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## Enfranchising the Youth

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### ABSTRACT

Democratic theorists tend to assume, without a great deal of argument, that age-based discrimination in access to the franchise is justified. In this paper, I challenge the orthodoxy. I argue that all major, plausible accounts of the justification of democracy converge upon a requirement to enfranchise a substantial proportion of the child population. Along the way, I consider and respond to several challenges that have been raised to child enfranchisement.

**KEYWORDS** Children; democratic theory; enfranchisement; political philosophy; voting

The twentieth century bore witness to a great expansion in access to voting rights worldwide. Australia extended the franchise to women in 1902, followed by Canada and the UK in 1918, and the US in 1920. Indigenous Australians were given the right to vote in Federal Elections in 1962. The *Voting Rights Act* of 1965 ended the most egregious cases of the disenfranchisement of African Americans in the South. The blanket exclusion of those under 18, however, remains a virtually constant feature of democratic societies. Survey data shows that most people support these arrangements.<sup>1</sup> Most major works in democratic theory do not mention the issue at all (e.g. Estlund, 2008; Kolodny, 2014; Pettit, 2012; Waldron, 1999). Those which do, tend to assume that children's exclusion is justified without much argument (e.g. Dahl, 1989, pp. 56, 126–127).

This paper challenges the conventional wisdom. The argument developed over the following pages is an argument from convergence.<sup>2</sup> Such arguments proceed not by adopting any particular theoretical approach to a given issue and arguing for some conclusion on the basis of that approach, but rather by demonstrating that multiple theoretical approaches converge upon a common conclusion. The principal virtue of such arguments is epistemic. Arguments rooted in particular theoretical approaches necessarily provide evidential support for their conclusions only in proportion to the degree of confidence it is rationally appropriate to have in the underlying

approach. Arguments from convergence provide stronger evidential support for their conclusions, insofar as they demonstrate that if any of the relevant approaches turns out to be right, one has reason to accept the conclusion in question.

In the case at hand, the relevant theoretical approaches are accounts of the justification of democracy. These approaches seek to identify some value or values by appeal to which the institutions of contemporary democratic societies may be justified, and explain how this is so. There are, as we shall see, several conflicting approaches of this kind. Powerful arguments have been marshalled for and against each. Without endorsing any particular approach, I will argue that proponents of each of the most prominent of these approaches have powerful reason to endorse a requirement that children from around the age of 12 be enfranchised. This convergence, I contend, constitutes substantial evidence that the blanket exclusion of such children from the franchise is unjust.

The paper is in four sections. The first section discusses instrumental approaches. I argue that the goods to which proponents of these views have characteristically appealed would likely be better promoted by the enfranchisement of minors than by their continued exclusion. The second section discusses non-instrumental approaches. I argue that the values to which proponents of these accounts characteristically appeal to justify universal adult suffrage also ground claims to enfranchisement for many children. Both these sections engage with a wide range of objections to child enfranchisement. The third section briefly discusses some practical implications. The final section concludes.

## Instrumental Approaches

Instrumental approaches seek to ground the justification of democratic institutions in the values that democratic decision-making characteristically promotes, rather than any values embodied in democratic institutions themselves. The two most prominent instrumental approaches are the epistemic approach and the participatory approach. Proponents of both these approaches, I argue, have reason to endorse the enfranchisement of children. Let us consider each in turn.

### *The Epistemic Approach*

Epistemic democrats (e.g. Estlund, 2008; Landemore, 2013) argue that democratic institutions are justified because they are, relative to feasible/ reasonable alternative political decision-making procedures, likely to reliably produce the highest-quality political decisions, as judged by some procedure-independent standard. The quality of democratic decisions is a



function of democracy's performance at three tasks – devising policy options, choosing between those options, and revising policies over time. Enfranchising minors might plausibly lead to improvements at all these tasks and, therefore, to higher-quality decisions. Epistemic democrats, then, have reason to favour the enfranchisement of children.

The enfranchisement of minors might, first, lead officials and candidates to generate higher-quality options.<sup>3</sup> The extension of the franchise to previously excluded groups gives rise to powerful incentives for political parties to promote the interests of that group. Numerous empirical studies have found a positive connection between the enfranchisement of previously disenfranchised groups – e.g. women (Aidt & Dallal, 2008), the unwealthy (Abou-Chadi & Orlowski, 2015), and African Americans (Husted & Kenny, 1997) – and an increased allocation of resources to those groups by government. We might plausibly hope, then, that the enfranchisement of children would give political leaders more powerful incentives to protect and promote children's interests. There are many ways in which politicians might seek to do so. They might, for instance, be inclined to allocate a greater proportion of social resources to children, promoting their welfare in an absolute sense, and redressing some of the substantial inequalities that presently obtain between the generations.<sup>4</sup>

The enfranchisement of children might, secondly, improve the ability of the electorate to *choose between* these options. The Condorcet Jury Theorem – as generalised by List and Goodin (2001) – shows that where individuals (1) are on average more likely to vote for the right (i.e. morally best) option than any other, and (2) make their decisions independently, the probability of the group selecting the right option rapidly approaches 1 as the size of the electorate increases.<sup>5</sup> The Condorcetian argument for universal adult suffrage is obvious – the larger the electorate, the greater the epistemic competency of the democratic system, other things equal. But the jury theorem, as Goodin and Lau (2011) and Olsson (2008) point out, also lends support to the enfranchisement of minors. Provided that the addition of children does not mean that, on average, the electorate is more likely to vote for the wrong answer than the right answer, the group will still be virtually certain to choose correctly.

