Ethics in Criminal Justice

CJ 3750

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Week 2
Ethical Resolutions

- Identify the facts
- Identify relevant values and concepts
- Identify possible choices
- Analyze the choices under an ethical system
Ethical Systems

• Source of moral beliefs
• The underlying premises from which we make judgments
• They are beyond argument.
  – According to Baelz (1977)
    • They are prescriptive. Certain behavior is demanded or proscribed.
    • They are authoritative.
    • Logically impartial or universal.
    • They are not self-serving.
Basic types of Ethical Systems

- **Deontological**
  - Concerned solely with the inherent nature of the act being judged. An act which is inherently good, even if it results in bad consequences is still a good act.

- **Telelogical**
  - Judges the consequences of the act. A bad act that results in good consequences would be defined as good.
    - The “end justifies the means.”
Immanuel Kant & ethical formalism

• Kant (1724-1804) believed that moral worth comes from doing one’s duty.
  – Ethical formalism is a deontological system.
  – The determinant for judging whether an act is moral is not the consequence, but the motive or intent of the actor.
  – A *good will* is the only thing that is intrinsically good.
Kant’s principles of EF

• Act as if it were a universal law.
  – Would your actions be followed by everyone?

• Treat humanity as an end, not a means.
  – Do not use people for your own purpose.

• Act as if you were a lawmaking member of the kingdom of ends.
  – Your actions should contribute to and be consistent with universal law.
Jeremy Bentham & Utilitarianism

• Jeremy Bentham (1748-1832)
• A teleological ethical system.
• Good is determined by the consequences of the action.
• This doctrine asserts that we should always act so as to produce the greatest possible ratio of good to evil for everyone concerned (Barry, 1985).
Religion

• Probably the most frequent source of individual ethics.

• Can be defined as a body of beliefs that address fundamental issues such as
  – “What is life?”
  – “What is good?”
  – What is evil?”

• Religious ethics, particularly Judeo-Christian, stems from a willful and rational God.
How do people know God?

- According to Barry (1985)
  - Individual conscience
  - Religious authority
  - Holy scriptures
Natural law

• Holds that there is a universal set of rights and wrongs that is similar to many religious beliefs, but without reference to a specific supernatural being.

• Presupposes that what is good is natural and what is natural is what is good.
Ethics of virtue

- Ethics of virtue asks
  - “What is a good person?”

- Ethical systems ask
  - “What is a good action?”

- The principle is that to be good, one must do good.

- This system is teleological. It is concerned with acting in such a way as to achieve a good end.
Ethics of Care

- Another ethical system that does not depend on universal rules or formulas to determine morality.
- The emphasis is on human relationships and needs.
- Described as a feminine morality due to the female role in childbirth.
Egoism

• Postulates that what is good for one’s survival and personal happiness is moral.
  – Psychological egoism is a descriptive principle rather than an ethical prescription.
  – Refers to the idea that humans are naturally egoists and that it is unnatural to be any other way.
  – Enlightened egoism sees the objective as long-term welfare.
  – Egoism is the antithesis of utilitarianism.
Relativism & Absolutism

- Ethical relativism describes those moral systems in which what is good or bad changes depending on the group or person.
  - Cultural relativism defines good as that which contributes to the health and survival of society.
  - Situational ethics is often used as a synonym for relativism.
Absolutist:  
- Rationality
- Law
- Rules
- Duty/Right
- Natural law

Situational:  
- Emotion
- Mercy
- Discretion
- Need
- Religion

Pollock, 2007: p. 61