

# DISABILITIES, EPISTEMIC INJUSTICE, AND DELIBERATIVE DEMOCRACY THE ROLE OF MINORITY MINDS IN COLLECTIVE DELIBERATION\*

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## ABSTRACT

This paper explores the implications of cognitive disability on deliberative democracy and proposes possible solutions to ensure that people with cognitive disabilities participate meaningfully in democratic decision making. Although deliberative democracy is considered a cognitive process, people with cognitive disabilities may lack the capacity to participate. The paper explores a joint-effort model of deliberation that includes people with cognitive disabilities as equal participants, using bodily communication as a source of information. However, we argue that it is too ambitious to include individuals with severe cognitive impairments who are unable to fully understand their position, critically analyze others' perspectives, and modify their opinions based on the epistemic contributions of other members. Therefore, we propose a model that recognizes the epistemic significance of individuals who do not meet the criteria for deliberators but can contribute as a useful source of information. The proposed model avoids epistemic and political injustices during deliberative processes and advocates proceduralist justification of deliberated outcomes. The paper highlights the need for inclusive deliberative processes that recognize the contributions of individuals with cognitive disabilities.

## KEYWORDS

Cognitive disability, deliberative democracy, participation, epistemic injustice, minority minds

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The paper endeavors to examine the ramifications of cognitive impairments on deliberative democracy and explore possible solutions for the substantial engagement of individuals with cognitive disabilities in democratic decision-making. Deliberative democracy involves citizen engagement in debate, argumentation, and consensus-building to promote the public interest. The integration of individuals with cognitive disabilities presents a formidable challenge to this process, given their potential deficits in cognitive faculties that impede their effective participation in deliberative processes.

Thomas Schramme (2021) and Stacy Clifford (2012; 2015) acknowledge that deliberative democracy has historically excluded individuals with cognitive disabilities, resulting in political and epistemic injustices against them. These injustices stem from the assumption that meaningful participation in the deliberative process requires advanced cognitive abilities and traditional modes of communication. For this reason, Schramme contends that the issue of accommodating individuals with cognitive disabilities in deliberative democracy cannot be resolved through the conventional understanding of deliberation and proposes a joint-effort model of deliberation in which such individuals are regarded as equal participants. Schramme emphasizes that the strength of this alternative model lies in the collective epistemic competence of the deliberators, which results from the cognitive diversity of the group. The idea of cognitive diversity arises from the full-fledged inclusion of individuals with "minority minds", who may not be able to participate in an intellectually demanding manner but are nevertheless valuable members of the deliberative process and contribute to its epistemic quality. In this way, Schramme suggests that a wide range of practices should be accepted as legitimate means of deliberative contribution within a joint deliberative justificatory discourse.

While we recognize the value of Schramme's proposal to include individuals with cognitive disabilities in deliberative processes, we contend that his model provides too idealized a conception of the capacities of such individuals. Moreover, we believe that the conditions he establishes for participation are too minimal to depict a full-fledged deliberator in a complex process such as deliberation. We argue that Schramme's model, when applied to political decision-making practices, may be too permissive, accepting a variety of practices as legitimate means of deliberative contribution within a joint deliberative justificatory discourse. This, in turn, may lead to a lack of clarity and consistency in the deliberative process, potentially hindering the ability of all qualified participants to fully engage in meaningful and productive discourse.

We propose a more stringent model that upholds strict requirements for qualification as a deliberator while still acknowledging the epistemic value of individuals who do not meet the criteria for deliberator status. In this model, a distinction is made between two different roles: deliberators and informants.

Deliberators have the ability to consider the viewpoints of others, actively engage in discussions, and advocate for their views. Crucially, deliberators can modify their original opinions based on better reasons, arguments, or valuable contributions from others. Informants, on the other hand, may lack the cognitive capacity to be considered deliberators but can contribute valuable information to the discussion. For example, individuals with severe cognitive impairments may not meet the criteria for deliberators but can still play a meaningful role by providing reliable information about their specific needs and other relevant issues. We believe that the ability to critically evaluate epistemic input and modify one's opinion after deliberation is crucial for individuals involved in deliberative decision-making procedures. In contrast, informants are not necessarily bound by conventional deliberative standards.

Furthermore, our proposed model aims to address epistemic injustice by acknowledging the value of individuals who do not meet the criteria to be classified as deliberators but who can contribute as providers of relevant epistemic input. We recognize that individuals with severe cognitive impairments may not have the cognitive capabilities for active deliberation, but their experiences, perspectives, and bodies are essential for informing the deliberation process. Therefore, we advocate for a nuanced approach that recognizes the potential contributions of these individuals as informants while maintaining the necessary epistemic standards for deliberation.

