *inclusive* inquiry is to employ the terminology used by Iris Marion Young in *Inclusion and Democracy*. Like Dewey, Young defines democracy as an inclusive process of collective problem solving (2000, 28), and like contemporary Deweyans, Young emphasizes the importance of *inclusion.*[32] In a chapter entitled "Inclusive Political Communication," Young distinguishes between *internal* and *external* inclusion, within the context of democratic deliberation. Young notes that external exclusion is what typically receives attention from deliberative theorists, while internal exclusion remains often overlooked (2000, 55). External exclusion occurs when individuals are restricted from accessing the political process in some way, such as through restrictive voter registration rules or inaccessible voting locations, the cost of political campaigning, etc. For Young, these are understood as more overt forms of exclusion, ways in which groups or individuals who ought to be included are left out of political processes (2000, 54). Internal exclusion occurs when the terms of participation themselves are exclusionary, though the individuals excluded might have token access to deliberative publics, the ability to vote, etc. These are instances of "the many ways that individuals and groups that ought to be included are purposely or inadvertently left out of fora for discussion and decision-making" (2000, 54). Internal exclusion has to do with the structure of deliberative participation itself, for example, what kinds of things count as *political*

[32] In a recent survey of feminist critiques of deliberativist views, Susan Dielman highlights Young's view as particularly strong in its attention to conceptualizing inclusion within deliberative spaces (Dielman 2015, 800).

communication, what the appropriate standards of public reason are, whether the individuals and groups in question even show up as the kind of people who are considered in equal standing to the polis (2000, 56).

Young argues that reducing internal exclusion promotes the kind of social knowledge essential to a deliberating polity.[33] For this reason, the first half of *Inclusion and Democracy* is dedicated to exploring the connection between internal inclusion, social knowledge, and social difference as a resource. Young conceptualizes social knowledge as uniquely non-hegemonic. That is to say that knowledge and knowing are not things that are the same for everyone. In this way, "to know" does not denote an action that maps on to everyone it applies to in the same way. She describes social knowledge as the accumulation of situated social perspectives, starting as she does with an epistemological view located within the phenomenology of the continental tradition. According to this view, individuals are not autonomous beings. That is to say that the idea of an individual, disengaged from anything "morally arbitrary" and self-sufficient with respect to relationships with others, is an impossible ideal and does not reflect the reality of our actual situation in the world. Instead, we are each of us situated within a particular horizon of intelligibility, from within which we view the world and understand those around us. Our situation is unique to each of us.[34]

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[33] My MA Thesis (2008), "An Epistemic Framework for Inclusive Democratic Deliberation" focused specifically on identifying and critiquing Young's epistemology as present in her political work on difference and inclusion, within the broader context of the nature of social knowledge in general. This discussion included chapter-length treatments on epistemic democracy (David Estlund, Alvin Goldman), what I identified as Young's explicitly standpoint epistemology and the irreducibility of collective belief (Young, Sandra Harding, Donna Harroway, Margaret Gilbert), and a positive argument for an understanding of feminist naturalism (Lynn Nelson, Helen Longino, Louise Antony) as the most robust framework through which to understand epistemic inclusion. In many ways, my discussion here rebuts this argument, that naturalized epistemology is in essence more inclusive with regard to deliberation. My discussion in this chapter moves away from this argument, and focuses on the ways in which Young – as well as other deliberative democrats – prioritize social and political inclusion in a way that a naturalized epistemology (or in this case Deweyan inquiry!) cannot. My MA thesis can be seen as laying this groundwork for an analysis of a pragmatist political philosophy that takes as its central undercurrent a form of naturalized epistemic inquiry.

[34] This paragraph draws upon my MA thesis, summarizing Young's account of the situated knower.

So where is the difference, then, between these views of inclusion? How is it that Young focuses so explicitly on justice, while Dewey passes over it? Is this simply a matter of the two views falling on either side of Rawls[35], in the history of 20th Century political theory? The difference lies, I suggest, in the intended purpose of deliberation as social problem solving for Dewey and Young. Where Dewey identifies inclusive problem solving as a means of pooling diverse perspectives to an end of achieving the right outcome, Young identifies the process of problem solving as the means by which we come to understand each other, and that this understanding is itself "transformative" (2000, 76). It is this transformative, hermeneutical element that does the work of problem solving, and it also helps to prevent internal exclusion. It is not enough for the perspectives of others to become part of the social fabric that the experts or the representatives draw upon when enacting law and policy. It is only when voicing one's opinion actually has the possibility of being picked up by others that one is truly included. Though everyone may get a vote, if minorities are not given the opportunity to voice their interests and desires *and to have these interests heard and understood as being specific to them*, we run a greater risk of modeling adversary democracy and permanently entrenching and marginalizing minorities. Inclusion then, in this sense, depends in a large way on individuals being able to tap into the social knowledge created from sharing different perspectives, to internalize different perspectives, and to experience a kind of civic transformation through deliberation itself.

The Deweyan transformation that takes place is located not within the sharing of information between citizens – despite the emphasis on the importance of the face-to-face.

[35] It could be argued that it would be unfair to hold Dewey to a contemporary standard for justice due to the ways in which *A Theory of Justice* opened up the conceptual landscape within political theory and put a focus on justice that had not been there previously. Even if this were true, there remains the issue of contemporary Deweyans, who similarly ignore many justice-relevant issues in their application of his work.

Instead, how citizens are shaped by democracy is through democratic institutions themselves; it is our face-to-face experiences in conjunction with our larger public deliberations and the role of representatives that help to shape the institutions that then provide support and education to citizens. I argue that there is a problem here of reading Dewey as an inclusive political theorist – *inclusive* deliberation requires some sort of intrinsic value, whereas Dewey's participatory theory is largely instrumentalist. The purpose of deliberation, for Dewey, is not primarily a knowledge exchange between citizens to enlarge the social imagination by exposing individuals to different perspectives. It is a process of knowledge gathering for use by political decision-makers, a way of sorting out the relationship between experts, representatives, and democratic citizens with an eye to identifying and solving collective social and political problems.

Despite Dewey's assertion that democracy is a means of social problem solving through which individuals and groups interact, he provides no framework through which to situate these activities. There is no explanation given of *how* individuals can, for example, form or direct group activities, or how the need to participate is evaluated – either from within or outside the group, or how to normatively understand the interaction of individual potentialities and the common good of the group. Is a "responsible share," for example, a matter of equality? If so, equality of what? Are we to understand "harmony" in terms of fairness? What would that mean for association? How can we make sense of consequences, and how our consequences on others get picked up? Surely not any action that I undertake that has a consequence on other individuals is *political*. These are all questions specifically related to inclusion, and more broadly related to justice. Dewey need not address every possible political concept in order to present a robust account of democracy and political community, but an account of participatory democracy must properly account for *participation*, and to do so, it must deal with inclusion substantially enough to at least implicitly articulate concept of justice. In my last chapter I argued that the concept of

justice that some scholars attribute to Deweyan democracy cannot in fact be found through a close reading of Dewey's only substantive articulation of his democratic theory, and in the next section of this chapter I argue that theorists who apply Deweyan democracy to contemporary issues buttress my argument by demonstrating the ways in which the inclusion that is identified as a key strength of the view not only does not promote justice, but actually can propagate a kind of *injustice.*

The application of Deweyan democracy

There is considerable contemporary attention on Deweyan democracy. My first chapter provided a focused analysis of *The Public and its Problems* as the central theoretical text in which Dewey presents his vision of democracy, and included a discussion of a significant contemporary Dewey scholar, Melvin Rogers and a critical analysis of his interpretation of the Deweayan view. I turn now to the ways in which Deweyan democracy is being taken up and applied within contemporary political theory. As a prime example, in 2010, the journal *Contemporary Pragmatism* published a special issue featuring essays on the enduring importance of *The Public and Its Problems*, not just for pragmatism, but for political philosophy writ large. I hone in, here, on James Bohman's contribution to this volume, "Participation through Publics: Did Dewey answer Lippmann," as well as other work of his where the focus is on the way in which Deweyan democracy can be applied with promising results to current issues within political theory.

Bohman writes, "The current revival of pragmatism in political theory is due in large measure to its emphasis on improving democratic practice" (1999, 591). To support this view, I include a discussion as well of Elizabeth Anderson's oft-cited paper, "The Epistemology of Democracy," as Anderson even more thoroughly champions the strength of Deweyan democracy

as superior to other views in its application to contemporary challenges. Both Anderson and Bohman highlight the *inclusivity* of Deweyan inquiry as the key strength of the view, and I argue that while their understanding of inclusivity might achieve a particular epistemic goal, it collapses under its own instrumentality when analyzed politically. At the centre of my analysis is a detailed examination of the specific examples that Bohman and Anderson use to draw out their argument for the applied usefulness of Deweyan democracy and its superiority at capturing the epistemic value of democratic institutions.

In her 2006 paper, “The Epistemology of Democracy,” Elizabeth Anderson provides an analysis of three epistemic models of democracy, the Condorcet Jury Theorem, the Disability Trumps Ability Theorem, and the Deweyan model, as well as an assessment of their capacity to capitalize on the epistemic strength of democracy. Anderson defends Deweyan democracy as the most able to harness "the epistemic powers of democratic institutions" (2006, 8). Her primary focus is on the ability of democratic institutions to facilitate social problem solving by gathering, distributing and efficiently deploying information with respect to a given social problem. According to Anderson, the "social problems" that democratic states must deal with are those of public interest, which are problems that require solutions involving joint actions by citizens through the creation and implementation of laws (2006, 9).

One of the main reasons we ought to focus on the epistemic merits or powers of democracy when evaluating competing models, suggests Anderson, is that democracy as a system of governance has the potential to “take advantage of the epistemic diversity of individuals” in order to “devise solutions that are responsive to everyone’s concerns” (2006, 11). The problems faced by contemporary societies are *complex* problems, those that have “asymmetrically distributed effects and hence asymmetrically distributed information about those effects” (2006, 13). An epistemic analysis of democracy, according to Anderson, does more than

help us to structure our democratic institutions to be responsive and implement socially accurate policies. “An epistemic analysis of democracy,” she writes, “helps us to see that it is…a way of life governed by cultural norms of equality, discussion, and tolerance of diversity” (2006, 15). Anderson argues for Dewey as most accurately capturing this infusion of legal and political institutions into social and cultural life, and providing the most normatively potent account of the way in which democracy can govern not only our political life, but guide our habits and cultural life as well.

Anderson characterizes Deweyan democracy as “cooperative social experimentation,” a process that understands democratic deliberation as “a kind of thought experiment,” where citizens use “practical intelligence” to imagine the possible consequences of various decisions in a hypothetical testing ground for potential policies (2006, 13). Democratic institutions must be understood as *fallible*, and so the procedures themselves are experimentalist: “Practical intelligence is the application of scientific method to practical problems” (2006, 13). We should observe consequences and evaluate results with “a scientific spirit”, willing to start over if the process generates “unfavorable results”, and try to “revise our policies to make them do a better job solving our problems” (2006, 13). This is the foundation of Deweyan democracy, the utilitzation of social intelligence and its application to social problems.

To prove her case, Anderson assesses a case study from South East Asia and applies Dewey’s distributed epistemic democratic theory to community forestry groups in order to demonstrate the power of epistemic diversity in social problem solving. Because women in these communities have particular gendered experiences around gathering fuel, they represent “a classic case of situated knowledge that is distributed asymmetrically by gender” (2006, 18). Including their perspective increases the likelihood of generating a solution to challenges to sustainability. Furthermore, the community’s lack of access to “expert” knowledge increases the

value of being able to draw upon locally generated knowledge[36] (2006, 19). I have argued elsewhere that in this analysis, Anderson suffers from an "excess of instrumentalism," where both her identification of the problem at hand – that changing forestry practices have increasingly created challenges for women in particular – and the solution – that women's perspectives ought to be included because they are particularly situated to provide valuable experiential knowledge – are overly focused on function and utility (Butterfield, 2010).

Anderson criticizes the DTA Theorem as failing to recognize "the noninstrumental importance of universal inclusion" (as well as democracy's dynamism, or the need to model feedback mechanisms that allow for change over time, whether due to the changing structure of society, or to the fallibility of democratic decision-making) because it projects an instrumental value onto inclusion without recognizing the way that inclusion meets the intrinsic, procedural needs of democratic justice (2006, 13). Dewey, Anderson argues, recognizes that inclusion - equality of participation – is what alleviates any concern that the problems under considerations by the public are truly *public*, that is, in the public interest (2006, 14). But in her analysis of the South Asian forestry case study, Anderson's own advocacy for a Deweyan model collapses into this same form of instrumentalization of inclusion and just procedure. This collapse, I argue, is a result of the inability of Dewey's account of democracy and the process of collective social problem-solving to account for inclusion as a properly *internal* feature of democracy.

