

Treated Like a Child

Age Discrimination and Children's Rights

Edited by

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Adultism, Normative Power, and Voting Age Discrimination

John Wall

Abstract¹

The argument made here is that age discrimination against children must be addressed as not only a legal but also a normative problem. It is an expression not only of children's denial of rights but also what can be called historically engrained systems of patriarchy or adultism. Consequently, age discrimination calls for an equally systemic critique of childism, in analogy to similar critiques of feminism, decolonialism, and anti-racism. This argument is illustrated by the issue of age discrimination in the right to vote across international and national law. The problem is shown to lie not just in law itself but also in underlying attitudes about normative power. Age discrimination is thereby shown to raise profound questions about what appears normal and settled in society and law in order to reimagine what is equal and just.

1 Introduction

Discrimination law across nations and internationally is much more concerned with matters of gender, race, ethnicity, nationality, sexuality, and disability than it is with matters of age. When age discrimination is mentioned, it predominantly refers to the elderly and not the young. Even the Convention on the Rights of the Child ('CRC'), which promulgates non-discrimination as one of children's core rights in Article 2, does so in terms of other factors such as those above, but not age itself (unless included under "other status").² Legal and scholarly discourse, likewise, understands children as objects of various forms of intersectional discrimination, but rarely in their status of being chil-

1 This article is a substantially modified version of J. Wall, 'Adultism and Voting Age Discrimination', 36 *Harvard Human Rights Journal* (2023) pp. 329–340. Reproduced with permission.

2 UN Convention on the Rights of the Child (1989).

dren as such. Considering that persons under the age of eighteen (the UN's definition of children) constitute fully a third of the world's population, and considering that children often receive differential treatment as children under the law and in societies, it is clearly problematic that age discrimination against the young is not a matter of academic, social, and legal concern.

My argument in this chapter is that age discrimination against children can be properly understood when it is examined as not just occasional but normative. That is, it is an expression of what can be referred to as *adultism*: meaning, not just mistreatment or neglect of children, but a more profound and systemic historical bias that is just as fundamental as sexism, racism, classism, and other long recognized structures of power. To make this argument, I consider the case of children's worldwide lack of rights to vote. Children's placement outside the democratic franchise, I claim, constitutes classic age discrimination by denying a basic and *prima facie* universal human right to children as a group without justification that can stand up to reasonable scrutiny. Of course, there are many other instances that could be examined, and voting is merely a small part even of political empowerment. However, as for other marginalized groups, suffrage is one basic touchstone of equal societal inclusion. As a remedy to adultism in this and any instance, I propose an equally systemic critique from the perspective of *childism*, one that aims to be just as transformative as critiques from feminism, decolonialism, anti-racism, and the like. In the end, resolving age discrimination against children, in voting rights or elsewhere, is both a legal matter and one demanding underlying reconfigurations of normative power.

2 **Adultism as Discrimination by Age**

While researchers have developed powerful ways to understand and confront sexism, racism, colonialism, and many other forms of social marginalization, it is relatively less obvious what it might mean to develop a critical analysis of adultism, or the marginalization of children specifically as children. Even childhood studies scholars tend to borrow critical lenses from feminism, decolonialism, queer theory, and the like that were originally developed without children particularly in mind.³ One of the reasons adultism is so difficult to unpack is that much of critical theory has sought to over-

3 J. Wall, 'Childism: Transforming Critical Theory in Response to Children', in S. Balagopalan et al. (eds.), *The Bloomsbury Handbook of Theories in Childhood Studies* (Bloomsbury, New York, 2023) pp. 208–222.

come adult groups, such as racial minorities, women, the colonized, indigenous people, and the poor, are oppressed by being constructed as childlike.⁴ That is, anti-discrimination campaigns have often used the notion that certain members of society should not be treated as children. An indication of the invisibility of childhood is the widespread use of the term ‘patriarchy’ to refer only to the oppression of women, when in fact the ‘pater’ or father figure is also inherently oppressive of children. Adultism is then firmly established in contemporary normative assumptions and arguably even discrimination’s most intractable root.

The concept of adultism, along with similar terms such as ageism and infantization, has taken on various meanings over time. The term ‘adultism’ itself first entered the English lexicon in a book by the popular education writer Patterson Dubois in 1903. Dubois uses the word in a non-systemic way to refer to “the undue interposition by the adult of ... his adult point of view”, which he argues reflects an undue sense of “absolute possession, unlimited right, and infallible judgment”.⁵ This use of the term describes an immediate and direct imposition of adult privilege under certain circumstances. It retains this sense all the way up into the 1970s, when, for example, the influential developmental psychologist Jack Flasher uses it to describe caregivers’ occasional “misuse of power” over children.⁶ The feminist scholar Elise Boulding uses the term “ageism” to refer to the possibility for “segregation” against children’s (and the elderly’s) rights such as to family nurturance and political expression.⁷ Even the well-known education theorist John Holt, who argues for many kinds of systemic children’s empowerment, including the universal right to vote, refers to what he calls “ageism” in the limited sense of adults’ frequent attempts to suppress children’s self-expression.⁸

The idea of adultism began to take on what I would call more robustly normative meanings in the 1990s, largely in response to theoretical developments in deconstructionism, third-wave feminism, anti-racism, and decolonialism. Scholars started to unpack what it means not only for adults to dominate over children, but also for adulthood as a social category to occupy a systemically superior status that hinges on childhood’s marginalization.

4 T. Rollo, ‘The Color of Childhood: The Role of the Child/Human Binary in the Production of Anti-Black Racism’, 49.4 *Journal of Black Studies* (2018) pp. 307–329.

5 P. Dubois, *Fireside Child-Study: The Art of Being Fair and Kind* (Dodd, Mead and Company, New York, 1903) pp. 8 and 35.

6 J. Flasher, ‘Adultism’, 13 *Adolescence* (1978) pp. 517–523.

7 E. Boulding, *Children’s Rights and the Wheel of Life* (Transaction Books, 1979).

8 J. Holt, *Escape from Childhood* (Penguin, New York, 1974) pp. 1–4.

Adultism is understood as normative when it establishes adulthood as the normal or default understanding of human being, the central or primary experience of what it means to be a political person. It is not just that adults sometimes mistreat children, but that societies are historically structured around a binary opposition of empowered adulthood and disempowered childhood.

There are three ways the concept of adultism can be understood normatively, each more complex than the last. Initially, scholars like John Bell and Barry Checkoway in the 1990s describe the adultistic way in which broadly accepted attitudes construct childhood as in some way inferior. Bell argues that contemporary societies give permission to adults (and children) to assume an attitude of “disrespect of the young”.⁹ Adults are able to subject children to physical punishment, ban them from public spaces, and deny them real voices in schools, for example, because of a deeper and unquestioned cultural acceptance of adult superiority. Similarly, Checkoway explains that, in the political sphere, “adultism refers to all the behaviors and attitudes that flow from the assumption that adults are better than young people, and are entitled to act upon young people in many ways without their agreement”.¹⁰ Adultism is understood here as the expression of the deep-seated historical belief that adulthood is a privileged status.