The paper is organized as follows. First, we address the challenge of achieving full inclusivity in political deliberation, which poses difficulties for the conventional framework of deliberative democracy that relies heavily on cognitive capabilities. The introductory chapter explores the critique of the intellectual model, which overlooks and excludes the perspectives of individuals who do not meet the cognitive criteria. Some authors suggest including individuals with cognitive impairments by recognizing alternative forms of communication as valuable epistemic contributions. However, Thomas Schramme (2021) argues that relegating individuals with cognitive impairments to the role of contributors perpetuates political and epistemic injustices. In the second chapter, we analyze Schramme's joint-effort model, which advocates for the inclusion of "minority minds" as full-fledged deliberators to embrace cognitive diversity. While we acknowledge the importance of including individuals with mental difficulties in deliberative processes, we maintain the necessity of explicit prerequisites for being considered a deliberator. The third chapter examines the necessary deliberative capacities participants must possess in order to contribute effectively to the model's epistemic qualities. Our analysis concludes that reason-responsiveness, the ability to critically evaluate others' input and modify one's own opinions accordingly, is essential to the deliberative process. The model recognizes that some individuals with minority minds may possess the necessary abilities for

inclusion in deliberation when mild cognitive impairments are present. However, the fourth chapter acknowledges that individuals with severe mental disorders and developmental disabilities may not qualify as deliberators but may still contribute at earlier stages of deliberation. The criterion for recognition as a deliberator does not inherently perpetuate epistemic injustice towards those with minority minds, as their epistemic inputs are acknowledged and valued in our model.

## I

Deliberative democracy is a well-established theoretical framework for democratic decision-making that emphasizes the significance of inclusive and informed public deliberation in shaping policies and decisions. It aims to promote a collaborative and participatory approach to governance, empowering citizens to actively participate in the decision-making process. The model is based on the belief that, through dialogue and the exchange of ideas, citizens can collectively determine the most favorable course of action for the common good. Deliberation is considered a cognitive process, and thus, participants are expected to possess certain cognitive abilities, referred to as "deliberative capacities," in order to fully engage in the deliberative process. Advocates of this perspective argue that participants must have these deliberative capacities to ensure equal participation in the deliberation, as understanding each other is deemed essential for effective discourse.

Meeting the requirement for deliberators with the necessary cognitive abilities poses a challenge to the traditional concept of deliberative democracy's commitment to inclusivity<sup>1</sup>. Specifically, this requirement undermines the inclusion of individuals with cognitive disabilities and impairments. Stacy Clifford (2012) has proposed two approaches to address this dilemma. The first approach argues that the absence of individuals with cognitive disabilities does not diminish the legitimacy of public deliberation due to their relatively small numbers. The second approach suggests that these individuals be represented by their guardians or relevant experts. However, as Clifford points out, both approaches result in the exclusion of individuals with cognitive disabilities from the deliberative decision-making process. The fundamental principle of democracy, equal political influence for all, relies on inclusivity as its cornerstone. When certain individuals are prevented from participating in deliberations, the legitimacy of deliberative democracy is compromised, and the resulting decisions are deemed unjust.

Deliberative theory can be categorized into two distinct strands: liberal and critical, as highlighted by Clifford (2012: 212). The liberal strand emphasizes

<sup>1</sup> The legitimacy of decisions is widely recognized when those affected by them have equal opportunities to participate in the decision-making process. Therefore, proponents of deliberative democracy strongly emphasize the principle of inclusion.

reasonableness, rationality, and consensus as democratic norms. In contrast, critical deliberative theorists prioritize openness and inclusivity in democratic discourse. They argue that the liberal focus on rationality and consensus can lead to exclusionary practices that marginalize certain groups from full participation in the democratic process (Clifford, 2012; Young, 2000; Knight, 2015). Recently, scholars have utilized Miranda Fricker's model of epistemic injustice to illuminate the exclusion of individuals with disabilities from social practices. They emphasize that people with disabilities possess knowledge that is specific to their experiences, such as identifying effective medical treatments (Scrutton, 2017). Philosophers such as Havi Carel and Ian Kidd (2017) argue that individuals with certain impairments have a unique life experience that should be included in deliberation, as they possess a deep understanding of their own needs<sup>2</sup>. Similarly, authors like Dohmen (2016) highlight the issue of epistemic injustice towards disabled individuals<sup>3</sup>.

According to Stacy Clifford, including a variety of voices and perspectives, including those with mental disabilities, enhances the quality of political deliberation. She advocates for a model of deliberation that recognizes the value of non-verbal forms of communication and embodied presence, which allows for the inclusion of diverse bodies in public deliberation. Clifford emphasizes the interdependence between participants and the importance of understanding how their messages are interpreted by others. Through the example of Charles, a person with cognitive disabilities, she reevaluates her understanding of political participation and argues that even individuals with profound intellectual disabilities can also offer unique perspectives on democracy and alternative forms of political engagement. The physical presence of individuals like Charles is seen as a form of "embodied participation" that conveys a range of needs that may not be fully expressed by others. Clifford Simplican expands on this perspective, challenging dominant norms and rejecting the idea that selfhood is equated with the ability to

<sup>2</sup> Kidd and Carel (2017) assert that recognizing the significance of the lived experience of illness opens up a valuable domain of knowledge (p.186). This acknowledgment presents opportunities for deeper exploration and a reconfiguration of the knowledge dynamic between healthcare professionals and patients. It is important to note that Kidd and Carel do not assert that individuals with illnesses are consistently reliable sources of knowledge. They emphasize that severe cognitive impairments can greatly undermine their epistemic reliability. Their argument primarily centers on the tendency to make biased judgments regarding the epistemic credibility of patients, often influenced by negative stereotypes and structural aspects of healthcare practice.

