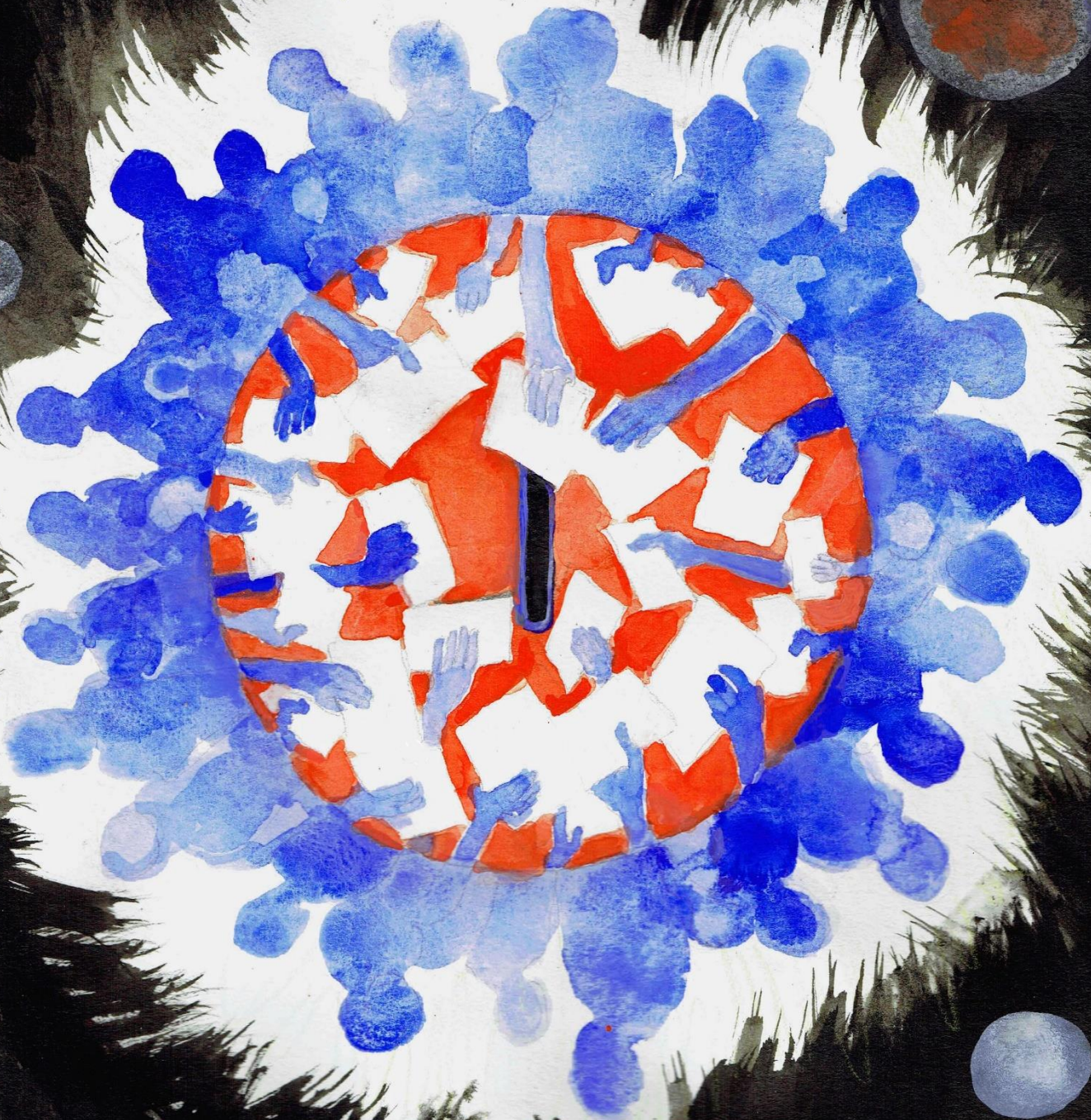


democracy for all



All

DEMOCRACY FOR ALL

Representative Democracy
and the Franchise,
an Argument for
Voting Rights from Birth

by

Willem van IJperen

2021

Scotland

www.drwillem.org

copyright © 2021 by Willem van IJperen

The right of Willem van IJperen to be identified as the Author of the text of this Work has been asserted in accordance with the Copyright, Designs and Patents Act 1988.

copyright © 2021 by Annemarie van Ulden

The right of Annemarie van Ulden to be identified as the Author of “*Democracy for All*” on the front page of this publication and all other illustrations in this publication, has been asserted in accordance with the Copyright, Designs and Patents Act 1988.

First published July 2021.

www.drwillem.org
www.votes4all.org

Font type 10, 12, 14 and 20pt Times New Roman

All rights reserved.

No part of this publication, text nor illustration, may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means without the prior permission of the author. This publication can not be bought or sold.

A download and printout of this pdf-file from the website is only allowed for personal use and for educational purposes.

This website publication is a reworking of a paper prepared for the BA(Hons) course in Philosophy, Politics and Economics of the University of Highlands and Islands.

