

Jörg Tremmel · Antony Mason  
Petter Haakenstad Godli ·  
Igor Dimitrijoski *Editors*

# Youth Quotas and other Efficient Forms of Youth Participation in Ageing Societies

 Springer

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 Fritz Thyssen Stiftung

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Jun.-Prof. Dr. Dr. Jörg Tremmel  
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# Chapter 1

## Introduction: Youth Quotas—Mapping the field

**Jörg Tremmel, Antony Mason, Igor Dimitrijoski  
and Petter Haakenstad Godli**

In many Western countries, as well as in developing countries elsewhere in the world, we are currently facing large demographic population changes—demographic changes more profound than ever before. Eurostat numbers on population projections from 2011, including all 27 EU countries as well as the four EFTA countries, indicate that the populations in European countries are ageing, and that the ageing process is accelerating by the decade. Whereas in 1960 the average median age in these 31 countries was 31.5 years, the average median age will by 2020 have increased to 42.2 years and by 2060 to 47.2 years. In 1960 the average share of the population aged over 65 was around 9%; this share will increase to over 19% by 2020 and over 29% by 2060. The average share of the population aged 80 years or older will by 2020 be around 5% and by 2060 11.5%, compared to only 1.4% in 1960. The projections also show that by 2060, the elderly (defined as aged over 65) will be twice as numerous as the youngsters (defined as aged between 0 and 14) (Eurostat 2011).

Demographic changes go hand in hand with a shift in power between the generations. By constituting a smaller proportion of the population and the electorate year by year, the younger generation will witness the diminution of its societal, economic and political power. The question of changing power balances between the genera-

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tions in ageing societies has recently come under the spotlight of academic debate. Several key questions have already been investigated. How are the processes of political participation affected, in general and especially with regard to elections, by the demographic change (Bengtson 1993; Kohli 2010)? How does the ageing of members of established parties and mass organizations alter their aims (Binstock and Quadagno 2001)? Can new actors, such as Pensioners' Parties, be identified in the political arena (Hanley 2010, 2012)? Does an ageing population lead to changes in welfare to the effect that expenditure on the older generation (e.g. pensions and health care) increases at the expense of benefits for the younger generation (e.g. education and family support) (Vanhuysse and Goerres 2012; Tepe and Vanhuysse 2012; Wilkoszewski 2009; Castles 2008; Disney 2007; Lynch 2006; Kotlikoff and Burns 2004, 2012; Esping-Andersen and Sarasa 2002)? Which particular OECD countries are the most biased towards spending on the elderly—and which the least (Vanhuysse 2013)?

A number of questions remain. Is there a way to make sure that young people have the possibility to influence decision-making processes, and that they are fairly represented in politics and civil society? What measures can be taken to prevent them from remaining disadvantaged and to inspire youth to engage with—and play and active role in—society? Some authors have claimed that societies in several Western countries have already aged to such an extent that they are effectively gerontocracies—societies ruled by the elderly (Howker and Malik 2010). This may or may not be true, but in any case demographic change is creating profound challenges to intergenerational justice, with significant implications in different areas of society, such as voter power and political representation.

Debates identifying women and immigrants as underprivileged groups have suggested quotas as a solution to the problem of marginalization and the lack of representation. Gender quotas and ethnic quotas have been investigated extensively in the research literature in recent decades, and such quotas (especially gender quotas) have achieved a fairly high degree of acceptance in both the research and large parts of the political community. By contrast, there has been much less debate about, or support for, the introduction of quotas especially targeted at ensuring that youth is properly represented.

This volume therefore intends to open up the debate and to explore the rationale for, and the feasibility of, applying youth quotas as a measure to counterbalance the trend of ageing societies. Given the current lack of research into youth quotas, one of our foremost aims is to map the field of youth quotas as topic of scientific investigation. Youth quotas might be understood in two ways, either in a wide sense as *youth quotas as a percentage*, stipulating that a certain percentage of young people beneath a defined age-limit should or must be included in a panel, body, committee etc., or as *youth representation in committees*, prescribing a certain number of seats reserved for youth. Committees prone to that second kind of representation could be media steering committees, university steering boards, sustainability councils at a local or national level and the like.

An important distinction should be made between *hard quotas* (also called rigid quotas) and *soft quotas* (also called weak quotas). In the existing research literature, hard quotas are understood to be quotas demanding a strictly proportional distribution of all relevant groups. In that case youth *must* be included—if no candidates are found, the assigned places stays vacant and are not occupied by any other group. Soft quotas, on the other hand, are less rigid: in this case, youth *should* be included, but if no young people apply for the relevant positions, the vacant posts can be filled by older candidates.

Another important distinction: (a) quotas that guarantee that the final distribution mirrors the distribution of individuals *applying for the relevant positions*, or (b) quotas that guarantee that the final distribution mirrors the distribution of individuals according the general demographic setup of a society. Let us assume a society's demographic composition is 50% old people and 50% young people. If twice as many old people than young people are interested in a certain position, and apply for it, according to a soft quota rule it is acceptable if they come to occupy two-thirds of the positions—which may leave young people underrepresented with regard to their demographic share of the society, but not regarding their interest in the position (see e.g. Warren 1977, and Wallimann-Helmer, this volume).

A distinctive feature of this volume is its broad interdisciplinary approach. As well as youth quotas, it also encompasses other forms of measures and methods especially aimed at enhancing the political empowerment of the younger generation and increasing youth participation, notably through suffrage reforms—such as lowering the current voting age in local, regional and/or national elections. Through the contribution written by Conrad, Cassidy & Mathis, the book also presents methods of practical philosophy to develop those children's abilities needed to empower them, increase their participation and give them a stronger voice in society. Youth quotas and the other forms and methods of youth participation are investigated from the perspective of various disciplines, mainly philosophy, environmental ethics and political science. Several articles take a philosophical starting point, ranging from investigating the justification of introducing quotas in political institutions (see Bidadanure) to discussing the nature and ethical principles of quotas (see Kaloianov, and Hainz). Other articles place their focus on the intersection between philosophy and environmental ethics, investigating to what degree quotas can be used to safeguard a more sustainable and environmentally friendly policy outcome for young and future generations (see Wallimann-Helmer, Roser & Karnein, and Ziegler). The articles taking a more explicit political starting point investigate the institution of suffrage, especially focusing on voting age reforms that would lower the voting age, both by referring to democratic theory (see Tremmel & Wilhelm) and by investigating voting age trials conducted in Western countries (see Godli). The broad interdisciplinary approach enables us to shed light on the consequences of the current demographic changes and what we can do to prevent them from sidelining youth and the younger generation in modern societies.

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## Chapter 2

# What Do Quotas Do? Reflections on the Ubiquity and Justice of Quotas

Radostin Kaloianov

The paper discusses quotas as a matter of fact and a matter of principle (of social justice). The first path of analysis departs from theoretical findings about the modernization of Western societies to arrive at the insight that quotas are an empirical fact of life in modern capitalist societies and thus indispensable to the functioning of modern meritocracy. This insight is followed by a second step of argument concerned with normative justifications of quotas for the disadvantaged and discussing the normative promise of quota policies in relation to their practical effects on recruitment practices, structures and norms, and on the meritocratic allocation of social positions. The final part of analysis tackles the justifiability of quotas as a means to foster the social inclusion and political representation of youth

### 2.1 Introduction

What do quotas do? Raising this question is already a challenge to some widely spread views and arguments about the detrimental impact of quota policies upon organizations and societies implementing them or upon individuals and groups targeted by quotas. Especially quotas for disadvantaged social groups are confronted with such a categorical disapprobation that any attempt to discuss or call for such policies evokes a number of misunderstandings and myths about quota policies. The great bulk of the rejections and objections to quotas are themselves an expression of the discrimination they are supposed to redress.<sup>1</sup>

The first part of this paper discusses quotas as a matter of fact, whereas the second part of the argument analyzes quotas as a matter of principle (of social justice).

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<sup>1</sup> In many arguments against quotas for the disadvantaged the rejection is pointed not so much against *quotas* as such but against the fact that they are benefiting the *disadvantaged*.

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The first path of analysis departs from theoretical findings about the modernization of Western societies to arrive at the insight that quotas are an empirical given, an indisputable (though not a *prima facie* detectable) fact of modern capitalist societies. Quotas are empirically ubiquitous to the functioning of modern meritocracy. This empirical insight is followed by a second line of argument concerned with the more specific case of quotas for the disadvantaged. This second step of argument analyses normative justifications of quotas for the disadvantaged and studies the normative promise of quota policies (to further social justice by the acknowledgment of personal merit) in relation to the practical effects of quotas on recruitment practices, structures and norms, and on the meritocratic allocation of social positions. Subsequently, I will finalize my analysis with some considerations concerning the justifiability of quotas as a means to foster the social inclusion and political representation of youth.

## 2.2 Quotas as a Matter of Fact—The Ubiquity of Quotas

The empirical spread and the functional significance of quotas can be detected by taking into consideration some structural, functional and cultural traits of modern capitalist societies of the West such as the division of labour, the growing complexity of social life, the differentiation of realms of social praxis and the specialization of tasks and qualifications.<sup>2</sup> Under the conditions of capitalist modernisation quotas are ubiquitous and necessary for defining educational or vocational tasks and positions, for occupying positions and completing jobs.

Most remarkably it is the division of labour as well as the co-related and ever growing differentiation of social realms, tasks and activities that make practices and procedures of selection indispensable to filter out proper candidates for a given job or position. Thus the advancing division of labour and differentiation of tasks and activities installs merit as a major principle regulating the justice of allocation and occupation of social positions. The division of labour is also functionally and causally related to the emergence of a system of meritocracy supposed to attune personal merit on the one hand and the functional requirements of job profiles on the other. Quotas, hidden or opaque, serve as a major mechanism for sorting out candidates for a given position and to match personal capacities and merits to the ever differentiating job and task profiles. Job advertisements are defined in such a way as to address selectively and exclusively only candidates who satisfy the requirements for the successful accomplishment of a given task and whose qualifications, former achievements and merits promise future success. All other potential candidates who fall below or above the bar, who are under- or overqualified for a given position are excluded either in advance through the definition of a job advertisement or later on during the application procedure. A quota principle of selection, giving preference, reserving positions for those who deserve and excluding all those who do not fit

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<sup>2</sup> For an overview on theories and dimensions of Western modernization as a process of multiple structural and cultural social transformation since the eighteenth century see Rosa 2005, 71 ff.; 105 ff.



into the specific job profile, is implicitly at work even in the most simple job announcement and underlies the practices of defining, announcing positions and of recruiting the proper personnel for them. Any most trivial job announcement implements the quota principle of reserving a job or a position for a pool of candidates. Every educand and every employee can be considered as a beneficiary of quota policies, which is why quotas are no policy of ‘preferential treatment’. Quotas are far more widely spread than is usually assumed, especially by their critics. Each and every competitor on the labour or training market reckons with quota-like practices of reserving jobs or training positions for suitably qualified candidates. Each and every job seeker acts ‘preferentially’ and focuses only on those job announcements that are in such a way ‘preferentially’ defined as to match her or his preferences (interests, capacities and experiences). Indispensable as quotas are for the functioning of modern, highly specialized capitalist economies, their reach goes far beyond the allocation of resources and positions. Quotas also apply to the allocation of other valuable social resources—most prominently such as time or funding. Vacation, parental or educational leave belong to the most familiar forms of time-quotas. Parental leave, for example, responds to child needs but it also honours the unique merit of being a parent—the ‘significant other’ for a child no one else can (fully) substitute.

Quotas are indispensable as a mechanism of meritocratic allocation also for another reason. The highly competitive nature of capitalist labour markets and the real possibility of ‘the winner takes all’ outcomes suggest quotas as precautionary measures to prevent any such developments and to preserve a fair share of jobs, of educational opportunities, of housing or of any other items of the social welfare for those who cannot stand up to the competition due to natural handicaps, to social disadvantaging or systematic discrimination. In this case as well ‘a reserving of a fair share’—which is also a concise and eloquent definition of quotas—for the outcasts of capitalist competition appears to be in any case a functional necessity and for many a rightful claim.

The understanding of quotas as a matter of fact and as a functional necessity is important as it sheds new light on the widely shared view that quotas are detrimental to society, organizations and individuals. Widely held opinions about the maleficence of quotas are at odds with the fact of their empirical ubiquity. If quotas are as detrimental to the wellbeing of individuals, to the cohesion and fairness in society and to economic efficiency as their opponents suggest, how come quotas are empirically so widely applied, and serve as the buttress of modern meritocracy?

### **2.3 Quotas as a Matter of Principle: Quotas for the Disadvantaged, Justice and Merit**

The interrelation between quotas and performance/merit can be shown even more emphatically through a second line of argument drawing on justifications of quotas for disadvantaged social groups. Quotas for the disadvantaged are a special case of quota policy insofar as they are targeting in the first place discrimination and

disadvantage as major hindrances to the performance of those affected and also to the rightful acknowledgement of, and reward for, their merits. Quotas for the disadvantaged remove those hindrances and improve the justice of treatment and recruitment of members of discriminated-against social groups. In view to this outcome quotas for the disadvantaged are no special case of quotas. In the following discussion I analyze different approaches to quota justification. The theoretical and public debates on quotas provide important references of analysis of the reasons, stakes and effects of quota policies. A review of normative rationales of quota policies and of their repudiations disclose the normative promise of quotas—to install or improve social justice—and provide us with a tool to examine the match (or mis-match) between this normative claim and the practical effects of quota policies. At this point I will not go into the details of normative-theoretical discussions of quotas and will tackle only some most influential and far-reaching arguments. An instructive systematization of pro- and contra-arguments on quota policies for disadvantaged social groups can be found in Pojman 1997; Skretny 2001; Kaloianov 2008 (concerning the English-speaking discussion on quotas) and Rössler 1993, 2012 (providing also the German-speaking context).

### ***2.3.1 A Pathway to More and to Real Equality***

Egalitarian anti-quota argumentation culminates in the well-known objection that quota policies are ‘positive discrimination’. This argument consists of an analogy between two diametrically different cases of exclusion—the exclusion as an effect of discrimination and the exclusion quotas introduce towards members of privileged groups. The analogy reveals an insurmountable contradiction of quotas that redress (towards victims of discrimination) and supposedly effectuate (towards members of non-discriminated-against groups) discrimination at the same time. The question is, however, whether the negative impact of quotas for women, for people of colour, for ethnic minorities might have upon men, whites or ethnic majorities can really be regarded as discrimination. If the denigration of persons is the distinctive feature of discrimination, then quotas cannot be compared with discrimination. Under no circumstances may the denigration of persons be a ‘positive’ social relation or experience.<sup>3</sup> The impact of quotas on members of privileged groups could rather be seen as a constraint to their range of action while providing disadvantaged persons a playing field where their competences, achievements and merits are fairly acknowledged. The fact that members of dominant groups are normally used to having an unrestrained access to the entire field of social opportunities, and therefore perceive quotas as a form of exclusion, highlights even more the relationship between this

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<sup>3</sup> ‘The self-esteem of whites as a group is not endangered by such a practice, since the situation arises only because of their general social dominance, and the aim of the practice is only to benefit blacks, and not to exclude whites. Moreover, although the interests of some are being sacrificed to further the interests of others, it is the better placed who are being sacrificed and the worst placed who are being helped’ (Nagel 1973, p. 361).

claim to unrestrained access with the system of discrimination that makes such a claim possible. Moreover, the political ideology of 'positive discrimination' presumes, against factual evidence, the equality of rights and treatment as a matter of fact to conclude that this presumed factual equality is being distorted by quotas. The real world, however, in which quotas operate is characterized by factual and ever growing inequality, which can be effectively and fairly redressed in the long run by policies of differential treatment such as quotas (Walzer 1994). David Theo Goldberg illustrates this contribution of quotas to egalitarian justice with an instructive example:

'Assume that over his lifetime and in the absence of preferential treatment programs, the average white educated male may in principle be capable of competing for approximately seventy-five jobs. From these, the person may receive, say, three actual offers for jobs for which he in fact competes. A black person, equally qualified and without the benefit of preferential treatment programs and in the sort of racially charged world we have been used to, may effectively compete, say, for twenty-five positions and be lucky to land one. [...] With preferential treatment programs in place, it seems reasonable to assume, for the sake of argument, that the black candidate's competitive pool will be stretched by about a half and the white candidate's reduced by about the same amount the black person's is increased. The black candidate will now have a crack at something like forty positions, the white candidate close to sixty. Both can expect something like two offers. The difference between the number of positions each can expect to compete for is reflective of the fact that there will be more competitors in the nonpreferential category, and so the greater number of competitive possibilities will more or less equalize the competitive chances of whites. The playing field has thus been relatively levelled, and the white candidate can hardly claim to be wronged' (Goldberg 2002, p. 235).

The principle of equality (of rights, of opportunity, of treatment) may very well sustain an argument in favour of quotas for disadvantaged groups. Quotas implement the justice of proportionality as they promote a representation and participation of the members of disadvantaged social groups at various levels and in various spheres of society that is proportional to their population share. The normative rationale of proportional justice is that of 'treatment as equal' (Dworkin 1997), not that of equal treatment. Treating members of discriminated-against groups as equal requires to set aside a share of educational and job opportunities (or of other resources) that corresponds quantitatively to their population share. This in turn equalizes statistically and practically the probability for underprivileged and privileged social groups alike of finding and competing for available opportunities. If, for example, migrants comprise 10% of the entire population, a 10% quota for migrants will level the field of competition for migrants and non-migrants. The 90% of non-migrants can compete for 90% of the available opportunities, whereas migrant applicants face each other in the competition for the 10% quota positions. This outcome surely does not satisfy perfectionist claims of egalitarian justice. Nevertheless it provides more egalitarian justice as compared to the state of affairs without and before the implementation of the 10% quota for migrants. In the latter case, when the 90% of non-migrants could compete for 100% of available opportunities, they did in

fact take 98% of those. A 10% quota for migrants would thus initiate a process of successive equalization of existing disparities between migrants and non-migrants.

The proportional justice approach of quota policies more often than not has had the overcrowding of quota target persons as its side-effect. One reason for this overcrowding is the prospect of avoiding discrimination. Another reason can be possible mismatches between the share-setting of quota policies and the population share of their target groups. Such mismatches reflect the contested nature of identity politics and the fact that decision- and policy-making is usually in the hands of dominant and privileged groups, who would tend to set aside less than what empirical data suggests. However, where more (quota targeted candidates) compete for less (positions reserved by quotas), the personal merits of quota beneficiaries gain additional weight and substantiate the insight that quotas promote the justice of merit and make the achievements, qualifications and merits of those discriminated against count in the social competition for jobs and opportunities.

### ***2.3.2 A Policy to Promote Merit and Improve Merit-Based Justice***

Even when egalitarian arguments of proportional representation advocate convincingly in favour of quotas, such policies may still remain morally suspicious and disputable. The normative and factual inconspicuousness of quotas, which is what I meant above by the ‘ubiquity’ of quotas under the conditions of modern capitalist society, results mostly from their conformity to the merit principle of social justice. Merit as a principle of social justice regulates the relation and the balance between efforts, achievement and social rewards and determines the scale and size of justified social differentiations (in regards to income, status or power). The merit principle of social justice has a greater practical spread and relevance for the justification of distributive provisions in modern capitalist society than the norms of egalitarian justice—the latter being stronger enacted in theory than in practice (see Dubet 2008). It is therefore no surprise that the strongest and most sound arguments against quota policies for discriminated-against social groups regard quotas as a breach of the merit principle of social justice.

The view that quotas are unjust because they violate the norms of meritocratic justice purports that it is unjust to hire persons (from disadvantaged groups) on the basis of their gender, skin-colour, origin, age etc. and thus deprive better qualified candidates (from privileged groups) of the opportunity to apply for or occupy a position.<sup>4</sup> This major meritological argument against quotas makes three disputable

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<sup>4</sup> Thomas Nagel formulates this popular objection against quotas as follows: ‘The question is: If a black person or a woman is admitted to a law school or medical school, or appointed to a certain academic or administrative post, in preference to a white man who is in other respects better qualified, and if this is done in pursuit of a preferential policy or to fill a quota, is it unjust’ (Nagel 1973, p. 348).

assumptions. A critical commentary of these assumptions will substantiate the claim that quotas implement and promote the justice of merit.

It is firstly assumed that persons discriminated against on the grounds of their gender, skin-colour, origin or age are expected to be less qualified than white heterosexual men and supposedly cannot withstand direct competition with them.<sup>5</sup> Favourable conditions for socialisation, good education and an upward career path enhance excellence and the superiority of skills. The expectation, however, that a disadvantaged starting position has necessarily to do with inferiority and that underprivileged competitors have necessarily to be less qualified than the rest is empirically, logically and normatively flawed. As a prism of estimating potentials, skills and merits, the expectation of an a priori inferiority of disadvantaged persons may skew the picture of even the most excellent skills and credentials and install hiring-by-stigma instead of hiring-by-merit.

The second assumption of the supposedly meritocratic counterargument against quotas purports that gender, skin-colour, origin, or any other reason for discrimination, are not related to personal achievement and merit. In his seminal work *Principles of Social Justice* David Miller discusses preferential treatment measures that reward members of discriminated-against groups with additional credits in hiring procedures (Miller 2008). Job advertisements declaring that ‘the recruiting of equally qualified women and persons with disability will be given preference’ (one reads much more seldom ‘of migrant background’) exemplify such policies. In the context of such political measures, attributes such as gender, skin-colour and origin are related to merit and are of relevance for the estimation or prognosis of personal skills and achievement. Miller argues that candidates from disadvantaged groups deserve to be rewarded bonus points as they acquired their (equal) skills and qualifications under presumably much more difficult conditions. To arrive at the same level of proficiency, such candidates had to overcome greater obstacles and hardships, to endure heavier social burdens, and to invest more. In brief, the achievement of a given professional qualification equal to that of candidates from privileged groups requires that candidates from disadvantaged groups perform better and achieve more than their privileged peers. This indicates a higher potential and a more favourable prognosis of future performance and justifies the rewarding of bonus points, especially in the cases where the biography of an underprivileged candidate cannot be sufficiently portrayed by conventional indicators of performance (circumstances of socialisation, uninterrupted career paths, multi-faceted profiles, good references, relevant networks, add-ons of various kinds etc.).

The third and major critical argument against the meritocratic justification of quotas regards gender, skin-colour, origin and the like not as a criterion of defining a quota but as the (only) reason for recruiting a target person of a quota policy. It

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<sup>5</sup> I cite ‘white heterosexual men’ as a summative term exemplifying the hold on social privilege. Even if the combination of white skin-colour, heterosexuality and masculinity is not the only one endowing social privilege, it is the one that is more often than not associated with privileged social standing in various socio-cultural contexts and at different historical times.

is suggested that the target-persons of quota policies are being hired not for their skills and achievements but because of their gender (women), skin-colour or origin.

Gender, skin-colour, origin, or (in the case of youth-quotas) age, do not substitute skills and achievements, and are not the reason to recruit a holder of any such qualities. Rather, they steer the targeting of quotas and define the playing field where the beneficiaries of quotas may compete with each other purely on the basis of their competences and merits and where structures and mechanisms of discrimination, with which members of disadvantaged groups are confronted in non-quota hiring environments, are extensively deactivated. Two critical-theoretical approaches to the justice of merit substantiate the meritological rationale of quotas as policies that effectively neutralize discrimination in the competition for jobs and positions and foster the acknowledgement of the achievement and skills of the members of discriminated-against groups. These two theoretical approaches either disclose critical insufficiencies of meritocratic practices (Iris Marion Young) or appeal to a perfected implementation of the merit principle of social justice (David Miller; Axel Honneth).

In her critique of modern meritocracy, Iris Marion Young (1990) differentiates between the idealizing formulations, definitions and argumentations of the merit principle of justice and the reality of its implementations, which are spoiled by various factors, most markedly by domination and discrimination. Those real-world insufficiencies of the justice of merit leave two options open. The first possibility is to admit that merit does no justice to anyone and rather serves as an ideological coating of structures, procedures and practices tailored to sustain asymmetric power relations, systematic discrimination, oppression and marginalization. Young chooses this path of critique and prefers to deconstruct and reject the merit principle as incapable of procuring social justice in the real world. The second possibility is to hold on to the justice of merit and take its real-world deficiencies as an occasion to improve its implementations. Perfectionist critics such as David Miller and Axel Honneth stick to the merit principle for a very good reason. The normative logic of merit has an emancipatory impact as it allows for an upward mobility of individuals alongside a scale of differentials in income, status and power and enables them to choose and conduct a life relatively unrestrained by their social origins and inherited social disadvantage (Honneth 2010).

How can quotas contribute to improve the practical implementation of the merit principle? How do quotas make the personal achievement, merit and skills of members of disadvantaged groups such as women, people of colour or migrants count more in the competition for jobs and positions than without quotas?

Quota policies neutralize structurally entrenched discriminatory biases as they set aside a share of all available positions for candidates from discriminated-against groups. The competition for quota-positions includes only members of discriminated-against groups to the effect that discriminatory biases and negative stigmatizations—as they affect all competitors more or less equally—will not have the significance these have when the underprivileged and privileged compete on an ‘equal’ footing. Quotas create a playing field where personal qualities, qualifications, skills and achievements (of the victims of discrimination) regain their meaning as criteria

for recruitment, whereas the ascriptive grounds for discrimination such as gender, origin, skin-colour, religion or language lose their significance and impact.

Application processes usually have a documentary and interview stage. Tests and assessments play intermediary roles in such procedures. Already the documentary phase, where the first, application file-based selection of candidates takes place, can be shaped by structural and direct forms of discrimination (Schneider and Yemane 2014). Curriculum vitae of candidates from discriminated-against groups usually deviate from the 'normal' career path required for a given task and position, as the life course of such individuals is essentially modelled by structural discrimination. Tests and assessments include not only discriminatory biases but also actively reinforce them and put up an aura of objectivity over the outcomes of discriminatory practices of recruitment (Young 1990). The selection of questions, the formulation of assessment tasks, the application of methods of assessment, the evaluation of assessment results—discriminatory biases may be incorporated in all those elements of an assessment procedure that otherwise claims to be neutral and fair towards all applicants. In the document- and test-based phase of a selection process, structures of discrimination (mental, institutional, cultural, material) may overshadow the merits of candidates from discriminated-against groups and thus predetermine the (negative) outcome of the entire procedure.<sup>6</sup>

Where applicants from discriminated-against groups succeed in surmounting the hurdles of the initial phases of a selection procedure, they can still be confronted with direct discrimination in face-to-face encounters during hearings. In job interviews candidates present not only their skills and merits but most of all their personality. The impression their appearance leaves also depends on the performance of co-competitors. At this phase of the selection process, where interaction with candidates and comparison between candidates becomes direct and tangible, the impact of discriminatory biases may even grow. Personal traits (clothing, gesticulation, communicative behaviour, facial expressions, facial features, skin colour, tone or accent of speech etc.) increase their relative weight in relation to skills and qualifications. The latter can still be tested in a hearing but what counts more in this case is the way their presentation proves convincing. All the efforts of applicants from a discriminated-against group to present their personality and skills in a favourable light could prove to be in vain from the very moment they step before the hearing commission, if an aura of their belonging to a negatively stigmatized group, and of being the holder of negatively connoted qualities, shines in the background.

Quotas make sure that the document-based pre-selection of applicants is not distorted by discriminating biases towards non-conventional career paths, as this fact reflects, and results from, an exposure to discrimination. The documentary indices of belonging to a discriminated-against group can no longer have the role of a

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<sup>6</sup> Experiments with anonymous applications have repeatedly confirmed the fact that where the name, sex, age, looks and origin of candidates remain hidden, members of discriminated-against groups score much better than when the grounds to discriminate against them are laid open (Castel 2009, p. 42, 108). Such experiments demonstrate time and again how strong the impact of factors of structural discrimination can be, long before any direct encounter between the parties involved.

selection criterion, as all candidates admitted to compete for quota-positions are set on an equal footing in terms of their belonging to a discriminated-against group. Quotas put their target persons on an equal footing also in the hearing phase of the procedure, as all who are allowed to compete for a quota position are marked by a negatively stigmatized personal trait. Quotas guarantee that hiring decisions disregard all the personal, cultural, ethnic fore- and background traits that trigger discrimination against their holders and in respect to which quota target persons are set on a more or less equal footing. Thus, in all phases of an application procedure quotas allow the skills and merits of candidates to come to the fore.

In the case of a job-position reserved only for women, disabled people or ethnic minorities, neither the structural discrimination against such groups would carry weight by virtue of the definition of job requirements and the selection of assessment tests, nor would the personal image of the candidates trigger direct discrimination and thus crucially disadvantage some applicants in comparison to others. Quotas do neither harm nor injustice but rather institute hiring-by-merit for applicants from discriminated-against groups.

## **2.4 Quotas—A Just Policy to Further the Political Participation and Representation of Youth?**

I will try to answer this question here in terms of principles. This means that I will skip some very important technical issues of the implementation of youth quotas such as age-limits, areas and stakes of implementation. The unresolved question concerning those technicalities is whether youth quotas should serve to empower youth just politically while sparing them the rest of the responsibilities and burdens of mature and fully-fledged participation in social life, in the economy (to be productive and efficient, to be exposed at various risks), in political administration (the burdens and risks of military duty e.g.), in the media etc. For now my discussion of youth quotas remains focused on questions of principle: What kind of condition do youth quotas address and does their expected impact justify them?

Currently adolescence as a life-stage goes together with the privilege of leisure time given to the young to get fit for the transition to adulthood and be ready to face the challenges, responsibilities and burdens of adulthood. In the advanced and affluent societies of the West adolescence is on average coupled with a freedom from the most duties of adulthood, above all from the duty to provide for one's own living, to provide for one's own family and be engaged in gainful work. That this state of affairs is a privilege can be shown through comparisons between now and then, between here and there. In pre-modern and early modern times youngsters from the working class or a farming family were involved in gainful work in the family household or outside of it to a much greater extent than the average youngster from such social milieus nowadays. Historically, over time, adolescence in modern Western societies evolved from a life-stage of gainful activity into a life-stage freed from the duties and burdens of earning one's and the family's living. The same holds



if we refocus the comparison on the here and there, the West and East, North and South. In many world-regions nowadays children and youngsters are engaged in economic activities and their labour is being relentlessly exploited. The leisure status that the average adolescent in contemporary Western societies enjoys, appears thus in a historical and in global perspective to be a unique privilege rather than the 'normal' case. This state of affairs is regarded by many as one of the most remarkable achievements of Western modernization and one that should stay irreversible.

Growing up with this central privilege of Western modernity implies that the transition to adulthood is a long process and a fact of life that defines the underrepresentation of youth in the social arenas of adulthood as a provisional state. The time-flow and the alternation of generations are the universal remedies for this provisional underrepresentation and underparticipation of adolescent generations. Furthermore, youth underrepresentation in politics and their underutilization in other social spheres indicate no disadvantage but a unique privilege. Youth underrepresentation/underutilization is also not a sign of the discrimination and denigration of adolescence but is rather an expression of a high esteem for this stage of individual development and results from of an acknowledgement of the specific developmental needs of youngsters. In view to these reflections, it becomes clear that youth quotas would address in the first place no disadvantage but rather a major privilege of adolescent life and a central achievement of the historical project of Western modernization. Such quotas may be at odds with widely shared ethical ideas and ideals of good social life and good social organization and be rejected upon considerations of principle.

Besides, critical social theory that diagnoses the acceleration of social life as the main problem of late capitalist societies of the West chips into this debate a serious objection. The assignment of seats in elected political bodies to youth representatives could be seen as a move to speed up a unique and irrevocable process of growing up. This critical-theoretical perspective will construe youth quotas as practices embedded in the larger social framework of a totalizing social acceleration and as tools pointed against the last refuge of de-acceleration in the human life-cycle—childhood and adolescence. In short, youth quotas will be criticized inasmuch as they reproduce on a micro-scale the acceleration logic of late capitalism that is said to do more harm than good (Rosa 2005). Such considerations reveal youth quotas practically as harmful and stressing (as means to accelerate adolescence) and as not justifiable morally (as they put an end to a privilege and do not redress a disadvantage).

Of course, one might object that the above said privilege—of growing up freed from the burdens of adulthood—is not a privilege that applies to all youngsters, and that the leisure regime of adolescence could prove to be a serious handicap to some youth. This, however, could be the case only for a tiny elite minority of adolescents—the highly talented youngsters who excel developmentally their peers and whose excellence brings them in search of further challenges to train and test their talents.

In this case, however youth quotas will be only seemingly tackling a disadvantage. In reality they will be targeting a doubly privileged group—one that enjoys

the socio-cultural privilege of freedom from the procuring duties and burdens of adulthood as it is, at the same time being naturally endowed with some extra talents. In this special case, youth quotas might be addressing two colliding privileges, the overall impact of which amounts to a relative disadvantaging of highly gifted youngsters. It could be that the two privileges of adolescents with high potential—the leisure regime of adolescence and natural talents—run in contradiction to each other. The leisure regime of adolescence provides individuals with high potential with the optimal conditions to develop their talents, a circumstance that brings them sooner and faster than the rest of their age cohort to a point of discontent with the leisure regime of their adolescence and where their needs, abilities and interests may be best responded to by a full-fledged admission to (some of the) structures and arenas of adulthood.

In any case, the argument in favour of youth quotas (let's say in politics) cannot be generalized for all youth. The normative rationale of any such measures (that in fact target and benefit youth elites) does not draw upon the moral imperative to redress an impairment of social justice (of equality and/or merit) as is the case with quota policies for discriminated-against social groups. The moral justification of quota provisions for youth (at least those of high potential) will be rather to do (more) justice and to extend the scope of the moral imperative to acknowledge and reward merit by providing those youngsters, who are capable to voice politically the needs and the visions of their age-cohort, a real opportunity to do so. In this line of argument in favour of youth quotas, we have to recall the ubiquitous meaning of quotas, discussed in the first part of this paper, as mechanisms of matching social opportunities (for work and training) and personal merits under the modern capitalist condition of labour division and the specialization of tasks and operations. In the very special case of targeting youth with high potential, youth quotas can be justified as policies that remove impediments to the realization of potential, acknowledge the special needs and reward the merits of highly talented youth, and ultimately deliver on a fundamental meritocratic promise of modern society—of matching personal capacities and merit of adolescent top-performers on the one hand and social opportunities on the other.

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# Chapter 3

## Are Youth Quotas a Form of Ageism?

Tobias Hainz

### 3.1 Introduction

In its most recent forecast regarding changes in Germany's population structure, the Federal Statistical Office predicts several dramatic developments: while the percentage of people between 0 and 20 years of age amounted to about 19% in 2008, it will only amount to about 16% in 2060. On the other hand, the percentage of people aged 65 or more amounted to about 20% but can be expected to rise to about 34% by 2060. This development is usually known as 'demographic change' (see Statistisches Bundesamt 2009, p. 17). Demographic change is characterized by three main factors, namely a reduced birth rate, the currently huge percentage of employees in the population, and the increase of life expectancy during the last decades (see Schwentker and Vaupel 2011, p. 3; Statistisches Bundesamt 2009, p. 14). Today's employees will be tomorrow's elderly, and because of their remarkable life expectancy they will form a significant percentage of the total population in the coming decades. This development could, in principle, be compensated by an increased birth rate, but one cannot expect that the currently low birth rate will rise to a sufficiently high level.

Demographic change is not only analyzed neutrally or in a purely descriptive way but also with regard to possibly disadvantageous social developments. A dramatically increased life expectancy could, for example, render mandatory retirement obsolete (Schwentker and Vaupel 2011, p. 7 f.), which could, however, lead to disadvantages for young successors who wish to inherit the positions of the elderly. Another problem could be the decreasing number of people who pay into health funds compared to the increasing number of people who need money from these funds because of an age-induced decline in health (Börsch-Supan 2011, p. 22). These developments would not only affect the elderly or their immediate

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descendants but virtually every part of society. In general, people fear that the demands of the elderly have to be and can only be met at the expense of younger members of society (Esping-Andersen and Sarasa 2002, p. 6).

One problematic result of demographic change that this analysis will focus on is the possibly systematic disadvantages for younger people in future societies. If the percentage of the elderly increases, their interests could gain greater political weight: First, their percentage in parliaments and related institutions could increase in a similar way as their percentage in the total population. Second, politicians could view themselves as forced to make their decisions in a manner that reflects this increased percentage of the elderly among potential voters. This result does not necessarily have to obtain, for example, if the interests of the elderly and the young overlap. However, if politicians have to choose between addressing the interests of *either* the elderly *or* the young, the population structure could tip the scales towards the elderly.

One possibility to prevent this development and to ensure that the interests of the young are not marginalized merely because of the population structure are so-called ‘youth quotas’. While youth quotas are a relatively unknown mechanism, we are quite familiar with gender quotas that work in a similar way. Although there are various different kinds of gender quotas, a gender quota can in general be described as a percentage of places within a system that can only be occupied by people of a specific gender (usually women). Analogously, a youth quota is a percentage of places within a system that can only be occupied by young people. Youth quotas could solve some political problems of demographic change, such as the marginalization of young people’s interests, by ensuring that the young are represented in political assemblies to a sufficient degree.

However, one should also be careful with an instrument as powerful as youth quotas by asking whether it would be democratically legitimate. A political instrument that would be sufficient for achieving a democratically legitimate aim but would itself be democratically illegitimate should only (if ever) be used in cases of emergency because this strategy could create a slippery slope: If it is acceptable to use *this* democratically illegitimate instrument under *these* circumstances in order to achieve *these* democratically legitimate aims, why should we refrain from ignoring *other* elements of democracy, as well?

This article tries to answer the question whether youth quotas are an acceptable instrument in modern democracy, and it will focus on one specific aspect of this question, namely by analyzing the relationship between youth quotas and ageism. Since youth quotas are an instance of affirmative action or positive discrimination, they could—but do not necessarily—lead to negative discrimination against the elderly. Negative discrimination against any social group is usually regarded as democratically illegitimate, which is why this appears to be a reasonable strategy for analyzing the relationship between these phenomena.<sup>1</sup>

The text will distinguish between the structural properties of youth quotas and ageism, respectively, and justifications for the implementation of youth quotas. An

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<sup>1</sup> From here on, whenever this article uses the concept of ‘discrimination’, it refers to negative, not positive discrimination.

eventual structural similarity between both phenomena should not be regarded as sufficient for regarding youth quotas as a form of ageism because they could also be a justified form of treating people in an unequal way. For this reason, one has to analyze possible justifications for treating the young differently from the elderly, and only if these justifications fail can the claim that youth quotas are indeed a genuine form of ageism be shown to be reasonable.

## 3.2 What are Youth Quotas?

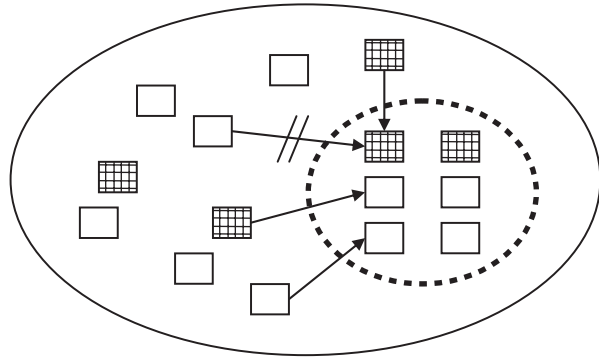
Youth quotas are a special case of quotas in general. Therefore, it is reasonable to explain what quotas are before analyzing the particular case of youth quotas. One desirable by-product of this strategy is that one can try to apply arguments that were originally developed as arguments for or against other forms of quotas to youth quotas, especially when these arguments are not directed towards any special kind of quotas at all but towards quotas in general.

### 3.2.1 *The Structure of Quotas*

As said before, a quota is a percentage or, in other words, a number that has a specific function. However, not every number that is a percentage also serves as a quota because in order to serve this function, several further conditions have to be met. First of all, a *system* has to exist in which this number is applied. This system can, for example, be a parliament or a political party with its list of nominees for an upcoming election. For logical reasons, there cannot be any quotas outside of systems because it is their function to regulate the access to such systems. This system needs the property to contain *slots* that can be occupied by *elements*. This condition should also be plausible if one keeps in mind that the access to systems is usually restricted—there is a finite number of slots in such systems, so that only a finite number of elements can gain access to them. In most cases, *humans* are those elements that can occupy slots, but one can also imagine a system whose slots are not occupied by humans but, for examples, by whole organizations. Finally, there has to be a *property* the quota in question refers to, so that only elements possessing this property can gain access to the system. In the case of gender quotas, the relevant property is to have certain gender, and in the case of youth quotas, the relevant property is to belong to an age group below a certain threshold. Properties of this kind shall now be called ‘quotation properties’.

In short, the concept of a ‘quota’ refers to a percentage  $P$  that has the function to restrict the access to  $P$  of the slots within a system, so that only elements possessing the quotation property can occupy these slots. The following figure illustrates this explication.

**Fig. 3.1** The structure of quotas (designed by the author)



The ellipse with the continuous line depicts the whole system whereas the ellipse with the broken line depicts the quota-regulated system. The latter system contains six slots, depicted as rectangles, that can be occupied by elements from the whole system, also depicted as rectangles. The quota for the system amounts to 33% because it contains two slots that can only be occupied by elements possessing the quotation property. These slots as well as the elements possessing the quotation property are depicted as hatched rectangles. As one can see, hatched elements can gain access to slots of both kinds whereas ordinary rectangles can only gain access to non-hatched slots. Therefore, the access to this system is regulated by quotas (Fig. 3.1).

### 3.2.2 Youth Quotas as a Special Case

As said previously, a quota is a percentage  $P$  that has the function to restrict the access to  $P$  of the slots within a system, so that only elements possessing the quotation property can occupy these slots. It is plausible to assume that ‘gender’ or ‘youth’ in compounds like ‘gender quota’ or ‘youth quota’ denote the quotation property. Consequently, ‘youth quota’ refers to a percentage  $P$  that has the function to restrict the access to  $P$  of the slots within a system, so that only young people can occupy these slots.

One peculiarity of this explication of ‘youth quotas’ is that ‘young’ is a vague concept—there is no objective threshold that separates young people from people who are not young any more. This is no triviality because it implies that there are no youth quotas *simpliciter* but only youth quotas that have to be qualified by containing an explicit statement regarding the age they apply to. However, it does not follow that arguments for or against youth quotas have to refer to youth quotas that have been qualified in this way. Since all youth quotas share certain structural properties, one can argue for or against them by directing one’s arguments towards these properties and, consequently, towards all specific kinds of youth quotas possessing these properties.

### 3.3 What is Ageism?

Ageism is a special case of discrimination, which is why it seems reasonable to duplicate the previously applied strategy to start with an analysis of the concept of ‘discrimination’ before analyzing the concept of ‘ageism’.

#### 3.3.1 *The Concept of ‘Discrimination’*

Most people should have an intuitive understanding of what ‘discrimination’ refers to, for example because of the strong and common opposition towards certain forms of discrimination, such as racism or sexism. According to a plausible understanding, racism is an unfair treatment of people who belong to a specific race *because* they belong to this race. Sexism is the unfair treatment of people with a specific sex *because* they have this sex. Although this intuitive approach to the meaning of ‘discrimination’ is justified, it is still comparably diffuse and raises several concerns. What does ‘unfair treatment’ mean exactly? Is unfairness a distinctive property of discrimination at all? Can only actions or certain kinds of treatment be instances of discrimination, or can other phenomena, such as attitudes, beliefs or structures, also count as discriminatory?

One important distinction is observed by Lippert-Rasmussen (2006, p. 168): ‘With a bit of linguistic ingenuity we can express the distinction we need by separating *P-based* discrimination, e.g. age-, race- or sex-based discrimination, which involves treating individuals differently depending on their P-properties, but is not necessarily morally objectionable; and *P-ist* discrimination, e.g. ageist, racist or sexist discrimination, which involves treating individuals differently on the basis of their P-properties in a morally objectionable way. This terminology allows us to say, for example, that proponents of affirmative action for women aim to correct *sexist* discrimination through *sex-based* discrimination.’ According to Lippert-Rasmussen, one can treat individuals differently because of certain properties they possess without discriminating against them. Discrimination only occurs when this form of different treatment is sufficient to raise moral concerns or even objections. Therefore, one can describe discrimination as ‘a morally unjustified form of treating a person who possesses a discrimination property to her disadvantage because she possesses this discrimination property’. However, this description still needs to be elaborated on because it contains several elements that deserve to be clarified, namely ‘morally unjustified’, ‘discrimination property’, and ‘to her disadvantage’.

First, it is important to distinguish moral justifications from other forms of justification. One can imagine the possibility of justifying discrimination by referring to ideological, prudential, or religious reasons that should, though, not be confused with moral reasons. Only moral justifications are sufficient for turning discrimination into a mere form of different treatment, and while other forms of justification may be sufficient for making discrimination more acceptable in certain contexts, they fail to do so in a discourse of morality.



Second, the concept of a ‘discrimination property’ is important in order to exclude cases of pure arbitrariness. If, for example, a man shoots a young Asian woman and spares the life of another young Asian woman, he treats these women differently. However, he also acts in an arbitrary way, other things being equal, because the woman he shoots is not different from the woman whose life he spares in any relevant respect. If, however, the man shoots a young Asian woman and spares the life of a young Asian man because he believes women to be ‘inferior beings’, he shoots the woman because she possesses a discrimination property: her sex.

Third and finally, ‘to her disadvantage’ might appear self-explanatory but deserves some brief remarks: It is imaginable that a person is treated differently because of a property she possesses and that this treatment is morally objectionable but not a form of discrimination because the treatment does not lead to a disadvantage for the person who is treated differently. Imagine a woman and a man who have applied for the same position and are equally qualified. In the end, the man is hired because he is a man, so that this seems to be a form of sexism. However, it turns out that the woman only wanted to check whether she is qualified enough to get an invitation to a job interview, but she never wanted to receive an offer. In this case, the woman does not experience any disadvantages although she is treated differently because of her sex, so that this case is not an instance of discrimination in the strict sense.