In the early 2000s, scholars and practitioners develop a second way of thinking about adultism as normative by describing it as a legally enforced structure of “discrimination”. More than just a broad-based assumption of adult entitlement, adultism can refer to established systems of anti-child bias built into social relations, institutions, and law. The psychologists Jocelyn Gregoire and Christin Jungers argue, for example, that children’s therapists need to be aware of the “systematic discrimination against young people” that undermines children’s well-being and self-esteem across families, schools, and social systems.¹¹ The psychoanalyst Elisabeth Young-Bruehl similarly explores the ways that “discrimination against children” pervades social relations across families and social institutions (though she somewhat confusingly uses the word “childism” in place of “adultism”).¹² In the same way, the

9 J. Bell, ‘Understanding Adultism: A Major Obstacle to Developing Positive Youth-Adult Relationships’, *YouthBuild USA* (1995) p. 1.

10 B. Checkoway, ‘Adults as Allies’, 38 *Partnerships/Community* (1996) p. 14.

11 J. Gregoire and C. Jungers, *The Counsellor’s Companion: What Every Beginning Counselor Needs to Know* (Routledge, New York, 2007) p. 65.

12 E. Young-Bruehl, *Childism: Confronting Prejudice against Children* (Yale University Press, New Haven, CT, 2011).

sociologists Lucien Lombardo and Karen A. Polonko argue that, “similar to sexism, racism and classism, adultism refers to a system of structured inequality or oppression that permeates relationships between children and adults”.¹³ Describing adultism in terms of discrimination makes it possible to see how the prioritization of adult points of view has real structural impacts on children’s opportunities and lives.

But there is a third and to my lights more complex and critical concept of adultism that likewise arises in the early 2000s, this time not out of psychology but out of childhood studies. Here, adultism refers to a normative structure of power. It establishes adulthood as the assumed subject of social and political power and therefore childhood as rightly disempowered. The field of childhood studies insists that children be understood, not in terms of their development into adults, but rather in terms of their own agency, diversity, and lived experience.¹⁴ It then becomes possible to understand adultism as the normative prioritization of adulthood over childhood perspectives. As the feminist theorist Mehmoona Moosa-Mitha describes it, adultism is the reduction of children and youth to a status of “difference” from the “norm”, to their being “not-yet-citizens” who remain “invisible” to adult-dominated social imaginations.¹⁵ Or, as I have put it in my own work, adultism constitutes “the social and political foundations on which children’s lives and experiences are already imagined and pre-constructed”.¹⁶ Adultism in this sense refers to the unwritten normative assumptions that justify the empowerment of adults by means of the disempowerment of children.

Adultism is best tackled if it is critically understood. It certainly involves the mistreatment of children and the institutionalization of anti-child practices, attitudes, and systems. But underlying these visible phenomena is a less easily

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- 13 L. Lombardo and K.A. Polonko, ‘Interdisciplinary Contributions to the Prevention of Child Maltreatment’, 4 *Int’l J. Interdisc. Soc. Sci.: Annual Review* (2010), pp. 89 and 94; see also A. Fletcher, *Facing Adultism* (CreateSpace Independent Publishing, 2015), pp. 3–4.
 - 14 A. James and A. Prout, *Constructing and Reconstructing Childhood*, 2nd Edition (RoutledgeFalmer, New York, 1997); S. Spyrou et al. *Reimagining Childhood Studies* (Bloomsbury, New York, 2018); S. Balagopalan et al. *The Bloomsbury Handbook of Theories in Childhood Studies* (Bloomsbury, New York, 2013).
 - 15 M. Moosa-Mitha, ‘A Difference-Centered Alternative to Theorization of Children’s Citizenship Rights’, 9.4 *Citizenship Studies* (2005), pp. 369–388.
 - 16 J. Wall, ‘From Childhood Studies to Childism: Reconstructing the Scholarly and Social Imaginations’, 20.3 *Children’s Geographies* (2022) pp. 257–270; J. Wall, *Ethics in Light of Childhood* (Georgetown University Press, Washington DC, 2010); J. Wall, ‘Adultism’, in M. Tesar (ed.), *The Bloomsbury Encyclopedia of Social Justice in Education* (Bloomsbury, New York, forthcoming 2025).

recognizable structure of largely invisible normative assumptions pervading the histories, languages, and cultures that are the social air we all breathe. Just as with sexism, racism, and other social conditions, adultism creates a double bind. It not only excludes children from social systems but also undermines their power to fight for inclusion in the first place. Children are then discriminated against in the profound sense of being normatively disempowered. They lack the right to be seen and heard as legitimate social agents in their own right. They are understood to be second-class human beings: less rational, less developed, less competent, and less valued as citizens. From this point of view, age discrimination is not just occasional or even necessarily visible, but an expression rather of historically engrained constructs of adulthood as the normative center of power.

3 The Right to Non-discriminatory Voting

One of the central battlefields of historical anti-discrimination campaigns has been the right to vote. Over time and across the world, the poor, women, racial and ethnic minorities, and others have fought and sometimes died for inclusion in this most fundamental of human rights. They have done so because, in democratic societies, suffrage is a key groundwork for political dignity and empowerment. Voting is far from the only way to exercise political power, nor is it often the most powerful. Indeed, historical suffrage movements themselves had to rely on other powers such as free speech, organization, assembly, and public argument. Nevertheless, few adults who have the right to vote would willingly give it up, as it is one of the most basic mechanisms for trying to influence political life.

This battle for voting rights has always faced deep-seated normative biases. In the United States, for example, where “all men are created equal”, voting rights initially belonged at its founding in 1776 by some estimates to only six percent of the population: namely, those who qualified as landowning white men.¹⁷ Somehow “all men” was assumed to mean only a tiny minority. Even in 1919, when the United States granted suffrage to women twenty-one and over, voting rights were expanded thereby only to fifty-seven percent of

17 J. Lepore, ‘Rock, Paper, Scissors: How We Used to Vote’, *The New Yorker*, Oct. 13, 2008, <www.newyorker.com/magazine/2008/10/13/rock-paper-scissors> [<https://perma.cc/WPR7-3KYE>]; D. Ratcliffe, ‘The Right to Vote and the Rise of Democracy, 1987–1828’, 33 *Journal of the Early Republic* (2013); and C. Williamson, *American Suffrage from Property to Democracy, 1760–1860* (Princeton University Press, Princeton, NJ, 1960) pp. 20–39.

the people. And this does not even count the Jim Crow laws of the time that effectively barred suffrage to racial minorities.¹⁸ Similar stories can be told of the emergence of voting rights across countries. The fight for suffrage has not involved a simple extension of one idea of suffrage to more and more people. It has involved overcoming profound historical biases against entire classes of people, biases that construct those classes as unfit for political power by nature.

There is now a world-wide, if largely unknown, suffrage movement for the third of humanity who are children under eighteen years of age.¹⁹ Most policy debate considers ‘universal’ suffrage already to have been achieved with voting rights for adult men and women. But, of course, people under eighteen are just as profoundly impacted by democratic choices. And they can be just as active participants in political life. They have contributed time and time again to democratic causes such as women’s suffrage, anti-war campaigns, labor movements, climate strikes, Black Lives Matter marches, anti-gun crusades, child and youth parliaments, non-binary gender rights, and a great deal much else.²⁰ Children have even succeeded in gaining rights to vote in the twenty or so countries (starting with Nicaragua in 1984) and countless cities (including several in the United States) that have lowered the voting age to sixteen – even if, as I and others have argued, merely lowering voting ages to sixteen retains an adultist logic that you have to be at least adult-like to vote.²¹

18 United States Census Bureau, *National Intercensal Tables: 1900–1990*, <www.census.gov/data/tables/time-series/demo/popest/pre-1980-national.html> [https://perma.cc/SU5S-KQSA].

