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Conceptions of Justice: A Sampling of Student Perspectives

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**CONCEPTIONS OF JUSTICE:
A SAMPLING OF STUDENT PERSPECTIVES**

by

MATT LANDON

A thesis submitted in partial fulfillment of the requirements

For the Honors in the Major Program in Sociology

in the College of Sciences

and in the Burnett Honors College

at the University of Central Florida

Orlando, Florida

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Thesis Chairs: Dr. Robert Bohm and Dr. Lin Huff-Corzine

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Abstract

Although the literature in the field of criminal justice and philosophy is full of ideas of what constitutes “justice,” little to nothing has been done to see where the average individual’s opinion falls in relation to these ideas. This paper analyzes a cross-sectional convenience sample of students at UCF to determine their preference of six models of justice: utilitarianism, contractarianism, fairness, retributivism, moralism, and libertarianism. Correlating demographic factors are also discussed.

Acknowledgements

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In addition I'd like to acknowledge the tireless work of Denise Crisafi and the Burnett Honors College in holding and running a program such as this that allows undergraduates to get a taste of independent research. The scope and success of the program is a testament in and of itself to the incredible amount of time and effort put into maintaining the Honors in the Major courses.

Additional thanks go to the IRB at UCF for their timely approval of my research materials, even while understaffed.

And finally, a large thanks to the friends and family who forgave me when I locked myself away in my room to write and research. I hope you enjoy this final product.

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Conceptualizing Justice

The pursuit of justice probably dates back to the very beginnings of society. Yet, what people mean when they seek justice is unclear, which is ironic given the central role it often plays in political and social dealings. The word justice is from the Latin and has been nominally defined as (1) the quality of being righteous; honesty; (2) impartiality; fair representation of facts; (3) the quality of being correct or right; (4) vindictive retribution; merited reward or punishment; (5) sound reason; rightfulness; validity; (6) the use of authority and power to uphold what is right, just, or lawful; and (7) the administration of the law; procedure of a law court (*Webster's New Twentieth Century Dictionary of the English Language Unabridged*, Second Edition, 1980). While these nominal definitions of justice are useful, they provide little guidance in the attempt to understand what people mean specifically by the concept. The purpose of this exploratory study is to gain a better idea of what people mean by justice through the testing of six theoretical models commonly referenced in justice literature. The study is important because few political and social questions can be addressed without some consideration of what constitutes justice in dealings with other people and resolving inequitable outcomes. While many theorists and philosophers have addressed the topic of justice, no formal studies were found that have examined the theoretical leanings of the general population to see which models of justice they favor over others.

Before discussing any particular model of justice, it is important to consider the concept's ontology. In his book *Imagining Justice*, Crank (2003) explains that crime is a "reality-posit," or a phenomenon that can be used to categorize human behavior, yet does not exist in any objective

sense. Cultural and personal interpretations shape the meanings of reality-posit and make crime a subjective topic not easily captured by a single definition or school of thought (Crank, 2003). In an analogous manner, justice, too, is a “reality-posit.” This accounts for much of the variety in models of justice, as well as its different meanings, as cultural values play a significant role in the determination of what exactly constitutes justice.

In *Theorizing Criminal Justice*, Kraska (2004) argues that this plurality of views is essential, and that considering multiple theories of justice leads to a better understanding of the whole of the institution of criminal justice. This view recognizes that those shaping and participating in the field of criminal justice may not all share the same conception of justice. Throughout history and across cultures, the idea of justice, and even individual models of it, are repeatedly reshaped and reimagined to inform practice. Because of this constant shifting in models of justice, it is more prudent for research to rely on operationalized definitions or examples for models of justice rather than nominal definitions. If asked to choose their preferred model of justice based solely on the nominal definitions, answers would rely heavily on the respondents’ imagination of how that model of justice may work in practice; instead, it is better to ask them which practices they prefer and work backwards to a nominal definition. Therefore, when conducting research on justice, it is important to firmly operationalize each model of justice so that it is clear what reasoning and practices are associated with each of them.

In the following review of literature, six models of justice are described: (1) utilitarianism, (2) contractarianism, (3) fairness, (4) moralism, (5) retributivism, and (6) libertarianism.

