[3:00]

To affirm means “**to say that something is true.**”[[1]](#footnote-1) To negate means **“to deny the truth of”** which implies **a.** presumption and permissibility flow neg since negating has no positive connotation **b.** indicting assumptions negates since it denies the fact that the resolution can be true by making it incoherent and **c.** when you sign the ballot you are saying the better debating was done by the negative, which is only a sensical statement under truth testing so other roles of the ballot are outside your jurisdiction. Also, presume neg **1.** the Aff gets the last word in every round; the burden should be on the aff to ensure that there is still offense in the round in the 2AR. Don’t punish me for my opponent’s strategic choices **2.** neg needs presumption to check back spikey ACs, as the aff can take out entire swaths of neg speech time in seconds by extending blippy spikes, one of which the neg is bound to drop and **3.** there is only one possible way to prove something true, there are infinitely many ways to prove it false, which means that any statement is more likely false than true. The resolution posits that there is a duty to give adolescents the same medical autonomy that adults have in the status quo. The sufficient negative burden is to prove that there is a morally relevant distinction between the adolescent and the adult that would justify denying the extension of medical autonomy to adolescents.

I value morality. Actions are expressions of an agent’s will and derive from their practical reason. If I cross the street to get bread, the only reason we call that crossing the street is because my intention to get bread unifies all the different steps involved into one action. Any action can be divided up into an infinite number of smaller end states; but the intentionality that we carry through the multiple steps unifies them. So, we can only evaluate intentions. Thus, look to practical reason because practical reason is what gives us the ability to will something in accordance with our principles, i.e. to intend something. *Even if they win the AC framework, if I win that intentionality unifies action, then all their offense must be contextualized through what their plan wills and not what effects result from it [explain why this takes out AC offense]*

Furthermore, Physical facts and empirical realities, like desires and consequences, cannot be the basis of morality because we’re not responsible for the physical state of the world. Only a priori practical reason is compatible with the premise of morality being about choice, Furrow[[2]](#footnote-2) explains:

“This is because the source of human dignity is our 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[s] 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, we would not be morally responsible for them, thus undermining the system of praise and blame that is central to our moral framework. Thus, according to Kant, the basic condition for moral agency is 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 judgements.** Kant was convinced that **nature is a mechanical system governed by deterministic, physical laws** – causal relationships determine the behaviour of plants, animals and inanimate objects. They have no capacity to choose. But human desires, emotions and inclinations are also part of that deterministic universe, since they are a function of our bodily nature. When we act in accordance with desires, emotions and 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 judgement is required, by reasoning independently of desires, I am imposing **[impose] moral principles on [ourselves]** 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. But such actions have no moral value. **When 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, without a basis of practical reason there is no such thing as autonomous decision making in the first place. Any attempt to recognize an agent’s autonomy must first prove that they are an agent with a practical identity since otherwise they are just acting out their impulses. Prefer a starting point of practical reasons since we can question any moral principle, we can ask “why should I look to this desire?” or “why should I follow this rule?” which means ethical statements are infinitely regressive because we can always keep questioning. Only reason escapes this regress because if I ask “why should I look to reason?” I’m asking for a reason to obey reason which concedes its own authority.

Next, reason means obligations must be universalizable because **A.** a priori reasoning makes situation and actor specific concerns irrelevant because everyone possesses the same use of reasoning and **B.** non-universal willing undermines the basis of a rational agent since when an agent acts on their momentary whims they are no longer a reasoning agent guided by principle.

From universalizability, it follows that we must respect the outer freedom of humans, since willing a violation of freedom extends one’s own freedom while limiting another’s, which is a contradiction. So, differences in the right to freedom must be based in the justification for freedom, that is, practical reason.

I contend adolescents are not developed moral agents since they are not governed by a unified perspective which expresses their wills. Schapiro[[3]](#footnote-3) explains the requirement:

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 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 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** andto 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 isthis 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 them selves 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 prepolitical 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 [conflicting motivational claims]** 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.

Adolescents do not have a stable identity—a “basic structure—by which to will actions. Steinberg and Scott[[4]](#footnote-4):

As documented 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 this 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**. [but] [o]nly 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 expressions 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 out-grow 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 are 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 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 has not yet stabilized**.**

Thus, adolescents qualify as undeveloped moral agents and ought not have the same autonomy as adults.

