JOURNAL OF DELIBERATIVE DEMOCRACY

Schmidt, E. (2024). Epistemic Injustice in Deliberative Mini Publics. *Journal of Deliberative Democracy*, 20(1), pp. 1–10. DOI: https://doi.org/10.16997/jdd.1493

RESEARCH ARTICLE

Epistemic Injustice in Deliberative Mini Publics

Eva Schmidt

The foundational principles of deliberation rest on citizens meeting as political and moral equals. If we take them seriously, we need to consider the exclusion that arises from power asymmetries. These can lead to some groups being absent from decision-making processes, but often they are excluded even when they are present. This exclusion can be conceptualised as internal exclusion, which is the way in which some people—typically members of marginalised groups—speak and are heard and believed less in political communication. In this article, I make two claims. First, I argue that we should distinguish two kinds of internal exclusion: symbolic and epistemic. While symbolic internal exclusion describes the way in which some groups are greeted and acknowledged differently than others, epistemic internal exclusion happens when some people are believed and heard less. I will argue that the latter conception can be fleshed out most productively with theories of epistemic injustice, as this body of work considers the specifically epistemic dimension of systems of oppression. To illustrate the benefits of this approach, I will apply it to deliberative mini-publics, which are becoming increasingly institutionalised and consequently have a greater influence on public policy. The three design features I discuss are group composition and facilitation, agenda setting and choice of experts, and the relationship between rhetoric and persuasion. I will show how the epistemic internal exclusion perspective helps to analyse and identify the aspects of deliberative practice that exclude marginalised groups from influencing the discussion and the outcomes fairly.

Keywords: Deliberation; Mini Publics; Epistemic Injustice; Inclusion; Internal Exclusion

1. Introduction

In the last decade, the phrase 'democracy is in crisis' has become ubiquitous (Ercan & Gagnon 2014; Landemore 2020; Laski 2015; Merkel 2014; Papadopoulos 2013). Against the backdrop of a divided United States, the aftermath of Brexit, growing European political scepticism, and rising nationalism and populism, Western democracies appear in desperate need of reform. According to Christopher Karpowitz and Tali Mendelberg (2014: 5), 'deliberation provides a potential remedy for the troubling ills of modern democracies', targeting the 'average citizen's woefully low levels of political knowledge, reasoning, and interest in politics'. However, critics of deliberation argue that it can produce inequalities in the process that impact the level of participation and influence in the discussion.

I want to argue that this inequality stems from what Iris Marion Young (2000) calls 'internal exclusion', which subsumes the ways in which certain groups speak less and are heard and believed less in political settings. Her concept is broader than deliberation, describing this exclusion in any situation of political communication. I will argue that there are actually two conceptions of internal exclusion, namely symbolic and epistemic internal exclusion, and that the latter is a central problem for deliberation. The foundational principles of deliberation, i.e., treating citizens as moral and political equals, require those who advocate for it to actively 'expose, and work against, the conditions that inherently prevent it' (Drake 2023: 94). As deliberation is mostly centred around opinion-formation through information and argument, epistemic internal exclusion poses a serious threat to its success. I will show how theories of epistemic injustice (here I focus on Miranda Fricker's work for the sake of brevity) are very well suited to flesh out the conception of epistemic internal exclusion and help in providing a tool for a more fine-grained analysis.

I will illustrate the merit of this contribution by applying it to deliberative mini publics and discussing three design aspects where epistemic internal exclusion is at work. So, even though there is widespread enthusiasm for deliberative mini-publics[1] among scholars (Beauvais & Warren 2019; Fishkin 2009; Fishkin & Farrar 2005; Smith 2009), they have been criticised for their potential to produce internal exclusion by others (Beauvais 2021; Sanders 1997; Young 2000). Participatory forums are supposed to increase inclusion and citizen engagement, yet '[a] bounty of critical research points at how seemingly public forums often exclude certain groups—the elderly, women, youth, et cetera.—in different ways' (Su 2017: 4). This is what I will illuminate with the epistemic internal exclusion perspective.

Institut für Politikwissenschaft, University of Münster, DE
e.schmidt@uni-muenster.de

The structure of this paper is twofold. Firstly, I will introduce the concept of internal exclusion and propose a distinction between two inherent conceptions, namely symbolic and epistemic internal exclusion. I will argue that the latter is specifically crucial for deliberation and that it can be fleshed out using epistemic injustice theory. I will focus on Miranda Fricker's theory of epistemic injustice. Secondly, I apply the epistemic internal exclusion perspective to deliberative mini-publics to illustrate what it can contribute to the debate about deliberation in a specific institution. I will offer three design features that would benefit from the epistemic internal exclusion perspective and how they can be designed such that internal exclusion is kept to a minimum. These aspects are: agenda setting, the choice of experts and the status quo bias that can be built into them; the relationship between rhetoric, storytelling, and persuasion and how especially hermeneutical injustice plays a role in them; and lastly, the effect group composition can have on participation and how facilitation should be designed to balance this effect among other potential benefits of moderate to active facilitation.

2. Introducing the Idea of Epistemic Internal Exclusion

My aim in this section is to argue that we should distinguish two kinds of internal exclusion (symbolic and epistemic) and that epistemic internal exclusion can be fleshed out using Fricker's theory of epistemic injustice. I will therefore introduce Young's concepts of external and internal exclusion and propose a distinction between two conceptions of the latter (symbolic and epistemic). To flesh out the conception of epistemic internal exclusion, I will turn to theories of epistemic injustice and introduce Fricker's theory thereof to sketch out a conception that can appropriately theorise problems and solutions for epistemic internal exclusion in deliberation.

a. Two conceptions of internal exclusion

Inclusion is an important aspect of democratic legitimacy that must unfold both externally and internally (Young 2000: 53–57). While external exclusion is the various instances where some individuals and groups are kept formally and informally from attending and taking part in decision-making processes, internal exclusion is what happens when these individuals are in the room yet ignored, belittled, or talked over. In the context of deliberative democracy, there are many scholars who believe that internal exclusion is an issue that needs to be managed for the deliberative processes not only to work but also to be truly democratic (Bächtiger & Beauvais 2016; Beauvais 2018; Fraser 1990; Sanders 1997; Young 2000). I agree and want to offer a distinction between two conceptions of internal exclusion for a more fine-grained understanding that is better equipped at mitigating internal exclusion in deliberation specifically.

