

In New Jersey a person convicted of his first drunk driving offense faces a mandatory suspension of his license for six months, and the possibility of a thirty day jail sentence. In addition the offender must pay a mandatory fine of \$250 and a \$100 fee to support law enforcement efforts to catch other drunk drivers. Convicted drunk drivers are also required to undergo a minimum of 12 hours of counseling for which they must pay a \$1,000 surcharge for each of three years, as well as \$50 a day. In addition drunk drivers receive 9 "insurance points" that could subject them to huge increases of their insurance premiums. The total cost for a first offense of drunk driving in New Jersey probably exceeds \$9,000.

Is the New Jersey penalty for drunk driving fair or unfair? Explain your answer.

ANSWER: The New Jersey penalty for drunk driving is too severe. The seriousness of a crime depends primarily upon the degree of harm and the culpability associated with the crime. The kinds of harms drunk driving causes are also caused by sober driving. Drunk driving increases the risk of these harms, but one has to keep in mind that the chance of dying in a five mile car journey is very low (one in ten million, according to some estimates). Thus even if drunk driving increases the probability of death by a factor of 5 to 7 there is still no substantial risk. As for culpability, it is doubtful one can distinguish a drunk driver in terms of degree of recklessness or negligence for sober drivers who speed, or read, eat, put on make-up while driving, or drive without having slept for 24 hours.

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