The understanding of discrimination as ‘a morally unjustified form of treating a person who possesses a discrimination property to her disadvantage because she possesses this discrimination property’, therefore, appears to be both theoretically acceptable and in conformity with our intuitions. It is more precise than an intuitive interpretation of discrimination because it replaces the concept of ‘unfairness’ with the more fundamental concept of ‘morally unjustified’, but it still incorporates most discriminatory acts we would intuitively judge as instances of discrimination. It should also be noted that the concept of ‘treating’ does not only include actions in a strict sense but also institutional structures or formal rules. Although these phenomena do not count as actions, they can still have considerable influence on the wellbeing of people, which is why it is reasonable to regard them as instances of discrimination if the conditions stated above are satisfied.

### ***3.3.2 Ageism as a Special Case***

Discrimination in general is a morally unjustified form of treating a person who possesses a discrimination property to her disadvantage because she possesses this discrimination property. Although this formulation might appear clumsy, it has the advantage of containing every important element of discrimination and that one can derive from it any specific kind of by inserting a specific discrimination property. If one regards the age of a person as a possible discrimination property, one can insert it, so that ageism is the morally unjustified treatment of a person of a certain age to her disadvantage because she has this age.

We know many instances of people being treated differently because of their age, and these forms of different treatment are usually justified: statutory pension, an age-related increased of health insurance premiums, the minimum age for participating in elections, and so on. One can find justifications for these and similar forms of different treatment, but these justifications can work with prudential, economic, moral or other reasons. If one attempts to answer the question whether, for example, a statutory pension is an instance of ageism, one can ignore economic or prudential justifications and concentrate on moral justifications, for discrimination was understood as a form of *morally* unjustified different treatment, which has to be distinguished from a form of *overall* unjustified different treatment. Only if one wants to know whether a statutory pension can be justified at all, given that it is a form of ageism, other, non-moral justifications have to be considered. Consequently, I will only analyze moral justifications for youth quotas because the question is whether they constitute ageism. If some possible justification cannot unambiguously be assigned to the category of moral justifications, it will nonetheless be regarded as a moral justification. The reason for this strategy is that mere questions of categorization should not dominate the main analysis.

### 3.4 The Relationship Between Youth Quotas and Ageism

After these comparably theoretical elaborations on (youth) quotas and ageism as a form of discrimination, this main part of this article will focus on substantial aspects of the topic, namely possible moral justifications for the implementation of youth quotas. First, it will be asked whether there are any structural similarities between youth quotas and ageism because such similarities are a necessary condition for regarding youth quotas as a form of ageism. Since the answer to this question will be positive, possible moral justifications must be analyzed before a well-informed conclusion can be drawn.

#### 3.4.1 *Structural Similarities?*

The question whether there are structural similarities between youth quotas and ageism can be reformulated as follows: does a percentage  $P$  that has the function to restrict the access to  $P$  of the slots within a system, so that only young people can occupy these slots—this is a youth quota—treat people of a certain age to their disadvantage because of their age? If the answer to this question is ‘yes’, we can proceed with the analysis and look for possible moral justifications.

It is a trivial observation that youth quotas treat people under a certain age differently from people who have already reached this age: If every free or non-restricted slot within a system is already occupied, some slots remain that can only be occupied by people who possess the discrimination property, that is, who have not yet

reached a specific age. Therefore, this is an instance of different treatment. In other words, the quotation property is identical to the discrimination property—it is a specific age. This fact strongly indicates that there is a structural similarity between youth quotas and ageism, but the identity between the quotation and the discrimination property is still not sufficient for this similarity to be complete. It also has to be analyzed whether this form of different treatment also disadvantages those people who are too old for occupying certain slots within the system in question.

It is plausible that two conditions have to be satisfied for a disadvantage to exist in this case: first, it has to be impossible for the people in question who do not possess the quotation property to occupy a free slot. This is the case when every free slot is already occupied by other people, for example because of institutional rules that regulate which people take priority over others when it comes to assigning them to slots. Second—and this condition deserves special attention—those people who do not possess the quotation property should have an interest in occupying a slot. A person who does not even wish to be elected into a parliament that is regulated by youth quota rules is not disadvantaged by these rules, even if she does not possess the quotation property. However, a person who wants to be elected into a parliament of this kind is clearly disadvantaged if she does not possess the quotation property and if the free slots are already occupied. Therefore, whether a person is disadvantaged by youth quotas depends on two contingent factors: the possible or impossible access to free slots for this person and her interest in gaining access to the system in question.

The question regarding structural similarities between youth quotas and ageism can be answered in the affirmative, though not absolutely but depending on the satisfaction of the conditions mentioned above. However, since one can assume that in many cases the number of people who wish to gain access to a system but are excluded because of having already reached the maximum age exceeds the number of slots within this system, it cannot be denied that the implementation of youth quotas would indeed constitute a step towards ageism—at least if their implementation cannot be morally justified.

### ***3.4.2 Moral Justifications?***

One problem that needs to be addressed is that there are very few already existing discussions of youth quotas at all. This implies that moral justifications for them can hardly be found, so that the following discussion has to rely on analogies and speculations to a certain extent. However, one can draw some analogies between gender quotas and youth quotas because both are special kinds of quotas that are only distinguished from each other by the respective quotation properties. Yet since we do not know how youth quotas would ultimately affect everyday politics, speculations have to be allowed. Otherwise, moral justifications would have to fail because of our present ignorance, which is clearly unacceptable, given that youth quotas are a powerful political instrument that should be evaluated sooner rather than later.

### 3.4.2.1 Marginalization of Interests

According to probably the most obvious justification for youth quotas, the interests of young people could be marginalized in a structurally aging society, especially in political decisions. This fear appears quite plausible if one assumes that old people could dominate parliaments numerically and parliaments might tend to favour decisions to the advantage of the numerically strong group of the elderly. Consequently, if one assumes further that the satisfaction of interests is morally good in itself (see Heathwood 2006), demographic change turns out to be a possible threat in a moral sense: If the young become marginalized in a purely numerical way, they could also become marginalized in a moral way because the satisfaction of their interests could become less important for politicians and other decision-makers. Therefore, youth quotas could be an instrument against this development by ensuring that the interests of the young continue to be considered in parliaments and that this state cannot be changed just because of a changing demographic structure of society. However, this justification has a serious weakness: If the implementation of youth quotas were defended with this justification, one could also invent an analogous justification for considering the interests of other social groups in exactly the same way. The dominant religion in the Federal Republic of Germany is still Christianity (Fowid 2012, p. 6), so that members of other religions and non-religious people have to be regarded as numerically marginalized. Consequently, one could demand an atheist quota in parliaments in order to prevent the interests of atheists from being marginalized. Furthermore, one could demand the implementation of homosexuality quotas because of the numerical dominance of heterosexuals.

This response to the justification is not conceived of as a *reductio ad absurdum* but tries to show that there is no reason for paying extra attention to the interests of the young while paying less attention to other, similarly marginalized groups. A focus on youth quotas would be equally arbitrary as a focus on atheist or homosexuality quotas, and both analogous quotas would even have an advantage over youth quotas: it appears to be much easier to formulate the interests of atheists or homosexuals than the interests of the young because being young is a gradual property, so that the group of the young is much more heterogeneous than the groups of atheists or homosexuals—of course only with respect to these properties in question. If one compares two young people with each other, it seems to be much more difficult to say anything about the interests they have in common because of their property of being young people, while one can easily identify some interests two homosexuals or atheists have in common because of their homosexuality or atheism, respectively.

A second response to this justification refers to the relationship between the interests of young and the interests of old people: The proposal to implement youth quotas not only expresses that it should be ensured that the interests of the young continue to be considered in politics, but also that they are of special importance as compared to the interests of the elderly. For whatever reason, the interests of the elderly would have to be seen as less weighty than the interests of the young. However, this seems implausible. In order to defend this position, one would have to cite both theoretical and empirical reasons why the wellbeing of young people should

be more greatly increased than the wellbeing of the elderly when their respective interests are considered and satisfied. As long as no such reasons exist, regarding the interests of the young as more weighty is an arbitrary decision that should not be used as support for the implementation of powerful political instruments.

### 3.4.2.2 The Right to Participation

One very interesting justification for the implementation of gender quotas refers to right of women to participation: ‘I justify quotas as a means of recognizing each individual’s intrinsic inalienable right to power, resources, and opportunities. Women have been deprived of these three rights. As quotas offer instant access to political power and an access to and control over resources, they are an effective measure for rectifying this deprivation’ (Nanivadekar 2006, p. 120). While it might be implausible to apply this justification to youth quotas without any modifications, the implausible ways of applying it will now be briefly discussed before a more plausible way of applying it will be analyzed.

One cannot deny the claim that women historically had much fewer opportunities to engage in politics than men, as evidenced, for example, by the very late introduction of suffrage for women in several European countries. Yet it is less obvious that young people face similar challenges today, so that the implementation of youth quotas does not appear to be necessary. In Germany, people gain suffrage by reaching an age of 18, and at this point many of them have not finished high school or an apprenticeship. Interestingly, this implies that people in Germany are given the opportunity to vote—thereby having a formal influence on the formation of the government—even though their education has not yet finished. Suffrage, therefore, does not appear to be connected to properties such as fully developed rationality or basic political knowledge, but to a purely formal criterion. This fact contradicts the claim that young people are barred from political participation. On the contrary: by giving young people the opportunity to vote even though they are still in various stages of education or apprenticeship, the notion is expressed that they should participate in politics despite their age. Hence the analogy between gender quotas and youth quotas fails in this case.

It could, however, still be true that people, including the young, have a right to political participation. For the following analysis, it is reasonable to distinguish between *positive* and *negative* rights (see Hare 1981, p. 149 f.). The existence of a positive right implies a corresponding duty for another person to actively provide the right-bearer with the opportunity to exercise the right. The existence of a negative right only implies a corresponding duty not to interfere with the right-bearer if he exercises this right. Given this distinction, the existence of a substantial positive right to participation can hardly be defended. For, there are many factors that could, on the one hand, be sufficient for interfering with people’s attempts to participate in politics, but, on the other hand, one cannot demand to be removed. If, for example, a person chooses a profession that will be disadvantageous for participating in politics, this person might only be able to participate in the most basic way: by voting

in elections. However, this person cannot demand that she gets the opportunity to participate in another, more distinguished way. Furthermore, if a person does not meet the requirements that a political party regards as necessary for occupying a specific position within this party, this person cannot demand to be considered for this position by referring to an alleged positive right to participation.

The existence of a negative right to participation is much more plausible: One can argue that nobody has the right to prevent other people from trying to achieve power through political participation and using the opportunities everybody has, at least in principle. If this is true, then—because of the laws of logic—everybody has the duty not to interfere with other people’s attempts to participate in politics. Consequently, everybody has the negative right to political participation.

Now it has to be asked whether youth quotas are necessary for ensuring that everybody can exercise this right. Given that everybody, including young people, has a negative right to participation—and I do not only assume this for the sake of the argument but emphasize that this right exists—there are no obvious formal instruments aimed at denying young people the possibility to exercise this right. Demographic change is a non-intentional process that might make it more difficult for the young to politically participate in the future, but non-intentionally created barriers or decreased chances have to be distinguished from an actual assault on a negative right. Hence, even though it may be undesirable that the chances of young people to politically participate in the future could be decreased because of demographic change, this does not violate their negative right to participation. Consequently, this justification for youth quotas fails because, although it refers to an existing right, they are not necessary for defending it.

### 3.4.2.3 Compensation

Could it be the case that youth quotas are an instrument for compensating historical harms that were done to young people in the past? This question, of course, refers to an analogous argument in the context of gender quotas (Nanivadekar 2006, p. 120) that nonetheless lacks plausibility in this context. While it is a historical fact that women were the victims of sexism, that is, discrimination against themselves because of their property of being women, calls for compensation have to face the following challenge: in order to be effective, compensations would have to benefit those people that were previously harmed. People cannot be compensated for any harm, if no harm has been done to them. However, the present and ongoing progress in gender equality as well as the deaths of women who have suffered from sexism in their lives leads to a decrease of the number of women who deserve to be compensated for sexism-based harm.

One can also argue against a compensation-based justification for youth quotas in a similar fashion. First, it has to be doubted that young people were systematically discriminated against in the past to the extent that youth quotas would be needed as an equally systematic instrument for compensation. Second, because of the graduality of the property of being a young person it remains unclear who exactly was

discriminated against because of possessing this property. One should, however, be able to give a lucid and transparent criterion for being among those who deserve compensation for age-based discrimination, and this criterion should be a specific age. Since the claim that *all* people under a specific age were discriminated against in the past is very likely to be false, the implementation of corresponding youth quotas also lacks justification. Third and finally, such attempts of compensation could lead to a paradox: assume that youth quotas are implemented as an instrument for compensating people who were victims of age-based discrimination in their past. These people will not be able to benefit from these youth quotas anymore because they will not possess the quotation property anymore—they will be too old to be targets of these youth quotas. On the other hand, those who possess the quotation property do not have to be compensated because they were not discriminated against in their past (they probably did not even exist at the time where this discrimination occurred). These reasons should be sufficient for rejecting the compensation-based justification for youth quotas.

#### 3.4.2.4 Precaution

The justification discussed in the previous section can be modified, so that it might gain plausibility. Youth quotas could be an adequate instrument of precaution for the future, thereby preventing any situation from occurring that might necessitate compensations for harm that will be done to young people because of demographic change. These considerations are loosely based on the *precautionary principle* as is well known in ecological and technological ethics and related areas (see, for example, Manson 2002; Harris and Holm 2002). According to this principle, if there is a lack of scientific evidence suggesting that a certain action or process will be harmless, precautionary measures should be taken that prevent this action from being performed or this process from being continued. Transferring this consideration to the context of youth quotas implies that, since it cannot be predicted whether demographic change will or will not lead to a substantial marginalization of the young in the future, precautionary measures against such marginalization should be taken, for instance: the implementation of youth quotas. This potential justification should not be understood as an explicit and strict application of the precautionary principle to demographic change and youth quotas, which is why some arguments for or against this principle are inapplicable in this case. However, one can raise objections to this justification that refer to our present epistemic status and to potential benefits and risks of youth quotas.

It might appear trivial that we do not know whether demographic change will indeed have disadvantageous effects on the political consideration of young people's interests in the future. Yet as soon as our ignorance becomes action-relevant, mere triviality should not be sufficient for taking precautionary measures for possible future developments without taking our ignorance itself into consideration as well. Since we do not know whether demographic change will lead to such undesirable results, we have to rely on empirically justified predictions, speculations, and plausible assumptions.

However, an early implementation of youth quotas is only acceptable when these predictions, speculations, and assumptions support the position that young people will indeed become disadvantaged in the course of demographic change and when further arguments against youth quotas have been found to be too weak. For, youth quotas are a very powerful instrument of political governance and, as the previous sections show, there are already considerable arguments against their implementation. Therefore, we need a rule that gives us criteria as precisely as possible for considering a prediction on the potentially undesirable effects of demographic change as a sufficient reason for the implementation of youth quotas. As long as such a rule does not exist, a precautionary implementation remains problematic.

Furthermore, any action that is performed in situations of ignorance can also have harmful effects if an alternative, omitted action would have led to a better outcome. For this reason, it is advisable to accompany a precautionary implementation of youth quotas with a detailed analysis of their advantages and disadvantages in order to avoid undesirable opportunity costs. A justification of youth quotas as a precautionary instrument *can* be regarded as plausible if there are solid reasons for believing that those scenarios that could be prevented by an early implementation will be actualized with a sufficiently high probability. Yet this probability should be fixed as early as possible because an implementation as a shot in the dark would certainly not be acceptable.

## Conclusion

Youth quotas are a form of ageism—this conclusion should be seen as plausible after this analysis. It comes as the direct result of the meaning of the concepts ‘youth quotas’ and ‘ageism’, as they were defined previously, and the discussion of several attempts to morally justify youth quotas. These justifications are not sufficiently convincing to regard youth quotas merely as a different treatment. Youth quotas, therefore, do not only structurally resemble ageism, but the substantial criterion of a lack of moral justification is satisfied, as well: the implementation of youth quotas would lead to a disadvantageous treatment of people who have already reached a certain age because of their age. Furthermore, securing the consideration of young people’s interests *as* the interests of young people, an alleged negative right to participation, and an alleged compensation for historical harms do not provide acceptable justifications. Only the function of youth quotas as a precautionary instrument might remain as an acceptable justification, but this depends on the results of empirically well-informed predictions that have yet to be made.

Youth quotas do not seem to be a reasonable instrument for strengthening the position of young people in a democratic society, because ideal democracies do not allow for an institutionally sponsored discrimination against groups of their citizens, but rather oppose any such kind of discrimination. This attitude can be found in the Basic Law for the Federal Republic of Germany, article 3: ‘No person shall be favoured or disfavoured because of sex, parentage, race, language, homeland and origin, faith, or religious or political opinions’ (Basic Law for the Federal Republic



of Germany 2012). Although age is not explicitly mentioned here, one can assume that institutional ageism would not be in conformity with the intentions behind the Basic Law.

Similar statements can be found in other important documents of democracy, such as the 14th amendment to the Constitution of the United States of America: '[...] nor shall any State [...] deny to any person within its jurisdiction the equal protection of the laws' (National Constitution Center n. d.). It should be noted that the Constitution speaks of *equal* protection of the law, so that any form of discrimination is implicitly condemned. Finally, the Universal Declaration of Human Rights states in article 7: 'All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination' (United Nations n. d.). Although youth quotas are, of course, not mentioned in this document and ageism is not explicitly named as a kind of discrimination, the Declaration condemns discrimination in general. Since ageism is nothing but a form of discrimination, it is condemned by the Declaration as well. This should be sufficient evidence that not only the Basic Law but other examples of documents of democracy can be advanced against youth quotas.

This analysis suggests that a democratic society should refrain from the implementation of youth quotas if it wishes to remain credible. The implementation of youth quotas would constitute the violation of democratic values because it would be an undemocratic instrument that is used for achieving a democratic aim. However, the analysis does not allow for the conclusion that the threat posed by demographic change—a possible marginalization of young people in political decisions—should be ignored or downplayed. While the interests of the young might not be *more* important than the interests of other people, they are also not *less* important and deserve equal consideration. Therefore, it is reasonable to discuss possible strategies against this kind of marginalization in a structurally aging society. Yet these strategies should be in conformity with the values and principles of democracy because these values and principles should not be negotiable—not even when the end seemingly justifies the means.

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# Chapter 4

## Better Procedures for Fairer Outcomes: Can Youth Quotas Increase Our Chances of Meeting the Demands of Intergenerational Justice?

Juliana Bidadanure

When, before the 2005 general election, the Electoral Commission launched a campaign to persuade young people to vote with the shout-line: ‘If you don’t do politics ... there’s not much you do do’, they missed the point entirely. It’s not that young people don’t do politics, it’s that modern politics doesn’t do young people. (Howker and Malik 2010, p. 154)

### 4.1 Introduction

The question of the political representation of young people in parliaments is particularly relevant to the topic of intergenerational justice. As the ratio of young to elderly people decreases in most wealthy countries, some are concerned that young people may get sidelined, and that our democracies may become gerontocracies (Chauvel 1998; Griffith 2011; Howker and Malik 2010; Tremmel 2006; Willetts 2010). In European countries, very few MPs are under 40 years old and close to none are under 30 years old. In this context, the option of introducing youth quotas in parliaments seems appealing. And yet, there is very little research available on the topic and politicians have not yet acknowledged it as a relevant reform to consider. How should we explain this lack of critical engagement with a policy that seems fairly relevant at first sight? Whether we believe in representation as the ideal of democracy or as the second best option after participatory democracy, it seems that the possibility of implementing quotas in order to prevent some social groups from being marginalized or excluded is now broadly acknowledged. Gender and ethnic quotas are studied, deliberated, tested or implemented. Why aren’t age quotas, in general, and youth quotas, in particular, discussed too?

One response to this question is: ‘because age is special’ (Daniels 1988; Gosseries 2007; McKerlie 1989). If women and ethnic minorities are not represented in parliaments, they will have been treated unequally in comparison with other

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citizens. On the contrary, if you adopt a diachronic perspective, if young people are not represented, they will not have been treated unequally over their complete lives, if compared with other age groups who were young themselves at some point. Inequalities between age groups can be considered as *prima facie* less problematic than inequalities between other social groups. As Axel Gosseries puts it ‘a society that heavily discriminates between people on grounds of age can still treat people equally, if we consider their access to given resources over their complete lives. Everyone’s turn will come’ (Gosseries 2007). This specificity of age partly explains why the absence of young people in parliaments is not seen as an injustice like inequalities in representation between other social groups. As Philips argues in a brief paragraph on the underrepresentation of young people in politics: ‘The situation of women looks more obviously unfair [than that of young people] in that women will be under-represented throughout their entire lives’ (Philips 1995, p. 63).

There is another relevant distinction to be made between the justification of gender or ethnic quotas and the discussion on the need for youth quotas. If women are not represented in parliament, then it is likely to mean that they do not stand a fair chance in the competition for these social positions. The history of gender domination and exclusion substantiate the suspicion (Philips 1995; Mansbridge 1999; Williams 1998). Gender and ethnicity are not relevant grounds for exclusion from such positions. On grounds of fair equality of opportunity therefore, and against unfair discriminations, one may support the introduction of quotas in parliament for these groups to restore equality of opportunity. However, this argument is unlikely to work for young people. Indeed, the main explanation and justification for the absence of young people in parliament is likely to be their lack of experience. Experience, unlike gender or ethnicity, is a relevant feature of the position of being a MP. In other words, it is not the case that the exclusionary criterion in the case of young people is irrelevant to the position of being a MP.

For these two reasons at least, it is likely that the best defenses of youth quotas will rely on an instrumental justification. Rather than arguing, as for gender, that the inequality in representation is *prima facie* unfair, one may want to insist on both the negative consequences that the absence of young people in parliaments causes and the positive outcomes that introducing youth quotas could bring about. This article provides this instrumental justification and claims that youth quotas, insofar as they can indeed help in bringing about intergenerationally fairer outcomes, deserve to be seriously considered. I will thus not consider more direct justifications for quotas to exclusively focus on instrumental justifications. I will consider whether youth quotas can enhance intergenerational justice, understood as requiring: that each birth cohort has access to roughly the same opportunities as the cohort before them; that institutions distribute resources between age group in a way that is fair (it does not need to be equal given that our needs change but must be justifiable and sustainable); that adults of any age enjoy equal political status and relate as equals, regardless of their age.

In the literature on quotas, two kinds of grounds for quotas are often emphasized: on the one hand, the policy level or ‘substantive representation’ and, on the other

hand, the symbolic level or ‘symbolic representation’ (Philips 1995; Mansbridge 1999). The first is about the impact that quotas can have for the policies that will be discussed and implemented. The second is about the impact that the implementation of quotas could have, beyond the parliamentary room, for social cohesion. In this paper, I put forward two instrumental arguments for the introduction of youth quotas and argue that they jointly provide a good basis for a ‘politics of youth presence’ in parliaments. In the first section, I evaluate the impact that youth quotas can have on enhancing the chances of intergenerationally fair policies being implemented. In the second section, I show that youth quotas can play an important symbolic role in the promotion of a community of political equals, with potential implications for youth political participation. I argue that YQs can be expected to have an impact on furthering the goals of intergenerational justice for both substantive and symbolic reasons. In the third section, I introduce an original distinction between two kinds of quotas: cohort and age quotas.

## 4.2 Substantive Representation: What Can Youth Quotas Do for Deliberations?

Jane Mansbridge (1999) argues that one key ground for supporting the introduction of ‘descriptive representatives’—that is representatives from selected marginalized groups—is that it enhances “the substantive representation of the group’s interests by improving the quality of deliberation” (Mansbridge 1999, p. 628). In this section, I evaluate the kind of impact the introduction of youth quotas can have on parliamentary deliberations—that is on the ideas discussed and ultimately on the policies implemented. I argue that a correlation between a youth presence in parliament and fairer intergenerational outcomes is likely, and that this gives us a first reason to support the introduction of youth quotas in parliaments on grounds of justice between generations.

In *The Politics of Presence*, Anne Philips (1995) puts forward a justification for gender and ethnic quotas based on: ‘the need to tackle those exclusions inherent in the party packaging of political ideas, the need for more vigorous advocacy on behalf of disadvantaged groups, and the importance of a politics of transformation in opening up a fuller range of policy options’ (Philips 1995, p. 37). My defense of youth quotas formulates two arguments, which draw on Philips’s two first arguments. Mitigating the underrepresentation of young people, I argue, is desirable: to prevent the exclusion of some age-related concerns from *the party packaging of political ideas*—for instance concerns related to affordable housing and education, and unemployment (Sect. 1.2); and to increase the chance of *more vigorous advocacy* on behalf of the young—for instance through speaking out against misrepresentations of the young as lazy and self-deserving (Sect. 1.3). But I will briefly start with two important limitations of the substantive argument for quotas (Sect. 1.1).

### 4.2.1 *Narrowing the Scope of the Substantive Representation Argument*

The idea of ‘substantive representation’ presupposes that there are such things as ‘group interests’ such as ‘women interests’. In my case, assessing the potential impact of youth quotas on the substantive representation of ‘youth interests’ presupposes such group-based conception of interests. However, this approach risks unduly essentializing groups: “Essentialism involves assuming a single or essential trait, or nature, that binds every member of a descriptive group together, giving them common interests that, in the most extreme versions of the idea, transcend the interests that divide them” (Mansbridge 1999, p. 637). In the case of young people, we may too quickly assume that they have common substantive interests. We may also presuppose that older MPs cannot represent their interests adequately. We may disregard more important differences, such as those stemming from class membership.

Appealing to such overly essentialist understanding of the category of young people to justify quotas is likely to be farfetched. The impact of age on political ideas is not prevalent. In the UK, in the 2010 General Election, for instance, young people voted equally for the three dominant parties: 30% of young people between 18 and 24 years old voted Conservatives, 31% Labour and 30% Lib-Dem (Cracknell et al. 2011, p. 36).<sup>1</sup> The support for pensions among the young is often high, as attested for instance by the solidarity demonstrations in France in support for pensions in 2010. Promoting an essentialist conception of age groups is also potentially counterproductive because, given that society is ageing anyway, the last thing we want is for institutions to reinforce the view that one should only vote for what’s best for their own age group. This would in fact ensure that institutions would be age biased because the majority age group would be encouraged to shape institutions in a way that meets their own temporal interests as they age.

However, one does not have to be in the grips of an overly essentialist view of age to make a successful argument for youth quotas. One merely has to assume that there are *some* age or cohort-related interests, concerns or goals that have *some* impact on people’s voting behaviors. Age seems to have at least some impact on people’s views on which policies should be implemented: ‘voting at referenda on long-term ecological issues such as whether or not a country should abandon nuclear energy has been shown to be strongly related to age’ (Van Parijs 1995, p. 298). For instance, Van Parijs uses the example of a 1990 referendum in Switzerland organised for a phase-out on nuclear energy: 64% of the 18–29 age range and 57% of the 30–39 supported the proposal, but it was rejected since only 47% of the overall population supported it—the favorable votes of the youngest were outweighed by the negative votes of older voters. More recently, Craig Berry showed that age has some impact on how people vote too. For instance, drawing on Andy Furlong and Fred Cartmel’s research based on the British Election Survey 2009/2010, he showed

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<sup>1</sup> Note that, although young people were equally likely to vote for the three parties, voters aged over 65 years old were 44% likely to vote for conservatives and only 16% likely to vote for Lib-Dem. They were however 31% likely to vote for Labour (just like the 18–24).

that ‘unemployment’ was an issue that concerned the members of Generation Y (15–30 years old) substantially more than members of the baby-boomers generation. The topic of ‘health care’ was seen as a priority over unemployment by both the baby-boomers and the ‘silent generation’ (Berry 2012, p. 13). One simply needs to recognize that age groups, because of their position in the lifespan and their cohort membership, share a series of common concerns, goals and experiences. I will only appeal to this weak understanding of youth interests in the rest of this section.

Another important limitation of descriptive representation as substantive representation must be raised here. There is a fundamental distinction to be made between the underrepresentation of young people on the electors’ side, on the one hand, and on the representatives’ side, on the other. The possible correlation between age, cohort and voting power, does not seem to provide evident reasons to consider modifying the composition of representative bodies. All Van Parijs, Longman and Berry seem to claim is that there is a correlation between ‘voting’ and age. The problem would then be the ageing of the electorate, not the age of parliamentarians per se. Young MPs may find themselves victim of the problem of having to meet the short-term interests of their electorates too, just like older MPs. If anything, population ageing may give us reasons to consider a number of voting reforms, but not directly to bring in more young people in parliaments. This is an important limitation to establishing what quotas can do alone if the young remain relatively disenfranchised. The aim of this section is precisely to establish the special significance and hopes of descriptive representation itself, in isolation from what voting can do.

#### ***4.2.2 Preventing the Exclusion of Youth Interests From the Party Packaging of Political Ideas***

Regardless of the party young MP’s may be from, they may contribute in expanding the party policy package available through pushing for a better inclusion of youth concerns in political agendas. Anne Philips (1995, pp. 27–57) identifies such party packaging as a fundamental argument for quotas. It does not rely on a too substantive conception of what youth interests consist of. Some groups may have common concerns but its members may interpret them in different ways based on their goals, values, party lines or social class. Quotas can help in making sure that political parties include those concerns, whatever their responses may be. It may therefore promote more complete deliberations in parliaments on these issues. This seems particularly relevant when studies show that the young do not feel like politicians take their concerns seriously. In a survey on young people’s attitudes towards political parties, for instance, Hen and Foard showed that only 7% of 18 years old thought that political parties were interested in the same issues that concern young people (Hen and Foard in Berry 2012, p. 40).

Older MPs have been young too and can thus relate to some such concerns. However, they are not young ‘now’ and may thus miss out on some cohort-related concerns. Indeed, there is an important difference between period effects, on the one

hand, and age effects, on the other hand (Chauvel 1998, pp. 286–289). The period effect designates the impact of an event at a given time: for instance, the effects of a financial crisis can be described as period effects. Arguably, many people suffer its consequences, regardless of their age. However, there are also age effects, which designate the impact of age and membership in a generation on given outcomes. Poverty or unemployment as a result of the same financial crisis will be experienced very differently if lived at a young age or towards the end of one's career, for instance. For young people, youth unemployment and poverty can lead to dependency on one's parents, including for accommodation and income. Youth unemployment may also lead to the postponement of projects young people might value, such as founding a family or buying a home.

In parliaments, younger MPs may thus pick on specific problems relating to housing, education and unemployment in a different way than older MPs would. The 28-year-old MP Jo Swinson, in 2009, complained about the lack of age diversity within the UK parliament:

There are a huge number of Oxbridge-educated lawyers elected as MPs when they are middle-aged. There is not a single MP who has paid tuition fees. We have a large part of the population with debts from these or who face working well into old age because of pension changes, but there is no person in Parliament who shares, or will share, their experience. (Swinson in Parkinson 2009)

The absence of age diversity, Swinson suggested, has an impact on the kinds of social experiences represented. One may thus hope that a more age diverse parliament could better account for the age and cohort-related plurality of experiences. The virtue of shared experience thus offers an important ground for descriptive representation, as Manbridge argues. One first argument for youth quotas, therefore, is that more age-diverse parliaments will be better able to represent the range of concerns that constituents may have. YQs would introduce more experiential diversity into deliberations.

### ***4.2.3 Increasing the Chance of More Vigorous Advocacy on Behalf of the Young***

We may also defend the introduction of youth quotas on the ground that there is an important risk that policies and debates will be driven by misrepresentations if conducted solely within some age groups and in exclusion of another. If an age group is absent from the debates, its aspirations and problems may become distorted. French and British youth policies, for instance, can be said to have been driven, to a large extent on false representations and often unfair prejudices (Buckingham 2012; Howker and Malik 2010; (Bidadanure 2012); Intergenerational Foundation 2012). There is a tendency in the media and amongst politicians alike to emphasize personal desert and render young people responsible for their own situation. Discourses on youth tend to revolve around their alleged laziness, bad attitude, and strong sense of entitlement (Jones 2011). As the writers of *The Jilted Generation*



argue, there seem to be a resurgence of a Victorian ideology that sees laziness where there is poverty and disadvantage, and lack of personal commitment where there are structural and systemic issues: ‘More than anything we’re vulnerable and yet the attitude of much of the society towards us is that we’re lazy and undeserving’ (Howker and Malik 2010, p. 69).

The Intergenerational Foundation recently published a report on the perception of young people in European countries. The results are quite compelling and account for the poor perception of younger people in the UK: ‘British people in their 20s achieved the lowest scores of any country in relation to being viewed with respect. (...) In terms of contempt, British people in their 20s came first’ (Leach 2011). Because of these misrepresentations, as Furlong and Cartmel argue, ‘when issues emerge that have a core relevance for young people, they are often tackled from a paternalistic and condescending ‘we know what’s best for you’ perspective.’ An example they put forward is unemployment policy: politicians ‘tend to focus not so much on creating opportunities, but on tackling a perceived skill deficit and motivating young people who are presented as feckless and even as ‘inadequate citizens’’ (Furlong and Cartmel in Berry 2012, p. 16).

An example of the impact such misrepresentations may have would be the denial of a means-tested minimum income guarantee to French Citizens under 25 years old. Since their introduction in 1988, the access to a minimum income guarantee in France has been restricted to citizens over the age of 25 years old. In 2009, the scheme was finally reformed to include young people under 25 years old, but with much more restrictive requirements: to be entitled to benefits, they must have already worked for at least two full time years in the past three. As a result, only a few thousand young persons have access to a basic minimum income when they need it, while over 20% of French youth live in poverty. In fact, most arguments that were provided were either infantilizing or paternalistic: young people do not deserve it, they will be idle and lazy if they receive it, they do not really need it and they should not be given something for nothing (Bidadanure 2012). If young persons had had a stronger voice, including stronger representatives, when this age-based discrimination<sup>2</sup> pertained, it would possibly have found more resistance. We may hope that bringing in more young persons in parliaments can have the modest impact of not leaving the misrepresentations unchallenged.

Youth quotas can thus have the second important benefit of increasing the chance of ‘more vigorous advocacy’ on behalf of the young for instance through speaking out against misrepresentations of the young as lazy and self-serving. We can hope that the young will be fiercer challengers of some misrepresentations and can act as watchdogs for age-based discriminations.

If representatives underestimate, at best, and misrepresent as laziness, at worse, the challenges that young people are facing, then policies are likely to be inadequate. Norman Daniels (1988) imagined a procedure, the prudential lifespan ac-

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<sup>2</sup> The first version of the scheme, which completely excluded young people under 25 years old, was considered an illegitimate discrimination by the French Equal Opportunities and Anti-Discrimination Commission (Haute Autorite de Lutte Contre les Discriminations 2008, pp. 8–10).

count, where planners are placed behind a veil of ignorance, so that they ignore their age. They are asked to distribute a given bundle of resources throughout their lives so as to maximize lifespan efficiency: ‘How should that lifetime expectation of enjoying a certain level of primary social goods be distributed over each stage of life so that lifetime well-being is maximized?’ (Daniels 1988, p. 62). The outcomes of this procedure tell us what investments and distributions are fair, and eventually which inequalities between age groups are acceptable. As Norman Daniels suggests, the best way to establish the requirements of justice between age groups would be to appeal to a veiled representative body, as this would preserve impartiality and prevent age bias. In practice, it is of course impossible to reproduce the age-neutrality of the prudent planners. However, in non-ideal circumstances, it seems that the least we can do is to make sure that deliberative bodies do include representatives from all age groups to limit the risk of age bias. Drawing on previous discussions, we may therefore argue that, in non-ideal circumstances, the *politics of prudence* requires a *politics of presence*, defined by Anne Philips’s as the need to increase the political representation of disadvantaged groups through quotas.

In this first section, my argument revolved around the view that there is a possible ‘substantive’ impact of a certain kind of ‘presence’ in parliaments on the ‘ideas’ that will be expressed, and ultimately on the policies that will be adopted. As Anne Philips puts it, ‘part of what sustained the development of an autonomous women’s movement was the arrogance of those who thought that ideas could be separated from presence’ (Philips 1995, p. 7). By this, she challenged the view that there was no correlation between gender and ideas. I have tried to show, like defenders of gender or ethnic quotas, that there is a potential negative correlation between the total absence of young people in parliaments and the adequate representation of their concerns. These claims provide the first basis for a politics of youth presence: the absence of young people is detrimental for the quality of deliberative bodies and for the adequate representation of some youth interests. For these reasons, youth quotas can increase our chances of meeting the demands of intergenerational justice—defined as both equal concern for each birth cohort and prudent age group planning (in Daniels’s terms).

However, I have also suggested that a certain kind of presence is no ‘guarantee’ as such of certain kinds of ideas being expressed and of certain policies being implemented. I have started this discussion with two limitations of descriptive representation: we cannot over-essentialize the young and assume that young MPs will be radically better at promoting youth concerns; and even if they do, it will not directly affect imbalances in power at the voting level. The impact of quotas on substantive representation is thus potentially not as radical as one may hope. This does not mean that youth quotas will have no impact on intergenerational fairness. As I have shown, there are several reasons to believe that the introduction of quotas will have a positive impact on deliberations. However, this limitation shows that the substantive case for quotas may not provide a sufficient basis for youth quotas in parliaments on its own. This leads us to another important argument in favour of youth quotas. I will now show that regardless of the impact that descriptive representation can have on the quality of deliberations, youth quotas can also be defended on symbolic grounds.

### 4.3 Symbolic Representation: Promoting a Community of Equals

The symbolic value of representation is, in Philips's account, one in four legitimate grounds for a politics of presence. I already have highlighted the other three earlier in this paper—the need to tackle exclusion in the party packaging of ideas, the need for more vigorous advocacy on behalf of disadvantaged groups, and the importance of a politics of change to open a fuller range of policy options. I have categorized the three first arguments as being about the 'substantive value' of descriptive representation and will now focus on the 'symbolic value' of descriptive representation. 'If subsequent scrutiny established that an under-participation of women (...) had no observable consequences (an unlikely outcome, but still in principle possible)' Philips argues, 'this would not significantly alter the judgement that such inequality is undesirable' (Philips 1995, p. 33). The symbolic value of descriptive representation is such that, even if there was only little evidence that quotas affect the substantive representation of the marginalized group's interests, there would still be independent reasons to advocate for a politics of presence. Jointly the substantive and symbolic arguments provide a good basis for the introduction of youth quotas in parliament.

In this section, I distinguish two interrelated sides of the symbolic significance of descriptive representation. First, drawing on Tim Scanlon's work on the value of choice, I argue that descriptive representation can be said to have 'demonstrative' symbolic value—it publically attests the equal political value of marginalized groups and creates a social meaning of ability to rule (Sect. 4.3.1). Second, I argue that descriptive representation also has 'instrumental' symbolic value—that is, it may have a positive impact on the social inclusion of marginalized groups and on their political participation (Sect. 4.3.2). These two sides of symbolic representation are causally interrelated: the demonstrative value underpins and explains the instrumental effects descriptive representation may have. For this reason, Anne Philips and Mansbridge, for instance, do not separate these two kinds of symbolic values. However, the analytical separation is the best way to account for the fact that, while the symbolic instrumental value of quotas may potentially be empirically verified or disproved, the demonstrative symbolic value may not (or at least not as easily). The demonstrative value of quotas touches on something more fundamental: the fact that a certain kind of presence matters for political equality.

#### 4.3.1 *The Demonstrative Symbolic Value of Youth Quotas*

In his 1986 Tanner lectures on the significance of choice, Tim Scanlon (1986) distinguishes three reasons we have to value individual choice: choice has 'predictive' value, 'demonstrative' value, and 'symbolic' value (Scanlon 1986, pp. 177–185). If I order my own food at the restaurant, instead of letting someone else choose for me, then the order is likely to match my preferences better than it would otherwise

(Scanlon 1986, pp. 177–179). This way, choice has predictive value—in many circumstances, the fact that I choose for myself predicts that the results of my choices will accurately match my preferences. However, Scanlon argues, the predictive value of choice is relative and conditional: I may not know much about the cuisine in this given restaurant or I may be drunk. In which case, someone else may be better than I am at ordering the right thing for me. This often justifies paternalistic policies. The predictive value of choice, however, is not the only value of choice. In other words, it may be valuable for me as a person to choose for myself even if I am not the best judge of what my own interest is. Indeed, Scanlon argues, choice also has demonstrative and symbolic value.

Scanlon illustrates the demonstrative value of choice by appealing to the following example (Scanlon 1986, p. 179): when you buy a gift for someone, the best way to make sure that they get what they prefer is often to let them decide what they want or to give them money. However, getting them exactly what they prefer is partly beside the point. Gift giving is an opportunity to demonstrate care, affection and knowledge. Likewise, the symbolic value of choice is unrelated to the predictive value. In a situation where people are normally allowed to make their own choices, Scanlon argues, ‘I may value having a choice because my not having it would reflect a judgement on my own or someone else’s part that I fall below the expected standard of competence’ (Scanlon 1986, p. 180). In some circumstances, if I am not allowed to make a choice, it may mean that I am considered as ‘inferior’. This matters all the more, Scanlon argues, if the members of my group are systematically questioned in their capacity to choose for themselves. The demonstrative and symbolic values of choice are both unrelated to the ‘predictive’ value of choice precisely because they are non-instrumental. Regardless of whether I may get the results wrong, my choice may have demonstrative and symbolic value.

How do these distinctions relate to the symbolic value of descriptive representation? Scanlon is primarily concerned with individual choices, not with the representation of these choices by suitable people. There is a big stretch between saying that my individual choice matters for demonstrative and symbolic reasons, on the one hand, and saying that my being politically represented by people who look like me has demonstrative and symbolic value, on the other hand. In fact, Scanlon’s discussion of the symbolic value of choice already makes some claims about groups, categories and norms. Scanlon is partly concerned that paternalistic policies respect the multiple ways in which choice matters: even when people are not able to decide what is best for themselves, part of what must be taken into consideration is whether some particular groups are ‘being held inferior in the argument for legal regulation’ (Scanlon 1986, p. 181).

In many circumstances, group identity has a meaning for whether given individuals are acknowledged as equals or not. In this way, descriptive representation may be considered as contributing to the self-image of marginalized groups. If there are no women in parliaments, this has negative value for women’s self-image as political equals. If there are women in parliaments, this has positive demonstrative value for women’s self-image. Scanlon’s two non-instrumental concepts thus seem to work together in the case of descriptive representation. I will thus keep the

distinction between predictive value, on the one hand, and symbolic and demonstrative values, on the other hand, but collapse the two latter non instrumental values into one (Scanlon 1986, pp. 180–181). Descriptive quotas may thus be said to have what I henceforth refer to as ‘demonstrative symbolic’ value—they attest that the relevant groups are political equals, entirely regardless of their potential substantive contributions to parliamentary deliberations.

Robert Goodin (1977) draws a parallel distinction between self-interests and self-image. Regardless of the substantive impact quotas can have for the representation of the interests of marginalized groups, political representation matters for self-image as well: ‘people’s self-images are, at least in places and in part, tied up with politics’ (Goodin 1977, p. 259). Goodin highlights this distinction between self-interest and self-image to contradict studies that quotas have no value if they have no impact on substantive representation. Against social scientists who object to quotas on the ground that it has little impact on the substantive representation of the group’s interests, Goodin argues that demonstrating the inapplicability of one argument (self-interest) does not dismiss the other (self-image) (Goodin 1977, p. 260).

Similarly, Anne Philips (1995, pp. 27–57) emphasizes the importance of the composition of parliaments for attesting the political equality of women. Some men may be better at advancing the cause of women than some women will, for ideological reasons. But this is unlikely to exhaust our reasons for thinking that the absence of women in parliaments is a problem for political equality. We need women in parliaments regardless of whether they will advance the cause of women. We need ethnic minorities regardless of whether they will in fact have a concrete positive impact on antiracism. We hope that it will be the case and this gives us extra reasons for implementing quotas in general, but the justification based on politics of ideas is not the only reason. Diversity of geographical origins, ethnic backgrounds, genders, sexual orientations, and occupation has an important symbolic value. As Mansbridge argues descriptive representation is likely to play a key role in creating ‘a social meaning of ability to rule’ for groups that are not considered as fit for politics (Mansbridge 1999, pp. 648–650).

Drawing on this demonstrative symbolic value of quotas, one may argue that youth quotas would consist in a ‘public acknowledgment of equal value’, to borrow Charles Taylor’s expression (Taylor in Philips 1995, p. 40). It would signal to society and young people that their contribution is valued and that they are considered with equal respect. Their status of equal citizens would be attested, recognized and emphasized. The absence of young people in parliaments on the contrary, may signal the opposite and create a social meaning of inability to rule. It may contribute to an apolitical self-image of young adults and generate a sense that the young are of lower social, or at least political, status, and reinforce the sense that older people are more fit to rule.

If we care about the goal of a community of equals where people relate to each other as equals throughout their adult life, and regardless of their age, then the existence of such social meaning of political inferiority is problematic and must be undermined. Representation is significant symbolically because it attests political

equality. Youth quotas could thus participate in a redefinition of young adulthood. They could contribute to the construction of a social understanding of the young as able to rule and reinforce their image of equal citizens. Gender and ethnic quotas contribute to undermining the view that only white men are able to be in parliaments. Youth quotas have the potential to undermine the age norm that young citizens under 30 years old, or in some countries people under the age of 40 years old, are not fit to rule and thus contribute to the political equalization of young people.

Like Philips, Mansbridge does not consider the case of young people. She only mentions young people as needing ‘role models’ as diverse as possible in positions of authority, including parliaments (Mansbridge 1999, p. 651). Goodin (1977), however, elaborates his argument about the importance of self-image in the context of the 1972 Democratic National Convention, where quotas had been introduced for women, blacks and also for young people in each state legislature. Quotas were introduced to remediate the critical underrepresentation of all three groups in previous Conventions. In the context of the Vietnam War, the absence of young people was considered all the more concerning that their age group was disproportionately affected by the war. The idea that the young would not be included as part of the political deliberators and did not enjoy an equal status of authority thus exacerbated the perceived generational tension. The value of quotas could thus be expressed partly in this symbolic demonstrative vein of symbolically attesting the political equality of marginalized groups. Legislative bodies, as figures of political authority and power, are particularly suitable contexts for the symbolic demonstration of political equality.

