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

I value morality as ought implies a moral obligation.

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.

I advocate a metaethical framework of practical reason, or the ability to derive normative claims solely from a priori human reason. Metaethics narrows the focus of ethical claims by determining which arguments count as warrants for standards. Therefore, only arguments that appeal to humans’ ability to act as rational agents are relevant.

Moreover, only ethical theories that appeal to practical rationality give agents a normative reason to act on moral statements. Other moral rules that appeal to an external standard not predicated on rational choice fail to guide action because agents can simply question why they ought to act morally. Additionally, this implies that reason is a fact from which all obligation is derived. David Velleman[[1]](#footnote--1) 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.**

Additionally, to determine the stringency of duties derived from a maxim, all rational agents must be able to will the maxim, since there is no reason to reject a maxim for one person while making it sufficient to guide the actions of another. If ethics are based in rationality, any state of affairs or actor-specific concern is irrelevant because they don’t appeal to the practical reason of humans. This leaves only maxims that can be applied as universal law as action guiding for rational agents.

Denying individuals’ independent choice, or outer freedom, is rationally contradictory. Steven Engstrom[[2]](#footnote-0) writes,

Now on the interpretation we have been entertaining, **applying the formula of universal law involves considering whether it is possible for every subject** capable of practical judgment **to share the practical judgment asserting the goodness of every subject’s acting according to the maxim in question**. Thus in the present case the **application** of the formula **involves** considering **whether it is possible for every** such **subject to deem good every subjects acting to limit others’ outer freedom**, where practicable, with a view to **augmenting their own outer freedom.** Since here all subjects are on the one hand **deeming good both the limitation of others’ outer freedom and the extension of their own** outer freedom, **while** on the other hand, insofar as they agree with the similar judgments of others, **also determining good the limitation of their own outer freedom and the extension of others’** outer freedom, **they** are **all deem**ing **good both the extension and the limitation of both their own and others’ outer freedom. These judgments are inconsistent insofar as the extension of a person’s outer freedom is incompatible with the limitation of the same freedom.**

Therefore, the standard is **consistency with non-domination**, as Ripstein[[3]](#footnote-1) explains:

**The right to independence** is not a special case of a more general interest in being able to set and pursue our purposes. Instead, it **is a distinctive aspect of our status as a person in relation to other persons, entitled to set your own purposes, and not required to act as an instrument for the pursuit of anyone else’s purposes.** You are sovereign as against others not because you get to decide about the things that matter to you most, but because nobody else gets to tell you what purposes to pursue; you would be their subject if they did. Thus Kant’s conception of the right to independence rests on neither of what is referred to in recent literature as “interest theory” or “will theory” of rights. Underlying the other differences between these accounts is a shared conception of rights as institutional instruments that constrain the conduct of others in order to protect things that matter apart from them. Kant’s account identifies a right with the restriction on the conduct of others “under universal law,” that is, consistent with everyone having the same restrictions. **Each person’s entitlement to be independent of the choice of others constrains the conduct of others because of the importance of that independence, rather than in the service of something else, such as an interest in leading a successful, worthwhile, or fully autonomous life.** Those things can be specified without reference to the conduct of others, and constraining the conduct of others is, at most, a useful way of securing them. If rights are understood in this instrumental way, they are always at least potentially conditional on their ability to secure the underlying values that they are supposed to protect. **The** Kantian **right to independence**, by contrast, **is always an entitlement within a system of reciprocal limits on freedom, and so can only be violated by the conduct of others, and its only point is to prohibit that conduct.** The protection of independence and the prohibition of one person deciding what purposes another will pursue stand in a relation of equivalence, rather than one of means to an end. As a result, the constraint a system of equal freedom places on conduct is unconditional. An unconditional constraint does not preclude the possibility of hindering the action of a person, or even of using lethal force to do so, because **the unconditional right is not a right to a certain state of affairs, such as the agent staying alive. Instead, it is a right to act independently of the choice of others, consistent with the entitlement of others to do the same.** The principle of mutual restriction under law applies unconditionally, because it is no way of achieving some other end.

