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Lecce, Steven

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Should Democracy Grow up? Children and Voting Rights

by Prof. Dr. Steven Lecce

Abstract: This paper examines whether or not children's continued electoral exclusion is morally defensible. Ultimately, there is a deep tension between the egalitarian presuppositions of democracy and our apparent unwillingness to grant children voting rights. Unless a plausible distinction can be found, then, between adults and children that also tracks the underlying reasons for endorsing democracy in the first place, the continued political disenfranchisement of our youngest citizens is shown for what it is: social injustice. The paper begins by exploring some of the conceptual difficulties that childhood creates in relation to democracy. It then assesses the implications of two very different approaches to democracy for children's voting rights: proceduralism and a child's supposed right to an open future.

Introduction

At first glance, the idea that children should have voting rights probably strikes most people - if they ever contemplate it at all - as an absurdity. One need not be a pediatrician or psychologist (or, parent, for that matter) to appreciate the fact that, especially when they are very young, children are often emotionally unstable, ethically immature, and cognitively under-developed and, thus, typically ill-equipped for discharging the rights and responsibilities of democratic citizenship. However, the continued exclusion of children from the electoral franchise sits rather uneasily with both influential philosophical defences of democracy and the existing electoral practices of Western liberal-democratic states. What makes democracy ethically attractive as a political form is that all citizens are to share *equally* in shaping the law and public policy that sets out the basic framework of rights and responsibilities that determine, or at least greatly influence, their life prospects and opportunities. A democracy is better than its rivals, so the argument goes, because it treats its citizens with equal concern and respect. But *children* are citizens too, so why are they denied what is probably the single most important democratic right - the right to vote? Furthermore, why isn't that denial a straight-

forward violation of the equality that democracy is supposed to deliver? As we shall see, one answer is based upon children's manifest disabilities in relation to whatever capability benchmark is used to identify the legal age of majority. This move will not do, however, at least without further argument, because, beyond the legal age of majority, disabilities of those kinds typically do *not* disqualify adults above the threshold. In Canada, for example, neither the insane nor convicted criminals are barred from voting. In short, the common intuition about the absurdity of granting voting rights to children is, in fact, quite hard to sustain in light of both the best arguments for democracy and existing electoral practices.

We worry about what a child will become tomorrow, yet we forget that he is someone today.

/ Stacia Tauscher /

This paper explores some of the complexities surrounding this tension between the common intuition, on the one hand, and the arguments for democracy and existing practices, on the other. It begins by motivating the topic by showing how, in general, children's political disenfranchisement raises serious questions of justice that must be addressed rather than ignored. If we are to continue excluding children from the franchise, that exclusion, itself, should be based upon a defensible political morality rather than simply the result of unquestioned convention or habit. The rest of the paper takes up this challenge by exploring two very different approaches to democracy to see what they yield in connection with children's voting rights. If the core idea of democracy is the collective authorization of laws by voting for them, broadly speaking, there are two ways of defending that idea: first, as a *fair procedure* for adjudicating the competing preferences and interests of citizens, each of whom are assumed to be equally worthy of political concern and respect; and, second, as the implication of a character ideal rooted in the value of personal autonomy. This paper examines the implications

of proceduralism for children's voting rights via David Estlund's most recent contribution to normative democratic theory.¹ In Estlund's hands, the justification of democracy crucially depends upon the refutation of 'epistocracy' - the rule of the wise.² Like so many others, Estlund deliberately chooses to omit children from the purview of his analysis. However, his arguments bear directly upon the question of children's voting rights, because the case for excluding children from the franchise normally rests explicitly upon the premise that political authority should be knowledge-based, and it is *this* premise that Estlund attacks. Thus, if the critique of epistocracy succeeds, this might supply advocates of children's voting rights with much-needed theoretical support. Because the ideal of personal autonomy has played such an important role in recent moral and political philosophy, this paper considers what (if anything) is implied by a child's right to an 'open future' in connection with voting rights.³

What is a child?

