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Epistemic Inclusion and the Argument from Circumspection A Response to *Should Deliberative Democratic Inclusion Extend to Children?*

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Abstract

In this response to Martin's "Should Deliberate Democratic Inclusion Extend to Children?" I examine Martin's comments against the "argument from circumspection," which is dubious regarding the claims children make to change democratic policies and procedures. I explain there are good reasons for being circumspect. One of these concerns the need for all in public discourse to supply not just claims but reasons and to have both these claims and reasons adjudicated in the logical space of reasons. Children, as with all who practice public discourse, must have their claims and reasons assessed for these to be admitted as candidates for changing policies and procedures. This augurs for a case-by-case inclusion of children, as opposed to a wholesale one.

This article is in response to

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Introduction

IN "SHOULD DELIBERATIVE Democratic Inclusion Extend to Children?" Martin (2018) claimed philosophical interest in the ways in which children may be justifiably excluded from voting. Martin noted two (philosophical) problems in the act of justifiable exclusion. The first is the *generalization* problem: arguments that draw on the lack of knowledge could be applied as well to adults (p. 1). The second is the *circumspection* problem: undue caution with which we assign weight to the preferences of children informing political decisions (p. 2). Overcoming these problems in accounts of deliberative democracy involves and invokes the epistemic features of these, and Martin spent a good deal of time demonstrating the epistemic conditions in and under which such accounts must operate.

Martin (2018) quickly moved from the failure of justification of certain quasi-developmental accounts of political theory regarding the child to solve generalization and circumspection

problems, to self-consciously deliberative accounts. In the former case, Martin gave examples of Immanuel Kant, John Rawls, and Lawrence Kohlberg (Martin, 2018, p. 5). In these latter, what counts as *epistemic principle*, *epistemic inclusion*, and *epistemic reason* took center stage (Martin, 2018, pp. 8–9). Sorting this terminology out is a chief feature of this section of his essay. Martin claimed epistemic principle as the principle of proportionality of inclusion of preferences of those affected in the decision-making procedure (Martin, 2018, p. 8) and the "epistemic principle of children's political inclusion" as that principle of epistemic value of children's preferences to that of any other

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constituency (Martin, 2018, p. 8).¹ With these terms defined, Martin began to assemble an argument for overcoming the problems of generalization and especially circumspection.

In the next section, Martin (2018) canvassed the political literature in an attempt to overcome these problems; he looked at deliberative democratic arguments from the distinctness of children (pp. 11–12), public understanding (pp. 12–13), and nondomination (pp. 14–15). It turns out none of these adequately capture the nature of the problems, nor do they solve them; indeed, the problem of circumspection in particular, pointed up by the asymmetry of adult versus children’s deliberative preferences, proves to be a valuable reminder for deliberative democrats that we must have children’s long-term interests in mind when responding to their preferences. Martin followed James Bohman’s work on asymmetry in this regard. Martin’s thesis at the end of the section is that children should be granted epistemic inclusion and their preferences should be treated as independent sources and claims of what is fair and just (p. 16).

Martin (2018) then turned his attention to the aims of schooling (p. 16). Martin drew on Miranda Fricker’s work regarding epistemic injustices and minorities, injustices of testimony, and interpretation (credibility and understanding) in the contestation of the citizen (p. 17).² Circumspection, which Martin cautiously endorsed, must be shown to avoid the epistemic injustice of discrimination against preferences simply because the preferences are from children (p. 18). We must take children’s preferences seriously if we are to educate in deliberative, democratic schools, and taking children’s preferences seriously thereby becomes an aim of the school (p. 19). Martin thought the problem of circumspection, which turns out to be a problem of reach (too much versus too little) is ameliorated when schools take children seriously as epistemic members of the community (p. 19).

Part One: The Role of the Epistemic

Here I want to delve more deeply into Martin’s (2018) various uses of *epistemic*, with the intention of developing a coherent and comprehensive understanding of the term. This will be important in what follows, for Martin’s use and understanding of *epistemic* does a great deal of the heavy lifting in turning the circumspection problem to an advantage, and to the overall plausibility of the deliberative, democratic approach to schools. To be clear, I am discussing *epistemic* in regards Martin’s position from democratic

1 I think this sets Martin up to overemphasize the *consequentialist* evaluation of claims, to the detriment of the *inferential* (logical) evaluations. Indeed, it seems there is little role for fitting claims, and the reasons behind those claims, in something like ‘the logical space of reasons,’ to be adjudicated there for fit.