Additionally, prefer this standard because…

1. Domination denies individuals’ voices as rational agents. Philip Pettit[[4]](#footnote-2) writes,

But the primary-good status of freedom as non-domination can also be supported by reference to the reduction of strategy and subordination that it makes possible. **To be a person is to be a voice that cannot** properly **be ignored,** a voice which speaks to issues raised in common with others and which speaks with a certain authority: enough authority, certainly, for discord with that voice to give others a reason to pause and think. **To be treated properly as a person**, then, **is to be treated as a voice that cannot be dismissed without independent reason**: to be taken as someone worth listening to. The condition of **domination** would reduce the likelihood of being treated as a person in this way, so far as it **is associated with a need for strategy and a subordinate status. The dominated**, strategy-bound **person is someone with reason to watch what they say,** someone **who must** be assumed always to **have an eye to what will please their dominators.** And equally, the dominated, subordinate person is someone, by common assumption, who has reason to impress their dominators and try to win a higher ranking in their opinion. **Such a person will** naturally be presumed to **lack an independent voice, at least in the area where domination is relevant. They will fail to make the most basic claim on the attention of the more powerful,** for they will easily be seen as attention-seekers: they will easily be seen in the way that adults often see precocious children. They may happen to receive attention but they will not command attention; they may happen to receive respect but they will not command respect.

This violates the obligations of practical reason because we fail to treat individuals as rational agents, by making their will irrelevant, and thus the universalization of that principle would deny our own rationality. Domination denies peoples’ relevance in despite of their humanity.

1. The very fact that nations take actions for reasons and that the resolution assumes a nation can act forces the necessary restriction that we may not dominate the actions of others. In acting we assume implicitly and explicitly the authority of the individual over themselves to act. Thus, because we regard our right to act as an essential and absolute right of our human nature, we may not deny this right to other humans via domination. This means it is morally impermissible to violate independence. Ripstein TWO[[5]](#footnote-3) continues:

This recasting of the familiar Kantian distinction between means and ends provides a distinctive understanding of the ways in which **one person can interfere with the independence of another**, either **by drawing that person into purposes that she has not chosen, or by depriving her of her means**. Fraud is a familiar example of the first type of interference, bodily injury a familiar example of the second. In doing either, the wrongdoer fails to respect the other person’s capacity to set her own purposes, **treating her instead** either **as a means to be used in pursuit of another person’s purposes,** or as a mere obstacle to be gotten around. **Interference** with another person's freedom **creates a form of dependence**; independence requires that that one person not be subject to another person’s choice. Kant’s account of independence contrasts with the more robust conceptions of autonomy prominent in contemporary political philosophy, which usually focus on some mix of the ability to identify with your own choices, and having an adequate range of choices so as to make that identification meaningful. **Autonomy is usually represented as a feature of a particular agent.** On this conception, if there were only one person in the world, it would make sense to ask whether and to what extent that person was autonomous. Kantian **independence is not a feature of the individual person considered in isolation, but of relations between persons.** Personal autonomy contrasts with dependence on circumstance. Independence contrasts with dependence on another person, being subject to that person’s choice. Independence is relational, **and so cannot be predicated of a particular person considered in isolation.** The difference is important: **in principle a slave with a benevolent master and favourable circumstances could be autonomous in the contemporary technical sense. A slave could never be independent, because what he is permitted to do is always dependent on his master’s choice or grace.** Independence is an entitlement that provides the normative measure of legitimate institutions.

By regarding our own independence to act as valuable we confer on others the explicit right to pursue that value for themselves, as the right to self-action is considered good. This functions as an absolute side constraint on action because central to any aim being valuable is the recognition of our capacity and right to pursue ends, and thus respect for that capacity alone can allow for the condition of value.

1. Because individual preferences are the best way to determine how to maximize rights protection, non-domination is key to acting to maximize good ends. Because different individuals have different preferences for how their rights are applied, pain, etc. there is no way to objectively determine whether an action maximizes best consequences. Domination removes individuals’ control over their lives, and thus destroys rights protection by removing their ability to pursue ends based on individual preferences.

**I contend that treating juveniles as adults in the criminal justice system is consistent with independence, while treating them differently in the juvenile justice system is not.**

First, juvenile courts, by embracing rehabilitation, attempt to avoid the adversarial system and expand the power of judges in an inquisitorial way. Stacey Hiller[[6]](#footnote-4) explains