From the moral point of view, what could be worrisome about the electoral disenfranchisement of children? Up until fairly recently, at least, children have not been central figures in ethical analyses of politics so the question was unlikely to arise in the first place.⁴ But in the West, now, after several hundred years of democratic theory and practice, there are *prima facie* tensions, perhaps even contradictions, between the most influential justifications of majority rule and our continued unwillingness to give the vote to anyone younger than, say, 18 years of age.⁵

I have repeatedly referred to 'children'. What, then, is a 'child'? Our modern conception of childhood is parasitic on that of adulthood, to the extent that children are often characterized primarily as *lacking* what defines an adult.⁶ In most philosophical accounts, children's relative capacity impoverishment is pervasive, deep and multi-perspectival. For instance, Archard states: "These include the moral or juridical perspective from which persons may be judged incapable, in virtue

of age, of being responsible for their deeds; an epistemological or metaphysical viewpoint from which persons, in view of their immaturity, are seen as lacking in adult reason or knowledge; and a political angle from which young humans are thought unable to contribute towards and participate in the running of the community.⁷

Analytically, then, a concept of childhood requires that children be somehow distinguishable from adults in light of some unspecified set of attributes; a *conception* of childhood is a specification of those attributes. In the contemporary Western world, a widespread, perhaps dominant, conception of adulthood (and therefore also of childhood) goes something like this: an adult is someone who is rational, physically independent, autonomous, and with a sense of identity that derives partly from critical reflection upon her beliefs and desires. Because of this, she can make free and informed choices for which she can / should be held responsible. It is because a child *lacks* these dispositions and capacities that she is thought unable to, say, work for a living, be legally accountable for her actions, or vote.

...the voice of children must be heard and respected in all matters concerning their rights.

/ Unicef /

A structural problem confronts *any* conception that indexes childhood to adulthood in the way that Western culture seems to.⁸ To be at all plausible, a psychological account of human development, or an epistemological account of the acquisition of knowledge will have to be gradual. As Locke sought to demonstrate, barring social or natural catastrophes, humans acquire reason gradually, so the transition from childhood into adulthood is typically both continuous and cumulative.⁹ But legal rights and responsibilities, including voting rights, would seem to be all or nothing - either one has the right to vote, or one does not. As Archard astutely points out, this creates the problem “of how to dovetail a psychological account of human development, or an epistemological account of the acquisition of knowledge, with the establishment of criteria whose possession guarantees a certain moral, political and juridical status”.¹⁰

Some critics have found the problem to be insoluble, such that any attempt to draw legal distinctions between children and adults on the basis of supposed age / com-

petence correlations alone is inherently unfair.¹¹ Clearly, there is something inherently arbitrary and therefore unfair about drawing legal distinctions on the basis of age *alone*. To discriminate against the young *because they are young* is as bad, morally speaking, as discriminating against, say, blacks or women because of the colour of their skin, or their sex, respectively. That kind of ageism, as it is now called, is indeed reprehensible. But there is nothing necessarily objectionable about using age as a reliable *proxy* for various competences that might be relevant to people’s abilities to effectively discharge rights and responsibilities.¹² Ultimately, the real questions are whether or not the proxy of age reliably tracks (in a probabilistic sense) the competences that are supposed to be relevant, whether or not those competences really *are* relevant, and, finally, whether a possession of them is fairly demanded of *everyone* or, instead, tested for or, even worse, assumed, only selectively.

For argument’s sake, then, let us divide childhood into the following subcategories: infancy (birth-6 years), childhood proper (6-12 years), and young personhood (12-18 years).¹³ With this framework in mind, we should ask: is there a compelling basis for excluding children from the franchise, one that will not also lead to the exclusion of some (perhaps many) adults, or to giving some adults plural votes? In sum, is their exclusion consistently defensible in light of the best arguments for democracy?

Is there a problem with children’s political disenfranchisement?

The core idea of democracy is the collective authorization of laws by the people who are subject to them. As such, democracy is inseparable from voting.

