

ABSTRACT

The Irrationality of Adolescence: What the Adults are Fighting Over and the Implications for the Legal Profession

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We all know that adolescents are irrational. They can be moody and irritable, embarrassed by their parents, too trusting of their peers, susceptible to impulse, disdainful of risks, and taken by surprise by the all too predictable consequences of their acts. Yet, those legal scholars most persuaded that adolescents cannot be held culpable for their acts on the same terms as adults are the most willing to entrust teens with decisions about contraception and abortion. What explains the irrationality of the adults?

This paper considers how adults reach emotionally charged decisions about the irrationality of teen behavior, focusing on the controversial arenas of contraception and abortion. The paper will start with an explanation why the conclusion that irrational teens should be trusted with decisions of consequence is entirely sensible. It will then examine what we can say – and what we do not know – about adult decision-making. It will argue that whatever we know about our convictions, they are likely to be mediated by perceptions of identity and loyalty. It will nonetheless suggest that however much our initial dispositions toward issues like contraception and abortion involve group loyalties, they cannot explain when and whether we may be inclined to compromise. The paper will consider whether an idea of professionalism that celebrates reasoned discourse and the ability to reconcile opposing positions and propose centrist solutions offers an alternative basis for loyalty and identity, and whether such an identity can ally emotions with restraint and moderation.

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