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Does epistemic proceduralism justify the disenfranchisement of children?

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ABSTRACT

Most laypersons and political theorists endorse the claims that (1) all adults should be enfranchised and (2) all children should be disenfranchised. The first claim rejects epistocracy; the second is a commitment to a minimum voting age. I call the conjunction of these two claims *mainstream democracy*. In this paper, I argue that mainstream democracy is in a predicament: it cannot consistently maintain both (1) and (2). Given that we oppose epistocracy, we must endorse the enfranchisement of children. To make this point, I first develop what I take to be the most plausible argument for mainstream democracy, derived from David Estlund's *epistemic proceduralism*. In the second part of the paper, I explain why this argument fails. In the third part, I address some practical concerns about enfranchising children. I conclude that abandoning mainstream democracy is not problematic because the enfranchisement of children is unlikely to have harmful consequences.

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Introduction

Democracy, commonly labelled 'the rule of the people', is in fact the rule of the adults. Most proponents of democracy, both among laypeople and political theorists (e.g. Cohen 1975; Dahl 1989; Christiano 2001; Estlund 2008) endorse two claims, which together constitute a view I will call *mainstream democracy*:

- (1) All adults should be enfranchised.¹
- (2) All children should be disenfranchised.

I define 'children' simply as everyone who is below the minimum voting age, regardless of what that age is. Among mainstream democrats, the question of what the voting age should be is controversial.² They agree, however, that there is some age above which all citizens should have the right to vote and below which no citizen should have the right to vote.

Mainstream democracy faces at least two challenges. Proponents of epistocracy challenge claim (1). An epistocracy is a system in which political power is formally distributed according to political competence (Brennan 2018, 54). Epistocrats argue that many citizens

lack the competence to vote, and that the quality of electoral decisions suffers from widespread political ignorance. For the sake of better governance, everyone who does not pass a test of political knowledge ought to be disenfranchised.³ In other words, epistocrats want the electorate to be less inclusive.

Proponents of the enfranchisement of children challenge claim (2). Either for the sake of intergenerational justice (cf. van Parijs 1999) or as a matter of principle (cf. Kiesewetter 2009), they argue that children ought to be included in the electorate. They do not necessarily endorse a right to vote from birth. They do argue, however, that the minimum voting age should either be significantly lower (cf. Lecce 2009; Umbers 2018) or that children should be allowed to enfranchise themselves, regardless of their age, through a simple registration process (cf. Cook 2013; Tremmel and Wilhelm 2015). In other words, proponents of the enfranchisement of children want the electorate to be more inclusive.

In this paper, I argue that these two challenges place mainstream democracy in a predicament. Mainstream democracy requires a double-edged justification for why *all* (the argument against epistocracy) and *only* (the argument against the enfranchisement of children) adults should have the right to vote. I suggest that the most plausible candidate to yield such a justification is an epistemic conception of democracy, and more specifically David Estlund's (2008) *epistemic proceduralism*. According to this view, the justification of democracy has two dimensions: first, democratic decision procedures are acceptable to all *qualified points of view*; second, they are *better than random* at making the right political decisions. The first dimension warrants the first claim of mainstream democracy: Estlund argues that there are qualified objections against disenfranchising some adults for the sake of collective competence, and that epistocracy must therefore be rejected. The second dimension promises to warrant mainstream democracy's second claim: if the enfranchisement of children reduces the collective competence of the electorate below the level that epistemic proceduralism requires, then their exclusion could be justified.

I argue that epistemic proceduralism fails to justify mainstream democracy. Granting that Estlund's argument against epistocracy works, I argue that the disenfranchisement of children violates the qualified acceptability requirement, too. It is implausible to assume that enfranchising children would cause the electorate to forfeit its capacity to be better than random at making the right political decisions. This point holds regardless of how we define 'children', i.e. where the voting age is set.

The first part of the paper develops the argument for mainstream democracy that can be derived from epistemic proceduralism. The second part shows why this argument is defective. The third part addresses some practical worries about the enfranchisement of children.

1. The argument from epistemic proceduralism

Why are children not allowed to vote? The answer seems obvious. Up to a certain age, they lack the competence to engage in a business as serious as voting. However, if voting requires competence, why do we so readily (and, as epistocrats would argue, naively) grant all adults the right to vote?

Arguments for why all adults should have an equal right to vote abound. For example, we can give arguments from liberty, fairness, equality, and equal respect. But while these might be good arguments to uphold the first claim of mainstream democracy, they look

unsuitable to establish its second claim. The reason for this is that they do not employ an account of voting rights as conditional upon competence, and, as I have said, competence-based considerations are the most obvious reason to deny children the right to vote.⁴

David Estlund's (2008) account of *epistemic proceduralism* is a particularly promising candidate to yield the double-edged justification mainstream democracy requires, for two reasons: first, it explicitly addresses the question of what's wrong with epistocracy, that is, why disenfranchising some adults is not acceptable. Second, it makes sense of the idea that the electorate must meet a threshold of collective competence for democracy to be justified, and thus might have the resources to also explain what's wrong with enfranchising children (although Estlund does not address this question himself⁵). In what follows, I briefly outline epistemic proceduralism (1.1) and employ it for an argument for enfranchising all and only adults (1.2).