19 UNICEF Data, ‘How Many Children are there in the World?’, UNICEF, <data.unicef.org/how-many/how-many-children-are-in-the-world/> [https://perma.cc/Y26C-7E8C]. In the United States, the population under 18 is 22%. Kids Count Data Center, ‘Total Population by Child and Adult Populations in United States’, The Annie E. Casey Foundation, <datacenter.kidscount.org/data/tables/99-total-population-by-child-and-adult-populations#detailed/1/any/false/2048,574,1729,37,871,870,573,869,36,868/39,40,41/416,417> [https://perma.cc/37C9-JT5H].

20 M. Cummings, *Children’s Voices in Politics* (Peter Lang, New York, 2020), pp. 4–6; J. Josefsson and J. Wall, ‘Empowered Inclusion: Theorizing Global Justice for Children and Youth’, 17.6 *Globalizations* (2020), pp. 1043–1060; see also M. Cummings, ‘Silence is Poison: Explaining and Curing Adult “Apathy”’, in J. Wall (ed.), *Exploring Children’s Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 27–46.

21 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury, New York, 2022).

The movement to end adultist voting discrimination has been led by both children and adults. This movement has been forced to take on barely visible normative prejudices that confine children to the political margins. Discrimination in this case comes down, not just to unequal opportunities to access political institutions, but to widely held presuppositions that construct children's voting as out of the question. The very idea lies beyond the general political imagination. It remains largely unthinkable, both in society and in the academy, that adults should not exercise their long-held right to political domination over children.

Nevertheless, as early as the 1970s, social reformers like John Holt and Richard Farson began to argue for "the right to vote for people of any age": in their case, on the grounds that being subject to laws in which one has no say "is the most serious injustice".²² Sixteen-year-old Vita Wallace argued in 1991 in the popular U.S. magazine *The Nation* that it is "discriminatory" and hence "unconstitutional" to ban children from voting because "children of all ages must be given the same power to elect their representatives that adults have, or they will continue to be unfairly treated".²³ The German child-led organization KinderRÄchTsZÄnker (KRÄTZÄ) filed lawsuits in the German courts against children's voting discrimination in 1995–96 and again in 1998, resulting in their suit being dismissed on the grounds that children lack the legal standing to sue in the first place.²⁴ Another German child-led group, We Want the Vote, tried and failed again in 2014.²⁵ In the United States, the ten-year-old Kid Governor of Oklahoma, Charlotte Anderson, gave a speech to the Edmond Democratic Women arguing for the elimination of all voting age discrimination.²⁶ The National Youth Rights Association (NYRA) in the US held a conference on "Age of Youth" in which children, youth, and adults explored strategies for achieving ageless voting rights as an urgent anti-

22 J. Holt, *Escape from Childhood* (Penguin, New York, 1974), pp. 99–110; R. Farson, *Birthrights: A Bill of Rights for Children* (Macmillan Publishing, New York, 1974).

23 V. Wallace, 'Give Children the Vote', *The Nation*, Oct. 14, 1991, p. 439.

24 KinderRÄchTsZÄnker (KRÄTZÄ), *Constitutional Appeal Against the Voting Age* (July 1997), <<http://en.kraetzae.de/vote/faq/>> [<https://perma.cc/K3T8-gTLX>]; see also a publication by one of KRÄTZÄ's founders, M. Weiman, *Wahlrecht für Kinder: Eine Streitschrift [Suffrage for Children: A Polemic]* (2002). See also similar arguments made by another German youth organization, founded in 1997 and still working today, Foundation for the Rights of Future Generations, <www.intergenerationaljustice.org> (last visited May 2022) [<https://perma.cc/78R8-MDWU>].

25 *We Want the Vote*, <www.intergenerationaljustice.org/activities/projects/we-want-to-vote/> (last visited May 2022) [<https://perma.cc/246N-MEZJ>].

26 Charlotte Anderson, 'Let. Kids. Vote.' Speech to the Edmond Democratic Women (2021), <www.youtube.com/watch?v=G5fC-IDa5u8>.

discrimination concern.²⁷ These are just a few of many examples of what has gradually grown into a wide-ranging, if largely under the public radar, children's suffrage movement.

Children have increasingly been joined, especially since the 2000s, by adult-led organizations, which have both adopted the issue into existing work or been formed specifically to advance the cause. These groups include international organizations such as Plan International, Demos, Children's Rights International Network (CRIN), and the Children's Voting Colloquium (co-founded in 2019 by myself and activist Robin Chen). And they include national groups like Freechild Institute (US), Association for Children's Suffrage (US), Kids Can't Vote (US), Children's Voice Association (Finland), and Amnesty International UK (United Kingdom).²⁸ The issue has also been advanced in recent years in numerous op-eds in publications like *The New York Times*, *Washington Post*, *The Guardian*, *New Republic*, and *Vox.com*; on radio shows such as on PBS and BBC4; and in white papers, Ted Talks, and blogs.²⁹ While not yet recognized in larger political discourse, the issue of ageless voting has been taken up across diverse segments of child and adult activism.

4 Voting Competence

There are two main arguments about adultism or age discrimination at the heart of the above movements. These are advanced by both activists and a growing chorus of academic researchers. Both arguments are about rights to non-discrimination in not just a legal and institutional sense but also a normative and systemic one. That is, both claim that what is called for is to make democracies more fully democratic by deconstructing adultistic biases that marginalize children from their just right to power.

The first argument has to do with competence. Advocates of ageless suffrage claim that the prevailing notion that voters need a supposedly "adult" competence excludes children on illegitimate grounds. The reality is that, even on the present system, no age restriction properly distinguishes capable from non-capable voters. Contra widespread assumptions, often voiced by

27 National Youth Rights Association (NYRA), 'Age of Youth Conference' (Oct. 24, 2020), <www.youtube.com/watch?v=8Li4OoD-FM>.

28 J. Wall, 'Introduction', in J. Wall (ed.), *Exploring Children's Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 1–24.

29 Ibid.

political theorists,³⁰ many young children do in fact understand politics, engage in democratic deliberation, and bring to the table their own political ideas and experiences. And many adults – from the politically incurious and naive to those with cognitive disabilities and dementia – arguably do not, or at least not in a way that is only present in adults. Competence has long been ruled out as a legitimate bar to suffrage, as it is impossible to measure accurately and, just as importantly, easily stands in as a proxy for biases of class, race, gender, and much else. As the political philosopher Nicholas Munn puts it, “the accepted standard for capacity for political participation is minimal, and many of those excluded [from voting] in virtue of their age could in fact satisfy the standard if they were subject to the same restrictions as adults”.³¹

In a democracy, the capacity to vote should be defined broadly rather than narrowly, as an inclusive right rather than an exclusive privilege. The purpose of democracy is not to have the supposedly competent decide for everyone else. Rather, it is to pool the population’s diversity of competencies and experiences in order to arrive at the most widely possible informed policies. According to the political scientist Claudio López-Guerra, the “franchise capacity” is present in most children if it is correctly understood in democratic terms: that is, as “the ability to experience the benefits of enfranchisement and the harms of disenfranchisement”.³² Competence really means the capacity to claim a stake in political outcomes. Or, as I have argued myself, anyone who wants to vote has already, by wanting it, demonstrated the requisite capacity to do so. The desire itself to vote proves that one understands what voting is for and why it is important to exercise.³³ Certainly there can be no

30 D. Archard, *Children, Family and the State* (Ashgate, Burlington, VT, 2003); P. Cowley and D. Denver, ‘Votes at 16? The case against’, 41 *Representation* (2004), pp. 57–62.

