

# DELIBERATIVE DEMOCRACY, EPISTEMIC INJUSTICE, AND EPISTEMIC DISENFRANCHISEMENT<sup>1</sup>

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**ABSTRACT:** In this paper, we explore some links between deliberative democracy, natural testimony, and epistemic injustice. We hope to highlight the exclusionary effects of some cases of testimony-related epistemic injustice within the deliberative democratic framework and, in particular, two subtle ways of epistemic injustice that are not often highlighted in the political domain. In other words, we hope to highlight two specific mechanisms of epistemic exclusion within the democratic deliberative process that are not explicitly noticed in the relevant literature. In section 1, we present the deliberative model of democracy and the deliberative process. We then introduce the notion of epistemic (dis)enfranchisement, which we distinguish from formal enfranchisement, and explain the role that natural testimony plays in establishing citizens' epistemic enfranchisement. In section 2, we introduce Fricker's notion of testimonial injustice and two further testimony-related forms of epistemic injustice which seem to have been largely neglected in the debate so far, namely, discursive injustice and testimonial void. We also point out negative epistemic consequences of positive identity-prejudicial stereotypes. In section 3, we argue that these testimony-related forms of epistemic injustice can lead to epistemic disenfranchisement, which, we note, is an obstacle to deliberative democracy that warrants serious consideration.

**KEYWORDS:** deliberative democracy, epistemic injustice, disenfranchisement, testimony, stereotypes

## Introduction

In this paper, we explore some links between deliberative democracy, natural testimony, and epistemic injustice. We hope to highlight the exclusionary effects of some cases of testimony-related epistemic injustice within the deliberative democratic framework and, in particular, two subtle ways of epistemic injustice that are not often highlighted in the political domain. In other words, we hope to highlight two specific mechanisms of epistemic exclusion within the democratic

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### 1.1 Deliberative Democracy and the Public Sphere

Since the second part of the 20<sup>th</sup> Century, democracy has been regarded as the only legitimate political arrangement (Dunn 2005). On a normative level, democracy now represents an undisputed background. Moreover, democracy *qua* collective self-government embodies the aspiration to be guided by the *demos'* better reasons (Young 2000). After all, a government can commit grave forms of injustice (the sort of injustices that can affect many people and in systematic ways) and we do not want to make these high-cost mistakes (Aikin and Talisse 2019). We want democratic decision-making to be able to recognize good reasons and reject bad ones. Indeed, there may or may not be a uniquely best policy on some issues but there are many bad ones, and we want the political decision-making process to rule those out (Neblo 2015; Steinberger 2018). Now, although it is common to think of modern representative democracy in terms of regular and fair elections, it is much more than that. It involves a great variety of collective activities. For instance, voting is preceded by electoral campaigns where candidates, journalists, experts, and ordinary citizens interact in the attempt to exchange information and reasons (Jacobs et al. 2009; Page 1996). And after voting, citizens, experts, and journalists are to hold elected authorities accountable for their decisions. Indeed, it is a basic

commitment of modern democracy that people can participate in acts of protest and dissent and many of the freedoms protected by it, such as the freedoms of expression, of press and of association, are directly linked to that (Pettit 2013; Whelan 2019). Dissenting citizens, even if they are a minority, can, in principle, deliberate and critique a given political decision and bring about social change, which shows our social aspiration for our collective lives to be guided by our better reasons (cf. Habermas 1996, 306).

Thus, a pivotal component of democracy is the free exchange of reasons and information in an attempt to argue with each other about what we collectively should do (Bohman 1996; Fishkin 2018; Gutmann and Thompson 2004; Landemore 2013). Democracy can then be thought of as consisting in the attempt to collectively determine via public deliberation the policies and actions that enjoy the support of our better reasons. In fact, one can take this deliberation to be the source of legitimacy of political decisions (Cohen 1989; Estlund 2008; Manin 1987; Peter 2009). Indeed, three decades ago, democratic theory took a “deliberative turn” (Dryzek 2000, v; Hansen 2012) as a mixed group of theorists challenged models of democracy focusing on voting and turned their attention to the role played by public deliberation in political decision-making. Regarded as one of the most promising approaches in democratic theory and the predominant framework (Bächtiger et al. 2018; Talisse 2019), deliberative democracy sees the communicative processes in which decision-making procedures are embedded as the primary source of political legitimacy. This normative framework puts an emphasis on the notion of the public sphere and the discourse by which it is constituted, as well as highlighting the utmost importance of such political discourse being adequate.

The political public sphere is a vital part of democratic society. It is constituted by complex, communicative networks, “where information, ideas and debate can circulate in society, and where political opinion can be formed,” which connects scattered people, sometimes across large geographical areas (Dahlgren 1995, ix; see also Fraser 1990, 57; Habermas 1996: 360, 373-4). It promotes the shaping of opinion on political issues and two central communicative processes within it (but of course not the only ones; see e.g., Young 2000) are the transmission of information relevant to those issues and the deliberative argumentation concerning them (Cohen 1989; Habermas 1996; Estlund 2008). These communicative processes, like much public communication, have a general cooperative orientation: we share information and collaboratively search for the better position. Ideally, in the public sphere, information is shared, different

perspectives are presented, the reasons behind them exchanged and, in the long run, the better reasons prevail.

## 1.2 Natural Testimony and Epistemic Disenfranchisement

Of course, there are different (sometimes vague) definitions of deliberation and public sphere within different fields of research and even within the sub-field of deliberative democracy (Bächtiger et al. 2018; Gripsrud et al. 2010; McKee 2005; Wodak and Koller 2008). Having said that, for present purposes, a useful outline of the deliberative procedure, and by extension the public sphere, which is consistent with the above crucial features, is provided by Habermas (1996, 305-306), following Cohen (1989). Among other things, the procedure is understood as: (a) an argumentative exchange of reasons and information among people who introduce and critically test proposals; (b) which is inclusive and public and where all the affected by the issue have equal chances to participate; (c) which is free of external constraints and the participants are only bound by the presuppositions of communication and rules of argumentation; and (d) which is equally free from internal constraints to the extent that every participant has the same opportunity to be heard, and indeed, be spoken to, when taking part in the debate (see also Estlund 2008; Bernstein 2012).