Models of Justice

Utilitarianism

The principle of producing “the greatest happiness for the greatest number of people” is the essence of utilitarianism and existed long before the modern era, but the man credited with creating a cohesive theory of utilitarianism is Jeremy Bentham (Sandel, 2009). However, Bentham’s initial philosophy of utilitarianism did not tie its principles to justice as a concept, but only to morals and legal practice. The direct arguments for a utilitarian model of justice can be better traced to the works of John Stuart Mill, who in his essay *Utilitarianism* separates justice from the law and provides for several “species” of justice, among them promise keeping, equality, and impartiality (Raphael, 2001). However, the governing principle for all of these “species of justice,” for Mill, is “the greatest happiness for the greatest number of people.” Utility has also been defined as “pleasure, satisfaction, happiness, or as the realization of preferences, as the latter are revealed through individuals’ choices” (Cohen, 1986).

The maximization of utility is inherently a mathematical process, and it can be considered as both “aggregate utility,” which takes the sum of utility for each person involved, or it can be “average utility,” in which the aggregate is weighed against the number of people affected (Cohen, 1986). Under the average-utility model, one person achieving intense satisfaction at the expense of a few others may be acceptable, whereas under the aggregate-utility model average utility would be unjust; yet, both models are labeled utilitarian. In either case the goal of utilitarianism is to achieve a “correct” or “right” end state, one of the definitions of justice offered by Webster’s dictionary (1980), although the average and aggregate models differ on the calculus involved in achieving that end state.

Further concerns arise when comparing Bentham's definition of utility with Mill's definition. Bentham places no moral judgment on pleasures; they are more or less interchangeable (Sandel, 2009). Mill, on the other hand, argues that there are higher and lower moral pleasures. For Mill, not all pleasures are equal or interchangeable; some pleasures are superior to other pleasures (Raphael, 2001). Mill's conceptualization alters the simple mathematics of utilitarianism by allowing subjectivity into the consideration of whether something maximizes utility. Since the concept of justice is itself subjective (Crank, 2003), perhaps Mill's more complex interpretation of utility is more appropriate when conceptualizing justice. Thus, as shown in Table 1, the two defining characteristics that distinguish a utilitarian model of justice, according to Mill, are an emphasis on maximizing pleasure for the majority, and an ability to marginalize the minority in the process.

Contractarianism

As a model of justice, contractarianism can be traced to Thomas Hobbes, who suggested that justice was a law of nature dictating that men not stray from their covenants, such as economic obligations and civil duties (Raphael, 2001). John Locke, in his introduction to the social contract, wrote about an implied yet undefined covenant, in which all people cede a minimum amount of their liberty to prevent social chaos (Sandel, 2009). The concept of contractarian justice is further delineated by Robert Nozick, who states that individuals have intrinsic rights that cause certain actions taken against them to be unjust (Jackson, 1986). From this point of view, justice is prohibitive rather than prescriptive and elucidates what cannot be done rather than what is permissible.

The ambiguity of the social contract or inherent rights of contractarianism is problematic. People may differ on what they consider a human right or a necessity within society. This problem is addressed by a macrosociological theory proposed by Barrington Moore Jr., who suggested the use of contracts as agreements between those in power and those living beneath them that vary through time (Cohen, 1986). When operationalizing contractarianism, then, it can be argued that justice consists of acts in accordance to pre-established agreements. No stipulations are made as to what the nature of these covenants are, although Moore's suggestion of their relation to societal power structure indicates that, as displayed in Table 1, contractarian views of justice may best be observed as the use of authority or power to uphold written law or settled agreements.

Fairness

Beginning where contractarianism leaves off, John Rawls builds off of John Locke to offer an idea of justice as fairness. Rawls (1999: 11) suggests that the social contract referenced by Locke must necessarily come from a point of fairness where "no one knows his place in society... The principles of justice are chosen behind a veil of ignorance." This means that the basis of a social contract must come from a place of fairness where every person is assumed to be equal, and the morality of actions is not based upon preexisting social standing or material wealth. This differs from contractarianism in that the existence of an agreement alone does not necessarily make it just (Sandel, 2009). For example, a voluntary covenant between two people may be considered just by a contractarian even if one party is at a significant disadvantage to the other party, as when a mentally handicapped person is exploited by being overcharged for services. The same situation is unjust when viewed from a model of fairness.

In the fairness model of justice, each person is also expected to be afforded equal liberty and equal fair opportunity according to their individual capabilities (Rawls, 1999). The importance of these two principles in distinguishing a model of justice is that while they necessitate equity in starting point, they do not guarantee equal outcomes. For example, two men could come before a court each charged with the same crime and receive two different sentences. As long as they both received equivalent hearings and treatment from the court and had the chance to plead their case, the difference in outcome would not be unjust, according to the fairness model. Therefore, as shown in Table 1, the distinguishing feature of the fairness model of justice is its focus on similar means or process rather than ends or results.