A significant benefit of Anderson's account is the way she "fills in" the Deweyan model presented in *The Public and its Problems* by addressing the distinction between those things that are and are not a matter of "public interest." This is a distinction that extends the explanatory and normative *political* power of Deweyan democracy by providing a delineation between the things

[36] This itself is problematically elitist – the suggestion that in the absence of outsider experts, local knowledge will suffice and should be exploited to ensure maximum value.

that the citizenry has authorized the state to deal with and those that it has not. It is "talk and votes" that the state must be responsive to in order for issues to attain political publicity: "Talk is needed to articulate proposals to make certain concerns a matter of public interest; votes are needed to ratify such proposals" (2006, 10). This expansion on Dewey's explanation of the public strengthens the *effectiveness* of the public by allowing for less time to be spent deliberating on what is and is not a properly public issue. Anderson's willingness to build on Dewey's own view of democracy demonstrates the malleability of the account. But on the other hand, as I discuss shortly, the epistemic power that Anderson claims Deweyan democracy wields can default in objectification and exploitation. James Bohman similarly focuses on the epistemic value of Dewey's view, and his accounting of Deweyan inquiry highlights even more concretely the pernicious instrumentality of the view.

Bohman claims that pragmatists like Dewey "endorse the epistemic division of labor as one of the central feature of effective and informed public deliberation", where there are by necessity "deep assymetries in the social distribution of knowledge" (1999, 591). The justification for this division of labour is that no one person can know or understand all the relevant details and consequences of any given political decision, and so each of us will always have to leave some aspects of collecting data and making decisions up to others (1999, 592). The pluralism that underlies this division of labour is, according to Bohman, something that Dewey emphasized as "precisely what makes social inquiry democratic and useful for public problem solving and reflection" (1999, 594). Everyone becomes dependent on everyone else for the identification and solution of shared social problems, because no one person has the epistemic resources required to solve the problem on her own:

> Such dependence on others is a consequence of seeing intelligence as a genuinely social property, not merely as the extension of individual capacities

> and powers. If inquiry is democratically organized, then socially distributed knowledge is not represented anywhere but in the group as a whole. This mutual dependence makes it impossible for any subgroup or individual to possess knowledge sufficient to gain control over the social process since only the full collective knowledge of the group can achieve social control and effective social policies. (1999, 594)

So the epistemic asymmetries that result from the cognitive division of labour in Dewey's account, Bohman assures us, are not pernicious, because the asymmetries themselves are equally distributed across individuals; we are all equal in our lack of the full picture of any given issue.

While Bohman notes that the Deweyan view of "mutual dependence and fully voluntary cooperation is rather idealized," his explanation of that idealization is due to the *epistemic* unlikeliness of the existence of the "ideally rational actor" as well as the inability of social trust to support dependence in a diverse society, not on the political pressures that come into play within democratic societies of unequal distribution of power that affects the ability of all individuals to participate equally in the sharing of knowledge. While individuals are conceptualized here as epistemically heterogenous, they are implicitly assumed to be socially and politically *homogeneous*, all equally capable of accessing the resources required to share their knowledge, and all equally viewed by others as the type of person who has relevant social and political knowledge to share. Indeed, Bohman asserts, "experts and lay persons share some background culture, including a background political culture" (1999, 596), and places the burden of the very possibility of this division of labour functioning effectively to the end of collective problem solving primarly on "the quality of public communication among cooperative inquirers" (1999, 596).

The *lack* of homogeneity among members of a diverse democratic society has been covered in depth (Dielman 2015, 2012; Young 2000; Benhabib 1996, 1992; Fraser 2009, 1992), and some of the specific problems of this assumption are discussed in detail in my next chapter. Additionally, the example of AIDS research and treatment that Bohman provides to demonstrate the effectiveness of this division of labour foreshadows some of the worries about epistemic justice that I later argue arise as a result of this particularly Deweyan form of inclusive inquiry. In order to concretize this idea of the division of labour within a democratic public, Bohman turns to the example of ADS activism in the United States as "a particularly rich example of this process of democratic inquiry" (1999, 600).

According to Bohman's account, the interaction between an activist public of AIDS patients and the "initially unresponsive" institutions of AIDS research and public policy demonstrate the reflexivity of "the cooperative enterprise of producing knowledge about AIDS" (1999, 600). AIDS activists challenged the scientific community as well as their governing standards by demanding more access to AIDS treatments, and by challenging the "greater access of experts to the appropriate forums for decision making and setting norms" (1999, 600). This resulted, claims Bohman, in deliberation and cooperation:

> The public debates spurred by their activism had very much to do with epistemic criteria and experimental validity, such as the necessary measures of statistical significance for tests of drug safety. The continued cooperation between researchers and their public depended, perhaps surprisingly, upon deliberating about epistemic norms. Researchers defined their interests in terms of very high standards of validity, while the activists had a conflicting interest in lower standards of validity for the sake of wider and quicker availability of drugs. Thus, activitists challenged the credibility of requiring the highest

> standards of statistical validity and in this way shifted issues of experimental design into the public domain. (1999, 600)

This does indeed sound like an interesting example of a reciprocal public inquiry around a social problem until Bohman provides the end of the story: "The fact that patients must cooperate in trails gave activists the leverage of a credible threat sufficient to challenge the non-public agenda setting of medical research. In the end, this need for nonexpert cooperation and the need of experts to convince nonexperts of their claims for research funding gave activists their entry into various decision-making and funding bodies, making the collective enterprise and its institutions more responsive to this emergent public" (1999, 601).

What Bohman takes as "cooperative" in this example is the fact that the group who had the most to lose from the failure to attain the means to treatment had to resort to threatening to pull out of clinical trials in order to coerce scientists and policy makers into allowing them access to information. In this example, the only reason that the activists were able to force the experts – the people who had the treatment and the knowledge relevant to them – to be "responsive" is because they had something that the experts needed: consent of the use of their bodies for the acquisition of further "expert" knowledge. There is nothing in the description of this example that indicates that the "public deliberation" that resulted as a result of the challenges by activists resulted in the challenges themselves being heard without the threat. If the power in this example were reversed, and if Bohman were instead providing us with an example of a majority group who were attempting to "deliberate" with a minority in order to attain some end, and that they subsequently used threats or coercion in order to force that end, we would not see it as an example of successful, cooperative, just deliberation. Bohman seemingly-unproblematically replicates the emphasis on instrumental value of deliberation that we saw in Anderson, using

similar problematic language, and motivating the intrinsic, inclusive value of democratic deliberation by way of the outcomes it can engender.

In his 2010 article from the special issue of the journal *Contemporary Pragmatism* devoted to Dewey's *The Public and its Problems,* Bohman highlights the way that Deweyan deliberation exposes citizens to the perspectives of all others within the public *not* as a means to find an objectively correct authoritative perspective, but to "open up deliberation to correction" (2010, 52). This assesses democratic dissent as a strength, rather than a weakness. The language, however, continues to be problematic. The purpose of equal deliberation here is not to ensure equal participation of all interested parties in order to ensure that the result is something that reflects the perspectives of everyone affected, it is to ensure the right kind of *epistemic* outcome. Bohman refers to empirical work that has been done that demonstrates that effective problem-solving occurs when the burden of epistemic labour is spread across "multiple and mutually correcting perspectives" (2010, 52). He refers again here to the case of HIV drug treatment, where the perspectives of patients were included with those of the "experts" – doctors, researchers, policy makers - , the outcomes of this distributed deliberation are described instrumentally, referring to the standards of validity of the process, quicker availability of drugs, and effectiveness, *not* the intrinsic value of including the perspectives of patients (2010, 52).

Bohman capitalizes on the same example Anderson describes of the participation of women in community forestry groups to illustrate what he sees as the strength of Deweyan deliberative politics. Bohman writes, "Because women [in Community Forestry groups in India and Nepal] had primary responsibility for wood gathering in their search for cooking fuel, they possessed greater knowledge of what sort of gathering was sustainable and about the location of trees that needed protection" (2010, 52). On first blush, it is possible to see Bohman's account as being politically attentive to inclusion: women who had otherwise been excluded from

deliberation are now being included, with an eye to ensuring the sustainability of the forest. However, their participation here is instrumentally motivated; women are included because they have special knowledge that the previous participants of the deliberation process did not have. This is in contrast to an accounting of this example where because women were primary users of the wood, they deserved to have input into the decision-making process *regardless* prior to an assessment about whether or not their input would add value. Those who are affected by consequences of joint action of a public should have input *because they are affected*, not because their input will make for more diverse inquiry. Bohman cites Dewey, "The man who wears the shoe knows best that it pinches and where it pinches, even if the expert shoemaker knows how the trouble is to be remedied" (2010, 53) in order to motivate the inclusion of the man who wears the shoe into a discussion about how to remedy the pinchy-ness. However, the reason he is to be included, according to Bohman, is to help ensure that the shoe does not pinch, *not* to ensure that he no longer is someone who has to endure pinching. This amounts to using the shoemaker as a means to the end of no more pinching, not as an end in himself that deserves not to be pinched anymore.

Elsewhere, both Bohman (2004) and Anderson (1999; 2010) provide robust accounts of democratic justice and equality, and so my analysis here is not meant to suggest that either have theoretical views that are deficient from the perspective of justice. The focus here has been on the particular application of *Deweyan* democracy as an apparently inclusive problem-solving process, and its failure at being sufficiently inclusive in a democratic way, in a democratic way, *by their own accounts*: "A mode of inquiry is democratic not only if it fulfills the basic conditions of freedom and equality; if it does so, it is *eo ipso* "multiperspectival." In contrast to the single perspective of the social scientific observer, a mode of inquiry is multiperspectival to the extent that it seems to take into account the positive and negative dimensions of current social

conditions as well as to incorporate the various perspectives of relevant social actors in attempting to solve the problem" (Bohman 2004, 24). When Bohman is articulating his own theory of democratic inquiry, it is not without attention to the context of association, or the social and historical facts that are relevant to citizens, but when explicating Dewey's view, these additional features are not incorporated into the view of inquiry Dewey envisions.

What is the actual problem?

The problem I am trying to delimit with Deweyan democracy is around the particularly *epistemic* nature of Dewey's view of democracy; democracy as collective problem solving, as an epistemically powerful institution, as social inquiry and knowledge. On this view, inclusion facilitates the creation of shared social knowledge that then becomes a social resource for a deliberating public. Once we begin acquiring this kind of knowledge, presumably we will be able to amass larger and larger quantities of information about each other. However, there is little attention by Dewey or Deweyans to the terms of association or communication that make this identification of and affiliation with the public actually possible. In Anderson's example, the problem of deforestation and environmental decimation *has already been identified*. Though Anderson makes a point of illustrating the ways in which these women have been particularly affected by the consequences of these actions, their identification as potential resources for the solution to the problem is *instrumental*. The example provided is not one where the public has found itself through an articulation of shared consequences and a commitment to addressing those consequences together.[37] Bohman's example of AIDS activism is no less troubling here: in his example, the public is enlarged by way of threats and force; the terms of association are

[37] This, of course, is not Anderson's focus, but given her attention to consequences as well as credit given to inclusive inquiry for the ability to problem solve, it is a relevant critique to levy at the view.

coercive. In my next chapter I examine a large-scale contemporary example of public discourse constructing a public that creates a permanent minority as an example of the kind of injustice that arises when a) deliberation is not accessible and b) when individuals are treated as sources of knowledge and not knowers themselves.

In order to draw out what I have identified as only a partial account of inclusion, I gave a brief overview of Iris Young's distinction between external and internal inclusion. By focusing on the value that understanding each other has, Young claims that social knowledge will assist us in improving the deliberative process, as we will be more apt to speak to those we have overlooked in the past, whether by means of external or internal exclusion. By drilling down into this more primary form of inclusion – internal inclusion – it becomes easier to see what the problems are with the construction of the public as Dewey – and Anderson and Bohman – understands it. If we do not already have a shared discourse through which we can identify consequences that we share as a self-identifying public, it is hard to see how the creation of a public can ensure that minorities are not left out at the get-go, and furthermore, how, once marginalized, minorities can exert pressure on the public through the process of democratic inquiry to achieve access to the public itself. This raises the example of political communication, and the role it plays in the articulation of the consequences and/or shared problems we may have. We must share things because deliberation is about convincing others to take our own value judgments seriously, hence we must have a *public* discourse that allows us an exchange about public issues. The concern here is that without sharing this discourse or language up front, it becomes difficult to ensure that all those in society who may be affected by certain consequences are able to be heard and identified. Without attention to internal inclusion – for example in the form of political communication – we risk excluding those from the public who belong because

they are being impacted by the consequences of associated action though they are unable to articulate it.

Consider the following examples of inclusive deliberation provided by Iris Young that help to highlight the difference between inclusion as conceptualized by Anderson and Bohman, and a more substantive view of inclusion:

1) *The creation of a Police Civilian Review Board in Pittsburgh in the late 1990s*

For four years, citizens in Pittsburgh had been pushing for the establishment of a review board to make accountable the actions of police. Despite resistance from both the city council, and the police themselves, the coalition pushing for the establishment of a review board was ultimately successful. Young points to this as an illustration of the role inclusive deliberation can play in changing the political landscape in a way that is more attentive to justice, moving away from a problem that arose in part due to racial inequalities and injustice. She writes, "When the issue first emerged, many white middle-class people saw no urgency in it; having the opportunity to read about and listen to the experience of others changed the minds of many of them" (2000, 3). Necessary to the process, then, was the inclusion and participation of marginalized groups, groups that may not have been included in previous decision-making. This inclusion introduced the creation of the review board as an issue for everyone, rather than as something local.