Symbolically, voting rights are the mark of democratic citizenship. Citizens are those who participate in the government of their society; they do so either by voting on laws directly, or by electing representatives to do so on their behalf. In the voluminous literature on democratic theory, there are many different explanations as to why voting has the normative significance that democrats allege, that is, why casting a ballot legitimates the results and makes them binding and authoritative on everyone, even on political losers.

Here are two promising candidates. First, democracy is implied by a principle of basic equality. At least among adults, “no persons are so definitely better qualified than others

to govern that they should be entrusted with complete and final authority over the government of the state”.¹⁴ On this view, majority rule follows from the assumption that a legitimate government must give equal consideration to the good and interests of every person bound by its decisions.

The major purpose of democracy, its ritual and its feast - this is the election.

/ Herbert George Wells /

Second, democracy is a fair procedure for translating individual preferences into social choices when people disagree. Any other social choice mechanism will either antecedently assume that some people’s interests count for more than those of others (violating equality) or it will incorporate some controversial pre-political standard of right and wrong that people’s votes should track (making voting dispensable). This violates equality and ignores pluralism.¹⁵ Both strategies are fraught with difficulties when it comes to denying children - certainly older teenagers - voting rights. The egalitarian argument invokes the interests of *every* person but proceeds, on the basis of that premise, to limit the franchise to *every adult* citizen. As critics have pointed out, this slide, while characteristic, typically occasions little notice.¹⁶ But sound arguments are required to justify denying children the vote, particularly when the unequal voting power of the elderly relative to the young leads (predictably) to the latter group’s heightened liability to poverty and all of its associated horrors. The procedural argument can exclude children *tout court* only by assuming that, as a group, they lack the capacity to make rational decisions about alternative parties and their policies in light of whatever information is available about them. Do they? Of course, this is an empirical, not a philosophical, question, but we can’t begin to answer it without doing philosophical legwork first, because precisely *which* capacities are required will depend upon how democracy is interpreted - its point, value and purpose. We cannot know whether or not their relative capability deficits should disqualify children from voting until we know which capabilities ground voting rights. And we cannot know what those capabilities are, in turn, without closely examining leading accounts of democracy. Shortly, we turn to procedural and substantive accounts of democracy shortly to see whether, in fact, children may be justifiably

excluded on the basis of their relative capability deficits. For now, we can say at least this much: in order for children's continued political disenfranchisement *not* to require justification, the following three highly dubious things would have to be true:

- (1) Children have no distinctive interests of their own;
- (2) Even if they do have such distinctive interests, their parents can adequately represent them at the polling booth;
- (3) The costs of disenfranchisement are borne by all children, not simply by the poor and powerless.¹⁷

As Schrag points out, the most obvious children's interest that is *not* shared by adults is the interest in receiving an adequate education, one that potentially conflicts with interests in maximally high after-tax parental incomes. Even if children's interests *could* be fully represented by their parents, however, such representation will hardly be equally influential or effective, given existing levels of socio-economic inequality, and this seems to violate the procedural fairness that many democratic accounts champion. Finally, because parents from different social classes are not equally likely to vote, children of the most vulnerable will remain the least effectively represented, even if we assume that children's interests are best represented by their own parents. In the end, if we want to continue to deny children the vote, we will have to confront questions that our political ancestors have ignored, that is, their exclusion must be justified rather than simply assumed. Can it be?

Democracy, Plato's shadow and the rule of the wise

Western political theory begins with the suggestion that democracy is not naturally plausible because it hands over political decision-making to those too stupid to be entrusted with power.¹⁸ Today, and at least openly, this is almost universally denied, but the conclusion is surprisingly hard to resist. After all, when it comes to life and death medical decisions, for example, could there be anything more moronic than holding a vote instead of relying on a doctor's expertise? Surely, the stakes in political decisions are sometimes equally high, involving as they do national security, warfare, the administration of criminal justice, the provision of essential educational and social services, and so on. If the ancient medical/political analogy is apt, we seem to have the basis for an anti-democratic argument with the

following general structure:

- (1) There are true (procedure-independent) normative standards by which political decisions ought to be judged;
- (2) Some (relatively few) people know those normative standards better than others; therefore
- (3) The normative political knowledge of the relative few is a warrant for their having political authority over the rest.¹⁹

Call this the argument for 'epistocracy', or rule by the knowledgeable.²⁰ Let us ignore the separate and admittedly difficult issue as to the precise *content* of the relevant knowledge and the education responsible for producing it. Assume that such knowledge exists and also that people with that education will tend to rule more wisely than those without it.²¹ Both seem like fairly minimal assumptions and, if we concede them, we finally have a promising basis for justifiably excluding children from the franchise because, along with the majority of adults, they lack the expertise of the politically wise.²² Given our purposes, then, it is worth pondering whether or not the argument for epistocracy succeeds.

A child becomes an adult when he realizes that he has a right not only to be right but also to be wrong.

/ Thomas S. Szasz /

Premise (1) looks unassailable and child liberationists, in particular, are certainly in no position to reject it to the extent that their demand for children's political inclusion itself is advanced as a *true* requirement of political morality. Premise (2) might render the argument tautological, but only if we *identify* the content of the requisite political education as whatever happens to lead the relative few to rule more wisely. If there is a way of giving content to that education such that, contingently, people with it will tend to rule more wisely, then (3) seems to follow from (2), and democracy is a non-starter along with children's voting rights, because it is certainly reasonable to think that children, especially the very young, will in all likelihood lack the relevant knowledge that grounds political authority.

How to reject epistocracy

Perhaps this is too quick, though. Even if we concede (1) and (2) - and we probably should - the inference from (2) to (3) commits the '*expert/boss fallacy*' by illicitly assuming that because someone would rule better they are

pro tanto a legitimate or authoritative ruler.²³

David Estlund makes the point as follows: "It is important to see that authority does not simply follow from expertise. Even if we grant that there are better and worse political decisions (which I think we must), and that some people know better what should be done than others (we all think some are much worse than others), it simply does not follow from their expertise that they have authority over us, or that they ought to. This expert/boss fallacy is tempting, but someone's knowledge about what should be done leaves completely open what should be done about who is to rule. You might be correct, but what makes you boss?"²⁴

Like so many other contemporary defenders of liberal-democracy, Estlund invokes a principle of political legitimacy in which state power must be publicly justified, that is, reasonably agreed to by everyone subjected to it.²⁵ It is this justificatory standard that rules out epistocracy: the inference from (2) to (3) above would be reasonably rejected by free and equal citizens unwilling to irrevocably surrender power to putative political experts. The kind of pluralism - cultural, religious, ethical, metaphysical - likely to survive and thrive under free institutions is not conducive to generating a normative consensus that would identify the relevant experts.²⁶

Estlund highlights the expert / boss fallacy in order to block epistemic justifications of plural voting systems, that is, of systems that grant *more* votes to those better qualified (because better educated) to rule.²⁷ He chooses to ignore children, but the omission is rather curious in this context. The reasonable rejection standard of political legitimacy that he deploys to vindicate egalitarian democracy by blocking the inference from (2) to (3) seems to cut both ways. On Estlund's view, all adults are to have the same voting rights despite their being differentially endowed with political wisdom *because* such wisdom is not the basis of justified authority. Fine, but why should we deprive *children* of the vote on the basis of their relative epistemic deficits when similar deficits are not grounds for excluding adults? The argument that vindicates egalitarian democracy from Plato's elitist shadow also casts serious doubt on the continued exclusion of children from the franchise.