In this section, I claimed that descriptive representation in general, and youth quotas in particular, can be said to hold ‘demonstrative symbolic value’. The introduction of youth quotas would explicitly attest young people’s political equality thus contributing to a ‘social meaning of ability to rule’. It is tempting to consider the symbolic argument as merely non-instrumental. After all, I introduced the symbolic argument by stating that we want young people in parliaments ‘regardless’ of the impact it may or may not have on policies. However, it would be a mistake to consider the symbolic value of youth quotas as merely non-instrumental. I will now introduce the ‘instrumental symbolic’ value of quotas. This instrumental value of quotas fundamentally differs from what I have referred to as ‘substantive representation’ in the first section of this article. As Mansbridge argues, symbols are instrumental too, but they differ in that they promote goods *unrelated to substantive representation*. I was first concerned with the impact of youth quotas on the substantive representation of youth interests in parliaments. With the instrumental symbolic value of quotas, however, I will now be interested in the society-wide effects that the public acknowledgement of equal value can be expected to have.

### 4.3.2 *The Symbolic Instrumental Value of Youth Quotas*

The presence of descriptive representatives, as Mansbridge argues, is likely to have some positive effects on the feelings of inclusion of politically marginalized groups.

‘From this perspective, if the costs are not too great, we should promote diversity in positions of authority and excellence’ (Mansbridge 1999, p. 651). Age diversity may be an important kind of diversity, especially if some age groups, like the young, but maybe the very old as well, are politically marginalized. More age diversity in parliament may be particularly instrumental in bringing about a more cohesive society, where no one feels set aside, for instance.

Youth quotas could thus indirectly play a role in encouraging young people to vote, for instance. As Shiv Malik argues, it would be too simplistic to believe that young people simply do not want to engage to explain the fact that their voting turnout is so low:

When, before the 2005 general election, the Electoral Commission launched a campaign to persuade young people to vote with the shout-line: ‘If you don’t do politics ... there’s not much you do do’, they missed the point entirely. It’s not that young people don’t do politics, it’s that modern politics doesn’t do young people. (Howker and Malik 2010, p. 154)

We may hope that quotas contribute to increasing young voters’ turnout. To reply to Shiv Malik’s quote, one may hope that youth quotas may send the following explicit message: ‘Politics does young people now’. The presence of some young people in parliaments may thus act as a strong symbolic gesture to reengage young people in political communities, potentially impacting their voting turnouts.

Youth quotas also have the potential to increase the vertical communication between constituents and their MPs. Increased diversity amongst MPs, Mansbridge (1999, pp. 641–643) argues, can have an impact on people being more likely to visit their MPs if they feel more experiential closeness to them. She draws on studies that suggested that Black people in the US were more likely to go see their Congressperson if they were Black. Age membership is very different from other identities, but one could speculate that older people may feel more confident in sharing their concerns with a MP from their generation. Similarly, we can imagine cases where young people may feel more comfortable communicating their concerns to representatives roughly their age instead of people the age of their parents or grandparents. They may fear, for instance, paternalistic or contemptuous responses.

There only needs to be a few young MPs for this to work. Mansbridge (1999, p. 642) argues that one of the advantages of descriptive representation is that it can allow communication beyond formal constituencies. Women representatives may act as surrogate representatives for women who share their views across various constituencies. So the vertical communication may be improved, through an increased communication between populations and surrogate descriptive representatives, even if they are not their representatives. This way, age diversity could contribute to enhancing the vertical communication between constituents and MPs. The absence of young representatives, on the contrary, prevents such opportunities for vertical communication between young people throughout constituencies and young surrogate representatives.<sup>3</sup>

<sup>3</sup> Note that this is potentially also a point that falls into the substantive representation argument. If there is a better vertical communication as a result of youth quotas, this is also likely to improve the substantive representation of youth concerns in parliaments. In fact, Mansbridge classifies

Notice that the introduction of youth quotas may also have effects on youth participation in politics that do not result from the symbolic effects of quotas. Quite straightforwardly, the introduction of youth quotas would have to be followed and supported by the introduction of other pre-required measures. Upstream, the young will have to be trained earlier and this may involve better civic education in schools. Parties will have to actively engage in recruiting young people and in developing their youth wings, to meet the quota requirements. Governments may have to fund campaigns, educatory programs and to design training. De facto, the introduction of youth quotas would thus have to be followed by a series of other measures to enhance youth participation. Youth quotas must therefore be understood in light of this institutional ripple effect. As such, this is an argument for focusing on the introduction of quotas since it presupposes a series of other measures to be put in place. It is properly radical in this sense because its implementation necessitates an entire rethink of how to train and integrate more young people into politics.

To conclude, in Sect. 4.3, I introduced the demonstrative symbolic value of descriptive representation and argued that youth quotas could be seen as an attestation of the equal political status of the young and could contribute to the creation of a social meaning of equal ability to rule. I then showed that youth quotas also had a more directly instrumental symbolic value: youth quotas could contribute to enhancing young people's feelings of inclusion and can help in reengaging young people in their political communities. One potential impact of youth quotas could be an increase in voting turnouts from the young. Another potential impact of youth quotas could be an enhanced vertical communication between young people and MPs. For these two kinds of symbolic reasons, youth quotas could thus bring us closer to the ideal of a community of relational equals. If, somewhere down the line, quotas can contribute to increasing the political participation of young people, then we will not have to be concerned about the interests of the young being sidelined as much. In this way, quotas can be said to increase legitimacy and to enhance our chances of meeting the demands of intergenerational justice.

The two kinds of symbolic values I have highlighted—demonstrative and instrumental—are extensively connected. The symbolic effects of youth quotas arise from the demonstrative potential they have. However, separating them adds one level of argumentation for quotas. While the impact of youth quotas on 'feelings of inclusion' and on youth political participation can be measured, the properly demonstrative political value is not quantifiable. It is valuable because of what it means and attests, more than because of what it may do down the line. Again, it is difficult not to have in mind potential symbolic effects when considering their value, but analytically at least, they can be separated. And, while the symbolic effects can be proved or disproved, the demonstrative value may be thought as principally independent from empirical findings.

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enhanced vertical communication under the category of substantive representation (Mansbridge 1999, pp. 641–643).



## 4.4 Age or Cohort Quotas?

Let me now discuss what I take to be an important distinction that has been running through my argument for youth quotas in this essay. A fundamental distinction can in fact be made between two types of youth quotas: age quotas and cohort quotas.<sup>4</sup> We can either introduce age quotas to make sure that there are always a certain number of young people in parliaments, or we can introduce cohort quotas to make sure that minority cohorts like the ‘jilted generation’ get fairly represented throughout their lives. Implementing age quotas for young people would consist in having, at any time a certain number of MPs under the age of 30 (or 35) years old. We could for instance say that at any time there always needs to be over 50 young people in national parliaments. Implementing cohort quotas, on the other hand, would consist in having a certain number of seats reserved for each cohort. The idea here would be to protect some minority cohort from being underrepresented. If we consider that at any given time there are about four voting birth cohorts (for instance currently the baby boomers generation, their parents, generation X and generation Y) then we should consider that none of these generations may have fewer representatives than 50 (for instance). Consider the following age composition of the French Parliament (Fig. 4.1).

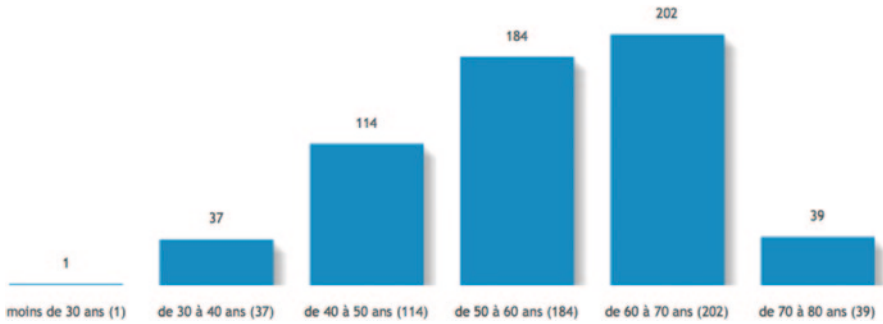
This diagram represents the number of MPs per age group. Even though it represents age groups, it gives us information on how different birth cohorts are being represented: the baby boomers, born in approximately 1946/1964 are between 50 and 68 now. They clearly constitute the most represented cohort.

We must now separate age effect from cohort effect. It is likely to be the case that most MPs will always be between 40 and 70 years old. Older MPs will perhaps consider that they cannot keep up with the position’s workload and younger MPs will perhaps feel like they want to gain more experience first, including studies, training, and jobs. If this trend remains over time, then different cohorts will be represented fairly over their whole lives. In this case, we would not need cohort quotas. However, if it turned out that minority cohorts were underrepresented over time, introducing cohort quotas could be an important option. It could guarantee that representations do not become too disproportionate by securing a minimum number of seats to avoid the risk of majority generations getting a much better representation of their interests over their complete lives. In light of the distinction between age and cohort quotas I just introduced, let me now go back to previous discussions briefly to examine which quotas have been under discussion in the arguments of substantive and symbolic representation.

It seems that age quotas would help in accounting better for the experiences and interests of the young, because, as I have argued, a diversity of age-related experiences is likely to improve the understanding of challenges faced by different age groups and reduce the risk of misrepresentation. If we are concerned about youth unemployment and poverty and are dissatisfied about imprudent and short-term

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<sup>4</sup> I am indebted to Axel Gosseries for very insightful discussions on the implications of the distinction.



**Fig. 4.1** French MPs by age 2012. (Nationale, Assemblée. *Liste des députés par âge*, 2012 [cited 25.05.2013. Available from <http://www.assemblee-nationale.fr/qui/xml/age.asp?legislature=14>])

institutional planning, then it seems that it is the absence of young people in parliament, as an age group, that we are primarily concerned with. The hopes that youth quotas may prevent the exclusion of some age-related interests, increase the vigor of advocacy on behalf of the young, and instigate change through a broadening of policy options would be primarily served (if at all) by the introduction of age quotas for the young. The need for age quotas is reinforced by the current trend of the aging of most European countries. If the young constitute a decreasing minority, then the relevance of age quotas will persist over time.

As we saw earlier, however, the various problems that we have identified have a cohortal dimension. There are in fact a few reasons why we may call for the introduction of cohort quotas for the young. First, as I have already mentioned, while older MPs have been younger, they have been younger at an earlier time. For this reason, if we are concerned with accounting for a larger variety of experiences, what we really need is to introduce some cohortal diversity in parliament. In fact, making it all about age would be misleading, since it would give more strength to the complete life intuition that all MPs have been young once and can therefore voice youth experiences and concerns just as well. The conjunction of age effect with period effect, however, gives rise to a series of cohortal experiences that need to be accounted for in parliament.

Second, imprudent planning often leads to diachronic disadvantage and can scar a whole generation. For this reason, the members of the ‘jilted generation’ are expected to fare relatively worse than the previous generation over their complete lives, at least in terms of job opportunities and economic security (Chauvel 2010). I have already discussed how high rates of poverty and unemployment are likely to be correlated with further experiences of unemployment, poverty and exclusion throughout the lifespan, but youth disengagement from politics is also likely to lead to further disengagement from politics in the long run. In his paper on young citizens and voting turnout, Edward Phelps (2004) for instance analyses data that suggests that lower voting turnout among the young today may not result from an age effect but from a cohort effect. Comparing different cohorts as they age, he worries that turnouts among younger cohorts will not increase as they age. To address this double cohortal challenge, institutions should give a voice to particularly impaired and disengaged cohorts throughout their lives, and not only when they are young.

The introduction of cohort quotas could be needed to mitigate the risk of a skewing away of policies towards the interests of the majority cohorts. The problem is not only the political absence of young people, as an age group, it is their exclusion, as a birth cohort. Both problems currently overlap, but over time, two different problems could develop. The baby boomers, as a majoritarian generation, will still have disproportionate power over the next generation when they will not be ‘young’ anymore. To gain and keep power, politicians are likely to shift their policies towards the interests of the growing majority of pensioners and to neglect the interests of younger members of society. It is not that there is a conscious plot by the baby-boomers to disregard the interests of their children. As Malik and Howker claim, there is a ‘skewing of policy away from the interests of the jilted generation and towards those of their parents—not by any conscious effort by voters, but simply because of the numbers’ (Howker and Malik 2010, p. 157). The result is a risk that institutions that meet the needs of different age groups will be framed according to this concern for pleasing the majority cohort rather than based on what is prudent, urgent, fair or sustainable. Implementing cohort quotas by making sure that there are at least a certain number of members of the minority cohort in parliament at any given time may thus lower the risk of the political exclusion of smaller or relatively more disenfranchised cohorts—at least at the representation level. Of course, such impact, as I have mentioned throughout this article, would be limited since it would only undermine the representation problem downstream and not directly the upstream voting problem. However, while the underrepresentation of such cohorts in parliaments would risk reinforcing the problem, more equal representation can reduce it.

Would age or cohort quotas be better placed to help achieve the aim of synchronic relational equality now—that is the goal of a community of people able to relate as equals regardless of their age? It is young people *as an age group* that are not included in the community of political equals, because they have only recently become adults. People are more likely to find the silence and invisibility of the young acceptable in comparison with other age groups because they are seen as inexperienced. For this reason the young are always going to be likely to be politically marginalised. And yet, for the synchronic reasons we have highlighted in the preceding section, the political exclusion of young adults is in tension with the goal of a community of people able to relate of each other as equals, regardless of their age. Of course, however, other age groups may be marginalized and invisible in parliaments. If it turned out that there were no elderly people in parliaments, this would be a problem for the goal of a community of equals too.<sup>5</sup> However, if Phelps is right that the disengagement sensible in voting turnout could be sign of a cohortal disengagement from formal politics, then it is likely that what we need, on symbolic grounds, is cohort quotas too.

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<sup>5</sup> In fact, Craig berry, in a paper on the inequality of political powers between age groups puts forward youth quotas as a possible solution and concedes that on the same line, we should consider implementing ways to protect the 80+ citizens if it turned out that they were marginalized: ‘People aged 80 or over appear to be under-represented in democratic institutions (...) It may be fair to offer this age group protection within the democratic process, along the lines of any protection offered to young people’ (Berry 2012, p. 69).

In practice, note that cohort quotas could take the form of age quotas for the jilted generation's members, as they age. If it turned out that there was a very low number of 40-year-old MPs in 20 years and then a very low number of 60-year-old MPs in 40 years, then the political inclusion of the jilted generation would have been threatened for their entire lives. Since age is an indicator of the birth cohort one belongs to, cohort quotas might turn out to be implemented *through age*: the best way to implement these cohort quotas may perhaps be to set a minimum number of 40 years old and then a minimum number of 60 year olds MPs (if a problem arises in terms of their representation). The distinction is nonetheless important to identify better what kind of problems we are dealing with.

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# Chapter 5

## Can Youth Quotas Help Avoid Future Disasters?

Ivo Wallimann-Helmer

### 5.1 The Problem

In an insightful comparative study, Peter Vanhuysse showed that many OECD countries, especially developed democracies, score rather badly with regard to the demands of intergenerational justice (Vanhuysse 2013). These democracies not only score badly on factors such as absolute child poverty or child poverty in relation to old-age poverty but also have a bad score on the public debt they leave per child and their ecological footprint. Although this study is comparative and allows for no absolute measures, it shows that democracies tend to favor the interests of older age-groups and have a tendency for unsustainable policy decisions.

If we follow Dennis F. Thompson, these findings can be explained by four more theoretical reasons (Thompson 2010, pp. 18–20). First, there is the human tendency to prefer immediate gains to those in the far future. In consequence, it is more probable that policy decisions showing immediate measurable results will be taken in democracy, with a rather short-term perspective. Second, policy decisions should be responsive to the judgments of citizens about the effects of laws on their interests. As a consequence, there is a tendency that a democracy will only accept policies which correspond, in at least a minimal sense, to the (potentially short-term) interests of the currently living. Third, political power is temporal; short election cycles are necessary to avoid autocracy. Thus, democracies provide an incentive structure favoring short-term policy with immediate gains for the living because these enhance the chance of staying in political power. Fourth, in democracy there is a tendency to favor older age groups and their interests, which leads to a focus on present needs that neglects ensuring similar benefits for the future. This reason can be substantiated empirically. Due to demographic development, the old are increasing their majority in democracies, which leads to the consequence that they have more voting power and are better represented in the political bodies. Accordingly,

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policy decisions tend to be biased towards the interests of the older members of society.<sup>1</sup>

In the light of anticipated environmental disasters, especially the impacts of climate change, this tendency of democracy to short-term decisions becomes a problem. The negative impacts of these decisions will have to be borne by those who today are young (let's say those who are under 25 or 30 years). To counteract this tendency, one can imagine three different ways to change decision-making processes in democracies, either to ensure more sustainable policy-making or to shift political power from the old to the young. First, one could introduce institutions to represent future generations. Thompson, for instance, proposes trustees to secure the possibility of democracy in the future. The role of these trustees would be either to fill specific seats in the legislative assembly or to be part of a commission. In both cases, their task would not be to propose new policies but to voice the interests of future generations and to challenge those policy decisions which seem to undermine the democratic capacity of future generations (Thompson 2010, pp. 26–30).<sup>2</sup> Second, the voting system could be adjusted. As a consequence of his research, Vanhuysse argues in line with others that the time might have come to introduce proxy votes for parents. Each parent should receive an additional half-vote per child (Vanhuysse 2013, pp. 41–43).<sup>3</sup> Such a system would shift the voting power from the old to the young and might have as an effect that political parties would try to change their programs in a way to cope better with family interests and perhaps with sustainable policy-making. Third, one could introduce quotas for the young in representative, executive, judicative or administrative bodies in democracy.

Analyzing each of these three ways to counter-act democracy's tendency to short-term policy-making needs a paper length discussion. In this paper, I will only be concerned with the last of the three proposals. My aim is to answer the following two questions. (1) Can quotas be justified as a democratic means to secure better representation of the interests of the young? (2) Are youth quotas an effective means to ensure that decisions are taken with the degree of attention to environmental sustainability issues that they demand? I will answer the first question with a qualified 'Yes!' Although quotas may be justified to secure proportional political representation of the young in the wake of demographic development, what I call 'political affirmative action programs'—the weakest form of quotas—are better suited to securing the political power necessary for the young to decide on the future they will have to face.<sup>4</sup> The second question I will answer with a qualified 'No!' Since there is

<sup>1</sup> I draw here on Vanhuysse 2013, pp. 23–24. Interestingly enough, demographic development and an increasing number of older people have not only negative effects. As Dyson 2012 shows, the ageing of the citizen body tends to increase democratization.

<sup>2</sup> Another example to understand the role of representatives of future generations is provided by Ekele 2005.

<sup>3</sup> For a critical normative assessment of this and other proposals to secure intergenerational justice in democracy, see van Parijs 1998.

<sup>4</sup> I explain in Sect 3 what I understand by 'political affirmative action programs'. In short, they select candidates from disadvantaged social groups for offices if they gain equal or similar voting power, rather than a candidate from an advantaged social group.

a human tendency to favor immediate gains over ones that are more distant in time, it is implausible to believe that the young will fare better than the old. But ensuring more adequate representation of the young enhances the legitimacy of the long-term impacts of policy decisions taken today. Those who have to face the consequences should be appropriately included in the decisions taken.

To answer my two questions more fully, we first need to know what quotas are and what they can achieve. In the second section, I will introduce quotas as they have been discussed in political theory with regard to the principle of equality of opportunity. I argue that quotas can only be justified as a means of reaching less discriminatory selection procedures for social positions, but that they cannot be justified as a normative goal in themselves. We also need to be clear about the role quotas could probably serve within a democratic institutional framework. In the third section, I show under what conditions quotas can be justified in democracy as a means of achieving proportional representation of all the different interests in society. These clarifications allow section four to answer the question of whether quotas for the young can be justified in democracy. Answering this first question enables us to move on in section five to my second question, whether youth quotas can be an effective means to secure environmentally sustainable policy-making.

## 5.2 What are Quotas and What can Quotas Achieve?

The 1970s witnessed a heated debate not only among politicians but also among political theorists about whether and on what grounds quotas can be justified in the job market and the educational system. This question has often been dealt with as if quotas were either a normative goal in themselves, or necessary to understand the principle of equality of opportunity.<sup>5</sup> I oppose both these understandings of quotas.<sup>6</sup> Instead, I argue in this section that quotas can only be understood as a means either to realize equality of opportunity or to serve a goal beyond non-discriminatory selection procedures.

Selection procedures for jobs, educational places, or social positions more generally always discriminate, since from the pool of candidates they select the number of individuals needed to fill the positions in question. According to a formal understanding of equality of opportunity, such discrimination is justified under the condition that only characteristics of candidates who are suitable are considered to fill the position under consideration. In other words, only those characteristics of candidates which enhance the prospect of successful performance of a social position should be taken into account (Sher 1988). All other criteria which might play a role in selecting candidates are a form of unjustified discrimination. Women, for example, are unjustifiably but not explicitly discriminated against by selection procedures which demand that one must have worked without any breaks for the

<sup>5</sup> For a helpful overview of the debate see Rössler 1993.

<sup>6</sup> For a more developed argument to justify my view see Wallimann-Helmer 2013: esp. Chap. 2.



last 5 years in the company to gain a position in management. This discriminates against all those women who are of child-bearing age. Furthermore, as Mary Anne Warren argues, such selection procedures reinforce social structures which expect women to stay at home and maintain the household (Warren 1977, pp. 245–249).

Understanding equality of opportunity in this way allows us to expect that, if formal equality of opportunity is fully realized for the educational system and the job market then both genders and all different ethnical, religious and other social groups are proportionally represented in all different kinds of social positions. Put differently, assuming that a society can be divided into different social and economic strata to which specific social positions are attached, then members of all different social groups in a society with full formal equality of opportunity fill positions in proportion to their number in the society as a whole.

Such an understanding of equality of opportunity has been proposed most explicitly by Onora O'Neill. According to her, the fairest selection procedure is a lottery, since in a lottery all have equal chances of success. Thus, to be a fair procedure of selection, equality of opportunity should guarantee equal chances of success in education and the job market (O'Neill 1976, p. 338). As a consequence, nothing other than proportional representation of both genders and all social groups in all social positions attached to the different socio-economic strata of society can result.

To ensure that such a proportional distribution of social position is the case, O'Neill proposes to reformulate the principle of equality of opportunity more substantially. Equality of opportunity should be understood as demanding that social positions be divided between all social groups of society in a proportional way (O'Neill 1976, pp. 339–340). This understanding of equality of opportunity establishes a first and strongest understanding of quotas: rigid quotas. Rigid quotas demand that educational places and jobs are distributed in a strictly proportional way. Such an understanding of quotas presupposes that unjustified discrimination is in place and that equality of opportunity is only realized if a proportional distribution of social positions on all social strata of society occurs. To make this presupposition more concrete and not to use a probably biased language, it is useful to have a closer look at the famous example of a warrior society introduced by Bernard Williams (1973, p. 244).

Imagine a society in which high prestige is attached to the status of warrior. Traditionally, warriors have been selected from certain wealthy families of society but not from the poor majority. Such a procedure of selection is certainly unjustifiably discriminatory against the poor majority if we presume that wealth and membership of a certain class of families is irrelevant to performing well as a warrior. It would be more appropriate, Williams suggests, to introduce a competition to test the physical strength of those who want to be warriors. If such a selection procedure is adopted and no explicit or implicit unjustified discrimination against the majority of society occurs, then it is reasonable to assume that after some time the warrior class will consist of members of the wealthy families and of the poor majority in proportion to their number in society.

However, as O'Neill has already noted, there are two difficulties involved in this argument (O'Neill 1976, pp. 339–340). First, it may not necessarily be the case

that members of both parts of society have the capacity to develop the equivalent capacities required to be successful in the competition. From an egalitarian point of view, it would certainly be objectionable to depend on wealth, social class, religion or ethnic differences to justify unequal capacity. However, differences in wealth and social circumstances can become relevant for how well people are able to develop their natural talents. A wealthy family can provide better training, equipment and assistance. Social circumstances can be more or less supportive. These are reasons to justify a more substantive understanding of equality of opportunity. But this understanding—most commonly, according to Rawls, called fair equality of opportunity (Rawls 1971, pp. 73–74)—does not justify quotas in a rigid sense. It only denotes the conditions which must be secured for all to have a fair chance of success at the outset of the competition. What must be ensured is that social and economic circumstances do not constrain, in any relevant sense, the opportunities available to all members of society.

Second, it is not at all clear that the willingness of all members in society to become warriors is distributed evenly over all social groups. There might be a significant proportion of the majority who hold pacifist convictions. If this is the case, these members of society will neither be motivated to prepare for the competition nor will they necessarily take part unless coerced to do so. Therefore, although it might be the case that fair conditions to prepare for the competition are given, if the willingness to become a warrior is unevenly distributed in society, it is very likely that a disproportional distribution of warrior positions will be the result. Only as many members of the majority can be successful as are willing to apply for warrior positions. Since in a liberal order no one would be ready to justify coercion to apply for social positions in higher social and economic strata of society, it seems to be more plausible to propose a less rigid, to wit a weaker, form of quotas.

This weaker form of quotas, ‘weak quotas’ for short, takes into account the fact that the willingness to achieve positions of higher and the highest social and economic strata is unevenly distributed amongst the different social groups in society. But it also assumes that unjustified discrimination against some social groups still occurs. Therefore, it must be ensured that successful applicants from the pool of candidates are proportional to how many individuals have applied from the different social groups in society (Warren 1977, pp. 251–253). To use Williams’s example once more, if it is the case that for 120 positions as warriors 80 candidates from wealthy families and 160 from the poor majority of society apply, then these 120 positions should be divided in a ratio of 1:2. Forty warrior positions should be assigned to candidates from wealthy families, and 80 should go to candidates from the poor majority. When such a distribution does not occur, it could be argued that unjustified discrimination is the case.

Thus, this understanding of quotas once again presupposes the occurrence of unjustified discrimination, but it takes for granted that not all members of society are equally willing to apply for warrior positions. Such a justification of quotas, however, faces a further difficulty which would also be faced by rigid quotas. If it is demanded that a strict proportional distribution of positions among successful applicants must be secured, then it might be the case that the positions would have to

be assigned to members of a particular social group even if they are not as well qualified to fill the positions as applicants from other social groups. This is the problem of reverse discrimination. To ensure a proportional distribution of positions, a selection procedure would have to unjustifiably discriminate against candidates from those social groups which in the past were unjustifiably advantaged.<sup>7</sup>

This must be judged as an unjustified discrimination, since what becomes relevant to realize the requirements of weak quotas are characteristics which are deemed irrelevant for the successful performance of the position. Discriminating against better qualified candidates in the name of quotas means to take into account characteristics such as gender, ethnicity or religion, which, for example, are not relevant for becoming a warrior. Warriors need to display sufficient physical condition. For physical condition, at least in principle, gender, ethnicity and religion are irrelevant. This holds true, however, only when physical condition is not shaped in a significant sense by these aspects of the candidates' backgrounds. Indeed, it could be argued that gender, ethnicity and perhaps even religious socialization significantly constrain the physical condition of candidates. But in this case, if only physical strength is relevant for becoming a warrior, then it becomes difficult to argue that unjustified discrimination occurs even if the distribution of warrior positions is not proportional to the genders, ethnicities and religious groups in the warrior society.

There are two further arguments though to justify quotas which would not be in trouble with this last challenge of reverse discrimination since they justify quotas with a purpose beyond selection procedures for social positions. First, it can be argued that role models are a suitable means to change discriminatory attitudes in society and to motivate members of disadvantaged social groups to apply for social positions in higher social and economic strata.<sup>8</sup> According to this argument, quotas are justified to create these role models to reach both projected outcomes. Second, it can be argued that quotas are a justified means to enhance the quality of decisions taken in higher ranked social positions. In this sense quotas are understood as a means to improve the economy or society as a whole.<sup>9</sup> Neither of these arguments, however, necessarily justifies rigid or weak quotas. To comply with these demands it would also be appropriate to prioritise applicants from disadvantaged social groups only if they are as well qualified for a social position as applicants from other social groups. This would be a claim for an even weaker form of quotas than those discussed above. For the purpose of this paper I will name it 'affirmative action'.<sup>10</sup>

<sup>7</sup> For two classical texts discussing reverse discrimination see Newton 1973 and Dworkin 1977, pp. 269–288.

<sup>8</sup> This argument has been made in various forms. The first philosopher stating it was to my knowledge Thomson 1973.

<sup>9</sup> One of the recent statements of this argument with regard to education is provided by Anderson 2007.

<sup>10</sup> In calling this weakest form of quotas 'affirmative action' I come close to at least some aspects of what Pojman discussed under the label 'weak quotas' (Pojman 1998). However, I am also aware that 'affirmative action' broadly understood could denote any kind of preferential treatment of disadvantaged social groups which must not necessarily be linked with the idea of quotas.

Either way, whatever form of quotas we think to be appropriate, I think they can only be justified as a means to overcome unjustifiably discriminatory selection procedures. The main reason for this belief can be found in the presumption I mentioned. For quotas to be justified, more or less explicitly unjustifiably discriminating practices must be in place. If this condition is not given or at least counterfactually presumed, it is not possible to argue for quotas. If a selection procedure is fair and does not display any explicit or hidden form of unjustified discrimination, then whatever distribution occurs must be accepted as fair. Furthermore, the arguments from role models and an improved economy or society show that quotas are only justified if they arrive at the projected goal. Role models have to be an effective means to change discriminatory attitudes in society and more diversity in higher-ranked social positions must be shown to be an appropriate means to improve the economy or society. This can certainly be correct, but it is only under these conditions that quotas are justified. And since these arguments take quotas to be a means to reach these ends, they are instruments—but seem not to be normative goals in themselves.

In addition, arguing for proportional representation of all social groups of society in all different social and economic strata in society presupposes that the willingness to apply for these positions is evenly distributed among all social groups. This makes it necessary to ensure substantial conditions to secure that neither social nor economic differences have a significant impact on how successful members of different social groups are in education and the job market. However, these conditions do not depend on the distributive result but the pre-conditions securing fair preparation for all to be successful. Thus, they cannot justify quotas, but they do justify an understanding of equality of opportunity which also secures these conditions. With these considerations in mind, let us now turn to the question of how quotas could become relevant in democracy.

### **5.3 In What Sense can Quotas Become Relevant in Democracy?**

To see in what sense quotas can become relevant in democracy, it is necessary to be clear about their proper role in such an institutional regime. For this purpose, I think it is helpful not to dig too deeply into different understandings of what democracy is and what institutional framework it demands. I think it is enough to consider a rather formal understanding of democracy and, more specifically, of representative democracy. As we will see in this section, quotas are only appropriate if applied to political institutions and their offices but not to policy decisions themselves. But what is democracy and how can its institutional framework be justified?

To understand what democracy is, it is helpful to introduce the description of democratic government expressed in Lincoln's famous phrase in his Gettysburg address that democracy is 'government of the people, by the people, for the people (...)' (Brooks 2012). Although it remains unclear in Lincoln's statement who

exactly legitimately constitute the people and on what normative grounds one may be considered part of the people, it clarifies how political theorists usually understand democracy. Democracy is an institutional regime in which the whole citizen body, the people of society, governs itself by making and executing decisions and taking responsibility for their consequences in a body.

The liberal Western tradition of political theory has found several different ways of normatively justifying the right to democratic government. What all these theories have in common, however, is the presumption that human beings are and have to be respected as free and equal. To respect human beings as free, their right to liberty cannot be restricted without giving them a say in the political process leading to such restrictions. To respect them as equal, it is necessary to ensure fair chances for all to participate in this decision-making process. How having a say and a fair chance to participate in the decision-making process must be secured is a matter of theoretical dispute. But nowadays, it is almost impossible to defend any political institutional framework without accepting the right of all citizens to be respected as free and equal (Kymlicka 2002, p. 3 f.).

Indeed, to argue for quotas it is necessary to assume a more substantial goal of democracy beyond securing formal conditions of free and equal participation in political decision-making. Without such a substantial goal it becomes difficult to see what unjustified discrimination in the process of democratic decision-making means.<sup>11</sup> Thomas Christiano for example suggests that, in a democratic regime, it must be assured that all members of society are equally respected in their interests. This is only possible if all citizens ‘on whom the rules [the policy decisions] have a major impact’ are equally involved in determining the decision (Christiano 2010, p. 56). It must be possible for all to participate in political decision-making, and they must be able to see that their interests are respected; what is necessary for policy decisions to be legitimate, therefore, is their public justifiability. Following Christiano, democracy is the best institutional framework to guarantee this condition of public scrutiny, at least partially (Christiano 2004, p. 275). In this sense then, a democratic institutional order not only secures formal participation in collective decision-making for all citizens but also serves the purpose of balancing interests and of avoiding policy-making biased in favour of some interests at the cost of others. Thus, in democracy unjustified discrimination means a tendency for biased decisions in favour of some interests neglecting certain others.

Following on from this, one would expect that, provided the formal conditions to secure free and equal citizenship are present, repeated policy decisions will display the different interests existing in society proportionally. In a society with ten pacifists and five warriors, we expect that every third policy decision will be in

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<sup>11</sup> To be sure, in democratic theory it is a contested issue whether democracy should be understood only in procedural or also in more substantive terms (e.g. Buchanan 2002; Brettschneider 2005; Christiano 2004; Brettschneider 2005, 2007; van Parijs 2011). In this paper it is not possible to justify the view that genuine democracy should also incorporate a more substantive goal. However, as should become clear in the following a more substantive goal of democracy like the one suggested by Christiano is a necessary presumption in order to make possible an argument for quotas in democracy. I would like to thank Nenad Stojanovic for raising this issue.

favour of the warriors whilst two of the three decisions are in favour of pacifism. However, to argue that quotas for the interests served by policy decisions are appropriate if this is not the case seems to be a misconception of what democracy is. First, although democracy can be viewed as a system to prevent biased policy, it still remains a process of collective decision-making which ideally leads to consent or compromise about what is in the common interest of all members of society. Second, according to Lincoln's description of democracy as 'government of the people, by the people, for the people' it must be the citizen body that decides in its own right. Any substantial criteria prescribing in what proportion policy decisions have to display existing interests in society would be in conflict with this description of democracy. According to these two arguments, therefore, it seems to be inappropriate to apply quotas to policy decisions themselves. It is more reasonable to apply them to the composition of political bodies steering a society.

If it is the composition of the political bodies of democracy to which quotas must be applied, we have to understand in what way it can be justified that only a certain number of citizens fill the relevant offices. I think here it again proves helpful to return to Lincoln's description of democracy as "government of the people, by the people, for the people (...)". According to this statement, policy decisions in a democracy are legitimate only on the condition that it is the *whole* citizen body that governs in its own right. Whether a model of democracy is a model of direct or representative democracy depends on whether the whole citizen body or only part of it is conceived as necessary to make policy decisions (Christiano 2010, p. 246). Models of direct democracy argue that the people who should make policy decisions must be coextensive with the whole citizen body. In representative democracy, the assembly making policy decisions can be smaller. Thus, to capture the understanding of representative democracy, Lincoln's phrase needs a slight reformulation: Democracy is government of *all* the people, by *some representatives of* the people, for *all* the people. Representative institutions thus understood are an institutional way to operationalize the process of collective decision-making among all the people so as to make it more efficient and even, according to some views, qualitatively better (e.g. Christiano 2010, p. 105; Pettit 2004, pp. 60–62; Dobson 1997, p. 127).

According to this formal description of representative democracy, legitimate representation must take into account all interests present in the citizen body proportionally (Dovi 2011; Mansbrige 2003). Furthermore, the members of the legislative assembly must be accountable to the people forming the citizen body since they should decide in the name of the citizen body as whole. In democracy, accountability is usually ensured by election cycles, because these allow those representatives who performed well in representing interests to be re-elected and those who performed badly to be deselected (Rehfeld 2006). Thus, representation in democracy can only be legitimate if it is supported by the interests actually present in the citizen body. Therefore, the function of the legislative assembly is to represent the interests present in proportion to their weight in the citizen body. The function of an individual representative, by contrast, is to stand or act for those whom he or she represents. This means that, in a society with 1000 pacifists and 500 warriors, an assembly of six individuals would be legitimate if it contained four representatives

of the pacifists and two representatives of the warriors. In consequence, it can be argued that in representative democracy unjustified discrimination occurs if such proportional representation of interests is absent or, at least, if certain interests are permanently marginalized.

The legislative assembly is certainly the most obvious institution in a democratic framework to proportionally represent the interests of the citizen body, since in the end all policy decisions must be confirmed by this institution. However, it is not only the legislative assembly which has a major impact on how the interests of the citizen body are taken into account and enforced. Executive, judiciary and administrative bodies also have significant impact. Since the legislative assembly must represent the present interests in society proportionally, and these other institutions have a major impact on how well they are translated into policy, then these institutions would also have to fulfil this representative requirement. But there are two practical reasons why the legislative assembly is not only the most important but also the most plausible political body for which to demand proportional representation of interests. Admittedly, these reasons do not exclude a justification of a proportional representation of interests in executive, judiciary and administrative bodies.

First, with regard to the judiciary and the administrative body, individuals in these offices not only have to be regarded by the citizens to best represent their interests. For successful performance in these offices, other competences are needed. Lawyers need to have sufficient knowledge of jurisprudence; a specific function in the administrative body demands specific qualifications for its fulfilment. Therefore, it would not only be the case that those filling these offices have to perform well in representing interests present in the citizen body but must also display the relevant competences. How this necessity of competence should be balanced with the fact that individuals filling these positions should also serve certain interests is a complicated question that I cannot answer here.

Second, there is a different practical difficulty with regard to the executive. Executive offices are not as numerous as seats in the legislative assembly. This makes it difficult to demand that executive organs should represent all interests present in society proportionally. However, if a society is divided into large ethnic, religious, linguistic or geographic groups with conflicting interests, it seems reasonable to argue at least for proportional representation of these groups in society. But this makes it necessary to be clear about the relevance of these groups and their interests. To justify the proportional representation of interests in the executive organs, it has to be shown why the conflicting interests of certain social groups bear such high relevance that the executive should be divided accordingly. This is a central question to be clarified in the next section, in which I try to answer the question whether youth quotas can be justified.

Against the background of the considerations concerning democracy thus far, we can now see in what sense quotas can become relevant in democracy. They can become relevant to ensure that all interests in the citizen body are represented proportionally. Quotas can be seen as a justified means if it becomes apparent that some interests are permanently marginalized within election procedures for the legislative

assembly or selection procedures for other offices in other democratic institutions. Such marginalization represents a sort of unjustified discrimination against those holding these interests. However, as we have seen in the last section, this does not mean that quotas are a justified normative goal in themselves. They are only justified as a means to prevent more or less explicit unjustified discrimination in the election and selection procedures for the offices in question. If no such discrimination occurs, whatever distribution of offices results must be accepted as legitimate.

#### 5.4 Can Youth Quotas be Justified?

As I have introduced the relevance of quotas in democracy thus far, they are only justified as a means to bring about election and selection procedures which do not unjustifiably discriminate against some interests in society. This makes it necessary that a marginalization of some interests is actually occurring. If this is not the case, then it is not possible to argue for quotas. To assess whether in democracy quotas for the young can be justified to ensure appropriate representation of their interests, we need to deal with another complication. It must be possible to show that the young indeed constitute a relevant social group with specific interests. Otherwise, it becomes difficult to argue for youth quotas as a means to ensure policy-making that is less biased against the interests of the young.

In light of Vanhuysse's study, it seems reasonable to argue that the young are marginalized in their interests. In addition, due to demographic development and the conceptual condition that democracies have to be responsive to the interests of the citizen body, it is also reasonable to assume that democracies tend to favour the interests of the old rather than the interests of the young. Both these empirical arguments justify the conclusion that democracies tend to marginalize, to wit unjustifiably discriminate against, the interests of the young. However, this argument only holds under the condition that the young applying for offices are or have unjustifiably been discriminated against in the selection or election procedures for the offices in question. If this were not the case, then quotas as a means to bring about non-discriminatory election or selection procedures could not be justified.

If this pre-condition is a given, then it is possible to explore further whether and under what conditions youth quotas can be justified. As mentioned above with regard to executive bodies, to argue for quotas for specific social groups in democracy makes it necessary to specify which kinds of social groups can become relevant here. According to the definition of democracy I draw on here, it seems to be unjustifiable to make mere membership of a social group more relevant for the right to proportional representation than the interests present in society potentially crossing the borders of these social groups. In consequence, to argue for proportional representation of social groups rather than the weight of interests present in society it must be possible to show that membership in a social group is a necessary condition for representing the special interests of that social group. Furthermore, it must



be the case that a social group is sufficiently homogeneous to be ascribed certain specific interests which are not represented by non-members of these groups.<sup>12</sup>

This challenge is especially pertinent considering the young as a social group. It is not at all clear that being young is a necessary and sufficient condition to have certain specific interests. This for two reasons. First, similarly to other social groups divided according to gender, ethnicity, language or geography, it is difficult to show that membership of such a group is sufficient to denote certain specific interests. Second, the interests that the young will have will highly depend on their various social, economic, cultural and educational backgrounds. These backgrounds will not necessarily lead to a set of interests shared by all who are young but to various kinds of interests not specifically linked to their age. Therefore, it becomes difficult to argue that being young is a significant condition to represent specific interests.

However, if we take into account that it is not interests by themselves which ground specific political opinions and ideals but the discourses within which one is involved, it is possible to argue that the young form a social group united enough to justify their proportional representation. John Dryzek and Simon Niemeyer have argued in this direction (Dryzek und Niemeyer 2008). According to them, what is relevant in democracy is not that interests are proportionally represented but discourses, because discourses are the basis on which interests are formed. Since the young have their own specific discourses, it seems to be plausible that they form a social group that can be represented proportionally. They have their own way to communicate and articulate their hopes and fears, and they consider political challenges their own way. If one argues along these lines, therefore, it becomes possible to view the young as a relevant social group to be represented proportionally.<sup>13</sup>

Once the young or other groups are established as relevant social groups to be represented proportionally, a further difficulty arises. For their representation to be legitimate, to wit not in conflict with Lincoln's description of democracy, social groups can only demand representation in proportion to their weight in the citizen body. Larger social groups or parts of society are entitled to more weight in political bodies than smaller groups. The reason for this is simply that representation of interests in democracy must be proportional to the weight they have in society. To argue for more than such proportional representation would need further arguments leading beyond the relevance of quotas in democracy I have argued for thus far. Thus, according to the justification of quotas up to now, quotas to ensure non-discriminatory selection and election procedures for offices can demand nothing more than the proportional representation of discourses or interests and, if possible to justify, of social groups. This challenge proves to be especially pertinent with regard to quotas for the young, since their plausibility not only stems from the fact

<sup>12</sup> A more developed discussion of this problem can be found in Stojanovic 2013, pp. 133–140.

<sup>13</sup> To be sure, an argument along these lines implies that one would have to alter the understanding of democracy and its relevant representative institutions overall. It would not only have to be the discourse of the young which would have to be represented proportionally; it would also have to be all kinds of discourses present in society and not interests.

that their discourses tend to be marginalized but also because demographic development enforces their marginalization. Quotas, as justified thus far, cannot solve this second problem. This shows why it is especially important to carefully assess which form of quotas would be most appropriate for the young.

With regard to the three different forms of quotas discussed in the second section, it is not at all clear that quotas in democracy should always be rigid. Which form of quotas is appropriate depends on circumstances and especially on the motivation of members of social groups. Rigid quotas are only justified if the groups to be represented proportionally can always nominate enough candidates to effectively fill the offices. If this is not the case, rigid quotas would demand coercive practices for those groups which are not able to nominate enough candidates to conform to the proportional requirement. As in the case for rigid quotas with regard to equality of opportunity, this makes it seem more plausible to propose weak quotas which only demand that the different relevant groups are elected and selected in a proportional way from those applying for offices.

How effective such weak quotas can be to transfer interests into policy, however, depends on the weight of those groups for which proportional representation is ensured by quotas. If a social group does not have enough weight to significantly influence policy decisions, quotas for proportional representation cannot serve the purpose for which they are proposed. Although quotas can serve small minorities to better voice their interests (stemming from their discourses), it is not at all clear that this has a relevant impact on the policy decisions taken.<sup>14</sup>

With these considerations in mind, we see that in certain circumstances political affirmative action programs and securing substantial assistance for political activity prove more promising than rigid or weak quotas. Political affirmative action programs would demand that whenever two candidates or parties gain the same or similar votes, the candidate or party belonging to a disadvantaged social group, or proposing more candidates from these groups, is preferred. Substantive assistance, on the other hand, would mean that potentially marginalized social groups are assisted by society in their development of political programs and financially to be able to voice their views on an equal footing with those interest groups which are economically better situated.<sup>15</sup> Both measures would not only increase the likelihood that the interests of these minorities are heard; they would also allow these minorities to gain more political influence than they would be proportionally entitled to, since if minorities are able to better voice their beliefs this also increases the likelihood of their political success when applying for offices.

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<sup>14</sup> Dryzek and Niemeyer by contrast argue that the frequency with which interests can be and are voiced have a major impact on policy decisions (Dryzek und Niemeyer 2008, p. 484). If one assumes that voiced beliefs alter political discourse, then—irrespective of the proportion of society minorities constitute—any kind of proportional representation will improve their situation. However, although voicing beliefs can have an impact on the formation of policy decisions when the chips are down, for final decisions the decisive power still lies with the larger social groups and not minorities.

<sup>15</sup> A proposal along these lines is for example made by Young 1990.

