

‘Let Them Be Children?’ Age Limits in Voting and Conceptions of Childhood

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This chapter explains alternative views about the nature and value of childhood, and how particular conceptions of childhood matter to children’s voting rights. It does not defend any particular view on this matter; rather, it explains how recent accounts of what is uniquely good or bad about being a child bear on arguments for and against enfranchising children. The chapter also explains why children who live in a society in which many adults fail to comply with their duties of intergenerational justice have a weightier interest in voting and, hence, why the case for children’s enfranchisement is stronger in such cases.

Keywords: deficiency account of childhood, special goods of childhood view, children’s enfranchisement, age limits, intergenerational justice.

1. Introduction

My aim in this chapter is to explore how recent developments in the philosophy of childhood can be brought to bear on debates about lowering the voting age. I don’t argue for any particular conclusion. Rather, I offer a map of how arguments for and against enfranchising children, or at least adolescents, can be enriched by reflecting on what, according to several contemporary philosophers, is uniquely good or bad about being a child.

The vast majority of the literature about children’s disenfranchisement is dominated by a traditional mere deficiency account of childhood, according to which its distinguishing normative feature is the incomplete development of agential powers.¹ I assume it is true that children’s agential powers are underdeveloped but that the mere deficiency account is incomplete: a conception of

¹ For an elaborate presentation of the views the philosophers have traditionally held about children, see Matthews and Mullin (2018).

childhood needs to also include an account of value in childhood. On one axiological view, the same features that impair children's agency are also prudentially bad for children. More recently, however, philosophers have advanced the claim that, during childhood, we also have unique, or at least privileged, access to some very important sources of value and that missing out on such value makes individuals' lives worse overall. In section 2, I briefly contrast these two views.

Which of the two axiological views of childhood is assumed as correct has implications for the arguments advanced—or not yet advanced!—in the debate about children's disenfranchisement. The third, main section of this chapter explores these implications. Specifically, it does three things. First, it explains how the mere deficiency view of children's agency seems to have been assumed by most arguments brought both in favour of and against lowering age limits in voting. Second, it points to further implications of the first axiological view on this issue. And, third, it elaborates on how the alternative axiological view of childhood supports the case against lowering the voting age. This case appeals to both the prudential interests of individual children and to a collective interest that we all have in allowing children to enjoy a longer period of protection from the responsibilities, political knowledge, and other burdens that are characteristic of adulthood.

Not only are the arguments explored in the chapter merely *pro tanto* but also their importance in the balance of reasons is likely to depend on the background justice of particular societies. The fourth section explains why (older) children's interest in voting is more weighty if they live in a society in which many adults fail to comply with their duties of justice, and in particular with what they—the adults—owe to future generations. The fifth section concludes.

2. Two conceptions of childhood

By 'childhood', in this chapter, I refer to roughly the first two decades of people's lives, thus also counting teenagers as children (for simplicity). I assume that this is the time during which we mature biologically, emotionally, intellectually, and socially. Children, by this definition, are not fully mature in these ways.

Children's different kinds of immaturity have always been considered normatively relevant: this is the mere deficiency view. Their emotional, intellectual, and social immaturity bears on the content of their rights, assuming, as I do, that they are right bearers. It does so, first, by making them subject to being ruled over by adults whose authority over children is justified by appeal to the children's own well-being (Gheaus 2021; Møller Lyngby-Pedersen: Chapter 3 in this volume). This is because children lack the agential powers required for self-government, including the liberty right to significantly set back their own interests. Second, due to their immaturity, children are also widely believed to be incompetent in important respects that are relevant for the acquisition of rights the exercise of which imposes risks on *others*: the right to vote is such an example. So much is widely assumed by both axiological views of childhood. The difference between them lies in their identifications of unique sources of value and disvalue during childhood. The first view affirms that (i) there are special bads of childhood and rejects (ii) that there are special goods of childhood. The second view affirms (ii) (and, in some versions, rejects (i), but I will leave this complication aside here).

