



JOURNAL
ETHICS,
ECONOMICS
AND COMMON GOODS

N° 21 (2), JULY - DECEMBER 2024.

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Journal Ethics, Economics & Common Goods, Vol.21, No. 2 July- December 2024 biannual publication edited by the Universidad Popular Autónoma del Estado de Puebla A. C, calle 21 sur 1103, Col. Santiago, C.P 72410, Puebla, Puebla. Tel. (222) 2299400, <https://journal.upaep.mx/index.php/EthicsEconomicsandCommonGoods>. Director: María Teresa Herrera Rendón-Nebel. Co-Editor: Shashi Motilal. Exclusive use rights reserved No. 04-2022-071213543400-102, ISSN 2954 - 4254, both granted by the Instituto Nacional del Derecho de Autor. Technical responsible: Ana Xóchitl Martínez Díaz.

Date of last modification: Marzo 5, 2025.

ISSN: 2954-4254

ESSENTIAL IDENTIFICATION

Title: Journal Ethics, Economics and Common Goods

Frequency: Bi-annual

Dissemination: International

ISSN online: 2954 - 4254

Place of edition: Mexico

Year founded: 2003

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Social and economic ethics is a rapidly changing field. The systems of thought and ideologies inherited from the 20th century seem to be exhausted and prove incapable of responding to the challenges posed by, among others, artificial intelligence, the transformation of labor and capital, the financialization of the economy, the stagnation of middle-class wages, and the growing ideological polarization of our societies.

The Journal Ethics, Economics and the Common Goods promotes contributions to scientific debates that combine high academic rigor with originality of thought. In the face of the return of ideologies and the rise of moral neopharisaisms in the Anglo-Saxon world, the journal aims to be a space for rational, free, serious and open dialogue. All articles in the journal undergo a process of double anonymous peer review. In addition, it guarantees authors a rapid review of the articles submitted to it. It is an electronic journal that publishes its articles under a creative commons license and is therefore open access.

Research articles, research reports, essays and responses are double-blind refereed. The journal is bi-annual and publishes two issues per year, in July and December. At least one of these two issues is thematic. The journal is pleased to publish articles in French, English and Spanish.

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ESSAYS

Juvenile Crime, Juvenile Justice and the Collective Social Good

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Introduction

A recent gruesome road accident in the metropolitan city of Pune, India, has once again revived deliberations on issues pertaining to juvenile crime and juvenile justice. In this case, irresponsible and unmindful rash driving by a minor boy, aged 17 years, took the life of two young engineers traveling on a motorbike. The juvenile accused was driving a luxury Porsche at 2:00 am, under the influence of alcohol, when his vehicle crashed at high speed into a bike killing both the riders. As per Indian Penal Code, a 17 year old is neither allowed to drive a four wheeler nor allowed to drink alcohol. In fact, even an 18 year old is not legally permitted to drink and drive. On that ill-fated night the juvenile, who belongs to an extremely rich and politically influential family, had gone to some pubs in the city with his friends to celebrate his success in the class 12th Public Board exam. He spent extravagantly on the occasion, something that is not normal and usual among teenagers for such celebrations. The luxury vehicle which had no license plate was gifted to him by his father who is a real estate tycoon owning many business houses. The family also attempted to cover up the case by taking recourse to political heavyweights to influence and change reports and facts. Needless to say that this entire incident and the handling of it raised a lot of hue and cry. This case recalled another gruesome gang rape case in which a few juveniles were involved known as the Nirbhaya Rape Case that had shaken the collective conscience of the entire nation so much so that it led to an Amendment in the Juvenile Justice (Care and Protection of Children) Act, 2000. With this most recent accident case juvenile crime and juvenile justice have once again become a relevant subject to address in a serious way. This paper attempts to address those issues taking into account some of these empirical facts of the case.