<sup>3</sup> Dohmen (2016) argues that it is unwarranted to ascribe credibility deficits to individuals with mental disabilities as a generalization, as their capacities and experiences are diverse and distinct. This assumption mistakenly assumes that all individuals with such diagnoses inherently possess equal, often diminished, credibility. However, Dohmen highlights that severely mentally disabled individuals may not fit into Fricker's discourse on epistemic injustice due to their inability to communicate information or construct interpretations of shared social experiences, setting them apart (p.670).

speak or control oneself and the audience. The contribution of individuals with mental disabilities to political deliberation is seen as highly valuable and can help overcome epistemic errors and injustices in the process (Clifford, 2012; Clifford Simplican, 2015). In this context, Charlie's physical presence is viewed as a manifestation of "embodied participation," conveying a range of needs that neither his mother nor her supporters can comprehensively express in their son's absence (Clifford, 2012: 221). Clifford argues for a different understanding of political participation, one that will not be colored by epistemic errors and injustices<sup>4</sup>, and challenges "dominant norms, such as the idea that selfhood equates to speaking ability and that the self must be in control of herself and her audience" (2015: 19). In this sense, the contribution of individuals with mental disabilities to the process of political deliberation is of immensely important.

Thomas Schramme (2021) extends Clifford's concepts and proposes a more inclusive approach to deliberative democracy. He argues that the conventional understanding of deliberation is excessively focused on intellectual abilities, thereby excluding individuals with mental disorders from full participation. Schramme contends that individuals with different cognitive abilities can still provide valuable epistemic contributions and should be recognized as equal deliberators. By broadening the conditions of deliberation, Schramme seeks to overcome the limitations of the traditional framework and promote the active engagement of diverse individuals in the democratic process.

In the following chapter, we will conduct a thorough analysis of Schramme's alternative model of deliberation, which we perceive as overly extensive and all-encompassing in its application to decision-making processes and public justifications.

## II

Schramme's primary focus is on the inclusion of individuals with cognitive disabilities, whom he refers to as "minority minds"<sup>5</sup>. He criticizes the intellectual

<sup>4</sup> While Clifford does not explicitly reference Fricker's concept of epistemic injustice, she does acknowledge the epistemic mistakes that occur in deliberative practices concerning individuals with cognitive disabilities. She points out that when people with intellectual disabilities are approached with a rigid measuring standard, it perpetuates the problematic aspects of the medical model. This reductionist approach fails to recognize them as complex individuals whose qualities cannot be fully captured by measurements alone and results in judgment based solely on their measured outcomes (Clifford, 2015: 11).

<sup>5</sup> Schramme, in order to avoid stigmatization and the medicalization of individuals with cognitive differences, chooses to use the term "minority minds" or "people with minority minds" instead of terms like "mental disability" or "mental illness." This shift in language aims to focus on their relevance to discourse practices and deliberative abilities rather than their medical condition (Schramme, 2021: 2-3).

model of deliberative democracy for prioritizing the cognitive abilities of participants, which leads to the exclusion of individuals with minority minds based on perceived abnormalities. He argues that this exclusion is unjustifiable and perpetuates political and epistemic injustices<sup>6</sup>. Excluding individuals with cognitive disabilities reproduces ableist attitudes and denies them full participation in democratic decision-making, violating the principle of democratic equality and resulting in illegitimate political decisions. Schramme emphasizes the need to challenge this exclusion and promote the inclusion of individuals with cognitive disabilities in the deliberative process. In addition to the exclusionary nature of the intellectual model of deliberation, Schramme highlights the epistemic injustice that arises from the emphasis on intellectual abilities. By prioritizing cognitive capabilities such as argumentation and critical evaluation, the model undervalues the experiences and perspectives of individuals with different cognitive abilities, including those with cognitive disabilities. This emphasis creates a barrier to their effective participation in the deliberative process, resulting in their voices being marginalized or ignored. As a consequence, the intellectual model limits the range of views and knowledge available, leading to a limited and potentially biased understanding of the issues being discussed. Schramme argues that this failure to account for the diverse ways in which individuals contribute to deliberation undermines the epistemic quality of decision-making<sup>7</sup>.

Due to the inevitability of such unjust practices in the intellectual model, Schramme proposes an alternative model of deliberation, one that is sensitive to vulnerable political and epistemic status of individuals with minority minds. In light of this, he introduces the joint-effort model to broaden the parameters of who can participate in the deliberation process (2021: 5). The latter is achieved by recognizing that individuals with intellectual disabilities possess unique deliberative capacities and can contribute meaningfully to the decision-making process. This alternative model of deliberation stresses the need for alternative norms for deliberative contributions. Schramme argues that, through the lens of the joint-effort model of deliberation, individuals with cognitive disabilities, for example, those with schizophrenia and some forms of autism spectrum disorders, may have the necessary deliberative capacities to engage in deliberative practices<sup>8</sup>.

<sup>6</sup> Schramme critiques the traditional biomedical model that solely focuses on cognitive disabilities as the determinant of deliberative incapacity. He argues that within an intellectual model of deliberation, the standards of a capable deliberator are defined in a way that excludes individuals with cognitive disabilities or minority minds from being considered deliberatively capable (Schramme, 2021).

