

# Everyday Deeds: Enactive Protest, Exit, and Silence in Deliberative Systems

Political Theory

1–23

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DOI: 10.1177/0090591716661222

ptx.sagepub.com



Toby Rollo<sup>1</sup>

## Abstract

The deliberative systems approach is a recent innovation within the tradition of deliberative democratic theory. It signals an important shift in focus from the political legitimacy produced within isolated and formal sites of deliberation (e.g., Parliament or deliberative mini-publics), to the legitimacy produced by a number of diverse interconnected sites. In this respect, the deliberative systems (DS) approach is better equipped to identify and address defects arising from the systemic influences of power and coercion. In this article, I examine one of the least explored and least understood defects: the exclusion of non-speaking political actors generated by the uniform privileging of speech in all sites within a system. Using the examples of prefigurative protest, Indigenous refusal to deliberate, and the non-deliberative agency of disabled citizens, I argue that the DS approach allows theorists to better understand forms of domination related to the imposition of speech on those who are either unwilling or unable to speak.

## Keywords

political theory, deliberative democracy, speech, Indigenous politics, disability, protest

Within the subfield of deliberative democratic theory, political decision making is held to exhibit legitimacy to the extent that it has been informed by free and informed exchanges among citizens and their representatives. This focus

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<sup>1</sup>University of British Columbia, Vancouver, British Columbia, Canada

## Corresponding Author:

Toby Rollo, University of British Columbia, C425 - 1866 Main Mall, Vancouver, BC V6T 1Z1, Canada.

Email: [rollotob@mail.ubc.ca](mailto:rollotob@mail.ubc.ca)

on *voice* as the primary form of citizen participation has meant that deliberative theory was not equipped to identify and account for the agency or exclusion of those who do not participate directly in deliberation. The emerging deliberative systems (DS) approach offers a corrective to this omission.<sup>1</sup> It does so by extending methodological reach beyond the agency exercised by citizens in *isolated* and *formal* sites of political *speech* designed to inform legislative decisions (e.g., Parliament or deliberative mini-publics) to incorporate the agency of citizens exercised in *networks of informal* sites of both *speech and deed*, which work together to produce both the formal decisions of government and the informal decisions enacted directly by the citizenry. This shift in the scope of analysis helps uncover and correct for a methodological subordination of deeds to speech, which often has the effect of erasing the contributions of citizens who are either unable or unwilling to exercise voice. To better understand the unique advantages of the DS approach with respect to democratic legitimacy and inclusive citizenship, I explore how the approach remedies the erasure of three groups of citizens: those engaged in prefigurative protest, Indigenous people who exit from deliberations, and disabled peoples.

## Methodological Innovations of the Deliberative Systems Approach

The DS model of deliberative theory provides a more nuanced and inclusive account of democratic legitimacy by virtue of its four conceptual innovations. Deliberation is a necessary supplement to elections and lobbying, since these mechanisms by themselves do not insulate politics from the corrupting influences of money, power, and coercion. High quality public deliberation—communication that exhibits high levels of rationality, equal respect, and inclusion—works to identify and remove these corrupting influences, fostering decisions that are better informed, more inclusive of diverse perspectives, more effective, and more equal and impartial with respect to citizen participation.<sup>2</sup> The primary advantage of the DS approach is that it overcomes the weak account of legitimacy generated when theorists assess the virtues or defects of deliberation in isolation from their relations to other sites of citizen activity. A systems approach accounts for how legitimacy is generated in traditional sites of decision making such as courts and legislatures and by deliberative experiments such as citizens juries in coordination with diffuse and distributed informal contexts of citizen participation. Moreover, because a system will necessarily feature trade-offs between sites, not every site can or *should* contribute to the same extent in promoting ideals of rationality, equal respect, or inclusion. For instance, some sites

must forgo high levels of inclusion so that a more nuanced and informed discussion among experts can be secured. Other sites in that same system may compensate, however, by sacrificing the epistemic quality of discussions in order to guarantee inclusion of non-experts.<sup>3</sup>

The second DS innovation is its move beyond a restrictive focus on *formal* sites of deliberation, which tends to obscure contributions made in sites of *informal* citizen agency. In conceptualizing the mechanisms that produce legitimacy as diffuse and distributed, the systems approach tracks contributions to political decision-making that emerge from outside official arenas and processes that have been the traditional focus of deliberative theory.

The third innovation is related and pertains to the limited picture of legitimacy produced when we restrict our attention to the virtues or defects of deliberation *by itself*.<sup>4</sup> John Dryzek observes, for instance, that in meta-deliberations over how deliberation ought to proceed, we might find that “non-deliberative” mechanisms should be recognized.<sup>5</sup> Likewise, Jane Mansbridge et al. argue that “not every part of a deliberative system need itself be deliberative,” though audiences must generally hold to expectations of rationality, inclusion, and equality for non-deliberative deeds to contribute.<sup>6</sup> The non-deliberative agency of some citizens can be obscured when theorists overlook sites in which these agents act rather than speak because they are either unwilling to incur the risks of public deliberation or because they are unable to articulate their interests.<sup>7</sup> This incorporation of non-deliberative action as well as the trade-offs between sites of deliberative and non-deliberative agency obviates against privileging voice in all sites within a system. Without this inclusive shift in scope there is greater potential to overlook when and where vulnerable groups have been presented with an onerous choice between the risks of public dialogue and the risks of withdrawing from public dialogue altogether, what I refer to in the following as a deliberative ultimatum.

What distinguishes deeds from speech in a DS approach? Deeds can be thought of as those bodily acts or practices which are intelligible as forms of action; that is, they are cognizable as intentional acts, as exercises of will rather than reflex or habitual behaviour. Deeds become *political* acts insofar as they contest collective norms yet, like speech, they may only qualify as *democratic* insofar as contestation exhibits the additional qualities of reasonability, equality, and inclusion. Speech, in this context, is the use of language to produce representations, accounts, articulations or arguments *about* deeds and prior uses of speech. It is important to recognize that it is because deeds are intelligible as intentional acts that they can serve both as the potential objects of political speech and independently as political action that “speaks for itself.” This autonomy of deeds from speech is frequently overlooked, leading to the misrecognition of deeds as politically inert or essentially dependent on speech.