Parens Patriae Facilitates Rehabilitation Following the creation of the juvenile court system, under parens patriae, children in delinquency proceedings were not treated as criminals, but as children in need of guidance and nurturing in a non-adversarial system. 124 This system was meant to nurture and ultimately rehabilitate juveniles. **As originally planned, the juvenile court system was "to be a clinic, not a court; the judge and all of the attendants were visualized as white-coated experts there to supervise, enlighten, and cure**, not to punish . . . and were surrogates, so to speak, of the natural parent." 125 These experts were supposedly motivated by "love" **and intended to** use this love to **transform troubled juveniles into normal children, saving them from careers as criminals.** 126 The early rehabilitative programs focused less on punishment and more on education and the prevention of juvenile delinquency. 127The rehabilitative goal aimed at mentally and morally preparing youths for productive roles in society upon their release. 128 **Although the juvenile court system has changed over the years, it has retained its essential goal of rehabilitation, and even today it encourages judges to use their discretion "to steer the errant child onto the right path.**" 129 The ensuing struggle between this wide discretion and the need for rational procedure, however, prompted the Supreme Court to limit the juvenile court judge's discretion [\*289] to provide the proper balance between the rehabilitative ideal and sufficient procedural protections under the U.S. Constitution. 130 **The proceedings in juvenile court differ in both form and substance from those in adult criminal trials.**

Rehabilitative systems inflate state power to control the means of individuals arbitrarily. C.S. Lewis[[7]](#footnote-5) explains:

The distinction will become clearer if we ask **who will be qualified to determine sentences** when sentences are no longer held to derive their propriety from the criminal’s deservings. **On the old view** the problem offixing **the** right **sentence was a moral problem. Accordingly, the judge** who did it **was** a person **trained in** jurisprudence; trained, that is, in a science which deals with **rights and duties,** and which, in origin at least, was consciously accepting guidance from the Law of Nature, and from Scripture. We must admit that in the actual penal code of most countries at most times these high originals were so much modified by local custom, class interests, and utilitarian concessions, as to be very imperfectly recognizable. But **the code was never in principle,** and not always in fact, **beyond the** control of the **conscience of** the **society. And when** (say, in eighteenth-century England) **actual punishments conflicted** too violently **with the moral sense of the community,** juries refused to convictand **reform was** finally **brought about.** This was possible because, so long as we are thinking in terms of **Desert,** the propriety of the penal code, being a moral question**, is a question in which every man has the right to an opinion,** not because he follows this or that profession, but because he is simply a man, a rational animal enjoying the Natural Light. But all **this is changed when we drop the concept of Desert. The only** two **question**s **we may now ask about a punishment** are**[is] whether** it deters and whether it **cures**. **But** these are **[this is] not [a] questions on which anyone is entitled to have an opinion** simply because he is a man. He is not entitled to an opinion even if, in addition to being a man, he should happen also to be a jurist, a Christian, and a moral theologian. **For they are not question about principle but about** matter of **fact;** and for such cuiquam in sua arte credendum. **Only the expert ‘penologist’** (let barbarous things have barbarous names), **in the light of previous experiment**, can tell us what is likely to deter: only the psychotherapist **can tell us what is likely to cure**. It will be in vain for the rest of us, speaking simply as men, to say, ‘but this punishment is hideously unjust, hideously disproportionate to the criminal’s deserts’. The experts with perfect logic will reply, ‘but nobody was talking about deserts.No one was talking about punishment in your archaic vindictive sense of the word. Here are the statistics proving that this treatment deters. Here are the statistics proving that this other treatment cures. What is your trouble? **The Humanitarian theory,** then**, removes sentences from the hands of jurists** whom the public conscience is entitled to criticize **and places them in the hands of technical experts** whose special sciences do not even employ such categories as rights or justice**.** It might be argued that since this transference results from an abandonment of the old idea of punishment, and, therefore, of all vindictive motives, it will be safe to leave our criminals in such hands. I will not pause to comment on the simple-minded view of fallen human nature which such a belief implies. Let us rather remember that **the ‘cure’ of criminals is to be compulsory**; and let us then watch how the theory actually works in the mind or the Humanitarian. The immediate starting point of this article was a letter I read in one of our Leftist weeklies. The author was pleading that a certain sin, now treated by our laws as a crime, should henceforward be treated as a disease. And he complained that under the present system the offender, after a term in gaol, was simply let out to return to his original environment where he would probably relapse. What he complained of was not the shutting up but the letting out. **On his remedial view of punishment the offender should, of course, be detained until he was cured.** And or course the official straighteners are the only people who can say when that is. **The** first **result** of the Humanitarian theory **is, therefore, to substitute for a definite sentence** (reflecting to some extent the community’s moral judgment on the degree of ill-desert involved) **an indefinite sentence terminable only by the word of those experts—**and they are not experts in moral theology nor even in the Law of Nature—who inflict it. Which of us, if he stood in the dock, would not prefer to be tried by the old system?