In order to understand issues arising with respect to juvenile justice, we need to look at different aspects of juvenile crime amongst which, undoubtedly the most important is the legal aspect which determines the nature and quantum of punishment to be given to the juvenile. It is important because punishment is essentially linked with the issue of justice in the sense that only when the convicted is punished that one feels that justice has been done to the victim. Further, the justification of the nature and quantum of punishment is sought in terms of the ethical theories and principles bringing out the connection between the legal and the moral, where the latter ought to determine the nature of the former. In other words, that law needs to be ethical too. In ethics, there is an important distinction between the 'is' (the factual) and the 'ought' (the

norm). What is the law and what ought to be the law with respect to juvenile crime and why it ought to be so is fundamentally a philosophical or moral question. It is because of its normative character that an ethical approach to the subject can justify a change in an existing law claiming that the change is for the better.

Important as the legal and moral aspects of juvenile crime are, one cannot ignore other aspects like the socio-economic and the psycho-social aspects of juvenile crime that contribute towards the incidence of juvenile crime. In fact, a reflection on these aspects helps us to better understand the concept of juvenile justice as well as strike at the root cause of juvenile crime so that we can strive to minimize the occurrence of juvenile crime and aspire to bring about a more humane social order aimed at promoting the collective good of human society while protecting the human rights of the juvenile. The aim of the paper is to critically examine the connection between the ethical issues related to juvenile justice and the psycho-socio-economic conditions leading to juvenile crime. In outlining this connection, it also suggests ways in which the incidence of juvenile crime can be alleviated thereby contributing to the larger common good of a more humane society. It goes without saying that each criminal case comes with a baggage of empirical facts that are important to understand the case itself and in the case of juvenile crime one such fact, like 'cut off age' becomes very crucial to the outcome of the case. Having said that, the paper does not intend to discuss the empirical details, the facts and figures, pertaining to any specific case of juvenile crime but focus rather on two main points:

1. What ethical considerations should guide the justification of the nature and quantum of punishment for juvenile crime when such crimes are committed, and
2. What are the root causes of juvenile crime that need to be addressed to alleviate such crime and how to go about it in a manner conducive to the collective good of human society while protecting the human rights and dignity of the juvenile.

Before we take up these two points in detail there is a need to understand the definition and some technical and controversial aspects of juvenile crime and these will be stated in the next section.

Juvenile Crime and the Juvenile Justice Act (2015) in India

Who is a juvenile as opposed to an adult and what is a juvenile crime? This is, perhaps, the most contentious issue particularly when the nature and quantum of punishment is to be decided. For heinous crimes, like, murder and rape, where the demand is to treat the juvenile as an adult, the cut off age is an important parameter and has become a major controversial issue. In a significant move, the Ministry of Women and Child Development, Government of India, decided to repeal and re-enact the Juvenile Justice Act (Care and Protection of Children) 2000. Along with its claims to streamline adoption and foster care procedures, it also proposes that juveniles above 16 years of age involved in heinous crimes should be tried as adults under the Indian Penal Code. The proposal however, has always been contested by the premier child rights

body NCPCR (National Commission for the Protection of Child Rights), which said that there cannot be any “compromise” on the age of a child as defined by the United Nations and in other international conventions.

The Juvenile Justice Act (Care and Protection of Children) 2015 of the Government of India allows juveniles between the ages of 16 -18 to be tried as adults for heinous crimes, like, rape and murder. Prior to this amendment, no one under 18 could be tried as an adult. In the amended Act, there is also the provision for a Juvenile Justice Board that decides whether to treat the juvenile as an adult or a child offender. To focus more specifically we would restrict ourselves to those cases where a heinous crime has been committed by a person of age between 16 – 18 and discuss what kind of ethical justification we can provide for some form of punishment for such crimes and what should that punishment be. We will not dwell on the arguments justifying the cut off age to be 15 or 16 or 18. This is a matter of much debate and there has been much opposition to the legal reduction of age from 18 to 16 for such crimes. Our concern will be, whatever be the cut off age, 16 or 18, what kind of punishment would deliver justice to all concerned in such cases taking us directly to the first point stated above.

