## Thinking point 1.1

Do you think the law should be concerned with what we do with our own bodies or with whom? Should the law prohibit self-harm? Should law play a role in the enforcement of morality? What is the point of an unenforceable law? Is it morally right to disobey laws which infringe our privacy?

* There is no single right answer to these questions.
* It depends on how far you think the law should extend into private morality. Many people will view private activity, such as sexual activity, as a purely personal matter whilst others will consider that the state should define the limits of private behaviour.
* The state has to balance personal freedom on the one hand, against the need for protection of the vulnerable on the other.

## Thinking point 1.2

Do you think people should be deprived of their liberty for causing a nuisance to others or without proof of fault? Should politics play a role in the creation of criminal offences?

* There is no single right answer to these questions.
* Anti-social behaviour can harm communities, but how do we weight its effects against individual liberties? Or the dangers of increasing police powers?
* Is the role of politics a desirable element of democracy, or does it encourage populist reactions which widen criminalisation in ad hoc and sometimes illogical ways? Your answer may acknowledge both arguments.

## Thinking point 1.3

Do you consider that a child of 10–14 automatically has the same understanding, knowledge, ability to reason or knowledge of wrongfulness as an adult? At what age do you consider a child/young person should be exposed to the full consequences of criminal activity? Are criminal sanctions the answer to youth offending?

* Obviously, one cannot generalise about the maturity of children. Some will be more adult-like than others.
* Some countries, such as the Scandinavian countries, are far slower to criminalize children. You might have different views.
* Some might argue that exposure to the system will teach an offending child a lesson. Others might argue that poverty, home-life and social environment are the cause of the problems, and that criminalisation will not bring about improvement in behaviour.

## Thinking point 1.4

Do you agree that there are too many crimes? Does a crisis justify the creation of more?

* This is a matter of opinion.
* You might consider whether criminal law is the best way of enforcing rules.
* You might also consider the dangers of creating new offences.
* However, you might also consider the reasons for which new offences are created. Do new ways of behaving and misbehaving online, or exceptional situations such as a pandemic, require new criminal laws?

## Thinking point 1.5

Do you think that criminals have too many rights in the criminal justice system? What sort of criminal justice system would you prefer:

1. One where the guilty are only convicted by evidence beyond any doubt at all?
2. One where the guilty will be convicted by evidence beyond all reasonable doubt?

* This is a matter of opinion.
* You might consider that the rise in violent crime demands tough new laws to convict those the police regard as guilty.
* On the other hand, the system depends on checks and balances and once you begin to relax the rules of evidence, for example, or the presumption of innocence, the risk of convicting the innocent increases.