Goodin and Lau (2011, p. 161) offer the following example. Suppose that some electorate of 100,000,000 adults is on average 0.52 likely to select the correct answer in a two-option choice. 20,000,000 children are to be added to the electorate. These children would have to have an average competency of 0.4 or worse for the electorate's average competency to fall below 0.5. It hardly seems likely that children are *that* much worse than adults on average. Much more likely is that their addition will either marginally improve the competency of the electorate, in which case there is a clear

Condorcetian argument for their enfranchisement, or have no significant impact.

Moreover, evidence from various civics programmes which involve 'mock' political participation (e.g. Kids Voting USA) appears to show that such programmes also increase adult turnout, as well as adults' consumption of political news and levels political knowledge (Linimon & Joslyn, 2002; Mcdevitt & Chaffee, 2000). We might reasonably hope that allowing children to participate for real might have similar effects. This should also promote the epistemic competency of the electorate – by increasing both the total number of voters and their average competency.

Finally, enfranchising children might improve democracies' abilities to assess the merits of, and revise, existing policies. Following Anderson (2006) and Putnam (1990), we can think of democracies as engaged in an ongoing process of 'hypothesis testing' as to the extent to which various policies promote the common good. Democratic feedback mechanisms (deliberation, voting, and so on) provide data to be integrated into an assessment of policies, on the basis of which reforms might be implemented. Universal suffrage is justified, on such accounts, as a means of gathering the most extensive possible data-set. There is every reason to think that minors' contributions might well be valuable in this respect. Minors are uniquely situated with respect to government policy. *Inter alia*, they are subject to substantially more governmental control, liable to experience the effects of changes in social policy to deal with (or fail to deal with) problems with longer time horizons (e.g. climate change) in a way many adults will not, and have distinctive interests given their more limited capacities.<sup>6</sup> They might, as such, be expected to bring a distinctive perspective to the ongoing assessment of social policies. Enfranchising children would be a valuable means of capturing this data, both because their votes would be weighted alongside those of adults, but also because it would plausibly give more children reason to participate in deliberation (or, at least, political discussion) with other citizens. The result should be a more complete assessment of the merits of existing social policies and a more informed reform agenda. For all these reasons, enfranchising minors might be expected to promote higher-quality decision-making.

At this point, it is worth considering an important line of critique from Hinrichs (2002). The epistemic benefits of child enfranchisement rely upon a sufficient proportion of the youth *exercising* the franchise. Yet some evidence, at least, suggests that minors will not participate in great numbers. Children, on the whole, are less interested in politics than adults (Chan & Clayton, 2006, pp. 542–546; Hart & Atkins, 2011, pp. 207–212). In German municipal elections in which 16–17-year-olds have been enfranchised, turnout among 16–17-year-olds is lower than that of all other age groups



(Hinrichs, 2002, p. 41). The epistemic benefits of child enfranchisement, then, seem unlikely to materialise.

I think such pessimism misplaced. Consider that in the first few years of adulthood, age is *negatively* correlated with turnout (Bhatti & Hansen, 2012). As young adults mature, they are less likely to live with their parents or attend school, both of which are strongly correlated with political participation (Fieldhouse & Cutts, 2012; Highton & Wolfinger, 2001, pp. 206–207).<sup>7</sup> As such, children (who are likely to still live with their parents and attend school) might well be *more* likely to vote than young adults. *Pace* Hinrichs, there is a growing body of evidence in support of this hypothesis. In the 2014 referendum on Scottish independence, turnout amongst 16–17-year olds (75%) was significantly *higher* than turnout amongst 18–24-year-olds (54%) (Commission, 2014, p. 64). In 2010 regional elections in Vienna, turnout among 16–17-year-olds (64.2%) was significantly higher than turnout among 18–20 year-olds (56.3%) (Zeglovits & Aichholzer, 2014, p. 358). And, in a 2011 trial wherein 16–17-year-olds were enfranchised in a number of Norwegian municipal elections, 16–17-year-olds (58%) participated at higher rates than both 18–21-year-olds (46%) and 22–29-year-olds (42%) (Godli, 2015, p. 163). Moreover, even if rates of youth participation are low, they may nevertheless be significant *enough*. In tight elections, for instance, politicians may still have incentives to appeal to that proportion of the youth that is likely to turn out. There are also institutional means of promoting youth participation – compulsory voting, for instance. For defences of compulsory voting, see Hill (2014), and Umbers (*in press*).

*A fortiori*, many proponents of lowering the voting age argue that doing so is likely to increase overall political participation over the long term.<sup>8</sup> It is widely accepted that voting is *habitual* (Franklin, 2004; Plutzer, 2002) – whether one has voted in previous elections is a strong predictor of whether one will vote in future elections. As Franklin (2004, pp. 213–214) points out, it may well be that lowering the voting age causes a greater number of persons (under the influence of parents and teachers) to acquire the habit of voting, and to acquire it earlier than they would otherwise have done, thus increasing overall turnout over the long run. Epistemic effects aside, this would be an enormously valuable consequence. Lower turnout is associated with a range of ills, including increased inequality (Mueller & Stratmann, 2003) and corruption (Birch, 2009, pp. 132–133), and turnout worldwide has declined sharply in recent years (Blais & Rubenson, 2013).

In any case, even if participation is as minimal as critics of child enfranchisement allege it is likely to be, the epistemic consequences of enfranchising children will simply be *neutral*, making no difference for good or ill. In that case, whether children ought to be enfranchised will be a matter of weighing the other values at stake. These, I will argue throughout the rest of the paper, overwhelmingly favour the enfranchisement of children.

## The Participatory Approach

Participatory democrats argue that democratic institutions promote a range of goods (e.g. valuable personal qualities) in the participatory opportunities they afford to citizens. These theorists – most notably Mill (1861) and Pateman (1970) – have frequently appealed to such goods as part of the justificatory basis for democracy. A number of these arguments, I suggest, lend support to child enfranchisement. Let us consider three such arguments.