Young describes how the issue of civilian review had been "simmering" in the background of other public issues, but that had "come to the boil" when a police shooting became highly publicized. This incident resulted mobilization of a number of groups responding to different aspects: "The Coalition to Counter Hate Groups joined with the newly formed Citizens for Police Accountability to develop a proposal for a Review Board. At the same time the Pittsburgh chapter of the American Civil Liberties Union began documenting cases of alleged police abuse or harassment" (2000, 1). Young notes how these events contributed to placing the

creation of a review board as “centrally in the public eye,” as something that society as a whole was forced to face. *Inclusion* in this sense requires that we take into consideration issues that affect those around us, even if initially we do not see them as immediately ours. The construction of public problems itself requires inclusion. Further, the solutions to such problems are something that must be sought through the active inclusion of everyone.

2) *Welfare reform:*

In a response essay to Gutmann and Thompson's *Democracy and Disagreement*, Young takes up the example of welfare reform that is discussed at length in the text. "The theory of democracy in itself," argues Young, "should have little to say about the substance of welfare policy but should have a great deal to say about the institutions, practices, and procedures for deliberating about and deciding on welfare policy" (1999, 156). And so what should those procedures look like, in order to be democratic? Young points out that often it is assumed that merely putting welfare reform on the public agenda is an act of inclusion – surely welfare recipients are part of the political sphere if their interests are being considered. However, Young makes clear that it is not enough that politicians talk *about* welfare recipients. Instead, inclusive democracy demands that they speak *to* them, that anyone who might be affected by a particular decision has the right to publicly deliberate on it.[38] This is required because knowledge is *situated*. It is incomprehensible that someone could know what potential welfare recipients need or want without either being one or talking to those who are. Talking to others is how we come to grips with them, providing us a way of ascertaining what our issues and problems *are*, as well as a means of solving them. There is a simple test, she claims, to determine whether or not a given deliberative process has been inclusive: If a public debate usually refers to a social segment in the

[38] An important distinction here is that Young does not claim that decisions that are made inclusively are necessarily just. Rather, inclusive deliberation guarantees their *legitimacy*.

third person, if that social segment rarely if ever appears as a group to whom deliberators appeal, and if there are few signs that public participants in deliberation believse themselves accountable to that social segment, among others, then that social segment has almost certainly been excluded from deliberations" (1999, 157).

The central difference here is that even when public problems are identified in terms of their shared consequences, the Deweyan view seeks to rectify the problem by honing in on alleviating the consequence as shared, whereas Young's approach attends to the affected individuals themselves and strives to construct a solution that alleviates the consequences *for those individuals*. The reflexivity of Dewey's account – and the accompanying reflexivity reflected by contemporary Deweyans like Anderson and Bohman – is a strength, and it is the characteristic that allows for revision of the view to accommodate these criticisms. That the view can theoretically recognize "unfavorable results" and course-correct to achieve better results means that should marginalized populations manage to articulate their concerns and "consequences" in the right kind of way so as to become part of the public through which the democratic process works, their marginalization may move them from being excluded from the identification of shared social problems to being part of the diverse collectivity that applies their distributed intelligence to the problems themselves. Two problems remain, however.

First, the Deweyan account depends upon the existence of a public to identify social problems. The public arises when individuals come to recognize consequences as shared concerns and articulate them as problems of public interest. Groups that are unable to make themselves heard at this stage of "deliberation," those who fail to be heard by others as a result, for example, of deeply-habituated social and structural oppression and marginalization, will be excluded from the identification of what counts as a social problem; no amount of inclusion in the problem-solving process can correct for exclusion from problem identification. Dewey writes,

“Equality denotes the unhampered share which each individual member of the community has in the consequences of associated action” (1927, 150). But as I’ve demonstrated, the consequences of public action are shared *unequally*, distributed differentially between those who are members of the public and those who are not. The concern is that there is a problem in reflexivity under Dewey's definition of political community as something that arises out of natural associations through the identification of shared moral ends and desires, and then sustains itself primarily through habit: how does the community come to recognize consequences of its own actions that might fall outside of it?

The second problem is that the problematic instrumentalism is built into the view, and is built in *as the key mechanism* upon which the central identified strength of the account – the ability of democracy to solve complex social problems – is built. While Anderson claims that Deweyan democracy can satisfy both external (instrumental) and internal (intrinsic) demands, the latter is presented as an afterthought or bonus of the former. That is to say that the inclusion of the process – the requirement that the cooperative process be equally “responsive” to everyone – is required by the instrumental aspect – that the process deliver the right outcomes. Even the language used to describe the intrinsic characteristics, “responsiveness”, collapses into instrumentalism.[39]

The inclusion of women’s knowledge as characterized by Anderson and Bohman is not done in order to ensure their equality in the participation of discussions that have consequences that effect them, it is to ensure a better outcome by appropriating or instrumentalizing their knowledge. Their experiences are drawn upon *because* it is observed that the consequences effect

[39] Contrast this, epistemically, with Standpoint Theory, for example, which starts from the *political* – ie. Situated experience – and builds in an instrumental account where the instrumental value of epistemic diversity dependent on the intrinsic value of inclusion.

them and therefore it was determined that their experience might provide a new and different perspective, not because they were an effective voice at ensuring that people heard that they were suffering consequences. The women in these examples have been epistemically objectified and exploited – their knowledge included in such a way as to constitute a possible injustice (Tuvel, 2015).[40] There has to be something *dialogical* about the creation of the public, in order for it to be something that people can identify with in a way that does not end up marginalizing groups. The issue is that if what is important is *shared consequences*, there has to be an explanation of how it is that we can ensure, as individuals, that we are properly accounting for all the people who share the same consequences as us. In Anderson's example, the reason we should pay attention to the perspectives of the indigenous women who live and work in the area that is being deforested is because we care about the deforestation, and they might have knowledge that can stop it from continuing. Instead, ought we not to care about the fact that the lives of these women is being impacted by these consequences, and should we not seek their perspectives towards the end of *improving their lives*? In my next chapter I examine the way in which the knowledge of marginalized groups can be appropriated or instrumentalized in such a way that further enhances the injustices of their marginalization.

There are two final inter-related problems that I want to propose merit further consideration. These are problems with Deweyan democracy, certainly, but may also be extended to other primarily instrumentalist accounts of democracy. First, and most generally, I suggest that there is a distinctly *justice-relevant* concern about the instrumentality of the inclusion that Dewey, Anderson, Bohman et al propose that involves more than simply the ethical criticism that their scholarship treats marginalized people as a means to an end, and not an end in themselves.

[40] Martha Nussbaum identifies instrumentality as one of seven possible notions involved in the concept of objectification, where "the objectifier treats the object as a tool of his or her purposes" (1995, 257).

The appropriation of knowledge, and the objectification of the knower involved in order to so appropriate it, is itself a political injustice, not only an epistemological one. If Dewey was right that democracy is so heavily valued as a means for social and political problem solving because of its ability to take advantage of diverse, distributed knowledge and apply it to social problems in the most responsive way, then it is not possible to keep separate the political characteristics of democracy from the epistemological ones. This would mean, then, that epistemological and/or epistemic accounts of democracy need to be held to a higher standard of scrutiny as regards justice, because they occupy the nexus between knowing and governance in such a way that it becomes impossible to tease one from the other an analyze it separately.

The second, related problem that arises from this kind of focused analysis on the excess of instrumentalism in the Deweyan account of democracy is what I would characterize as one of epistemological autonomy. There is a kind of injustice involved in appropriating someone's knowledge and "including" them instrumentally that goes further than the injustice of objectifying them, or refusing to recognize them as an equal participant, or as someone affected by consequences. It's as if the priority of social inquiry demands that we all "give up" our experiences for the collective good. This is in part to levy another criticism of excessive instrumentalization of democratic processes against the Deweyan account: when Anderson and Bohman defend Deweyan democracy as being attentive to both instrumental and intrinsic pressures, the language used accounts for the intrinsic value coming about as a result of the required diversity of the method ensuring "responsiveness" of both the process and the outcome to the maximum number of people. So the knowledge of those who might occupy a marginalized position in society – if they are able to articulate their place in the public – is therefore required *not only* to ensure that the outcome is "correct," but to ensure that the process itself is equitable. There is no language that accounts for the motivation to include all possible participants *because*

it is the right thing to do. So the intrinsic value of Deweyan democracy has instrumental motivations as well.

I offer two conclusions to be drawn here, the first a moderate argument, the second strong. What I take to be the necessary conclusion of my assessment above is that Deweyan democracy has a fairly worrisome *occlusion* or *eclipse* when it comes to the issue of justice and equality regarding democratic participation. Surely it would be an exaggeration to accuse contemporary scholars like Anderson and Bohman of ignoring justice and equality when so much of their other work centres on these topics exclusively. It is possible to forgive Dewey what I identified as his *philosophical* failure as a result of failing to integrate his own practice with theory due to the actual fact that his practice *was* so integrated with his theory. So the moderate conclusion, which I hope I can convince all readers of, is that there is an oversight in these contemporary applications of Deweyan themes, and that perhaps that is something to attend to when attempting to use Dewey's theoretical work as a way to assess, both descriptively and normatively, contemporary challenges.

The more extreme, or strong, version of my conclusion, one which I develop in my next chapter, is that it is not simply that these Deweyan accounts are inconveniently inattentive to issues of justice. It is that this approach perpetuate a very specific kind of epistemic-political *injustice*, where democratic participants can be objectified and have their experience appropriated and "included" without their consent or even full understanding in order to generate better results. The moderate version of my conclusion allows for integration into the Deweyan model itself, where feedback is received, processes revised, and new outcomes generated and disseminated for testing. But the strong version is the one that presents the real challenge for Deweyan democracy: Even if Dewey and Deweyans were to accept feedback, revise, start over, the democratic theory itself, built off of social intelligence, may very well continue to reproduce this "error" in the

results, a possible permanent, *structural*, occlusion. In my next chapter, I examine concrete examples of so-called inclusion of First Nations in Canada that have resulted in demonstrable and continuing injustice.

Chapter Three

One way of reading this dissertation is as building towards a criticism of Deweyan democratic theory as not substantially taking *justice* into account. This is not the set goal of the project, but I do think that it is a necessary outcome. My first chapter provided a comparative analysis of what Dewey said in *The Public and its Problems* with what Melvin Rogers, one of his most influential contemporary readers, *says* he said. The chapter ended with a critique of Rogers' claim that Deweyan democracy can best be read as presenting a view of justice as non-domination, and I contended that while Rogers' view of Deweyan democracy didn't violate any of the central commitments of Dewey's view as presented in *The Public and its Problems*, it was most certainly not a view that Dewey himself promoted in that text. In my second chapter, I provided a brief discussion of Ian Shapiro's *Democratic Justice* as a way of laying the groundwork for one way of thinking through the relationship between democracy and justice. Shapiro's central commitment, I noted, was that of *inclusion* – the idea that anyone affected by a given decision should have an opportunity to discuss it or have a say in it. One of the ways to understand the relationship between democracy and justice, he suggests, is that justice has to do with democratizing social relations so as to diminish or eliminate power inequities. The remainder of my second chapter provided a close reading of so-called examples of inclusion as presented by scholars who analytically applied Deweyan democracy as a problem-solving tool, and I argued that a) they were not *sufficiently* inclusive and b) that this insufficient inclusivity opened the door to a kind of *injustice*, one that was not attentive to the ways that "inclusion" can actually highlight or even create power inequities.

My previous chapter concluded that a focus on *inquiry* in the Deweyan view employed by Elizabeth Anderson and James Bohman led to an excess of instrumentalization that makes the

individuals *being included* particularly susceptible to *injustice*. My goal in this chapter is to demonstrate how inclusion that is carried out for primarily instrumental reasons not only fails to promote justice, but also can actually lead to *injustice.* In order to make this argument, I rely on a number of attempts by the Canadian government to *include* First Nations, from obviously pernicious assimilation-based attempts such as residential schools to attempts that have been more clearly couched in the language of justice and inclusion. The outcome of my analysis poses a challenge to Deweyan democracy: Can Deweyan democracy reflexively absorb an understanding of inclusion as more than instrumentally valuable? Specifically, I ask whether the inclusive inquiry set out by Dewey's democratic theory in *The Public and its Problems* contains the resources to solve the "problem" of the injustices experienced by First Nations in Canada.

