From Recognition to Agonistic Reconciliation:
A Critical Multilogue on Indigenous-Settler Relations in Canada

by

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B.A., Mount Allison University, 2010

A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

in the Department of Political Science

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University of Victoria

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ABSTRACT

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Theories of recognition, once seen as a promising approach for addressing the politics of difference and identity, have recently faced a sustained critique. This thesis participates in that critical project by confronting two recognition theorists – Charles Taylor and Nancy Fraser – with the injustices of colonialism in Canada as articulated by Indigenous scholars, particularly Dale Turner. The resultant critical multilogue highlights the shortcomings in each theory, but also points to their key strengths. These insights inform a discussion of agonistic reconciliation, a concept that transcends the limits of the recognition paradigm and offers hope for more just relations between Indigenous peoples and settlers in Canada.

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ACKNOWLEDGMENTS

During a project such as this thesis, the acts of writing and thinking are unavoidably solitary activities. Yet, those moments of isolation are beautifully punctuated by dialogue, guidance, support, inspiration, and love.

My profound gratitude goes to:

INTRODUCTION

It is an increasingly accepted notion, particularly in academic, legal, and policy circles, that much work remains to be done in order to properly recognize Aboriginal rights and to build reconciliation between Indigenous peoples and settlers in Canada (Turner 2006; Couthard 2007). However, if there is agreement that the politics of *recognition* and the politics of *reconciliation* are central terms of reference for thinking about how to address Canada's colonial history, the definition of these terms, and whether or not they actually hold promise for addressing the egregious injustices of colonialism, remain hotly contested sites of normative debate. Two contemporary political theorists who are deeply implicated in these debates are Charles Taylor and Nancy Fraser. This thesis will critically examine how the work of Taylor and Fraser relates to these concepts to highlight not only certain flaws and assumptions in both theories, but also the vital insights that the two thinkers bring to the question of Indigenous-settler relations in Canada.

Before turning to my research questions and a more explicit explanation of my reading of Taylor and Fraser, it is first necessary to examine briefly how recognition and reconciliation emerged as central (and arguably the preferred) terminologies for scholars seeking to address group marginalization and oppression in modern politics.

INDIGENOUS RESISTANCE AND POLITICAL THEORY

As is so often the case, on the issue of respecting Indigenous difference in Canada, political theory scrambled to catch up with political practice. Indeed, debates over recognition and reconciliation surfaced only after Indigenous peoples engaged in

decades of struggle – through grassroots resistance, organization on a national level, and numerous legal challenges – against Canada's deeply unjust policies of assimilation and exclusion. While the tactics employed by Canadian policymakers were diverse and ranged from deep segregation all the way to liberal assimilation, they were all guided by the colonial belief in the superiority of the cultural, political, and economic institutions of settler society. The brutality of state actions taken in this regard should not be understated. For the first century of its existence, the Canadian government systematically sought to destroy Indigenous ways of living by denying Indigenous peoples fundamental civic rights, forcing Indigenous children to attend Indian Residential Schools, dispossessing Indigenous nations of their land, and outlawing Indigenous cultural practices (RCAP vol. 1 1996).

In the testimonial stage of the Royal Commission on Aboriginal Peoples, many Indigenous individuals spoke proudly of the strength and resilience required simply to survive such an assault (Schouls 2003, 64-5). This pride took an organized form in the second half of the twentieth century, which saw three watershed events resulting from Indigenous resistance to government policy. First, in 1969, the Trudeau government released its infamous White Paper, which called for the elimination of all institutional and legal differentiation between Indigenous peoples and settler Canadians. In response, a series of national Aboriginal organizations was created to challenge this attempt to unilaterally eliminate Aboriginal rights. These groups succeeded and the proposal was finally shelved in 1971 (RCAP vol. 1 1996; Turner 2006, 27-8). Second, in 1973, a Nisga'a Tribal Chief, Frank Calder, took his claim that Nisga'a title over traditional lands had never been extinguished all the way to the Supreme Court of Canada. The Court

ruled in *Calder* that Aboriginal title did in fact exist, significantly advancing the recognition of Aboriginal rights in Canada (Asch 1984, 53; Blackburn 2007, 624). Third, in 1982, "the existing aboriginal and treaty rights of the aboriginal peoples of Canada" (*Constitution Act*, 1982) were given constitutional protection. While the substance of these rights remains highly controversial and largely undefined (Turner 2006, 2013) these key developments in social activism and jurisprudence forced the Canadian government to change its policy objective from one of assimilation to one of recognition and negotiation of Aboriginal rights. Profound problems remain in the relationship between Indigenous peoples and the Canadian government and it can be convincingly argued that colonialism and a drive towards assimilation persist to the present day (Alfred 2005). Nonetheless, this relatively recent shift in Indigenous-state relations raised key questions for political theorists as they sought to unpack the complex normative questions raised by these Indigenous political and legal demands.

In response to the above concerns of Indigenous peoples – as well as those emerging from feminists, intercultural minorities, and linguistic minorities (Tully 1995, 1-4) – many political theorists began to turn away from monological theories that seek to impose the standards required for a unitary civil public towards theory that focuses on the need to recognize, accommodate, and respect diversity and difference (see Young, 1990; Tully, 1995). Of course, with this shift has come a whole range of new questions that revolve around *how* diversity ought to be recognized and what is required to engender justice for groups and individuals who differ in important ways from the majority. Certain strands of liberalism maintain that the solution to this problem is that group diversity should, quite simply, *not* be accommodated in any particular way, focusing

instead only on the equal rights of individual human beings. On the issue of Indigenous-settler relations in Canada, perhaps the most well-known argument from this perspective has been promulgated by Thomas Flanagan (2000). However, this difference-blind approach has been widely criticized. Some of the first critics of difference-blind liberalism argued that certain cultural groups deserve differential recognition and protection so that their unique cultures and worldviews can be maintained (see Kymlicka 1995; Taylor 1992). They argue that by failing to appreciate cultural difference, cultural groups can be seriously harmed, and even deprived of a "vital human need" (Taylor 1992, 26). As will be shown below, Charles Taylor would bring these ideas – and the idea of recognition – to prominence before being faced with a sustained and multifaceted critique.

RECOGNITION

Since the publication of Taylor's highly influential essay "The Politics of Recognition" (1992), this question has increasingly been cast in the language of "recognition." For scholars like Taylor, recognition offered a theoretical approach through which marginalized groups – including Indigenous peoples – could be extended public recognition "both as human beings in general and also as the bearers of particular social identities" (Markell 2003, 3). This approach would foster a world in which all people and groups had their identities respectfully and accurately reflected back to them in the societies in which they lived. According to Seyla Benhabib, "recognition" has become "the master concept for reflection upon what appeared at first sight to be a

disparate array of sociocultural movements and struggles" (Benhabib 2002, 50).[1]

In the decade following Benhabib's declaration, however, this "master concept" faced serious criticism for not only failing to live up to its purported aim of overcoming injustice, but for actually sustaining and perpetuating it. As further elaborated below, Nancy Fraser (1995, 2000) argues that the emphasis on recognition may supplant broader concerns for *redistribution*. The worry is that claims for recognition may obscure more traditionally leftist aims of reducing economic inequality and building class solidarity. In his work *Bound by Recognition*, Patchen Markell (2003), though sympathetic to proponents of recognition, argues that a focus on how the identity of conflicting groups and individuals can be definitively realized is both illusory and dangerous. Such attempts can freeze the identities of ourselves or others and misrecognize the deeply human condition of finitude, which Markell understands "in terms of the practical limits imposed upon us by the openness and unpredictability of the future" (2003, 4-5). What is required is not a mutual recognition of identity between conflicting individuals and groups, but rather a "politics of acknowledgement" that involves "coming to terms with, rather than vainly attempting to overcome, the risk of conflict, hostility, misunderstanding, opacity, and alienation that characterizes life among others" (Markell 2003, 38). Markell also draws awareness to the fact that recognition theorists often fail to account for the role that the state plays in mediating relations of recognition in contemporary politics (2003, 25-32). Other scholars have highlighted this problem,

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[1] It should be noted that although debates over recognition have reached prominence in social and political theory over the last twenty-five years, this understanding of the term is actually rooted in the work of Hegel, "who coined the phrase 'the struggle for recognition' (*Kampf um Anerkennung*) and gave the concept its most influential philosophical treatment" (Markell 2003, 2). This thesis does not offer a re-reading of Hegel and focuses, instead, on the works of Charles Taylor and Nancy Fraser. However, my analysis is undertaken with a deep awareness of the Hegelian underpinnings of these debates and its influence on these thinkers – particularly Taylor. For more on Hegel and recognition see Honneth 1995 and Markell 2003.

particularly as it relates to Indigenous peoples. For example, Elizabeth Povinelli (2002) outlines how Australian liberal multiculturalism, in its attempt to recognize Indigenous peoples, has actually forced them into essentialized identity moulds based on traditional ways of life that are both removed from and impossible to realize in the present. Glen Coulthard (2007), writing in the Canadian context, also critiques state-driven recognition policies. He contends that although the Canadian state has turned away from overt policies of assimilation, its strategies of recognition through self-government agreements, economic development, and land claims continue to reproduce the very structures of domination and colonialism that Indigenous peoples have sought to transcend.

RECONCILIATION

At the same time that the above critiques were being levied against recognition, the concept of reconciliation emerged in international political discourse as South Africa invoked the term in its transition from apartheid to democracy (Bashir and Kymlicka 2008, 1-2). Perhaps as a way to avoid the growing negative connotations with recognition or perhaps because the concept held emergent promise for reckoning with historical injustice, scholars began to apply reconciliation as a theoretical tool through which Canada's colonial legacy could be addressed. The term also gained favour in policy circles and would be employed by the Royal Commission on Aboriginal Peoples, the Supreme Court of Canada, and most recently in Canada's own Truth and Reconciliation Commission (Turner 2013). As the state began to use, if not co-opt, the idea of reconciliation, however, critical voices emerged with concerns similar to those regarding recognition. A particularly salient criticism is that reconciliation can be used as a way to

impose definitive agreements – in an attempt to deal with Indigenous demands once and for all – that continue to attend more to the needs of settler society than to rectifying colonial injustices. Whether through modern treaties (Woolford 2005), self-government agreements (Irlbacher-Fox 2009), or official apology (Dorrell 2009), the (mis)use of reconciliation in this regard has been well-documented in the literature. Conversely, other scholars have argued that if reconciliation is properly conceived as an ongoing process of negotiation and re-negotiation it still holds great promise for transforming Indigenous-settler relations (Tully 2008). As I will demonstrate in chapter three, if reconciliation is viewed through this more agonistic lens, a more just form of reconciliation that better attends to Indigenous concerns is possible.

CHARLES TAYLOR, NANCY FRASER, AND AGONISTIC RECONCILIATION

So far in this introduction, I have sought to provide a background on the key themes of this project, which are necessary to put my argument about Taylor and Fraser in context. Of course the question remains: how do the theories of Charles Taylor and Nancy Fraser fit into these key themes? And perhaps more importantly, what is the significance of examining these two particular theorists? As alluded to above, in broad terms, both Taylor and Fraser seek to elucidate theoretical approaches that will address the oppression faced by marginalized groups in contemporary liberal democracies. Taylor's (1992) central aim is to demonstrate that individual and group identities are formed through interaction with others. This *dialogical* nature of our identities means that we can be either properly recognized or harmfully *mis*recognized by others. Taylor's theoretical project, then, is to eliminate (or at least minimize) this misrecognition thus

mitigating the oppression of marginalized cultural groups. While Fraser (1995, 2000) largely shares Taylor's assessment about the need to work towards justice for cultural groups, she is concerned that the emphasis on recognition may supplant broader concerns for *redistribution*. She fears that claims for recognition, if improperly adjudicated, may sideline more traditionally leftist aims of reducing economic inequality and building class solidarity. Fraser's theoretical project, then, is not to dismiss recognition outright, but to find ways that recognition and redistribution claims can be pursued concomitantly.

Importantly, both theorists explicitly claim that their theories can provide a remedy to the oppression faced by numerous marginalized groups, including Indigenous peoples. The aim of this thesis, then, is to probe how successful they are in this regard, with a particular focus on the Canadian settler-colonial context. The two central research questions for this analysis are: (i) When faced with the concerns raised by critical Indigenous scholars, what blind spots and assumptions are revealed in the theories of Charles Taylor and Nancy Fraser? (ii) If stripped of these weaknesses, do the theories still contain normative insights that hold promise for a project of Indigenous-settler reconciliation in Canada?

I will address the first question by confronting Taylor and Fraser with fundamental concerns raised by critical Indigenous scholars. Drawing particularly on a critical framework developed by Dale Turner in his work *This is Not a Peace Pipe* (2006), I will detail the ways in which both theories do not adequately address Indigenous self-determination or the legacy of colonialism in Canada. In order to sharpen this critique, I have found it useful to draw a distinction between what I call the *institutional* dimension and the *individual* dimension. Much of the work on Indigenous-

settler relations in Canada focuses, understandably, on the relationship between institutions – between First Nations (and their governments) and the Canadian state (see Alfred 2005; Cairns 2000; Macklem 2001; RCAP vol. 1 1996). More recently, however, some scholars have also focused on the transformational mutual understanding and reconciliation that can take place between individuals (see Epp 2003; Regan 2010).

This conceptual separation allows for a clearer understanding of exactly where both the key shortcomings and the key strengths in each theory lie. In Taylor's work, the prescriptions for recognition at an institutional level are particularly susceptible to criticism when faced with Turner's framework. Yet, at the individual level, he illuminates how individuals of different groups might relate to one another through a dialogical "fusion of horizons." As a sort of mirror image, Fraser neglects the individual dimension and fails to consider injustices that cannot be remedied by institutional norms. However, her notions of "participatory parity" and "abnormal justice" are useful for conceiving of how all those governed by institutions can have a role in shaping them.

Through this commitment to dialogue and participation, it is possible to connect Taylor and Fraser to theories of agonistic democracy. Agonistic democrats hold that antagonism and struggle are ineliminable facets of democracy. The goal, for them, is not to mitigate disagreement, but to resist the imposition of any regulative ideal so that free individuals can *continually* contest their relations with each other and the institutions that govern them. Drawing on the work of Chantal Mouffe (2000) and James Tully (2008) I will show that the key strengths in Taylor and Fraser are aligned with this perspective and thus lay the ground of a promising path to agonistic reconciliation between Indigenous peoples and settler Canadians. In this sense, while their theories are still vulnerable to the

critique that has been leveled against recognition, when viewed through the lens of reconciliation, their theories continue to hold notable promise.

In essence, then, this thesis has two broad objectives that respond to the research questions outlined above. The first is to directly confront the highly influential political theories of Charles Taylor and Nancy Fraser with Indigenous demands. This process helps to reveal certain problems in each theory and to highlight how colonial logic can still seep into theories that are designed to address the injustices faced by marginalized groups in contemporary liberal societies. The second aim, however, is to highlight the considerable insight that remains after the theories have been stripped of these problems. My central argument is that despite the shortcomings that can be identified in the works of Taylor and Fraser, their theories also contain necessary components for a project of agonistic reconciliation between Indigenous peoples and settlers in Canada. Before outlining how this argument will be structured in the following chapters, I will first turn to some crucial methodological issues.

A NOTE ON METHODOLOGY

There are three important methodological considerations to acknowledge from the outset of this research. First, I am a privileged, male, and settler scholar writing on issues of Indigenous identity, culture, and autonomy. Obviously, there is potential for profound problems in such research; Indigenous peoples have suffered for so long under a colonial project created by people who match my own ascriptive characteristics. Dale Turner cogently argues that a fundamental flaw in many proposed solutions to the "problem" of Indigenous-settler relations is that "they do not recognize that a meaningful theory of

Aboriginal rights in Canada is impossible without Aboriginal participation" (2006, 7).

