Philosophical and Practical Approach for balancing Issues

[James Grey]

[Name of the Institution]

Philosophical and Practical Approach in balancing Issues

Individuals are endowed with some inalienable rights in this world. This inalienability of their rights is such that no one in the society has the authority to snatch their rights under any condition. Even higher authorities are not allowed to take these rights away under any conditions. However, the complexity of life entails that perfection is the word unknown in this world of uncertainty and unpredictability. In every society, there are some elements that deviate from the right pathway, and it is mandatory for authorities to put them on the right path again. Thus, here comes the concept of criminal justice and law enforcement agencies. Criminal justice is the philosophy that explains that even when the law enforcement agencies have to deal with criminals, they have to follow some set principles and some rationalized measures. Criminal justice professionals have to balance the opposing tendencies in the application of law in order to follow the path of ethics and morality. This focus on code of conduct, ethics and morality, and professionalism is pivotal in the performance of their duties. Law enforcement professional needs to harmonize public’s interest and the rights of individual in order to limit the crime rate in a society. Hence, balancing such issues is of paramount importance in criminal justice and for the criminal justice professionals.

The philosophy that is to be used while balancing the individual rights and the public’s protection is the doctrine of necessity and the doctrine of proportionality. This is the best approach that can be employed to deal with the multidimensional balancing issues in the criminal justice. Criminals and the law-breakers need to be punished, however, according to the nature of the crime. In this vein, if such balancing dilemma comes in the way of my service as criminal justice professional, I will analyze the seriousness of the crime to understand its intensity. Then, I will look into the damage that has been done to the surroudings with the committing of crime to understand its magnitude. As a result, this analysis would be helpful for me in understanding the necessity principle and to analyse how much public’s interest has been hurt. Furthermore, I would apply the doctrine of proportionality to select the appropriate punishment for those law-breaker. This is the same practical approach propagated in (Barak, 2012). Hence, it is a good to balance public’s welfare and individual rights of the criminal.

The balancing of reward and punishment is also significant when it comes to the application of criminal justice. Reward and punishment are much important in motivating and demotivating individuals. This principle really helps when it’s about de-linking individuals from criminal activities. For instance, if a case about juvenile delinquency comes, I will use the appropriate reward and punishment scheme to deter that juvenile from crime in future. In addition, I will give him an appropriate punishment. Nevertheless, I will announce the healthy reward scheme to stop him from committing crimes in the future. This same course is highlighted in (Braithwaite, 1998). Thus, proper care must be given to reward and punishment in the dispensation of justice.

It is very common around the world to use excessive and violent strategies in the process of trial and interrogation as the believe in the Machiavellianism where ends justify the means . The criminal justice professionals use such extreme means to fully apprehend the criminal, and to make the trial harsher for him. They do so to avoid the criminal from committing crime again. However, it has been observed that such strategies are counter-productive as there is no correlation between the excessive interrogation strategies and the limiting nature of crime. Crimes are even committed out of resentment and agony. So, this strategy produces even more criminal tendencies in the law-breakers. It is witnessed that there are several ethical issues involved in the immoral means of interrogation. I would like to use the philosophy of fair trial. This is the main edict that is preached by every sane person in the world. Moreover, this right of no excessive punishment has been a part of Us Constitution under amendment 8. Thus, if a criminal comes who has committed a street robbery, neither his trail would not be that extreme that he becomes a hardcore criminal next time nor he should be awarded a death sentence for this type of criminal activity. Hence, immorality in the dispensation of justice must be avoided.

This ethics of care and peacemaking criminology is very significant for the law enforcement professionals. The ethical approach must be kept in mind, always. Basically, this ethics and peacemaking approach in criminology employs the non-violent means for the treatment of criminals. As a matter of fact, it is a movement that stands against social injustice, oppression and violence. This is the premise of the study (Bush & Dodson, 2014) where police officers are called peace officers when they duly adhere to this ethical and peaceful approach in dealing with offenders. Thus, peacemaking criminology is the essence of law enforcement agencies.

**References**

Bush, M. D., & Dodson, K. D. (2014). Police Officers as Peace Officers: A Philosophical and Theoretical Examination of Policing from a Peacemaking Approach. *Journal of Theoretical & Philosophical Criminology*, *6*(3).

Barak, A. (2012). Proportionality (2). In *The Oxford handbook of comparative constitutional law*.

Braithwaite, J. (1998). A future where punishment is marginalized: realistic or utopian. *UCLA L. Rev.*, *46*, 1727.