Consider the means by which Rosa Parks famously contested racially segregated seating on the Montgomery bus system by refusing to give up her seat to a white passenger. Neglect for the political nature and autonomy of deeds combined with the veneration of political speech can lead to the misrecognition of action. As with most civil rights activists, Parks contributed through both her deeds and her words at different times and in different contexts. In many popular re-tellings, however, Parks's refusal was attributed not to an intentional act of contestation but to her simply being too tired to move.<sup>8</sup> In a framework of interpretation that privileges speech alone, the significance of Parks's act failed to register as political; it was recast as mere behavior which only came to be politicized when made the object of Parks's public account. But what if Rosa Parks had refused to justify her act to dominant society? What if she and others in the Civil Rights movement felt that her act of contestation was self-explanatory? Here, the DS approach avoids confusions in part because it does not anticipate that the political features of an act will only manifest when voiced.

The fourth innovation is the incorporation of what Mansbridge has referred to as "emergent" decisions or "decisions by accretion": shifts in norms of conduct and governance that are generated over time and often without passing through a formal policy-making phase.<sup>9</sup> Emergent decisions develop organically as individuals and groups experiment with alternative practices, helping to shift public attitudes and norms, and address violations of those norms through informal processes of social sanction.<sup>10</sup> Within a deliberative system, then, informal conversations or "everyday talk" between citizens can have significant effects on rules as political communities work "collectively but not in concert" to generate new legitimate patterns of conduct and governance.<sup>11</sup> Consider how norms around certain sexual acts shifted drastically in the twentieth century despite no change in official "sodomy laws" until, at least in the United States, the 1970s. Acknowledging emergent decisions helps us avoid the reduction of political action to formal deliberations that take place in courts and governments, sites that are often playing catch-up to decisions that have already been made by society.<sup>12</sup>

Everyday political action includes more than just speech; it is exercised though both "*action* and words,"<sup>13</sup> transmitting meaning through "both verbal and nonverbal" channels.<sup>14</sup> Insofar as political deeds can fulfill similar functions as everyday talk, I will refer to them as *everyday deeds*, and the general sphere of deeds enacted with respect to collective norms I shall refer to simply as the *enactive* domain of deeds.<sup>15</sup> Whereas in standard deliberative theory the force of the better argument is seen as the mechanism of democratic contestation, a systems approach recognizes that it is sometimes the force of the better *act*, either in part or in full, which leads to the transformation of the rules.

These DS innovations permit us to better identify and address defects that arise within a system when it fails to strike a balance or self-correct. Sites can become too closely coupled, for example, which results in the crowding out of alternative practices, ideas, interests, or identities. Sites can also become decoupled from one another, cutting them off from the alternative practices and perspectives generated in other sites. More generally, deliberative systems can suffer from forms of institutional domination when a part of a system exerts control over the others. Similarly, social domination can emerge when a particular class or group exerts such control.<sup>16</sup> In the end, a well-functioning deliberative system will feature an optimal division of labour and self-correction between sites.<sup>17</sup> The discussion that follows will focus on how privileging of deliberation *itself* in all sites within a system can produce anti-democratic patterns of coercion and domination that diminish the legitimacy of political decision making within a system.

## Citizen Deeds and the Democratic Stance

In acknowledging that a well-functioning system will require some sites to abjure speech altogether or privilege non-deliberative deeds, the DS approach also promotes a robustly inclusive understanding of citizen agency and inclusion. Before turning to the examples, I would like to highlight three ways that the DS approach enriches conceptions of citizenship through its challenge to the subordination of deeds to speech. A diminished view of deeds is significant since it can lead to the exclusion of those for whom non-deliberative action is the primary mode of political agency. Subordination occurs when deeds are treated as mere *preconditions* of good deliberation (e.g., deeds related to politeness and hospitality),<sup>18</sup> or when they are treated as the inert and passive *content* of deliberations (e.g., practices requiring justification).<sup>19</sup> In both of these species of subordination, the independent contributions of deeds are conceptually collapsed into the contributions of speech.

Some conflation of speech and deed is to be expected since it is true that some speech acts perform the function of a deed, as when the statement “I give it to you” performs the act of giving. Yet in many cases, deeds are essential to what we ostensibly think of as speech acts. This is why the pioneer of speech act theory, J.L. Austin, took care to remind us in his classic work *How to Do Things with Words* that words alone are usually insufficient: “it is hardly a gift if I say ‘I give it to you’ but never hand it over.”<sup>20</sup> Consider, as well, that one can perform the act of gift-giving in silence and anonymity. Utterance meaning is often unnecessary or redundant. Indeed, the fact that many apparent speech acts can be accomplished nonverbally suggests that it is not always linguistic properties that condition and specify the kinds of speech acts there are (i.e., the kind

of communicative action that an utterance manifests) but a host of factual, relational, social, psychological, embodied, and attitudinal contexts.<sup>23</sup>

In empirical work this subordination leads to an operational confound between discursive and enactive effects, incurred because the operational definition of deliberation has been expanded to incorporate non-discursive elements without properly discerning their unique contributions.<sup>21</sup> Perhaps not all acts qualify as political deeds that present some kind of public claim, just as not all verbalizations qualify, but sometimes they do.<sup>22</sup> Deeds, like utterances, can be coordinative, normative, and invite us to assent or dissent to the validity of the action. In this sense it is actors in particular contexts of action, not sentences, that “do things” even though the agent might choose to use an utterance to accomplish it.

Finally, in addition to the two forms of conflation with speech, deeds are sometimes stigmatized through their association with physical violence that displaces or suppresses speech.<sup>24</sup> In more favorable versions, deeds are associated with merely *anti*-deliberative action that, while not necessarily violent, is manifestly disrespectful, strategic, and coercive. That said, in some sites, anti-democratic action may still contribute to a functioning system. Mansbridge et al. observe that theorists must therefore develop “criteria to evaluate when non-deliberative, weakly deliberative, or even anti-deliberative behaviour nevertheless enhances the deliberative system.”<sup>25</sup> For the purposes of this discussion, the distinction between *anti*-deliberative and *non*-deliberative action is instructive since there is a tendency in political theory to associate the absence of deliberation with the hostility and polarization sometimes characterized by radical politics. As a point of definition, unlike *anti*-deliberative action, *non*-deliberative action is not violent and does not suppress reason, equality, or inclusiveness.