The original work, unabridged and with references, can be downloaded through this website link and is free of charge and free to use for your own purpose or education:
<https://www.drwillem.org/votes4all/texts/dfadiss.pdf>

Abstract

Suffrage is one of the most important and visible institutions of democratic government. Universal suffrage is the voting right for all. The only restriction is residency for local elections, citizenship for nationwide elections and a minimum voting age. The suffrage enables the people to participate in the government by electing a representative. The representative voices the opinion of the electors on their order or as seen in their interest. This elected representative embodies the participation of the constituency in the governing of the country. The exclusion of everyone under the age of 16 years (in most countries 18 years) from the universal suffrage is generally accepted because of the cognitive development of this group of people. This is not supported by the general theory of representation. This theory implies the representative to act in the general interest of the citizens of the constituency as well as the wider community. The young people out with the franchise do not have a say in the choice of the representative and are not electorally respected. An argument against exclusion of the under 16-18 is that their interests are not given weight through a vote according to the principle of one-man-one-vote. Since the beginning of this century an increasing amount of literature has appeared exploring the possibility to increase the franchise by lowering the voting age and ultimately from birth on. An important argument in favour of the extension is the further increase of democratic development of society. This essay supports the latter view for reasons of social justice.

Contents	<i>page</i>
Abstract	4
Introduction	7
A Democratic Government	8
Origins	8
Renewed interest and revolution	10
Democratic justice	11
B Representative Government	12
Representation	12
Political representation	13
Suffrage	15
C Changing the Voting Age	15
Lowering	16
No minimal age	17
How to vote from birth	19
D Discussion	
Children studies	20
Maturation	21
Conclusion	24
REFERENCES	25



DEMOCRACY, the tree that grows to guard us all to thrive

Representative Democracy and its Electorate, a case for voting rights from birth.

Introduction

In this essay I will present arguments for an extension of the voting franchise. The main reason is that it follows from the democratic entitlement for all of us to have a voice. The representation of the population or a specific group of them is one of the most visible and recognisable characteristics of democratic government. Representation is however only one of the expressions of a democratic government. Participation in governing is another important characteristic. Both representation and participation are the face of democracy.

A country's form of government is democratic if it is organised in a certain way and if there are organisations in it that all contribute to the notion of a 'Government by the People for the People'. Important organisations, or institutions as they are often called, that contribute to the building of democracy are, to name but a few, free election of representatives, everyone is equal under the law, separation of powers (parliament, government, judiciary), free press, general education, health care and general respect for civil liberties (human rights and other basic rights). All these together form the foundation on which the democratic idea rests.

Government 'for' the people is easier explained than 'by' the people. The question is who is or should be involved in the decision-making process. A restriction of the number of people who can take part in this process requires a justification. A democratic government pursues the Common Good, what is best for all, depends on the democratic institutions that support it. The strength of these will make the democracy for its the population a just society. Fundamental in this is that everyone can express a voice to ask attention for their interests.

In this essay special attention will be given to two of the democratic pillars. Firstly, representation will be discussed with its different forms and who will be represented, by whom and how. The way representatives are elected is of influence on how the electorate is represented, on their order as a delegate expressing the opinion of the voters or as a trustee looking after their interests. Arguments will be presented that all representatives ultimately act in the interest of the constituency or of the electors. Secondly, most forms of participation in

the political decision making, will be discussed with arguments which demonstrate the election process itself to be a form of indirect participation.

A fundamental democratic freedom is that all citizens are free to pursue their interest. This pursuit takes place within the conditions a society can offer, and these circumstances limit the possibilities to do so. Citizens therefore have the representation and participation option to contribute to the opportunities the society has to offer to its citizens. The interests of the citizens are not similar and their influence on governance for a large part depends on their number since decisions are perceived to be democratically justified with the most-votes-count principle. Citizens without voting rights lack the possibility to influence the governance through the voting. The largest group of people without a vote are the citizens below the voting age (18 years in most countries, 16 in Scotland). Representation as a way of giving weight to the importance of an interest, is denied to this group of citizens. The essay will explain this to be in violation of the right to representation to look after your own interest. The essay will ultimately give reasons for the extension of the voting right to all age groups. This is not only an entitlement for all but also will increase democratic justice. More votes from younger people will automatically shift the demographic balance more towards families with their specific needs and interests. More people will be involved and there will be more attention for policies with a more long-term scope.

A DEMOCRATIC GOVERNMENT

Most countries commit themselves to a democratic form of government. However, what this means remains a question if it has not been explained further. The two fundamental criteria are to be involved in the governing (participation) and/or to have an elected person in it (representation). In view of the subject of this essay, this chapter will explain the concept of democracy by describing it from its first appearance in Greece until the modern era of democracy with widescale popular involvement.

Origins

It has always remained a question whether democracy was invented or somehow came into being when the circumstances were favourable. The word democracy has the Greek ‘demos’ in it indicating a government by the people. A similar development in Rome a few centuries later

has the Latin 'public' in its republican government, also referring to the people. To avoid confusion, I will only use the word democracy.

