LA374-15 Crime And Punishment

20/21

Department
> School of Law

Level
> Undergraduate Level 3

Module leader
> Victor Tadros

Credit value
> 15

Assessment
> 100% coursework

Study location
> University of Warwick main campus, Coventry

Description

Introductory description

Punishment is perhaps the most severe and intrusive thing that states systematically do to their own citizens. Through criminal punishment lives are fundamentally altered typically for the worse. This is done at enormous expense. What, if anything, could possibly justify this brutal and costly enterprise? To what extent do our punitive practices depend on ideas of responsibility, and to what extent can these ideas of responsibility be vindicated? What should the scope of the criminal law be? And what kinds of conduct should be criminalised?

[Module web page](#)

Module aims

This course is concerned with the philosophical questions that underlie practices of crime and punishment. It explores and helps students evaluate different theories of punishment and criminal responsibility as well as investigating non-punitive responses to serious wrongdoing. In so doing, it engages students with some fundamental ideas in moral and political philosophy including the permissibility of harming others, the nature of responsibility, the appropriate responses to wrongdoing and the legitimacy of state power.
At the end of the course students should have a grasp of the main theories of criminal responsibility and criminal punishment. Students should have an ability to develop, in a sustained and sophisticated way, arguments about crime and punishment. Understanding is to be developed through critical reading, debate and discussion.

Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Conceptual Issues: State, Crime, Punishment

Theories of punishment: Consequentialism, retributivism, communicative theories and the duty view

Abolitionism

Theories of responsibility

The scope of the criminal law

Acts and omissions

Sexual wrongdoing and consent

Self-defence

Learning outcomes

By the end of the module, students should be able to:

- Have a grasp of the main theories of punishment, including retributivism, consequentialism, communicative theories, and non-consequentialist views.
- Have a grasp of the main theories of criminal responsibility, and their relationship to the purposes of trials and punishment.
- Have an understanding of the normative significance of the criminal process.
- Understand the main moral and political ideas that underpin the evaluation of key features of the criminal justice system.
- Students should be able to understand, summarise, and critically engage with philosophical argument about the scope and content of the criminal law. They should be able to relate their views about the criminal law to some more basic and fundamental ideas in moral and political philosophy
- Students should be able to structure arguments to a high level and explore ideas in a group using real and hypothetical examples to help them.
- Ability to formulate arguments of their own through critical engagement with leading philosophical writers. They should be able to engage with a group orally, defending and adjusting their ideas in response to discussion as well as making critical interventions of their own. This is intended to bear fruit in their written work.

Indicative reading list

DUFF, ANTONY and GARLAND, DAVID (eds.) (1994), A Reader on Punishment. Oxford: Oxford University Press.
FEINGBERG, JOEL and COLEMAN JULES (eds.) (2004)

Philosophy of Law. 7th edition. Wadsworth Publishing Co.
GARDNER, J. Offences and Defences (OUP 2007)
FEINGBERG, J. The Moral Limits of the Criminal Law (four vols)
MOORE, M. Placing Blame (OUP, 1997)
NORRIE, A. Punishment, Responsibility and Justice (OUP, 2000)
TADROS, V. The Ends of Harm (OUP, 2011)
HUSAK, D. Philosophy of the Criminal Law (OUP, 2011)

Subject specific skills

No subject specific skills defined for this module.

Transferable skills

No transferable skills defined for this module.

Study

Study time

Type	Required
Seminars	18 sessions of 1 hour (100%)
Total	18 hours

Private study description

No private study requirements defined for this module.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group A2

Assessment component	Weighting	Study time	Eligible for self-certification

	Weighting	Study time	Eligible for self-certification
5000 word essay	100%		Yes (extension)

Some suggested titles for essays will be distributed prior to reading week. Students are welcome to propose other titles to the class teacher.

Reassessment component is the same

Feedback on assessment

Feedback via Tabula

Availability

Courses

This module is Optional for:

- Year 4 of UIBA-MN32 Undergraduate Law and Business Studies
- Year 4 of UIBA-MN37 Undergraduate Law and Business Studies (Qualifying Degree) with Intercalated Year
- Year 4 of UIBA-MN36 Undergraduate Law and Business Studies with Intercalated Year (4+1)
- Year 2 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)

This module is Option list A for:

- Year 4 of UMAA-GV18 Undergraduate Mathematics and Philosophy with Intercalated Year

This module is Option list B for:

- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- Year 2 of UMAA-GV18 Undergraduate Mathematics and Philosophy with Intercalated Year
- Year 2 of UMAA-GV19 Undergraduate Mathematics and Philosophy with Specialism in Logic and Foundations

This module is Option list E for:

- Year 2 of UPHA-V7MW Undergraduate Politics, Philosophy and Law