
ETHICAL DILEMMAS IN CRIMINAL CASES: BALANCING JUSTICE AND MORALITY BY JUDGES

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ABSTRACT

In the complex structure of human societies, the interconnected relationships between law, justice, and morality serve as the foundation upon which the principles of order, fairness, and ethical behavior are established. While these concepts are deeply interwoven, they each maintain their own distinct characteristics and functions in regulating human actions, ensuring justice, and upholding moral values. This paper explores the dynamic interrelationship among these three essential pillars, highlighting their significant impact on the evolution and functioning of contemporary communities.

Keywords: Law, morality, justice, communities, Ethical conduct, Symbiotic relationships

INTRODUCTION

The intersection of law and morality presents a multifaceted landscape, particularly within the realm of criminal justice. While the law strives for objectivity and consistency, moral considerations often introduce subjective and conflicting obligations, especially for legal professionals navigating complex criminal cases. This research paper explores the ethical dilemmas inherent in these cases, focusing on the ongoing challenge of balancing the pursuit of justice with the demands of morality. Rather than delving into the contentious debate over the existence of true moral dilemmas. Defined as irresolvable conflicts where any decision results in a moral transgression. This paper centers on "prima facie dilemmas." These dilemmas, commonly faced by legal professionals, initially appear as irresolvable conflicts but can be addressed by examining the institutional framework and the specific roles within the legal system. The sources argue that institutions do not eliminate moral considerations but rather provide a structure for resolving these dilemmas by establishing hierarchies of obligations and offering justifications for prioritizing certain values over others. This means that, for instance, Wendel's loyalty-to-law principle takes into account the lawyer's position as a kind of a politician who, even when acting out of self-interest or out of humility, does not seek to compromise the legal order or the state, no matter how unjust those appear. There is, however, no such institutional framework that will erase the ethical weight of all the choices that exist. The phrase 'dirty hands' denotes this dilemma wonderfully, where professionals act within entire systems' rules yet there is still a moral impunity in the actions taken. This paper analyses such conflicts concerning the professional aspects, such as judges, prosecutors and defense attorneys dealing with the ethical pressures in criminal trials, such as a judge facing moral struggles in light of hard evidence or a prosecutor contemplating reprimanding only to the whims of the judicial system when harsh punishments are called for. Moreover, it also addresses the tensions between professional requirements and morality, as when in the case of a defense counsel who has believes her client is morally blameworthy and represents him or in a case of a prosecutor who is asked if all court papers or confessions made over the phone are reliable and 'to no one's surprise' some aren't. Through these observations of such stylistics of presentation of constructive conflict resolution as prima facie problems and social devices aimed at eradicating these conflicts, authors intend to provide an adequate response to the question of the interrelationship between justice and the notions of morality in the system of criminal justice: what is the justice and what is its function.

BALANCING IMPARTIALITY AND MORAL JUDGMENT WITHIN THE JUDICIAL ROLE

Judges tread an ethical quagmire in their pursuit to balance the call for impartiality and the involuntary presence of moral judgment in their decision-making processes. Having its basis in the judicial functions, impartiality goes beyond mere avoidance of personal bias, including ‘commitment to neutrality’ and ‘fairness’ with respect to the decision and the process of arriving at it. Yet, the ideal of pure objectivity remains largely beyond reach. Legal reasoning alone cannot account for all the subtleties of a case, and it is impossible to be certain that a judge’s decision results solely from legal reasons as opposed to extra-legal reasons. This problem is compounded by the inherent ambiguity which legal interpretation already carries, hence further complicating the pursuit of pure objectivity.

Be that as it may, moral judgment can never be fully insulated from the exercise of judicial decision-making by even the most assiduously impartial-minded judges. More likely than not, judges are quite frequently faced with dilemmas that call for them to strike a balance between certain competing obligations to the parties, especially when one party's interests have to be furthered for others to be disadvantaged. Apart from, at times, acting under some legal technicality, which may make, in some cases, a judgment come out as morally unjust, a judge might sometimes feel the sense of his hands being tied by what appear as overrules of law laid down in the law books. ¹For example, the judge may be bound by the law to decree in favor of an employee for wrongful dismissal for some procedural errors committed by the employer even where it clashes with his own sense of justice.

To mitigate the influence of these inescapable moral judgments, the legal system has mechanisms designed to uphold the ideal of impartiality. Bringing out clear and well-reasoned decisions—be it through writing or speech—goes a long way in ensuring that judgments are not arbitrary and based on some personal-feeling influence. The whole exercise of putting down in writing the legal grounds of a decision helps in infusing some level of objectivity and transparency. The practice of recusal becomes very vital, especially in cases that have high moral charges since a judge’s personal convictions can put the question of impartiality at risk.