One way for proceduralists to resist this conclusion would be to identify a threshold level of competence below which children are thought to fall. On this satisficing conception, voting rights require people to have

enough of whatever composite of abilities is relevant to collective self-rule but, over and above that amount, differential abilities would not translate into unequal entitlements. If the legal age of majority is actually a reliable proxy for that composite, then procedural accounts of democracy may, in the end, justifiably exclude children from the franchise. Lacking the requisite knowledge and abilities, children would not count among those whose reasonable consent was required to justify state power. Subjected to parental authority, they would be as Locke described them - gradually on the way to acquiring freedom (including political freedom) as they developed over time into competent reasoners.²⁸

So the central question is this: are children *unreasonable*? Before rushing to the conclusion that they most certainly are, there are several things to keep in mind. Some of the children currently below the legal age of majority in Canada (18) are 'young persons', as I'm calling them, between 12-18 years of age. Many of these children are probably more computer literate, news savvy and politically sophisticated than their parents, and in a way that makes it likely that they possess basic abilities to understand and rationally evaluate alternative parties and policies. This seems like a *prima facie* reason to lower the voting age to somewhere around 15, perhaps even lower.²⁹ In any event, rationality - the ability to relate ends to means in logically consistent and coherent fashion - is not critical to the proceduralist's standard of political legitimacy. Failing to be rational in that sense will certainly impugn a person's capacity to be autonomous, that is, to live a partly self-chosen life that's reflective of one's fundamental values and commitments. We examine the connection between personal and political autonomy later in connection with a child's supposed right to an open future. But personal autonomy, itself, is a contested value about which reasonable people will disagree.³⁰

A child's right to an open future?

For some political philosophers, the central task of governments is to help people lead decent, or ethically valuable, lives.³¹ Today, such lives are often characterized as personally autonomous ones.³² Suppose, then, that children have a moral 'right to an open future'³³, one in which they, rather than their parents, are to choose the ethical ideals that guide their lives.³⁴ Distinguishing between autonomy as a substantive character ideal

and autonomy as a set of capacities for critical self-reflection, we could then say, and on the basis of that supposed right, that parents have positive duties to foster, and negative duties not to harm, those capacities. In attributing fairly sophisticated autonomy rights to children, admittedly many of whom are not yet capable of exercising them, we are not making a fundamental category mistake, as some critics allege.³⁵ Instead, we are only ruling out kinds of violating parental conduct *now* that will guarantee, or at least make it significantly more likely, that important options for children are foreclosed *later*. So the kind of autonomy that's invoked here might be called anticipatory: "[a child's] right while he is still a child is to have these future options kept open until he is a fully formed self-determining adult capable of deciding among them".³⁶ Does children's political exclusion violate their right to an open future? If so, this would be problematic for both children *and* democracy, because democratic institutions are often defended precisely on the grounds that, under them, personally autonomous lives are likely to flourish.³⁷ There are several reasons for thinking that children's political disenfranchisement might undermine their interest in their having futures left sufficiently open. To begin with, there is the correlation I hinted at earlier between that disenfranchisement and heightened levels of poverty and its concomitant miseries. Since the young are so disproportionately powerless relative to the elderly, law and policymakers have very little incentive to take young people's interests and preferences seriously. As a result, they are neglected along various dimensions - health, education, and day care, for example - in ways that adversely impact the range and quality of options open to them later in life as adults, as well as their capacities to assess and make use of those options. Children's anticipatory autonomy is damaged by adults / parents choosing to fund education inadequately, thereby damaging what might be called its internal resources. There are many different accounts of personal autonomy and, therefore, many different ways of interpreting its anticipatory dimensions. However, any plausible interpretation will make personal autonomy a composite of three distinct conditions: appropriate mental abilities, an adequate range of options to choose from, and independence from outside manipulation and coercion. Clearly, if a person is to be partly the author of her own life by choosing

and pursuing projects - relationships, commitments, goals - then she must possess a range of cognitive skills. She will require, at minimum, practical reasoning skills that enable her to conceive of alternative options for choice. Additionally, she must have the mental abilities to form complex intentions as well as the capacity to comprehend the means required for the realization of her goals. Such cognitive skills and mental abilities are clearly damaged by inadequately funded, under-staffed and poorly managed educational systems.

A child educated only at school is an uneducated child.

