I affirm. RESOLVED: In the United States, juveniles charged with violent felonies ought to be treated as adults in the criminal justice system.

The resolution posits that children ought to be treated as adults. This doesn’t imply that they need to be treated as the stereotypical adult; just as we have exceptions and relevant considerations when considering the punishment and prosecution of certain adults, those same considerations could apply to children. The difference is those rules would have to apply in the same way they do to adults and thus in the adult justice system. Thus, the affirmative advocates using the adult criminal justice system for the prosecution of all violent felonies, as the negative burden is to defend the juvenile justice system.

The natural property of human consciousness is what guides obligations. C.S. Lewis[[1]](#footnote--1) explains,

If you take a thing  like a stone or **a tree**, it **is what it** is and **there seems no sense in saying it ought to have  been otherwise.** Of course **you may say a** stone is  "the wrong  shape" if  you want to use it for a  rockery, or that a **tree is a bad tree because it does not give  you** as much **shade** as you expected. **But all you  mean is that the** stone or **tree does not happen to be convenient** for  some purpose of  your own.  **You  are not**,  except as a joke, **blaming  them** for that. **You** really  **know**, that,  given the weather  and the soil, **the tree could not have been any different.** What we, from our point of view, call a "bad" tree is obeying  the laws of its nature just as much as a "good" one.      Now have you noticed what follows? It follows that what we usually call the  laws  of nature-the  way  weather works on a tree for  example-may  not really be laws  in  the strict sense, but only in a manner of speaking. **When you say that  falling stones always obey the law of gravitation, is not this much the same as saying that the law only means "what stones always do**"? You do not really think that when a stone is  let go, it suddenly remembers that it is under orders to fall to  the  ground.  You only mean that, in fact, it does fall.  In other  words, **you  cannot be sure that there is anything over and  above the facts** themselves, any  law **about  what  ought to happen,  as distinct from what does happen.** The laws  of nature, as applied to stones or trees, may  only mean "what Nature, in fact, does."  But if  you turn to **the Law of Human Nature**, the  Law of Decent Behaviour, it is a different matter. That law certainly **does not mean "what  human beings, in fact, do**"; for as I said before, many of them do not obey this law at all, and none of them obey it completely. The law of gravity tells you what stones do if you drop them; but  **the Law** of HumanNature **tells you what human beings  ought to do and do not.** In  other words, **when you are dealing with humans, something else comes in above and beyond the actual facts.** You have the facts (how men do behave) and you also have something else (how  they ought to behave). In the rest of the  universe  there  need not  be  anything but the  facts.  Electrons  and molecules behave in a certain way,  and certain results follow, and that may be the whole story. (\*) But  men behave in a certain way and that is not the whole  story,  for  all  the  time  you  know  that  they  ought  to  behave differently.

This requires that morality be based in a conception of obligation as consistency of moral personhood. Gregory Strom[[2]](#footnote-0) writes,

Now, the ―ought-ought gap‖ is our fanciful term for a mental ailment in which one knows  that there is some reason such that any good person would respond to it by doing A, but in which  one does not know what that reason is.  But this way of formulating the problem obscures a great  many issues, for if we consider any particular case in which **someone** wrestles with the ought- ought gap, it is clear that she **may know a great deal about the reason to do A and nonetheless  fail to understand why she ought to do it.  Anyone who says**, for example, something like ―**I  know I should return the money—but if I don‘t, no one will ever know I acquired it,** and I won‘t  get into any trouble—**so why should I do it?‖ is not entirely in the dark about the reasons that  there are to return the money.**  We can even imagine her able to supply herself with a  demonstration, **grounded in secure a priori principles** about (say) the concept of property, **that  morality requires her to return this money**, and nonetheless unable to understand why she should  return it.  This shows that what someone in such a fix really needs is not merely to appreciate  that a good person would return the money because of such-and-such a reason.  For this can appear to her merely as an alien fact having nothing to do with her.  **What is really needed,  therefore, is for her to recognize these facts as having to do with her.  That is, she must relate  herself to the concept of a good person in such a way that, for her, recognition that a good person  returns the money for such-and-such a reason is the same thing as practical recognition of the  rational force of this reason that manifests itself in her returning the money.**  In other words, not  only must she learn to refine her concept of a good person to the point where it is adequate to her  situation, but also she must think of herself as a good person; **she must learn to think of herself as  primarily or essentially what she learns about when she learns about good people.**