First, ‘buy-in’. Several democratic theorists have argued that citizens are more likely to take collective decisions to be legitimate where they have had opportunities to contribute to the making those decisions, and will have opportunities to contribute to the ongoing process by which those decisions are to be revised (e.g. Gutmann & Thompson, 2004, p. 10). Disenfranchised persons have little reason to feel this way, since they are *denied* such opportunities. Enfranchising children, then, might be expected to increase the proportion of persons who accept the legitimacy of the collective decisions to which they are subject.

Second, the expression of political attitudes. Voting is an opportunity for one to express one’s political attitudes. The fact that citizens continue to vote in large numbers, despite the fact that they are virtually certain to make no difference to the outcome, suggests this is an opportunity citizens value for its own sake (Brennan & Lomasky, 1993, ch. 10). The majority of children have some political attitudes (Easton & Hess, 1962), and more might develop them were they to be enfranchised. They might, as such, value the opportunity to express these attitudes at the ballot box, just as adults do.

Finally, valuable personal qualities. Many have sought to defend democracy on the grounds that opportunities for political participation promote valuable personal qualities like public-spiritedness, self-esteem, the ability to assess the merits of competing proposals, engage in moral thought and argument, and so on (e.g. Mill, 1861, ch. 3; Pateman, 1970; Rawls, 1971, p. 234). If political participation is a means of promoting such attributes in adults, there is no reason why they might not perform a similar function for at least some children.

The age at which instrumentalists should favour the enfranchisement of children depends upon empirical evidence as to the likely effects of enfranchising different age groups. For the most part, direct evidence is unavailable. There is reason to think, however, that an age of around 12 would be appropriate. Evidence from developmental psychology suggests that children of this age have the capacity to engage in pro-social behaviour, reason in terms of abstract moral principles, and make relatively sophisticated judgements of distributive justice (Eisenberg, Fabes, & Spinrad, 2007, pp. 654–662; Turiel, 2007, pp. 824–825). Children of such an age might

therefore benefit from opportunities to develop and exercise these capacities through the political process. Political socialisation research shows that children begin to develop rudimentary political attitudes in around the second grade, with more sophisticated attitudes directed towards more abstract concepts – fairness, democracy, voting, freedom, and so on – emerging (again) around the age of 12 (Easton & Hess, 1962, pp. 237–238, 245). Presumably, such children would derive utility from the expression of those attitudes in much the same way as adults.

The epistemic consequences of enfranchising different age groups are harder to predict. Yet, it again seems likely that children of around 12 would have the capacity to make some positive contribution, because the requirements for doing so are quite undemanding. They need only be willing to vote (in large enough numbers) and have the capacity to recognise some of the differences between the parties for candidates to have incentive to appeal to their interests. They need only be, on average, more likely to select the right answer than any alternative to contribute to democracy's ability to choose correctly between policy proposals. And they need only be able to express their attitudes with respect to prevailing government policies to contribute to the democratic assessment of those policies. If, as seems likely, a child of 12 can perform at least *one* of these tasks, then their inclusion might potentially improve democracy's epistemic competency.<sup>9</sup>

Any instrumentalist case for enfranchising children must also account for the costs of doing so. In this vein, Beckman (2009, pp. 114–119) has argued that imposing the responsibilities of voting upon children would undermine their fundamental interests. Children, he asserts, have fundamental interests in growth and development, and therefore must enjoy (Beckman, 2009, p. 116): ‘... both playful challenges and protection from the demands of adult life.’ Voting responsibly requires citizens to gather information and deliberate over the options on the agenda. Children would likely find doing so both psychologically burdensome and time-consuming, leaving them without the space or inclination to play, and potentially undermining their future autonomy.

Beckman’s objection invites two responses. First, children for whom voting would be unacceptably costly will not necessarily bear those costs because (absent compulsory voting) not all children will vote. Secondly, and more importantly, voting does not seem likely to *constitute* an unacceptable burden. Children might be required to spend a greater amount of time than adults gathering information if they are to vote responsibly, since they are likely to possess less political knowledge. Yet there are obvious institutional means available for mitigating these costs. Civics education could easily be integrated into existing school curricular. Numerous studies of civics programmes (e.g. Galston, 2001, pp. 226–228; Meirick & Wackman, 2004; Simon

& Merrill, 1998) have shown that such programmes can boost students' levels of civic knowledge, as well as their consumption of political news. Moreover, the informational shortcuts upon which many adults rely in order to mitigate their own informational shortfalls (e.g. taking cues from opinion-leaders) would also be perfectly accessible to children (Lupia & McCubbins, 1998). In any case, persons must presumably incur the costs of gathering much of this information at some time in their lives. It is unclear why it is better that people incur those costs as adults. Indeed, it might be better to do so at a younger age where individuals (in most cases) have fewer competing responsibilities.

As with almost all policy choices, the enfranchisement of children may leave *some* worse off. But, for the reasons I have set out in this section, the costs to this group are likely to be heavily outweighed by the benefits, overall. Instrumentalists, I conclude, have powerful reasons to favour the enfranchisement of children.

## Non-Instrumental Approaches

Proponents of non-instrumental approaches argue that democratic institutions, in themselves, are among the requirements of respect for some value or other, independent of the results they realise. There are two main approaches in the literature – liberty-based, and equality-based. Proponents of both kinds of approaches, I shall argue, have reason to endorse the enfranchisement of children.

### ***Liberty***

There are two principal liberty-based approaches in the literature: neorepublican approaches, and positive liberty approaches. Neorepublicans such as Philip Pettit (2012) conceive of liberty as the absence of subjection to the arbitrary, uncontrolled will of others; or *nondomination*. A dominates B where A has the capacity to interfere with B in a manner B does not control. All governments visit interference upon their citizens. In order to ensure that that interference does not amount to domination (and, thereby, to an illegitimate exercise of arbitrary authority), citizens must enjoy control over government (Pettit, 2012, ch. 3–5). The franchise is crucial in this respect, being the most basic means by which citizens can, in concert with others, exert such control. It also enables other forms of control. Governments have incentives to take protestors seriously where their actions threaten to change citizens' voting behaviour, for example.

