

# LAW-UH2500L01, Criminal Law

NYU London: Spring 2020

## Instructor Information

- TBA

## Course Information

- Criminal Law
  - Intended Learning Outcomes
  - introduce the basic judicial concepts of criminal responsibility describe the practices of criminal law
  - analyse the various contexts in which criminal law is practised assess the aims and methods of criminal law
  - develop the oral and written skills necessary for criminal legal practice
  - of this course you should:
    - have a knowledge of the criminal legal framework

### ● Course Overview and Goals

Criminal Law lays down a set of rules which carry with them a set of standards of what behaviour in society is permissible and what is not. We will be therefore studying the rules/standards that were set up in England and Wales that tell us which behaviours are allowed and which behaviours are punished if we transgress them.

You will therefore be studying the elements of criminal legal responsibility (actus reus and mens rea) as well as a variety of offences (i.e. murder, manslaughter, corporate manslaughter, offences against the person, sexual offences, theft, fraud, self-defence, duress and necessity, intoxication, insanity).

Nevertheless as lawyers we want to make sure that these standards that we will be studying are applied fairly and equally to all in society. Therefore will be approaching the study of criminal law in a critical manner. For example, we will be asking questions should all murders be punished or can in certain circumstances murders be justified? If they are justified are there any criminal legal rules that justify a murder? Are those rules applied to all equally? Are women for example treated by criminal law the same as men?

In order to do so we will be studying criminal legal doctrine in a contextual manner, learning their history, their social context in which they have emerged as well as philosophical questions that are raising.

## **Upon Completion of this Course, students will be able to:**

In this course we aim to:

- introduce the basic judicial concepts of criminal responsibility
- describe the practices of criminal law
- analyse the various contexts in which criminal law is practised
- assess the aims and methods of criminal law
- develop the oral and written skills necessary for criminal legal practice

By the end of this course you should:

- have a knowledge of the criminal legal framework
- have developed through seminars your rhetorical skills and ideas
- be able to critically assess criminal legal doctrines (social, political, moral foundations)
- have developed your research and analytical skills
- have a firm understanding of the basic concepts of criminal law and be able to use that understanding to address - in both oral and written forms - the current issues in the practice of criminal law.

## **Course Requirements**

### **Class Participation**

- Prepare for and attend lectures;
- Prepare for and participate in seminars;
- Demonstrate learning outcomes in assessment;
- Have read your module guide(s) and your Program Handbook for key information relevant to your study;
- Regularly consult with the module virtual page to locate relevant learning material, and to check updates and module news, etc

**Teaching and Learning Methodologies:** A combination of lecture and active learning activities

## Assignment 1

### First Group Writing Assignment 20%

Groups will be made of 3-4 students and will collaboratively prepare and write a 1,000 word critical analysis of one of the four cases listed below. Each student on the team must participate in the research and writing of the assignment. The group will receive one collective mark. The writing analysis must include the following: a description of the material facts; the decision of the case and the ratio decidendi; a discussion of the legal relevance of the case and critical reflections on its wider criminal legal significance.

#### Cases

**R v Pagett [1983] 76 Cr App Rep 279**  
**R v Stone; R v Dobinson [1977] 2 All ER 341**  
**R v Woollin [1998] 3 WLR 382, [1999] 1 AC 82**  
**R v G [2003] UKHL 50; [2004] Crim LR 369 (HL)**

## Assignment 2

**Critically discuss the current state of Homicide Law. Include in your discussion any relevant defences.**

**Word Limit 3,000 words including footnotes and bibliography.**

### Grading of Assignments

The grade for this course will be determined according to these assessment components:

Assignments/Activities	Description of Assignment	% of Final Grade	Due
1.	Group Case Writing	40%	Friday 28 <sup>th</sup> of February 2020
2.	Individual Project maximum 3,000 words including footnotes and bibliography.	60%	18 <sup>th</sup> of May 2020

Failure to submit or fulfil any required course component results in failure of the class

