



Justice for Children via Political Inclusion

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Overview

Even in good states, children suffer.

Institutions that are otherwise fairly just, systematically disadvantage young citizens.

Democratic institutions work best for the most active participants in the democracy. Children are, in all states, expressly excluded from active political participation, and as such their voices, desires, needs and rights are marginalised.

Introduction

- Children's position in even modern liberal democratic states remains unjust.
- By comparison to the progress made in securing justice for other disadvantaged groups, the rate of change for children is slow.
- Hypothesis: The continued political exclusion of children helps explain this slow progress.

- Who argues for justice for children?
- Who argues for justice for women, for the LGBT...+ community, for those with cognitive disabilities?
- Where are the exemplars of just practice? All states retain high levels of injustice in their treatment of children.
- Inclusion in the political structures of societies is a starting point for overcoming this injustice accruing to children.
 - Embed children as equal participants.
 - Reduce the structural disadvantages they are currently subject to.
 - Provide greater incentives to support children.
 - Give children the opportunity to meaningfully express their preferences re actions undertaken on their behalf.



Scope

- I'm focusing on developed democratic states, & the pursuit of justice for children within these.
 - Secondly, I take it that these states can become exemplars, useful for prompting change in other states – helping guide the transition of these other states towards justness.
- By children I mean the group considered by the UNCRC -all those under the age of eighteen (except where the age of majority is set lower than eighteen).

Why democratic states?

- Democracies at least have reasons to pretend to care about their citizens.
- Some citizens more so than others.
- Active political participation (voting) matters.
 - Only voting (whether in elections or referenda) allows the will of the people to directly control the composition of the government...
 - Voting allows the people to express their (dis)pleasure at governmental action

But children can't vote...

- Groups who vote in large numbers are more important targets for policy-makers & party strategists, than are those who seldom/never vote.
- Justice in political participation – is improved by reducing inequalities in participation rates between groups within a state.
- This provides governments with incentives to value the opinions, beliefs, goals and desires of members of these groups more equally.
- But this doesn't help children at all...



- The **most inclusive** states let 16/17 year olds vote.
- This exclusion marginalises children: their voices, desires, needs and rights.
- Children are usually entitled to participate in informal political engagements, but they are excluded from the kinds of participation which actually count.



The Position of Children

- Subject to a range of structural injustices, in all states.
- No state recognises the political capacity of all children. Most do not recognise political capacity in any children.
- Younger children often have their autonomy in medical decision-making situations subordinated to the beliefs, desires and goals of their parents, or of medical professionals. (See Gillick)
- Children do have their capability/autonomy recognised in criminal matters, from often a young age. So, they are taken to be capable of acting wrongly but not rightly.
- This inconsistency in the attribution of agency generates a core injustice in society's treatment of children.

The Political Position

- The failure of all democratic states to enfranchise children clearly directly undermines both self-respect and inclusion of children.
- Similarly, it undermines their ability to argue for better health & education outcomes for themselves.
- Their capabilities are put at a disadvantage comparative to the population as a whole.
- Priest: “exclusion from democratic decisions disrespects the judgement and worth of the excluded party” ... children are systematically so excluded, and yet are bound by the laws of the state, so, “[i]t is hard to think of a more straightforward example of a democratic injustice.”

- Children in states that are otherwise exemplars of good governance, are in a position more common to those who live under authoritarian rule.
- They are, functionally, subjects rather than citizens.
- Disenfranchised.
- The value of their opinions, goals and desires is rejected.

- Inclusion undermines the structural disadvantages children face. Provides greater incentives for political and social institutions to act proactively to support children. Over time, children become more equal to other citizens.

Why Does Justice for Children Matter?

- Injustice in childhood can prevent justice in adulthood.
 - So, we should take justice for children seriously, as it influences the likelihood of the adults they will become, leading good lives.
- Children suffer more than the average citizen from a range of injustices.
 - Poverty: 19.5% of children in extreme poverty, 9.2% of adults (globally – via UNICEF 2017).
 - In the OECD, children have higher poverty rates than adults in 28 of 36 member countries (2018).
 - Public spending: The elderly disproportionately benefit over the young.
 - In the US, the trend on spending for children is declining.
- Children as a group are disadvantaged comparative to the general population.

- Ansell – we need to enact political change in order to improve the lives of children. But the ‘widespread rhetorical support for children’s issues rests on them being considered apolitical.’ (2004, 246)
- Our democratic institutions, as they stand, aren’t helping (enough?)
 - Lansdown: ‘[m]uch of government policy impacts directly or indirectly on young people’s lives, yet it is developed and delivered largely in ignorance of how it will affect the day-to-day lives of young people, their present and future well-being’ (2002, 6).
- Children are excluded. When they are consulted, their knowledge is not recognised. We shouldn’t be surprised that the outcomes of government policy are not ideal for them.

