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# Democracy & Education

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## Should Deliberative Democratic Inclusion Extend to Children?

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### Abstract

To what extent should the child's point of view be included when a political community endeavors to make just decisions, and why? Democrats are committed to a principle of political inclusion grounded in equal respect for persons. Yet we regularly deny children the right to vote and we often just assume that the citizens doing the hard work of democratic deliberation are adults. As I will show, electoral conceptions of democracy can plausibly reconcile this tension in a way that requires no serious adjustment to the principle of inclusion. However, I also argue that a similar reconciliation seems unavailable to deliberative conceptions of democracy, and this fact has implications for how deliberative democrats should understand political inclusion and its relationship to the aims of schooling. I do this by providing a broad overview of deliberative conceptions of democracy, with a focus on some fundamental epistemic features of these conceptions, to explain why deliberative democrats must take a different approach. I then look at different arguments for children's deliberative inclusion and propose an account of my own. Finally, I use this account in order to offer a different perspective on the aims of schooling under deliberative conceptions of democracy.

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### Children's Inclusion as a Philosophical Problem

**T**O WHAT EXTENT should the child's point of view be included when a political community endeavors to make just decisions, and why?<sup>1</sup> The question of inclusion matters for democrats, who are in general committed to a principle of political inclusion grounded in equal respect for persons. However, the literature on voting rights has surfaced a

tension between this principle and children (Fowler, 2014; Rehfeld, 2011; Schrag, 1975, 1977, 2004). In brief, any argument for why children and adolescents should be excluded from voting also justifies the exclusion of adults on relevantly similar grounds. For example, if it is justifiable to exclude children because they lack

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<sup>1</sup> For ease of writing I will use the terms *child* and *children*. But I have in mind here any minor, such as adolescents. Very young children are physically incapable or have not acquired even basic understandings. The *child* I therefore have in view is someone who can speak and act but is nonetheless denied rights of participation.

knowledge of their own political community, “lacking knowledge” becomes reasonable grounds for excluding anyone.<sup>2</sup> Other arguments for exclusion—maturity, personal autonomy, and cognitive ability—encounter similar problems. It appears as if we are forced to conclude that the principle of inclusion is mistaken in some fundamental way or to concede that there is no reason why children should not—at least in principle—have an equal say in the democratic process. We can call this the *generalization problem* of children’s political inclusion.

At the same time, it is a widely held intuition that children’s political preferences—their views on certain questions of public policy, for example—should be treated with greater circumspection than the preferences of other citizens. Think of how we often treat children in other spheres. My son is interested in coin collecting. He has the rare opportunity to visit a coin shop, but this visit will conflict with his long-awaited doctor’s appointment. His preference is to go to the shop over the doctor. Knowing his preference shapes my action in certain respects. For example, I commit myself to visiting a coin shop with him in the future. But the purchase that his preference has on what we do is limited in important respects. I take him to the doctor even when his preference is to skip the appointment, and I do this because I am responsible for his well-being. A similar relationship seems to hold between adult and child citizens. It seems unreasonable to hold child citizens fully responsible for the consequences of their unformed and malleable preferences, including the potentially harmful public and political consequences that would arise if they were to have equal say on various matters. To be sure, some adolescents exhibit a high degree of knowledge and sophistication on some public issues. But even here, they are likely to change their views as they learn from experience. So, while we are willing to hear children out, and even allow their preferences to inform our own political decisions to some degree, we remain cautious about how much independent weight we are willing to assign to these preferences. We can all call this the *circumspection problem* of children’s political inclusion.

The generalization and circumspection problems point to a tension within the democratic ideal. On the one hand, circumspection is a powerful intuition. We deny children the right to vote and we often just assume that the citizens doing the hard work of deliberation are adults. On the other hand, any grounds we might proffer for justifying our intuitions about circumspection, if generalized, commit us to the view that some adults should not be allowed to vote or that citizens must meet some proffered standard of competence before they should be included in deliberation. As I show, electoral conceptions of democracy can plausibly reconcile the tension in a way that requires no serious adjustment to the democratic principle of inclusion. I also argue that a similar

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<sup>2</sup> One might argue that adults have acquired a status, such as “citizen,” that children do not have and that this status makes arguments about competence inapplicable to adults. However, this fails to explain why adults (and not children) should have this status in the first place, for reasons that do not ultimately appeal to competence criteria such as knowledge, maturity, or autonomy.

reconciliation seems unavailable to deliberative conceptions of democracy, and this fact has implications for how deliberative democrats should understand inclusion and its role in our political institutions.

In the first section, I explain how electoral conceptions of democracy can address children’s inclusion by rethinking the nature and scope of voting practices. In the second, I provide a broad overview of deliberative conceptions of democracy, with a focus on some fundamental epistemic features of these conceptions, to explain why deliberative democrats must take a different approach. In the third section, I look at different arguments for children’s deliberative inclusion in the literature, and I propose an account of my own. In the fourth section, I use this account in order to offer a different perspective on the aims of schooling under deliberative conceptions of democracy.

### **Children’s Inclusion in the Electoral Democratic Order**

All democratic societies place age restrictions on voting. Yet democracy is a fundamentally inclusive form of governance. This theory/practice disjuncture has led political philosophers to ask if the exclusion of children is a legitimate policy or a failure of democratic principle. For example, Schrag (2004) argues that the exclusion of children cannot be an ad hoc addition to the inclusive rule but something that follows from our understanding of the nature of political inclusion itself. Accordingly, arguments for children’s exclusion cannot be self-defeating; that is, they cannot establish a precedent that, if applied generally, would contradict the principle of inclusion.