In their critique of this expansive view, David Owen and Graham Smith have argued that the DS approach might lead to the characterization of sites that incorporate harmful anti-deliberative action as legitimate constituents of a deliberative system.<sup>26</sup> In their view, ideals embodied in deliberative democratic theory are potentially compromised in the shift to a distributed view of deliberation and legitimacy that accepts a role for acts like hate speech. Although Owen and Smith support the emerging recognition that “non-deliberative acts and practices enable or disable democratic deliberation,” they also urge theorists to be discerning.<sup>27</sup> We risk abandoning the “deliberative capacities and powers of citizens” if we fail to properly hold forms of action to standards of mutual respect and reciprocity in every site.<sup>28</sup> In leaving unanswered “the question of the evaluation of non-deliberative acts and practices,”<sup>29</sup> we risk losing sight of two important deliberative norms: the reflective position citizens take up with respect to the standpoints of others in

the process of exercising practical judgement, and the requirement that citizens understand themselves to be reasoning together to establish new shared perspectives. As a corrective, Owen and Smith suggest that irrespective of the particular site or mode of agency, contributions to a system ought to embody a “deliberative stance” of reasonability and mutual respect.<sup>30</sup> A deliberative stance is a particular disposition or attitude taken up by participants:

a relation to others as equals engaged in the mutual exchange of reasons oriented as if to reaching a shared practical judgment. This stance is not restricted to any particular setting, formal or informal, decision-making or not, although its demands on individuals will vary across such settings dependent on the norms that structure the context of discursive interaction and the extent to which these norms are institutionally entrenched.<sup>31</sup>

Mansbridge et al. do stipulate that *anti-* and *non-*deliberative action must be interpreted with an attunement to deliberative ideals.<sup>32</sup> Still, Owen and Smith’s critique is useful in helping to clarify that while a deliberative stance cannot be reconciled with overtly *anti-*deliberative acts such as racist speech, citizens can and do enact *non-*deliberative deeds that satisfy deliberative criteria. The DS approach highlights an important distinction between *anti-* and *non-*deliberative deeds. I suggest that we should apply a version of Owen and Smith’s deliberative stance criterion, what I will refer to as a *democratic* stance, to understand the role of *non-*deliberative yet robustly democratic practices within a deliberative system. The key distinction here is that the deliberative stance is related to good speech while the *democratic* stance reflects the more general promotion of reason, equality, and inclusiveness as it is embodied in both speech *and* deeds.

In recognizing the autonomy of democratic deeds, we move beyond the restrictive view of deeds as inherently irrational, as preconditions of effective deliberations, or as mere contents of deliberations. These clarifications are important because, as I show in the following examples, the subordination of the enactive domain can lead to anti-democratic exclusions of citizens who exercise agency through deeds by choice or by necessity. It is not my aim to decide on the extent to which a systems approach can or should sanction coercive *anti-*deliberative acts, though it seems clear that some anti-deliberative acts may be necessary to challenge deeply institutionalized forms of oppression.

## Activism and Prefigurative Protest

Citizen activism is relevant to this discussion because it is the most well-understood example of agency exercised through both speech and deeds.

Indeed, there is a sense in which deeds have become synonymous with activism. Perhaps this association is why activism in the form of public demonstration, civil disobedience, and direct action is often depicted as dogmatic, exclusionary, uncivil, and therefore as detracting from deliberative ideals of rational, ethical, and inclusive politics. Deliberative decision making is of course subtended by a vast array of practices, reasonable and unreasonable, communicative and non-communicative.<sup>33</sup> When evaluated through a DS lens, disruptive forms of activism can be seen as forgoing high levels of civility in order to urge for greater inclusion and more equitable treatment of marginalized groups overall.<sup>34</sup> Disruptive protest can motivate greater inclusion of marginalized ideas, as when the critiques of globalization that were foregrounded during the 1999 WTO protests in Seattle eventually gained traction in decision-making contexts.<sup>35</sup> Sometimes action must be non-cooperative in order to force issues onto the table and promote respect for marginalized beliefs and practices, what Mansbridge refers to as the “battering ram of rage.”<sup>36</sup> Likewise, Archon Fung refers to “deliberative activism” as citizen engagement that benefits from a productive coupling between sites of protest and sites of decision making.<sup>37</sup> When a number of elected representatives are attuned to the public demands of citizens, this effective coupling helps ensure that protest has channels through which it can thrust the ideas, interests, and identities of marginalized groups onto the agendas controlled by dominant groups.

Protest is sometimes viewed as contributing only to the extent that it articulates something akin to a reason that *could* be admissible as a statement in public discourse. In many visions of deliberative theory, refusal to provide a *potentially* expressible position is understood as inherently detrimental to epistemic, ethical, and inclusive functions of democratic legitimacy. If the meaning of a protest does not exhibit a kind of “semantic structure” transposable into a content-full proposition, such deeds may not qualify as political action or as fulfilling democratic ideals.<sup>38</sup> Those who are able yet unwilling to offer a legible position are likewise understood to have retreated from democratic participation. But not all activism is expressive in the sense that deeds seek to emulate speech or play a supplementary role to a public representation. Agonistic theories of democracy accept disorderly acts of contestation that enact freedom whether or not they are reasonable or aim toward inclusion of alternative discourses. Here, unreasonable action is understood as valuable for the ways that it affirms citizen agency.

From an agonistic perspective, we should not maintain too stringent a demand that activists represent a clear demand or position lest we eschew some aspects of genuinely transformative political practice. In other words, the value of protest need not be assessed according to deliberative ideals.<sup>39</sup>



As Jane Drexler argues, if we are disposed to locate “the value of contestatory practice in its persuasive impetuses,” there is a potential that we reinscribe strictures of reasonableness that stifle political alternatives.<sup>40</sup> Insofar as the public interpreted the Seattle protests through the lens of deliberative inclusion, the protesters were viewed as unreasonable, unconvincing, alienating, and insufficiently concerned with inspiring others to take their perspectives seriously. For Drexler, however, it is simply a mistake “to search within these acts for their communicative element in order to identify their political value,” since the value of protest is not wholly or necessarily expressive and directed at the larger public.<sup>41</sup> We can recognize value in the acts of marginalized citizens “in the acts themselves and their *capacity to enact freedom*.”<sup>42</sup> Non-deliberative enactments of freedom sometimes manifest because public disobedience is necessary at times to challenge anti-democratic forms of rule. Modern instances of mass protest, from the Seattle protests to the contemporary Occupy movement, Idle No More, and Black Lives Matter movements have exemplified elements of expressive, disruptive, and prefigurative politics.

For the purposes of this discussion, I would like to call attention to forms of prefigurative protest that like agonistic enactments of freedom do not always seek validation through public speech, yet unlike them adhere to ideals of reason, equality, and inclusion. A more conventional focus on deliberation makes it difficult to identify and track the contributions of non-deliberative protest. The point of prefigurative agency is, after all, that it *demonstrates* to the people, rather than *argues*, that an alternative is possible, reasonable, and necessary. Here, citizens seek to establish new norms of conduct and governance as public instantiations (rather than representations) of an alternative political practice. Everyday deeds of this sort bypass dialogue and are not primarily exercised in order to serve as content for, or as preconditions of, effective deliberation in other sites.<sup>43</sup> Citizens seek to enact the changes they wish to see in the world as well as motivate others to undertake similar shifts in perspective and action. To the extent that these practices are exercised in ways that are inclusive of those who disagree and committed to the equality of those who dissent, they may stand as reasonable yet *non-representational* contributions to the overall legitimacy of a deliberative system.