Comparing Children with Other Groups

- *Some* states restrict political participation for those with cognitive disabilities, *all* states do so for children.
- *Some* states impose (justice-relevant) legal inequalities on women or members of other identifiable minority groups, *all* states do so for children.
- “children may well be considered the weakest group in society, the group most unconditionally dependent on the goodwill of others. The group “children” is therefore a strong candidate for the position of the least advantaged.” (Bojer, 2000, 35)

- Reynolds: “[w]omen, LGBT people, young people, and the disabled share political interests within their respective ‘groups’ but they are fragmented geographically, ethnically, and often ideologically” (2013, 271).
- Does political inclusion help the other groups mentioned here? If it does, ought we to think it would also help children?
- Yes, and yes...
- Literature on the benefits for women, for ethnic minorities, and for the LGBTQI+ community is clear. Increased representation is linked to the adoption of policies beneficial to members of these groups.

But wait...

- Isn't there a difference here? These other groups are fighting for representational justice, not participatory justice.
- Well sure, but we had to get participation first...
- Children are just lagging behind here. Inclusion is justice enhancing, but not sufficient.



Aren't children fundamentally different?

- Dixon & Nussbaum: the position of children is 'utterly different from that of adult women' as adult women suffer from an 'artificially created infantilization' whereas children are in fact immature (2012, 577).
- But... what matters is capacity for particular actions.
- Wrongness comes in not allowing people to do things they are capable of. So children are being wronged just as women were and are wronged. They *can* participate.
- Further – if lack of rights undermines access to justice, we have independent reason to secure rights for the young – attributing rights to the young has instrumental value in pursuit of justice.

- Roche – “just as women have altered understandings of citizenship & belonging, a politics inclusive of children will produce a further shift in understanding (1999, 482)
- For children who suffer civil and social injustice, it seems at least plausible that improvements could follow the same path – gain a political voice, then use that voice to draw attention to and eventually to reduce the present injustices.



The Benefits of Political Inclusion

- More democratic societies are, other things being equal, less prone to injustice, and more capable of correcting injustices.
- These benefits accrue unequally – injustices are less common, and more quickly addressed, for groups who vote (the elderly!)



“not only does the explicit inclusion of different groups in democratic discussion and decision-making increase the likelihood of promoting justice because the interests of all are taken into account. It also increases that likelihood by increasing the store of social knowledge available to participants” (Young, 2002, 83).

- Children are excluded. Without voting any ‘inclusion’ is unsatisfactory.
- Consequently, their interests are insufficiently accounted for.
- When adults act on behalf of children, they do so imperfectly.
 - They pursue things adults think they wanted or should have wanted as children, rather than the things children actually want.

- All democratic states systematically fail to pay attention to the needs and interests of children (Dixon & Nussbaum, 2012, fn. 565)
 - This provides another potential reason to enfranchise children...
- I take it that this would be overall beneficial, both for the children so enfranchised, and for the state which moved to enfranchise them.
- Democratic participation is a means to a range of positive ends – through participation we can realise other rights, achieve justice, influence political outcomes, and expose abuses of power (Lansdown, 2004, 5).

Capacities

- Political inclusion of children recognises their capacity as citizens, and grants them a status equivalent to other citizens of the state.
- Given existing capacity requirements, that children have capacity is uncontroversial.
- The promise of inclusion for very young children once they have demonstrated capability links back to the role of education.
- Granting political inclusion is a clear instance of state support for children's self-respect – as citizens, not subjects or citizens-in-waiting.
- The path from inclusion to better health and educational outcomes for children is straightforward – including children in the political system makes improving these outcomes for children more politically salient, and thus more likely.

From states to the world?

- Historical injustice takes time and effort to overcome.
- Political inclusion isn't a quick fix (see: other groups mentioned throughout)
- If the pattern for children follows the pattern for other groups, we should see children become better off in states which include them, and the social, civil and political injustices children currently face will slowly diminish as they are recognised and treated as full participants in their societies.

Conclusion

- Political inclusion is an effective means of improving social status for members of identifiable disadvantaged groups.
- Children are one such group, & children are not entitled, in any democracy, to fully participate in democratic processes.
- The continuing exclusion of children undermines the justness of excluding states, &
- The continued political exclusion of children undermines the possibility of achieving (global) justice for them, by preventing children from having due weight given to their views.