31 N. Munn, ‘Against the Political Exclusion of the Incapable’, 35 *Journal of Applied Philosophy* (2018), pp. 601–614; N. Munn, ‘How Low Can You Go? The Capacity to Vote Among Young Citizens’, in J. Wall (ed.), *Exploring Children’s Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 47–66; S. Lecce, ‘Should Democracy Grow Up? Children and Voting Rights’, 9.4 *Intergenerational Justice Review* (2019) pp. 133–139; B. Kiesewetter, ‘Dürfen wir Kindern das Wahlrecht vorenthalten?’ [‘Should we deny children the right to vote?’] 95 *Archiv für Rechts und Sozialphilosophie* (2009).

32 C. López-Guerra, *Democracy and Disenfranchisement: The Morality of Electoral Exclusions* (Oxford University Press, New York, 2014), p. 6.

33 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury, New York, 2022); J. Wall, ‘Why Children and Youth Should Have the Right to Vote: An Argument for Proxy-Claim Suffrage’, 24.1 *Children, Youth & Environments* (2014), pp. 108–123; J. Wall, ‘The Case for Children’s Voting’, in J. Wall (ed.), *Exploring Children’s Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 67–88.

literacy tests, bans for lack of knowledge, or rulings against incivility or cognitive incapacity.³⁴

Drawing age distinctions around voting competence can arguably be described as discriminatory in a legal sense. Wouter Vandenhoe shows that UN rights treaty bodies have used two main definitions of legal discrimination. One, found in the UN's conventions against racial and gender discrimination (the International Convention on the Elimination of all Forms of Racial Discrimination ['ICERD'] and the Convention on the Elimination of All Forms of Discrimination against Women ['CEDAW']) defines discrimination as "any distinction, exclusion or preference on prohibited grounds, with the purpose or effect of impairing the equal enjoyment of rights".³⁵ On this definition, barring children from the vote could be argued to both directly harm children by robbing them of democratic equality and dignity, and indirectly cause harm by giving their interests less weight in policy. However, this view requires demonstrating that a voting ban is not, in fact, as widely assumed, in children's best interests, on the presupposition that children do not know what would be in their political best interests in the first place. The other definition of discrimination, used by the European Court of Human Rights, is "the differential treatment in comparable situations without an objective and reasonable justification".³⁶ Here again, one could argue that no clear justification has been given, or could be given, for denying children equal treatment when it comes to suffrage. However, it is also the case, as with the first definition, that general public opinion would find that there is indeed an "objective and reasonable justification", namely children's lack of adult competence.

Resolving these legal questions would require tackling the underlying issues of largely invisible normative discrimination. Whether children are being denied "equal enjoyment of their rights" without "objective and reasonable justification" can only be settled by examining fundamental historical assumptions about the natures of voting and childhood. Similar arguments had to be made in the past about why suffrage was being denied to women, minorities, the poor, and so on. For children, the case is not especially complicated, however controversial it may be. Based on the considerations above, it is that voting discrimination takes place whenever the right to vote is denied

34 E. Wiland, 'Should Children Have the Right to Vote?', in D. Boonin (ed.), *The Palgrave Handbook of Philosophy and Public Policy* (Palgrave Macmillan, New York, 2018).

35 W. Vandenhoe, *Non-Discrimination and Equality in the View of the UN Human Rights Treaties Bodies* (Intersentia, 2005) p. 83.

36 Ibid.

to a member of a polity desiring it. There is no reasonable justification for barring suffrage on the basis of age. There may be rights that are legitimately limited by age – such as marriage, driving, and making life-threatening medical decisions – since these can be shown to cause obvious direct or indirect harm. But the right to vote carries no such risk apart, perhaps, from a paper cut. The right to vote cannot legitimately be abridged on any competence grounds at all, however socially accepted those grounds may be.

The deeper problem of discrimination in this case is then the unsupported normative presumption of childhood incompetence. Voting ought not be a social entitlement but a fundamental freedom, one that can legitimately be abridged only for exceptional and well-grounded reasons. Children already have freedom rights such as to expression, conscience, assembly (to a point), and protest; voting is the same kind of freedom right extended into politics. As the pediatric scholar Neena Modi argues, children's voting rights could be understood on the same basis as their medical decision rights: as freedoms a child can exercise for themselves in developing ways over time with the support of caregivers.³⁷ Or as the legal scholar Joanne Lau puts it, if there really is a substantive competence ground for voting, then "we ought either to disenfranchise the elderly, if we do not enfranchise children, or enfranchise children of an age group that has the same proportion of capacity as the elderly".³⁸ Children are discriminated against when it comes to voting rights for no other reason than that they are children.

5 Voting Consequences

The other main argument made about voting age discrimination concerns, not competencies, but consequences. Here the claim is made that denying children suffrage places their concerns and perspectives at a systematic societal disadvantage. Representatives are less beholden to the interests of constit-

37 N. Modi, 'A Radical Proposal: To Promote Children's Wellbeing Give Them the Vote', *BMJ* 361 (2018); N. Modi, 'A View from Paediatric Medicine: Competence, Best Interests, and Operational Pragmatism', in J. Wall (ed.), *Exploring Children's Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022) pp. 197–214.

38 J. Lau, 'Two Arguments for Child Enfranchisement', 60 *Political Studies* (2012); P. Cook, 'Against a Minimum Voting Age', 16 *Critical Rev. Int'l Soc. & Pol. Phil.* (2013); J. Tremmel and J. Wilhelm, 'Democracy or Epistocracy? Age as a Criterion of Voter Eligibility', in J. Tremmel (ed.), *Youth Quotas and Other Efficient Forms of Youth Participation in Ageing Societies* (Springer, New York, 2015), pp. 125–47; L.M. Umbers, 'Enfranchising the Youth', 23 *Critical Rev. Int'l Soc. & Pol. Phil.* (2018).

uents who cannot vote them out of office, resulting in policies that systematically favor people eighteen and older over people under eighteen, and across all political, economic, health, social, and even educational and family spheres. The political philosopher Stefan Olsson argues that children's suffrage would constitute "a way to guarantee that the people who really are deciding on the laws, the elected officials, do not forget to consider all interests equally".³⁹ Likewise, the economist Luigi Campiglio demonstrates that children's lack of voting rights places them at a disadvantage when it comes to long-term, inter-generational economics.⁴⁰ Or, as I have put it, children's enfranchisement would "make politicians accountable to the real complexities of children's lives".⁴¹ When hard choices have to be made about resources, rights, and priorities, an adultist voting system presses children's already disadvantaged position even further into the margins of political decision-making.

The usual assumption is that children's voting would harm both children and adults by inflicting uninformed ideas on societies.⁴² It is asserted that voting would "adultify" children, robbing them of their childhoods both in politics and in other spheres like criminal justice and sexual protection.⁴³ And it is claimed that children's suffrage would undermine the responsibilities of parents and teachers toward children's care.⁴⁴ But these arguments ignore the existing and more profound disadvantages arising from children's disenfranchisement itself. By lacking a part in choosing their political representatives, children are reduced to second-class citizens without equal dignity in their own right or influence over the systems on which they rely. They cannot pressure governments to address, for example, their being the poorest social group, their lack of health and education resources, their denial of justice protections, or their need for urgent climate action. The rea-

39 S. Olsson, 'Children's Suffrage: A Critique of the Importance of Voters' Knowledge for the Well-Being of Democracy', 16 *International Journal of Children's Rights* (2008) pp. 55–76.

