# *AQA A2 Law – Unit 4C*

Introduction

The concepts of law examination answers can cover a wide range of ideas and many different approaches. There is no ‘right answer’ to philosophical questions of this type, as you will probably realise from looking at the different views of judges and the debates between academics. For this reason the answer to the first question, on law and morals, is written as a guide for what can be covered in a typical question so you can see the broad range of material that could be used. The other two questions have a shorter guide followed by a middle-range answer. These include guidance on what could be improved in order to reach the higher grades.

Each question is worth 30 marks (15 marks each for A01 and A02) plus an additional 5 marks for the quality of written communication (A03).

Chapter 12: Law and morals

It is wise to take the question in two parts. Part A requires a clear explanation of the characteristics of the two types of rule, with the focus on their relationship. This is mostly descriptive (A01) rather than evaluative. Part B is mostly evaluative (A02), analysing and evaluating the examples in A with reference to the specific question about whether the law should reflect moral values. The theories can be brought into either part. If you use them in the first then you can refer back to them in the second.

An answer could contain several of the following key points, but you won’t have time to cover everything. There may be a need to strike a balance between breadth and depth – as long as the answer is not superficial and covers the specific question. A candidate who covers a greater number of theories and/or examples would be expected to do so in less detail.

Key points to include

Part A

* Brief explanation of legal and moral rules:
* Positivism: law can be based on morality, but it is not necessary that it should be. The validity of a law is not affected by whether it is morally acceptable – **Hart**
* The Natural Law theory regards law as coming from a higher source. Laws must be based on moral rules and if a law is not moral, we need not obey it because it is not true law
* Explanation of some of the characteristics of legal and moral rules to indicate the relationship:
* The starting date is clear for legal rules but not moral ones
* Enforcement of law is done through the police and the courts, by way of sentencing and remedies
* Moral codes are not legally enforceable, though they may be enforced through the disapproval of society
* Legal rules can be changed relatively easily
* Morality develops gradually, and cannot be changed overnight
* Moral rules are not universally applicable, they are voluntary
* Legal rules apply to everyone (with very minor exceptions)
  + Example: It is now illegal to smoke in a public building, so no-one can do so. When it was purely a moral issue people *could* smoke in church or the classroom, but didn’t because they would be subject to the disapproval of family, friends and society in general (not to mention the church and teachers!).

Part B

The second part of the question requires evaluation of the material in A, with an emphasis on whether the law should enforce moral values and on the continuing importance of the debate. Candidates, like academics and judges, will have varying responses to whether the law should enforce moral values. The main argument is whether the law should enforce moral issues or whether it should remain a matter for individuals or society in general to regulate their own affairs. There is no right answer but for higher marks, examples must be used to support what is said. Reference to the various debates and views of others will also gain higher marks. Of vital importance is to take note of the last part of the question and use recent examples to support a discussion of the continuing importance of the debate.