1.1. Epistemic proceduralism

Why make political decisions democratically? Pure proceduralists answer that democracy is an inherently fair way to make these decisions. At least theoretically, it gives all citizens an equal chance to determine the course of political action.⁶ On Estlund's view, however, pure proceduralists miss a crucial dimension of democratic decision procedures. According to him, democracy is not merely procedurally fair but also epistemically reliable: it has the (fallible) capacity to yield 'correct' decisions. More specifically, Estlund argues that democratic procedures are justified because they 'can be held, in terms acceptable to all qualified points of view, to be epistemically the best (or close to it) among those that are better than random' (2008, 98). This is the core claim of epistemic proceduralism.

The idea of democracy making 'correct' decisions requires explanation. Epistemic proceduralism is committed to some form of 'political cognitivism' (Landmore 2013, chapter 8), the view that, at least sometimes, proposed solutions to a given political problem can be right or wrong. Citizens, when they vote, express their judgement about what is most conducive to the public good, and whether they have made the right choice can, at least sometimes, be evaluated on an independent standard of correctness. Several authors oppose the idea of a procedure-independent standard of correctness for political decisions (e.g. Peter 2008; Urbinati 2014; Gerlsbeck 2018). For present purposes, however, I want to put their objections aside and accept the assumption. Only if we share the view that there is a procedure-independent standard of correctness for political decisions does it make sense to account for the collective competence of the electorate; and only if we have an account of the collective competence of the electorate can an argument according to which the enfranchisement of children threatens to undermine the quality of electoral decisions get off the ground.

Another point in need of explanation is what it means for a democratic electorate to be 'better than random' at making correct political decisions. The key idea is that the electorate must be better than chance at deciding political questions in a way that is conducive to the public good.⁷ However, the electorate does not normally make political decisions itself. Citizens vote for representatives who make these decisions on their behalf. The indirect sense in which epistemic proceduralism requires the electorate to be better than

random, then, is that it must be better than chance at electing representatives whose policy proposals advance the public good.⁸

Finally, what does it mean that democracy ought to be better than random at making correct political decisions ‘in terms acceptable to all qualified points of view’? As I have said before, the crucial idea of epistemic proceduralism is to introduce an epistemic dimension to the justification of political decision procedures. At the same time, however, epistemic quality is not the only relevant dimension. If it was, then presumably an epistocracy in which only politically competent citizens have the right to vote would surpass democracy. The procedure must also meet a *qualified acceptability requirement* (Estlund 2008, 48), according to which the exercise of political power is legitimate only if there are no possible qualified objections to it.⁹

The idea of qualified acceptability is crucial for Estlund’s rejection of epistocracy. He argues that epistocracy is not acceptable from all qualified points of view because it is vulnerable to the *demographic objection*: ‘The educated portion of the populace may disproportionately have epistemically damaging features that countervail the admitted epistemic benefits of education’ (2008, 215). The enfranchised citizens will not be a miniature version of the population; some socioeconomic groups will be overrepresented, others will be underrepresented. From a qualified point of view, it can be objected that this imbalance might bias the group of decision-makers, and this bias could be more detrimental to their ability to rule than their educational advantages are conducive to it.

Accordingly, Estlund’s argument for the enfranchisement of all adults – the first claim of mainstream democracy – goes roughly like this: to be justified, a procedure must be (1) acceptable to all qualified points of view and (2) epistemically best among all procedures that are so acceptable. Epistocracy violates condition (1) and must therefore be rejected regardless of its potential epistemic merits. Estlund argues that only democracy with universal adult suffrage meets both conditions.

1.2. The argument

Let us assume that Estlund’s demographic objection works¹⁰ and hence that he is right to argue that epistocracy violates the qualified acceptability requirement. The first claim of mainstream democracy is then warranted. What about the second claim? Some have argued that the demographic objection rules out the disenfranchisement of children for the same reason it rules out the disenfranchisement of adults (Lecce 2009; Cook 2013).¹¹ To succeed at defending the middle ground between epistocracy on the one side and a universal electorate including children on the other side, then, mainstream democrats need to show that age-based disenfranchisement is acceptable from all qualified points of view. The most straightforward way to show that it is acceptable from all qualified points of view is to show that disenfranchising children is necessary to preserve the collective competence of the electorate to be better than random at making right political decisions.¹² Here is the argument from epistemic proceduralism for mainstream democracy (EP for short) in schematic form:

- (1) For the electorate to be collectively competent to make the right political decisions more often than random, voters must, on average, be individually competent to make the right political decisions more often than random.

- (2) To ensure that, on average, voters are sufficiently competent, we must *either* employ individual competence tests *or* statistical discrimination.
- (3) Employing individual competence tests, i.e. implementing an epistocracy, is not acceptable from all qualified points of view.
- (4) One kind of statistical discrimination, i.e. age-based discrimination, is acceptable from all qualified points of view.
- (5) *Therefore*, we should employ age-based discrimination to ensure that voters, on average, are sufficiently competent.
- (6) There is an age such that, at or above that age, citizens are on average sufficiently competent to make the right political decisions, and below that age citizens are on average not sufficiently competent to make the right political decisions.
- (7) *Therefore*, all citizens at or above that age ('adults') should be enfranchised and all citizens below that age ('children') should be disenfranchised.

I assess this argument in the next part. For the remainder of this part, I shall outline its premises in more detail.

The first premise asserts that the collective competence of the electorate hinges upon the individual competence levels of the members of the electorate. If the electorate, as a collective, is subject to a competence requirement, then the individuals who constitute the electorate are subject to a competence requirement too. The electorate can be better than random at making the right decisions only if its members are, on average, better than random at making these decisions. This does not seem a lot to ask, as Robert Goodin and Joanne Lau (2011, 160) point out: 'pause to think just how hard it is to be worse than random: you would almost have to know the right answer and perversely vote intentionally in the other direction for your performance to be worse than random!' Epistemic proceduralism, however, makes a slightly more demanding request: it requires voters not merely to be *as good as* but *better* than random, on average.