40 L. Campiglio, *Prima le Donne e i Bambini [Women and Children First]* (Il Mulino, Bologna, 2005); L. Campiglio and L.A. Lorenzetti, 'Generational Economics', in J. Wall (ed.), *Exploring Children's Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 155–176.

41 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury, New York, 2022).

42 G. Scarre, 'Children and Paternalism', 55 *Philosophy* (1980).

43 K. Silbaugh, 'Developmental Justice and the Voting Age', 47 *Fordham Urb. L.J.* (2020).

44 M. Guggenheim, *What's Wrong with Children's Rights* (Harvard University Press, Cambridge, MA, 2005).

son voting rights advantage people's lives is that democracies generally work, since they force elected leaders to take voters' concerns into account.

What is more, overcoming voting adultism would systematically benefit adults, social institutions, and democracies. As with other groups in history, adding voices to the democratic discourse pressures politicians to make more broadly and complexly informed policy choices. In the case of children's suffrage, it would most likely result, for example, in better funding and support for child-related professionals such as teachers, paediatricians, and social workers; longer-term economic policy, public health, and climate action; and a fresh wave of new insights into solving social issues such as gender rights, justice reform, and migration.⁴⁵ Overcoming adultism in voting rights adds a third more pixels to the policy-making screen. Indeed, as the political theorist Michael Cummings argues, it would strengthen democracy itself by improving democratic engagement and building in greater resistance to authoritarianism: "The civic disengagement and loss of social capital plaguing democracies today is rooted in the systemic silencing of people's political voice during their early years."⁴⁶

An adultist voting system is thus normatively discriminatory when it comes to consequences as well. It is built on unexamined historical assumptions about the likely political impacts of children's voting empowerment. In reality, children are not uninformed, easily influenced, and incompetent political beings whose suffrage would harm themselves and others, but instead a diverse class of full human beings and citizens whose ideas and perspectives are very much needed in making informed political policies. The adultism of denying children their equal rights is not just that some adults treat some children badly, but that adults as a class are implicitly assumed to be superior to children as such. It constructs a binary opposition in which adulthood is empowered at the expense of the empowerment of childhood. But this deep-rooted societal norm distorts democracy and harms us all.

45 B. Franklin, 'Children's Political Rights', in B. Franklin (ed.), *The Rights of Children* (Basil Blackwell, New York, 1986), pp. 24–53; L. Campiglio, 'Political Participation, Voting, and Economic Policy: Three Problems of Modern Democracies', in A. Breton (ed.), *Understanding Democracy: Economic and Political Perspectives* (Cambridge University Press, New York, 1997); L. Campiglio, 'Children's Right to Vote: The Missing Link in Modern Democracies', 12 *Soc. Stud. Child. & Youth* (2009); P. van Parijs, 'The Disenfranchisement of the Elderly, and Other Attempts to Secure Intergenerational Justice', 27 *Phil. & Publ. Aff.* (1999); K. Hinrichs, 'Do the Old Exploit the Young? Is Enfranchising Children a Good Idea?', 43 *Arch. Europ. Sociol.* (2002).

46 M. Cummings, *Children's Voices in Politics* (Peter Lang, New York, 2020), p. 288.

6 Addressing Adultism in International Voting Rights Law

Responding to children's voting rights discrimination involves in part reinterpreting international law. Legal scholars have taken steps in recent years to rethink international human rights conventions as well as the CRC in more child-responsive ways. Partly international law itself suggests more inclusive ways forward, and partly it has to be reinterpreted or even reframed from a broader normative perspective. In any case, it is possible to begin with international law to start rethinking voting rights as no longer discriminatorily adultist and hence as more truly universal.

International law is particularly interesting in this respect, as it reveals in stark terms the gap between legal rights and adultist biases. The 1948 Universal Declaration of Human Rights ('UDHR'), for example, states in Article 21.3 that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage".⁴⁷ This language is echoed also in the 1966 International Covenant on Civil and Political Rights ('ICCPR'), which asserts in Article 25 that "Every citizen shall have the right and the opportunity . . . [t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage".⁴⁸ All countries in the world are bound through international customary law to the UDHR, and most, including the United States, have ratified the ICCPR, the landmark international law on political rights.

But, of course, the world's apparently inclusive affirmation of "universal and equal suffrage" is nowhere understood to extend to citizens under the age of eighteen (or in a few countries sixteen). This is not because international law provides an explicit rationale for children's exclusion. Nor is it because human rights committees have explored the question and validated national age restrictions on objective or reasonable grounds. Rather, children's non-enfranchisement is simply taken for granted. It is an assumed dimension of voting rights that is not thought to require justification. But such is the very essence of normative discrimination: in principle guaranteeing a universal human right while in practice withholding it from entire social groups, in this case a third of humanity, without argument. The only explanation for this clear self-contradiction is the presence of systemic and widespread historical adultism.

47 *Universal Declaration of Human Rights*, GA Res 217A, UNGAOR, UN Doc A/810 (Dec. 9, 1948).

48 *International Covenant on Civil and Political Rights* (1966).

A related problem is found in the CRC, the key international framework on children's rights and history's most widely ratified treaty. There have been broad critiques of the CRC as a discriminatory document in and of itself, in that it separates children's rights from larger human rights frameworks, thereby giving free reign to children's differential treatment (as indeed just illustrated with the UDHR and ICCPR).⁴⁹ The CRC may be adultist by its very act of separating 'children's' rights from 'human' rights. In addition, the CRC famously excludes any reference to political rights, defining even its freedom rights, as Aoife Nolan demonstrates, in almost entirely apolitical terms.⁵⁰

But the actual language of the CRC contains a similar paradox as in larger human rights law in that it could be argued to simultaneously deny and require children's universal rights to vote. Most of the discussion in the scholarship here has focused on Article 12, which asserts in part children's "right to express [their] views freely in all matters affecting the child".⁵¹ On one hand, Article 12 limits free expression in ways that would be unacceptable for adults: only "to the child who is capable of forming his or her own views" (not to all children), in "all matters affecting the child" (not other matters too), and in accordance with "age and maturity." Childhood is framed in terms of 'capacity' instead of inherent human dignity.⁵² On the other hand, Article 12's demand for free expression in "all matters affecting the child" would seem to include politics broadly and electing representatives in particular. General political matters do indeed very much affect children. The Amnesty International lawyer Katherine Walton argues in this vein that since Article 12 affirms freedom of expression in all matters impacting children's lives, it necessarily affirms the freedom to vote.⁵³ Similarly, the legal scholar Aoife Daly argues that Article 12 in effect calls out states' voting age "discrimination" because "we fail to permit children the right to political influence, and we fail ourselves by imposing a

49 A.T.-D. Imoh and S. Okyere, 'Towards a More Holistic Understanding of Children's Participation: Foregrounding the Experiences of Children in Ghana and Nigeria', 112 *Child. & Youth Serv.'s Rev.* (2020); A. Quennerstedt, 'Children, But Not Really Humans? Critical Reflections on the Hampering Effect of the "3 p's"', 18 *International Journal of Children's Rights* (2010).

50 A. Nolan, 'The Child as Democratic Citizen: Challenging the Participation Gap', *Public Law* (2010) pp. 126–141.

51 UN Convention on the Rights of the Child (1989).

52 R. Sandland, 'A Clash of Conventions? Participation, Power and the Rights of Disable Children', 5.3 *Social Inclusion* (2017), pp. 93–103.