* Use of cases and/or examples is needed (you can refer to ones used above) to show how the law may have an influence on morality. The laws banning smoking in public buildings and the use of mobile phones when driving are examples of the law influencing the way society thinks and acts. These also show the continuing importance of the debate as social views and technology change
* Explanation of how moral values may influence the law, e.g. **R v R**, **Brown**, which then enforces those values within society as a whole
* Possible comparison with **Wilson** where the court held that it was not in the public interest to enforce morality because it was a purely domestic situation
* The changing laws and views on discrimination and homosexuality are examples where law and morality have influenced each other as time has passed. The continuing importance of the debate is seen in the fact that the arguments about homosexuality have moved on so that they are now about gay marriages and adoptions rather than homosexuality itself
* The **Wolfenden Report** can be discussed as it suggested changes to the law to reflect changing moral values and also that the law **should not** enforce certain moral values on society
* The **Hart-Devlin** debate in response to the Report shows the lack of agreement on the issue, so can be used to support what you say as to whether the law should enforce moral values
* Another view is that the law **should** enforce morality, possibly even more than it does, e.g. there is no ‘good Samaritan’ law in England. There may be a moral duty to act but not a legal one. This can be supported by case examples where no duty was found (**Khan**). Alternative cases such as **Gibbins** **& Proctor**, **Pittwood** or other cases where there was a duty to act, can support an argument that we may not need such a law because in many circumstances the courts can find a duty to act in order to make someone liable for not doing so
* Reference to the problem of finding a shared morality in a multi-cultural society
* Your own opinion on whether the law should enforce morality is fine as long as it is supported by reference to theorists, cases and/or examples. Candidates need to **use** the cases or examples. For higher marks it is not enough just to refer to a case – you need to explain how it relates to the question you are answering
* Use of recent cases and current affairs, e.g. the problems of advancing technology making moral decisions necessary, as in the ‘saviour siblings’ (**Quintavalle**) and the Siamese twins (**Re A**) cases. These and cases such as **Pretty** and **Purdy** on assisted suicide show the debate on law and morals is of continuing importance
* Finally, a sustainable conclusion is needed, briefly summing up the arguments and referring to the question

Exam tip

When writing a short conclusion, use the wording given in the question to show the examiner that you recognise there is a specific issue to address. Here is an example with the words from the question in italics:

‘It can be seen from the above cases and examples that there are times when the law may have to enforce morality and times when it *should*, especially where it is a matter of life and death as in **Re A**. However, in a case such as **Brown** it is arguable that the law *should not* intervene. The debate on whether, and how far, the law should enforce moral values *continues to be important* because views change and so does technology. In a new situation, such as in **Quintavalle**, the law may have to intervene to decide the issue. However, I believe that in a multi-cultural society such as exists today, where there is no “shared morality”, the law should only interfere when harm can be caused to others, as Mill suggested’.

Chapter 13: Law and justice

Again, there are several possible points to consider and you are not expected to cover everything. The question is best approached in two parts with Part A on the explanation of justice (mostly descriptive, A01) and Part B on the critical analysis and discussion of the difficulties (mostly evaluative, A02). Part B should analyse and evaluate the examples in A with reference to the specific question. Several key points which could be included are set out below and these are then followed by a middle-grade answer and guidance on how to improve it.

Key points to include

Part A

* Explain the possible meanings of justice (in terms of fairness, equality, etc.)
* Distinguish between substantive and procedural justice
* Distinguish between distributive and corrective justice
* Discuss the theories of what justice means
* Use examples and/or cases to illustrate

Part B

**Analysis of the extent to which law does achieve justice:**

* + The Bail Act
  + Protection of suspects under PACE
  + Taking mitigating circumstances into account when sentencing
  + Appeal courts
  + Use of the CCRC to correct injustices as in **Kennedy**
  + Protection of consumers in tort (**Donoghue**) and under the **Consumer Protection Act**, **Sale of Goods Act**,etc.

**Analysis of the extent to which law does not achieve justice:**

* Problems with access to justice
* The mandatory life sentence for murder
* The lack of public understanding of the legal process and how to access justice
* Reference to specific cases where the law does not appear to have achieved justice

**Discussion of the difficulties the law faces in achieving justice:**

* The difficulty of having to balance conflicting interests in a society where there is no shared view on the meaning of justice, as in **Quintavalle** and **Re A**
* The ban on assisted suicide leads to justice in some opinions, but restricts individual freedoms, as in **Pretty** and **Purdy**
* The difficulty of balancing the cost to the state (and the public) of legal advice and representation against the need for a person to be able to defend a claim or charge
* The difficulty of balancing state security against the freedom of the individual, e.g. under terrorism laws

Middle-grade answer

Part A

When considering the meaning of justice, it is common that there are many different definitions within different circles of the legal profession and indeed in a wider area of society. But in basic terms, the word ‘justice’ incorporates a sense of equality and fairness amongst every person. It is a standard of such fairness that the law should uphold.