This final chapter proceeds in three stages. First, I reframe the excessively instrumentalist view of inquiry that I critiqued in my previous chapter through an explication of Nancy Fraser's theory of justice as three-dimensional. This framing helps to make more clearly visible a particular kind of *epistemic injustice* that inclusive inquiry makes people susceptible to. Next, I introduce four key examples of injustice against indigenous people in Canada, all of which I contextualize as state-based attempts at inclusion of First Nations in Canadian political society, and all of which, I contend, have been *failures of inclusion*. Some of these failures are obvious failures of political justice, while others are more properly understood through this framework of three-dimensional justice and epistemic injustice. One of my aims in problematizing the injustices created through various attempts at *inclusion* of First Nations is to try to get a sense of what might be owed to First Nations going forward, in terms of justice, and how to understand that obligation within the framework of democracy. Specifically, I argue that the problem of the history of injustice is so egregious, it creates a substantial challenge for a view of democracy as a problem-solving institution. Next, with reference to the recent Truth and Reconciliation

Summary Report (2015), I critically analyze the calls for indigenous self-determination within the language of inclusion and democracy that I have developed throughout my earlier chapters. I argue that democracy requires that we take reconciliation seriously as an obligation of justice. Reconciliation, in turn, requires a commitment to self-determination[41] of indigenous people, and I demonstrate the ways in which Dewey's democratic theory might struggle to meet this obligation.

Inclusive inquiry and epistemic injustice

In a 2015 paper, "Epistemic Justice and Democratic Legitimacy," Susan Dielman argues that considering epistemic justice as a part of democratic deliberation allows accounts of the deliberative process to "take [their] own commitment to inclusion more seriously," noting that many feminist critiques of deliberative democracy have emphasized the presence of epistemic *injustice* within deliberative spaces (2015, 795). While providing an overview of feminist critiques of deliberativist views, Dielman writes that deliberative theories often contain the "presumption that all participants in the public sphere are essentially the same and enter into the deliberative process already equal. That is, there is a presumption of homogeneity built into…deliberative democratic spaces" (2015, 798). Dielman sees Miranda Fricker's *Epistemic Injustice* as a resource for understanding why it is that robust inclusion is a necessary feature of deliberative processes: "First, the language of epistemic *injustice* offers clarity in understanding substantive forms of exclusion; it can aid in detecting instances of exclusions…and identifying them as failures of epistemic inclusion. Second, epistemic *justice* gives us a model for

[41] My intention is *not* to provide an account of what self-determination is, or what it might look like; instead, my intention is to make space for such an account within the landscape of pragmatist political theory, and to suggest ways that we might attend to the resources and limitations that Deweyan democracy can offer for this project.

constructing more inclusive deliberative spaces by helping us prevent and/or correct for the tendency to exclude…" (2015, 800).

In *Epistemic Injustice*, Miranda Fricker introduces the concept of *hermeneutical injustice*, a particular kind of wrong that exists when inequality exists in the "hermeneutical resources" of a community. This specific inequality is represented by *hermeneutical marginalization*, where certain members of the community "participate unequally in the practices through which social meanings are generated" (2007, 6). Hermeneutical injustice is "the injustice of having some significant area of one's social experience obscured from collective understanding owing to hermeneutical marginalization" (2007, 158). Fricker provides a range of examples to demonstrate the existence of hermeneutical marginalization, though of course if we acknowledged the existence of such a phenomena, we would by definition be unable to provide an exhaustive catalogue of its instances. Hermeneutical injustice can be incidental – it can be "localized and one-off" – but it can also be systemic, as a result of a "lacuna" in the collective hermeneutical resource that is sustained and entrenched by ongoing hermeneutical marginalization (2007, 159). Such ongoing marginalization could have the effect of a community failing to recognize consequences of their joint action in such a way that a democratic public could structurally be formed with permanent outsiders. Viewing Deweyan democracy from the perspective of hermeneutical injustice, it is possible to see how the formation of a public as Dewey describes it is vulnerable to structural injustice, that is, injustice in the very structure that determines how, and by what standards, "consequences" come to be identified and understood.

In my first chapter, I argued that Dewey ought not to be understood as a deliberativist in the contemporary understanding of "deliberative democracy." I do not mean to reopen that argument here by now referring to his view as explicitly deliberative. However, Dewey's participatory democracy *does require* that citizens engage in active deliberation, and as I

demonstrated in my second chapter, the way that Anderson and Bohman conceptualize that deliberation falls prey to the criticisms that Dielman levies at deliberativist views. The requirement for individuals to interact, share knowledge and communicate opens space to criticize Deweyan deliberation without accepting that Dewey is a definitively *deliberative* democrat. For Dewey, knowledge itself is generated as "a function of association and communication"; knowledge "depends upon tradition, upon tools and methods socially transmitted, developed and sanctioned" (1927, 158). This creates two possible problems: 1) It is a problem for knowledge creation and acquisition if association is exclusive in some way; 2) If there is an unequal distribution of power within a public, the knowledge that is created through communication within that public might be exclusive of some of its members. These are *epistemic* problems, of the kind that Fricker identifies, and by Fricker's definition, they are examples of *epistemic injustice*. However, they are also examples of *injustice*, with no need to qualify it as distinctly *epistemic*. In a model of democracy where the emphasis is placed on the epistemic value of democratic procedures, speaking of "epistemic injustice" as somehow separate from the political distracts from the understanding of the relationship between democracy and justice. For this reason, I situate the elements of the Deweyan view that have been identified as epistemic injustice within a broader framework of political justice characterized by Nancy Fraser as *three-dimensional*.

Democratic justice as three-dimensional

In *Scales of Justice*, Nancy Fraser describes the competing challenges in understanding and articulating a concept of justice in a pluralistic, globalizing world. The focus of her view here is not a particular understanding of justice that can be understood in a bounded society, but rather a large-scale examination of the problems of justice on an international level. The central strength

of her approach for my purposes here is the sheer messiness of the landscape she surveys, both conceptually and practically. In practical terms, we are dealing with the legacies of colonialism and capitalism, and the political landscape is constantly shifting. Conceptually, the theoretical landscape is full of competing frameworks for talking about justice: justice as being about redistribution, or recognition, or representation.

Contemporary understandings of justice, she argues, typically focus on two "scales": one that weighs the balance of substance – *what* is justice? About what kinds of things are questions of justice relevant?; the other weighs the balance of scope – *to whom* does justice apply? The first scale tracks the discourse of *redistribution* – justice has to do with the distribution of certain goods, and what it is that we do when we make determinations around justice is we decide which goods ought to be distributed. The second scale responds to the language of *recognition* – what justice is about is determining to whom we have political obligations, who is to be formally acknowledge as political subject, citizen, equal, etc., and what form that recognition takes within our society. Justice as redistribution is primarily concerned with *economic* dimensions of society, whereas recognition-focused views engage *cultural* issues.

In earlier work (Fraser and Honneth, 2003), Fraser knits these seemingly competing frameworks together into an understanding of justice that incorporates them both. To this earlier hybrid view, in *Scales of Justice* Fraser adds a further dimension, *representation*, which she sees as "analytically distinct" from the economic and cultural dimensions of the redistribution/recognition frameworks (2009, 6). Representation accounts for what Fraser identifies as both internal and external injustices: 1) "ordinary-political injustices", for example "when skewed decision rules compromise the political voice of some who are already counted as members, impairing their ability to participate as peers in social interaction"; and 2) "meta-political injustices", which "arise when the division of political space *into* bounded polities works

to misframe first-order questions of distribution, recognition, and representation" (2009, 6). Including an understanding of representation in the discourse around redistribution and recognition enriches the way we think about and frame both the substantive issues of justice – what it is that we redistribute – and the scope of justice – to whom it is that we extend benefits and responsibilities of justice.[42] It is this attention to representation that I later argue acts as a resource in examining the reserve system in Canada and the particular challenges it presents to democratic inclusion.

Justice, for Fraser, is founded on inclusion: "the most general meaning of justice is parity of participation" (2009, 16). What it requires as a "principle of equal social worth" is social organization that allows for "all to participate as peers in social life", and it seeks to overcome injustice, where injustice is understood as existing wherever there are barriers that prevent people from achieving participatory parity (2009, 16). On my reading of Fraser's work here, I take her use of "parity" and "peers" to highlight that inclusion might require different things for different people, and is not reducible to an intuitive, un-theorized understanding of "equality." She characterizes this approach to justice as "critical-democratic," one that illuminates something she identifies as "the circularity of the relations between justice and democracy":

> Insofar as this approach seeks to resolve arguments about [its frame] democratically, it seems to presuppose as a prior background condition the very outcome it seeks to promote: namely, social arrangements that are sufficiently just to permit all to participate as peers in democratic discussion and decision-

[42] Fraser also identifies "a lacuna in [her] previous theory, which failed to appreciate the relative autonomy of inequities rooted in the political constitution of society, as opposed to the economic structure or the status order" (2009, 6). Adding the concept of representation corrects this oversight by expanding the nature of what kinds of things can actually be redistributed, so that Fraser is not limiting distributive justice exclusively to economic redistribution, but acknowledges that the goods being distributed by a justice society might include things like equality of access and opportunity.

> making…[Instead of backing down in the face of this objection], we should try to envision ways to transform what looks like a vicious circle into a virtuous spiral. The idea is to begin by establishing what could be called…"good enough deliberation". Although such deliberation would fall considerably short of participatory parity, it would be good enough to legitimate some social reforms, however modest, which would in turn, once institutionalized, bring the next round of deliberation closer to participatory parity…(2009, 45)

This "virtuous spiral" takes advantage of the reflexive capacity of democracy that has been so highly valued by Deweyans: "its ability to problematize and revise previously taken-for-granted aspects of its own procedures and frames" (2009, 45).

Fraser notes the two central barriers to social participation identified in her earlier work: 1) Class structure, which prevents the economic resources required for individuals to participate as equals with each other, and 2) Cultural hierarchy, which creates "status inequality or misrecognition" (2009, 16). These two barriers are related, but importantly distinct; one cannot be collapsed into the other. This means that a theory of justice that attends to both will have to be "two-dimensional," which is the model of justice Fraser had promoted in her past work (2003). But the two-dimensional view fails to take into account what Fraser refers to as a third, *political* dimension, "which concerns the scope of the state's jurisdiction and the decision rules by which it structures contestation" (2009, 17). This third dimension creates a framework through which the other two dimensions are understood. Fraser writes, "The political in this sense furnishes the state on which struggles over distribution and recognition are played out":

> Establishing criteria of social belonging, and thus determining who counts as a member, the political dimension of justice specifies the reach of those other dimensions: it tells us who is included in, and who excluded from, the circle

> of those entitled to a just distribution and reciprocal recognition. Establishing decision rules, the political dimension likewise sets the procedures for staging and resolving contests in both the economic and the cultural dimensions: it tells us not only who can make claims for redistribution and recognition, but also how such claims are to be mooted and adjudicated. (2009, 17)

This third dimension of justice is that of *representation*.

Representation is an issue of jurisdiction, of boundaries, of scope. It is fundamentally focused on issues of inclusion and exclusion, on who is inside or outside "the community of those entitled to make justice claims on one another" (2009, 17). This is a dimension that is "inextricably interwoven" with the economic and cultural dimensions of justice, but like the other two, it is not reducible, and remains conceptually distinct. What this gives rise to then, argues Fraser, is a distinct kind of *injustice*, one that is related specifically to the social order of a given society or state. This dimension of representation, I suggest, highlights some specific concerns regarding inclusion and the establishment of the public, and specifically with regard to the idea of *inclusive inquiry*. I aim to deploy Fraser's three-dimensional view of justice to illuminate issues of representation with regard to inclusion and exclusion within the bounded borders of Canada itself, to see the ways in which the scope of the state's jurisdiction is problematic *internally*, as well as externally.

State-based inclusion: Four examples

There are many ways to read and interpret the history of Canada's relationship with the indigenous groups whose occupation, ownership and use of the land predates contact and confederation. My purpose here is to examine a selection of examples specifically through the lens of measures of *inclusion* taken by the Canadian state. I do not intend to suggest, by using this

lens, that these examples are exhaustive and do not also speak through other frameworks. Nor do I take my work here to be providing a detailed overview of any of these examples; by necessity there are details that are left out. My inclusion of these specific examples is in many ways arbitrary – there are no doubt countless other examples of state action towards indigenous peoples in Canada that could have been used here instead. Aside from the egregious example of the residential school system, I have tried to choose examples that fall outside of the popular understanding of injustice towards First Nations in Canada, and that, in many ways, are understood to be examples of *successful* inclusion of indigenous people within Canadian society. Each example presented below provides a brief overview of the historical facts, as well as a short assessment with regards to how "inclusion" is being played out. The first two examples – those of residential schools and the acknowledgement of the band council as self-determining – do not contribute explicitly to the on-going overarching discourse within this project about inclusive *inquiry*. The second two examples, however, the establishment of federally funded aboriginal research priority areas and the Truth and Reconciliation Commission, are, I argue, examples of attempts of including indigenous people within deliberative spheres.