Moralism

Unlike the models of justice discussed to this point, moralism is concerned primarily with the intent and character of the individual performing an action rather than the state of equity or utility before or afterwards (Sandel, 2009). Although it is not commonly referred to as moralism, Aristotle's works on justice often place morals and virtue in a central role for determining what is just. Aristotle proposed a teleological view of justice suggesting that a just act only needed to be aimed at achieving something of virtue, whether or not it succeeded (Sandel, 2009).

Within his own theory, Aristotle specifies a number of these virtues, and chief among them is self-control. Aristotle posits that the law is in place to increase the amount of self-control in a society or an individual while decreasing the amount of vice (Raphael, 2001). For Aristotle, justice itself is a virtue. However, Aristotle neither assumed moral equity amongst people nor equal application of justice by all individuals (Jackson, 1986). Under Aristotle's model, justice is held unevenly by people and, therefore, must be examined on an individual basis. This is not to

say that moralism is entirely disinterested in the outcomes of individual actions, but the distinguishing feature of the moralism model, as shown in Table 1, is that the determination of justice is based on the intent of the person performing the action rather than the outcome of the act performed.

Retributivism

Retributive justice concerns itself with distributing punishment on those who place burdens on or do harm to others, with no particular concern as to whether or not this punishment ultimately benefits anyone (Cohen, 1986). Here, the primary goal of justice is not to ensure equal outcomes or seek a broader societal benefit, but more clearly aims to satisfy moral outrage.

Retributive justice harkens back to ancient times, and one of the most famous examples comes from the Old Testament of the Bible commanding the taking of “eye for eye, tooth for tooth” when an injustice is committed. This same principle underlies *lex talionis*, laws of the Roman Empire that dictated that harms committed by an individual must be repaid upon them in kind (Raphael, 2001). Both of these ancient decrees necessitate some form of equivalence between the harm and the punishment inflicted, better known as “just deserts,” which is used by many of the other theories of justice including Rawls’ fairness model, and informs the use of punishments when breaching agreements for contractarians (Jackson, 1986). However, the expansion of retributive theories to cover emotional or societal damages causes a focal point of the retributive model of justice to be revenge, where the punishment frequently takes on a greater magnitude than the harm caused by the breach of justice. Based upon these principles, there is a distinct divide between just deserts and revenge: while just deserts places an emphasis on the equivalence between transgression and punishment or behavior and reward, revenge is not

concerned with such equivalence; only on inflicting pain. Therefore, when operationalizing retribution, its single most characteristic factor is the presence of punishment regardless of its magnitude or its beneficial effects on anyone involved, as is shown in Table 1.

Libertarianism

Much of the literature references a libertarian model of justice as one of the theories on the topic, and although it is most commonly used in political and economic arguments, the tenants of libertarianism expand to a more general conception of justice as well. Libertarianism rejects the enforcement of any sort of equality, utility, or unified moral code, instead valuing autonomy of the individual as the highest form of justice (Sandel, 2009). Robert Nozick's explanation of rights, as noted, helps to inform contractarianism, but the fullest extent of his theory is libertarian as he claims that coercion should only be used to "prevent or punish the infliction of physical harm, theft, and fraud, and to enforce contracts" (Cohen, 1986). While the focus of libertarianism is the exclusion of outside interference with individual autonomy, except in the cases noted above, the focus of contractarianism is the creation and adherence to a set of rules or social contract. Nozick's theory is rooted in policy since it advocates for a minimal state and argues against economic redistribution (Raphael, 2001), but ultimately the central tenant of libertarianism, that of self-ownership, can be distinguished from the more political arguments (Sandel, 2009). When removed from matters of the state and brought to the individual level, libertarian justice prohibits nothing but violating the autonomy of another person. As it dictates little in terms of specific rules to follow when restoring justice, libertarianism most closely fits with the nominal definition of the word justice as "promoting reason, logic, and validity" (*Webster's New Twentieth Century Dictionary of the English Language Unabridged*, Second

Edition, 1980). In operationalizing the libertarian idea of justice, its distinguishing features, as shown in Table 1, are those of self-ownership and non-interference from outside parties to allow for individual determination of justice.