/ George Santayana /

Children's anticipatory autonomy is also thwarted by adults / parents pre-committing expenditures, thus damaging the material means for its exercise. Alongside the cognitive capacities necessary for project pursuit and freedom from manipulation and coercion, the final precondition of personal autonomy is an adequate range of options for choice. This adequacy criterion is satisfied primarily through variety, and not number, of options. Because choices are guided by reasons, the options available for an autonomous individual must differ enough to rationally affect choice. To be sufficient for personal autonomy, then, an option-set must contain: (1) a plurality of options with (2) distinct opportunities that yield (3) significantly different reasons for choice and, of these (4) at least one and ideally several of them must be thought of as worthwhile by the person in question.³⁸ When adults / parents pre-commit public expenditures in ways that unfairly shift fiscal burdens onto subsequent generations, there is the worry that such generations will have *their* capacities for personal autonomy stunted via a diminished and impoverished range of choices - social, economic, cultural, recreational, artistic, aesthetic, and so on.

Children's voting rights: addressing the lingering worries

Granting children the vote is one way to block uses of parental / political power that foreclose the anticipatory autonomy of children in these various ways. On the one hand, there is an obvious flaw with this suggestion, namely, that while anticipatory autonomy implicates future abilities, the effective and intelligent use of voting rights depends upon children's *present* capacities to

share in collective self-determination.³⁹ There is something incoherent about granting ‘rights-in-trust’⁴⁰ to people (children) whose very capacities to exercise them are developed by having their freedom paternalistically limited now. On the other hand, and within limits, children’s present incapacities might, themselves, be partially related to their political disenfranchisement. In *On Liberty*, J.S Mill argues that: “The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference, are exercised only in making a choice. He who does anything because it is the custom makes no choice. He gains no practice either in discerning or in desiring what is best. *The mental and moral, like the muscular powers, are improved only by being used*” [emphasis mine].⁴¹ If the capacities for effective democratic participation track those implicated in children’s anticipatory autonomy, that is, if being personally autonomous is, in some sense, a constitutive part of what makes someone a good democratic citizen, then we should not be too quick to point to children’s relative disabilities to deny them voting rights which we currently grant to adults.⁴² Why not? Because, if Mill is right, some of those capacities will likely be developed and subsequently improved only by regular use. Therefore, one familiar objection can be turned on its head: we shouldn’t exclude children because they are incompetent; we should include them so they become less so, and much sooner. Children have to grow up; *perhaps* democracy should too.

This conclusion also reveals a critical but unnoticed flaw in recent proposals for the political enfranchisement of children via proxy votes. Some philosophers argue that, in order to instantiate genuinely universal suffrage, parents should be granted plural votes, for example, either one extra vote if they have minors living with them, or one extra vote for each minor in their household.⁴³ The idea assumes that children’s interests are best represented by their parents or whoever is rearing them, given the fairly predictable workings of affection and natural partiality. The standard objection is that, unfortunately, we *cannot* count on parents to effectively represent their children’s interests.⁴⁴ Because of a variety of factors - selfishness, shortsightedness, irrationality, and ignorance, to mention but a few - they often will not do so. But Mill reminds us of a deeper worry, namely, that empowering

parents (or other indirect strategies for that matter, including the guardianship proposal) does nothing to address or rectify the underlying cause of children’s exclusion in the first place - their relative capability deficits.

Conclusion

Where does all of this leave us? In connection with the franchise, a child’s right to an open future leads to less decisive conclusions than does the procedural understanding of democracy. However, an appropriate solution to the balance of considerations seems to point in the direction of a gradualist compromise, *not* to a total rejection of the case for lowering the age at which people are legally entitled to vote. While there is not much to be said in favour of politically empowering young infants who are as likely to eat, rather than mark, a ballot, we should do more than we presently do to expedite and facilitate children’s full inclusion into the political process. Aside from encouraging various forms of democratic participation at home and in school, we should encourage children to take a more active interest in the values, processes and results of political decision-making. Lowering the voting age would be a good way of doing so. Nothing in this proposal is offensive to the proceduralist argument, because that argument does not determine a particular age cut-off. It is also consistent with the essentially evolving nature of childhood.⁴⁵