Internal exclusion arises when 'others ignore or dismiss or patronize their statements and expressions' (Young 2000: 55), even when the formerly disenfranchised have obtained access to these processes of decision-making. So, even though they are now formally included in the process, they may find that their claims, arguments, and ideas are not taken seriously and that they are not treated with equal respect. These are likely those individuals 'who are already underrepresented in formal political institutions and who are systematically materially disadvantaged' (Sanders 1997: 349). The socially dominant, who are used to being heard and believed, 'may find their ideas or modes of expression silly or simple, and not worthy of consideration' (Young 2000: 55) and their testimonies to be irrelevant to the issues under discussion because they are so vastly different from the experiences of the dominant group that their views are discounted.

Young offers three solutions to the problem of internal exclusion: greeting or public acknowledgement; affirmative uses of rhetoric; and narrative and situated knowledge. I want to argue that her description of the problem and the solutions she offers point to the fact that internal exclusion contains two conceptions that are not differentiated in her work. I call them symbolic and epistemic internal exclusion respectively. Symbolic internal exclusion describes the way in which some groups are greeted and acknowledged differently than others and can be approached with methods like affirmative uses of rhetoric or greeting and public acknowledgement. This is important for setting up decision-making fora in a way that enables individuals to meet as equals (or at least approach that state). On its own, however, this conception of internal exclusion is not enough to explain or find solutions to the problem Young theorizes. The second conception, epistemic internal exclusion, is the more substantial kind of internal exclusion and is what happens during dialogue proper. Note that they are not mutually exclusive.

Epistemic internal exclusion is a specifically epistemic kind of exclusion where epistemic injustice (someone is wronged in their capacity as a knower) takes place during political communication. The problem of epistemic injustice in deliberation is multi-faceted, as not only will crucial points of view be suppressed, but those who speak more will also be seen as more persuasive regardless of the quality of their argument (Gerber et al. 2014). This finding is fundamentally troubling for deliberative theorists, as the proper functioning of deliberation rests at least to some extent on the 'self-evident nature of some solutions in the deliberative context' (Landemore 2013: 1213) or 'the unforced force of the better argument' (Habermas 1984 [1977]. I want to focus on deliberation here because it is a special kind of political communication[2] (Bächtiger et al. 2010), where, on the one hand, epistemic internal exclusion is already mitigated by the rules of conduct of, for instance, the mutual justification of reasons. On the other hand, for deliberation to fulfil its own foundational principles, namely individuals coming together as moral and political equals, epistemic internal exclusion poses a real problem. So, deliberation, while already doing a better job of not exacerbating epistemic internal exclusion, also needs to actively work against it in order to meet its own conditions.

As internal exclusion can be seen as one dimension of systems of oppression, epistemic internal exclusion is the central dimension of systems of oppression that arise

in deliberative contexts. To flesh out this conception, theories of epistemic injustice are very well suited, as they address exactly this: the epistemic dimension of systems of oppression.[3]

b. Epistemic injustice

Theories of epistemic injustice have seen a growth spurt in the years since the publication of Fricker's 'Epistemic Injustice: Power and the Ethics of Knowing' (2007). Here, I will primarily concentrate on her fundamental work. I hope it will suffice to show the merit of my conceptualisation of epistemic internal exclusion.

Epistemic injustice consists of 'a wrong done to someone specifically in their capacity as a knower' (Fricker 2007: 1). Fricker identifies two ways in which epistemic injustice occurs: testimonial injustice and hermeneutical injustice.

Testimonial injustice occurs when a hearer grants too little credibility to a speaker in relation to the truthfulness or merit of their statement; the hearer awards a 'credibility deficit' (Fricker 2007: 17). This is obviously problematic, as not only is it in the interest of the hearer to believe what is true rather than what is false, but the hearer also misses out on information. We are only dealing with testimonial injustice if the credibility deficit that is awarded by the hearer is based on their systematic and persistent negative identity prejudice. Testimonial injustice, then, is always a result of internalised systems of oppression and domination on the part of the hearer. This is not necessarily something the hearer is aware of, which makes for a subtle and thus stubborn kind of injustice. Besides the purely epistemic harm of prejudicial stereotypes that causes knowledge to not be received by the hearer, they also contribute to further solidifying systems of oppression and their intersections. Thus, epistemic injustice creates an unfair situation as well as an obstacle to truth, both directly and indirectly. Either the hearer misses out on knowledge or blockages are created for the circulation of relevant and critical ideas and thus influence on decisions.

The second kind of epistemic injustice, hermeneutical injustice, occurs 'when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences' (Fricker 2007: 1). In other words, some significant area of one's social experience is obscured from the collective understanding because the power structure either deems the experiences of this group irrelevant or dangerous. Once again, negative identity prejudice is the root cause of the injustice.

Hermeneutical injustice comes in different dimensions and degrees of severity. There might be a complete lack of understanding of a specific issue across all social groups or a localization of the hermeneutical resources, i.e., only that specific group has a collective understanding of an experience agreed upon.[4] Finally, hermeneutical injustice can arise either from 'the inadequately conceptualized content, and/or [...] an inadequately understood expressive form, in the sense of style of communication' (Fricker 2013: 1319–1320).