This is empirically verified within the juvenile system. Robert Shepard[[8]](#footnote-6) explains:

**The justification for having a**n entirely **separate juvenile system is to avoid the harshness of the adult system and provide an environment that is more conducive to rehabilitation of the youthful offender. Unfortunately, this emphasis on rehabilitation has fostered the imposition of indeterminate sentences in deference to the supposed rehabilitative expertise of juvenile authorities. As a result, juvenile offenders are often incarcerated for much longer terms than are adults for similar offenses.** The recognition of a right to punishment would force the juvenile system to either live up to the rehabilitative justification for the peculiar incarceration it imposes, or provide an alternative method of dealing with the juvenile offender that is consistent with the conceptual limitations on punishment underlying the adult system.

Therefore, the juvenile system necessarily uses individuals’ means against their will because the state garners coercive authority to impose arbitrary restrictions on independence. In contrast, adult procedures designed for retribution for crimes committed, rather than the end of rehabilitation, are consistent with the principles of non-domination because they reciprocally limit independence. Ripstein TWO[[9]](#footnote-7) continues,

Public right also contains Kant's discussion of the criminal law and the right of the sovereign to punish and grant clemency. That discussion has received a disproportionate amount of attention from commentators, despite the fact that Kant makes it clear that punishment is the prerogative of the sovereign, and not the case of coercion that is central to right. Nonetheless, his discussion of punishment is striking, because he introduces, seemingly out of nowhere, the retributive principle that **a wrong should be visited back upon a wrongdoer.** This is not the place to develop Kant's account of punishment in the detail it deserves. I will remark only that it, too, is said to "follow" from the idea of a social contract. **Crimes must have a different remedy than civil wrongs do, in order to preclude the possibility that someone could claim an entitlement to wrong another person and simply pay damages.** The criminal law does not make such behavior empirically impossible, but it does make it impossible for someone to do so as a matter of right. **Punishment takes the form of retribution because the state must preclude such wrongs, and the only means at its disposal are coercive ones, since it can shape only external conduct.** The insufficiency of civil damages is part of the problem, so the further coercive response takes the form of making and carrying out threats. The state must be prepared to punish any crime if it occurs, and the quantum of punishment for any particular crime must not be out of proportion to the punishments for other crimes. Kant concludes that the wrong itself provides the appropriate measure of punishment: the state must threaten to use the same type of force against the criminal that the criminal has used for his own purposes. **Crime is not prohibited because of the ends the criminal sets, but because of the means he uses to get them.** Kant argues thatthe illicit means that the criminal uses in pursuit of his purposes provide the measure of his penalty. **A greater or lesser punishment would treat the criminal as a mere means in pursuit of social purposes, whether protective or philanthropic. Threatening to visit the crime back on the criminal is consistent with his independence. He is treated as he chooses to treat others.**

Second, treating juveniles outside of the adult system places too much sentencing power in the hands of individual actors like judges.

Both the logic and structure of juvenile systems provide the state with excessive coercive power. Barry Feld[[10]](#footnote-8) argues:

Quite apart from its unsuitability as a social welfare agency, **the individualized justice of a rehabilitative juvenile court fosters lawlessness** and thus detracts from its utility as a court of law as well. Despite statutes and rules, **juvenile court judges make discretionary decisions** effectively **unconstrained by the rule of law. If judges intervene to meet each child's "real needs," then every case is unique and decisional rules or objective criteria cannot constrain clinical intuitions. The idea of treatment necessarily entails individual differentiation, indeterminacy, a rejection of proportionality, and a disregard of normative valuations of the seriousness of behavior. But, if judges possess neither practical scientific bases by which to classify youths for treatment** nor demonstrably effective programs to prescribe for them, **then** the exercise of"sound **discretion**" **simply constitutes** a euphemism for idiosyncratic **judicial subjectivity.** Racial, gender, geo- graphic, and socio-economic disparities constitute almost inevitable corollaries of a treatment ideology that lacks a scientific foundation. At the least, **judges will sentence youths differently based on extraneous personal characteristics for which they bear no responsibility. At the worst, judges will impose haphazard, unequal, and discriminatory punishment on similarly situated offenders without effective procedural or appellate checks**

This links to the standard because individual actors are given arbitrary control over the means of individuals, as they lack the coercive authority or responsibility to maintain the right to control the future of juveniles charged with crimes. Judges are granted the authority to use juveniles means for ends not consented to.