53 K. Walton, 'Votes for Children: The Case for Universal Suffrage', *Amnesty International UK*, Oct. 6, 2019, <www.amnesty.org.uk/blogs/childrens-human-rights-network-blog/votes-children-case-universal-suffrage> [<https://perma.cc/4Y4S-K232>].

lack of diversity on the civil processes in which we engage”.⁵⁴ Although CRC Article 12 does not explicitly mention voting, then, it can be read to demand it implicitly once adultistic assumptions are removed.

In my view, an even stronger case can be made from CRC Article 13.⁵⁵ Article 13 states that “[t]he child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”. It further insists that there can be “restrictions” on this freedom “only” in the following instances: “(a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.”⁵⁶ As in Article 12, the freedom to impart “ideas of all kinds”, while appearing not to impinge on politics, in fact patently includes it. Political “information” is information a child may wish to “impart”, including via the choice of representatives. In addition, Article 13 is closely related to Article’s 15’s guarantee of the right to “freedom of association”, which is another way to interpret the act of voting. But most importantly, Article 13 explicitly forbids restrictions on the right to freedom of expression outside of strictly limited cases. These restrictions echo standard language throughout international law (such as in ICCPR articles on freedoms of expression, movement, thought, conscience, religion, assembly, and association). They prevent freedom of expression from violating the rights of others as well as national security, public order, health, and morals. Clearly, children’s voting no more falls under any such restriction than adults’ voting. On the contrary, it would be easier to argue that it is adult-only voting that fails in “respect of the rights or reputations of others” by denying equal treatment and dignity to children. CRC Article 13 thus makes an even clearer argument than Article 12 that children are owed the right to vote as a matter of freedom of expression without any unreasonable restriction.

Finally, one could point to CRC Article 41, which requires states not to exclude children from any larger human rights. As it says, “nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child” in national and international law. Since the right to vote would in fact be “more conducive” to realizing children’s rights,

54 A. Daly, ‘Free and Fair Elections for Some? The Potential for Voting Rights for Under-18s’, in D. Keane and Y. McDermott (eds.), *The Challenge of Human Rights: Past, Present, and Future* (Edward Elgar, Cheltenham, UK, 2012).

55 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury, New York, 2022), pp. 33–34.

56 UN Convention on the Rights of the Child (1989).

and since it is explicitly required in the UDHR and ICCPR to be universal and equal, CRC Article 41 can be read to override any remaining ambiguity in the matter. If the CRC does construct children's rights in a discriminatory manner by separating them from larger human rights law, then Article 41 effectively reverses this situation by holding states to their larger human rights commitments when it comes to children. This is especially the case when it comes to children's suffrage, as little could be imagined to promote the realization of children's rights more – at least, once unreasonable normative biases against children are recognized – than their right to have an impact on the formation of their rights.

7 Addressing Adulthood in National Voting Rights Law

In terms of national law, there have, as noted, been increasing attempts to sue for children's voting non-discrimination, and these have been joined by a growing body of legal scholarship. These have for some time gone beyond the more broadly acceptable campaigns for votes at sixteen⁵⁷ and parental proxy votes for children up to eighteen.⁵⁸ Such arguments retain strongly adultistic biases toward the adult as the voting rights standard. These national legal efforts to end all voting age discrimination face similar paradoxes in

57 D. Hart and R. Atkins, 'American Sixteen- and Seventeen-Year-Olds Are Ready to Vote', 633 *The Annals of the American Academy of Political and Social Science* (2010), pp. 201–222; V.E. Hamilton, 'Democratic Inclusion, Cognitive Development, and the Age of Electoral Majority', *Faculty Publications*, The College of William & Mary Law School Scholarship Repository (2012) pp. 1447–1513.

58 A. Toulemon, *Le Suffrage familial ou suffrage universel integral* [Family suffrage or integral universal suffrage] (1933); J.-Y. Le Naour and C. Valenti, *La famille doit voter: Le suffrage familial contre le vote individuel* [The family must vote: Family suffrage versus individual voting] (2005); J. Gesley, 'Family Voting as a Solution to Low Fertility? Experiences from France and Germany', *Glob. L. Guest Post*, Apr. 19, 2018, <blogs.loc.gov/law/2018/04/family-voting-as-a-solution-to-low-fertility-experiences-from-france-and-germany/> [https://perma.cc/P2ML-WSHK]; H. De Quetteville, 'Germany Plans to Give Vote to Babies', *Daily Telegraph*, July 9, 2008, <www.telegraph.co.uk/news/worldnews/europe/germany/2275407/Germany-plans-to-give-vote-to-babies.html> [https://perma.cc/8KNR-XRM2]; Deutscher Bundestag, *Fragen zum Wahlrecht von Geburt an*, WD 3 - 3000 - 157/17, 8–10 (Sept. 7, 2017), <www.bundestag.de/resource/blob/531942/6669f3e29651882065938fc6a14fd779/wd-3-157-17-pdf-data.pdf> [https://perma.cc/F9J9-5EQF]; J. Rutherford, 'One Child, One Vote: Proxies for Parents', 82 *Minn. Law Rev.* (1998); R. W. Bennett, 'Should Parents Be Given Extra Votes on Account of Their Children: Toward a Conversational Understanding of American Democracy', 94 *Nw. U. L. Rev.* (2000).

national law as found above internationally. That is, national law can be argued to demand ageless suffrage even as it is used in reality to oppose it.

The most developed discussions here are in Australia, Canada, and the United States. The Australian legal expert Robert Ludbrook argues, for instance, that because laws in every Australian state prohibit “age discrimination” in general, these implicitly apply to age discrimination in voting, since voting rights are fundamental rights. As he puts it, Australian democracy needs children’s suffrage “if [its] political leadership and [its] political and social policies are to truly reflect the views of all sections of [the Australian] community”.⁵⁹ Also in Australia, Robert Goodin and Joanne Lau suggest that children’s voting rights are justified by the concept of legal “suretyship”, a mechanism of combined competencies that ensures that “all the voters are ‘co-signatories’ with regard to electoral outcome”.⁶⁰ In Canada, Cheryl Milne explains why a legal case can be made to use anti-discrimination law to amend Section 3 of the *Canadian Charter of Rights and Freedoms* “to strike down the age restriction [on voting rights]” on the grounds of political non-discrimination being fundamental to Canadian citizenship.⁶¹

In the United States, the anti-discrimination argument for ageless voting has revolved chiefly around the US Constitution’s Fourteenth Amendment Equal Protection Clause, which guarantees that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws”.⁶² The Constitution offers no legal precedent for barring children’s voting, only for protecting voting for adults. As the legal scholar Samantha Godwin argues in detail, children’s suffrage is demanded by a rigorous application of established equal protection jurisprudence. According to Godwin, “a persuasive case can be made that children represent a suspect class for equal protection purposes [similar to suspect classes around race, religion, and national origin], and that children’s fundamental rights are implicated in many of the restrictions against them”.⁶³ Voting is a constitutionally established fundamental right that is denied to children without a compelling state interest or legitimate state encroachment.

59 R. Ludbrook, ‘Should Children Have the Right to Vote?’, *Nat’l. Child. & Youth L. Ctr.* (1995).

60 R.E. Goodin and J.C. Lau, ‘Enfranchising Incompetents: Suretyship and the Joint Authorship of Laws’, 24 *Ratio* (2011).

61 C. Milne, ‘Legality of Age Restrictions on Voting: A Canadian Perspective’, in J. Wall (ed.), *Exploring Children’s Suffrage: Interdisciplinary Perspectives on Ageless Voting* (Palgrave Macmillan, New York, 2022), pp. 177–196.

