

Example of essay on theories of justice

[Law](#), [Security](#)



Thomas Aquinas once said that a just law is one which serves the general good, promotes religion, distributes burdens in a fair manner, and that which is within the authority of lawmakers. This justice perception worked for the general good, but the position of religion and religious values in the modern secular legal system, got it criticized. This limitation led to the development of the concept of distributive justice, which produced other theories of justice.

Utilitarianism.

The conception behind utilitarianism can be found in John Stuart Mill's work. Mill suggests that justice comprises of things that are not only right to do, but also wrong to do. This is a theory of justice based on the principle of utility, and approving or disapproving actions that increase or diminish human happiness (Champion 2005, pp 23). The principles behind utilitarianism hold that law is just if the results mark a gain in human happiness even at the expense of minorities. The limitation of this theory is that it works in pluralist societies where the minorities do not form part of the "larger number"

The theory of utilitarianism plays a critical part in a democratic decision making process. It is a secular theory that requires minimal or no referencing to natural rights or other religious principles. Utilitarian's perceive justice as part of morality, not as a moral concern; according to utilitarian's there exists no major divide between morality and justice (Champion 2005, pp 24). Particularly, the principle of utilitarianism promotes things of value. The ideas of justice, in utilitarianism, connect morality to law, politics, and

economic distribution. The concept of maximizing total happiness of a community is applicable in ordinary dealings, and national political level.

Libertarian theory of justice.

Robert Nozick finds utilitarianism irrelevant to the provision of justice and argues that communities have rights prior to political institutions, such as property rights. According to Nozick, property rights are absolute and should not be violated for any reason.

Libertarians are people who favor small governments, free market, and negative rights particularly rights to property (Champion 2005, pp 27). They ascribe to extreme views that favor laissez-faire free market, but deny the existence of positive rights, no matter the consequences. They hold that every person has the right and freedom to pursue chosen ends as long as the means are fair; do not violate the rights of others, defraud or cause harm.

The conception of rights of property is described in three principles; a person who possesses a holding in accordance with the principles of justice has full entitlement to such holding. Additionally, a person who acquires or possesses a holding by transfer in accordance to the principle of justice has full entitlement to that holding. Lastly, no one holds entitlement to a holding except in the application of the two principles.

Contrary to traditional utilitarianism, libertarians hold that the right to property is not just to take it from others rather it involves the right to work for it or to obtain it in a non-coercive manner (Champion 2005, pp 35).

Additionally, the theory holds that depriving people the right to property is almost the same as depriving them the means by which they live. Traditional

utilitarianisms' argue that day-to-day activities determine human endeavor. In contrast, libertarians argue that property rights determine long range plans, and make such plans successful. The theory argues that, without property rights, the right to life amounts to little as it would be impossible to plan ahead.

Rawls's theory of justice.

Also referred to as 'Justice as Fairness' theory, Rawls agrees with Nozick's libertarians perspective that justice is different from morality, and rejects utilitarianism as a form of justice. Rawls analyzes law on a basis that rational people pay for the things that are considered crucial. It rejects the 'happiness' principle of utilitarianism, and constructs a social principle aimed at establishing principles of justice. The theory of justice as fairness envisions a society with free citizens who hold equal rights in cooperating within an egalitarian economic system (Schall 2004, pp 37). He advocates for the principle of political liberalism and the legitimate use of political powers as a show of unity and democracy despite the diversities in societal institutions.

Rawls argues that rational or free individuals are more concerned in furthering their own interests, which define the basis of their association rather than happiness. The analyses, however, is purely hypothetical, and holds a concept of rational choices as what boosts understanding of the definition of justice.

In consideration of the above most criminal justice agents identify justice with just, fairness, equity, and principle of moral rightness in attitude. It is the principle of upholding the just, fair treatment and due reward with honor,

and accordance with set standards and law. Justice implies conformity to facts, truth and sound reason. It is the process of administering deserved rewards, benefits, and punishments.

Contrary to security, justice is measured in law, service, and order. Security involves risk and liability, protection of assets, data and reputation, and fair investigations. The criminal justice field measures the comprehension and strength of law, investigation of crime, and criminal process. Contrary security involves risk management, crime prevention, and cyber security. The principles underlying justice and security complement each other by building on the strengths of each other. Justice depends on security while security also depends on justice. Despite their interdependency, justice and security tend to be seen by criminal justice agencies as separate spheres within the international development discourse. Across the world, criminal justice agencies have embraced their differences in culture and constitutional laws, and formed global convergence laws that serve in law enforcement, and security awareness.

References.

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Schall, James V. Justice: The most terrible of the virtues. *Journal of Markets and Morality*. Vol. 7(2). 2004. Print.