<sup>7</sup> Similar ideas are found in Clifford, 2012; Clifford Simplican, 2015.

<sup>8</sup> Schramme (2021, 10-11) highlights two key issues: the inadequate recognition of the capabilities of individuals with minority minds and the insufficient acknowledgment of disabling societal structures. He emphasizes that many mental impairments, such as schizophrenia, exhibit intermittent rather than permanent symptoms. For instance, individuals with schizophrenia may experience delusional or hallucinatory symptoms only during episodes of psychosis. Schramme

Furthermore, according to Schramme, even individuals with more severe forms of cognitive disabilities can be included in full-fledged deliberation, with the introduction of the notion of deliberative performances and minimal deliberative capacities.

Given that the joint-effort model is based on joint practice, Schramme claims that it is impossible to identify specific individual capacities that are necessary for deliberators to have in general. Instead, Schramme believes that deliberators' capacities should be assessed on a case-by-case basis, taking into account the specific context and aims of the deliberation. Nevertheless, the criteria for being considered a deliberator, given the rigorous demands of the deliberation process, remain unclear as Schramme refrains from addressing this issue directly. Instead, the quality of deliberation depends on the level of diversity within the group. Cognitive diversity refers to the variety of knowledge, experiences, and perspectives that each individual brings to the table. By incorporating these diverse perspectives, the group can develop a more comprehensive and nuanced understanding of the issue at hand. The joint-effort model is not just about allowing individuals with different intellectual abilities to participate in the deliberation process. Rather, it is about recognizing that everyone has a unique perspective to offer and that each perspective is valuable in its own right (2021: 6).

The extent to which individuals with mental disorders can contribute to deliberation processes in a meaningful way remains uncertain, and Schramme's position on this matter warrants further investigation. Specifically, he argues that the indirect inclusion of such individuals is inadequate, and their participation should not be limited to offering exotic "disabled speech" contributions or providing insights into life with a disability (Schramme 2021, 6).

In this sense, Schramme's perspective differs from Clifford's notion of inclusion of individuals with disabilities. Specifically, Schramme posits that the mere inclusion of individuals with disabilities in the deliberative process is inadequate as it fails to recognize their capacity to contribute as equal deliberators. Instead, such individuals are often viewed as sources of information that other deliberators may utilize. To address this problem, Schramme proposes a shift in the criteria for being a deliberator, with the understanding that everyone should be considered capable of engaging in deliberative discourse. Thus, individuals with minority minds should be genuinely involved in collective deliberation efforts<sup>9</sup>.

argues that with appropriate social and medical support, individuals with schizophrenia can lead lives that are comparable to what is considered normal. He further points out that many individuals with schizophrenia possess the capacity for deliberation and have even achieved recognition as well-known politicians. By highlighting these examples, Schramme challenges the assumption that individuals with cognitive disabilities are inherently incapable of meaningful participation in the deliberative process.

<sup>9</sup> Schramme's proposition aligns with the concept of complete inclusion of people with mental disorders in the deliberation process, where everyone is considered capable of participating. To



Notwithstanding, the exact definition and manifestation of "genuine participation" of individuals with mental impairments, particularly those with severe forms, remains somewhat unclear in this particular context.

Schramme's description focuses on the valuable contributions that individuals with minority minds can bring to deliberation through their specific types of ignorance. These types include norms of normality, social norms, and epistemic norms, where their unique perspective challenges established norms and offer alternative conclusions<sup>10</sup>. However, how individuals with minority minds participate in deliberative practices is not directly addressed by Schramme<sup>11</sup>. It remains unclear how these contributions differ from Clifford's embodied participation thesis regarding the role of individuals with mental impairments. Schramme sees the latter as incomplete for achieving full participation in deliberation.

Although we agree with Schramme's proposal to increase the inclusion of individuals with mental disorders in the deliberation process, we have concerns about his views on deliberation. We believe that Schramme's minimum conditions for entry into the deliberation process are insufficient to address the complex political decisions that such processes generate. While we support Schramme's call for epistemic diversity and the development of a model sensitive to epistemic injustices, we believe that the application of his model to deliberative decision-making procedures itself is vulnerable to such injustices. Specifically, Schramme acknowledges that certain deliberative processes require greater

exemplify, Raisio, Valkama, and Peltola (2014) recommend a citizens' jury for people with disabilities that can advance a diverse range of participants in the larger deliberative system. As a result, people with mental disorders can participate in decision-making through citizens' jury interactions. Furthermore, Nierse and Abma (2011) suggest deliberation solely for those with intellectual disabilities as a route to wider societal involvement.

<sup>10</sup> Clifford Simpican (2015) also recognizes the contribution that ignorance can make, based on the disturbances in norms it causes. She shares an experience with Charles, who is an effective self-advocate precisely because he disrupts dominant norms of political identity and comportment. Clifford Simpican initially struggled with the expectations of proper dinner conversation when communicating with Charles, as he was difficult to hear and understand. However, they found ways to make their conversation work through impromptu signs and a unique private language involving smiles, eyebrow-raising, and belly patting. Their communication had to forge new pathways to be effective (Clifford Simpican, 2015: 18).

