In this book I have sought to give some specific examples of what I consider to be unjustified and unnecessary legal restrictions upon individuals and to detail some of the motives behind this. I began by asking a number of questions which in the course of the last six chapters, I hope I have at least answered in some way. In Chapter 1, I asked whether the present government really does have a mania for legislation, concluded that it seems to, and discuss what the explanation for such a mania could be. I sought then to produce some topical evidence for the glut of legislation which has reached the statute books over the last ten years and the background to this. More laws, I argue, do not necessarily make for less crime but sometimes serve only to criminalise more and more behaviour. In Chapters 2 and 3 I focused on some of the possible reasons for the proliferation of restrictive legislation over the last decade and which could be considered to have impacted upon our essential rights and liberties as citizens. Moreover, I mused about whether this represents a new form of social or even moral control. In Chapters 4 to 6 my aim was to highlight some particularly interesting areas in which to concentrate this argument and to present to the reader some detailed examples which demonstrate the point. In this final chapter my aim is to ask, why might it be wrong to over-legislate and what implications are arising from this, first in terms of the success of balancing individual rights and liberties against the need for security and second, for the academic discipline of criminology?

I am keenly aware that the examples given here represent only a fraction of those that could have been discussed. In fact, writing this book has simply heightened my awareness that I have merely scratched the surface of this important area and that more attention should be drawn to these and other related issues by academics, and the general public,
many citizens being only too well aware from personal experience, how ill thought through and knee-jerk legal measures can indict the innocent. It is also pertinent to point out that the role the government has played in all of this should not be underestimated. Arguably one of the factors on which an effective government ought to be judged is its commitment to civil liberties. The Blair-Brown administration has recently become the longest serving Labour Government in history. During its tenure in office, more legislation has reached the statute books than was the case for any other government – and more is to follow. Aside from examples already detailed in this book, it is enlightening to mention briefly some of the other suggestions that have been, or are being made as this book goes to press.

Within the criminal justice sphere we have seen greater limitations suggested on the right to a trial by jury, the argument here being that some cases are considered by the government to be too complex for juries to understand. The double jeopardy rule has been under discussion again after it was severely circumscribed under the Criminal Justice Act 2003. In November 2007, the government was again considering the penalties for speeding with suggestions being made for tougher penalties and the possibility of banning drivers after they incur only six points rather than 12, as well as the potential for speed cameras to identify motorists who then may be awarded 12 points in one ‘go’ rather than three, depending on how fast they are going. It has also been interesting to see the debate on National identity Cards come and go. Labour has had an on off love affair with this idea for some time, predictably sparking a vigorous debate. On the one hand proponents have argued that if individuals have nothing to fear or to hide, then identity cards should not be a problem. Civil libertarians however have made strenuous representations against these cards which they have said will be extremely technical, possibly containing biometric information which would be linked to a central database. Once this is achieved, it is argued that it would pave the way for further developments such as a national DNA database. It is probably a rational thing to be a little sceptical about such developments, if only on the basis that common sense tells us that technology is not yet developed to the point where the government could assure us categorically that mistakes with such technology would never be made. Certainly on the back of the loss of Child Benefit Information which included the personal details and bank accounts of some 25 million people, it is surely not surprising that many people would see identity cards as being no safer and as having the potential to turn innocent people into possible suspects. More recent examples will be mentioned later in