Proponents of positive liberty approaches hold that liberty consists in self-determination – ‘... being one’s own person, directed by considerations, desires, conditions, and characteristics that are not simply imposed



externally on one, but are part of what can somehow be considered one's authentic self' (Christman & Anderson, 2005, p. 3). There are many positive liberty approaches in the literature (e.g. Gould, 1988; Jacob, 2015). These vary widely, but the details need not concern us, here. The general thrust of them all is much the same: control over the terms of social co-operation, as regulated by the political institutions to which we are subject, is said to be *constitutive* of self-determination, an essential means of exercising control over oneself. The franchise, in turn, is thought to be an essential means of exercising such control.

Now, proponents of both approaches take citizens' claims to enfranchisement to be grounded in their more general claims to have their liberty respected by the institutions to which they are subject. These claims, in turn, are typically thought to be grounded in citizens' capacities for autonomous decision-making.<sup>10</sup> We do not typically think that persons without such capacities (e.g. infants) have such claims. And, in any case, it is the exercise of these capacities which (at least in part) respect for citizens' interests in liberty is supposed to protect.

Determining the age at which children acquire such claims is complex. Numerous psychological studies show, for example, that children of around 15–16 years of age possess adult-like cognitive capacities for decision-making. On the other hand, the development of psychosocial characteristics such as impulse-control, temperance, and the capacity to resist peer pressure persists well into adulthood – certainly beyond the age at which we generally think persons have claims to have their liberty respected (and, indeed, the age at which adults typically gain the right to vote).<sup>11</sup>

Yet, complexity notwithstanding, there are important reasons for thinking that average 16-year-olds possess capacities sufficient to ground claims to liberty in the political domain – and therefore, by the accounts under consideration, to enfranchisement. Steinberg, Cauffman, Wollard, Graham, and Banich (2009, pp. 592–593) point out that the capacities necessary for mature decision-making vary with context. Sixteen-year-olds may lack the capacity to make autonomous decisions in contexts where they, for instance, face heavy peer pressure, given their more limited psychosocial development. On the other hand, in decision-contexts that allow for sustained reflection, time to consult others for advice, and so on, children may be as capable of making mature decisions as adults. This is reflected in the law, where the 'mature minor' doctrine recognises the capacity of suitably well-informed minors to give consent to medical procedures, for example – these characteristically being decisions that allow time for minors to gather information, consult with others, and so on (Steinberg, 2013).<sup>12</sup>

There is every reason to think that sufficiently mature minors will generally have sufficient capacities in the *political* domain.<sup>13</sup> Modern election campaigns and media coverage expose persons to a wide range of

perspectives, and afford substantial time for deliberation. We are not called upon to make voting decisions impulsively. Even if, then, 16-year-olds do not possess sufficient psychological maturity to ground claims to liberty across all domains of life, they do plausibly possess capacities sufficient to ground such claims in the *political* domain. That ought to be sufficient, by the lights of the accounts under discussion, to ground claims to enfranchisement. Indeed, by the neorepublican view, children with maturity sufficient to ground liberty-based claims in the political domain might reasonably object that their disenfranchisement renders them subject to the arbitrary, uncontrolled (and, thereby, illegitimate) will of government.

There are also good reasons for proponents of liberty-based approaches to favour the enfranchisement of children under 16. In the first place, many children below the age of 16, too, will have capacities sufficient to ground liberty-based claims in the political domain. Many, of course, will not. However, younger children do have liberty-based claims to opportunities for the *development* of these capacities (Feinberg, 1980). The opportunity to vote might well prove valuable in this respect.<sup>14</sup> As we have argued already, allowing children from the age of 12 or so the opportunity to participate in the political process might aid in their development of important decision-making skills – the ability to balance competing moral claims, assess the plausibility of fact claims, and so on. Of course, these benefits will not obtain for all such children. Some will be too immature, others simply disinterested. But that is not a reason not to extend such children the *opportunity* to vote. The potential benefits for children who do vote might be substantial. And, as we have argued already, the costs to those who do not vote, or do not benefit from voting, are likely very minor, or non-existent.

One might object, at this point, that even if children have liberty-based claims to enfranchisement, we have powerful moral reason to paternalistically override such claims. Children cannot generally be relied upon to make sensible decisions in their own interests. Younger children lack the necessary capacities. Older children will often lack necessary information. Society, then, is justified in restricting children's choices (e.g. limiting their access to alcohol and tobacco), given the probability that children will otherwise cause themselves harm. Perhaps such considerations also apply in the voting case. Children are ill-equipped to assess the probable impact of political proposals upon their interests, and are liable to make bad decisions, in consequence. We are therefore justified in denying children the vote until they can reasonably be expected to make sound decisions in their interests.

However, in typical cases of justified paternalism, agents are deprived of the ability to make some decision (e.g. to purchase harmful substances) on the grounds that they would be likely to cause harm to themselves if allowed to do so. Voting differs crucially from these cases. Individual voters do not decide the *outcomes* of political processes: the probability of any

voter casting a decisive ballot is always virtually nil (Brennan & Lomasky, 1993, ch. 4). We can hardly say, then, that in preventing any given child from voting, we thereby prevent that child from subjection to some harm they would otherwise have suffered. Nor is it plausible that disenfranchisement prevents minors considered collectively from subjection to some harm they would otherwise have suffered. As our discussion of the epistemic approach showed, the enfranchisement of minors might plausibly be expected to yield higher-quality decisions with respect to minors' interests (or, at worst, to make no difference).