There is little evidence that such arguments are available to us. Philosophers and political theorists have struggled to identify just what, if anything, sets children apart from adults in the democratic order. They have advanced several proposals, usually developmental in nature: that is, that citizens must pass a certain threshold of maturation or development before being granted voting rights. These proposals range from Kantian autonomy (Shapiro, 1999), Rawls’s (1996) two moral powers (Coleman, 2002), and Kohlbergian stage theory (Christiano, 2001). None solve the consistency problem, for in practice, adults from all walks of life fall short of the ideal. Christiano (2001), for example, argued that children should be cut out of the franchise because they are “not capable of elaborating or reflecting on moral principles; they adopt moral ideas from their parents not out of a sense of conviction but out of desire to please and a sense of trust in their parents. For the same reasons, children do not have a developed sense of their own interests.” (p. 207). Yet these reasons apply to many adults as well (see Schrag, 2004, p. 371).

The tension between democratic principle and practice leads Schrag (1975, 2004) to advocate for what I call the *practice-based approach* to children’s democratic inclusion. Schrag argues that the theoretical problem—that any attempt to justify why children should not be included seems to contradict our democratic commitments—is itself misconceived. There simply are no theoretical reasons for excluding children. Young children and adolescents should in principle equally participate in the democratic order. But how best to include them is a question whose

answer turns on establishing political practices most appropriate, given their ability and competence (Schrag, 2004, p. 378).

The appeal of the practice-based approach is that introduces a helpful distinction between the means of inclusion and the end of inclusion. Under the electoral conception, the basis of social choice is an aggregation of preferences, where an inclusive choice is one in which everyone's preference informs the decision with the majority preference ruling (Elster, 1997). If true, it is the public expression of the preference that counts, not voting per se. That is to say, voting is a *practice* that enables the public accounting of preferences, with its *universal practice* satisfying the inclusive end. Because voting is here understood as a means to inclusion and not an end in itself, we can problematize children's inclusion differently. Circumspection doesn't have to mean that children should not be included; rather, it can mean that the *practice* of voting is an unreliable means of including children's preferences in political decision-making. Children have difficulty understanding how their preferences align with what's on the ballot, for example, or they are not fully aware of the long-term consequences if their expressed preferences were to be fully counted in the decision-making process.

We expect adult voters to vote as an individual and without cognitive or other forms of assistance. Children seem unable to do this. When we see unassisted voting and the counting of preferences as one and the same, it seems as through the simplest solution is to defer the child's right to vote until they pass some threshold point. But once we distinguish the ideal of inclusion (the counting of everyone's preferences) from the means of inclusion (the practice of voting), the electoral state has some latitude to play with. It can modify the practice of voting to ensure that the child's preferences register in ways that are meaningful for the political decision-making process while also taking into account the level of circumspection adults should reasonably take with respect to such preferences.

Practices of this kind are by no means far-fetched. We can look to contemporary examples for inspiration. There have been a variety of proposed voting mechanisms for including children's preferences, such as extra proxy votes for parents or fractional votes for young voters (Rehfeld, 2011, p. 158). These approaches suggest that the "normal" way that preferences are publicly expressed in the electoral state (one individual citizen, one unassisted vote) can be altered to better fulfill the inclusive principle.

Proxy-voting for children might be justified on inclusive grounds. We could argue, for example, that voting for children ensures that their preferences are counted when they were not before. However, one might object that these and similar practices still run afoul of the generalization problem. This is because the justification of a proxy must appeal to reasons that explain why the child is assigned a proxy vote and not an unrestricted right to vote on their own. These reasons, we can be sure, will appeal to premises about circumspection. But if we say that children are entitled to a proxy vote *but no more*, for circumspect reasons, it follows that relevantly similar adults are entitled to a proxy vote (but no more).

Yet the practice-based approach has still more to offer. Suppose a society proposed that parents or guardians should act as

electoral proxies for their children. Can this policy be justified without falling into the generalization trap? Much turns on the nature of the practice. For example, we can introduce a distinction between an expressive proxy and a trustee proxy. An expressive proxy is one who attempts to translate, or communicate, a preference on behalf of another person who is unable to do so on his or her own. I can't make the committee meeting, so I direct you to vote for me, knowing you know where my preference lies. A trustee proxy is one who is entrusted with expressing preferences that will benefit his or her client regardless of their client's own preferences. I have never been to a meeting, so I ask that you vote for me, trusting that you will vote in a way that serves my best interests given that I do not understand the stakes involved.

Neither practice can be applied to children *in general*. This is because the justification of such practices has the form "because children lack some competence/maturity/knowledge condition X." But whatever "condition X" is, it overreaches by capturing relevantly similar adults within the same democratic community. For example, assigning a trustee proxy involves taking away someone's right to express their own preference and replacing that expressive right with those of a more competent trustee. To deny such a right to a group of citizens, such as children, involves a judgment about that group's ability *in general* to form "good" or "desirable" or "wise" preferences, a judgement that, due to its vagueness, can be applied to any individual outside the group who meets those same conditions. If we say that children in general should be assigned a trustee proxy, it would follow that any relevantly similar adult should also be assigned a trustee.

