Ought means a duty or moral obligation, so the affirmative must demonstrate that there is a moral obligation to treat juveniles as adults.

I value morality [as implied by ought].

Moral agency stems from freedom, which is an absence of acting upon desires or inclinations, Furrow[[1]](#footnote-1)

This is because **the source of human dignity is** out capacity for freedom. We are distinguished from all other beings by **our capacity to rationally choose our actions**. **If** God, **nature or other persons imposed moral requirements on us,** against our will, our freedom would be fatally compromised. What is more, if our moral decisions were not free but imposed on us, [and] **we would not be morally responsible for [our decisions,]** them, thus **undermining** the system of praise and blame that is central to our moral agency—**our moral autonomy[.]** – the capacity that each of us has to impose moral constraints on ourselves. Thus far, Kant’s thrilling praise of moral freedom seems compatible with ethical egoism. If moral decisions are up to me then it would seem that I am free to choose in accordance with my self-interest. However, Kant goes on to argue that I cannot achieve moral autonomy if desires, emotions and inclinations govern my moral judgments.Kant was convinced that **nature is a mechanical system government by** deterministic**, physical laws – causal relationships determine the behavior of** plants, **animals and inanimate objects [which**]. They **have no capacity to choose[.]**, but **human desires,** emotions **and inclinations are** alsopart of that **deterministic** universe**, since they are a function of our bodily nature. When we act in accordance with** desires, emotions and **[these] inclinations, we are** simply **responding to physical urges much as an animal** does**.**  How can human beings escape this deterministic physical world? **The only way we can exercise** our freedom and **autonomy is to rationally assess our actions independently of our desires.** Moral reasoning will set us free – free from desires and emotions that chain us to nature**.** In contexts where moral judgment is required, by reasoning independently of desires, I am imposing moral principles on myself. My **actions are self-directed rather than caused by external forces.** Kant is not arguing that we should never act on our desires or inclinations. In fact, most of the time we act on what he calls hypothetical imperatives, which involve desires. ‘If you want to earn money, go to work.’ ‘If you are afraid of tigers, then stay out of the jungle.’ These are perfectly acceptable as a basis for action. Actions based on these hypothetical imperatives have instrumental value – they get us something we want. Butsuch actions have no moral value. **[w]hen our actions reflect only our** desires and **inclinations,** and not our capacity for moral reason, **they are not free and thus they have no moral worth**,since morality requires freedom.

Thus, freedom requires that we abstract from desires and inclinations and make moral assessments through rational deduction via the reflective nature of humans. However, in order to act one must have a fully developed will, which is derived from a character composed of a background of what would count as rational choices. If agents do not have the capacity for a fully developed will then they cannot be culpable for their actions, Schapiro[[2]](#footnote-2)

Kant’s view is that **in order to act, an agent must resolve conflicts among her various motivational impulses**. Moreover, if the resolution is **to count as action rather than mere reaction,** it must be the outcome of her own deliberative activity. It must express her will, her capacity for reflective choice. Now in order for a motivational conflict even to appear to an agent as something resolvable through deliberation, the agent has to take it to have a certain significance. **It cannot appear to her as a mere clash of unintelligible pushes and pulls**. If that were the case, the appropriate response would be simply to wait and see which impulse wins out. Motivational conflict, if it is to be an occasion for deliberation, must appear to the agent **[but rather] as a conflict between rival** (though perhaps not fully articulated) **claims**. This means that the agent must take herself to be addressed by her impulses, conceived as claims. She must, in other words, regard her impulses as bidding her to do this or that —inviting her to do this or that on the implicit ground that it would be good for her to do so. These claims **[that] purport to have** a certain authority, **the authority to make the agent** herself —the one addressed by the claims —**act accordingly.** But Kant holds that **since the agent is reflective, that authority can come only from her own reason; autonomy is the source of obligation.** If this is so, then the authority the conflicting claims purport to have is the authority of the agent herself; each presents itself as conforming to the law of her will. This sets up her task as an agent. **Her task is to determine which claims** really do **conform to the law of her will and to render a verdict which actually gives those claims the normative force** they purport to have. Notice, though, that **she can fulfill this task only if the law of her will is already in effect.** Judges cannot act as judges without an authoritative set of laws to refer to**. It is this practical fact which provides the basis for a distinction between developed and undeveloped agents.** In line with Kant’s claim that only developed human beings are in a position to give themselves reasons of their own, we might say that **the developed human being is one whose volitional laws are already in force. The adult**, qua adult, **is already governed by** a constitution, so to speak —**a unified,** regulative **perspective which counts as the expression of her will** —and this makes it possible for her to live up to the demands of the judicial role which the practical point of view imposes upon her. An adult, in other words, is one who is in a position to speak in her own voice, the voice of one who stands in a determinate, authoritative relation to the various motivational forces within her. This helps us to see the sense in which **childhood is a predicament.** The immediate problem is that, like the pre-political society, **the immature agent has to adjudicate her conflicting motivational claims on the basis of something like principle**; because she is reflective, being a wanton is not an option. **But she cannot adjudicate those conflicts in a truly authoritative way for lack of** an established constitution, that is, **a principled perspective which would count as the law of her will.** Thus the condition of childhood is one in which the agent is not yet in a position to speak in her own voice because there is no voice which counts as hers. This, I take it, is the sense in which the undeveloped agent, unlike the developed agent, is unable to work out a plan of life ‘‘all at once.’’ Let me be clear about what I am not saying here**.** I am not saying that in order to be a developed agent one has to have worked out principles for dealing with every possible practical matter which might come up. Following Rawls again, it seems reasonable to claim that **there is a limited domain of essential questions, the answers to which determine the agent’s ‘‘basic structure.’’** 33 In Rawls, the subject matter of justice is the basic structure of society, where this notion refers to the way in which the major political, legal, economic, and social institutions are organized with respect to one another. The idea is that it is the arrangement of these institutions which most fundamentally determines ‘‘where we stand with one another’’ as citizens, what the character of our political order is.The analogous idea **in the intrapersonal case** would be that **the requisite critical perspective** must organize the fundamental constituents of the agent’s motivational world. It **must give her a ‘‘basic structure’’ as a person**. This basic structure **[that] would** have to **determine**, for example**, where the impulse to pursue desired objects stands** relative to the impulse to relate to others on mutually acceptable terms.