I think that—especially for the young—both these kinds of measures will prove the most promising. Political affirmative action programs will provide incentives for older political leaders and parties to support the young in their political career earlier and with more intensity than they tend to do now. With political affirmative action programs it becomes interesting for parties to have younger candidates on their lists since that increases the likelihood of being successful in cases in which they have equal or similar citizen support than other parties. Furthermore, if candidates on the lists are elected individually, political affirmative action programs enhance the chance of gathering more seats. In any case in which two candidates, from whatever party they are, gain an equal or similar number of votes, the younger candidate will be given advantage. Substantial assistance for the young, by contrast, would allow the young to politically organize and to campaign for their interests in a way they would not be able to without this help, since it is certainly a fact that older people have more experience in how to organize and have more capital at their disposal for political campaigning.

Taken together, the considerations of this section allow the following conclusions. Quotas for social groups can be justified in democracy if there is marginalization or unjustified discrimination of the specific interests or discourses of these groups. This presupposes that specific interests or discourses and the ability to voice them are sufficiently closely linked with being a member of that social group in question. Against this backdrop, quotas for the young can be justified since the young are obviously discriminated against, and if they in fact constitute a discrete social group. Whether rigid or weak quotas or political affirmative action programs would better serve the purpose of avoiding the marginalization of the young and other social groups, however, remains a question to be answered depending on the motivation for political action of members of a social group and especially on the kind of social group in question. In the case of the young, I suggested, political affirmative action programs and substantial assistance might prove more effective than rigid or weak quotas.

## 5.5 Are Quotas a Means to Avoid Future Disasters?

Thus far, I have argued that quotas for the young can be justified, but that what form of quotas is appropriate depends on circumstances. If enough young people are motivated to engage in politics, then rigid quotas for representative bodies can be justified. To avoid potential coercion to fulfil this proportional requirement, however, it seems more appropriate to propose weak quotas. Furthermore, since the young tend to be outnumbered due to demographic development, it might be better to adopt political affirmative action programs favoring young candidates whenever they have equal or similar votes to older candidates. These programs would allow a greater shift in political influence to the young than their number in society. However, whatever form of quotas is adopted, can they ensure that not only the interests

and discourses of the young are better represented but also that the goal of more long-term policy-making is addressed?

To begin with, there are two obvious reasons to doubt that this question can be answered in the affirmative. First, it is not necessarily membership of a social group that makes individuals better suited to represent particular interests or discourses (Mansbrige 1999, p. 638). It is not only warriors who can represent the interests of warriors. Pacifists can do the same if they care sufficiently enough for the interest of, say, adequate housing for warriors. And warriors can certainly represent the interests of pacifists if they argue against the duty to become a warrior. Thus, although the concerns Vanhuysse expresses are concerns of the young, it is not at all clear that young citizens will care for them once in office. It is not at all clear that young representatives will represent interests in lowering public debt and sustainable policy-making. Young people might be occupied with other things—those things which are relevant to their current situation of life. Therefore, it might be the case that older people will take better care of what is in the long-term interests of the young. This makes it possible to conclude that quotas do not necessarily serve the purpose of ensuring more sustainable policy-making.

Second, as argued in the last section, if quotas only serve the purpose of ensuring proportional representation and outweigh the marginalization of interests or discourses, then greater representation of social groups than their proportion in society cannot be justified. Since, due to demographic development, the young are increasingly a minority, there is no guarantee that their proportional representation will alter policy decisions in a significant way. This might even be the case if political affirmative action programs are adopted, because they leave it open to whether the young will be successful in transferring their interests into policy. Thus, even though the young might care strongly about long-term policy-making and their proportional representation allows them to better voice their beliefs, it is not a given that quotas will lead to more sustainable policy decisions.

In light of these two arguments, to enhance the capacity of the young to ensure long-term decision-making, it seems more appropriate to bring further arguments to justify quotas in democracy than those provided up to now. Two of these further arguments rely on two justifications of quotas introduced in Sect. 2; both leading beyond the goal of ensuring non-discriminatory selection procedures. First, parallel to the argument for role models, it could be argued that quotas could serve the purpose of motivating members of disadvantaged groups to engage more in politics, since once some members of a social group are elected they could serve as role models. If these role models care for sustainable policy-making or lowering public debt, then the young as a group might care more for these questions and influence policy-making accordingly. Second, it could be argued in favour of quotas that more diversity in political bodies enhances the quality of policy decisions, whatever they might be. Third, and going beyond the arguments introduced in Sect. 2, it would also be possible to argue that the long-term impacts of policy decisions taken today would be better legitimized if those who have to bear them shared proportional decisive weight.

What we must be clear about in applying these arguments, however, is that they shift the purpose youth quotas should serve. As I have discussed them up to now, youth quotas have been justified as a means to prevent or avoid marginalization or unjustified discrimination of the young as a social group. In contrast, quotas in these arguments become a means to different ends. Quotas for the sake of role models are a means of achieving more political sensitivity, and if these role models care for long-term interests, then they can enhance awareness of these challenges. In the case of the second argument, quotas are introduced as a means of enhancing the quality of policy decisions. More diversity, it is argued, will lead to more creative policy outcomes and to decisions that better mirror what is in the common interest.<sup>16</sup> Third, better representation of the young can serve as a means to better guarantee the legitimacy of policy decisions and their long-term impacts.

As plausible as these arguments sound by themselves, I do not think that they can justify more than proportional representation of social groups. Whatever purpose role models are able to serve, quotas are only justifiable in a democracy up to the point at which positions are filled in relation to the proportion that interests or discourses are present in society. To demand more would mean to subvert the ideal of democracy as I have expressed it in this paper. The same is true with regard to the argument that quotas might help enhance the quality of policy decisions. Although it might be correct that more diversity enhances the quality of policy decisions, demanding more than proportional representation of social groups would once again mean subverting the idea of legitimate representation in democracy. These considerations become especially relevant with regard to the last argument since, if quotas are a means to enhance the legitimacy of the long-term impacts of policy decisions, then they have to be proportional. According to Lincoln's description of democracy, to argue for quotas in any other sense would be illegitimate.

Furthermore, these three additional arguments in favour of quotas also face the second challenge mentioned above. It is not necessarily the case that young role models will care about those interests denoted by Vanhuysse as the interests of the young. And although more diversity might lead to a better quality of policy decisions, it must remain an open question what such better quality would be. In democracy, it must be the citizen body as a whole who should decide what good policy decisions are, since it is the political body which is accountable to itself. Any qualitative criteria prescribing how a society has to decide would be in conflict with the conditions of legitimacy in democracy. Therefore, although proportional representation of the young might enhance the legitimacy of long-term impacts of policy decisions taken today, this does not mean that the decisions must and will further specific and especially long-term goals.

With regard to the last additional argument for quotas, there is at least one reason which only justifies a qualified "No" to answer the second question I have investigated here. Since the long-term consequences of policy decisions have to be borne by today's young, enhancing their legitimacy is important. Those who have to bear these long-term consequences should also have appropriate weight in

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<sup>16</sup> For this argument see for example Dryzek und Niemeyer 2008, p. 484; Young 1990.

deciding whether or not to take the risks involved in these decisions. This makes it reasonable to argue that youth quotas are justified because they enhance the legitimacy of long-term policy consequences. But they cannot be justified with regard to any substantial policy goal, such as lowering public debt or sustainability. Once again, whether enhanced legitimacy in this sense is best realized via rigid or weak quotas or via political affirmative action programs depends on how the motivation for political engagement is distributed among the young. As argued in the last section, with regard to demographic development there is good reason to argue for the last and weakest form of quotas in combination with substantial political assistance for the young. If the young are successful in politics, both of these measures would facilitate more than proportional political influence of the young, which would enhance the legitimacy of the long-term impacts of policy decisions taken today.

## Conclusion

In this paper I have argued for four conclusions. First, quotas are not normative goals in themselves but only a means: first and foremost a means to ensure the absence of more or less hidden unjustified discrimination. Second, in democracy, quotas are most plausibly used as a means to fill offices in those bodies which have a major impact on how well interests or discourses are translated into policy. Quotas for the legislative assembly are therefore most important. Third, quotas for the young can be justified since, due to demographic development, their discourses tend to be marginalized. What form of quotas is most appropriate to serve this purpose remains an open question. Which form best serves the better integration of the young in the political process depends on the motivation of the young for political engagement. I suggested that political affirmative action programs together with substantial political assistance for the young might prove most promising. Fourth, quotas cannot be justified as a means to ensure long-term policy-making, but they can ensure better legitimacy of the long-term impacts of policy decisions taken today. In the light of challenges such as high public debt, environmental disasters and climate change, it is this last argument which best justifies quotas for the young.

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# Chapter 6

## Saving the Planet by Empowering the Young?

Anja Karnein and Dominic Roser

### 6.1 Introduction

Concern that the elderly are getting too powerful has taken hold in a number of Western industrialized countries, where fertility is at a record low and the number of over 65 year olds is ever increasing. In Germany, for example, their number grew by 42% from 1990 to 2009 while the overall population had an upward tendency of only 3% (Statistisches Bundesamt 2011, p. 8). One important worry is financial, namely about pensions in times when fewer people are paying into the system and increasing numbers are taking out. But there is also a worry about political power: that the elderly have too much influence and will dominate politics. And not only are there expanding numbers of relatively older people, these people are also more politically active than younger ones. Thus, a journalist of the *Frankfurter Allgemeine Zeitung*, a prominent German newspaper, laments with regard to the 2013 German national election: ‘Since the old are also especially eager voters and, what is more, many younger people chose not to go to the polls, the influence the old exert over the election results is even larger than their number would suggest.’ (Steltzner 2014, p. A1, translation AK).

Why might this be considered a problem? One concern surely is that the elderly are sometimes thought to have fewer incentives to care about policies that are geared towards the long term, such as policies aimed at environmental protection, since they require short-term costs (and no benefits) for them. By contrast, the young are presumed to have a stronger interest in the future benefits of present environmental efforts and are also often considered to be more idealistic about such

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matters. In response to this problem, there are a number of proposals, including youth quotas, for strengthening the representation of the young.

This paper will examine whether measures that give the young more voice and influence in political institutions are a good means for promoting environmental concerns. We argue that it is not evident that empowering the young will significantly improve the way democratic societies deal with long-term environmental problems. While measures to empower the young might well be justified for other reasons, such as enhancing democratic legitimacy (by including more of the affected in the process of political decision-making) or furthering the virtues of citizenship (by socializing young adults into being active political participants), saving the environment requires not only a broader set of institutional reforms but primarily a change of political will—of both the young and the old—that enters as an input into our current institutional processes and democratic mechanisms.

First, a short note on youth quotas as a means for empowering the young in the context of furthering more environmentally-friendly policies: Youth quotas would ensure that there are more young political representatives. One hope connected to this is that young political representatives will rejuvenate parliaments and make them more forward-looking. But it is important to note that representatives who rely on being re-elected have strong incentives to do what their electorate wants. So having more young people doing what their elderly constituents expect them to do does not necessarily further the interests of the young. As Philippe van Parijs notes, youth quotas are likely only to have an indirect effect on empowering youth, namely by virtue of the possibility that ‘the age of the candidates and of the elected may affect who, among the electors, will actually vote’ (van Parijs 1998, p. 307). Other measures—for example, changing the electorate rather than their representatives (van Parijs 1998, p. 302)—have a greater chance of being an effective means for empowering youth. Thus, we will mostly refer quite generally to measures geared at empowering the young (whatever these may be) and speak of youth quotas in particular only when it comes to assessing in which way such quotas are implied when we agree that the interests of the young should be more strongly represented (Sect. 6.2).

## 6.2 Why Being Green (Alone) Does Not Qualify

One of the various reasons for empowering the young consists of ensuring more future-oriented and environmentally-friendly policy choices. But this, we think, is not a particularly good reason for increasing the presence of young people at various levels of politics. Let us start by reviewing a major flaw of this suggestion.

Proposing that young voters should be better represented or that we should start representing some (or many, depending on the proposal) of those currently too young to vote *because* they are likely to vote for policies deemed advantageous or good is problematic for the same reasons that other ways of altering the composition of the electorate for the sake of producing certain desirable outcomes are held to be problematic.

Take the suffrage movement, for instance. There were (and are) certainly undeniable reasons to allow women to vote, just as there might be good reasons (of democratic legitimacy, for instance), to extend the vote to younger adults (or people affected by certain decisions from abroad, children and perhaps even, via their human companions, to animals). This does not change the fact, however, that it matters how and why the changes in the electorate are brought about. Long heralded as a major victory won by the successful battles of women for voting rights, newer research shows what may seem like an obvious suspicion, namely that it was not primarily the women who won the battle. Rather, it was men in prominent positions who saw advantage in enfranchising women and, thus, allowed them to succeed. And this is for a simple reason: They promoted women's suffrage mostly in those cases in which it promised to provide a significant number of additional votes for their party (Przeworsky et al. 2013). But to the extent that particular parties supported female suffrage only to increase their voter base, their pursuit seems purely instrumental and thus, objectionable—even though the end-result, of course, was progress. Similarly, while it may in general seem like a good idea to empower youth, it matters why this is done. Promoting youth *in order* to have more people in the electorate who will further a particular cause, such as environmental protection or climate change mitigation, seems purely instrumental and, thus, problematic.

But is it problematic? Van Parijs would disagree. He has defended the idea of 'institutional engineering for the sake of intergenerational justice' (van Parijs 1998, p. 299). He proposes new electoral rules by introducing, for instance, extra family votes for under-age children, in order to achieve more environmentally friendly—that is, more just—policies. This proposal raises two questions that go into opposite directions: first, who decides what a 'just' policy is, that is, a policy that people should not be allowed to vote on under the current electoral rules but for which the electoral system has to be rigged? One might respond by saying that there is a problem with the electoral rules as they are—regardless of the outcomes they generate—and that one is proposing to remedy this. But that does not seem to be the argument involved in the case under examination here. Rather, the claim here is outcome-oriented: the suggestion is to empower the young in order to ensure a particular result, namely more environmentally conscious policies.

Second, if one is so sure that one knows what the right kind of answer to a certain set of policy choices is (for instance, always the policy choices that are most sustainable), why allow anyone to vote on these choices in the first place? In cases of minorities, for instance, it is often argued that they ought to be constitutionally protected precisely so that no majority can make policies that unjustly discriminate against them. But if certain environmental policies are (intergenerationally) seriously unjust, why let anyone (including the elderly) vote on them the wrong way? In such cases it seems much wiser and, for that matter, more just to constitutionally protect the environment so that the question is not subject to the democratic will to begin with.<sup>1</sup>

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<sup>1</sup> Constitutional protections certainly raise their own problems. And it is not as if the democratic public had nothing to do with such decisions. Quite to the contrary, it needs to decide on constitutional changes as well.

So the question may be whether wanting to achieve more environmentally friendly policies is really, and uncontroversially, an instance of justice and, if so, how best to go about furthering it. That it is an instance of justice could be argued by, for instance, invoking the rights of future generations (assuming, for the moment, that future generations can have rights vis-à-vis ourselves). While it is not entirely uncontroversial to think that protecting the rights of future persons would necessarily lead to more environmentally friendly policies, this is not our concern here and so we will just suppose that this connection can be made. Assuming, therefore, that we owe environmental protection to future generations, whether empowering the young today is the best way to protect these rights remains a separate matter. Either these rights are known already and then can and should be protected no matter how the electoral system is organized. Or these rights are subject to debate.

If, by contrast, the desire to have more environmentally friendly policies is not an instance of justice but rather one of personal preference (that a number of people might share, but not enough to form a majority under current circumstances) and there happen to be many elderly people in the electorate who have no interest in environmentally friendly politics, it would seem entirely legitimate for their interests to carry an amount of weight proportionate to their numbers. In other words: That certain groups (the elderly, for instance) vote in ways other groups (the young, for instance) do not like is a price that needs to be paid in a democracy. And if, as the newspaper article cited in the introduction suggests, the chief problem is that those over 60 are more politically active than the younger ones—well, in that case, younger citizens should think about going to vote more often. This latter problem is certainly not to be circumvented by enfranchising more non-voting youth.

We are claiming that rigging the political process by, for instance, changing the composition of the electorate, *because* of the particular policy results (in this case, environmental protection) this might bring, is objectionable. However, as we mentioned earlier, there are certainly good reasons—reasons, for instance, of enhancing democratic legitimacy—for changing the electorate to include younger citizens. So, suppose we had good reasons for wanting to include more young people as active participants in the democratic process. Then the question is: do we need youth quotas—that is, younger political representatives—to achieve this goal?

### 6.3 Why Do We Need Youth to Represent Youth?

Are the young best placed to represent the interests of the young? In general, unless one is highly skeptical of the human ability or willingness to abstract from narrow self-interest, there are no good arguments for descriptive representation. This is at least what has become established wisdom in much of the literature on political representation, namely that, in most cases, there is little reason to believe that representatives who are ‘like’ their constituents are generally better than anyone else in representing their constituents’ substantial interests (Griffith and Wollheim 1960; Pitkin 1967; Pennock 1979; Kymlicka 1995; Young 1997). So, even if the young should be better represented, it is not entirely clear that their representatives should be young.

This being said, there is an argument to be made that, at least for the time being, there should be descriptive representation for women and people of different colour who have been historically discriminated against: that is, women should represent women and people of colour should represent people of (presumably the same) colour. Jane Mansbridge notes four reasons why this should be the case, all of which turn on the very particular situation of belonging to a historically discriminated-against group. First, its members may not (yet) be able to trust their former oppressors. Second, historically discriminated-against groups may require someone more familiar with their identities and values than their former oppressors to act in their interest in the context of uncrystallized interests, that is, when topics emerge that individuals of the group or the group as a whole have not yet developed a firm position on. Third, more generally, the formerly discriminated-against group may require some experience of its own with regard to being in the ruling position. Fourth, being represented by their own members may increase the polity's 'de facto legitimacy' (Mansbridge 1999, p. 628).

None of these reasons apply to the young, who could hardly be called a historically discriminated-against group. To begin with, unlike being a woman or a person of a particular, discriminated-against skin colour, being young is a transitional feature, one that changes during the course of a person's life. So even if it were true that the young were generally discriminated against and the old advantaged, this could be expected to level out over the course of an individual's lifetime: She who was discriminated early would end up being advantaged later (Bidadanure, this volume).

Moreover, part of why we might think there is something strange about, for instance, men representing women is because we adopt what Mansbridge calls an essentialist stance, which doubts that men have the experience necessary to know what is really important to women or what it means to be a woman. This suggests that there is something about being a woman only women can grasp (and that other women *can* grasp it). Of course, we might think that there are certain groups apart from those mentioned by Mansbridge, membership to which, on average, does provide an individual with certain unique insights into the lives and preferences of other members. But even if we were willing to grant that, we would have to argue that there is something so unique about the experience of being young that older persons are unable to properly represent important aspects of being young. The difficulty which such an argument is likely to run into is that everyone who is old was once young. And unlike what the story of Peter Pan would have us believe, it seems doubtful that the old have irreversibly forgotten what it was like to be young—at least regarding the time at which they were young (so there might be some limitations to how well they can imagine being young now). Quite to the contrary, it is precisely because older people have more experience, including that of being young, that they are often held to be better equipped to hold public office.

Aristotle, for instance, is famous for pointing out the lack of experience the young have quite generally. This is also why he thinks them incapable of possessing *phronesis* (practical wisdom) and would not want them to be political leaders of any kind:

'While young men do indeed become good geometricians and mathematicians and attain wisdom in such matters, they apparently do not attain practical wisdom. The reason is that practical wisdom is concerned with particulars as well (as with universals), and knowledge

of particulars comes from experience. But a young man has no experience, for experience is the product of a long time' (Aristotle 1962, 1142 a 12–17).

So it would appear that if anybody lacks the experience of knowing what it is like to be the other, it is the young themselves: The young obviously have no idea what it is like being old.

Finally, if we do not think it is lack of experience, then the idea that young people have to represent the young seems to stem from a somewhat impoverished account of representation: one that, as already mentioned, conceives of individuals as not being able to transcend their own personal interests and more importantly, one that does not take seriously how bound representatives are by what their constituents require of them. In other words: it will not help a young representative to have high-minded environmental ideals if her constituents will not (re)elect her for them.

Thus, it is one thing to say the young form a discrete group with their own set of interests (which presumably is the case to a certain extent) but another to say that it is they themselves who have to politically represent these interests. Wrong-headed essentialism should definitely not be used to justify this kind of descriptive representation. And the contingent factors that, according to Mansbridge, may constitute exceptions to the general dismissal of descriptive representation are not present either, as we saw before: the young are not a historically discriminated-against group so they are not in need of any of the four benefits descriptive representation has to offer in such cases.

#### 6.4 Are the Young Particularly Affected by Environmental Degradation?

We would now like to further strengthen the case for the conclusion that empowering the young is not the silver bullet to save the environment. Even if it were justifiable to compromise on democratic ideals for the sake of environmental concerns (contrary to the objections raised in Sect. 6.2), and even if it were important for the young to represent their own interests (contrary to the objections highlighted in Sect. 6.3), there would still be the open question of whether youth quotas and other measures to empower the young would *actually* be a good means to protect the environment for the long term. In this Sect. (6.4), we discuss to what extent the young are more affected by environmental degradation than other groups and how the appeal to their interests would thus seem to benefit the environment.<sup>2</sup> In the next

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<sup>2</sup> The question we ask in this section is admittedly one-sided: We are only asking whether the young are more affected by environmental degradation. In a fuller treatment we would also have to examine whether the young are particularly affected by measures to combat environmental degradation. In determining the 'net interest' in stronger environmental policies both the benefits and costs matter. We focus here only on the former and we do so on the basis of the assumption that a large share of the costs of present-day environmental policy decisions appear in the short-term and thus affect the young and the old similarly.

Sect. (6.5), we discuss whether the young are actually good at protecting the environment—regardless of whether they objectively have more of an interest in doing so on account of being more affected by its degradation than the old.

A first point to note is that the young are not *much* more affected by environmental problems than those who currently fill national parliaments. In Canada and the US, the average and median age of representatives is around 53 years and 60 years, respectively (Parliament of Canada 2014 and Social Science Research Council 2014). The average age of MPs in the UK and Germany is 50 years (Smith Institute and Das Parlament 2013). In the UK, for example, this means that the average MP will die around 29 years earlier than the average 25-year old (this takes into account rising life expectancy at birth which has risen by around 4 years from the time today's 50-year olds were born to the time today's 25-year olds were born). While the young thus will be more affected, the difference is not tremendous. Also: While some of the effects of present environmental policy decisions (such as, importantly, policies regarding climate change) do actually materialize only over the coming decades, other effects display a time profile which does not yield a differential impact on the old and the young. This can be so either because there is no significant time lag (in problems such as smog, oil spills, or toxic waste)<sup>3</sup> or else because the effect leapfrogs both the young and the old (such as in some cases of depletion).<sup>4</sup>

Another point to note is that the difference in affectedness between the young and the old is rather insignificant compared to other differences in affectedness. First, there are those who are yet to be born (or who are too young to be among the subsection of the young that stands to be empowered by youth quotas): Given the sheer number of future generations who will potentially exist, the overall effect of present environmental degradation on them may well be much larger than on both the young and old members of the present generation taken together. Second, there are those outside the jurisdiction in which any given decision is made: Present political decision-making is still primarily located on the national and sub-national rather than on the global level, and while many environmental policy decisions of country A affect the young of country A somewhat more than the old of country A, the overall effect of many of these decisions on citizens of other countries is even greater than on the citizens of country A, whether young or old. Third, there are the animals: If we believe that they count as well, then the moral relevance of the overall effect of present decisions on (present and future) animals might be large, possibly larger than on the members of the present generation, whether young or old. Thus, even if the stake of young people in solving environmental problems is larger than that of old people, the currently young still only bear a small percentage of the overall harm done by current environmentally destructive decisions. Other

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<sup>3</sup> If the consequences come into effect immediately but then persist, they admittedly affect the young more than the old. However, this holds true for any policy with persistent effects and this chapter is concerned with the question whether there is a specifically environmental case for empowering the young.

<sup>4</sup> We focus here on Western nations. Note that the difference in affectedness between the young and the old plays out differently for developing nations who have a different age structure, a different trajectory of change of this age structure, and different environmental challenges.

stakeholders who are affected by environmental problems include people living in the far future, animals, and—if political measures to empower the young are discussed for a less than global jurisdiction—currently living people in other jurisdictions. The appeal to the objective self-interest of the young within a jurisdiction can justify a somewhat larger effort to protect the environment than the appeal to the objective self-interest of the old within this jurisdiction, but it is still too little.

One might take this reasoning to support the conclusion that giving additional political power to the young—on the basis of their objective interest in saving the environment—does not do as much for the environment as might be hoped at first sight, but at least it does a little. And, as every bit helps, this is a step forward. However, in a somewhat contrarian spirit, we can ask whether empowering the young might not even be positively harmful (cf. Van Parijs 1998, p. 322–323). How could this be? In the following, we outline the reasoning that could support such a surprising claim. As described in the last paragraph, environmental problems often affect many others besides those who can decide on them. And even if we bring some additional affected agents into the circle of those with the power to affect the environment, there will always remain a large class of agents outside that circle, such as the unborn, the animals and non-citizens. If the interests of these agents—agents without the power to decide on matters that affect them—are to be taken into account in the present political deliberation, this can only be done so on the basis of (i) a correlation between the interests of those who decide and those who are affected or (ii) a non-self-interested concern of those who decide for those outside the circle. As far as (i) is concerned, note that the correlation is imperfect. If, for example, a country increased its effort in climate policy due to giving greater weight to the interests of its young than it previously did, this will, as a side-effect, also lead to some environmental benefits for future generations, for animals and for other countries. However, it will do so with a distorted focus due to the imperfect correlation between the interests of present members of this country and other agents; for example, it might unduly prioritize adaption efforts over mitigation efforts, since the benefits of the former are more concentrated on the humans of a certain country in the short-term, whereas the benefits of the latter are more spread out across species, across national borders, and across periods of time into the far future. Thus, if we want to adequately motivate environmental protection, a reliance on (ii) non-self-interested, other-directed concern is inescapable. The appeal to self-interest—even of the young—cannot carry the whole weight of motivating sound environmental policy-making. Some might accept that the appeal to self-interest cannot carry the *whole* weight but that we should not miss out on any weight it can actually carry: The idea is to tap into any motivational resource for environmental protection that is available: self-interest wherever possible and other-directed concern wherever necessary. There is a problem, however, with *simultaneously* appealing to other-directed concerns and to self-interest. This problem is of a psychological nature and



it has been particularly highlighted in the literature on ‘motivation crowding’ (Frey and Jegen 2001):<sup>5</sup> If an agent is presented with certain incentives for doing what he would already be willing to do on the basis of intrinsic motivation, these two types of motivation will, in certain cases, not add up. Rather, the extrinsic motivation can crowd out the intrinsic motivation, and it can sometimes do so even to the point where the resulting motivation is ultimately lower with the incentive than without the incentive. Applied to our case the worry is this: If we empower the young on the basis of their being affected by environmental degradation, we highlight a self-interested reason to protect the environment. This may diminish the other-directed concern in *all* decision-makers to protect the environment for the sake of the rest of the globe, future generations, and animals. And, since such other other-directed concerns are crucial for sound environmental decision-making in cases where the interests of the very large class affected agents who have no say in the decisions that affect them are not aligned well with those who do have a say, even slight reductions in intrinsic, other-directed motivation for the sake of strengthening extrinsic, self-interested motivation are problematic. In summary: If empowering the young on the basis of an appeal to their self-interest to protect the environment should have the effect of spreading the norm that it is acceptable to make environmental decisions on the basis of self-interest, the net effect for the environment could in principle be negative. Whether this is so, is an empirical question that we cannot resolve here. We just wanted to warn of the tempting line of thought which claims that bringing in any additional motivational reason into decision-making—here: the objective interest of the young—must necessarily add to environmental protection.

The motivation crowding effect discussed in the last paragraph is not only relevant for the question *whether* we should empower the young but also—if we do empower the young—for *how* this should be framed (cf. Van Parijs 1998, p. 323). If the young are empowered as instruments for environmental protection on the basis of the alignment of environmental protection with their material self-interest, then the motivation crowding problem is more severe. If, however, the young’s empowerment is publicly communicated to be driven by concerns of democratic legitimacy—i.e. the empowerment better approximating the all-affected principle than the status quo—the problem is less severe. The protection of the environment for the sake of the young and all others would then count as an unmentioned but welcome side-effect. (Of course, communicating this is no simple task since it is a subtle point to empower someone on the basis of their interests being affected while at the same time expecting them to vote for the common good rather than in their own interest where this interest precisely is the justification of their empowerment). Besides framing the empowerment of the young as a matter of the all-affected principle, one might also shift the focus from self-interest to fairness in another way, thus further diminishing the motivation crowding problem: The young to be empowered could be explicitly and publicly conceived of as guardians or trustees, not (only) of their

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<sup>5</sup> It should, however, be stressed that the evidence suggests that whether and to what extent motivation crowding occurs depends on a number of factors. Also, a lot of the literature focuses on monetary rewards (or punishments) and the effect may play out differently when the rewards are nonmonetary. On these issues, see Gneezy et al. (2011).

own future but of the future of all those yet to be born. This would make the worry about motivation crowding particularly weak. However, if the purpose of empowerment is guardianship, the question crops up whether the young are best placed to do so. One might plausibly claim that those with the smallest stake in the future, i.e. the very old, or an especially designated commission or ombudsperson with strong expertise and a clear mission, would serve that purpose better than the young. Also, it could raise a psychological worry similar to the motivation crowding problem: Assigning particular responsibility for the future to a subset of the population might be a zero-sum game in case the other part of the population counterbalances such a measure by reducing its existing sense of responsibility.

## 6.5 Are the Young Particularly Good at Opposing Environmental Degradation?

Even if it were granted that the young have more of a personal interest than the old in protecting the environment, it is still an open question whether they would act on that interest or not. Both the young and the old might aim at other goals besides promoting their own interests and even if the young are keen to promote their own interests, it is not a given that they are particularly good at doing so. One might think, for example, that the young are not really long-term thinkers as they are less aware of their own mortality, leading them to undertake a number of self-destructive actions that an older person, more aware of her limits, would be less likely to engage in. One might also think that many parents and grandparents ultimately care more for their children's interest than their own. Or, one might think that the old are less flexible than the young when it comes to adopting radical paradigm shifts—something that is arguably necessary to tackle today's environmental challenges. There are innumerable such considerations that one might bring up on both sides of the issue which make us hesitant to conclude that the young are more effective defenders of the environment purely on the basis of the fact that they have a larger interest in environmental protection than the old. Whether this is so should be treated as an open question subject to empirical examination. Such an examination is of course very difficult but, as it is indispensable, we will take a look at some facets of the data.

A first interesting issue is whether the young discount the future more heavily than the old, i.e. whether they give less weight to future benefits and costs than the old. This could be taken as a proxy for the long-termism of the young's mindset. If the young are empowered on the basis of the fact that today's policies' benefits in many decades affect them more, it is important to know how much such far-off benefits actually influence their decision-making. The results are mixed. There are both studies that suggest that the old discount more than the young (Read and Read 2004) as well as studies that suggest that the young discount more than the old (Green et al. 1999; Harrison et al. 2002). The former also suggest that the middle-aged discount less than both the young and the old. In addition, Green et al. (1996)

consider it a plausible possibility that when income is held constant, discount rates decrease markedly between the ages of 20 and 30 years but then remain relatively stable into old age.

A second issue we can turn our attention to is risk aversion. Arguably, there is a good chance that future generations will be better off in many ways than we are. But even if the probability of our descendants being worse off than us should be less than even, it can still be unacceptably high. This is in particular so, if it includes a non-negligible chance that due to global environmental catastrophes our descendants will be tremendously worse off than we are, causing large segments of humanity to fall below (or fail to rise above) subsistence thresholds. These environmental downside risks could be avoided by choosing safer policies. Safer policies will, however, often also have lower 'upside' risks, i.e. lower promises of a very bright future. Since what matters from the perspective of intergenerational justice is the avoidance of downside risks, rather than the expected value which would allow justifying downside risks by the simultaneous presence of upside risks, options that involve greater certainty are generally to be preferred. Environmentally sound long-term policy-making thus involves a keen awareness of downside risks and a willingness to avoid them, even when this implies foregoing significant upside opportunities.<sup>6</sup> What is needed is cautiousness and an orientation towards safety. However, it is questionable whether this attitude is a typical feature of the young. There is a tendency in the literature to suggest that the old are actually more risk-averse than the young (e.g. Pålsson 1996) but the evidence is mixed, with some of it even indicating lower risk tolerance for both the young and the old compared to those in between (Halek and Eisenhauer 2001). While Yao et al. (2011) stress that the literature has not achieved consensus they also suggest that most prior research points towards decreasing (financial) risk tolerance with age. If this is so and if we want cautious mindsets to dominate our environmental decision-making, then to give additional weight to the attitudes of the youth is a questionable strategy.

Both discounting and risk aversion are difficult to compare across age groups as wealth, rather than age (which is correlated with wealth), might explain some of the results. Also, generally, empirical studies are about discounting future costs and benefits within one's *own* lifetime and about taking risks for *oneself*. In contrast, environmental policies are often about costs and benefits after one's own lifetime and imposing risks on others. We might therefore also turn to more direct measures of pro-environmental attitudes. While some mention younger age as one of the few factors commonly taken to reliably explain environmental concern (Klineberg et al. 1998; Dietz et al. 1998; Gelissen 2007), there have been numerous studies not only questioning the link between age and environmentalism but actually suggesting a reverse relationship. Campell et al. (2013) report that the millennial generation (born 1982–1999) make less effort to conserve energy or take green actions to protect the environment (either personally or through government) than the Boomers (1946–1961) or Generation X (1962–1981). Feldman reports that the under 35s

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<sup>6</sup> This perspective is implicit in many discussions on the precautionary principle. It is made explicit in Rendall (2011) and Roser and Seidel (2013, 59 ff.); see also Posner and Weisbach (2010, p. 18).

are less concerned and preoccupied about global warming than older generations (Feldman 2010). In a recent review article, Gifford and Nilsson (2014) report that there is indeed less environmental *concern* among the old but that they exhibit more pro-environmental *behavior* (cf. also Zhou 2013; Dietz et al. 1998). Liu et al. (2014) even find a positive relationship between age and environmental concern. Others point out how the relationship between age and environmental concern depends on its measurement (Marquart-Pyatt 2007). When we turn to voting behavior, the picture is blurrier than one might expect as well. While green parties do enjoy higher support among the young (Dolezal 2010)<sup>7</sup>, this is not conclusive as other parties with an environmental agenda might be supported by a comparatively old electorate and parties with a weak environmental agenda might be supported by comparatively young voters as well.<sup>8</sup> Something similar holds for studies on environmental referenda: While some back the suggestive view of a negative correlation between age and support for environmental referenda (e.g. Wu and Cutter 2011), there are also studies that shed doubt on a simple relationship (Salka 2003; Thalmann 2004; Bornstein and Lanz 2008). All in all, the evidence concerning the link between age and pro-environmental orientation is thus quite mixed.

The point of citing these aspects of the empirical literature is not to deny that empowering the young might possibly lead to more environmentally-friendly policy outcomes. Nor is it to deny that this might not only be a possibility but perhaps also the most sensible guess. The point is to highlight just *how* uncertain we ought to be about this. This uncertainty is relevant because it does not suffice for justifying the transferal of political power to the young that it is a somewhat more likely scenario that more influence in their hands would help rather than harm the environment. Since there are costs involved in empowering the young for the sake of the environment, we would need to have a fair degree of conviction that we can count on a sizeable effect. Mixed evidence and a blurry tendency are not enough. The costs come in two kinds: On the one hand, there are transitional costs involved in institutional redesign and a chance of unwelcome and possibly unforeseen side effects.<sup>9</sup> On the other hand, there are ‘moral costs’: rigging decision-making institutions for the wrong reason, i.e. for the sake of achieving a certain policy outcome. Jon Elster, in particular, has warned against institutional rigging of the consequentialist sort—

<sup>7</sup> See also Wagner and Kritzing (2012, Table 1) and [http://www.whitlam.org/\\_data/assets/pdf\\_file/0005/507803/Newspoll\\_Analysis\\_Update\\_Election\\_Poll\\_Update\\_Aug\\_2013.pdf](http://www.whitlam.org/_data/assets/pdf_file/0005/507803/Newspoll_Analysis_Update_Election_Poll_Update_Aug_2013.pdf) and [http://www.ekospolitics.com/wp-content/uploads/full\\_report\\_december\\_9.pdf](http://www.ekospolitics.com/wp-content/uploads/full_report_december_9.pdf) and [http://social-report.ch/?page\\_id=1421&lang=de](http://social-report.ch/?page_id=1421&lang=de) and <http://www.uni-giessen.de/cms/ueber-uns/pressestelle/materialien-1/parteien-studie> and <http://www.u18.org/vergangene-wahlen/bundestagswahl-2013/ergebnis/>

<sup>8</sup> Compare for example the FDP on the one hand and the SPD and Die Linke on the other hand in the German national elections of 2013 (<http://www.uni-giessen.de/cms/ueber-uns/pressestelle/materialien-1/parteien-studie>).

<sup>9</sup> Side effects could admittedly go in both directions. For example, it is very possible that more diversity in the policy process (by having more young decision-makers involved) could increase the quality of overall policy outcomes, not just in the environmental domain (on this, see Bidadadure in this volume). If we should, however, be asymmetrically concerned with downside risks, then accepting the chance of both positive and negative side effects must count as a disadvantage.

that is, to achieve outcomes of certain kinds—as he believes it is too risky to justify potential side-effects such as rigging may produce. He asks whether, if an outcome oriented proposal ‘were implemented and turned out to have various perverse, unanticipated side effects, as it very likely would have, would there be a widespread consensus to persist in the experiment until one had got rid of the bugs? My claim is that there would not be any motivation to endure the difficulties. The gains would be perceived as too abstract, uncertain, and remote, compared to the immediate costs and obstacles. Indeed, the very anticipation that this will be the case is likely to block even the initial implementation’ (Elster 1987, p. 719). According to Elster’s analysis then, only such changes can be justified and are likely to succeed that are undertaken on non-consequentialist, that is, principled grounds. Such proposals are then ‘more resistant to practical difficulties of implementation’ (ibid.). In this section we tried to show that the uncertainty of gains mentioned by Elster is actually present in the case of empowering the young for the sake of promoting environmental policies. It is not that there are no indications that the young might possibly be good protectors of the environment but rather that the empirical foundation is too shaky to build institutional reforms on it.

## Conclusion

In this paper we highlighted multiple problems with the initially appealing idea of introducing measures to empower the young on the grounds that this serves environmental goals. We should stress that we are neither opposed to measures which empower the young, nor to environmental protection—quite on the contrary. We only meant to question using the former as an instrument for the latter. Measures to increase the presence and the voice of the young in politics might well be justified on *further* bases besides environmental protection—for example, on the basis that this would better familiarize the young with the political process or on the basis of better approximating the all-affected-principle—and there are innumerable *further* effective and justified instruments for protecting the environment besides empowering the young.

Regarding the particular measure to empower the young prominently discussed in this volume, namely youth quotas, we argued that even in those cases where wanting to empower the young is justified, it is not clear that this requires descriptive representation, i.e. that the young have to be represented by the young. Certainly, if it turns out that young people are more likely to vote if there is a young representative on offer, then this might provide a reason for lowering the median age of political representatives. But there is nothing about being young per se that requires young political representatives.

Regarding empowering the young as a means for preventing environmental degradation more generally, we raised three additional worries. First, the idea of increasing the influence of people with certain views in order to push substantive goals stands in tension with democratic ideals. Second, the young are not much

more affected by environmental problems than the old and they are affected less than other groups. Appealing to their objective self-interest could in principle even be counterproductive in case this appeal makes voting in one's own personal interest look more respectable. Third, an empirical examination makes it questionable whether the young are particularly good defenders of the environment.<sup>10</sup>

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# Chapter 7

## Towards All Voices, from All Levels and in Their Own Ways? A Discussion of the Youth Quota Proposal as an Incremental Policy Innovation for Sustainability

Rafael Ziegler

### 7.1 Introduction

At the time of writing this chapter, 2.9% of the members of the 18th German parliament are under 30 years of age (18 MPs), in the state parliament of Mecklenburg-Vorpommern 1.4% of members of parliament are under 30 years of age (1 MP), and in my local town-hall the administration does not want to disclose further information about age-percentages in the town council without further justification. What do such numbers (and the difficulty of obtaining them) mean? In particular, do they indicate—as the organizers of this volume invite us to think about—that those who care about sustainability should worry about current levels of youth participation in politics? Is it important for sustainability that young people are equally present and thus need to be somehow better represented in the political system? And if so, do we need something like a youth quota in parliament?

These questions about youth participation in a context of sustainability can be further analyzed in terms of the responsibility of present generations for distant future generations, in terms of the responsibility of present generations for distant generations elsewhere, and finally in terms of responsibility between overlapping generations in the present.<sup>1</sup> For each of these sustainability dimensions, we can evaluate the potential role of the youth quota proposal as an instrument for sustainability. This evaluation remains in many ways speculative as the youth quota proposal has not yet been clearly defined, let alone empirically tested. In this chapter I take the youth quota to be proposed as an incremental policy innovation that seeks to improve the participation of young citizens via a quota that would increase youth

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<sup>1</sup> I use the terms ‘sustainability’ and ‘sustainable development’ interchangeably. The analytical framework of overlapping and non-overlapping generations is proposed and analysed from a luck egalitarian perspective by Bidadanure 2013. Here I adopt this framework but add distant youth in other countries as a third challenge to complete the sustainability framework, and analyse this from a capabilities perspective (sect. 2).

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access to the parliamentary system. The innovation incrementally seeks to improve the parliamentary system but does not aim at disruptive change to the parliamentary system as such. I take ‘youth’ to mean a period of life as opposed to a general state of spirit associated with intense emotions, adventure, openness etc. In current youth studies, youth is variously defined; for example 12 to 25 (Shell Youth Study), 9 to 27 (Sinus Milieu Study) and perhaps not surprisingly, the MTV Marketing Study defines youth in a way that is specifically inclusive of those older, with a range of 16 to 34. In this chapter I take youth to refer to those aged 15 to 30. At age 15 one can just about have completed one’s school requirements in Germany; at the same time many will continue with school and study. At this age some will start families but many will not have done so (yet). I take ‘quota’ here to refer to a regulation of access to the political system (such as seats in parliament) by reserving a percentage of this access to citizens with a specific relational status or property, in this case age. Moreover, I assume that the youth quota would be set with the aspiration to roughly achieve a proportion of this group in the political systems equal to its proportion in the population as such.<sup>2</sup>

At first sight such a quota is an instrument that seeks to extend access to existing systems in an incremental way. If successful, it is a policy innovation that improves the respective system. Success in a context of sustainability and justice between generations clearly requires an ethical perspective with which to evaluate the instrument. Accordingly, the next section introduces an ethical conception of sustainability. In section three I will respond to the invitation of the organizers of this volume and report on the experiences of a sustainability youth campaign that I co-organized, including a river parliament in Germany. Section four reflects on some design questions for a youth quota that emerge from the analysis of these experiences and section five concludes with some final qualifications and reflections.

The focus in this chapter on the German context indicates the need to clarify a point. I will discuss the youth quota as a proposal for a “developed” country such as Germany—not because the proposal is irrelevant for other contexts, but rather because specification of context matters much more for the discussion of putative policy instruments than it does, say, for the discussion of abstract philosophical principles and values. The value of an instrument is just as much dependent on the respective context as it is on abstract principles. I will suggest that the quota could play a moderate role for promoting sustainability, but only if it is carefully

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<sup>2</sup> This can be called a rigid quota in contrast to weak quotas, which only focus on the proportion of those specifically qualified, or promotion programs, which generally seek to encourage the respective goal without a specific quota aim (Wallimann-Helmer 2013, 83 f). I assume that apart from a certain developmental starting point (here assumed to be roughly 15 years), there is no specific competence required for political participation that would justify restricted access. I also assume that the empirical question of whether the members of a group want to participate is as such normatively irrelevant. This willingness is co-shaped by culture. If a group in context A is disproportionately estranged from political participation, it evidently may be much more willing to participate in a context B that recognizes its contribution. If basic political equality is a constitutive aspect of intergenerational and intragenerational justice, the presumption in favor of equality can orient the quota design, whereas empirical questions of willingness, etc. offer little guidance.

linked to political parties and a multi-level political system and if it is designed with sensitivity to the cultural conception of youth and the conflict this entails between participation and education. Moreover, it has to be integrated into a more general approach that does justice to distant generations in time and especially in space, or else the normative impetus gets lost due to incoherence.

## 7.2 Sustainable Development as an Evaluative Framework

As Michal Jacobs notes (Jacobs 1999), there is broad consensus that sustainable development includes normative ideas of responsibility for the future, of meeting needs worldwide, of environmental protection, of development as a matter of quality of life, of integration of economy and environment, as well as of participation. However, the way in which these ideas should be conceptualized is a matter of contestation. In short, sustainable development is a contested concept.

In this chapter I assume a conception of sustainable development according to which the inter- and intra-generational justice at the core of this concept is primarily a matter of promoting and ensuring central capabilities (Ott and Döring 2008). These capabilities are of universal importance, yet are realized differently according to geography and culture (Nussbaum 2000). The capabilities are doings and beings, such as ‘participating politically’ and ‘being in good health’ (Nussbaum 2006, p. 76–77). I assume these central capabilities to define a minimum standard of intergenerational and intragenerational justice for moral and political agency, and in this chapter I focus exclusively on the youth quota proposal as an instrument to promote this agency.<sup>3</sup>

In terms of justice metrics, this implies a shift from the utilitarian focus on outcomes (preferences, happiness states) and the liberal focus on inputs (such as Rawlsian primary goods) to a space between inputs and outcomes (Cohen 1989). The focus is on the effective, as opposed to merely formal, capability of people to enjoy doings and beings they have reason to value. By implication, when discussing the quota it is insufficient to focus on the formal inclusion of youth groups. We also have to ask if and how such an instrument effectively enables youth to participate.