<sup>11</sup> One type of ignorance that can lead to valuable contributions by individuals with minority minds pertains to norms of normality. Their unique perspective can enable decision-making that circumvents the influence of normal expectations. Another type of ignorance relates to social norms, whereby individuals with minority minds can challenge established norms and contribute to epistemic discourse by questioning their justification. Finally, the third type of ignorance is related to epistemic norms, where some individuals with minority minds possess atypical ways of thinking that can generate alternative conclusions. This has implications for mainstream thinking, which relies heavily on argumentation and logic (Schramme, 2021: 17).

intellectual ability than his minimum conditions prescribe<sup>12</sup>. In these situations, individuals with mental disorders may be unable to participate as deliberators, and their voices may be silenced and marginalized. To address this issue, we propose the introduction of a new category in deliberative decision-making processes - that of informants. The inclusion of the informant in the deliberation process is essential to creating a truly inclusive and just democratic system. The informant is an individual with life experiences that may not align with the normative structures of society, such as those who hold minority opinions. By giving voice to these individuals, the informant offers unique insights into the realities of marginalized communities and how society can better meet their needs. In addition to verbal communication, our model also recognizes the importance of alternative forms of communication. This may include nonverbal cues, such as facial expressions and body language, or the use of assistive technologies that allow individuals with communication barriers to express their needs and interests. By acknowledging people's different ways of communicating, we can ensure that all voices are heard and valued in the deliberation process.

By including informants in the deliberation process, we can overcome the limitations of Schramme's model and create a more inclusive and just democratic system. However, it is important to maintain the notion that individuals participating in the deliberation process must possess the intellectual capacity necessary to argue, exchange ideas, and critically evaluate positions. Our model prioritizes cooperation between both deliberators and informants. Through this collaborative approach, informants can contribute valuable information about their needs and interests, while deliberators can utilize their intellectual capacities to synthesize this information and make decisions that are in line with the well-being of the informants themselves, as well as with the common good. This cooperative interaction ensures that the deliberation process benefits from both the unique perspectives of the informants and the critical thinking abilities of the deliberators. By embracing the participation of informants alongside deliberators, we create a space where diverse voices are heard and considered. This not only increases the inclusivity of the deliberation process but also promotes a more just democratic system that takes into account the experiences and needs of marginalized communities.

<sup>12</sup> "Surely, there may be specific contexts of deliberation that require a more restrictive conception of minimal deliberative capacities, for instance, a debate on the tax rate within a country. But the idea of deliberation as such would only allow for a very inclusive, minimal standard of deliberative capacity" (Schramme, 2021: 15).

### III

Deliberation can take many forms and be used within different (formal and informal) contexts to achieve different goals. While Schramme and Clifford often broadly use the term, regarding it as an all-encompassing discursive practice, we address public deliberation in a rather narrow way, regarding it primarily as a collective decision-making procedure. Although Schramme argues that "the relevant norms regarding the exclusion of people with minority minds need to be specified for different contexts," he mainly focuses on "political deliberation, which regularly involves decisions that lead to sanctioned norms" (Schramme, 2021: 3). Therefore, while we agree with Schramme that different contexts require different norms, we believe the norms he proposes for the context of political deliberation are flawed and inadequate.

Political philosophy distinguishes between two traditional models of democratic decision-making: an aggregative model and a deliberative model. Epistemic democracy, an approach that considers democracy's legitimacy to be based, at least in part, on its epistemic qualities, can accommodate both of these models. Advocates of aggregative epistemic democracy, such as Arrow (1984) and Goodin and List (2001), argue that citizens provide relevant epistemic input through voting in elections and utilizing other aggregative mechanisms. These mechanisms help organize the epistemic contributions of citizens, including their beliefs, opinions, and values transformed into voting preferences. By incorporating and organizing citizens' political input through inclusive aggregative procedures, the aim is to produce political decisions that are grounded in this collective epistemic input. The expectation is that the more inclusive these procedures are, by involving a broader range of beliefs, values, and preferences, the better the final decisions will be, as they will be more aligned with the public good<sup>13</sup>.

Deliberative epistemic democrats, including Cohen (1986), Estlund (2008), Landemore (2013), and Cerovac (2020; 2021), emphasize the epistemic value of democracy in relation to the qualities of public deliberation. In their view, citizens' epistemic input extends beyond mere beliefs and preferences. Instead, citizens are expected to provide reasons, evidence, and arguments to substantiate their views, while also engaging in the evaluation of the epistemic contributions of others. Once again, the aim is to collect and organize citizens' political input through inclusive deliberative procedures, with the expectation that this inclusivity will enhance the quality of final decisions. Inclusive procedures facilitate the introduction of new arguments, perspectives, and modes of reasoning, enabling a critical assessment of existing positions and arguments in the debate. They promote the identification of biases, fallacies, and claims lacking proper evidence.

<sup>13</sup> Of course, provided that the citizens form their beliefs and voting preferences autonomously and are not being manipulated or systematically misled.