But let's take the example of expressive voting and, instead of grounding our argument in claims about the competence of children in general, focus on aspects of the *practice* of voting that may impede their inclusion by virtue of the fact that those practices are not a good fit with the competence of some citizens. When parents act as expressive proxies, they endeavor to understand and interpret their child's preferences and express them through a vote. As Elster puts it, "[p]references are never 'given' in the sense of being directly observable. If they are to serve as inputs to the social choice process, they must somehow be *expressed* by the individuals" (1997, p. 6). Accordingly, imagine a situation in which a local municipality is reviewing a proposal to clear out a green space for a condo development and decides to put the proposal to a public vote. Children in the local neighborhood often use that green space as a play area. On the expressive account, it would be a procedural requirement that children be informed of the proposal and what the implications are for the local area. Further, these children would each be given the opportunity to articulate their preferences, with assigned proxies casting the vote that best represents that preference.<sup>3</sup> The practice of expressive proxy-voting does not

<sup>3</sup> This is a sketch of what this practice could look like. Various voting mechanisms could be developed for different contexts, decisions and levels of government. However, these mechanisms would have to be developed with a careful eye on their justification because the barriers to inclusion that are being addressed should not overreach or overgeneralize in a way that could disenfranchise other citizens. In my example, children simply don't know about the proposed development and,

establish a precedent that, if generally applied, would justify large numbers of adults having their vote taken away and replaced by proxies. And this is because the *grounds* for expressive proxy-voting are specific.

The practice of expressive proxy-voting ensures that a citizen's preferences are counted when they are unable to publicly express such preferences on their own.<sup>4</sup> By specifying what is getting in between a citizen and their inclusion, the practice of expressive proxy-voting can respond to a range of context-specific conditions under which it would be appropriate to impose a proxy on citizens, conditions more likely to apply to children than adults. That is to say, the practice makes no generalizations about the competence or fitness of groups of citizens; rather, it identifies practical barriers to the expression of preferences and seeks to overcome them. Further, because the practice enables the expression of a preference where it was not, or could not, be expressed previously, the adoption of this practice in democratic society is rightly understood as a move closer to the end of inclusion.

It is important to emphasize that, according to the account that I have given, the practice of proxy-voting applies to any citizen that has serious difficulties expressing a preference on their own. Empirically speaking, the conditions that would have to obtain for an expressive proxy to be fairly applied would be more likely to occur in the case of children and less often in the case of adults. But we can imagine that some adults would be included within the expressive proxy framework; that is, we can find situations in which certain adults require support in the expression of their preferences. Being more flexible in our voting practices so that they can enable more citizens to express their own preferences does not establish a precedent for the exclusion of adults (or children); rather, it expands the inclusivity of the democratic principle.

In this way, generalization can refine our democratic practices by testing our assumptions about the competence of citizens against the implications of such assumptions for the (dis)enfranchisement of the population. Rather than argue that children fall short of some general competence threshold and exclude them, we start with the fact that some citizens (mostly children, but some adults too) happen to have various difficulties expressing their preferences in the public sphere, and guided by the democratic

principle of inclusion, we improve our practices in recognition of these difficulties.

### Children's Inclusion in the Deliberative Democratic Order

In the last section, I detailed how the electoral conception of democracy can in principle handle the tension between circumspection and generalization. It can do this by drawing a distinction between the means of inclusion (voting) and the end of inclusion (the counting of preferences). Of course, we can challenge, modify, or revise different aspects of this account while still recognizing the distinction. And it is the distinction that is important for my argument about deliberative inclusion, because this distinction appears to be unavailable to deliberative democrats, making the question of children's *deliberative* inclusion a more intractable problem. Here is why:

Recall that the conception of social choice underlying electoral democracy makes it plausible to view children's inclusion as a problem of democratic practice. But deliberative democratic theory proffers a different conception, in which citizens engage in reason-giving as a means to public agreement. It takes the view that communicative efforts at mutual understanding and agreement should have an educative or transformative effect on the preferences of deliberators (Miller, 1992). That is, under the right conditions, it is possible for citizens to be convinced, without coercion or manipulation, of the merits of a policy or political decision in terms of that decision's consequences for the interests of all affected by that same policy or decision (Gutmann, 1999; Habermas, 1990). Accordingly, all affected by the observance of a proposed norm or policy should have an equal opportunity to challenge the merits of that proposed norm. In short, agreement under conditions of inclusion, symmetry, and reciprocity are epistemic criteria of political decision-making (Okshevsky, 2016). Unlike electoral democracy, then, deliberative theories do not see a valid decision as something that can be inferred from, or traced back to, pre-deliberative preferences.

Deliberative democrats believe that their conception can mitigate the individualism and self-interest that can drive electoral decision-making. But this also means that it is more difficult to cache out children's democratic participation in terms of the end of inclusion, on the one hand, and means of inclusion, on the other. For example, we might want to say that public agreement is the inclusive ideal, while reason-giving by all is the means to that inclusive ideal. However, reason-giving, or making independent claims about justice, is a constitutive feature of a valid norm or agreement and is not so easily scaled to an individual's competence. I cannot give a fractional reason, for example. I either give reasons or I do not. This matters profoundly for deliberative inclusion. Consider that one way to understand the value of democratic deliberation is that it enhances the epistemic quality of political decisions made in the interests of justice and fairness. On this view, the inclusion of different viewpoints makes it more likely that a community of inquiry will discover the right answer, or if we take a more constructivist view of political justification, inclusion is part of what *makes* a decision right, valid, or

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further, may not know how to match their preference with a yay or nay vote. The barrier establishes the nature and scope of the proxy intervention, but no more. This would be different than an overreaching intervention, that is, one made on the grounds that children in general are "incompetent" or "lack maturity." I thank the anonymous reviewer for encouraging me to clarify this point.