Third, the logic of separate treatment allows juveniles’ ends to be infringed through dominating coercive power.

By combining the system we are able to unearth and criticize abuse of state power.

Federle[[11]](#footnote-9) explains:

Setting aside questions about the political feasibility of a youth discount, the primary objection to this proposal is the real possibility that a youth discount would ultimately prove disadvantageous. To understand why this may be so, it is useful to articulate some assumptions about state power, the law's violence, and the courts. Returning, for a moment, to Feld's argument for abolition, he notes that the **states manipulate the concepts of childhood and adulthood to "maximize the social control of young people."** This is an important point, for the institutional structure we call **the juvenile court may be used to deflect a deeper examination of structural inequality.** Furthermore, **the existence of a separate court not only provides an excuse for avoiding state responsibility; it also masks the illegitimate exercise of the state's coercive power.** For example, whether the juvenile court ever really had a social welfare function is debatable. This is not to say that some individuals in the juvenile justice system were not sincerely concerned about the welfare of children with whom they came into contact; in fact, many of the reformers were and are sincerely concerned with the welfare of the children they serve. But from its inception, the focus of the juvenile court has been on children of the poor. This focus was supported by an underlying belief that these children and their parents could be subject to a different level of state coercion simply because of their poverty (Garrison 1983). Consequently, these children and their families were subjected to a level of state coercion that was not and has not been replicated among middle- and upper-middle-class families (Garrison 1983). In this sense, then, the juvenile court's social welfare function has always been one of social control. If the goal is social control, then one can clearly see that the court's institutional function is to obscure the use of state coercion. **Abolition of the juvenile court** thus **removes a structural impediment, enabling us to see more clearly the state's use of its coercive power while permitting us to question and challenge** the state's exercise of **that power.** Moreover, by returning minors to the criminal justice system, we may then confront the consequences of state coercion and violence in that system. There is little doubt that, in the criminal justice system, the state uses its power to coerce compliance and sanction deviance. Sometimes that power is even used to authorize an act of state violence in the form of an execution. But the use of the state's power to control and/or punish crime obscures a separate social control function that has classist and, inevitably, racist implications. The problem is that the use of that power is often masked by bureaucratization and routinization. That is, the power of the state congeals in bureaucratic institutions, like its courts, and is inherently a part of the bureaucratic structure. Consequently, the exercise of that power becomes so routine that it is invisible to those within the institution. This is particularly problematic when the use of that power has discriminatory and marginalizing effects. Because the exercise of that power has become virtually invisible through its routinization, it has become hard to see its illegitimacy. **By abolishing the juvenile court and returning certain young offenders to the criminal justice system, we unmask the social control function not only of the juvenile court but also of the criminal court. Returning minors to criminal court thus enables us to reexamine the functions of the criminal court and to critically appraise the state's use of coercion and violence in the criminal justice system**. In turn, this should force us to ask some hard questions [\*34] about the appropriate use of state power and the legitimacy of state coercion and violence.

Thus, the affirmative world allows us to identify abuses of state power and to check back against those abuses.

Instead, abolishing the juvenile system provides children with an important status necessary to be an agent that constrains state power. Federle TWO argues:

Finally, **abolishing the juvenile court may enable us to see that children should have status as rights holders. The juvenile court's emphasis on rehabilitation** and reform not only masks the coercive effects of state intervention but also **permits the state to do things to children on the grounds that it is in the children's best interests.** Of course, coercive state interventions rarely benefit [\*35] those at whom such interventions are aimed and often do more harm than good (Federle 1994). Moreover, **claiming to act on behalf of a child allows the claimant to do certain things without regard to the rights of that individual. Consequently, children often experience coercive and even punitive sanctions under the guise of best interests** (Federle 1994). Because the state claims to act on behalf of children, the rights that children may have are often overlooked. If children nevertheless benefited from a more paternalistic approach, it would be difficult to argue that they needed such rights. But children have not been advantaged by the state's claims to be acting on their behalf (Federle 1995). In fact, many paternalistic interventions have not only failed to improve the lives of children but may actually have disadvantaged them (Federle 1995). Consequently, grounding claims in child protection simply underscores the need for a coherent account of the rights of children. Moreover, rights have an independent value. **To have a right is to have power; to be a rights holder is to be a powerful individual who commands respect from others** (Federle 1995). **Rights enable the rights holder to demand attention and to seek legal redress from a society in which the rights holder may have been excluded or marginalized. Empowering children by recognizing that they have rights thus will have benefits that reach beyond the judicial system. If we recognize children as beings worthy of respect, we may actually reduce their victimization** (Federle 1995). Although criticisms of the juvenile court as an inferior criminal court are valuable, ultimately they do not help us see the problems of a judicial system that does not purport to protect and vindicate the rights of children. Furthermore, proposals focusing only on abolition of the court's delinquency jurisdiction fail to account for institutional and bureaucratic realities. From a rights perspective, however, **the abolition of the juvenile court may prove advantageous. By freeing us from a disabling conception of children as vulnerable and dependent, we may begin to see how rights can empower.** Any discussion of abolition, then, should take into account the importance and value of rights.