DS innovations help us cultivate a better understanding of the contribution of prefigurative protest to legitimacy, especially where “being the change” in localized sites has led to both emergent decisions and formal shifts in policy and law. Many monumental changes to the contemporary legal and political landscape have been influenced by prefigurative practices in the enactive domain of everyday deeds: greater inclusion of racial, gender, and sexual diversity in families and businesses, greater acceptance of public and private

lifestyle choices related to drug culture, more humane treatment of animals and non-human nature, the cultivation of more peaceful social relations through alternative parenting practices, etc. Sites, especially sites of deliberation, cannot be viewed in isolation since they reflect more general shifts in existing social norms inspired by prefigurative practices in the myriad mundane sites of everyday deeds.

The systems lens also improves our ability to identifying defects. Not all citizens who see themselves as contributing to shifts in political norms are necessarily willing or able to make public claims and it might be anti-democratic to *require* public justifications from those who are contributing through everyday deeds. Stipulating dialogue as the sole medium of any substantive citizen contribution could have a disciplining effect on the marginalized, since many citizens would likely avoid enacting alternative norms of governance knowing they may be compelled to convince hostile interlocutors of their merit.<sup>44</sup> This dilemma between being compelled to speak about deeds or abjuring deeds altogether is a form of the deliberative ultimatum. Likewise, in attributing the formation of new attitudes and policies wholly to speech we unduly burden speech with the full weight of successes and failures that might be more accurately attributed, wholly or in part, to the successes or failures of the enactive domain.

## Indigenous Refusal and Exit

In certain sites within a deliberative system, refusal may be considered *necessary* in order to promote legitimacy and avoid systemic defects related to the privileging of speech.<sup>45</sup> Many Indigenous communities refuse to seek recognition of their land-based legal and political forms of life in the formal decision-making contexts of colonial nation-states.<sup>46</sup> Withdrawal occurs for a variety of reasons: some elements of culture related to land-based practices and spiritual identity are considered ineffable;<sup>47</sup> often ideas are understood to be conveyable only through songs or storytelling, which are disqualified as unreliable or nonsensical in many formal sites such as courts;<sup>48</sup> some beliefs, practices, and locations are considered so sacred or so vulnerable that cultural prohibitions have been placed on communicating them to outsiders;<sup>49</sup> for some, the risks of withdrawing are less onerous than the risk of distortion as their accounts are filtered and deformed by their translation into dominant legal concepts and principles;<sup>50</sup> such distortions can be demeaning and produce degrading self-perceptions, which mainly affects Indigenous youth;<sup>51</sup> and finally, although admissibility and leverage can be generated through strategic presentation of inauthentic claims, many Indigenous peoples are bound by commitments within their own legal conventions to offer an authentic account or no account at all.<sup>52</sup> The obstacles encountered by Indigenous

peoples manifest in what Iris Young has called the “internal exclusion” of perspectives: when individuals or groups are formally accepted into decision-making processes only to find that their perspectives are disqualified due to informal prejudices.<sup>53</sup> Other obstacles conform to what James Bohman has referred to as “asymmetrical inclusion”: the undue burdens placed on already vulnerable peoples to actively pursue dialogue and strive to persuade dominant communities.<sup>54</sup>

The theoretical privileging of voice in democratic theory has inhibited our understanding of the relationship of such exclusions to democratic legitimacy and citizen praxis, especially with respect to the refusal of Indigenous peoples to participate in deliberation. Recently, however, DS theorists such as Mark Warren have begun to highlight the democratic function of *exit* from deliberative sites. Abjuring deliberation is not always an example of “shirking collective responsibilities,” but rather, reflects the necessity of “breaking a relationship of domination.”<sup>55</sup> Warren observes that we can only understand the relationship between democracy and exit by looking at its specific contexts: “there is nothing inherently democratic (or undemocratic) about exit in itself,” and we cannot know its value in the absence of “knowing the social relationships it entails.”<sup>56</sup> Accordingly, the democratic value of speech must be evaluated according to its place in the broader context of a deliberative system.

Some of the most important examples of Indigenous exit and refusal are those rooted in cultural restrictions on representation. We find a notable example of this in the Hindmarsh Bridge affair in Australia. In the 1990s, Indigenous women elders of the Ngarrindjeri community publicly opposed the proposed construction of a bridge on their traditional lands but refused to provide detailed reasons, asserting only the existence of traditional “secret women’s business” connected to the site. Following considerable confusion on the part of Australian courts and governments as to how to handle this outright refusal, in June 1995, a Royal Commission was initiated to investigate. At the Royal Commission proceedings, the Ngarrindjeri elders read a statement in which they rejected the authority of the state to demand an account of their spiritual practices. Here is part of that statement:

We are deeply offended that a Government in this day and age has the audacity to order an inquiry into our secret spiritual beliefs. . . . We do not seek to be represented at this Royal Commission. We do not recognize the authority of this Royal Commission to debate and ultimately conclude that women’s business relating to Hindmarsh Island exists.<sup>57</sup>

Even assuming the possibility that Ngarrindjeri legal understandings might have been effectively translated or represented, the more fundamental challenge posed by the women elders remains: Do dominant communities

represented by the state have an obligation to respect the silence of vulnerable citizens?

Another illustrative example of refusal comes from the Canadian context. In the 2007 *Chicot* case involving the Ka'a'gee Tu First Nation, the Federal Court of Canada argued that Canada's duty to consult Indigenous peoples on policy changes imposes a reciprocal duty on them to disclose traditional knowledge, in this case pertaining to the location of trap-lines and burial sites. When the Ka'a'gee Tu refused, citing concerns that making such information public would place the sites and the well-being of the community at risk, the Federal Court responded that the group had no basis from which to complain that they had not been consulted.<sup>58</sup> It is not clear how democratic legitimacy is improved by the imposition of speech, a deliberative ultimatum, whereby a dominant community predicates protection of vulnerable forms of life on divulging information that might result in increased precarity.