<sup>4</sup> This does not mean that proxy votes are a *good* practical solution. For example, there is no guarantee that parents will respect these conditions and cast their votes based on a sincere effort to understand their children's preferences. Expressive proxy-voting assumes parents would be willing and able to vote out of respect for what they think their children's *expressed* interests would be and not what they believe is in their child's best interests regardless, and it also assumes that parents would not use the extra votes to advance their *own* interests. But then, no voting practice operates exactly as envisioned under ideal conditions.

legitimate.<sup>5</sup> In either case, the epistemic value of deliberation weighs strongly in favor of political inclusion in general. For, if successful political decisions reflect the interests of all affected by such decisions and, in a diverse society, we cannot know and understand all the interests and values of our fellow citizens we therefore have the *epistemic principle of political inclusion*: the likelihood that a political decision is successful increases as we include the perspectives of those affected in the decision-making procedure, either because (a) our chances of discovering a successful decision are higher or (b) the decision is more likely to be constructed in such a way that it can be recognized by all affected as successful.<sup>6</sup> I take various forms of the epistemic principle of inclusion to be implicit in most, if not all, conceptions of deliberative democracy.

Given that questions of justice and fairness affect both children and adults, we can further make claim to the *epistemic principle of children's political inclusion*: the inclusion of children is as epistemically valuable as the inclusion of any other constituency affected by a political decision.

However, there is an unacknowledged premise operating in the argument that requires us to rethink the epistemic principle of inclusion in either its general or its child-centred corollary: Any individual or group affected by a decision is more likely to make an epistemic contribution if his or her viewpoint is included in deliberation than if it is excluded. We can call this *the contribution premise*. Note that without the contribution premise, we have no way of accounting for why we need the inclusion of all affected to *know and understand* the interests of all affected. For example, one might reject the epistemic principle of inclusion because some participants are just not very good at giving reasons or because their worldview is so unreasonable that it is easily trumped by other arguments.

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5 Alongside inclusion, constructivists also require further epistemic conditions such as truthfulness on the part of those who speak and equal opportunities to make relevant contributions. See footnote 3.

6 Note that Marti's (2006) overview of epistemic conceptions of deliberative democracy distinguishes between constructivist and realist conceptions. Realist epistemic conceptions take the view that the right answer to political judgments lies "outside" of, or independent of, deliberation. The greater our inclusion, the more likely it will be that we find this answer. Constructivist epistemic conceptions take the rightness of norms or political judgments are internal to, or dependent on, deliberation. Another way to put this is the independence of a political judgement relies on the fulfilment of certain deliberative conditions. My view is that realist conceptions are inappropriate to questions of justice or political decision-making understood broadly. A political decision is of high epistemic quality when it is justified in terms that are convincing from the standpoint of all deliberators. But this means that if a competent deliberator is sincerely unconvinced by the merits of a norm or decision, his or her dissent signals that the community's consensus may not be as well justified as believed. But on realist accounts, this is not the case. Once we "find" the "real" political principle, it is easier to discount dissenting views, even when citizens are sincerely unconvinced of the merits of the principle, by saying that they are simply mistaken. So, the realist view has some potentially undemocratic implications (as described in Peter, 2008).

The belief motivating this objection is that the contribution premise is stated too strongly: The idea that *everyone's* participation is epistemically helpful is simply an overstatement, because we know from experience that some people in fact do not make relevant contributions to deliberation. However, this objection trades on an ambiguity about what means to exclude in the epistemic sense. To exclude means to keep something out. To exclude in the epistemic sense means to keep an argument or perspective *out* of deliberation. Deciding that you have nothing to say is a form of epistemic exclusion. But it does not follow that, if included *in deliberation*, any of the positions you advance about a certain issue will carry the day. The development of the best available argument is what deliberation is about, on an epistemic view, and this requires claims to be assessed for their merits. But even then, arguments found to be wanting are still epistemically valuable. For example, unconvincing but well-crafted and well-intended arguments can shape our collective knowledge and understanding of a political norm or decision by refining our sense of what is justifiable and what is not, or by sensitizing us to points of view we had not considered fully beforehand. These "failed" arguments can serve as bridges to more successful ones.

Therefore, we can justify an epistemic principle of inclusion supported by the contribution premise without denying that deliberative ability varies across individuals and groups. All that variability tells us is that once included, some arguments will be articulated with more skill by some than by others. But all such arguments are more likely to make a contribution if they are included than excluded. We have no epistemic reason to assume in advance of a deliberation which arguments are likely to be successful in shaping the political norm or decision in question. And only if we were to accept the idea that all arguments and claims have equal epistemic weight would we have to conclude that the variability of deliberative competence necessarily leads to exclusion, for it would mean that convincing (or failing to convince) could only be attributed to deliberative skill and not the epistemic quality or importance of the arguments being made.

Epistemic inclusion means that we must accord presumptive epistemic value to the reasons that our fellow citizens offer in practical discourse, giving them time and opportunity to test those reasons against other arguments and points of view. To do otherwise would be an act of exclusion, and an epistemically bad act at that. But what about children? Everything turns on whether we should accord this presumption to children, and a plausible argument can indeed be made for jettisoning the contribution premise in their case. This is because an argument from circumspection could be used to advance the view that children's political inclusion will, all things considered, extract an epistemic *cost* on deliberation, a cost high enough to undermine the epistemic point and purpose of inclusion.

