Newcastle Law School
Essay Competition
2020

Year 9 Widening Participation Students

Information Pack
The Competition:

The aim of this competition is to encourage students with a widening participation background to explore an interest in Law; and to encourage those interested in Law to apply for a university course in Law.

By entering the Newcastle Law School Essay Competition you can build research skills, develop your writing technique, and it will look good on your CV and application forms in the future. There are also prizes to be won too...

The Prize:

First prize is £150

Second prize is £100

Third Prize is £50

Prize winners will be invited to Newcastle Law School to receive their prize and be given a tour of the school and campus.

The question:

Killing people is always wrong.

- Discuss whether you agree or disagree with this statement making reference to legal arguments (see guidance provided below).

Who can enter?

Open to students based in the North East of England in Year 9 with a widening participation background.

To check if you are eligible to enter please complete the postcode checker by following the link below: https://www.ncl.ac.uk/undergraduate/applications-offers/decisions/postcode-checker/

You will need to see the outcome which states that you would be eligible for a ‘contextual offer’ from Newcastle University.

If you are not eligible to enter based on your postcode and believe that there are circumstances that we should consider for your eligibility for entering the competition, such as you are a care leaver, then please contact us at this address: year9lawessay@newcastle.ac.uk
How do I enter?

- Your completed essay must be submitted electronically to year9lawessay@newcastle.ac.uk together with the Competition Application Form by 24th April 2020.
- **Word limit 750** (excluding references).
- Essays will be assessed by reference to a range of factors, including the development of argument, the quality of expression and the appropriate use of supporting facts and materials.
- Sources must be referenced and a bibliography provided.
- The judges are appointed from the academic staff at Newcastle Law School and decisions of the judges are final.
- Essays will not be returned, so candidates should keep a copy for their own reference.

A copy of the Competition Application Form can be found at: https://www.ncl.ac.uk/nuls/yr9essay
Guide

We want you to present an argument drawing on legal rules and cases. You can also use relevant media articles and papers to assist your arguments.

Tip: keep your argument focused. There are many issues that can be discussed, but we want you to focus on one main argument and topic. So pick an angle to the question that you find most interesting. Provide a clear response to the question i.e. ‘the statement is wrong, it is sometimes ok to kill people because….’ This argument should be presented in your first sentences and you should include a response to the question throughout your paper. Ensure that you provide a detailed and persuasive argument rather than trying to do too much in your essay (so that the argument becomes superficial).

Below is the definition of murder provided by the Crown Prosecution Service. This should provide a foundation for your argument - but you do not need to focus on this point.


Murder:

The crime of murder is committed, where a person:

- Of sound mind and discretion (i.e. sane);
- unlawfully kills (i.e. not self-defence or other justified killing);
- any reasonable creature (human being);
- in being (born alive and breathing through its own lungs - See Rance v Mid-Downs Health Authority (1991))
- under the Queen's Peace (not in war-time);
- with intent to kill or cause grievous bodily harm (GBH).
The below materials are suggested legal issues that you may use in answering the question. You do not need to use all these different issues - they are provided as ideas and inspiration for your own research on this topic. We want to hear your own thoughts - do not just copy and paste from the materials provided.

**Defences to Murder:**

You can research the defences to murder, such as:
- Diminished responsibility
- Loss of Control
- Suicide Pact

**R v Dudley and Stephens (1884):**

Dudley and Stephens is an interesting and infamous case that involved the defence of necessity for murder.

The two defendants (Dudley and Stephens), another man named Brooks, and a boy between the ages of seventeen and eighteen were cast away in an open boat at sea following a storm. The boat drifted in the ocean and was considered to be more than one thousand miles from land. After seven days without food and five without water, Stephens suggested that they draw lots to decide who would be killed in order to provide food for the remaining two. Brooks was against the drawing of the lots and the boy was not asked to take part. Dudley and Stephens then agreed to kill the boy so that they could survive. They made Brooks aware of their plan but he did not want to take part. On the twentieth day, with the agreement of Stephens, Dudley killed the boy and both the defendants, and Brooks, ate him for the following four days until they were rescued. It was argued that the defendants believed that in the circumstances they would die unless the boy was killed. They stated that the boy, being in a much weaker condition, was likely to have died before them and unless they ate very soon they would also die of starvation.

