

Chapter 4

4.1 Critical Thinking

1. Which of the five features of good criminal laws do you think are most important? Why?

Many people feel that the law should have all of these characteristics equally.

2. Are there any other features that could or should be added to good criminal laws?

Some people recommend Beccaria's suggestion that punishment be swift, certain, and severe. Others may believe that a restorative element is necessary.

4.2 Critical Thinking

1. Which of the amendments within the Bill of Rights do you think are the most protective of the rights of the accused? Why?

All of the amendments covered in this chapter are relevant. These are the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments.

2. Why is the Bill of Rights subject to interpretation by the Supreme Court?

As the court of final resort for the entire country, the Supreme Court has to interpret the Bill of Rights in the context of current cases.

4.3 Critical Thinking

1. Do you think miscarriages of justice are on the increase? Decrease? Why or why not?

Some people feel that miscarriages on the part of overzealous police and prosecutors are increasing, such as in drug cases. Others feel that procedural safeguards are at an all-time high.

2. Do you think that anything can be done to combat miscarriages of justice?

Yes, something can be done. Possibilities include stronger police and prosecutorial accountability, better legal counsel for indigent defendants, and greater public awareness of how such miscarriages occur.