Many theorists over the years have argued the finer points of justice, with many different distinct groups emerging with their own specific opinions on what justice means, or should mean. For example, some of the earliest theories on law come from philosophers such as Aristotle, who believed in a natural law theory. He believed that law comes from a higher source, and that laws are based on moral rules. He also argued that justice is based on fairness, and that this takes two forms: distributive justice and corrective justice. The former area of justice was said to mean that the law acts to distribute benefits and burdens throughout society, and the latter is an action to correct attempts by individuals to disturb this fair distribution. Compensation in civil law would be an example of this. On the other hand, showing a contrast in different people’s views on justice, the positivism theory is one that uses a more scientific approach. This theory looks at law without regarding morality at the same time. Although they do not dispute that law may be based on ideas of morality or justice, they argue that these are not necessary. The validity of law is not affected by whether it is morally acceptable. These two contrasting theories show that even the brightest of minds cannot seem to agree on the meaning of justice, which leads to the next question on whether the law is successful in achieving justice and the difficulties in its path.

*This is a good start, and leads in nicely to the next point on how successful the law is in achieving justice. It would be improved by including examples of the theorists such as Hart or Kelsen. Also the utilitarian theory could be added as it is one of the easiest to apply to actual cases when evaluating for Part B.*

When looking at methods in which the law looks to uphold justice, there are many examples of procedural justice put in place to allow the law to do its best work. For example, it is common that in order to find justice there must be an independent tribunal in cases of administration of law and the resolution of disputes. Clearly this has been done as we have a comprehensive court system which has numerous tiers to it, from the magistrate’s court to the House of Lords, and perhaps most importantly the Court of Appeals. This ensures that every person has the chance to defend their actions in front of their peers at a fair trial, where they are allowed to present their arguments and evidence in front of an independent and neutral body. This may be one of the most obvious examples of an attempt to achieve justice, but there are many, many different types of legislation put in place which may be less obvious. An example of which is the Access to Justice Act 1999, which declares that every person should have better access to legal advice and representation. Remedies and sentencing are also ways in which the legal system attempts to either punish someone who has broken the law or restore the balance between disputing parties.

*There is an attempt to evaluate here but it needs developing. The ‘obvious example’ is fine but the* ***Access to Justice Act*** *also seems to be an ‘obvious’ attempt to achieve justice and having said ‘many, many, different types of legislation’ it would be better to use more than one Act. The point on remedies and sentencing is a good example but it should relate to a theory of justice. In this case, it is an example of Aristotle’s ‘corrective’ justice mentioned in the explanation of justice.*

*(****Note:*** *‘appearing in front of their peers’ applies in jury trials, but other courts have judges to decide and they are not our peers.)*

If we look a little deeper into substantive justice and the how far the law achieves justice in crime, contract and tort, we can see that there are numerous cases, acts and legislation that regard the importance of justice. But still, not everyone is satisfied with the results of some of the outcomes, showing that there are difficulties in having to please every person – a point which will later be discussed. But first, when looking at crime, there are areas of law that in a lot of people’s eyes are not just. For example, crimes involving strict liability; in such crimes there is no need to show any *mens rea* (Sweet v Parsley).

In contract, the law attempts to achieve a balance between allowing people freedom to make agreements on their own and protecting them against those with superior power who may look to exploit such agreements. One way they have done this is the Unfair Contract Terms Act, which limits a business’ right to exclude liability.

But again, there are some areas that may be seen as unjust in tort. Like the fact that a learner driver is expected to reach the standard of a normal driver, seen in the case of Nettleship v Weston. Not only this but in Rylands v Fletcher, there is no need to prove proof of fault, which again can be seen as unjust.

*Again, there is an attempt to evaluate and some good examples but they are not related to any theory. Crimes of strict liability like* ***Sweet v Parsley*** *could be related to the concept of fairness, as can* ***Nettleship*** *and* ***Rylands v Fletcher****. The contract example can be related to the idea of justice as equality.*

These arguments shown that although there are many ways in which the law attempts to become just, and uphold the fairness and equality usually associated with the term ‘justice’, there are also ways in which they may improve in some people’s eyes. Not every person will deem one result of a court case as a just one, and vice versa.