However, the idea that Indigenous peoples must address these questions on their own is

also deeply problematic. Understanding the history of colonialism faced by Indigenous

peoples in Canada and working to find just solutions to current problems is something I

consider a fundamental responsibility of my citizenship. Jeremy Webber eloquently

articulates how non-Indigenous scholars might approach this tricky methodological

ground:

> I accept that, in a very real sense, the task of non-Indigenous people is to get out
> of the way, to surrender space, and not to think that we non-Indigenous academics
> can simply solve these issues on the basis of concepts that we presume, once
> again, to be entirely adequate to the task. Any restructuring of the relationship
> has to be grounded in the practices of Indigenous peoples themselves, not just in
> those of non-Indigenous Canadians. But I also think that we non-Indigenous
> scholars need to do more. For good or ill, we are in a relationship, and we are
> likely to be in one for the foreseeable time to come. We non-Indigenous scholars
> have to attend to our side of that relationship…non-Indigenous Canadians too are
> parties to treaties; we too are a treaty people. We have to consider what
> responsibilities and actions that role entails. (2012)

With this approach, it becomes not only less problematic but entirely appropriate for me

to question whether the theories of other non-Indigenous scholars move us away from or

toward better attending this relationship. In other words, this project is not just about

producing a timely piece of research, but about acknowledging the relational obligation I

have as a settler Canadian.

Second, in researching reconciliation between Indigenous and non-Indigenous

groups, it is vitally important to recognize that both groups are deeply heterogeneous.

Non-indigenous Canadians vary based on their own ethnic origin, gender, class, sexual

orientation, province of residence and countless other identity markers. Indigenous

peoples living in Canada are members of over 60 traditional First Nations with their own

cultures, languages, laws, and ways of life (RCAP vol. 1 1996). Those nations have been

divided into 614 reserve communities where the majority of Indigenous peoples live,

while many others live off-reserve in urban settings. Of course, within each of these

communities, the same identity markers that exist for non-Indigenous Canadians are also

present. Thus, questions of reconciliation are not between two static identity groups, but

rather between the Canadian state and hundreds of First Nations governments (at the

institutional level) and between Indigenous and non-Indigenous peoples of myriad

identities (at the individual level). However, these complexities of identity should not

prevent us from analyzing how a just reconciliation might take place. They simply

highlight that any simple formula that purports to create justice in all cases or that makes

no attempt to account for such diversity is suspect.

My third methodological concern is deeply influenced by the second. Given the

deep diversity that exists, my theoretical project is concerned with allowing a multiplicity

of voices to speak and to openly contest one another. Thus, this thesis is not a search for

some abstract or universal norm of justice that purports to guarantee freedom if properly

applied. Nor do I think that any political theory holds a mystical key through which all

power relations can be dissolved. Rather, drawing once again on the work of James Tully

(2008), the goal is to experiment with practices of the self that allow the game of politics

to be played with a minimum of domination.[2] This means that groups in society must

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[2] In outlining this approach, Tully draws on the late work of Michel Foucault who argued that, "The problem is not of trying to dissolve them [relations of power] in the utopia of a perfectly transparent communication, but to give oneself the rules of law, the techniques of management, and also the ethics, the *ethos*, the practice of the self, which would allow these games of power to be played with a minimum of domination" (cited in Tully 2008, 121).

In response to Foucault, Tully describes how his theoretical approach – and I hope to some extent the argument of this thesis – enables us "to see our island of disputation and negotiation as it is, in the rough and agonistic sea of relations of power, rather than from the point of view of a utopia free of power. With this toolkit in hand we will be in a position not only to think differently but to begin the cautious

continually engage with one another in order to better understand each other and how their institutions might be improved in this regard. I also believe that it requires the same type of engagement in the realm of scholarship. By putting Taylor and Fraser in a challenging dialogue not only with each other but with critical Indigenous voices – what I call a critical multilogue – I hope to contribute in some way to this theoretical approach. This thesis, then, is part of my own attempt – as a settler scholar – to work towards the ethics, or *ethos*, of interaction and self-formation that confronts settler privilege and domination. Put differently, not only does this thesis advocate for agonistic reconciliation, but it is actually a type of agonistic reconciliation in practice.

A PLAN OF THE ARGUMENT

The following analysis of Taylor, Fraser, and their relationship to Indigenous-settler relations in Canada will be divided into three chapters and a conclusion. The first chapter will be devoted to explaining, analyzing, and critiquing Charles Taylor's theory of recognition. This chapter will begin with a contextualization and summary of Taylor's essay "The Politics of Recognition" (1992). I then introduce the critical framework developed by Dale Turner and demonstrate that it is reflective of fundamental and widely-held Indigenous concerns in Canada. The rest of the chapter uses Turner's framework to critique Taylor's theory and underline certain deficiencies therein, particularly in relation to the institutional dimension. However, it also begins to introduce

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experiments in acting differently, in modifying our rules of interaction and practices of self-formation in such a way that the specific game in question can now be played with 'a minimum of domination.' In so doing we may overlook something universal beneath what we are thinking and doing, and we will always find that we have to begin again. This is a risk…we take in exchange for this 'patient labor' on actual existing limits in the present by means of an approach that gives 'form to our impatience for liberty' " (Tully 2008, 130-1).

the idea that Taylor's use of the "fusion of horizons" holds some promise for thinking about reconciliation at the individual level. Chapter two undertakes a similar analysis but in relation to the work of Nancy Fraser. Still drawing on Turner, it outlines certain weaknesses of Fraser's theory at the individual level. However, I also highlight that her ideas of "parity of participation" and "abnormal justice" have significant potential for building institutional reconciliation. Chapter three begins with a further exposition of the concept of reconciliation in order to underscore problematic uses of the term, but also its value when conceived of agonistically. The rest of the chapter then shows how the strengths in Taylor and Fraser provide necessary tools for this promising project of agonistic reconciliation. The thesis concludes with some closing thoughts on the value of analyzing political theory with a decolonizing lens and shows how a synthesis of the strongest elements of Taylor and Fraser help to foster the ongoing dialogue that could shape a more just future between Indigenous peoples and settlers in Canada.

CHAPTER 1: CHARLES TAYLOR

In my analysis of Charles Taylor, my primary focus will be on one of his most influential and widely read essays: "The Politics of Recognition" (1992). I aim to summarize this work, critique it, and then ask if there are elements that are still worth saving, particularly as they relate to reconciliation. Before taking these steps, however, it is perhaps worth pausing to briefly anticipate two possible objections to this limited focus.

First, the central focus of much of Taylor's work on diversity and recognition is not Indigenous peoples, but the people and culture of Quebec. Why, then, is this essay (and the work of Taylor more generally) applicable to questions of Indigenous-settler relations, recognition, and reconciliation? The simple response to this difficulty is that at several points in his theory of recognition, Taylor does actually reference Indigenous peoples (see Taylor 1992, 40; 1993, 180; 1998). For example, in his argument on deep diversity, Taylor argues:

> To build a county for everyone, Canada would have to allow for second-level or "deep" diversity, in which a plurality of ways of belonging would also be acknowledged and accepted. Someone of, say, Italian extraction in Toronto or Ukrainian extraction in Edmonton might indeed feel Canadian as a bearer of individual rights in a multicultural mosaic. His or her belonging would not "pass through" some other community, although the identity might be important to him or her in various ways. But this person might nevertheless accept that a Québécois or a Cree or a Déné might belong in a very different way; that these persons were Canadian through being members of their national communities. Reciprocally, the Québécois, Cree or Déné would accept the perfect legitimacy of the "mosaic" identity. (1993, 183)

Here, the explicit reference to Cree and Déné individuals highlights that Taylor's theory is designed to be wide enough to encapsulate not only how the Québécois relate to other Canadians, but how Indigenous peoples do as well. Moreover, much of the recent

criticism of Taylor's work has focused primarily on how the "Politics of Recognition" is actually an inadequate attempt to address difference when faced with Indigenous demands related to sovereignty and self-determination (see Coulthard 2007; Day 2001).

Second, Taylor is a major figure of Canadian philosophy and political theory with an impressive body of work. Why, one might fairly ask, focus on "The Politics of Recognition," which is just one short essay? I have narrowed my scope in this way because this one piece has also been the subject of layered and sustained critique over the last two decades. Several other commentators have also zeroed in on "The Politics of Recognition" calling attention to its flaws and assumptions. In order to both highlight this criticism and then respond to it, I too have limited my focus in this regard. These factors help to situate and justify my limited focus on "The Politics of Recognition" and its application to Indigenous peoples. I will now turn to what Taylor's argument is, where it is problematic, and how it may still hold some promise.

TAYLOR'S THEORY EXPLAINED

Taylor's essay, "The Politics of Recognition" (1992), begins with the Hegelian premise that our identity is shaped by how others view us. Just as identities can be enhanced through proper recognition they can also "suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves" (Taylor 1992, 25). In this sense, misrecognition is not just disrespectful; "it can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe people. It is a vital

human need" (Taylor 1992, 26). The central point here is that our identities – and indeed our lives – are fundamentally *dialogical* in character (Taylor 1992, 32).

The fact that identity is shaped through dialogical relations with others raises serious political questions about how adequate recognition can be achieved. On the one hand, proponents of a "politics of equal dignity" argue that recognition can only be accorded if all individuals enjoy the same rights and entitlements. On the other hand, advocates of a "politics of difference" argue that individuals and groups – in all their diversity – can only be properly recognized through an acknowledgment of their distinctness from others (Taylor 1992, 37-40). Taylor proceeds to elaborate an approach to liberalism that traces a middle ground between these two positions (Nicholson 1996, 1). Ultimately, he argues that "procedural liberalism," which rigidly upholds undifferentiated individual rights is "inhospitable to difference because it can't accommodate what the members of distinct societies really aspire to, which is survival" (Taylor 1992, 61). What is necessary, therefore, is a form of liberalism that – while still upholding basic rights like *habeas corpus* – is willing to diverge from uniform treatment if the survival of a minority culture requires it. In Taylor's words, the challenge then becomes "to deal with their sense of marginalization without compromising our basic political principles" (1992, 63).

Taylor is careful to note that the imperative of cultural survival does not mean that all cultures are automatically owed equal respect (1992, 66). However, what is required is a *presumption* of worth. Based on this presumption, people must approach other cultures with a willingness to engage in what Gadamer called a "fusion of horizons" (quoted in Taylor 1992, 67). What Taylor means by this concept is meaningful engagement with the

other so that one can make a judgement of value based (at least partly) on standards learned from the other culture. While there may be aspects that we choose to reject, we will almost certainly find other aspects worthy of our respect (Taylor 1992, 67; Schaap 2004, 528-9). Given the reality that, to an increasing degree, diverse cultures must find ways to live together, Taylor views this approach as both a practical and moral obligation.

While the above explanation of Taylor's theory of recognition is avowedly limited – especially in terms of describing its basis in political philosophy (as Taylor eloquently does) – it does allow for an analysis of whether it creates the grounds for reconciliation between Indigenous and non-Indigenous peoples in Canada. Without a doubt, Taylor's ideas represent a clear improvement over "past tactics of exclusion, genocide, and assimilation" (Day and Sadik 2002, 6). However, as the next section will show, it still has several serious problems for creating reconciliation at the institutional level.

THE BASIS OF TURNER'S FRAMEWORK

The question I will attempt to answer in the next section is: does Charles Taylor provide an adequate normative framework for building reconciliation between Indigenous and non-Indigenous peoples in Canada at an *institutional* level? But how can we measure Taylor's theory in this regard? Dale Turner offers a cogent framework for such a task. In his book *This is Not a Peace Pipe*, Turner (2006) critiques three liberal projects: the 1969 White Paper, Alan Cairns' book *Citizens Plus*, and Will Kymlicka's theory of minority rights. Turner argues that these various iterations of liberalism attempt

to be "peace pipes" because they "claim to respect Aboriginal peoples and their differences and to define not only the meaning and content of their rights but also their proper place in Canadian society" (2006, 5). However, Turner ultimately rejects each theory in turn, finding that, "from an Aboriginal perspective, these three liberal theories are not peace pipes" (2006, 7). According to Turner, they are deficient for four fundamental reasons:

1. They do not adequately address the legacy of colonialism.
2. They do not respect the sui generis nature of indigenous rights as a class of political rights that flow out of indigenous nationhood and that are not bestowed by the Canadian state.
3. They do not question the legitimacy of the Canadian state's unilateral claim of sovereignty over Aboriginal lands and peoples.
4. Most importantly, they do not recognize that a meaningful theory of Aboriginal rights in Canada is impossible without Aboriginal participation. (2006, 7)

I have chosen to use Turner's framework for this task because it provides a wonderfully eloquent and concise description of four fundamental concerns of Indigenous peoples in their relationship with settler scholars and the settler state. However, it is perhaps worth emphasizing that Turner did not invent these principles. Rather, he draws on a rich scholarly and historical background to distill them before employing them in his critique. Thus, before putting Taylor's theory in a deeply challenging dialogue with Turner's framework, I want to briefly examine the framework itself in order to demonstrate its layered and rigorous basis.

One of the key sources that supports Turner's first principle (addressing the legacy of colonialism) is the Royal Commission on Aboriginal Peoples (RCAP). Compiled over five years, with its final report released in 1996, RCAP remains one of the most comprehensive evaluations of Canada's history of colonialism and the ongoing

social, economic, and political harms that Indigenous peoples continue to experience today. After extensive consultation with Indigenous peoples across the country, RCAP documented various facets of Canada's colonial history. From residential schools (see also Miller 1997), to the discriminatory laws governing Indian status in the *Indian Act* (see also Palmater 2011), to the violent dispossession of lands and resources (see also Alfred 2005; Regan 2010) RCAP provides a detailed account of colonialism's legacy (RCAP vol. 1 1996). Beyond these brutal policies, colonialism has also "been woven into the normative political language that guides contemporary Canadian legal and political practices" (Turner 2006, 30; see also Macklem 2001). Any adequate theory of justice must, therefore, work to acknowledge not only historical policies of colonialism, but recognize that solutions and theories that depend solely on Canadian understandings of rights and sovereignty remain colonial.

The basis for Indigenous rights being a *sui generis* (or of its own kind) class of rights lies in the fact that Indigenous peoples lived as nations with their own laws prior the formation of the Canadian state. Although, for over a century, the existence of these rights was not recognized by the Canadian state or its courts, over the last four decades the Supreme Court of Canada (SCC) has clearly acknowledged the *sui generis* nature of Indigenous rights (Borrows and Rotman 1997).[3] This class of rights means that Indigenous rights cannot be reduced merely to individual rights or a class of minority rights. Rather, Indigenous peoples enjoy a unique relationship with the state based on both their prior occupation of Canadian territory and the enduring existence of Indigenous legal systems.

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[3] Borrows and Rotman (1997) explain in detail that although the *sui generis* nature of Indigenous rights is becoming increasingly accepted principle in mainstream Canadian institutions, how they should be interpreted remains a subject of considerable debate.

Related to the notion that Indigenous nations possessed rights prior to the

formation of the Canadian state is the idea that those nations also possessed a form of

sovereignty. Many Indigenous peoples assert that this sovereignty still exists and has

never been extinguished, despite the unilateral claim of sovereignty made by Canada. As

RCAP (1996) outlines, the existence of Indigenous sovereignty was a fundamental tenet

of treaties made between Indigenous nations and the Crown. This recognition of First

Nations as independent, self-governing nations was explicitly outlined in early Crown

documents such as the Royal Proclamation of 1763 (Tully 2008, 233). Since that time, of

course, the Canadian state has used its power to engage in the brutally colonial policies

outlined above and unilaterally assert its sovereignty without the consent of Indigenous

peoples (Tully 1995, 70-82; Walters 2008, 172-3). Many legal scholars today, however,

maintain that the legitimacy of this sovereignty remains in question (see Borrows 2002;

McNeil 1998). John Borrows uses the logic of the SCC to engage this question:

> According to the Supreme Court of Canada, the rule of law consists of two inter-related legal principles: it precludes arbitrary state power and requires the maintenance of a positive legal order. Canada's assumption of underlying title and sovereignty throughout its claimed territory violates both of these fundamental principles. It is an arbitrary exercise of power aimed at dismantling Indigenous systems of law and normative order…[and] in the process of this declaration, the Crown suppressed Aboriginal governance and denied these groups indispensable elements of law and order. (2002, 33)

Given these arguments, Turner argues that theories of justice cannot simply take

Canadian sovereignty for granted, but must engage with this unilateral imposition of

domination *vis-à-vis* Indigenous sovereignty and nationhood.