Table 1: The Six Models of Justice

Model of Justice	Closest ideals	Operationalization
Utilitarianism	The greatest happiness shared by the greatest number of people	Maximizing benefits or pleasure and minimizing pain caused to the minority
Contractarianism	The use of authority and power to uphold what is right, just, or lawful	Adherence to pre-arranged social or legal agreements
Fairness	Impartiality; fair treatment and representation of facts	Use of similar procedures regardless of the outcome
Moralism	The quality of being righteous; honesty	The intent of the actor regardless of the outcome
Retributivism	Vindictive revenge; just deserts; merited reward or punishment	Application of punishment or gain or reward as it is deserved
Libertarianism	Sound reason; rightfulness; validity	Maintenance of individual autonomy and self-determination

Methodology

Sample

The institutional review board at the University of Central Florida (UCF) approved study procedures and appropriate steps were taken to ensure anonymity for all participants through the use of survey software that automatically removed all identifying information. To measure the frequency at which different people subscribe to the various models of justice, a survey was distributed to a convenience sample of 155 students at UCF. A number of emails were sent to professors at the university with the link to the online survey, which they then had the option of distributing to their classes. Of the 155 students who responded, 69% were female (n=107) and 30.3% were male (n=47) with 0.6% not answering (n=1). Implications of this gender disparity are discussed later. Additionally, 83.9% of the sample had attended college for 4 years or less (n=130), while 15.5% had been there for 5 or more years (n=24) with 0.6% not answering (n=1).

Operationalization

As was shown in Table 1, each model of justice was operationalized to have key components of its definition represented in the answer choices. For each of the 15 core questions, the models of justice were not explicitly named in the answer choices but rather had key words or phrases that were constant in every instance. The operationalizations are as follows:

- Utilitarianism always contained a direct trade between damage or inconvenience to an individual or small group to gain a greater benefit for a larger group.
Example: “Executing this individual may deter other murderers and therefore save more lives than it takes.”

- Contractarianism always referenced the law or pre-arranged agreements as the basis for justifying the scenario.
Example: “The law allows for differences in sentence length no matter whether they are evenly applied or not.”
- Fairness always mentioned past precedent or equal treatment of the individuals involved in the scenarios.
Example: “Other people in the area burned trash too and were never confronted by the police about it.”
- Moralism always contained reference to the fact that it was a person’s right to act according to his or her morals, values, or beliefs.
Example: “It is the place of the judge and jury to determine sentences based on their own values and judgments.”
- Retributivism always stated that a person deserved to face consequences regardless of the benefit it may or may not provide to others in the scenario.
Example: “The individual committed a terrible act, and it is right to punish him or her by repaying it in kind.”
- Libertarianism always referenced a person’s freedom and non-interference by others.
Example: “So long as the person was not harming anyone, s/he should be able to do as s/he pleases.”

For a full list of the survey questions and their possible answers, refer to Appendix B.

Survey

The core of the survey consisted of 15 scenario questions each comparing two models of justice and asking the respondent to select which one he or she felt offered the more just perspective for the scenario. Each model of justice appeared as a possible answer in the survey five times and was placed against every other model of justice only once. Thus, respondents chose between each pairing only once and had the possibility of choosing a specific model of justice up to five times. The responses to these questions were then tallied to show how many times each model of justice had been chosen over its alternative.

To explore possible explanations for differences among respondents, the survey included questions regarding gender, religion, and exposure to crime through either personal experience or the media. Finally, respondents were asked to pick the best definition for justice from among six definitions, each associated with one of the models in the survey. All of these questions were asked at the end of the survey to avoid biasing respondents before asking the core questions. Each of these additional items is discussed below.

- **Gender:** Respondents were asked to choose whether their gender identification was most closely categorized as male, female, or other. For the later analysis of the data, the other category was dropped as none of the respondents selected it.
- **Religion:** The topic of religion was addressed with two questions, one asking about the respondent's belonging to any organized religion, and the other asking about the respondent's belief, or lack thereof, in any deity. This was done to seek which of the two might have a stronger relationship with different models of justice, as simple

belief in a deity might not be as strong of a predictor as involvement with an organized system of belief.