What competence do voters need to meet this requirement? There is no determinate answer to this question on this level of abstraction (it will depend on the particular political decision voters face). Let us assume, however, that voters will at least have to understand what it is they are doing when they vote. This requires an understanding of voting as a collective enterprise to make the best decisions for the community (whatever one's criteria for the best decision are) and, in Thomas Christiano's (2001, 203f.) terms, 'a minimum ability to understand, elaborate and critically reflect on principles of morality'. Having these features might not be sufficient to be better than random when making a political decision, but it is plausibly necessary.

The second premise enumerates two general methods to ensure that average individual voter competence will not drop below the relevant threshold: an *individualist approach* to design a test for the relevant competence, which every citizen would have to pass prior to enfranchisement; and a *statistical approach* to distinguish between subgroups of the citizenry, according to their expected competence, and enfranchise citizens automatically if they belong to a subgroup that is expected to be sufficiently competent on average, and disenfranchise them automatically if they don't. Importantly, the second premise states that, for the electorate to meet the collective-competence requirement, *someone* has to be disenfranchised, and the set of options is exhausted by the individualist approach and the statistical approach.

Not every method of exclusion is viable, however. At this stage, the qualified acceptability requirement comes in. The third premise asserts that individual competence tests of the kind an epistocracy would employ violate this requirement. Their implementation raises manifold problems, of which I will mention only some.¹³ First, as Andrew Rehfeld (2011, 148) points out, ‘in any real-world context, most proposed tests of political maturity would likely be objectionable because they would not be reliable or fair’. Screening for the relevant moral competence is significantly harder than, say, screening for the competence to drive, and this would make these tests costly and their results contentious. Individuals who fail the test might remain permanently disenfranchised, which could impair their self-esteem, negatively influencing other aspects of their lives. Since the prospects of passing the test would be correlated with individuals’ education and education is correlated with wealth, the test would presumably favour more affluent social classes. Moreover, tests invoke a potential of corruption and abuse of power by the test designers. In sum, individual competence tests are not acceptable from all qualified points of view.

A statistical approach might solve these problems. The idea behind the fourth premise is thus to give up on screening for the relevant competence directly and rather to employ a secondary feature as a proxy. Not every kind of statistical discrimination will be acceptable, however. Consider flatly excluding everyone who is shorter than 60 inches. This proxy might be effective in the sense that it would warrant a sufficiently competent electorate. But those who are excluded might raise reasonable objections against this approach. Some people who happen to be very short would be disenfranchised permanently, and they can complain that depriving them of the vote merely because they do not meet an arbitrary physical condition fails to treat them respectfully.

Disenfranchisement based on age, in contrast, is often taken to be a particularly apt way of applying the statistical approach.¹⁴ On the plausible assumption that at least up to a certain age political maturity increases continually, we have good reason to believe that age-based discrimination distinguishes between competent and incompetent citizens with sufficient accuracy. It is easy to implement and very transparent. It does not favour or disadvantage any social group, race, or gender, and nobody will be disenfranchised permanently. The age limit is commonly accepted and unlikely to ever cause any political turmoil. To be sure, some politically competent children will remain disenfranchised and some politically incompetent adults will be enfranchised. Overall, however, implementing an age limit is both the fairest means available and effective to ensure the electorate meets the better-than-random standard. Therefore, the argument holds, it is acceptable to all qualified points of view.

The fifth premise, then, follows from premises 2–4. The sixth premise holds that there is an age limit for which it is true that it divides the citizenry in two subgroups, one of which is and one of which is not sufficiently competent to vote on average. For mainstream democracy to go through, it is not relevant where exactly the age limit is. What matters is that all citizens below it can then legitimately be disenfranchised, while all citizens at or above it must be included in the electorate. This completes the argument from epistemic proceduralism for mainstream democracy.

2. Where the argument fails

In what follows, I argue that EP fails to vindicate mainstream democracy. I will focus on premises 2, 4 and 6. First, I argue that there are qualified objections against the flat

disenfranchisement of children, and that either premise 4 or premise 6 of EP must be rejected (2.1). If successful, this suffices to establish that their electoral exclusion is objectionable. But even if this strategy is unsuccessful, I provide a further argument (2.2) to show that mainstream democrats cannot appeal to the better-than-random requirement of epistemic proceduralism to justify the disenfranchisement of children: mainstream democrats, to safeguard universal adult enfranchisement, are compelled to endorse a very moderate collective competence requirement. This, in turn, commits them to a restrictive definition of who counts as a child (that is, a low minimum voting age) in premise 6. But a restrictive notion of who counts as a child simultaneously undermines the plausibility of premise 2: if the group of children is small, then it is not the case that we need to disenfranchise them to protect the collective competence of the electorate.

2.1. Acceptability

Two alleged merits of age-based disenfranchisement are that it is *egalitarian* – the burdens it entails are equally imposed on all citizens – and *temporary* – it is just a matter of time until citizens are enfranchised (cf. Weale 1999, 154). Being egalitarian and temporary is not sufficient for an exclusion to be acceptable, however. If it was, then disenfranchisement below any arbitrarily chosen age would be acceptable. We could then disenfranchise everyone below the age of 40, for example. While James Mill (2015, §101–102) in the nineteenth century might have been quite serious when making this proposal, most contemporary readers will certainly reject it (see Lau 2012, 868, and López-Guerra 2014, 70).