Here is how: In a deliberative democracy, we usually cannot presume to know who the knowers are, or even what counts as a good knower, with respect to various political questions. This is why it would be a mistake to exclude individuals or groups from deliberation in advance. But the argument from circumspection claims that children are different. They may state reasons

capriciously. They may leave other deliberators uncertain as to whether their reasons accurately reflect their preferences or interests. They may unwittingly amplify a political point of view whose implications they do not, and cannot, fully understand. Their own developing views may come to be unduly (even if unintentionally) shaped by persuasive deliberators before they have acquired the ability to critically reflect on, and revise, such views.

All this is to say that an argument from circumspection claims that children represent the *one and only* group for whom we say, “We know that they do not know.” No generalization to other adults follows from this claim, because while it concedes that we *cannot* know with reasonable certainty that other adults do not know (the contribution premise holds), we can know with reasonable certainty that children do not know (the contribution premise fails). In other words, the inclusion of children carries an epistemic cost that we can reasonably anticipate before deliberation, which in turn supplies citizens with reasonable grounds for excluding them from public deliberation altogether.<sup>7</sup>

Should deliberative democrats be convinced by the argument from circumspection? There are some strongly intuitive grounds for deliberative communities to approach the inclusion of children with caution. These intuitions may reflect a pretheoretical understanding of the epistemic value of deliberating with others. Yet there also seems to be some equally strong reasons, as expressed by the epistemic principle of political inclusion, for ensuring that they are included. Philosophers sympathetic with the deliberative democratic ideal, especially those who recognize deliberation’s epistemic value, should address this issue head on if they wish to fully articulate deliberative democracy as a political framework. Therefore, in what follows, I look at several arguments for children’s deliberative inclusion and assess the extent to which they can plausibly reconcile this tension. I then reconstruct the relevant features of these arguments to present an account of my own.

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<sup>7</sup> Why not assess children’s capacity to contribute on a case-by-case basis? First, it isn’t clear what specific competences would warrant some children to be included over others. Second, if we were to specify them, we would reintroduce the generalization problem by at the same time proffering an argument for the exclusion of relevantly similar adults. Finally, there is also the question of justice. That is, it’s quite likely that the criteria we use to make case by case judgements about children’s deliberative competence would arbitrarily favor children who have received various social, economic or other advantages that make it easier for them to signal such competence. This could result in a deliberative community in which the interests of well-off children have greater epistemic authority than those of other children, which, in turn, would undermine the epistemic quality of the deliberation. For an analysis of citizenship tests and “case-by-case” approaches to democratic inclusion from the standpoint of political justice and fairness, see Fowler (2014, p. 101–104). For an analysis of the role of education in addressing inequalities in deliberative competence on epistemic grounds, see (Martin, 2016).

## Deliberative Inclusion and Children in Political Philosophy

### *The Argument from Children’s Distinctiveness*

Can the argument from circumspection be decisively defeated? One could start from the view that children are not only an independent source of reasons about justice that we need to hear from but also a *distinctive* source of reasons. On this view of deliberation, “childhood” represents a singular social or cultural perspective—a separate and valuable state—on par with other ways of life. Kulynych (2001), for example, claims that our political culture fails to adequately include the distinctive social perspective of children within the deliberative public sphere. The ideals of adulthood and maturity have together reinforced the view that children are the “disorderly outsiders” of deliberation in a way that impoverishes, as it were, the child’s own point of view.

Here, the exclusion of children from the public sphere constitutes a fundamental epistemic loss to the extent that our norms of justice, as well as the political decisions derived from them, will always be prone to error when an entire social group is excluded. Part of the argument’s appeal here is that, if sound, we would have an overriding epistemic reason for the inclusion of children. This is because even if the inclusion of children has epistemic costs, these costs are actually quite negligible relative to exclusion because no conception of justice could be epistemically successful without a “child’s perspective” coming to inform it.

Is this a plausible view? First, while it is true that children have distinctive interests from those of adults, it does not follow that these distinctive interests are bound to their stage of life or that their exclusion is a fundamental epistemic error. For example, children’s interests can be forward-looking, such as an interest in becoming an autonomous person. These interests often trump children’s short-term interests. Second, even if we conceded that childhood represented a singular social perspective it is an ephemeral one. Children may have interests that only come with being a child, but they will not have these interests for very long, relatively speaking. Both observations rule against the account’s plausibility because they prevent us from fully explaining away some persistent intuitions about how we should treat children, intuitions that the argument from children’s distinctiveness would have us drop. For example, we can acknowledge that children exist in a distinctive “life-world” in which certain interests, values and preferences have their own currency. But this does not give us any reason for withholding our circumspection. If anything, the would-be distinctiveness of the child’s world may give us additional reasons to be circumspect and exclude them from discourse because their own “all things considered” interests may be distorted by the immediate and idiosyncratic nature of the distinctive world in which they reside. It therefore seems that the claim that children are distinctive can cut either way: toward exclusion or toward inclusion.

