

# Indigenous Course Requirements: A Liberal-Democratic Justification

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[See table of contents](#)

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Article abstract

In Canada, several universities have recently implemented course requirements in Indigenous studies as a condition of graduation, while others are considering following suit. Policies making Indigenous course requirements (hereafter ICRs) compulsory have caused considerable controversy. According to proponents, a main purpose of ICRs is to address historical wrongs and to foster a more complete understanding of the ongoing relationship between Indigenous and non-Indigenous citizens. According to critics, making such courses compulsory effectively imposes illiberal restrictions on university students and faculty by limiting the epistemic aim of free inquiry, while wrongly prioritizing concern for the welfare of one social group over others. In this essay, we propose a liberal-democratic justification for ICRs that addresses these two worries about the ideals that may underwrite these courses. We argue that ICRs can be justified in liberal democratic terms insofar as they foster knowledge of what John Rawls refers to as 'the constitutional essentials' and remediate civic forms of what Miranda Fricker refers to as 'epistemic injustices'. Universities, we claim have highly plausible role responsibilities to promote the civic epistemic aims identified by Rawls and Fricker, which are especially weighty due to the power university degrees confer, as part of the formation of a "democratic elite". We then defend this line of argument against objections on the basis of academic freedom, by arguing that universities have reasons, internal to the search for truth to champion the political aims we identify.

# *Indigenous Course Requirements: A Liberal-Democratic Justification*

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*Abstract: In Canada, several universities have recently implemented course requirements in Indigenous studies as a condition of graduation, while others are considering following suit. Policies making Indigenous course requirements (hereafter ICRs) compulsory have caused considerable controversy. According to proponents, a main purpose of ICRs is to address historical wrongs and to foster a more complete understanding of the ongoing relationship between Indigenous and non-Indigenous citizens. According to critics, making such courses compulsory effectively imposes illiberal restrictions on university students and faculty by limiting the epistemic aim of free inquiry, while wrongly prioritizing concern for the welfare of one social group over others. In this essay, we propose a liberal-democratic justification for ICRs that addresses these two worries about the ideals that may underwrite these courses. We argue that ICRs can be justified in liberal-democratic terms insofar as they foster knowledge of what John Rawls refers to as “the constitutional essentials” and remediate civic forms of what Miranda Fricker refers to as “epistemic injustices.” Universities, we claim have highly plausible role responsibilities to promote the civic epistemic aims identified by Rawls and Fricker, which are especially weighty due to the power university degrees confer, as part of the formation of a “democratic elite.” We then defend this line of argument against objections based on academic freedom by arguing that universities have reasons, internal to the search for truth, to champion the political aims we identify.*

## **Introduction**

In Canada, several universities have recently implemented course requirements in Indigenous studies as a condition of graduation, while others are considering following suit (Klingbeil, 2016; Trimbee & Kinew, 2018). Policies making Indigenous course requirements (hereafter ICRs) compulsory have caused considerable controversy. According to proponents, a main purpose of ICRs is to address historical wrongs and to foster a more complete understanding of the ongoing relationship between Indigenous and non-Indigenous citizens (Williams, 2017). By ensuring that all students complete university-level coursework on Indigenous perspectives and contributions, proponents hope to improve young citizens’

ability to avoid colonial harms. According to critics, making such courses compulsory effectively imposes illiberal restrictions on university students and faculty by limiting the epistemic aim of free inquiry, while wrongly prioritizing concern for the welfare of one social group over others. In this essay, we propose a liberal-democratic justification for ICRs that addresses these two worries about the ideals that may underwrite these courses.

In the first section of this paper, we outline the nature of ICRs and argue that the central aims of such courses line up well with liberal-democratic conceptions of the aims of citizenship education. The argument unfolds in three stages, each developed on the basis of the prior stage. First, we argue that liberal principles assign the state and its educational agents a central role in promoting knowledge of the constitutional principles that govern society. The argument we advance exploits the Rawlsian idea that responsible and effective citizenship in a liberal society requires knowledge of a society's "constitutional essentials"—knowledge that is appropriately promoted through civic educational curricular requirements.<sup>1</sup> Since the unique contributions of Indigenous peoples and traditions are constitutive of Canadian constitutional essentials, we argue that the general (Rawlsian) ethical requirements that support promoting knowledge of constitutional essentials in citizenship education also include a requirement to promote understanding of specifically Indigenous influences upon those constitutional essentials. Second, we build on work from Miranda Fricker (2007, 2013) to argue that, where Canadian education systems fall short of meeting these liberal-democratic aims, Canadian society perpetuates a civic form of "epistemic injustice"—a distinctive type of wrong against citizens in their role as knowledge-creators and knowledge-sharers on issues of civic import. Extending Fricker's framework, we outline two sorts of civic epistemic injustices. The first, *civic hermeneutical injustice*, occurs where citizens lack the conceptual resources to articulate and communicate about issues of civic import. The second, *civic testimonial injustice*, occurs where identity-based prejudice causes a listener to attribute inappropriate levels of epistemic credibility to the testimony of others on issues of civic import. Canada's educational institutions, we argue, ought to prepare citizens to avoid these civic forms of epistemic injustice.<sup>2</sup>

We claim that the first two stages of the argument provide a justification for including knowledge of Indigenous and non-Indigenous constitutional relationships in Canadian educational institutions generally. We acknowledge that it may be countered, however, that our civic educational account only justifies teaching for knowledge of the constitutional essentials in compulsory K–12 education where all citizens might benefit. It may be claimed that such a civic justification does not extend to universities, where attendance is non-compulsory and which primarily serve an elite subset of society. The third stage of our argument in the first section responds to the objection that civic aims ought to be limited to compulsory educational systems by drawing on insights from Elizabeth Anderson (2007). From a liberal-democratic point of view, we argue that precisely because universities serve and create social elites, these institutions have especially weighty role responsibilities in remedying civic epistemic injustices to facilitate democratic ends. These civic role responsibilities, we argue, call upon universities to extend and deepen

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<sup>1</sup> Although we draw on Rawls for the idea that knowledge of constitutional essentials is essential to liberal citizenship (and to citizenship education), we take it that this idea is uncontroversial from a liberal perspective. In any case, our argument does not depend on more controversial features of Rawls's theory of political liberalism, such as debates about the epistemic requirements of liberal-democratic citizenship that have divided so-called "personal autonomy liberals" from "diversity liberals." For representative examples of the personal autonomy position, see Gutmann (1995) and Callan (1997). See Galston (1991, esp. Chapter 11) for the diversity liberal position.

<sup>2</sup> We owe the idea of using Fricker's work in the context of Canadian Indigenous issues to Pedro Monque, who is exploring similar themes in Venezuelan contexts.

the civic aims of education fostered within compulsory education to foster what Anderson calls a “democratic elite.”