2.1 First view: 'Childhood is worse'

In addition to bearing on children's rights, children's immaturity is also sometimes seen as a distinctive source of *disvalue* for children—a feature that makes being a child worse, other things being equal, than being an adult. Sarah Hannan (2018) notes how a child's desires and plans are subject to legitimate frustration by children's guardians and deems this to be, in one way, bad for the child. Patrick Tomlin (2018) also thinks that having silly or inconsistent desires is a source of ill-being for the bearers. If some kind of desire satisfaction is the correct view of well-being, then childhood seems worse than adulthood. Both Hannan and Tomlin also note that children are subject to domination by adults. While such domination is—again—justified by children's underdeveloped agential powers, it is, in one way, bad for the child. Further, according to Hannan (2018), it is in itself bad for children to be asymmetrically physically and emotionally vulnerable to adults.

Perhaps due to children's limited capacities and agency, childhood was seen, until recently, as a stage of life whose value consisted mostly in preparing individuals for adulthood. Some philosophers explicitly deny that achievements during childhood contribute to the success of one's life (Slote 1983) and Kantians tend to see childhood as a predicament that is best overcome (Schapiro 1999). In short: being childish is prudentially bad, and since children are unavoidably childish, childhood is, other things being equal, worse than adulthood.

2.2 Second view: 'Life without childhood is worse'

Recently, however, several philosophers have challenged the claim that childhood is merely good as preparation for adulthood. They note that there are some goods which display the following combination of characteristics: (i) children have unique, or privileged, access to them; (ii) they make a very significant contribution to a person's lifetime well-being; and (iii) this contribution is unique, in the sense that no other goods can make the contribution in question. Call these the 'special goods of childhood'. Examples include a fully trusty kind of intimacy between children and their caregivers which is not to be encountered in relationships between adults, and sexual innocence (Brighouse and Swift 2014); a sense of one's future as limitless (Brennan 2014); playfulness and carefreeness (Gheaus 2015b; Feraciolli 2020); unusually high levels of openness to experimentation (Franklin-Hall 2013) and a vivid imagination, allowing children to lead rich fantasy lives (Macleod 2015); and heightened levels of artistic creativity and ability to ask philosophical questions (Gheaus 2015b; Matthews and Mullin 2018).

Not everybody identifies all the above examples as special goods of childhood, but there is general consensus that one particular good, unstructured free time, is itself such a good. This is in part because of its developmental value for children. But, above and beyond what they need for optimal development, children also need enough free time if they are to derive the full value of their capacity for being carefree and to make proper use of their unusual fantasy, creativity, and ability to explore the world and experiment.

The distinctive feature of the second conception of childhood is that these goods are sufficiently valuable to outweigh any unavoidable ‘bads’ of childhood that stem from children’s immaturity. In short, being childlike is prudentially good, and since we can only be fully childlike during childhood, because the psychological and biological immaturity are important determinants of our ability to be childlike, a life without childhood with sufficient access to the special goods would be worse.² Which (particular version) of these views of childhood is correct matters for the specification of children’s claims of justice. If missing out on these goods during childhood cannot be (fully) compensated during adulthood, which is what those defending the second conception of childhood seem to assume, then children are owed the enjoyment of the special goods of childhood. There are some reasons that support the belief that the goods I have listed above can only be enjoyed, or fully enjoyed, at an early age. First, at least some of these goods are made possible by children’s biological immaturity: the incomplete development of prefrontal cortices explains their creativity, curiosity, and imagination (Gopnick 2009). Second, access to some of the above goods seems to depend on being new to the world (Gheaus 2015b): a sense of time as limitless, carefreeness, and openness to experimentation. Finally, the full enjoyment of most of these goods appears incompatible with leading a productive, orderly, life; if so, it is possible that, even if adults were, in principle, capable of enjoying them to some extent, their enjoyment could be limited by adults’ duties (Gheaus 2015a) or else interfere with specific sources of value during adulthood, namely, the kinds of accomplishments that require long-term, self-disciplined engagement in goal-orientated activities. Perhaps there are good replies to all these arguments, at least with respect to some of the above goods. If so, to the extent to which it turned out to be both possible and desirable to make the goods available to adults, this would detract from the case that we owe them specifically to children.

2 If childhood is better than adulthood, it doesn’t necessarily follow that the longer our childhood, the better because it may be better for individuals, other things being equal, to enjoy a variety of sources of value (Gheaus 2015b).