Juvenile Justice in the light of the Classical Ethical Theories of Punishment

Passionné It is quite obvious that in cases of crimes like murder, assault, rape, burglary, offenders are liable to be punished as per the criminal law. But, what justifies the punishment? Punishment is a deprivation, taking away from offenders what they value – their freedom, or some of their money when they are fined. Since deprivation in any form causes suffering, punishment not deserved or greater than what is deserved, is wrong in itself. So, what should count as a just or fair punishment? In the specific context we are concerned with in this paper, viz., juvenile crimes, the question is – what is a just punishment for crimes committed by individuals in the range of 16 - 18 years of age? The question needs to be discussed in the light of the standard ethical theories of punishment that debate on the purpose and justification for punishing criminals.

There are two main types of theories of punishment – the Utilitarian theory that justifies punishment solely in terms of its good consequences also called the Deterrent Theory and the second theory called the Retributive theory which states that punishment is justified because the offender has voluntarily committed a wrong act and that wrongdoers deserve to suffer for what they have done, whether or not the suffering produces any good consequences. It is based on the principle of “an eye for an eye and a tooth for a tooth” (*Lex Talionis*). In other words, in this theory, punishment must be proportionate to the crime committed. Many objections have been raised against both these theories and an alternative method of crime control in the form of reform and rehabilitation has also been strongly advocated. The question is which theory does justice to the case of juvenile crimes?

Clearly, in the context of juvenile crime, the Retributive theory would not apply even in cases of heinous crime like murder or death caused by rash driving or driving under the influence of alcohol since Juvenile Law prohibits capital punishment and for good reasons mainly the age factor. Hence, even if a juvenile was tried as an adult for murder, the harshest punishment would still be some years of imprisonment whereas for the same crime an adult might be given the death penalty. Thus, in so far as juvenile crimes are concerned, the purpose of punishment is not retribution.

It has been argued that punishing juvenile crimes where a juvenile might be treated as an adult serves the purpose of setting an example in society thereby preventing potential offenders from committing similar crimes. In that sense, a greater good is expected for society than if the offender was not given any punishment or a softer punishment. This brings in the deterrent theory. But, the serious question is whether it is just or fair to punish a juvenile crime for the purpose of deterring potential offenders (including the offender) from doing similar acts in future? Deterrence, as a principle justifying punishment, violates the ethical principle laid down by Immanuel Kant - Never use an individual including yourself, merely as a means but always as an end. Since the concept of 'deterrence' uses the punishment meted out to a convicted criminal as a means to teach others a lesson, which on Kantian grounds would be morally unjustified. Further, the principle of deterrence and consideration of the larger 'social good' would justify the framing of innocent individuals on pretext of the larger good of society being served by the act of punishment. Moreover, deterrence is not needed in the case of law-abiding people, and it would not work on hardened criminals and repeat offenders. The more relevant question is whether deterrence works for potential offenders or the criminally inclined. A lot of research has gone into showing that the simple formula that the prospect of punishment deters potential offenders can no longer be held to be true. In the case of juvenile crimes, it would be all the more wrong to use a juvenile to teach other potential offenders (adults or juveniles) a lesson. A juvenile deserves to be treated as an end unto himself/herself considering age and other factors. Also, society must seek better ways to deter potential offenders than serving punishment to a juvenile only for the purpose of deterrence.

