

Criminal law

I have chosen to explore the topic of criminal law, which was one of 4 different areas within the subject of law. I decided on this topic because I find it interesting as I like watching crime documentaries and wanted to know more about the legal system. Criminal law is the set of rules about what is legal, the process of going to trial and the penalties involved for people found guilty. The case I have read about is **Re (A) (Children) (Conjoined Twins: Surgical Separation)** which took place in September 2000.

Conjoined twins called Jodie and Mary were born attached at the pelvis. They needed to be urgently separated otherwise they would both die. However, if they were separated, one twin would likely survive, but the surgeon could be charged with murder because one of them would die and the doctor would have foreseen the death. This case had to go to court to decide if the operation could take place legally.

Murder is committed when someone has caused the death of the victim, and that person intended to kill them. If it wasn't deliberate, then this could be classified as manslaughter. The perpetrator would be interrogated and taken to court if thought to be guilty. The defendant might have a plausible defence, which will be debated and decided upon by the jury and a judge. There are 3 different types of defence that a defendant can use to be found not guilty of murder. The first one is a private defence, where they are protecting themselves or someone else from potential death. The second type of defence is duress of circumstances, where the defendant has committed murder because they were forced or threatened to by someone else. The final defence is that of necessity, where the defendant has committed murder for the greater good, for example to save the lives of many others.

In the case of Re A, the issues were whether the surgeon would be committing murder by performing surgery on the conjoined twins and whether the surgeon would have a defence to plead not guilty to the murder of the weaker twin Mary.

The three judges in this case all agreed that the surgeon would have a strong defence, but they had different views on the kind of defence that should be used. Two of the judges thought that they should go down the path of using the defence of necessity. This was because they thought that by performing the operation, it would save a life instead of leaving them to both die. This would be for the greater good as without surgery the twins would pass away regardless.

The other judge believed the surgeon would be protected by private defence. The reason behind this was because it could be said that Mary (the weaker child) was harming or attacking Jodie (the stronger child). If the twins were left without surgery, Mary would have effectively killed her conjoined sister.

If I was a judge in this case, I would order the surgical separation to take place. This is because Mary is going to die either way, so by performing the surgery, you are saving a life rather than letting two children die. The surgeon did not intend to kill the baby but had knowledge that she was destined to die either way. I think that either defence that the three judges suggested (defence of necessity or private defence) would be appropriate for this case. Therefore, the surgeon would not be guilty of murder, indeed he would be saving a child's life and the potential future generations that this person would go on to have.

From the information I have gained about this law course, I have learnt so much about the subject and what it would be like to study it at a university. I have found the case about Re A fascinating and I would like to find out more about other criminal cases. In conclusion, this task I have been assigned has really caught my attention and I am interested to know more about law at Cambridge University.

Questions I would like to explore and know the answers to...

What were the parents' opinions on the surgery?

Did the parents have any religious or cultural beliefs that could have affected their choice?

What A Levels would it be best to choose if I wanted to do a law degree? Could I take an A Level in law? Where would be the best place to progress my education in law?