Finally, Turner asserts that Indigenous participation is fundamental to any

adequate theory of justice in the Canadian settler context. Of the four principles, this one

may seem to be the most intuitive (at least from a democratic standpoint). Perhaps it

seems obvious that people should have some say over the rules that govern them and the rights that they possess. Tragically, however, Indigenous peoples have repeatedly had structures of governance imposed upon them and then been offered limited participation within them. For example, the federal franchise was not extended to registered Indians until 1960 (RCAP vol. 1 1996, chap. 9). The federal government also refused to engage in any form of treaty negotiation between 1921 and 1973 until the SCC's landmark *Calder* decision forced them to establish a process of land claim settlement (Alcantara 2007, 344-6). Although the federal and provincial governments have entered into these negotiations, numerous scholars have sharply criticized the process for being ahistorical (Irlbacher-Fox 2009), for favoring full and final settlement over ongoing dialogue (Tully 2000a), and for being a morally bankrupt ruse to further an ongoing agenda of assimilation (Alfred 2001). These brief examples simply highlight that Indigenous participation has been displaced and undervalued in both law and politics. As a result, the normative language and structure that guide Canadian legal and political practices *vis-à-vis* Indigenous peoples have been (and continue to be) shaped with woefully inadequate attention to Indigenous concerns and their own normative understandings (Turner 2006, 30-1). For Turner, addressing this deficit in Indigenous participation is the most fundamental principle and must be in place if the other principles are to be addressed as well.

My point in elaborating on Turner's principles is simply to demonstrate that they are not arbitrarily chosen but are grounded upon a widespread and coherent response to the history of colonialism in Canada. Although much of Turner's work is highly original, his goal with this critical framework was surely not to be innovative, but to lay bare four

fundamental requirements for a just articulation of Indigenous rights in Canada, from an

Indigenous perspective. If we take his fourth principle of Aboriginal participation

seriously, then it is vital to bring these principles to bear on theories of justice,

particularly those which purport to address Indigenous concerns.

TAYLOR AND THE INSTITUTIONAL DIMENSION

With Turner's principles established, we can now return to Taylor's theory. Like

the other theories that Turner criticizes, Taylor's theory also endeavors to respect the

differences of cultural groups (including Indigenous peoples) and create the grounds for

justice. However, when held up against Turner's framework, I see four interrelated ways

in which Taylor's theory is lacking in this regard.

First, in one of his more prescriptive moments, Taylor provides a glimpse into the

kind of recognition Indigenous peoples might be liable to receive. He notes that a politics

of difference may necessitate that "members of aboriginal bands will get certain rights

and powers not enjoyed by other Canadians, if the demands for native self-government

are finally agreed on" (1992, 40). These measures would help to diminish harmful

misrecognition and allow Indigenous communities to "preserve their cultural identity"

(Taylor 1992, 40). However, by invoking self-government Taylor points to a deeply

flawed process where the state bestows certain limited rights to Indigenous governments

"in exchange for extinguishment of the Aboriginal title it has only just begun to

recognize" (Day 2001, 180; see also Povinelli 2002). As Stephanie Irlbacher-Fox (2009)

has recently shown, self-government negotiations are often coercive as government

negotiators refuse to acknowledge profound historical injustice and instead focus

exclusively on the present. This process is, therefore, deeply at odds with the vision of fusion of horizons that Taylor presents later in his essay. James Tully notes that although Canadian policy *vis-à-vis* Indigenous peoples has shifted dramatically since the 19th century, what has remained constant is "the colonial assumption that Aboriginal peoples are subordinate and subject to the Canadian Government, rather than equal, self-governing nations" (2008, 227). By describing self-government as a successful enactment of recognition, Taylor, in essence, maintains this assumption in his work. In this way, Taylor does not respect Turner's second principle that stipulates the *sui generis* nature of Indigenous rights that that "are not bestowed by the Canadian state" (2006, 7).

Second, entwined with the above problem is the more pervasive idea in Taylor's theory that recognition is *given* to a subaltern group by a dominant group (Day 2000, 217). At multiple points in his discussion, Taylor seems to indicate that a privileged group holds the power to offer recognition to a marginalized group if it is appropriate. As Glen Coulthard argues, by speaking of recognition being "granted" or "accorded," Taylor's theory seriously limits the possibilities for transforming the colonial relationship (2007, 443-44). In her critique of Taylor's essay, Himani Bannerji (2000) expands on this issue by outlining his problematic use of the pronouns "we" and "they." In setting up a situation where a powerful "we" is able to choose how, when, and why to grant recognition to a marginalized "they," Taylor creates an imbalanced power relationship that actually precludes the possibility of "establishing a dialogue among equals" (Bannerji 2000, 135). This formulation creates a situation where marginalized groups' demands for value are subject to the approval of the state and limits the deeper questions that underlie them. As Linda Nicholson puts it, the "more challenging voices are not

those saying 'recognize my worth' but rather those saying, 'let my presence make you aware of the limitations of what you have so far judged to be true and of worth' " (1996, 10). This is precisely the possibility that Taylor hopes for in his discussion of a fusion of horizons among diverse cultures. However, at the institutional level, he seems to undermine his own hope with an oppositional power structure whereby the state gets to examine the other and then make its own determination as to what form of recognition would be appropriate. This idea does retain important reconciliatory potential at the individual level, though, as will be highlighted in the next section.

Further, although Taylor "supports everyone's need for recognition and appeals to 'us' who are in a position to grant it, he does not question why 'we' have the power to grant or withhold it" (Bannerji 2000, 135-6). This oversight is particularly problematic in the context of a colonial settler state where Canada's very sovereignty has been unilaterally declared and is deeply contested by Indigenous peoples (Alfred 2005; Tully 2008). Rather than creating a space where Indigenous self-determination could be asserted and respected, Taylor reinscribes a colonial power relationship where the ability to grant self-determination rests with the dominant (settler) group. If analyzed through Turner's framework, Taylor falls short of both the second and third principles by failing to recognize the rights that are derived from Indigenous nationhood and by assuming the legitimacy of Canada's unilateral claim to sovereignty.

A third issue[4] is the way in which Taylor's theory reduces Indigenous claims (and indeed all claims to recognition) to concerns over identity and culture (Honneth 2001,

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[4] With this third critique, I detail the many scholars who claim that Taylor narrowly conceives of culture in a way that marginalizes political and economic claims. This is a significant issue for Indigenous peoples who seek to pursue political, economic, and cultural claims simultaneously. However, such criticism may be better directed at narrow culturalist perspectives than at Taylor. It is true that in drawing very selectively

52). He posits that the major problem with procedural liberalism is that "it can't accommodate what members of distinct societies really aspire to, which is survival" (1992, 61). This sentiment makes some sense when dealing with the Québécois, for whom it could be argued that recognition as a distinct people is a political end in itself (Young 1997, 156). Surely, however, Indigenous peoples aspire to much more than mere cultural survival. Of course, survival is a necessary component of their demands and the fact that Indigenous peoples have survived a sustained barrage of colonialism is often celebrated: "Onkwehonwe [Indigenous peoples] have already demonstrated incredible commitment and courage simply in surviving the constant and vicious assaults from colonial forces on the their dignity and on the very idea of their existences over the past 500 years" (Alfred 2005, 179). More fundamentally, though, Indigenous peoples seek to exist not only as cultural communities but as *political* communities; their struggles are not just for cultural survival but for political self-determination (Alfred 2005). However, by reducing the politics of recognition to a politics of identity, Taylor obscures these political struggles that pose a more serious threat to the legitimacy of the Canadian polity and economy. Here again, then, Taylor is guilty of failing to question Canada's unilateral claim to sovereignty over Indigenous lands and peoples (Turner's third principle).

There are further difficulties with the way in which Taylor conceptualizes identity as rigidly linked to culture, especially in the context of Aboriginal rights in Canada. According to Taylor, not all group identities can be protected by individual rights alone. Using the example of Quebec, Taylor argues that Québécois culture creates a shared

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from "The Politics of Recognition," these deficiencies can be found in Taylor's theory. However, his broader dialogical and hermeneutical approach (as I illustrate in my discussion of the fusion of horizons) undermines this critique and shows Taylor's commitment to a more robust and flexible understanding of culture and to openly negotiated relations between different cultural and political groups.

horizon of meaning that constitutes a fundamental aspect of Québécois identity. The French language, in particular, has to be protected to preserve an authentic identity. The Québécois people, then, must be able to enact policy that allows them to remain true to the culture of their ancestors and "actively seek to *create* members" of their community now and in the future (Taylor 1992, 58-9). The resonance for Indigenous communities, here, is clear. Many scholars argue that Indigenous languages and ancestral knowledge must be preserved or revitalized in order for "authentic" Indigenous identity to be maintained (see Alfred 2005; Alfred and Corntassel 2005). The danger here is that culture is narrowly construed as the "language and practices of a historical, linguistic community" and it is assigned a "certain fixity and stability" (Dick 2011, 45). The tendency with this understanding of culture is to create a list of fundamental cultural traits and find ways for those traits to be protected (Grammond 2009; Schouls 2003). With this formulation of culture, Taylor leans towards cultural essentialism and fails to adequately account for the diversity and constant negotiation of identity that exists both within and between cultures (Dick 2011, 46).

A brief look at the development of Supreme Court of Canada Aboriginal rights jurisprudence helps to highlight the harm that can result from an approach that too firmly links traditional culture to identity. In a recent work, Caroline Dick (2011) demonstrates that when the Court began outlining Aboriginal rights in cases including *Calder*, *Guerin*, and *Sparrow* it tied Aboriginal rights to the status of Aboriginal peoples as Canada's first politically self-governing nations. However, in *Van der Peet* and *Mitchell* the Court took a dramatic turn and began to define rights based on the activities and practices that are integral to Indigenous cultures. Importantly, such activities must have existed prior to

contact prior the arrival of European settlers (Dick 2011, 126-9). In effect, then, Aboriginal rights are frozen in time, and any cultural practices that have developed since contact – and may well be of crucial import to Indigenous groups – are not protected. Therefore, these rulings seem to deny that Indigenous cultures, laws, and traditions can (and ought to) evolve to remain relevant under changing circumstances – something that non-Indigenous peoples take for granted (Borrows 1998). In other words, this legal framework seriously curtails the protections that can be offered to Indigenous communities, while allowing a Canadian institution (filled entirely with non-Indigenous individuals) to continue defining what comprises "authentic" Aboriginal identity. Dick concludes that "this judicial effort to link the meaning and purpose of Aboriginal rights to the protection of Aboriginal identity or 'Aboriginality' and, in turn, to protect Aboriginal distinctiveness by safeguarding authentic cultural practices draws the same connection among rights, culture, and identity offered by Taylor" (2011, 131). In effect, by strictly tying culture to identity and failing to adequately consider demands for *political* self-determination, Taylor's theory may actually severely restrict the rights of a group his theory was designed to protect.

Finally, and perhaps most importantly, Taylor's theory leaves the structure of the state and the economy intact because he does not adequately connect the damage caused by misrecognition to "the more overtly structural and/or economic features of social oppression" (Coulthard 2007, 445; see also Bannerji 2000). Sharing this assessment, Richard Day contends that, "Taylor's theory of recognition is pragmatically motivated by a desire to maintain the current allocation of territories between nations and states" (2001, 178). With his focus on Quebec, Taylor is willing to allow for the existence of a

multiplicity of identities and nations within a single state. Vitally, however, the state maintains its political dominance. In other words, Taylor's theory "allows for diversity of culture within a particular state by admitting the possibility of multiple national identifications. It is less permissive with regard to polity and economy, however, in assuming that any subaltern group that is granted 'national' status will thereby acquire a *subordinate* articulation with a *capitalist state*" (Day 2001, 189; original emphasis). This obfuscation of the economic dimension deeply limits the analysis of exactly what kind of recognition would be required to rectify injustice (Zurn 2003, 525). This problem is relevant to any number of marginalized groups, from single mothers to recent immigrants. However, it is particularly salient for Indigenous peoples whose oppression is inextricably linked to the dispossession of land. For many Indigenous groups, a relationship to the land is integral not only for sustainable economies and a healthy environment, but for cultural and spiritual practices (RCAP vol. 1 1996, chap. 15). Any theory of justice that does not account for this monumental theft also fails to adequately address the legacy of colonialism, which happens to be Turner's first principle.

Allow me to summarize my critique of Taylor (1992) by returning to Turner's four principles. By invoking self-government as a solution and formulating recognition as something that is accorded by dominant settlers, Taylor does not respect the *sui generis* nature of Indigenous rights as flowing from indigenous nationhood, and instead sees them as bestowed by the Canadian state (principle 2). By reducing Indigenous claims to culture and rigidly linking authentic identity to culture, instead of recognizing the political demands for self-determination, Taylor does not question the legitimacy of the Canadian state's unilateral claim to sovereignty (principle 3). For these reasons and for

failing to account for economic oppression and the dispossession of land, Taylor does not adequately address the legacy of colonialism (principle 1).

The remaining principle is the need to recognize the importance of Indigenous participation (principle 4). On this point, Coulthard notes that, throughout his essay, Taylor fails to consider the voices of prominent Indigenous critics: "My point here is that an approach that is explicitly oriented around dialogue and listening ought to be more sensitive to the claims and challenges emanating from these dissenting Indigenous voices" (2007: 447). Perhaps, however, we should not be so quick to dismiss the normative potential of Taylor's notion of a "fusion of horizons" (1992, 67). The value of this idea, particularly between *individuals* of different cultures, is the subject of the next section.

TAYLOR AND THE INDIVIDUAL DIMENSION

The question I will attempt to answer in this section is: does Charles Taylor provide an adequate normative framework for building reconciliation between Indigenous and non-Indigenous peoples in Canada at an *individual* level? In the previous section, I drew on many of Taylor's critics (including Richard Day, Himani Bannerji, and Glen Coulthard) to highlight how – on an institutional level – Taylor's theory has several flaws when applied to the colonial context in Canada. While their insights are no doubt valuable, these critics make several assumptions about how Taylor's theory would be applied that lead to their critical conclusion. Most centrally, they assume that Taylor has a state-centric focus. If, however, we shift the focus from relations among institutions to relations among individuals, Taylor's theory suddenly has new potential. To demonstrate

this point, I will begin by laying out this key assumption of Taylor's critics before reframing Taylor's theory to highlight its reconciliatory power.

Some of Taylor's most scathing critics work from the assumption that Taylor's theory is built around how the *state* can more justly recognize minority cultural groups, including Indigenous peoples. For example, Coulthard notes that he defines the politics of recognition to be "the now expansive range of recognition-based models of liberal pluralism that seek to reconcile Indigenous claims to nationhood with Crown sovereignty via the accommodation of Indigenous identities in some form of renewed relationship with the Canadian state" (2007, 438). He concludes the same article arguing that Indigenous groups must turn away from the "assimilative lure of *statist* politics of recognition" (Coulthard 2007, 456; emphasis added). In these passages and throughout his argument, Coulthard makes clear that in his reading of Taylor, the primacy of the state goes unchallenged and the state maintains the power to grant or accord limited forms of recognition. Day (2001) shares this assumption, and (as noted in the previous section) argues that recognition is only granted to groups that can be subordinated under the current social, political, and economic structures. To put it another way, Coulthard and Day see Taylor's theory as state-centric; he is asking what the state is obligated to provide minority groups. They are critical because for them, unless the state too is significantly altered, then colonial structures and relationships will stay in place.