Indigenous peoples are aware of the deficit of mutual understanding produced by a refusal to articulate information and justifications, so they do frequently invite interlocutors to gain understanding through direct participation in deeds and practices. The 1996 Canadian Royal Commission on Aboriginal Peoples (RCAP) was characterized by deliberation as well as by direct participation in enactive domains of legal process, ceremony and protocol, not only as a supplement to dialogue but as a parallel mode of intercultural learning. Standard deliberative democratic theory has at times held that requiring direct participation in forms of life outside our own signals a violation of democratic principles.<sup>59</sup> Others, such as Iris Young and James Tully, have argued that participation in contexts of local practice is often a necessary *supplement* to dialogue.<sup>60</sup> The DS approach builds on this latter expansive view, recognizing the epistemic contribution of enacting alternative norms of conduct and governance, and acknowledging how the functions of equality and inclusion are obstructed by the requirement that deeds be authorized and qualified through speech.

Tight coupling between such sites of inter-cultural dialogue and decision making can obstruct the potential contribution of direct participation in everyday deeds. In Canada, for example, the Federal Government of Canada often receives criticism from Indigenous activists and scholars for engaging in high-level formal deliberations with Indigenous elites to the exclusion of grassroots Indigenous peoples' practices.<sup>61</sup> During the Idle No More protests in 2012–2013, these grassroots Indigenous peoples directly contributed to public understanding by establishing sites of protest, ceremony, and round-dances that were highly inclusive of non-Indigenous members of the public.<sup>62</sup> However, the problem of tight coupling is exacerbated by a related decoupling of sites of Indigenous practices from formal and informal decision-making.

Although direct participation of non-Indigenous citizens and representative in Indigenous practices during RCAP and Idle No More succeeded in circumventing the tight coupling between sites of deliberation among Indigenous elites and Canadian officials, the problem of decoupling between sites of direct participation and decision-making contexts (along with forms of institutional and cultural domination) has meant that the demands of Idle No More protestors have been largely ignored and very few of the 444 RCAP recommendations have been implemented.

The systems approach provides a framework for evaluating how legitimacy is diminished by the privileging of speech and the disjunctures between sites of speech and deed that affect the lives of Indigenous peoples. We are also increasingly attuned to the way these communities embrace a democratic stance in both their refusal to present strategic claims and their willingness to open up practices to others. Within a deliberative system, they are denied autonomous empowered spaces of either exit or enactive engagement through which their membership in a democratic community can be actualized.<sup>63</sup> Whereas refusal to speak is frequently interpreted as a refusal to participate, their exit may actually signal the presence of systemic defects related to coupling between sites and the imposition of a deliberative ultimatum. We are alerted to the choice imposed on marginalized peoples between advancing claims that may be artificial, insincere, or strategic, and therefore anti-democratic, or being perceived to abandon democratic politics altogether, committing their fate to the beneficence of dominant communities.<sup>64</sup>

## Disability and Silence

Through the lens of standard deliberative theory, those who are *unable* to speak are often depicted as lacking the necessary capabilities required to exercise the functions of a citizen. The circumstances of the non-speaking citizen, such as those with significant cognitive or communicative disabilities, are taken to require improvement.<sup>65</sup> Other citizens, usually family members or disability experts, often speak for those who cannot speak for themselves. There are three main problems with this understanding of how differently-abled citizens are included that the systems approach may help us to address. At the outset, requiring representation of the voiceless might simply defer the problem of exclusion purportedly solved by representation since there is no means by which the represented can appoint or revoke their self-appointed representatives. Where constituents cannot exercise voice their representatives are not subject to democratic processes of authorization and accountability, and so there is a risk of institutionalizing the paternalistic treatment of differently-abled citizens as political equals only in *potentia*.<sup>66</sup>

This relates to the second issue: in a politics in which democratic reason, inclusion, and equality are identified almost exclusively with speech and representation, the silence of the disabled is theoretically constructed in terms of passivity, exclusion, and subordination that must be overcome.<sup>67</sup> To qualify as a contributor to democratic processes, “parties must represent themselves or be represented.”<sup>68</sup> The absence of deliberation is viewed as a tragic failure to meet a threshold of citizen agency marked out by speech.<sup>69</sup> The assistance of experts is often stipulated, whether or not the disabled view themselves as needing to be spoken for.<sup>70</sup> Some interpret this as an affront to ideals of inclusion and equality since it seems to assume that all disabled peoples wish to be treated as speakers rather than have their unique forms of agency accepted as instantiations of a legitimate form of life.<sup>71</sup> As Silvers and Francis remark, the requirement that disabled peoples be elevated to the status of full citizen defined by the exercise of voice imports potentially degrading assumptions: society effectively “grieves for individuals who cannot be brought up to level and regrets the people they can never be rather than accepting them as the persons they are,” which can render them ever more “vulnerable to social disapprobation and harm.”<sup>72</sup> As Linda Alcoff observed, the practice of speaking for less privileged persons can exacerbate the oppression of the group being spoken for.<sup>73</sup> The promotion of representation ostensibly intended to enhance political legitimacy presupposes an inherent disqualification of those who cannot speak, usually on the grounds that one must be in possession of a particular threshold of rationality and communicative ability to enjoy full equality.<sup>74</sup>

Finally, differently-abled persons who *are* able to speak might nevertheless be unwilling to participate, often for the same reasons described in the previous section: relevant experiences related to one’s disability may not be communicable; differently-abled peoples may also refuse or exit given the likelihood that their communicative attempts will be disregarded, misused, or misinterpreted. These risks of distortion, which are deemed inevitable and tolerable from the standpoint of those who have the ability to correct misinterpretations through clarifications and interventions, are far more costly for those who do not possess these abilities. The contention that misunderstanding is an inevitable risk provides little consolation to those who have everything to lose from miscues and errors of interpretation. At the very least, if errors are inevitable there is no *prima facie* reason to privilege the misunderstandings incurred in deliberation over those arrived at through direct interaction with disabled peoples. The latter is almost always preferable.