This is of course an ideal and might (often) not be realized in the real world. But utopian as it may be, this ideal can have a real-world effect and, certainly, if it is not impossible to achieve (even if it is very unlikely that it will be), there is no reason to reject it (Estlund 2008, 2020). Minimally, the ideal “serves as a template against which to judge reality in order to identify and deal with deviations” (Estlund 2008, 199), even if the result ends up not being exactly the ideal situation (2008, 200-201). The aim of this paper is to identify some such deviations in the deliberative process; more particularly, regarding one of the communicative processes that occur within it: namely, the transmission of information. Before introducing some aspects of our testimonial practice, we should point out that the deviations that we are interested in are cases of, as we shall say, *epistemic disenfranchisement*. Note that we are observing a technical distinction between formal and epistemic (dis)enfranchisement. The former refers to the right to vote as it is afforded to citizens by the law. The latter refers to a kind of informal (dis)enfranchisement relating to the realities and practicalities which determine citizens’ ability to participate freely and fully in the epistemic practices essential for democratic deliberation.

Universal suffrage is nowadays typically taken for granted in democracies and the franchise is widely regarded as a basic individual right. Of course, there are

electoral exclusions: for example, in most democracies, minors and persons with mental impairments, and in some democracies, noncitizen-residents and criminal offenders are formally disenfranchised (Blais, Massicotte and Yoshinaka 2003). However, most democrats would find it impermissible to exclude persons because of race, gender, religion, weight, and sexual preferences, among other things. The limits of the legal right to vote are certainly not set in stone but presently, say, a gender criterion for formal disenfranchisement is unacceptable (although before the 20<sup>th</sup> Century women were denied the right to vote [Dahlerup 2018]). Our aim is to emphasise that, within the framework of deliberative democracy, where participation in the deliberative process is as crucial to democratic decision-making as voting, some persons can and are likely to be excluded from the epistemic practices that take place within the deliberative process due to systematically held prejudices against them. We shall refer to cases where persons are so excluded as cases of epistemic disenfranchisement and although such disenfranchisement can occur in relation to all the epistemic practices involved in the deliberative process, here we shall focus on the testimonial ones to illustrate the phenomenon of epistemic disenfranchisement.

The mechanism whereby so many citizens are epistemically enfranchised in deliberative democracy is what C.A.J. Goady (1992) calls natural testimony, which is encountered in everyday circumstances, as opposed to formal testimony, of which a paradigmatic example is the testimony of a witness in a court of law. The ability to learn from other people's testimony and share one's own beliefs and experiences by offering one's own testimony is essential for the good function of the democratic deliberative process. Now, it is beyond the scope of this paper to rehearse the key positions in the epistemology of testimony.<sup>2</sup> It is sufficient for our purposes to assume that knowledge can be transferred *via* testimony and that this mechanism is essential for deliberative democracy. In the following sections, we will consider how epistemic injustice nevertheless limits the power of testimony to enfranchise citizens.

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<sup>2</sup> Epistemologists of testimony typically distinguish between Humean or reductionist positions, on the one hand, and Reidian or anti-reductionist positions, on the other. According to the Humean view, it is epistemically reasonable to believe that *p* based on someone's testimony that *p* if you have independent, non-testimonial reasons to think that they are a reliable source of knowledge. In contrast, on the Reidian view, it is epistemically reasonable to believe that *p* based on someone's testimony that *p* unless you possess independent epistemic reasons to believe that they are not a reliable source of knowledge. Key defences of anti-reductionism include those of Goady (1992) and Burge (1993). A prominent defence of reductionism is due to Elizabeth Fricker (see, for instance, Fricker 1987, 1994). See Lackey 2008 for a thorough critique of this debate.

## 2.1 Some Varieties of Testimony-related Epistemic Injustice

In this section, we introduce and explore some existing work on the topic of epistemic injustice. Fricker's *Epistemic Injustice: Power and the Ethics of Knowing* (2007) has been incredibly influential in establishing the topic of epistemic injustice as a mainstream research programme in contemporary epistemology. This will also help us to contextualise the varieties of testimonial injustice that we introduce in the following section. It is natural, then, that we take Fricker's account of epistemic injustice as our starting point.<sup>3</sup>

Fricker identifies two distinctive ways in which we can be wronged specifically in our capacity as epistemic agents and posits two varieties of epistemic injustice to explain them: *testimonial injustice* and *hermeneutical injustice*. Since the testimonial strain of epistemic injustice is more relevant to our project, we will focus on that aspect of Fricker's view.<sup>4</sup> In Fricker's words, 'testimonial injustice occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word' (2007, 1). Broadly speaking, testimonial injustice occurs when one person, the speaker, tries to tell another person, the hearer, that *p*, but the hearer does not accept the speaker's testimony, and in particular, because they, the hearer, possess prejudicial stereotypes about the speaker's social identity according to which the speaker is not a credible source of testimony. How does this come about? It is a fact of our epistemic lives that we are dependent on one another. We rely for a great deal of our beliefs, among other things, on the testimony of others. In a perfect world, this would make things straightforward. But this is not a perfect world: some people are incompetent, some are insincere, and some are both. We need to be able to determine who is a good informant, that is, someone who is both competent and sincere. According to Fricker, this role is performed by indicator

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<sup>3</sup> Dotson points out that, in treating recent work on epistemic injustice as a starting point, we should be careful not to overlook the fact that many thinkers have addressed very similar phenomena (2012). For instance, Patricia Williams describes how her testimony regarding her experiences of racial prejudice while shopping in New York City was met with a credibility deficit when one of articles discussing these experiences was reviewed by a Stanford Law School class. She was afforded an unwarranted credibility deficit on the basis of negative stereotypes that identify African Americans as, among other things, dishonest and paranoid (Williams 1991; discussed in Dotson 2012, 26-28).