Notes

1. Estlund 2008.
2. Plato 1974.
3. Feinberg 1980.
4. In the canon of Western political thought, the three most notable exceptions are, of course: Plato 1974; Locke 1964; Rousseau 1979. For a comprehensive survey of the growing contemporary (Anglophone) literature, see the ‘Bibliographical Essay’, Archard 2004: 231-242. I have written about the ethics of upbringing. See Lecce 2008b.
5. For an especially clear and succinct statement of these tensions and potential contradictions, see Schrag 2004.
6. Schapiro 1999: For example, Schapiro claims that childhood is essentially a predicament that must be overcome before moral responsibility can be ascribed to people. See Archard 2004 for a very illuminating discussion of how Locke’s picture of children as fledgling but imperfect reasoners is typical of much contemporary philosophical writing

on childhood.

7. Archard 2004: 32.
8. The contemporary Western conception now insists upon a sharp distinction between the behaviour demanded of children and that expected of adults. There is now a marked division of roles and responsibilities that did not always obtain, or at least not nearly so sharply. Other non-Western cultures today also possess the concept of childhood, recognizing as they do a difference between children and adults, but “they see children differing from adults in a far less dramatic and obvious fashion than is implied by the modern conception”, Archard 2004: 39.
9. Locke 1964.
10. Archard 2004: 12.
11. Farson 1974; Holt 1974.
12. Clayton 2006: 186.
13. Archard 2004: 65.
14. Dahl 1998: 79.
15. Lecce 2003; 2005; 2008a.
16. Schrag 2004.
17. Schrag 2004: 374.
18. Plato 1974: 206-212.
19. Estlund 1993/ 2008.
20. Estlund 2008: 30.
21. Estlund’s examples are the following: “basic literacy, basic knowledge of how one’s government works, some historical knowledge, knowledge of some variety of extant ways of life in one’s society, some knowledge of economics, some knowledge of the legal rights and responsibilities of oneself and others, basic knowledge of the constitution of one’s political community, and so forth”, Estlund 2008: 212.
22. Schumpeter 1976.
23. Estlund 2008: 40.
24. Estlund 2008: 3.
25. Barry 1995; Cohen 1997; Larmore 1987; Lecce 2008a; Nagel 1991; Rawls 1971; 1993; Scanlon 1998 and see Lecce 2008a for analyses of alternative formulations of the liberal principle of political legitimacy.
26. “Even if some have knowledge, others have no way of knowing this unless they can know the same thing by independent means, in which case they have no use for the other’s expertise”, Estlund 1993: 84.
27. See Mill 1972 for a liberal justification of plural voting.
28. Locke 1964.
29. See, for example, *Wahlrecht ohne Altersgrenze? Verfassungsrechtliche, demokratietheoretische und entwicklungspsychologische Aspekte*, Foundation for the Rights of Future Generations 2007, for claims that the ap-

propriate age should be 12.

30. Lecce 2008a.

31. Raz 1986.

32. Dworkin 1990; Feinberg 1980; Kymlicka 1989; Raz 1986.

33. Feinberg 1980.

34. See Lecce 2008b for reasons to doubt that they do have this right, at least as it is typically interpreted.

35. Onora O'Neill insists that the way for children to overcome their dependence and vulnerability is not to assert their rights but to 'grow up'. O'Neill 1989: 204.

36. Feinberg 1980: 126.

37. Dworkin 1990; Kymlicka 1989; Mill 1972.

38. Lecce 2008a: 106.

39. Tremmel 2006; Van Parijs 1999.

40. Feinberg 1980: 126.

41. Mill 1972: 126.

42. Callan 1997; Gutmann 1995.

43. Van Parijs 1999.

44. Schrag 2004.

45. "...children change through the process of intellectual, emotional, and moral development from being the sort of creatures whose interests are protected by rights to being the sort of creatures whose rights protect their choices". Brennan 2002: 54.

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Steven Lecce teaches Political Theory at the University of Manitoba, Canada. His research interests include: theories of social and distributive justice; ethical foundations of liberalism; and children, families and the state.