2 In a view of epistemic inclusion that ignores the inferential lattice-work that constitutes the logical space of reasons making up public discourse. She has made consequential arguments (arguments for changes in the practical discourse) primary and inferential licensing (assessment of claims for their suitability as reasons in public discourse) secondary. Indeed, inferential gatekeeping seems dependent on consequentialist arguments in Fricker’s handling of the two. I reverse the order. My reasons for this are laid out in part two.

deliberation and the broader emphasis on justice as fairness that this implies and not attempting to articulate a robust philosophical account of justification. I pick up Martin’s argument for “epistemic inclusion” beginning on pages 7–8 of the article. Epistemic justification in the context of deliberative democratic theory has to do with the giving and taking of reasons “as a means to public agreement” (p. 4). Martin followed Amy Gutmann and Jürgen Habermas here. Democratic deliberation “enhances epistemic quality of political decisions made in the interests of justice and fairness” (p. 4). From this, an “epistemic principle of political inclusion” (p. 5) can be generated. This is, “the likelihood that a political decision is successful increases as we include the perspectives of those affected in the decision-making procedure” (p. 5). Furthermore, an “epistemic principle of political inclusion” can be directed to children: “The epistemic principle of children’s political inclusion: the inclusion of children is an epistemically valuable as the inclusion of any other constituency affected by a political decision” (p. 5). The willingness of an individual or group affected by a decision is more likely to make an “epistemic contribution” if they are included in deliberation than otherwise (p. 8). Indeed, this is the practical point of deliberative, democratic theory. Martin called this the “contribution premise” (pp. 8–9).

But this invokes a legitimate reaction. Martin (2018) continued: 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” (p. 9). He claimed:

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 be sensitizing us to points of view we had not considered fully beforehand. These “failed” arguments can serve as bridges to more successful ones. (p. 5)

We are beginning to get an understanding of the role that “epistemic” plays in “epistemic inclusion.” It is not enough for agents to put forward their preferences in the public space; these preferences must be cast in such a way that they can be agreed upon. The space of agreement is equally the space of deliberation; that is to say, it is the space of public justification. And what is put forward in the space of public justification are the individual’s preferences but not for immediate consumption and resultant social change, rather, for deliberation. Still, it turns out that even poorly argued or ill-fitting preferences are granted at least some significance in terms of their overall capacity to shape the public deliberation.

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 others. But all such arguments are more likely to make a contribution if they are included than excluded. (p. 5)

Martin moved with facility from the “contribution premise,” whereby an individual or group is more likely to participate in a deliberative public, given the opportunity, to the conclusion that the individual or group *ought* to participate regardless of the particular preference (and the personal justification with which it is accompanied) *and* that this particular preference is more likely to make a contribution.

Let us see what “epistemic inclusion” consists of thus far. It includes democratic deliberation, taking place in a public field or sphere, in which agents (individuals or groups) present their preferences, ostensibly couched in the form of reasons (inclusive of personal justifications); these preferences are freely proposed (under no coercion), with no presumptive obstructions or hurdles on the part of the public, many of which may not ultimately influence public deliberation yet are likely to encourage ongoing participation and make a contribution to democracy. Martin (2018) endorsed the force of this understanding, because:

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? (p. 10).

Martin claimed we ought to extend this notion of “epistemic inclusion” to children, and in so doing, make children valuable participants in deliberative democratic theory and practices.

Martin (2018) then brought this set of claims back to the “argument from circumspection.” We have seen that this argument posits adults as in the best position to make epistemic claims on children’s knowledge: children, unlike adults, are said “to be known to not know” and therefore cannot be made participants in deliberative democratic theory and practices. Martin, of course, refused this claim (p. 10). It turns out that children are more likely to participate in future deliberation if given the opportunity to do so when young and therefore *ought* to participate when young. So much for the argument from circumspection. With the way forward, Martin was able to turn to the schools and the practical upshot of the “epistemic inclusion” of children.