<sup>4</sup> By focusing on testimonial injustice, we do not mean to suggest that we believe that hermeneutical injustices make no difference to the health of democracy and the success of deliberation. We would agree, following Medina (2013), that epistemic injustices related to testimony and hermeneutical injustice are intimately related and feed each other. However, in this paper, we will focus on the testimonial side of this relation, leaving questions about hermeneutical injustice to one side for now.

properties, the visible, external signs that someone is a good informant (2007, 114-120). Many of these indicator properties themselves rely on stereotypes about social identity. Sometimes indicator properties reliably indicate whether a speaker is credible. However, these indicator properties—or rather, our reliance upon them—also leave us vulnerable to several types of error. Sometimes people possess indicator properties but lack competence or sincerity. In other words, some people who are not good informants are nevertheless regarded as if they were. This can lead us to form beliefs on the basis of the testimony of people who are ill-informed or insincere. This is undesirable.

But perhaps the more pernicious variety of error is that which occurs when someone who is both competent and sincere is not recognised as such. In cases of testimonial injustice, a speaker's testimony is not accepted by her hearer because, according to negative identity-prejudicial stereotypes held by the hearer, the speaker is either incompetent or insincere. 'A negative identity-prejudicial stereotype is,' according to Fricker,

[a] widely held disparaging association between a social group and one or more attributes, where this association embodies a generalization that displays some (typically, epistemically culpable) resistance to counter-evidence owing to an ethically bad affective investment. (2007, 35)

Fricker provides the example of Marge Sherwood from Minghella's screenplay for *The Talented Mr. Ripley* (2007, 86-91). In short: Marge recently got engaged to Dickie Greenleaf, the renegade son of a wealthy industrialist, Herbert Greenleaf. Dickie has gone missing and Marge thinks—with good reason—that his friend, the eponymous Mr. Ripley, is involved. But when Marge explains her suspicions to Herbert, he dismisses them: 'Marge, there's female intuition, and then there are facts' (cited in Fricker 2007, 88). Marge is constructed as a hysterical woman who cannot be relied upon to form true beliefs about the world. Moreover, it is worth noting that while Ripley coordinates this construction of Marge's social identity, the other men are certainly complicit in it too. In any case, the result is that nobody accepts Marge's testimony because they judge her not to be a credible source of knowledge on the basis of the prejudices they hold about women. Of course, other social identities beyond gender can be a source of the kinds of negative identity-prejudicial stereotypes that lead to testimonial injustice: class, gender, sexuality, and others bring with them the risk of social identity-based stereotypes, which can intersect.<sup>5 6</sup>

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<sup>5</sup> Many other groups often suffer from negative identity-prejudicial stereotypes about credibility. For example, old people are sometimes subject to the negative stereotype that they are not capable (Jackson 2020) and African Americans can be subject to such negative stereotypes even

In summary, according to Fricker, testimonial injustice occurs when one person, the speaker, tries to tell another person, the hearer, that  $p$ , but the hearer does not accept the speaker's testimony because they, the hearer, possess prejudicial stereotypes about the speaker's social identity according to which the speaker is not a credible source of testimony.

## 2.2 Two Under-discussed Types of Testimony-related Epistemic Injustice

Fricker's concept of testimonial injustice helps us to understand a range of cases in which people are wronged in their capacity as epistemic agents. This account does not explain what has gone wrong in cases of epistemic disenfranchisement. So, in this section, we will draw attention to two further varieties of epistemic injustice related to testimony which we believe to contribute significantly to epistemic disenfranchisement, but which are sometimes overlooked. These are *discursive injustice* and *testimonial void* (Kukla 2014; Carmona 2021).

**Discursive injustice.** In standard cases of testimonial injustice as described by Fricker, the speaker testifies that  $p$  but while the hearer understands what the speaker is trying to communicate to them, they do not find the speaker credible because of negative identity-prejudicial stereotypes about the speaker's identity. This, of course, leads to communication failures. But not all communication failures have this structure. In the standard cases, the speaker achieved one part of what they set out to do: they were recognised as testifying that  $p$ . The problem in this case is that they were not recognised as a credible source. Reflecting on such failures of communication, Kukla introduces the concept of *discursive injustice*. Kukla argues that:

Sometimes a speaker's membership in an already disadvantaged social group makes it difficult or impossible for her to deploy discursive conventions in the normal way, with the result that the performative force of her utterances is distorted in ways that enhance disadvantage (Kukla 2014, 441).

Grammatical structure and semantic content are not sufficient for fixing the performative force and pragmatic structure of a given speech act, Kukla explains. *Discursive conventions* also play an important role in the fixing and interpretation of speech acts. These conventions 'determine when a speaker is entitled to issue a

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by those who are politically and socially liberal and believe that they are not prejudiced (Dovidio, Gaertner & Pearson 2017).

<sup>6</sup> Relatedly, Peet (2017) identifies a variety of epistemic injustice that occurs at the level of utterance interpretation, though Peet is concerned with how stereotypes influence our understanding of the content of utterances.



speech act of type A in context C' (Kukla 2014, 444). They determine whether a speech act gets the uptake in its audience that was intended by the speaker, where uptake is a matter of recognising the normative status changes that the utterance makes.<sup>7</sup> Kukla argues that social identity can disrupt the working of these discursive conventions, such that a speaker who is entitled to make a speech act of type A in context C nevertheless fails to get the correct uptake for that speech act, because of stereotypes about the kinds of speech acts that members of that marginalised group tend to (or ought to) make (2014, 445).