Assume that children are owed the special goods of childhood. This is directly relevant to arguments about age limits in policymaking. Section 3 illustrates this claim by looking, specifically, at voting.

3. Age limits in voting

Children in general are denied the right to vote. Yet, it is not trivial to show that a blanket disenfranchisement of children is permissible. It is even harder to show that it is morally required. Alternatives to the status quo include lowering the voting age—by a few years, to 16 or, indeed, by many more years—and determining which children have the vote on a case-by-case basis.

3.1 Resources from the ‘childhood as mere deficiency’ view

The argument most frequently invoked in favour of children’s disenfranchisement is their incompetence, stemming from their incompletely developed rational agency (Chan and Clayton 2006; Beckman 2018). According to Robert Dahl, for instance, children should not be allowed to vote because ‘they are not yet fully competent’ (Dahl 1991: 127). Their lack of competence (for instance, their incapacity to form moral judgements) means that excluding them from the vote does not wrong them by failing to treat them as moral equals since they are not, in this particular respect, adults’ moral equals (Christiano 2008). And, since voting is a form of exercising power over others, allowing incompetent individuals to vote creates negative externalities. Children’s lack of competence due to immaturity can feature in both views of childhood, but the discussion of their right to vote has, by and large, assumed that when it comes to voting rights, the case for children’s disenfranchisement is on a par with that of intellectually disabled individuals (Lopez-Guerra 2012). This fact in itself may not be enough to attribute to those writing about age limits in voting the view that ‘childhood is worse’ (at least, some authors may also reject a ‘disability is worse’ view). But nor do these authors move beyond the mere deficiency view of childhood: for instance, with one exception, they don’t discuss the significance of the opportunity costs that children would have to pay if they

were enfranchised. It is particularly telling that, when considering the consequences that giving children the vote would have for children themselves, the focus is almost always exclusively on educational results: teaching children to take responsibility for political participation (Lopez-Guerra 2012: 120). Thus, a frequently invoked reason in favour of enfranchising children is how voting would impact on them *qua* future adults by cultivating their interest in politics and instructing them about electoral processes. Indeed, on the mere deficiency account of childhood, some of the most relevant considerations in favour of lowering the voting concern the ways in which early voting would prepare them for adulthood.

The problem with the argument from children's incompetence is that competence levels vary significantly, both amongst adults and amongst children. If we deny children the vote on grounds of incompetence, should we then also withhold the franchise from incompetent adults, and, if so, is this conclusion compatible with political equality between adults (Fowler 2014)? Moreover, a minority of children do possess the relevant capacities to the same extent as average adults and to a higher extent than many of the adults who have the vote; this fact seems particularly relevant to children who are close to maturity—for instance, those above age 16. Excluding these children from the vote appears unjustified (Schapiro 1999; Mraz 2020). On one influential account, democracy has non-instrumental value: the one-person–one-vote rule is constitutive of people standing in equal social relations, which is valuable in itself (Kolodny 2014). In this case, denying the vote to those who are minimally competent to exercise it amounts to a violation of a right they have on grounds of their moral status, and it involves a serious expressive harm. Several philosophers tried to provide an explanation of why we may disenfranchise children while enfranchising adults whose cognitive capacities are similar to those of typical children (Fowler 2014; Mraz 2020). But even the most sophisticated arguments struggle to justify the disenfranchisement of the minority of children who have outstanding rational and cognitive capacities.

To explain why it is permissible (or maybe even required) to exclude even unusually competent children from the vote, one may appeal to the 'not *their* voices' argument: perhaps children's views

