Immanuel Kant said: “Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.” My philosophical value today will be the categorical imperative. Kant proposed a system of rules where each one could be universally applied, breaking them is immoral, his philosophy opposed the maxim that the ends justify the means. This is ethical framework our justice system is based on, there are a set of maxims, or laws, that if broken are immoral and are punished. Additionally, his overarching maxim that influenced my value is that humans should never be used as the means to an end. Because I agree with Immanuel Kant I stand in affirmation of the proposed resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system.

My value criterion in this debate is ensuring human rights. I define ensuring human rights as treating all humans as if, to quote the United Nations, they “are born free and equal in dignity and rights. They are endowed with reason and conscience.” In order to do this we must follow one of the key tenets of the categorical imperative such as to never accept a maxim that is to treat humans as a means to an end as human, being of infinite worth, are the end in it of itself.

Before I begin my case I will define some key terms in the resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system. Term one: Plea Bargaining: From Black’s Legal dictionary the process where the defendant and the prosecutor work out a deposition usually involving a defendant's guilty plea, this term includes fact, charge, and sentence bargaining. Term two: ought: from the oxford english dictionary, with infinitive used to indicate duty or correctness typically when criticizing someone's actions.

As I accept the burden of proof, I must prove why plea bargaining ought to be abolished. Therefore as we are debating on the basis of philosophy, if I am able to prove that plea bargaining is unethical or immoral then I will win this debate.

**Point one: Plea bargaining is immoral as it impedes justice being served.** Plea Bargaining was created with good intentions, but now has become a force for evil. Plea bargains have begun to be used to allow criminals to evade justice legally. Plea bargaining violate the ideals that the punishment must fit the crime, not the punishment must fit the schedule of the prosecutor. According to Christopher Slobogin, esteemed legal professor at vanderbilt legal school The practice of negotiating an admission of guilt in exchange for a lowered charge or sentence cannot be reconciled with either a retributive-based criminal law or an open, confrontational procedure. It inevitably results in sentences or the threat of sentences that are disproportionate to the desert, using a process that ignores the panoply of constitutional rights that are viewed as the linchpin of American justice. The reason why we as a country have a justice system is to enforce and uphold a set of maxims known as the law. When someone breaks the law they are punished because they broke said law. For our justice system to be upheld, the punishments must fit the crime, and where plea bargaining exists, we are not upholding justice, we are in effect removing justice from our justice system. Not only is this in vast breach of the categorical imperative as it is breaching the upkeep of maxims, however, it also is in breach of my value criterion as it is treating humans as a means to an end rather than an end in it of itself.

**Point two: Plea bargaining aids the prison industrial complex**. Plea bargains send an unnecessary number of people to jail. Defence attorneys allow many of their clients to take plea deals as there is uncertainty in if the defendant will win in a court setting, sometimes causing for larger sentences than otherwise would have occured. According to the department of justice, the point of prison is to rehabilitate those who commit crimes, to discourage further violations of the law, and to treat issues that may cause for a person to be violating the law. In very extreme cases, prisons should be used to segregate dangerous criminals who have commited atrocious crimes from the public for the general safety of the populous of the United States. Unfortunately, prisons have become a business corporations have used to profit off prisoners. According to Peter Kerwin of the University of Wisconsin, corporations have twisted the objective of prisons from rehabilitation to confinement. Prisoners in private prisons receive more infractions resulting in longer time behind bars, and prisoners, due to the lack of rehabilitation are more likely to reoffend and wind up behind bars again, placing people in an endless cycle. This is in breach of my value criterion as the prison industrial complex is taking prisoners as objects to be bought and sold, not as entities with infinite value. Those who commited a crime, as stated under the categorical imperative, should be punished and given the ability to move on in life, however, through crony capitalism and moral bankruptcy, the prison industrial complex is growing into an unjust monster. By abolishing plea bargaining we are cutting the lifeline to this adolescent monster, cut it now before this flame turns into a conflagration.

**Point three: Plea bargaining ought to be unconstitutional.** Our justice system is not reliant on the constitution, neither is the constitution reliant on our justice system, however, they coexist, both supporting each other. For many years, the justice system has regarded plea bargaining as constitutional however, Supreme court judge Antonin Scalia stated, “In the United States, we have plea bargaining a-plenty... It presents grave risks of prosecutorial overcharging that effectively compels an innocent defendant to avoid massive risk by pleading guilty to a lesser offense; and for guilty defendants it often -- perhaps usually-- results in a sentence well below what the law prescribes for the actual crime.” This provides incentive for us to examine the constitutionality of plea bargaining. As this supreme court justice stated, we know that plea bargaining is disproportionate, and because of this we must examine the constitution. Plea bargaining may not be technically unconstitutional, however it ought to be and should it be unconstitutional, it would be abolished as it is unjust. This fulfills my value criterion as plea bargaining is treating humans as means to an end.

**Point four: Plea bargaining causes coercion.** Plea bargains are a form of injustice prosecutors use by threatening higher sentences in order to extort plea bargains. This form of coercion causes innocent people to plead guilty. According to Robert Scott of the Yale Law Review “Plea Bargaining is the result of fear and a great punishment and public spectacle… plea bargains emphasize the unfairness and inaccuracy of determining defendants fate without full investigation, without testimony, evidence, and impartial fact finding… Especially, they note the seeming pervasiveness of coercion and fraud in the system. Defendants accept bargains because of the threat of much harsher penalties after trial; they are thus forced to give up the protections that the trial system’s many formalities provide. And judges often give bargained-for sentences because of what prosecutors and defense lawyers do not say at sentencing; the sentencing hearing seems rigged to support the deal that the two attorneys have already struck.” By causing coercion and extortion false pleas prosecutors are abridging justice by lying and distorting the ideals of the categorical imperative as well as by imposing great punishment and fear, prosecutors are treating accused's as means to an end rather than ends in it of themselves.

In conclusion: I stand in affirmation of the proposed resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system. The aff will win this debate because their case is stronger than any the neg will provide. The aff will win as plea bargaining is immoral and infringes upon the rights of humans. Plea bargaining aids the prison industrial complex which also infringes upon basic human rights. Finally, but most importantly, the aff will win this debate because the values of the categorical imperative under the value criterion of ensuring human rights is encompassed by my philosophical background which is kantian deontology, which is far superior to any other. The crux of this debate is structured around philosophy, not only is plea bargaining immoral, however, it aids the promulgation of a complex that only profits by abridging justice profiting from immorality. For these reasons I implore the judge to vote an affirmative ballot.