While the deliberative model and the aggregative model of democratic decision-making differ in various aspects, we will specifically focus on the required capacities of participants concerning the realization of their epistemic qualities. Traditionally, the deliberative model is more demanding, expecting citizens to possess the ability to construct well-structured arguments and engage in debates and discussions with others. However, we acknowledge that this traditional model can be seen as excessively intellectual (Schramme, 2021: 5), and that citizens' epistemic contributions to collective deliberation can manifest in other forms. These may include storytelling, rhetoric (Bachtiger et al., 2010: 35), or even political visual arts. Consequently, we tend to agree that one does not necessarily need to possess the capacity to articulate finely-crafted arguments to participate in collective deliberation. Forms of expression such as creating political graffiti or using non-verbal cues and sounds (Clifford, 2012: 221) can constitute valid forms of epistemic contribution to the public debate.

We hold that one of the key aspects of deliberative democracy is not contained in the epistemic input one can provide, but in the ability to assess and evaluate the epistemic contribution provided by others. Namely, as indicated by one of the leading scholars in his seminal paper "An Epistemic Conception of Democracy," public deliberation cannot properly realize its epistemic value if the deliberators lack the capacity to revise their own beliefs, values, and preferences in light of the epistemic input (arguments, reasons, and, for the sake of this paper, also storytelling and non-verbal grunts) provided by others (Cohen 1986). The whole point behind the exchange of reasons and arguments (and other forms of epistemic input) is the aspiration to influence (in a non-coercive and non-manipulative way) the political opinions of others and the ability to use the epistemic contribution provided by others to correct our own biases and mistakes in reasoning. After all, although consensus is often considered the ideal result of collective deliberation, all scholars agree that deliberation often falls short of achieving unanimous agreement on any political issue and therefore falls back to post-deliberative voting. However, the idea is that the results of post-deliberative voting will be epistemically superior to those produced by pre-deliberative voting because citizens have had the opportunity to critically engage in the deliberative process, evaluate their reasons and the epistemic input provided by others, and modify their views and preferences<sup>14</sup>.

This implies that the deliberators should have the cognitive ability to be reason-responsive, i.e., to be able to critically evaluate the epistemic input provided by others and to modify their own opinions and preferences. This is a crucial deliberative capacity that Schramme seems to neglect within his account of the required capacities of deliberators. Indeed, it would be too demanding to ask for all deliberators to fully grasp and understand all the epistemic contributions

<sup>14</sup> See Estlund (2008), Talisse (2009), Landemore (2013) and Cerovac (2020).

participants have provided during the deliberation. Yet, we can reasonably require deliberators to be reason-responsive in principle and to have the capacity to modify their beliefs considering reasons they find relevant and appropriate. While some citizens with minority minds possess this capacity and can participate as deliberators in collective deliberation, there are also those who have the relevant capacity but are unable to exercise it because the existing deliberative practices provide the relevant information in a way that is not properly adapted to the specific requirements of minority minds. Negating the deliberator status of the latter represents a case of epistemic (and political) injustice. However, there are also people with minority minds who lack the basic capacity to revise their own beliefs and preferences in light of the epistemic contribution of others, even when there is a serious effort to adapt this epistemic contribution to meet their special requirements. Consider, for example, people suffering from serious neurodevelopmental disorders, such as profound disorders of intellectual development or autism spectrum disorders with disorders of intellectual development and the absence of functional language. While there is some validity in the claim that such people can participate in the deliberative process as contributors (e.g., even non-verbal grunts can be considered relevant epistemic contributions), it seems they lack the capacity to evaluate the epistemic contribution of others and to modify their own beliefs and preferences, implying that they cannot participate as deliberators.

The distinction between contributors and deliberators becomes more significant when we consider deliberative decision-making procedures. The epistemic value of such procedures is not solely determined by the quantity of epistemic input gathered from citizens, but also by their capacity to evaluate and utilize that input, and to adjust their political opinions and voting preferences accordingly. The significance of different perspectives in terms of their epistemic value diminishes if citizens lack the ability to be reason-responsive, meaning they are unable to change their original beliefs and preferences after the deliberation process (and before voting). Schramme presents three arguments that demonstrate the epistemic value of democratic deliberation. However, we argue that these arguments cannot fulfill their intended purpose if we adopt Schramme's inclusive view, which does not distinguish between contributors and deliberators. The foundation of these three arguments relies on the assumption that participants, specifically deliberators, are reason-responsive and possess the capacity to evaluate and utilize the epistemic contribution provided by others.

First, consider Estlund's (2008) well-known parable of blind individuals exploring an elephant. Individually, each person can only perceive a limited part of the elephant and cannot determine the true nature of the animal. They can employ a simple aggregative procedure, where each person relies solely on their limited knowledge and expresses their opinion based on their personal

exploration. However, there are valid reasons to be skeptical about the epistemic qualities of such a decision-making process<sup>15</sup>. Unlike this simplistic approach, deliberative procedures enable participants to communicate their perspectives and provide epistemic input before the voting occurs. Both contributors and deliberators can contribute to this input. Nevertheless, deliberative procedures typically culminate in post-deliberative voting. The aim is that because participants have considered the epistemic contributions of others, their post-deliberative voting will be more informed and yield better outcomes. However, this is only true if we assume that those participating in the post-deliberative voting process possess the capacity to evaluate the epistemic contributions provided by others, reflect on their own opinions, and be open to modifying them. If those participating in the post-deliberative voting process lack this crucial capacity, we cannot anticipate an epistemic improvement between pre-deliberative and post-deliberative voting. In such a scenario, the process would accumulate a significant amount of epistemic input but would be unable to effectively utilize it in order to generate correct outcomes.

