

Even the Adults Look Younger Nowadays

Tony Jeffs examines some unexpected effects of lowering the voting age.

On 31st October the Electoral Commission completed a three month public consultation. It is now in the process of preparing a report to be submitted to Parliament early next year.

Amongst the reforms widely canvassed during this consultation was one to reduce the voting age to 16. The Government has already indicated that if the Commission comes out in favour of lowering the threshold then it will abide by that decision.

Advocates of re-alignment boast that they have 'won the argument' and are publicly confident of success. Votes at 16, a lobbying group, to which over 30 national youth and children's agencies have affiliated, predict that some amongst today's 13 year olds will be casting their votes in three years time. One must stress the 'some'. For less than a quarter of first time voters bothered to call by their local polling station during the last General Election. The decline in the percentage of new electors interested enough to spend the few minutes required to vote has unremittingly fallen for decades.

Adding 'Citizenship' to the National Curriculum is as unlikely to halt that deterioration as RE and compulsory religious assemblies have religious observance. Lowering the voting age or allowing the lazy and indifferent to 'text' in their preference may have scant impact, one suspects, on the outcome of the next general election. Resuscitating an interest in the political process amongst young and old alike will require far more fundamental reforms than any given serious political attention in recent years. However, before shrugging our shoulders and moving on, it is perhaps worthwhile considering what impact lowering the voting age might have elsewhere – not least upon our juvenile justice system. Certainly advocates of votes at 16 seem to have largely disregarded this aspect.

Oh, we never thought of that!

For almost 150 years reformers seeking to change the treatment of young people within the justice system such as Mary Carpenter and her contemporary equivalents have endeavoured to protect them from its full rigours. They have constantly sought to fashion an age specific structure with discrete courts and unique sentencing options. One with a welfare orientation that placed the needs of the young person, if not always paramount, at least somewhat higher up the agenda

than the mainstream justice system did. Inevitably from the onset age boundaries were disputed – who was and who was not a child, when did adulthood commence? Predictably 'child-savers' and reformers strove to push the concept of 'youth' up the age ladder.

For example, a hundred years ago influential voices advocated separate youth prisons for all under 23. Whilst their opponents generally conceded the need for a degree of 'partition' they by way of contrast sought to keep it as low as possible. This skirmishing over the demarcation line continues unabated. For example in December a number of charities, including some who energetically advocate a lowering of the voting age, called for the justice system in England and Wales to be reformed so that under-18s are treated 'as children first'. A case vigorously promulgated in the recent Barnardo's publication *Children in Trouble*.

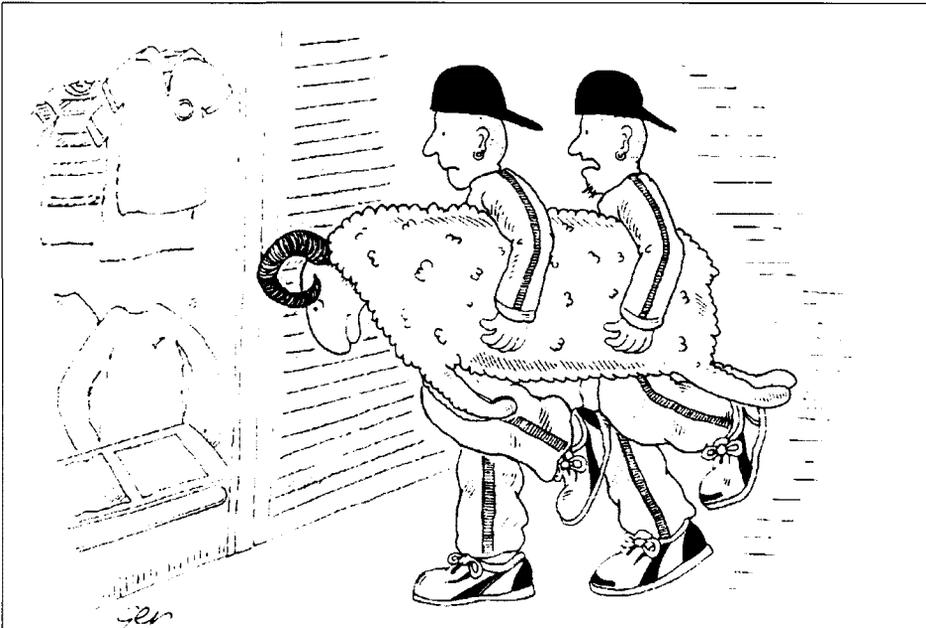
The concerns of such bodies are understandable. For since the 1980s a discernible trend has emerged, in Britain and elsewhere, that is christened by the Australian writer Julia Fionda 'adulteration'. This entails forcing down of the age of responsibility and creating greater co-terminosity between the adult and juvenile systems of justice.

In the United States it has involved changing the law in many states to facilitate the process of sending juvenile offenders to adult criminal courts. Whilst here, for example, adulteration has led to the removal of *doli incapax*, the creation of prisons for children and a drift towards more punitive punishments. Adulteration is a trend that is unlikely to be undermined by a lowering of the voting age. Indeed the pace may quicken as a consequence, but for different reasons.

Still a child

Retaining a discrete youth justice system for those between 16 and 18 once the voting age has been lowered can hardly be allowed to continue unchallenged. First because it defies logic. If an individual is deemed to be a full citizen, fit and able to elect the government, vote in referenda and hold public office then it is a nonsense that the self same individual is judged to be legally less accountable for their actions. Once 16 and 17 year olds are viewed as having the same capacity as others to make decisions in the public realm, then the age for serving on a jury must be lowered and those who offend must submit themselves to the same courts.

Secondly, they cannot enjoy the ability to create



'Are you quite certain you've done this before, Kevin?'

laws that apply to others but not themselves. In part this means that they must face the same potential punishments as others. 16 and 17 year olds cannot, for example, vote for laws that bring down upon others harsher punishments than they are likely to receive. Bluntly if they as citizens are responsible for the prisons and for sending people to them then they cannot expect to be protected from those same prisons. It would be totally unacceptable for one group of voters to enjoy better penal facilities and treatment purely on the grounds of age. This means they must attend the same prisons, be dealt with by the same Probation Service and courts. Ultimately, given the open support for capital punishment on the part of the Shadow Home Secretary and many of his colleagues then if a future Conservative government re-introduced the death penalty it would again have to apply to all post-16.

Child or adult?

Amongst advocates of children's rights there has long been a tension between those who view childhood as something to be secured, protected and even extended and those who held that the desirable end was to extend downwards the rights, privileges and duties of adulthood. As long as lowering the voting age remained a hypothetical possibility the alliance between these two groups although at times

acrimonious was at least plausible. Now this can no longer remain the case. If the vote is granted to all 16 year olds it will be on the basis that they become equal partners in the political system. As such they cannot be treated as children in one sphere and as adults in another.

Wide-ranging reform of the legal system will be required. It cannot rationally be argued that someone is deemed mature enough to choose the Government or vote for a European Constitution but not whether or not to purchase alcohol in a pub, take out a loan or drive a car, for example. Also if our prisons are unfit for our 16 year old citizens then they are not suitable for 20 or 60 year old citizens.

It therefore becomes the responsibility of all voters to demand the enactment of those reforms that will make them and the criminal justice system in general fit for all. Bertrand Russell in *Principles of Social Reconstruction* forcefully argued that "no political theory is adequate unless it is applicable to children as well as to men and women."

A wonderful principle that this change in the voting system may force us to at least partially confront.

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