We next come to reform or rehabilitation which appears to be the real purpose of punishment. In fact reform should not be considered as punishment except that the convict is not free and is under strict guidance of the reform program charted out for the juvenile. Here the aim is to give the convict another chance to realize the gravity of the offense committed and somewhere repent and become a reformed individual. Reformation aims at the removal of a criminal disposition of the mind by improving the behaviour of the offender. Since, reform aims not only negatively to remove the criminal disposition, but also, positively, to improve the individual, it is the soft option in penal theory. In principle, at least, it is the most humane option and seeks to recognize the intrinsic value of a human being. To acknowledge the possibility of redemption through expiation and reintegration into social life, is to accept that human nature is fallible, that crime does not have to blight the core of a man and that it is possible to restore order and

health to society without sacrificing its members. The Reformatory theory of punishment goes beyond the other two theories in being based on the notion of 'human need'. That is, reform as punishment addresses the most primary form of justice in any society concerned with the basic necessary conditions for life and health. The real significance of the reformatory theory is that institutionalized forms of punishment should be modified and re-assessed and the circumstances of the offense or crime be taken into consideration before awarding a suitable punishment. The plea for reform and rehabilitation is well argued for on the premise that the cause of juvenile crime is the deprived psycho-social and socio-economic background of the criminal for which society at large is responsible.

There is also the issue whether juvenile crimes need to be treated as adult crimes invoking the principle – adult time for adult crime. It is evident that this has not worked in the USA where some state laws allow juveniles to be treated as adults for heinous crimes committed by them. Subjecting juveniles to court trials also raises the question of the competency of the juvenile to face such trials. Treating juvenile offenders as adults and giving them appropriate punishment has not resulted in the reduction of crimes in society. On the contrary, treating a juvenile as an adult may hurt the self-esteem of the juvenile making the juvenile a hardened criminal or evoking such a deep sense of guilt that the process of reformation may be vitiated. Thus, it is not entirely clear that if juveniles of age 16 - 18 are tried as adults for heinous crimes committed by them then, when they complete their period of imprisonment and are sent to reform homes they will come out as reformed individuals. Of course, the law has also taken note of this when it says that juveniles sent to prison must be segregated from other adult prisoners whose presence around the juvenile may have an adverse influence on the mind of the juvenile. The point is that if we admit that the juvenile mind is vulnerable, impressionable and sensitive, then, trying him/her as an adult and pronouncing imprisonment is going to be counterproductive to any further program of reform and rehabilitation. On the other hand, considering this aspect of the mental state of the juvenile and the prospect of a full life ahead, providing for a program of reform and rehabilitation becomes the moral duty of the state. Hence, the reformatory approach to juvenile crimes without the sentence of imprisonment seems to be a better option since it would amount to treating the individual as an 'end' unto himself rather than a means for the end/ larger good of society.

Psycho-Social and Socio-Economic aspects of Juvenile Crime

It is significant to deliberate on the root causes that are responsible for juvenile crime and work towards eliminating them to preserve the common good of the community. Is a juvenile solely responsible for his/her errant behaviour? Perhaps not. We need to look into the socio-economic and the psycho-socio conditions in which the juvenile has been brought up. Statistics shows that there is a direct co-relation between the incidence of juvenile crime and poverty and child abuse which are responsible for criminal tendencies in individuals. Such children are known sometimes to be coming from broken families and subjected to physical, mental and sexual

abuse. Many of them have not received any education or are school or college dropouts. They have faced failures, admonished for those failures and lack a sense of self-esteem and are more vulnerable to committing petty and sometimes more serious crimes. Considering the fact that juveniles who commit serious crimes come from socially deprived backgrounds plus considering their vulnerabilities to become a victim of such background conditions clearly shows that the juvenile is not solely responsible for the crime committed. In a sense, society as a whole is responsible and hence reform of the individual becomes an incumbent duty of civil society as well as of the state. Also, pinning responsibility on the individual alone means that that person was truly free to choose what he did. But, again considering the backgrounds from which such criminals come, one could say that they are forced by their environment to indulge in anti-social activities. This is definitely true of petty juvenile crimes like theft and cheating but may be hard to maintain in the case of wilful murder or rape. The whole point is whether juveniles who commit such crimes are fully aware of the consequences of such acts or are they just influenced by the bad company which is around them and in some cases a false sense of 'machoism' stemming from a lack of proper education and their very impressionable age.