Martin’s (2018) argument has intuitive appeal. It obviously makes sense that children (and indeed, all of those who would participate in a deliberative democratic process) align their present participation with future participation and that present participation is encouragement for ongoing presence in the public sphere. It seems to me this is a consequentialist claim, and to the degree that it is evidentially sound (that research backs it up), it should go forward. However, there is slippage in Martin’s argument that I foresee as masking a larger, philosophical chasm between consequentialists (who will like the argument as it stands) and others, who will (rightly, I think) question the role that the “ought” is doing in moving us from children expressing their preferences to the acceptance of these preferences as adjusting the shared deliberative world of public discourse. The matter comes down to this: Even admitting that there are good consequentialist arguments for children participating in deliberative democratic discourses, ought

we to take their preferences, and the reasons they give for them, seriously? I think we must be careful here and not accept them holus-bolus: I think we must take them one by one. Thus, I am not willing to give up the claim that we should be cautious of children’s preferences unless and until it be shown that children’s preferences and the reasons behind them are publically defensible, epistemically justifiable, and socially cogent. And, contrary to Martin’s dismissal of the argument (p. 10), I don’t think he wants to give this up either. To show that this is the case, in part two, I take my departure from the “argument from circumspection,” as Martin characterized it, briefly turn to Martin’s earlier writing on the topics of discourse morality and dialogicality, and then return to the linguistic-inferential and dialogical context invoked in allowing children to modify the deliberative, democratic public discourse.

Part Two: Discourse Morality, Epistemic Justification, and the Inclusion of Children

In nontranscendental accountings of morality, what makes morality of a public nature moral is its susceptibility of discursive justification. Martin here and elsewhere has ruled out *transcendental* justifications of public morality (Martin, 2012, p. 89; 2018, p. 3): he is therefore left with justification in and through public discourse (Martin, 2012, p. 92). This discourse is epistemic insofar as:

As an individual, I cannot decide on behalf of others that all could agree to my proposed action or policy; rather, I claim that a proposed norm or policy could be agreed to and defended as such in rational public discourse. This is the epistemic meaning of my claim. (Martin, 2012, p. 92)

When we put forward our preferences, we put forward a claim that is suitable for both agreement and defense in public deliberation—the claim may in fact be far from epistemic suitability; nevertheless, we, as members of a public discourse, are entitled to put claims forward that we think are suitable for acceptance. We acknowledge the truth of our claim in moving it forward, and we are aware of the need for the acknowledgment of others in so doing. Others are aware that we are aware, and we are aware that others are aware. This is the basis of the social recognition inherent in discourse communities theorized from Hegel to the present. It is this awareness that must be developed by children to participate fully in discourse communities.³

The rational public discourse Martin (2012) spoke of in *Education in a Post-Metaphysical World* is the logical space of (discursive) reasons. In the Habermasian, Sellarsian, and Brandomian senses of this domain, reasons are claims given and taken, and justification is broadly dependent on a stock of prior reasons built up of previous discourse yet available to us as a

³ While Martin rejected quasi-developmental accounts of children as having insufficient learning to participate in discursive communities, he did not, I think, reject the solidity of the claims of social recognition, together with its long historical provenance. Much practice takes place in mastering a language, and this involves recognition of being recognized and recognizing others in turn.

quasi-intuitive context of discursive operations. When we put our claims forward, we recognize that they are claims, that they are up for debate and dialogue, even as we strongly support their cogency and coherency (our belief about them). Thus, in entering into a dialogue with claims, we anticipate their cogency and their capacity as reasons in a deliberative, justificatory process. In other words, when we enter into a dialogue with claims, we already do so in full view of their operation as reasons. Regardless of whether or not further inferential claims accompany our claims and assertions (consider “it is hotter in this spot” versus “it is hotter in this spot because the sun is directly over me”), as taken up in public discourse, they are understood to be accompanied by, and susceptible of, further reasons.