are not attributable to them in a way that would make their exclusion from the franchise disrespectful. Tamar Schapiro (1999) has described children's lack of mature agential powers as a 'predicament'. On her influential account, a child³ is a person who has not yet acquired a stable practical identity—that is, a stable set of first- and second-order preferences. Children's limited ability to reflect on their desires and goals, she believes, makes even those who are outliers in terms of competence (i.e. the unusually competent children) normatively disabled because their will is not fully theirs—or, as Norvin Richards (2010) put it, they don't yet speak in their own voice. Some authors who argue against lowering the voting age, such as Tak Wing Chan and Matthew Clayton (2006), do, in fact, rely in their justification on the claim that even the judgements of 16-year-olds are insufficiently stable, without explicitly endorsing the 'not *their* voices' view. If so, even children who are on a par with adults with respect to their cognitive competency, and level of interest in, and knowledge about, politics may be legitimately denied the vote. If their values and preferences—which the vote would express—are not properly theirs, denying them the opportunity to let their views bear on the political process does not amount to an expressive harm. This argument, however, may run into the same difficulty as the previous one: some people under 18 have stable practical identities—they mature more quickly in this respect, too. Why is it justified to deny *them* the vote? Chan and Clayton (2006) insist that age is a fairly good proxy and point to the high costs of individual testing for relevant competencies and for stability of judgement; but appeal to costs alone is unlikely to convince those who defend democracy on non-instrumental grounds.

Defenders of the 'childhood is worse' view, at least in principle, have the resources to elaborate on these arguments; they can note that it would be desirable to speed up the maturation of children's agential capacities and the stabilization of their values and preferences, if that was possible without imposing on them developmental costs (for instance, without impairing some aspects of their emotional or social development). If childhood is a predicament, as Schapiro (1999) puts it, and if

3 Unlike this chapter, Schapiro uses 'child' as a status, not as a biological concept: anybody who has not yet developed a stable practical identity. Her choice of the word 'child', however, suggests that age is an accurate proxy for identifying the extension of the concept.

being its subject is bad for children, as Hannan (2018) argues, then adults have decisive reason to help children to grow up quicker. If so, perhaps we owe it to all children to help them reach maturity earlier, which would then also justify lowering the voting age, and it is possible that granting them the right to vote could itself contribute to speeding up children's maturation. Those who endorse this axiological conception of childhood and who are also 'complete lives' egalitarians (McKerlie 2012) should particularly welcome the 'acceleration' of children's intellectual, emotional, and social maturation. Justice, they believe, is concerned with how well off individuals are relative to each other over the course of their entire lives; if so, people who die early tend to be at a disadvantage. If, in addition, childhood has little non-preparatory value, it seems that the sooner it ends, the better for realizing equality between individuals' whole lives. It is this claim that defenders of the alternative conception of childhood will squarely oppose.

3.2 The 'Let them be children!' reasons against lowering the voting age

I don't know whether it is at all possible to accelerate children's maturation, let alone without negative side effects on their future emotional and social well-being.⁴ But even if this was possible, it would be wrong, according to the 'life without childhood is worse' view, because it would deprive individuals of their best, or only, chance, to enjoy the special goods of childhood. This view also provides distinctive reasons for holding on to age as a criterion for having the right to vote, in spite of some children's high cognitive and rational capacities—and, thus, can offer a solution to the difficulties of justifying the disenfranchisement of these children.

If, as children, we have unique access to important goods, and missing out on them makes our lives go worse overall, we also have an interest in the conditions necessary to enjoy these goods. This means that one must look beyond the consequences that children's enfranchisement would

4 There is reason to be sceptical. The very early enrolment of children (at age four) in academically centred education in the United Kingdom has been found to backfire against their overall development (Alexander et.a a. 2010).

have for their *future*, adult, self, at the likely non-instrumental impact on one's childhood of being enfranchised. The only author who, as far as I know, has done this is Ludvig Beckman (2009), who notes that an important consideration against lowering the voting age comes from the burdens of responsibility incurred by having the franchise. His opposition to children's enfranchisement is rooted in the worry that a right to vote comes with specific responsibilities and that children's responsible exercise of the right to vote would limit their play time, thus setting back important interests of theirs. To this, a defender of the second conception of childhood may add that, alongside play, other important goods might be crowded out if children were to invest enough time in learning and thinking about politics in order to exercise their right to vote responsibly. Exploration of the world and of oneself, and engaging in creative endeavours, for instance, also take time. This line of reasoning can be strengthened by the further assumption that the value of engaging in certain activities, including political activities and therefore also voting, depend on the agent performing the activity in question well enough. Perhaps exercising a right to vote, if done well enough, crowds out the time necessary for enjoying the special goods of childhood—and, if so, this may be a good reason to deny the franchise to children.