Our present day meaning of the word people overlaps much more with population than would have been recognised in the Antiquity. A new form of government developed in Athens around 500 BCE. Athens had been the principal force in defeating the Persians and this had brought it respect in the area as well as prosperity. No longer the government was in the hands of a single person or small group of them, ruling at will, but power was exercised by a group of people who were appointed or elected by the citizens. These by no means represented the whole population but were the heads of the distinguished families, later extended to all free men over the age of 18 years. This assembly of men proposed and decided about laws for all to obey. Especially the Athenian view on government brought new concepts of governance that were unknown until then. Power was no longer in the hands of a single person or family who exercised this as their personal right and property but became an institution with the power installed in the collective of the assembly. The affairs of the city-state (polis) became politics. The demos in this democracy were the people eligible for participation in the assembly. Some of the office holders were appointed by the assembly, probably for the expertise it required to fulfil the job. Most political office holders were selected by a lottery. It is thought that every citizen would have a chance of once in a lifetime to be selected in this way (Dahl 1998, p.12). This political recruitment has not stood the test of time, albeit that John Rawls' veil of ignorance seems to have some roots in it.

Veil of Ignorance. This metaphor by John Rawls in his book *A Theory of Justice* assumes an original position behind a veil of ignorance from which a fair and impartial set of rules of justice are applied enabling to distributing the roles and functions in society uninfluenced by personal bias.

Athens has been an example for other city-states as well as the Roman Empire. In Rome participation was restricted to persons from the well-to-do families. Where Athens, expanding its influence over the surrounding city-states, restricted citizenship to a selection of its own population, Rome also gave citizenship to the people in conquered areas. This gave many more people the opportunity to participate in the affairs of the state. However, the growing distances from the newly conquered areas to Rome put a sincere limitation on the development of democratic participation.

This new democracy was not without its critics. Endless discussions about the decision making prevented adequate political leadership. The freedom and equality of the citizens, praised as the foundation of democracy, lead to lack of expertise in statesmanship. Plato, the first political

philosopher, denies this equality as a blessing for society. To his opinion inequality in people's skills and abilities rendered only a few suitable for the offices of the state. Despite the Athenian and Roman demise, both have continued serving as a foundational model of democratic government. The fundamental institution of a democratic state, political power in the people's representation, has survived the centuries and is still an essential characteristic.

Renewed interest and revolution

After the fall of the Roman Empire, Western and Central Europe entered a period known as the Dark Ages. Many different states came and went. Many states developed a form of feudal government, a top-down type of governance in a largely agrarian society. After 1000 this system gradually lost its importance with simultaneous development of the towns. The growth of the towns gave an impulse to trade and an increase in wealth. The towns' governing bodies came under pressure from the newly rich merchants and bankers for participation in them. A new form of popular participation emerged. People with an interest in the dealings of the cities started to come together to deliberate the affairs. Along with those local assemblies more regional ones arose to which the local ones send their chosen representatives. Roughly at the same time also Viking groups with a common interest came together in assemblies. None of these assemblies consisted of a proportionate representation of the whole population, but the importance of them is that the authority became institutionalised. In the Low Countries of Flanders and Holland this came to expression in the need for the Ruler of the land (King or Count) to consult the urban Councils. This renewed democratic development however came under threat of the increasing powers of the Habsburg and Bourbon Rulers in most of Western Europe. The French Parliament had developed out of a Royal Council which the King had to consult for legislature. It lost much of its powers by the increase of the royal powers. Increasing social unrest (war, poverty, political tension, popular oppression) coincided with the Enlightenment and the rise of political philosophy which all culminated in the French Revolution in 1789. Political ideas about the organisation of the State with separation of powers, rule of law and sovereignty of the people, already had been the foundation of the American Revolutionary War (1775-1783) which was a war of independence from Britain. The American Constitution from 1787 became the blueprint for many democratic countries. Now for a country to become respected it required its political existence to be based on a Constitution. All European countries (except for the UK) have a constitution with the

separation of powers and with several Civil Rights for its citizens. With that the notion was established that 1/ all men are born free, 2/ all have the same rights under the law, and 3/that the sovereignty is vested in the Nation, that is the People. However, elected representation in any form was still far from what it is in our present day.

Democratic justice

Following the Revolution democratic development took a set-back when Napoleon conquered his empire. That came with the advantage that all over in the conquered countries a new system of law was introduced with Codices and a Constitution, following the original Roman example. It allowed the countries to enshrine in law, among others, the separation of powers and the civil rights. But a democratic development was not in the least assured. Parliaments were still dominated by aristocracy and landowners who were not willing to share their position. The increasing importance of the bourgeoisie expanded the franchise of the parliamentarians. The new developments came with political movements and the establishment of political parties changed the parliaments. Members became elected as member of a political party more than on their own account. The political movements began to represent the interest of the population, who were not included in the franchise. This ultimately led to the general suffrage in early 20th century, the right to vote for all adult men and women. Most of the electorate were ill equipped and not educated to stand for parliament and voted for their party or candidate. Democracy had become more 'demos' than ever before in the form of an indirect democracy with participation through representation. This brought two specific roles to play, that of the voter and that of the voted. The large number of voters per representative put a new emphasis on the nature of this function. With this democracy was not complete.