In response to these issues of paternalism and representation, some disability theorists and activists focus on the capacities of differently-abled peoples to function independently and to represent themselves. As Stacy Clifford

observes, however, this third-wave or “self-advocacy” movement contains a tension between the privileging of “compulsory capacity to garner political legitimacy” and the view that a capacities approach is “arbitrary and harmful to people with intellectual disabilities.”<sup>75</sup> Critics point out that privileging the capacity to exercise voice, as an out-growth of liberal democratic ideals of public participation, privileges “self-determination as the defining or essential element for a valuable life and a valuable person.”<sup>76</sup> When viewed as the primary mode of agency, self-advocacy, while essential for those who are both willing and able to speak, has the potential to erase those who cannot communicate or “express their best interests.”<sup>77</sup>

The restrictive view of the citizen as an independent, self-determining speaking agent is modified in the DS approach to include a vision of citizens as interdependent actors whether they are speaking or not.<sup>78</sup> Sites of differently-abled agency that promote ideals of reasoning, inclusion, and democracy are counted, allowing theorists to appreciate how formal and emergent social decisions reflect the enactive agency of differently-abled peoples, not just their representatives or representations. The Disability Arts Movement, for example, includes sites in which social perspectives are challenged through direct embodied interaction between able-bodied audiences and the artistic practices of differently-abled artists and performers.<sup>79</sup> Likewise, direct interaction through school programs (such as Best Buddies) have, in addition to the epistemic benefits of direct exposure to daily struggles and accomplishments, a positive effect on attitudes of inclusion and equality, more so than through exposure to representations of disability alone.<sup>80</sup> The epistemic quality of a system is enhanced by these sites through direct learning and the cultivation of relations of mutual response and responsibility.<sup>81</sup> Sites of enactive interaction wherein participants embody a democratic stance can foster relations of mutual trust and understanding.<sup>82</sup> To that end, Amber Knight has argued that “cognitive and physical diversity is a resource, not a threat, to democratic decision-making.”<sup>83</sup> Medical and clinical expertise has a role to play, but the sites within which these experts make their contributions must serve a division of labour wherein the enactive agency of the differently-abled is granted a certain level of priority.

The case of differently-abled citizen agency is important in that it illustrates how those who are unable to participate as reason-givers may nevertheless contribute substantively and directly to the overall quality of the deliberative system. A focus on sites of deliberation between experts and political decision makers might erroneously presume that differently-abled peoples are incapable of making *direct* contributions. Tight coupling between sites of formal expertise and decision-making arenas reflects a general neglect for informal sites of enactive participation and the transformative effect these

have on decision makers as well as on the emergent decisions of a society more generally. The DS approach avoids any *de facto* relegation of cognitively and communicatively disabled peoples to the status of partial or incomplete citizens, a form of social domination that cannot be addressed and may even be exacerbated by an exclusive focus on improving or expanding domains of voice. The potential exists within the new methodology to support a conception and practice of inclusion that “empowers vulnerable people both to trust and to be trusted,” such that both speaking and acting citizens can exercise agency inclusively as equals.<sup>84</sup>

## Conclusions: Citizenship and Inclusion

As I hope to have shown, a theoretical and institutional privileging of speech in all sites of a deliberative system risks the erasure of the enactive contributions citizens make in sites that focus predominantly on deeds. Moreover, the privileging of deliberation can compel citizens who are otherwise unwilling or unable to speak to enter sites of deliberation with inauthentic claims strategically designed to circumvent the obstacles present in unresponsive or hostile contexts of dialogue. The DS amendments to deliberative theory equip us to identify the imposition of a deliberative ultimatum in which already marginalized citizens are compelled to either assume the risks of poor deliberation, often abandoning a democratic stance in order to mitigate disparities of power, or assume the risks withdrawing from deliberation altogether. At stake are the prospects of theoretical accuracy both in assessing legitimacy as well as recognizing the material conditions of exclusion from substantive forms of citizenship. The examples of prefigurative protest, Indigenous exit and refusal, and the silence of differently-abled contributions are not the only cases of erasure. They signal, I think, our need to understand and accommodate the various modalities and sites of agency utilized, for example, by the poor, racialized communities, refugees and migrants, children, and others whose voice either cannot or should not be our focus in conceptualizing their agency as citizens. Recognizing the mutual autonomy of speech and deeds prevents us from erasing or conflating the unique contributions of these groups with the contributions of those who choose to speak.

In this way, the DS approach applies a democratic framework to the increasingly expansive visions of citizenship and political membership in political theory. Conventional formulations of democratic citizenship, autonomy, and inclusion have historically been couched in terms of voice and independence. In her classic treatment of democratic equality and agency, Judith Shklar observed that the standard approach to citizenship has been centered on having one's voice heard: “Not to be heard is not to exist, to have no



visibility and no place politically.”<sup>85</sup> To be heard one must have a visible “public standing” linked to recognition of one’s economic autonomy. Contemporary questions of inclusion tend to take the able-bodied speaker as the exemplar of citizenship in part because they remain rooted in early modern questions concerning “whether able-bodied adults who do not earn anything actively can be regarded as full citizens.”<sup>86</sup> Contemporary visions of citizenship are fundamentally informed by these notions of self-reliance and economic independence that presuppose the agency of willing and able-bodied citizens. By contrast, the DS approach seems less likely to overlook and exacerbate defects by misguidedly promoting speech in sites where it is inappropriate or experienced by marginalized groups as a mode of exclusion and domination. As Holloway Sparks has phrased it, a “dissident democratic citizenship . . . encourages democratic theorists to pay closer attention to dissident activities.”<sup>87</sup> Through her deeds, Rosa Parks enacted very high democratic standards of reasonability, inclusively, and equality. Being attuned to the courage involved in the enactment of such deeds helps close the “gap in our understanding of democracy as joint deliberation *and action*.”<sup>88</sup> This broadened view of the sites of political agency, according to Sparks, “in spheres and locations traditionally viewed as private or apolitical”<sup>89</sup> is a DS principle that obviates against the tendency in political theory more generally to subordinate deeds to speech.

Though there are many possible domains of silent enactive action, I have focussed here on prefigurative protest, Indigenous refusal and exit from deliberations, and the non-deliberative agency of the disabled because they effectively bring into sharp relief the forms of exclusion and domination produced by the imposition of speech on citizens who are either unwilling or unable to engage in deliberation. It is, as I hope to have shown, no less a violation of democratic ideals to demand speech from citizens who wish to contribute in silence through their everyday deeds than it is to impose silence on those who wish to contribute through their speech. Accounting for the ways that everyday deeds contribute to legitimacy is difficult but important, especially if we consider that any given political community may have as many silent actors being compelled to speak than it has speakers being forced into silence.

## Acknowledgments

I would like to express my deepest gratitude to Melissa Williams, Simone Chambers, Jenny Nedelsky, Mark Warren, John Dryzek, Jenny Mansbridge, James Bohman, John Parkinson, and Genevieve Fuji Johnson for their contributions in both words and deeds to the development of this article. I would also like to thank Jane Bennett and the anonymous reviewers for their invaluable comments and critiques.

## Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

## Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

## Notes

1. I will be focusing on the most recent statement on the deliberative systems approach: Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson, and Mark E Warren, "A Systemic Approach to Deliberative Systems," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. Jane Mansbridge and John Parkinson (Cambridge: Cambridge University Press, 2012), 1–26. Accounts of deliberative systems can also be found in John Bohman, *Democracy across Borders: From Demos to Demoi* (Cambridge, MA: MIT Press, 2007); John Dryzek, *Foundations and Frontiers of Deliberative Governance* (Oxford: Oxford University Press, 2012); Robert Goodin, "Sequencing deliberative moments," *Acta Politica* 40 (2005): 182–96; Jane Mansbridge, "Everyday Talk in the Deliberative System," in *Deliberative Politics: Essays on "Democracy and Disagreement,"* ed. Stephen Macedo (New York: Oxford University Press, 1999); and John Parkinson, *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (Oxford: Oxford University Press, 2006).
2. Mansbridge et al., "A Systemic Approach," 10–12; Dryzek, *Foundations and Frontiers*, 10–14.
3. *Ibid.*, 2–3.
4. On the need to expand what counts as reasoning together, see John Parkinson, "Democratizing Deliberative systems," in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. Jenny Mansbridge and John Parkinson (Cambridge: Cambridge University Press, 2012), 151–72, at 153.
5. Dryzek, *Foundations and Frontiers*, 12.
6. Mansbridge et al., "A Systemic Approach," 24.
7. See Lyn Sanders, "Against Deliberation," See Carolyn Hendriks, *The Politics of Public Deliberation*, 33–35, 215; Alison Kadlec and Will Friedman, "Deliberative Democracy and the Problem of Power," *Journal of Public Deliberation* 3, no. 2 (2007): 1–26.
8. See Herbert Kohl, "The Politics of Children's Literature: The Story of Rosa Parks and the Montgomery Bus Boycott," *Journal of Education* 173, no. 1 (1991): 35–50.
9. Mansbridge et al., "A Systemic Approach," 8.
10. *Ibid.*, 8–9.
11. Mansbridge, "Everyday Talk," 212.

12. For the definitive statement in the sociology of law, see Eugene Ehrlich, *Fundamental Principles of the Sociology of Law*, trans. Walter Moll (New Brunswick, NJ: Transaction Publishers, 2009). For Ehrlich, the living law “is the law which dominates life itself even though it has not been posited in legal propositions” (493).
13. Mansbridge, “Everyday talk,” 218.
14. *Ibid.*, 223–24.
15. I adopt the term “enactive” from emerging philosophical discourses of non-representational joint meaning-making. See Thomas Fuchs and Hanake De Jaeger, “Non-representational Intersubjectivity,” in *The Embodied Self: Dimensions, Coherence and Disorders*, ed. T. Fuchs, H. Sattel, and P. Henningsen (Stuttgart: Schattauer, 2010); Thomas Fuchs and Hanake De Jaeger, “Enactive Intersubjectivity: Participatory Sense-making and Mutual Incorporation,” *Phenomenology and the Cognitive Sciences* 8, no. 4 (2009): 465–86.
16. Mansbridge et al., “A Systemic Approach,” 22–24.
17. *Ibid.*, 3; Dryzek, *Foundations and Frontiers*, 13.
18. Iris Marion Young, *Intersecting Voices: Dilemmas of Gender, Political Philosophy, and Policy* (Princeton, NJ: Princeton University Press, 1997).
19. See Gerard Hauser, “Bodily Rhetoric: Conflicted Reporting of Bodies in Pain,” in *Deliberation, Democracy, and the Media*, ed. Simone Chambers and Anne Costain (New York: Rowman & Littlefield, 2000). Hauser writes, “Insofar as a body may make a public statement, it requires a context and words to explain its actions. Absent context and words, the body’s declarations remain largely inchoate” (138).
20. J. L. Austin, *How to Do Things with Words 2 Ed.*, ed. J. O. Urmson and Marina Shisà (Cambridge, MA: Harvard University Press, 1975), 9.
21. For a discussion of such issues, see André Bächtiger, Simon Niemeyer, Michael Neblo, Marco R. Steenberger, and Jürg Steiner, “Symposium: Toward More Realistic Models of Deliberative Democracy. Disentangling Diversity in Deliberative Democracy: Competing Theories, Their Blind Spots and Complementarities,” *The Journal of Political Philosophy* 18, no. 1 (2010): 32–63.
22. Joseph Heath, *Communicative Action and Rational Choice* (Cambridge, MA: MIT Press, 2001), 116.
23. Michael Geis, *Speech Acts and Conversational Interaction* (Cambridge, UK: Cambridge University Press, 1995), 13–14.
24. The association of political deeds with violence is a modern construction, rooted perhaps in nineteenth-century attempts to coerce social change through “propaganda of the deed.” The Italian socialist revolutionary Carlo Pisacane (1818–1857) argued that violence was necessary because “ideas spring from deeds and not the other way around; the people will not be free when they are educated, but educated when they are free.” A democratic theory of social change can reject violence while still recognizing that deeds can give rise to ideas.
25. Mansbridge et al., “A Systems Approach,” 19.

26. David Owen and Graham Smith, "Survey Article: Deliberation, Democracy, and the Systemic Turn," *Journal of Political Philosophy* 23, no. 2 (2015): 213–34, at 218.
27. *Ibid.*, 218.
28. *Ibid.*, 219.
29. *Ibid.*, 221.
30. *Ibid.*, 232.
31. *Ibid.*, 228–29.
32. Mansbridge et al., "A Systemic Approach," 24.
33. See, for instance, Simone Chambers, "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?," *Political Theory* 37, no. 3 (2009): 323–50.
34. Mansbridge et al., "A Systemic Approach," 18–19.
35. John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford, UK: Oxford University Press, 2000).
36. *Ibid.*, 223.
37. Archon Fung, "Deliberation before Revolution: Toward an Ethics of Deliberative Democracy in an Unjust World," *Political Theory* 20, 10 (2005): 1–23.
38. Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ: Princeton University Press, 2002), 141.
39. Iris Marion Young, "Activist Challenges to Deliberative Democracy," in *Debating Deliberative Democracy*, ed. James S. Fishkin and Peter Laslett (Oxford: Blackwell Publishers, 2003), 102–20. For a critique of Young's commitment to reasonability, see Jane Monica Drexler, "Politics Improper: Iris Marion Young, Hannah Arendt, and the Power of Performativity," *Hypatia* 22, no. 4 (2007): 1–15.
40. Drexler, "Politics Improper," 5.
41. *Ibid.*, 8.
42. *Ibid.*, 12.
43. In J. L. Austin's words: "one can make it known that I am protesting by performing the act of protesting." Austin, *How To Do Things with Words*, 64.
44. Drexler, "Politics Improper," 10.
45. Mark Warren, "Voting with Your Feet: Exit-Based Empowerment in Democratic Theory," *American Political Science Review* 105, no. 4 (2011): 683–701.
46. See Glen Coulthard, *Red Skin White Masks: Rejecting the Colonial Politics of Recognition* (Minneapolis: University of Minnesota Press, 2014).
47. James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998), 313.
48. Andrew Schaap, "The Absurd Proposition of Aboriginal Sovereignty," in *Law and Agonistic Politics*, ed. Andrew Schaap (Aldershot: Ashgate, 2009).
49. See Diane Bell, *Ngarrindjeri Wurruwarrin: A World That Is, Was and Will Be* (North Melbourne: Spinifex Press, 1998).
50. John Borrows, "Frozen Rights in Canada: Constitutional Interpretation and the Trickster," *American Indian Law Review* 22, no. 1 (1997/1998): 37–56; see also