Consider, also, that many adults are deeply ignorant on political matters.<sup>15</sup> Lau, Andersen, and Redlawsk (2008, p. 402) estimate that 20–30% of American voters, on average, vote 'incorrectly' – i.e. for candidates they would not have supported had they been fully informed – in US Presidential elections, for example. If the appeal to paternalism licenses depriving children of the franchise, it would also seem to license depriving these adults of the franchise, since they too predictably make low-quality voting decisions with respect to their interests. Very few democrats, surely, would willingly accept that conclusion.

I conclude, then, that proponents of liberty-based justifications of democracy have reason to favour the enfranchisement of children from around the age of 12.

## ***Equality***

Equality-based approaches come in three general varieties – expressive, distributive, and relational. Let us consider each, in turn.

### ***The Expressive Approach***

Several egalitarian theorists have offered expressive justifications for democracy (e.g. Beitz, 1989, ch. 5; Griffin, 2003, pp. 118–121; Waldron, 1999, pp. 113–114, 238–239). On such approaches, each of us has an interest in being *publicly recognised* as equals, with the capacity to contribute equally to judgements as to how society's collective affairs ought to be structured. It is only by giving each an equal say in the political process that this interest can be satisfied equally for all citizens. Schrag (2004, pp. 367–368) argues that children are of equal moral significance to adults (a proposition no-one seriously denies), and that, as such, the exclusion of children from the franchise constitutes an objectionable failure of equal recognition, on such approaches.<sup>16</sup>

I think Schrag is right. However, the matter is more complex than Schrag acknowledges. Opponents of child enfranchisement often argue that children lack the competence to exercise the franchise and ought to be excluded on that basis (c.f. Brennan, 2016, ch. 6; Chan & Clayton, 2006;

Christiano, 2008, pp. 116–130; Clayton, 2006, ch. 5; Cohen, 1978; Dahl, 1989, pp. 126–127; Hinrichs, 2002; Spitz, 1975; Weale, 1999, p. 154). Discriminating between persons on the basis of reasonable judgements as to their competencies does not usually constitute a failure of equal recognition. A secondary school looking to hire a mathematics teacher might refuse to consider applicants without qualifications in mathematics without thereby derogating the moral standing of those without such qualifications. The school's policy merely reflects a legitimate judgement as to the qualifications necessary to teach the subject. The same, one might argue, holds in the voting case: age-based discrimination reflects a reasonable judgement as to children's incompetency to exercise the franchise. It does not derogate their equal moral standing.

Unfortunately, most opponents of child enfranchisement are unclear over what 'competency' amounts to. Of the approaches which have been clearly spelled out, none successfully vindicates the blanket exclusion of children. Clayton (2006, ch. 5), for example, argues that voting involves exercising power over others, and that since we have duties to treat others in accordance with a reasonable conception of justice, we ought only to enfranchise those whom we can reasonably expect to vote in accordance with such a conception.

Yet Clayton's view is much too strong. Persons with extremist political views (e.g. Klansmen) presumably vote in accordance with profoundly unreasonable conceptions of justice. Some others do not vote in accordance with any conception of justice, but rather in accordance with their interests. Yet very few democrats would be willing to endorse the in-principle permissibility of disenfranchising such persons, let alone their actual disenfranchisement. Of course, enfranchising such persons gives rise to the risk of unjust political outcomes. Yet there are institutional means for managing these risks – the constitutional entrenchment of individual rights, for example (Dworkin, 1996). It is unclear why the additional step of disenfranchisement is appropriate in the case of children.

Christiano (2008, pp. 128–130), by contrast, appeals to a weaker threshold, according to which one must be capable of 'elaborating, reflecting on, and revising ideas about justice'.<sup>17</sup> However, it is unclear whether all children really *are* incompetent in Christiano's sense. As we have already noted, research from developmental psychology suggests that many children have the capacity to engage in moral and political thought. Empathy begins to emerge in children as young as 12–18 months old (Eisenberg et al., 2007, pp. 654–662). Pro-social behaviours continue to develop through early childhood and into adolescence, with the capacity to engage in abstract moral reasoning oriented around principles beginning to be present in late elementary school/early high school students. By age 11, children have the capacity to make relatively sophisticated judgements of distributive fairness, showing

the ability to account for factors such as desert, talent, advantage, and disadvantage (Turiel, 2007, pp. 824–825). Whatever the plausibility of Christiano's standard of competency, then, it does not seem to offer grounds for excluding children much above the age of 12.

Brennan (2016, ch. 6), finally, insists that citizens should have the right to vote only if they possess, *inter alia*, enough relevant knowledge. There is some evidence that children characteristically possess less political knowledge than young adults (Chan & Clayton, 2006, pp. 542–553), though this too is controversial, at least in the case of children from around the age of 16 (Hart & Atkins, 2011, pp. 207–214; Peto, 2018, pp. 284–285). There are also, as discussed above, institutional means of increasing the amount of information children possess (e.g. civic education). Indeed, extending the franchise to children may itself prompt at least some to become more informed.<sup>18</sup> More importantly, however, there is a basic problem with all knowledge-based competency standards – namely, that they threaten to legitimate the exclusion of enormous numbers of adults, given the degree to which ordinary citizens are often ignorant of basic political facts. Survey evidence, for example, indicates that 79% of Americans cannot name either of their state's senators (Hardin, 2006, p. 180), 75% do not know the length of senators' terms in office (Caplan, 2006, p. 95), and only 38% were 'sure' that the USSR was not a member of NATO at the height of the Cold War (Page & Shapiro, 1992, p. 9). Brennan, himself, welcomes such exclusionary conclusions. Few, however, will go along with him, and his view has been criticised elsewhere (c.f. Hill, 2016; Umbers, *in press*).