This assumption about Taylor's focus is certainly not unfounded. In his discussion of recognition and identity formation, Taylor demarcates the intimate and public spheres (1992, 36). In the intimate sphere, we are recognized by those individuals who matter most to us – our parents, our partners, our children – and those relationships have a

profound effect on our identity formation. However, Taylor explicitly notes that his primary concern is with the public sphere (1992, 37). He then proceeds to discuss the Canadian state's relationship with the Québécois and the laws and constitutional changes that would provide more adequate recognition to Quebec. As Connolloy, Leach, and Walsh point out, "in his essay, Taylor is largely concerned with *legal and institutional* recognition for equal worth of cultures" (2007, 4; emphasis added). Given Taylor's acknowledged focus on the public sphere, and his use of state-driven policies as examples of recognition, it is easy to see why Taylor's critics focus on his problematic conception of the state and its relation to minority groups. Indeed, my own critique in the previous section worked from the same assumption to demonstrate why, on an institutional level, Taylor's theory is a poor normative foundation for building reconciliation between Indigenous peoples and settlers in Canada. However, by assuming that Taylor's theory is exclusively state-centric, we might miss other ways that it can be more successfully applied.

Given Taylor's Hegelian foundations, it seems possible – if not likely – that Taylor's public sphere contains relationships not only between institutions and societal groups, but between individuals as well. Indeed, in the last section (V) of his essay "The Politics of Recognition" (1992), Taylor moves away from his focus on the state towards a discussion of what is required of individuals. Of particular value here is Taylor's discussion of the fusion of horizons in which individual members of different cultural groups approach the other by attempting to understand *their* norms, and not simply by applying one's own norms to another culture. It is worth quoting this crucial insight at length:

> What has to happen is what Gadamer has called a "fusion of horizons." We learn to move in a broader horizon, within which what we have formerly taken for granted as the background to valuation can be situated as one possibility alongside the different background of the formerly unfamiliar culture. The "fusion of horizons" operates through our developing new vocabularies of comparison, by means of which we can articulate these contrasts. So that if and when we ultimately find substantive support for our initial presumption, it is on the basis of an understanding of what constitutes worth that we couldn't possibly have had at the beginning. We have reached the judgement partly through transforming our standards. (Taylor 1992, 67)

This dialogical approach to difference seems to hold promise for moving away from stereotypes, prejudice, and other forms of misrecognition, towards some form of mutual understanding. It requires that we are willing to be "transformed by the study of the other, so that we are not simply judging by our original familiar standards" (Taylor 1992, 70).

Some commentators, however, have questioned whether the fusion of horizons actually offers the transformative possibility that Taylor claims. Following Bannerji's (2000) critique (cited in the previous section) Rita Dhamoon (2006) argues that Taylor's notion of the fusion of horizons actually forces the Other to fuse with the horizon of the dominant. While Dhamoon recognizes the value of Taylor's theory in creating new vocabularies of comparison – which can call Eurocentric norms into question – she ultimately finds that the "dialogical practices" for which Taylor advocates are limited by a set of political principles that "stabilize rather than challenge the hegemonic order" (Dhamoon 2006, 364). In Dhamoon's words, "even though Taylor attempts to avoid imposing standards of what he calls North Atlantic civilization, he collapses into a perspective that requires 'them' to fuse 'their' horizons with 'ours' " (2006, 365).

Bannerji (2000) and Dhamoon (2006) both rely on a particular excerpt of "The Politics of Recognition" to make their point:

All societies are becoming increasingly multicultural, while at the same time becoming more porous….Their porousness means that they are more open to multi-national migration; more of their members live the life of diaspora, whose center is elsewhere….The awkwardness arises from the fact that there are substantial numbers of people who are citizens and also belong to the culture that calls into question our philosophical boundaries. The challenge is to deal with their sense of marginalization without compromising our basic political principles. (Taylor 1992, 63)

Indeed, this passage does seem to create an "us versus them" conflict where – at the very least – the marginalized group (*they*) has the "basic political principles" of the dominant group (*we*) imposed on them. Dialogical encounters of this limited type are surely not what Turner has in mind when he expounds the necessity of Indigenous participation.

However, once again, this criticism of Taylor works from the assumption that Taylor's aim is to justify the *institutional* imposition of certain political principles. My point, though, is that Taylor's theory may be more usefully interpreted if we look at what it requires of *individuals* who engage in dialogical practices. I think that it is possible to read section V of "The Politics of Recognition" not as a justification of the imposition of dominant values, but rather as Taylor impelling dominant Canadians to enter into a genuine dialogue where those very values may be challenged and transformed. Taylor provides the framework through which Canadians could prepare themselves to enter into dialogue with another "civilization" (1992, 62). Importantly, this dialogue between civilizations does not require both sides to accept a Western tradition of dialogue. Taylor is using his own (Western) philosophical tradition in order to articulate to Canadians how a dialogue might take place. The other civilization (in this case Indigenous peoples), however, will enter the dialogue based on their own understandings of dialogical

relationships.[5] In this sense, Taylor's focus is not on how the other ought to adapt, but on how Canadians (in this case settler Canadians) can open themselves to dialogue and change.

Applied to the example of Indigenous-settler relations, this reading requires that Canadians do *not* enter the dialogue with the presupposition that their own Eurocentric framework already contains the principles through which Indigenous peoples can be adequately recognized. Rather, the principles, values, laws, and political structures of Indigenous peoples are regarded as *presumptively equal* (Taylor 1992, 66-7). Once on this ground of equal standing, members of both groups begin to create what Taylor calls a language of "perspicuous contrast" (cited in Temelini forthcoming). This is a vocabulary through which individuals from both groups of people can come to explain the values and principles of the other not with their own terms, but in a new language that is both mutually intelligible and mutually acceptable. Michael Temelini eloquently describes this process:

> Taylor's proposal for recognition begins from the position that we are deeply motivated by sometimes conflicting values but understanding and recognition are possible in ongoing dialogue….For Taylor, reconciliation and recognition can be achieved conditionally, and in a mutually non-distortive manner, in a continuing conversation, negotiation and persuasion in which the differences and similarities are compared among people recognized as different. (forthcoming)

It seems possible, then, that Taylor's theory does not force a marginalized group to accept a dominant horizon of meaning, but requires that the dominant group be willing to deeply question their own values and principles. In this light, when Taylor creates a division between *they* and *we*, it is not to show how Indigenous peoples must adapt, but rather to

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[5] One way of thinking about Indigenous understandings of dialogue is the treaty relationship (see Tully 2000a). For this insight, as well as the interpretation of Taylor's dialogical practices employed here, I am indebted to James Tully.

emphasize what the ethical obligation of settler Canadians is *vis-à-vis* Indigenous peoples. Temelini's insight also begins to highlight how Taylor's theory relates to the concept of reconciliation. In the third chapter I will return to Taylor's thought, to more thoroughly articulate how the fusion of horizons may be more usefully thought of as a tool for *reconciliation* as opposed to merely *recognition*.

CONCLUSION

In this chapter, I have sketched out a new way to analyze Taylor's theory as it relates to Indigenous peoples in Canada. It is useful to separate the institutional dimension from the individual dimension to ascertain the strengths and weaknesses in Taylor's arguments. Drawing on Dale Turner's principles for constructing a just framework of Aboriginal rights, I argued that at the institutional level, Taylor's theory is problematic in several respects. As his critics have so successfully argued, Taylor's theory privileges the state and fails to question its unilateral claims to sovereignty or its ability to recognize only limited forms of Indigenous autonomy. However, this valuable criticism fails to take into account how Taylor's theory might function at an individual level. With this reframing, there is a greater potential for reconciliation between Indigenous and non-Indigenous peoples who are willing to suspend their own normative judgments in an attempt to understand the other. In this respect, Turner's fourth principle – which requires Aboriginal participation – is actually respected. Indeed, the dialogue that Taylor envisions is impossible without participation from individuals of both cultural groups.

To be sure, the value of Taylor's theory for individuals relating to one another does not invalidate the important critique at the institutional dimension. However, we would be wise to remember that significant institutional change to recognize difference is often preceded by diverse individuals understanding one another. As Paulette Regan puts it, "real socio-political change will not come from hegemonic institutional and bureaucratic structures within these societies. If it is to happen, it will come from those people who are willing to take up, again and again, the struggle of living in truth" (2010, 215). Nonetheless, it is important to think about how we might imagine a more just relationship at the institutional level. Since Taylor fails to provide adequate answers here, it is worth turning to another theorist who may. The next chapter will take Nancy Fraser as its subject and draw out that very possibility.

CHAPTER 2: NANCY FRASER

FRASER'S THEORY EXPLAINED

In a series of essays, the first of which was published in 1995, Nancy Fraser attempts to identify and remedy the problems she sees in theories of recognition like those of Charles Taylor and Axel Honneth (Fraser 1995, 2000; Fraser and Honneth, 2003). Fraser's work has been met with much acclaim, with one commentator calling it "one of the most cogent and sustained critiques of the idea of the politics of recognition" (McNay 2008, 283). Her central concern is that an increasing focus on claims for the recognition of difference, which focus on identity, is occurring at the same time at which claims for egalitarian *redistribution* seem to be declining (2000, 107). This development causes two main problems: "the problem of displacement" and "the problem of reification" (Fraser 2000, 108).

Regarding the problem of displacement, Fraser posits that many recognition theorists examine the harm caused by the misrecognition of identity at the expense of the unequal distribution of economic resources. This one-sided focus is problematic as it overlooks a swath of injustices – from low wages to the denial of benefits – that do not have a distinctly cultural component. Even those proponents of identity politics that do recognize the importance of redistributive justice tend to see it as a "secondary effect of misrecognition" (Fraser 2000, 111). However, this view ignores that fact that economic and cultural hierarchies are not seamlessly fused. Fraser posits that "the idea that one could remedy all misdistribution by means of a politics of recognition is deeply deluded: its result can only be to displace struggles for economic justice" (2000, 112).

Regarding the problem of reification, Fraser claims that an identity model of recognition puts too much emphasis on the need to project "an authentic, self-affirming and self-generated collective identity" (2000, 112). Such an approach simplifies group identities and discourages the expression of intragroup difference. Ironically, these reified identities can actually serve as a "vehicle for misrecognition" as they lead too easily to "repressive forms of communitarianism, promoting conformism, intolerance and patriarchalism" (Fraser 2000, 112; see also McNay 2008, 283).

Given the above problems, Fraser's goal is to formulate a theory that respects claims for both recognition *and* redistribution without reducing one to the other (as she claims Taylor does in favour of recognition). Thus, she proposes to examine recognition as "status subordination" (2000, 113). This approach shifts the focus from "free-floating discourses" of identity, and grounds the analysis in *institutionalized* value patterns – whether formal laws, policies, or cemented cultural practices (Fraser 2000, 114). The status model, then, allows for a normative view of subordination that does not focus on identity, but on how institutions subordinate individuals and groups. Justice is achieved by rectifying the rules and processes of institutions so that oppressed individuals are no longer subordinated and can instead participate more fully in social life. In Fraser's words, the aim is "parity of participation" (2000, 115). The significance of this goal is that participatory parity can also be used as a measure for redistributive injustice. In this way, Fraser's theory allows for redistribution and recognition to be pursued simultaneously, without one displacing the other, and without the reification of collective identity (Fraser 2000, 116-120; McNay 2008, 284).

More recently, Fraser (2009) has added *representation* as a third dimension of (in)justice to her previously two-dimensional theoretical approach. Acknowledging that distinctive political injustice is possible, that does not properly fit into the recognition-distribution binary, she argues that adding representation was a natural evolution of her theory. This dimension is necessary to properly account for the question of political exclusion as "it tells us who is included in, and who excluded from, the circle of those entitled to a just distribution and reciprocal recognition" (Fraser 2009, 17). However, the normative solution to this problem remains the same – parity of participation. In all three forms of injustice, then, parity of participation is the norm that Fraser believes must be institutionalized in order to correct injustice.

FRASER AND THE INSTITUTIONAL DIMENSION

The question I will attempt to answer in this section is: does Nancy Fraser provide an adequate normative framework for building reconciliation between Indigenous and non-Indigenous peoples in Canada at an *institutional* level? To approach this question, as I did for Taylor's theory, I will draw on Dale Turner's (2006) principles for a just framework of Aboriginal rights (see chapter one). I will first highlight that in several ways, Fraser's theory is also problematic on the institutional front. However, a more nuanced reading of Fraser – particularly of her more recent work – reveals that she offers some vital insights for how to move towards justice in the institutional relationships between Indigenous peoples and non-Indigenous peoples in Canada.

There seems to be a critical omission in Fraser's theory regarding the unique demands of Indigenous peoples. For example, a first point is that Fraser's worry over the

"problem of displacement" may be inappropriate when applied to the context of Indigenous struggles in a colonial settler state. As Coulthard argues, "Indigenous peoples' struggles for national recognition are *always* simultaneously struggles for a more equitable distribution of land, political power, and economic resources" (2010, 139; original emphasis). It makes little sense to attempt to divide Indigenous claims into the separate domains of recognition and redistribution because the two are intrinsically entwined. Even something that seems to be exclusively about recognition – like the recovery of traditional Indigenous cultural values – is in reality deeply connected to redistribution as those same values can provide "a vision for forms of economic interaction and the protection of nature whose wider institutionalization would confront capitalism with transformative possibilities" (Young 1997, 158). Fraser's fear of displacement can be questioned more generally, since regardless of the emphasis of a particular political theorist or social movement, distribution and recognition are internally related and always simultaneously present in political struggles (Tully 2000b, 470). With respect to Indigenous struggles, however, the concern seems particularly misplaced.

A second issue with Fraser's theory is her goal of achieving parity of participation for all citizens. In the context of a colonial settler state, this aim initially struck me as highly suspect. To put it somewhat polemically, parity of participation sounds a lot like the goals espoused by the 1969 White Paper which declared: "In the pages which follow, the Government has outlined a number of measures and a policy which it is convinced will offer another road for Indians, a road that would lead gradually away from different status to full social, economic and political participation in Canadian life" (cited in Turner 2006, 125). The main idea of this policy was that Indigenous peoples would be

assimilated into mainstream society by gaining all rights to which Canadians are entitled, while losing any "special" privileges to which they were entitled. However, it was widely derided by Indigenous communities, scholars, and leaders as a flagrant violation of treaty agreements and the Canadian government's responsibilities to First Nations (Turner 2006, 12-37). Even if we are more generous with our reading of Fraser and allow that meaningful parity of participation will probably require some differential treatment, the underlying assumption seems to be that there is a single society in which to participate and from which rights are derived. In the words of Richard Day, "this theory therefore cannot comprehend a situation where a group might desire greater autonomy from, rather than a greater integration within, a dominant form of social life such as a white settler state" (Day 2001, 176). Nor does it seem to allow that sovereignty and rights may flow from a different source than the established state. Recall, these are the precise issues that Turner highlights in his second and third principles.