In the second section, we aim to show that, provided one accepts the civic-epistemic justification we offer, ICRs are appropriate means to realize its liberal-democratic aims. ICRs, we claim, are likely to reduce gaps in civic knowledge of the constitutional essentials, their cultural underpinnings, and issues related to their historical fulfillment as they relate to Indigenous peoples, in ways that reduce civic epistemic injustices. We highlight how hard-fought gains in reducing epistemic injustice regarding oral history in Canadian courts have made more complete interpretations of Canadian constitutional history possible, reinforcing citizens’ knowledge of the constitutional essentials. We argue that similar progress could be expected to follow where university policies require students to acquire knowledge of Indigenous insights relevant to their fields through ICR courses. Combined with the first section, we take this second section to show that ICRs are well-motivated on liberal-democratic political bases.

The third section considers whether, as some critics claim, universities ought to reject political justifications for practice altogether to safeguard the epistemic aim of unfettered academic freedom. In response, we argue that universities are already engaged in pursuing political purposes by pursuing truth through research and teaching. Inasmuch as ICRs can be understood as addressing forms of epistemic injustice internal to these purposes, we claim that there are compelling reasons even for defenders of intellectual freedom to endorse these course requirements. In closing, we highlight the modest scope of our project: aiming to show that, for individuals and institutions that already accept the demands of liberal-democratic justice, there are compelling grounds upon which ICRs may be justified. We leave open whether such conceptions of justice are best all-things-considered, as a further question that citizens are better prepared to deliberate on once they have corrected many of the civic epistemic injustices that we identify. In particular, we stress that our conditional argument does not presuppose the all-things-considered supremacy of liberal-democratic accounts of justice over Indigenous visions of justice.

## **Constitutional Essentials, Civic Education, and Political Legitimacy in Liberal-Democratic Societies**

Indigenous course requirements have recently been adopted in several Canadian universities, motivated in part by recommendations contained in the Truth and Reconciliation Commission’s (2015) report. In some cases, such as the University of Winnipeg and Lakehead University in Ontario, ICRs are a general degree requirement, though students may choose from a wide range of course options in order to fulfil the requirement. The main conditions are that the course in question contains a substantial focus on Indigenous content. For example, the University of Winnipeg provides a list of course options within which “the greater part of the content is local Indigenous material—derived from or based on an analysis of the cultures, languages, history, ways of knowing or contemporary reality of the Indigenous peoples of North America” (“*Indigenous Course Requirement*,” n.d.). In other cases, ICRs may be program-specific rather than university-wide. For example, the Alberta Government recently adopted a “Teaching Quality Standard” that includes the requirement that a teacher “develops and applies foundational knowledge about First Nations, Métis and Inuit for the benefit of all students” (2018, p. 6). As a result, teacher education programs are now under pressure to make Indigenous content compulsory in order to ensure compliance with government standards. Clearly, the details of particular ICRs vary according to local

institutional requirements, and these will no doubt change and evolve over time. Nevertheless, our concern in this section is not to debate such policy details, nor is it to defend a particular type of course content or pedagogy. Rather, we wish to address a question that applies broadly, to any proposed or actual ICR at the university level, in a multinational federal state such as Canada: How might ICRs be justified on the basis of liberal political principles?

Our aim in focusing on this question is simply to address a concern that can and does arise in controversies about ICRs—namely, the concern that such requirements are inherently illiberal. We argue that not only are such objections misguided but ICRs actually have an important and valuable role to play in ensuring the legitimacy, justice and stability of liberal political values in settler-colonial multinational societies like Canada. While we do not suggest that this is the only educationally worthwhile purpose that Indigenous courses can or should play, we do claim that establishing the compatibility of ICRs and liberal civic principles clarifies an important one.

We propose that ICRs are justified insofar as they ensure that all students enrolled in university degree programs have a substantial opportunity to learn an important component of what Rawls refers to as knowledge of “constitutional essentials.” In liberal societies, this includes knowledge about such matters as who has the right to vote, the scope and limits of religious toleration, and legal principles about non-discrimination on the basis of gender, race or disability in the workplace, for example (Wenar, 2017). As Rawls says, constitutional essentials at least include “fundamental principles that specify the general structure of government and the political process; the powers of the legislature, executive and the judiciary,” along with other “basic rights and liberties of citizenship that legislative majorities must respect” (2001, p. 28). While Rawls nowhere gives a complete account of constitutional essentials, it is clear enough that any such account, in Canada, would necessarily include a great deal about the various ways in which constitutional and common law have been shaped and influenced by relationships between colonial settlers and First Nations, Inuit and Métis peoples—including knowledge of Indigenous contributions to key treaty agreements and other foundational aspects of the legal system, as discussed in the next section of this essay (see also Borrows, 2012; Saul, 2008).

According to Rawls, knowledge of constitutional essentials is necessary because it enables citizens to ensure and sustain “fair terms of cooperation in their relations with the rest of society,” including with their fellow citizens who adhere to diverse and potentially conflicting moral, religious, and cultural commitments (2001, p. 156).<sup>3</sup> More specifically, knowledge of constitutional essentials helps to sustain two key political values: the capacity of citizens to have an effective sense of justice and the value of political legitimacy. First, knowledge of constitutional essentials is a necessary condition of citizens having an effective sense of justice. As Rawls notes, such knowledge is necessary in order for citizens to properly understand what is and what is not a crime in the society of which they are members (2001, pp. 156–157). As an application of this point, ignorance of constitutional essentials leaves citizens vulnerable to unwilling wrongdoing, including unintentionally oppressing or acquiescing in the oppression of their fellow citizens (Brighouse, 2010, p. 44). Having an effective sense of justice implies that citizens are able to do more than simply comply habitually with whatever laws happen to obtain, at any given time,

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<sup>3</sup> We emphasize here that Rawls’ claim is merely that some knowledge is necessary to treat one’s fellow citizens’ justly. This does not imply that citizens are blameworthy for civic ignorance that occurs due to circumstances beyond their control. For example, citizens who are indoctrinated, citizens who suffer disability, or citizens whose education systematically shields them from certain facts about their constitutional history need not be regarded as blameworthy for their resulting civic ignorance.

however unjust those laws may be. It also implies that citizens are capable of critically reflecting on competing interpretations of the laws to which they are subject, particularly when such disputes are adjudicated by political and legal institutions historically controlled by settlers whose impartiality remains deeply suspect from many Indigenous perspectives (Rollo, 2014; Irlbacher-Fox, 2009; Asch and Macklem, 1991). Put another way, liberal justice requires that citizens develop at most a provisional disposition to comply with existing laws; they should also pursue justice-oriented social change through legal channels where possible (Brighouse, 2006). To realize such justice-oriented change, citizens require the capacity and disposition to understand and reflect upon decolonizing challenges to the status quo. Thus, as the provisional status of the disposition to respect positive law indicates, part of this educational aim is to ensure that young citizens develop capacities of judgment that enable them to resist or even disobey unjust laws, and in some cases to resort to non-legal means to effect change. Our point is simply that knowledge of constitutional essentials is a necessary condition for developing and exercising this capacity of political judgment, and it is a condition that has special salience in order for non-Indigenous and Indigenous citizens alike to effectively pursue justice.