More specifically, being egalitarian and temporary is not sufficient to render the exclusion from a decision acceptable when the decision in question is *path dependent*, that is, when it affects the very set of options available in future decisions. Political decisions clearly fall into this category. If, for instance, present voters consistently use their electoral power to support candidates and policies that delay the expansion of renewable energies, then future voters, once they come of age, will not face the same choice between developing renewable energies now or later. Eventually, fossil fuel will be depleted, and public policy will have to be made in face of the facts that past voters have created.

Path dependency is particularly problematic when the interests of present and future decision makers diverge. Regarding children, it has often been pointed out that they do have different interests than adults, including some of which they are not yet aware (cf. Cohen 2005, 230–234). However, since political parties and representatives compete only for the votes of adults, the political agenda is shaped by their interests. Disproportionate consideration of adults' interests affects the degree to which children will be able to pursue their interests once they are enfranchised.¹⁵ For this reason, the fact that the disenfranchisement of children is egalitarian and temporary does not suffice to make it acceptable.

Mainstream democrats might concede these points. They might agree that egalitarianism and temporariness alone do not render disenfranchisements acceptable, and that children's interests at least sometimes diverge from adults' interests. It does not follow, however, that enfranchising children is advisable. There is no point in letting someone pursue their interests, the argument goes, if these interests are ill-conceived (cf. Hinrichs 2002; Goerres and Tiemann 2009). Children are bad advocates of their own interests. If they were enfranchised, they would waste their votes on bad policy proposals and

inapt candidates because they are easily fooled by empty promises. They would thus cause massive damage at the ballots, not only setting back their own objective interests, but also those of adults, who have to bear the consequences of children's short-sighted voting decisions too. For this reason, mainstream democrats could argue, disenfranchising children is acceptable: it is necessary to prevent this damage.¹⁶

Obviously, however, it is not always true that children are bad advocates of their own interests. Some are mature and politically knowledgeable enough. Now, mainstream democrats will not deny that age-based discrimination is error-prone. They insist, however, that these errors are rare exceptions, which can be tolerated for the good of a competent electorate. But what if the errors could be avoided without undermining the competence of the electorate? Sonja Grover (2011, 228) argues that '[i]f there were a genuine concern for voting competency, then all potential voters (...), regardless of age, would be (...) permitted to demonstrate that competency under fair conditions'. Similarly, Nicholas Munn (2012) has proposed to allow citizens below the voting age to undertake a basic test to determine whether they have roughly the minimal competence we expect adult voters to have. If they pass, they will be enfranchised regardless of age. If they fail, they must wait until they are automatically enfranchised by age.

This hybrid model of individual competence tests and unconditional enfranchisement promises to reduce the unjust exclusions that the flat disenfranchisement of children inevitably incurs. Most importantly, it cannot be rejected by mainstream democrats who employ EP. If mainstream democrats' concern is to protect the collective competence of the electorate, then they ought to endorse a system that promises to preserve the given collective competence while reducing the injustice of the status quo because it allows previously excluded competent children to participate. In other words, flat age-based disenfranchisement is objectionable if there is a means to achieve the same desideratum with less individual injustice. Given that a hybrid model that allows competent children to acquire the right to vote provides these means, it follows that making a certain age an infeasible prerequisite of enfranchisement is not acceptable. Perhaps age may be used as a criterion to determine who has to clear a hurdle before being enfranchised; but it may not be used as a criterion to determine who will be enfranchised, full stop.

Again, mainstream democrats might have a reply to this: as we have seen, individual competence tests have many problematic features. Why would these problems not apply when only children need to take them? Munn (2012, 1055–1058) argues that individual competence tests are at least less worrisome when we *only* use them to enable competent children to attain the right to vote, *not* as a general requirement everyone must meet before being enfranchised. According to him, the worry that these tests will invite abuses of power by the test designers, arguably one of the core potential problems of competence tests, is significantly less concerning when tests are combined with automatic enfranchisement at a certain age. Nevertheless, mainstream democrats might argue that this is not enough to make individual competence tests palatable. Perhaps by appealing to inevitable controversies about the standard of the test, or to the plausible assumption that children of wealthy families will have a disproportionately higher chance of being enfranchised early, they might still argue that age-based discrimination is the only acceptable option to ensure that the electorate is sufficiently competent.

This line of argument raises a new problem for mainstream democrats, however. If we are committed to the idea that age-based disenfranchisement is legitimate if it is

conducive to the collective competence of the electorate, then presumably we should be as concerned about the expectable incompetence of very old voters than we are about potential very young ones. Lau (2012) calls this the *symmetry argument* for enfranchising children. A certain level of competence, once attained, does not remain constant (or even gradually increase) over a life span. Since cognitive decline is a normal correlate of the aging process (cf. Andrews-Hanna et al. 2007), age-related cognitive impairments are likely to reduce competence, eventually even below the level EP requires. Obviously, not all senior voters will suffer from such impairments – but likewise, not all potential junior voters are immature. The point is that above a certain age, statistical considerations suggest disenfranchisement just like they do below a certain age.

The symmetry argument suggests that premise 6 of EP fails. Someone who merely opposes enfranchising children is of course free to abandon this premise and to advocate age-based disenfranchisement on both ends of the age-spectrum. Proponents of mainstream democracy, however, are not. Mainstream democracy is committed to the claim that *all* adults should be enfranchised. They must therefore reject age-based disenfranchisement above any age. This is a problem for mainstream democracy even if the age above which statistical considerations entail the disenfranchisement of elderly voters is so high that hardly anyone reaches it.¹⁷ In principle, mainstream democracy faces a basic although perhaps practically ineffective objection: if statistical considerations do not suffice to justify disenfranchisement *above* a certain age, it is hard to see how they might justify disenfranchisement *below* a certain age.