Those who wish to enter into public discourse and dialogue do so through putting claims forward. This includes every participant, young and old, having strong or diminished faculties, lucid or otherwise. To put forward a claim is to either supply, or be on the hook for, reasons as to why the claim should be accepted. The “argument from circumspection” is not only suspicious of those who are very young, have diminished faculties, or are other than lucid, it pronounces a negative verdict on the claims of these *not having heard the reasons behind them*. This is a species of prejudice, for it licenses dismissal of claims regardless of whether cogent reasons are supplied or not.⁴ Applied to children, the “argument from circumspection,” at least in this strong form, is prejudicial and antithetical to deliberative discourse as a means to proper justification.

However, there is a weaker sense of the “argument from circumspection” that might be more cogent and, in any event, stands in the way of the full-scale acceptance of children’s claims to be taken seriously in public deliberation. We have said that claims put forward in public discourse are to be accompanied by, or at least susceptible of, further reasons. I take it this applies equally to all who put claims forward, including those who are very young, have diminished faculties, or are other than lucid. Putting a claim forward demands attention and recognition of the act of claim-staking. It demands asking over and assessing reasons. This is a public activity, in which reasons are deliberated upon along with the claim. But of course, it also depends upon context and circumstances, that vast repertory of inferences that is swung into operation in assessing claims. These inferences serve to justify the cogency of the present claim, and if the present claim cannot be justified by and through these inferences, the claim fails as normative prerogative (Martin, 2018, p. 25).⁵ Justification is a quasi-intuitive operation, in which the new claim is brought up against already-existing linguistic-inferential discursive practices;

4 For Kant, prejudice “is the mechanism of reason in principles” and is “a principium for judging based on subjective causes that are regarded as objective” (Kant 1781/1992, p. 314). Moving from prejudice to objective judging involves practice in giving (objective) reasons for one’s claims and assertions; dismissal of claims without having heard the reasons behind them is tantamount to judging based on subjective causes.

5 In Martin’s estimation, the account I am putting forward would count as a “constructivist epistemic conception,” following Martin (2006).

it is a licensing, in which the claim is assessed as to its inferential coherence, its hanging-together logically with other existing reasons and admitted or rejected on this basis. Beyond this, a more pragmatic evaluation of the claim’s consequences for both linguistic and behavioral (including political and policy) practices can be ascertained.

Martin’s (2018) conclusion with respect to “epistemic inclusion” was that “we must accord presumptive epistemic value to the *reasons* that our fellow citizens offer in practical discourse” (p. 5, italics mine). I heartily concur. But this means distinguishing the claims our fellow citizens offer from the reasons they proffer in making those claims. Doubtless, the claim and the reasons for the claim are conjoined. But we must pull them apart enough to see how well they operate together. It is not enough to simply put forward the claims of citizens, adult or child. We must also ask over and ascertain the reasons they put these claims forth. We do this by subjecting individual claims to the network of inferentially licensed reasons. On this reading, some claims will be intuitively indefensible. Consider the case of open bigotry. The dismissal of someone’s opinion on the basis of their skin color (e.g., “I don’t believe her because she’s Black”) will be thought of as indefensible because no cogent inferentially licensed reason will be available to support it, and this from the get-go. And this is not because the initial claims are taken up in public deliberation and painstakingly assessed by various stakeholders in discourse; rather, it is quasi-intuitively false, largely owing to a history of debates on the matter in which strong reasons have been put forward. Merely bringing *this* claim forth as a reason is already to have violated the “epistemic inclusion” clause.

Martin (2018) insisted that schools have an obligation to develop and foster an environment where children can become deliberative agents through educational opportunities for democratic deliberation (p. 18). Following Fricker, Martin distinguished epistemic justice from “formative epistemic injustice,” a condition that takes root when children’s competence to develop the means to “successfully contest norms and policies within deliberation” (p. 9). Examples Martin gave include unwillingness to help children in developing this competence, treating their claims as mere information, and taking condescending attitudes toward their claims (p. 18). But I suggest that we disentangle the claims children put forth from the reasons for them doing so. We do this by subjecting their claims to inferentially licensed reasons. It will turn out that at least some of the reasons children give do not meet the requirements of this inferential licensing and should be rejected as quasi-intuitively false. This does not, *pace* Fricker, violate epistemic justice. And it does not because it denies that justice resides in acceptance of children’s claims; rather, justice lies in their licensing through existing inferences. This does not conflict with Martin’s broader claim that schools are responsible to develop and foster the environment where children can become deliberative agents; rather, it shifts the locus of what counts as licensed deliberative outcomes from claims to reasons.