So, the question of whether the law is successful in achieving justice really does depend on who you ask. Because in the UK we live in such a diverse and multi-cultural society, perhaps reflecting the amount of different theories of justice, it is only natural that individual people may have contrasting views on a particular case. For example, the case of Re A (2000) included a dilemma regarding two conjoined twins. In this case an operation was needed in order to prolong the life of one of the twins, but it would end the life of the other. The parents in this case did not want to operate because they did not feel it was right to sacrifice one child in favour of the other. This shows an extremely large obstacle in the relationship between the law and justice, and to some this case will be just but to others the complete opposite will be true.

*This is a good example, referring to the question of whether the law is successful in achieving justice and explaining why it may be difficult – because we live in a diverse and multi-cultural society. It would easily be improved by a small addition connecting to one or two of the theories of justice and a little more reference to the difficulties. Here is the last part of the paragraph again with a higher-grade response*

*‘For example, the case of* ***Re A*** *(2000) included a dilemma regarding two conjoined twins. An operation was needed in order to prolong the life of one of the twins, but it would end the life of the other. The parents in this case did not want the operation because they did not feel it was right to sacrifice one child in favour of the other. This would be the view of a follower of natural law because such people view law and morality as linked. The child who would die had God-given rights which should be paramount. A utilitarian would argue that the aim of justice is to maximise happiness and saving the life of one child would best achieve this, even though the other child would die. The operation would achieve the greatest benefit because one twin would survive, whereas without it both would die. This shows an extremely large obstacle to the law being successful in achieving justice, and highlights the difficulties in doing so. To some this case will be just but to others the complete opposite will be true.’*

Not only do contrasting views provide a problem to the law achieving full justice, but there are other issues such as cost of representation. It is common that the wealthier the defendant, the better representation they will receive because they are able to pay for it. Perhaps the poorer defendants will not get the same opportunity to present a thorough and concise response to any claim against them. Also, there may be ways in which the legal system prevents itself from achieving the maximum justice in most people’s eyes. For example, in the case of Dianne Pretty, a woman who wished to die but needed help from her husband as she was severely disabled, the courts would not provide any recognition that the husband would not avoid prosecution if he did indeed help his wife. The decision may have been restricted in a sense because there was no legislation in place to allow assisted suicide. Even though in most people’s eyes this was not a just outcome to the case, it could not be avoided because of the precedent before it.

*Again, the point on representation could be related to the idea that justice means equality of treatment.* ***Pretty*** *is a good case example to show the difficulties but it should be related to the concept of individual freedom, perhaps with reference to Mill and the idea that the law should not be involved unless harm would be caused to others. It is also arguable whether most people thought the decision unjust; opinion is fairly evenly split on this issue – another example of the difficulty the law faces.*

In conclusion, I feel it is nearly impossible to successfully achieve justice in law. And this is mainly because there are so many different arguments surrounding the meanings of justice; from natural law, through positivism and utilitarianism, the whole of society will never agree. This is why the question of whether the law achieves justice is an extremely subjective one; each individual has a different opinion. But, my viewpoint is that the law does indeed do its best to achieve justice and most of the time does please the majority of people with the outcomes of its cases, although there are still some areas of law that do seem to be a little unjust in my eyes (strict liability in particular).