¹ Allen, J., 1999. *Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission*. *University of Toronto Law Journal*, 49(3), pp.315–353. Available at: <https://link.springer.com>

By recusing in cases where there might be a threat to their impartiality, judges help in maintaining the integrity of not just that individual case but also the larger judicial process.

Ultimately, the judicial role is not about pursuing impossible objectivity but about continuously negotiating between the ideals of impartiality and the realities of moral judgment. Legal reasoning, formal procedures, and institutional safeguards are essential in reducing subjectivity, yet judges must also navigate complex moral questions within the legal arena, acknowledging their humanity in the process.

JUDICIAL INTERPRETATION OF STATUTES INVOLVING MORALITY AND JUSTICE

The assignment of the process and the volume of discretion to the judges that allows the rule of law to be applied in a fresh, rich and context specific manner, carries the risk to morality for those practicing the law. In as much as every imbecilic person could be an automaton who would simply implement sentence in the presence of the legal provision, taking that form of discretion is not so easy. However, especially with respect to sentencing as well as fuzzy legal definitions, judges who are often expected to follow the orders, decide how it would Rather than have a clear cut directions of how to act that must be followed, judges must make determinations more so in terms of sentencing or vague legal definitions. In the case of differential judging is involved for instance, after ordinary sentences, judges have to decide how much further punishment would be just, given the general punishment order and its clause foreach subsection – which often is no more than a few unnecessary words. Here again, judges cannot only assist while a law is being enacted by editing out wording in sentences that they feel is over expressed². Judges cannot only assist as a law is being created and deletions in sentences that overly articulate the guiding principles of a law must assist. In these cases, Judges do not only assist whereas a law is undergoing formulation but exaggerative sentences that helps stating a law must assist.

A well-illustrated case of how ambiguous language brings problems with its application by different judges and this leads to the nit picking of legal offenders is *Connick v Thompson*. In brief, there were white police defendants in this one who were found guilty of racketeering,

² Posner, R.A., 1998. *The Problematics of Moral and Legal Theory*. Harvard Law Review, 111, pp.1637–1702. Available at: https://chicagounbound.uchicago.edu/journal_articles/7091 [Accessed 7 Sep. 2024].

conspiracy to bribe and civil rights violations after 10 years of investigations. Between the years 1990 and 1992, five judges of the 5th US Circuit of Appeals ordered the police officers to pay a fine and two others sent them to prison.

The law provides numerous restraints regarding those ethical problems and opportunities. None of the judges' rulings, ruling as always according to their own personal opinions, or subject matter preferences, can be considered as a means to prevent arbitrariness or bias. If that jury thinks that there has been inadequate evidence brought by the prosecution, it can choose to return a verdict of 'not guilty' (so that the conviction which could be appealed to higher courts where developed extensive legal reasons may be reviewed will not likely ever be in place). Besides, the codes of ethics and rules of professional conduct assist the judges to a better performance by helping them in the consideration of the judgment with regard to the basic values of objectivity, justice, or honesty tackled in the case. These codes are directed to judges in that they should focus in deciding cases with implications of the implication of the orders in question.

The law itself addresses these risks with a strong system of accountability, transparency and adherence to the highest ethical standards. The result is a framework in which discretion among judges can be cautiously considered, allowing the law to speak imperatively at times and whisper flexibly on other occasions.

JUDICIAL DECISION IN CASES INVOLVING VULNERABLE POPULATIONS

While the examination of ethical dilemmas vis a vis the legal profession poses a lot of challenges, it does not look at specific issues such as targeting the needs of vulnerable groups especially minors and the severely mentally ill. There is an emphasis on the clashes of the legal and professional ethics resulting from the individual ethics rather than dwelling on how these issues are aggravated by vulnerability, although, such concerns exist as well. However, certain conclusions can be made in order to elaborate more on how intricate the issues are.

Equally important here is the Order of Fidelity, which stands for saneness in the experience of injustice a tendency that, in judicial culture, matters most for other 'vulnerable' categories of people. These frameworks involve clear issues of power whether you are speaking of children as a sub-group or the other disabled groups and with vulnerable people comes the greater requirement of regulation of implicit bias in a judge's decision. In addition, specific to such

cases is the harshness of institutional legal reasoning. So, for instance, when a judge decides whether the defendant suffering from mental illness is competent to stand trial or not they have to apply legal standards plus make potentially subjective judgments about one's psychiatric health which necessitates them to tread carefully on ethical grounds³.