As shown above, one reading of Fraser's theory of parity of participation is that Indigenous peoples would be given the means to more fully participate through the institutions of the dominant settler society. However, it seems possible that Fraser's theory could encompass a far more robust interpretation of participatory parity that would be far more conducive to Turner's principles. In order to demonstrate this point, it is worth quoting Fraser at length to see exactly how she conceives of participatory parity:

> On the status model…misrecognition constitutes a form of institutionalized subordination, and thus a serious violation of justice. Wherever and however it occurs, a claim for recognition is in order. But note precisely what this means: aimed not at valorizing group identity but rather at overcoming subordination, in this approach claims for recognition seek to establish the subordinated party as a full partner in social life, able to interact with others as a peer. They aim, in other words, to de-institutionalize patterns of cultural value that impede parity of participation and to replace them with patterns that foster it. Redressing

misrecognition now means changing social institutions—or, more specifically, changing the interaction-regulating values that impede parity of participation at all relevant institutional sites. Exactly how this should be done depends in each case on the mode in which misrecognition is institutionalized. Juridified forms require legal change, policy-entrenched forms require policy change, associational forms require associational change, and so on: the mode and agency of redress vary, as does the institutional site. But in every case, the goal is the same: redressing misrecognition means replacing institutionalized value patterns that impede parity of participation with ones that enable or foster it. (2000, 113-4)

In the Canadian context, what has prevented Indigenous peoples from acting as "full partner[s] in social life" is long-standing federal policy that viewed their cultures, laws, and ways of life as deeply inferior and thus sought to assimilate them into the dominant settler society (RCAP vol. 1 1996). Thus, contra the 1969 White Paper (and my above reading of Fraser), what may actually be required for participatory parity is the ability for Indigenous peoples to participate politically using customs, traditions, and laws rooted in their own communities.

In her most recent work, Fraser has developed additional theoretical tools that bring her even closer to meeting Turner's principles, particularly at the institutional level. Primary among these is her work on "misframing" and "abnormal justice" (Fraser 2009). Fraser's argument, here, is that debates of justice once relied on the assumption that citizens who suffered from a lack of recognition or redistribution would struggle with a state to have these injustices remedied. This way of thinking about justice is what Fraser characterizes as "normal justice." With normal justice[6] the "what," "who," and "how" of justice are relatively fixed; the "what" is distribution of resources, the "who" is the citizen, and the "how" is the established state and elite institutions (Fraser 2008, 400-401).

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[6] Like her discussion on recognition and redistribution, Fraser recognizes that it is unlikely that any issue could ever be classified as fully normal. However, these analytical categories allow us to more thoroughly understand how debates around justice have evolved.

However, in the globalized world in which we live this "Keynesian-Westphalian frame" is breaking down (Fraser 2009, 12). Increasingly, the assumptions of the what, who, and how are being invalidated, which leads to what Fraser calls "abnormal justice." For Fraser, the "what" now also includes questions not only of redistribution, but also of recognition and representation. For each of these issues Fraser argues that parity of participation (as discussed earlier) is a possible norm through which these multiple sites of injustice can be remedied. The "who" includes more than just citizens of states but also those who suffer injustice as a result "of the division of political space *into* bounded polities" (2008, 408). This leads to the problem of misframing, where the frame of justice (previously a state border) does not adequately capture those suffering from injustice. Thus, we must be open to reframing justice so that all those affected can participate as subjects of justice (2008, 411). Finally, the "how" must make space for solutions that are not driven monologically by social scientific experts, but dialogically so that all those affected by institutions have a say in their formation and operation (2008, 414-5).

It is not immediately apparent how Fraser's notion of abnormal justice and misframing is applicable to Indigenous-settler relations in Canada. Indeed, she explicitly categorizes the issue of Indigenous self-government as occurring within a bounded polity, and therefore as a part of normal justice (Fraser 2008, 408). Unlike the global poor, for example, who are excluded from the frames of states and international organizations who make political decisions that significantly affect them, Indigenous peoples do (Fraser might argue) have a state to which they can address their struggles (in the present case – Canada). How, then, do misframing and abnormal justice apply in this case?

The categorization of Indigenous struggles as normal justice ignores key elements that make them more applicable to abnormal justice. Indeed, Indigenous struggles actually undermine the very assumptions and grammar of normal justice. On the question of "what," Indigenous peoples struggle over recognition (such as Indian status), redistribution (such as land claims), and representation (self-government). Clearly, then, they are moving beyond the concerns of what Fraser deems to be normal justice. On the question of "who," it is clear that Indigenous peoples are captured by Canada's frame. However, due to her focus on those excluded by frames, Fraser pays insufficient attention to the idea that it is not just who is included and excluded by the frames that matters, but the substance (or the "what") of the frame as well. The injustice in this case is not so much that Indigenous peoples do not have a state or institutions that they can address. The injustice is that the sovereignty of the state is assumed. To put it in Fraser's terms, while Indigenous peoples are not excluded from the frame, *their frames* are excluded. In this sense, the Indigenous case helps to highlight that misframing may not only affect those people (like the global poor) who are excluded from a sovereignty, but also those who are internally excluded by it. Indigenous peoples are a unique case, because many other issues of recognition (e.g. African Americans) and redistribution (e.g. workers) also assume the current frame of sovereignty. For Indigenous peoples, however, the frame itself has been seen as a technology of injustice for centuries.

However, despite this oversight in the question of framing, Fraser's analysis of the "how," remains promising for addressing her own limitations. Fraser's theory is promising because she argues that dialogical spaces must be made where frames and institutions can be contested, shifted, and changed. These spaces may allow for Turner's

principles to be seriously addressed. On the issue of sovereignty (Turner's second principle), the frame imposed by the Canadian state is up for debate and transformation. And this transformation happens because Fraser takes the notion of participation (Turner's fourth principle) to be a fundamental component of justice. Thus, some work is required *vis-à-vis* Fraser's theory, because she rarely draws on the struggles of Indigenous peoples in the elucidation of her theory. However, if we take *her own logic* further, then we see a space where Indigenous peoples are able to participate as equal partners, where oppressive institutions can be transformed, and where ongoing dialogue serves as the basis for continual institutional reform.

The above discussion demonstrates that read in a different way, Fraser's theory may actually lend significant support to important ideas that have emerged about how to forge reconciliation between Indigenous and non-Indigenous peoples.[7] Participatory parity may not just require that Indigenous peoples are able to have their voice heard in Canadian institutions, but that they are able to use their own laws, traditions, languages, and customs as equal partners in the federation. If Fraser's participatory parity is understood this way, then it would require marked transformation in the institutional relationships between Indigenous and non-Indigenous peoples in Canada. Moreover, abnormal justice may allow for the very foundation that underpins the Canadian state and constitution to be challenged and changed. If we return to Turner's principles, we can see how Fraser's measures of justice largely respect them at the institutional level. By requiring that First Nations no longer be subordinated to the state and that there be space for the use of Indigenous law and customs, Fraser's theory recognizes that Indigenous

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[7] It is important to note that for some Indigenous commentators, these solutions would still be unacceptable as they still take place within the Canadian federation (albeit a significantly changed one). See for example Alfred 1999, 113.

rights are *sui generis* as opposed to derived from the state (principle two).[8] The tool of reframing allows the unilateral imposition of Canadian sovereignty to be questioned and challenged (principle three). Finally, the very basis of Fraser's argument is that there is equal participation for both sides and thus sufficient Aboriginal participation would be guaranteed (principle four). It seems possible, then, that Fraser's theory could provide some of the necessary conditions for reconciliation. In chapter three, I will elaborate further on the value of Fraser's theory in this regard, by first defining what I mean by "reconciliation" and then by bringing Taylor back into the conversation.

However, if Fraser's theory offers promise at the level of addressing the failures of institutions, how does it perform when faced with the individual dimension? Most specifically, can the legacy of colonialism (principle one) be addressed by focusing exclusively on the institutional dimension, as Fraser does? It is to these questions that I will now turn.

FRASER AND THE INDIVIDUAL DIMENSION

The question I will attempt to answer in this section is: does Nancy Fraser provide an adequate normative framework for building reconciliation between Indigenous and non-Indigenous peoples in Canada at an *individual* level? In the previous section I offered an interpretation of Fraser's theory that makes it promising for dealing with institutional injustice in a settler-colonial context. However, her success in this regard may rely on the occlusion of both the positive and negative psychological effects that can occur with recognition or misrecognition among individuals. This section will first

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[8] For more on this discussion see MA thesis by Helena Kajlich, 2003.

address how Fraser's concerns with psychologization may be exaggerated, before turning

to examples from the Canadian context for why individual psychology ought to be

considered more fully.

Fraser is fully aware of the fact that her theory does not focus on individual

psychology. Indeed, she quite intentionally avoids it as she sees it as a problematic

element of the theories developed by both Taylor and Honneth. She compellingly argues

the advantages of the status model over an identity model:

> Conceiving misrecognition as status subordination, it locates the wrong in social
> relations, not in individual or interpersonal psychology. As a result, it escapes
> some of the self-realization model's difficulties. When misrecognition is
> identified with internal distortion in the structure of the self-consciousness of the
> oppressed, it is but a short step to blaming the victim, as imputing psychic damage
> to those subject to racism, for example, seems to add insult to injury. Conversely,
> when misrecognition is equated with prejudice in the minds of the oppressors,
> overcoming it seems to require policing their beliefs, an approach that is illiberal
> and authoritarian. For the status model, in contrast, misrecognition is a matter of
> externally manifest and publicly verifiable impediments to some people's
> standing as full members of society. To redress it, again, means to overcome
> subordination. This in turn means changing institutions and social practices –
> once again, by deinstitutionalizing patterns of cultural value that impeded parity
> of participation and replacing them with patterns that foster it. (Fraser and
> Honneth 2003, 31-2)

However, as Simon Thompson demonstrates in his critical review of theories of

recognition, Fraser's argument, here, may be overstated. For Thompson, Fraser's

concerns of blaming the victim and policing the oppressor are only borne out through a

misuse of a psychological account (2006, 34). In reality, it is possible to recognize that

victims have suffered psychological harm and wish to shake off harmful misrecognition,

without blaming them for internalizing such oppression in the first place (Thompson

2006, 35). Regarding the policing of oppressors' minds, it seems likely that it is not more

possible to compel recognition than it would be to compel faith. Moreover, it is possible

to recognize the psychological damage caused by misrecognition, while still endorsing Fraser's view that misrecognition is rooted in institutionalized patterns of value (Thompson 2006, 35). In other words, solving institutional oppression prevents the need to police the oppressors' minds, but may not be enough to fully alleviate the damage experienced by victims. It is clear that Fraser attempts to draw familiar liberal lines around what is rightly subject to normative restructuring (i.e. public institutions) and what ought to remain private (i.e. psychology and feelings).[9] The issue, however, is whether such an approach may actually leave deep injustices unattended. Ultimately, Fraser signals to us some potential dangers for how an analysis of individual psychology could be misused to perpetuate oppression. However, psychological accounts can be applied appropriately and actually help to show that "victims are *not* to blame for their internalized attitudes, and that the end of oppression does *not* require policing the oppressors' minds" (Thompson 2006, 35; original emphasis).

The importance of identifying the psychological facets of oppression can be illustrated with examples from the Canadian context. With his Fanonian reading of recognition, Coulthard (2007) argues that although the misrecognition of Indigenous peoples can be initially located in colonial institutions, it can become entrenched in the psychological problems that ensue from the oppression. These deep psychological issues "can take on a life of their own" so that "dumping all our efforts into alleviating the institutional/structural impediments to participatory parity [as Fraser suggests]…may not

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[9] Fraser thoroughly details this approach in her article entitled "Recognition Without Ethics?" (2001). Here, she seeks to demonstrate that a deontological approach to misrecognition – that is, one that appeals to institutional norms and avoids evaluating the worth of different ways of life – is far superior to an ethical approach, which must undertake such an evaluation. She does, however, acknowledge that where institutions fail, an ethical approach may be necessary. It is my assertion that such an ethical turn may be required for certain injustices and marginalization faced by Indigenous peoples in Canada.

do anything to undercut the debilitating forms of unfreedom related to misrecognition in the traditional sense" (Coulthard 2007, 448). In the Canadian context, the existence of psychological pathologies induced by colonialism is well documented (Alfred 2005, 126; Irlbacher-Fox 2009, 27-31). While attending to the grievous injustices that pervade Canadian institutions and policies *vis-à-vis* Indigenous peoples is obviously a necessary step, it may be an insufficient form of recognition to attend to the damage wreaked by colonialism.

The example of Indian Residential Schools helps to draw out the limitations of Fraser's narrow focus on institutions. From 1857-1996, over 150,000 Indigenous children were removed from their families and placed in residential schools where they were prohibited from speaking their languages or practicing their cultures. Abuse, neglect, and disease ran rampant at the schools.[10] Canada's last residential school closed in 1996 (Aboriginal Affairs and Northern Development Canada, 2012) and the policy has been thoroughly repudiated through an official government apology (Harper 2008). In that sense, significant steps have been taken to rectify the institutional problem. However, as victim testimony at the current Truth and Reconciliation Commission indicates, the trauma inflicted by residential schools is deep-seated, intergenerational and continues to have deeply troubling effects in Indigenous communities across the country (Truth and Reconciliation Commission of Canada 2012). My point here is that in order to "eschew psychologization" (Fraser 2003: 31), Fraser may fail to address some of the most serious injustices experienced by Indigenous peoples in Canada today. Her particular rendering of recognition prevents her from exploring "types of social suffering that cannot be

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[10] I give only the most cursory description here, so as to stay on the topic of theories of recognition. However, for a comprehensive overview of the history of residential schools see Miller 1997 and RCAP vol. 1 1996, chap. 10.

captured in the dualism of recognition and redistribution" (McNay 2008, 272). In this way, to put it in Turner's terms, Fraser's theory fails to adequately address the legacy of colonialism.

Just as Fraser's approach may prevent a full examination of psychological trauma inflicted by colonial institutions like residential schools, it may also be unable to accommodate certain practices of emancipation and anti-oppression to heal the damage caused by them. In his work on Indigenous resistance, Taiaiake Alfred argues that the path to decolonization is fundamentally both spiritual and *individual*:

> The first part of self-determination is the *self*. In our minds and in our souls, we need to reject the colonists' control and authority, their definition of who we are and what our rights are, their definition of what is worthwhile and how one should live, their hypocritical and pacifying moralities. We need to rebel against what they want us to become, start remembering the qualities of our ancestors, and act on those remembrances. This is the kind of spiritual revolution that will ensure our survival. (2005, 32; original emphasis)

Alfred's philosophy indicates how important retaining a focus on individual psychological damage can be in order to work towards Indigenous self-determination.

I imagine that Fraser would object to Alfred's work not only for its emphasis on subjective psychological feelings, but also for his tendency to essentialize Indigenous culture. As alluded to above, she claims that a status model is superior to an identity model because "by refusing to privilege remedies for misrecognition that valorize existing group identities, it avoids *essentializing* current configurations and foreclosing historical change" (2000, 119; emphasis added). With this statement, Fraser aligns herself with theorists like Seyla Benhabib (2002) through a shared concern over cultural essentialism. The contention is that a "reductionist sociology of culture" can essentialize the idea of culture as the property of an ethnic group, reify cultures by stressing their

boundaries and distinctiveness, exaggerate the internal similarities of cultures, and "fetishize" cultures in such a way that they are placed beyond the grasp of critical analysis (Benhabib 2002, 4; for an Indigenous perspective also see Lyons 2010, 135-40). By taking this approach, Fraser avoids the problems of a limited culturalist perspective that too firmly links identity with a notion of "authentic" culture (see chapter one). However, in a settler-colonial context, Fraser's theory encounters difficulties of its own. An anti-essentialist view risks overestimating its own emancipatory potential while undermining the power of resistance that can be created through claiming cultural distinctiveness.