According to this capabilities conception of sustainability, participation is constitutively important as the real opportunity to have a say in political and economic decision-making. This opportunity is an end in itself and an element of basic justice. At the same time, it has instrumental importance (Sen 1999). Participation

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<sup>3</sup> This is to say that I do not assume that sustainability is necessarily an anthropocentric concept. There are many moral patients—such as other animals and living beings—that deserve our consideration as a matter of sustainability. They are “moral patients” and not “moral agents” in the sense that we would not expect these beings to act morally and politically. The quota proposal is therefore only of indirect importance for them, and I mostly bracket the implication of the quota for these moral patients here.

of affected groups, for example in health matters, can improve information flows regarding real as opposed to perceived needs, thus improving health and in turn the ability to participate, get educated etc. By implication, socially innovative proposals facilitate the mutually strengthening interlinks between capabilities (Ziegler 2012); correspondingly, the failure to foster such interlinkages may provoke corrosive disadvantages (Wolff and de Shalit 2007), i.e. a blocked capability for participation can have further disadvantages for a group in regards to other capabilities. With a view to youth participation, we need to pay attention to both the constitutive and instrumental aspects of participation. We can further differentiate the constitutive and instrumental aspects of participation with respect to youth and (a) overlapping generations in the respective country, (b) non-overlapping generations, i.e. distant future generations and (c) overlapping but distant generations, i.e. distant generations in space. I will briefly discuss these possibilities in the following subsections.

### 7.2.1 *Overlapping Generations*

With a view to justice between overlapping generations, the constitutive role of youth participation is clearly a potential issue. If there are persistent and significant differences in participation between groups—in our case different age groups—then there is a threat to political equality and with it the central human capability of participation. In the absence of a good reason for one group to be participating less, the presumption in favour of equality holds; those who argue for a different, non-egalitarian principle have to justify it. This demand for justification becomes even more pressing if the marginalized group in the respective context appears to also be disadvantaged in regards to other central capabilities. For example, young people in many European countries seem to be particularly vulnerable to unemployment while at the same time their unemployment benefits are lower and (at least) some countries, such as the UK, have significantly increased the costs of education.<sup>4</sup> In such a context, if youth participation decreases or is already disproportionately low, then a concern with their effective opportunity for participation and the value of political equality seems appropriate. By implication, the search for ways of responding to such inequality via proposals such as the youth quota ought to receive serious consideration.

For this consideration, the capabilities approach suggests a focus on conversion possibilities. How is a group able (or not able) to convert available means (resources, rights) so as to achieve specific functionings, such as actually exercising a right as opposed to formally enjoying it? What are the resource-related, institutional and cultural factors that promote or hinder conversion? As parliamentary systems of the industrialized nation states originated as institutions for adult, property-owning men, there are historical reasons for the suspicion that widely held ideas

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<sup>4</sup> For an insightful discussion of these disadvantages in terms of possibilities for life-plan expectations, diachronic and synchronic equality see Bidadanure 2013, p. 11–13.

of a ‘representative’ or even a ‘normal representative’ are not equally suitable for different societal groups. If we acknowledge the heterogeneity of citizens (class, age, gender, race etc.), we need to ask what a parliamentary process of equal but different people might look like? In regards to youth, not just how young people may or may not promote sustainability in parliament, but also how parliaments can be designed to provide equal access and voice for youth. I will turn to this design question in sections three and four after completing the preliminary discussion of the different sustainability challenges of the youth quota proposal.

While it seems too strong and, moreover, problematic to assume any specific youth identity, it is plausible to think that different stages of life are associated with different experiences around growing up, education, family life, aging etc. (of course, how these experiences are shaped differs very much culturally). It is of constitutive and instrumental importance that these different experiences are expressed in the political system. It is of constitutive importance because voicing one’s experience<sup>5</sup> is part of the opportunity to participate in politics and to exercise political control. It is of instrumental importance as there is always a danger that experiences get distorted, that information is lacking etc.; this danger increases if those who can speak for themselves are not enabled to do so.

The second consideration focuses more specifically on the unsustainability of the present and the need for structural change. It is noteworthy that ‘social science research suggests that profound and cultural changes often go hand in hand with generational changes. Effectively, when major changes [...] occur, something happens at the social macro-level: younger groups show more openness towards innovations, and are in many cases early adopters of new technologies. This has been extensively documented in market and discussion research’ (WGBU 2011, p. 245). This social science finding suggests an instrumental argument for youth participation: it might increase the chance that experiments for social change will be voiced and supported in the political system.

### 7.2.2 *Distant Future Generations*

Future young generations cannot, by definition, participate in political and economic decision-making today, and therefore also cannot be directly included in a youth quota. Accordingly, we would have to think of proxy representatives and proxy institutions that somehow speak on behalf of future young generations. The distinction of young and old is less relevant here as the challenge is one of appropriately including future generations in general.

Even assuming that this is somehow possible—a difficult challenge considering our limited knowledge regarding future generations—it is clear that a youth quota with ambition to also somehow represent future generations would turn the

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<sup>5</sup> This term need not be understood in individualistic terms only, group experiences also need to be voiced and this is important also for individuals as members of these groups.

quota proposal from an incremental policy proposal into something requiring much more substantive change. One example could be future chambers: they would create a space for future-orientated discussion of topics prior to their legal and political treatment by the legislative and executive branches of the parliamentary system (Leggewie 2013). From a sustainability perspective, this and alternative proposals for considering or even representing future generations is no doubt worthy of attention. The normative justification of the youth quota requires us to take these considerations seriously and thereby highlights the limitations of the youth quota proposal as an incremental policy proposal for sustainability. As an instrument for sustainability it needs to be contextualized with a view to these further challenges.

Nevertheless, young people of the present generation may still have an instrumental role to play in the responsibility for future generations. If increased youth participation could improve responsiveness to long-term sustainability challenges, increased youth inclusion via a youth quota could strengthen intergenerational justice. Consider as an example the youth elections already carried out across Germany.<sup>6</sup> Simultaneous to the parliamentary elections, elections are organised in schools across Germany with voting options as in the official election. All school types can participate. The minimum age is class seven, hence participants are roughly 13 years and older. In 2013 electoral participation was 88.5% in the youth election and 73% in the official election. In the youth election the Green party obtained 8.2% more than in the official election (16.6% as opposed to 8.4%), and the Pirate party received 10% more (12.2% as opposed to 2.2%). By contrast, the remaining big parties in parliament—conservatives, social democrats and the Left party—all received fewer votes in the schools. The conservative party CDU even had a loss of 15.3% compared to the official election. These differences appear to be relatively stable in the sense that the 2009 elections show a similar picture, and incidentally suggest a reason why those in power may have little interest in youth vote and youth participation.

It is noteworthy that in the youth election, the Green party and the Pirate party appear to be relatively stronger in this age electorate. If we assume that the Green party stands for the party with the most pronounced advocacy and even identity based on issues around sustainability and future responsibility, then we can deduce some cautious indirect evidence for the possible instrumental role of youth participation for distant future generations. The evidence is relatively strong with a view to proposals for lowering the voting age; for the youth quota it is merely indirect because it requires the further assumption that the young not only vote “greener” but also that they would act “greener” as members of parliament.

The relatively strong results of the Pirate party are also noteworthy. Like the Green party, the Pirates have a distinct identity in public perception. They are the party for modern communication technology, concerned with ensuring and promoting transparent and anti-authoritarian ways of communicating on the Internet and beyond. In this sense they are also perceived as an “anti-party” that challenges the

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<sup>6</sup> For more information, including detailed results, see: <http://www.kumulus.net>. Accessed 5 February 2014.

established order. Therefore, their relatively strong performance in the youth election could be interpreted as a relative openness of the young electorate for new technologies and also new social ways of doing things. This confirms the early innovation adoption finding of social science reported above. There is of course a caveat here. While innovations (in a wide sense of the word) are likely required for sustainability, it is still an open question whether new forms of technology, for example in communication, will promote sustainability, or rather, which uses of new forms of technology will have that affect.

Even if there is some limited, qualified evidence for the instrumental importance of youth participation for responsibility towards future generations—and no doubt, much more would have to be said—there is also an important normative caveat. The challenge of responsibility for future generations is by and large the result of developments that the young generation of today is least causally responsible for among the currently living generations. The example of climate emissions illustrates the point: starting with industrialization, they now have a cumulative effective such that even if the young generation today entirely stopped emitting, it would not do away with the problem. The instrumental arguments for youth participation should not be seen as a way to delegate prospective responsibility to a group that is least causally responsible among the present generations and that has relatively less ability to respond than the more affluent and wealthy older generations. Therefore, in the context of overlapping justice it is the constitutive argument for youth participation that I take to have the greatest weight.

### 7.2.3 *Distant Generations Elsewhere*

The majority of the world population does not live in affluent, “developed” countries, especially the young generation of this world. In 2013 a striking 41 % of the African population is estimated to be less than 15 years old, 28 % belong to this age cohort in Latin America, 25 % in Asia, and the global average is 26 %; in contrast, in North America and Europe this group is 19 % and only 16 %, respectively.<sup>7</sup> In short, globally, youth live disproportionately in less affluent or even economically poor regions. These distant youth groups—as well as of course the older generations in the countries—are likewise affected (perhaps more so) by global politics, the influence of powerful countries in shaping the global systems of economic and political co-operation (Pogge 2002), and the past and current patterns of production and consumption. Notoriously, in the case of climate change, main impacts are expected not in those countries causally responsible for anthropogenic climate change but rather in income-poor countries of the South.

If we take the constitutive aspect of participation seriously, this suggests that the youth quota proposal ought to consider how distant young people can be included in

<sup>7</sup> Source: <http://de.statista.com/statistik/daten/studie/71063/umfrage/weltbevoelkerung-nach-alter-und-regionen/>. Accessed 5 February 2014.

decision-making that affects them, such as climate change policies, related energy policies, development cooperation etc. The arguments made above, on behalf of the inclusion of youth drawing on their specific experiences as well as their readiness to experiment with new ways of life, no doubt apply in this global context just as much as in the national context. As in the case of distant future generations, the inclusion of distant ‘non-citizens’ would turn the quota proposal from an incremental to a disruptive policy innovation. It would likely necessitate a structural change to representative democracy and its (so far) territorial focus. We again arrive at the conclusion that the incremental policy innovation of a youth quota, properly considered, pulls in a much more disruptive direction. If normative incoherence is to be avoided, the quota proposal needs to be accompanied with a proposal of how the constitutive importance of youth participation globally is to be advanced.

There is again also the more pragmatic possibility: to consider the instrumental importance of the inclusion of youth (from a country such as Germany) for young people elsewhere. If we can assume that young people from one country can better identify with the experiences of young people from other countries—better than their older peers could—then they may accordingly show increased considerations with respect to this group in elections and as political decision-makers (for example in development co-operation). The relative openness of young people to new communication technologies also suggests possibilities of global exchange and sharing that may strengthen this point. Still, these instrumental possibilities do not reduce the urgency of considering youth participation globally as a constitutive matter of capability to participate capability to participate beyond the youth quota proposal.

### 7.2.4 *Summing up*

The discussion of the youth quota proposal from a capabilities perspective that focuses on the constitutive and instrumental role of participation suggests two preliminary conclusions. (1) The constitutive aspect of youth participation for issues of overlapping justice is particularly important, whereas instrumental arguments for the role of youth participation in promoting responsibility for distant future generations and distant generations in space may draw on some empirical evidence—as in my example of the youth elections—but faces the normative concern that this line of reasoning delegates responsibility from those currently in power and with the most ability to respond. (2) The constitutive aspect of youth participation with a view to distant generations in space and time, while normatively important, suggests that the youth quota proposal needs to be integrated into a more general sustainability framework. Put differently—and no doubt unsurprisingly—according to the analysis so far, the youth quota proposal should only be burdened with very limited expectations for sustainability, as long as further proposals on institutional change are not discussed along with it.

In the next section I will turn to the youth quota proposal as a potential incremental policy innovation in a context of overlapping justice. In line with the focus



of the capabilities approach on conversion factors, I will put the emphasis on the design options of this proposal. To this end, I will first report on the experiences made with a youth parliament in Germany and then draw some lessons for the youth quota proposal.

### 7.3 A River Parliament in Berlin

In fall 2012 and fall 2013 young people between the ages of 14 and 21 came together with parliamentarians for a river parliament in Berlin. They came as river delegates, who had participated in local events for water conservation across Germany in the summers of 2012 and 2013, and presented their experiences as well as their questions and demands in the parliament.

In 2000 the EU adopted a water framework directive (WFD) that seeks to protect water as a heritage for present and future generations. The WFD aims at good ecological and chemical status of European rivers and lakes by 2015, or where the water bodies are too heavily modified, at least for good ecological potential. The WFD seeks to meet these goals in a participatory way that includes those affected in the assessment of the respective water bodies, the development of management plans with a view to achieving the goals and finally, the implementation of the WFD goals. Achieving the WFD goals in practice, however, has proven to be difficult. In Germany the federal government estimated that by 2009 about 10% of rivers and lakes had achieved good chemical and ecological status, and that by 2015 only 8.5% would be added.<sup>8</sup> Put differently, for 4 out of 5 rivers and lakes the directive goals will not be met.

In response to this challenge, the European Rivers Network started organizing pan-European river swimming days.<sup>9</sup> Simultaneous jumps were organized at many European rivers and lakes, along with festivities to celebrate European water bodies and the restoration achieved so far; at the same time these events create pressure for the further implementation of the WFD. The collective and bodily experience of rivers and lakes on the personal level promotes the willingness to participate in water conservation, which is frequently treated as a technical topic for experts only. At the same time, these events create media attention, as citizen river jumps are attractive topics to report on for print and television media.

In 2012, the Big Jump Challenge was initiated as a collaborative campaign that specifically invited young people between 14 and 21 to participate in water conservation.<sup>10</sup> Due to resource constraints, the collaborative campaign and its online

<sup>8</sup> <http://dipbt.bundestag.de/dip21/btd/17/080/1708036.pdf>. Accessed 5 February 2014. The situation is similar, and sometimes even worse, across Europe. For an official survey see here: [http://ec.europa.eu/environment/water/water-framework/implrep2007/index\\_en.htm#third](http://ec.europa.eu/environment/water/water-framework/implrep2007/index_en.htm#third). Accessed 5 February 2014.

<sup>9</sup> <http://www.rivernet.org/bigjump/welcome.htm>, Accessed 5 February 2014.

<sup>10</sup> [www.bigjumpchallenge.net](http://www.bigjumpchallenge.net). Accessed 5 February 2014. It is at this point that I got engaged in the Big Jump.

platform were launched in Germany and in German language only; it will be expanded to the European level in 2015, the goal year of the WFD expand to the European level by 2015. Local youth jump organizers were invited to contact their local authorities for information about the status of their rivers and lakes. On 17 June 2012, the last weekend before the summer vacation in German schools, groups across Germany participated in a youth jump for rivers. The best jumps were selected by an independent jury according to the following criteria: originality of the jump, contact with local authorities, number of participants in the jump, publicity created in terms of media attention, and local integration of the jump (for example with the municipality, local associations etc.). The organizers were then invited to a river parliament in fall 2012 in Berlin (and likewise again in fall 2013). The river parliament is designed to lift local level action to the national level. Youth groups present their local actions and their demands for water conservation and discuss these with parliamentarians. To this end, the river parliament was organized in co-operation with the parliamentary group Free Flowing Rivers, which includes members from all political parties.

While the river parliament is no doubt quite different from the youth participation envisaged by the quota proposal, it still suggests some lessons for the design of such a quota, which I will turn to now and in the next section. Bringing the Jump to parliament was clearly very important for the youth; it provided recognition and set them, at least for the session, symbolically on an equal level with members of parliament. However, at the river parliament in 2012 only parliamentarians from the Left party and from the Green party participated (even though the event had been organized in communication with the cross-party group Free Flowing Rivers). In 2013 parliamentarians from all parties participated; however, party politics were strongly present, in the sense of (partly heated) disputes between parliamentarians from different parties, partly rendering the young participants invisible. Thus in 2012 and 2013 the effort to provide a voice for youth got enmeshed in party politics. This suggests a first question for the youth quota. If youth is to be included in parliament, how exactly is it to be linked to the existing political parties? Are they to be members of already existing parties? Or are they to be somehow independent from that—and if so, what would this mean?

Second, while the youth delegates appreciated the possibility to participate in a national level river parliament, they as well as the parliamentarians knew that the actual implementation of the WFD is mainly a matter of the provinces and even more low-level authorities and town councils. As many sustainability issues can be expected to have this multi-level character, a further design question regarding a youth quota therefore concerns the political level. While the discussion of the youth quota so far appears to be focused on the national level, examples such as the WFD suggest that we need to also think of other levels.

Third, in the river parliament of 2012 the youth delegates transported water from their rivers and lakes to the river parliament. The purified water was shared as “water cocktails” at the end of the river parliament. While all of the parliamentarians cheered with the glasses, none of them dared to drink from them. MP Nicole Maisch put it this way: ‘We have received the message. We have to do more so that in the future we no longer have to be disgusted when offered a sip of river water’

(own translation). The symbolic action illustrates that the question of who is to be included for sustainability has to be complemented by the question of how issues are to be communicated so as to be present in politics.<sup>11</sup> If many young people are estranged from politics, then this no doubt also relates to the way in which communication happens in politics and how this includes some groups and some issues more than others.

Summing up, the river parliament as an experiment with youth participation suggests three issues to be further discussed when designing and evaluating the youth quota proposal—the relation to political parties, the political level and the way we communicate. These are open challenges and the discussion in the next section is therefore necessarily tentative; the goal is to highlight design questions regarding the quota rather than to provide answers.

## **7.4 Expressing and Exercising Voice in a Parliamentary System with Political Parties**

Political parties have been a central feature of representative democracies, yet political parties have long been suspected of not being very democratic themselves. In such large organizations, hierarchy emerges along with specialization and routines. An important question is therefore what effect a youth quota might have in a representative democracy with established political parties.

Young people *prima facie* are unlikely to have much authority in political parties. They are likely to have less networks, and they cannot serve the party long enough to “deserve” important offices. Additionally, in countries like Germany where increased life expectancy together with decreasing birth rates yields an increasingly large part of the electorate being retired or close to retirement, young politicians may disproportionately seek to serve this part of the constituency or support the respective positions in their parties. One possibility is that a youth quota would in practice create young party backbenchers. They might be parliamentarians with no or only limited party or government functions, and likewise limited influence. In particular, their possibility to voice youth-specific experiences may also be reduced, thereby reducing the value of the constitutive aspect of youth participation. Yet, rather than seeing only a danger of “youth washing” of political parties via a youth quota, back-benching might instead mean that youth delegates are less constrained by established party thinking and can, on occasion, bring in new themes and topics, thereby strengthening the instrumental arguments for youth participation.

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<sup>11</sup> Moreover, the Big Jump idea is based on the insight that participation draws on identification with the respective topic such as the emotional linkage to a river that may arise via collective action. If people do not emotionally identify with rivers and lakes, why should they care to participate in the implementation of the water framework directive? Likewise, if we expect an impact for distant generations, how do we ensure that parliamentarians (young and old) are emotionally prepared to identify with the respective issue?

Alternatively, the young parliamentarians may not align with established parties but serve as independent members of parliament.<sup>12</sup> In this case they would be young crossbenchers. In analogy to the crossbenchers of the British House of Lords, such young parliamentarians would be chosen by their expertise, i.e. their expertise on sharing youth-specific experiences. While this procedure is supported by the perception of young people being estranged from the established political parties (Jahan 2013) and while it might strengthen their capacity to introduce new youth-related or other topics, a quota linked to independent youth parliamentarians seems to be politically very unlikely without further supporting measures. Moreover, it would be stigmatizing as it reduces this group to one theme (age) rather than fostering the presence of the youth voice, and their ways of framing a topic, in established political parties

In my view, a youth quota would likely create young party backbenchers. As they have been introduced to strengthen a cross-cutting theme (youth), a practical conclusion would be to provide these backbenchers with the resources (where necessary) to foster the voice for their cross-cutting issues also across parties; this would ideally create backbenchers with cross-benching potential, working together and not just along party lines.

Young parliamentarians in our society are likely to be perceived in some way as handicapped and even harmed. Serving in political office reduces time for education and play during youth years. If a prevailing image of childhood is one of play ('in the garden'), and of education with its connotation of preparing for the adult age, then youth is somehow problematically in between adult and child. Play is somehow less emphasized (and frequently seen as problematic by the adult generation) and education receives more emphasis. Precisely for this reason, missing out on education is perceived as especially problematic, potentially even harming the youth in the future. In turn, a perceived lack of knowledge and (relevant) experience puts into danger equal voice in political discussion.

If these concerns are valid, then a youth quota proposal would have to specifically consider the resources and requirements to strengthen the youth voice. This is not just and not even mainly a point about receiving information or knowledge about technical topics but also a point about effectively making a youth voice heard—in the same way in which we think an adult person is potentially fit as a minister irrespective of any professional experience with the specific ministry (health, finance etc.) but rather as a citizen that brings certain values and commonsense to technical issues. To this end, an effective youth quota would therefore have to further investigate the symbolic policies of our political systems and propose ways that validate the youth perspective in its own ways. For example, many parliaments have a special title for the oldest or longest serving members of parliament, such as 'father' or 'mother of the house' or 'elderly president'. There is, to my knowledge, no corresponding 'youth president' nor a concern for the specific contribution the new and young might be capable of making.

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<sup>12</sup> I assume that a special youth party could not be mandated as it would violate political liberties, and at any rate such a party could always be formed if there was a perceived need for it.

Even if further resources and symbolic actions may promote the equal standing of youth, there is no doubt a real tension between youth participation and the age-specific expectations (at least in our culture) of education and play. A youth quota proposal would therefore have to carefully investigate how to deal with this tension between the youth capabilities of participation, education and play. While there are likely many ways to reduce the tension by changing the way parliament is compatible with education (or allows continuation of education after participatory work), there is no doubt that at the cognitive-cultural level of our conception of youth, there is a real and very deep challenge here that co-determines cultural expectations for youth participation and its values.

There is of course only such a challenge if effective participation is possible and it is not just a matter of the selected few. While the youth quota proposal at the moment seems to mainly target the parliamentary level, the example from sustainability politics above shows the provincial and regional level to be at least as important. Many sustainability issues are practically framed and implemented here. This suggests a natural fit with the demand for the effective and not just the formal opportunity to participate. While a national level youth quota is a matter of elites, the inclusion of lower (local) levels increases the effective opportunity to participate and likely reduces the tension with educational goals.

This takes me to the third issue emerging from the river parliament—communication and presenting topics and experiences. This already emerged in the discussion of the issues above and here I would only like to restate the points already made in terms of questions to be investigated further. In analogy to the question of how to bring water to parliament, it is important to ask how to bring youth experiences to politics. The already noted alienation of many young people from formal politics is not only a matter of estrangement from political parties but also from the ways of communicating in parliaments. It is therefore an important question how youth issues can be communicated in an appropriate way that resonates with the experiences of youth and in turn would make politics more attractive for youth. The relative strength of the Pirates in the youth election is again noteworthy. What are the ways in which communication technologies can be prudently used for youth participation, possibly even beyond national boundaries? It will no doubt be important here to counter the cognitive bias against youth's "lack of knowledge". The reward would be a better understanding of the relevant spheres and spaces in which political questions are discussed—according to no less a thinker than John Stuart Mill, discussion of political opinions is a central focus of political systems with representative government (Mill 1881).

## Conclusion

As I asked at the beginning of this chapter, if youth participation rates in formal politics are disproportionately low, should we be concerned? And if yes, would a youth quote proposal improve matters?

There are constitutive and instrumental reasons to be concerned about disproportionately low levels of youth participation in the context of overlapping justice. A lack of equal opportunity to participate endangers basic justice and it can affect other central capabilities, such as education and health, due to a limited or distorted expression of youth experiences in decision-making. In this respect, the youth quota *prima facie* addresses an important sustainability issue where youth participation is diminished or absent.

A closer look suggests two important qualifications as far as sustainability is concerned. First of all, on the general level of design choices, the constituency of the quota leads beyond the youth of country X (here assumed to be an affluent, “developed” country) to the question of proxy-representation of young generations in the future as well as of young generations in other countries—an important point with a view to the current global population dynamics. Assuming central human capabilities as a standard of intergenerational and intragenerational justice, these other youth groups clearly also deserve attention. We need to think of the youth quota proposal on a continuum from incremental to disruptive policy innovations for sustainability. The consideration of young generations across space and time requires ideas concerning proxy representation or other means (such as possibly future chambers), and puts into question the legitimacy of a quota defined via citizenship. Rather than defining the quota via an age-subgroup of citizens, we would somehow first have to define the quota as an age-subgroup of the world population or similar. In both cases, the quota therefore leads to more general sustainability design questions and fundamental matters of global and intergenerational justice. A youth quota for sustainability is ultimately only convincing if it is contextualized *vis à vis* these larger matters.

Second, even on the level of the youth quota as an incremental policy innovation in a “developed” country, design questions remain. Drawing on the experience with a river parliament, I have highlighted three issues: (a) the relation to political parties, (b) the levels of politics and (c) communication in politics. A quota designed to effectively promote youth participation would need to consider supporting the cross-benching possibilities of youth parliamentarians from within their political parties, address the youth quota not only as an exclusive issue of national parliaments but also on the regional and local levels, and finally, seriously investigate the possibilities of dealing with the tension between youth participation and education. Both on the level of life-plan possibilities for young people (i.e. the tension between participation and education) and on the level of symbolic recognition of youth experience beyond the likely perception of lack of competence and knowledge, ways would have to be found to foster participation of equals, including the ways in which such communication happens. A preparatory step in this direction could be the lowering of the voting age, which as the youth election example above suggests, may promote sustainability related choices in the electorate. All these design questions show just how many further questions would accompany a quota that promotes real freedom to participate and not only formal inclusion.

If these design questions could be satisfactorily dealt with, the youth quota would be a contribution to sustainability primarily due to its inclusion of youth

in overlapping justice and indirectly due to the likely instrumental importance of youth inclusion for promoting sustainability issues. However, even in this favourable case much depends on how this instrument is contextualized in regards to the consideration of not only youth here and now but also elsewhere in the future and especially in less affluent countries, where the majority of young people live and where they are the majority.

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# Chapter 8

## Encouraging and Supporting Children's Voices

Sarah-Jane Conrad, Claire Cassidy and Christian Mathis

### 8.1 Children and the Good Life

#### 8.1.1 *Two Perspectives on the Good Life*

Children have an interest in a good life that is a life that is happy, healthy, emotionally and intellectually satisfying, safe and meaningful and so forth. Two perspectives can be distinguished within these different features that constitute a good life (Steinfath 1998; Fenner 2007; Krebs 1998). A first perspective relates to the *subjective dimension* of a good life and defines it in terms of what an individual takes to be good for her/himself. This, in return, depends on how an individual conceives of pleasures, preferences, desires and interests. Because of the close link to an individual's preferences and desires, the lifestyle choices of a particular person may not have the same value for somebody else and we therefore can only give prudential answers to the question 'What constitutes a good life?' as the question considers only general features of the good life for the one who lives it. However, we may say very generally that a good life in this subjective perspective is one that a person addresses in positive terms and that he values (Fenner 2007). The second perspective focuses on the requirements necessary for everyone to strive for a good life and to have, in principle, access to the above-mentioned features (Steinfath 1998). Within

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the second perspective the concept of a good life is given a more objective reading by considering the conditions of a good life for everybody. When addressing these conditions, we inevitably coin the concept ethically and politically as we encounter issues of morality and justice.

The question, while discussed, is controversial if the two dimensions are both part and parcel of the concept of a good life and, further, if they are related (Fenner 2007; Aristotle 2000). Wolf (1997) indicates that within the subjective perspective a good life is considered to be a happy and a meaningful life and she argues that neither of these terms describes exclusively individual preferences. She therefore counters the view of radical subjectivism and sees the subjective and objective perspective as intimately linked. It has also been suggested that the two perspectives can be interlinked as both lay emphasis on *autonomy* (Krebs 1998). The first perspective conceives of a good life in terms of the individual's autonomy to choose freely a specific way to live that s/he considers to be good. The second perspective takes autonomy to be the type of good that has to be guaranteed to everyone in order for a person to strive and attain an autonomous good life in the subjective sense. Nussbaum (2000, 2006, 2011) is very explicit on this point, and she takes a theory of social justice to define the requirements for a good life, which she formulates in terms of the central capabilities. Capabilities are derived from the innate abilities human beings have and they deliver an answer to the question 'What is each person able to do and to be?' (Nussbaum 2011). The term 'capabilities' therefore denotes what a person is capable of being and doing. Nussbaum distinguishes altogether ten aspects central for a good life that relate to: life; bodily health; integrity of health; the senses; imagination and thought; emotions; practical reasons; affiliation; other species; play, and control over one's environment. With regard to the capability of practical reasons and control over one's environment, Nussbaum points out that a good life requires that a person can form a conception of the good and can engage in critical reflection about the planning of one's life and being able to participate effectively in political choices that govern life (Nussbaum 2000, 2011).

Obviously, the list of capabilities Nussbaum mentions is not restricted to basic needs for survival such as food, shelter and primary health care. To the contrary: Nussbaum seeks to integrate all aspects that form a human life in the full sense of the term and we can derive from the list of central human capabilities what is essential to a *good life*. Central human capabilities in return give rise to social and political duties. According to Nussbaum, the core role of political organizations within a society is to provide support for the development of those capabilities so a person can choose freely and autonomously a life according to his/her preferences and desires. The core duty of society and politics is to guarantee everybody autonomy so that everyone has the possibility and the opportunity to live an autonomous life; and this is where the subjective and the objective perspective come together.

### **8.1.2 *Children in our Society***

It is a generally acknowledged that children are considered not to be full members of society and that their participation is limited (Friquenon 1997; Mayall 2007; Qvortrup 2006, 2007). This raises the question as to what extent they are taken into account by theories of social justice and theories of the good life. We notice that very little is found in contemporary theories of social justice (Bojer 2005). Within a Rawlsian framework, for example, children are explicitly excluded from engaging in a social contract that determines social justice. Rawls justifies this exclusion by arguing that children do not possess the rationality required to engage in the discussions for establishing a social contract (Rawls 1971). Nussbaum's capabilities' approach seems to apply only partially to children, too. Even though Nussbaum explicitly states that development in early childhood unites all human beings through shared experiences of common emotions such as sadness, love and anger (Nussbaum 1999), she also claims that children do not deploy the above-mentioned capabilities of practical thinking or controlling one's environment that are considered central for forming a conception of the good and participating in political choices that govern life. If we take it, as Nussbaum suggests, that capabilities define what is essential to a good life, the fact that children do not have full access to some of them ultimately amounts to saying that they do not (yet) have a good life. This conclusion is puzzling and outright unacceptable given that both adults and children are, in the first place, human beings and justice claims hold for both. It raises the question of whether the list of capabilities must be revised or extended in order to suit the specific nature or category of children or if society's view of children must be changed in light of the human capabilities that count equally for everyone, regardless of age, sex, social background, talents, etc. In any case, we have to find clear answers to the question 'What can children do and be?'

We delay answering this particular question as, despite the deficits within the two predominant theories of social justice, consideration of children has moved on greatly in recent years, partly due to the ratification of the UN Convention on the Rights of the Child (UNCRC) in 1989. The UNCRC states that children require special attention to ensure their protection, provision and participation. Participation is associated with the idea of children's voice and giving them the opportunity to express their views freely in matters concerning them, to being heard and to seek information pertinent to their lives (UNCRC Article 12, 13). While voice and participation is high on the agenda of the UNCRC, the implementation of the respective rights still leaves much to be desired. In many areas, children are still not permitted to engage fully or to express their views even on questions that have considerable impact on their lives or that concern them directly (Lundy 2007; Cassidy 2012d). Hence, in theory and practice, children's choices are limited and we therefore seriously fail children. Empowerment of children therefore still figures among the core duties societies and political institutions must take on themselves.

To begin with, we need a better understanding of the shortcomings children encounter in society. It seems worthwhile to have a look at how society views children

and see the possibilities and opportunities that are presented to them. By identifying the deficits, we can formulate possible remedies to counterbalance them. In what follows, we first delve into the philosophy of the child in order to identify possible obstacles to a fully-fledged realization of social justice issues as well as the implementation of the UNCRC. The basis of the present and prevailing philosophy of the child is therefore briefly outlined in the next section. It shows the desperate need to empower children because of the adult/child divide that implies a striking disempowerment of children (Part 2). It then is claimed that Philosophy with Children (PwC), and in particular the method of Community of Philosophical Inquiry, in short CoPI, offers a view on children that allows us to counterbalance the deficit loaded upon children by giving them an active role and the possibility to partake and influence the community into which they are integrated (Part 3). By this, CoPI provides insights into the views and opinions children have. We then turn to the children's views of a good life, based on data collected in Scotland in 2014 using Community of Philosophical Inquiry as a research tool. Children were asked to discuss the question 'What kind of society do you want to live in?' and to express their views upon the subject (Part 4). Within the concluding remarks we finally address the question of possible recommendations needed to counterbalance the adult/child divide and to empower children (Part 5).

## 8.2 From the Philosophy of Child

One key factor that demands attention if children are to be empowered is around how they are perceived, and also treated, in society. In this statement alone one sees part of the problem—'how they are treated' implies treatment *by* others. These others tend to be adults since it is adults that currently hold the power in any dynamic between them and children in virtually any setting or context one could mention. Adults make the decisions, adults act, adults set the parameters in which children live, they with-/hold the money (economic resources), and adults impose sanctions on children when they do not do as is required of them or when they try to do what is not permitted by them.

Children are perceived as being qualitatively different to adults (Kennedy 1992, 2003, 2006; Cassidy 2007; Stables 2008). This is because childhood is seen as a time when children are being prepared for their role in society; it is a time for training, when they will be permitted to participate as full members of society (Shamgar-Handelman 1994; Friquenon 1997; Mayall 2007). Of course, the view of children has varied over time due to possible social, cultural and political shifts (Cunningham 2006; Heywood 2001), but altogether a deficit model prevails that undermines any equality claim with regard to children.

Holding such a deficit model of children permits the retention of the status quo where the status lies firmly in adults' domain. It might be suggested that this situation is perpetuated as adults want to protect children, and they do this on the basis of their more expanded 'life experience'. Lack of life experience undeniably creates a

certain amount of vulnerability, yet, it is important to see that the children's vulnerability is to a certain extent a result of the power adults exert upon their lives. For example, adults define what they take to be suitable behavioural norms for children, or adults create private and public spaces that mainly reflect their needs, supplemented by explicit and implicit rules defining appropriate behaviour in these places that often only marginally take into account the child's perspective on them but rely on the adults' expectations. Along with this expectation we find the means for sanctions on the adults' side, while children are denied any effective means to sanction adults, thus corroborating the power imbalance and the divide between child and adult, where children occupy a subjugated position (Cassidy 2006). To this one may add, as Cook (2009) argues, that this manner of behaving is not about protecting children so much as protecting adults' memories of their own childhood, however true or false, as a time of innocence without worry or care. Interestingly enough, children seem at moments to counterbalance this position in power by establishing their own social contract that tells them to play the role of children as determined by adults (Cassidy 2007).

In any case, it allows children always to be in a state of becoming. They have no locus in the (adult) world, and they have limited power or opportunity to make decisions or have their voices heard in relation to the wider issues of the day. This ultimately means that they have even less at their disposal by way of enacting any of their views, particularly were they to run counter to the dominant adult perspective. Unless challenged, and unless children are empowered in some way, their voices and opportunities for authentic participation are stunted

To redress the power imbalance, to afford children, at the very least, what Griffiths calls 'the theoretical possibility of agency' (2008, p. 7), where they are permitted the capacity to effect and/or enact change, adults must acknowledge the need to shift power and then actually to accept it authentically with 'conscious and deliberate inclusion of children, so their participation is not an add-on' (Cassidy 2012a). This is not to say that children are able to participate by virtue of being included in society more fully. It would not make sense to say that they could participate without an element of induction or training. What needs to be found is an effective means to counterbalance the view that children are beings in their becoming.

### 8.3 ...to Philosophy with Children

One approach that can usefully be employed in bridging this divide between non-participation and empowerment is Philosophy with Children (PwC). PwC, in all its variety of approaches and practices, lays claim to being a tool that allows children to develop the skills necessary for participation and airing their views.

PwC emerged in the 1970s following the work of Matthew Lipman and Ann Sharp in the United States where they devised a Philosophy for Children (P4C) programme designed to promote critical thinking (Lipman 2003; Pardales and Girod

2006; Gregory 2008). Critical thinking, simply put, involves judgements based on criteria or reasons. It thereby lays the basis for any type of informed decision-making that requires the capacity to evaluate facts and relate them to eventual normative stances, be they social, moral or political in nature (Bleisch and Huppenbauer 2011).

Subsequent to Lipman and Sharp's programme, the literature on PwC has been fuelled by a variety of approaches and methods all around the world (e.g. Matthews 1980; McCall 1991, 2009; Cam 1995; Cleghorn 2002; Fisher 2005, 2008). Despite eventual differences, all the approaches consider PwC first and foremost as a practical philosophical dialogue where children are invited to engage in a structured discussion of philosophical ideas and to scrutinize their conceptual and logical implications. Thus, PwC allows learning something about philosophy through doing philosophy, and the different philosophical theses defended through the course of time by different 'academic' philosophers play altogether a subordinate role. It is considered more important that children learn to think for themselves. By this, PwC takes children to be capable of participating in philosophical discussions, formulating their conceptions on different issues and reflecting them critically, a capacity that some believe children fail to have (White 1992) or have only in a restrained way.

### ***8.3.1 Community of Philosophical Inquiry***

From Lipman's P4C grew Catherine McCall's Community of Philosophical Inquiry (CoPI) (McCall 1991, 2009). CoPI is a structured dialogue, facilitated by a trained chair/facilitator who has a background in more formal, 'academic' philosophy. Put simply, the philosophical dialogue within CoPI is brought about as a consequence of the structure, with the structure remaining constant, no matter the age or experience of the participants (Cassidy 2007). Participants sit in a circle in order to see one another and to be seen; they read aloud a stimulus that holds philosophical potential; they raise questions from the reading, though not necessarily about the text; the facilitator records the questions and then chooses one to be discussed by the participants. The participants must then raise their hand should they wish to contribute and when called, though not necessarily in the order in which they raised their hand, must make a connection with something stated previously by saying with whom they agree/disagree and provide reasons for that agreement/disagreement. Contributions need not be the personal views or opinions of the speaker, participants may not make reference to authorities for their reasons, no technical language or jargon may be used, and there is no search for consensus or conclusion at the end of a session, in order that the participants recognize the need to keep thinking about the issue (Cassidy 2012b). Essentially, CoPI aims to be egalitarian in nature.

Individual participants sit equidistant to one another; thereby no-one is set apart or in a position of power. The one exception is the facilitator, but this is in order that s/he can see the participants fully and to ensure that contributions are not channelled

to or through her/him; the facilitator intervenes only in a quest for further clarification and in the selection of speakers, with a view to driving the participants' thinking deeper and in the most philosophical direction possible (Cassidy 2012b). Given that no-one may use a term or word that is likely not to be known or understood by the others without challenge or explanation there is an equalizing factor at play. All should be able to understand and make themselves understood. Each participant is equally entitled to speak. While all contributions are valued, since one contribution must, by necessity, build on previous contribution(s), not all are equally valid. This is not a problem. Indeed, it appropriately mirrors how things are in the wider world, where views are expressed and extended or diminish and fail. The key in CoPI is that all are permitted to air their views and to practise their reason-giving. It is this that is crucial in empowering children.

### ***8.3.2 Empowering Children by Doing Philosophy***

Children have few real opportunities to experiment with their views, to try out their reasoning, to be listened to and to have their views considered carefully. CoPI provides this, for in order to participate, or for CoPI to work at all, it demands that a community is established where all have equal standing and where ideas are freely exchanged (Cassidy 2012c). Indeed, the notion of community is an important one, one where everyone is required in order for it to function effectively, where individuals have to collaborate to achieve a shared common goal (Cassidy and Christie 2013). In the case of CoPI, the shared common goal is in the shared search for meaning and understanding, in the shared construction and perpetuation of a shared line of reasoning. In CoPI, through this collaboration, children learn to challenge and be challenged in their thinking, but they are given a structure in which they can do so. Indeed, the structure is transferable, with participants reporting that they often carry it into their lives beyond the classroom (Cassidy and Christie 2013). This enables children in the taking on board of others' perspectives and the recognition that this is important in living with others. Giving children the opportunity to experiment with ideas—in a manner denied many adults—enhances their thinking and their critical reflections on their own and others' views (Cassidy 2012c). It is this space for speaking about ideas that enables the child—or even the adult participant—to realize their opportunities for articulation. This is the practice-ground where children—and adults—train and continue to practise their thinking and reasoning. PwC in general, and CoPI in particular, enables individuals to think for themselves in collaboration with others and it allows everybody to participate in the dialogue through deliberation and critical reasoning that lead to reasonable judgements.

Affording children the opportunity to practise CoPI facilitates their engagement with the world around them; it provides space to consider questions and issues that require attention in society. Being able to reflect on complex ideas, to see problems and solutions in conjunction with others, and to accept the need for such thinking can only be of benefit to society. The practice knows no bar in terms of age. It would

be untrue to say that all adults are empowered or enfranchised because they think well. Indeed, many adults do not think well though have the tools and structures at their disposal to participate fully within society. CoPI allows us to question the particular status that adults defend for themselves too, as it incorporates the epistemic stance that everyone is fallible, adults and children alike (McCall 2009). Adults' opinions therefore reflect no privileged point of view and they are as open to criticism as any other opinion and may be therefore rejected if good reasons can be provided. Eventual power structures are overcome in CoPI by the power of reasoning.

There is a case to suggest that children should be introduced to CoPI early in their lives, and that the practice is continued, thereby empowering society and the individuals within it. By inducting children into good thinking practices they are empowered, if, and only if, they are given a proper space, their views are listened to and they have impact (Lundy 2007). This, in turn, allows that children are more than mere becomings. This affords them the opportunity to *be*.

## 8.4 The Good Life

In 2014 we began a project called 'Children on the Good Life' in Scotland in a range of schools across the country in very different socio-economic areas, i.e. extreme socio-economic deprivation and middle-class rural settings. Different parts of society geographically and in terms of social class are thus represented in the data. Seven groups from four primary schools and three secondary schools with altogether more than 130 children between the ages of six and seventeen were asked 'What kind of society do you want to live in?' using CoPI as the method for eliciting the children's views. This allowed wide-ranging perspectives to be shared and discussed at length in sessions running over a minimum of thirty-five minutes and maximum of one hour, with the time being determined only by the class timetable rather than the ages of the children.

The different groups, all engaged in CoPI sessions on a regular basis, discussed a broad range of topics such as wellbeing, relationships between people, education, money, discrimination, tolerance, companies, media, exploitation, the right to privacy, equality, freedom of choice, charity, etc. and thus picked up several strands traditionally associated with the concept of the good life. The individual groups did not explore each and every one of these topics, but having fun, relationships of an individual to other people, equality, and money were recurring topics in most of the groups. We provide below a small sample of illustrative quotations to highlight some of the key themes that emerged within the observed sessions.

### 8.4.1 *The Subjective and Objective Perspectives of the Good Life*

These different topics were addressed in a way that allows them to be associated with the two perspectives distinguished at the beginning of this article, namely the

subjective and the objective dimension attaining to the concept of a good life. The subjective perspective was for example addressed when children in a Primary 2/3, class aged six and seven, discussed places they would like to live in, for example 'I agree with Laura, because usually in Lochside there is a lot of noise because when I went in to go with my Gran there was an awful lot of noise in the room' (Fingal<sup>1</sup>, Treefield Primary) or 'Oh yes Australia, because there's lots of different things you can do and you get the seaside every day—you could get hot chocolate and candy floss...' (Fin, Treefield Primary). These statements express personal desires and preferences regarding places to live. The subjective dimension can be found in the following statements from a Primary four (8 year-olds) child, too: 'I agree with Dale and Samuel because a tropical paradise is really good because you could have a hot tub and everything, and cocktails so everybody would have a good time' (Jed, Glenwood Primary). This statement describes particular characteristics the boy would like to find in the society he would want to live in, such as a 'tropical paradise' or 'hot tub'. Even though other children may share a particular view, objections regarding the different features mentioned do not entail any contradiction that has to be further addressed, as the preferences are purely subjective.

Subjective statements such as the ones above were more often found among the very young children, though this is not to suggest it was their only focus. When children from Primary 3/4 (aged seven and eight) were talking about the importance of having 'fun' or 'a great time' or being 'happy'—as for example in the following statement: 'I agree with Dale because I would make it [society] really good, so everyone could have a great time' (Samuel, Glenwood Primary)—they often implied that an individual is entitled to these, and that the features alluded to were indispensable for a good society, which has the duty to guarantee happiness and fun for everybody. The statements thus move at the fringe between the subjective and the objective concepts of the good life.

However, in the vast majority of cases the children's statements explicitly refer to the objective perspective within the concept of the good life. This has probably to do with the wording of the opening question asking 'What kind of society do you want to live in?' by which the children were invited to reflect on society generally.

#### 8.4.2 *Attitudes and Relationships*

In responding to this question the children laid emphasis on the attitudes people should have towards each other and suggested ways in which people should treat one another, as within the two following statements: 'I agree with Becky 'cause I want that country to be like that and I want everybody to be friendly, even if someone wasn't your friend and you don't know who they are, they just say *'are you coming out to play with me?'* and you would say *'yes'*' (Eileen, Bayside Primary),

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<sup>1</sup> All names of the children, the schools and some references to names in the citations have been changed in order to guarantee anonymity.



and ‘Where everybody is kind and friendly and if they do something wrong, they would apologize for it and learn their lesson’ (Rosanna, Stonefield Primary). Being friendly and kind, and respecting and helping each other were considered crucial. Respect and care are in fact two central concepts in many ethical theories; some even believe them to be the essence of morality and provide the foundation of all other moral duties and obligations. The pupils also talked about forgiving people their wrongdoings: ‘because forgiveness is vital to having a good society...’ (Bert, Dykefell Secondary).