## Grades

Letter grades for the entire course will be assigned as follows:

<b>Letter Grade</b>	<b>Percent</b>	<b>Description</b>
<b>A</b>	Example: 93.5% and higher	Excellence in integrating conceptual literature with legal doctrine. Consistently superior performance in dealing with conceptual material. Excellence in written expression and scholarship. Evidence of self-direction in learning with substantial reading activity in depth and breadth. Resourceful, intelligent participation in class discussion. Demonstration of innovative co-operative skills in class group assignments.
<b>B</b>	Example: 82.5% - 87.49%	Good understanding of conceptual literature and legal doctrine. Good performance in dealing with conceptual material. Good written expression and scholarship. Good participation in class discussion. Demonstration of co-operative skills in class group assignments.
<b>C</b>	Example: 72.5% - 77.49%	There is minimal grasp of concepts and minimal integration of conceptual and legal doctrine learning. Student might repeat some content areas on mechanical, rote basis but the student's understanding is unclear or questionable. The grade is "passing" but the student is considered marginal in important areas of learning.
<b>D</b>	Example: 62.5% - 67.49%	Unsatisfactory. The student demonstrates poor understanding of conceptual and legal doctrine. Poor written expression and scholarship. Poor participation in class and cooperation in group assignments. Requires extensive improvement.
<b>F</b>	Example: 59.99% and lower	Work is unsatisfactory in most of the attributes considered and does not warrant receiving credit for the course. A student receiving an "F" grossly misunderstands course content and/or is deficient in its mastery. Failure to submit assignments, participate in class, presentations and other required materials is clearly unacceptable.

## Course Materials

### Required Textbooks & Materials

Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., *Criminal Law: Texts and Materials* (London, Sweet & Maxwell, 2017, 9<sup>th</sup> Edition)

AND any **Criminal Law Statute Book**, for example:

Dyson, M. (ed.) *Blackstone's Statutes on Criminal Law 2019-20* (Oxford, Oxford University Press, 2017).

### Optional Textbooks & Materials

Lacey, N., Wells, C. and Quick, O. *Reconstructing Criminal Law: Texts and Materials* (Cambridge, Cambridge University Press, 2010, 4<sup>th</sup> Edition)

Simester, A. and Sullivan, R.G., *Criminal Law: Theory and Doctrine* (Oxford, Hart Publishing, 2019 7<sup>th</sup> edition)

Horder, J. *Ashworth's Principles of Criminal Law* (Oxford, Oxford University Press, 2016, 8<sup>th</sup> edition)

## Resources

- **Access your course materials:** [NYU Classes](http://nyu.edu/its/classes) (nyu.edu/its/classes)
- **Databases, journal articles, and more:** [Bobst Library](http://library.nyu.edu) (library.nyu.edu)
- **NYUL Library Collection:** Senate House Library (catalogue.libraries.london.ac.uk)
- **Assistance with strengthening your writing:** [NYU Writing Center](http://nyu.mywconline.com) (nyu.mywconline.com)
- **Obtain 24/7 technology assistance:** [IT Help Desk](http://nyu.edu/it/servicedesk) (nyu.edu/it/servicedesk)

## Course Schedule

### Topics and Assignments

Session/Date	Topic	Reading	Assignment Due
Session 1, February 3 & 5]	The Framework of Criminal Responsibility and Actus Reus 1: Causation.	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> ch.2 pp.109-127 and ch.2 pp 155-197	[Insert assignment]
Session 2, February 10 and 12]	Actus Reus 2 : Omissions	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> ch.2 pp 127-155	[Insert assignment]
Session 3, February 17 and 19]	Mens Rea: Intention to Kill and Recklessness	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> ch 3. pp 198-243 ch 3. pp 244-268	[Insert assignment]
Session 4, February 24 and 26	Sexual Offences: Rape and Assault by penetration	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> ch 7. pp.911-953 and ch 7 pp 954-956	[Insert assignment]
Session 5, March 2 and 4	Property Offences: Theft and Revision	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> ch.9 pp.1143-1231 and ch.9 pp.1231-1258.	[Insert assignment]