### *The Argument from Public Understanding*

It is plausible to think that children have some interests that are distinctive to their stage of life but just as plausible to claim that adults should make sure that these distinct interests do not

compromise the child's long-term interests. However, another argument for why inclusion should trump circumspection could be that justification *to* children in deliberation has epistemic benefits that trump the cost of their inclusion. Beckman (2008), for example, interprets Rawls's (1996) liberal principle of legitimacy to mean that the basic structure of society must be justified to all persons, including children. Accordingly, Beckman proposes an "adults as children" conception of trustee justification where deliberants imaginatively enter into the child's perspective and ask what they would want as children *were* they rational or reasonable (p. 150). Initially, trustee justification might suggest that children are not granted the epistemic presumption because adults are doing all the cognitive work. But Beckman distinguishes here between the *acceptability* of principles of justice by reasonable persons and the *public understanding* of principles of justice by all (p. 149). Children are not often reasonable and as such are not party to the rejection or acceptance of principles of justice—they need trustees to do that. But he further argues that political legitimacy requires that principles of justice be understood by both the reasonable and unreasonable alike, and this includes children (p. 143). Accordingly, Beckman claims that:

*[e]ffective communication with children is likely to bring along more sensitivity to children's viewpoints and interests. Anyone involved in the task of explaining to the child what justice requires, what rights they should and should not have, will want the reasons to appear as reasonable. In anticipating the child's objections to what we say, we will take care that we have adequately taken the child's perspective into account. (p. 150)*

But is this really epistemic inclusion? Anticipating the objections of someone we are deliberating with is not the same as soliciting their reasons for accepting or contesting a norm. For example, I may anticipate that an audience of children will object to my claim that they must go to school until they are of age. I may offer some reasons why they should be compelled to go school and package them in a way that makes this requirement easier for them to appreciate. But at no point must I take their objections seriously, nor do I have to alter my original justification for why they have to go to school. It is simply not the case that anticipating what a child might object to necessarily involves taking their perspective seriously in the epistemic sense, that is, that their point of view is a source of independent reasons essential to ensuring that the decision is of sufficient epistemic quality.

My view is that Beckman's argument for children's inclusion is political, not epistemic. Being able to account for our judgements is certainly part of what it means to justify something. However, "account for" and "justifying to" reflect weaker and stronger epistemic requirements. Explaining to children falls under the weaker sense understood by teachers: that in trying to teach something to someone we can discover ways to better account for, or communicate, that thing. That is to say, effective communication does not entail a change in the propositional content or logical structure of what is taught. For example, there is a difference in taking the child's level of comprehension into account when explaining a moral principle and taking a child's reasons into

account when attempting to justify that same principle. The latter involves an epistemic presumption while the former does not. With communicability and greater understanding comes legitimacy and political stability but not necessarily greater epistemic quality.

### *The Argument from Nondomination*

Another argument for why deliberative inclusion should trump circumspection is that it is a necessary condition of political freedom. The argument from public understanding saw the communication of principles of justice to citizens as a condition of political legitimacy. On the view I explore here, a political authority must know and understand the interests of those it exercises authority over and be moved by that knowledge and understanding in ways that help those citizens, if that exercise is to be legitimate. For example, Bohman (2011) has argued that children, like any citizen, should be protected from domination by the state (p. 135; Pettit, 1997). However, the state can only avoid dominating children when it is able to track their opinions and interests (Bohman, 2011, p. 135). The problem is how to ensure that such tracking is *accurate*. This is where the epistemic angle on deliberation becomes important. For while we might think that parents and other trustees should do the tracking, a paternalistic treatment of those interests may lead to misinterpretations or misunderstandings that lead to bad policies.<sup>8</sup>

Bohman (2011) thinks that this is serious enough a problem to justify extending the rights of communicative freedom to children. As he put it:

*[communicative rights] provides a standing on which a child or others without [full legal status] become "self-originating source of claims" (Rawls, 1996, 509) . . . recognition of a shared communicative status in the public sphere is cosmopolitan in the sense that it is not derived from some other membership but rather from mutually granted . . . communicative freedom of addressing others and being addressed by them. (p. 136)*

For Bohman (2011), communicative freedom is fundamental to protecting children from domination by state power by ensuring that their independent, or self-originating, opinions and interests can circulate (and be tracked) within the public sphere.

One appealing feature of Bohman's (2011) account is that it offers normative reasons why children's opinions and interests have epistemic value in democratic deliberation: Knowing and

8 On this account, domination occurs when the state exercises its authority over others (such as children) without taking seriously their interests. But nondomination does not mean that the state should only account for the *expressed* interests of children. For example, compulsory schooling is often justified on the grounds that children have an interest in receiving an education, even if they do not understand this interest. However, we can use the concept of nondomination in order make a distinction between a state that uses the compulsory argument to engage in domination and one that does not. For example, perhaps in the former case, the state refuses to consider the opinions and interests that children have about their own education and in all cases imposes a particular view of what a good education should look like, while in the former the state is willing to hear out children's points of view.

understanding these opinions and interests are necessary to avoid domination.

But is this argument strong enough to defeat circumspection? The argument against circumspection is that children are entitled to the presumption that their claims have epistemic value even if their inclusion involves some other epistemic costs. But it is not clear what this argument means at the level of deliberative practice. Bohman's (2011) central claim is that knowing and understanding children's opinions and interests are necessary to avoid domination. But the path from knowing about children's beliefs and opinions to policies that avoid nondomination can be formulated in either a weak or strong epistemic sense, each with different implications for our deliberative practices.

Understood in the weak sense, the epistemic value of children's communicative freedom is because its exercise supplies the public sphere with information about what children happen to value and believe. This information can be useful in developing effective policies. For example, knowing what children believe and value can be used to identify incentives that make it easier for political communities to achieve their goals. But there is no sense in which what children claim could, by itself, shift those goals. Treating children as a source of information to refine our own beliefs about what is just does not require us to see children as an independent source of beliefs about what is just or fair (see Craig, 1990, p. 43). The weaker version therefore seems insufficient to defeat circumspection.

Understood in the strong sense, children's communicative freedom empowers children to make claims in the public sphere that reflect needs and interests that the state should take as seriously as any other claim from any other constituency. This does appear to defeat circumspection, because without their inclusion, the political community has no way of being certain that its decisions are nondominating (even if their participation has other epistemic costs).