As a result, morality demands consistency of the will as it is the natural, fundamental component of personhood. David Velleman[[3]](#footnote-1) explains,

Kant offered an explanation for this oddity. His explanation was that **acting for reasons is essential to being a person, something to which you unavoidably aspire.** **In order to be a person, you must have an approach to the world that is sufficiently coherent and constant to qualify as single, continuing point-of-view.** And part of what gives you a single, continuing point-of-view is your acceptance of particular considerations as having the force to reasons whenever they are true. We might be tempted to make this point by saying that you are a unified, persisting person and hence that you do approach practical questions from a point-of-view framed by constant reasons. But this way of making the point wouldn’t explain why you feel compelled to act for reasons; it would simply locate action for reasons in a broader context, as part of what makes you a person. One of Kant’s greatest insights, however, is that a unified, persisting person is something that you are because it is something that you aspire to be. **Antecedently** to this aspiration, **you are merely aware that you are capable of being a person. But any creature aware that it is capable of being a person**, in Kant’s view **is ipso facto capable of appreciating the value of being a person and is therefore** ineluctably **drawn toward personhood.** The value of being a person in the present context is precisely that of attaining a perspective that transcends that of your current, momentary self. **Right now, you would rather sleep than swim, but you also know that if you roll over and sleep, you will wake up wishing that you had swum instead. Your impulse to decide on the basis of reasons is,** at bottom **an impulse to transcend these momentary points-of-view, by attaining a single, constant perspective that can subsume both of them.** It’s like the impulse to attain a higher vantage point that overlooks the restricted standpoints on the ground below. This higher vantage point is neither your current perspective of wanting to sleep, nor our later perspective of wishing you had swum, but a timeless perspective from which you can reflect on now-wanting-this and later-wishing-that, a perspective from which you can attach constant practical implications to these considerations and come to a stable, all-things-considered judgment. If you want to imagine what it would be like never to attain a continuing point-of-view, imagine being a cat. A cat feels like going out and meows to go out; feels like coming gin and meows to come in; feels like going out again and meows to go out; and so on, all day long. The cat cannot think, “I have things to do outside and things to do inside, so how should I organize my day?” But when you, a person, find yourself to-ing and fro-ing in this manner, you feel an impulse to find a constant perspective on the question when you should “to” and when you should “fro” This impulse is unavoidable as soon as the availability of the more encompassing vantage point appears. **As soon as you glimpse the possibility of attaining a constant perspective from which to reflect on and adjudicate among your shifting preferences, you are drawn toward that perspective, as you would be drawn toward the top of a hill that commanded a terrain through which you had been wandering.** To attain that standpoint, in this case, would be to attain the single, continuing point-of-view that would constitute the identity of a person. To see the possibility of attaining it is therefore to see the possibility of being a person; and seeing that possibility of unavoidably leads to you to aspire toward it.

Similarly, reason is a fact from which all obligation is derived. David Velleman[[4]](#footnote-2) explains:

As we have seen, **requirements that depend for their force on some external source of authority turn out to be escapable because the authority behind them can be questioned. We can ask, “why should I act on this desire?” or “why should I obey the** U.S. **government?” or** even “Why should I obey **God?”** And as we observed in the case of the desire to punch someone in the nose, **this question demands a reason for acting. The authority we are questioning would be vindicated, in each case, by the production of a sufficient reason.** What this observation suggests is that any purported source of practical authority depends on reasons for obeying it—and hence on the authority of reasons. Suppose, then, that we attempted to question the authority of reasons themselves, as we earlier questioned other authorities. Where we previously asked “Why should I act on my desire?” **let us now ask. “Why should I act for reasons?”** shouldn’t this question open up a route of escape from all requirements? As soon as we ask why we should act for reasons, however, we can hear something odd in our question. **To ask “why should I?” is to demand a reason; and so to ask “why should I act for reasons?” is to demand a reason for acting for reasons. This demand implicitly concedes** the very authority that it purports to question—namely, **the authority of reasons.** Why would we demand a reason if we didn’t envision acting for it? **If we** really **didn’t feel required to act for reasons, then a reason for doing so** certainly **wouldn’t help.** So **there is something self-defeating about asking for a reason to act for reasons.**

Thus the standard is avoiding pity, for 3 reasons.