Moreover, the pupils in this dialogue suggested that a country should exclude people who inflict harm intentionally—‘I would like the country to be like no bullying allowed’ (Becky, Bayside Primary)—and described a good society in the following way: ‘When people don’t go about smashing your property and where people could just get along’ (Rick, Stonefield Primary). The concept of harm is, again, central in morality.

Underlying many of these statements we find reflected the golden rule that was referred to explicitly by a girl in one Secondary School: ‘...you’ve got to be fair to people and treat the society like the way you want to be treated’ (Carla, Dykefell Secondary).

While talking about these different attitudes and the form of interactions that should shape society, different groups were discussing if a good society was possible at all—‘I agree with Elsie because you can’t go through life without doing something bad’ (Naveed, Stonefield Primary)—or if it were at risk of being boring: ‘...because if everyone was too nice or if people were all really nasty to each other, people become bored so I think you need a balance [of good and bad]’ (Ray, Dale-side Secondary).

### **8.4.3 Justice and Equality**

While the very young children focused, in the dialogues we observed, on topics such as friendship and other relationships they entertain (parents, siblings, grandparents, teachers), the circle of people considered grew considerably and with this came issues of morality and justice that were explicitly addressed in at least five of the seven sessions. Statements that lay emphasis on equality can be found in recordings from children in primary and secondary schools alike: ‘If I’d to make a society, I’d probably make everyone fair, I’d give everyone the same kind of status and opportunities like everyone else’ (Verity, Dykefell Secondary), and ‘So I don’t think that there should be a small group of really rich people. I think everyone should be a bit more equal than that...’ (Verity, Dykefell Secondary), and ‘I want to be able to live in a society where there is no superior group, where everyone can still be equal, there is no subtle racists or homophobes and everyone is still counted as the same’ (Sally, Dykefell Secondary). The topic of justice, equality and equality of opportunity are taken to hold a society together, and the children’s discourse reflects in many instances modern democracy and the principles of humanism.

Some pupils suggested that society should provide each person with the means necessary to obtain welfare and fairness—‘...I also think that society should also suit everyone's needs and that everyone gets their fair say on what they think and everyone has a responsibility’ (Masha, Highfield Secondary)—and that the Government has a special responsibility with regard to this ‘because, I think everybody should be equal ... the Government should get everybody a job but you get a certain amount of money depending upon the job...’ (Pauline, Dykefell Secondary). These statements again relate to ideas underlying the theories of social justice presented at the beginning of the paper and they make clear that the pupils are well aware that specific conditions need to be fulfilled in order to guarantee everybody a good life, which, in turn, confers duties onto society and the state. If these duties hold unconditionally or be restricted for people with additional support needs was a question debated in several groups. While fairness and equality were considered important, other children suggested that they were not the only principles that matter within a society ‘because people should be equal, but the people that are rich worked for their money, like they worked really hard to get to where they are to earn that money...’ (Charlotte, Dykefell Secondary). Individual effort should be recognized. Similarly, the qualifications people have should be rewarded: ‘people who work in McDonald's would then get the same pay as someone that has worked hard and gone to uni[versity] and studied so much to become a doctor which I don't think is fair, that's just not right. Someone's worked really, really hard to get a good job to help people and then somebody's getting the same as someone that works in a lower job, I don't think that's right and it's not fair either’ (Gina, Daleside Secondary). If merits and qualification lead to inequalities, this was still considered fair: ‘I don't think you should say “*oh that shouldn't be allowed*”’ (Gina, Daleside Secondary). The pupil thereby refers to the principle of liberal neutrality that requires governments not to interfere with an individual's life. This is corroborated in statements such as ‘I think that the only way to success is if you work hard and people that don't work hard, you shouldn't have to worry about them, you should worry about yourself and yourself trying to succeed’ (Juliana, Daleside Secondary). These statements counterbalance the responsibility of the society with regard to the individual and stress the individual's responsibility. The role of the individual with respect to the society was controversially discussed in many groups and led to discussions around companies and individuals that exploit and commit fraud ‘because the law has a giant loophole in it which they [companies] can just exploit and take money off poor people so they can get even more money, and I know people say it's a democracy so they should be allowed to get richer, yeah, but they shouldn't be allowed to break the law to get richer because the point of the law is to put rules in a country’ (Jason, Daleside Secondary School).

In discussing issues around justice and equality, three groups introduced the thought experiment of a society with ‘no money’ and ‘everything in that country's free’ (Johan, Glennwood), and talked about a ‘Free Country’ and ‘Free Land’ respectively. One of secondary school pupils who introduced the thought experiment said that a society without money would be ‘a good society’, reasoning ‘because money will separate people from poor people to rich people in inequalities’

(Pauline, Dykefell Secondary). The very possibility as well as the consequences of this scenario were intensively discussed and rejected by some ‘because there wouldn’t be a point in you having a job because you’re not going to get any money, and there would be no point in having money if everything’s free’ (Evelyn, Glenwood Primary), while others approved of the idea and argued, for example, ‘I think it will be possible if everyone thinks about it and shares and everything...’ (Mick, Highfield Secondary).

## 8.5 From Philosophy with Children to a Good Life for Children

This brief overview of some of the main topics occurring in the different CoPI sessions shows that children between the ages of six and seventeen have very differentiated views about the world in which they live. If given the opportunity, children critically reflect the role of society, the state and the government as well as the individual and pick up many strands scattered around the concept of the good life. Altogether, the children take on a very political stance with regard to the subject and display their ability to participate effectively in (political) discussions and philosophical debates on issues that govern their life. CoPI provides children with a genuine space to try out ideas and to practise their reasoning about these ideas. The space, and the dialogue, crucially, is owned by the children and shows what children are capable of being and doing. This space and the experimenting with ideas and development of critical thinking are obviously vital within democracy as the children learn to ask questions and not to take what they hear at face value, to enable them to imagine situations different from their own. The possibility of criticizing entrenched structures can furthermore lead the children to attach great importance to the task of thinking and reason (Nussbaum 2010). This is perhaps the first step in supporting these children in airing views that may subsequently bear fruit in terms of empowering them to action and should be given special attention when the capability approach is considered in the context of education, as it has been suggested more recently (Walker and Unterhalter 2007; Hinchcliffe et al. 2009).

The children all had views on what kind of society they want to live in, yet they have no authentic means of expressing this in the wider world and even less to have it effect change. In most of the dialogues the children discussed society as it is and the subject was addressed in relation to issues that stem from the adults’ world, such as working in order to receive an income and raising a family, taking up loans, getting government social security benefits, paying taxes, and so on. From this fact we can see that children have views about society but we may also infer that the children participating in the different CoPI sessions see society as being managed and organized by adults and that they lack an awareness of their own voice and participation; that in effect, they are not empowered members of the society they discuss. Indeed, this may suggest that they themselves have not thought to challenge

the hierarchy established by adults and conformed to by them in their 'becoming' in society.

Securing for every child the flowering of present and the development of future capabilities means that children must be provided with the opportunity to discuss their views and practise participating in a community via dialogue in order to assume their role as citizens in the society in which they live. In the same way that the children were asked for their views on the good life, CoPI can provide them with opportunities to discuss the question if and how children should participate in society and if they should be given more control over their environment, be that in terms of enfranchisement or otherwise. By this they may also begin to ask on what grounds the participation is denied to them and why many equality claims seem to make a full stop before them. For the older children that have participated in the project, overcoming major obstacles to their participation may be nearer than in any other country in the world, since in September 2014 all those aged 16 years and older will be enfranchised in the Scottish Independence Referendum. As an aside, though, it is worth noting that this unique situation will become even more interesting following the Referendum when it has to be determined whether Scottish children over the age of sixteen receive full enfranchisement or universal suffrage.

## Conclusion

Questions regarding the good life invite us to consider our view of children substantially.

Philosophy with Children in general and the method of Community of Philosophical Inquiry in particular has been shown to have an impact on the philosophy of the child, by giving children a voice and promoting their participation in society. It allows children to develop the ability to take up their place in a community while also eschewing the imbalance in the adult/child power relationship. In the first instance, it provides a platform owned by the children where they are able to raise issues they deem important or significant. They are able to undertake this task in a structured setting that enables all voices and views to be heard and arguments to be rehearsed. All comments are open to scrutiny and challenge; weak arguments will flounder. It is not sufficient, though, to provide only a forum for discussion; though this is crucial for the generation of a thinking society, the crucial factor is enabling the voices to be heard and to be taken into account. This would entail more children being able to participate in such dialogues, in a range of settings. Schools are easy to use as all children attend these, though other groups or fora may be formed, such as Scotland's Youth Parliament or smaller community groups that would reach out to all children. Those in power (adults) should be able to hear the views of children, and this is challenging as it seems to retain the notion that adults are permitting children to air their views but only adults will act on the views if, and only if, they deem it appropriate to do so. In order for a meaningful shift in the power relationships between children and adults to take place, and that children's views are heard

and acted upon by whoever is most well-placed to act (be they children or adults), there must be an acknowledgement of children's capabilities. Indeed, perhaps the likes of lowering the age of political enfranchisement or suffrage is one way to begin this. Our project shows that children have views about society, some more considered than others, but this is the same for adults. With opportunities for politically and morally focused dialogue through the likes of CoPI we might be assured that the electorate—whatever their age—has been critically reflected, as Nussbaum would desire, and that the views they air, the votes they cast, the acts they perform are measured and move towards creating a good life for all. This good life for all, with the inclusion of children's views, is the only way to move towards addressing the adult/child power balance.

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# Chapter 9

## Democracy or Epistocracy? Age as a Criterion of Voter Eligibility

Jörg Tremmel and James Wilhelm

### 9.1 Introduction

After decades of stasis, debates on an appropriate minimum voting age for an active right to vote have gained traction at several levels and in different countries. For example, although the minimum voting age remains 18 in all UK elections, 16 and 17 year olds were able to take part in the 2014 referendum on Scottish independence. Moreover, a political pledge has been made by both the British Labour Party and Liberal Democrat Party to lower the voting age in all UK elections to 16 in the future. In the US, the last major modification to voting age electoral law was the twenty-sixth amendment to the United States Constitution in 1971, which lowered the minimum age threshold for federal elections from 21 to 18. There has, however, been recent downward pressure on the voting age in non-federal elections: in Illinois, for example, a bill is pending that would reduce the minimum voting age from 18 to 17. If passed, Illinois would be the twentieth US state to allow 17 year olds to vote in non-federal elections (Associated Press 2013). Meanwhile, in Germany, eleven states—starting with Niedersachsen—have legislated to allow 16 year olds to vote in local elections. In some states (Brandenburg, Schleswig-Holstein, Bremen and Hamburg), 16 year olds are even eligible to vote in state (‘Länder’) elections. Yet, with respect to the most important election in Germany, the elections to the Federal Parliament (*Bundestag*), the minimum voting age remains 18. Concerning EU member states, only Austria—since 2007—lets 16 year olds vote in national elections. Outside the EU, only a handful of countries (Argentina, Brazil, Cuba, Ecuador, Nicaragua and Palestine) have a minimum voting age that is lower than 18 for national elections.

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This article has two aims: First, with reference to the history of ideas, it seeks to demonstrate how the notion of who belongs to the demos and is eligible to vote has changed since the beginnings of modern democratic thought, drawing on the implications of this analysis for voting age boundaries. It is argued that the exclusion of under-18s is not self-evident, but in need of justification. In this respect, the most prominent justification in favour of exclusion—that under-18s lack political maturity—is found to be inconsistent with the normative foundations of democracy. Second, it specifies an original model to overcome this problem, based on no voting age boundaries and a system of young voter registration.

The article is structured in two main parts. The first part begins by introducing the model of epistocracy as a system of government, as presented by its historical exponents. Subsequently, epistocracy and democracy as systems of government are contrasted; the comparison concludes that the epistocratic model should be rejected. As a general rule, it is found that standardized age limits are being justified by their proponents on the basis that age is a meaningful and necessary proxy for political maturity. Using normative-theoretical argumentation, it is demonstrated that this line of reasoning and, as such, the voting age restrictions which are currently in force, are indefensible. Taking this into account, the second part presents a model for far-reaching electoral reform: no arbitrary voting age boundaries and a system of young voter registration. Analysis focuses on three key areas: the number of young people who may benefit from its implementation in the US, UK and Germany; the impact its implementation would have on electoral outcomes; and provisions to protect such a model from abuse.

With respect to its methodology, this contribution to democratic theory is in its normative part reminiscent of some important steps in the history of ideas; not as *l'art pour l'art*, but with explicit relevance for the political present. It is not the exegesis of historical texts which stands in the foreground, but the use of classical ideas to better clarify current debates. This usage can lead to the better evaluation of proposals for reform which will have an effect on the future of political systems. In its empirical aspects, an international comparative approach (US/UK/Germany) is employed. This article thus binds normative-theoretical and comparative-empirical analyses.

In terms of its scope, some limitations apply. For example, this article does not deal with parental suffrage in its original variant (also referred to as familial suffrage), which provides parents with additional votes, corresponding to their number of children; nor does it deal with the representative and vicarious variant, whereby parents discern the vote choice of their children on the basis of trust until they are in a position to vote themselves. In their consequences, both variants lead to parents being granted control of additional votes for a specific period of time, namely those of their children. Although parental suffrage has not been introduced in any country so far, it is the subject of intense debate—especially in Germany.<sup>1</sup> Meanwhile, the proposal for a reduction in the minimum voting age to 16, 14, or 12 years old—or

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<sup>1</sup> For a good political science overview article, see Westle (2006); for legal aspects, Quinterm (2010); on the potential implications for elections results after the introduction of parental suffrage, see Goerres and Tiemann (2009) and Hoffmann-Lange and Rijke (2008).

an even lower age—remains theoretically unexplored.<sup>2</sup> To at least begin to fill this lacuna is the aim of this article.

## 9.2 Democracy v. Epistocracy

Derived from the Greek words ‘episteme’/ ἐπιστήμη = ‘knowledge’ and ‘kratein’/ κρατεῖν = ‘rule’, epistocracy is, with reference to Estlund (2008), defined as a form of government in which the wise exercise power. Hereafter, the concept is used to denote all forms of government which make political participation dependent upon the possession of the power of political judgement and deny political participation rights to the ‘ignorant’.

‘Epistocracy’ must not, however, be equated with ‘aristocracy’. For the latter, there are two possible meanings: ‘rule of the best’ and ‘rule of the nobility’. There is therefore a need to differentiate the line of argument which would be necessary to justify the institutions of hereditary aristocrats (aristocracy) from the motive to propagate the rule of the wisest (epistocracy). Moreover, ‘rule of the best’, the first meaning of aristocracy, does not necessarily mean ‘rule of the wisest’.

Additionally, epistocracy should not be confused with a political system in which the entire population is granted the right to vote, except for those who have been diagnosed with an illness or debility by a medical practitioner. For epistocracy to exist, a significant portion of the mentally healthy population must be excluded from the franchise.

### 9.2.1 Epistocracy in Political Systems

In the political history of ideas there are various—some prominent—protagonists of epistocratic political systems.

#### 9.2.1.1 Plato

The root text of epistocracy is *Politeia*:

[I]n our states or those whom we now call our kings and rulers take to the pursuit of philosophy seriously and adequately, and there is a conjunction of these two things, political power and philosophic intelligence, while the motley horde of the natures who at present

<sup>2</sup> Most authors taking part in the German-speaking debate feature in two anthologies: Stiftung für die Rechte zukünftiger Generationen (2008); and Hurrelmann and Schultz (2014). In the English-speaking world, two reference articles are: Zeglovits (2013); and Wing Chang and Clayton (2006). The general literature referring to the status of children in political theory is of limited utility, since most sources do not touch upon the status of adolescents and teenagers. With respect to the discussion about the right to vote for younger minors and children, the following sources are helpful: Archard (2004); Beckman (2009); Cohen (1975); Schrag (1975); Schrag (2004); Harris (1982); Munn (2012a); Munn (2012b); Olsson (2008); Rehfeld (2011).

pursue either apart from the other are compulsorily excluded, there can be no cessation of troubles, dear Glaucon, for our states, nor, I fancy, for the human race either. (Plato 1969, 473d)

The context of this quote is Socrates' answer to Glaucon's question regarding how the ideal state can be realized. Earlier, Plato remarks that the masses are prone to error and easily led—only very few possess the faculties expected of a state ruler (Plato 1969, 412b–414b).<sup>3</sup> In the same way that men vary in their suitability to be a doctor, not all were considered by Plato as capable of holding political office. And just as good performance as a doctor requires steadfast dedication to training, political rulers must also be carefully chosen and rigorously educated. Since the conditions of the ancient polis only partially hold in other epochs, a survey of the positions of modern classical thinkers is conducted below. In England, the motherland of parliamentarianism, and, more generally, in debates on political theory from the seventeenth to nineteenth century, the universal right of men to vote—and what restrictions should be enforced—was an issue of intense philosophical debate.

### 9.2.1.2 Montesquieu and Kant

The sympathy of Montesquieu for elements of epistocracy is evident in many passages of his work:

All the inhabitants of the several districts ought to have a right of voting at the election of a representative, except such as are in so mean a situation as to be deemed to have no will of their own. (Montesquieu 2001, p. 176)

Here, Montesquieu uses free will as a criterion for the sovereignty of the people. Who lacks free will? For Montesquieu, it was women, children, the propertyless, uneducated and, often, non-whites. All were to be refused the right to participate in law-making. With these views, Montesquieu found himself in the mainstream of the progressive political theory of his epoch.

Montesquieu also advocated—as James Harrington more clearly before him—elements of plutocracy; more precisely, he favoured a system of class suffrage based on income:

In a popular state the inhabitants are divided into certain classes. It is in the manner of making this division that great legislators have signalled themselves; and it is on this the duration and prosperity of democracy have ever depended. (Montesquieu 2001, p. 27)

<sup>3</sup> Little evidence exists to support the thesis that, for Plato, the philosopher kings were merely an irony. As Plato states in *Politikos*, in the case of uncertainty the philosopher kings (*basileus*) preside over the law, since it was seen as rigid and, by itself, could not determine what was right in specific contexts. In his late work, *Nomoi*, he examines this stance, in which he contends that it is not only possible, but—except in the case of Divine Intervention—inescapable that possession of absolute power corrupts the philosopher. The impossibility of *akrasia* (the ability to act against one's better judgement) of the correctly chosen and skilful philosopher king is, however, the justification for the rule of the philosopher kings. Throughout his entire life, Plato spoke out against every form of government in which public office may only be occupied by those who enjoy a certain level of wealth.

For Kant too, economic autonomy stood more in the foreground than the possession of the political power of judgement. He writes:

The only qualification for being a citizen is being fit to vote. But being fit to vote presupposes the independence of someone who, as one of the people, wants to be not just a part of the commonwealth but also a member of it (...) from his own choice. (...) An apprentice in the service of a merchant (...); a minor (...); all women and, in general, anyone whose preservation in existence (his being fed and protected) depends not on his management of his own business but on arrangements made by another (except the state). All these people lack civil personality and their existence is, as it were, only inherence. (Kant 1996, p. 91 [§ 46 of the Doctrine of Right])

### 9.2.1.3 John Stuart Mill

With respect to Mill, we find a purely epistocratic line of thought, rather than one mixed with plutocratic or aristocratic elements. In his *Considerations on Representative Government* (1861), Mill advocates, on the one hand, multiple voting rights (plural voting) for especially well-educated and intelligent citizens and, on the other, the exclusion of all who cannot read, write or calculate from the franchise. On Mill's epistocratic exclusion criteria, he writes:

It would be easy to require from everyone who presented himself for registry that he should, in the presence of the registrar, copy a sentence from an English book, and perform a sum in the rule of three; and to secure, by fixed rules and complete publicity, the honest application of so very simple a test. (Mill 2004)

In this vein, Mill (2004) proposes that individual mental aptitude should be a criterion to determine the weighting of votes. As an indicator of mental aptitude, Mill was sceptical of general examinations because he regarded them as untrustworthy. He preferred using occupation as an indicator:

An employer of labor is on the average more intelligent than a laborer; for he must labor with his head, and not solely with his hands. A foreman is generally more intelligent than an ordinary laborer, and a laborer in the skilled trades than in the unskilled. A banker, merchant, or manufacturer is likely to be more intelligent than a tradesman, because he has larger and more complicated interests to manage (...) The liberal professions, when really and not nominally practiced, imply, of course, a still higher degree of instruction; and wherever a sufficient examination, or any serious conditions of education, are required before entering on a profession, its members could be admitted at once to a plurality of votes. (Mill 2004)

Additionally, Mill proposed that university graduates should be granted a plurality of votes. Given the fact of mass university education today, Mill's proposal would have much more far-reaching implications in the present than when he made his proposal, when it would have only applied to a small, well-educated elite.

At this point, a preliminary conclusion can be drawn: if Plato's 'rule of the philosopher kings' marks one end of the continuum of imaginable forms of epistocracy, Mill's model is located very close to the other end. The former excludes almost all citizens from political participation; the latter only the illiterate, who constituted a larger fraction of the population in Mill's time than today. As noted, Mill also advocated multiple voting rights, meaning greater influence for well-educated sections of the population.

### 9.2.2 *Why Epistocracy Should be Rejected*

‘Who constitutes the demos?’ For centuries this has been a core question for political theory.<sup>4</sup> Ideas about who should belong to the electorate have been subject to historical change. Two centuries ago, the demos consisted of men who paid the ‘right’ amount of taxes, had the ‘right’ skin colour, subscribed to the ‘right’ religion and were of the ‘right’ age. Today, women are allowed to vote—minors still cannot. For logical reasons, the decision regarding who should belong to the demos should not be democratically decided by existing voters.<sup>5</sup> An example to demonstrate this point is the 1959 Swiss referendum on the extension of the right to vote to women. Two-thirds of men rejected the proposal and therefore defined themselves as the present and future demos. Today, such a referendum would almost certainly be deemed illegitimate. Thus, it is the weighing up of normative principles that must take precedence in deciding who should constitute the demos. The great normative paradigm of our age is the notion of the equal value of all people. In this paradigm, we reject statements as ‘racist’ when someone ascribes a lower worth to ethnic minorities. With respect to women, we use the term ‘sexism’, and with respect to the old, we speak of ‘ageism’ or ‘age discrimination’. The notion of the equal value of all people appears today as so self-evident that it often remains undiscussed. A narration of the history of moral progress highlights the importance of this idea today compared with other historical epochs.

Differences in the value of human beings were in the past based on profession and level of education, but, above all, on ethnicity and sex. Only after the end of the first and second world wars did democracies implement female suffrage,<sup>6</sup> while ethnic discrimination remained virulent until the second half of the twentieth century. For example, in the USA in the 1960s the view that Afro-Americans were intellectually and socially inferior led to attempts to curb the voting power of non-white citizens through intimidation, electoral rigging as well as capitation taxes and reading and writing tests.

The basic principle of all modern democracies—‘one person, one vote’—is directly derived from the postulate of the equal value of all people. Bartolini (2000, p. 127) therefore refers to the principle of ‘one person, one vote, one value’: every vote(r) has an equal value and an equal weight. To rank people with respect to their right to participate politically, as political theorists from Plato to Mill did in earlier centuries, contravenes the consensus of our time. In modernity, the notion of the equal value of all people is the premise of just political rule—and although this rule

<sup>4</sup> Cf. Goodin (2007). Goodin (2007, p. 40) prefers this formulation over framing it as an ‘inclusion problem’, since the latter tends to obscure questions about how the inclusion of groups which are already part of the demos can be justified.

<sup>5</sup> As per Goodin (2007, p. 47): ‘It is logically incoherent to let the composition of the initial demos be decided by a vote of the demos, because that demos cannot be constituted until after the demos votes.’

<sup>6</sup> With the exception of Switzerland, where women were only granted the right to vote in 1971 at the national level. At cantonal level this advance was realized earlier in some areas but in others only later conceded (Appenzell Innerrhoden 1990).

takes a different concrete form in individual cases, no regulation may contradict it diametrically. As such, democracy is preferable to its alternatives because it ensures that citizens, whose future prospects are determined by democratic outcomes, are treated with the same degree of respect. Terminologically, a form of government that contradicts the principle of the equal value of all citizens and excludes a cross-section of the electorate without reasonable grounds for doing so is not even an immature or partial democracy: it is not a democracy at all.

In contrast, the division of cross-sections of the population into ‘better’ and ‘worse’ voters is the basic principle of epistocracy. When such opinions are voiced in the present—in this vein Brennan (2011) advocates ‘tempered epistocracy’—they are rejected by the mainstream with valid arguments.<sup>7</sup> This is because the core argument of epistocratic thinkers—that the educated are in a position to identify and represent the general interest—does not hold. Scepticism is based on a number of grounds. Firstly, it is not possible that the interests and wishes of a group, even with the very best intentions, can be better identified by a third-party than by the affected group itself. The paternalistic conception that men understand women’s needs better than women themselves was successfully rejected by women during their long battle for the right to vote. By the same token, we deny that the interests of Afro-Americans could have been adequately represented by their white masters during the era of the declaration of independence, which was neither demanded by—nor beneficial for—the represented. The following truism, expressed by John Stuart Mill in his *Considerations on Representative Government* (1861), remains valid today (notwithstanding Mill’s own limitations):

Rulers and ruling classes are under a necessity of considering the interests and wishes of those who have the suffrage; but of those who are excluded, it is in their option whether they will do so or not; and, however honestly disposed, they are, in general, too fully occupied with things which they must attend to to have much room in their thoughts for anything which they can with impunity disregard. (Mill 2004)

That citizens themselves best understand their own interests is a generally accepted principle. Interests, according to the pluralist ‘point of view’, vary from one societal group to another. Furthermore, there is no point of reference for how to adjudicate between competing claims. Whether a general interest exists which is distinct from the aggregation of the individual interests of citizens has been one of the most discussed questions in philosophy and political theory for thousands of years. But even if such a general interest is held to exist, historical evidence demonstrates—with very few exceptions—that ruling elites of political systems promote their own interests at the expense of those who are unable to adequately represent their own. Knowledge per se does not liberate man from self-interested thinking. In ethics, it is contested whether ethicists who are able to identify the generalizable, ‘moral point of view’ act with greater moral integrity. If at all, a higher capacity for empathy is the crucial character trait, rather than a higher IQ or a better

<sup>7</sup> Dahl (1989) explains this argument in his defence of democracy against its critics; in part, through a fictitious dialogue between a democrat and an epistocrat called ‘Aristo’. Brennan’s arguments fall back on those of Dahl’s fictitious ‘Aristo’, whom Dahl lets have his say ‘for the sake of the argument’, in order to play devil’s advocate against democracy.

academic record. And even if this is true, how can other citizens (s)elect these especially empathetic peers other than through their own judgement and free elections? The problem of how the best, most intelligent and progressive politicians are to be found is one of the greatest weaknesses of epistocracy and it cannot be satisfactorily resolved. The experience of the recruitment of the ruling elite in Marxist-Leninist states demonstrates that the problem does not just concern how to choose politicians, but also how to remove them from office. And in this respect, no other form of government—other than democracy—offers a mechanism which is as smooth and unproblematic as the institution of free elections. Epistocracy, then, does not, either in theory or in practice, offer greater scope for the attainment of the ‘general interest’ or lead to necessarily better political outcomes.

A system of government requires justification; such justification requires that those who are subject to that system of government have an equal and universal right to participation. In democracy, this justification comes from the fact that all those who are subject to the rule of a government and its decisions can exert power through elections to affect that very government. This allows all to have influence over the laws which regulate their lives.<sup>8</sup> It is this promise alone that makes it tolerable for all political forces to accept possible defeat. As such, democracy is procedurally better at regulating conflicts of interests than any alternative. Subordination under existing laws is especially palpable for citizens in two fields: taxation and compulsory military service. These intrusions into one’s personal freedoms are only acceptable when determined by a just mechanism: universal and free elections. The compelling slogan ‘no taxation without representation’ encapsulates the democratic consciousness, whereby it is untenable to tax cross-sections of the population without allowing them to vote. And when one is torn from private freedom and family life for the sake of defending one’s country, the right must in principle exist for that person to be able vote on the government of the day, which decides upon war and peace. For this reason, wars with compulsory military service were also great accelerators of democracy, especially WWI.

To summarize, then, the plea of the democrats against the epistocrats is as follows: whoever, as a citizen of a state, is subject to the rule of government, must—in line with contemporary democratic thought—be able to have a meaningful say regarding the composition of that government and its removal from office. The principle ‘one person, one value, one vote’ today—after 2000 years of experience with political systems and after the achievements of the Enlightenment—belongs to the consensual core of the understanding of legitimate, just governance. The opportunity to cast a vote legitimizes the resultant outcome, even for the political losers. In its absence, election results are morally illegitimate and potentially legally contestable. It is only in democracies that the ruled also act as the rulers; objects of state rule also become its subjects. For all of these reasons, there is a greater normative basis for the justification of democracy than epistocracy.

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<sup>8</sup> For different versions of the so-called ‘all-affected-principle’, see e.g. Beckman (2013, p. 778); Dobson (1996, p. 124; and Dryzek (1999, p. 44).

### 9.2.3 *The Exclusion of the Underaged from the Franchise*

In Western democracies, the principle of the equality of the vote applies just as much to Nobel Prize winners as it does to unskilled labourers without professional training; it applies just as much to people with an IQ of 120 as it does to those with one of 80. Yet not as much to 88 year-old pensioners as it does to 17 year-old children. As Lecce (2009, p. 135) writes, the argument that ‘vindicates egalitarian democracy from Plato’s elitist shadow also casts serious doubt on the continued exclusion of children from the franchise.’ Robert Dahl, too, wonders why this objection has not been at the centre of a disciplinary debate in political science (Dahl 1989, p. 58, 123, 127). In an epistocracy, the exclusion of young people who wish to vote by means of an age limit can be legitimized. In all modern democracies, however, such a limit is incongruent with the normative justification of democracy and is, as such, an injustice against those who are excluded. It is for this reason that epistocratic principles are not applied to adults and rejected by political theory and in legal practice; hence illiterate adults are not denied the right to vote.<sup>9</sup> Even adults who are demonstrably not in full possession of their mental capacities—such as those who are totally intoxicated—may still take part in elections. Notably, the jurisprudential literature unanimously rejects the notion of a maximum voting age. The German administration cites the ‘potentially declining ability of older people to actively participate in the solution of societal problems’ as ‘no criterion for their generalised exclusion from the franchise once they pass a certain age, since, conversely, its presence or absence is no criterion for the granting of the right to vote.’ (Wissenschaftlicher Dienst des Deutschen Bundestages 1995, pp. 14–15). Though the right to vote is not explicitly linked to reciprocal responsibilities and should not be in the future, it is worth pointing out that young people who are at present excluded from the franchise, still—for all intents and purposes—have societal responsibilities. As citizens of the state, they are all subject to the laws of the land, even if children and adolescents do not feel the full force of the law. Consumption tax rates in no way favour the young over the old, even if the tax yield may fluctuate according to age groups. In many senses, then, they have no inherent advantage over adults. In the US and Germany, one can even sign up to become a regular soldier in the armed forces at just 17.

Prima facie, the existing age limits for national elections are defended in the following way: under-18s are not discriminated against on the basis of their age. This would be just as repugnant as the exclusion of women from the franchise on the basis of their sex or of old-age pensioners just because they are old-age pensioners. Rather, age is a meaningful and necessary proxy for the ability to exercise political judgement. This line of reasoning is, however, indefensible. It is not one which applies to older generations and cannot, therefore, be used to argue in favour of a minimum voting age. The deliberations which lead to the rejection of epistocracy

<sup>9</sup> According the World Illiteracy Foundation, one in every five UK adults has difficulties in reading and writing, with some unable to use a chequebook. In the US, 1 in 4 children are raised without being taught how to read or write.



must, to avoid internal contradictions, also reject as indefensible any quantitative threshold as a proxy for human knowledge. Even a minimum age threshold of 16, 14, or even 12 would be a form of epistocracy, albeit milder. In other words: every age boundary is arbitrary.

Moreover, it is worth pointing out that the proxy argument is not applied to basic political rights which are *less* important than the right to vote. The right to demonstrate, for example, is effective from one's first year of existence, without age restrictions. The same is true of the freedom of speech. That the majority of 13 year olds are not capable of writing a book or composing musical scores is not an argument which can be deployed to deny freedom of expression to a 13 year old. It is her basic right, regardless of what the rest of her cohort is able to do. As noted earlier, criminals and the psychologically ill are only excluded on a case-by-case basis. In this context, the (age) proxy argument for the removal of the right to vote is also justifiably impermissible.

The basic consensus is that all citizens in a democracy are in principle entitled to influence the composition of their government through elections. Therefore, a shift in the burden of proof is justified: it is not young people who must justify why they should be permitted to vote, but those who wish to deny that right to young people.

The history of the right to vote is, of course, one of expansion.<sup>10</sup> Yet, even though the end goal of granting the right to vote to all adult citizens has already been largely reached in democratic countries,<sup>11</sup> the historical path towards this varied from country to country. Table 9.1 traces the US, UK and German paths, with a special emphasis on changes in age boundaries.<sup>12</sup>

Worldwide, too, the trend is towards a gradual lowering of the minimum voting age, but not without some backlash (Grotz 2000, p. 14). Latin American states were in the vanguard of countries which lowered the voting age from 21 to 18 years old. Argentina, Costa Rica and Paraguay lowered it during the nineteenth century and Brazil, Costa Rica and Paraguay by the early twentieth century. In the majority of countries, the voting age was not lowered in one large step, but in frequent, small ones. The most important exception was the 'third wave of democratization', during which a multiplicity of African and Asian states introduced a minimum voting age of 18 in a single stroke.

Twenty-first century experiences have disproved the assumption that the extension of the right to vote to include women, the 'lower classes' and those be-

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<sup>10</sup> On the history of the right to vote, Bartolini (2000, p. 118) writes: 'Prior to the French Revolution, membership in a corporate estate—as the nobility, the clergy, or city corporations—was a condition for access to the vote. After the American and French Revolutions, individual wealth requirements supplanted the early corporate requirements, and suffrage qualifications were usually based on property, income, or tax contribution; education and or other cultural skills; and sex and age. This history of franchise expansion is the history of the progressive lowering of these qualification barriers and thresholds, frequently characterised by important “reversals”; that is, by the disenfranchisement of previously enfranchised people.'

<sup>11</sup> Excluding the aforementioned restrictions on the voting rights of convicted criminals and the psychologically ill on a case-by-case basis, which today vary from one democracy to another.

<sup>12</sup> Bartolini (2000, p. 120).

**Table 9.1** A short history of the (progressive) extension of voting rights in the US, UK and Germany. (Source: Own diagram based on White (2013) and KQED (2004))

Year	Voting rights reform
1787	US: The constitution of the United States is passed in September 1787. No agreement is reached on a national voting age, since the states retain competency in determining voting rights. In practice, only white, male landowners over the age of 21 were able to vote
1815	Germany: After the founding of the German state, a bicameral system was created in a number of German states ( <i>Länder</i> ) in which the members of the second chamber were elected. In general, those eligible to vote had to be 25 years old, Christian and be able to demonstrate a minimum level of wealth, income and tax contributions
1832	UK: Prior to 1832, the right to vote was regarded as the privilege of the wealthiest in society. In 1831, 127 years after Locke's demise, only 3.8% of the population aged 20 or over in England composed the electorate. Only male, aristocratic landowners over 21 were allowed to vote. However, following the upheavals of the French Revolution, the Representation of the People Act 1832 (better known as the (Great) Reform Act) extended the franchise to include small landowners, shopkeepers and tenant farmers. It is also extended the franchise to homeowners who paid £10 or more in rent per annum (see Bartolini 2000, p. 120).
1848	Germany: All male citizens who were able to demonstrate 'personal self-reliance' (a criterion which had a varying interpretation between the different Germany states) were granted the right to vote in elections of the German national assembly (' <i>Paulskirchenparlament</i> '). Despite its shortcomings, this reform, at a stroke, increased the percentage of eligible voters to 35%. The minimum voting age corresponded directly to the age of consent, which varied from state to state (from 21 to 30)
1856	US: After North Carolina's removal of property qualifications on the right to vote in 1856, property qualifications on the right to vote ceased to exist throughout the US. All white men over 21 could vote
1867	UK: The Second Reform Act reflected popular support for further electoral reform after the Representation of the People Act (1832). It extended the latter by granting the right to vote to lodgers over 21 years old in boroughs (urban areas) who paid a rent of over £10 per annum. It also relaxed property qualifications to extend the franchise to tenants and landowners with very small holdings Germany: Article 20 of the constitution of the North German Parliament of 16 April 1867 granted the universal and direct right to vote in secrecy (secret ballot) to over-25 year olds
1868	US: The Fourteenth Amendment to the constitution of the United States established a right to vote for former slaves by defining them as citizens and forbidding states from denying the right to vote to citizens, even though voting regulation (including regulation of voting age) remained a state competency
1871	Germany: The founding of the German Empire led to a slightly modified version of the North German constitution being adopted, including the direct adoption of Article 20 on voting rights
1884	UK: The Third Reform Act empowered rural voters (in the counties) by establishing the same voting rights for them as voters in the boroughs (21 years old with property qualifications). Women, however, remained completely excluded from the franchise

**Table 9.1** (continued)

Year	Voting rights reform
1918	UK: In 1918, as a result of the women's suffrage movement and the changing view of women after the instrumental role they played domestically during World War I—fulfilling many traditionally 'male' tasks in industry—women gained the right to vote in the UK, but only when aged 30 and over. Women also became eligible to stand as MPs Germany: After defeat in WWI, the Council of People's Deputies on 12 November 1918 declared an equal, secret, direct and universal right to vote for all men and women over 20 years old. Excluded from the vote remained those who were under the care of another and those who, through a legal ruling, had lost their civil rights. The voting age was not a point of consensus for the architects of the constitution. The 'Deutsche Volkspartei' (German People Party) representatives rejected a proposal to set a minimum voting age of 20 years old on the basis that, if it were accepted, one could also grant voting rights to infants
1919	Germany: Article 22 of the Weimar Constitution (11 August 1919) declared that representatives would be elected by men and women over 20 years old in universal, equal, direct elections using a secret ballot. The electoral system was proportional representation. With this reform, the number of eligible voters increased sharply for the second time in German history
1920	US: The Nineteenth Amendment to the constitution of the United States established equality between sexes with respect to voting rights at both the state and federal level, permitting women over the age of 21 to vote
1964	US: The right to vote in federal elections was decoupled from tax: failure to pay tax no longer denied anyone over 21 years old the right to take part in national elections. Yet, at the state level, it was only after the Supreme Court ruling <i>Harper v. Virginia Board of Elections</i> (1966) that the right to vote was also decoupled from tax at the state level
1969	UK: The legal voting age in all UK elections was lowered from 21 to 18 for both men and women.
1970–1972	Germany: Through a constitutional change (1970), the wording of Article 38 II of the German constitution was amended. From this moment on, eligible voters were those were over 18; eligible candidates in elections were those who had reached the age of consent. German electoral law was correspondingly amended in 1972. Hence in 1972, 18–20 year olds were able to vote for the first time
1971	US: The Twenty-Sixth Amendment to the Constitution of the United States is signed by President Richard Nixon in July 1971, lowering the voting age from 21 to 18 in federal elections. The key argument made by proponents for this change (mainly Vietnam war protesters) was that those old enough to go to war should also be able to vote
2006	UK: The Electoral Administration Act became law in 2006, lowering the age at which one can stand as an MP from 21 to 18, which replaced previous regulation dating back to the Parliamentary Elections Act 1695
2013	UK: In January 2013 a motion was passed in the British House of Commons by a large majority (119–46) to lower the voting age from 18 to 16 in all UK elections—but the outcome was not binding on the government, which opposed such a change US: In May 2013 Takoma Park in Maryland became the first city to grant those as young as 16 the right to vote in municipal elections and referendums (Powers 2013)

tween 18 and 25 years old would have catastrophic consequences. On the contrary: history teaches us that even the most well-meaning paternalism is inappropriate and harmful to the objective of increasing the level of political education of previously excluded groups of the population, who require that the system accepts them as politically mature. For example, it was only in 1968, after the extension of the franchise, that a law was passed to introduce elementary schools for general education in England.

### 9.3 Gradualness v. Absoluteness

Any pragmatic solution to end the epistocratic and outright exclusion of minors from the franchise must confront two established facts. The first is the gradualness of the maturing process of children and adolescents. Here, there may be controversies over when certain stages of psychological development are reached, both with respect to specific individuals and on average. Additionally there is a differentiation to be made between ‘experience’ and ‘biological mental maturity’.<sup>13</sup> That political judgement is gradually reached, however, is not in doubt. The second fact which must be recognized is that the core idea of democracy—the collective authorization of laws through a people, which is also subject to them—is *not* gradual. Democracy as a form of government is inseparably connected to the normative idea of voting rights for all citizens, independent of the extent of their political maturity. To make compromises would put democracy itself at risk.

At least in appearance, legal provisions regarding the right to vote offer an all-or-nothing solution: young people are either eligible to vote or not.<sup>14</sup> Accommodation is not made for both the categorical equality of all humans as a normative premise of democracy and the gradualness of the maturing process. For child right experts such as Kiesewetter (2009) or Weimann (2002)—in the tradition of Farson (1974) and Holt (1974)—a solution to the problem is that a right to vote from birth should be established. From a philosophy of law perspective, it is based on the demand for human rights equality for children. According to this view, the right to vote should not be dependent on the ability to exercise it. Children are entitled to it, simply because they are human beings. As Weimann (2002, p. 53) notes: ‘Because children are humans, the inviolability of human dignity must apply equally to them as it does to adults. The human rights which are derived from human dignity and apply to adults must therefore also apply to children.’<sup>15</sup> The focus of this argument is not on the act of voting itself, but the legal right to vote. Since the latter is not regarded as gradual, discussions about *pragmatic* solutions are regarded as unnecessary. Kiesewetter (2009, p. 271), writing with regards to voting age boundaries on pragmatic grounds, arrives at the following conclusion: ‘When it comes to fundamental rights,

<sup>13</sup> Cf. Tremmel (2008).

<sup>14</sup> Cf. Lecce (2012) and Archard (2004, p. 12).

<sup>15</sup> Own translation.

this type of pragmatic justification is indefensible. When, from one day to the next, one loses entitlements, it may lead to bitterness borne out of arbitrariness – but this is to be distinguished from the withdrawal of a fundamental right.’<sup>16</sup>

The assumed nexus between human rights, civil liberties and the right to vote is, however, problematic. First of all, human rights and civil liberties are not co-terminous; and even if, in light of this, the line of argumentation shifts from the right to vote as a human right to it being the most important of civil liberties, the right to vote is still, like every law, subject to justification. Laws cannot be final justifications.<sup>17</sup> Human rights did not fall out of the clear blue sky; they are neither God-given nor a product of nature (Tremmel and Robinson 2014). Rather, they are an invention of man. According to this reason-based, anti-natural rights position, humans only have rights (including fundamental and human rights) because they have been granted to them. For the most part, child rights in international law were granted by a special Convention on the Rights of the Child (1989), not by the Universal Declaration of Human Rights (1948). The former postulated additional rights for under-18s, even though universal human rights already existed and young people are clearly human beings. This is meaningful: for some rights, such as sexual self-determination, special regulations are necessary for children. For understandable reasons, special protection provisions—e.g. the ban on the pornographic presentation of one’s own body—must be added to the formal rights that apply to all humans equally (Maywald 2010, pp. 8–15). When child rights experts object that rights must not be *guaranteed* because they already *exist*, it must be questioned why the advocacy efforts of child rights experts for the legal anchoring of a right to vote from birth has until now been unsuccessful.

### 9.3.1 *A Pragmatic Proposal: A Voting Right for Minors Through Registration*

If the premise that the right to vote is a human right and all humans are therefore entitled to it is abandoned, scope for pragmatic solutions becomes available. This article does not therefore advocate a right to vote from birth; even the description ‘voting rights for children’ would be misleading. Rather, what is recommended here is that all young people who *want* to vote are incorporated into the electorate by means of a ‘right to vote through registration’. This solution prioritizes intent over age boundaries; the will of young people is its focus.

A ‘right to vote from birth’ would require all citizens to be included on the electoral register from birth onwards. A ‘right to vote through registration’ does not necessitate such a practice. Minors are, at first, not included on the electoral regis-

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<sup>16</sup> Own translation.

<sup>17</sup> There is not sufficient space here to thoroughly analyze legal-philosophical issues regarding the nature and existence of rights. For such analysis, see Tremmel and Robinson (2014), p. 145–190 and Tremmel (2009), p. 46–63.

ter and therefore have no right to take part in elections. In the model put forward here, they instead have the right to register as a voter to take part in elections. It is undeniable that a fraction of under-18s has no interest in politics and no desire to vote. This fact is entirely normatively unproblematic: it does not contravene the basic principle of the equal value of all citizens. In many democracies voting is not compulsory—a right to abstain exists.

This paper advocates that young people and children should be able to claim the right to vote, at a point in time chosen by them. In practice, the decision would be taken by the child by means of a visit (in person) to the authorities of his or her respective electoral constituency, where a registration process could be completed. Once there, the young person would have to inform the authorities that he/she would like to be registered on the electoral roll for under-18s. Such a registration would not be an ‘application’—an application can be rejected—but a ‘declaration of intent’. An examination of the electoral aptitude of young people would not take place in any form whatsoever. As there are elections on different levels (national, local, and European), the young person would decide for him/herself which elections he/she would like to take part in—or the young person can register for all of them, just like an adult.

An appropriate name for this voting rights model is ‘the right to vote for minors through registration on the electoral register’ (for short: ‘the right to registration for voting’). It would be a right to vote without age limits, but it would not be a right to vote from birth onwards as all babies, infants as well as large fractions of older children and young people would be excluded from the right to vote by this model. For defenders of the status quo, this model is likely to go too far, while for the child rights movement, it may not go far enough. To answer the criticism of the latter, it is important to note that very old voters are *often* not in possession of the power of political judgement. One year olds, on the other hand, *always* lack this faculty. The notion that the opportunity to vote should be extended to babies and small children is absurd, both at first glance and after long consideration. Babies would prefer to eat the ballot paper than fill it out (Lecce 2009, p. 137). Defenders of the status quo, meanwhile, may argue that modes of political participation should correspond to age. References to youth parliaments and children’s rights should not, however, be used to block the debate on a right to vote for under 18s who wish to do so. Consequential political choice (in actual elections) is the ritual and feast of democracy<sup>18</sup>—and for the large majority of the general public, choice through elections is their only form of political engagement.