- Natalie Oman, "Paths to Intercultural Understanding: Feasting, Shared Horizons, and Unforced Consensus," in *Intercultural Dispute Resolution in Aboriginal Contexts*, ed. Catherine Bell and David Kahane (Vancouver: University of British Columbia Press, 2004), 70–93.
51. Eduardo Duran and Bonnie Duran, *Native American Postcolonial Psychology* (New York: SUNY Press, 1995).
  52. For a discussion of constraints see Toby Rollo, "Mandates of the State: Canadian Sovereignty, Democracy, and Indigenous Claims," *Canadian Journal of Law and Jurisprudence* 27, no. 1 (2014): 225–238.
  53. Iris Marion Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000), 75.
  54. James Bohman, *Public Deliberation: Pluralism, Complexity, and Democracy* (Cambridge, MA: MIT Press, 2000), 126.
  55. Warren, "Voting with Your Feet," 690.
  56. *Ibid.*
  57. Quoted in Marcia Langton, "The Hindmarsh Island Bridge Affair: How Aboriginal Women's Religion became an Administrable Affair," *Australian Feminist Studies* 11, no. 24 (1996): 212.
  58. *Chicot v. Canada* (Indian Affairs and Northern Development), 2008 FC 3, 129–30 (my emphasis).
  59. Amy Gutmann and Dennis F. Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1998), 56–57.
  60. See, for instance, Young, *Inclusion and Democracy*, 58; and James Tully, *Public Philosophy in a New Key Volume 2* (Cambridge: Cambridge University Press, 2008), 241.
  61. See Taiaiake Alfred, *Peace, Power and Righteousness: An Indigenous Manifesto* (Oxford, UK: Oxford University Press, 2008).
  62. See The Kino-nda-niimi Collective, eds., *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement* (Winnipeg: ARP Press, 2014).
  63. Melissa Williams, "Sharing the River: Aboriginal Representation in Canadian Political Institutions," in *Representation and Democratic Theory*, ed. David Laycock (Vancouver: UBC Press, 2004), 93–118.
  64. Sue Donaldson and Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights* (Oxford: Oxford University Press, 2011), 232, 234. See also Jürg Steiner, *The Foundations of Deliberative Democracy: Empirical Research and Normative Implications* (Cambridge: Cambridge University Press, 2012). Steiner observes that it is critical to cultivate a form of tolerance that respects "people who are unable or unwilling to follow this norm," since "such tolerance shows respect for individual autonomy" (56).
  65. See Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap Press of Harvard University Press, 2007).
  66. See Lorella Terzi, "Cognitive Disability, Capability Equality, and Citizenship," in *Civil Disabilities: Citizenship, Membership and Belonging*, ed. Nancy J.

- Hirschmann and Beth Linker (Philadelphia: University of Pennsylvania Press, 2015), 186–203.
67. See Tobin Siebers, *Disability Theory* (Ann Arbor: University of Michigan Press, 2008).
  68. Anita Silvers and Leslie Pickering Francis, “Justice Through Trust: Disability and the ‘Outlier Problem’ in Social Contract Theory,” *Ethics* 116, no. 1 (2005): 40–76, at 56.
  69. Stacy Clifford, “Making Disability Public in Deliberative Democracy,” *Contemporary Political Theory* 11, no. 2 (2012): 211–28.
  70. Silvers and Francis, “Justice through Trust,” 55.
  71. See Amber Knight, “Democratizing Disability: Achieving Inclusion (without Assimilation) through ‘Participatory Parity,’” *Hypatia* 30, no. 1 (2015): 97–114, at 103.
  72. *Ibid.*
  73. Linda Alcoff, “The Problem of Speaking for Others,” *Cultural Critique* 20 (1991–1992): 5–32, at 7.
  74. See Harri Raiso, Kayja Valkama, and Elina Peltola, “Disability and Deliberative Democracy: Towards Involving the Whole Human Spectrum in Public Deliberation,” *Scandinavian Journal of Disability Research* 16, no. 1 (2014): 77–97.
  75. Stacey Clifford, *The Capacity Contract: Intellectual Disability and the Question of Citizenship* (Minneapolis: University of Minnesota Press, 2015).
  76. Allison C. Carey, *On the Margins of Citizenship: Intellectual Disability and Civil Rights in 20th Century America* (Philadelphia: Temple University Press, 2009), 223.
  77. *Ibid.*
  78. See Barbara Arneil, “Disability, Self-Image, and Modern Political Theory,” *Political Theory* 37, no. 2 (2009): 218–42.
  79. Jennifer Eisenhauer, “Just Looking and Staring Back: Challenging Ableism through Disability Performance Art,” *Studies in Art Education* 49, no. 1 (2007): 7–22.
  80. Barbara Krahe and Colette Altwasser, “Changing Negative Attitudes towards Persons with Physical Disabilities: An Experimental Intervention,” *Journal of Community & Applied Social Psychology* 16, no. 1 (2006): 59–69.
  81. Knight, “Democratizing Disability,” 108.
  82. *Ibid.*, 71; Silvers and Francis, “Justice through Trust,” 68–69.
  83. *Ibid.*, 109.
  84. Silvers and Francis, “Justice through Trust,” 76.
  85. Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, MA: Harvard University Press, 1991), 59.
  86. *Ibid.*, 98.
  87. Holloway Sparks, “Dissident Citizenship: Democratic Theory, Political Courage, and Activist Women,” *Hypatia* 12, no. 4 (1997): 74–110, at 100.
  88. *Ibid.*
  89. *Ibid.*, 101.

**Author Biography**

**Toby Rollo** holds a Ph.D. in Political Science from the University of Toronto and is currently a postdoctoral fellow (Social Sciences and Humanities Research Council) in the Department of Political Science at the University of British Columbia. He specializes in contemporary democratic theory, settler colonialism, and shifting conceptions of human agency in the history of western political thought.