In addition to enabling an effective sense of justice, knowledge of constitutional essentials contributes to strengthening the conditions of political legitimacy in liberal societies, particularly in cases where a history of settler-colonial relationships between Indigenous and non-Indigenous citizens puts considerable strain on these conditions. The concept of political legitimacy concerns the conditions or circumstances under which the state's coercive authority over its citizens is morally acceptable or justified. In liberal societies, political legitimacy depends crucially on the reasoned consent of all citizens. As Rawls says,

[the] exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. (2001, p. 137)

Following Rawls (2001), our claim is simply that, in order for citizens to provide their reasoned consent to constitutional principles, and thus render them legitimate, they must first possess an informed and undistorted understanding of the very constitutional principles they are required to evaluate. This requirement is far from trivial in most contemporary liberal-democratic societies. For example, knowledge of constitutional essentials in Canada—and particularly knowledge of Indigenous contributions to Canada's existing constitutional foundations—is currently seriously lacking. Indeed, according to some well-known accounts (Borrows, 2012, pp. 121–124; Saul, 2010, pp. 3–7), the profound influence of First Nations, Inuit and Métis peoples on Canada's legal and constitutional structure is routinely misrepresented, if not first ignored or forgotten altogether. Arguably, the exclusion and distortion of Indigenous influences on Canada's constitutional history and present exert an oppressive influence in numerous ways—including what Rollo labels denigration, dismissal, and distortion of Indigenous contributions (2014).

To illustrate the way in which this historical and ongoing process of denigration, dismissal and distortion constitutes forms of injustice that must be remedied in order to succeed in adequately educating citizens in the constitutional essentials, it is helpful to consider the role that oral history played within Canadian courts prior to *R. v. Van Der Peet* (1996) and *R. v. Delgamuukw* (1997). Prior to *Van Der Peet* and *Delgamuukw*, Canadian courts often barred the admission of oral history testimony of Indigenous knowledge-keepers as evidence as it was deemed “hearsay” and therefore not admissible at trial

(*Delgamuukw*, para. 86). Epistemically, there is no reason to believe that oral history is automatically more or less accurate than written history simply by virtue of its medium alone. Documents can be accurately or inaccurately compiled and interpreted, as can oral traditions that are kept alive through story-telling, performance, and ceremony.

Indigenous nations, moreover, have relied heavily upon story and oral history as the primary way through which historical knowledge has been maintained and taught to future generations. Canadian courts' barring of oral history evidence, thus, arbitrarily prioritized common law principles of evidence over Indigenous principles of law and de facto barred Indigenous peoples from fully participating in the Canadian legal system. By arbitrarily barring such full participation from within traditions of Indigenous knowledge-keeping, it seems difficult to deny that Canada's courts undermined the Canadian state's political legitimacy, at the very least in the eyes of Indigenous citizens. Furthermore, by excluding Indigenous oral history, as we will argue in greater detail in the next section, the court was barring insights into the very structure of Canada's constitutional history and the nation-to-nation relationship that helped to create the country, as Indigenous oral history is the only place much of this historical knowledge has been preserved. Barring such insights, in turn, undermines all Canadians' ability to maintain an effective sense of justice, or so we will argue, by undermining a cogent understanding of the nature, spirit, and intent of Canada's very claim to legal and political sovereignty.

By way of a great deal of consciousness-raising work by Indigenous activists and their allies, the Supreme Court acknowledged that oral history can be allowed as evidence as an exception to the hearsay rule (*Delgamuukw*, paras. 95 & 103). Once the Canadian courts started to consider the oral history of Indigenous knowledge-keepers as evidence, it was possible for a more complete picture of the historical context of the treaty-making process and constitutional relationship between the Canadian state and Indigenous peoples to emerge. Rather than a narrative that framed Indigenous peoples as defeated, primitive, and lacking in sophisticated forms of governance, taking oral history seriously allowed a different narrative of settler-Indigenous relationships to begin to compete with prior settler-colonial narratives.

We will unpack how this oral history has re-contextualized and challenged claims to Canada's sovereignty based on the colonial "Doctrine of Discovery" and suggest an alternative picture of the constitutional relationship between Canada and Indigenous nations forged through the treaty-making process in greater detail in the next section. For now, we point out by way of this example only that to competently deliberate on Indigenous land claims, resource and development rights, and other issues of fundamental justice between Indigenous and non-Indigenous peoples Canadians requires the capacity to think through how the historical suppression of Indigenous insights may distort our current understanding of Indigenous and non-Indigenous relationships. Without such a capacity, we risk arbitrarily marginalizing our fellow citizens on issues of fundamental constitutional justice and delegitimizing the authority of the Canadian state. Hence a plausible aim of liberal-democratic civic education, in general, in Canada is to aid in the process of correcting for these distortions through curricular interventions that make visible such acts of suppression and the historical counter-narratives they may conceal. We leave intentionally open whether this justification for mandatory curricular content in public education may extend to other constitutionally protected groups who may be similarly marginalized, for example those identified in Section 15 of the constitution, taking a stand here only on the issue of ICRs. Thus, we aim to avoid the charge that ICRs are inherently discriminatory from the point of view of liberal-democratic constitutional essentials.

To recap, the liberal justification for ICRs we are developing—which centers on the importance of promoting knowledge of constitutional essentials—has both an epistemic and an ethical dimension. Recent philosophical work in social epistemology helps to further elaborate the way the epistemic and ethical dimensions of our civic education argument for ICRs are intertwined in the context of colonial discourse. As in the case of Canadian courts’ denigration of knowledge-keepers’ oral history accounts as “hearsay,” when political deliberations about Indigenous issues systematically denigrate, dismiss or distort the perspectives of marginalized and disenfranchised peoples, those deliberations disempower Indigenous and non-Indigenous *citizens* both epistemically (as “knowers”) and as moral agents whose role is to effectively uphold obligations of justice. In short, they may involve civic forms of what Fricker (2007) refers to as “epistemic injustice.” We suggest ICRs’ civic educational role in liberal societies can helpfully be elaborated on liberal-democratic views in terms of the aim of preventing or rectifying epistemic injustice, particularly if we extend Fricker’s definition to account for the significance of civic duties in which all citizens share.

Fricker (2007) identifies two types of epistemic injustice: *testimonial* and *hermeneutical*. Testimonial injustice occurs when “prejudice causes a hearer to give a deflated level of credibility to a speaker’s word” (p. 1). Having one’s testimony as a witness discounted on the basis of race, class, or gender is an example of this first type of injustice. By contrast, hermeneutical injustice exists “when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences” (p. 1). For Fricker, hermeneutical injustice results from the marginalization of some in creating the stock of social meanings on the basis of identity (p. 153). Hermeneutical injustice, as Fricker (2013) makes explicit, can undermine one’s ability to make sense of one’s own experience or to communicate it to others (p. 1319). Experiencing sexual harassment in a culture without that concept, Fricker (2007) claims, is an example of a hermeneutical injustice, against the person experiencing it, if that person is marginalized in creating the stock of interpretive resources in such a culture. As Fricker (2013) articulates the concept, one may suffer an injustice either by not being able to name the harassment as such in one’s own case or by not being able to “expect to communicate it successfully to significant agencies” that might intervene (p. 1319). In the latter case, members of the marginalized group may well understand the oppressive act, but a lack of relevant concepts in the broader culture may render that act’s oppressive character invisible to those in positions of relevant authority. Fricker argues that politically, hermeneutical injustice can make marginalized peoples susceptible to political domination by barring such peoples’ ability to effectively contest political policies and that this ought to be a concern on any liberal view of justice (p. 1320–1324).