The democracy had developed a system of but for an effective and democratic administration, citizens should have equal opportunity to education to form an enlightened understanding and to have equal access to the representative bodies as voter or as representative. All citizens should be included in this process. Democracy had now become more and more present in many areas of public life. This encompasses not only the traditional democratic features but also health care, education, transparent governance, with openness to the journalistic press and several others. All these institutions and conditions would allow the citizens, all included, to live a life in freedom and self-determination in an atmosphere of social justice. One problem

remains, the lack of representation of the 20% of the population, the citizens who have not yet lived through 16 or 18 years.

B REPRESENTATION

To be your own person, to make decisions on how to organise your life and how to live it, is most likely one of the most fundamental freedoms we have. But it is probably only inside a nuclear family that we can exercise this freedom in our interaction with family members. For most other affairs in our life we rely on other people making the choices or having already done so. The only influence we have is to exercise this in the further development of our society. But it will be almost impossible to personally be present in the decision making. That is especially so in the political process. A democratic society would support the influence of the people in its executive but that would only be possible if someone else is present in our place, re-presenting us. In this section I will only briefly discuss representation in general. Special attention will be given to political representation and in line with this the suffrage, the right to elect a representative. At the end will be discussed how the electorate is formed.

Representation

We would like our head of state or head of government to be present at significant international events. That is to be present in our name. That is irrespective whether we have voted for that person during the elections. Many people would have felt wanting to attend the ceremonies, which would not have been possible for practical reasons, but felt satisfied with the representation. This representation is largely, showing the flag. A similar representation happens during World Championship matches, regardless of the branch of sport. It is felt that the country is represented by its National Team, even though none of the supporters has any influence on the tactics of the game. When the team wins, the country wins. On many occasions the representation is much more personal. That happens, for instance, when a solicitor arranges the necessary formalities in gaining ownership of a house. The solicitor acts on our behalf and does what we want. A parent represents a child and a doctor the patient. They both seek the best interest of the one who they represent but both with more authority in deciding what the action will be. Representing someone is to stand in his (or her, as in all the used personal pronouns) place and being accepted to do so but not necessarily being chosen to

do so. The International Red Cross represents the prisoners of war, being accepted by the belligerent parties but not chosen by the prisoners themselves. Representation is more complex than simply acting instead of someone else. That is even more so when one representative is acting for a group of people. It is highly unlikely that the whole group will have the same opinion unless the representative is delegated with a special task. Such a single task would not be possible in political representation when the representative speaks on behalf of voters in a wide range of subjects.

Political representation

Every group larger than a family will soon be too big for all members to have their say in deciding in affairs of collective interests. The affairs of the state are of importance to us all and we all are stakeholders in the decision making. There are two meanings of the concept of political representation. One is to have your opinion or that of your group made known to the appropriate decision-making office holders. This can be done in public hearings or other meetings set up by the authorities to investigate a public opinion. It can also be the result of more direct democracy by specifically influencing a government policy. There are many examples in everyday life such as, for instance, fishermen who express their opinion about fishing quota. Another example of a more organised way of making political representation is to lobby with a minister for a specific case (anything which involves public decisions). In both examples a specific subject is brought forward with the intention of a specific outcome of the political process for a defined group of people.

The other meaning of political representation is when a person offers himself to the service of a certain section of the population in a circumscribed area to represent them in the institutions of government (parliament, county council or any other representing body of government), a more permanent way of being present on behalf of others. These are our members of parliament and county councillors. This makes our democracy indirect. No longer we ourselves take part but the representatives exercise the political power on our behalf. They usually represent many thousands of citizens, and it is of course impossible to know all their opinions. It makes the political representative fundamentally different from the lobbying representative, the latter is instructed to a specific act. Another difference is the difficulty to know what the citizens want. To really know what all the constituents want would bring the representative in endless consultations and most likely without a workable commission. Therefore, it would be better for

the citizen to know what the representative stands for. The candidate makes his opinions known to the electorate in an election manifesto and the voter can make a choice. It would appear for the candidate to pursue the issues of the manifesto, but that is not as straightforward as it seems. Candidates elected by a first-past-the-post system represent after election also the other voters of a constituency who may well have different opinions. That makes it difficult to manoeuvre in parliament or council to keep everybody happy. Another difficulty arises when a representative must vote in parliament against his own opinion but in line with that of the majority of the constituency. This would not be the same difficulty in a multi seat constituency with candidates elected by proportional representation or a nationwide system with a choice for a political party. With proportional representation an equivalent number of representatives would be elected according to the vote share. In that case a representative would not have to keep direct contact with the voters and could not have done so because of the size of the electorate voting for a party. The political party is now the representative. The elected politicians become a number on a list and with that the election becomes less personal. The representation also is not directly the result of the people's opinion but the party's ideology. Still many countries have such a system without the population being less or more dissatisfied. What counts seems to be whether voters have the confidence that they and their opinion are represented.