First, the emotion of pity denies fundamental autonomy by allowing control of behavior and the will. David Cartwright[[5]](#footnote-3) explains,

Hence we find that Nietzsche adopts and scores some critical points by employing the Kantian line. **There is a danger for the pitier**, Nietzsche claims, not simply because of the suffering involved in this emotion, but also **because of the susceptibility** of the pitier **to** the **manipulation and control by those pitied. This** susceptibility to the control and manipulation by others **suggests** two other important Kantian themes, the **loss of one's self-control vs. autonomy and the irrational and involuntary nature of emotions** such as pity. Both Nietzsche and Kant maintain that one of the problems with **pity** is that it **usurps the agent's autonomy.** Nietzsche argues that in being manipulated and controlled by the recipient of pity, an agent may lose autonomy in two ways. The agent is made to suffer, and this is something that most people find undesirable, and, **since pity for someone is usually conative, the agent may act to help the recipient escape his or her suffering,** and this may be something the agent would usually not want to do. While the agent is not exactly out of control, Nietzsche's point is that in pity the agent loses self-control by being controlled by someone else. The notion of self-control is the basic idea behind Kant's conception of autonomy. Kant argued that **to be autonomous it was necessary for agents to be free from external forces which compel their behavior.** This sort of negative freedom, he argued, was not sufficient for autonomy, however. **An autonomous will must also have ". . . the property ... of being a law to itself."**'1Kant held that autonomous **agents** act from their own conceptions; their **actions are ascribed to causal factors whose origins are, in some way, identified with their rational natures.** In other words, autonomous agents are self-controlling because they determine their own actions. In **pity**, nevertheless, autonomy is usurped because it, like any emotion, **is initiated by factors external to the agent, factors that over- whelm or "infect" the agent.**

This immoral conception of the will is distinct from acceptable forms of obligation or imperfect duties. Kant[[6]](#footnote-4) writes,

To have a fellow-feeling with the joys and sorrows of our friends, is no doubt a physical emotion only; and is an æsthetic susceptibility of pleasure or pain, on perceiving these states obtain in another. **There arises**, however, from this disposition of our nature, **a** particular, but only **conditionate duty, called humanity, to cultivate and employ** these physical springs as means of advancing an **effective and rational benevolence.** The duty is called humanity, man being now regarded, not as a reasonable being, but **as an animal endowed with reason. This sympathy may be regarded either as seated in the will and the ability to communicate to one another what we feel, or as seated in that physical susceptibility, which nature has implanted in us, for feeling in common the delights or misery of our neighbour. The former is free** or liberal, and depends on practical reason; **the second is unfree** and illiberal, **as in pity**, and may be called contagious,—like a susceptibility for heat or for distempers. The obligation extends to the former only. It was a lofty cogitation of the Stoic sages when they said, I would wish I had a friend, not to assist me in poverty, sickness, captivity, and so on, but whom I might be able to assist and rescue; and yet this very Sage again thus speaks, when the case of his friend is gone past remedy—What concern is it of mine? i.e., he rejected pity. And, in truth, **when another suffers, and I allow myself to be infected by his sorrow,** which, however, I cannot mitigate nor avert, **then two persons suffer, although naturally the evil affects one singly; and it is quite inconceivable that it can be any one's duty to augment the physical evils in the world;** and **consequently there can be no obligation to act kindly out of pity.** There is likewise an offensive variety of this pity called mercy, by which is meant that kind of benevolence shown to the unworthy; but such an expression of benevolence ought never to take place betwixt man and man, no one being entitled to boast of his worthiness to be happy.