*A sound conclusion is important and can act as a reminder to the examiner that the candidate has covered the points raised. As regards the success of the law in achieving justice, this is a very good conclusion. However, no mention is made of the difficulties, which is a shame. Adding a sentence or two referring back to cases used earlier would suffice.*

*‘In* ***Purdy*** *and* ***Quintavalle*** *there were strong conflicting arguments from pressure groups about whether justice was achieved. On the natural law view, justice is achieved by upholding the principle of the sanctity of life, but to a utilitarian, justice is achieved by maximising happiness. These two views were clearly in conflict so the judge faced a near impossible task in attempting to achieve justice, as is often the case especially in emotive cases.’*

**Overall, this is a good middle grade answer with clear A01. To get into the higher grades the answer needs to connect to the theories when using cases and examples. There also needs to be more reference to the part of the question asking for a discussion of the difficulties (A02). Some reference to the difficulties is made but with little reference to the specific question and insufficient emphasis. In most cases, it only requires a sentence or two (see the example paragraph above), but it can make the difference between an A and a C grade. This may seem harsh but examiners are looking for original thought and want to see that the candidate is addressing the specific points raised and not just reproducing a standard answer to a general question.**

Chapter 16: Balancing conflicting interests

As with all concepts questions there are many approaches but, whichever approach you take, the question is best split into two parts. Part A should provide an explanation of what is meant by conflicting interests (mostly descriptive, A01) and Part B should look at the extent to which the law balances such interests and the importance of doing so (mostly evaluative, A02). Part B should analyse and evaluate the examples in A with reference to the specific question. The key points which could be included are set out below and these are then followed by a middle-grade answer and guidance on how to improve it. Again, you are not expected to cover anything but the wider your coverage, the less depth you will need – as long as you address the specific points raised in the question.

Key points to consider

Part A

* Explanation of the meaning of ‘balancing conflicting interests’
* Explanation of the utilitarian theory that any balance should aim to achieve the maximum happiness
* Explanation of Pound’s theory of balancing interest to engineer how society behaves
* Examples of the different interests which may conflict:
  + Duty of care takes into account the public interest
  + In nuisance, private interests are balanced but the public interest is also taken into account, as in **Miller**
  + Most defences involve balancing D’s interests against the public interests as well as those of the victim (e.g. when deciding the issue of consent in **Brown** and intoxication in **O’Grady**, both courts relied heavily on the public interest)
  + Cases involving morals require a balancing of competing interests within society, as well as those of the parties involved (e.g. **Quintavalle** and **Re A**)
  + Laws involving national security and terrorism balance the public interest against the freedom of the individual
  + Legal processes balance D’s interest against not only the claimant or victim but also the public interest

Part B

* Analysis of the procedures and law explained in Part A
* Analysis of how the law operates to balance the conflicting interests
* Reference to procedures or cases where the balance cannot be achieved
* Consideration of the importance of balancing conflicting interests
* Reference to Pound’s theory that it helps to build an efficient society
* Reference to the idea that Pound suggested that public and private interests should not be balanced against each other
* Examples of where this has happened (criminal cases including **Brown** and **R v R**, duty of care cases including **Hill**, nuisance cases including **Miller** as well as the many cases involving morals such as **Quintavalle**, **Re A** and **Purdy**, all of which took account of the public interest)

Middle-grade answer

In essence, the entire legal system is built around balancing conflicting interests. With every court hearing having a defence and a prosecution who are arguing different points, any decision made in such cases will have to balance these interests. Interests come in a variety of forms, in all areas of private and public life. There are obvious overlaps between balancing conflicting interests and justice, as the former is a method of achieving the latter. Perhaps the best way of looking at balancing interests would be through a utilitarian viewpoint – achieving the maximum happiness.

There are many examples of situations where the English legal system has had to balance conflicting interests and perhaps this occurs most frequently in case law. For example, in the case of Miller v Jackson, the claimant wanted an injunction against a nearby cricket ground because she claimed the balls being hit into her garden were not allowing her to enjoy the use of her land. This is an example of how private and public interests can come up against each other in courts. In this case it was found that to stop people from playing cricket would be a burden that outweighed the privilege to the one claimant. And so compensation was given to the claimant but the ground stayed open. This outcome shows multiple points that are common in many cases like these. The first is that there was a compromise, in compensation, in order for both parties to have some sort of happiness. This again perhaps reflects the utilitarian theory.