### 9.3.2 *Estimated Number of Under-18s Who Want to Vote*

To ascertain the number of young people who wish to vote in the US, UK and Germany, Table 9.2 multiplies the number of individuals in each age cohort by an assumed participation rate. The assumed rate for 16 and 17 year olds is based on

<sup>18</sup> Cf. Eith and Mielke (2006).

**Table 9.2** Estimation of underage people who want to vote in the US (2010), UK (2011) and Germany (2013). (Source: Based on own calculations)

Age cohort	Number of young people			Assumed percentage of willing voters (%)	Additional new voters/number of excluded voters		
	US	UK	Germany		US	UK	Germany
17	2,420,000	665,300	846,000	55	1,331,000	366,000	465,300
16	1,940,000	648,000	823,000	45	873,000	292,000	370,350
15	1,480,000	650,900	791,000	35	518,000	228,000	276,850
14	1,040,000	640,700	788,000	25	260,000	160,000	194,500
13	820,000	629,100	802,000	20	164,000	126,000	160,400
12	620,000	618,900	817,000	15	93,000	93,000	122,550
11	410,000	605,500	791,000	10	41,000	61,000	79,100
10	210,000	586,800	774,000	5	10,500	29,000	38,700
9	80,000	571,900	772,000	2	1,600	11,000	15,440
8	40,000	572,800	738,000	1	400	6,000	7,380
Sum	9,060,000	6,189,900	7,932,000		3,292,500	1,372,000	1,730,570

the actual participation rate of these age cohorts in German regional elections, for which the minimum voting age is 16 years old. For younger age groups the rate was then proportionally scaled down. Following this method, it is possible to determine that a right to vote through registration would translate into the addition of 1.7 million votes of young, politically engaged Germans to the German national election results. This estimate is most likely conservative when one takes into account that voter turnout is higher in national than in regional elections; thus the number of young people who wish to vote but are excluded from the franchise could—not unrealistically—be 2 million. The youngest accepted age cohort is 8 year olds (1%).

When the German youth participation rate is applied to the UK and the US on the assumption that a similar number of young people would vote in those countries as they do in Germany, it can be deduced that the implementation of a right to vote through registration would add the votes of 1.4 million young people in UK national elections, and in the US the votes of 3.3 million additional young Americans would be taken into account. To emphasize: these are conservative figures based on turnout rates at regional, not national elections, and are therefore likely to understate the number of willing but excluded voters. The actual figure for the UK could be closer to 2 million and the US figure more likely to be 5 million.

Perhaps political theorists and legal practitioners would have already taken the contradictions in electoral law more seriously if young people themselves had spoken out more strongly. Yet despite the fact that evidence of young people protesting against their exclusion from the franchise is plentiful, their voices have been largely marginalized in the media. For example, the UK ‘Votes at 16’ coalition, which is composed of young people, politicians and youth organizations, has already attracted 3,440 members since its creation in 2003. In Germany, a petition created

by a children's rights NGO (*Kinderrechtszaenger*) has been signed by over 1,000 young people who are too young to vote but wish to be granted the right to do so.<sup>19</sup> Another group has challenged the outcome of the September 2013 German election on the basis that citizens under 18 were excluded against their will.<sup>20</sup> Participation rates in youth elections speak for themselves: UK Youth Parliament elections attract over 500,000 voters nationwide. Meanwhile, in Germany, a similar youth election takes place, known as the U18 Election (*U18-Wahl*); it is held shortly before German national elections and is open to all children and young people.<sup>21</sup> According to data from the U18 website ([www.u18.org](http://www.u18.org)), 127,208 children took part in the German U18 Election in 2009; in 2013, around 200,000 participated. They had the opportunity to vote in 1,500 temporary polling stations which were set up by youth centres, ensuring comprehensive coverage. On their polling card for the 2013 election, which took place on 13 September 2013, the young participants were given the opportunity to voluntarily declare their age and sex, and two-thirds did so.<sup>22</sup>

### 9.3.3 *Ramifications for Election Results*

Due to a lack of data, predictions about the effects a right to vote through registration would have on the election results of any nation-state is far from a perfect science—demoscopic institutes tend to only concern themselves with the voting behaviour of eligible voters. We have therefore based our calculations of the U18-elections in Germany. Such data is suitable for our purposes because there is no age

<sup>19</sup> The original petition statement (own translation): 'I am under 18-and I want to vote. Like all people who live in this country, I am affected by political decisions: especially, in the present, by child, youth, families and education policy; and long-term by, for example, the implications of today's public debt as well as environmental and pensions policy. Other policy fields, such as questions of war and peace, social and economic policy or public policies towards minorities also concern me to some extent. In a parliamentary democracy, political decisions are reached by representatives who are elected by eligible voters, whose interests they claim to represent. The interests of those who are not eligible to vote are often noticeably neglected—though the representatives should, in fact, represent the entire population. This is because policies are mainly designed for those who can vote. If, one day, decisions are made at the national level in another form (e.g. through referendums), I would also like to participate. I would like to be taken seriously and be recognized as a person equal in value to others. A right to vote in elections would be a clear statement to this end. Please create the legal basis for me to be able to participate in elections and votes—in person and without parental proxy voting.' The number of ineligible young voters was retrieved from <http://www.ich-will-waehlen.de/index.php?kat=Statistik+der+Petition&alter=>. Last accessed on 01.12.2014.

<sup>20</sup> [wir-wollen-waehlen.de](http://wir-wollen-waehlen.de). Last Accessed on 01.12.2014.

<sup>21</sup> The U18-Wahl is organized by many youth organizations and NGOs as well as the Berliner U18-Network. It is financially supported by the German Ministry for Family, the Elderly, Women and Young People and the Federal Agency for Civic Education.

<sup>22</sup> The data can be summarized as follows: 5.87% of the young people were 17 years old; 9.83% were 16; 13.04% were 15; 11.93% were 14; 9.93% were 13; 7.16% were 12; 4.95% were 11; 3.42% were 10; 1.49% were 9; 0.77% were 8; and the rest (0.54%) were younger.



**Table 9.3** Results of the German national elections and the U18 elections (2009 and 2013) compared. (Source of the U18 election results: [www.u18.org](http://www.u18.org))

	CDU/ CSU	SPD	Die Grüne	FDP	Linke	Piraten	NPD	Tier- schutz	Other
Political position	Centre- right	Centre- left	Green party	Centre- right	Left- wing	Pro- trans- parency	Far- right	Animal rights	
U18 (2013) (%)	27.1	20.4	17.0	4.6	7.8	12.1	3.2	1.8	7.9
National (2013) (%)	41.5	25.7	8.4	4.8	8.6	2.2	1.3	0.3	2.5
U 18 (2009) (%)	19.4	20.5	20.0	7.6	10.4	8.7	4.2	5.2	4.1
National (2009)	33.8	23.0	10.7	14.6	11.9	2.0	1.5	0.5	2.0

restriction on participation and a high level of motivation is necessary to actually vote. The minors were required to locate a voting booth—an experience that was probably unknown to most of them prior to taking part—and successfully negotiate the voting procedure. Table 9.3 compares the results of the U18-elections elections with the national election results in Germany for 2009 and 2013.

The results demonstrate consistent differences in party preferences between the currently eligible electorate and minors across 2009 and 2013. Most strikingly, the major parties performed relatively badly among young voters: the CDU/CSU loses roughly one-third of its share of the vote among minors and the SPD approximately one-fifth. Linke and the FDP both received roughly as many votes from minors as they did from adults. The clear winners of an introduction of a right to vote through registration for minors in 2009 and 2013—mainly profiting from the losses of the main parties—would have been the Piraten (the party received a share of the vote from minors which was 4–5 times larger than from adults), Tierschutz (6–10 times larger) and the NPD (3 times larger). It should be noted, however, that even despite the increases, the German political party for animal rights (Tierschutz) (2009: 5.2%; 2013: 1.8%) and the German far-right party (NPD) (2009: 4.2%; 2013: 3.2%) still only received a small share of the overall vote. The so-called ‘pirate party’ (Piraten) (2009: 8.7%; 2013: 12.1%), a newly-founded pro-transparency party, on the other hand, received a considerably more significant share.

Despite these findings and the temptation to draw conclusions for other countries, anticipated election results are an illegitimate criterion for the granting of the right to vote. Voting patterns of eligible voters already vary: 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. Moreover, one would be very dependent on conjecture

(as per our analysis): demoscopic institutes have, until now, not carried out enquiries into the voting preferences of young people without age limits.

This line of reasoning poses fundamental questions of any type of ‘right to vote on trial’ for certain age groups. The history of voting age boundaries demonstrates that almost every lowering has been ‘no strings attached’, in the sense that lowering has not been linked to empirical variables, such as the party preferences of new voters. In Norway in 2011, however, the minimum voting age was lowered from 18 to 16 for local elections only—and only in 21 of 430 boroughs.<sup>23</sup> The so-called ‘Norwegian 2011 voting-age trial’ is an attempt to test the political maturity of young Norwegians—and then to decide if the voting age should be lowered from 18 to 16 for all boroughs. Apart from the empirical outcome of the ‘test’, the experiment highlights the difficulty involved in operationalizing the concept ‘political maturity’: can a preference for a transparency party, animal rights party or even a ‘radical’ party at the left or right-end of the political spectrum be indicative of immaturity? History is replete with examples of established party positions which were considered ‘extreme’ for the majority of one generation, and for the following ‘mainstream’. It is simply unimaginable that the older fraction of an existing demos could expel the younger fraction on the basis that the latter did not ‘vote correctly’. It would be understood as the organized defence of the old against the young, and the right of every generation to determine the values of the society in which it lives would be undermined.

### 9.3.4 *Provisions to Prevent Abuse*

The threat of abuse of a new regulation does not in all cases mean that it should be repealed. Often, there is no other choice than to find a lesser evil. Nevertheless, before the introduction of a ‘right to vote through registration’, possible abuses should be anticipated and, to the greatest extent possible, minimized. For instance, it is conceivable that, on the basis of their dependence, young people are unable to vote freely. More than any other voting group, they could be at risk of being influenced—in this case, by their parents. With respect to such arguments, the basic principle of the freedom of choice applies, which stipulates that all voters should be protected from influences which are able to compromise their freedom to choose, legitimizing the use of secret ballots. In particular, this basic principle stipulates that the authorities should not have any influence; that is to say, no system should exist—set up by the ruling government, for instance—which binds voters into voting for a particular party/nominee. The freedom to choose, however, is not intended to imply the elimination of all influences from contemporaries—such as parents, partners or friends. One cannot even ensure the elimination of influence with respect to voters who are over 18. If it were attempted, it would not only be the end of party

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<sup>23</sup> Bergh (2013).

political broadcasts on radio and television, but would require all political discussions to be banned. Since freedom from influence among adult voters is neither intended nor feasible, it could be argued that freedom from influence among young voters must not be problematized. In the final analysis, all young voters would be alone in the voting booth and can, as such, tick whichever box they want.

On the other hand, parents may have completely different means of creating pressure on their children than adults do in relation to one another—but voting in person would be of great value in negating it. It therefore appears advisable that the (formerly) underaged are not permitted to take part in postal voting. Here, there is a distinction to be made between ‘real’ postal voting, whereby a vote is cast by post, and preselection, whereby a vote is cast at the polling station through the delivery of a voting card. Postal voting and, in particular, ‘real’ postal voting are generally more susceptible to electoral corruption than a vote cast at a polling station. A direct influence on the underaged by family members to the point of filling in the voting card on the child’s behalf cannot be ruled out, since in contrast to the polling station, adherence to secret voting cannot be observed. That is not to imply that a large number of parents or older siblings would behave in such a way—but even a small percentage would be too much. It would there seem legitimate to protect the young people by only allowing them to vote in person and ruling out the possibility of them taking part in postal voting.

## Conclusion

It has been demonstrated with reference to the history of ideas that the current exclusion of young people and children from the franchise is a last, anachronistic bastion of epistocratic thought which contradicts democratic principles, as they are today generally understood. This delay is the result of both the superficiality of the current debate and the voicelessness of young people in the media. As Dahl (1982, p. 98) notes, ‘[the problem of inclusion] is an embarrassment to all normative theories of democracy, or would be were it not ignored.’

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# Chapter 10

## Giving 16-Year-Olds the Vote. Experiences from Norway

Petter Haakenstad Godli

### 10.1 Introduction

Representative democratic systems and the quality of representative democracy have been subject to discussion and research for several years. Lately, the voting age debate has become an increasingly important debate. In most Western countries, the voting age is 18 years old, with Austria being the only exception, where the voting age was lowered to 16 in 2007 (Ødegård and Aars 2011, p. 25). The current debate revolves especially around whether 16- and 17-year-olds should also be given the right to vote, and is high on the agenda in several Western countries. However, a common problem facing the debate is the lack of empirical evidence, since so few countries have voting age lower than 18. Hence, it has been difficult to conduct systematic studies investigating consequences of suffrage reforms.<sup>1</sup> The debate so far has, to a large degree, been based on normative, rather than empirical, arguments (Ødegård 2014a, p. 194).

In the local election held in Norway in September 2011, a voting age trial was implemented. A carefully selected number of Norwegian municipalities were given the opportunity to lower the voting age from 18 to 16 on a provisional basis. This article takes a closer look at the experiences made related to the voting age trial, in light of the ongoing voting age debate.

The article continues as follows; first, I introduce the voting age trial. Thereafter I briefly present the background for the trial, paying special attention to three societal alternations and dynamics important to the understanding of why the trial was

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<sup>1</sup> The use of the term suffrage reforms in this article always implies reforms lowering the voting age to 16.

conducted. Then, I present what I label the “European Voting Age Debate” in more detail, focusing on its four main groups of arguments. In light of these arguments, I present the main findings and experiences made from the Norwegian case, and thereafter discuss how they fit into the general voting age debate, and the highly relevant question of whether 16- and 17-year-olds should be enfranchised or not?

## 10.2 The Voting Age Trial in 2011

The voting age trial was not a result of pressure from the Norwegian political elite. On the contrary, numerous official reports in previous years concluded negatively on the question of lowering of the voting age (NOU 2001: 3; NOU 2006: 7). Actually, the first official report concluding in favour of suffrage reforms was published at the end of 2011, the same year as the trial was held. The “Youth Report on Power”<sup>2</sup> (*Ungdommens Maktutredning*, NOU 2011: 20) was published after the election and advocated the lowering of the voting age in local, regional and parliamentary elections.

The leading political parties were also skeptical to introduce suffrage reforms. Several propositions demanding such reforms, encompassing 16 as the new voting age, have been voted down in the Parliament (*Stortinget*), for example the proposition made in 2007 by the Socialist Left party and the Liberal Party, the only parties favoring suffrage reforms at the time (Innst.S.nr. 188 (2006–2007)). The most profound promoters of suffrage reforms have been interest based youth organizations, such as the Norwegian Children and Youth Council (*Norges Barne- og Ungdomsorganisasjoner*; LNU), and municipalities (*kommuner*) wanting to set up local trials similar to the national one. Already ahead of the election in 2007, several municipalities requested permission to do so, without success. In other words, the process leading up to the trial can hardly be described as a top down-process, but rather as a bottom up-process (Ødegård and Saglie 2014, pp. 132–124). However, in the last years preceding the trial, a new consensus among central actors emerged. As a result, the decision was made to hold a limited voting age trial (Ødegård and Saglie 2014, pp. 132–134). The final initiative was taken by the government in June (Stortingsmelding nr. 33 (2007–2008)). This decision came after several years of concern about the quality of Norwegian local democracy and decreasing turnout rates, resulting in a broader debate about citizen participation (Bjørklund 2005). An important objective of the trial was to increase turnout among young voters. Even though an expected short-term consequence was decreased overall turnout, since young voters tend to be less likely to vote than older voters, the long-term perspective with increased turnout rates among youth was considered more important. The final proposition (Stortingsmelding nr. 33 (2007–2008)), referred to Franklin (2005), arguing that suffrage reforms will increase overall turnout in the long-term perspective because young voters get into the habit of voting at an early stage. According to Franklin, this increases the probability of them voting as they age.

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<sup>2</sup> All translations in this article are my own.



**Table 10.1** Municipalities included in the trial. (Source: Ødegård and Aars 2011, p. 9)

Municipalities included in the trial		
Municipality name	Number of enfranchised 16- and 17-year-olds	Turnout among newly enfranchised voters
Osen	29	58.6
Longyearbyen	42	65.9
Namdalseid	45	77.3
Tysfjord	61	64.4
Kåfjord	78	64.1
Marker	82	67.9
Vågå	87	71.3
Kautokeino	88	59.1
SIgdal	92	62.0
Austevoll	143	62.2
Luster	146	82.2
Hammerfest	250	44.8
Re	254	46.0
Gjesdal	340	55.6
Mandal	409	59.3
Grimstad	613	60.0
Hamar	671	59.8
Porsgrunn	885	52.7
Lørenskog	919	56.8
Ålesund	1078	48.0
Stavanger	3144	61.5
Total	9456	57.8

All municipalities in Norway<sup>3</sup> could apply for inclusion in the trial. In total 143 municipalities applied. 21 one of these were chosen to take part in the pilot project: 20 municipalities located in the Norwegian mainland, and the local council of Longyearbyen in the arctic Svalbard-region. The 21 municipalities taking part in the trial are listed in Table 10.1, displaying municipality name, number of new voters enfranchised and voter turnout among these voters. An important aim was to have as much variation as possible in terms of municipality size, location in the country, political composition of the municipal councils, level of urbanization, age composition and whether the municipalities had actively involved youth in local community or not (Bergh 2013, p. 92). Every single vote of a newly enfranchised 16- or 17-year-old counted as much as a single vote from a person aged 18 or older. However, two important demarcations were undertaken. First, the 16- and 17-year-olds were only allowed to vote in the municipal council elections, and not

<sup>3</sup> At the moment, Norway has 428 municipalities.

the county council elections.<sup>4</sup> Second, even though 16- and 17-year-olds were enfranchised in selected municipalities, they could not be elected to public seats and positions. This was a violation of the principle that enfranchisement and eligibility in local elections are usually connected (Ødegård and Aars 2011, pp. 9–20; Bergh et al. 2014, pp. 10–13).

### 10.3 Background for the Voting Age Trial

According to Ødegård and Aars (2011, pp. 12–21), voting age debates are normally a reflection and expression of societal alternation, with each time period being characterized by new political and civic right questions put high on the agenda, nationally as well as internationally. In Norway, the introduction of universal suffrage for women in 1913, as well as the enfranchisement of foreign citizens living more than 3 years in the country in the local elections in 1983, are good examples (Ødegård and Aars 2011, p. 12). Also in 2011, the conduction of the voting age trial can best be understood if we look at societal alternations and debates in preceding years. Ødegård and Aars (2011) emphasize three societal alternations and dynamics especially important to the voting age debate on lowering of the voting age, both in European/Western countries in general, as well as in Norway particularly.

1. *The changing youth adolescent role.* Since the 1960's, and especially over the last 30–40 years the adolescent role (or youth role) has undergone profound changes, creating new youth roles and subcultures (Ødegård and Englestad 2003). One of the main reasons, according to Gelder (2005) is the increased educational level among youth. Because they settle down with careers and families later than before, the youth period has been extended. In addition, more spare time has enabled them to organize themselves in new ways, creating movements which have gained increased importance on the political scene, such as movements against the Vietnam War (Hellevik 2001). Youth have become agenda-setters which cannot be ignored, and today they are considered to be a social group with their own social rights and duties (Fauske, Vestby and Carlsson 2009). Increasingly empowered youth is hence a key issue when discussing extensions of the vote.
2. *Alternations in democracy as an institution.* Reforms and alternations in democracy as an institution have created opportunities to include new groups in the electoral democracy (Ødegård and Aars 2011, pp. 14–18). They claim that democracy has gradually developed into new forms, highlighting three forms especially. From the original modern representative democracy, the post-war era has witnessed the participatory democracy and further on a sub form of the participatory democracy, the consumer democracy. The last two types have devel-

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<sup>4</sup> Local elections in Norway include election to the regional county council (*fylkestinget*) and the local municipal council (*kommunestyret*).

oped in line with the modern welfare states after 1960. The emergence of the welfare states required closer contact between authorities and the consumers of welfare services. Therefore, the participatory and consumer democracy have a broader perception of democracy, compared to the classic representative model. In the new developing forms, the democratic latitude grew wider, and the inclusion of new groups in electoral democracy came about as a natural consequence. Also, including new groups can be understood as one way to sustain a high degree of legitimacy in democratic institutions, because even more citizens are given political and civic rights (Ødegård and Aars 2011, pp. 14–18).

3. *Instrumental use of suffrage*. This is strongly connected to the above mentioned point. Suffrage can, and has been, used instrumentally to adapt democratic institutions due to demands from and alternations in society (Ødegård and Aars 2011, pp. 18–20). Pressure from relevant social groups (s) (e.g. youth) and growing public concern that specific groups (e.g. youth) may fall outside representative democracy create incentives to politically include these groups. From a historical perspective, universal suffrage for women is a good example. The main argument is that the current debate on the inclusion of 16- and 17-year-olds should be seen as a further step where the suffrage is extended instrumentally (Ødegård and Aars 2011, pp. 18–20). Even though the trial was not a result of pressure from Norwegian political elite, several actors advocated the enfranchisement of 16- and 17-year-olds in the years just preceding 2011. Amongst others, ‘The Youth Report on Power’ (*Ungdommens Maktutredning*, NOU 2011: 20), included youth organizations, civil society organizations and scientists. Also, three of the youth political parties as well as the Norwegian Children and Youth Council (LNU, *Landsrådet for Barne- og Ungdomsorganisasjoner*) were important advocates (LNU officially supported this from 2010, see *Landsrådet for Barne og Ungdomsorganisasjoner 2010*). Public concern increased during the last years preceding the trial. The Norwegian Ombudsman for Children (*Barneombudet*) has been a strong advocate for suffrage reforms and deeply involved in the trial-preparations (Ødegård and Aars 2011, pp. 56–57). Finally, the majority coalition, which has been in position since 2005 through *Stortingsmelding nr. 33 (2007–2008)*, decided to conduct the trial. The change of preference within the executive power was especially crucial. Concern related to the decline of Norwegian democracy and turnout rates among younger voters grew steadily (Bergh 2013, p. 92). Important intentions of the trial were precisely to increase engagement and participation among youth.

These societal alternations and dynamics are, of course, also evident in countries other than Norway. Still, Norway is the only country that has conducted a trial of this sort. Even though the trial was provisional, it is most definitely an innovative contribution to the voting age debate, most importantly because it provides the opportunity to conduct actual empirical studies of elections where citizen aged 16 and 17 are given the vote.

## 10.4 Suffrage Reforms or Not? The Arguments of the Voting Age Debate

### 10.4.1 *The European Voting Age Debate*

Having addressed the Norwegian context, I will move on to present the central arguments in the voting age debate. The debate, focusing especially on suffrage reforms encompassing a lowering of the voting age (to the age of 16), is relevant for most Western countries. However, the debate I present in this section has been labelled “the European Voting Age Debate”. This does not imply that the debate is irrelevant for Western (or other) countries outside Europe.<sup>5</sup> It has gotten its name merely because of the fact that the most important features of the debate have been identified through investigating public opinion in European countries, such as Germany, the UK and the Scandinavian countries. Unsurprisingly, the debate is complex and made up of several issues. However, by focusing especially on the last 2 decades and investigating official documents dealing with suffrage reforms, as well as public opinion, it is possible to uncover four main groups of issues characterizing the debate. These four issues are all featured by arguments made both by actors opposing suffrage reforms and actors supporting suffrage reforms. Hence, in line with Ødegård and Aars (2011, pp. 41–49) I argue that “the European Voting Age Debate” consists of four groups of arguments: (1) the legal arguments, (2) the constitutional practice arguments, (3) the democracy arguments and (4) the political maturity arguments.

Before I present the arguments more closely, a few considerations must be made. I have chosen to separate the four arguments into two parts: the first containing (1) the legal arguments and (2) the constitutional practice arguments, and the second containing (3) the democracy arguments and (4) the political maturity arguments. I have done this on the basis that I am discussing the findings related to each argument on, but also due to the nature of the arguments themselves. With the general debate as the starting point (I call this the input-side), the first two groups of arguments do not ask for concrete empirical evidence made from trials or actual suffrage reforms, nor do I discuss them in light of empirical evidence (I call this the output-side). I argue that (1) the legal arguments and (2) the constitutional practice arguments rather put their focus on: first; legal prerequisites for suffrage reforms, second; what can be called *the legal status quo* when investigating legal framework influencing suffrage reforms (such as, for instance, other parts of the legal framework separating civic rights between age groups on the basis of age) and, third; the constitutional practice relevant when discussing suffrage reforms. Altogether, one can argue that these two arguments consider the question of suffrage reforms from a legal-theoretical perspective, both focusing on current status quo, and also on what

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<sup>5</sup> Also Australia has experienced an upcoming debate on lowering of the voting age in recent years. The Australian debate to large degree resembles the European debate. See for example McAllister (2014).

I call the *legal opportunity structure*<sup>6</sup> for the legislators of the future. Hence, they do not investigate empirical findings, but focus on legal-theoretical considerations influencing the debate. On the other side, (3) the democracy arguments and (4) the political maturity arguments, with the general debate as the starting point (input-side), raise questions demanding empirical investigations of trials (such as the Norwegian one) or actual suffrage reforms (such as in Austria). Rather than focusing on theoretical considerations influencing the debate on suffrage reforms, these arguments focus on the contributions empirical evidence can give when discussing suffrage reforms. It seems reasonable to present and treat the theoretical based arguments first, before treating the empirical based arguments. Doing so enables us to first have a look at the legal basis and the legal opportunity structure when discussing suffrage reforms, and then move on to take a closer look at what the empirical evidence can tell us.

## 10.4.2 *The Arguments of the European Voting Age Debate*

### 10.4.2.1 *The Legal Arguments*

This group of arguments has been described in different ways. Zeglovits (2013, p. 250), investigating the Austrian context, describes these arguments as trying to ‘close the gap between young people and (formal) politics and to match rights and duties’ (in particular for citizens beneath the age of 18). According to Chang and Clayton (2006, p. 533), the UK Electoral Commission (2003), when going through the most important arguments in favour of lowering the voting age in the UK, emphasizes ‘consistency in treatment of voting and other social and economic rights’ as a vital argument. In general, one can claim that the main focus of this group of arguments is whether the legal framework regulating voting rights and civil rights is consistent or not, and if *it has to be* consistent/harmonized or not. In line with Ødegård and Aars (2011), I name them the legal arguments.

Taking a closer look at the Norwegian case, I argue that the legal arguments have two dimensions, one international and one national (the last one can also be called the harmonization-dimension). The international aspect of the legal arguments revolves around the role of international legal conventions, and their impact on Norwegian legislation. On the one side; do any international legal conventions prevent Norwegian legislators from introducing suffrage reforms? If so, this could be used as a strong argument by opponents of such reforms, since they would in fact violate international legal commitments made by Norwegian authorities. On the other side; do any international legal conventions demand Norwegian legislators to introduce suffrage reforms? If so, this could be used as a strong argument by supporters of reforms, since a lack of reforms would in fact be a violation of international legal

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<sup>6</sup> By legal opportunity structure, I simply mean; what opportunities do Norwegian legislators have to introduce amendments in the legislation influencing the voting age of other legislation relevant to the voting age debate?

commitments made by Norwegian authorities. In short, what sort of legal opportunity structure do Norwegian legislators have when considering international legal conventions? Are they theoretically free to maneuver as they want, or do international conventions influence Norwegian legislation in any way that reduces their freedom to maneuver? This can also be looked upon as the prerequisites for Norwegian suffrage reforms, from an international point of view.

What I call the national dimension of the legal arguments (hereafter the harmonization debate), revolves around whether legislation separating age groups (children with limited legal capacity on the one side and adult citizens enjoying full civic rights on the other side) should be harmonized around a certain age or not. The basic question seems to be; should such legislation/regulations be harmonized around the age of 18 (or the age of 16)—or is it unnecessary to be occupied by harmonization at all? The main separation in the harmonization debate lies between those who advocate harmonization around the age of 18, and those who advocate that harmonization around 18, or harmonization at all, is not important (Ødegård and Aars 2011, pp. 47–48; Ødegård 2014a, p. 193). Those who favour harmonization emphasize that several legal regulations exert age to separate groups of citizens with different legal statuses, and that the regulative age is usually 18. Hence, in most cases, legislation is harmonized around the age of 18. They also argue that this harmonization should be kept in the future. A voting age of 18 fits into this argument well, and suffrage reforms lowering the voting age should hence not be introduced. Opposed to these arguments are those who claim that such harmonization is not important, or that it should at least not be kept strictly at the age of 18. As a matter of fact, an important part of their reasoning is that it is incorrect to claim that legislation is harmonized around the age of 18, since legislation in several countries also exerts age limits other than 18 when separating groups of citizens from each other. Even though numerous important regulations are regulated by the age of 18, they emphasize that also the age of 16 is often used as a regulative age (e.g. the age from which you can be prosecuted). With this background, they argue that harmonization is unnecessary, given the fact that they already perceive the current situation as disharmonized. Or; if harmonization is necessary, the regulative age limit could in fact be 16 instead of 18. Citizens aged 16 and 17 already enjoy several public rights and duties differentiating them from younger citizens; they should therefore also have the right to take part in public elections through the ballot (see for example NOU 2011: 3). Following this line of argument, suffrage reforms lowering the voting age should be introduced. In short, should age based regulations be harmonized at all, and if yes; what age limit should be exerted? The theoretical backdrop of this part of the discussion can be called the legal status quo. What is the legal status quo in Norway today, and how does it relate to the harmonization debate in the coming years?

#### **10.4.2.2 The Constitutional Practice Arguments**

These arguments focus on legal framework connected to the voting age debate, but they focus more specifically on constitutional practice, and the degree of

consistency in the constitutional practice. The constitutional arguments especially concern three constitutional regulations: the voting age, the age of eligibility (the age limit for being elected into public positions) and the age of majority (the age where you are considered to be an adult citizen in legal terms, enjoying full civic rights).<sup>7</sup> Currently, in line with the voting age in parliamentary elections and local and regional elections, both the age of eligibility and the age of majority are set to 18. You cannot be elected to public positions if you are under the age of 18, and you do not enjoy full civic rights before the age of 18. Hence, the constitutional practice is today characterized by consistency, since all three regulations are regulated by the same age limit. Exactly the question of harmonization or consistency in the constitutional practice is the core of the constitutional arguments. Opponents of suffrage reforms argue that consistency in constitutional practice is important, and that the three regulations should be regulated by the same age limit, and hence continue the current harmonization and consistency in constitutional practice. Following this reasoning, if one of the regulations is lowered, the two others should also be lowered accordingly. Rather than doing so, they favour keeping all regulations at the age of 18. Neither the voting age nor the other regulations should be lowered.

On the other hand, supporters of suffrage reforms claim that such unity in constitutional practice is not important or necessary. It is not important that all three age regulations are the same, nor is this a formal necessity; rather, only a constitutional tradition. Hence, it is argued that the traditional unity in constitutional practice can be altered, for instance lowering the voting age without lowering the age of eligibility and the age of majority (Ødegård and Aars 2011, pp. 48–49; Ødegård 2014a, pp. 193–194). However, it is acknowledged that violating the tradition of unity creates certain challenges. One example could be when the voting age and age of eligibility are lowered, but not the age of majority. Can a person of non-majoritarian age (hence having limited legal capacity) sit as a member of parliament or a member of a local municipal council and pass laws regulating the lives of citizens of majoritarian age? In short, the constitutional arguments ask; should the traditional unity in constitutional practice be continued (at the age of 18), hence not opening for lowering the voting age? Or should the traditional unity in constitutional practice be violated, hence opening for lowering one or two regulations, but not necessarily all three?

### 10.4.2.3 The Democracy Arguments

The democracy arguments revolve around several issues, and are most frequently used by actors supporting suffrage reforms. In general, they touch upon issues such as voter turnout and political participation, inclusion of new groups to achieve in-

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<sup>7</sup> The voting age in parliamentary elections is regulated by § 50 in the constitution, and the voting age in local and regional elections is regulated by the Electoral Law. The age of eligibility for being elected as a member of parliament (MP) is regulated by § 61 in the constitution. The age of majority is not directly mentioned in the constitution. However, all three matters are closely linked to constitutional practice (Ødegård and Aars 2011, pp. 48–49).

creased democratic legitimacy and avoid political marginalization of youth (Chang and Clayton 2006, pp. 533–538; Zeglovits 2013, p. 250) and public opinion on suffrage reforms (McAllister 2014). The main question is what contribution empirical evidence can provide us with when discussing suffrage reforms. The main question seems to be what democratic effects can be expected from extending the suffrage?

Looking more closely at the Norwegian debate within the framework of the general debate, we find the same pattern. One of the most important arguments made is that enfranchising 16- and 17-year-olds will improve the democratic quality and legitimacy, because a higher number of citizens are included in political decision-making processes (Ødegård and Aars 2011, pp. 44–46). This part of the argument should be seen as particularly important, taking into account the increased concern regarding the quality of Norwegian democracy, especially the turnout rates among young voters (Bergh 2013, p. 92). In line with the generational hypothesis (Franklin 2005), it is also argued that turnout rates will increase in the long term, since 16- and 17-year-olds often find themselves to be enjoying a more stable life situation than voters aged 18 or just above 18, because they are still attending high school and are more likely to live with their parents. Such stability is, according to the hypothesis, important to ensure that the habit of voting is set at an early stage. Lowering the voting age to 16 will give youth the opportunity to start voting even earlier than now, and hence create voting habits at an earlier stage and increase the likelihood that they will continue to vote at a later stage. Furthermore, numerous official reports have claimed that suffrage reforms will increase the incentives for youth to become socially engaged, since they can actually influence the societal development through the ballot (Bergh et al. 2014, p. 10; Ødegård and Aars 2011, pp. 44–46). Another repeatedly used argument is linked to demographic development in Western countries: decreasing birth rates and higher life expectancy are creating demographic shifts in the populations.<sup>8</sup> Due to demographic marginalization of youth, it has been suggested that youth should be “democratically and electorally compensated” through an extension of the suffrage, giving them more electoral power (see for example NOU 2001: 3; Ødegård and Aars 2011, p. 46). Lastly, supporters of suffrage reforms claim that youth under the age of 18 are more politically competent than past generations, mainly because of enhanced democracy education within the school system(s), and that they should therefore be given the right to vote. Findings from the UK Electoral Commission (2004) support this, showing that present day high school students are more politically competent than before.

Although the democracy arguments are most frequently used by supporters of suffrage reforms, two counter arguments are often used by actors opposing reforms. First, by those who claim that suffrage reforms do not have majority support in public opinion. Exerting a purely democratic argument, they claim that introducing important reforms without having the consent of a majority of the population

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<sup>8</sup> This development has been called the development towards *gerontocracy*, that is, a society ruled by the older (Howker and Malik 2010). The argument can also be called *the intergenerational justice argument*.



would in itself be an undemocratic action, and it should not be carried out (Chang and Clayton 2006, pp. 534–535). Second, by those who claim (and fear) that enfranchisement of 16- and 17-year-olds will lead to decreased overall turnout (especially in the short term), since earlier studies have shown that younger voters are less inclined than their older counterparts to vote. (Ødegård and Aars 2011, pp. 44–46). This partly contradicts the expectations of the generational hypothesis presented above, which expects turnout rates to increase (however, the generational hypothesis focuses on long term perspectives). In short, the democracy arguments ask; will the democratic quality be improved or aggravated if the voting age is lowered? Will voting rights increase youth social engagement, and what will be the effect on the turn out rates if 16- and 17-year-olds are also given the right to vote?

#### 10.4.2.4 The Political Maturity Arguments

Similar to the democracy arguments, the political maturity arguments also focus on what empirical evidence can tell us when discussing suffrage reforms. Few countries have introduced suffrage reforms giving 16- and 17-year-olds the right to vote, with Austria and Argentina as exceptions (Zeglovits 2013, p. 249). In addition, no other voting age trials like the Norwegian one have been conducted. Hence, empirical evidence directly investigating the level of political maturity among enfranchised citizens younger than 18 is not numerous. Still, some studies such as Chang and Clayton (2006), Bergh (2013), Zeglovitz (2013) and McAllister (2014) have investigated political maturity. Regardless of country and political context, the debate on the level of political maturity among younger voters, as well as young citizens not enjoying the right to vote is by large characterized by the same line of arguments. The main issue in the maturity-debate in countries such as UK, Austria and Australia as well as Norway (see studies referred to above) is always the question of whether 16- and 17-year-olds are politically mature enough to vote. In short, there are claims that 16- and 17-year-olds are significantly less politically mature than older voters enjoying the right to vote, and that enfranchising them will lead to undesirable effects on voting results, while others claim that 16- and 17-year-olds are just as politically mature as older voters, and that they should be enfranchised, hence juxtaposing them to voters aged 18 or older.

In the Norwegian context, similar to the European and international context, the political maturity arguments are most frequently used by opponents of suffrage reforms, and they are often linked to developmental psychology perspectives ((Ødegård and Aars 2011, p. 46) see also Chang and Clayton 2006, pp. 553–554)), claiming that 16- and 17-year-olds are not ready to vote because research findings from neuroscience indicate that their brains are not as fully developed as older voters. Essentially, the opponents of suffrage reforms state that citizens aged 16 and 17 compared to voters aged 18 or older are less interested in politics, that they have less political knowledge, that they are more likely to be influenced by extremist political views/parties and that there is less consistency between their attitudes/attitude formation and party choices (Ødegård and Aars 2011, pp. 46–47; Chang and Clayton

2006, pp. 538–539) Hence, opponents of suffrage reforms fear that enfranchising voters aged 16 and 17 will create undesirable effects on voting results, since the new voters will be expected to cast their votes without having sufficient interest and knowledge of politics and without having comprehensive societal and political preferences according to which they cast their votes. Only one aspect might justify a lowering of the voting age in a long-term perspective; a substantial enhancement of the democracy education in the school system(s) (Ødegård and Aars 2011, p. 46).

However, opponents of suffrage reforms claim these arguments to be weak, and introduce a number of counterarguments. First, they simply claim that the democracy education in the school system(s) has already improved enough, and that 16- and 17-year-olds of today are politically mature enough to vote. Second, they claim that measuring political maturity is difficult. In the current research literature, there is no consensus regarding what political maturity (or immaturity) as a concept actually involves. Thus, using the level of political maturity as a profound argument against suffrage reforms should be done carefully, and not as strongly as is often done in the current debate. Third, and maybe the most important one; if we do accept a definition of political maturity based on e.g. political interest, political knowledge and political responsibility, voters aged 18 or older would never be excluded from the electorate in liberal democracies, even though they might well be considered (by definition) to be less politically mature than average. According to supporters of suffrage reforms, since voters aged 18 or older have the right to vote regardless of their level of political maturity, this should also be the case for 16- and 17-year-olds (see for example Ødegård and Aars 2011, p. 47; SOU 1996, p. 111). In short; are voters aged 16 and 17 (significantly) less political mature than voters aged 18 or older?

## 10.5 The Experiences from Norway

Having presented the four main groups of arguments in the European Voting Age Debate, we shall now turn to the Norwegian voting age trial. In light of the main arguments just presented, what were the main findings and experiences made from the Norwegian trial, and how do they fit into the debate on whether the voting age should be lowered or not? In this section, I will present the relevant experiences and main findings from the Norwegian trial. In the next section, I will discuss and conclude.

### 10.5.1 *The Legal Arguments*

Stokstad (2014) investigates what I above labeled the legal opportunity structure that Norwegian legislators have when dealing with suffrage reforms, especially from an international point of view. She studies the most important international legal conventions influencing Norwegian legislation, especially the European Con-

vention on Human Rights (ECHR) and the UN Convention on the Rights of the Child (UNCRC), both regulating political and civil rights in general and the legal rights of youth and children in particular. On the one hand, none of the international legal conventions ratified by Norway prevent Norwegian legislators from lowering the voting age. Hence, introducing suffrage reforms would not violate international legal commitments made by Norwegian authorities. It can be argued that this goes without saying, since conduction of a trial would, in fact, be illegal if international legal conventions prevented suffrage reforms or trials with a lowered voting age. On the other hand, neither the ECHR, the UNCRC, nor other international legal conventions demand that Norwegian legislators introduce suffrage reforms lowering the voting age. Hence, introducing such reforms is not a legal necessity (Stokstad 2014, pp. 102–104).

Moving on to the national dimension of the legal arguments, or the harmonization debate, Stokstad (2014) puts focus on the relevant legal status quo in Norway when discussing suffrage reforms. She emphasizes that both those who claim that age-based regulations do not necessarily have to be harmonized at all, or at least that this age does not have to be 18 (hence supporting suffrage reforms) as well as those favoring harmonization at the age of 18 (hence opposing suffrage reforms) have important arguments when investigating the status quo in Norwegian legislation. Arguments supporting those who argue for a voting age of 16 (or no harmonization) underline that Norwegian citizens aged 16 and 17 can be prosecuted, that they pay taxes and that they have a larger legal capacity than citizens aged under 16 (especially considering choice of education, labour and membership in civic society organizations). Since they are already enjoying public rights and duties not given to citizens under the age of 16, hence standing in a middle position between adults enjoying full civic rights and children having limited legal capacity, they should also be given the right to vote (Stokstad 2014, pp. 115–120). In their view, the legal status quo is in fact not harmonized, since the age of 16 is also exerted as an important age limit. Therefore, arguing against a lowering of the voting age to 16 because this would violate the harmonization is considered to be an irrelevant argument. However, she also identifies arguments supporting those who argue for keeping the voting age at 18, hence favoring what they look upon as harmonization. International conventions (such as the UNCRC) operate with 18 as the formal legal separation between adults enjoying full civic rights and children with limited legal capacity, hence granting parents the right to limit their children's self-determination until the age of 18. In addition, several of the most important age-based regulations/laws exert the age of 18 to separate different groups of citizens. Even though it is acknowledged that certain regulations exert the age of 16 (as presented above), they claim that the age of 18 is still a more important age limit in the legal status quo (in addition to regulating the suffrage, the age of 18 regulates consumption of tobacco and alcohol as well as the right to hold a driver's license, for instance). In her investigation of the legal status quo, Stokstad (2014, p. 120) emphasizes that no single age standard exists. However, in line with the second line of arguments just presented, she points to the age of 18 as the main separation and the most profound age limit in Norwegian legislation when differentiating groups of citizens.

### ***10.5.2 The Constitutional Arguments***

Firmly investigating the constitutional practice in Norway from around 1900, Ødegård and Aars (2011, pp. 10–12) show that harmonization and consistency between the three relevant constitutional matters, the voting age, the age of eligibility and age of majority has become more and more important in Norwegian constitutional practice. In recent decades, it is possible to argue that unity in terms of all three regulations the same age has been established as the tradition. However, before the Second World War this was not necessarily the case. Until 1948, the three regulations never had, in fact, the same age limit. After the Second World War, the consistency has been more profound. Except for a short period from 1967–1978, where the age of majority was 21, while the voting age and age of eligibility were 20, the three regulations have always been regulated by the same age, and they have usually been lowered simultaneously (18 since 1979). In short, consistency seems to be the tradition in Norwegian constitutional practice, but the harmonization has also (before the 1960's) been violated several times (Ødegård and Aars 2011). Recent official reports highlight these aspects, firstly that the principle of harmonization securing consistency has been violated on several occasions, and secondly that lowering the voting age to 16 without lowering the two other regulations is possible without violating the constitution itself (e.g. NOU 2011: 20). Indeed, it would violate the consistency in constitutional practice experienced since 1979 but, since the constitution does not actually demand such consistency, it is not a formal or legal necessity.<sup>9</sup> Stokstad (2014, pp. 115–120) argues in a similar way; even though consistency has been established as the tradition over the last 30–35 years, it is possible, from a legal point of view, to alter this consistency.

### ***10.5.3 The Democracy Arguments***

When presenting the findings related to the democracy arguments, a few considerations must be taken into account. Firstly, the possible effects the terrorist attacks on the 22 July 2011 had on the voting trial and its results. Especially (politically engaged) youth were heavily affected, and they might have influenced the behavior of youth taking part in the trial. Secondly, studying one single voting age trial conducted in a small selection of municipalities implies that one should be careful about making too strong statements regarding long term effects (Ødegård 2014b, pp. 267–269).

The development of turnout rates is a key feature. In general, earlier studies have shown that young voters are less likely to cast their votes than older voters. In 2011, the turnout rates among the youngest voting groups increased compared to recent

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<sup>9</sup> Again, it is important to underline that even though the above mentioned consistency is not directly regulated by the constitution, and only the voting age and age of eligibility for parliamentary elections are directly regulated by the constitution, all these regulations are important parts of the *constitutional practice*.

**Table 10.2** Turnout rates in different age groups. All numbers in percent

Turnout rates in different age groups		
Age group	Turnout rate	
	Trial-municipalities	General turnout
16–17	58	
18–21	46	46
22–29	42	45
30–39	61	60
All age groups	63	65

elections. Increased engagement due to the terrorist attacks might be one factor in explaining this. The turnout rates in different voting groups are shown in Table 10.2 (Bergh and Ødegård 2014, p. 225).