1.Residential schools

Canada's residential school system was established in the 1880s, with the objective of providing education to Indigenous children and integrating them into Canadian society. The system was created by the Canadian government, but administered by churches across the country. Attendance in Residential schools was made mandatory with the creation of the *Indian Act* in 1920. Schools were built away from First Nations communities so as to physically separate children from their families, and while rules and discipline differed across schools, common to all were the practices of forbidding acknowledgment of their culture or speaking their languages. On

top of this, there was widespread physical, sexual, emotional and psychological abuse of residential school students. It was not until 1996 that the last residential school – Gordon's Residential School in Punnichy, Saskatchewan – was closed.

The residential school system in Canada is now widely acknowledged as a grievous injustice against First Nations people, both as individuals, but culturally as well:

> The history of Indian residential schools in Canada is complex and spans more than a century. One part of the story is about well-meaning paternalistic educators, government and church officials who sought to educate and assimilate Indigenous children into mainstream Canadian society "for their own good." To accomplish this task, children were removed from their families, in many cases forcibly, by Indian agents or police officers. They were forbidden to speak their own languages or practice their own cultural and spiritual traditions, and were punished for doing so. The other part of the story is about the devastating cultural, psychological, and emotional harms and traumatic abuses that were inflicted upon small children – an intergenerational history of dispossession, violence, abuse, and racism that is *a fundamental denial of the human dignity and rights of Indigenous peoples.* (Regan 2010, 5, emphasis added)

In *Kill the Indian, Save the Man: The Genocidal Impact of American Indian Residential Schools*, Ward Churchill relies directly on Jewish scholar Raphael Lemkin's seminal work on genocide to describe *cultural genocide* as "all policies aimed at destroying the specific characteristics by which a target group is defined, or defines itself, thereby forcing them to become something else," including acts such as the forced transfer of children, exile of groups or individuals, prohibiting the use of language, and destruction of objects or places used in religious worship

(2004, 6). In 2015, Justice Murray Sinclair, chair of Canada's Truth and Reconciliation Commission, declared that the residential school system had resulted in "cultural genocide" for Indigenous people in Canada. Commission member Beverly McLachlin called the context in which the residential school system was established one that reflected an "ethos of exclusion and cultural annihilation"[43].

The cultural genocide of Indigenous people at the hands of the Canadian government has resulted in widespread, enduring harm for Indigenous people. This has been meticulously documented in *Honouring the Truth, Reconciling for the Future; Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015). But the *explicit aim* of the government in establishing the residential school systems was an injustice in and of itself, prior to the impacts that the actual school system had. The introduction to the *TRC Summary Report* quotes an 1883 speech by Canadian Prime Minister Sir John A. Macdonald to the House of Commons:

> When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write…Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men. (2015, 2)

After 7 years of examining historical documents, the TRC concluded that these measures were *intended* as part of "a coherent policy to eliminate Aboriginal people as distinct peoples and to

[43] CBC News, http://www.cbc.ca/news/politics/residential-schools-findings-point-to-cultural-genocide-commission-chair-says-1.3093580

assimilate them into the Canadian mainstream against their will" (2015, 2). The strategy of assimilation – to so "successfully" integrate a group of people into wider society – is an example writ large of the kind of instrumental inclusion that I examined at length in my previous chapter. That this assimilation was carried out *against the will* of Indigenous people, and that this strategy produced what has been described as *genocide*, demonstrates the clear injustice of the residential school system.

2. Band councils

The reservation system has its roots early in Canadian colonial history. Under the 'British Civilizing Program' of the early 1800s, farms and model villages began to be established in order to regulate indigenous populations (Dickason, 1997, 206). According to Patricia Dickason, it became clear that the British intended for the indigenous inhabitants of Canada to "become self-supporting citizens within the framework of colonial life" (1997, 206). Dickason clearly implies that the civilizing program was a forced one, describing those who cooperated as doing so out of a cynical pragmatism that (coerced) "adaptation was the key to survival" (1997, 210). Once these model villages were established, the colonial government turned to their governance structures. Finding "tribal forms of government…irresponsible", they set up band council governance (1997, 233). Band councils were seen as replicating traditional tribal government, but in a way that was more easily regulated. Reifying traditional values such as respect for one's elders, band councils represent themselves as providing a way for indigenous people to escape the imposition of western liberal democracy on their communities, despite the location of each community within a larger colonial framework. Band councils are also often identified by political theorists as an exemplar of self-determination for Indigenous people, and therefore the proper place to locate self-determining Indigenous governance (Kymlicka 2007, 1995; Mercredi 1993). This

identification by political theorists of the band council as an indigenous form of governance has the appearance of *theoretical* inclusion, whereby indigenous self-governance is seen to part of the fabric of Canadian political (multicultural) theoretical discourse.

This view of self-determination as being properly located within the band council highlights the way in which indigenous people are supported in their endeavor to self-govern only insofar as they stayed within the framework of colonial life. However, it is not only the colonial legacy that marks band councils as illegitimate foundations for decolonization struggles, or movement toward self-determination. Indeed, it is the managing of federal money that supports the relationship of dependence, continuing the process of colonialism long after the physical aggression and expansion has ceased (Coulthard 2007, 440). This flow of federal funds to the band council is formalized through the Ministry of Aboriginal Affairs and Northern Development Canada (AANDC). AANDC is the government's "primary interlocutor", and "negotiates comprehensive and specific claims as well as self-government agreements on behalf of the Government of Canada".[44] AANDC takes the band council as the primary interlocutor for First Nations communities with whom it is engaged, and it is to the band council that the government transfers funds and resources, with the expectation that the band council is then responsible for distributing those funds and resources within the community. This continues the active construction of indigenous identity as existing necessarily dependent on and within colonial institutions (Alfred and Corntassel. 2005). Formal band membership, required to both vote for council representatives and to access band services, serves an analogous purpose.

Taiaike Alfred claims that insofar as the band council has a role to play in the lives of First Nations, its "proper job" is to act as a "social agency," rather than to act on behalf of the

[44] https://www.aadnc-aandc.gc.ca

people as a political agent agitating for change (2008, 96). However, the ways in which community life is organized both implicitly and explicitly around the band council – and most notably the way in which the band is responsible for dispensing federal funds – cause the various shapes that its political power takes to become indivisible from the social role it plays.[45] The appearance – including the appearance of legitimacy of this form of governance as self-determining to wider Canadian society – of the band as somehow an *indigenous* form of government allows for the imposition of colonial attitudes and knowledge in a way that shapes indigenous identities into that of colonized subjects. Indeed, as Taiaike Alfred points out in *Wasase*, indigenous people only further subject themselves to colonial aggression when they believe that by exercising power through existing colonial governing structures they are on a path toward liberation or decolonization: "Only people who have become dependent on the state for their survival can possible see a brighter future for their children in the bureaucratic notion of decolonization…" (2008, 44). Band councils therefore perpetuate the exclusion of First Nations from Canadian society by the continued promotion of indigenous government as subservient to the Canadian government, which in turns prevents the decolonization of indigenous individuals.

3. "Aboriginal Research" in the Social Sciences and Humanities

All Canadian federal research funding flows through the "Tri-Agencies", three research agencies that represent the Natural Sciences and Engineering (NSERC), Health Sciences (CIHR), and Social Sciences and Humanities (SSHRC), respectively. There are harmonized policies that govern the activities carried out in all three agencies, such as the *Tri-Agency Financial*

[45] "Today, self-government and economic development signify the defeat of our peoples' struggles just as surely as, to our grandparents, residential schools, land dispossession, and police beatings signified the supposed supremacy of white power and the subjugation and humiliation of the first and real peoples of this land" (Alfred 2008, 37).

Administration Guide[46], the *Tri-Agency Open Access Policy*[47], and the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS 2).[48] Significantly, the latter contains an entire chapter dedicated to appropriate protocols for research with Indigenous people: "Research involving the First Nations, Inuit and Metis Peoples of Canada". The tri-agencies share general governance, but their separate areas of subject matter eligibility for funding mean that some have additional policies and mandates that are not shared in a harmonized way.

For example, SSHRC has an "Aboriginal Research Statement of Principles".[49] SSHRC defines "Aboriginal Research" as "Research in any field or discipline that is conducted by, grounded in, or engaged with, First Nations, Inuit or Métis communities, societies or individuals and their wisdom, cultures, experiences or knowledge systems, as expressed in their dynamic forms, past and present. Aboriginal research embraces the intellectual, physical, emotional and/or spiritual dimensions of knowledge in creative and interconnected relationships with people, places and the natural environment".[50] The Statement of Principles starts with an explication of SSHRC's goal with regard to Aboriginal research:

> SSHRC is committed to supporting and promoting research by and with[51] Aboriginal Peoples. This commitment emphasizes the importance of Aboriginal

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46 http://www.nserc-crsng.gc.ca/Professors-Professeurs/FinancialAdminGuide-GuideAdminFinancier/index_eng.asp

47 http://www.science.gc.ca/default.asp?lang=En&n=F6765465-1

48 http://www.pre.ethics.gc.ca/eng/policy-politique/initiatives/tcps2-eptc2/Default/

49 http://www.sshrc-crsh.gc.ca/about-au_sujet/policies-politiques/statements-enonces/aboriginal_research-recherche_autochtone-eng.aspx

50 http://www.sshrc-crsh.gc.ca/funding-financement/programs-programmes/definitions-eng.aspx#a0

51 Contrast the language of "by and with" with the language of "by and for", as proposed by Evans et al in a 2009 article in *Qualitative Inquiry:* "Indigenous Methodologies can be summarized as research by and for indigenous peoples, using techniques and methods drawn from the traditions of those peoples. This set of approaches simply rejects research on indigenous communities that use exclusively positivistic, reductionist, and objectivist research rationales as irrelevant at best, colonialist most of the time, and demonstrably pernicious as a matter of course. Rather than nonindigenous peoples framing indigenous worldview from a distance, IM situates and is reflected on by research/researchers at the location most relevant to that being gazed on, the indigenous experience" (2009, 896).

> perspectives and knowledge systems to increase and expand our knowledge and understanding about human thought and behaviour in the past and present, as well as the future….The overall goal of this Statement of Principles is to recognize that Aboriginal research, which includes a wide range of unique theoretical and methodological approaches, supports SSHRC's commitment to scholarly excellence. (ibid)

My analysis of the example of the instrumental inclusion of Indigenous knowledge in my second chapter prefigures my critique here. Despite this purported inclusion, there is no Indigenous representation on any of SSHRC's governing bodies, including on their Council, either of their Council Committees (Executive, Governance and Nominations Committee, or Programs and Quality Committee), or their Independent Audit Committee. Their four-member Executive Team also lacks Indigenous representation. A critical interpretation of this policy statement, then, might conclude that the language of this statement is rife with the instrumental valuation of Indigenous knowledge: the importance of Aboriginal perspectives for expanding *our* knowledge, the way in which this recognition of Aboriginal research supports *SSHRC's* commitment to scholarly excellence.

Between 2011 – 2013, SSHRC had five research "priority areas" for all of their major funding competitions. These priority areas included things like "Canadian Environmental Issues" and "Digital Economy." Among the priority areas was one called "Aboriginal Research." These priority areas were disbanded for the 2014 competition, but during the two funding cycles they were in place, SSHRC awarded funding to 94 "Aboriginal Research" projects. Through personal communication with a committee member who participated in adjudicating the "Aboriginal Research" priority area applications, I learned that the majority of applications funded focused less on genuine community collaborations and were more likely to be *extractive* research, usually

with an anthropological or linguistic focus to it (Jeff Corntassel, personal communication, November 16, 2012).

Further, a systematic analysis of all 94 successful applications in this priority area demonstrated that every single project focused on Aboriginal communities or knowledge systems *as a subject area*. This is to say that in prioritizing *Aboriginal research*, SSHRC was prioritizing knowledge *about* Indigenous people, not enabling or empowering scholarship *by* Indigenous people. It is not the case that these two things are mutually exclusive; indeed many of the funded projects were carried out by Indigenous scholars as the primary investigator, or included significant Indigenous representation on the research team by way of Indigenous co-applicants and collaborators. But the Aboriginal research priority area was *not* suitable for an Indigenous scholar who was working on medieval metaphysics, or Victorian literature, or the Irish diaspora, at least not unless this work deliberately and transparently incorporated Aboriginal perspectives or methodologies, *as defined by SSHRC.* Though there are no longer "priority areas" for research in any of SSHRC's funding programs, each program maintains an adjudication committee for "Aboriginal research", and applicants must argue for review by that committee on the basis of SSHRC's definition of Aboriginal research.

4. Truth and Reconciliation Commission

Established in 2008, Canada's Truth and Reconciliation Commission (TRC) was struck as an attempt to deal specifically with the legacy of the Residential School program in Canada. The TRC was one of the measures enacted by the Canadian government in response to the 1996 publication of the *Final Report of the Royal Commission on Aboriginal Peoples* that brought the residential school system into popular discourse; before the Commission, many Canadians did not know about the residential school system. The Royal Commission served the purpose, in

many ways, of "establishing past facts and acknowledging past wrongs" (Gutmann and Thompson 2000, 33), creating a foundation for a collective memory of the residential school system that did not exist before. It was developed to provide an "opportunity for people to tell their stories about a significant part of Canadian history that [was] still unknown to most Canadians".[52] The TRC was one result of the Residential Schools Settlement Agreement (2006) that was negotiated after a class-action lawsuit was launched against the Canadian government in the aftermath of the Royal Commission.

