



RHODES UNIVERSITY
Where leaders learn

Grahamstown • 6140 • South Africa

FACULTY OF LAW • Tel: (046) 603 8427/8 • Fax: (046) 6228960

Web Page: <http://www.ru.ac.za/academic/faculties/law>

CRIMINAL LAW A

2009

Lecturer: Ms A. Haller-Barker

COURSE OUTLINE

1. OVERVIEW

Criminal Law is taught in the penultimate year of the LLB degree, and consists of two semester courses: Criminal Law A and Criminal Law B. The purpose of the course *inter alia* includes the following:

- To provide students with an insight into the content, development and scope of Criminal Law;
- To introduce students to the fundamental values, functions and objectives of criminal law;
- To recognise and understand different theories of punishment and their purpose;
- To familiarise students with the fundamental principles of criminal liability, namely unlawful conduct, criminal capacity, fault and causation.
- To examine the different legal defences that may be available to an accused person;
- To introduce students to various forms of participation in criminal activities and the consequences of each form of participation;
- To critically analyse forms of incomplete crimes and the rationale behind punishing such crimes;
- To examine the influence and impact that the Constitution of the Republic of South Africa, 1996 has on various aspects of criminal justice in South Africa;
- To introduce students to the sources of the current Criminal Law and to assist students in extracting principles from these;
- To provide a solid knowledge and skills base, which will be necessary for the successful completion of Criminal Law B.

2. ASSUMPTIONS OF PRIOR LEARNING

In order to successfully complete this course, students should:

- Be capable of communicating competently in written and spoken English;
- Be able to work/study independently by reading, extracting and analysing relevant information from various sources of law;
- Know how and where to access resources, and so be capable of using the library and electronic resources;
- Be capable of applying legal problem-solving techniques;
- Have the ability to follow appropriate legal referencing conventions in written work.

3. OUTCOMES

4.1 Critical Outcomes

Apart from the knowledge and skills which relate specifically to Criminal Law, it is intended that this course will enable students to attain the following critical outcomes:

- a) organise and manage themselves effectively;
- b) collect, understand and analyse information from various sources of law, in addition to information conveyed in the lecture room;
- c) recognise problem-solving contexts involving Criminal Law;
- d) identify and solve problems;
- e) communicate effectively, both in class and through written work;
- f) develop independent research skills, including the use of technology for legal research.

4.2 Specific Outcomes

It is intended that by the end of this course students will be able to:

- a) Understand the fundamental values underlying criminal justice in South Africa and comparable jurisdictions;
- b) Explain the functions and objectives of criminal law;
- c) Show an in-depth understanding of the principles that underlie the Criminal Law;
- d) Identify and apply the various defences that may exclude criminal liability;
- e) Define various forms of participation in criminal activities and their consequences;
- f) Explain why should people be held criminal liable for incomplete crimes;
- g) Understand and appreciate the influence of Constitutional principles on the Criminal Law, and how these have been harmonised with common law principles;
- h) Evaluate the laws governing Criminal Law;
- i) Apply the knowledge gained during the course to solve practical problems.

4. TEACHING METHOD

The course comprises two lectures per week, canvassing the law as contained in textbooks, case law and legislation. There is no comprehensive handout for the course. Students will be expected to take their own notes during lectures and to supplement these on their own after the lectures. Class discussions will be held, and students will have to participate actively in these; *i.e.* be able to explain case law and consider practical questions. Students are expected to prepare for lectures by doing the prescribed readings before each lecture. It is expected that students assume responsibility for their own learning by independent study according to the guidance provided by the detailed course outline. Lectures are compulsory, and the Faculty DP policies apply. Students who miss lectures are therefore required to provide valid Leaves of Absence. Students are welcome to discuss problems with the lecturer.