It is important to point out that there is a substantial decline in the moral fabric of shared social experiences of adults. It is no hidden fact that in modern times, with the overbearing emphasis on material prosperity, financial affluence has become the defining criterion of success. There is a developing sense of entitlement among people about their material possessions. For instance, as adults and more specific to the context, as parents our perception of a 'good life' and 'well-being' is shaped by multiple intermeshed factors, like, class consciousness, peer pressure to live a life of over indulgence, consumerism by indulging in unlimited spending and extravagant celebrations etc. Financial privilege blinds people from understanding the consequences of their actions towards other human beings. Material affluence combined with such an idea of a 'good life' pushes people to develop an overarching lack of empathy and in general a value system that is not only indifferent to the basic needs of human beings but also apathetic towards the animate and inanimate life world. Given that the values practiced and imparted by parents are imbibed by children, thoughtful and responsible parenting is important. Specifically, in the context of rising rates of juvenile crimes, there is a need for inculcating values in the upbringing of a child. Thus, are parents and civil society responsible for addressing these concerns? Is our parenting/upbringing lacking in certain ways? If so, what steps should be taken towards 'good parenting'? The case under consideration clearly brings out the problems with 'bad parenting'.

Adults ought to invest the best resources in making children understand the true definition of success. Success is not merely about individual accumulation of money. Success is to be understood as a holistic concept which takes into account social, economic, intellectual, spiritual progress. Moreover, children ought to be taught about the real value of money i.e., money has merely an instrumental value to help us achieve the common good. Instead of focusing on what assets money can buy we ought to teach them what social change and common good money can help us achieve. We ought to expose children to a diverse range of experiences and real life ethical dilemmas, which often challenge their decision making abilities. They ought to harness virtues, like, compassion, honesty, truthfulness, dutifulness, temperance, respect among others.

Additionally, we should teach children to manage their emotions, which would certainly help them stay in focus. They should be taught to understand and fulfil their obligations and commitments towards others. These are marks of 'good parenting' and building blocks towards inculcating responsible behaviour in civil society.

It can be said that in the Pune Porsche case, financial privilege fails to distinguish the fine line between need and luxury. We see that despite being a minor the child is not only gifted a luxury car but is also allowed to go out to celebrate his success at night, spend extravagantly and consume alcohol with his friends and drive. The importance of age appropriate parenting cannot be undermined. Children should not only be given the opportunity to make informed choices but the choices must also be age appropriate. Parenting is like balancing on a tightrope between empathizing with the child to understand their needs and setting boundaries by saying 'no' to inappropriate demands.

Summing up the causal influence of socio-economic and psycho-social 'deprivation' along with 'bad parenting' of the juvenile, one can definitely say that juveniles are not totally responsible for their actions that cause harm to them and in some cases harm to others. This sympathetic view in favour of juveniles who have committed heinous crimes must not be misunderstood, by any means, as an endorsement of such crimes or even of taking them lightly. Rape, murder and non-culpable homicide are crimes that cannot be pardoned and there needs to be zero tolerance for them. In the case of juveniles committing such crimes it is the legal and moral duty of the state and civil society to see what kind of environment we can create for them so that they can grow up to be not only law abiding citizens but also sensitive individuals. The question is how this can be done without taking recourse to harsh punishment and not whether it needs to be done. Neither the state nor civil society can turn a blind eye to this cause of juvenile crime by making punishment more stringent and/or lowering the age of juveniles for such crimes.

Conclusion

We now come to the last point which is the implications that the law pertaining to juvenile crime has on human rights and how a humane approach to punishment and juvenile justice can contribute to the larger social good. Clearly, every human being has a right to be treated with dignity and respect even if he/she is convicted of a heinous crime. The fact that he/she has a right to a fair trial and due process bears evidence to this.