Let's consider the speech act of testimony. In cases of discursive injustice, a speaker from a marginalised social group testifies that *p* but their speech act (i.e., testimony) is not recognised as such by the hearer, but rather, is intercepted as a different kind of speech act, and this is because of stereotypes about the speaker's social identity held by their audience. Women's emotional speech acts may be especially vulnerable to this kind of discursive injustice. Discussing Scheman's work, Kukla writes:

Women's emotional speech acts are often interpreted (including self-interpreted) as incapable of bearing cognitive content that is accountable to external facts about how things are; they are taken as mere *expressions* of emotion rather than as claims. (Kukla 2014, 451).<sup>8</sup>

In these sorts of cases, the audience mistakes the speaker's intended speech act (namely, testimony) for another one (for instance, opining, joking, or emoting). Consider Fricker's example of Marge from *The Talented Mr. Ripley* (Fricker 2007). In Fricker's reading of this case, the problem is that Herbert Greenleaf believes that Marge is incompetent and therefore that her testimony regarding the identity of the murderer should not be believed. In this case, Greenleaf recognises her testimony as such, but then rejects it because he judges her not to be a good informant. Another way we can understand Greenleaf's apparent rejection of Marge's testimony is that he does not even realise that she is testifying. Rather, we might speculate, Greenleaf interprets Marge's utterance (offered as a piece of testimony) as an entirely different kind of speech act. Maybe he thinks she is simply gossiping or playing along with a conversation she does not really understand or care about. Perhaps he holds that the purpose of testimony is to provide facts, but someone equipped with 'female intuition' is unlikely or even unable to have this objective. After all, as Greenleaf says, 'Marge, there's female intuition, and then there are facts' (Fricker 2007, 9). The thought is that testimony

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<sup>7</sup> Kukla diverges here from the Austinian notion of uptake, which is that the audience correctly recognises the speaker's intention. (See Hornsby & Langton 1998.)

<sup>8</sup> See Scheman 1993.

based on women's intuition literally fails to count as testimony and instead, at best, qualifies as 'mere opinion.' And indeed, when Marge becomes understandably upset at her mistreatment, her speech will be recast as hysterical expressive outbursts rather than assertions of fact.

Moreover, the exclusion of people from the epistemic practice need not exclusively be due to a negative identity-prejudicial stereotype, but also to positive ones. As Davis argues, positively valenced or 'benevolent' stereotypes can also lead to credibility excesses which in turn cause epistemic injustice (2016). Davis provides the following example of what she calls identity-prejudicial credibility excess:

A group of American high-school students struggle to complete a difficult algebra question during their lunch period. After several failed attempts to solve the problem among themselves, the students decide to seek outside help. The students have heard that Asian-Americans are particularly good at math, so they ask an Asian-American student seated nearby for help with the problem. (2016, 487).

According to Davis, the identity-prejudicial credibility excess afforded to—or perhaps, imposed upon—the Asian American student in the example above is an instance of epistemic injustice because it involves compulsory representation, a form of epistemic exclusion whereby 'marginalized knowers are invited to participate in epistemic exchanges [but] the invitation is extended to the individual only insofar as the individual satisfies a certain description' (Davis 2016, 490). This, Davis explains, is harmful because it is a form of tokenism whereby marginalized individuals are unjustly treated as representatives of an exotic group (Davis 491). Tokenism is a special case of identity-prejudicial credibility excess where specific members of disadvantaged groups are singled out by members of the dominant class and obliged to represent that group regardless of their own wishes or abilities.<sup>9</sup>

Davis's examples show how positive stereotypes can lead to credibility excesses which cause epistemic injustice. Interestingly, though, there is an interesting disconnect between the overall valence of a stereotype (positive or negative) and its epistemic consequences for members of the group to whom it applies. In contrast to the examples discussed by Davis, positively valenced stereotypes can also lead to credibility deficits and exclusion. For an example of the

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<sup>9</sup> Thus, not all cases of identity-prejudicial credibility excess are harmful. If a member of the British aristocracy is afforded a credibility excess with respect to the topic of horse breeding, they may be embarrassed if it turns out they are not knowledgeable on this topic, but it seems implausible that they will have been substantially harmed in any way. That's because members of the British aristocracy are not marginalised in British society.

latter, consider how overweight as well as people perceived as camp are sometimes subject to positively valenced stereotypes, among other negative ones, regarding their playfulness and funniness (Diedrichs and Puhl 2017; Jackson 2020). But such positive attributes can bear negative effects in conversations since people subject to this stereotype can wrongly be thought of attempting to make a funny remark as opposed to a serious contribution. Regardless of its positive valence, the stereotype can nevertheless be harmful in the sense that, for example, some intended piece of testimony might instead be regarded as joking.

**Testimonial void.** So far, all the cases of testimonial injustice we have considered are related to how an audience reacts to a speaker's testimony, and in particular how their reaction wrongs that speaker. Another kind of epistemic injustice which is both highly relevant for epistemic disenfranchisement and almost completely undiscussed in the literature can be found in what Carmona labels *testimonial void* (2021). Carmona's argument begins in a reflection on Dotson's concept of testimonial smothering (2011). Dotson considers how speakers sometimes truncate or outright withhold their testimony because they reasonably believe that their testimony is likely to be misunderstood by the hearer in ways that have harmful consequences for the speaker, because of pernicious situated ignorance on the part of the would-be audience (2011, 244). She calls this *testimonial smothering*. Consider the following example, which is due to Dotson: Some African American women withhold from testifying about domestic violence committed by African American men because, while they recognise the harm of domestic violence, they fear that their testimony will help to justify harmful beliefs about African Americans (Dotson 2011, 245). An important insight of this work is that it is not just in how testimony is received that epistemic injustice may occur, but also in how, and indeed whether, it is offered. But where Dotson focuses on how the withholder may be the victim of injustice, Carmona focuses on cases where a person is wronged because a speaker withholds testimony from them.