All these systems are examples of indirect democracy, especially voting for a party. In that case the choice of candidates is determined by a party, often a committee in that party and voters can only choose from what has already been pre-chosen. Whether people feel represented depends on a few things that give the electorate the confidence. For that purpose the representation of the population in the legislature and the executive would have to be a mirror image of the population and of the general opinion. The trustworthiness of the representation depends on the open and transparent way elections take place, to what extent the elected politicians are accountable and prepared to discuss their political behaviour and opinions, such as in discussion with a free press.

The most important aspect is the politicians' accountability and being perceived to commit himself to the opinion of the electorate. More and more the representative's personal conduct, irrespective of the relevance for the policies, is a deciding factor for public confidence. The election is not for life but only for a set period. The positions they are elected for belong to the society and not the representative. This will help the government to keep paying attention to the

general opinion of the people. It is the best method for changes in public opinion to be represented in government.

Although political representation has a colourful history, we nowadays consider it the presence instead of the citizens in the governing bodies, be they legislative or executive. What is important for the subject of this essay is who will have a say in electing the representatives.

Suffrage

The right to vote for the political office holders is a fundamental characteristic of democracy. It is the democratic right to influence who will be in post with the expectation that they will pursue what the voters want. The democratic content of suffrage comes to expression in who will be eligible to be a voter.

Most countries now enjoy a General Suffrage, and it is generally accepted that all citizens are eligible as voters. A large part of the population, everyone under the age of 16-18 years, is excluded from the suffrage. The 20th century has shown a steady increase of the suffrage, ultimately with a further lowering of the voting age. The question is whether this is a continuing process with further lowering of the age, a well-considered decision based on objective argument, or whether there are arguments to abolish the minimum voting age altogether. It comes down to two options, lowering or abolishing. In our present day democracy it is accepted that all adults should have the right to vote and that all children should not have that right. For the adults, a simple date of birth is enough to be included, irrespective of a competence to vote. For the young persons the lack of maturation to competence is used as an argument to exclude them from the suffrage. The inconsistency is that if the same argument would be used for adults, then surely several adults would be excluded for lack or loss of competence.

C CHANGING THE VOTING AGE

The minimum voting age has shown a steady lowering throughout the whole history of voting rights. The age has dropped from 25 to 23, 21 and is now 18 years in most countries, with only a very few exceptions higher and lower. There are discussions in many countries to lower to age to 16 years for the national elections, several already have this age for local elections. The voting age apparently is a movable threshold with varying arguments for its position. In this

discussion there are two questions. One is what the arguments are for the right age. The other question is whether there should be a minimal voting age at all. Both will now be discussed with special attention for a complete suffrage, voting rights from birth on.

Lowering the age

The most common line of arguments in favour of lowering the voting age to 16 years is that the young persons are mature enough to make such a decision and that engaging them in the political process at a young age benefits democratic awareness. Extending the franchise with younger people will rejuvenate the political scene. The movement for lowering of the voting age coincides with the rise of children studies in which a plea is given to see a young person differently. In liberal democracy children are also seen as citizens but without individual representation. Children are seen as future adults instead of respecting their specific interests as young persons. Children have civil rights but have no political rights which makes citizenship less complete. Having a political voice determines how they are heard. The general drift is to see children as more fully respectable citizens and to appreciate them in their own right. Also many children are already involved in politics through special issue groups such as advocating for education, the environment and many other subjects of general interest. Young people make good and motivated voters. Competency cannot be a criterium to deny them the right as this would also have to deny many adults that right. Childism is a term used to describe the prejudice against children (in the same connotation as racism and sexism) who are seen as property that can and should be controlled, but which in effect is a failure to support families and with that the development of children in it. Children should not be seen as little adults in the making but to give account for their differences. But not everybody agrees.

Others use the same maturity-argument to support their view against lowering of the voting age. Young persons, goes the argument, by and large lack the maturation to give a considered political opinion fit for a voting decision. It is true, they say, that young persons also have other rights, such as riding a moped and joining the army, but they lack rational thinking at that age. It is all just waiting a bit longer. Some even suggest to going back to 21 years. The choice for any minimal age is an arbitrary one if maturation is the argument. Some citizens above the minimum age do no longer have rational decision-making capacity or even never had it. They still have the right to vote. The age as argument for inclusion in the franchise is a little supported argument.

Another argument to give more young citizens the right to vote is for them to have a say in the policy making for future implementations. For that reason, people above a certain age should no longer be able to vote not having a stake in the future anymore. With the competence argument the right to vote for young people goes at the expense of the right for older people. So far in the world of politics only Cardinals of the Vatican Electoral College lose their right when reaching their 80th birthday. It is however not certain that older voters do not support young people's interest. Not all policies are for a future implementation and long-term. We have recently learnt that recently during the Covid pandemic. The choice for a minimum voting age will result in discussions that lack reasonable scientific evidence. Maturation, and with that cognitive ability cannot be used in all fairness if it is only applicable on young persons. A logical consequence of this dilemma may be not to have a minimum voting age.