It is not clear that this argument settles the debate: perhaps, as critics noted, we could encourage children to limit their political participation in ways that is not contrary to their interest in free time (Lopez-Guerra 2012: 30). Still, readers who are receptive to Beckman's point may worry that it is not possible to exercise the vote responsibly without getting interested in politics, and hence learning about the world to a significant extent, which, in turn, involves becoming burdened with concerns that will unavoidably spoil children's general carefree attitudes towards the world. One interpretation is that children who become politically active and informed will rightly feel responsible not only for the manner in which they exercise their political right but also for the outcomes of this exercise and, as Beckman puts it, that 'playfulness is suppressed by the burdens of responsibility' (2009: 115). Another, even more plausible interpretation, is that knowledge about the world sufficient to afford children responsibility to exercise their right to vote will simply tamper

with their carefree attitudes. Not only time but also a carefree attitude may be a precondition to children's full enjoyment of the special goods of childhood and, some have argued (Feraciolli 2020), something to which children have a right.

It is then possible that an interest in children's well-being *qua* children, supported by the 'life without childhood is worse' view, could bear significantly on the debate about children's disenfranchisement in a way that would bring out the difference from the case of mentally disabled individuals. If, as I noted above, it is difficult to establish a permission, let alone a moral requirement, to disenfranchise outstanding children merely by pointing to children's competence or unstable practical identity, a concern with their access to the special goods of childhood could make the difference.

Even if life without childhood would be worse, a full account of lifetime well-being would need a separate argument to determine the ideal length of childhood. It is possible that optimal enjoyment of the special goods of childhood require either less or more time than 18 years. This conception of childhood therefore doesn't, in itself, speak against some degree of childhood acceleration—or, of course, against extending childhood. And it is compatible with lowering the voting age if we need less than 18 years to enjoy the special goods of childhood. Moreover, the claim that children should have sufficient years of protected time during which they can enjoy the special goods of childhood can appeal to two different arguments, and each of them may indicate as optimal a different number of childhood years.

The first is the argument on which I have relied so far in this chapter, appealing to what is prudentially good for individuals. The second argument appeals to the common good: according to some developmental psychologists, human beings' relatively long childhoods have important evolutionary advantages. Slow maturation is worth the high cost that we pay for it as adults (when we need to sustain high levels of parental investment) because it ensures behavioural flexibility during adulthood—flexibility which is, itself, necessary for our species' successful adaptation to new circumstances (Bjorklund 2007; Gopnick 2016). Perhaps unsurprisingly, some of the same

features of childhood that are seen as distinctive sources of value by the second conception of childhood are also believed to generate collective goods during adulthood: for instance, play in childhood has been said to promote social competence in adulthood (Bjorklund 2007). Assuming that some views of this form are correct, they indicate that we all have a powerful interest not to rush children through childhood. More generally, they are reasons to grant children sufficient unstructured time; to the extent to which responsible exercise of the right to vote—or, more generally, responsible political participation—is incompatible with having sufficient unstructured time, this is a reason for not involving children too heavily in the world of collective self-governing.

4. Children's political participation in non-ideal circumstances

Considerations of non-ideal circumstances generate an additional layer of complication in this debate. Even if, in relatively just societies, there was enough reason against the enfranchisement of (even outstanding) children, on grounds of their interest in having enough unstructured time and being carefree, such reasons may be overridden, in sufficiently unjust circumstances, by considerations about the prudential and moral value of enfranchising children.

Even if political activity leaves children less well off in one respect namely, with respect to their enjoyment of the special goods of childhood, it can make them better off in other respects. It is possible that, when many adults fail to comply with the demands of justice, children's political participation, including a right to vote, could be instrumental to protecting their own stakes in inheriting a more just society; in particular, it would force the political class to pay more attention to their interests. This consideration might be sufficient to show that children have a right to some forms of political participation and, when they reach a modicum threshold of competence, a right to vote. This seems to apply especially when children themselves have high prudential stakes in addressing existing injustices—if, for instance, adults fail in their most stringent duties of intergenerational justice, and children's participation is likely to improve policies that will affect children throughout the course of their lives.