Sometimes people withhold their testimony from a potential audience because they hold negative identity-prejudicial views about the social group to which the audience appears to belong, according to which they, the audience, would be unable or unwilling to respond appropriately to their testimony or not deserving of the testimony. To put it simply, there are cases in which a speaker who believes that *p* does not tell her audience that *p* because she thinks that they are either too incompetent to understand *p* or too dishonest or immature to respond appropriately to the testimony that *p*. With this in mind, let's consider one

of Carmona's illuminating examples of testimonial void. It may help to illustrate this further. Carmona shares the striking example of her own grandmother,

[who] was deprived of the epistemic resources to handle a man's everyday life and relied on my grandfather for everything that involved the world outside the home, with the exception of going to church. To this day, she continues to tell me today how much she misses my grandfather, who died a few years ago, because 'he used to take care of everything.' It is only after writing this paper that I feel that I am beginning to give full weight to another utterance that is typical of her, 'Girl, I don't understand', by which she often expresses her bewilderment regarding issues having to do with her finances or other *worldly* things. No less significant is my mother's complaint: 'I have become your grandfather for her.' (2021, 8)

Carmona emphasises the long-term consequences of testimonial void that occurs when someone is denied access to important information. When a substantial body of knowledge is systematically withheld from a group of people, they are put at an epistemic disadvantage. While we are all epistemically dependent on others to some extent, people who are systematically denied access to large swathes of knowledge pass from being dependent to being excluded. We will return to this thought in the following section.

We have presented a variety of examples of how negative identity-prejudicial stereotypes can cause a particular kind of epistemic injustice whereby a speaker withholds some or all of their testimony from an audience because they believe, on the basis of prejudice, that the audience is either incompetent or dishonest or not entitled to be part of the political conversation. These examples as well as the previous ones presented in this section have a distinctly political air to them and they should have already helped the reader connect these cases of epistemic injustice to the phenomenon of epistemic disenfranchisement. In the following section and to conclude, we will make the connection explicit.

### **3. Epistemic Injustice and Disenfranchisement**

In the previous section, we considered how members of groups that are subject to negative and positive identity-prejudicial stereotypes can suffer some epistemic injustices related to the testimonial practice. In this section, we will explain how these forms of testimony-related epistemic injustice can lead to epistemic disenfranchisement.

On the one hand, the testimony of some members of these groups may not be recognised as such by the intended audience due to either negative or positive identity-prejudicial stereotypes, which make the audience mistake the speech act of testifying for another one, such as opining or joking. This is discursive injustice.

Let's consider a case where negative identity-prejudicial stereotypes lead to epistemic disenfranchisement via discursive injustice. Politics is still regarded as a "man's game" (Burns, Schlozman and Verba 2001; Clavero and Galligan 2005; Koenig et al. 2011; Mendez and Osborn 2010). When Nancy Astor, the first woman Member of Parliament, took her seat in the House of Commons, Winston Churchill is famous for allegedly remarking that it was as if she had interrupted him in the bathroom.<sup>10</sup> It is common, when it comes to politics, that women's views are often ignored, interrupted, or dismissed. This notion of politics as a man's game, which many have internalised and which makes the space of conversation the domain of the men, is certainly still problematic for its exclusion of women.<sup>11</sup> Although most women nowadays have the right to vote and the right to stand for election (although, as one might have expected, still not sufficiently many women are given the opportunity to do so; Dahlerup 2018; Htun 2016), the idea that women do not belong in politics, partly because they are not expected to be as competent as men (Karakowsky, McBey and Miller 2004) but also because it is sometimes deemed to be simply inappropriate or unfitting (given that political discussion is a man's domain), can clearly affect whether, say, someone recognises a woman's attempted testimonial contribution to a political discussion as testimony at all. So, a woman's politically charged testimony, when not deliberately ignored or chided for being political, might instead be regarded by someone who holds that politics is not for women as a misplaced attempt to express their emotions.

Positively-valenced identity-prejudicial stereotypes may also lead to epistemic disenfranchisement via discursive injustice. As seen, due to fatphobic and homophobic stereotypes, overweight and people perceived as camp are sometimes subject to some such stereotypes regarding their playfulness and funniness. So, their serious contributions to some political discussion might wrongly be taken to be funny remarks by someone holding these stereotypes and a disagreeing view. This person, given that it takes the view to be wrong and the speaker to be playful and funny might naturally regard the speaker's testimony as a joke.

In both these cases, the testimony of the speaker is not being regarded as such by the audience, who instead understand it as some other speech act which does not allow the speaker's contribution to have an epistemic impact in the deliberation.

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<sup>10</sup> These comments may be apocryphal.

<sup>11</sup> Indeed, some have accused Habermas of positioning women outside the public sphere and not seeing them as making significant contributions (Brooks 2019).

On the other hand, testimony may be withheld from some of the members of these groups because the potential testifier holds negative identity-prejudicial stereotypes about them, according to which they are either incompetent or dishonest or ineligible for political discourse. This leaves these people in a testimonial void. Carmona identifies a politically charged case of testimonial void in the educational system of Franco's dictatorship. She writes:

The wider educational system during the Franco regime structurally disesteemed the intellectual abilities of women. Reforms in 1945 segregated education by sex, and women's education focused on preparing them to be (house)wives and mothers. Consequently, there was a specific curriculum for girls, which included housework, sewing, and childcare. In addition, in the subjects studied that were also taught to men, the curriculums differed significantly. For example, in History classes, women's education focused on the feminine qualities (mostly concerning self-sacrifice) of queens and other Catholic heroines. In this manner, the Franco regime controlled who was (not) told what in the educational context (2021, 2).

In Spain during the Francoist dictatorship, certain kinds of knowledge were withheld from women. This is a kind of testimonial void. We might attempt to explain this because of stereotyping. The thought would be that because women were held, according to the prevalent stereotypes of the time, to be unsuited intellectually and emotionally for the topic of politics. That being said, it is not clear that this instance of testimonial void is a consequence of negative identity-prejudicial gender stereotypes. Rather, this case of testimonial void may have been part of an ideological project designed to subjugate women. On this reading, the creation of a testimonial void for women is based not on the dictatorship's beliefs about how women are but rather on its beliefs about how women should be. Indeed, these explanations are not mutually exclusive. In any case, while Carmona focuses on an explicitly educational setting here, the same thought applies in the public sphere in democratic deliberation.