Marginalised identity groups are largely dominated in an atmosphere where negative identity stereotypes are prevalent, and thus they 'live in a world structured by others for their purposes—purposes that at the very least are not [their] own and that are in various degrees inimical to [their] development and even existence' (Hartsock 1998: 241). Social power has an unfair impact on collective forms of social epistemic resources. We can conceive of shared understandings as reflections of the perspectives of different social groups. Unequal power relations can distort the landscape of hermeneutical resources so that those with power have understandings of their social experiences that are well established as collective epistemic resources. The powerless, on the other hand, either do not have these resources at all, or, and this is arguably more prevalent, they do, and those more powerful ignore or belittle them; they cannot become part of the collective epistemic resources. Consider, for instance, the feminist concept of 'mental load': women are the 'managers' of the household, keeping track of all the chores and distributing them, while men 'help' in their very own household. This concept is crucial for understanding an important dimension of the inequality between men and women that causes women to feel exhausted a lot of the time (Dean et al. 2022). This problem has become more salient during the COVID-19 pandemic but was and largely remains constrained to feminist debate. Without this and similar concepts to explain the social experiences of women and the effect that patriarchal structures have on them, it can be hard for both women and men to understand the mechanism behind the current division of domestic labor. The term 'mental load' is crucial to starting the conversation about the unequal distribution of care and domestic work, both in a private and public context. The absence of such a concept will leave women with the burden not just of the mental load but also of explaining what they are experiencing without proper terminology and a sense of the structural nature of the issue.

c. Epistemic internal exclusion: internal exclusion and epistemic injustice combined

Having introduced my conceptualisations of internal exclusion (Young 2000) and Fricker's (2007) epistemic injustice theory, I will now develop the conception of epistemic internal exclusion using theories of epistemic injustice. To reiterate, internal exclusion points to the structural nature of discrimination and marginalisation and how they manifest in different contexts in a given democracy. Symbolic internal exclusion is when, to take Young's example, people are not publicly greeted in the same way more powerful agents are. Epistemic internal exclusion happens when individuals are excluded from dialogue by ignoring or belittling their statements. I will show how epistemic internal exclusion is central to deliberation (and other forms of political communication) and can best be theorised by looking to theories of epistemic injustice. Epistemic injustice theory is more specifically suited to deliberation than other critical theories, as it is precisely the epistemic dimension of oppression that is at work in deliberation. As deliberative mini-publics' appeal to many is their high-quality deliberation, I will illustrate the merit of this conception by showing what it contributes to an institution that is arguably already quite inclusive.

Concepts such as hermeneutical injustice allow us a deeper understanding of why certain groups are not understood or believed, beyond the oversimplified claim that their arguments are just bad. Rather, we start to see the multiple dimensions that come together to keep marginalised groups from rendering their perspectives and arguments intelligible and their voices heard, or rather, to put the onus of responsibility where it belongs, those with power who benefit from systems of oppression from hearing (and listening to) those who are oppressed (Drake 2023).

For instance, classical deliberative theory heavily focuses on arguments, so there can be internal exclusions of style and idiom as it requires a norm of 'articulateness' (Young 2000: 56), which is not necessarily about the content of an argument but rather rhetoric. This is because the resources needed for what is deemed 'proper' deliberation are not equally distributed throughout society. Some individuals are perceived as more persuasive than others because they have learned and practiced making arguments that are recognised as reasonable, regardless of how true or valid they really are. This example is central to internal exclusion, and at the same time it is an instance of hermeneutical injustice, where certain identity groups having a 'different voice' (Fricker 2007: 160–161) makes them seem irrational and morally immature in the eyes (and ears) of some hearers.

While this can, in some instances, be the result of a lack of such argumentative training, marginalised individuals are generally less likely to be listened to or believed, regardless of how well they present their arguments or how meritorious their claims are. As soon as there is a systematicity behind the disregard of certain individuals' arguments in deliberation, there is a lack of what Sanders (1997) calls 'epistemological authority', or in terms of Fricker's theory, testimonial justice. While Young's explanation of internal exclusion already points to structural inequality and discrimination, perceiving this instance of internal exclusion as epistemic and linked to the negative identity stereotypes Fricker (2007) identifies as the cause of this injustice, we are better equipped to see this as a specifically epistemic form of discrimination in political communication. We thus also see how this relates to implicit bias (Ayala 2015) and heuristics: dominantly situated hearers will often (subconsciously) use heuristics that grant non-dominantly situated speakers less credibility. The connections between epistemic injustice theory and theories of discrimination, intersectionality and oppression are what make this approach so enlightening.

Stereotypes and prejudices not only cause some hearers to disregard contributions by members of socially disempowered groups, but the prejudice might also be entirely 'unrecognized by those citizens whose views are disregarded' (Sanders 1997: 353), making it more difficult to counteract them. The prejudice can go unrecognised not only by the hearers but even by those subject to it who are thus incapable of challenging them. In these cases, they cannot be countered by good arguments, as they are 'too sneaky, invisible, and pernicious for that reasonable process' (Sanders 1997: 353). With epistemic injustice theory, we can move beyond this mere diagnosis of the problem (which Sanders (1997) takes to be the last nail in the coffin of deliberative democracy) and identify not only an explanation for this structural phenomenon but also its potential solutions. In many cases of internal exclusion, it is obvious that there is at least testimonial injustice at work, but this may be compounded by hermeneutical injustice: the speaker might not have the appropriate concepts to make their argument intelligible, or maybe it is the hearer who is simply unaware or willfully ignorant (Pohlhaus 2012) of the concepts employed by the speaker. This would create a compounded epistemic injustice, made up of both kinds of injustice, as Fricker theorises.

This more fine-grained diagnosis of the problem enables us to identify and anticipate epistemic internal exclusion in deliberation and design institutions that are better equipped to mitigate exclusion. In the next section, I will illustrate how my conception of epistemic internal exclusion can be put to work by identifying design features of deliberative mini-publics that will be organised differently with epistemic internal exclusion in mind.