- **Exposure to Crime:** Respondents were posed with two Likert Scale questions asking them to rank their experience encountering unlawful behavior and the frequency with which they view media depicting crime or law enforcement. These variables were both assessed separately as well as being computed into a single larger variable representing overall exposure to crime.
- **Justice Definition:** Following the 15 core questions, respondents were directly asked to choose which statement most accurately described justice. Each statement was derived from the definitions of the six models of justice measured in the survey. By comparing the responses on this measure with responses on the 15 core questions, the level of self-awareness about the models could be gauged, as well as the reliability of the responses.

Results

Table 2 displays the frequencies at which each model of justice was selected from the 15 core questions. Contractarianism can be seen to have the highest grouping of values, with 125 subjects selecting it 3 or more times and only 5 subjects choosing it less than twice. Utilitarianism, on the other hand, had only 18 subjects choose it 3 or more times, and 89 subjects choose it less than twice. Frequencies for libertarianism and moralism were closer to frequencies for contractarianism, while frequencies for fairness and retributivism were closer to frequencies for utilitarianism.

Table 2: Justice Model Frequencies

Number of Times Selected	Utilitarianism	Contractarianism	Fairness
0	17	2	19
1	72	3	49
2	48	25	42
3	13	54	26
4	2	50	18
5	3	21	1
<hr/>			
Number of Times Selected	Moralism	Retributivism	Libertarianism
0	2	4	1
1	13	40	9
2	29	53	35
3	53	41	64
4	48	17	38
5	10	0	8

Table 3 displays the means and standard deviations for each model of justice computed from the survey data. As the frequencies showed, contractarianism was the most commonly selected model of justice averaging more than three out of five possible selections per respondent followed by moralism and libertarianism. Utilitarianism was the least popular, followed closely by fairness and retributivism.

Table 3: Justice Model Means

Model of Justice	Mean	Std. Deviation
Moralism	3.0452	1.10101
Utilitarianism	1.4839	0.97604
Fairness	1.8581	1.21911
Retribution	2.1742	1.02024
Contractarianism	3.3548	1.04907
Libertarianism	2.9871	0.98684

Table 4 shows the frequencies at which respondents chose each model of justice by its definition. Unlike in the 15 core questions, utilitarianism is the most popular option followed closely by contractarianism. Only two respondents selected libertarianism and only 14 respondents selected moralism despite their higher selection rate in the 15 core questions of the survey. Fairness and retributivism fell in between the two other groups. This indicates some significant discrepancy between the definition respondents favored and their selected model of justice based upon their answers to the survey questions, which will be discussed in greater detail later.

Table 4: Which Definition of Justice is Best?

Definition of Justice	Frequency	Percent
Moralism	14	9.2
Utilitarianism	43	28.1
Fairness	30	19.6
Retribution	22	14.4
Contractarianism	42	27.5
Libertarianism	2	1.3

Tables 5 and 6 show the frequencies for both questions regarding religion. More respondents declared a belief in a deity than claimed to be associated with an organized religion, which helps to validate the separation of the two questions.

Table 5: Belonging to Religion

Belonging to Religion	Frequency	Percent
Yes	62	40.3
No	92	59.7

Table 6: Belief in god(s)

Belief in god(s)	Frequency	Percent
I believe in more than one god.	1	0.6
I believe in only one god.	90	58.4
I believe there is no god.	20	13
I have no firm belief with regards to gods.	43	27.9

The variables measuring exposure to crime and delinquency are shown in Tables 6 and 7. Respondents indicated bearing personal witness to crime less frequently than they did seeing it depicted through the media. In total, 8.4% (n=13) reported having seen crime or delinquent

behavior either frequently or consistently, whereas 54.6% (n=84) reported seeing crime or law-related media frequently or consistently.

Table 7: Frequency of Personal Exposure to Crime/Delinquency

Exposure to Crime/Delinquency	Frequency	Percent
Never	31	20.1
Rarely	74	48.1
Occasionally	36	23.4
Frequently	7	4.5
Consistently	6	3.9

Table 8: Frequency of Exposure to Crime through Media

Exposure to Crime through Media	Frequency	Percent
Never	1	0.6
Rarely	19	12.3
Occasionally	50	32.5
Frequently	64	41.6
Consistently	20	13

To test whether the demographic variables had any effect on the selection rates for the models of justice, statistical tests were run between the results for the 15 core questions and each of the demographic variables. None of the comparisons of means between the models and the demographic questions had results that were significant at the $p = .05$ level. Based on these data, it is not possible to predict a respondent's preferred model of justice based solely on religion, exposure to crime, gender, the amount of time spent in college, or belonging to a religion. Demographic variables simply fall short of explaining the differences in means for any of the models of justice.