A whole different defence for lowering the voting age comes from the result of demographic studies. In most countries politics is dominated by middle aged and older man. Not only women are underrepresented, but it also leaves the politicians with a skewed view on reality, from the viewpoint of man at an advanced age. This most likely will underrepresent the view of young persons and even young adults. The only way to do justice to a balanced reflection of the demography is to extend the franchise with a younger people. This will only result in the desired effect if the proposed policies also reflect a more balanced view. A regular input of younger representatives would address this.

No minimal age

The Universal Declaration of Human Rights (UDHR) writes in article 21 that everyone has the right to take part in their country's government and in free elections for a representative.

Article 21

1/ Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (UDHR, 1948)

Nowhere is written that this be limited to a certain age group. The Convention on the Rights of the Child (CRC) mentions that children who are capable of forming their opinion will be able to make these known at the appropriate places.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
(CRC, 1989)

The UDHR mentions political participation but does not state a minimum voting age where the CRC limits the entitlement of a young person's participation to a good enough understanding and moreover the right to vote is not explicitly mentioned. Neither of the articles offer a supportive suggestion for young persons to have a right to vote. The UN is with that in line with the general assumption that young persons do not need this right. The CRC at least mentions that competent young persons should be listened to.

Special circumstances for young persons, about being competent for instance, gives them a different kind of citizenship. This could be explained as agism, treating someone differently in a negative way because of their age. Young persons are entitled to have a say in what concerns them and to participate in the decision. A minimum age is unfair and vague. What is the meaning of that specific age? Maturation seems to be the only justification but that makes it unfair as so many younger persons are fit enough while some adults still lack the skill. Tests have been proposed to show the skill. But again, the question seems fair why there should be a test anyway when no other age group has to pass one for their right? A competency test is unreasonable also if someone requests the test for obtaining the right but fails to pass. That can hardly be seen as an encouragement to democratic engagement when at a later age the right to vote is automatically given. It highlights the notion that there is an unequal citizenship. A defence for a competence test for young persons is that it offers the successful candidate voter to an opportunity to participate in politics at a young age in recognition of their ability. The other young persons are not short-changed as they will get the vote a little later anyway. A solution for it could be to have a voting right for everyone who registers for it and attends the election, both in person.

A more rigorous different approach of the right to vote is to start from birth on. Already in several countries there are movements that advocate to include all ages in the franchise. Some constitutions give the right to all citizens, but then exclude the ones who have not reached a certain age yet.

Against voting from birth has also put forward the argument that a vote is personal, and that voting is confidential. Only the voter can vote or appoint a substitute. A very young person would not be able to appoint a substitute, goes the argument. Following that argument once a young person understands, he can appoint a proxy. That of course takes away the whole idea of the fairness of a

vote from birth as a right and can only be seen as a protracted way to stop voting from birth to become reality

How to vote from birth

There are various ways a right to vote can be exercised, either in person, by post or by proxy, all carried out by the voter. A proxy vote from a toddler is highly likely to be impossible because of the young person's lack of understanding. One way is to give an extra vote to the family, mother or father. Critics of this argue that this in fact means two votes for one of the parents which is an unjustified advantage for people living in families. Another option could be to automatically give one of the parents the proxy vote which again some see as an extra vote. With the proxy vote the parent is bound to vote as the proxy giver asks or reasonably can be expected to vote. It is the same as a proxy vote for whoever else and with that is not an extra vote. The parent does not have the child's vote but votes as the child would vote in his own interest, just as most parents always would act in the interest of their child. The proxy expires at a certain set age (for instance at 12 years, or when entering secondary school) or when the child expresses its own wish to vote by appearing at the poll station. One of the criticisms against the parent-proxy is that parents can differ of opinion. Then who should vote?

There are probably more ways to vote as a youngster and however different, all are expressing a voice of a citizen who has an interest in how the State is performing its tasks.

D DISCUSSION

Voting rights have never been granted and always been fought for. The extension of the electoral franchise in the 20th century gave us the General Suffrage. This is a misleading description when the citizens under 18 years, in some countries 16, are not included. The extensions have always been step by step with more and more inclusions. The young persons have never specifically been excluded, but simply have not been included in the franchise. Young persons are not a human subspecies, the demarcation-line has shown a steady drop from about 25 years of age down. This drop coincided with a similar drop in the legal age of maturity above which citizens become legally capable to act. This was in reaction to the general feeling in the society that these citizens were competent to engage in responsible way and it

was taken for granted that a similar competence was present for voting. By lowering the age, a segment of the young people was incorporated into the adult world.