Prior to it's initiation, a 2008 Canadian Broadcasting Company editorial on TRC "FAQs" described the TRC:

> The truth and reconciliation approach is a form of restorative justice, which differs from the customary adversarial or retributive justice. Retributive justice aims to find fault and punish the guilty. On the other hand, restorative justice aims to heal relationships between offenders, victims and the community in which an offence takes place. Those involved in truth and reconciliation commissions seek to uncover facts and distinguish truth from lies. The process allows for acknowledgement, appropriate public mourning, forgiveness and healing.[53]

Planned to take place over 5 years, the TRC concluded in December 2015, and its conclusion was marked by the publication of *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*, a publicly accessible,

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[52] CBC, "What is the Residential Schools Truth and Reconciliation Commission, 2008, http://www.cbc.ca/news/canada/faqs-truth-and-reconciliation-commission-1.699883 accessed May 25, 2016

[53] CBC, "What is the Residential Schools Truth and Reconciliation Commission, 2008, http://www.cbc.ca/news/canada/faqs-truth-and-reconciliation-commission-1.699883 accessed May 25, 2016

downloadable PDF.[54] The commission has concluded too recently to be able to speak to whether or not it has succeeded at what it set out to do, but in what follows I provide a discussion of some of the ways that truth commissions in general have been discussed and understood within philosophical discourse.

4a. The TRC, self-determination, justice, and democracy

The goal of a truth commission is to help citizens of a society impacted by large-scale injustice to move forward together to "establish a new society based on commonly shared values" (Gutmann and Thompson 2000, 28). This new society should be one where those who were the subjects of injustice are able to move forward after the harms committed against them, and to be included as part of a society that formally recognizes the past injustice as wrongs that are incompatible with the new, commonly shared values. There has been substantial philosophical treatment of truth commissions in recent decades. This discussion is directly relevant to my work in this chapter, as much of it covers an analysis of the relevance of truth commissions to justice, democracy, and self-determination.[55]

In a 2000 chapter in the edited collection *Truth v. Justice: The Morality of Truth Commissions*, Gutmann and Thompson discuss the ability of truth commissions to rectify injustice in democratic societies. The kind of crimes or injustices that precede the establishment of a truth commission are things that victimize not only the subjects to which they are directed, but also "society and state" as a whole (2000, 31). They argue that in order for truth commissions to be democratically legitimate, they must be justice-based, and therefore carry a *moral burden*.

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[54] http://www.trc.ca

[55] Significantly, there has been a growing philosophical discourse around *restorative justice*, a topic that unfortunately receives less attention in my project than I think it ultimately deserves.

In order to be democratically legitimate, a truth commission must help to create a more just society (2000, 29). That is to say that if truth commissions are to be defended as legitimate within democratic societies (where legitimacy is understood as being able to atone for grievous injustice, or past criminal activity by way of achieving "a general social benefit such as social reconciliation" instead of, for example criminally prosecuting every individual involved in the activities in question) in their attempt to address historical injustices, they require a moral defense (2000, 22). This is to ensure that the truth commission can meet its goal of helping to establish a new society where the shared common values are "incompatible with continuing the morally abhorrent practices of the past" (2000, 28).

In order to achieve this legitimacy, a truth commission must meet what Gutmann and Thompson identify as "three moral challenges that justifications of public institutions should try to satisfy in a democracy"; if a truth commission can meet these conditions, it can support the "democratization" of its society (2000, 22). "Neither truth nor justice alone," they write, "but a democracy that does its best to promote both, is the bedrock of any worthy truth commission" (2000, 42). The justifications for any particular truth commission are 1) It must be *moral in principle*: "it should explicitly appeal to rights or goods that are moral and therefore are comparable to the justice that is being sacrificed" (2000, 23); 2) It must be *moral in perspective*: "it should offer reasons that are as far as possible broadly accessible and therefore inclusive of as many people as possible who seek moral terms of social cooperation" (2000, 23); and 3) It must be *moral in practice*: "it should offer reasons that are to the extent possible embodied or exemplified by the commission's own proceedings, and are not only intended to put be into practice by other institutions, observers, and future governments" (2000, 23). "The more closely connected the practices of the commission are to the character of the democratic government to

which citizens aspire," Gutmann and Thompson argue, "the more adequate its justification" (2000, 24).

The approach of Gutmann and Thompson, while focused on democratic justice, dismisses as fully legitimate what they refer to as an approach from the perspective of compassion for the victims of injustice (2000, 29). The compassionate approach, according to Gutmann and Thompson, sees truth commissions as a form of therapy for the victims, providing an opportunity to share their stories, and engaging them in the opportunity of providing forgiveness to those who harmed them (2000, 29). This perspective, they claim, represents a "restorative justice" approach (2000, 29). The worry about this approach, from the perspective of the moral burden that truth commissions carry, is that forgiveness on the part of the victims to the individual perpetrators of injustice is not something that can necessarily meet the second or third required justification for a truth commission within a democratic society. Regarding the second justification, it is not clear, claim Gutmann and Thompson, whether "restorative justice on the perspective of the victims who testify before the commission…[speaks to] an inclusive perspective that can be shared by all those citizens who are willing to live on fair terms of social cooperation with others" (2000, 30). Regarding the third justification, Gutmann and Thompson claim that a democratic society as a whole can "forgive" the kind of unjust acts that truth commissions are struck in order to address (in this case, the example of the atrocities committed under apartheid in South Africa), and so "although forgiveness buy a state institution such as a truth commission is logically possible, it is not desirable from a democratic perspective independently of forgiveness by the victims themselves" (2000, 31). A democratic state cannot meet its "basic democratic principles" if it engages – as a whole – in forgiveness.

Gutmann and Thompson argue that the best suite of justifications for truth commissions within democratic societies can be found in the context of a conception of deliberative

democracy, where truth commissions are understood to be enacting democratic reciprocity in both their process and their promise for the future (2000, 35). The reason deliberative democracy provides "the most promising perspective" through which to view truth commissions is because "more than other conceptions of democracy, it defends a deliberative politics that is explicitly designed to deal with ongoing moral controversy" (2000, 35). Deliberative democracy depends on the concept of *reciprocity*: "the idea that citizens and official must justify any demands for collective action by giving reasons that can be accepted by those who are bound by the actions…and to treat with respect those who make good-faith efforts to engage in this mutual enterprise even when they cannot resolve their disagreements" (2000, 36). Truth commissions that are guided by the idea of reciprocity meet the requirements Gutmann and Thompson set out for moral justification: a truth commission guided by reciprocity is moral in principle by virtue of reciprocal exchange itself is "a form of justice"; it is moral in perspective by being by definition inclusive, as a "reciprocal perspective is one that cannot be reasonably rejected by any citizen committed to democracy"; and it is moral in practice by way of serving as "a guide for future democracy, calling on citizens to justify their political views to each other, but also for the commission itself, calling on commissioners and testifiers to practice some of the skills and virtues of the democratic society they are striving to create" (2000, 37).

In a 2000 survey article on philosophical analysis of the South African TRC, David Dyzenhaus further examines the political justification for truth and reconciliation commissions, with a particular eye to both why political philosophers have found the process "so interesting an example of an institutionalized attempt to deal with injustice", and how truth commissions can support a conception of "transformative justice", which has as its goal to "develop and sustain democracy" (2000, 470). Dyzenhaus' approach, like Gutmann and Thompson, rejects conceptions of both retributive justice – most typically understood in the context of criminal

justice, where punishment is given in response to the particular offense, and determined on the basis of the offense itself – and restorative justice – where victims are given the most substantial role in telling their stories, and the aim is to integrate both victims and perpetrators as full participants within the same community – as driving justifications for truth commissions (2000, 474). But Dyzenhaus also disagrees with Gutmann and Thompson's "deflationary approach," which identifies the primary justification for truth commissions as *democratic*, instead argues that truth commissions are best justified on the basis of a "moral ambition to be justice-based" (2000, 483). But if neither retributive nor restorative justice provide the right fit with the particular conditions of a truth commission, and if the application of deliberative democracy is similarly not "at home" within the circumstances of a truth commission (2000, 489), then what is?

Dyzenhaus refers to the work of two scholars with particular expertise in South African politics and history, Mahmood Mamdani and Colin Bundy, and uses their work to frame his articulation of what he calls *transformative justice*. This alternative conception is necessary in light of this particular context, claims Dyzenhaus, because South Africa's TRC did not "go far enough" in addressing the "ordinary and the extraordinary violence of apartheid" (2000, 492). This is because, as Dyzenhaus cites Mamdani to emphasize, there was social and economic harm done to the society in which apartheid was carried out, harm that cannot be adequately captured through the framework of either retributive or restorative justice:

> The TRC largely failed to deal with the way in which the gross human rights abuses were just the tip of an iceberg of daily abuse and humiliation inflicted by a system whose roots were in a past of economic exploitation and social and political degradation which stretched much further back than the official remit of the TRC. And by not coming fully to grips with this connection, the TRC risked helping to legitimize for the future what Bundy describes as a

> "lop-sided structure – a hybrid social formation consisting of increasingly deracialised insiders and persistently black outsiders. (2000, 492)

If one goal of a truth commission is to support democratization of a society that has witnessed and perpetrated grievous injustice, the transitional process between that society and the society of an unspecified future that has moved beyond previously unjust circumstances, then "considerations of justice must give structure to the transitional process" (2000, 492).

For Dyzenhaus, an appropriate understanding of justice in a transitional context such as the one between pre- and post-apartheid South Africa cannot be constrained to only an ethical or moral conception; it must be political and institutional as well (2003, 493). He looks to the concept of *transformative justice* as "the most promising attempt" to justify the South African TRC, and expands this justification to the idea of truth commissions more broadly. Transformative justice can best be understood as a "principled compromise between justice, on the one hand, and social unity and reconciliation, on the other" (2000, 483). Although justice might not be fully achievable through the process of a truth and reconciliation commission, it has the potential to introduce an "educational element", or "the ethos of justice" into a transitioning society (2000, 495). In the case of South Africa, Dyzenhaus claims, "the mere fact that the TRC raised the question of the relationship of political exclusion, an exclusion which sometimes took the form of gross human rights abuses, to forms of social and economic exclusion makes that question into one which the new political elites will find harder to marginalize" (2000, 495). When viewed in light of the concept of transformative justice, Dyzenhaus argues that the TRC may be "rightly viewed as an instrument of justice, as long as we see that the justice whose instrument it was had to with institutional transformation in the cause of democracy" (2000, 496). In order to *be* that kind of instrument, concludes Dyzenhaus, it had to be constituted and carried out with attention to the particular contingencies of the specific context (2000, 496).

Though not working within the context of the South African TRC, Corntassel and Holder (2008) also take up the question of the justification for and legitimacy of government apologies and truth commissions with regard to *reconciliation*. In "Who's Sorry Now? Government Apologies, Truth Commissions, and Indigenous Self-Determination in Australia, Canada, Guatemala and Peru," they examine whether truth commissions are effective mechanisms for transforming inter-group relations in the specific context of injustices against Indigenous people by a particular state, where "ongoing injustices [centre] on land dispossession and self-determination" (2008, 466).[56] Truth commissions are "intended to represent a step forward in inter-group relations by marking an end-point to a history of wrongdoing and allowing political and social relations to start anew" (2008, 465), where there is an emphasis on reconciliation as being about developing "shared strategies for moving forward collectively to decolonize existing relationships" (2008, 467). However, in practice, Corntassel and Holder write that "states tend to place rigid material and symbolic limits" on the scope of both government apologies and truth commissions so as to pursue and promote "political and legal stability" (2008, 465). One of the primary constraints states place on these processes is by keeping them distinct from "an indigenous self-determination agenda", making the commission itself "state-centred" and unable to hold states accountable for historical and/or on-going injustices or to "establish a clean slate" (2008, 466).

Corntassel and Holder argue that in order for reconciliation to be "part of a broader indigenous self-determination strategy, substantive (versus symbolic) restitution has to occur before any discussion of rebuilding relationships or restoring dignity takes place" (2008, 467).

[56] Self-determination, as understood by Corntassel and Holder, is "on any plausible account of its contested criteria, the right of a people to govern themselves by their own laws and exercise jurisdiction over their territories" (Tully, in Corntassel and Holder 2010, 468).