<b>Session/Date</b>	<b>Topic</b>	<b>Reading</b>	<b>Assignment Due</b>
Session 6, March 9 and 11	Voluntary Manslaughter	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 8, 1036-1084	[Insert assignment]
Session 7, March 16 and 18	Involuntary Manslaughter	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 8, 999-1032	[Insert assignment]
Session 8, March 23 and 24	Non-fatal (Non-sexual) Offences Against the Person	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 7, 859-910	[Insert assignment]
Session 9, March 30 and April 1	Defences I: Overview and Self-defence	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 4, 417-435, and 464-500	[Insert assignment]
Session 10, April 6 and 8	Defences II: Duress and Necessity	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 4, 504-570	[Insert assignment]
Session 11, April 20 and 22	The Limits of the Criminal Sanction, and Revision	Clarkson, C.M.V., Keating, H. M. and Cunningham, S. R., <i>Criminal Law: Texts and Materials</i> , ch. 1, 1-38	[Insert assignment]

## Classroom Etiquette

We expect students to be cordial to each other and their instructors. The use of mobile phones is not allowed unless it is a case of emergency.

## NYUL Academic Policies

### Attendance and Tardiness

- Key information on NYU London's absence policy, how to report absences, and what kinds of absences can be excused can be found on our website (<http://www.nyu.edu/london/academics/attendance-policy.html>)

## Assignments, Plagiarism, and Late Work

- You can find details on these topics and more on this section of our NYUL website (<https://www.nyu.edu/london/academics/academic-policies.html>) and on the Policies and Procedures section of the NYU website for students studying away at global sites (<https://www.nyu.edu/academics/studying-abroad/upperclassmen-semester-academic-year-study-away/academic-resources/policies-and-procedures.html>).

## Classroom Conduct

Academic communities exist to facilitate the process of acquiring and exchanging knowledge and understanding, to enhance the personal and intellectual development of its members, and to advance the interests of society. Essential to this mission is that all members of the University Community are safe and free to engage in a civil process of teaching and learning through their experiences both inside and outside the classroom. Accordingly, no student should engage in any form of behaviour that interferes with the academic or educational process, compromises the personal safety or well-being of another, or disrupts the administration of University programs or services. Please refer to the NYU Student Conduct Policy for examples of disruptive behavior and guidelines for response and enforcement.

## Disability Disclosure Statement

Academic accommodations are available for students with disabilities. Please contact the Moses Center for Students with Disabilities (212-998-4980 or [mosescsd@nyu.edu](mailto:mosescsd@nyu.edu)) for further information. Students who are requesting academic accommodations are advised to reach out to the Moses Center as early as possible in the semester for assistance.

## Instructor Bio

- Dr Elena Loizidou is a Reader in Law and Political Theory at the School of Law Birkbeck College. Elena's research interests include anarchism and political theory, theories of gender and sexuality, and law and culture. She is the author amongst other publications of *Judith Butler: Ethics, Law, Politics*, London, Routledge-Glasshouse:2007, and editor of *Disobedience: Concept and Practice*, London: Routledge (2015). She is currently completing a monograph on Anarchism, an art of living without law (Routledge, forthcoming). She teaches Criminal Law and undergraduate and postgraduate levels.
- Dr Craig Reeves is Lecturer in Law at Birkbeck College. His research interests include philosophy of criminal law, and legal, moral and social philosophy more widely. He has authored a number of publications in philosophy of criminal law, including, most recently, 'What Punishment Expresses' ((2019) *Social and Legal Studies* 28(1)), and (with A. Norrie and H. Carvalho) 'Between Persecution and Reconciliation: Criminal Justice, Legal Form and Human Emancipation', in the *Research Handbook of Critical Legal Theory* (Christodoulidis, Dukes and Goldoni, eds.; Cheltenham: Edward Elgar Publishing, 2019).