



[n] infants, [n] votes

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# Background

Elsewhere, I argue for more enfranchisement, through lowering the voting age & through inclusive capacity testing regimes.

Both approaches are designed to minimise the number of capable voters excluded through age limits.

One common concern (once the desirability of more enfranchisement is acknowledged) is that the logic of my argument suggests that we ought just to enfranchise everybody.

(2)

I have in the past deferred this discussion on ground of practicality - convincing actual democracies to lower the voting age at all is hard enough - convincing them to let incompetent infants vote will be much, much harder.

No more.

- We should enfranchise all capable voters.
- Many currently disenfranchised voters are in fact capable.
- To remedy this we ought to lower the voting age to the point that we are confident we are not excluding any capable voters.
- Doing so will include some incapable voters.
- But this isn't a problem

The bar for capability is very low. If someone is incapable by current standards, they vote randomly when/if they vote at all.

If there are enough of them, their votes will distribute evenly across all the options, thus having no effect on the outcome.

# Aside

- The best argument against letting infants vote, doesn't care about infants at all. Instead, it attacks on two fronts:
  - A criticism of standard definitions of capacity wrt voting.
  - A rejection of the inclusive presumption.

# The Inclusive Presumption

- Do we want our democracies to be inclusive or exclusive?
  - Extant Democracies chose inclusivity.
  - With the exception of Jason Brennan, Democratic theorists largely agree that inclusivity is the way to go.
- Hence, the inclusive presumption.
  - This suggests that we should only disenfranchise those whose inclusion will undermine democratic values.
  - So the default is inclusion.

# Challenging the Inclusive Presumption

- Jason Brennan argues that the competent are having their rights to political participation unduly infringed by the inclusion of incompetent voters
- *The competence principle* (2011)
  - “It is unjust to deprive citizens of life, liberty or property, or to alter their life prospects significantly, by force and threats of force as a result of decisions made by an incompetent or morally unreasonable deliberative body, or as a result of decisions made in an incompetent and morally unreasonable way.” (704)

- Yet competence requirements are widespread in liberal democracies.
- The standards are exceedingly low, and it is simply false that (as Brennan claims) ‘many’ would fail to pass them.
- One must understand the nature and significance of voting and have the ability to make a choice between options.
- So, Brennan is committed to the following practical claim:

- The competence required of a voter in a modern liberal democratic state is higher than is currently recognised, even by those states which have articulated a competence requirement.
- Brennan neither defends this nor sets out the standard he takes to be required for competence.
- The complaint must then be that current competence standards are so low as to be trivial to satisfy, and that the satisfaction of these trivial standards is insufficient to protect the Life, Liberty and Property of the \*truly\* competent.

# Against Brennan

- “Violating the competence principle means putting citizens’ lives, liberty and property, by force, in the hands of unreasonable and incompetent people.” (717)
  - But excluding the unreasonable means putting *their* lives liberty and property by force in the hands of people/government over whom they have no say. This seems to be intrinsically equivalent to the violation of the competence principle Brennan is concerned with.
  - Both cases involve forcing people to obey certain rules that potentially undermine their L/L/P. In one case the decision-making body is unreasonable, in the other, it excludes some who are impacted by its decisions.

## (2)

- Brennan's suggestions run the risk of increasing the average ability of the voting public, while decreasing the average ability of the citizenry at large
  - People excluded from voting have less reason to care than people allowed to vote.
  - People have more reason to care the more likely it is that their vote matters.
  - By excluding many people through a rigorous competence standard, Brennan's suggestion removes reasons to care from a large number of people.
  - This has the effect of causing an ever-decreasing number of people to be competent, thereby rushing headlong into epistocracy.

- Further, Brennan's suggestion removes from the public incentives to know more about Politics, and thereby to be competent in his terms.
- He proposes, in other words, to punish people for acting rationally by removing their voting rights.
- He conflates two issues: one, whether an individual is competent to vote, and two, whether an individual exercises their vote competently.
  - It is possible for a competent voter to vote incompetently, for a variety of reasons. His proposal could not remove this competent voter from the rolls, yet their presence undermines his desired outcomes.

# (3)

- Brennan is concerned that allowing ignorant, irrational or morally unreasonable persons to vote risks impinging on the life, liberty or property of the reasonable, rational citizens who are bound by the collective decision of the polity.
  - But there is a symmetry here in that his proposed alternative compels the unreasonable to have their lives, liberty and property constrained by a government which, while it may not have been elected by any unreasonable agents, they *had no part in* the choosing of.
  - So there is an objection, internal to the libertarian focus on L/L/P, to his position.

# So...

- Brennan notes a problem in modern democracies.
- But his proposed alternative seems to share the problem, on his own terms.
- Further, his proposal runs afoul of all the things democrats avoid by being democratic.
- So, we shouldn't do what Brennan wants (abandoning the inclusive presumption, becoming epistocrats, excluding large numbers of the currently enfranchised)

Senate

WHITE

BALLOT PAPERS

House of  
Representatives

GREEN

BALLOT PAPERS

Let them vote!