To sum up so far: mainstream democrats who employ EP claim that age-based discrimination avoids the problems that render alternative individual or statistical approaches to enfranchisement unacceptable. As we have seen, however, age-based discrimination faces problems of its own: due to the path dependency of political decisions, even egalitarian and temporary exclusions entail a *prima facie* injustice towards the excluded. The electoral exclusion of children might nevertheless be acceptable to all qualified points of view if it is indispensable to warrant a competent electorate. However, the flat exclusion of children is not indispensable to achieve this end: a hybrid model that enfranchises everyone above a certain age unconditionally and everyone below that age on the condition that they pass a competence test safeguards the competence of the electorate and reduces the injustice of excluding competent children. This suggestion raises a dilemma for mainstream democrats: accepting the hybrid model entails the concession that membership to a certain age-group does not justify flat disenfranchisement; rejecting the hybrid model entails a commitment to flat disenfranchisement on both ends of the age-spectrum. This leaves us with two options: either we conclude that age-based disenfranchisement is never acceptable, in which case premise 4 of EP fails; or, if it is acceptable, it must be applied symmetrically, in which case premise 6 of EP fails. Either way, mainstream democracy remains unsupported.

2.2. Collective competence

Some authors have argued that there is a moral difference between (a) not conceding a right to someone who previously has not held this right and (b) withdrawing a right from someone who previously held it. The latter, the claim goes, thwarts a legally affirmed expectation and is therefore harder to justify than the former (Chan and

Clayton 2006, 554). There are reasons to reject this line of thought (cf. Lau 2012, 868), but let us accept it for the sake of argument. This may allow mainstream democrats to endorse asymmetrical age-based disenfranchisement only of juniors, not of seniors. If we further assume that the *prima facie* injustice of disenfranchising children can be justified by appeal to the importance of making good political decisions, then the crucial claim their argument comes down to is that children are indeed so incompetent that their inclusion would seriously impair the quality of these decisions. We thus need to evaluate the plausibility of this claim.

The assumption that children would be incompetent voters is frequently made both explicitly (Rehfeld 2011) and implicitly (Clayton 2006). The first thing to note is that this is an empirical claim without empirical evidence. The only tentative evidence we have for how children would vote comes from mock elections. If we compare their voting patterns with that of other ages groups, it is by no means clear that the political preferences of children are less reasonable. All they indicate is that children show disproportionately strong support for parties devoted to the protection of the environment and animal rights.¹⁸ As Jörg Tremmel and James Wilhelm (2015, 141f.) point out, ‘there is already variation between the voting patterns of 20–30 year olds and 70–80 year olds – but nobody would deploy this line of reasoning to advocate for the exclusion of these age groups from the franchise’. It would be arbitrary to ‘expel the younger fraction on the basis that [they] did not “vote correctly”’. After all, old voters tend to be more conservative than the average citizen, but no one has yet proposed (at least not very seriously) to disenfranchise them for that reason. If age-specific political preferences do not warrant the exclusion of old voters, they cannot justify the exclusion of young ones either.

However, mainstream democrats will rightly point out that the evidence we can obtain from mock elections is very limited. They represent the political views only of a very specific subset of children. First, only a small percentage participates in them. Second, among this small percentage, teenagers will be highly overrepresented and young children highly underrepresented. Third, these elections primarily attract exceptionally well-informed and politically interested children. If mock elections show anything, then, it is that the current minimum voting age (18 in most democracies) is too high: it excludes a group of young citizens who seem to meet the condition of minimum voter competence.

For mainstream democrats, this concession is unproblematic. As noted above, mainstream democracy is compatible with a significantly lower minimum voting age. For instance, mainstream democrats could endorse enfranchising 16-year olds or even younger children. All they need to insist on is that there is *some* age below which everyone ought to be disenfranchised.

It is indeed plausible that, regardless of how minimal the individual competence requirement is, there will be a group of children who will on average fail to meet it. Empirical studies confirm this. To be sure, many authors have recently pointed out that the disenfranchisement of 16-year-olds is arbitrary because they do not differ from 18-year-olds in any relevant respect, for example their degree of political knowledge or their cognitive maturity (cf. Hart and Atkins 2011; Merry and Schinkel 2016; Peto 2017). However, these authors also show that, below a certain age, children indeed lack knowledge of and interested in politics. Moreover, their cognitive apparatus is immature. It has been shown, for instance, that the developmental status of young adolescents’ brains makes them less capable of impulse control and more prone to seek immediate small gains at the

expense of long-term benefits (cf. Reyna and Farley 2006). Even modest accounts of the capacities citizens need to be competent to vote will exclude children below a certain age.

It is uncontroversial that very young children are incompetent to vote. Still, this does not entail that disenfranchising them is justified. Here is the problem mainstream democrats face: the higher the minimum voting age, the more competent individuals will be excluded; the more competent individuals belong to the excluded group, the less plausible the claim that enfranchising that group will undermine the collective competence of the electorate. The lower the minimum voting age, the smaller the excluded group; and the smaller that group, the less plausible, again, is the claim that the enfranchising that group will undermine the collective competence of the electorate, even if the members of that group are indeed incompetent to vote.

