

A photograph of a grey concrete wall. A white, three-dimensional zigzag line is mounted on the wall, creating a series of sharp angles. A metal handrail is visible on the right side of the image, running diagonally across the frame. The text "ECSO6002: Justice to Criminal Justice" is overlaid in a bright blue, sans-serif font.

ECSO6002: Justice to Criminal Justice

CRIME & DEVIANCE VERSUS
POWER & CONTROL

Introduction

And how this leads to discussions
around

Crime and Deviance



Exploration of what
constitutes

Justice



How this relates to
the concepts of

Power and Control
Fairness
Distribution of
goods and services

What is Justice?

Justice

- The principle that people receive that which they deserve

Problem:

- How do you decide what people deserve?

Plato's Republic: Early Thoughts on Society and Justice

Plato imagined an enlightened republic ruled by philosopher Kings

- Plato's Republic
- 375BC
- (Plato, 2020)

[The Republic by Plato | Brief Summary](#)

- Video: 2.40

Plato's Republic: Society and Justice

Timocracy

- Or military rule
- Spirit is the dominating force
- NOT reason

Oligarchy

- Dominated by appetite
- Ruler loves wealth

Democracy

- Represents the corruption of oligarchy
- Results from the revolution of poor against the right
- It is anarchy, issuing from lust for freedom which ends up in

. . . .Tyranny

(Precht, 2017)

Socrates, Plato and Aristotle

What is the role of the classical thinkers and justice?

- Socrates
- Plato
- Aristotle

[Socrates, Plato and Aristotle: Global History Review](#)

- Video: 11.54
- Start Video at 5.27 secs for Tuesday

John Locke: Natural Law 1600s

John Locke

- 1632-1704
- English Philosopher and Physician
- Influential member of the Enlightenment
- Known as the Father of Liberalism
- Social Contract Theory

Main thoughts on Justice

- Natural Law
- Social Contract Theory

(Sharma & Sharma, 2006; Korab-Karpowicz, 2010)

Locke: Natural Law

Natural law is a system of law based upon

- Close observation of human nature
- On values intrinsic to human nature that can be deduced and applied independent of positive law

Positive law

- the enacted laws of a state or society
- All people have inherent rights
- Conferred by
 - Act of Legislation
 - 'God, Nature or Reason'

(Kelsen, 2007).

Locke: Social Contract Theory

A theory or model that originated during the Age of Enlightenment and usually concerns the legitimacy of the authority of the state over the individual

(Gough, 1936).

Social contract arguments typically posit that

- individuals have consented,
- either explicitly or tacitly,
- to surrender some of their freedoms
- and submit to the authority
 - of the ruler, or to the decision of a majority
- in exchange for protection of their remaining rights or maintenance of the social order

(Castiglione, 2015)

Locke: Liberalism



Liberalism is a

- Political and moral philosophy

Based on

- Liberty
- Consent of the governed
- Equality before the law
- The right to private property

◦ (Sheldon, 2004)

Liberals have a wide range of views depending on their understanding of these principles, but they generally support

- Individual Rights (including civil rights and human rights)
- Democracy
- Secularism
- Freedom of speech
- Freedom of the press
- Freedom of religion
- Freedom for market economies

(Freeman, 2018)

John Rawls: Distributive Justice

THEORIES OF DISTRIBUTIVE JUSTICE IS CONCERNED WITH THE
Socially Just Allocation of Resources

(Rawls, 1999).

John Rawls: Distributive Justice - PROBLEMS

1. What goods are to be distributed?
 2. Between what entities are they to be distributed?
 3. What is the proper distribution?
1. Is it to be wealth, power, respect opportunities or some combination of these things?
 2. Humans (dead, living, future), sentient beings, the members of a single society and nations?
 3. Equal, meritocratic, according to social status, according to need, based on property rights and non-aggression?
 - (Rawls, 1999).

Thomas Aquinas 18th century: Social Justice

Social Justice

- the just relationship between individuals and their society,

(Clark, 2015 *cited in* Delgado, Doody & Paffenroth, 2015)

Task:

So now considering how the following could be distributed among individuals:

- Privileges
- Opportunities
- Wealth

Social Justice: Links to Social Mobility

Social Justice

- Associated with Social Mobility
- especially the ease with which individuals and families may move between
 - Social strata
- Not all social justice theories require equality

(Rubinstein, 1988)

Social Justice is closely related to the concept of

- Relational Justice
 - which is about the just relationship with individuals who possess features in common such as
 - nationality,
 - or who are engaged in cooperation or negotiation

(Nagel, 2005).

Egalitarianism:

All people are equal in terms of

- *Status,*
- *Value*
- *or Rights*

'Human beings differ in their . . .

- *characters, circumstances, talents and weaknesses, capacities and incapacities, virtues and vices;*
- *in their moral standing, political view, religious convictions, aesthetic preferences, and personal projects;*
- *in how reasonable and unreasonable they are,*
- *how well or badly they developed their native endowments,*
- *how much they benefit or harm others,*
- *how hardworking or disciplined they were in the past and are likely to be in the future;*
- *and so forth.*

(Kekes, 2003, pp. 1–2)

Other Types of Justice

Social Exchange Theory: *George C Homans*

- suggested that the root of the concept of justice is that each person should receive rewards that are proportional to their contributions

(Knox, 1963)

Critique of Social Justice: *Friedrich Hayek*

- the concept of social justice was meaningless, saying that justice is a result of individual behaviour and unpredictable market forces

(Hayek, 1973)

Justice:

Implications for Criminal Justice

So, from what we have explored so far consider the following questions:

Are all people inherently 'good'?

What does the word 'good' mean in this context?

What does 'fair' mean?

Who decides on distribution of resources?

How do we make a 'Just Society'?

Final Thoughts on Justice: Links to Crime and Punishment



The Links between Justice and Punishment

Video: 10.15 [What Is Justice?](#)



Questions to consider:

What is the link between
Justice and Punishment?

Criminal Justice: Future Discussions

- Retributive Justice or Justice Deserts

- Eye for an eye
- Capital Punishment
- Let the punishment fit the crime
- Deterrence

- Utilitarian Forms of Punishment

- Welfare Maximization
- Not vindictive but some form of punishment still required

- Rehabilitation

- Wrongdoer can learn how to get along in society
- Improve skills and change attitudes/behaviours

- Restorative Justice

- Get the wrongdoer to admit their wrong to the victim
- Heal the community
- Opposite of Retributive Justice

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