References

- Alkire, Sabina. 2002. *Valuing Freedoms: Sen's Capability Approach and Poverty Reduction*. Oxford/ New York: Oxford University Press.
- Anderson, Elizabeth. 2010. "Justifying the Capability Approach to Justice." In *Measuring Justice: Primary Goods and Capabilities*, edited by Harry Brighouse and Ingrid Robeyns, 1st ed., 81–100. Cambridge / New York, NY: Cambridge University Press.
- Ansell, Nicola. 2004. *Children, Youth and Development*. Routledge
- Bojer, Hilde. 2000. "Children and Theories of Social Justice." *Feminist Economics* 6(2): 23-39.
- Brennan, Jason. 2016. *Against Democracy*. Princeton University Press;
- Caplan, Bryan. 2011. *The Myth of the Rational Voter: Why Democracies Choose Bad Policies*. Princeton University Press.
- Chaudry, Ajay, and Christopher Wimer. 2016. "Poverty is not just an Indicator: the Relationship between Income, Poverty, and Child Well-Being." *Academic Pediatrics* 16(3): S23-S29.
- Dixon, Rosalind & Martha C. Nussbaum. 2012. "Children's Rights and a Capabilities Approach: The Question of Special Priority." *Cornell Law Review* 97: 549-594.
- Gillick v West Norfolk and Wisbech Area Health Authority*.
- Guerrero, Alexander A. 2014. "Against Elections." *Philosophy & Public Affairs* 42(2): 135-178.
- Isaacs, Julia B., Cary Lou, Heather Hahn, Ashley Hong, Caleb Quakenbush, C. Eugene Steuerle. 2018. *Kid's Share 2018: Report on Federal Expenditures on Children through 2017 and Future Projections*. https://www.urban.org/research/publication/kids-share-2018-report-federal-expenditures-children-through-2017-and-future-projections/view/full_report
- Lansdown, Gerison. 2002. "Promoting Children's Participation in Democratic Decision-making." United Nations Children's Fund, New York.
- Lansdown, Gerison. 2004. "Participation and Young Children." *Early Childhood Matters*, 103: 4-14.
- Lecce, Steven. 2009. "Should Democracy grow up? Children and voting rights." *Intergenerational Justice Review* 9(4): 133-139.
- Melchiorre, Angela. 2004. *At What Age?... right-to-education.org*, 2nd ed.
- Nussbaum, Martha. 2000. *Women and Human Development – The capabilities Approach*, 1st ed., Cambridge/New York: Cambridge University Press.
- OECD Family Database. 2018. *Child Poverty*. https://www.oecd.org/els/CO_2_2_Child_Poverty.pdf
- Priest, Maura. 2016. "Why Children Should be Allowed to Vote." *Public Affairs Quarterly* 30(3).
- Reynolds, Andrew. 2013. "Representation and Rights: The Impact of LGBT Legislators in Comparative Perspective." *American Political Science Review* 107(2): 259-274.
- Roche, Jeremy. 1999. "Children: Rights Participation and Citizenship." *Childhood* 6(4): 475-493.
- Schweiger, Gottfried. 2016. "Justice and Children's Well-Being and Well-Becoming." in *The Well-Being of Children*, edited by Gottfried Schweiger and Gunter Graf. <https://doi.org/10.1515/9783110450521-009>
- Schweiger, Gottfried and Gunter Graf. 2016. "Social Policy and Justice for Children." In *Justice, Education and the Politics of Childhood*, edited by Johannes Drerup, Gunter Graf, Christoph Schickhardt and Gottfried Schweiger, 101-114. Springer.
- Schweiger, Gottfried, Gunter Graf, and Mar Cabezas. 2016. "Introduction: Justice and Disadvantages during Childhood – What does the Capability Approach have to Offer?" *Ethical Perspectives*, 23(1): 1-18.
- Sen, Amartya. 1999. *Development as Freedom*, New York: Anchor Books.
- Thomas, Nigel. 2007. "Towards a Theory of Children's Participation." *International Journal of Children's Rights* 15: 199-218.
- United Nations High Commissioner for Human Rights. Convention on the Rights of the Child. 1990.
- UNICEF. 1998. "Juvenile Justice." *Innocenti Digest*.
- UNICEF. 2017. <https://data.unicef.org/topic/child-poverty/>
- Walby, Sylvia. 1992. "Woman and Nation." *International Journal of Comparative Sociology* 33(1-2): 81-100.
- Wagner, Markus, David Johann and Sylvia Kritzinger. 2012. "Voting at 16: Turnout and the Quality of Vote Choice." *Electoral Studies* 31: 372-383.
- Williams, Patricia. 1995. *The Rooster's Egg: on the Persistence of Prejudice*. Cambridge, MA: Harvard University Press.
- Young, Iris Marion. 2002. *Inclusion and Democracy*. Oxford University Press.