Recall that epistemic proceduralism's genuine concern is with the *collective* competence of the electorate. Individual competences matter only insofar as collective competence derives from them. That is, to justify the disenfranchisement of a certain group, it is insufficient to show that its members fail, on average, to meet the individual competence requirement (cf. Goodin and Lau 2011). What needs to be shown is that the inclusion of this group undermines the collective competence of the electorate *to a sufficient degree* such that it is no longer better than random at making the right political decisions.

To assess whether the enfranchisement of a given group would have such an effect, we need a better understanding of what it means for an electorate to be 'better than random'. I briefly introduced the general idea in section 1.1 above, but I have not specified when an electorate succeeds at meeting this requirement. Several interpretations are possible. On the most demanding one, the electorate succeeds at making the right decision only if it votes for the best policy or candidate available. On the least demanding interpretation, it suffices if the electorate succeeds at not making disastrous choices. An electoral outcome is 'right' as long as it does not preclude a somewhat endurable state of affairs. Between these two extremes, there is a spectrum of differently demanding notions of what 'being better than random at making the right political decisions' means precisely.

Here, I am not interested in spelling out the most plausible interpretation. The important point is that epistemic proceduralism must employ a less demanding one. In fact, Estlund (2008, 155) comes close to opting for the least demanding interpretation when he merely requires electorates to prevent 'primary bads', which include war, famine, genocide, and economic collapse. Why doesn't epistemic proceduralism ask for more? The answer is that demanding more comes at a price: the higher we raise the collective epistemic standard of correctness, the higher the average individual competence of voters will have to be. We might then no longer be entitled to assume that every adult can be expected to have the required competence. Therefore, mainstream democrats who employ EP to justify the enfranchisement of all adults need to maintain a very moderate interpretation of what it means for an electorate to 'get it right'.

With this moderate interpretation of the collective competence requirement in place, can we reasonably expect the electorate to perform worse than random once children are included? The more permissively we define 'children', i.e. the higher the voting age, the more individuals in the disenfranchised group will meet the fairly moderate competence that EP requires voters to have on average. But that thwarts the expectation that including this group will significantly undermine the collective competence of the electorate. The more restrictively we define 'children', i.e. the lower the voting age, the fewer

individuals the disenfranchised group will entail. But that thwarts the expectation that their inclusion will significantly undermine the collective competence of the electorate as well, even if that group itself is indeed not better than random at decision-making.

Turnout rates among children would presumably be low. Studies have repeatedly shown that political interest among children is low (Chan and Clayton 2006, 542), and they are less interested the younger they are. This finding is not necessarily deplorable: children have other things on their minds than politics.¹⁹ But even if children exercised the right to vote exhaustively, giving them this right merely gives them the ability to *co-rule* (Goodin and Lau 2011). Democracy is the rule of the majority and children are a minority even in societies with high birth rates. So even if children make markedly different voting decisions than adults (which, as the discussion of mock elections indicated, does not seem to be the case) and even if these differences are due to their lack of competence, they are unlikely to cause electoral damage as long as they are outvoted by competent adults. This is true *a fortiori* when 'children' are defined in more restrictive terms.

Hence, regardless how mainstream democrats spell out the age limit referred to in premise 6 of EP, premise 2 looks implausible: it is not the case that anyone's disenfranchisement is necessary to safeguard the collective competence of the electorate that epistemic proceduralism requires. To save the premise, mainstream democrats could still make an argument that is contingent on the state of the electorate. Political ignorance even among adult voters seems to be pervasive (cf. Somin 2016). Now we might claim, along with Stefan Olsson (2008, 63), that '[w]e know that democracy works. And it works despite the fact that a large number of the electorate is very low in competence'. However, mainstream democrats could suggest that even without children, the electorate is already at its capacity limit of ignorant voters. Enfranchising children (even if a restrictive definition is in place) could be the last straw. It could effectuate a critical mass of ignorant voters such that the electorate eventually fails to meet the collective competence requirement – such that democracy does not work *anymore*.

Absent empirical evidence, this counterargument cannot be rebutted conclusively. Whether an electorate is teetering on the brink of disastrous incompetence will be rather hard to determine. But assume that we have an electorate for which this is the case. If things are touch-and-go, then the practical argument for not enfranchising any children is strong – but so is the argument for disenfranchising some adults then. The imminent risk of primary bads, even if they haven't yet occurred, warrants precautionary measures in these cases, and a plausible precaution would be to introduce competence tests before allowing an individual access to the electorate. Making the contingent argument is thus a dangerous line to take for mainstream democrats. This brings into focus the general dialectical dilemma their view faces: perhaps the case for the enfranchisement of children *can* be rejected; but wherever such an argument is lurking, it is simultaneously an argument against unconditionally enfranchising all adults.

I thus conclude that EP fails to provide the sought-after justification for mainstream democracy. It is implausible to argue that the enfranchisement of children would undermine the collective competence of the electorate such that it was no longer better than random at making right political decisions. But mainstream democrats needed such an argument to show that disenfranchising children, unlike disenfranchising some adults, meets the qualified acceptability requirement. Given that this requirement successfully

rules out the disenfranchisement of some adults, it also rules out the disenfranchisement of children.

If I was right to suggest that EP was the most promising candidate to yield the double-edged justification for enfranchising all and only adults, the middle ground that mainstream democracy seeks to defend, avoiding epistocracy on the one flank and voting rights for children on the other, is theoretically untenable. A potential retreat for mainstream democrats, then, is a pragmatic argument. Perhaps the disenfranchisement of children can be justified because including them is infeasible, or would yield undesirable practical implications for the political landscape in general or even children themselves? I consider this pragmatic argument in the next part.