Given what Carmona has shown about testimonial void in other contexts, it is easy to imagine how it would look in political deliberations. We have already seen how politics is regarded as a male territory. This is usually understood as a matter of excluding women from the physical space of deliberation or diminishing their contributions to the deliberations which they take part in, but we can also imagine how these kinds of exclusion are accompanied by testimonial void. In much-discussed situations where women's contributions are ignored, their hearer additionally—albeit indirectly—deprives those women of information that they, the audience, would have shared with a speaker they respected as worthy participants in the deliberation. This could take the form of explicitly refusing to communicate with someone, but it is perhaps more likely that involves humouring

the speaker by engaging only superficially with what they say. It is easy to imagine a case where a woman's testimony in some political discussion is not engaged by the male audience who might anyway have information relevant to the assertion made. In this case, where the audience does not put forward some relevant information, there is testimonial void.

Another case of epistemic disenfranchisement via testimonial void involves those who, given their prejudiced association with some other group which is normally disenfranchised (i.e., not given the right to vote), are not taken to be legitimate interlocutors. For example, in his presidential campaign, Donald Trump is well known for having referred to Mexican immigrants as criminals (especially drug dealers and rapists; Lee 2015):

When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists.

Endorsement of such stereotypes can be consequential: criminals, as mentioned before, are disenfranchised in many democracies, including the USA (in fact, they are permanently denied the right to vote in the USA), and so people who stereotype Mexican people in that way can believe that they should not be included in political conversation. Given this, these people may not testify to Mexicans simply because they are prejudicially associated with a disenfranchised group.<sup>12</sup>

We have argued that there are some ways in which people can be excluded from the testimonial practice. With the help of some contemporary work by Kukla and Carmona, we have described two varieties of testimony-related epistemic injustice that are particularly overlooked in the literature on deliberative democracy, namely, discursive injustice and testimonial void.

As already seen, a crucial component of deliberative democracy is the exchange of information in the attempt to argue with each other about what we

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<sup>12</sup> Similarly, since the 9/11 attack on the World Trade Center, negative identity-prejudicial stereotypes about Muslims, which portray them as violent criminals and, and, in particular, as terrorists, are prevalent (Sides & Gross 2013). In this way too, in the political arena, people may also withhold their testimony from Muslims given their perceptions that Muslims are, in some unspecified way, ineligible for inclusion in political discourse. Feminist and LGBT activists may suffer from the stereotype that they are not acting in good faith, but rather, they are seeking offence in order to further their political project. People may then refrain from engaging in conversation with people whom they perceive to be interested in feminist and LGBT activism (cf. Barvosa 2018).

collectively should do. Testimony then is one central communicative process within deliberative democracy (but certainly not the only one, e.g., Young 2000). More generally, deliberative models of democracy focus their attention mainly on the role played by public deliberation in political decision-making rather than the casting and counting of votes. This being so, the key democratic value of inclusion is also to be considered in the deliberative process (as highlighted in the above schematic characterization of the process; §1.2). Accordingly, the formal enfranchisement that citizens gain when given the right to vote is not enough for these models: voting is not enough. Citizens should not only participate in the voting process but also in the deliberative process and on equal terms (Young 2000). So, deliberative models require citizens to be epistemically enfranchised: namely, to be included in the epistemic practices of the deliberative process. The exclusion from the testimonial practice, as in the above cases of epistemic injustice, represents a sort of epistemic disenfranchisement.<sup>13</sup> So, although when we talk about enfranchisement, we usually think about the right to vote, we must not lose sight of the following important fact within deliberative models of democracy: even if the state grants a given social group the right to vote, the members of that group are nevertheless epistemically disenfranchised if they are unable to participate in the deliberative aspects of democracy.

It is important to emphasize this difference between the phenomenon we have identified in this work and testimonial injustice as understood by Fricker. Crucially, cases of testimonial injustice are not cases of epistemic disenfranchisement. This is because the victims of testimonial injustice are included in the testimonial practice, even though they are not treated equally, as the deliberative model further requires. Where testimonial injustice presents an obstacle to equality among formally and epistemically enfranchised citizens, the injustices identified in this paper present obstacles to inclusion in the deliberative process.<sup>14</sup>

Of course, many have pointed out the various inequalities prevailing in society that are likely to be amplified (rather than mitigated) in the public sphere

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<sup>13</sup> This is one variety of informal disenfranchisement, we have suggested, but there may be others. For example, another sort of epistemic disenfranchisement concerns exclusion from argumentation. Although we do not have space to discuss it here, we think that a rather similar case can be made for this sort of disenfranchisement.

<sup>14</sup> Inclusion and equality are both baseline normative ideals in democratic theory generally. However, within deliberative democracy, these ideals promote deliberative dimensions concerning the inclusion and equal treatment of all viewpoints (and so their experiences, reasons, and arguments; Bächtiger & Parkinson 2019; Christiano 1996). It is these dimensions that we have in mind here.



and even the Habermasian account of it has been criticized for ignoring that fact (Fraser 1990; see also Young 2000). There are many subtle forms of political oppression and control that may prevail in inclusive arenas and do not permit fairness in participation. People's deliberative contributions should be considered equally on their merits but prejudices, as in Fricker's testimonial injustice cases, can create inequalities within the deliberative process with regard to the credibility that people ought to be attributed. So, the viewpoints of some groups may play a disproportionate role in various parts of the deliberative process.