However, on their analysis of government apologies in Canada and Australia and truth commissions established in Peru and Guatemala, the constitution of the processes themselves has focused on political and legal rights and relationships, not on what Indigenous scholars have identified as foundational for reconciliation: the right to self-determination over land and natural resources. "The return of homeland and permanent sovereignty over natural resources", they write, "are critical to any discussion of indigenous restitution and, by extension, reconciliation" (2008, 468). Some Indigenous scholars have argued this point more strongly:

> The logic of reconciliation as justice is clear: without massive restitution, including land, financial transfers and other forms of assistance to compensate for past harms and continuing injustices committed against our peoples, reconciliation would permanently enshrine colonial injustices and is itself a further injustice. (Alfred 2005, 152)

Corntassel and Holder conclude that in order for reconciliation to be possible, there must be genuine commitment to "truly engaging in a dialogue geared toward transforming indigenous-state relations", and suggest that there is potential in a process that includes both a formal government apology *and* a truth commission, although "even when they are combined genuine reconciliation may be hindered by a refusal to go beyond ideals of national unity and modernization" (2008, 487).

Importantly, their article pre-dates the establishment of the Canadian TRC, though they note that at the time of publication, there had been an announcement indicating that it was to be established. They write, "*Genuine* movement toward recognizing indigenous human rights and self-determination requires action by governments that systematically examines the past, *initiates a process of homeland restitution*, and holds institutions, as well as individuals accountable" (2008, 487, emphasis added). In examining the 94 calls to action that were made by Canada's

Truth and Reconciliation Commission when it concluded, there is not a single point that explicitly addresses the sovereignty of Indigenous people over land or resources, despite the language of self-governance being used explicitly in the sections on Education, Health, Culture and Language, and Justice, and despite #43, which calls upon Canada's governments at all levels to "fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* as the framework for reconciliation", where the Declaration advocates strongly for the self-determination of Indigenous people around the world. However, despite the lack of recognition of the importance of land-based self-determination, the TRC Calls to Action contain calls for accountability of major Canadian government institutions, such as Child Welfare, Education, Health, Justice, among others[57]. This suggests that the TRC commissioners recognized the role that self-determination must necessarily play in the achievement of justice for Indigenous people.

Self-determination as an obligation of justice

In my previous chapter, I discussed Ian Shapiro's *Democratic Justice*, noting that the only "decision rule" he specified was that of *inclusion*, where inclusion did not have to be understood as something that was universal. That is to say that there were ways of being inclusive that also drew boundaries of participation for certain groups and/or individuals. Fraser also highlights inclusion as a necessary limiting factor or constraint within democratic institutions, and I suggest

[57] It could be argued that this accountability should be read as being largely framed within the constraints of the relationship between the government and Indigenous people as individuals. As Corntassel and Holder point out, reconciliation is usually understood to be an institutionalized face-to-face process, often focusing on "reconciling perpetrators and victims as individual citizens within the state", which "place[s] an in-principle limit on the extent to which the ideal of integration with national institutions may itself be implicated in violence and injustice, and, consequently [places] an in-principle limit on the potential for decolonization of relations with indigenous peoples" (2010, 480). There is a view that understands the self-determination of Indigenous people specified in the UN Declaration as being essentially a right of Indigenous *groups*, not individuals (Holder 2005, Holder and Corntassel 2002).

that one way to understand her use of the terms “parity” and “peers” is to highlight that inclusion might require different things for different people, and is not reducible to a general, intuitive understanding of “equality.” My examples of injustices towards FN people in Canada tests the limits that this decision-rule creates for democratic institutions. On one hand, it is clear that Canadian democracy has failed to *not* dominate indigenous people in many obvious ways. Removing children from their families and forcing them into residential schools and failing to allocate resources equally between reserve and non-reserve schools are obvious examples of injustice in the form of assimilation, or forced inclusion. However, there is a more insidious form of “inclusion” that I argue has been operating within Canadian political policy. These are examples such as identifying the band council as a source of self-determination, or incorporating a mandate about Aboriginal research that claims to support research *by* and *with* Indigenous communities. These are activities which, within the jurisdiction of the Canadian state, appear to be activities that *essentially* communicate an intention of inclusiveness, and appear to do so in a uniquely *democratic* way, where they are understood as activities that promote the idea that indigenous people have governance over themselves, *and are recognized as such*.

But these situations that seem, on the surface, to support the inclusion of First Nations in Canada create a challenge for the *actual* inclusion of First Nations as equals within Canadian society. In “What is the Point of Equality,” Elizabeth Anderson defines equality: “To stand as an equal before others in discussion means that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one’s arguments, that no one need bow and scrape before others or *represent themselves as inferior to others* as a condition of having their claim heard” (1999, 313, emphasis added). I suggest that this definition of equality can be understood as being co-extensive with Fraser’s “parity of participation,” where what is being sought is an understand of individuals as *peers* within a shared political institution. In order to participate in

Canadian society, Indigenous people, for example, must access their political rights by way of a governance structure that was created and imposed by the government that was responsible for their cultural genocide. In order to conduct research *as Indigenous scholars* and to have it *recognized* as "Aboriginal Research," their projects must meet the thematic definition set by a council that contains not a single Indigenous representative, and they must apply to a funding agency which maintains a standard of merit-based peer review that few Indigenous scholars are able to meet, given the vast under-representation of Indigenous people within the academy. (Roland, 2011) There are barriers to being able to contribute to the body of knowledge recognized and sanctioned by a national research agency as *Aboriginal research*, which means that knowledge is being created *about* Indigenous people without necessarily being created by them, or for them.

Reading these examples through the framework of Fraser's account of three-dimensional justice, I want to point out the problems that might arise around the issue of *inclusion*. On one hand, if individuals or groups are left out of the scope of those who meet the standards of inclusion in a given public – if they are not recognized to be citizens, or if their claims of being affected by joint activity are not heard or recognized as legitimate, then the public – or those participating in problematizing and deliberating about a particular issue – risks being exclusive in such a way as to marginalize or disadvantage that group. On the other hand, if individuals or groups are included within the scope of a particular problem against their will, if they do not recognize themselves as part of a public they are said to be a part of[58], or as properly sharing in

[58] The 94th TRC Call to Action specifies: "We call upon the Government of Canada to replace the Oath of Citizenship with the following: I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen." This call is notable in its request to have all citizens formally recognize their treaty relationships with First Nations, but it does not problematize the coercion that Indigenous people experienced with regard to citizenship, namely the initial ultimatum that was given to them with the establishment of the *Indian Act* in 1876. The *Indian Act* created the

shared consequences of activity, they risk being included in an extractive or exploitative way, where their perspectives or knowledge is included for the purpose and benefit of the group, and in a way that might cause a disadvantage to their own needs or interests. One way of understanding this forced inclusion is by reference to the Deweyan idea that human association is taken as a given, as a fundamental starting point to theorizing about politics: "Purported decolonization and watered-down cultural restoration processes that accept the premises and realities of our colonized existences as their starting point are inherently flawed and *doomed to fail*. They attempt to reconstitute strong nations on the foundations of enervated, dispirited and decultured people. That is the honest and brutal reality; and that is the fundamental illogic of our contemporary struggle" (Alfred and Corntassel 2005, 612, emphasis added).

There is a key weakness of a view that takes human association as a basic fact and starting point in need of no further explanation (an "this is where we are now, so this is where we should start theorizing toward the future" view) – of which Deweyan democracy is particularly guilty. This is the failure of such views to account for *past injustices*, and the possible ways in which past injustices create structural barriers to inclusion that replicate injustice long after the initial identification of shared consequences by a public. There is a problem with views that assume association, and claim we don't need to tell the story of how we came to be associated, because there is a worry that in ignoring the history of association, we cover over a legacy of violent dispossession and colonialism, which make it difficult for us to properly identify and solve problems with an eye to justice. This history is easy to ignore when we assume that whatever

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concept of "Indian Status", which was a formal category to which Indigenous people could belong as long as they met certain state-determined criteria. This status, however, was incompatible with Canadian citizenship, and so in order to be a Canadian citizens – with the rights granted therein – an individual would have to renounce their "status", forgoing any claims to property or other participation in group-based rights (http://indigenousfoundations.arts.ubc.ca/home/government-policy/the-indian-act/indian-status.html, accessed May 28, 2016).

relationships we find ourselves associated with when we begin the work of identifying the shared consequences of joint action provide the proper starting place for identifying and solving social and political problems[59]. If we take seriously the point of view of Indigenous scholars (Alfred 2005, 2010; Alfred and Corntassel 2005; Corntassel and Holder 2008; Coulthard 2007; Deloria 1988) on this point, a view that takes association as a starting point is going to be "doomed to fail," and is always going to fall prey to assimilation.[60]

If state-based attempts at formal inclusion are unlikely to be successful[61] at achieving justice for First Nations, I suggest that on a reading of both justice and democracy from all three chapters of this project, what both might require for FN people is *self-determination*[62] as an independent (or semi-independent) public. This presents a problem for Deweyan democracy – and other so-called inclusive problem-solving views – because there might be instances in a democratic society where what justice requires is for someone *not* to be included, or, more forcefully, for some individuals to be *excluded*. I argue that First Nations need a mechanism by

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[59] It is even easier to ignore when our starting point is one in which there is a deeply-structured reserve system that keeps us from any sort of day-to-day association with Indigenous people.

[60] "The strategy of assimilation aims to bring formerly excluded groups into the mainstream. So assimilation always implies coming into the game after it is already begun, after the rules and standards have already been set, and having to prove oneself according to those rules and standards. In the assimilationist strategy, the privileged groups implicitly define the standards according to which all will be measured. Because their privilege involves not recognizing these standards as culturally and experientially specific, the ideal of a common humanity in which all can participate without regard to race, gender, religion, or sexuality poses as neutral and universal" (Young 1990, 164).

[61] "To a large extent, institutional approaches to making meaningful change in the lives of Indigenous people have not let to what we understand as decolonization and regeneration; rather they have further embedded Indigenous people in the colonial institutions they set out to challenge. This paradoxical outcome of struggle is because of the logical inconsistencies at the core of the institutional approaches…" (Alfred and Corntassel 2005, 612).

[62] I have no intention of providing a positive argument about what self-determination for Indigenous people should look like. Unlike the calls for a renewed multiculturalism (Kymicka 1995, 1998, 2001), or for a revisioning of diversity (Taylor 1993), Alfred pushes for a "transformation…more fundamental than merely organizational" (2008, 96). This means not thinking of a shift in the political structures as sufficient for real recognition or self-determination: "Contemporary forms of postmodern imperialism attempt to confine the expression of Indigenous peoples' right of self-determination to a set of domestic authorities operating within the constitutional framework of the state (as opposed to the right of having autonomous and global standing) and actively seek to sever Indigenous links to their ancestral homelands" (Alfred and Corntassel 2005, 603).

which they can *exclude* others, and by which they can decline to be *included*, and that this mechanism might require we look beyond recognition of the shared consequences of joint activity to an understanding of history and historical conditions. One possibility of how a mechanism for exclusion might be realized in a just democratic society is examine the TRC summary report as a resource for deliberation or inquiry.

The TRC summary report as a resource for deliberation

Where, then, does that leave us, in "solving the problem" of injustices against Indigenous people in Canada? If the only remedy is for First Nations to be self-determining over the institutions that govern their lives, and if the impetus for that self-determination needs to come from within First Nations communities themselves, it would seem that non-Indigenous Canadians have no obligations of justice towards First Nations other than to leave them alone.[63] But reconciliation – understood as developing shared strategies for moving forward collectively to decolonize existing relationships (Corntassel and Holder 2008) – is not something that sits on the shoulders of Indigenous people; it is not the case that non-Indigenous Canadians should merely wait for Indigenous communities to achieve self-determination and that that will engender reconciliation. The process of reconciliation is something that can – and should – be undertaken by non-Indigenous Canadians, without trying to fix the problems of Indigenous people. Taiaike Alfred writes, "Canadians like to imagine that they have always acted with peaceful good intentions toward [Indigenous people] by trying to fix "the Indian problem" even as they displaced, marginalized, and brutalized [them] as part of the colonial project. Canadians do not like to hear that their country was founded through frauds, abuses, and violence perpetuated

[63] "What we need is a cultural leave-us-alone agreement, in spirit and in fact" (Deloria 1988, 27).

against the original peoples of this land. Canadians are in denial, *in extremis*" (Alfred in Regan 2010, ix).

If non-Indigenous Canadians are in an urgent state of denial with regard to their own relationships with First Nations, and if that denial is perpetuating injustice, is *that* the kind of problem to which democracy might attend? That the burden of reconciliation has been placed disproportionately and unfairly on Indigenous people – to reconcile themselves to the loss of their land, of their culture, to reconcile themselves to *being Canadian* – creates an opportunity for non-Indigenous Canadians. In the examples of residential schools, band governance and Indigenous research, non-Indigenous people have developed institutional frameworks for participation and taken them to Indigenous communities, providing them with a mechanism for inclusion that does not treat them as equal participants, capable of participating on their own terms. Instead, I have offered a reading of these state-based mechanisms of inclusion that demonstrates continuity between the egregious assimilation of the cultural genocide of the residential school system, and the less obviously insidious forms of inclusion of recognizing self-governing band councils or prioritizing research on and about Indigenous communities. These are all methods of integration that seek to make Indigenous culture understandable through the terms of non-Indigenous people. I argue that this could be understood as *hermeneutical injustice*, but it is also a problem of representation, of non-Indigenous people incorporating Indigenous people *unjustly* into their "jurisdiction."