It may be argued that a person convicted of a heinous crime after a fair trial, has forfeited some of his rights and therefore, deserves some punishment. Having said that, one must keep in mind that the punishment must not be given just for the sake of punishment, nor for the betterment of society, for this would be violating the right to be treated with human dignity. A punishment which aims at reforming the criminal by imposing some restraint and restrictions on his freedom commensurate with the crime would be more appropriate. One must allow the criminal to regain his self-esteem and sense of dignity by driving home the wrongness of the crime committed and a sense of repentance and remorse.

This of course raises the question whether the victim's rights are violated in the process? Also, whether a softer punishment for juvenile crime is going to see an increased incidence in such crimes? As already mentioned, civil society needs to take other measures to stop the incidence of juvenile crime by providing a better life for children coming from deprived socio-economic backgrounds. At the same time 'good parenting' that is value laden is also very crucial specially for those who are privileged to be coming from affluent backgrounds. As for the victim's rights one can only say that two wrongs do not make a right. The attitude of revenge or retribution is not going to restore the rights of the victim violated by the crime though it may bring about a sense of closure.

The attitude of retribution does not work for anybody. Nobody is a winner. On the contrary, the attitude of improvement is what will ultimately work for the betterment of society and this can come about by reform and rehabilitative programs for juvenile crimes. Juvenile courts ought to operate on the principle that rehabilitation is a better response to delinquency than the punishment and stigma that generally accompany an adult conviction. We are being increasingly reminded that the 'end' or aim of the criminal law is the maintenance of certain values, such as the protection of the life of human beings, physical and mental inviolability of the person and the maintenance of order and peace in society. In doing this the law of the state will also serve to promote the larger social good or the common good of humanity. The larger social good of society is determined by the promotion of the well-being of all sections of society and protection of basic rights to a life of dignity and freedom inclusive of all kinds of freedom listed in the UN Charter of Basic Human Rights. At the same time, duties and responsibilities related to the different roles played by individuals, especially parents and other family members of children are also important. All this would embrace inclusivity, diversity and concerns for the non-human environment and the future generations. It is only in this context that the larger social good of society can be achieved. Juvenile justice is an integral part of this social goal.

Regarding crime as a kind of social disease, Gandhi talked of the need for society itself to cleanse the evil within it. Consider the following words by Gandhi as epitomizing the most spirited defence of human rights:

"Even the hoodlums are part of us and, therefore, they must be handled gently and sympathetically. It is not only right but also profitable to wish well to the wrong-doer in spite of his wrongs, however grievous these may be... Ahimsa teaches us to take even an erring hooligan into our warm embrace."

Motilal, S. & Kapoor, T. (2024) 'Juvenile Crime, Juvenile Justice and the Collective Social Good', *Journal of Ethics, Economics and Common Goods*, 21(2), p. 63-71.

Bibliography

Gandhi, M.K. (1963) *Collected Works of Mahatma Gandhi*, vol. 25. Ahmedabad: Navajivan Trust, p. 349.

Government of India (2009) *The Right of Children to Free and Compulsory Education Act, 2009*. Available at: <https://www.indiacode.nic.in/handle/123456789/2148> (Accessed: 6 February 2025).

National Commission for Protection of Child Rights (2013) *Annual report 2012-2013*. Available at: https://ncpcr.gov.in/uploads/165648923062bc050e56017_annual-report-2012-2013-english-8471-kb.pdf (Accessed: 6 February 2025).

The Hindu (2023) *Pune Porsche car crash: a speeding car, two deaths, and a cover-up*. Available at: <https://www.thehindu.com/news/national/pune-porsche-car-crash-a-speeding-car-two-deaths-and-a-cover-up/article68237051.ece> (Accessed: 6 February 2025).

Wood, A. (2009) *Persons as ends and not merely as means*, Stanford Encyclopedia of Philosophy. Available at: <https://plato.stanford.edu/entries/persons-means/#:~:text=So%20act%20that%20you%20treat,treat%20persons%20merely%20as%20means> (Accessed: 6 February 2025).

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