Another empirical example helps to illustrate this point. Benhabib raises the fact that thousands of Indigenous women in Canada have been denied band membership because the Indian Act stipulated that legal status as an Indian could only be transferred through the male line of descent.[11] As women sought to regain membership, this pitted the "claims of First Nations, and in particular of their male leaders, to preserve their authentic customs" against "the demands of women of First Nations for full equal civil and political rights" (Benhabib 2002, 54). However, this depiction of the conflict obscures some of its most vital dimensions. While I do not dispute the injustice of this clear discrimination against large numbers of native women, an anti-essentialist perspective seems to find the source of the injustice in the patriarchal tendencies of native leaders, as opposed to in the colonial relationship itself (Coulthard 2010, 143). The more complex reality is that much of the opposition to reinstating women members has come from the brutal living conditions faced by Indigenous communities and the fear that more

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[11] For a recent and comprehensive analysis of these discriminatory policies, see Palmater 2011.

members will make the provision of an adequate system of support even more difficult. As Coulthard argues, "even if we were to deconstruct and expose the Native elite's self-serving misuse of culture as a means of maintaining their patriarchal privilege, we would still leave intact the underlying social relations that prompted the misuse to begin with" (2010, 45).

Furthermore – and particularly relevant to Fraser's concerns over redistribution – drawing on clear notions of cultural identity and tradition can actually serve as a *strategy* of resistance against colonial and economic structures of oppression. These efforts are exemplified in Alfred's work as he draws on an arguably essentialist understanding of Indigenous culture and contrasts it against the "capitalist economics and liberal delusions of progress" which are "the very engines of colonial aggression and injustice" (2005, 133). Anti-essentialism, in this case, can actually serve to disempower these voices of resistance (Coulthard 2010, 148). In sum, in a settler-colonial context, when anti-essentialism is deemed universally necessary for justice – what has been called "essentialist anti-essentialism" (Kompridis 2005, 320) – the colonial foundation of injustices can actually be left in place. Instead of providing a means for liberation, it can serve instead to promote an "assimilationist logic" where the voices of resistance of marginalized identities are subsumed by "acceptable and advantageous majority identities" (Kompridis 2005, 328; also see Phillips 1997, 152).

It is important to note that both issues with female membership and problems with capitalist exploitation could be largely addressed with the notion of participatory parity. However, they help to demonstrate that Fraser's theory does not adequately account for individual psychological damage, emanciptory techniques to deal with such damage, or

strategies of resistance that draw on a clearly defined notion of culture. Taken together, they highlight some of the difficulties in Fraser's theory when it is faced with the legacy of colonialism in the context of a settler state.

CONCLUSION

In this chapter, I have sketched a critical re-reading of Fraser's theory as it relates to Indigenous peoples in Canada. In the inverse to my findings of Taylor, I argued that (through the lens of Turner's principles) Fraser's theory holds significant promise at the institutional level while encountering several problems at the individual level. At the individual level, in her attempts to eschew pyscholgization, Fraser's theory fails to account for both particular forms of injustice and methods through which to counter them. At the institutional level too, a direct reading also finds Fraser's theory problematic, particularly as it seems to fail to question the state's unilateral imposition of sovereignty. However, I offered a re-reading of Fraser's concepts of participatory parity and abnormal justice that positions them as a compelling response to the institutional injustices faced by Indigenous peoples in Canada. Viewed in this light, Fraser's theory offers an important benchmark with which one can critique Indigenous-state relations and look towards solutions that will make institutional structures more just.

CHAPTER 3: FROM RECOGNITION TO AGONISTIC RECONCILIATION

[T]he resolve has to be there to give reconciliation its full expression to appreciate its highly textured demands. In practical terms, that comes down to an analysis that transcends a strictly legal debate but goes back to some fundamental questions over what Aboriginal and non-Aboriginal Canadians alike would like to see in a future harmonized relationship. Without that resolve and that analysis there is a significant risk that reconciliation will become just another lofty term, discussed in terms of high generality and ambiguity, much in the way of the historic treaties. Surely, there has to be a better way forward.
<div align="right">-E. Ria Tzimas 2011, 527</div>

In the previous two chapters, I put the theories advanced by Charles Taylor and Nancy Fraser into a challenging dialogue with the fundamental Indigenous concerns articulated by Dale Turner. I argued that this process reveals not only significant assumptions and limitations in each theory, but also distills important insights that can be applied to Indigenous-settler relations in Canada. At the end of each chapter, I gestured toward the idea that both theorists may contribute important ideas to the project of reconciliation. While Charles Taylor falls short when examined through an institutional lens, his theory about the fusion of horizons seems to hold deep potential at an individual level. As a sort of mirror image, Nancy Fraser's concepts of parity of participation and abnormal justice offer important means with which to analyze institutional injustice (and correct it), but she intentionally (and I argue mistakenly) avoids discussing the (in)justice that occurs at an individual and subjective level.

However, up to this point, I have not adequately probed the concept of reconciliation or how Taylor and Fraser might contribute to it. Moreover, their valuable ideas have been discussed in relative isolation and not in relation to one another. This chapter will address these issues in three parts. The first part will survey some of the literature on reconciliation. Here I will acknowledge that understood in a certain way,

reconciliation is vulnerable to much of the criticism that makes recognition problematic. However, if reconciliation is conceived of as an ongoing and agonistic project, then it is a far more transformative and radical concept. Second, I will highlight how Taylor and Fraser can both be read as contributing to this process of agonistic reconciliation. This section will draw on diverse literature and a number of brief case studies to help illustrate elements of each theory in action. Finally, I will conclude by bringing these positive elements together to show that neither the individual reconciliation that Taylor helps to foster, nor the institutional reconciliation that Fraser's theory encourages are sufficient on their own. Rather they complement one another and point a new way forward not just for the concept of reconciliation, but in thinking about agonistic theory and political theory more generally.

RECONCILING RECONCILIATION

In order to examine how Taylor and Fraser might contribute to the project of reconciliation, it is first important to examine the concept of reconciliation itself. As Andrew Schaap has shown, a fundamental objection that many scholars have raised about reconciliation is its ambiguity (2008, 250-1). Schaap argues (as will I) that this ambiguity does not have to be viewed as entirely negative since disagreement on the term itself may actually promote dialogue and contestation that is actually a significant part of the reconciliatory process. In other words, "if reconciliation depends on a population within a state coming to think of itself as a people, then a particular conception of reconciliation cannot be determined in advance but must be worked out politically by those who would get together to reconcile in the first place" (Shaap 2008, 251). Nonetheless, this

"ambiguity objection" highlights that there are multiple understandings of reconciliation. In this section, I aim to provide a brief survey of various conceptions of the term. I will begin with a series of problematic versions that view reconciliation as a process that leads to closure, a final agreement, or some kind of definitive end before arriving at Schaap's (and others') more fruitful agonistic model.

In the last two decades, there has been a burgeoning literature on reconciliation. However, the idea did not "burst into international prominence" (Bashir and Kymlicka 2008, 1) due to a focus on settler-colonial states like Canada. Rather, scholars of transitional justice began to home in on the concept of reconciliation as it was being used in post-apartheid South Africa. After a period of horrific violence and racial segregation, South Africans needed a way to transition from violence and division to some form of peace, unity, and democracy. The model employed – through various means including a Truth and Reconciliation Commission – was reconciliation. Several scholars have celebrated the successful transition that was achieved through this process (see Minow 1998; Tutu 1999). Others have more reservedly acknowledged that although reconciliation in the South African case cannot be considered a replacement for more traditional forms of justice (trial and punishment), it was the only reasonably available option, and still holds significant moral worth (see Dwyer 1999). Still others have been critical of the reconciliatory process highlighting that it was a state-driven initiative that sought to impose closure in demanding that citizens embrace forgiveness while accepting the singular version of historical events that was being collected (see Mamdani 2001).

More recently, scholars and political actors have applied the idea of reconciliation to the Canadian context. However, given the South African example and the critical

literature surrounding it, several commentators have been skeptical about whether reconciliation can really lead to any kind of transformation in the colonial relationship. Indeed, there are good reasons for questioning the applicability of reconciliation to a settler-colonial state. To start with, it is important to acknowledge that in the South African context, reconciliation was used as a means to launch a project of inclusion and equal citizenship. In Canada, however, Indigenous peoples have actually been oppressed through attempts at inclusion and assimilation; they demand instead "some recognition and accommodation of their distinct identity" (Bashir and Kymlicka 2008, 7). Thus, reconciliation that is oriented towards unitary nationhood could actually perpetuate injustice by ruling out the possibility of Indigenous self-rule.

Moreover, much like critics pointed out was the case in the South African context, in Canada the word reconciliation has also been, to a large extent, co-opted by the state. Much of the state's relationship with Indigenous peoples is now couched in the language or reconciliation. However, this state-appropriated reconciliation is not transformative, but instead "introduces a particular emphasis on history and the imperative of 'moving on,' as well as a renewed emphasis on legalistic conceptions of injury that conceive of harm explicitly or implicitly in relation to liberal individuals and property" (Henderson and Wakeham 2013). There are several instances of this problematic and closure-oriented form of reconciliation at work. A first example is the 2008 apology given by Prime Minster Stephen Harper to victims of residential schools. This apology should be acknowledged for taking a step in the direction of acknowledging a certain facet of colonialism in Canada. However, the apology clearly sought to describe residential schools as an isolated "chapter in our history" (Harper 2008), which has little connection

to the present. By denying any link to current issues like land claims and self-government, let alone actually using the word "colonialism," the apology imposed a form of historical closure in an attempt to put this problem behind us once and for all (Dorrell 2009, 39; Henderson and Wakeham 2009, 3). Of course, the apology can also be criticized on the grounds that it is a symbolic act that, regardless of its rhetorical flourishes, does little to address the political and economic injustices that Indigenous peoples continue to face.[12] In essence, the apology served to differentiate the idea of reconciliation from Indigenous concerns of sovereignty and self-determination.

Modern treaty negotiations, though certainly less symbolic, provide an additional example of state-driven reconciliation oriented towards finality and closure. Treaty negotiations offer the Canadian state an opportunity to redefine its relationship with Indigenous peoples, and to develop an ongoing relationship of mutual respect and reciprocity (Tully 2000a). However, for the federal and provincial governments, the goal of the agreement is not to create an ongoing relationship based on mutual negotiation, but a final agreement that provides a "full, certain, and final listing of all the rights and lands that a group may have now and in the future" (Alcantara 2007, 345). Thus, a major component of the negotiation process involves detailing the exact nature of Aboriginal rights, so that all existing rights – including Section 35 constitutional rights – are "modified" to become treaty rights, while all undefined rights are "released" (Woolford 2005, 437). This manoeuvre seems designed to prevent Indigenous groups that sign treaties from having recourse to expand their rights if the political landscape changes in

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[12] It must be acknowledged that the 2008 apology was part of an overall settlement agreement that included the establishment of the Truth and Reconciliation Commission and individual reparations payments to victims (see Truth and Reconciliation Commission of Canada, 2012). However, these measures also sharply isolate the residential schools issue from a discussion of colonialism that includes, among other things, the dispossession of land.

the future. While the government has concertedly worked to avoid the language of

"extinguishment," several commentators insist that the legal effect of "releasing" rights is

the same (Woolford 2005, 437; Tully 2008, 275). If anything is reconciled here, it is

Indigenous peoples to the Canadian legal and economic framework. Alfred puts this issue

in particularly vivid terms:

> Well into the twenty-first century, Canada's final solution to the Indian Problem is
> to force indigenous peoples who have inhabited the land for millennia to do what
> no other people in the world are obliged to do: to formalize a definition of
> themselves for all time and agree to a set of criteria for determining membership
> that will not be subject to evolution or change as the group responds to the shifting
> realities of the political and economic environment. (2008, 148)

From an Indigenous perspective, then, it is not difficult to understand why this view of

reconciliation is inherently problematic.

 While more cases could be outlined (including the Truth and Reconciliation

Commission, self-government agreements, and Supreme Court rulings)[13] the point with

these brief examples is not to exhaustively detail the state's so-called reconciliatory

actions, but simply to highlight the problematic nature of the Canadian state's conception

of reconciliation. This vision of finality and closure has led some scholars to essentially

turn away from the concept of reconciliation altogether. For example, Alfred argues that

reconciliation is a relatively meaningless concept until restitution of land and resources

has been secured (2009, 179-90).

 Yet, that the nebulous nature of the concept or reconciliation lends the term to

problematic appropriation by governments does not render it an idea that ought to be

dismissed outright. It does, however, demand a clear articulation of reconciliation that

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[13] Much critical literature has been written on these topics. For good examples on Canada's Truth and
Reconciliation Commission see James 2010; on self-government agreements see Irlbacher-Fox 2009; and
on the Supreme Court see Borrows 1998 and Macklem 2001.

resists the imposition of closure and finality outlined in the examples above. The key

point, eloquently articulated by Nikolas Kompridis, is that "we need to resist the still-

seductive idea that there is some uncontroversial, ever-ready norm of impartiality that can

serve as the single best problem-solving and conflict-resolving procedure for settling

recognition claims and the 'claims of culture' " (2007, 279). One promising avenue for

thinking about this more open and ongoing notion of reconciliation is democratic theory,

and specifically theories of *agonistic democracy*. Following Kompridis' plea, agonistic

democrats argue against the notion – held by deliberative democrats including Rawls and

Habermas – that there is the possibility of arriving at a neutral norm of consensus. Both

Rawlsian and Habermasian democrats seek a form of deliberation that privileges an ideal

of "public reason," which they contend can be accessed by all people, regardless of the

diversity of their backgrounds. Their goal, then, is to create a "rational consensus based

on the 'force of the better argument' " (Bashir and Kymlicka 2008, 10). Agonistic

democrats, by contrast, contend that nonviolent conflict and struggle is an ineradicable

facet of democracy. The aim is not to avoid antagonism but rather to mitigate the

imposition of any regulative ideal. Indeed, agonistic democrats are suspicious of

"attempts to determine in advance what is to count as legitimate political action because

this too often becomes a way of co-opting radical challenges to the dominant interests

within a society" (Schaap 2006, 257). Instead, free individuals continually contest their

relations with each other and the institutions that govern them.

    Two key proponents of agonistic democracy are Chantal Mouffe (2000) and

James Tully (2000b, 2008). In their work, both theorists are clearly attempting to move

away from the orientation to finality and closure expressed above. In his commentary on

recognition (a concept, which he explains is also prone to this problem), Tully argues that we must shift the focus away from uncovering "the just and definitive theory of recognition on which all citizens could reach agreement once and for all" (2000b, 472; see also Maclure 2003). Rather, the aim should be "an account of democracy in which the freedom to question and challenge, as well as to reply and defend, the prevailing norms of recognition is taken as one enduring aspect of democratic activity among many" (2000, 472).

For Tully, definitive resolution is an impractical goal for several reasons (see Thompson 2006, 183-84). First, struggles over political recognition are deeply complex and unpredictable. If a group makes a political demand then the identities of the individual group members will be affected in various and complex ways. In this sense, the struggle does not actually take place between two individuals or groups but is a complex "multilateral web of relations" (Tully 2000b, 474). Second, one demand for recognition tends to give rise to other demands, creating on ongoing cycle of demands that do not end (Tully 2000b, 474). Third, there are always asymmetries of power in negotiations over recognition. Often these power relations are not made clear until after new norms of recognition are created, a fact which also signals the ongoing nature of struggles over recognition (2000b, 475-6). Fourth, any proposed resolution to a conflict will inevitably be a compromise and not a consensus, which leaves room for continued demands from those who were not satisfied (2000b, 476). Fifth, negotiations over recognition take place in "real time" so that certain affected parties will always go unheard. Since decisions have to be taken, dissenters will always remain and continue to make their case (2000b, 476). Finally, the identities of citizens will change through the

course of negotiations themselves. As we disclose our own identities and acknowledge those of others our sense of ourselves shifts along with the goals of our political struggles (2000b, 477).