As a result, pity is immoral, as it artificially lowers the moral worth of the victim by necessitating help and pride on the part of the pitier. Cartwright TWO continues,

In addition to being directed towards another's suffering, pity and compassion provide incentives for an agent's beneficence and dispose the agent to help the sufferer by relieving his or her distress. Thus it appears as if it is a matter of indifference if we describe Joan's feeling for Richard's suffering as either pity or compassion if she apprehends Richard's suffering, feels sorrow for Richard, and is disposed to render aid by relieving his distress. However, there are good reasons for this not being a matter of indifference. "Pity" has an emotive significance fundamentally distinct from that of "compassion". **Informing others that you pity them is a way of expressing contempt. When I storm out** of the room **after a** heated **quarrel** with a colleague **I slam the door saying "I pity you". I thereby inform him that I regard him as beneath me: I am superior.** I offer my hand to a student confined to her wheelchair. "I don't want your pity", she intones. My offer of help is rejected because it is humiliating. My daughter laments her woes to me and I offer misplaced solace; "I pity you, you poor thing". A gentler situation, but still one that suggests something basic — a lack of respect for the object of my pity. **To describe something as "pitiful" is to describe the thing as not good for its kind.** "I pity you, you poor wretch." **"He is pitiful" means "He is a wretch."** Philip Mercer has noted a revealing relationship between pitiers and their objects; **"the use of the word 'pity' in a particular context seems to imply that the speaker is in some way better off than the person who is pitied**. The king pities the subjects; the judge pities the prisoner; the sane man pities the idiot; mankind pities the beasts". 6 The pitier is superior in status to the pitied. **We do not pity those we respect or those we judge superior to ourselves —unless we wish to level them by devaluing their status. Then I feel sorry for them**. They are miserable, contemptible. By pitying them, I elevate myself. I boost my feelings of self-esteem by lowering them. The same is true when I pity someone who is suffering. I boost my own feelings of self-esteem by exercising my pity; that I am able to relieve this misery emphasizes dramatically my superiority. The sufferer is helped, but helped in order to enhance my feelings of superiority. In these regards, **pity is self-regarding. If we have general duties to respect others, pity incites their violations. If the moral goodness of beneficence is due to a desire to pursue another's well-being, the help rendered out of pity is not morally good. If enhancing one's feelings of self-esteem is worthwhile, boosting them out of pity for others leads to false feelings of self esteem. It is like feeling smarter by associating with idiots.** In reality, **nothing changes which would warrant such enhanced feelings of pride.**

This is inconsistent with our practical reason because we no longer view others’ autonomy is true by relegating them to a lower status, thereby denying our status as moral agents as per the consistent principals of practical reason.

Finally, pity denies the autonomy of both the pitier and the victim through a departure from reason, even if with good intentions. Cartwright THREE explains several additional reasons:

This Kantian theme is evidenced in the following note in which Nietzsche discusses the relationship between the emotions and reason: A higher stage [than following one's feelings] is to overcome even this pressure within us and to perform a heroic act not on impulse-but coldly, raisonnable, without being overwhelmed by stormy feelings of pleasure-the same applied to compassion [Mitleid]: it must first be habitually sifted by reason; otherwise it is just as dangerous as any other affect." Here we find the idea that **emotional behavior is nonrational and involuntary. The passions** are stormy; they **overwhelm us.** He appears to adopt the Kantian suggestion that **one should act from reason and not from mere inclination.** There is, however, a significant departure from Kantian theory. Nietzsche does not conceive of autonomy as implying the denial or suppression of one's emotions. He avoids the separation of reason from emotion, a bifurcation associated with Kant. Nietzsche does not advocate the denial or suppression of our emotions or inclinations as springs or motives of our actions. Rather, he advocates the focusing, controlling, and directing of these forces for specific aims. Like Schopenhauer, Nietzsche thought that **our passions, desires, needs, and wants** are the true motors of our actions. The problem is that these drives and forces **often** lack direction; they are impulsive and **steer us blindly.** Reason or our intellect is used to direct, shape, make efficient, and provide the means to satisfy our deepest needs. Furthermore, Nietzsche considered these drives, passions, and needs as uniquely constituting our personalities. **By sifting our passions, refining, and guiding them by our rational abilities, we become more aware of our authentic nature,** for reason and passion are both essential to realizing our individual personalities. We have seen that pity can usurp agents' autonomy by placing them under the control of the persons pitied. This was one of the dangers Nietzsche saw in pity. He also detailed a parallel problem for the recipients of pity. **Pity can become a surreptitous way through which agents gain control over recipients whose autonomy is threatened by pitiers: When we see someone suffer, we like to exploit this opportunity to take possession of him; those who become his benefactors and pity him, for example, do this and call the lust for a new possession "love."**'2 The autonomy of sufferers is in an especially vulnerable position. People usually suffer because they are unable to relieve their own misery. Suf- fering is typically a sufficient reason for the agent to do something to relieve it. When we lament our woes, vocalize our misery, often we are announcing our inability to care for ourselves. We seek the assistance of others. Pitiers are more than happy to give this assistance. **Some pitiers**, Nietzsche argued, **may actively seek individuals to pity in order to heighten their own feelings of superiority and/or** to gain **control of the sufferer.** The pitiers increase their feelings of superiority by doing for others things that they cannot do for themselves, and then by **conceiving of their actions as virtuous. They gain control over others by benefiting them. The recipients become indebted to their benefactors** and being in their debt is also being **subject to their control.** The pitier can even accentuate this sense of debt by not allowing recipients to satisfy their desire to repay it, e.g., "you do not owe me a thing." The control can become less subtle, however. **The pitiers can even make the recipients completely dependent on their help by engendering within them the idea that they are helpless and need the help of others to live a minimally normal life.**13 By augmenting some Kantian themes, Nietzsche has revealed some of the insidious aspects of a reputedly benevolent passion. Kant, however, was also familiar with the darker side of pity. In addition to the utilitarian argument against pity, Kant has the following to say about pity: but **it cannot possibly be a duty ... to increase the evils of the world or, therefore, to do good from pity; for this would be an insulting kind of beneficence,** ex- pressing the sort of benevolence one has for an unworthy person. Such benev- olence is called soft-heartedness and should not occur at all among human beings, who are not to boast of their worthiness to be happy.14 Kant maintains that the recipients of pity are insulted by being humiliated. Their suffering announces their inability to overcome their own problems; for individuals usually only tolerate misery when they cannot relieve it. By seeing that others suffer, pitiers realize that the sufferers cannot help themselves. This is one of the reasons that pitiers feel compelled to help. **When pitiers offer help, the recipients may be embarrassed by the pitier's knowledge of their inability to help themselves.** They feel as if an in- adequacy or character flaw is exposed which may be a blow to their pride and self-respect. **This offer of help may be viewed as an even greater insult, if the recipients believe that they can take care of their own problems, or they may be humiliated by realizing that their welfare is contingent upon another's generosity.** Because of the great potential of pity for insulting and/or humiliating the recipient, Kant advocates that we conceal such motives.

Thus, pity leads to a contradiction by willing a position over others that denies the existence of the will in the first place.

I contend that the juvenile system evokes pity for the juveniles who commit violent felonies.

First, juvenile confidentiality demonstrates the desire of the court to protect the juvenile from their mistakes. Arthur Blum[[7]](#footnote-5) writes:

**The** recent **movement** among the states **to rescind** the practice of **maintaining juvenile confidentiality represents a split between what is perceived to be good for the child and what is perceived to be good for the community.** 279 This split has occurred because people have lost confidence in the state's ability to rehabilitate juvenile offenders. 280 Treating young lawbreakers with the fatherly "care and solicitude" prescribed by the early reformers 281 is acceptable only if it is successful. If efforts to rehabilitate delinquents are unsuccessful, 282 then a juvenile justice system which refuses to punish delinquents is destined for public obloquy, because society is left with unreformed lawbreakers who can threaten public safety without fear of punishment. 283 **The aim of the juvenile courts in preserving the confidentiality of juvenile records is "to hide youthful errors from the full gaze of the public and bury them in the graveyard of the forgotten past."** 284 **But the phrase "youthful errors" should never describe the murders, rapes, and other serious offenses that juveniles are now committing.** 285 Society will no longer tolerate protecting today's juveniles when society itself feels threatened by these very same juveniles. **The alarming violence that juveniles are committing today** **has forced communities to demand that the state be more concerned with protecting the lives and safety of the public than it is with protecting the identities of juvenile felons.**