5. COURSE CONTENT

- 1) Definitions & Introductory Concepts
Fundamental values, Functions and Objectives of Criminal Law
- 2) Overview: General Principles of Criminal Liability
- 3) General Principles:
 - 3.1) Unlawful Conduct
 - 3.2) Defences Excluding Unlawfulness
 - 3.3) Capacity
 - 3.4) Fault
- 4) Participation in Criminal Activities
- 5) Incomplete (Inchoate) Crimes
- 6) Conclusion

6. RESOURCES

In order to assist your preparation for lectures, a course outline listing the core readings is provided. However, it will be in your own interests to read more widely than the readings listed. You will find the leading judgments on aspects of Criminal Law in the relevant Law Reports, which may be accessed in the Law Library, both in paper and electronic form.

Prescribed Textbook:

CR *Snyman Criminal Law* 5th ed (2008).

Recommended Textbooks:

J Burchell *Principles of Criminal Law* 3rd ed (2004).

J Burchell and J Milton *Principles of Criminal Law* 2nd ed (1996).

J Burchell and J Milton *Cases and Materials on Criminal Law* (1996).

Other texts may be referred to during the course. On occasion, students may also be referred to Journal articles on aspects of the course content. Students are encouraged to utilise all the available library resources, and to familiarise themselves with the relevant Criminal Law texts by browsing through the shelves in the library.

7. STUDENT ASSESSMENT

Intended Specific Outcomes: Upon successful completion this course, students will be able to:	Assessment Criteria: Students must provide evidence that they can:
1. Understand the fundamental values underlying criminal justice in South Africa and comparable jurisdictions;	Identify and explain the meaning, origins and status of each of the identified values of our criminal justice.
2. Explain the functions and objectives of criminal law;	Identify the role of the Criminal Law, and explain its importance in everyday life.
3. Show an in-depth understanding of the principles that underlie the Criminal Law;	Identify and explain, as well as critically analyse the basic principles of Criminal Law, including: <ol style="list-style-type: none"> a) principles of criminal liability: unlawful conduct, capacity, fault, causation; b) defences that exclude criminal liability; c) various forms of participation in criminal activities and their consequences; d) liability for incomplete crimes.
4. Apply the knowledge gained during the course to solve practical problems.	Synthesise and integrate the knowledge gained in order to propose practical solutions to problems associated with the Criminal Law, and to be able to advise accordingly.
5. Evaluate the laws governing Criminal Law.	<ol style="list-style-type: none"> a) Identify and find relevant texts, judicial decisions, journal writings and other resources relevant to Criminal Law. b) Explain these laws and analyse their adequacy. c) Identify shortfalls and make suggestions for law reform.
6. Understand and appreciate the influence of Constitutional principles on the Criminal Law, and how these have been harmonised with common law principles;	<ol style="list-style-type: none"> a) Identify the key constitutional provisions that affect the Criminal Law. b) Explain the implications and effects of these provisions c) Analyse current constitutional reforms in the Criminal Law.

Assessment Criteria:

The final mark for the course is comprised of the following components:

Class Work: 30 marks

Examination: 70 marks

Total: 100 marks

Assignment

Assignment Due Date: To be advised.

There is one major assignment for this course. The assignment is **compulsory** and comprises half of the class mark (15%). No late assignments will be accepted for marking, and will receive 0%, unless the student has a valid Leave of Absence.

Test

Test Date: To be advised.

There is one test for this course, which will make up the other half of the class mark (15%). The test will contain questions equivalent to those which will be found in the June examination. The test is **compulsory** and will be written during the relevant lecture period. The test will cover everything we have done in the course up until that date.

Examination

The June examination for this course will comprise a two-hour long paper. Students can expect both theory and problem-type questions in this exam. The mark obtained in the exam counts 70% towards the final mark. The examination is compulsory. An external examiner will assess the quality of both the examination paper and the students' answers.

8. EVALUATION

The course is evaluated on a three-year cycle. Students evaluate the course by filling in a questionnaire that requires students to respond to specific questions about the course, as well as giving them the opportunity to make free-form comments on good or bad aspects of the course. The responses are processed by the Academic Development Centre, who compile a report on the evaluation of the course, pointing out strengths and weaknesses. The feedback and issues arising from the evaluation, as well as the action taken to address these, is conveyed to the lecturer and students at the earliest opportunity.