Second, Schramme explores the analyses of Estlund (2008) and Landemore (2012), who examine the film *Twelve Angry Men* to illustrate the transformative potential of collective deliberation in the decision-making process. Initially, the majority of the jury members believe and vote for the defendant's guilt. However, through prolonged deliberation, their perspectives gradually shift until they reach a unanimous vote of not guilty. This example, like others, assumes that the deliberators possess the capacity to assess the epistemic contributions of others and are willing to revise their initial opinions. The entire deliberative process unfolds because Juror 8, who believes in the presence of reasonable doubt, is confident that he can present compelling reasons and arguments to persuade others to change their stance. If the other jurors were unresponsive to reasons, there would be no distinction between pre-deliberative and post-deliberative voting, rendering the collective deliberation devoid of instrumental epistemic value.

Landemore (2013) emphasizes the significance of reason-responsiveness, stating that having a larger group of average individuals with cognitive diversity is epistemically preferable to a smaller group consisting of highly intelligent but homogeneous thinkers. The implication is that a more inclusive group, as long as its members meet certain minimum epistemic standards such as being reason-responsive and open to modifying their opinions based on better reasons or

<sup>15</sup> Some proponents of aggregative epistemic democracy may invoke Condorcet's Jury Theorem to support the idea that pre-deliberative voting can possess instrumental epistemic qualities and effectively lead to accurate outcomes, given certain conditions. These conditions typically involve ensuring epistemic independence among the votes, employing binary voting options, and assuming that each voter is sufficiently competent to vote correctly in more than 50% of the relevant cases (Goodin and Spiekermann, 2019).

relevant epistemic inputs from others, will yield superior epistemic outcomes. The diversity of perspectives and the capacity for critical evaluation and adjustment contribute to the collective's ability to arrive at more informed and robust decisions.

We argue that maintaining the distinction between deliberators and contributors is warranted even when deliberation is viewed as a collaborative endeavor. As deliberation is understood as a decision-making or decision-authorizing process, it allows for multiple stages, and not everyone is considered suitable for participation in each stage. While individuals with minority minds, including those affected by serious mental disorders and developmental impairments, may participate as contributors in the initial stages of deliberation, where epistemic input is gathered and organized, they may not be considered deliberators in the later stages. During these later stages, deliberators are expected to critically reflect on relevant epistemic considerations and make informed political decisions. It is crucial to avoid succumbing to identity biases and instead evaluate the actual capacities of individuals on a case-by-case basis (Schramme 2021). Our main intention is to demonstrate that deliberation loses its epistemic qualities when equal standards for participation are applied across all deliberative stages. On one hand, if we adopt narrow and exclusive requirements in the earlier stages, disqualifying people with minority minds and severe impairments, we may overlook valuable epistemic perspectives they could contribute. On the other hand, if we adopt broad and inclusive requirements in the later stages, including even those with severe cognitive impairments who lack reason-responsiveness as deliberators, we risk compromising the epistemic quality of the deliberative process by hindering its ability to effectively utilize accumulated epistemic contributions and reach optimal decisions.

It is important to note that we do not exclude all individuals with minority minds from the later stages of the deliberative decision-making process. Functioning individuals with mild cognitive impairments, such as those diagnosed with Asperger's syndrome or other high-functioning forms of autism, should participate in all deliberative stages. However, given the profound cognitive differences among individuals with minority minds, severe cognitive impairments may result in epistemic capacities that make such individuals more suitable as contributors rather than deliberators.

#### IV

The latter stages of political deliberation involve critical assessment, evaluation of reasons and evidence, and the modification of political opinions and preferences based on the perceived strength of arguments. These stages also encompass voting on the best solutions to political issues when a full agreement is

not reached<sup>16</sup>. Excluding individuals with severe cognitive impairments from these later stages could result in their disenfranchisement, as they would be denied the opportunity to participate in decision-making processes. While some may find this exclusion highly unjustifiable, we argue that in certain contexts, such exclusion can be deemed appropriate. Epistemic democrats view the right to vote as conditional, recognizing that its exercise should promote the epistemic quality of political outcomes (Mill 1977; Cerovac 2022). In this view, enfranchisement is linked to individuals' legal capacity, which refers to their ability to manage their personal affairs. Denying legal capacity while granting voting rights would imply that individuals are unfit to manage their personal affairs but fit to make decisions regarding the affairs of others (Mill 1977). Therefore, it is reasonable to consider legal capacity as a relevant criterion for determining voting rights. The capacities necessary for enfranchisement should be at least as demanding as those required for legal capacity, if not more stringent. This ensures that individuals have the cognitive abilities and decision-making skills necessary to participate in the deliberative process effectively and make informed political choices. It is important to emphasize that the determination of specific criteria for enfranchisement should be approached with careful consideration and should not be used as a means to unjustly exclude individuals from their basic democratic rights. Context, individual assessment, and respect for the principles of inclusivity and equal representation should guide any such decisions.