We cannot, of course, show *a priori* that no competency-based justification for the blanket exclusion of children is available. Still, any such justification is likely to face the following difficulty: whatever property children possess in virtue of which they are to be said to be incompetent, some non-trivial group of adults is likely to possess that same property. Attempting to legitimate the exclusion of children by appeal to their competence, then, is likely to unacceptably legitimate the exclusion of some non-trivial group of adults. This was the problem which afflicted Brennan and Clayton's approaches. Lau (2012), similarly, has criticised competency standards which appeal to psychological capacities as being liable to unacceptably legitimate the exclusion of the elderly. We should remain open to the possibility that some plausible standard might be found. In the absence of such a standard, however, many children might reasonably object that their exclusion constitutes a failure to recognise their equal moral standing, rather than a legitimate judgment as to their competency to exercise the franchise.

### ***The distributive approach***

Proponents of the distributive approach (e.g. Brighouse, 1996; Christiano, 2008) hold that the franchise is a valuable good to which all adult citizens have positive, equal claims. Distributive fairness, therefore, requires an equal

distribution of the franchise among all adults. There is every reason to think that the distributive approach *also* requires the enfranchisement of children.<sup>19</sup> Even very young children have claims to goods in general (e.g. food, shelter, education). Principles of distributive fairness clearly apply to the distribution of these goods. It is obviously unjust that children of poorer families generally have worse educational outcomes than children of wealthier families, for example (Schlee, Mullis, & Shriner, 2009). If minors have claims to enfranchisement equal to those of adults, then, distributive fairness will require that minors be enfranchised.

Proponents of the distributive approach ground adults' claims to the franchise on the interests enfranchisement serves. We have mentioned most of these already. Enfranchisement, *inter alia*, is thought to contribute to individuals' autonomous agency, to be a resource individuals can draw on to protect and promote their other interests,<sup>20</sup> to be a valuable opportunity for the expression of one's political attitudes, and to promote the development of valuable character traits. Not all children have the capacity to enjoy these goods, and so not all children have claims to enfranchisement. But there is no reason to suppose this to be true of all children. Indeed, as we have already argued, children from around the age of 12 or so might reap many of the benefits of democratic participation. This suggests that (by the lights of the distributive approach) such children *also* have claims to enfranchisement. It follows, straightforwardly, that children have claims of distributive equality to be enfranchised on an equal basis with adults.<sup>21</sup>

Three responses suggest themselves. First, Spitz (1975) argues that children lack claims to enfranchisement because they do not contribute to the community's collective resource stock, the distribution of which is regulated by the political process. Yet Spitz's notion of contribution is ambiguous. A narrow reading would understand Spitz's argument in economic terms. Citizens, on this view, contribute to the community's collective resource stock by engaging in economic activity and contributing to public goods via taxation. This interpretation of the argument proves too much, insofar as it would unacceptably legitimate the disenfranchisement of many adults. Persons with physical disabilities, for example, are sometimes unable to contribute in this narrow sense, being unable to take up the employment opportunities their societies make available. Disenfranchising such persons, however, would surely be deeply unjust. One might, then, interpret Spitz more broadly, so as to allow the production of various non-economic goods to count as contributions of the relevant kind. Persons might be said to contribute to the good of public order by complying with the law, for example. The trouble, here, is that most children *do* contribute in this sense in many ways (e.g. by complying with the law). Read narrowly, then,



Spitz's argument is indefensibly exclusionary. Read broadly, it fails to justify the exclusion of children.

Second, one might respond that the enfranchisement of children would *create* distributive unfairness. Parents would be able to substantially determine how their children would vote. Enfranchising children, then, would effectively amount to giving additional votes to parents without any compensating increase in the political power of childless adults. Much might be done to mitigate this worry (e.g. civics education emphasising the need for children to make such decisions independently). Still, I concede that it is simply inevitable that parents will exercise substantial influence over their children in many cases. For two reasons, however, we should be reluctant to accept that this justifies the disenfranchisement of children. First, this line of argument does not show that the disenfranchisement of children is not unjust from a distributive perspective. All it shows is that distributive unfairness of *some* kind is inevitable. The choice we face is whether unfairness ought to be visited upon children, or childless adults. Secondly, the partisan affiliations parents transmit to their children often persist well into adulthood (Jennings, Stoker, & Bowers, 2009). This line of argument, then, threatens to legitimate the disenfranchisement of persons well *above* the age of 18 – a conclusion, once again, very few democrats would willingly accept.

Finally, we might distinguish between two kinds of distributive egalitarianism – complete lives egalitarianism, and simultaneous segments egalitarianism (McKerlie, 1989). On the complete lives view, individuals A and B must receive an equal amount of the goods to which they are entitled over the course of their complete lives. A having more than B at a particular time is not objectionable from the perspective of distributive equality, provided that B has more than A at some other time, such that equality over A and B's complete lives is maintained. Proponents of the simultaneous segments view deny this, holding that the relevant goods must also be distributed equally between A and B at *particular times*. The distributive objection to the exclusion of children from the franchise presupposes the simultaneous segments view. For, as Weale (1999, p. 154) points out, age-based discrimination is compatible with equal access to the franchise between children and adults over complete lives. Almost all children will in the future be adults, whereupon they will gain the right to vote, just as present-day adults did. Weale, then, by appeal to equality over complete lives, holds that the exclusion of children is unobjectionable from an egalitarian point of view.

Complete lives egalitarianism, however, seems to be vulnerable to counterexamples of the following form. McKerlie (1989, p. 479), for example, asks us to imagine a feudal society in which half the citizenry live in positions of privilege and power, while the other half live in positions of subordination and poverty. Every 20 years, however, everyone changes places. The privileged become poor, and the poor become privileged, such that equality

over complete lives is maintained. Intuitively, however, such arrangements would be deeply objectionable from an egalitarian point of view. McKerlie argues that such cases show that we should reject complete lives egalitarianism in favour the simultaneous segments view.