Tim Fowler (manuscript), for instance, notes the existence of political movements that rely significantly on children's participation, such as 'Fridays for Future', which aims to raise support for just climate policies. He is advancing an argument similar to the one I explore here but aimed at defending children's right to take part in political protest (rather than children's enfranchisement): doing this would come at a cost, which he identifies as 'innocence', but the cost is, all things considered, worth paying since so much is at stake for current children when climate policies are concerned.

In non-ideal circumstances, too, one's conception of childhood can make a difference for the identification of the reasons relevant to children's voting: if there are intrinsic goods of childhood as defined here, deliberation about lowering the age limit in voting must register the trade-off involved in the failure to protect children's access to free time and carefreeness. If, on the other hand, there are no such goods, any trade-offs would be lighter: perhaps, in unjust societies, there is more reason than in just ones to support the costs of testing children for competency and granting the right to vote in an age-independent manner.

If giving children the vote earlier would result in more just intergenerational policies, this is certainly a weighty argument for enfranchising them. There is a second benefit that one may think children's involvement in politics under significantly unjust circumstances may carry for them—at least on a moralized conception of what makes life go better for individuals. To have the vote, but also to be able to take part in political movements, is to have an opportunity to stand up to injustice; and, perhaps, standing up to grave injustices is, in itself, good for individuals, especially when injustice is pervasive.⁵ Children who are capable of appreciating the wrongs of injustice might, on this ground, be owed some kind of access to the world of politics, access which may or may not amount to having the franchise. Unlike many other goods (including the ones discussed here, such as free time or creative pursuits), this good—standing up to injustice—is not satiable. If failing to stand up to an injustice is bad for you, then it is good for you to stand up to injustice on every

5 An alternative basis for the line of reasoning I explore in this paragraph is appeal to the idea of a life well lived as understood by Ronald Dworkin (2011).

occasion. But this means that, in sufficiently unjust circumstances, if the balance of reason inclines towards granting older children rights to political participation on grounds that this is good for them, the same balance of reasons may point towards encouraging them to devote a great deal of their time to politics. The opportunity costs for children of being politically involved would then be higher in non-ideal than in just circumstances. It is particularly in such a context that it will matter whether we think that the goods foregone by children's political involvement have special value. If the opportunity costs include forgoing goods impossible to compensate later in life, this is yet another illustration of how difficult it is to react well to injustice without thereby becoming oneself one of its victims.

5. Conclusion

By examining the philosophical discussion about enfranchising children, this chapter illustrates how thinking about specific sources of value and disvalue in childhood matters for evaluating age limits in policymaking. The conclusions of this chapter generalize, at some level of abstraction, in two ways. First, different conceptions of childhood are likely to entail different judgements about how much time one would, ideally, spend as a child. It is not unthinkable that the length of childhood—defined as the time needed for our maturation—is itself, at least in part, influenced by social institutions. So policies may themselves determine, if only to a very limited extent, the normative relevance of age: the significance of being, say, 15, depends on whether or not 15-year-olds tend to be fully mature. Second, the method I adopt here generalizes because the specific goods and bads of childhood, or at least those that bear significantly on individuals' well-being, matter to the specification of duties of justice towards children. Policies in which age limits seem, at least *prima facie*,

normatively relevant—the allocation of health care, labour, and marriage regulations, as well as the content of school curricula—are likely to make a difference to the discharging of these duties.

I end with an observation that applies across several such policies: if children are entitled to a number of goods on grounds that their provision during childhood is most conducive to overall well-being, this provides a strong *pro tanto* reason to deny them certain freedoms when the exercise of these freedoms is incompatible with the enjoyment of the goods in question.⁶ Examples include not only the right to vote but also to marry or to be gainfully employed. Indeed, I hope that future debates about children’s civil and economic rights will make more explicit the ways in which particular conceptions of childhood inform the reasons at stake.

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⁶ This is similar to contexts involving adults, when a prohibition to do *x* may be justified by claiming that it represents the best way to protect the right not to *x*. For an attempt to justify a prohibition to work right after one has given birth in this way, see Axel Gosseries (2014).

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