An empirical survey of children’s claims regarding success in justification and consequences in respect of political changes suited to their demands has never, to my mind, been conducted.

Nevertheless, if it were, I worry a good percentage of the claims put forward would be intuitively unsupported and immediately in violation of the “epistemic inclusion” clause. It cannot be the case that a mere claim, put forward, is entitled to obvious and immediate entrance into the logical space of reasons. It cannot be the case until it has been quasi-intuitively assessed as to its cogency and coherence with existing reasons, and this means the reasons for its being put forth must be evaluated. This is not to denigrate the claims or reasons children give; such scepticism cannot be warranted on a philosophical accounting alone, as it would require an empirical survey. It is rather a reminder that when claims are put forward, they are quasi-intuitively justified through recourse to a logical-discursive-inferential network formed of reasons given in previous (social) public deliberations. Not only claims but reasons for those claims are susceptible of evaluation and asking for reasons when claims are put forth is central to the practice of justification.

However, it may be objected that setting up the logical space of reasons this way is to transform it into a gauntlet through which claims must successfully pass if they are to be accorded the standing of justification: this would serve to inhibit the ethical force of these claims, by constraining the subjective, emotional conditions from which these claims were generated, and in many cases, bring with them. On this reading, the space of reasons, as the epistemic, inferentially licensed set of reasons that controls justification of claims in public discourse, makes no room for, and conveys no validity to, arguments from subjectivity, including emotion. Yet such a conclusion would be premature. Such justification does not deny or even limit the putting forth of claims to those claims and accompanying reasons that are nonsubjective (i.e., assessable by all); it only limits the *justification* of those claims to those that are objectively assessable. Only if a subjective claim is put forward *with subjective reason(s) (operating as a ground) as its basis* is the claim rejected as inadmissible. A claim with emotional content or subjective reasons *can* be put forward; however, the objective content (legitimate inferentially licensed reasons) of the claim *alone* will be assessed for validity. It is an old argument, still valid, running from Kant to Habermas and beyond, that private, subjective claims (arguments to emotion and to private circumstances) cannot *by themselves* be the material for objective, public assessment; claims must be publically available (objective) for them to be assessed as justifiable in light of public interests. An attitude of circumspection must prevail. Just what the inferences contain that makes them suitable for the act of justifying claims is a matter beyond the scope of this paper, though it is a source of great concern.⁶

6 I follow broadly Kant, Sellars, Habermas, and Brandom in specifying the public nature of all claims put forward for assessment in discursive practices. I fully recognize the variability of foundations for such a

Notice that the circumspection of inferential licensing of claims put forth is not the only licensing that takes place. Provided inferential licensing to ensure the public availability of claims has taken place, there is then the matter of consequential licensing. Once the claim is fit for public discourse, the consequences of the claim, inclusive of the reasons the claim is put forward, are up for adjudication. These consequences form the standard anticipatory effects of the practical implementation of the claim. But it is important that consequential analysis *follows*, not *precedes*, inferential licensing. If the claim and the reasons put forward for the claim cannot be shown to be publically available (cannot be shown to fit in the logical space of reasons), then the claim does not proceed.

Epistemic inclusion of children, therefore, must include the reasons for claims put forward if these reasons are to be taken seriously, together with their accompanying assertions influencing public dialogue, debate, and practices. This means that children's claims *should* be taken seriously but *only* when accompanied by reasons and *only* if those reasons jibe with the quasi-intuitive framework of inferences that forms the web of logical reasons in linguistic, dialogic, public practices. Only then can the consequences of the claims, should they be brought forward and made operational, be ascertained. The call to be circumspect makes sense only if it references this web of inferences, itself composed of reasons. But bearing this in mind, circumspection *is* a healthy disposition and, I might add, a good idea for dealing not just with children but all linguistic and social actors. In this regard, I believe Martin (2018) would concur.

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nature these, and others, rely on in making their claims. From the transcendental (Kant) to the weakly transcendental (Habermas) to the strictly linguistic-ideal (Brandom), a range of possibilities emerges. I take it, though, that no one foundation need be appealed to in making the broader argument to publicity.