But not all thresholds for competency were at the same age. When the age of maturity and minimum voting age was still 25 years, persons of 18 years were already allowed to drive a motor vehicle and joining the army was even possible at 16. Young persons of different ages have always been found to be competent to make choices in so many instances, what hobby they prefer, what food they want, choice of clothes, school type, friends and so many other things. It leaves us with two questions. Why were children not included in the franchise and what is keeping us from including them? Answering these two questions brings us to a lowering of the voting age if not from birth on.

The discourse for a change in the discussion about the voting age is held in three areas. Fundamental for the whole discussion is how children are perceived in our society and the arrival and development of the children's studies has contributed to a general acceptance of recognising the need for an answer regarding voting rights for the young citizens. Another discussion is held regarding the potential voter's competence. A third field of the debate concentrates on the cultural and political aspects of an extension of the franchise.

Children studies

Before the era of the general suffrage how society viewed children and childhood was of no importance to their right to vote. Children were seen as at least incomplete and incapable to act for themselves. Where adults were seen as mature and reasonable, the same could not be said of children. At most they were developing towards adulthood. Children needed to be protected from all evil and that was not surprising in a time with massive child mortality. Even in wealthy families living into adulthood was far from certain. These living conditions were even worse in the second half of the 19th century when the suffrage began to make its advance. It was not a malicious intent to keep the children out of the society (except for child labour of course), but it simply was considered inappropriate without further discussion. The rise in social and behavioural studies, especially in the second half of the 20th century, took an interest in the development of children. The multidisciplinary approach of the subject gave the birth of the 'children studies'. Childhood became seen as a social construct imposed on young persons by a dominating adulthood. The tenor of most studies is to see children and young persons in a different way that respects the differences of being young. The primary remit of the children's

studies is however not the promotion voting rights. The outcome of the studies could easily be (misguidedly) used against such an extension to protect the young people at, what the studies consider, a vulnerable time of their lives. This does not sound much friendlier than the previous idea of ‘we know what is good for you’.

To simply extend the franchise would not do justice to a democratic representation if the policies do not change. Attention needs to be given to the experiences of the young people. Their interests may well have and do have a different focus from the adult population. Their own outlook on life is for many more years than the adult population. The attention young people show for problems of climate change, nuclear disarmament and issues with the environment may well, if transformed in a vote, have significant consequences for a truly democratic governance. This all in itself may not be a convincing reason to give voting rights to the young. When politicians pay attention to the interconnectedness of the world and to what all parties are able to give to each other, a vote is not a necessary condition. Democracy does not only work in a parliament. Public opinion expressed in political marches, demonstrations and movements also express the will of the people and young people can freely take part in these. However, the right to be represented by your own choice of candidate is a fundamental democratic value, irrespective of the age of any person. What the contribution of the children’s studies is in obtaining children’s voting right, is not clear. It certainly helps to keep the subject in the public eye and that of the politicians. Finally, adults will have to decide about it and will do so if the adult electorate is of the opinion that the suffrage should be extended. So far one of the most important recent documents, the United Nations Convention on the Rights of the Child does not explicitly propagate children’s voting rights and is for this purpose more a hinder than a stimulus. This declaration deals more with protecting children and promotes their safety and development. Unfortunately, there are many vulnerable children that justifies this focus, but it cannot be seen as a support for the extension of voting right.

Maturation

Opponents to lowering the voting age invariably argue that young people lack the maturity for understanding the full significance of voting. Their argument comes in reaction to the movement for lowering or abolishing the minimum age. The argument comes with several difficulties. Firstly, it is unclear what such an understanding means. How can someone be or become mature enough for this? Is there a way of training for it and then as yet gain the right?

It suggests that a test could be helpful but what would be the questions in it. What will happen if someone fails the test, is there a resit? All these questions make it unlikely this to be a helpful contribution. If maturation is the problem, then some young persons will have reached that already before the 16th or 18th birthday. It would be no more than fair to allow such a person to vote. An obvious other question would be whether a person acquires maturity overnight on the birthday. Most likely not. There is an inconsistency with this argument when the same method is not used for testing adults' competence. For the latter only counts the date of birth on the day of election. The approach is inconsistent but not necessarily unfair and cannot convincingly be used as an argument to allow the youngster the vote, at least not on these grounds. The immaturity of a child is different from a never gained or lost competence in adult years. The young persons have the outlook to get the voting right fairly soon, so waiting a while longer is not too bad. It is certainly not unjust as they are all treated in the same way, so goes the argument. It is actually unjust to allow some young people to do a test to be allowed to vote underage. This most likely will disproportionately favour the more affluent people and also will give them a head start with their political development, adding to inequality. A test is also unnecessary for someone who wants to vote. The wish itself suffices to be eligible. It is not like a DVLA driving test of which the purpose is to keep dangerous drivers off the road. There are no dangerous voters to keep out of the political arena. If some young people can vote then all should be allowed and make their own choice whatever that is, including not to vote. But to let the young people in the waiting room and not to worry is rather patronising and results from seeing children as adults in the making but not the full weight yet. It is a demonstration of deciding for someone else without any justification.