In the Canadian context, citizens lacking the conceptual resources to understand Indigenous contributions to the civic, cultural and legal structure of Canadian life, in part due to prior generations’ discriminatory acts, as well as how those contributions contest current narratives and practices, we suggest, perpetuates a civic form of hermeneutical injustice. This civic form of hermeneutical injustice is in addition to whatever forms of epistemic injustice Indigenous peoples experience under these conditions. To account for the significance of doing justice to and for all citizens, *qua* moral agents, we will augment Fricker’s account by describing the wrong of *civic epistemic injustice* as an injustice against not only Indigenous knowers and extend the scope of persons wronged by this specific form of epistemic injustice to include all citizens. We acknowledge that Indigenous knowers suffer many additional wrongs due to these epistemic processes of marginalization not borne by non-Indigenous citizens, harms that deserve further redress, but stress that, in the single respect of being in a position to realize justice, we



are all wrongly marginalized in our *civic identities* as moral agents by prejudicial acts of colonial injustice. Prejudicial acts of the sort carried out by the Canadian courts against Indigenous knowledge-keepers, in our view, marginalize all Canadians in their identities as moral agents and knowers, and undermine all citizens, *qua* moral agents, in their capacity to contribute to a stock of moral conceptual resources not tainted by racism and colonialism. In so doing, these prejudices block us *qua* citizens from understanding significant elements of our *civic identities* and what they demand of us—and this is a serious disadvantage for living as free and equal citizens. Civic epistemic injustice here coincides with the epistemic injustice, for example, to knowledge-keepers themselves in the case above, who prior to *Delgamuukw* were seriously undermined in their ability to communicate their experiences to agents of the state and to contest policy.

As Fricker (2007) observes in other cases, a failure to address these gaps in civic knowledge increases the likelihood of testimonial injustices against Indigenous knowers. If Canadians do not understand the cultural and legal underpinnings of the constitutional relationship between Indigenous nations and the Canadian state, prejudicial and discriminatory narratives that denigrate and dismiss Indigenous people as knowers may hold greater sway, as we illustrate in the next section. Over time, these prejudicial attitudes may also understandably breed resentment and dismissal of non-Indigenous political structures among Indigenous peoples, undermining political legitimacy. ICRs are plausible ways to address these epistemic forms of civic injustice by at least promoting mutual understanding. We take it to be extremely plausible that educational institutions have role responsibilities to address injustices that undermine their students *as knowers* wherever it is reasonable to do so. If one essential aim of citizenship education in liberal societies is promoting knowledge of constitutional essentials, and if fulfilling that role is credibly linked to preventing or reducing epistemic injustice, we suggest that ICRs are a reasonable means to achieving these ends.

One might agree that what has been said so far justifies efforts to teach content necessary for Canadian citizens to understand the constitutional essentials as they relate to Indigenous nations in compulsory education. One might deny, however, that the justification extends to higher education, where students attend voluntarily. A sympathetic critic might claim that the civic importance of knowing one's fellow citizens' legal rights and duties and being able to reflect critically to pursue justice is so high that whatever is educationally necessary for this end should be compulsory for all citizens. The university, it may be claimed, is not the appropriate venue to pursue civic ends precisely because it is exclusive, serving only a subset of often economically privileged students.

Against this objection, arguments developed by the political philosopher Elizabeth Anderson help reveal why, barring further considerations, our political justification also extends to the university, where addressing the hermeneutical injustices perpetuated by ignorance of constitutional essentials is not only permissible but especially pressing. Anderson argues that universities have a political responsibility to cultivate a “democratic elite” (2007, p. 596). For Anderson, “elites” are all “those who occupy positions of responsibility and leadership in society: managers, consultants, professionals, politicians, policy makers” (p. 597). Just as all those setting the rules of evidence in the Canadian courts in the example above were and are bearers of university credentials, at present, elite positions in Canadian society are overwhelmingly occupied by people with university degrees. Anderson argues for a conception of university admissions and K–12 educational provision in accord with the following ideal:

In a democratic society, elites must be so constituted that they will effectively serve all sectors of society, not just themselves. They must perform in their offices so that the inequalities in power, autonomy,

responsibility, and reward they enjoy in virtue of their position redound to the benefit of all, including the least advantaged. (p. 597)

For Anderson, this commitment to democratic ideals makes diversity and integration central aims of the university. We concur with Anderson on this point.

[D]iverse members must be educated together, so that they can develop competence in respectful intergroup interaction. A democratically qualified elite must be an elite that is integrated across all the major lines of social inequality and division that characterize it. (p. 597)

We claim in addition that, compared with the requirements for citizenship in general, cultivating a suitably competent democratic elite in the Canadian context entails fostering more nuanced and extensive knowledge of the constitutional essentials through which the Canadian state exists to remain commensurate to elites' greater power. A competent understanding of the constitutional essentials within the Canadian context includes knowledge of how the essentials relate to Indigenous peoples. To adequately understand these essentials, civic elites ought to have opportunities to extend and deepen the more rudimentary civic knowledge they ought to have acquired in K–12 education to reflect the greater social influence a university degree confers. This knowledge, we emphasize, is not just knowledge of legal facts, but also of the central cultural concerns and valued practices that motivate these legal relationships, historically and in the present, for the groups the agreements involve. ICRs that address the multifaceted dynamics of these relationships, we believe, are a plausible way to both practically address this need and symbolically reflect its civic importance for all Canadian citizens.

To return to our example from above, the Canadian courts' dismissal of Indigenous knowledge-keepers' accounts of oral history was carried out by members of the democratic *elite*. Judges and lawyers, rather than the average jury member, decide how to employ and whether to grant exemption to the rules of evidence, and historically these positions excluded Indigenous people. Through a slow process of Indigenous and democratic activism that led to decriminalizing Indigenous cultural practices, extending the vote to Indigenous people, and, eventually the credentialing of Indigenous lawyers and judges, discourse on the legitimacy of oral history began to shift under critical scrutiny. The culmination of these consciousness-raising efforts in *R. v. Van Der Peet* and *R. v. Delgamuukw* was the revision of the legal rules of evidence to reflect a more inclusive and, in our view, more epistemically complete perspective by allowing oral history to be admitted as evidence. ICRs are an avenue by which this sort of progress in addressing epistemic injustices might be hastened, precisely because they require students to engage in critical reflection upon civically important issues affecting the relationships between Indigenous and non-Indigenous citizens. If this is correct, then, although providing knowledge of the constitutional essentials in compulsory education is necessary for all, it is important in addition that elites be competent to deliberate well upon even more complex issues related to the constitutional essentials such as the epistemology of historical evidence and issues of how colonization may undermine our capacities to hear claims of serious injustice within our institutions. If the Truth and Reconciliation Commission of Canada (2015) is correct, then there remains a great deal of work to be done in reforming public institutions so that they are more appropriately responsive to Indigenous claims, insights, and testimony that all parties must understand to maintain an effective sense of justice and promote political legitimacy. Such reforms are crucial, moreover, if we are to address and prevent epistemic injustices against Indigenous peoples as knowers and against all citizens as moral agents.