3. Mitigating Epistemic Internal Exclusion in the Design of Deliberative Mini Publics

In this section, I will put epistemic internal exclusion to work. What exactly is it that epistemic internal exclusion contributes to our thinking about deliberation? Using deliberative mini-publics as an example to illustrate what this contribution can look like, I will now offer three design features of mini-publics that are susceptible to epistemic internal exclusion and benefit from being organised with these pitfalls in mind. This list is not comprehensive, but it should provide an idea of what epistemic internal exclusion can contribute to the debate.

The design features I will introduce are remedies to a status quo bias in the choice of experts and the agenda setting, the relationship between rhetoric, storytelling and persuasion, and the effects of group composition on speaking time and facilitation.

a. Agenda setting and choice of experts

First, I will discuss the agenda-setting and the choice of the experts. Most deliberative mini-publics' agendas are set, and its experts are chosen by the organisers, i.e., through a top-down mechanism. When the agenda is predefined and the experts are chosen by the organisers of the event without any possibility to veto these choices, there is a potential status quo bias (Lafont 2020) built into the deliberative mini-public, especially when the organisers are largely members of dominant groups. Even if this process is 'neutral', it is likely that the agenda-setting and choice of experts are skewed towards the status quo, as 'facially neutral conceptions of equality will only address the most egregious forms of individual-based [discrimination], rather than structural inequalities between social groups' (Su 2017: 2). I will consider these two instances of status quo bias in turn with respect to epistemic internal exclusion.

Status quo bias in agenda-setting directly contributes to epistemic internal exclusion through hermeneutical

injustice. Naturally, issues that are not on the agenda tend to be discussed only when someone insists on bringing them up anyway. When these issues are not salient to even those affected, they are never on the agenda, and appropriate hermeneutical resources cannot be developed or circulated. While members of the socially dominant groups usually have adequate understandings of their experiences, as they are more regularly discussed in public, members of the subordinate groups do not have that same privilege. This is also a form of pre-emptive testimonial injustice, as the testimony of subordinated groups is silenced by the omission of their topics.

This also contributes to the upkeep of a dysfunctional and unfair epistemic system beyond the deliberative mini-public. Deliberative mini-publics, unsurprisingly, are not the only places where things are discussed. Marginalised communities will often have appropriate concepts to make sense of their experiences (Mason 2011), but these concepts are not reliably taken up by dominant groups or the dominant narratives, even when the marginalised groups have fought arduously for proper uptake. If the agenda-setting of deliberative mini-publics perpetuates the status quo, it is yet another arena for the dominant groups to solidify their narratives over the marginalised ones. Unless this aspect is present in the minds of the organisers, deliberative mini-publics not only allow for epistemic internal exclusion but also solidify systems of oppression in the broader public, where dominant knowers remain ignorant and hermeneutical injustice continues to run unchecked.

Status quo bias in the choice of experts produces hermeneutical as well as testimonial injustice. It produces hermeneutical injustice as experts on issues that concern socially disempowered groups are less likely to be present. Beside the diversity of experts being correlated with a diversity of viewpoints, a lack of, for instance, woman experts can contribute to the social meaning that women cannot be experts, or at least not in the given field. A lack of woman experts can also reflect a lack of female researchers in a given field (Roberts et al. 2020), once again pointing to the fact that internal exclusion is not only itself a structural issue but worsened by other such power asymmetries. Additionally, a panel of experts that is deficient in diversity can lead to the absence of the hermeneutical resources needed to render the experiences of marginalised groups intelligible or for them not to be enforced with the epistemic authority an expert would carry. This hermeneutical injustice is then 'compounded by testimonial injustice' (Fricker 2007: 159). If a member of a socially disempowered group tries to give testimony of their experience, especially when they have trouble making sense of it themselves or lack the right words to describe it, 'their word already warrants a low prima facie credibility judgement owing to its low intelligibility' (Fricker 2007: 159). While experts might seem like a straightforward solution to gaps in hermeneutical resources, a more nuanced picture is needed here that specifically transcends Fricker's understanding of hermeneutical injustice. Usually, marginalised group members have developed the appropriate hermeneutical resources in their group, and it is rare to have experiences that cannot be explained by those affected, making it unlikely that they need experts to speak for them. Additionally, it might create the impression that marginalised groups are unable to speak for themselves. Unless there is an actual gap in hermeneutical resources, the trade-off between allowing experts to speak on behalf of marginalised groups and them speaking for themselves, creating a social meaning of agency, speaks against using experts to fill in hermeneutical gaps.

One way to tackle these issues is by allowing citizens to co-create deliberative mini-publics. There are some mini-publics that have been set up with an open agenda (13% of the 120 DMPs in Europe since 2000 (Curato et al. 2021)). Agendas might also draw information in the form of hermeneutical resources from the outcomes of enclave deliberation and social movements. For instance, the #metoo movement has used safe spaces and virtual rooms to share the experiences of millions of women and has triggered a worldwide conversation about everyday sexism, misogyny, and sexualised violence (Mendes et al. 2018). If more people are incorporated into the organisation who are otherwise disregarded or discriminated against, there will also be a broader knowledge base among the organisers to inform the choice of experts. Similar to agenda setting, this could benefit from the knowledge of social movements and recruit experts from them. This way, more hermeneutical resources from marginalised groups would be present, and the status quo bias (and thus internal exclusion) could be mitigated. Both agenda-setting and the choice of experts would become more inclusive if organisers relied on active community engagement, which would contribute to highlighting manifestations of inequality in real life that policymakers and academics are unaware of; support constituents in better understanding their own experiences and contextualising them within patterns of inequalities; and help marginalised communities in voicing 'their own visions of what good policy might look like' (Su 2017: 3).