**INFANTS**

Ballot  
box

# Infants

- Most people think we ought not to enfranchise infants.
- Per the inclusive presumption, this holds only if enfranchising them would make our democracy worse.
  - We could frame this as Brennan does: Does including infants expose others within the democracy to undue risk in the selection of policy or of rulers?

No.

# A worst case scenario

- At worst, enfranchised infants would systematically vote badly, choosing the worst of the available options.
- This is unlikely to occur. Most (all?) infants are incapable of making the reasoned decisions that would allow them to identify the worst available option.

# Plausible Outcomes

- More plausibly, they would (mostly) fail to cast valid votes.
- Those who did successfully cast ballots would select randomly among the available options (as do some enfranchised adults).
- Neither of these possibilities provides good reason to disenfranchise them.

# Potential Risks

- Worse outcomes
  - Tips balance from Party A to Party B in a given election
  - Causes parties to (negatively) alter policies to appeal to the newly enfranchised
  - ...
- Vote dilution
- Rights breaches?

# Balance of Power

- If infants are incompetent, this won't occur. Their votes will distribute evenly across all options.
- If infants are competent, their votes may cluster.
  - But we don't care when the votes of other voters cluster in similar ways.
  - We cannot, while being consistent, care if they do so here.

## (2)

- Even if all children vote ‘wrongly’ it won’t hurt the outcomes (Goodin & List, 2001; Goodin & Lau, 2011), but it will help the voters in question learn how to vote properly. (Cook, 2013)
- “Voting provides opportunities to develop democratically through direct experience of democracy; in a context where the law of large numbers provides safety from responsibility for Outcomes; and where the decisions of the majority provide a prompt for reflection and revision of children’s democratic choices.” (Cook, 2013)

# Altered Policy

- Younger voters can be seduced to vote for particular parties by ridiculous policies: Free candy, fewer school hours...
  - But these same policies will alienate other voters and play badly in the media.
- Further, that a policy is ridiculous doesn't seem to matter in other contexts: Trump is free to promise to make Mexico pay for the building of a giant wall...
  - We might not like a polity that responds favourably to such promises. But our response should be to make the polity better, not cut them off from political activity.

# Vote Dilution

- Not a problem of itself.
  - All inclusions of more voters dilute the voting power of the incumbent voter group.
- We have both rightsy & utility arguments for diluting the vote in this way (avoid rights breaches via disenfranchisement / lower risks of random votes)

# Rights Breaches

- Asymmetrical nature of voting rights – over-exclusion breaches the right to vote of the excluded, over-inclusion causes no such breaches.
- (Brennan argues that there are L/L/P rights breaches but his claims don't seem to hold up to scrutiny)

# Undermining Democratic Values

- Perhaps letting infants vote will undermine public belief in the efficacy of democratic procedures.
- But this is the same fearmongering nonsense advanced as a reason not to let \*any other previously excluded group\* participate.
  - We rejected this before, we should do so again.
- If the public hates/fears/scorns/rejects the inclusion of  $x$ , tell them to suck it up.

# So, why enfranchise infants?

- Unlike in the case of disenfranchised children, I doubt any infants are capable.
- By enfranchising everyone (including infants) you avoid the rights breaches arising from under-inclusion of capable citizens.
- We ensure that every citizen can vote when they desire to. More opportunities to vote = more chances to learn how to vote well.
- While no infants are at risk of false exclusion, some young children are. Enfranchising them early avoids this.

- Expansive inclusion also minimises the impact that incapable voters have on electoral outcomes.
- Given the capacity standards commonly accepted, those \*incapable\* of voting will, if they successfully cast a ballot, cast it randomly.
- If we have random votes in the system, we should want as many of them as possible.
  - This increases the likelihood of a statistically normal distribution.
  - So, there is less chance the random votes will favour any position.
    - They cancel each other out
  - Enfranchising infants provides a source of random votes to counterbalance those of the currently included incompetent.

- If people are not incapable of voting, but instead merely vote in ways we consider sub-optimal, this provides no reason to disenfranchise them.
- We are not entitled (see inclusive presumption) to exclude people merely because of how we fear they will vote. This applies as much to infants as to anyone else.
- We should, however, try to ensure that people make well-reasoned decisions in how they vote.
  - This can be achieved not through (dis)enfranchisement, but through voter education.

# Extant Democracies

- States already have duties to facilitate voting by a wide range of citizens, with differing requirements:
  - Accessibility
  - Language
  - Timing
- The inclusion of younger voters, including infants, provides an incentive that is currently lacking for states to engage in voter education efforts.

# Conclusions

- The inclusive presumption tells us we should let people vote unless their doing so will undermine our democratic institutions/values.
- Enfranchising all young people including infants will not undermine our democratic institutions/values.
- Enfranchising all young people will encourage states to engage in various positive voter education programs.
- We should enfranchise younger people, down to and including infants.