3. The pragmatic argument

What would a democracy without a minimum voting age look like? I assume that it is at this stage – when envisioning an armada of infant voters crawling to the voting booths – where even those authors who are sympathetic to the theoretical case for children’s voting rights reject enfranchising all children as absurd (cf. van Parijs 1999; Schrag 2004; Lecce 2009). Granting a right to someone who cannot exercise it seems futile. Mainstream democrats could argue that, although a theoretical defence of a minimum voting age is lacking, we should implement one for purely pragmatic reasons. There is no point in enfranchising toddlers who are in every respect not yet capable of performing the act of voting.

However, rejecting mainstream democracy does not commit us to a right to vote from birth. The point is that there are means other than a minimum voting age to regulate access to the electorate. One option would be that, to be enfranchised, citizens need to register at a council, simply by declaring their intent to henceforth participate in subsequent elections. This registration would be open to citizens of any age and would only require a proof of citizenship or place of residence. Philip Cook (2013) has suggested a model on which citizens should provide this information in written form and alone. That way, the registration would simultaneously be a procedural test for their *literacy* and *independence*.²⁰ We might add the provision that anyone who has not registered by a certain age becomes enfranchised automatically. That way, only citizens who can form and express the intent to participate in political processes would be included in the electorate.²¹ This model certainly marks a significant departure from the status quo, but it is not infeasible and not absurd.

Some will argue, however, that even if the enfranchisement of children is theoretically required and practically feasible, it still should not be implemented because it would change democratic reality for the worse: political parties would unscrupulously fight for the votes of small children, promising them everything under the sun, exploiting their credulity. Parents would drag their ignorant children first to the registration office and then to the voting booth, instructing them where to mark the ballot. And even children who are not exposed to specious advertisements and pushy parents would have to concern themselves with politics way too early. Instead of scraping up their knees and play, they would have to study party programmes and bear voter responsibilities.²² In sum, giving them the right to vote is not in children’s own interest. It would make childhood unduly burdensome.

Indeed, the upshots of enfranchising children may be undesirable under some conditions. First and foremost, their enfranchisement would reinforce certain duties of adults. Guardians would need to rethink the *dos and don'ts* of an adequate democratic education. Good role models will refrain from pressuring ignorant children to vote. Quite the contrary, they will teach children that, although they have the *right* to vote, voting entails exercising power over others and should not be taken lightly. A focus of a good democratic education would therefore be on the ethics of voting: children should learn that they should exercise this central democratic right only if they have carefully considered the issues that they are voting on – and good guardians would not demand from children to make these considerations as long as, according to their developmental stage, they are much more interested in playing and learning than in dealing with politics. At the same time, the possibility that many children might exercise their right to vote requires politics to take them seriously. If children feel that their voices matter, rather than that they are too ignorant to intermeddle with adults' businesses, this could ideally lead to an earlier and deeper interest in public affairs – a welcome effect in times when many democracies face decreasing voter turnouts.²³

This line of thought, however, might strike some as wishful thinking. Indeed, there is no guarantee that parents, teachers, and other guardians will live up to the ideal of reasonable democratic educators. Presumably, some parents would be obstinate enough to instruct their unwilling children how to vote, and sacrifice their child's interest in not being bothered with politics for the marginal advantage their preferred party or candidate gets from one additional vote. Moreover, I haven't yet addressed the arguably deeper worry that power-hungry politicians will fight for children's votes in dishonest ways. Claudio López-Guerra (2014, 66) has argued that 'crazy promises such as free candy would never be made' because 'most likely, sane adult voters would seriously punish at the polls anyone daring to make such proposals'. However, this point does not discharge the worry completely: in representative democracies with multiparty systems, politicians could accept the ostracism of adult voters if they win enough children's votes, because this might suffice to satisfy their desire for a seat in the parliament, subsidies for their party, or media attention. These scenarios would certainly change the democratic landscape for the worse.

No *a priori* argument can conclusively refute these concerns. There are both pessimistic and optimistic scenarios about what might happen if children were enfranchised, and from the present point of view it is hard to judge which ones are more likely to manifest. I doubt this is true, but let us suppose that the pessimistic scenarios are somewhat more likely. Would this be a sufficient reason to withhold from children the right to vote, even absent a solid theoretical justification for doing so? I argue no. Note that the adverse circumstances under which it may indeed be better for children to be disenfranchised are not inevitable but caused by adults. If no argument for disenfranchising children is available, then adults cannot deny them these rights by appealing to their incapacity or unwillingness to create a political climate in which children have time to grow into these rights undisturbedly. Instead, the implication is that adults are responsible for contributing to a political climate in which this is possible. Potential difficulties that may arise when children are enfranchised must be addressed but they are no excuse.

Conclusion

My aim in this paper is to show that a popular view, which I have called *mainstream democracy*, is in a predicament. A promising candidate to yield the double-edged justification for the enfranchisement of all and only adults (the argument from competence derived from epistemic proceduralism), does not warrant mainstream democrats' simultaneous opposition to epistocracy and the enfranchisement of children. One of these commitments must be abandoned. I have not argued for this here, but I assume that we ought to uphold our opposition against epistocracy. Given that we reject epistocracy, I have argued that there is no theoretical justification for disenfranchising children. Moreover, I have argued that the practical implications of extending voting rights to children need not be absurd or undesirable. That is to say, the predicament that mainstream democrats are in is not dilemmatic on my account: the option that remains after epistocracy is rejected is a good option, despite some pragmatic worries that cannot be ruled out at the present stage. Therefore, if mainstream democracy fails, we should respond by making the electorate more inclusive, not less inclusive.