Imagine a situation where doing what the law requires might still leave you feeling uneasy morally. This is what we call "dirty hands," and it often comes up in cases involving vulnerable people. Consider a scenario where the judge has to take away custody of a child because of the arsenic levels which are usually above the standards. That has to be a very uncomfortable position. Lesley is stuck because quite often within the law they will be forced to take action that deep down feels wrong. About such cases, there is a tension about balancing the interests along which vulnerable groups such as children will be protected from harm and their legal rights. It is rather like balancing on a thin string extending out from the neck with the legal regulations on one side and the code of ethics on the other. In those particular cases, however, it is important to understand consent and agency for others who are at risk. It is also necessary that those derogatory headings or disproportionate kinsmen of certain sections of people, of countries, purposes of justice get redressed as well. It's also similar to trying to move about on a treadmill where some obstacles to be overcome are more difficult than others. This is instructive by and about having to examine and make decisions with respect to evaluating ordering and structure of more comprehensive plans of actions. Bringing out the particular issues that become apparent in assessing cases with a vulnerable population is very important. It is akin to turning on the lights in a dark room so as to view previously hidden items obtained.

These situations really make you stop and think, don't they? No one is in a better health than him on such issues. No judgement is not for free interpretation, Judges face such actually belly painful set of ethical dilemmas. Thus, decision-making on them is like joint fare of a complex lot, looking through the layers singly constructed by every member of consensus and waiting to be cleaved multipotentialism. To truly understand these dilemmas, it takes a lot of digging and studying to get to the bottom of things. It's like peeling back layers of an onion to reveal what's really going on.

³ Allen, J., 1999. *Balancing Justice and Social Unity: Political Theory and the Idea of a Truth and Reconciliation Commission*. *University of Toronto Law Journal*, 49(3), pp.315–353. Available at: <https://link.springer.com> [Accessed 7 Sep. 2024]

PERSONAL MORALITY AND JUDICIAL FAIRNESS

The tension between a judge's personal ethics and the administration of justice poses different challenges. While this is more of an ideal, such extraneous factors, especially personal morality, should be made to the barest minimum through mechanisms and ethical standards. It is reasonable to bear in mind that judges, as moral agents, cannot leave their beliefs locked out of the courtroom, hence contesting the ideal of bare rational decision-making. This introduction of personal morality into legal reasoning, however, may defeat the very purpose of justice itself. However, when such a way of thinking starts to supersede the law and other processes and is set forth by a judge, there is danger to the legitimacy of justice. A distinguished instance can be noted when a strong belief of the judge because of moral issues like abortion, asserting dominance over legal arguments and logic, could lead to unnecessary bias in the ruling.⁴

The issue of a so-called 'dirty hands' where legal arguments are embellished or additional non-legal arguments are taken into account in the pursuit of a perceived higher cause, thereby making morality and justice appear to the court as a mirror, is even more a puzzle of the dialectical conflicts of legal realism and individual morality in the judge's decision-making. Although such decisions may be viewed as consonant with the internal ethics of a judge, they are paradoxical in a legal regime that fundamentally depends on adherence to a single system in the application of laws. In sentencing, and interpreting fuzzy laws, there is also compromise of principles, which is judicial discretion, where morality can be a big issue. For instance, judges may have different thresholds for what it means to say this is a serious offense or even need to advocate justice for the child or every important clause provision such as 'best interests of the child' is shaped by the judge's own values.

The positive impact of personal morality on judicial fairness does not come without hard work. Thus, any essential solution has to be broken down into several segments and strategies directed at the system and its needs. Accountability is further referred to where judges reason after every judicial pronouncement in an unambiguous clinically sound reason, thus attaching crusher liability and pot-building thrown of preference-based proclamations. Courts address unreasonableness or errors that may occur in justice administrations preventing its exercise in

⁴ Posner, R.A., 1998. *The Problematics of Moral and Legal Theory*. *Harvard Law Review*, 111, pp.1637–1702. Available at: https://chicagounbound.uchicago.edu/journal_articles/7091 [Accessed 7 Sep. 2024].

absolute discretion. Disqualification is equally important.⁵The best every judge understands that ethical principles are not empty guidelines and assists every court to deal with possible sensitive matters while maintaining focus on impartiality, due diligence, and the law.