62 U.S. CONST. amend. XIV, § 1.

63 S. Godwin, ‘Children’s Oppression, Rights, and Liberation’, 4 *Nw. Interdisc. L. Rev.* (2011).

Along with co-authors Sonja Grover and Robin Chen, I have argued along similar lines that childhood is a legitimate “suspect class” when it comes to voting rights protection, and furthermore that, according to *Dunn v Blumstein* (1972), voting is a “fundamental interest” whose “derogation must be subject to strict scrutiny by the Courts”.⁶⁴ So far, US courts have refused to consider childhood a suspect class on the peculiar reasoning that “[h]olding that ‘posterity’ or even just minor children are a suspect class would hamstring governmental decision-making”, subordinating non-discrimination interests to political and economic expediency.⁶⁵ However, since voting is indeed a fundamental interest for all citizens, providing them with political dignity and the ability to influence matters that affect them, no such government interest can in fact justifiably outweigh it.

Although no international or national laws therefore establish ageless suffrage, it is also arguably the case that they require it on fundamental anti-discrimination grounds. The democratic right to vote is a universal and equal freedom that can legitimately be denied only for exceptional reasons. As we have seen, however, not only would children’s voting rights present no more risk than adults’, but, on the whole, they would result in widespread and systemic advantages for children, societies, and democracies. What is more, children deserve to be treated as a suspect class for discrimination purposes when one considers the long history of adultism around the world. A fundamental human right like voting is evidently denied for such a large class of human beings only because of uncritical adultist assumptions about political competencies and consequences. In the realm of voting rights, absent significantly more compelling evidence against them, children are discriminated against simply because of their age.

8 From Adultism to Childism

Because adultism is normative, it calls for not only the application of existing law but also the more fundamental critique of underlying systems and assumptions. As in the case of voting rights, it is one thing to note discrepancies in law, another to rewrite law from the point of view of those it marginalizes.

64 S. Grover et al., ‘The Legal Case for Children’s Right to Vote in the United States’, 31 *The International Journal of Children’s Rights* (2023) p. 803.

65 *Juliana v. United States*, 339 F. Supp. 3d 1062 (D. Or. 2018) Decided Oct 15, 2018 (Case No. 6:15-cv-01517-aa, United States District Court for the District of Oregon, Eugene Division *Juliana v. United States* 947 F.3d 1159 (9th Cir. 2020), p. 34.

This task is especially clear when it comes to voting rights, as it is voters who elect the representatives who write law and policy in the first place. Suffrage movements over history have always had to do more than demand equal protection under the law. They have also had to mount deeper challenges against who is considered a rightful political being and policy-making citizen in the first place. Such is especially the case for children, since being like a child has often functioned as the ultimate trope of second-class citizenship. Responding to adultism cuts at the root of political disempowerment not only for children but for us all.

The effort to rethink social and legal norms in light of childhood can be termed ‘childism’.⁶⁶ As I and others have defined this concept, childism is analogous to feminism, decolonialism, anti-racism, queer theory, disabilities studies, transhumanism, and other critical theories. Specifically, “[c]hildism offers the needed critical lens for deconstructing adultism across research and societies and reconstructing more age-inclusive scholarly and social imaginations”, a lens that aims therefore at “empowering children’s experiences of difference to transform larger social norms and systems”.⁶⁷ If adultism is engrained within law and society’s often hidden historical norms, then childism responds by challenging the very languages, cultures, and power structures on

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- 66 J. Wall, ‘Childhood Studies, Hermeneutics, and Theological Ethics’, 86.4 *Journal of Religion* (2006) pp. 523–548; J. Wall ‘Human Rights in Light of Childhood’, 16.4 *International Journal of Children’s Rights* (2008) pp. 523–543; J. Wall, *Ethics in Light of Childhood* (Georgetown University Press, Lanham, MA, 2010); S. Wadsworth ‘The Year of the Child: Children’s Literature, Childhood Studies, and the Turn to Childism’, 27.2 *American Literary History* (2015) pp. 331–341; J. Sundhall, ‘A Political Space for Children? The Age Order and Children’s Right to Participation’, 5.3 *Social Inclusion* (2017) pp. 164–171; J. Wall, ‘From Childhood Studies to Childism: Reconstructing the Scholarly and Social Imaginations’, 17.6 *Children’s Geographies* (2019) pp. 257–270; H. Warming, ‘Childism’, in D. Cook (ed.), *The SAGE Encyclopedia of Children and Childhood Studies* (SAGE, Thousand Oaks, CA, 2020); T. Biswas and N. Mattheis, ‘Strikingly Educational: A Childist Perspective on Children’s Civil Disobedience for Climate Justice’, 54.2 *Educational Philosophy and Theory* (2021), pp. 145–157; T. Abebe and T. Biswas, ‘Rights in Education: Outlines for a Decolonial, Childist Reimagination of the Future’, 199 *Fennia – International Journal of Geography* (2021); Childism Institute, <www.childism.org/> [<https://perma.cc/YQH6-6LKC>]; J. Wall, ‘From Childhood Studies to Childism: Reconstructing the Scholarly and Social Imaginations’, 20.3 *Children’s Geographies* (2022) pp. 257–270; T. Biswas and J. Wall, ‘Childist Theory in the Humanities and Social Sciences’, 37.4 *Children & Society*, Special Issue on “Childism,” ed. T. Biswas and J. Wall, (2023); T. Biswas, ‘Becoming good ancestors: A decolonial, childist approach to global intergenerational sustainability’, 37.4 *Children & Society* (2023).
- 67 J. Wall, ‘From Childhood Studies to Childism: Reconstructing the Scholarly and Social Imaginations’, 17.6 *Children’s Geographies* (2019), pp. 257 and 268.

which such norms are built. Third-wave feminists like Judith Butler, Luce Irigaray, and Leslie Heywood called not just for women's equality to men but also for rethinking gender as a social category.⁶⁸ Likewise, childism calls for not only children's equality to adults but also for rethinking age in social understandings of equality and politics.

A particularly relevant childist concept when it comes to voting law is the ontological idea that social relations are "deeply interdependent".⁶⁹ The traditional adultist assumption is that there is a binary opposition between independent adults and dependent children. This independence-dependence binary has often been used to justify divisions between adults too: landowners over the poor, free men over slaves, men over women, the abled over the disabled, and so on. To construct a group as "dependent" or "child-like" is to justify their second-class citizenship. It is to suggest that they are unfit for the full range of social and political rights and power. However, as children's lived experiences teach especially clearly, no person of any age is simply dependent or independent. Human beings are social creatures who survive and thrive only because they are thoroughly interdependent: socially, culturally, economically, linguistically, familially, historically, biologically, and of course also politically. It is an adultist myth that anyone lives independently of others, even relatively so. Rather, from birth to death, human (and nonhuman) lives gain their possibilities and meanings only through a vast range of close and distant networks of social interdependence.

This point about human interdependence has already been made by feminists such as those above. What childism could be said to add is that social interdependence is 'deep' in the sense of involving both horizontal relationships and vertical inter-reliances.⁷⁰ That is, human interdependence means that people are at once both subjects and objects of power: both exercisers

68 J. Butler, *Gender Trouble: Feminism and the Subversion of Identity* (Routledge, New York, 1990); L. Irigaray, *An Ethics of Sexual Difference*, trans. C. Burke and G.C. Gill (Cornell University Press, Ithaca, NY, 1993); L. Heywood, *Third Wave Agenda: Being Feminist, Doing Feminism* (University of Minnesota Press, Minneapolis, MN, 1997).

