

# Jury nullification essays example

[Law](#), [Criminal Justice](#)



Jury nullification refers to instances where a jury reaches a determination contrary to the judges instruction on the law. Instead of basing their verdict on the law, jurors look at the facts and deems the law wrong. Consequently, the jury acquits the accused not because they did not violate the law but because the jury considers the flouted law flawed. Whether jury nullification is right or wrong depends on what one perceives to be their duty. While the Sixth Amendments guarantee one the inalienable right to a hearing by jury in criminal cases, the amendment is silent on the functions of jurors. Jurors then have to determine what their function is, before applying the law.

If we are to take jurors as people who simply determine guilt of an individual by looking at the law, then jury nullification is illegal and wrong. Opponents of jury nullification further argue that it's continued use harms the society. The argument is that jury nullification amounts to subservience of the law that can only lead to anarchy. As such, by employing a slippery slope argument, opponents point out that it is very difficult to determine when to use and when to desist from jury nullification. Such an outlook, however, is flawed. The jury is not only a mechanism of determining the guilt of an accused but of determining the abhorrence of community to a deed. Where the community thinks an action does not merit the punishment handed down by the law, the onus is on the jury to further the interest of the community over the rule of law.

The view of jurors as mechanism for protecting society from law breakers, then allows jury nullification as an appropriate way of checking the penal process. Jurors then would have the role of protecting the society from bad law. The jurors have a moral obligation to determine the aims that the law

seeks to attain and apply the law with those aims in mind.

Jury also serves as the final check against unjust laws. While a divided legislature may be unable or unwilling to repeal the law, systematic jury nullification of a piece of law amounts to de facto appeal of the law. The legislature will be forced to amend the law in the face of continued acquittals of suspects. Jurors have a duty to interrogate both the evidence and the law before returning a verdict.

Jurors also function as a means of fighting racial justice and fairness. Where jurors determine that a case is politically, racially motivated or against the conscience of the people, jurors ought to acquit. Such an acquittal ensures that the legal mechanism is not used to settle scores nor to further prejudices. In victimless crimes, the jury has to safeguard the community from unjust application of well-intended laws. All these reasons serve to prove that while jury nullification may be reprehensible, it is a necessary check on the penal laws as they exist today.

Contrary to the perception that jury nullification violates the jurors oath, nullification is one way in which jurors can affirm their responsibility as citizens. Jurors have a responsibility to uphold the law, but they have a duty to ensure their verdict promotes the wellbeing of the society.

## **References**

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