As structures of oppression prevail even under considered and careful design, this will not overcome the problem. Agendas set by marginalised people or experts who stress more critical theories and approaches to the issues at hand might suffer epistemic internal exclusion themselves, as they might not be perceived to carry as much authority as their non-marginalised counterparts. Topics that digress from the status quo might be dismissed as irrelevant or not trigger the appropriate policy response. The aforementioned suggestions should, however, be capable of mitigating at least some of the status quo bias.

b. Rhetoric, storytelling and persuasion in deliberation

Secondly, I will introduce rhetoric and, more specifically, how it relates to storytelling and persuasion. Which communication modes are admissible in deliberation is a classic and lengthy debate, yet I believe that the epistemic internal exclusion perspective can contribute to the clarification of certain aspects of this debate. I will give a short overview of the debate, explain how opening the concept of deliberation too widely might not have the desired effect on exclusion, and then discuss the epistemic internal exclusion perspective on this issue.

Early deliberative democracy theorists used to have a very narrow focus on neutral, dispassionate and rational argument and the 'forceless force of the better argument'. This view of deliberation, following the early Habermasian logic of ideal communicative action, has been criticised as paying little attention to pluralism and difference, being exclusionary to disadvantaged groups and impossible to achieve. Bächtiger et al. (2010) systematised this debate by introducing the distinction between type I and type II deliberation. The former is the aforementioned ideal type, whereas type II allows for 'more flexible forms of discourse, more emphasis on outcomes versus process, and more attention to overcoming "real world" constraints on realizing normative ideals' (Bächtiger et al. 2010: 33). Type II deliberation is less exclusionary and allows for rhetoric, storytelling, etc. Benefits of a more inclusive approach to speech norms are the introduction of issues to the agenda that would otherwise remain in the margins (Gutmann & Thompson 1996); allowing access to communication styles that can be employed by marginalised individuals who are disadvantaged when it comes to rational argument using greeting, rhetoric, and narrative (Young 2000); and allowing complex participation in a deliberative democracy in all its variety (Hauser & Benoit-Barne 2002). Karpowitz and Mendelberg (2014: 25) have found that 'marginalized groups are more likely to express emotion, to offer personal testimony, and to structure their contributions as narratives'. Consequently, their contributions tend to be seen as subjective and not universally relevant, yet unless someone is allowed to speak 'in their own voice', thereby 'expressing [their] cultural identity through idiom and style' (Fraser 1990: 69), they are exempt from true participation.

Calls for perfect type I deliberation are scarce in the current debate; however, concept stretching is an issue for type II deliberation (I will mostly bracket this discussion here). While claims to relax the requirements of deliberation often invoke its exclusionary tendencies towards marginalised groups, their role in mitigating exclusion should be handled with care. For instance, drawing a connection between emotional speech and inclusion of marginalised groups might open the door for the solidification of clichés of the 'hysterical woman' or the 'angry Black man'. Storytelling is a necessary part of deliberation, especially when the experiences of particular individuals that form part of a structural issue are not sufficiently salient to be structured as an argument. However, this process entails a host of preconditions: not only is the inference from individual experience to an argument about a structural problem a difficult task that can also be used to manipulate, but the quality and accessibility of storytelling are also not necessarily inclusive of marginalised groups. There can be hermeneutical lacunae that make it difficult for marginalised groups to make themselves intelligible through storytelling, as the narrative voices of the marginalised might be so unfamiliar to some agents that their storytelling might do a poor job of instilling empathy in the listener. These issues make it questionable whether opening up the concept of deliberation to storytelling and emotional speech actually enhances inclusion.

Storytelling and emotional speech have that potential, but only when the (dominantly situated) listeners move beyond their potentially stereotypical thinking about the modes of communication employed by marginalised groups. Rhetoric denotes certain styles and figures of speech that are customised to the hearer(s) in order to enhance the chances of persuasion. For both rhetoric and storytelling, hermeneutical injustice consists not only of a gap in epistemic resources, but 'the characteristic expressive style of a given social group may be rendered just as much of an unfair hindrance to their communicative efforts as an interpretive absence can be' (Fricker 2007: 160). This can manifest in compounded epistemic injustice, where this form of hermeneutical injustice is accompanied by testimonial injustice; the utterance of the speaker is given less credibility because the hearer finds them less intelligible. Expressive style in storytelling and rhetoric is intricately linked with persuasion and plays a vital role in the context of deliberation. As they stem from a systemic issue, they are easy to escape notice and contribute to solidifying systems of oppression.

Rhetoric is central to deliberation, and thus we should be well aware that testimonial injustice might sneak in through the back door. There might be less epistemic injustice due to a limitation of the modes of expression, but listeners might still perceive and evaluate the expressive styles of marginalised groups as less persuasive than those of dominant ones. This problem might be even worse for storytelling than for the use of rhetoric when making arguments, as storytelling needs its audience not only to accept the narrative voice of the speaker but also to infer a structural argument from an individual (or collective) experience.

This issue requires more research on the relationship between argument, expressive style and persuasion. Until we identify the driving force behind persuasion, it remains difficult to tackle epistemic internal exclusion that stems from a difference in and perception of expressive styles. The epistemic internal exclusion perspective allows us to see this problem not just as an issue of what the definition of deliberation is, but to explore this delineation functionally with the systemic dimension of the problem in mind. When and what kind of rhetoric and storytelling contribute to internal inclusion? How can we design a mini-public such that speakers are encouraged to use them and hearers are prompted to entertain expressive styles usually used by marginalised groups?

c. Group composition and facilitation

Lastly, I want to introduce two connected organisational aspects of discussion, i.e., group composition and facilitation. Several studies have shown that who participates actively and influences the decisions in deliberative face-to-face settings depends strongly on these factors (Karpowitz & Mendelberg 2014; Karpowitz et al. 2012).