Finally, arbitrary control to determine the proper ends for me to pursue is inconsistent with both parties’ independence. Ripstein THREE[[12]](#footnote-10) concludes,

**Each person's entitlement to decide how their powers will be used precludes prohibiting many of the setbacks people suffer as effects of other people’s nondominating conduct.** People always exercise their powers in a particular context, but that context is normally the result of other people's exercises of their own freedom. **To protect me against the harms that I suffer** as you go about your legitimate business, perhaps because you set a bad example for others, **or deprive me of their custom, would be inconsistent with your freedom, because it would require you to use your powers in the way that most suited my wishes or vulnerabilities. You do not dominate me if you fail to provide me with a suitable context in which to pursue my favoured purposes.** To the contrary, **I would dominate you if I could call upon the law to force you to provide me with my preferred context for those purposes. That would just be requiring you to act on my behalf, to advance purposes I had set.** That is, **it would empower me to use force to turn you into my means. Refusing to provide me with a favourable context to exercise my powers is an exercise of your freedom, not a violation of mine, however mean spirited you may be about that refusal.**

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2. Engstrom. Universal Law as the Form of Practical Knowledge. 18. [↑](#footnote-ref-0)
3. Ripstein, Arthur. *Force and Freedom: Kant’s Legal and Political Philosophy.* Harvard University Press, Cambridge, Massachusetts. 2009. Pg 34-35. [↑](#footnote-ref-1)
4. “Republicanism: A Theory of Freedom and Government.” Clarendon. 1997. Pg. 91. [↑](#footnote-ref-2)
5. “Kant on Law and Politics.” Arthur Ripstein. *University of Toronto Law School*. <http://www.law.utoronto.ca/documents/Ripstein/Kant_on_law.pdf>. [↑](#footnote-ref-3)
6. “THE PROBLEM WITH JUVENILE SEX OFFENDER REGISTRATION: THE DETRIMENTAL EFFECTS OF PUBLIC DISCLOSURE” Spring, 1998. 1998 The Trustees of Boston University The Boston University Public Interest Law Journal [↑](#footnote-ref-4)
7. The Humanitarian Theory of Punishment. 6 Res Judicatae 224 (1953). *God and the Dock: Essays on Theology and Ethics*. P. 287. [↑](#footnote-ref-5)
8. “Challenging the rehabilitative justification of indeterminate sentencing in the juvenile justice system: The right to punishment.” Robert E. Shepard Jr [University of Baltimore]. HeinOnline -- 21 St. Louis U. L.J. 12 1977-1978. [↑](#footnote-ref-6)
9. “Kant on Law and Politics.” Arthur Ripstein. *University of Toronto Law School*. <http://www.law.utoronto.ca/documents/Ripstein/Kant_on_law.pdf>. [↑](#footnote-ref-7)
10. Barry C. Feld. [Centennial Professor of Law, University of Minnesota Law School. Ph.D. (Sociology), Harvard University, 1973; J.D., University of Minnesota Law School, 1969; B.A., University of Pennsylvania, 1966] “Abolish the Juvenile Court: Youthfulness, Criminal Responsibility, and Sentencing Policy Source: The Journal of Criminal Law and Criminology” (1973-), Vol. 88, No. 1 (Autumn, 1997), pp. 68-136. Northwestern University <http://www.jstor.org/stable/1144075> [↑](#footnote-ref-8)
11. WILL THE JUVENILE COURT SYSTEM SURVIVE?: Is There a Jurisprudential Future for the Juvenile Court?. 1999 The American Academy of Political and Social Science. Lexis Nexis. [↑](#footnote-ref-9)
12. Arthur Ripstein. “Beyond the Harm Principle.” University of Toronto. <http://www.law.utoronto.ca/documents/Ripstein/beyond_harm_principle.pdf>. [↑](#footnote-ref-10)