Table 9 shows the results of an analysis of variance run between the models of justice and the respondents' chosen definition for justice. While the results for retributivism and moralism appear to be approaching significance, subsequent Tukey tests showed no significant difference between means for either of those variables, which is a common statistical occurrence when close to the value of p. This lack of significance indicates that in general, respondents did not choose the definition of justice corresponding to the models they preferred in the 15 core questions. This can be seen in Tables 2, 3, and 4, where utilitarianism, as a chosen model or best definition of justice, was selected disproportionately more often than the means or frequencies for the 15 core questions indicate, and libertarianism, as a chosen model or best definition of justice, was almost never chosen despite its model having a relatively high mean and frequency of selection.

Table 9: ANOVA of Justice Models and Best Definition

		Mean Square	F Statistic	Significance
Moralism	Between Groups	2.531	2.163	0.061
	Within Groups	1.170		
Utilitarianism	Between Groups	1.303	1.372	0.238
	Within Groups	0.950		
Fairness	Between Groups	1.039	0.688	0.633
	Within Groups	1.511		
Retributivism	Between Groups	1.899	1.893	0.099
	Within Groups	1.003		
Contractarianism	Between Groups	1.887	1.736	0.130
	Within Groups	1.087		
Libertarianism	Between Groups	0.904	0.947	0.453
	Within Groups	0.955		

Discussion

This study showed that, when framed within the context of 15 core questions, contractarianism was the most commonly selected model of justice amongst the respondents, while utilitarianism was the least selected. In answer to the research question of what people mean by justice, this part of the study suggests that people tended to prefer law or pre-arranged agreements over alternative ideas of justice in the scenarios presented by the survey. Based upon the frequencies and means for the 15 core questions, a hierarchy of popularity can be created for the models of justice. In order of highest to lowest that hierarchy is contractarianism, moralism, libertarianism, retributivism, fairness, and utilitarianism.

When respondents were asked to select which model of justice they most closely identified with based upon its nominal definition, the results did not correspond with the hierarchy noted above. For that question, utilitarianism was the most popular response followed by contractarianism, fairness, retributivism, moralism, and libertarianism, in that order. The lack of correspondence between the responses to the 15 core questions and the single best definition of justice implies a lack of self-awareness on the part of respondents with regards to their position on justice. A possible explanation for this may be that some models of justice sound more appealing to respondents in definition than they do in practice, or vice versa. Another possible explanation is that people's definition of justice may differ when they are provided a context for the practice of justice, as opposed to when they are given only a definition of justice. Regardless of the reason, this finding raises issues of reliability and validity for any future studies on the topic.

A second purpose of this study was to explore possible correlations between basic demographic characteristics of respondents and their preferred models of justice. However, the complete lack of significant results provides few leads as to what factors may influence a person to be swayed one way or another when choosing between different models of justice. Results showed that a person's preferred model of justice cannot be predicted by their gender, religious beliefs and affiliation, exposure to crime, or length of time in school. In future research on this topic, other possible social demographic variables, such as political preference or political ideology, should be examined.

Another problem with the study involves the sample of respondents selected. Due to time and location constraints, the study was conducted on a nonrandom sample of college students, many of whom shared the same classes or instructors. This means that some respondents may have shared common experiences or characteristics that affected the data, as many college students do not necessarily differ greatly with regards to beliefs, experience, or even gender. Even acknowledging this problem, the greater obstacle is in generalizing from a sample of college students to the larger population. College students are not representative of the general population. The main reason that age was not examined was the lack of variability among college students. In future research on this topic, a more representative sample of respondents may produce different results.

Conclusion

Despite the issues with the sample, this study has shown that even within a sample that is relatively homogenous definitions of justice differ among individuals as evidenced by the varied frequencies at which the models of justice were selected. The specific preferences of this sample cannot be generalized to the greater population, but the favoring of contractarianism over the other models of justice can be used to inform policy-makers and law enforcement on campus as they try to manage the student body justly. The lack of self-awareness of respondents with regards to their position on justice also indicates a need to avoid singular nominal definitions and utilize more complex scenario questions when referencing justice. The presence of context appears to have an influence on a person's preferred model of justice, providing more clarity as to how the models appear in action. This study set out to answer how people define justice, and while contractarianism is clearly the most popular of the models, many respondents favored other models more than they did contractarianism leading to the conclusion that justice is in the eye of the beholder.