Second, avoiding transferring juveniles to the adult system rests upon the cultural notion that juveniles ought to be pitied because they carry childlike characteristics. Donna Bishop[[8]](#footnote-6) argues:

The historical record shows that although **judicial waiver** was available in nearly all states from the inception of their juvenile courts, in practice **it was used very rarely** (Flicker 1981; Whitebread and Batey 1981; Tanenhaus, forthcoming). Sparing use of transfer is **consistent with** foundational **principles of the juvenile court, according to which juveniles differ from adults in ways that** generally **make criminal processing inappropriate and counterproductive. A fundamental tenet is that adolescents are immature** (Bernard 1992; Scott and Grisso 1997; Feld 1999). **Their lesser capacities for reasoning and moral judgment diminish their culpability and render them undeserving of the full burden of retributive punishments** (Zimring 1981, 1991, 1998; Forst and Blomquist 1991; Scott and Grisso 1997). Moreover, from a purely util- itarian perspective, their limited ability to anticipate and weigh long- term consequences makes it unlikely that threats of criminal sanctions will deter them (Teitelbaum 1991).2 Finally, **cultural conceptions of children and adolescents have traditionally emphasized youths' dependency and vulnerability, characteristics that tend to evoke compassionate responses rather than punitive ones.**

Third, the very creation of the juvenile court presumes a difference in juveniles that makes them akin to neglected children. Jordan Titus[[9]](#footnote-7) writes:

Currently, American states vary in the minimum ages of criminal responsibility before which a person cannot be charged with a crime and jurisdictional ages of juvenile courts. Generally speaking, **children are perceived as needing protection from the consequences of their immaturity rather than as accountable for their actions.** Because notions of guilt and seriousness are dependent on attributes of capacity and responsibility, **“the law perceives the child as ‘innocent’”** (King & Piper, 1995, p. 108**). The creation of the juvenile court** in 1899, distinguishing a child’s offence from an adult’s crime, **reflected a presumed essential difference between the moral and cognitive capacities of juveniles** and those of adults. **Children were considered** *doli incapax*, **incapable of criminal intent because they were incapable of understanding the consequences of their actions.** By definition then, the belief was that “a child cannot commit a crime: they are in the same class as the insane in this respect” (Ryerson, 1978, p. 75). The new juvenile court system embodied a concern with the social rehabilitation of young offenders through reformatory treatment rather than punitive punishment (Platt, 1977). **The *parens patriae* jurisdiction of the juvenile court was designed to socialize delinquent youths into moral citizens** (Platt, 1977; Ryerson, 1978), thereby curtailing their potential threat to social stability. As Hendrick (1994) argues, **children were perceived as both vulnerable and in need of adult protection** (the child as victim), **and as impulsive or unsocialized** and in need of adult correction and control (the child as threat). **The character of the neglected child and the delinquent child were deemed alike** (Hendrick, 1994). **Crime and destitution were seen as indelibly linked, and notions of childhood deprivation became fused with notions of children’s depravity.** Institutional purposes of protection and training were combined toward one goal—to turn a threatening victim into a citizen of the community.

Fourth, The juvenile system was created out of a belief that children ought to be pitied due to their emotional state. Blum two explains,

To rebut the traditional linkage of a child's moral accountability with the maturation of his deliberative faculties, philosophers like Jean-Jacques Rousseau began arguing that childhood is a period of life that is separate and distinct from adulthood. 73 **Rousseau insisted that imposing adult standards on children** is not only unnatural, but also **spoils** the child's **development.** Although Rousseau laid the foundation for the notion of adolescence in the mid-eighteenth century, the United States did not recognize his [\*358] ideas until the latter part of the nineteenth century. 75 At that time, G. Stanley Hall and other child **psychologists began to argue that children**, regardless of their specious maturity, **were not masters of their thoughts; nor were they responsible for their behavior until they passed through their teenage years.** 76 **Hall's theory** of adolescence **provided a buffer between childhood and** the assumption of **adult responsibility**, 77 [FOOTNOTE INCLUDED Click here to return to the footnote reference.n77. See id. at 82 (**describing adolescence as a period of "storm and stress" from which one emerges mature and civilized). "The youth who go wrong are, in the vast majority of cases, victims of circumstances or of immaturity, and deserving of** both **pity** and hope." Id. (quoting Hall). Hall's views of the injustice of the stigmas that society attaches on its young offenders reflect the views of the early reformers: "Ignorant and cruel public opinion [condemns] all those who have once been detected on the wrong side of the invisible and arbitrary line of rectitude." Id. (quoting Hall). FOOT NOTE ENDED] **which the early reformers used to extend the age of criminal responsibility beyond the traditional ages of seven or ten and into the mid-teens**.

