

LA335-15 Sentencing and Justice

26/27

Department

School of Law

Level

Undergraduate Level 3

Module leader

Henrique Carvalho

Credit value

15

Module duration

9 weeks

Assessment

100% exam

Study location

University of Warwick main campus, Coventry

Description

Introductory description

This module explores key topics in the theory and practice of sentencing and punishment, especially in their relationship with broader notions of social justice. The module takes an interdisciplinary approach, looking at legal issues around sentencing through an engagement with the social, political, cultural and aesthetic dimensions of criminalisation, punishment and justice. This module is less interested in covering all the different rules and laws concerning sentencing than it is with understanding how sentencing works, its assumptions, ideals, forms, functions and purposes. For this purpose, a primary object of study will be that of sentencing remarks. We will analyse and discuss these remarks as legal and cultural artefacts that articulate many different meanings, intentions and desires. These documents will be analysed in conversation with broader laws around sentencing, but also academic scholarship, policy documents and debates, and reflections from practitioners, artists and, in particular, from those in the receiving end of sentences and punishment. Through these investigations, we will seek not only to understand the aims, rules, practice and effects of sentencing, but also how sentencing relates to broader reflections around justice. On this, we will explore the hegemonic position of punitive justice in contemporary societies, and consider avenues for pursuing other, non-punitive approaches to justice.

The module is taught in a 2-hour workshop format and assessed by examination. At each workshop, we will often engage with one or two specific sentencing remarks, involving a detailed

analysis of its text and the underpinning legal and social issues. We will then revisit some core literature on the relevant topic and issues, and then we will engage in at least one creative exercise. The exam will consist of two questions, at least one of which will have a primary creative component.

[Module web page](#)

Module aims

- To explore and critically engage with the legal and institutional framework around sentencing and punishment as primary stages of the criminal process and representations of criminal justice.
- To examine sentencing practices and decisions, their context, underpinnings, modes and effects.
- To familiarise students with contemporary theories and studies that attempt to frame and critically analyse the framework of sentencing, punishment and justice.
- To critically scrutinise the cultural role and position of punitive justice in contemporary social settings.
- To engage with creative practices around punishment and justice.

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.

Week 1: Introduction: Sentencing, Punishment and Justice

Week 2: Principles and Policies of Sentencing

Week 3: Sentencing as Practice: Sentencing Remarks

Week 4: Sentencing Decisions and Outcomes

Week 5: The Sentenced Subject

Week 6: Reading Week

Week 7: The Aims of Punishment

Week 8: Why do We Punish?

Week 9: Punishment and Justice

Week 10: Beyond Punitive Justice

Learning outcomes

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

- Understand and identify the key concepts, structure and issues in the theory and practice of sentencing and punishment in England and Wales.
- Display knowledge of the main theories, guidelines and outcomes relevant to sentencing and punishment.
- Display the ability to produce a structured and coherent synthesis of material related to theoretical and practical issues on relevant topics.
- Analyse practical problems and apply sentencing principles and rules to specific scenarios.

- Critically engage with contemporary theories and scholarly debates on punishment and its relationship with justice.
- Engage creatively with the relationship between punishment and justice.

Indicative reading list

[Reading lists can be found in Talis](#)

Interdisciplinary

Discussions in this module bring together insights from law, philosophy, sociology, criminology and cultural studies. In particular, the second half of the module approaches punishment and justice as socio-cultural phenomena, which can only be properly understood and discussed from an interdisciplinary perspective.

International

While the module focuses on a discussion of sentencing and punishment practices in England and Wales, it invites reflections on the contextual contingency and specificity of such practices and ideas; in doing so, it engages with different approaches to these topics, often referring cultural and legal practices in other contexts and jurisdictions. Also, more broadly, the themes and perspectives discussed in this module are of relevance to understanding issues of global import, well beyond the national context.

Subject specific skills

- The ability to identify, describe and apply key rules and principles of sentencing and punishment.
- The ability to analyse problem scenarios regarding sentencing and punishment.
- The ability to critically and contextually analyse legal decisions.
- The ability to understand and critically engage with key theories and debates around punishment and criminal justice.
- The ability to critically reflect on issues around the delivery of justice through law, and around legal decision-making.

Transferable skills

- The ability to engage in debates from multiple disciplinary perspectives.
- The ability to produce a structured and coherent argument grounded on rigorous scholarly analysis.
- The ability to engage in critical reflections regarding rhetorical and ideological aspects of textual analysis.
- The ability to analyse practical scenarios and to offer informed reflections on ethical, procedural and technical issues.
- The ability to think creatively about social problems.

Study

Study time

Type	Required
Seminars	9 sessions of 2 hours (12%)
Online learning (independent)	9 sessions of 1 hour (6%)
Private study	98 hours (65%)
Assessment	25 hours (17%)
Total	150 hours

Private study description

Reading required readings; revising lecture notes; preparing for seminars; reading further readings; conducting independent research for academic sources; conducting independent research of cases, legal and political developments, and media sources; becoming familiarised with the context of legal decision making; practising and preparing for seminar discussions and formative and summative assessments.

Costs

No further costs have been identified for this module.

Assessment

You must pass all assessment components to pass the module.

Assessment group B1

	Weighting	Study time	Eligible for self-certification
Assessment component			
Exam	100%	25 hours	No

The exam is comprised of two questions, corresponding to each part of the module. The first question will focus on sentencing, and the second question will focus on punishment and justice more broadly.

~Platforms - AEP

Weighting

Study time

Eligible for self-certification

- Online examination: No Answerbook required

Reassessment component is the same

Feedback on assessment

Before the exam, students will be invited to submit an optional formative assessment, an essay of up to 1,500 words. Students will then receive feedback on their submitted work.

Students will receive individual feedback on their exam scripts. If desired, a meeting with the module leader can be requested to discuss the mark and feedback.

[Past exam papers for LA335](#)

Availability

Courses

This module is Optional for:

- ULAA-M130 Undergraduate Law
 - Year 3 of M130 Law
 - Year 3 of M130 Law
- ULAA-M131 Undergraduate Law (4 Year)
 - Year 3 of M131 Law (4 year)
 - Year 4 of M131 Law (4 year)
- Year 4 of ULAA-M132 Undergraduate Law (Year Abroad)
- ULAA-M135 Undergraduate Law and Sociology
 - Year 3 of M135 Law and Sociology
 - Year 4 of M135 Law and Sociology
- Year 4 of ULAA-M133 Undergraduate Law with French Law
- Year 4 of ULAA-M134 Undergraduate Law with German Law
- Year 3 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law
 - Year 3 of V7MW Politics, Philosophy and Law