Mouffe shares Tully's sentiment that our analytical focus should not be on an end state of democracy or justice (which can never actually be achieved), but on agonistic *practices of freedom* that allow for ongoing negotiations *over* justice in a pluralistic democracy. Mouffe (2000) lays out the notion, long grappled with by political theorists, that freedom and equality are in deep tension with one another. It has been long been the quest of political theorists (from Locke to Rousseau, Rawls to Habermas) to find a way for freedom and equality, democracy and liberalism, to coexist (see Mouffe 2000, 83-90). Mouffe's point, however, is that this tension is actually ineradicable. In her words:

> What is specific and valuable about modern liberal democracy is that, when properly understood, it creates a space in which this confrontation is kept open, power relations are always being put into question and no victory can be final. However, such an 'agonistic' democracy requires accepting that conflict and division are inherent to politics and that there is no place where reconciliation could be definitively achieved as the full actualization of the unity of "the people." (Mouffe 2000, 15-6)

Mouffe clearly articulates the need to avoid the fantasy that power and hegemony could ever be "dissolved through rational debate" and that any attempt to do so actually endangers democracy itself (2000, 104). The aim then is not to eliminate exclusion or antagonism outright, since such a feat is impossible. In this way agonistic democracy is more receptive to the claims of others and to a pluralistic society. In short, "by warning us against the illusion that a fully achieved democracy could ever be instantiated, it forces us to keep the democratic contestation alive" (Mouffe 2000, 105).

Distinctions can surely be drawn between the work of Tully and Mouffe, but there are broad and important similarities between them as they resist the orientation to finality, and insist on the ongoing and contentious nature of democracy. However, the question remains: what are the implications of agonistic democracy for the concept of reconciliation? Kymlicka and Bashir note that, "while many theorists of reconciliation insist that redressing historic injustice is a step towards democratic inclusion, very few have looked at the way different models of reconciliation connect to broader political theories of deliberative democracy, agonistic democracy, and multiculturalism" (2008, 6). A small number of scholars, however, have begun to bridge the gap between these two literatures. It is in their work that the idea of "agonistic reconciliation" is emerging.

Reconciliation between Indigenous peoples and Canadian settlers, viewed through this agonistic lens, means that we must shift the focus away from any imposed final agreement towards an ongoing relationship. Andrew Woolford contends that many understandings of reconciliation are actually calls for all to be "*reconciled*" (2005, 180; original emphasis). "In contrast," he argues, "*reconciliation* requires a process of ongoing engagement with the Other. This is not a melding of two worlds into a bland sameness, nor is it a mere act of tolerance whereby two parties grudgingly accept their differences. It is, rather, a living relationship that involves sharing and cooperation" (2005, 180; original emphasis). Similarly, Matthew Dorrell contends that the focus must shift from "reconciliation" to "reconciling" (2009, 38). Adopting the gerund form of the word "emphasizes the necessarily agential and iterative nature of processes of reconciling, distinguishing it from finalizing processes of reconciliation" (Dorrell 2009, 38). The priority, then, shifts from arriving at a final destination to pursuing an ongoing process.

Ultimately, then, reconciliation (especially for the purposes of what follows) cannot be thought of as some kind of goal or end state, but must be an ongoing process (Govier 2006, 206-8). A persistent desire for closure and finality has only led to repeated error and injustice. Reconciliation pursued in this vein will only reinscribe the coercive and colonial relationship that it is supposedly intended to remedy. As shown above, present efforts at reconciliation work to subsume First Nations under the banner of Canadian identity and sovereignty instead of properly acknowledging the self-determination agenda of Indigenous peoples (see also Corntassel and Holder, 2008; Egan 2011). Yet, reconciliation properly conceived "is neither a form of recognition handed down to Indigenous peoples from the state nor a final settlement of some kind" (Tully 2008, 223). Rather, it is an enduring relationship subject to ongoing negotiation by self-determining peoples. Having established exactly what agonistic reconciliation is, I will now return to the theories of Charles Taylor and Nancy Fraser to see how they might contribute to this vital project.

CHARLES TAYLOR AND AGONISTIC INDIVIDUALS

As alluded to in chapter one, some of Taylor's critics would be highly skeptical that Taylor's theory could be part of such a project. For example, Brian Egan (who draws on Day and Bannerji) argues that Taylor presents a "fantasy of reconciliation" that "imagines Canada reaching a point of completion or rest, a time and place where identities and relations are fully realized and harmonized, and where there is a perfect congruence between individual, nation, and state" (2011, 136). Here, Egan presents Taylor as a theorist who subscribes to a form of reconciliation that I portrayed as deeply

problematic in the last section. The first chapter also acknowledged – indeed demonstrated – that particularly from an institutional perspective, Taylor's theory is vulnerable to this critique. How, then, does Taylor's theory fit into the project of agonistic reconciliation sketched above?

The response lies in the idea that, when it comes to relations between individuals, Taylor does *not* subscribe to some fantasy where relations are "fully realized" and "relations are fully harmonized." In fact, Taylor – in an agonistic manner – is highly aware that political struggle is ongoing and his theory is designed to resist the imposition of any definitive end point. In "The Politics of Recognition," the key mechanism through which Taylor does this is the fusion of horizons. Properly understood, the fusion of horizons "is *an ongoing process* rather than a stable endpoint. Because our self-understandings are constantly changing as we rearticulate our conception of the good, so too is the horizon within which we recognize the other shifting" (Schaap 2004, 529; emphasis added). By its very nature, then, the fusion of horizons does not allow for the imposition of finality. Rather, it is the constant negotiation and re-negotiation of how we understand both ourselves and others.

Indeed, Taylor explicitly articulates that his theory of dialogical relations between individuals, though designed to promote understanding and reconciliation, should not be read as imposing a definitive norm or end point. Drawing on Taylor's own language, Temelini brilliantly sums up this vision and it is, thus, worth quoting him at length:

> In Taylor's approach, political struggles…are never definitive, but continuing conversations. Talking is not just the best way to understand others, but in trying to understand others we might also understand something about ourselves, or we might become a little like the other, or be transformed in talking to others. In light of such struggles, Taylor typically describes contemporary democratic societies in terms of "tensions" that are "constitutive" and "ineradicable" for which there can

> never be a "definitive solution." He talks about the "need" to negotiate and
> compromise, and to avoid the temptation of absolute and unchallengeable
> solutions or "once and for all" constitutional settlements….In light of its contested
> dialogical nature, reconciliation is always negotiated and periodic, never
> definitive. In political contests "neither side can abolish the other, but the line can
> be moved, never definitively." In a sense "la lotta continua" – the struggle goes on
> – in fact forever. (Temelini forthcoming)

Clearly, there are strong links between this approach and agonistic reconciliation. Like

agonistic democrats, Taylor resists the orientation to finality and closure. The type of

reconciliation that can be built through the fusion of horizons, then, is an ongoing

relationship that allows for continual contestation. In order to more fully illustrate how

the fusion of horizons might actually function in practice, I will now turn to some

examples of reconciliation that seem to demonstrate this Taylorian reconciliation at work.

Case Studies

The potential power of transforming our standards in the way that Taylor

describes is evident in an emerging literature on reconciliation. Roger Epp argues that, in

approaching the question of Indigenous-settler reconciliation, we must shift our focus

away from solving the "Indian problem" and instead begin to ask what might constitute

the "settler problem" (2003, 228). For Epp, with this approach, perhaps

counterintuitively, there is hope for reconciliation between rural settler communities and

Aboriginal reserve communities. As Epp acknowledges, many who live in these rural

areas would be incredulous at such a suggestion; indeed, rural Canada has been home to

some of the most violent and racist conflicts between Indigenous and non-Indigenous

peoples (2003, 228-9). Moreover, many settlers continue to inhabit a normative world

that is thoroughly Lockean, individualistic, and ahistorical. This causes settlers to eschew

their history, forgetting both colonial injustice and, importantly, periods of Indigenous-settler cooperation. However, along with the important cultural differences that divide these communities, there are also emerging similarities that point the way toward "bridges for coexistence" (Epp 2003, 240). Rural dwellers – Indigenous and non-Indigenous – face similar challenges as they both rely on government support, have largely been displaced by the global economy, and see their youth moving to cities in search of job opportunities (Epp 2003, 240). There also may be some cultural overlap as both groups value multigenerational family identity and a deep connection to the land and nature (Epp 2003, 240).

Epp's point is that as these similarities are acknowledged, so too may there be a greater understanding of how to negotiate difference. Even within his own university classes, Epp has seen these similarities noticed and respected for the first time with students forced to consider their own judgements and normative foundations (Epp 2003, 237-8). To use Taylor's language, Epp's classroom setting may be an example of a place where Indigenous peoples and settler Canadians are developing a language of "perspicuous comparison." As they learn from one another, they foster the possibility of a gradual transformation of their own standards and through that a hope for reconciliation.

Following Epp's call to probe the "settler problem," Paulette Regan (2010) outlines an "unsettling pedagogy" through which settlers can work to understand, question, and destabilize myths about the colonial foundation of Canada and their society. Regan argues that this vital process is possible if settlers engage in critical dialogue with Indigenous people who have survived the residential schools system. Transformation is not possible through monological self-reflection which "merely encourages passive

empathy or a neutral distancing from the Other that is insufficient to effect social and political change" (Regan 2010, 51). For Regan, the ongoing Truth and Reconciliation Commission offers settlers an opportunity to fully engage with the realities of Indigenous peoples. This dialogical sharing has the potential to expand the horizon of meaning under which settlers live and engage them in the need for reparation, reconciliation, and justice *vis-à-vis* Indigenous peoples. Although Regan only briefly cites Taylor, the connections between her ideas and Taylor's theory are clear. By engaging in critical dialogue, Indigenous and non-Indigenous peoples can move towards a fusion of horizons, where settlers more fully understand the limitations of the norms and myths that have sustained a colonial relationship.

Finally, in a recent article on resisting the imposition of sovereignty in the Arctic, Gordon Christie argues that Indigenous peoples in Canada's North can resist Canada's imposition of sovereignty in two ways. The first way is to work from within the construct of Canadian sovereignty through institutions like the Arctic Council and the United Nations (Christie 2011, 334-37). However, Christie argues that Indigenous peoples should not lose sight of the fact that they can also challenge the normative assumptions of the sovereignty model with their own sphere of meaning. This raises the possibility that "two independent worlds of meaning can interact in a respectful manner. With differing narrative groundings, with different codes of conduct, different ways of thinking of human interaction and human-world interaction, two independent worlds must construct a bridge between themselves, each side working toward the other" (Christie 2011, 343). While Christie does not cite Taylor, there are certainly strong parallels between their two visions of interaction. Whether we use the metaphor of building a bridge or the fusion of

horizons, Taylor and Christie share the goal of allowing two separate normative worldviews to understand one another.

In some ways it is risky to attempt to provide examples of real actions that demonstrate a theory in practice. Of course, theories tend to be designed to encourage certain practices, but it is often impossible to point to a situation that perfectly exemplifies the theory. The same is likely true for Taylor's fusion of horizons. Moreover, the above examples provide only a small sample of the diverse literature that has been written on the potential for reconciliation through small-scale encounters between individuals and none of these scholars explicitly structure their arguments around Taylor's theory of justice. Nonetheless, it is not a stretch to read Taylor into the various sites and methods of reconciliation that they propose. In each case, the authors discuss the very real possibility of reconciliation as Indigenous peoples and settlers engage each other in a dialogue where they are willing to work to understand the other based on the other's standards. By engaging with Indigenous peoples in this way, settlers may not only come to understand Indigenous worldviews better, but to rethink the norms and myths that structure the worldview of settler society as well. This is a process that must be ongoing and ever-receptive to additional contestation as values, identities, and power dynamics are changed. Herein lies a crucial insight in Taylor's theory as it relates to agonistic reconciliation.

This section began with a quotation from Brian Egan that argued that Taylor fantasizes an end point of final resolution for a perfect Canada. Contrary to this idea, Egan concludes his piece by arguing that, "Thrown together in common space, different peoples find ways of recognizing and reconciling with each other, without the need of

political leaders or state programs telling them what that looks like" (2011, 141). My central point, throughout this discussion on Taylor, has been to demonstrate that his theory is actually in line with Egan's sentiment. Taylor's critics have read his theory with a state-centric focus in mind examining what Taylor may look to the state to enforce. However, if we ask, instead, what his theory offers to individuals of different worldviews and cultures who seek to understand one another, we can shed light on a different picture. It is a vision of ongoing reconciliation between individuals who can understand one another without giving up their own values and who can change through this understanding, instead of having change forced upon them. This dialogical relationship articulated by Taylor is one that points to an agonistic reconciliation that would help to establish more just relations between Indigenous peoples and settlers in Canada.

However, Taylor's theory remains limited in an important respect. From an institutional standpoint, there are places where it *does* seem to impose a level of finality and certainty (see chapter one). By focusing instead on individual relations, I demonstrated the significance of his theory. But does this mean that we should give up on institutions altogether? Are they bound to force definitive solutions upon unwilling people? I will now return to Nancy Fraser to show why institutions still matter and how they can – and indeed ought – to remain part of any holistic notion of agonistic reconciliation.

NANCY FRASER AND AGONISTIC INSTITUTIONS

As with Taylor, Fraser's critics may suggest that her theory does not contribute to a project of agonistic reconciliation. Fraser herself suggests that "normative monism" is

required to bring about justice (2008, 404). For Fraser, all types of injustice – whether misdistribution, misrecognition, or misrepresentation – can be adequately addressed by the norm of parity of participation. Moreover, she contends that institutions are required so that this norm can be sufficiently enforced. Since she seeks to impose the norm of parity of participation through institutions her theory does appear oriented towards closure and finality. The problem, here, is that in a neo-Kantian fashion, participatory parity is "rooted in a universal morality" (Singh 2012, 147). As Jakeet Singh puts it, in Fraser's theory, parity of participation "is not simply one value horizon among others, but is a meta-norm, rooted in the practice of discourse itself, that is able to fairly mediate conflicts across different value horizons" (2012, 149). In this way, Fraser seems to go against the tenets of agonistic democracy, by holding a particular norm above the fray of contestation and deeming it to be both universal and impartial.

However, if key elements of Fraser's theory are emphasized, it is possible to read her as both supportive of a project of agonistic reconciliation and actually resisting any type of definitive solution. Vitally, Fraser critiques the idea that social scientists can accurately conceive of the what, who, or how of justice. The effect of such an approach, despite its aim of enhancing autonomy, "is to neglect the importance of public autonomy, the freedom of associated social actors to participate with one another in framing the norms that bind them" (Fraser 2009, 41). Rather, she insists, these norms must be conceived dialogically, so that those who are affected by them have the ability to contest them. If we take this logic seriously, then it seems possible that Fraser's own norm of parity of participation would also be subject to negotiation and contestation. That is, while the ability for members of a community to equally participate in institutions can be

affirmed, the exact content of the norm would be defined (and redefined) in any given political community. This move has the effect of provincializing[14] participatory parity so it is not a "meta-norm" but simply another facet of the grammar of justice that must be determined on an ongoing basis. Moreover, although such norms are enforced through institutions, Fraser explicitly acknowledges the importance of agonistic theory for how these institutions would be formed and changed. Fraser envisions a model of justice that "incorporates an orientation to closure needed for political argument, but that treats every closure as provisional – subject to question, possible suspension, and thus to reopening" (2008, 419).

While Singh (2012) views liberal institutions as vehicles through which norms can be opposed from above, from an agonistic standpoint there are at least two important reasons for which the role of institutions needs to be taken seriously, especially in an Indigenous-settler context. First, part of the appeal of agonistic democracy is that it aims to enhance freedom by working from how things actually are in the here and now. In other words, it does not seek to imagine an ideal norm that can be imposed on a hypothetically neutral and rational polity, which will remove all power relations. Instead, it embraces the idea that there will always be contestation and that these struggles are a valuable and inherent part of the democratic process. Given this approach, simply ignoring the fact that institutions currently hold immense sway over the lives of Indigenous peoples – often without their consent – does little to address the problem. As we negotiate new and more inclusive norms, we have to start from where we are since, "the assumption that this ideal state of affairs must or could obtain prior to the

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[14] This is the term employed by Dipesh Chakrabarty (2000) in his groundbreaking critique of Western modernity.

negotiations is illusionary" (Tully 2010, 247). Part of agonistic democracy, then, involves contesting existing hegemonic institutions so that they become more responsive to the people whom they govern. To put it another way, this form of struggle takes place within the rules of the game.