Finally, the use of discretion in the juvenile system, unlike the retributive adult system, masks pity as the pursuit of best interests. Brenda Gordon[[10]](#footnote-8) writes.

In philosophy, these **juvenile courts were created as benevolent vehicles by which the state could strive to understand the total child and respond to him or her individually "as a wise and merciful father handles his own child whose errors are not discovered by the authorities**." 29 As such, the nature of the juvenile proceedings was "benign, nonpunitive and therapeutic," and rehabilitation was its fundamental goal. 30 In the words of an early commentator, "A child that broke the law was to be dealt with by the state not as a criminal but as a child needing care, education, and protection." 31 **To achieve its rehabilitative goals, the state utilized a clinical approach, whereby it would investigate, diagnose, and "formulate the plan** by which, through the cooperation, oft-times of many agencies, the cure may be effected." 32 **In formulating its plan**, however, the [\*198] **juvenile court's focus was not on the specific offense committed. Instead, the court was concerned with searching deep within the juvenile delinquent's soul and discovering what the juvenile was, "physically, mentally, and morally." To** try to **obtain** **such** a level of **intimacy, juvenile courts adopted deliberately informal procedures and frowned upon the jurisprudence and encumbrances of the criminal law.**

1. C.S. Lewis. *Mere Christianity.* 1943. [↑](#footnote-ref--1)
2. Gregory Strom. In Defense of the Practical Imagination. University of Pittsburgh. No date. http://www.pitt.edu/~gbs4/In%20Defense%20of%20the%20Practical%20Imagination.pdf [↑](#footnote-ref-0)
3. Self to Self (check any case) [↑](#footnote-ref-1)
4. David. Velleman. Self To Self. 2006. Cambridge University Press. [↑](#footnote-ref-2)
5. David E. Cartwright “Schopenhauer’s Compassion and Nietzsche’s Pity” http://www.schopenhauer.philosophie.uni-mainz.de/Aufsaetze\_Jahrbuch/69\_1988/Cartwright.pdf [↑](#footnote-ref-3)
6. Kant "The Metaphysics of Ethics". part- The Metaphysics of Ethics. Of the Duty of Suffering. 302. Translated by JW Semple. 1871. <http://bit.ly/eC3ekW> [↑](#footnote-ref-4)
7. Arthur Blum “Disclosing the Identities of Juvenile Felons: Introducing Accountability to Juvenile Justice” 27 Loy. U. Chi. L.J. 349. Winter 1996. [↑](#footnote-ref-5)
8. Donna Bishop [Associate professor of criminal justice in the College of Criminal Justice at Northeastern University] “Juvenile Offenders in the Adult Criminal Justice System” Crime and Justice, Vol. 27 (2000), pp. 81-167. [↑](#footnote-ref-6)
9. Jordan J. Titus [Jordan J. Titus is an associate professor of sociology at the University of Alaska Fair- banks. Her research focuses on legal constructions of childhood and children’s rights.] “Juvenile Transfers as Ritual Sacrifice: Legally Constructing the Child Scapegoat” Youth Violence and Juvenile Justice, Vol. 3 No. 2, April 2005 [↑](#footnote-ref-7)
10. “ NOTE: A Criminal's Justice or a Child's Injustice? Trends in the Waiver of Juvenile Court Jurisdiction and the Flaws in the Arizona Response”. Spring, 1999. Arizona Board of Regents Arizona Law Review [↑](#footnote-ref-8)