Defenders of complete lives egalitarianism have responded in two different ways. Lippert-Rasmussen (2015, p. 156) denies that such cases reveal anything about the requirements of egalitarianism, arguing that intuitions concerning the wrongness of such arrangements can be explained by appeal to values other than equality (e.g. dignity, welfare). Bidadanure (2016), on the other hand, argues that such cases should prompt complete lives egalitarians to acknowledge that inequalities at particular times can be objectionable for *non-distributive* egalitarian reasons. Specifically, where they either constitute, or give rise to, *inegalitarian social relations* (e.g. social subordination).

For our purposes, it matters little which response is correct. If McKerlie is right, then the fact that age-based discrimination is compatible with equality of access to the franchise over complete lives is simply irrelevant. Further, complete lives egalitarianism offers no positive justification for the exclusion of children *in particular*. The effects of a voting age of 40 would also fall evenly on all persons over the course of a complete life, as would the effects of abolishing the voting age entirely. As such, the appeal to complete lives egalitarianism provides no positive *objection* to the enfranchisement of children. If Lippert-Rasmussen turns out to be right, then, proponents of the distributive view must appeal to other values to determine the voting age. As I have argued throughout this piece, many of the other values to which one might appeal militate strongly in favour of lowering the voting age. If Bidadanure is right, on the other hand, the fact that there is no strictly *distributive* objection to the disenfranchisement of children does not settle the question of whether such arrangements are consistent with the requirements of equality, more generally. The exclusion of children will be objectionable if it constitutes, or give rise to, an objectionably *inegalitarian form of social relations*. In what follows, I argue that prevailing views of the nature of egalitarian social relations entail precisely this conclusion.

### ***The relational approach***

The central assertion of much recent work in egalitarianism is that equal respect for persons requires that they stand in relations of social equality (Anderson, 1999; Scheffler, 2003). Kolodny (2014, pp. 292–299) offers the best worked-out account, on which relations of social equality require the absence of asymmetries in power, de facto authority, and consideration. Insofar as exercising political influence involves exercising power over one's fellow citizens, inequalities in political influence constitutively involve asymmetries of power, authority, and consideration – and therefore amount to



objectionable social inequalities. Relational equality, then, requires that citizens enjoy equal opportunities for political influence. In contemporary democratic societies, this entails that citizens must enjoy, *inter alia*, equal voting rights.

I think that such considerations also militate in favour of the enfranchisement of children. Children certainly do seem to have claims against being treated as others' social inferiors. A 12-year-old victimised and socially excluded on the basis of their gender identity certainly seems to be wronged by being placed in a position of social inferiority. If relational equality requires equal opportunities for political influence, and children have claims to be treated as social equals, it is hard to escape the conclusion that children have claims to enfranchisement. The precise age at which children acquire such claims is hard to know, because it is unclear quite what relational egalitarians take claims of social equality to be grounded in (aside from citizens' equal moral standing). But it certainly seems (as our example demonstrates) at least that children from the age of 12 or so do intuitively have such claims.

One might object that this entails unacceptable conclusions in other domains. Asymmetries in power, authority, and consideration are constitutive features of parent–child relations, for example. Surely, however, parent–child relations are not unjust. Perhaps, then, it is only adults who have claims of relational equality. This position, however, is deeply problematic, insofar as it entails that children are not wronged by their subjection to objectionably inegalitarian forms of treatment, such as that to which gay and lesbian children are sometimes subjected in conservative communities.

A more nuanced response, then, might accept that children have claims to be treated as social equals, but hold that the requirements of social equality differ between children and adults. The mere fact, then, that disenfranchisement would violate adults' claims of relational equality does not necessarily show that disenfranchisement would violate children's claims of relational equality. However, it is not enough to simply assert that relational equality permits the disenfranchisement of children. There must be some difference between children and adults in virtue of which these differential forms of treatment might be legitimated. I see no way of ruling out the possibility of such differences, *a priori*. Yet, we have now surveyed a very wide range of ways in which theorists have sought to distinguish between children and adults with respect to their claims to enfranchisement, and found all of them wanting. It is hard to see just what other grounds proponents of the exclusion of children might appeal to. We should remain open to the possibility that some such distinction might be found. In its absence, however, we are obliged to conclude that if relational equality requires that adults be enfranchised on equal terms, it requires the same thing for children.

## Practical implications

We have now surveyed all the major, plausible accounts of the justification of democracy, and seen that proponents of each have reason to favour the enfranchisement of children from the age of 12 or so. This convergence, in itself, constitutes substantial evidence that the exclusion of children is unjust. That, in turn, suggests that we have at least *pro tanto* reason to lower the voting age to around 12.<sup>22</sup> One might challenge this final claim. Age-based discrimination inevitably involves failures to enfranchise some who, by the lights of all these accounts, have the moral right to vote. There are, after all, some precociously talented 10-year-olds. Why not, as Cook (2013) suggests, instead favour a system of universal capacity testing, under which these inevitable injustices might be avoided?

Yet capacity testing would entail a range of other costs. Those who fail such tests would likely suffer serious losses in self-esteem. The authors of such tests would enjoy enormous power over the citizenry, given their capacity to substantially determine the composition of the electorate. Socio-economic status is a strong predictor of political knowledge (Althaus, 2003, pp. 14–17). Capacity testing, then, risks promoting outcomes skewed in favour of those who enjoy existing social advantage. We might avoid some of these costs by opting for a very modest test. Cook, himself, favours testing for little more than basic literacy and mental independence. But this would tend to over-inclusion – 6-year-olds might pass, for example. It also threatens to exacerbate the damage to the self-esteem of those who fail. Surely it is more demoralising to fail a basic test than a demanding one. Ultimately, there are no perfect options in this space.<sup>23</sup> It seems to me likely that age-based discrimination will have better consequences all-things-considered.<sup>24</sup> A more determinate verdict, however, must await further empirical evidence.