In this section, we have argued that ICRs advance knowledge of constitutional essentials that elite citizens in a liberal-democratic society require to have an effective sense of justice and to meaningfully consent to fair terms of social cooperation as these are enforced by the liberal state. Furthermore, by providing the conditions for an effective sense of justice and meaningful consent through ICRs within the public education system, the liberal state, we have argued, supports its political legitimacy. For this reason, promoting knowledge of constitutional essentials comprises an important aim of public education in liberal societies, one that is plausibly advanced by ICRs. Cultivating such civic knowledge within a liberal-democratic society addresses hermeneutical injustices by ameliorating a deficiency in the conceptual resources available to citizens—resources that are needed in order to communicate and determine how to address serious injustices that otherwise would likely be dismissed, distorted or denigrated. If left unchecked, such hermeneutical injustices could exacerbate forms of testimonial injustice within Canadian society. In our view, educational institutions and educators have highly plausible role responsibilities to help their students avoid such epistemic injustices where possible, both in compulsory education and in non-compulsory institutions of higher education. These role responsibilities, we have argued, are even weightier in higher education due to the power and influence that university degrees confer. In light of these facts, we take it that universities have sufficient reason to embrace ICRs as a way to address these important civic aims in the Canadian context, all of which are consistent with, and follow from, liberal-democratic principles.

### Canadian Constitutional Law & ICRs

In this section, we will illustrate the ways in which Indigenous courses appropriately advance the civic ideals outlined in the previous section. By drawing on core constitutional questions from within Canadian law, we will highlight the ways in which knowledge of Indigenous legal and cultural history is crucial to democratic citizenship, particularly among elites, to address civic forms of epistemic injustice. By better equipping Canadian citizens with knowledge of various aspects of this legal and cultural relationship, we will argue that ICRs credibly promote a public better equipped to engage in open, high-quality inquiry and critical debate into what justice demands both in university classrooms and beyond. As the Truth and Reconciliation Commission's report notes,

[n]o Canadian can take pride in this country's treatment of Aboriginal peoples, and, for that reason, all Canadians have a critical role to play in advancing reconciliation in ways that honour and revitalize the nation-to-nation Treaty relationship. ... Reconciliation not only requires apologies, reparations, the relearning of Canada's national history, and public commemoration, but also needs real social, political, and economic change. Ongoing public education and dialogue are essential to reconciliation. (2015, pp. 183–185)

If we take the findings of the TRC seriously, we are forced to acknowledge that many Canadians are not in a position epistemically to treat Indigenous Canadians on “fair terms of co-cooperation” (Rawls, 2001, p. 156). Too many Canadians are unaware of the history of relationships between Indigenous peoples and the Canadian state. Few Canadians, for example, know that Canada's very claim to legal sovereignty is still grounded on the doctrine of discovery that denies the very existence of Indigenous peoples and their systems of governance prior to the formation of the Canadian state (Hohen, 2012).

Similarly, too few Canadians are aware of our history of treaty through the giving and accepting of Wampum, a cultural practice with great import within Indigenous legal traditions. Only by coming to understand such truths about Canadian Indigenous history can both Indigenous and non-Indigenous Canadians alike come to understand the contemporary Canadian state and their roles within it together.

By drawing upon the two examples of the doctrine of discovery and the history of treaty, we will illustrate how ICRs might enable this requisite form of civic understanding. Such understanding is not just legal in the sense that it requires knowledge of legal facts; it also requires an understanding, in degrees, of what these laws mean to different citizens, and how they may matter differently depending on social and cultural context. Of particular salience in the present context are social and cultural underpinnings that create serious injustices in the wake of European colonization. Universities that do not work to ensure all students consider and deliberate upon the content central to fostering this civic understanding of the constitutional essentials, in our view, may unintentionally acquiesce in or perpetuate forms of hermeneutical injustice it is within their power to address. We believe that curricular mandates are appropriate means to overcoming such injustices, which flow from unequal participation in creating the civic store of meanings—a form of inequality that, as Fricker says, generates “structural identity prejudice in the collective hermeneutical resource” (2007, p. 155). At least in the university context, if the civic content of students’ education is left entirely optional, with no conscious effort to address the ways in which knowledge about Indigenous peoples are created and shared in circumstances of epistemic injustice, then those students *most likely* to denigrate or misunderstand the value of Indigenous contributions can reasonably be expected to be *least likely* to choose voluntarily to engage with the content needed to understand these contributions in depth. Where this occurs and those students go on to lead institutions with the power their degrees confer, we risk perpetuating institutionalized forms of injustice on these civically important topics. The single-course ICR currently instituted at some universities may be inadequate to fully address what remedying civic epistemic injustice demands, but in the domain of non-ideal practice, we take it to be a positive step toward fostering the knowledge Canadians need to appropriately orient their actions and our social institutions. We offer the reasons contained in this essay as a basis upon which faculty committed to liberal-democratic principles might guide deliberations on such measures in Canada’s universities.

To illustrate how the civic epistemic injustices that may be addressed by ICR courses undermine our knowledge of the constitutional essentials, consider the doctrine of discovery, which was used by the British Crown as a justification for its claim of sovereignty in what is now Canada. Many Canadians do not know that the doctrine of discovery is premised on the idea of *Terra Nullius*—meaning “no one’s land.” This doctrine presupposes that the inhabitants of land deemed *Terra Nullius* were not sovereign. Under this doctrine, which remains the legal basis of Canadian sovereignty, Indigenous people were deemed savages and pagans, in need of civilization and salvation. It seems difficult to deny that this is a colonial and racist doctrine. However, it remains impossible to deliberate upon the nature of Canadian sovereignty until Canadians’ lack of awareness of this doctrine and its presuppositions is remedied. Within courses that fulfill ICRs, this sort of legal issue and its implications can be unpacked so that students can grow into a deeper understanding of the political reality in which they live.