Contact details: Prof. Dr. Steven Lecce, University of Manitoba, 521 Fletcher Argue Building, Winnipeg, MB R3T 5V5.

Email: lecce@cc.umanitoba.ca

New Release

The Institute of Development Studies has devoted issue 13 (november) 2009 of its "Policy Briefing" to the topic: Climate Change, Child Rights and Intergenerational Justice.

From the cover: "The response to climate change will profoundly affect the quality of life of future generations of children, yet this intergenerational aspect has yet to be placed at the heart of climate change discussions. A child rights approach to climate change would take the concerns of intergenerational justice into account and radically transform the policies and commitments of those in power."

More information: www.ids.ac.uk

Improving Public Policy for Children: A Vote for Each Child

by Prof. Dr. Robert H. Pantell and Prof. Dr. Maureen T. Shannon¹

Abstract: Changes in social policy in the United States (US) over the past four decades have provided health insurance for 100 percent of persons over age 65 and decreased poverty for this group while the number of children in poverty has risen and ten million are uninsured. This increasing intergenerational inequity reflects political decisions where children lack a voice. The purposes of this paper are to: 1) summarize, from the fields of ethics, government, law, social welfare and public health, current thinking about enfranchisement of children; 2) review the evolution of voting and representation in the US and identify misperceptions about barriers to equitable representation of children; 3) discuss the legal basis for children being regarded as adults and adult proxy decision making for children; and 4) suggest strategies to stimulate an equitable system of child representation by altering our current system of voting.

Analyses of intergenerational inequity: the case for proxy voting

The status of children in the US reflects how they are regarded in the American political system. Every child born in the US is a citizen and granted equal protection under the law by the 14th Amendment to the US Constitution. Each child is also counted for apportioning representatives to the US House of Representatives as declared in the Constitution. Therefore the 75 million children under the age of 18, representing about

25 percent of the population, should have considerable influence in how policy is made in Congress. However, due to disenfranchisement, children's issues are no match for the political agendas of groups with voting power.

Peterson was one of the first to analyze the consequences of children's disenfranchisement.² Using data from 1959 to 1990 he documented the steady fall in poverty among the elderly from 35 percent to 11 percent while the poverty rate in children increased from 14 percent to 21 percent. He anticipated that if children were given the right to vote, substantial changes in health care, funding of public schools, and policies addressing retirement pensions would result. He concluded, "Benefits to children would become a matter of right rather than a public benefaction".³

Paralleling the discrepancy in poverty is the inequity in healthcare. The upcoming (2010) budget for Medicare, which provides health insurance for all individuals over age 65, is 453 billion dollars. In contrast, the national initiative for insuring low-income children has been funded at five billion dollars annually since 1997 with funding for 2010 scheduled to be increased to ten billion dollars. This budget, less than 20 percent of the amount Medicare spends on prescription drugs, was considered a major accomplishment with passage of the Child Health Insurance Reauthorization Act of 2009, yet

there are still ten million children who will be uninsured due to the disparity that characterizes healthcare funding.

Newacheck highlighted the shift in spending toward the elderly that occurred within the last generation.⁴ In response to the high poverty rate in the elderly in 1965 there was a rise in the percent of all social welfare expenditures allocated to the elderly from 21 percent to 33 percent by 1986. However there was a simultaneous decrease in children's share of social welfare spending from 37 percent to 25 percent. Between 1980 and 2000, the gap between the funding of programs for the elderly compared with children's programs increased by 20 percent. He clearly articulates the basis for the inequity: "democracy does not always yield fair results, especially when important segments of the population are disenfranchised from the voting process".⁵

Children, after all, are not just adults-in-the-making. They are people whose current needs and rights and experiences must be taken seriously.

/ Alfie Kohn /

Newacheck proposes the federal government guarantee children a minimum benefit level to parallel the support offered to the elderly. While recognizing this would require an increase in taxes to more closely reflect the European Union he believes "the country can