However, here we have been interested in cases where people are excluded from the deliberative process, rather than treated unequally within it. Now, although many have also been interested in the informal disenfranchisement of people, they focus on cases where people with greater power and resources may purposely leave others out of the political discussion; as Young (2000) would say, they focus on "external exclusion:" namely, when people do not have access to the fora for discussion.<sup>15</sup> But Young (2000) is mainly interested in cases of "internal exclusion," which she takes to be less noticed than the cases of external exclusion. The former are cases where people, often unconsciously, ignore or dismiss or patronize others' contributions in political discussion (2000, 55). Given this, she suggests that some forms of communication, which indicate recognition, such as greetings, rhetoric, and narratives, are essential to inclusive deliberation (2000, 57ff.). Where Young focuses on explaining and ameliorating the broader phenomenon of internal exclusion, we have sought to refine one way in which epistemic disenfranchisement as a kind of internal exclusion can occur using the theoretical tools provided by recent work in social epistemology on epistemic injustice. So, we have attempted to specify the mechanisms behind two very particular and under-discussed ways in which people are internally excluded in relation to one key epistemic practice of the deliberative process. In particular, two sorts of epistemic injustices that internally exclude people from testimony that are not normally considered within the political domain. These epistemic injustices then generate the epistemic disenfranchisement of people that are formally enfranchised.

We have argued that much epistemic disenfranchisement can occur unintentionally due to a series of negative and positive identity-prejudicial stereotypes to which different marginalized groups are subject. Some of these groups, such as women and Black people, have only recently gained formal enfranchisement in some democracies. However, within the deliberative democracy framework, we may still be failing these groups inadvertently and in

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<sup>15</sup> This seems to be related to what Hookway calls *participatory injustice* (2010).

Leandro De Brasi, Jack Warman

subtle ways that nevertheless bear the burden of certain identity-prejudicial stereotypes that cause individuals to exclude members of these groups from the epistemic practices involved in the deliberative process and so face informal epistemic disenfranchisement even if not formally disenfranchised. Moreover, within the deliberative democracy framework, we may also inadvertently be failing other groups who are subject to such identity-prejudicial stereotypes and were never thought to be disenfranchised. Certainly, most of us find it impermissible to exclude persons from political decision-making because of race, gender, religion, weight, age, and sexual preferences, among other things. Having said that, if we are to live up to our own ideals and those set by the deliberative model of democracy, we need to start paying more attention to the specific mechanisms behind the epistemic disenfranchisement that is likely to go on in political deliberation.

## References

- Aikin, Scott, and Robert Talisse. 2019. *Why We Argue (And How We Should)*. 2<sup>nd</sup> Edition. New York: Routledge.
- Bächtiger, André, John Dryzek, Jane Mansbridge and Mark Warren. 2018. *The Oxford Handbook of Deliberative Democracy*. Oxford: Oxford University Press.
- Bächtiger, André and John Parkinson. 2019. *Mapping and Measuring Deliberation: Towards a New Deliberative Quality*. Oxford: Oxford University Press.
- Barvosa, Edvina. 2018. *Deliberative Democracy Now: LGBT Equality and the Emergence of Large-Scale Deliberative Systems*. Cambridge: Cambridge University Press.
- Bernstein, Richard. 2012. "The Normative Core of the Public Sphere". *Political Theory* 40: 767-78.
- Blais, Andre, Louis Massicotte and Antoine Yoshinaka. 2003. *Establishing the Rules of the Game*. 2<sup>nd</sup> ed. Toronto: University of Toronto Press.
- Bohman, James. 1996. *Public deliberation. Pluralism, complexity and democracy*. Massachusetts: MIT Press.
- Brooks, Ann. 2019. *Women, Politics and the Public Sphere*. Bristol: Policy Press.
- Burge, Tyler. 1993. "Content Preservation." *Philosophical Review* 102: 457-48.
- Burns, Nancy, Key Schlozman and Sidney Verba. 2001. *The Private Roots of Public Action: Gender, Equality and Political Participation*. Cambridge: Harvard University Press.
- Byford, Jovan. 2011. *Conspiracy Theories: A Critical Introduction*. London: Palgrave Macmillan.

- Carmona, Carla. 2021. "Silencing by Not Telling: Testimonial Void as a New Kind of Testimonial Injustice." *Social Epistemology* 35: 577-592.
- Christiano, Thomas. 1996. *The Rule of the Many: Fundamental Issues in Democratic Theory*. Boulder: Westview Press.
- Clavero, Sara, and Yvonne Galligan. 2005. "'A Job in Politics Is Not for Women': Analysing Barriers to Women's Political Representation in CEE." *Czech Sociological Review* 41: 979-1004.
- Coady, C.A.J. 1992. *Testimony: A Philosophical Study*. Oxford: Clarendon Press.
- Cohen, J. 1989. "Deliberation and Democratic Legitimacy". In *The Good Polity*, edited by Alan Hamlin and Philip Pettit, 21-42. Oxford: Blackwell.
- Dahlerup, Drude. 2018. *Has Democracy Failed Women?* Cambridge: Polity.
- Dahlgren, Peter. 1995. "Introduction." In *Communication and Citizenship: journalism and the public sphere in the new media age*, edited by Peter Dahlgren and Colin Sparks, 1-24. London: Routledge.
- Davis, Emmalon. 2016. "Typecasts, Tokens, and Spokespersons: A Case for Credibility Excess as Testimonial Injustice." *Hypatia* 31: 485-501.
- Diedrichs, Phillippa and Rebecca Puhl. 2017. "Weight Bias: Prejudice and Discrimination toward Overweight and Obese People". In *The Cambridge Handbook of the Psychology of Prejudice*, edited by Chris Sibley and Fiona Barlow, 392-412. Cambridge: Cambridge University Press.
- Dotson, Kristie. 2011. "Tracking Epistemic Violence, Tracking Practices of Silencing." *Hypatia* 26: 236-257.
- . 2012. "A Cautionary Tale: On Limiting Epistemic Oppression." *Frontiers: A Journal of Women Studies* 33(1): 24-47.
- Dovidio, John, Samuel Gaertner and Adam Pearson. 2017. "Aversive Racism and Contemporary Bias." In *The Cambridge Handbook of the Psychology of Prejudice*, edited by Chris Sibley and Fiona Barlow, 267-294. Cambridge: Cambridge University Press.
- Dryzek, John. 2000. *Deliberative Democracy and Beyond*. Oxford: Oxford University Press.
- Dunn, John. 2005. *Setting the People Free: The Story of Democracy*. 2<sup>nd</sup> Edition. New Haven: Princeton University Press.
- Estlund, David. 2008. *Democratic Authority*. New Haven: Princeton University Press.
- . 2020. *Utopophobia*. New Haven: Princeton University Press.
- Fine, Cordelia. 2017. *Testosterone Rex*. London: Faber & Faber.
- Fishkin, James. 2018. *Democracy When the People are Thinking*. Oxford: Oxford University Press.