69 J. Josefsson and J. Wall, 'Empowered Inclusion: Theorizing Global Justice for Children and Youth', 17.6 *Globalizations* (2020) pp. 1043–1060.

70 T. Biswas, 'Becoming good ancestors: A decolonial, childist approach to global intergenerational sustainability', 37.4 *Children & Society* (2023); F. Borg and K. Sporre, 'Children's Empowered Inclusion in Early Childhood Education for Sustainability', in S.L. DeZutter (ed.), *International perspectives on educating for democracy in early childhood: recognizing young children as citizens* (Routledge, New York, 2023), pp. 260–278; J. Wall, 'Childism: Transforming Critical Theory in Response to Children', in S. Balagopalan et al. (eds.), *Bloomsbury Handbook of Theories in Childhood Studies* (Bloomsbury, New York, 2023), pp. 208–222.

of power alongside others and reliant on power systems for support. Citizens are 'subjects' in both senses of the term: subjects of politics and subject to them. Children rely on others and societies for care, economic support, learning, and so on. But equally, adults rely on others and societies for work, protections, being heard, and much else. People depend on each other in many different ways, but no one is simply 'dependent' overall. Rather, childism suggests that the binary opposition of independence and dependence is not a social reality but a form of prejudice used to maintain adultist structures of power.

Take again the case of rights to vote. For various historical reasons, voting is currently assumed to express voters' competent, free, and individual independence.⁷¹ Before the onset of the adult franchise about a century ago, with the inclusion of women, voting was understood quite differently. When voting was restricted to wealthy landowning men at the dawn of modern democracies, voters were assumed to represent not only themselves as individuals but also their dependent families and tenants. Even when all men starting in the 19th century started gaining suffrage, they were understood to vote on behalf of their wives and children as well. It is now clear that such an arrangement is unjust and undemocratic, since it assumes that one segment of the population can speak politically on behalf of another. Such an arrangement clearly marginalizes social differences. The solution to this problem was to grant the franchise to women, which transformed the very notion of voting from an act performed in part on behalf of families to an act performed independently.

However, as we have seen, this normative construction of democracy has justified the continued and unfortunate disenfranchisement of children. It enshrines the assumption that only adults can vote with fully responsible independence. Childism makes it possible to see that voting is neither a representation of dependent persons by independent ones, as in the past, nor a representation of independent persons simply, as in the present. Rather, it needs to be reconstructed as a representation of deep interdependence, that is, of both difference and interconnectedness. Voting is properly understood as an act undertaken both on one's own behalf and on behalf of others. The right to vote is a right to be included as both an object and a subject in an inter-reliant political network.

71 D. Runciman, 'The Paradox of Political Representation', 15.1 *Journal of Political Philosophy* (2007), pp. 93–114; C. López-Guerra, *Democracy and Disenfranchisement: The Morality of Electoral Exclusions* (Oxford University Press, New York, 2014); J. Wall, 'Democratizing Democracy: The Road from Women's to Children's Suffrage', 18.6 *International Journal of Human Rights*, Special Issue, ed. S. Grover (2014), pp. 646–659.

9 Childist Voting Rights in Practice

Concretely speaking, there would be many ways of practicing voting rights along such childist lines. My own proposal is that age-inclusive suffrage could be achieved by means of a new imagination of voting rights for all as a 'proxy-claim' right to vote.⁷² Currently, voting rights are not claimed by the electorate but granted by governments, usually at age eighteen. A proxy-claim right to vote, in contrast, would belong to everyone from birth to death. Every citizen would have a 'proxy' right to vote that is exercised on their behalf by their legal guardian, which, however, every citizen would have the right to 'claim' to exercise on their own behalf whenever they so desire. The proxy side of such a voting right ensures that anyone dependent on others for political representation is not thereby denied democratic power. Most likely this would include infants, young children, adults with severe cognitive disabilities, persons with incapacitating health conditions, older adults with dementia, and other groups. In many countries this would mean a proxy vote for roughly 20 per cent of the population, 10 per cent children and 10 per cent adults. The claim side of such a voting right ensures that anyone with the minimum needed ability could, if they liked, exercise their voting right on their own behalf. The right to claim your vote would not rest on achieving some predetermined age. Rather, it would rest, as argued above, on the simple desire to vote.

Such a proxy-claim system of voting would overcome the problem of systemic adultist discrimination in contemporary voting law. It does not simply extend existing adultist constructions of voting rights to children, as if an independence-only voting practice could include children adequately. Merely extending individual voting rights to children would leave the youngest of children, as well as adults who cannot vote independently, even more politically marginalized than they are now. The more fundamental restructuring proposed here reflects the social reality of every citizen's deep interdependence. The proxy side recognizes that citizenship involves reliance on one another; and the claim side recognizes that it nevertheless involves the representation of differences. Most countries already have proxy voting for incapacitated and elderly adults (as well in some cases for adults traveling abroad or in the military); there is no reason it should not be extended also to younger children. Older children would be able to claim their right to vote on their

72 J. Wall, *Give Children the Vote: On Democratizing Democracy* (Bloomsbury, New York, 2022).

own behalf whenever they, and not their guardians or governments, wished to do so.

This new understanding of the right to vote brings to bear a deepened normative perspective that can overcome the contradictions found above in international suffrage law. In terms of the UHDR and ICCPR, it would resolve the ambiguity of explicitly demanding “universal and equal” suffrage while implicitly tolerating only adult suffrage. The proxy side of a proxy-claim vote would make universal and equal suffrage a reality for the large number of both children and adults who for one reason or another are unable to vote on their own behalf. In terms of the CRC, a new interpretation of voting would redress its discriminatory potential for denying children’s human rights in the name of affirming them. Proxy-claim voting would ensure that the freedoms of expression guaranteed in Articles 12 and 13 really do apply to “all matters affecting the child” and that they truly recognize the right to “impart information and ideas of all kinds” without undue restriction. Mere dependency on others in specific economic and emotional respects is not a reason for being denied political representation. On the contrary, as CRC Article 2 could be understood to suggest, no limitation of rights should discriminate against children simply because they are children. If voting rights should not discriminate by gender, ethnicity, race, class, or other factors, for the same reasons neither should they discriminate by age.

However structured in practice, an age-inclusive right to vote illustrates the point that age discrimination is socially normative and so ultimately calls for transforming the underlying systems in which it is rooted. Existing voting rights are not only enshrined in law but also representative of a deeper adultistic logic. The age discrimination involved demands a childist response that can not only change law but also build new normative imaginations. Proxy-claim voting sounds necessarily peculiar because voting systems have not been imagined to include children fully as children. The same profound shift, however, also sounded strange when other discriminated against groups like women, minorities, and the poor gained suffrage as well. The work of overcoming normative discrimination involves a difficult struggle with entrenched power systems.

10 Conclusion

The problem of age discrimination against children is consequently profound. It concerns more than just children’s occasional denial of respect or rights. Rather, age discrimination is the expression of a normatively systemic

adultism. It is written into the fabric of historical and contemporary societies, politics, and laws. As the case of children's voting rights makes especially clear, age discrimination against children rests on a largely invisible groundwork of unquestioned assumptions. The continued denial of suffrage to children, even after it has been extended to every other major group, reflects adultistic/paternalistic prejudices against children as a class. By recognizing the problem as one of normative age discrimination, it is possible to see that children are being denied a fundamental human right without reasonable grounds. Above all, addressing age discrimination against children calls upon both children and adults to question what appears normal and settled in society and even law in order to imagine what is truly equal and just.