In an ICR course focused directly on the law, the legal facts about the doctrine of discovery in Canada can and should be placed in dialogue with alternative understandings of the legitimacy of the Canadian state, which often also involve taking Indigenous forms of oral history into account. To actively correct for marginalization of Indigenous peoples in the historical stock of civic meanings, students might learn,

for example, that many scholars hold that the Canadian state is rightly viewed as formed through international treaties (Treaty of Paris) and treaties with Indigenous peoples—the “Numbered Treaties” (Henderson, 1994, p. 247). Students might learn that there is legal support for the treaties as a basis for Canadian sovereignty as well. As explained in *R. v. Badger*, “[a]n Indian treaty is unique; it is an agreement sui generis which is neither created nor terminated according to the rules of international law” (1996, para. 33). Furthermore, students might learn that the special status of Indigenous treaties has led the Court to devise several interpretive tools for addressing these particular treaties, which appear to reflect their unique nature. In *R. v. Badger*, the Court gave an overview of, and restated, several interpretative principles:

First, it must be remembered that a treaty represents an exchange of solemn promises between the Crown and the various Indian nations. It is an agreement whose nature is sacred. Second, the honour of the Crown is always at stake in its dealing with Indian people. Interpretations of treaties and statutory provisions which have an impact upon treaty or aboriginal rights must be approached in a manner which maintains the integrity of the Crown. It is always assumed that the Crown intends to fulfil its promises. No appearance of “sharp dealing” will be sanctioned. (1996, para. 41)

The emphasis on the honour of the Crown and the need to avoid sharp-dealing in these passages foregrounds the spirit of the treaties as agreements to share the land rather than impositions of conquest. Knowing that treaties are protected and enshrined in Section 35 of the Constitution, what these rights are, and how they shape the lives of non-Indigenous and Indigenous Canadians alike, ought to be part of a proper Canadian civic education, especially considered in light of the central role that knowledge of constitutional essentials plays in establishing and sustaining conditions of justice and political legitimacy in liberal societies. If non-Indigenous and Indigenous Canadians alike are to determine how best to interpret the sovereignty of the Canadian state and the rights of Indigenous peoples, in the ideal case, all need to be apprised of these sorts of issues; for those leading social institutions, the importance for realizing justice is even higher.

The disputes about the doctrine of discovery and Canadian sovereignty are best considered, in our view, in the context of the history surrounding the Royal Proclamation. To understand the Royal Proclamation, as John Borrows (1997) argues, one must understand at least some aspects of the cultures underwriting Indigenous law that were kept alive through oral history. Notably, the Royal Proclamation is legally a part of the Canadian constitution. Borrows argues that the Royal Proclamation ought to also be considered a Treaty. He argues that, since the Proclamation was written as a British colonial document and was unclear about Aboriginal title and traditional legal traditions, we must look to the cultural events surrounding the Treaty of Niagara to understand the legal relationships in the treaty-making process. A picture informed by knowledge of the cultural events surrounding the treaty-making process, according to Borrows, more accurately depicts the acceptance of the Proclamation by Indigenous peoples. The debate surrounding the Proclamation helps us to see that progress made on issues of oral history in the Canadian courts via *Van Der Peet* and *Delgamuukw* creates space for further insight and progress by opening up a more complete picture of these related issues in law. Borrows argues that the negotiations and ceremonies surrounding the creation of the Treaty of Niagara gives a clearer understanding of the “nation-to-nation” relationship between settlers and Indigenous peoples, which without oral history would be obscured. Borrows argues:

At this gathering a nation-to-nation relationship between settler and First Nation peoples was renewed and extended, and the Covenant Chain of Friendship, a multinational alliance in which no member gave up their sovereignty, was affirmed. The Royal Proclamation became a treaty at Niagara because it was presented by the colonialists for affirmation, and was accepted by the First Nations. However, when presenting the Proclamation, both parties made representations and promises through methods other than the written word, such as oral statements and belts of wampum. (1997, p. 161)

This particular example of the exchange of wampum is illustrative of a broader point about the myriad ways in which colonial negotiators acknowledged Indigenous culture, traditional law, and sovereignty. Part of our access to these insights comes to us through oral traditions that preserved the meaning of these cultural practices among Indigenous people. Through coming to understand the Royal Proclamation, other issues may be illuminated in turn. This example and many others (see Borrows, 2012; also Saul, 2010) demonstrate the centrality of Indigenous influence on present day Canadian constitutional realities. Yet, an understanding of the cultural history of Indigenous nations and their legal practices may well be invisible to many Canadian students. Indeed, we suggest, widespread ignorance about such influences highlights a serious lacuna in what Fricker terms the “collective hermeneutical resource” (2007, p. 155) and thus represents a clear case of civic epistemic injustice. Without knowing what the exchange of Wampum means within Indigenous cultures, it is impossible for citizens to adequately understand the meaning of the legal relationships *as relations built upon respect for Indigenous culture and law*. The meaning of an utterance is not only in what is said, but also in the pragmatics of how it is said within a context, through which we discern its spirit and intent. If the legal meaning of the Royal Proclamation is bound up with a respect for Indigenous law and culture, then, again, in the ideal case, Canadians would need to know enough to know this fact. Moreover, to understand what it is that was to be respected in this treaty-forming process, namely, to know how to respect Indigenous culture and law, students would ideally learn about these concerns as understood by the Indigenous negotiators of these agreements and as they are of concern to many Indigenous citizens today. This broader set of concerns necessary to understand such constitutional relationships animates a rationale for ICR course options focused more explicitly on language and culture so that Canadian citizens may together deliberate with different pieces of a more complete picture of this central constitutional relationship.

Consistent with the picture of the Royal Proclamation as founded upon respect for Indigenous culture and law, Borrows (1997) notes that William Johnson, the superintendent of Indian affairs, recognized that the negotiations were of a nation-to-nation relation that was to include trade agreements, military allegiances, territorial claims, and a protection of Indigenous rights. The parties exchanged gifts, words, and wampum belts. One of the most significant wampum belts was the “Two Row Wampum.” The Two Row Wampum is explained by Robert A. Williams, Jr:

There is a bed of white wampum which symbolizes the purity of the agreement. There are two rows of purple, and those two rows have the spirit of your ancestors and mine. There are three beads of wampum separating the two rows and they symbolize peace, friendship and respect. These two rows will symbolize two paths or two vessels, traveling down the same river together. One birch bark canoe, will be for the Indian people, their laws, their customs and their ways. The other, a ship, will be for the white people and their laws, their customs, and their ways. We shall each travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel. (Borrows, 1997, p. 164)

The symbolism of the Two Row Wampum shows the Indigenous understanding of the Proclamation and the Treaty of Niagara. Indigenous people considered the Proclamation and the subsequent treaties as a nation-to-nation allegiance; agreements to share in the land and resources of Canada. Again, with an understanding of these cultural practices, our sense of what kind of legal relationship was forged between Canada and Indigenous nations might shift. To deliberate on whether these shifts offer the possibility of better relationships to one another as citizens, in the context of Reconciliation, Canadians must have access to this sort of essential constitutional knowledge and its cultural underpinnings. While not all ICR courses will necessarily focus primarily upon this legal relationship, it forms an appropriate common basis upon which to guide and justify curriculum development in other aspects of the relationships ICRs aim to improve.

