

Plea bargaining

Law



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Plea Bargains and Morality A plea bargain is an agreement where the prosecutor offers the defendant an opportunity to plead guilty to lesser charge, often in exchange for a lesser punishment. There are multiple moral issues that arise regarding plea bargains. The first has to do with the concern that plea-bargaining provides too much leniency for the guilty. If the purpose of the justice system is to deter crime, then it must administer punishments that are harsher than the perceived benefit of committing that crime. For example, it would be foolish to administer a one hundred dollar fine to someone for embezzling one thousand dollars.

However, if the criminal knows he will most likely be pleading guilty to a lesser crime than the crime he is committing, the punishment for the lesser crime might not be enough to prevent him from committing it. While I agree that it is certainly true that many criminals will get away with a lesser charge, I think the harm caused by this is mitigated by the fact that more guilty criminals will be convicted. This is because it seems that someone who knows they are guilty is likely to accept a lesser charge, even if there is a possibility they will be acquitted.

The second issue has to do with the concern that innocent people will plead guilty to lesser crimes. Although the defendant may know he is innocent, instead of maintaining this position, he may feel coerced into accepting the plea bargain. The innocent person may feel it's not worth the risk to face the greater charge, and feel almost forced to plead guilty to a charge he never committed. I agree this is a serious moral issue, for if large amounts of people are pleading guilty to crimes they did not commit, then the credibility of our justice system is undermined.

Despite moral criticisms plea bargains continue to play a key role in our <https://assignbuster.com/plea-bargaining-essay-samples-4/>

justice system. Prosecutors still often benefit from the ability to get more convictions, while defense attorneys benefit from being able to get their clients a better deal. Perhaps more regulation needs to be provided to prevent coercion of innocent people. It's doubtful though, that plea-bargaining will ever be eliminated from our legal system completely, and it will likely remain important.

Works Cited

Freedom, Morality, Plea Bargaining, and the Supreme Court," *Philosophy and Public Affairs*. 8: 3 (1979): 203-232