In the end, the contest of personal ethics vis a vi judicial equity is very interesting because it is treated in the understanding that every judge like every other performer has to perform and therefore there are competing laws, codes of conduct and personal beliefs. Judicial distance may not always be achievable, however priorities must be analyzed around development of adverse environment but optimistically within the recognized risk of realism and prejudices efficient barriers are absorbed to defend and enclose the system from abuse. The decision towards the change of the

UNRESOLVED ETHICAL DILEMMAS AND PUBLIC TRUST IN THE LEGAL SYSTEM

Moral dilemmas in particular when an ‘individual’s morality’ and ‘occupational morality’ intersect in contradiction have the potential to erode public trust. This trust is based on the fact that it is an instrument which should remain neutral and fair to its use in the course of administration of justice. Inactive moral dilemmas bring about cynicism, and the public may further query the sincerity and integrity of Judicial decisions as it is unfair and value additional transparency, clarity in defining how the Law will be applied across different jurisdictions⁶. Thirdly, letting the ethical dilemmas remain could be similar to providing a ground of arbitrary injustice; a decision supersedes another regardless of what justice and the law has taught the people on the society/culture, that it is, selection. Based on pleasure rather than rule of law, erodes confidence in the fairness of the judiciary and the competency of the judicial system in rendering impartial justice. It erodes the worth of adherence to the rule of law to wise legislators and society as well and lawyers and judges within the public. Secondly, resolving existing deep moral conflicts may breed already persistent societal inequalities while the legal system may be unable to resolve cases of discrimination or ongoing injustice.

FINDINGS ON THE TOPIC

Judicial discretion is a crucial aspect of the legal system, allowing for a nuanced and context-

⁵ Newman, L.E., 1988. *Balancing Justice and Mercy*. *Religious Studies Review*, 14(1), pp.9–16

⁶ White, M.D., 2008. *Judgment: Balancing Principle and Policy*. Palgrave Macmillan

specific application of the law. However, it also presents significant ethical challenges that judges must navigate carefully. Rather than simply applying the law mechanically, judges are often required to exercise discretion, particularly when determining appropriate sentences and interpreting ambiguous legal standards. For example, in cases of crimes, it is possible to observe that judge's function within the limits of law regulated scale of criminal activities and choose appropriate sanctions after considering the features surrounding every controversy. Furthermore, the often-imprecise wording of laws also creates the need for laws to be interpreted by the judges, hence putting the judges at the center of how such standards would apply in practice.

The exercise of this discretionary power brings about the possibility of ethical conflicts. One area of concern involves the application and the understanding of the law which raises concerns of prejudice in the implementation of the laws, judges may differ on the definitions of for example serious offense. This subjectivity can create undue variability in legal decisions, where the cases result ends bears of personal outlooks and convictions. Additionally, judges may find themselves in situations where they regard some laws as having negative moral status or a law may be such that if followed to the letter a result which the judges think would be unjust would occur⁷. This causes a conflict between law in books and its promotion when upholding what they believe to be the greater good, thus compelling them to change their legal reasoning to obtain a particular outcome, e.g., to avert dangerous individuals from receiving light sentences.

In order to safeguard against such ethical threats, the legal system has put in place a few check and balancing measures. For instance, judges are required to present sound and reasonable explanations for their decisions particularly if such decisions involve any degree of latitude, which helps prevent abuse or any bias. The opportunity to appeal and the possibility of being overruled by higher court judges is the other check which makes sure that there are no large variations in the way the law is applied in different cases or by firing different judges. Also, the codes of conduct and the professional quality standards encourage the judges to make the right decision and ethical decisions such values as ethnic neutrality and fairness and honesty do embrace⁸. These codes also extend to aspects of the judges such that they should think about the consequences of their verdicts in cases even if those do not concern the case of the judges.

⁷ McNamara, V., 1989. *Law and Morality*. Veritas Publications.

⁸ Herman, B., 1993. *Morality Unbounded*. Harvard University Press.

The judicial discretion while at the same time being vital in the implementation of the law in a manner that suits the situation, it is a “double-edged sword” in as far as a legal/code of ethics is concerned. Thus, the risk-usually associated with making independent decisions is averted within the legal system through accountability, upholding ethical standards, and transparency of the legal process, which instructs the judge in a prudent exercise of discretion on the law so that the letter of the law clears the way for the spirit of the law.

CONCLUSION

Such institutions pose complex issues to legal practitioners in terms of law, justice, and morality. Such professionals as judges, lawyers among others operate in an environment where individual morals and professional roles are often at odds leading to ethical latitudes that will influence public perception about justice among other effects. These dilemmas illustrate that neutrality is challenging within which, one’s value systems unavoidably shapes the outcome of the decision making process.

Institutional mechanisms for example transparency, Justification of decisions, appellate jurisdictions, recusal, ethics compliance are important in minimizing bias and building confidence from the public. The issue of judicial discretion especially in situations where the offenders are the exiated classes becomes difficult in reconciling justice and ethical obligations. The legal system cannot reach completeness in the objective reality, on the contrary fairness must be achieved and scope of the existing bias recognized and methods for integrity maintenance employed. These ethical problems must be addressed through continuous thought and discussion within the practice of law, so that justice continues to be served in the system ways while people believe in the system.