Thus, the standard is respecting people as ends in themselves. I contend that juveniles are at a stage when their identity is in flux, and their identity development is not fully complete. It is for this reason that juveniles principled account of what counts as a reason is not fully informed, and as such their will is not developed, hence they are not equally to adults, Steinberg[[3]](#footnote-3)

The emergence of personal identity is an important developmental task of adolescence and one in which the aspects of psychosocial in many empirical tests of Erikson’s (1968) theory of the adolescent identity crisis, **the process of identity formation** includes considerable exploration and experimentation over the course of adolescence (Steinberg, 2002a). Although the identity crisis may occur in middle adolescence, the resolution of the crisis, with the coherent integration of the various retained elements of identity into a developed self, **does not occur until late adolescence** or early adulthood (Waterman, 1982). Often this experimentation involves risky, illegal, or dangerous activities like alcohol use, drug use, unsafe sex, and antisocial behavior. For most teens, these behaviors are fleeting; they cease with maturity as individual identity becomes settled. Only a relatively small proportion of adolescents who experiment in risky or illegal activities develop entrenched patterns of problem behavior that persist into adulthood (Farrington, 1986; Moffitt, 1993**).** Thus,making predictions about the development of relatively more permanent and enduring traits on the basis of patterns of risky behavior observed in adolescence is an uncertain[.] business. At least **until late adolescence, individuals’ values,** attitudes, beliefs, and plans **are likely to be tentative** and exploratory **rather than enduring representations of personhood.** Thus,research on identity development in adolescence supports the view that much youth crime stems from normative experimentation with risky behavior and not from deep-seated moral deficiency reflective of “bad” character**.** One reason the typical delinquent youth does not grow up to be an adult criminal is that the developmentally linked values and preferences that drive his or her criminal choices as a teenager change in predictable ways as the youth matures. The distinction between youthful criminal behavior that is attributable to characteristics that adolescents outgrow and conduct that is attributable to relatively more permanent elements of personality is captured in Moffitt’s (1993) work on the developmental trajectories of antisocial behavior. In her view, adolescent offenders fall into one of two broad categories: adolescence-limited offenders, whose antisocial behavior begins and ends during adolescence, and a much smaller group of life-course-persistent offenders, whose antisocial behavior begins in childhood and continues through adolescence and into adulthood. According to Moffitt, the criminal activity of both groups during adolescence is similar, but the underlying causes of their behavior are very different. Life-course-persistent offenders show longstanding patterns of antisocial behavior that appear to be rooted, at least in part, in relatively stable psychological attributes that are present early in development and that are attributable to deficient socialization or neurobiological anomalies. **Adolescence-limited offending**, in contrast**, is the product of forces** that an inherent features of adolescence as a developmental period, including peer pressure**,** experimentation with risk, and demonstrations of bravado **aimed at enhancing one’s status in the social hierarchy of the peer group.** By definition, **the causes of adolescence-limited offending weaken as individuals mature into adulthood.**  In view of what we know about identity development, it seems likely that the criminal conduct of most young wrongdoers is quite different from that of typical adult criminals. **Most adults who engage in criminal conduct act on subjectively defined preferences and values,** and their choices can fairly be charged to deficient moral character. This cannot be said of typical **juvenile** actors, whose **behaviors are more likely to be shaped by developmental forces that are constitutive of adolescence.** To be sure, some adolescents may be in the early stages of developing a criminal identity and reprehensible moral character traits, but most are not. Indeed, studies of criminal careers indicate that the vast majority of adolescents who engage in criminal or delinquent behavior desist from crime as they mature into adulthood (Farrington, 1986). **Thus** the criminal choices of typical young offenders differ from those of adults not only because the choice, qua choice, is deficient as the product of immature judgment, but also because the adolescent’s criminal act does not express the actor’s bad character. The notion that individuals are less blameworthy when their crimes are out of character is significant in assessing the culpability of typical young offenders. IN one sense, young wrongdoers are not like adults whose acts are less culpable on this ground. **A claim that an adult’s criminal act was out of character requires a demonstration that his or her established character is good. The criminal choice of the typical adolescent cannot be evaluated in this manner because the adolescent’s personal identity is in flux and** his or her character whose crime is mitigated because it is out of character, **adolescent offenders lack an important component of culpability –** the connection between as bad act and a bad character.

Thus, adolescence is a period wherein juveniles are developing their character, but their choices are not fully informed. So juvenile’s wills are not fully developed and as such, they are different than adults.

1. Dwight Furrow. “Moral Agency.” Ethics. 2005. [↑](#footnote-ref-1)
2. Schapiro, Tamar. *What is a Child?* Ethics, Vol. 109, No. 4 (July 1999), pp. 715-738. [↑](#footnote-ref-2)
3. Steinberg, Laurence [Professor of Psychology, Temple University; Director of John D. & Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice] and Elizabeth S. Scott [Professor of Law, University of Virginia School of Law]. *Less Guilty by Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty*. December 2003. American Psychologist. Copyright American Psychological Association, Vol. 58, No. 12, 1009–1018. [↑](#footnote-ref-3)