Leandro De Brasi, Jack Warman

- Fraser, Nancy. 1990. "Rethinking the Public Sphere." *Social Text* 25/26: 56–80.
- Fricker, Elizabeth, 1987. "The Epistemology of Testimony." *Proceedings of the Aristotelian Society Supplement* 61: 57-83.
- Fricker, Elizabeth. 1994. "Against Gullibility." In *Knowing From Words: Western and Indian Philosophical Analysis of Understanding and Testimony*, edited by B. Matilal and A. Chakrabarti. Dordrecht: Kluwer Academic Publishers.
- Fricker, Miranda. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford: Oxford University Press.
- Gripsrud, Jostein, Moe Hallvard, Anders Molander and Graham Murdock. 2010. *The Idea of the Public Sphere*. Plymouth: Lexington Books.
- Gutmann, Amy and Dennis Thompson. 2004. *Why Deliberative Democracy?* New Haven: Princeton University Press.
- Habermas, Jürgen. 1996. *Between Facts and Norms*. Massachusetts: MIT Press.
- Hansen, Kasper. 2012. "Deliberative Democracy: Mapping Out the Deliberative Turn in Democratic Theory." In *Rhetorical Citizenship and Public Deliberation*, edited by Christian Kock and Lisa Villadsen, 13-27. Pennsylvania: Penn State University Press.
- Hookway, Christopher. 2010. "Some Varieties of Epistemic Injustice: Reflections on Fricker." *Episteme* 7 (2): 151-163.
- Htun, Mala. 2016. *Inclusion without Representation in Latin America*. Cambridge: Cambridge University Press.
- Jackson, Lynne. 2020. *The Psychology of Prejudice*. 2<sup>nd</sup> edition. Washington: American Psychological Association.
- Jacobs, Lawrence, Fay Cook and Michael Delli Caprini. 2009. *Talking Together*. Chicago: University of Chicago Press.
- Karakowsky, Leonard, Kenneth McBey, and Diane Miller. 2004. "Gender, Perceived Competence, and Power Displays Examining Verbal Interruptions in a Group Context." *Small Group Research* 35: 407-39.
- Koening, Anne, Alice Eagly, Abigail Mitchell and Tiina Ristikari. 2011. "Are Leader Stereotypes Masculine? A Meta-Analysis of Three Research Paradigms". *Psychological Bulletin* 137: 616-642.
- Kukla, Rebecca. 2014. "Performative Force, Convention, and Discursive Injustice." *Hypatia* 29(2): 440–457.
- Lackey, Jennifer. 2008. *Learning from Words: Testimony as a Source of Knowledge*. Oxford: Oxford University Press.
- Landemore, Helene. 2013. *Democratic Reason*. New Haven: Princeton University Press.
- Lee, Harper. 1960. *To Kill A Mockingbird*. (Various editions.)

- Lee, Michelle Ye Hee. 2015. "Donald Trump's false comments connecting Mexican immigrants and crime." *The Washington Post*. <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/> Accessed: 1 December 2020.
- Manin, Bernard. 1987. "On Legitimacy and Political Deliberation." *Political Theory* 15: 338-68.
- McKee, Alan. 2005. *The Public Sphere*. Cambridge: Cambridge University Press.
- Medina, José. 2011. "The Relevance of Credibility Excess in a Proportional View of Epistemic Injustice: Differential Epistemic Authority and the Social Imaginary." *Social Epistemology* 25(1): 15-35.
- . 2013. *The Epistemology of Resistance*. Oxford: Oxford University Press.
- Mendez, Jeanette, and Tracy Osborn. 2010. "Gender and the Perception of Knowledge in Political Discussion." *Political Research Quarterly* 63: 269-279.
- Neblo, Michael. 2015. *Deliberative Democracy between Theory and Practice*. Cambridge: Cambridge University Press.
- Page, Benjamin. 1996. *Who Deliberates?* Chicago: University of Chicago Press.
- Peet, Andrew. 2017. "Epistemic Injustice in Utterance Interpretation." *Synthese* 194(9): 3421-3443.
- Peter, Fabienne. 2009. *Democratic Legitimacy*. London: Routledge.
- Pettit, Philip. 2013. *On the people's terms*. Cambridge: Cambridge University Press.
- Scheman, Naomi. 1993. "Anger and the Politics of Naming." In *Engenderings: Construction of knowledge, authority, and privilege*, 22-35. New York: Routledge.
- Sides, John, and Kimberly Gross. 2013. "Stereotypes of Muslims and Support for the War on Terror." *Journal of Politics* 75: 583-98.
- Steinberger, Peter. 2018. *Political Judgment*. London: Polity.
- Talisse, Robert. 2019. *Overdoing Democracy: Why We Must Put Politics in Its Place*. Oxford: Oxford University Press.
- Whelan, Frederick. 2019. *Democracy in Theory and Practice*. London: Routledge.
- Williams, Patricia. 1991. *The Alchemy of Race and Rights: A Diary of a Law Professor*. Cambridge: Harvard University Press.
- Wodak, Ruth and Veronika Koller. 2008. *Handbook of Communication in the Public Sphere*. Berlin: de Gruyter.
- Young, Iris M. 2000. *Inclusion and Democracy*. Oxford: Oxford University Press.