## Conclusion

No prominent account of the justification of democracy licenses the blanket exclusion of children. Though critics of child enfranchisement sometimes raise legitimate concerns, their arguments do not justify the exclusion of children to anything like the extent that prevails under the status quo. A voting age of around 12, I have argued, is more defensible.

## Notes

1. In the 2010 Australian Election Study, when asked 'Do you think that the voting age in elections should be lowered to 16, or should it stay at 18?', 72% of respondents replied that it should definitely stay at 18, and 22% replied that it should probably stay at 18 (McAllister, 2012, pp. 5–8). The United Kingdom

- Electoral Commission found that 78% of people favoured keeping the voting age at 18 in 2004 (Commission, 2004).
2. Schrag (2004) has also attempted a somewhat similar strategy.
  3. An objection one often encounters in conversation on this point appeals to the possibility that politicians might propose policies that would be popular with children, but bad for their interests – e.g. doubling the length of school holidays. However, since politicians will still have to compete for the support of adults who will partially vote with children's interests in mind, outcomes of this sort seem very unlikely.
  4. In many nations, for example, a higher proportion of children are in poverty than adults (Brewer, Browne, & Joyce, 2011).
  5. Independence, of course, is often violated under real-world conditions. More modest, sophisticated jury theorems (e.g. Dietrich & Spiekermann, 2013) have recently been developed, showing that where this is the case, larger groups are still typically more competent than smaller groups, though not infallible.
  6. For these reasons, the enfranchisement of children might also improve the cognitive diversity of the electorate. On the epistemic value of cognitive diversity, see Landemore (2013).
  7. Parents and teachers inculcate voting norms, lower the costs of voting for children who reside with them by providing information and transport to the polls, and so on.
  8. My thanks to an anonymous reviewer for prompting me to address this issue.
  9. Children might fail to meet this standard in two ways. First, they might vote randomly, in which case we should expect their votes to distribute evenly over the options, making no difference to the probability of the right answer emerging (Goodin, 2007, pp. 58–59). Second, they might be worse than random. This will be of concern only in the very improbable instance in which there is a very large number of children who are very much worse than average adults.
  10. This is not, of course, to deny that we may also have other reasons (e.g. instrumental or equality-based reasons) to be concerned about the legitimacy of governments who exercise control over children without giving them a say over political decisions, *whatever* their psychological capacities. Many of the arguments discussed elsewhere in the paper suggest that we do, indeed, have reason to be concerned on such grounds.
  11. Overviews of the relevant evidence may be found in Kuhn and Franklin (2007, pp. 975–982), Scott, Reppucci, and Woolard (1995), Steinberg et al. (2009), and Steinberg (2013, p. 263).
  12. See also Munn (2012a, 2012b).
  13. Hart and Atkins (2011, pp. 219–220) cite similar evidence in defence of the idea that 16–17-year-olds are capable of 'responsible' voting.
  14. For a related argument, see Cook (2013, pp. 446–450).
  15. Harris (1982, pp. 36–45) makes a similar point.
  16. See also Archard (2004, pp. 98–105).
  17. For other criticisms of Christiano, see Schrag (2004, pp. 371–373).
  18. Evidence on this point is both limited, and mixed. Austria enfranchised 16-year-olds in 2007. Zeglovits and Zandonella (2013, pp. 1093–1099) found that levels of political interest among Austrian youths in 2008 were substantially higher than in 2004. On the other hand, in a study of Swedish 18-year-olds, Rosenqvist (*in press*) finds that those who turned 18 shortly before an election (and thus had the opportunity to vote) did not gather significantly more information than those

- who turned 18 after the election. It is important to note, however, that this study does not measure the effects of enfranchisement, but rather the effects of having the opportunity to *exercise* the right to vote. Bergh (2013) studied the effects of a 2011 Norwegian trial, wherein 16–17-year-olds were enfranchised in a small number of municipal elections. Levels of political interest among 16–17-year-olds in towns that were part of the trial were not significantly higher than levels of interest among those who were not. The evidential weight of this study, however, is arguably limited by the fact that the trial enfranchised 16–17-year-olds only in a single municipal election. Citizens generally tend to take less interest in such elections, compared to national elections (Hajnal & Lewis, 2003).
19. For another distributive argument for enfranchising children, see López-Guerra (2014, ch. 3).
  20. See Christiano (2008, pp. 88–95).
  21. Of course, not all children will benefit in this way. That, however, is just as true of a great many adults (e.g. those who never exercise the franchise) – and is plainly not sufficient grounds for disenfranchisement.
  22. I say that this reason is *pro tanto*, rather than decisive, to reflect the fact that it might still be outweighed by competing considerations.
  23. An anonymous reviewer suggests that we might instead prefer giving parents proxy votes to be cast on their children's behalf. Yet proxy votes for parents would promote none of the participatory benefits for children discussed in the first section. Nor would giving proxy votes to parents satisfy the requirements of many of the non-instrumental views discussed in the second section. Proponents of liberty-based approaches, for example, insist that citizens must enjoy some measure of power over government – an interest which clearly would not be satisfied for anyone by giving additional power to some *other* agent. Indeed, on some such views, proxy votes would be positively objectionable. The relational egalitarian approach, for example, holds that inequalities in political power between persons with claims to be treated as social equals are inherently objectionable. Proxy votes would institute such inequalities, both between parents and children, and between parents and childless adults.
  24. Munn's (2012a) proposal of coupling a lowered voting age with optional capacity testing for those below the age limit is also worthy of investigation.

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