Whatever one makes of the question of how best to conceive of Canadian sovereignty, deliberating competently together on questions of constitutional importance is facilitated if Indigenous Canadians and non-Indigenous Canadians are informed about these legal relationships, the cultural traditions that underwrite them, and the colonial marginalization of Indigenous contributions to our civic resources for self-understanding. A plausible justification for ICRs, then, is that they enable precisely this sort of mutual understanding and space for debate. The legal relationships outlined above can be taught and discussed from the perspective of many different disciplines within the university in hopes of forming the knowledge necessary for public discourse and possibly the knowledge necessary for reconciliation. We emphasize that instituting ICRs does not preclude or foreclose debate, either inside or outside the classroom, about how the content of such courses is best understood. To the contrary, reflective engagement with course content is necessary to get the understandings we live by as citizens *right*. ICR course descriptions, developed by qualified faculty and knowledge-keepers, with the aim of illuminating this constitutional relationship, can serve as a basic set of parameters within which further inquiry can unfold by the lights of qualified instructors and in relation to the needs of students.<sup>4</sup>

By learning to better understand the cultural spirit and intent that underwrites relationships between Indigenous and non-Indigenous peoples in Canada, Canadians are at least in a position to consider Indigenous groups as sources of deep insight when addressing constitutional and related cultural matters. By addressing the hermeneutic injustices that may obstruct this ability, we may reduce the likelihood of Canadians dogmatically rejecting the testimony of Indigenous peoples as knowers, and improve prospects for realizing justice. Even if we cannot guarantee that all students will become civically competent deliberators, ICRs at least foster the epistemic preconditions for mutual respect and non-oppressive interactions between Indigenous and non-Indigenous Canadians: central concerns of any liberal-democratic society. In a non-ideal world, creating institutional structures that at least reduce the likelihood of epistemic injustice are of value. Fostering these pre-conditions is especially important at the university level, where the degrees students acquire will afford greater opportunities to become members of the social and political elite. For such an elite, deep democratic competence is even more critical than for other members of society if we are to realize the aim of justice.

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<sup>4</sup> We take it that the goal of fostering cross-cultural understanding of the constitutional essentials provides a curricular aim in light of which to determine qualifications for developing course descriptions and content. Due to restrictions of space, we leave aside a deeper treatment of these issues for a future project.

## Purposes of Higher Education & the Civic Purposes Argument

We have argued that ICRs are an important means of addressing epistemic injustices insofar as they provide a setting within which young people may acquire knowledge about constitutional essentials in Canada, and particularly about pervasive Indigenous influences on Canadian constitutional reality. This justification for ICRs presupposes with Anderson (2007) and others that it is appropriate to draw upon democratic political ideals to guide higher education policy. However, some critics of our position may be unwilling to accept this presupposition. For example, against views like Anderson's, there are many scholars who defend the autonomy of inquiry in the university from what they see as encroachment by a political agenda that distorts higher education's proper aim and opens the door to other forms of external interference. One might agree that the civic purposes of education justify a mandatory curriculum sufficient to establish students' knowledge of Canada's constitutional essentials, including knowledge of the constitutional relationship between First Nations, Inuit, and Métis peoples and the Canadian state, its history and cultural underpinnings. Nevertheless, even a sympathetic critic might accept this argument, once again, only as it applies to K–12 schools, while denying that such a justification aptly extends to university education because *no political aim rightly extends to the university*. Our discussion in this section responds to this concern.

The strongest basis upon which to deny the political aim of cultivating a democratically competent elite, in our view, is to deny that the university rightly ought to advance political aims at all. Among the most prominent defenders of the autonomy of the university from politics are Jonathan Cole (2015) and Stanley Fish (2008), each of whom, in different ways, stresses the independence of the aims of the university from external political purposes. Cole's objection to aligning university curricula to political aims focusses directly on the purposes of the university: by his lights, the university ought not to have a political purpose. Meanwhile, Fish's objection concurs with the apolitical nature of the purpose of the university, but adds that the goal of achieving political aims through teaching is impracticable. If Fish is right and *ought* implies *can*—if a normative claim about what an institution should do implies that the institution can achieve the aim in question—then his argument undermines teaching for political aims on a second front. Each argument, if sound, would seem to defeat a political justification for ICRs. Against both lines of argument, we will contend that the political aims we advance are properly internal to the purposes of the university Cole and Fish allow, and so any sense of a standoff between these aims and the aims of the university so articulated is misleading.

Although Cole (2015) does not consider the topic of ICRs directly in his defense of the university as a space of unfettered and rigorous inquiry, he provides a principled basis upon which one might claim that ICRs, however well-intentioned, are at odds with the purposes of the university. The historical suppression of inquiry by both religious and political authorities, Cole argues, should remind us of the importance of attending to the university's distinct purposes. The university, Cole stresses, echoing a chorus of many, has no position on political matters, because the university is a place for debate about topics rather than one with settled perspectives (See also: Stone, 2015; Fish, 2008; University of Chicago, 1967). Marshalling evidence such as the proportion of Nobel laureates by political jurisdiction, Cole warns that “[t]he destruction of university systems has historically been caused by the imposition of external political ideology on the conduct of scholarly and scientific research” (2015, p. 44–45). Cole claims that, in light of its non-political aim of inquiry and debate,



the university cannot and should not attempt to decide what ideas or perspectives are appropriate for the classroom. For one student, a professor's ideas may represent repugnant stereotypes or efforts at intimidation; for another, the same ideas may represent profound challenges to ostensibly settled issues. (p. 54)

The correct policy, one might extrapolate from Cole's remarks, is not for the university to mandate curricular content, even through faculty-based governance. Instead, departments and their faculty members should decide diversely upon their offerings without any sense of external political or religious obligations, and let students decide which courses (or universities) are of interest in their own free inquiries. On this ideal of the university, if a student sees no need to learn the political essentials of the Canadian state, and faculty agree to offer degrees without this content, then it might be claimed that there is no moral reason consistent with the purposes of the institution to insist upon such learning. There is no political purpose the university ought to advance, even in the case of the constitutional essentials, on this view, because the university has no position on such matters.

Fish (2008) echoes Cole's claim that the unfettered search for the truth is the proper aim of higher education and that this aim ought not to be politically constrained. Unlike Cole, however, Fish claims that even the ideal of free speech and diversity of expression may sometimes be a political corruption of the university's aims and should be kept subordinate to the search for truth (p. 120). Fish's additional objection to drawing upon political aims in the context of higher education is causal: he holds that there is no good reason to have confidence in the idea that teaching and inquiry will lead to any moral or civic virtues. For Fish, then, it is a mistake, detracting from the search for truth, to pursue political ends, however noble, through the university.

Citizen building is a legitimate democratic activity but it is not an academic activity. To be sure, some of what happens in the classroom may play a part in the fashioning of a citizen, but that is neither something you can count on—there is no accounting for what a student will make of something you say or assign—nor something you should aim for. As admirable a goal as it may be, fashioning citizens for a pluralistic society has nothing to do with the pursuit of truth. (2008, p. 119)

Like Cole, Fish does not consider the question of mandatory Indigenous courses. Nevertheless, drawing on Fish's arguments, one might conclude that such courses are, again, perfectly legitimate when pursued by faculty or students as part of a search for the truth, for whatever reasons the individuals in question are interested in doing so. Mandating that faculties teach and students learn any regime of content for political purposes, however, might be claimed to wrongly constrain the institution and its dedication to rigorous teaching and learning.