The issue in this context was whether there was any justification in killing the boy in order for the defendants to survive. In other words, whether the defendants could plead that the killing was necessary and thereby give rise to a defence to murder. The court decided that the defence of necessity was not available on these facts. It was not possible to justify the killing of one individual in order to save the life of another on the basis that the killing is necessary to do so. The court was also concerned that there was no greater necessity for the boy to be killed than any of the others:

> By what measure is the comparative value of lives to be measured? Is it to be strength, or intellect, or what? It is plain that the principle leaves to him who is to profit by it to determine the necessity which will justify him in deliberately taking another’s life to save his own. In this case the weakest, the youngest, the most unresisting, was chosen. Was it more necessary to kill him than one of the grown men? The answer must be "No" -
Is Eating People Against the Law?
https://www.theguardian.com/law/shortcuts/2015/dec/16/eating-people-is-wrong-but-is-it-against-the-law

https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/camblr8&id=89&men_tab=srchresults

The Death Penalty

Many countries around the world sentence their citizens to execution for the crimes they have committed. Does this provide appropriate consequences for crimes and reparations for victims, or is it unjust?


Medical Law

Physician assisted suicide (Euthanasia)

Physician assisted suicide or Euthanasia is the act of deliberately ending a person’s life to relieve suffering.

Whether a person should be able to end their own life (with the help of others, usually a doctor) is one of the most controversial and heatedly debated in medicine, medical law and ethics. You will find numerous academic papers, newspaper articles and cases on this issue in the UK and around the world. In some countries, under some circumstances, it is legal but it is illegal in the UK.

See:


NHS information on Euthanasia: https://www.nhs.uk/conditions/euthanasia-and-assisted-suicide/

Physician Assisted Suicide: Medical Practice or Killing in Practice?
https://www.bmj.com/content/364/bmj.l852/rr-1

Paul Lamb fights for the right to die: https://www.bbc.co.uk/news/uk-48184199

Re A (conjoined twins) (2001)

Jodie and Mary were conjoined twins, joined at the pelvis. Jodie, a bright and alert baby, was capable of independent existence. Mary was weaker, she was described as
having a primitive brain. Mary had no effective heart or lung function and was alive only because a common artery enabled Jodie to circulate oxygenated blood for both of them. Mary was therefore completely dependent on Jodie for her survival.

Doctors at the hospital caring for the twins wished to perform an operation to separate them, but the parents refused to give consent because the operation would result in the death of Mary. However, without the operation Jodie’s heart would eventually fail and both twins would die, probably within three to six months. The hospital therefore applied to the court for a declaration that the proposed operation would be lawful and in the best interests of both twins.

The High court granted the declaration on the grounds that the operation would be akin to withdrawal of support i.e. an omission rather than a positive act. The withdrawal of Mary’s blood supply was analogous to the court authorising the withholding of food and hydration. The High Court also stated that the death of Mary, although inevitable, was not the primary purpose of the operation. The parents appealed this decision.

The appeal was dismissed by the Court of Appeal. However, the court decided that the operation was legal for different reasons than the High Court. The Court of Appeal did not believe that the operation would be analogous to the withdrawal of treatment, rather it was an active invasion of Mary’s body that, without consent or approval, constituted an unlawful assault. Thus the question was not whether it was in M’s best interests that the hospital continue to provide her with treatment which would prolong her life. Rather, it was whether it was in her best interests that an operation be performed to separate her from Jodie when it was certain that she would die as a result.

The court considered in great detail Jodie’s right to life under Human Rights conventions. In this case the purpose of the operation would be to separate the twins and so give Jodie a reasonably good prospect of a long and reasonably normal life. Mary’s death would not be the purpose of the operation, although it would be its inevitable consequence. The operation would give her, even in death, bodily integrity as a human being. She would die, not because she was intentionally killed, but because her own body cannot sustain her life.

The court additionally confirmed that a plea of quasi self-defence would be available, modified to meet the quite exceptional circumstances, which made intervention by the doctors lawful. Mary was killing Jodie by draining her ‘life-blood’ and the doctors would be justified in coming to Jodie’s defence. Moreover, the circumstances satisfied the three necessary requirements for the application of the defence of necessity, namely that the act was needed to avoid inevitable and irreparable evil, that no more should be done than was reasonably necessary for the purpose to be achieved and that the evil inflicted was not disproportionate to the evil avoided.

NB: how does this case compare with Dudley and Stephens? How is the value of the lives of Jodie and Mary measured?
Useful Resources

You might find some of the following helpful when thinking about your argument. This is by no means an exhaustive list, you are strongly encouraged to use a variety of sources to help support the argument that you advance in your essay

Crown Prosecution Service: Murder and Manslaughter

British and Irish Case Law Database
https://www.bailii.org/

Google Scholar is a helpful site for finding academic papers
https://scholar.google.com/