The turnout rates in the trial-municipalities among the newly enfranchised voters aged 16 and 17 are higher than the turnout rates both in the voting group aged 18–21 and the group aged 22–29. Also, the general turnout rates among voters aged 18–21 and 22–29 in the country as a whole are lower than the turnout rates among voters aged 16 and 17 in the trial-municipalities. As Table 10.2 evidently shows, turnout rates among voters aged 18–21 and 22–29, both in trial-municipalities and all municipalities put together, lie between 40–45%, significantly lower than the turnout rate among voters aged 16 and 17 in the trial-municipalities, which was 58%. First when we take a look at the age group aged 30–39 we see that the turnout rates are increasing again, and surpassing the turnout rates among voters aged 16–17. The turnout rates among voters aged 30–39 was 61 and 60% in the trial-municipalities and all municipalities respectively. The same pattern is evident when looking at the general turnout (including all age groups), 63% in trial municipalities and 65% in the country as a whole (Bergh and Ødegård 2014, pp. 225–226).

What does the public opinion in Norway say about suffrage reforms? Through surveys on Norwegian local democracy and the high school elections from 2011, Bergh et al. (2014, pp. 521–556) shows that the public opinion in Norway is generally opposed to lowering the voting age. All groups between the age of 16–17 and 60+ were asked whether they thought enfranchisement of 16–17 was a good idea or not. The only age group where a majority supported such suffrage reforms was of those aged 16–17 living in the trial municipalities, with a number of 54.2%. In all other age groups asked (both youth groups asked in the high school-election survey, as well as older age groups asked in the local democracy-survey), a substantial majority opposed suffrage reforms. Younger voters were marginally more inclined towards supporting a lowering of the voting age, as well as voters voting for the Socialist Left Party and the Liberal party. However, in general, 70.3% of the population aged over 18 was opposed to suffrage reforms (Bergh et al. 2014).

Improvements in democratic quality and increased democratic legitimacy, as well as increased societal engagement among youth, are other key features of the democracy arguments. Especially at this point, the above mentioned consideration on long term effects is important. It is, in general, difficult to trace large (long term)

democracy effects, because it has only been 3 years since the trial was conducted and because only 20 municipalities took part in the trial. Ødegård (2014b) has evaluated the trial, and she also stresses that since the municipalities did not have any direct incentives to continue trial related-processes after the trial was held, one should not expect large democratic effects. Ødegård (2014b) conducts an in-depth study of six trial-municipalities,<sup>10</sup> based on the application documents submitted by the municipalities, surveys (including youth, political actors and administrative staff in the municipalities) as well as municipal evaluation reports etc. She uncovers democratic effects which she separates into three groups.

1. *Increased youth representation in municipal youth councils*; especially focusing on representatives under the age of 30. 5 out of 6 municipalities studied experienced increased youth representation. After the 2011-election, 17% of the municipal councils were made up of representatives aged 18–30, a significant increase from the 2007-level. The level of youth representation varies across municipality size, resources spent in the trial, presence of youth political parties etc. Surprisingly, she finds a strong connection between systematic implementation of the trial and increased youth representation in the municipal councils. It is also evident that the main factor explaining the increase is preference votes (i.g moving young representatives higher up on the list), rather than the political parties nominating young candidates high on the list (Ødegård 2014b, pp. 292–296).
2. *Democratic effects on municipal processes*; especially focusing on to what extent the municipalities have continued to take initiatives to include youth in local politics. The main finding is that large differences between municipalities are already evident, after only 3 years. The variation between municipalities succeeding in making continued initiatives to include youth in local politics and municipalities not succeeding is explained by three factors (Ødegård 2014b, pp. 296–298) Firstly, the resources spent in the conduction of the trial. In general, municipalities which spent more resources (human resources as well as financial resources) have been more successful in taking initiatives to politically include and empower youth after the trial, than municipalities that spent less resources.

Secondly, the degree of administrative and institutional stability. Municipalities experiencing smaller democratic effects were characterized by project groups comprised of a small number of actors, and the fact that important actors left the project groups immediately after the trial. In some municipalities, the project groups were not continued at all. Weak administrative and institutional stability and continuity made it difficult to carry on with trial-related processes. On the other side, in municipalities where the project groups were compounded by a broad range of actors and where they were characterized by a larger degree of administrative and institutional stability, it proved easier to carry on trial-related-processes.

Thirdly, the degree of political alternation after the election seems to have influenced the degree of democratic effects. Usually, the municipal chairman was deeply

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<sup>10</sup> Mandal, Stavanger, Ålesund, Lørenskog, Kautokeino og Marker.

involved in the preparations. In municipalities where chairmen from new political parties were elected as a result of the election, it proved more difficult to continue taking initiatives involving youth in politics, because trial-related processes were not set high on the political agenda by the new municipal council. In municipalities where the same chairman was elected for a new period, it proved easier to continue potential trial-related processes (Ødegård and Guro 2014b, p. 296.298).

3. *Effects on youth groups*; especially focused on democratic and political effects directly connected to youth engagement and youth participation in the local politics/local community. Ødegård (2014b, p. 298) emphasizes that investigations on the same youth groups in future elections are necessary to provide more information on long term effects. However, a few general effects are already evident a few years after the trial. She points to a general increase in the youth politics activity in municipalities where youth were actively involved in the preparations and conduction of the trial. Especially a vitalization of the youth party politics and increased membership numbers in political youth parties are examples of this. Also, the strengthened role of the Youth Councils role in the municipal councils is emphasized. In most municipalities in Norway, the Youth Council is formally represented in the municipal councils, and its role was strengthened in several of the municipalities studied in the in-depth study. Lastly, the events of the 22th July might have had a special influence on this election, especially in municipalities directly affected by the incidents, e.g. in form of increased youth involvement in politics because the terrorist attacks mobilized young voters. (Ødegård 2014b, pp. 298–299).

The school education system is the last key feature. Has democracy education improved enough to prepare 16- and 17-year-olds to vote? The official report NOU 2011: 20 “Youth, Power and Participation” dealt with, amongst other things, the status quo and further development in democracy education in the Norwegian school system. Different aspects are investigated and evaluated, such as student democracy, school elections, teacher competency etc. The commission claims that the general level of knowledge that Norwegian youth have about democracy and societal participation is high, but that there is still room for improvement. The report makes several suggestions as to how to reform and develop democracy education, also in relation to a future lowering of the voting age to 16, which is explicitly mentioned. They argue that, if the voting age is lowered, the proposed suggestions should be introduced, either simultaneously or, even better, ahead of the suffrage reforms in order to prepare the 16- and 17-year-olds to have the vote (NOU 2011: 20). Three main suggestions were made:

1. *A general strengthening of democracy education in elementary schools and high schools*: Introduce a new mandatory subject on democracy and participation, encompassing stimulation of practical democratic skills, contact with central democratic actors, democratic participation, improving knowledge on local politics and social media as a tool for participation and influence in democratic processes. Also, they suggest making school elections in conjunction with the

local and regional elections and parliamentary elections mandatory in all high schools,<sup>11</sup> as well as introducing voluntary school elections in the last part of elementary school.<sup>12</sup>

2. *Strengthen the student democracy*: Most importantly, ensure that students are granted the opportunity to take part in decisions influencing their everyday life at school. Instead of the general student councils, they suggest ‘classroom councils’ and that teachers working specifically with student democracy and participation within the schools should be offered special courses to increase their competences.
3. *‘Open schools’*: The schools should look upon political (youth) parties and other social society organizations as supplementary when taking democracy education into consideration, hence appreciating student activity within such organizations, also when this affects the time spent at school. In high schools, the so-called *absence right* (the right to be absent from school due to health issues or other issues demanding absence) is 10 days each school year (decreased from 14 to 10 in 2010). It has been suggested that the absence right be increased to 20 days for each school year, because this will make it easier for students to take part in e.g. political or other democracy-simulating activity demanding absence from school, hence appreciating their engagement outside the school system (NOU 2011: 20).

### 10.5.4 *The Political Maturity Arguments*

As outlined above, an important criticism towards using political maturity focuses on the fact that political maturity (or immaturity) is difficult to measure. Thus, it should not be used as parts of either pro- or counterarguments when discussing whether to lower the voting age or not. It has even been suggested that discussions on political maturity should be taken out of the debate entirely. I disagree with this approach. Political maturity is an essential part of the debate in every country, which has already put the voting age debate high on the agenda. I believe it is wrong to simply ignore this part only because the measurements are contested. Therefore, I will also give importance to the findings related to political maturity. The existing empirical evidence from countries other than Norway is not unambiguous. Experiences from the UK (where no voting age trial was conducted and the voting age is still 18), show that 16- and 17-year-olds score lower on indicators such as political interest, political knowledge and consistency and stability in political attitudes, hence being less politically mature than voters aged 18 or older (Chan and Clayton 2006). However, findings from Austria (the first and only European country that

<sup>11</sup> Norwegian high school (*videregående skole*) normally includes 11th-12th/13th grade, dependent upon study programme. The students are aged 16–18/19.

<sup>12</sup> Norwegian elementary school (*grunnskole*) is divided into two parts. Primary school (*barneskole*), including 1th–7th grade, where the students are aged 6–14 and secondary school (*ungdomsskole*), including 8th-10th grade, where the students are aged 14–16.



has actually lowered the voting age permanently to 16), show that the newly enfranchised voters aged 16 and 17 are no less politically mature than voters aged 18 or older (see for example Filzmaier and Klepp 2009; Wagner et al. 2012).

The most important study investigating the level of political maturity among the enfranchised 16- and 17-year olds as well as voters aged just above 18 in the Norwegian trial is Bergh (2013). He studies the level of political maturity within four age groups; the enfranchised 16- and 17-year-olds in the trial municipalities, the 16- and 17-year-olds in non-trial municipalities who did not have the right to vote, 18-year-olds in trial municipalities and lastly 18-year-olds in non-trial municipalities. He investigates political maturity along four dimensions; (1) political interest (quite simply how interested you are in politics), (2) political knowledge/efficacy (internal efficacy as an evaluation of your own competence to take part in politics and external efficacy as to what degree you believe that people in general are competent to take part in politics), (3) attitudinal constraint (to what degree your political attitude formation is constrained)<sup>13</sup> and lastly (4) consistency between attitudes and party choice.

Two main expectations should be emphasized. Firstly, he expects voters aged 18 to be more politically mature than voters aged 16 and 17 (they are expected to be more interested in politics, have a larger degree of internal as well as external political knowledge/efficacy, have a larger degree of constraint in their political attitude formation and a stronger consistency between attitude formation and party choice). Secondly, this difference between the age groups is expected to be larger in non-trial municipalities than in trial municipalities, because it is expected that giving 16- and 17-year-olds the vote in the trial municipalities will increase their level of political maturity because they have incentives to get engaged in politics (because they can actually vote). Even though 18-year-olds are expected to be more politically mature in both types of municipalities, the difference should be mitigated in municipalities taking part in the trial.

Bergh (2013) conducts a partly statistical analysis when investigating the trial. I will not present the findings in detail but, rather, present the main findings in order to discuss the experiences from Norway in light of the general debate on voting age. As for political interest, he finds that voters aged 18 are significantly more interested in politics than voters aged 16 and 17. Surprisingly, this difference between the age groups is not significantly smaller within the trial municipalities than in non-trial municipalities. Even though the political interest was higher in municipalities taking part in the trial in both age groups, the difference between trial municipalities and non-trial municipalities was not mitigated. Hence, the difference in political maturity was just as profound, regardless of whether the municipality took part in the trial or not (Bergh 2013, p. 95).

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<sup>13</sup> Constraints in political attitude formation mean that you cannot have opinions directly opposing each other. If, for example, you believe that taxes should be lowered, this constrains your political attitude formation. You cannot at the same time believe that public spending should be increased. If a person has both of these opinions at the same time, the constraints to his/hers attitude formation are low, because the attitudes are inconsistent.

When investigating the level of political knowledge/efficacy, the same pattern is uncovered. In both municipalities included in the trial, as well as in municipalities not included in the trial, voters aged 18 express a higher degree of both internal and external political knowledge/efficacy than voters aged 16–17. Voters aged 18 evaluate their own political competence to be higher than voters aged 16 and 17 do, and they also evaluate people in general to be competent to take part in politics to a higher degree than voters aged 16 and 17 do (Bergh 2013, pp. 95–96). As for internal political knowledge/efficacy, the difference between the age groups in trial-municipalities and non-trial municipalities is the same. When investigating external political knowledge/efficacy, the difference between the age groups is, in fact, larger within municipalities taking part in the trial than municipalities not taking part in the trial. As Bergh (2013, p. 96) writes; ‘*if there are differences in efficacy by age; these are not weakened when 16- and 17-year-olds get the right to vote*’.

Measuring attitudinal constraint, Bergh (2013, pp. 96–97) runs two statistical regression models. One test uses correlations between issue-related questions (old left-right issues, new left-right issues and one law-order dimension) for each of the four age groups, and another test uses these correlations as the independent variable and left-right self-placement as the dependent variable. The general findings from both of these models are that the 18-year-olds have larger constraint in their political attitude formation compared with 16- and 17-year-olds. This is not very surprising. However, what is more interesting is that the results show that this difference is not affected by the fact that 16- and 17-year-olds were given the vote in the trial municipalities. The difference in attitudinal constraint between the two age groups is not reduced within the trial municipalities compared with the non-trial municipalities (Bergh 2013, pp. 96–97).

The last of the four dimensions investigated is consistency between attitudes and party choice, by taking a closer look at four of the Norwegian political parties<sup>14</sup> (Bergh 2013, pp. 97–98). The independent variable is the same as in the second regression model in the third dimension above; the dependent variable is voting for a specific party. The findings are not unambiguous, especially for the Social Left Party and the Labour Party. Some results indicate that 16- and 17-year-olds have higher consistency between attitudes and party choice than 18-year-olds. However, these indications are not strong. As for the Conservative party and the Progress Party, the tendency is slightly clearer. For both parties, the general tendency is that 18-year-olds have a higher consistency between attitudes and party choice than 16- and 17-year-olds (Bergh 2013, pp. 97–98).

One last, but important, aspect when investigating political maturity is the voting results of the youngest voters (in our case, the newly enfranchised 16- and 17-year-olds), and to what degree these results deviate substantially from the voting results of the rest of the electorate. As mentioned above, opponents of suffrage reforms fear that lowering the voting age will create undesirable effects on the general voting results, because the voting results of the youngest voters will deviate substantially. In the Norwegian case, this is investigated through comparing the general election

<sup>14</sup> The Socialist Left Party, the Labour party, the Conservative Party and the Progress Party.

**Table 10.3** Voting results by party. All numbers in percent

Voting results—16- and 17-year-olds in trial-municipalities			
Party	General election results (in trial-municipalities)	Election results among voters aged 16 and 17 in trial-municipalities	
	Results	Results	Difference
Rødt (left-wing)	1.0	4.2	3.2
Socialist left party	3.3	3.7	0.4
Labour party	30.9	31.1	0.2
Centre party	4.5	7.5	3.0
Christian democrats	7.0	3.7	-3.3
Liberals	6.7	6.5	-0.2
Conservatives	24.8	20.2	-4.4
Progress party	13.7	16.5	2.8
Other parties	8.3	6.6	-1.7
Sum	100.0	100.0	
N		1394	

results in the trial municipalities to the voting results of 16- and 17-year-olds in the trial municipalities (Bergh et al. 2014, pp. 35–44). The last results were uncovered through a survey conducted in Norwegian high schools. Questions specifically related to the trial identified youth from trial-municipalities, and what party they voted for in the local elections. Table 10.3 shows the deviations between the voting results of the 16- and 17-year olds and the general voting results. Some deviations are evident, but they should not be considered as large. The 16- and 17-year-olds are slightly more inclined towards voting for the left-wing party Red (*Rødt*), as well as for the center oriented Center Party and the right-wing Progress party. On the other side, they are slightly less inclined towards voting for the Christian Democrats and the Conservatives. For the remaining parties, the differences are small and insignificant.

In order to have a better understanding of the political preferences of Norwegian youth over a longer period of time, they also investigate deviations between the voting results in high school elections<sup>15</sup> and the general elections (both local/regional elections and parliamentary elections)<sup>16</sup> (Bergh et al. 2014, pp. 35–44). Table 10.4 displays the deviations in voting results between the high school elections and the general elections. A positive number means that the party received a larger share of the vote in the high school election than in the general election; a negative number means that the party received a smaller share of the vote in the high school election than in the general election. Also here, the 16- and 17-years olds have generally been more inclined towards voting for the left parties (Red and the Socialist Left

<sup>15</sup> Note that the voting results of the youth are from the high school elections, and not from an actual local/regional or parliamentary elections, since no trial was conducted these years, and 16- and 17-year-olds did not have the right to vote.

<sup>16</sup> Parliamentary elections in 2005 and 2009 and local/regional elections in 2003, 2007 and 2011.

**Table 10.4** Deviations in voting results. All numbers in percent

Deviations in voting results between high school elections and local/regional and parliamentary elections					
Party	2011	2009	2007	2005	2003
RV/rødt	2.1	3.4	4.8	3.1	3.7
Socialist left party	0.9	4.1	4.6	7.8	9.1
Labour party	-1.9	-12.0	-8.4	-11.0	-14.1
Centre party	-1.7	-0.4	-0.8	0.7	-0.9
Christian democrats	-2.1	-1.8	-2.6	-3.1	-2.7
Liberals	0.5	2.1	-0.9	-2.8	-0.4
Conservatives	-3.9	-1.0	-1.8	-2.5	-5.2
Progress party	5.1	1.1	3.6	3.1	9.3
Average deviation	2.3	3.2	3.4	4.3	5.6

Party) as well as the Progress Party, while they are less inclined towards voting for the Christian Democrats and the Labour party. However, most important to us, and evident in Table 10.4 is the fact that the deviations are becoming more moderate. In 2011, the average deviation in voting results was only 2.3%.

## 10.6 Discussion and Conclusion

How do the findings from the Norwegian Voting Age trial and other experiences from Norway fit into the more general, ongoing debate on whether suffrage reforms introducing voting rights for 16- and 17-year-olds should be introduced or not? I argue that it is impossible, at least currently, to give a definite ‘yes or no’-answer, both when discussing reforms in Norway specifically, but also when applying the case in Norway to the more general debate, including (especially) Western countries. The main reason is that the experiences made and conclusions drawn in Norway are not unambiguous, some of them support lowering the voting age and some of them support keeping the voting age at 18.

Looking at the more legal-theoretical perspective, Stokstad (2014, pp. 102–104) shows that Norwegian legislators have a broad legal opportunity structure when investigating commitments made in relations to international legal conventions. None of the international legal conventions signed by Norwegian authorities either prevent or demand that Norwegian legislators introduce suffrage reforms. As we already know, this means that conducting trials and even lowering the voting age is possible from a legal point of view, but also that keeping the voting age at 18 is possible. I argue that this does not lend support to either those who strongly support suffrage reforms or to those who strongly oppose it. Rather, it is evident that the legal opportunity structure basically provides Norwegian legislators with the opportunity to act freely. This also means that suffrage reform is a solely domestic political question, without any international legal interference.

As for the harmonization debate connected to the legal arguments, Stokstad (2014, pp. 116–120) shows that there exists no single age-standard when investigating the legal status quo in Norwegian legislation. Both the age of 18 and the age of 16 are exerted when separating children with limited legal capacity from adult citizens enjoying full civic rights and legal capacity. Hence, there is no final harmonization in Norwegian legislation. In fact, the status quo can be said to be already disharmonized. Despite this, Stokstad (Stokstad 2014) underlines the age of 18 as the main separation line, and she favors keeping the voting age at 18 in line with the tradition of exerting the age of 18 as the main separation between children and adult citizens. I argue that this should be considered as support for those who are opposing suffrage reforms, because following this argument implies that the voting age should not be lowered.

Furthermore, when looking at the constitutional arguments and constitutional practice related to suffrage reforms, we know that unity in constitutional practice (the voting age, age of eligibility and age of majority regulated by the same age) for the most part has been the tradition after the Second World War, but that that the constitutional practice was not characterized by unity before 1940, and also that this unity has been violated on a few occasions also after the war (Ødegård and Aars 2011, pp. 10–12). We also know that it is fully possible to alter this unity today, from a legal point of view, since no part of the legal framework actually demands the three regulations be regulated by the same age limit (NOU 2011: 20). Arguing against suffrage reforms, one could easily claim that unity in constitutional practice, which has by 2014 been established as a tradition, should also be continued in the future for the sake of tradition, hence introducing no suffrage reforms. I argue that this is a weak argument. Rather, the fact that there have been several examples of violation of unity in constitutional practice, as well as the fact that it is fully possible to alter the unity from a legal point of view (e.g. through amending constitutional laws, electoral laws or other laws), supports those who claim that the voting age can be lowered without necessarily having to alter the other two regulations.

Turning our focus towards the empirically based arguments, I argue that the democratic arguments lend support both to those supporting and opposing suffrage reforms. However, it seems to be too early to draw strong conclusions, because the effects on democratic output have been studied for only 2 to 3 years. We do know that the level of youth representation in the municipal councils (representatives under the age of 30) has increased. We also know that certain effects on youth groups in trial-municipalities were evident, such as vitalization of the youth politics community as well as a strengthened role for the Youth Councils in the municipal councils. Lastly, in contrast to what opponents of suffrage reforms claimed would be the case, the turnout rates among voters aged 16 and 17 were actually higher than among voters aged both 18–21 and 22–29 (Bergh and Ødegård 2014, pp. 225–226; Ødegård 2014b, pp. 292–296, p. 298). This last point rather supports the generational hypothesis (Franklin 2005) and the so called U-curve, suggesting that voters aged 20–25 are the ones with the lowest turnout rates, while younger voters aged under 20 and older voters aged over 25 have higher turnout rates (Bhatti et al. 2012). Taking these findings into consideration, increased youth engagement and participation can be said to be clear effects of the trial.

However, we do know that there were large differences in democratic effects between some of the trial-municipalities studied more closely (dependent upon the amount of resources being spent, the level of administrative and institutional stability and the level of political stability) (Ødegård 2014b, pp. 296–298). Also, even though Norwegian youth are considered to have good knowledge about democracy and societal participation, the last official report dealing with democracy education in Norwegian school systems (NOU 2011: 20) made several suggestions on how to reform and enhance the democracy education, especially bearing in mind a future lowering of the voting age to the age of 16, apparently because the current level of knowledge is deemed insufficient. Lastly, we also know that a majority of the Norwegian population opposed suffrage reforms in 2011 (Bergh et al. 2014, pp. 521–526). However, earlier experiences show the same tendency (e.g. in 1979), and we know that even though the majority also opposed suffrage reforms at that time, the opposition was not deep. Looking more closely at these findings, I argue that it is difficult to claim that the trial led to universal democratic effects, because of the large variation between municipalities. Although the opposition in the population against suffrage reforms should probably not be used as a key argument, it still illustrates what can be called a problem of legitimacy; why should the reforms be forced through if the majority does not welcome them? The concerns about the quality of democracy education are also important. As the report suggests, democracy education reforms should be introduced before potential suffrage reforms, hence postponing a lowering of the voting age.

Empirical findings related to the political maturity arguments are easier to put into a broader context. Even though earlier studies have concluded differently on whether 16- and 17-year-olds are significantly less politically mature than voters aged 18 or older or not (see Chang and Clayton 2006; Filzmaier and Klepp 2009; Wagner et al. 2012), the findings from Bergh (2013) and Bergh et al. (2014) studies of Norway support earlier findings claiming that voters aged 18 or older are significantly more politically mature. The only exception is Bergh et al. (2014, pp. 35–44), finding that the deviations in voting results between voters aged 16–17 and voters aged 18 or older are insignificant. Some differences are evident, but they are too small to impact the general election result. Also, the deviations between the high school elections and the general elections are getting more moderate in every election since 2003 (Bergh et al. 2014). This speaks against voices opposing suffrage reforms, arguing that the enfranchisement of 16 and 17 year olds will have undesirable effects on the general election results, because they vote substantially differently.

However, all other findings from Bergh (2013) indicate that younger citizens are less politically mature than older citizens; at least when comparing voters aged 16–17 to voters aged 18. He finds that voters aged 18, compared to voters aged 16–17, are more interested in politics, that they have a higher degree of both internal and external political knowledge, and that they have larger constraints in their political attitude formation (indicating more consistent sets of attitudes). The consistency between attitude formation and party choice shows no particular trend, but it is evident that voters aged 18 generally tend to have at least as high consistency in this regard as voters aged 16–17. Overall, these results indicate that voters aged 16 and 17 are

less politically mature than voters aged 18, both in the trial-municipalities and in non-trial-municipalities. The voting age trial did not seem to have any significant effects on the newly enfranchised voters in the trial-municipalities (mitigating the difference in political maturity between the youngest and oldest age group), as was expected. As Bergh (2013, p. 99) writes; *‘There are no indications that the differences by age are reduced or become smaller when the voting age is set at 16. (...) Voting rights do not affect the political maturity of 16- and 17-year-olds. (...) In conclusion, the results in this paper indicate that a lowering of the voting age would result in the incorporation of people in the electorate with lower levels of political maturity than those already enfranchised’*. Even though it is important to underline that one single study investigating political maturity cannot provide a final answer regarding the question of where the voting age limit should be set, I argue that these results provide strong support to opponents of suffrage reforms who claim that such reforms should not be introduced because citizens under the age of 18 are significantly less politically mature, and their inclusion in the electorate will have negative effects on the voting results.

Clearly, investigating the Norwegian voting age trial and other aspects of the debate on suffrage reforms in Norway indicates that it is difficult to give a definite “yes or no answer” as to whether suffrage reforms should be introduced or not. As I have shown in the discussion above, findings related both to the more theoretical side of the debate concerning different sorts of legal arguments such as legal opportunity structure in an international perspective, legal status quo in a national perspective as well as constitutional practice, but also findings related more directly to empirical investigations of the trial can be used by actors both supporting and opposing suffrage reforms. Norwegian legislators have a broad legal opportunity structure, and the question of suffrage reforms is a solely domestic political question. Also, even though the constitutional practice has been characterized by unity in recent years, it is fully possible to lower the voting age without lowering other age-based laws. We also know that certain democratic effects are already evident, which might have positive long term effects on the societal engagement and participation of youth. Still, we also know that the age of 18 is the most profound age limit when separating children and adult citizens—many actors claim that this tradition should be maintained. The level of political maturity among 16- and 17-year-olds is also a challenge; the empirical evidence suggests that they might not be ready to have the vote yet. I argue that the case of Norway shows the great complexity of discussing suffrage reforms. It is not possible to state that findings and experiences from Norway can be used directly in either the support for or opposition of suffrage reforms in other countries, or when discussing the introduction of reforms in Norway in the coming years more specifically, because one voting age trial and its related studies is not enough. One of the main challenges so far has been the lack of scientific basis; the debate has, to a large degree, been based on normative considerations. Even though the recent years have welcomed several studies investigating suffrage reforms and voting age, we still need more research to provide legislators and other actors with more systematic scientific evidence. As for Norway, plans have already been made to conduct a similar voting age trial in the local and regional elections of

2015. If some of the same municipalities will take part in a new trial, this enables us to study the 16 and 17 year olds over a longer period of time as well as giving new evidence to the general debate. Hopefully, in a few years, the voting age debate will be based mostly on scientific evidence, and eventually ensure that we can give more definite answers to the question of whether suffrage reforms should be introduced on a more general basis than today.

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# Chapter 11

## Afterword: Libertarian Hesitations

Marcel Wissenburg

### 11.1 Introduction

Quotas are on everyone's minds these days, both when we select people and when we elect them. When we, or at least the more or less experienced administrators and politicians among us in Enlightened Western societies, select members of a committee, we never ever pick people at random. We select them on the basis of knowledge and experience, political or social interests, gender, culture, ethnicity—any old trait or characteristic that might be relevant to the legitimacy and effectiveness of the choices that the committee is expected to make. These days, it does not happen often that minorities have to publicly remind us of their exclusion: as a sort of pre-emptive strike against formal quotas, we have become our own thought police and have assimilated a directive demanding universally fair sociological representation as part of our standard operating procedure.

Quotas are also on the minds of many of us in the election booth, who, already having picked a party, subsequently find ourselves unable or unwilling to express a strong preference for any particular candidate. We, the undecided, then often ask ourselves whether we should vote for a woman, for an academic, for someone from our home town or region or from a particular ethnic or religious group. And sometimes we really can't choose. I admit that I have once decided to vote for my party's most attractive female candidate, and on another occasion for the candidate most closely related to me by family ties—who just happened to be the next prime minister. Any *random* criterion, however offensive, will do as well as any other in circumstances where no *relevant* criterion applies.

In the preceding chapters, we have been discussing quotas for the young, specifically quotas in representative political institutions—for the sake of simplicity, I shall say that we are talking about quotas in parliament. We have in fact been discussing two different types of quota (as so excellently described in Juliana Bidadanure's

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chapter). One refers to intergenerational justice between *existing* generations or age cohorts, to ensure the proper representation of the presently young, which I shall refer to as intergenerational justice. The other type of quota allows the young to represent future generations—I shall call this justice towards future generations. When I refer to the two together, I shall use the term temporal justice.

Quotas are almost always developed and evaluated from a broadly social liberal perspective—that has happened here as well. That is to say, many among us assume that societies ought to be broadly speaking constitutional liberal democratic societies, that they should have governments controlled by representative institutions, that governments have tasks other than defense against enemies abroad and at home. They, you, we, further assume that there is a sort of collectively owned hoard or stock of resources that has to be distributed over society in a fair, just and impartial way, so as to enable all of us to enjoy the greatest freedom to live our lives in accordance with our own convictions, as long as that freedom is compatible with a similar freedom for others—to use John Rawls’s words. I usually share these convictions, but for the sake of academic sincerity, I will take some distance here from these views and adopt a more libertarian perspective on society and politics. I choose a libertarian perspective over other popular schools in political philosophy, because libertarianism comes closest to functioning as the freedom-loving conscience of social liberalism.

My argument will be that, by unquestioningly adopting a social liberal perspective in the context of temporal justice, we run the risk of importing and overlooking several quite dubious assumptions. Now if the assumptions of a model are flawed, then the standards by which we evaluate the desirability and permissibility of policies and institutions will be flawed too. In less abstract terms: if we want to know whether or not youth quotas are a morally good idea, we need to be sure that we measure right and wrong, just and unjust, by an arguably legitimate standard.

I shall identify seven such dubious, usually unseen and unquestioned assumptions—and for brevity’s sake I shall refer to them as misunderstandings. Some of them have to do with intergenerational justice, some with justice towards future generations, and some with the way the environment is conceived of in temporal justice discourses. Having shoved these seven dwarfs aside, we discover that we are left with a perhaps theoretically consistent, intellectually challenging and morally sincere view of temporal justice—but also one that is highly unpractical. So I will end by developing a more pragmatic analysis of our two-headed sleeping beauty, quotas for the young.

## 11.2 Seven Misunderstandings About Temporal Justice

The first and most important misunderstanding in temporal justice theory is that there must be future generations. It is very common to assume that humanity will, indeed must, procreate. (Pieter Vanhuysse, quoted in Ivo Wallimann-Helmer’s chapter, suggests something similar: for him, children are a collective, public good for which their creators should be rewarded.) The command to ensure the survival

of humanity is, quite tellingly for our cultures, the topic of one of the most classic flirtation strategies and even more, it is part of the ultimate and most definitive rejection: ‘I would not go out with you even if you were the last human being on Earth...’ In circles more directly related to my own field of research, environmental political theory and philosophy, it was Hans Jonas in *Das Prinzip Verantwortung* (1979) who effectively put justice towards future generations, particularly environmental justice, on the political agenda—and it was also Jonas who explicitly stated that humanity has a duty to ensure the continued existence of the species. The grounds Jonas quotes for this duty remain a bit vague but the gist of his argument is that it is a Christian duty, a divine command implicit in our creation.

Most current authors in the field of temporal justice, even those working on questions of population growth, do not take the trouble to offer an argument but simply assume that humanity must continue to exist, simply by never discussing the alternative, the passing or fading out of humanity. Whether or not religion has a place in polite society is a moot point, but it will be clear that it can have no substantive role in a social liberal context. For social liberals, there can be no recourse to religious or other ‘unreasonable’ doctrines as foundations of the public good. And that precludes the possibility of arguing that there can be a duty to ensure the continued existence of humanity. To whom, after all, would we owe this duty if it isn’t a divinity? Let’s take a moment to consider this question.

First, it cannot be a duty towards future generations or future individuals themselves—that would be straight out of the handbooks circular reasoning. Secondly, it cannot be a duty towards our fellow citizens either—that would make our reproductive organs, our wombs and testicles, their property, to be used at their discretion, by majority vote or government directive. More precisely, it would make our bodies the property of the collective, and thereby turn us into mere tools and test tubes, into slaves.

Thirdly and finally, ensuring the continued existence of humanity, a.k.a. having children, cannot be a duty to ourselves either. That would imply one of the most invasive paternalistic limitations imaginable on the individual’s freedom to formulate and execute his or her own authentic plan of life and theory of the good. By making parenting a necessary element of a life worth living, it would also be an insult to, and a failure to recognize the existence of, those who cannot procreate—as much as those who are by law excluded from parenthood. I mention in that connection in particular more or less civilized peoples, even within Europe, who opt for openly supporting a truly antediluvian, barbaric attitude towards homosexuality in their societies.

So no duty to procreate then. What is instead consistent with a liberal worldview is the idea that having children can be part of an *individual’s* plan of life, if he or she so *chooses*, and if the execution of that choice does not harm anyone else. It follows that if any social or political duty in relation to future generations exists, it is a *prima facie* duty towards the prospective parent: other things being equal, we may have duties (and I will assume that we do have those duties) to tolerate the wish to procreate, and to enable him or her (the parent) to enjoy the same liberties, to have the same opportunities and means to create a new human, that we grant to contemporary others.

Moving on more rapidly and succinctly to the second major misunderstanding in temporal justice discourses: there is no collective responsibility for future generations. More precisely: any collective responsibility taken on behalf of future generations is a political convention, not a moral obligation. This follows logically from our observation that we have no duty to ensure the continued existence of humanity, only duties to give individuals who want to procreate as fair an opportunity to do so as others, including those who don't or don't want to. There are a couple of provisos that have to do with duties towards the incompetent and the abandoned. But in general the proper liberal attitude in the area of justice for future generations should be that it is the responsibility of the procreating parent or consenting parents to ensure their children will have a life worth living, and (contrary to Brian Barry's demand that they be no worse off than their parents, as quoted by Juliana Bidadanure) that does not even seem to have to include the option of enabling them to create a third generation.

Let me next discuss three misunderstandings that are relevant to both types of temporal justice, misunderstandings that have to do with environmental sustainability, or environmental management, or however you want to call it.

Misunderstanding number 3 is to believe that, because planet Earth is not any individual's property, it would therefore be the exclusive property of humanity as a whole. Traditional libertarians stress that nature is unowned before what is called 'original acquisition', the appropriation by individuals of natural resources with an eye to using them. So-called left libertarians and virtually all social liberals assume that before exploitation, natural resources are the collective property of a people, a nation, a state or the whole of humanity.

The difference between these two positions is crucial: from the traditional libertarian point of view, any act of acquisition, any intrusion on sovereign nature, has to be positively justified—and though admittedly the average libertarian's standards for justifiable acquisition are abysmally low, they do *have* standards and are not *principally* opposed to raising them. On the collective ownership view, however, what has to be justified is not *that* nature is turned into resources but *how*, and for what purpose. It is assumed beforehand that there is a legitimate use for each and every bit of nature—the question is how to identify a precise legitimate purpose and legitimate user. Yet social liberals offer no justification for the primary assumption that a people or humanity are the initial owners of nature.

The social liberal position is internally inconsistent. Either property rights are derived from natural law, or they are conventions. If derived from natural law, then we must justify acquisition in broadly Lockean terms, assuming initial non-ownership. If property rights are based solely on convention, then nature is by definition unowned before appropriation. In either case, the onus of proof lies with whoever intends to exploit nature.<sup>1</sup>

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<sup>1</sup> Aside from the question of which collective (humanity, state, people, tribe, family), collectives have to explain their intentions and justify their action just like any other 'legal person'. Note also that, by implication, the property of a dead intestate reverts to nature, not by default to the state.

More down to earth, the social liberal attitude towards nature does not protect nature itself against exploitation—which implies a bias towards turning nature into resources now rather than later, which in turn precludes future generations from developing other resources based on the now exploited rather than protected bits of nature. It is this attitude that, in the pursuit of improved welfare for the presently worst-off and their descendants, is for instance willing to sacrifice currently useless animal and plant species and ecosystems.

Mistake number 4: property rights, private or other, do not necessarily include the right to destroy with impunity. A property right to an object *x* is in fact a whole series of rights—rights to use *x* in this or that way, in this or that context, and to this or that purpose; rights to delegate and transfer, rights to mould and shape, and so on. But none of those rights is *a priori* absolute; they are all limited by other people's rights, including but not limited to property rights in other objects. And this implies that—while arguably the crucial difference between ownership and possession is the right to destroy *x*—that right too is *a priori* never unlimited. It furthermore implies that one of those limits may be a duty to provide compensation to those now deprived of the public benefits of the destroyed good *x*.

One typically socialist and social liberal objection to private property, and thus one classic argument for the legitimacy of taxation or collective ownership and government-controlled redistribution, is that individual owners can destroy their property with impunity, to the disadvantage of the rest of humanity—say, the owner of a gorgeous historic mansion can tear it down and replace it with a Koolhaas skyscraper. But as we just saw, that is not true. Plus, if the justification of taxation and redistribution is that private property would otherwise be destroyed for no good reason, it seems the same should apply to collective property: there too we risk wanton destruction by the owner to the disadvantage of the excluded, such as future generations.

Mistake 5 follows from the previous four: the collective has no rights over my property nor over my use of it in relation to my offspring. It is my duty to provide any offspring I choose to create with the means to live a life worth living, but anything above that is at my discretion—I am not morally obliged to provide for my neighbor's children, nor for my children's children, nor for future generations in general.

Moving on, let me address a final pair of mistakes specific for intergenerational justice.

The sixth mistake is to assume that there is a special relation between intergenerational justice and justice towards future generations. Hence the idea that specifically the young would be in a good position to represent future generations, and hence quotas.

Much of the literature on temporal justice assumes that justice between presently existing generations and justice between those generations and the one coming after is much the same. Those who are still up and coming, still non-existent, cannot speak for themselves but have to be represented, but what is the real difference between them and the 0–5 year olds who are basically equally silent? If we accept that the next unborn generation does not differ in any morally significant way from existing human larvae, putting all further future generations on a par with our

youngest offers no further moral challenges, only practical ones—like how to predict their numbers, tastes and technologies. Or so one might think.

Yet as we have seen above, there is no duty to create future individuals; their existence is a choice, not a given. While we can procreate and thereby create duties that arise at the moment of birth, we cannot owe anything to non-existing entities as long as we can choose not to create them. And conversely, we *do* have obligations to the existing young and we cannot ‘unbirth’ them.

The seventh and final mistake (also discussed by e.g. Juliana Bidadanure, and by Anja Karnein and Dominic Roser) is to assume, as many democratic theorists seem to do these days, that egoism, acting in one’s own interests, is either necessarily good or morally neutral. It can be, but it need not be; it can also be immoral. In defence of youth quotas as an instrument of intergenerational justice, it is argued that quotas can help guarantee that the *interests* of a potentially underprivileged or underrepresented cohort are protected and defended.

Now, to understand democracy as the representation of interests is a very old and respectable, aristocratic view. It dates back to Aristotle, who defined democracy as mob rule, as rule by the many in their private interests rather than the interests of the whole, the community. It is precisely for its pure and undiluted promotion of egoism that philosophers throughout the ages have always rejected democracy, or in their most permissive moods have sought to counterbalance it by adding elements of rule by the neutral, the wise or the better—as indeed Aristotle already did. While Machiavelli was perhaps the first to appreciate egoism neutrally, it took until Adam Smith to develop a *positive* understanding of self-interest as ‘enlightened self-interest’, the rational (hu)man’s understanding of his best interest, given the necessities of social cooperation and of therefore having to take others’ interests into account as well.

If we could trust the young to be *this* kind of egoists, this kind of enlightened individuals who define their self-interest on the basis of their needs as much as of those three or four generations that will come after them, *then* youth quotas will contribute to justice for future generations. But not only is the jury still out on whether or not they are in empirical reality sufficiently capable of doing this, and more capable than others (cf. Haakenstad Godli’s chapter), it is also already in theory evident that the interests of distinct generations may not always coincide. It is, in fact, because of such conflicts of interests that cohort quotas have been suggested. However, if one sees youth quotas as a means to defend the ‘partial’ interests of one cohort against others, one cannot at the same time task that lucky cohort with the ‘impartial’ defense of the interests of another generation, existent or non-existent.

### 11.3 Libertarian Temporal Justice

With these seven mistakes eliminated, what room is left in libertarianism for quotas? At first sight, one would have to say: none whatsoever. I will analyze this first-sight observation in detail in a moment, but please keep in mind that first sights are often deceptive.

Libertarian views on temporal justice leave little room for state intervention. Natural resources are not the state's to distribute or redistribute; procreation and population policy is not its concern; and since government is there only to catch thieves and protect sovereignty, a parliament's task will be light too. Instead, individuals have the clear, undivided and exclusive responsibility to decide on whether or not to procreate, limited only by the obligation to ensure a life worth living for their immediate offspring—and nothing more. The procreators' responsibilities are simple, straightforward, and cannot be shifted onto the shoulders of the weak and innocent.

In such a world, it is true that quotas have no place. They would not just be redundant: they would be considered straightforwardly unjust and the expression of a deeply perverted morality.

Some libertarians of the consequentialist or utilitarian persuasion would argue that quotas, if effective, are instituted when the cultural battle for recognition of an excluded group is already won, i.e. when they have become all but superfluous. Support for existing quotas thus shows their political legitimacy but not their philosophical, moral legitimacy. The consequentialist libertarian would warn us not to commit the democratic fallacy of believing that what a majority believes must be true or good. It suffices to point to the nineteenth century's majority views on women's rights, race, slavery etc. to reject democracy as an unquestionable fountain of ethics.

Quotas are also immoral, from the deontological libertarian's point of view, for the simple reason that any cooperative venture should be the result of free and unrestrained individual choices. Democratic decision-making, majoritarianism, is dictatorship, tyranny, unless and so long as a decision is unanimously, voluntarily and with full reason agreed to. (And even then the deontological libertarian would hesitate to accept voluntary slavery, because that is, obviously, what democracy is.) A self-proclaimed democracy where collective choice can be pushed through with the support of *over*represented groups, is evidently even more tyrannical. In a genuinely libertarian society, democratic decision-making is pre-empted by individual rights.

Now, while a libertarian perspective on temporal justice is helpful and utterly liberating, the libertarian theorist's attitude towards quotas is also predictable, unpractical and unhelpful—no matter that it is, as far as I am concerned, correct. The problem is that libertarianism, like utopianism, assumes a context that does not yet exist; like the Baron von Münchhausen, libertarianism has to tear itself out of the swamp by its own bootstraps. It offers a choice between ultimate good and ultimate evil, between a perfect libertarian society—where autonomous individuals know their responsibilities, take them seriously, and respect those of their neighbors—and every other world, each of which would be equally perverse and perverted. Like utopianism, libertarianism offers no guidelines for choices between the fifty shades of grey that our evil real-existing world offers.



## 11.4 The Pragmatic Libertarian View on Quotas and Rights

I therefore opt for a more pragmatic answer to quotas. I will suggest that quotas for the young can be tolerable in the context of justice between existing generations, since they may, under the right circumstances, limit the risk of abuse of power in negotiations, and thus guarantee a fair representation of interests, and thus prevent the construction of exploitative institutions (by which I mean oppressive institutions, not in Marxist terms unprofitable ones).

What then is the lesser evil in temporal justice? First, as far as intergenerational justice is concerned, we must recognize quotas for what they are: on the one hand vessels of Smithian comprehensive egoism, to which no libertarian can object; on the other hand, an unrealistic (unrepresentative) redistribution of bargaining power. If there can be an argument in favour of deliberately misrepresenting the distribution of power in society, it cannot be an argument in favour of youth quotas specifically—it would have to be one in favour of any cohort or group deserving a bit of help. Perhaps that implies a permanent special provision for those born from 1990 to 1999; and perhaps in fifteen years those born between 1960 and 1970 will turn out to deserve an advantage. The question is of course if there is such an argument, i.e. is there a reason why a libertarian, forced to live in a parliamentary democracy under the tyranny of social liberalism, could tolerate cohort quotas? And there may actually be one such argument, though only for some libertarians: a deontological libertarian might accept skewed representation of group interests if that creates a level playing field—that is, if quotas help to protect the inalienable rights of autonomous individuals against abuse of power advantages, by which I mean—given any starting point (baseline)—the involuntary creation of circumstances under which the relatively powerless no longer have a viable exit option back to the baseline. (As Hainz correctly observed in his contribution, this may be the beginning of a slippery slope ending in an absurd stacking of extra quotas on extra quotas for the tiniest minorities.)

Where justice towards future, non-existing generations is concerned, however, it is at the very least quotas ensuring a minimum representation for the elderly, or more precisely and better still, the elderly without offspring that would be more appropriate; probably outright exclusion of the middle-aged and young would also be defensible. If the aim of a quota rule is to represent the authentic interests of absentees, then it would be rational to seek to remove all temptation to deviate from their (i.e., the absentees') enlightened self-interest. Given that the interests of generations may always clash, that points *beyond* any form of representation by the potentially self-interested. The most sensible candidate for representation is, after all, he or she whose personal interests are least likely to be hurt by the represented. And that is the man or woman on his or her way out, with no offspring to be partial to. That said, the libertarian would still maintain that representing future generations in the process of resource distribution puts the horse behind the cart.

Even under the yoke of social justice, a libertarian will argue that there are better, more legitimate instruments available to protect the interests that particular groups in society feel deserve protection. The interests of future generations are like the interests of endangered species, a beautiful landscape, a language, a religion or an art form: they are private preferences. And private preferences can and will be defended, without illegitimately infringing on or prescribing other people's tastes and preferences, as long as anyone cares about them, by the execution of *individual rights*. He who wants to protect a forest against development can join forces with others, buy it and thereby veto any development plans even if supported by a majority; he who wants to protect resources in general on behalf of a future generation or Hobbit culture or Christ or any other private fancy, is free to do likewise. That is why rights morally trump democratic despotism.

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