*This is a good start, which includes one of the theories of how to balance interests and a good case example. As the question asked for an explanation there should be a brief attempt to explain what an interest is (e.g. a right or a claim) and what balancing means (e.g. a compromise or one interest overriding another – this latter could have been added to the example given of* ***Miller****). For a higher grade, the candidate needs to explain the utilitarian theory a little more and go on from the discussion of* ***Miller*** *to refer to Pound’s view that private and public interests should not be balanced against each other because, as in that case, the public interest will prevail. A general point could be made that any type of remedy will be an attempt to restore the balance between the claimant and the defendant, so that taking the public interest into account may upset this balance.*

It is not only in court cases where interests are clearly balanced; there are other examples of this while still going through the English legal system. For example, alternate dispute resolution is seemingly put in place in order to get both parties to come together outside of court and attempt to find a solution to their conflicting interests. Whether this is through arbitration, mediation or conciliation, this process enables the two or more parties to find a solution without the huge expense of a legal trial. This in turn may encourage people who have a conflict of interests to use this process, leaving the courts free to deal with more complex, and perhaps more important cases.

When considering whether the English legal system is effective in balancing conflicting interests, a number of things must be taken into account. If we look at the legal process itself it would seem that we have a very good structure put in place in order to cope with and resolve the conflicts that occur on a regular basis. For example, in ADR previously discussed and in the court trials themselves there are various remedies and sentences available, whether through compensation, an injunction or a prison sentence, there are means to find a balance to a dispute.

*There are some nice examples of procedural law balancing conflicting interests here, but these could be developed to show how various procedures help address an imbalance. Examples include legal aid, access to justice, etc. as well as matters such as bail, trial by jury and protection of suspects, which all attempt to balance the different interests by giving greater protection to the individuals concerned (who are in a weaker position against the state, which is in a position of power). Overall, I would like to see more case examples in this part which can then be evaluated in Part B.*

There are also many Acts that have been put in place in order to aid the law in resolving conflicting interests, for example, the Consumer Protection Act. This Act was put in place in order to look after the needs of consumers, and more specifically those who have suffered some sort of harm due to a faulty product. It seems that the purpose of this Act was indeed to balance conflicting interests between manufacturer and consumer, making it much easier for the courts to determine which party is right. Without this Act it may have been very inconsistent and difficult to give the customer any chance in a court hearing because of the power the business may have had. It seems that this is a very good way of balancing conflicting interests in cases such as these.

*This is a good example showing the importance of balancing interests to protect a weaker party. It would be better to mention the word ‘important’ because it is in the question and will alert the examiner to the fact that this is an example of the importance and not just an example of balancing interests.*

Sometimes a private interest comes up against a public interest in court. It would seem that in many cases involving this scenario, the public interest would be protected over the private interest at an extremely high percentage. Perhaps this should be the case in some instances, but in many people’s opinion the law should not just overlook the arguments of the private party. Roscoe Pound was a famous theorist in this area involving public against private interests. It was his view that the law was an engineering tool and a form of social control. In essence the law will try to engineer a balance between conflicting parties and that will achieve social cohesion. He also believed that individual issues should never be balanced against public issues and vice versa.

*The theory is well discussed but would be better a little earlier so that it can be referred to in the evaluation when discussing the examples.*

This is not an approach that the law seems to follow as there have been a huge number of cases where this has happened, and inevitably the public interest has been protected. Take the case of Brown and others, for instance: in this case the consenting homosexuals were involved in sado-masochistic activities. The court held that society had a right to protect itself from such a cult of evil, even though these activities were being held by consenting adults in the privacy of their own homes. It would seem that if Pound’s theory was to be implemented, this may not have been the outcome of the case. There does seem to be a huge imbalance in such scenarios and many people believe it to be unjust. In fact a balance has not been struck at all because the law seems to always favour the rights of the public over private parties. This has been seen in many cases such as Latimer v AEC, R v R and Watt v Herts.