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Appendix A: IRB Approval Letter



University of Central Florida Institutional Review Board
Office of Research & Commercialization
12201 Research Parkway, Suite 501
Orlando, Florida 32826-3246
Telephone: 407-823-2901 or 407-882-2276
www.research.ucf.edu/compliance/irb.html

Approval of Exempt Human Research

From: UCF Institutional Review Board #1
FWA00000351, IRB00001138

To: Lin K. Huff-Corzine and Co-PI: Matthew Landon

Date: March 12, 2014

Dear Researcher:

On 3/12/2014, the IRB approved the following activity as human participant research that is exempt from regulation:

Type of Review: Exempt Determination
Project Title: Conceptions of Justice: A Sampling of Student Perspectives
Investigator: Lin K Huff-Corzine
IRB Number: SBE-14-10126
Funding Agency:
Grant Title:
Research ID: N/A

This determination applies only to the activities described in the IRB submission and does not apply should any changes be made. If changes are made and there are questions about whether these changes affect the exempt status of the human research, please contact the IRB. When you have completed your research, please submit a Study Closure request in iRIS so that IRB records will be accurate.

In the conduct of this research, you are responsible to follow the requirements of the Investigator Manual.

On behalf of Sophia Dziegielewski, Ph.D., L.C.S.W., UCF IRB Chair, this letter is signed by:

Signature applied by Joanne Muratori on 03/12/2014 01:12:35 PM EST

IRB Coordinator

Appendix B: Annotated Perceptions of Justice Survey

Thank you for taking this survey on perceptions of justice. This survey should take approximately 10 minutes to complete. Your participation in this is entirely voluntary and your responses are completely anonymous, that is your identity cannot be associated with the answers you provide.

The following questions will present you with brief scenarios and ask you to pick between two answer choices. For each one, please select the answer that you personally identify with more strongly, or, in the case that neither answer choice matches your views, please select the one that is closer to your point of view than the other.

Two individuals are caught and convicted of committing the same type of crime. They are similar in all important respects (for example, they are the same sex, race, age, neither has a previous arrest or conviction, etc.) The first individual is sentenced to spend **five** years in prison, while the second individual is sentenced to **three** years in prison. Which of the following statements, if true, would best justify the difference in sentences to you?

- It is the place of the judge and jury to determine sentences based on their own values and judgments. (Moralism)
- The law allows for differences in sentence length no matter whether they are evenly applied or not. (Contractarianism)

A person violates the local city code by burning some trash outside of his/her house. Even though the police see it, they do not interfere. Which statement, if true, best justifies the non-interference of law enforcement?

- So long as the person was not harming anyone, s/he should be able to do as s/he pleases. (Libertarianism)
- Other people in the area burned trash too and were never confronted by the police about it. (Fairness)

An individual is convicted of murder and sentenced to death. Which of the following statements, if true, would best justify his/her execution to you?

- The individual committed a terrible act, and it is right to punish them by repaying it in kind. (Retributivism)
- Executing this individual may deter other murderers and therefore save more lives than it takes. (Utilitarianism)

An accident occurs that may have been prevented if a bystander had intervened. However, the bystander felt that intervention would go against his/her own personal beliefs. Which statement, if true, best justifies why the bystander did not intervene?

- Each person has the right to determine his/her own beliefs and act according to them. (Moralism)
- It is unjust to require people to take action in situations that do not involve them. (Libertarianism)

A person is caught committing a crime. As punishment, s/he is sentenced to repay the victim and do light community service. Which of the following statements, if true, best justifies this sentence to you?

- Other offenders who have committed the same type of crime have gotten similar sentences, so it is only fair to do the same in this case. (Fairness)
- The individual violated the law and now must receive the consequences dictated by society. (Contractarianism)

A company is getting a tax write-off by sponsoring a charity. It highly encourages all employees to donate to the charity but stops short of making it a requirement. Which statement, if true, best justifies the company's decision to make a charitable contribution optional?

- Forcing workers to give away their money may ultimately harm more people than it helps. (Utilitarianism)
- The decision of whether to give to the charity should be voluntary and not coerced (forced). (Libertarianism)

The head of an organization discovers an employee violating organizational norms. Due to this behavior the employee is fired. Which of the following, if true, is the more justified reasoning for the employee being fired?