If 'we' decide not to give the vote yet to a group of people, who then are the 'we' and with what authority? It is the old argument to know better what is good for someone else instead of giving the respect every citizen is worthy of. When the franchise was still small with only wealthy men, extensions have always been tried to prevent with similar arguments. Voting should be reserved, so was the opinion, to only men who could read and write. Women were considered incompetent anyway. All these arguments have been shown to be flawed. What rests is the last group of citizens, the ones under 16, who have no voting right without solid argument.

The argument to allow the young people the vote because of their stake in the future and to take away that right from people above a certain age who have no substantial future, is changing one

unjust rule with another. No citizen should have their right taken away. There is no proof that elderly people only vote for elderly policies. On the contrary, the old fairy tale of the old man and his grandson may be better reflecting the relationship between the generations:

The Old Man and His Grandson

There was once a very old man, whose eyes had become dim, his ears dull of hearing, his knees trembled, and when he sat at the table, he could hardly hold the spoon, and spilt the broth upon the tablecloth or let it run out of his mouth. His son and his son's wife were disgusted at this, so the old grandfather at last had to sit in the corner behind the stove, and they gave him his food in an earthenware bowl, and not even enough of it. And he used to look towards the table with his eyes full of tears. Once, too, his trembling hands could not hold the bowl, and it fell to the ground and broke. The young wife scolded him, but he said nothing and only sighed. Then they brought him a wooden bowl for a few half-pence, out of which he had to eat.

They were once sitting thus when the little grandson of four years old began to gather some bits of wood upon the ground. 'What are you doing there?' asked the father. 'I am making a little trough,' answered the child, 'for father and mother to eat out of when I am big.'

The man and his wife looked at each other for a while, and presently began to cry. Then they took the old grandfather to the table, and henceforth always let him eat with them, and likewise said nothing if he did spill a little of anything.

(a fairy tale by Brothers Grimm)

The strongest argument comes from the law itself. There is an active movement in Germany that fights for voting rights from birth. The movement has present and former politicians in their ranks. Already on several occasions the German parliament has been asked to take the subject into the discussions. Although the Constitution clearly gives the voting right to the whole population, another article limits this to the above 18 years. The Court decided that article 38 indeed is in breach with article 20,

Article 20

2/ Alle Staatsgewalt geht vom Volke aus. Sie wird vom Volke in Wahlen und Abstimmungen und durch besondere Organe der Gesetzgebung, der vollziehenden Gewalt und der Rechtsprechung ausgeübt.

Article 38

1/ Die Abgeordneten des Deutschen Bundestages werden in allgemeiner, unmittelbarer, freier, gleicher und geheimer Wahl gewählt. Sie sind Vertreter des ganzen Volkes, an Aufträge und Weisungen nicht gebunden und nur ihrem Gewissen unterworfen.

(2) Wahlberechtigt ist, wer das achtzehnte Lebensjahr vollendet hat; wählbar ist, wer das Alter erreicht hat, mit dem die Volljährigkeit eintritt.

(Grundgesetz für die Bundesrepublik Deutschland)

but that the custom was generally accepted for decades (the German constitution is from 1949) and that there were no strong arguments to divert from that. To classify a substantial group of citizens as different from the others on the basis of age itself is a questionable discrimination. It appears that the Constitution just echoed the general feeling about young persons who are seen as semi-citizens and for whom others have to speak up to emancipate them. A similar step by step development was seen with the abolishment of slavery and the suffrage for women. It seems to be just waiting for the next step to allow all citizens the vote.

CONCLUSION

The values of a democratic state with its Constitutional Rule of Law are what the people want them to be. Through history we have seen an expanding State also incorporating the Welfare Institutions. More than ever the affairs of the State are our affairs and we, that is every citizen in the country, feel it as a matter of course that we decide as a democratic community that people who have an interest in the affairs should have a say in drawing up the policies for it. The right to vote for a representative in the decision-making institutions of a country is for most of the population the only way to participate in the affairs of the government. Modern day democracy consists of a separation of powers, an elected parliament, a welfare state and the respect for civil liberties and human rights. The increased size of the government apparatus makes it impossible for all people directly to be involved in the policy making and implementation. Instead, an indirect democracy has made it possible for all to contribute through a general suffrage. The steady increase of the franchise has slowed down with a lowering of the minimum voting age. Most likely 16 will be the new threshold. The common argument, a lack of political competence, is used as justification to withhold the voting right. This is unfair as this argument is not used in other citizens and unjust as it withholds a fundamental democratic right to a substantial section of the society who have a larger stake in a future than any other citizen. Competency in persons younger than 16 years is not uncommon and for others a simple proxy-vote by a parent can bridge the gap in time until they are. The extension of the electoral franchise to all citizens of a country is a further step on the way of a just and democratic society where the interests of all are given voice by themselves. It is no longer one-man-or-woman-one-vote. It should be simply one-citizen-one-vote.

REFERENCES

The references in this text are listed in a separate file to be found at:

<https://www.drwillem.org/votes4all/texts/references.pdf>

This list will be regularly updated with other interesting information to read.