I will first discuss an aspect of speech and its perception that is inseparable from group composition. The perception of speech is not just limited to what and how things are said; it also matters how much someone speaks, as 'inequalities in speech participation may translate into inequalities in deliberative influence and authority' (Karpowitz et al. 2012: 534). Research has shown that women in particular speak

less than men[5] in formal settings. In addition to expressive style, this is yet another factor that determines how much a speaker is believed or found to be persuasive, which is unrelated to the content of what is being said.

Speaking less in formal settings, women are at a disadvantage when it comes to influencing deliberation. This dimension of epistemic internal exclusion shows how women (and other marginalised groups) effectively silence themselves. This kind of behaviour is a consequence of epistemic injustice, in that women have lost some of their epistemic confidence as a consequence of testimonial injustice and because they are expected (and socialised) to act in a different manner than men. While women are expected to be compassionate and 'warm', men are expected to be 'more assertive and confident, […]—that is, men are deemed better at the core traits of authority' (Karpowitz & Mendelberg 2014: 47).

This epistemic internal exclusion is partially determined by the group composition, which affects women's floor time. The lower the number of women in a group, the less they participate in the discussion. Women feel less of a sense of entitlement to take up space and time due to gendered norms of behaviour that vary with gender composition in the group.

If we assume that a similar mechanism (strength in numbers enhances epistemic confidence) holds for other marginalised groups, overrepresentation, especially for numerical minorities, will be beneficial for inclusion. However, overrepresentation is not always possible, either because it is difficult to determine whom to overrepresent or because marginalised people tend to self-deselect. Another way to deal with this form of epistemic injustice is through facilitation, which can to some extent account for these imbalances in participation and the ensuing difference in authority and influence.

Some theorists even argue that facilitation is the most important technique when it comes to ensuring participants' internal inclusion (Landwehr 2014). Facilitators can instill more equity into deliberation as they 'can ensure that everyone can use the formal opportunities to speak and […] that different sides of the debate are heard' (Beauvais 2018: 150). Furthermore, facilitators can amplify and stress the merits of arguments and reports of lived experiences. However, they cannot ensure listening, much less uptake (i.e., fair consideration (Scudder 2020)).

What can facilitation look like, though? Dillard (2013: 220) categorises facilitation style into three groups: passive, where the facilitator merely acts as a 'turn-taking enforcer'; moderate, where the facilitator operates as a 'designated driver', moving the conversation along without adding anything new; and active, where the facilitator is a 'quasi-participant', editorialising and interpreting the conversation.

Passive facilitators, while a step up from an unstructured discussion, may be the least effective in counteracting internal exclusions, as they merely ensure everyone's formal right to speak. Moderate and active facilitators, on the other hand, are better equipped to achieve more equitable discourses that are ideally attentive to disempowered group members. Moderate facilitators could try to encourage members of marginalised groups when they are not as vocal as the more dominant groups, or tell members of the more dominant groups to stop talking. This can be done by amplifying their points (by, for instance, repeating them later on in the discussion or emphasising their merit) or by introducing them in the first place, when marginalised groups are not speaking up at all. The latter case would be something an active facilitator would do, who could, for instance, introduce hermeneutical concepts to the discussion that not every participant is familiar with or intervene when a speaker is confronted with testimonial injustice.

Whether moderate or active facilitation is better suited depends on how well participants react to interventions by active facilitators, as they might feel that the involvement of the facilitators is too strong or that it creates an impediment to the social meaning of agency, as I discussed in the case of experts. If this results in the group feeling like their discussion is forced in a specific direction, it might lead to resistance. If we assume that participants are open to the stronger involvement of facilitators, active facilitation is most likely to counteract epistemic internal exclusion. While moderate facilitation can counteract testimonial injustice, hermeneutical injustice will remain the same in those cases where certain hermeneutical resources are not uttered. Active facilitators could engage in 'discursive representation' (Dryzek & Niemeyer 2008) by offering hermeneutical resources and engendering 'empathetic concern for those affected by the outcomes of collective opinions and decisions' (Beauvais 2018: 151) for those who are not present. However, facilitators are themselves not immune to power relations in society and should not be seen as the one-size-fits-all solution to the problem of internal exclusion and epistemic injustice. The only way to truly end them would be through a change in the structure of society and dismantling systems of oppression.

4. Conclusion

To conclude, inherent to the concept of internal exclusion are two conceptions: symbolic and epistemic internal exclusion. Especially the latter is central to deliberation. Epistemic internal exclusion should be fleshed out using epistemic injustice theory, as this theory field is concerned with the epistemic dimension of systems of oppression. Fricker defines two kinds of epistemic injustice: testimonial injustice, which occurs when a hearer grants too little credibility to a speaker in relation to the truthfulness or merit of their statement; and hermeneutical injustice, which occurs when some significant area of one's social experience is obscured from the collective understanding. If we take the building blocks of deliberation seriously—treating citizens as moral and political equals—we need to acknowledge power asymmetries and systems of domination and actively work against them. The epistemic internal exclusion perspective provides a tool for an analysis that is customised to the problem and points to solutions. To exemplify this usefulness, I put the epistemic internal exclusion perspective to work in deliberative mini-publics. I identified three areas of organisation that, with the proper design, can mitigate epistemic internal exclusion to illustrate the value of this approach.

The features were agenda setting and choice of experts; the role of rhetoric, storytelling and persuasion in deliberation; and group composition and facilitation.

Agenda-setting and the choice of experts can be skewed towards the maintenance of a status quo bias, as both are usually organised in a top-down manner. This can result in a compounded form of epistemic injustice because not only can the topics and explanations marginalised groups are interested in and have for their social experiences remain silent, they also miss out on the additional boost of being on the agenda and that is granted to experts in terms of epistemic authority.

While there is widespread consensus that rhetoric and storytelling should be part of deliberation, I argue that we should carefully consider how rhetoric and storytelling, when used by marginalised groups, are awarded credibility and persuasive force. I propose to treat this as an empirical question: when and what kind of rhetoric and storytelling contribute to internal inclusion?