**\*\*Frontlines\*\***

**A2 Age Outliers**

1. He concedes in CX that the aff must defend the resolution on balance. The aff argument is thus illogical—if 1 super-genius 3-year old is smarter than 1 moronic adult, the general claim that all 3 year olds are the same as all adults does not follow.
2. Resolution asks for a normative system of distinct treatment for two classes of people. Therefore, the neg burden is to prove that *as a class*, there is some general difference between juveniles and adults; I don’t have to prove that there is no overlap at all.
3. Even if outliers are inevitable, we lack the diagnostic tools to litigate on a case-by-case basis; a separate system gives the most their due. Steinberg and Scott[[5]](#footnote-5):

Maintaining a categorical distinction between juvenile and adult offenders does not mean that all youths are less mature than adults in their decision-making capacity or that all juveniles are unformed in their identity development. Some individuals exhibit mature judgment at an early age (most are not offenders, however), and among others, antisocial tendencies that begin in childhood continue in a stable pattern of criminal conduct that defines their adult character. **Adult punishment of psychologically mature youths might be fair if these individuals could be identified with** some degree of **certainty. But we currently lack the diagnostic tools to evaluate psychosocial immaturity reliably on an individualized basis** or to distinguish young career criminals from ordinary adolescents who will repudiate their reckless experimentation as adults. As a consequence, **litigating maturity on a case-by-case basis is likely to be** an **error-prone** undertaking**. This risk** of error is problematic as a general matter, but it **is unacceptable when the stakes are life and death.** In our view, this risk of error argues against ever imposing the death penalty on young offenders.

1. Allows him to prove taint—theory.

**A2 Adults can have adolescent traits like impulsivity**

1. Impulsivity is a normative adolescent trait that adolescents outgrow; adults are difference because their behaviorial traits are likely characterological and reflect disrespect for the law. Steinberg and Scott[[6]](#footnote-6):

Our analysis also clarifies why **the crime of the adult actor with “adolescent” traits warrants a different response** than does that of the typical young offender. Although most impulsive young risk takers who focus on immediate consequences will mature into adults with different values, some adult criminals have traits that are similar to their younger counterparts**. In the case of the adult,** however, **the** predispositions, values, and **preferences that motivate him** or her **most likely are characterological and are unlikely to change predictably** with the passage of **[over] time. Adolescent traits that contribute to criminal conduct are normative in adolescence**, but they are not typical of adulthood**. In an adult, these traits are often part of the personal identity of an individual who is not respectful** of the values **of the** criminal **law and who deserves full punishment** when he or she violates its prohibitions**.**

This is also explained by the 1NC Steinberg and Scott evidence indicating that things like impulsivity are normative adolescent traits, while they reflect bad character for adults.

**Additional Cards**

The development of reason is not all or nothing—it’s expansionist. Juveniles fall into an intermediate range; their lack of identity means they don’t have true authority over many constitutionally essential domains. Schapiro[[7]](#footnote-7) writes:

If this characterization seems to fit only young children, it helps to keep in mind that we think of **adolescents** as people who **are characteristically ‘‘in search of themselves.’’** Moreover, we think of **adolescents** as **try**ing **to carry out this search by identifying themselves in a** rather intense but **provisional way with peer groups, celebrities, political movements, athletic activities, lovers, and the like. While we would probably not try to excuse a sixteen-year-old by claiming ‘‘he’s only a child,’’ we might well say ‘‘he got in with the wrong crowd,’’ suggesting that his actions were rooted in a merely provisional self.** And yet there must also be a difference between older and younger children, for as children grow we think it less and less appropriate to treat them paternalistically. On the view I am laying out, one way to think of this progression is in terms of what I call ‘‘domains of discretion.’’ Again, Kant’s political philosophy provides a helpful model. In ‘‘Perpetual Peace,’’ Kant tries to envision the process by which the state of war among nations might gradually be replaced by a condition of world peace. He writes, ‘‘For if good fortune should ordain that a powerful and enlightened people can form itself into a republic (which by its nature must be inclined to perpetual peace), this would provide a focal point of federative union for other states, to attach themselves to it and so to secure a condition of freedom of states conformably with the idea of the right of nations; and by further alliances of this kind, it would gradually extend further and further.’’ The idea is that any commitment to establish the rule of law on a local scale entails a commitment to bring about a lawful condition globally. Local laws may differ from global ones in scope and content, but the act of establishing laws on any level expresses a fundamental commitment to govern oneself with reference to right rather than might. Similarly, **decisions about matters in one domain of life tend to commit us to principles which have implications in another. In this sense, reason tends to be expansionist.** In achieving hegemony over a limited jurisdiction, it claims at least provisional authority beyond that domain. If development proceeds in this way, **we can imagine agents at an intermediate stage—agents who have established their authority over some of the constitutionally essential domains but not over others.** I think many of the people we conventionally call children (i.e., **people under the age of eighteen**) can be thought of as **fall**ing **into this intermediate category; they have adult status with respect to some domains of discretion, but not others.** Thus on this view children at different stages of development differ from one another in the extent of their hegemony over themselves.

1. Merriam Webster Dictionary, “affirm” [↑](#footnote-ref-1)
2. Dwight Furrow. “Moral Agency.” Ethics. 2005. [↑](#footnote-ref-2)
3. Schapiro, Tamar. *What is a Child?* Ethics, Vol. 109, No. 4 (July 1999), pp. 715-738. [↑](#footnote-ref-3)
4. 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-4)
5. 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-5)
6. 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-6)
7. Schapiro, Tamar. *What is a Child?* Ethics, Vol. 109, No. 4 (July 1999), pp. 715-738. [↑](#footnote-ref-7)