In *Custer Died for your Sins*, Vine Deloria Jr. rejects what he characterizes as the whitewashing of Indigenous people:

> The primary goal and need of Indians today is not for someone to feel sorry for us and claim descent from Pocahontas to make us feel better. Nor do we need to be classified as semi-white and have programs and policies made to

> bleach us further. Nor do we need further studies to see if we are feasible. We need a new policy by Congress acknowledging our right to live in peace, free from arbitrary harassment. We need the public at large to drop the myths in which it has clothed us for so long. We need fewer and fewer "experts" on Indians. (1988, 27)

If articulated through the language of justice and equality, this aligns with Anderson's unwillingness to use subjective measures of the conditions other people are in in order to determine what justice requires. She writes, "Subjective measures of people's conditions generate either pity for [them] or reluctance to consider their claims of justice. The way to escape this dilemma is to take seriously what [they] are actually complaining about" (1999, 334). What democratic equality requires, she says, is that people are able to "make claims of justice…on their own behalf" (1999, 334). She calls, then, for "objective tests of unjust disadvantage", where the subjective preferences and interests of other parties are stripped away, and the injustice being experienced is heard from the perspective of the person who is experiencing it; "For example, what the Deaf find objectionable is not that they can't hear, but that everyone else has rigged the means of communication in ways that leave them out of the conversation" (1999, 334). Government institutions have been structured in such a way that Indigenous people are included in them in a way that suits the subjective preferences of non-Indigenous people who are at best seeking inclusive integration, and at worst, assimilation.

It is certainly the case that Indigenous people have been *excluded* from deliberative spaces and democratic participation in the 150 years since Confederation, in both structurally formal and informal ways. But I have attempted to demonstrate some ways in which attempts at their *inclusion* have been themselves unjust – focusing on band council governance and financial management as examples of "self-determination", extracting and appropriating Indigenous

knowledge and knowledge about Indigenous people for the benefit of wider Canadian society. These examples have failed because they have not been inclusive of Indigenous people as equals, but instead have characterized inclusion as an instrumental value that provides a beneficial outcome.

Anderson writes, "The objective standards of injustice and remedy proposed by democratic equality have several advantages over those proposed by equality of fortune. They match the remedy to the injustice: if the injustice is exclusion, the remedy is inclusion" (1999, 334). If my argument holds, about an excess of *inclusion* – or the wrong kind of inclusion – being itself unjust, then it follows that one remedy might be *exclusion.*

Another might be a closer attention to the claims and voices of Indigenous people, as an attempt at inclusion that is not based in a state-driven mechanism, but rather comes from those who have been unjustly excluded/included themselves. Miranda Fricker argues that when there has been epistemic injustice, there is a need for the perpetrator to cultivate epistemic virtues in order to address it (2007, 7). While I argued above that there was no substantive reason to identify the injustices against Indigenous peoples that I have covered briefly in this chapter as explicitly *epistemic*, Fricker's positive solutions applied to this situation are promising, and provide guidance in conjunction with the TRC Summary Report. One of the ways in which the TRC report can be seen as a resource with regard to cultivating epistemic virtues is as a formal, institutional document that can shape and enlarge our *moral perception*, which in turn, argues Fricker, will impact our *epistemic perception* (2007, 76). This idea of institutions shaping our moral perceptions and indeed our epistemic capacity is distinctly Deweyan: in *The Public and its*

Problems, Dewey writes that knowledge "depends upon tradition, upon tools and methods socially transmitted, developed and sanctioned" (1927, 158).[64]

The kind of face-to-face interaction required for both reconciliation and for democracy, on the Deweyan account, requires a willingness to engage with each other in relationships of trust.[65] If there is a disproportionate distribution of trust between groups, there should therefore be an unequal distribution of obligations regarding inquiry and deliberation in order to achieve the goals of reconciliation, because fundamentally, "reconciliation is about respect,",which includes self-respect for Indigenous people, but also "mutual respect among all Canadians" (TRC Summary Report, 239). I argue that now that the TRC has concluded, the *burden* of reconciliation is on *non-indigenous* people. Paulette Regan claims that examining the history of residential schools in Canada shows us that "our relationship with Native people has never been predominantly peaceful or reconciliatory", that reconciliation requires, in part, "a rethinking of what constitutes violence as well as a closer investigation of its more nuanced forms" (2010, 5). This will be difficult, but part of the purpose of reconciliation is to *unsettle the settler within*. The

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[64] This, I argue, aligns concretely with Fricker's normative account of how moral perceptions can be transformed: "The deliverances of an individual's sensibility are shaped by a set of background interpretive and motivational attitudes, which are in the first instance passively inherited from the ethical community, but thereafter actively reflected upon and lived out in one or another way by the reflective individual. Ethical responsibility demands that the individual generate an appropriate critical link between the traditional moment in which she gains her primary ethical socialization and the experiences that life offers her – experiences which may sometimes be in tension with her ethical socialization so as to prompt critical reflection on the sensibility which she has otherwise simply inherited" (2007, 82). There is interesting work to be done here with regard to linking Fricker's normative account with Dewey's descriptive account of the ways in which political institutions shape the democratic imagination.

[65] "The necessity of the epistemic division of labor raises difficult questions for accountability in deliberative democracy. It implies the need for *pervasive mechanisms of trust* in the very complex and large-scale society in which personal accountability and shared knowledge can no longer be presupposed. Such a gap could in many cases give rise to hierarchical organization for the sake of efficiency or impersonal trust in authority, leaving us with epistemic improvements at the cost of democracy itself; such democratic authority would not be consistent with the ideal of public inquiry of citizens into the best and fairest terms of social cooperation. The resolutions of this apparent dilemma lies in the creation of deliberative situations and institutions in which those affected by a decision are able to make judgments about the credibility of experts and to influence the terms of their on-going cooperation with them" (Bohman 1999, 592, emphasis added).

TRC, she writes, is a "pedagogical opening", providing "a rare opportunity for non-Native Canadians to undertake a deeply critical reflective re-examination of history and themselves" (2010, 8).

I hope to have demonstrated the ways in which Indigenous scholars have characterized the degradation of *trust* in the relationship between Indigenous and non-Indigenous people within Canada. I would argue here that what is required in order to build those relationships of trust is an understanding of and respect for the equality of others within deliberative, political spaces, and that the work of reconciliation is not separate or disconnected from the work of democracy. What face-to-face deliberation requires is a willingness to engage with others as equals, and an ability to hear and recognize their experiences, on their terms. If deliberation requires this, so too does reconciliation:

> *Reconciliation must become a way of life*. It will take many years to repair damaged trust and relationships in Aboriginal communities and between Aboriginal and non-Aboriginal peoples. Reconciliation not only requires apologies, reparations, the relearning of Canada's national history, and public commemoration, but also needs real social, political, and economic change. Ongoing public education and dialogue are essential to reconciliation. Governments, churches, educational institutions, and Canadians from all walks of life are responsible for taking action on reconciliation in concrete ways, working collaboratively with Aboriginal people. *Reconciliation begins with each and every one of us.* (TRC report, 238, emphasis added)

I argue that much like the work of democracy, to achieve reconciliation will take "the creation of personal attitudes in individual human beings" (Dewey 2011, 151). Reconciliation is a task before us, and it is a task *democratically required* of us.

By connecting the work of reconciliation with the work of democracy, as conceived by Dewey, I aim to show that there is potential space within the Deweyan account to accommodate what I have identified as a *democratic obligation of self-determination* for Indigenous people. Self-determination, I have argued, is the necessary result of taking seriously an understanding of democratic equality as non-domination, where non-domination is understood as the recognition and inclusion of individuals on terms that are set by them. Identifying Indigenous people as a self-determining "public" within the Canadian state presents a problem for Deweyan democracy, which seeks to create a *great community*, a public united by shared goals for a common future.[66] However, as I discussed in my second chapter, a strength of the Deweyan account is the *contingency* and *reflexivity* that allows for challenges to arise. Bohman writes that the social inquiry requires, among other things, "the openness of norms of inquiry to democratic challenge" (1999, 596). I argue that the language of reconciliation, aligned as it is with the language of Deweyan democracy, presents such a democratic challenge that Deweyan democracy might be able to meet and incorporate. If this is possible, then it is not *impossible* to think that an account of Deweyan democracy so revised *might* be able to rise to the challenge of self-determination, although my work here has demonstrated that this would indeed be a struggle. This remains an open question, and one I argue Deweyans should take up if Deweyan democratic theory is to remain a relevant contender for addressing social justice issues within the sphere of democratic discourse.

[66] Dewey writes "the task of democracy is forever that of creation of a freer and more humane experience in which all share and to which all contribute" (2011, 154). One way of reading this is as a substantive theory of democracy that is so all encompassing in its demand that *everyone* must participate in a democratic way of life that it becomes incapable of accommodating the political pluralism within western democratic societies (Talisse, 2007).

Conclusion

I concluded my final chapter by suggesting that Deweyans would do well to attend to *reconciliation* as a way to address the ongoing injustices against Indigenous people in Canada within a democratic framework. One way to meet this call might be to turn to the approach taken by Charlene Haddock Siegfried in *Feminism and Pragmatism: Reweaving the Social Fabric*. Siegfried knits together the discourses of pragmatism and feminism to demonstrate both the challenges each pose to the other, but also the resources within each to construct an inclusive, responsive political framework for thinking about social and political problems. This is, as Siegfried notes, an active attempt at Deweyan *reconstruction* (1996, 6). This is an explicitly pragmatist experimentalist approach in which we are invited to consider various applications of the theory, observe and examine the practices that emerge, and then feed the resulting experience back into the theoretical framework in order to tweak, revise, and reconstruct our theory. This is essentially a reflexive process. Siegfried, then, is engaged in *transforming* pragmatist theory. Her project is not a project of "recovering" (or "discovering") Dewey and/or reinterpreting his work. It's possible, on Siegfried's account, to admit that Dewey was wrong, and to offer a suggestion or solution to the weakness or deficiency in the original theory. In many ways, this may be *the most* Deweyan way of being a Deweyan!

I do not intend to take up this call. It is not within the scope of this dissertation. My goal was to develop a line of criticism against Dewey and Deweyan democracy that demonstrated a failure of justice by applying the theory to contemporary examples that have been largely ignored by mainstream political philosophy. These are the examples of state-based mechanisms of inclusion employed by the Canadian government towards Indigenous people. When analyzed through a framework of democratic justice, I argued that what Indigenous people require as a

matter of justice is the recognition of their right to self-determination. My close reading of Dewey's *The Public and its Problems* and subsequent views that apply Deweyan democracy to solve social and political problems demonstrated that this view could not accommodate the self-determination of Indigenous people due to the nature of the construction of the public and the subsequent requirement of including the perspectives of everyone in it for the benefit of democratic society as a whole. These features of Deweyan democracy so defined make it impossible for democratic institutions to respond to a group that requires a mechanism for excluding themselves rather than being included into the great community. Finally, I concluded by identifying *reconciliation* as conceptually compatible with Deweyan democracy in such a way as to provide support for the reconstruction of Dewey's democratic theory so as to include Indigenous people on their own terms, rather than on the terms of the state.

I believe that the Truth and Reconciliation Commission can be an institutional resource for this reconstruction of Dewey's political theory. The commission concluded so recently that there is not enough time for assessment of the effectiveness of the commission or the concluding report, but there are informal ways of viewing its impact. For example, Thomas King's *The Inconvenient Indian* and Wab Kinew's *The Reason You Walk* – both books by Indigenous authors dealing substantially with historical injustice and reconciliation – have spent months on the national bestseller list since the inception of the TRC. Joseph Boyden's *Orenda* – a historical novel set in Iroquois territory – was short-listed for the Giller prize in 2013, and won CBC Radio's Canada Reads contest in 2014. These markers of widespread national popularity suggest that there is a willingness to accept both fictional and non-fiction histories of Indigenous people from Indigenous people themselves, even when these histories are painful, and address collective injustice and national complicity. The recent revision of the British Columbia school curriculum is another example of heightened awareness of not only the need to recognize the importance of

Canada's history with Indigenous people, but also a recognition of the failure to so acknowledge this history previously.[67] These are only two examples, but they gesture to a shift in our political reality that calls for attention by a political theory that champions the importance of taking stock of where we are in order to theorize where we ought to go.

[67] "Many years ago, classroom resources had few references to Aboriginal people or, if they did, it was often superficial or incorrect. As curriculum processes evolved, resources began to include some information *about* Aboriginal *people* but not how Aboriginal *perspectives and understandings* help us learn about the world and how they have contributed to a stronger society. Now, with the education transformation, the province is attempting to embed Aboriginal perspectives into all parts of the curriculum in a meaningful and authentic manner" (https://curriculum.gov.bc.ca/sites/ curriculum.gov.bc.ca /files/pdf/ aboriginal_ education_bc.pdf).

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