Group composition impacts whether especially women feel comfortable contributing to and shaping discussion. While a setting with more women than men is beneficial to their inclusion, overrepresentation is not always possible. Therefore, I propose to turn to facilitation. Facilitation plays a vital role in designing small group discussions that are truly inclusive and epistemically just. Facilitators should be specifically trained to remedy the effects of epistemic injustice; however, we should be aware of the limitations of moderators, who are not exempt from being affected by power relations.

I hope to have shown the potential that lies in the epistemic internal exclusion perspective when fleshed out with epistemic injustice theory. While I focused on deliberative mini-publics here, there is potential in this approach for all deliberative contexts and many situations of political communication as well. Once again, if we take deliberation and its values seriously, this perspective should be part of any analysis of exclusion in deliberation.

Notes

[1] In this paper, I refer to deliberative mini-publics following the categorization by Curato et al. 2021.

[2] I employ a rather broad Type II (Bächtiger et al., 2010) understanding of deliberation, so this applies to quite many forms of political communication. Also cf. (Beauvais 2020) for a distinction between deliberative and non-deliberative communication.

[3] Theories of epistemic injustice identify, explain and offer solutions for manifestations of systems of oppression well beyond deliberation, of course, so the conceptualisation of epistemic internal exclusion I offer here will exemplify which aspects of these theories are relevant for this context.

[4] With this understanding of hermeneutical injustice, I am slightly going beyond Fricker's theory by using a refined version of hermeneutical injustice brought forth by Rebecca (Mason 2011)

[5] This holds for most members of subordinated groups, but for the sake of simplicity, I will only refer to the ratio of men to women (Karpowitz, Mendelberg and Shaker 2012; Karpowitz and Mendelberg 2014). The phenomenon also remains true even when controlling for education, wealth, age, race, etc., i.e., the gender gap does not disappear with rising levels of education or other markers of privilege. This might be due to the gender roles society ascribes to women and men.

Acknowledgements

I am grateful to Svenja Ahlhaus for her thoughtful and ongoing feedback and support, as well as to the two anonymous reviewers for their detailed and constructive criticism. Furthermore, I want to thank the participants at the "Demokratische Innovationen" Workshop in Darmstadt and the "Institutional Epistemology" Workshop in Helsinki for their insightful comments on earlier versions of this paper.

Competing Interests

The author has no competing interests to declare.

References

Ayala, S. (2015, July). *Explaining injustice in speech: Individualistic vs. structural explanation*. Paper presented at the 37th Annual Conference of the Cognitive Science Society, Pasadena, California.

Bächtiger, A., & **Beauvais, E.** (2016). Taking the goals of deliberation seriously: A differentiated view on equality and equity in deliberative designs and processes. *Journal of Deliberative Democracy*, *12*(2). DOI: https://doi.org/10.16997/jdd.254

Bächtiger, A., Niemeyer, S., Neblo, M. A., Steenbergen, M., & **Steiner, J.** (2010). Disentangling diversity in deliberative democracy: Competing theories, their blind sport and complementarities. *The Journal of Political Philosophy*, *18*(1), 32–63. DOI: https://doi.org/10.1111/j.1467-9760.2009.00342.x

Beauvais, E. (2018). Deliberation and equality. In A. Bächtiger, J. S. Dryzek, J. J. Mansbridge, & M. Warren (Eds.), *Oxford handbooks online. The Oxford handbook of deliberative democracy* (First edition, pp. 144–155). Oxford: Oxford University Press. DOI: https://doi.org/10.1093/oxfordhb/9780198747369.013.32

Beauvais, E. (2020). Deliberation and non-deliberative communication. *Journal of Deliberative Democracy*, *16*(1), 4–13. DOI: https://doi.org/10.16997/jdd.387

Beauvais, E. (2021). Discursive inequity and the internal exclusion of women speakers. *Political Research Quarterly*, *74*(1), 103–116. DOI: https://doi.org/10.1177/1065912919870605

Beauvais, E., & **Warren, M. E.** (2019). What can deliberative mini-publics contribute to democratic systems? *European Journal of Political Research*, *58*(3), 893–914. DOI: https://doi.org/10.1111/1475-6765.12303

Curato, N., Farrell, D. M., Geissel, B., Grönlund, K., Mockler, P., Pilet, J. B., ... & **Suiter, J.** (2021). *Deliberative Mini-Publics: Core Design Features*. Policy Press.

Dean, L., Churchill, B., & **Ruppanner, L.** (2022). The mental load: Building a deeper theoretical understanding of how cognitive and emotional labor over load women and mothers. *Community, Work &*

Family, *25*(1), 13–29. DOI: https://doi.org/10.1080/13668803.2021.2002813

Dillard, K. N. (2013). Envisioning the role of facilitation in public deliberation. *Journal of Applied Communication Research*, *41*(3), 217–235. DOI: https://doi.org/10.1080/00909882.2013.826813

Drake, A. (2023). Deliberative democracy and systemic racism. *Canadian Journal of Political Science*, *56*(1), 92–112. DOI: https://doi.org/10.1017/s0008423922000919

Dryzek, J. S., & **Niemeyer, S.** (2008). Discursive representation. *American Political Science Review*, *102*(4), 481–493. DOI: https://doi.org/10.1017/s0003055408080325

Ercan, S. A., & **Gagnon, J.-P.** (2014). The crisis of democracy: Which crisis? Which democracy? *Democratic Theory*, *1*(2), 1–10. DOI: https://doi.org/10.3167/dt.2014.010201

Fishkin, J. (2009). *When the people speak: Deliberative democracy and public consultation*. Oxford: Oxford University Press.

Fishkin, J., & **Farrar, C.** (2005). Deliberative polling: From experiment to community resource. In J. Gastil & P. Levine (Eds.), *The Deliberative Democracy Handbook* (pp. 68–79). Hoboken, NJ: Jossey-Bass.