Again, raising the bar when it comes to suffrage in the later stages of political deliberation does not imply that people with minority minds should be excluded from political deliberation. First, people with severe cognitive impairments can be included as contributors in the earlier stages of the deliberative process<sup>17</sup>. Second, people with mild cognitive impairments can be included as deliberators in all stages of the deliberative decision-making process. To exclude them from the deliberative stages for which they have relevant capacities would not only be an instance of epistemic injustice but would also reduce the epistemic quality of deliberation, thus diminishing the legitimacy-generating potential of democratic procedures. However, including those who lack the relevant capacities (e.g., including people with severe cognitive impairments as deliberators in the later stages of political deliberation) would similarly diminish the epistemic quality of

<sup>16</sup> Of course, this does not imply that collective deliberation calls for direct democracy. Deliberation and subsequent voting procedures can be (and typically are) used to elect and authorize political representatives.

<sup>17</sup> This does not imply that the perspectives of people with severe cognitive impairments should be completely disregarded in the later stages of the deliberative process. They can still have advocates and guardians who will defend their interests and try to represent their perspectives. However, the advocates and guardians themselves will not be severely cognitively impaired and will be able to understand the arguments of others and revise their own opinions in the light of better reasons.



political deliberation, thereby reducing democracy's legitimacy-generating potential<sup>18</sup>.

Finally, our thesis applies only to the inclusion of people with minority minds in more or less formal deliberative decision-making procedures. Deliberation, including deliberation on political issues, also takes place in non-formal contexts. In these contexts, however, there is no direct connection between participation in discursive practices and decision-making processes. Regulative norms concerning exclusion from participation in such discursive practices should be less strict and, in many cases, should aim to promote a plurality of perspectives<sup>19</sup>.

## V

In this paper, we examined how including individuals with mental disorders can potentially be a barrier to deliberative democracy as it perpetuates political and epistemic injustices. We demonstrated how authors like Clifford (2012, 2015) expand the concept of political participation and communication norms within political discourse to increase the space for inclusion. On the other hand, Schramme (2021) proposes a model that seeks greater participation of individuals with cognitive disabilities, which he refers to as "minority minds." The stronger participation in Schramme's joint effort model is reflected in the expansion of the criteria for being a deliberator, meaning that anyone is considered "fit to be" a deliberator. However, we believe that such a model sets standards of deliberation too low.

Furthermore, we argue that the participation conditions established in his model are too minimal to fully depict a complete deliberator in a complex process like deliberation. Applying Schramme's model to political decision-making practices may be too lenient in accepting a wide range of practices as legitimate means of deliberative contribution within a joint deliberative justificatory discourse. This could result in a lack of clarity and consistency in the deliberative

<sup>18</sup> For a few institutional recommendations on fighting epistemic injustice, see Samaržija and Cerovac (2021).

<sup>19</sup> Consider Mill's (1977) stance towards the inclusion of people who have not acquired even the most basic education in the deliberative processes. There is a lot of controversy regarding his arguments regarding education and suffrage, and we are using them only to illustrate our point. Namely, Mill held that individuals who lack the capacity or motivation to complete even the most basic levels of education, especially when the government has provided access to basic education for all, should be excluded from participation in the decision-making process. However, Mill argued against (virtually) all forms of censorship and believed that looking at an issue from different perspectives is epistemically advantageous. He would never support the exclusion of such people from discursive practices, even when they pertain to deliberation on political issues in non-formal spheres (Cerovac, 2022).

process, potentially hindering the ability of all qualified participants to fully engage in meaningful and productive discourse.

Hence, our stance asserts that effective deliberators are those who possess the cognitive capacity to be responsive to reason, which means that they can critically evaluate epistemic input provided by others and modify their opinions accordingly. This crucial deliberative capacity is overlooked by Schramme. While expecting all deliberators to comprehend every participant's contribution is unrealistic, it is reasonable to demand that they are reason-responsive in principle and can revise their beliefs based on relevant and appropriate reasons.

While some individuals with minority minds have this capacity and can engage in collective deliberation as deliberators, others who possess the necessary capacity cannot exercise it due to existing deliberative practices not accommodating their specific requirements. Disqualifying such individuals from the status of deliberators is an act of epistemic (and political) injustice. However, some individuals with minority minds lack the essential capacity to modify their beliefs and preferences in response to others.

Although some may view the exclusion of citizens from a fundamental democratic right as highly unjustifiable (Schramme 2021: 4), we contend that in certain situations, such exclusion may be appropriate. Furthermore, by differentiating between multiple stages of the deliberative process, we recognize that not every individual is deemed suitable to participate in each stage. While some citizens with minority minds, such as those who experience significant mental disorders and developmental impairments, may be considered contributors in the earlier stages of collecting and organizing epistemic input, they cannot be considered deliberators in the later stages. Although their capacity to participate in decision-making may be limited, their unique perspectives and experiences can be invaluable in the early stages of the deliberative process. It is important to recognize and value the contributions of these individuals as informants. This can help ensure that their voices are heard and that their epistemic contribution is taken into account when making decisions that may affect them. By including them as informants, we avoid the problem of perpetuating epistemic injustice while maintaining the epistemic quality of deliberation and the legitimacy-generating potential of democratic procedures.

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