However, this argument does not leave the deliberative relationship between adults and children entirely symmetrical. This is because we can distinguish between individuals as self-originating, or independent, sources of claims about justice, and being *reliable, valid, or credible* sources of such claims. An adult deliberator can believe that children should be included for epistemic reasons while at the same time believing that they are less reliable than adults in terms of what they claim to know. There is no inherent contradiction in holding to both beliefs. What arises from them is an understanding about one's deliberative practice, that is, that children should be included but that their discursive claims are to be treated judiciously and carefully.

In fact, circumspection provides reasonable grounds for thinking that asymmetry between adults and children within deliberation is *necessary* for securing children's non-domination. In recognizing children's claims about justice as independent, responsible deliberators should carefully weigh the consequences of those claims for the long-term interests of children even when those claims sound convincing or persuasive. Circumspection reminds us that we should engage with children's beliefs and opinions on what is just and fair with a sense of paternal

responsibility. We need to track the opinions and interests of children accurately, and this requires their inclusion. But accuracy is not the same as validity. Adults have reason to take children seriously as an independent source of claims about justice and fairness, but they also have reason to hold such claims to greater scrutiny and be more cautious in drawing conclusions about what these claims mean for policy. Further, adults should be careful to scale their degree of circumspection (and paternalism) depending on the child's cognitive, affective, and conative abilities.

### Epistemic Inclusion and the Aims of Schooling

I conclude that deliberative democrats *should* extend epistemic inclusion to children and, in so doing, treat them as an independent source of claims about what is just and fair. Once included, adult deliberators have a responsibility to practice circumspection about the claims children make as befits their degree of deliberative competence. This is because they have reasonable grounds for anticipating that such claims are less likely to be reliable, all things considered. It seems to me that this tension is not something that should be troubling for deliberative democrats, because it acknowledges that all points of view can make an epistemic contribution without requiring us to abdicate our responsibilities to children, responsibilities that continue to hold within deliberation. The mistake lies in concluding that the epistemic value of deliberative democracy commits us either to the view that children's relative unreliability as a source of independent claims justifies their exclusion from the deliberative public sphere altogether, or that our intuitions about their vulnerability are oppressive and unjustly paternal. We can take some solace in the idea that that seeing children as an independent source of reasons about justice, as opposed to being merely a source of information, entails a serious shift in how we should understand deliberative democracy as a political framework even when this shift is somewhat tempered by adult circumspection.

To show how, I want to focus on an implication of my argument for how the role of schools should be understood within deliberative democracy. Consider first that despite the account of children's inclusion proffered above, there remains a real possibility that circumspection opens children up to a different form of domination. Fricker's (2007) account of epistemic injustice has highlighted how minorities and other marginalized groups experience prejudice in their status as "knowers." These forms of prejudice either dismiss a person's testimony about what they believe to be the case or have the effect of undermining a discriminated groups' ability to trust in, and articulate, their own views and experiences. Fricker's work has provoked a widespread reassessment of knowledge practices in a variety of domains, including the relationship between political authority and deliberative democracy, where she argues that within the deliberative democratic context, citizens should be able to successfully contest or justify norms and policies (2013). The conditions she sees as necessary for the possibility of deliberative success are already familiar to deliberative democrats: open procedures, the representation of all affected in those procedures, and institutions that enable such contestation (Fricker, 2013, p. 1323). However, she also advances



epistemic justice as an additional necessary condition (Fricker, 2013, p. 1323). As she put it:

*[d]uring the debate-like exchange that constitutes the contestation the citizen . . . must be subject neither to testimonial injustice, nor to hermenutical injustice in respect of what she needs to communicate. Epistemic justice of these two anti-discriminatory kinds are requirements for contestation, because if the citizen suffers an unjust deficit either of credibility or of intelligibility, then s/he precisely cannot get a fair hearing that contestation requires. (Fricker, 2013, p. 1324)*

We can easily make the connection to children's inclusion, for while we may see children as an independent source of reasons, the concern here is that being circumspect about those reasons *because they are children* is unfairly prejudicial about their status as knowers. If true, circumspection opens the door to treating children within deliberation in ways that, individually or structurally, prevents them from articulating or contesting norms or principles to the best of their ability.

How do we know when circumspection is justified and when it represents mere discrimination? Circumspection is different from discrimination when the reasons for being circumspect are not arbitrary, and our reasons for being circumspect about children's claims are not arbitrary because we have good reasons for believing that children are relatively inexperienced knowers on matters of justice and fairness, and for this reason prone to error. However, I believe that Fricker's epistemic justice condition places on obligation on adult deliberators even when circumspection is justified. A deliberative community also has an obligation to avoid what I call *formative* epistemic injustice: treatment that undermines the development of competences necessary for individuals and groups to successfully contest norms and policies within deliberation. Examples of such treatment within the deliberative context could involve an unwillingness on the part of adult deliberators to help children articulate or make sense of their interests and experiences, or to treat children's claims merely as a source of information, or to take a dismissive or condescending attitude to their independent claims. These deliberative practices go beyond by exhibiting mere caution by denying the child the experience of being treated *as a reliable knower* simply because of their relative lack of experience.