Fraser, N. (1990). Rethinking the public sphere: A contribution to the critique of actually existing democracy. *Social Text*(25/26), 56–80. DOI: https://doi.org/10.2307/466240

Fricker, M. (2007). *Epistemic injustice: Power and the ethics of knowing*. Oxford: Clarendon. DOI: https://doi.org/10.1093/acprof:oso/9780198237907.001.0001

Fricker, M. (2013). Epistemic justice as a condition of political freedom? *Synthese*, *190*(7), 1317–1332. DOI: https://doi.org/10.1007/s11229-012-0227-3

Gerber, M., Bächtiger, A., Fiket, I., Steenbergen, M., & **Steiner, J.** (2014). Deliberative and non-deliberative persuasion: Mechanisms of opinion formation in EuroPolis. *European Union Politics*, *15*(3), 410–429. DOI: https://doi.org/10.1177/1465116514528757

Gutmann, A., & **Thompson, D. F.** (1996). *Democracy and disagreement*. Cambridge, MA: Belknap.

Habermas, J. (1984 [1977]). *The theory of communicative action: Reason and the rationalization of society*. Vol. 1 (translated by T. McCarthy). Boston, MA: Beacon Press.

Hartsock, N. (1998). The Feminist Standpoint Revisited and Other Essays: Boulder Colorado and Oxford.

Hauser, G. A., & **Benoit-Barne, C.** (2002). Reflections on rhetoric, deliberative democracy, civil society, and trust. *Rhetoric & Public Affairs*, *5*(2), 261–275. DOI: https://doi.org/10.1353/rap.2002.0029

Karpowitz, C. F., & **Mendelberg, T.** (2014). *The silent sex: Gender, deliberation, and institutions*. Princeton, NJ: Princeton University Press. DOI: https://doi.org/10.23943/princeton/9780691159751.001.0001

Karpowitz, C. F., Mendelberg, T., & **Shaker, L.** (2012). Gender inequality in deliberative participation. *American Political Science Review*, *106*(3), 533–547. DOI: https://doi.org/10.1017/S0003055412000329

Lafont, C. (2020). *Democracy without shortcuts: A participatory conception of deliberative democracy* (New product edition). Oxford: Oxford University Press. DOI: https://doi.org/10.1093/oso/9780198848189.001.0001

Landemore, H. (2013). Deliberation, cognitive diversity, and democratic inclusiveness: An epistemic argument for the random selection of representatives. *Synthese*, *190*(7), 1209–1231. DOI: https://doi.org/10.1007/s11229-012-0062-6

Landemore, H. (2020). *Open democracy: Reinventing popular rule for the twenty-first century*. Princeton, NJ: Princeton University Press. DOI: https://doi.org/10.23943/princeton/9780691181998.001.0001

Landwehr, C. (2014). Facilitating deliberation: The role of impartial intermediaries in deliberative mini-publics. In M. Setälä, K. Grönlund, & A. Bächtiger (Eds.), *Deliberative Mini-publics: Involving citizens in the democratic process* (pp. 77–92). ECPR Press.

Laski, H. J. (2015). *Democracy in crisis. The works of Harold J. Laski*. Oxfordshire: Routledge. DOI: https://doi.org/10.4324/9781315742519

Mason, R. (2011). Two Kinds of Unknowing. *Hypatia*, *26*(2), 294–307. DOI: https://doi.org/10.1111/j.1527-2001.2011.01175.x

Mendes, K., Ringrose, J., & **Keller, J.** (2018). #metoo and the promise and pitfalls of challenging rape culture through digital feminist activism. *European Journal of Women's Studies*, *25*(2), 236–246. DOI: https://doi.org/10.1177/1350506818765318

Merkel, W. (2014). Is there a crisis of democracy? *Democratic Theory*, *1*(2), 11–25. DOI: https://doi.org/10.3167/dt.2014.010202

Papadopoulos, Y. (2013). *Democracy in crisis? Politics, governance and policy. Political analysis*. London: Palgrave Macmillan.

Pohlhaus, G. (2012). Relational knowing and epistemic injustice: Toward a theory of willful hermeneutical ignorance. *Hypatia*, *27*(4), 715–735. DOI: https://doi.org/10.1111/j.1527-2001.2011.01222.x

Roberts, J. J., Lightbody, R., Low, R., & **Elstub, S.** (2020). Experts and evidence in deliberation: Scrutinising the role of witnesses and evidence in mini-publics, a case study. *Policy Sciences*, *53*(1), 3–32. DOI: https://doi.org/10.1007/s11077-019-09367-x

Sanders, L. (1997). Against deliberation. *Political Theory*, *25*(3), 347–376. DOI: https://doi.org/10.1177/0090591797025003002

Scudder, M. F. (2020). The ideal of uptake in democratic deliberation. *Political Studies*, *68*(2), 504–522. DOI: https://doi.org/10.1177/0032321719858270

Smith, G. (2009). *Democratic innovations: Designing institutions for citizen participation*. Cambridge: Cambridge University Press. DOI: https://doi.org/10.1017/CBO9780511609848

Su, C. (2017). Beyond inclusion: Critical race theory and participatory budgeting. *New Political Science*, *39*(1), 126–142. DOI: https://doi.org/10.1080/07393148.2017.1278858

Young, I. M. (2000). *Inclusion and democracy*. Oxford: Oxford University Press.

How to cite this article: Schmidt, E. (2024). Epistemic Injustice in Deliberative Mini Publics. *Journal of Deliberative Democracy*, 20(1), pp. 1–10. DOI: https://doi.org/10.16997/jdd.1493

Submitted: 03 August 2023 **Accepted:** 14 March 2024 **Published:** 12 June 2024

Journal of Deliberative Democracy is a peer-reviewed open access journal published by University of Westminster Press.