Notes

1. Most democracies exclude at least some adults from the electorate, e.g. mentally disabled persons, felons, foreign residents, or expatriates (see Beckman 2009 and López-Guerra 2014). This does not affect my argument in this paper, however: presumably, it can just as well be applied to the case for the enfranchisement of mentally disabled persons; and the exclusion of felons, foreign residents and expatriates raises issues different from the ones discussed here because it is not based on a presumption of their political incompetence. I therefore flag these restrictions when I henceforth talk of the enfranchisement of 'all adults'.
2. For recent contributions to the debate about lowering the voting age to 16, cf. Cowley and Denver (2004), Chan and Clayton (2006), Hart and Atkins (2011), Zeglovits (2013), and Peto (2017).
3. Cf. Caplan (2009) and Brennan (2011). Note that not all forms of epistocracy restrict the electorate. John Stuart Mill (2010) proposed a plural voting scheme in which politically knowledgeable citizens receive additional votes. Cf. Mulligan (2018) and Jeffrey (2018) for contemporary endorsements of forms of epistocracy that do not restrict the suffrage, and Holst (2012) for an overview of possible versions of epistocracy.
4. Obviously, the claim that none of the alternative approaches to justify the enfranchisement of all adults is suitable to simultaneously justify the disenfranchisement of children would require a lot of argument, which I cannot provide here. Some readers might not accept my assumption that an argument from competence, derived from epistemic proceduralism, yields the strongest defence of mainstream democracy in the first place. But I hope that even they will find my argument intriguing, as it shows that a *prima facie* plausible justification for the enfranchisement of all and only adults fails.
5. He briefly touches upon the issue in a footnote (Estlund 2003, 68, note 17): 'The disenfranchisement of children is [a] formal inequality I am inclined to defend. (...) it raises an important challenge to my main line of argument, as Francis Shrag [sic] has suggested to me'. My purpose in this paper is to elaborate this challenge.
6. For proceduralist accounts of democracy, see e.g. Peter (2008), Buck (2012), Urbinati (2014), and Hill (2016).
7. Here we may further ask whether a decision needs to maximise the public good in order to qualify as 'correct', or whether it suffices to satisfy the public good in some weaker sense. I will say more about this issue in section 2.2.
8. I thank an anonymous reviewer for pressing me to clarify this point.

9. Estlund does not give a full account of when an objection is qualified. He subscribes to the liberal view that not *all* objections qualify as justification-defeaters for a proposed political procedure – that would be overinclusive – and that not *only true* objections qualify as justification-defeaters – that that would be underinclusive (cf. Estlund 2008, chapter 3). Within these broad constraints, there is a range of possible viewpoints from which qualified objections may be raised.
10. For the epistocratic opposition against the objection, cf. Mulligan (2015) and Brennan (2018).
11. Brennan (2011) and Lippert-Rasmussen (2012) note the same. They, however, do not regard this as an argument *for* the enfranchisement of children but rather a *reductio ad absurdum* of the demographic objection.
12. Another way of showing that age-based disenfranchisement is acceptable to all qualified points of view might be to demonstrate that it is necessary to protect the wellbeing of children, epistemic considerations regarding the competence of the electorate aside (I thank an anonymous reviewer for raising this point). I address this line of argument in part 3.
13. For further discussion, see Chan and Clayton (2006, 539f.), Munn (2012, 1056f.) and Umbers (2018).
14. See e.g. Schrag (1975), Clayton (2006), Brighthouse and Fleurbaey (2010), and Rehfeld (2011).
15. This is why some authors (cf. Peto 2017; Umbers 2018) have suggested that concerns for the epistemic quality of electoral decisions actually *recommend* the enfranchisement of children. Children have a distinct social perspective that may foster more integrated evaluations of public policy. Although I am sympathetic to this line of argument, I will not pursue it here. Instead, I argue that the disenfranchisement of children cannot be justified even if they do not make an epistemically valuable contribution to the electorate.
16. In contrast, disenfranchising everyone below the age of 40 is not necessary to prevent it. Mainstream democrats could therefore explain why they oppose James Mill's proposal but endorse a lower age limit for voting, although the disenfranchisement would be egalitarian and temporary in both cases.
17. In that case, the argument would, in Lau's (2012, 865) words, still 'hold but not actually obtain'.
18. See the results of the last 'U18 Election' in Germany, held every four years one week before the general election. It is worth noting that, despite some differences, the overall voting pattern was not so different from the outcome of the general election. Cf. <https://www.u18.org/bundestagswahl-2017/wahlergebnisse/> [retrieved 17 August 2019].
19. Of course, one might fear that obtrusive guardians will *make* their children vote despite their disinterest. I address this concern in the next part.
20. Cook frames this point in explicitly Estlundian terms. Literacy and independence, he argues, constitute 'a thinner notion of electoral competence that is acceptable to all qualified points of view' (Cook 2013, 450).
21. For similar proposals, cf. Kiesewetter (2009, 252) and Tremmel and Wilhelm (2015, 139).
22. For an argument against the enfranchisement of children grounded in their interest in play, cf. Beckman (2009, 114–119). Cf. Merry and Schinkel (2016, 205f.) for a critique.
23. The argument that earlier participation is conducive to long-term interest in politics is often made in debates about lowering the voting age: cf. Zeglovits and Zandonella (2013, 1089) and Umbers (2018). For the contrary argument that lowering the voting age will negatively impact long-term turnouts, cf. Chan and Clayton (2006, 554).

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