At the same time, however, a second point is that agonistic reconciliation also has to be able to accommodate action that seeks to disrupt the game and fundamentally rewrite its rules. However, this approach does not necessarily mean turning away from institutions since doing so would seem to indicate that there is not a useful role for institutions in providing discursive spaces and in enforcing norms that have been agreed on. The key – for agonistic reconciliation – is not that institutions be deemed irrelevant, but that any norms that are enforced remain open to ongoing (re)negotiation.

Nancy Fraser's theory seems to provide the tools to work for agonistic reconciliation on both of these levels. While parity of participation indicates a method for challenging current institutions, her theory of abnormal justice offers ways to think about how to fundamentally disrupt the game. As a way of outlining these possibilities (as I did with Taylor), the following subsections will show what Fraser's theory might offer in practice at each of these levels.

Case Studies: Within the Game

Many scholars have argued that a key element of building Indigenous-settler reconciliation in Canada is struggling for more equal participation – or in Fraser's language, parity of participation – in existing institutions. A first, and commonly used, example of this phenomenon is the question of modern treaty negotiations. Numerous

critics have argued that Indigenous groups do not have close to an equal voice at the negotiating table (see Irlbacher-Fox 2009; Woolford 2005). Instead of a true negotiation taking place between equal partners, federal and provincial governments tend to impose strict limits on the possible outcomes of the negotiations. Simultaneously, Indigenous groups must "release" their treaty rights in order to gain the benefits that may come with signing a land claim agreement (Woolford 2005). Thus, not only do Indigenous peoples lack participatory parity in the process of negotiation, but once the agreement is signed they are relegated more permanently to a subordinated position within the Canadian federation. It is, therefore, not difficult to see how Fraser's principle of participatory parity is violated here.

Another example of a call for increased Indigenous participation – this time in the legal domain – comes from John Borrows. Borrows (2010) has persuasively argued that Canada can and must more actively recognize Indigenous law. Currently, Indigenous peoples are clearly subordinated since their laws are generally unrecognized and they are misjudged and marginalized by the dominant settler legal system. However, Borrows maintains that there is a possibility for Indigenous law to constitute a third source of law in Canada, equal in status to common and civil law. This proposal raises the possibility that Canada need not impose identical laws on all its citizens, but that it can recognize and incorporate diverse legal traditions in a single legal framework. Borrows also outlines several ways in which existing institutions can do more to properly reflect Indigenous perspectives and Indigenous law. This includes having more Indigenous people appointed to courts (including the Supreme Court), having law schools use a multi-juridical approach that includes Indigenous law, and having bar associations

promote the understanding of Indigenous legal traditions (Borrows 2010, 215-38). In Fraser's terms, Borrows points toward meaningful participatory parity at the legal level.

Finally, Dale Turner brings this issue to the forefront of his work when he identifies what he calls "Kymlicka's constraint" (2006, 58). Here he cites Kymlicka's work *Liberalism, Community, and Culture*:

> For better or worse, it is predominantly non-aboriginal judges and politicians who have the ultimate power to protect and enforce aboriginal rights, and so it is important to find a justification of them that such people can recognize and understand. Aboriginal people have their own understanding of self-government drawn from their own experience, and that is important. But it is also important, politically, to know how non-aboriginal Canadians – Supreme Court Justices, for example – will understand aboriginal rights and relate them to their own experiences and traditions. (1991, 154)

Turner acknowledges the validity of Kymlicka's point, here, and argues that given this problem, what is needed is far greater Aboriginal participation in the construction of Aboriginal rights in Canada. Importantly, this discussion can happen from within the confines of the Canadian constitution. Turner argues that while section 35 is to be celebrated for including Aboriginal rights, the exact content of those rights is still being determined, and that is a process that cannot justly take place without Indigenous input. In his words, "reconciliation, at least where an understanding of reconciliation involves the participation and consent of Aboriginal peoples, is not possible as long as Aboriginal legal and political thought remains marginalized in the normative conversations about the meaning and content of [section] 35(1)" (Turner 2013).

With these examples, it is possible to see how Fraser's notion of parity of participation can contribute to a process of agonistic reconciliation. However, Turner also argues that beyond Indigenous participation, it must be understood that Indigenous rights are based in Indigenous nationhood and sovereignty. Here he raises the possibility that

Indigenous peoples do not just need a place in existing institutions, but that the very rules of the game (the constitution in this case) must be fundamentally changed. How, then, does Fraser's theory allow space for these challenges where parity of participation may not seem adequate?

Case Studies: Changing the Game

As highlighted in chapter two, Fraser's recent theory goes beyond parity of participation and introduces the idea of abnormal justice. With this concept, Fraser opens her theory to the possibility that the given what, who, and how of justice may not properly accommodate the demands of marginalized groups in a globalized world. As I noted, she explicitly discusses how this makes her theory more receptive to the concerns of the global poor – those people who may be affected by a sovereign state, but do not have access to the institutions of justice therein. I argued, however, that abnormal justice also raises the possibility of questioning the very construction of sovereignty itself.

What Fraser's theory seems to allow for, then, is for Indigenous peoples to negotiate the double game that they are involved in. On the one hand, demands for increased participation in existing institutions must be taken seriously, while on the other, notions that fundamentally challenge the basis of those institutions are also part of the dialogue. Paul Muldoon nicely encapsulates this idea, arguing that since colonial law affects Indigenous lives,

> indigenous people need to appreciate the rules of the game and…engage agonistically in it in order to expand and protect indigenous-specific rights. At the same time, the ongoing precariousness of those rights, their susceptibility to extinguishment at the hands of the colonial sovereign, makes it necessary to continually call into question the legitimacy of the legal framework itself. In short, if the cornerstone of political action is to work the game, there are also

times when it is necessary to disrupt the game. This is the point at which the "politics of accommodation" gives way to the "politics of reconciliation." The defining feature of this second form of agonism is a critical engagement on the terrain of sovereignty. More than simply a negation, the act of disrupting the game allows the constitution of public power and the forms of domination it places beyond the bounds of political scrutiny to be opened up to question and reconfiguration. (2008, 134-5)

Read in this way, Fraser's theory does not simply subscribe to the liberal idea that neutral institutional norms imposed from above are the way to address the concerns of diverse others. Rather, she agonistically positions herself so that, simultaneously, demands addressed to existing institutions are relevant, while marginalized voices that bring a different understanding of the basis of politics are also included. That is, Fraser's theory contains some of the key elements required to work towards agonistic reconciliation, particularly at an institutional level.

Providing this series of examples to help illustrate Fraser's theory is problematic in some respects. No case study of real political action can perfectly exemplify what Fraser aims at with her theory. Moreover, Fraser stresses that the norms and frames of justice will have to be determined by the individuals who participate in their creation. Thus, the examples given should only be seen as provisional possibilities for what Fraser's theory could bring to Indigenous-settler reconciliation in Canada. The real content of such a project would, of course, have to be determined by Indigenous peoples and settler Canadians coming together as individuals and through institutions to better understand and relate to one another, on an ongoing basis.

CONCLUSION

This section began by articulating a conception of agonistic reconciliation. Contrary to certain state-driven "reconciliatory" practices, which seek to impose finality and closure from above, agonistic reconciliation embraces the notion that the Indigenous-settler relationship must be ongoing and receptive to continuous normative struggles. I then outlined how the theories of both Charles Taylor and Nancy Fraser contribute to this project. I presented the idea that Taylor's theory creates certain tools through which individuals of different cultures can approach and understand one another, while Fraser's theory advocates an institutional approach, where parity of participation is sought and the fundamental rules of the game can be challenged.

Some scholars and observers will likely find one of these approaches more convincing and appealing than the other. It is, indeed, tempting to view these operations of reconciliation as mutually exclusive – either reconciliation is best built by individuals on the ground, or it is built by and enforced through institutions (see Tzimas 2011, 521-2). However, I see these approaches (and thus these two theories) as mutually reinforcing. To say that reconciliation is only possible through institutional enforcement is to forget that so much of human interaction takes place outside of institutions – and it is here that so much of our understanding (or misunderstanding) of other human beings is constructed. Taylor gives individual Canadians ways to think about how they might sit down and come to know another person, through dialogue, in a way that does not rely on one person being able to impose his or her norms and understandings on the other. However, to rely exclusively on such an approach is to forget how so many interactions and decisions that affect the Indigenous-settler relationship in Canada are being shaped

by institutions. Even in the examples I gave of the more Taylorian, individual dimension of reconciliation, the reconciliation was taking place in institutions such as universities (Epp 2003) and the Truth and Reconciliation Commission (Regan 2010). Thus, we must also address how these institutions can and should be changed to be more responsive to a process of reconciliation.

Ultimately, agonistic reconciliation must be conceived as beginning in the here and now and engaging multiple planes and sites where Indigenous-settler interaction occurs. This approach means taking both the individual and institutional dimensions seriously. If such a conclusion seems uncontroversial, it was not adequately borne out in the theories of either Taylor or Fraser. Taylor's treatment of institutions is easily criticized and inadequate (particularly from an Indigenous perspective) while Fraser insists that injustice can only be properly addressed through the implementation of key institutional norms. By drawing on the insights of both theories, though, I have shown how it is possible to imagine how individuals engaged in a fusion of horizons might be more willing to insist on parity of participation in institutions and vice versa. In short, together Taylor and Fraser contribute two vitally necessary elements for a project of agonistic reconciliation.

CONCLUSION

A major aim of this thesis has been to compare and contrast the visions and theories presented by Charles Taylor, Nancy Fraser, and critical Indigenous scholars including Dale Turner. In doing so, some fundamental differences between these theorists became apparent, which stimulated much of my critical engagement with them. Drawing on Turner's work, I applied four fundamental Indigenous concerns to the theories of Taylor and Fraser in order to assess how adequately each theory addresses this crucial issue in Canadian politics. In chapter one I found that at an institutional level, Charles Taylor's theory does not question Canadian sovereignty, assumes Indigenous rights are derived from the Canadian state and thus fails to address the legacy of colonialism. In the second chapter, I showed that Fraser turns away from the importance of the individual level, and thus fails to account both for significant colonial injustices and for possible practices to overcome them.

These serious gaps in the work of Taylor and Fraser show the significance of what can be learned when questions of Indigenous politics are moved from the margins of our analyses to centre stage. In his recent critique of the discipline of political science, Kevin Bruyneel (2012) makes an incisive argument for why political scientists ought to take Indigenous politics more seriously.[15] Bruyneel's argument is not just that Indigenous politics are important and that there is some excellent scholarship on the topic that needs more attention (although we do both share this view). Rather, he maintains that by giving Indigenous politics serious consideration, we can gain a more nuanced understanding of the most fundamental questions of politics. Bruyneel supports his case by looking at

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[15] Bruyneel's focus is on Political Science in the United States. He notes, however, that his findings are more broadly applicable, particularly to other settler states (i.e. Canada).

studies on sovereignty and race/ethnicity. However, his point is widely applicable; researchers studying an array of topics would be forced to rethink their research in a way that "offers a more compelling, comprehensive and also unique grasp on the general topic pursued" (Bruyneel 2012, 30). This thesis demonstrates how both Fraser's and Taylor's theories had to be restructured when they were directly brought to bear on the topic of Indigenous politics. In so doing, much was revealed about the main shortcomings of their approaches.

However, perhaps more important than these problems is a fundamental similarity that binds all three theorists together. This common ground is the deep commitment held by Taylor, Fraser, and Turner to dialogue and participation. Working in this spirit, I endeavored to put each of these theories in a dialogue with each other. What resulted is a "critical multilogue" as the ideas from each theorist collided and revealed new possibilities. While this multilogue exposed the weaknesses cited above, it also revealed the strengths of each theory.

In chapter three, I linked these strengths specifically to the concept of agonistic reconciliation. I argued that Taylor offers the theory of the fusion of horizons, which serves as a powerful mechanism for building reconciliation and understanding between individuals. Nancy Fraser's concepts of participatory parity and abnormal justice serve as useful tools for critiquing current institutional frameworks and looking at how institutional relations between Indigenous and non-Indigenous peoples can be built in a more just and respectful manner. Together, then, these theories help to indicate certain necessary elements for agonistic reconciliation. By engaging with the theories in this way, this thesis sought to provide a justification for why agonistic reconciliation is a

better approach to Indigenous-settler relations than many of the failed attempts that have preceded us. At its core, however, this research not only advocates agonistic reconciliation, but is actually a form of agonistic reconciliation in practice. It demonstrates, in a theoretical setting, the vital importance of taking diverse perspectives seriously and allowing them to participate in a fruitful dialogue.

To bring a final contribution of this thesis into focus, we ought to consider an overarching objection that recognition theorists – including Taylor and Fraser – may have regarding the above conclusions. Even if, they may ask, we acknowledge the value of an agonistic approach, why must we turn away from the idea of recognition? Put differently, why not just pursue agonistic recognition, instead of making the seemingly semantic shift to reconciliation?

As I have sought to show, the answer lies in an acknowledgement that agonistic recognition would actually be a contradiction in terms. The recognition paradigm is bound up in conceptions of fixed, authentic, or autonomous identities (Tully 2000b, 479). Recognition theorists argue that what is required is that we come to know – that we properly cognize – these particular and fully perceptible identities in order to mitigate misrecognition, and thus injustice. This view, however, fails to properly acknowledge that human identity is too mutable, multifaceted, and changing for recognition to ever take place. Therefore, an agonistic approach, which values open and ongoing contestation, requires a different theoretical underpinning; I have argued that the concept of reconciliation could provide such a foundation.

While reconciliation is not immune to the issues that render recognition problematic, it is less prone to the idea that a fixed identity must be recognized and fully

understood. Rather, it is oriented towards cultivating shared spaces of understanding so that different individuals and groups can continually negotiate their relationships with one another. As shown in the third chapter, scholars are increasingly underlining the importance of constructing a project of reconciliation in this way.

In critiquing the concept of recognition, I do not mean to argue that Taylor and Fraser are fully implicated in these problems. In fact, there are elements of their theories that appear manifestly agonistic, and that could help encourage a move towards an ongoing relationship of reconciliation between Indigenous peoples and settlers in Canada. In other words, the existence of serious flaws within the recognition paradigm does not then mean that we ought to dismiss outright the contributions of its central theorists. Rather, my point has been to show that these insights may actually have a better theoretical basis in practices and processes of reconciliation that work towards ongoing negotiation and are continually open to modification.

As I increasingly come to grips with my own privilege as a settler scholar and with the history of colonialism in Canada, my hope is that these reconciliatory practices will continue both within, and perhaps more importantly, outside of academic research. When confronted with diversity, we can take either of two broad paths. We can seek to impose a monological view of justice that fails to take the values and understandings of the other seriously. On an individual level, we can content ourselves with limited and mythical knowledge of our colonial history (Regan 2008). Institutionally we can demand that difference fit within the model of Canadian rights and sovereignty as we have come to understand it (the position that Taylor's critics accuse him of upholding). However, the failure of this approach – over centuries – has been demonstrated through its miserable

record in practice (Tully 1995, 211; 2008, 256). Alternatively, we can embrace the notion of agonistic reconciliation. This thesis has shown that this path includes engaging the other in a Taylorian fusion of horizons and seeking to build Fraser's parity of participation and the concerns of abnormal justice into our institutions.

It is doubtful that this vision of agonistic reconciliation is complete – attempting to give it a final definition would belie its own intention and undermine the shift from recognition to reconciliation that I have traced out here. However, reading Taylor and Fraser into this project gives us a new way to understand their work and a new way of thinking about how to approach reconciliation between Indigenous peoples and settlers in Canada. May the conversation – and reconciliation – continue.

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