- The head of the organization chose to fire the employee because the organization head's own personal values conflicted with the employee's behavior. (Moralism)
- The employee's actions may have harmed the organization, and the employee was fired to reprimand him for it. (Retributivism)

In a detention facility, three inmates fit comfortably in a cell. However, the facility receives a fourth inmate and has a choice of either crowding all four of them into a cell or assigning the new inmate to uncomfortable solitary confinement. The facility decides to crowd all four into a single cell. Which of the following statements, if true, best justifies this action?

- The discomfort caused to the single inmate in solitary outweighs the slightly improved comfort of the other three. (Utilitarianism)
- It is unfair to treat one inmate differently than the other three unless there are issues of personal safety involved. (Fairness)

An individual is arrested and convicted of committing a robbery. The judge sentences the individual to the maximum amount of prison time allowed. Which statement, if true, best justifies this decision?

- The individual should be punished severely for committing a crime that put others at risk. (Retributivism)
- The law allows the judge to choose a sentence up to and including the maximum, so individuals should expect that this outcome may occur. (Contractarianism)

A person is caught stealing a large amount of money from a company. Rather than fire the person, the head of the company only requires the employee to pay it back. Which statement, if true, best justifies this course of action?

- It is the head of the company's right to decide how to treat matters based on his/her own set of values. (Moralism)
- It would harm a greater number of people than it would benefit if the person was fired. (Utilitarianism)

A person is sued for violating a clause of a building contract. S/he are found liable and required to pay a sum of money. Which statement, if true, best justifies why the person should be held responsible for violating the clause in the building contract?

- The person entered into the contract of his own free will and knew the risks of doing so. (Libertarianism)
- The contract was agreed to by both parties, so it should be enforced. (Contractarianism)

The last of a gang of individuals is caught and convicted of being an accessory to a crime (he was the getaway driver). S/he is given the same sentence as the gang members who actually committed the crime. Which statement, if true, best justifies giving all the gang members the same sentence?

- Being an accessory to the crime deserves to be punished just as severely as those who committed the crime. (Retributivism)
- Others have received similar sentences for being accessories to crime, so the same should apply in this case. (Fairness)

An individual is convicted for the possession of a dangerous drug. Even though the person did not put anyone but themselves at risk, s/he is sentenced to two years in prison. Which of the following statements, if true, best justifies this sentence to you?

- Prosecuting offenses such as this will do more good for society than it will do harm to the offender. (Utilitarianism)

- The law was established and known to the individual; therefore, s/he could expect the consequences for his/her actions. (Contractarianism)

An individual enters his/her home to find a burglary in progress. Even though the burglar surrenders immediately, the owner of the home beats the burglar severely before calling the police. Which statement, if true, best justifies the use of force by this individual?

- The burglar was committing a crime and deserved the extra punishment. (Retributivism)
- The homeowner should be able to deliver his/her own brand of justice when his/her property is being stolen. (Libertarianism)

An individual engages in an illegal act of public defiance. Although the person is arrested at the scene, the prosecutor decides not to charge them with a crime. Which statement, if true, best justifies the prosecutor's decision not to charge the individual with a crime?

- It is the right of the prosecutor to decide which offenders s/he will charge with a crime. (Moralism)
- Other individuals involved in the public defiance were not charged with a crime, so this individual should be treated the same way. (Fairness)

Please select the statement that you identify most strongly with:

Justice most often means...

- ...acting in a way that does more good than harm. (Utilitarianism)
- ...working within the rules and abiding by the law. (Contractarianism)
- ...giving everyone similar treatment according to their situation. (Fairness)
- ...listening to your own morals and allowing others to do the same. (Moralism)
- ...delivering punishment to people who are guilty. (Retributivism)
- ...allowing people to handle their own affairs. (Libertarianism)

Which of the following best describes your gender?

- Man
- Woman
- Other _____

How many years have you attended college and/or university?

- 1
- 2
- 3
- 4
- 5+

Would you classify yourself as belonging to an organized religion?

- Yes.
- No.

Regardless of religious affiliation, do you believe in one or more gods?

- I believe in more than one god.
- I believe in only one god.
- I believe there is no god.
- I have no firm belief with regards to gods.

How often did you witness crime and/or delinquent activity as you were growing up?

- Never
- Rarely
- Occasionally
- Frequently
- Consistently

How frequently do you watch or read media depicting crime or law enforcement?

- Never
- Rarely
- Occasionally
- Frequently
- Consistently

Thank you for your participation in this survey!