The objections from Cole and Fish, which draw upon the ideal of free inquiry, allow us to clarify the relationship between the university as a space rightly concerned with the search for truth, the aims of politics, and the need to address epistemic injustice. For Fish and Cole, an Indigenous course requirement, if it were to be permissible, would have to be non-politically justified in the sense that its justification would need to be found to be internal to the university's pursuit of the truth. One would need to reject Fish's claim that "fashioning citizens ... has nothing to do with the pursuit of truth" (2008, p. 119).

This provides a toe-hold for a reply. Even if one rejects the "politicization" of the university, one cannot deny that university teaching and learning has political effects, at least, the effect of a more rather

than less informed citizenry. To deny that *any* political purpose rightly extends to the curriculum a university teaches or to the aims of its research, then, one would need to also deny that an informed citizenry is a proper political aim. It would need to be the case not only that the search for truth is the proper end of the university but also that there are no political purposes identical with that end so conceived. We will argue that this is implausible, at least in the liberal-democratic tradition, which champions the political value of an informed citizenry. By pointing to the epistemic dimensions of civic competence in the first section, we have suggested that the aim of forming an informed citizenry is a central political aim, in light of which we can identify civic epistemic injustices. Given that some political aims address epistemic injustices, injustices that target citizens *as knowers*, it is reasonable to ask how these aims can be coherently rejected as an aim of the university. Can the university rightly turn its back on the aim of addressing epistemic injustices its students are likely to suffer, where it has reasonable mechanisms at its disposal to attempt to correct for such wrongs? If it does turn its back, can this be seen as consistent with the university's interest in the pursuit of truth?

We think the correct answer to both questions is in the negative. As both Fish and Cole allow, the university holds an interest in cultivating a kind of ethos—one supportive of the search for truth. One of the reasons democratic publics often subsidize higher education is precisely because this ethos is also of *democratic value*. As the democratic theorists highlighted in the first section make clear, competent liberal-democratic governance requires the capacity to discern politically important facts and values, among which are the constitutional essentials. Moreover, competent citizens must also discern the reach of politics into other spheres of value. Is a democratic public that sees the search for truth in common with its fellow citizens for *political purposes* incidental to the aims of the university?

This seems doubtful. Universities could only be indifferent to the cultivation of such a public if it were no more likely to support the aims of the university than one comparatively ignorant of, and disinterested in, the truths most central to democratic self-governance. A public that sees political value in cultivating knowledge of the matters of fact and value that inform public life and the background culture within which it is situated, however, ought to value institutions that advance this same end for instrumental reasons. Universities aim to be truth-promoting institutions. A truth-seeking public, then, cannot but value universities and other institutions of higher learning, which serve the purpose of public truth-seeking, on pain of irrationality. If a truth-seeking public is likely to value the place of the university and its aim of autonomous inquiry into matters of fact and value, however, then the university also has an instrumental interest internal to its aims in supporting a truth-seeking and knowledgeable public.

Just as defending the university against funding cuts would be an abdication of duty, as Fish, for example, argues, a failure to defend a civic ethos reflective of the university's own mission is plausibly a moral mistake, given the role responsibilities of university administrators to sustain their institutions (2008, p. 103). The objection stemming from the proper aim of the university does not, then, undermine the civic rationale we have provided for ICRs but, to the contrary, affords *prima facie* instrumental support for it, leaving only the second causal objection: that universities do not know how to form citizens through teaching alongside the independent motivations we have provided for ICRs. Against this second causal objection, our rationale also succeeds. Critics like Fish cannot argue that universities are wholly incompetent to support *a truth-seeking and knowledge-expanding ethos*, if such institutions are to be justified as means used for the search for truth. Fish's causal objection, then, given his claim that teaching and learning are reasonable aims of the university, cannot apply to a justification for political aims internal to that purpose and by extension to our justification for ICRs. Note that such competence does not imply

that learning to pursue the truth about some issues entails knowledge of others—which is partly why thinking through distribution requirements in universities is a matter of civic importance.

If it is permissible and in universities' interests to advance conditions conducive to a truth-seeking civic ethos, as it must be for the instrumental reasons identified above, then there are also reasons to believe that, where feasible, universities have a moral role responsibility to address civic forms of epistemic injustice within society. Epistemic injustices, after all, are injustices that undermine a truth-seeking ethos by undermining citizens as knowers. We have argued that educational institutions are among those best situated to address injustices of this sort by virtue of the alignment of their mission as truth-seeking bodies. Universities, as we have argued in the first section following Anderson (2007), have an especially weighty duty to address these injustices, given their role in forming the elites who will lead the public in the future. A university that is complacent in the face of epistemic injustices within the broader community it serves, and especially the elites it forms, might then rightly be claimed to be indifferent to its *own aims* both instrumentally and morally in forming a truth-seeking public. If, as we have argued in the second section, ICRs help meet a necessary condition of a public that is capable of mutual understanding on issues of the greatest civic import—the constitutional essentials—then there are reasons internal both to liberal democracy and the aims of the university to endorse these measures.

## Conclusion

In the first section of this paper, we provided an outline of the nature of ICRs and traced a widely agreed-upon aim of liberal-democratic civic education: knowledge of the constitutional essentials. Drawing on work from Fricker (2007, 2013), we argued that distortions within the stock of interpretive resources available to citizens due to the history of colonialism often impair Canadians' ability to understand the constitutional essentials as they relate to Indigenous peoples, and that this is a civic form of epistemic injustice wronging all citizens. Universities, we have claimed, have special role responsibilities to address civic epistemic injustices, given their purposes as educational institutions and their role in creating what Anderson calls "democratic elites" who will lead the institutions of society. In section two, we illustrated how ICRs may help citizens to better understand fundamental questions of sovereignty upon which the very legitimacy of the Canadian state depends, and so qualify as means of addressing civic epistemic injustice. In section three, we defended the aim of addressing civic forms of epistemic injustice as proper to the aims of the university, even when those aims are conceived in purportedly depoliticized ways. We stressed at the outset that our argument is one that aims to address concerns internal to liberal-democratic institutions and commitments rather than one that asserts the superiority of such institutions and commitments all-things-considered. Prior to engaging in cross-cultural discussions about which conceptions of justice are correct all-things-considered, we believe there is work to be done in creating the material conditions for undistorted deliberation. We have no illusions that ICRs are a panacea; nevertheless, we believe that, for the reasons offered, universities have strong liberal-democratic grounds to employ such requirements as means toward realizing and reflecting upon justice. We have left open whether this argument justifies other course requirements related to other constitutionally protected groups, along with further questions of what an integrated democratic elite may look like. In so doing, we have worked to avoid arbitrarily prioritizing one group's welfare over others. We have also studiously avoided questions of pedagogy and implementation as a further, complex topic for future investigation.

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