What is the harm in such treatment? The experience of being recognized as a reliable knower, even when one is not, plays a role in the development of one's agency as deliberator. Accordingly, being systematically denied such experiences undermines the development of one's deliberative agency and competence. Note that epistemic injustice can obtain even when the individual or group in question lacks full credibility as a knower. The injustice in question is not so much a form of discrimination as the denial of an educational opportunity that should be valued highly within a deliberative political framework. Consider further that Fricker argues that epistemic injustice should not happen "during the debate" (Fricker, 2013, p. 1324). But from a formative point of view, the absence of discrimination is a necessary, but not sufficient, condition for securing epistemic justice. This is because even

though it is permissible to be circumspect about the epistemic value of children's claims as befits their competence, circumspection writ large across the deliberative community may nonetheless inhibit the development of those habits of mind and conceptual resources needed for the successful contestation of norms. Therefore, while we have reason to be circumspect about children's independent beliefs and opinions, formative epistemic justice suggests that we also have good reasons to treat the expression and articulation of beliefs and opinions about what is just and fair with greater care and discernment than competence warrants on its own. Balancing between these requires discernment on the part of adult deliberators and depends on the deliberative competence of the particular child or adolescent and the kind of claim they are making.

The key question is how general the problem of formative epistemic justice is for deliberative democracy, and this is where the epistemic costs of inclusion come back into the picture. It would be unreasonable, I think, to require every adult deliberator to check his or her circumspection simply to support an important educational project—the development of a future citizen's ability to deliberate. But when we move from deliberative democracy understood in the abstract to the design of our deliberative democratic institutions, the importance of formative epistemic justice becomes more salient.

Some institutions bear a greater responsibility for the support of educational values than others, with schools being especially important. The conventional view, I take it, is that if deliberative democracy is a desirable political conception, schools should see an education for such a conception to be one of their central aims (Samuelsson, 2016).<sup>9</sup> Schools should aim to ensure that children learn the skills, habits and values that will enable them to exercise their communicative rights as adults. However, formative epistemic justice shifts this account in an important way. Now we have a school in which children are being prepared for a deliberative democratic order partly through the experience of being taken seriously as an equal epistemic member of a deliberative community. The picture here is of an institution that at the right times, and for the right reasons, checks circumspection to provide children with important formative experiences relating to being treated as an independent and *credible* source of reasons. Note further that when children are included in deliberation, checking circumspection *incidentally* increases the likelihood such children will make valuable epistemic contributions to political decision-making. In being more charitable, for example, schools may be surprised to discover an independent point of view that was not fully appreciated beforehand, potentially reshaping our public knowledge and understanding of justice in turn.

These considerations place schools in an interesting position. If schools ignored such discoveries, they would arguably be at a double deliberative fault: First, their deliberative engagements with children would be in bad faith in the sense that they would be merely giving the outward appearance of treating children as full

<sup>9</sup> For more on the role of deliberation in schools, see Englund (2009), Okshevsky (2004), and Sprud (2003).

epistemic agents to secure an educational benefit. Further, they would be putting children at greater risk of domination by the state because they would be knowingly omitting perspectives and arguments that have the potential to shape how the public sphere understands questions of justice and fairness.

The way to get around these faults is to understand that, within the deliberative democratic framework, schools ought also to play a *communicative* role, mediating between the independent claims that children make, circumspection about those claims, and the public sphere. Schools should not only help deliberative communities track the interests of children but facilitate the epistemic value of the claims children make about their interests by helping them interpret and articulate those claims in ways that strengthens the public intelligibility, reliability or credibility. It would be costly for a deliberative community in general to work this way, but schools can play this distinctive role within the deliberative framework.

I have argued that the epistemic and educational value of democratic deliberation are related in a way that establishes a distinct role for schools. One important objection is that this role is assigned based on the fact children happen to go to schools, but nothing about my argument shows why facilitating the public communication of children's independent views is something that should fall within the aims of *schooling*. I don't think that this is really a problem, because schools always have to negotiate the various educational, social, and economic aims at play within whatever political framework they may find themselves situated within, and within a deliberative political framework it would not be implausible to think that one of those aims would be the promotion of communication between those that attend school and the public sphere. More troublesome is the possibility that restricting this communicative role to the school risks limiting our serious treatment of children's beliefs and opinions to their beliefs and opinions about the institution in which they are happen to be treated as full epistemic agents, which just is the world of schooling. If the only institutional space in which children are treated as full epistemic agents is the school, it may be that the only opinions and beliefs we will hear much from children about is the world of schooling. This is an objection worth taking seriously, and I have two replies that I think mitigate this concern.

First, note that on my account, children should play a deliberative role in decision-making bodies other than schools, even when circumspection applies to them. Children are granted communicative rights that should be secured and exercised in a variety of institutions on a range of issues, such as health care, law, and government itself. Second, we should think of schools in the deliberative political framework serving not merely a communicative function but as subject to communicative *obligations*. An analogy drawn from the moral and legal duty for teachers report child neglect might be helpful in explaining the distinction. When teachers hear things from students about their lives outside of the school that call into question the student's safety and well-being, teachers have a moral and legal obligation to report. Similarly, I think, when schools encounter beliefs and opinions that bear importantly on children's lives in school or outside, schools have an

obligation to help communicate those beliefs and opinions to the public sphere. Schools in their communicative role should facilitate children's independent claims not only about the justice of their life in schools but about issues of justice and fairness that they care about in general.

These and other features of communicative schools need to be unpacked in more detail. What should teaching and learning look like, and how should teachers and students navigate challenges that the public sphere itself faces, such as political polarization and group bias? I think we have the theoretical and conceptual tools needed to answer these questions. But they require imaginative uptake from others interested in the deliberative democratic project. Some of those others could and should, I think, include "nonvoting minors" themselves.

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