*There are some good points made. A comparison with* ***Wilson*** *after discussing the case of* ***Brown*** *could support the point that in* ***Brown*** *the public interest prevailed and that seems unjust, because in* ***Wilson*** *the private interest prevailed. Although the cases cited in the last sentence are all valid examples, there is no connection to the question. The candidate needs to add a brief explanation of what the interest was in each case, and how it was balanced. One case explained is better than several cases without explanation. The following short paragraph would improve this.*

*‘Pound suggested that only interests on the same level should be balanced and one can see from several cases where this has not occurred that balancing interests on different levels (private against public) can cause difficulties. It is important for the law to get the balance right, or a possible injustice may result for one party. An example is* ***Latimer v AEC****, where the public interest in keeping the factory open prevailed over the claimant’s interest in receiving compensation for his injury.’*

In conclusion, I feel that the English legal system has all of the tools needed in order to be successful in balancing conflicting interests. It can be, if applied correctly, a very useful and effective tool in balancing conflicting interests with a wide variety of legal processes to use in different cases. ADR can give a platform for both parties to come together and discuss where they may be able to compromise and find a solution, while court hearings enable a conflict to be judged by an independent, impartial third body who can look at all the evidence and find the best resolution. Although, if treated like an assembly line, in particular cases involving public v private interests, then there is a risk of discounting the interests of the individual.

*It is always a good idea to write a short conclusion and this is fine as far as it goes. The candidate needs to bring all the elements of the question into it however, so both the extent and importance of balancing interests need mentioning. I would also suggest using a few of the more recent cases, such as* ***Quintavalle****,* ***Re A*** *or* ***Purdy****, as these are good examples of the importance of balancing interests and highlight the difficulties in doing so when there are so many competing interests. (Also an exam question may well ask you to discuss the importance of balancing interests ‘in a modern society’ or ‘in the 21st century’, or to discuss the ‘continuing importance’ of balancing interests. Knowledge of recent cases is therefore important.)*

*The following paragraph would improve the conclusion, although it would be better to discuss the recent cases I have suggested earlier and just refer to them briefly here, so that the conclusion is shorter.*

*‘As has been shown above, the law balances interests quite extensively, sometimes private against private (as with a claimant and defendant or victim and defendant), but often private against public interests (as in* ***Miller****,* ***Latimer*** *and other cases discussed earlier). As Pound noted this could cause injustice as the public interest will prevail and the individual interests may be mostly discounted. The importance of the law balancing interests is particularly clear in cases of an emotive nature, where there are many different interests to consider. In* ***Quintavalle****, the court had to make a ruling on whether a couple could select an embryo with the right tissue type to help their son. There were several conflicting interests and the court had to weigh in the balance the interests of the parents, their son, the doctors and the pressure group against this kind of selection. There was also a public interest in the case. The court ruled that tissue typing could be done but should be decided by the embryology organisation on a case-by-case basis. A similar dilemma arose in* ***Re A****, where doctors and parents were in conflict as to whether one twin should be sacrificed to save the other. In both cases, the law attempted to satisfy the most interests, which would be supported by utilitarians. However, proponents of natural law would be against the decisions. It is important for the law to balance interests in legal disputes, but trying to satisfy too many interests may mean no one is fully satisfied. It is also important that the law should try to achieve justice and this means attempting to balance the different interests between the parties, as well as the public, to reach a fair solution. The difficulties in doing this are highlighted in* ***Quintavalle*** *and* ***Re A****, as well as in the many cases on assisted suicide, such as* ***Purdy****.’*

**Overall, this is a good middle-grade answer with sound A01 and clear examples. To be sure of reaching the highest grades the answer needs a little more discussion of the theories when using cases and examples. There also needs to be more reference to the question asked. There is too little indication that the candidate is addressing the specific points raised and insufficient emphasis on the *extent* and *importance* of the law balancing interests (A02).**