

Subject card

Subject name and code	Anglo-american criminal law and process - lecture, PG_00134214						
Field of study	Criminology and Criminal Justice						
Date of commencement of studies	October 2023	Academic year of realisation of subject	2024/2025				
Education level	undergraduate studies	Subject group	Optional subject group				
Mode of study	full-time studies	Mode of delivery	at the university				
Year of study	2	Language of instruction	English				
Semester of study	4	ECTS credits	3.0				
Learning profile	academic	Assessment form					
Conducting unit	Katedra Prawa Karnego Materialnego i Kryminologii -> Faculty of Law and Administration -> Rektor						
Name and surname of lecturer (lecturers)	Subject supervisor	dr Andrzej Lewna					
	Teachers	dr Andrzej Lewna dr Łukasz Cora					
Lesson types	Lesson type	Lecture	Tutorial	Laboratory	Project	Seminar	SUM
	Number of study hours	15.0	0.0	0.0	0.0	0.0	15
	E-learning hours included: 0.0						
	Additional information: • Conversation lecture						
Learning activity and number of study hours	Learning activity	Participation in didactic classes included in study plan	Participation in consultation hours	Self-study	SUM		
	Number of study hours	15	0.0	60.0	75		
Subject objectives	The primary purpose of the course is the comparative introduction of students of Criminology and Criminal Justice to the basic concepts and issues of substantive and procedural criminal law of selected systems from the legal culture of common law - with particular emphasis on the system of England and Wales, treated here as a kind of mother system for all the systems of the discussed group. and auxiliary also the system of the United States of America, Scotland, Northern Ireland.						

Learning outcomes	Course outcome	Subject outcome	Method of verification
	[CCJL3_KK01] He/she is aware of his/her level of knowledge and skills, as well as understands the need for lifelong learning.	Respect for the rights and freedoms of the individual and the foundations of the rule of law in the system of state power. The ability to properly define priorities for the implementation of a task set by oneself or others. The ability to predict multidirectional social consequences of adopting discussed legal solutions.	[SK1] oral statement/conversation/discussion [SK4] test/exam - oral or written [SK5] implementation of a problem task
	[CCJL3_WG02] He/she has extended knowledge of the set of elementary facts, simple concepts and the relationship between selected natural and social phenomena in the field of penal sciences	The ability to use knowledge of legal solutions adopted in Anglo-Saxon systems for a critical analysis and discussion of problems related to the functioning of the criminal justice in the national system and continental Europe. Assessment of the practice of the discussed aspects of the application of substantive and procedural criminal law as well as reform proposals.	[SW4] test/exam - oral or written
	[CCJL3_UW01] He/she can observe and interpret correctly phenomena that appear in the area of etiology and phenomenology of crime, universal for various societies, analyzes their connections with various areas of criminology	The ability to use knowledge of legal solutions adopted in Anglo-Saxon systems for a critical analysis and discussion of problems related to the functioning of the criminal justice in the national system and continental Europe. Assessment of the practice of the discussed aspects of the application of substantive and procedural criminal law as well as reform proposals.	[SU1] oral statement/conversation/discussion [SU4] test/exam - oral or written [SU5] implementation of a problem task

Subject contents	<p>Part one - substantive criminal law:</p> <p>a. basic characteristics of the sources of substantive criminal law in England and Wales, the USA and other common law countries as precedent systems;</p> <p>b. analysis of the structure of the crime: distinguishing between conduct elements (actus reus) and mental elements (mens rea), taking into account the discussion on the completeness and usefulness of the discussed structural approach;</p> <p>c. the issue of conduct element and causation;</p> <p>d. the issue of mental element: direct and indirect intent, recklessness, negligence;</p> <p>e. the construction of objective liability as characteristic of common law systems - strict liability;</p> <p>f. selected issues of circumstances excluding criminal liability - criminal defenses: insanity, necessity and duress, self-defense;</p> <p>g. selected issues of the specific part of substantive criminal law: homicide law, property offences (theft, robbery, burglary);</p> <p>II. Part two - criminal procedural law:</p> <p>Treści programowe:</p> <p>A. An outline of history of criminal procedure in England.</p> <p>B. Legal sources of criminal procedure - statute law and common law</p> <p>C. Structure of the courts and tribunal system in England.</p> <p>D. Police and like-police agencies of investigation. Crown Prosecution Service as a public prosecutor in England and Wales.</p> <p>E. The role of barristers i solicitors in criminal procedure.</p> <p>F. The rights of defandant and the victim in criminal cases.</p> <p>G. Stop and search procedure. Bail and remands.</p> <p>H. Introduction to English law of evidence.</p> <p>I. The course of the trial: police investigation, summary trial, indictment, Crown Court trial, the verdict and sentencing, appeals from the magistrates courts and appeals from the Crown Court</p> <p>J. American criminal trial - basic information (introductory issues: sources of procedural law, authorities and basic procedural rules as protection from unreasonable search and seizure, right to a speedy trial, voir dire, guarantee of due process, right to effective counsel, right to not to self-incriminate; exclusion rules, evidence, preliminary questioning, prosecution, plea bargaining and guilty pleas, preliminary and proper court proceedings, habeas corpus procedure;</p>
Prerequisites and co-requisites	None

Assessment methods and criteria	Subject passing criteria	Passing threshold	Percentage of the final grade
	Exam	51.0%	100.0%
Recommended reading	Basic literature	Literature required for final course credit (passing the exam):	
		<p>A. used during the class:</p> <ol style="list-style-type: none"> 1. Criminal Law (7th ed.), J. Herring, Houdmills, New York, 2011; 2. Criminal Law: Text, Cases and Materials (7th ed.), J. Herring Oxford, 2016; 3. the Oxford Handbook of Criminal Law, M. D. Dubber, T. Hörnle (eds.), Oxford, New York, 2014; 4. the Principles of Criminal Law, A. Ashworth, Oxford 2013; <p>B. studied independently by the student:</p> <p>Literature indicated by the instructor during the class.</p> <p>List of basic and supplementary literature (criminal procedural law):</p> <p>R. Walker, R. Ward, <i>English Legal System</i>, London, Dublin, Edinburgh 1994. T. Ingman, <i>The English Legal Process</i>, London 1990, J. Sprack, <i>A practical approach to criminal procedure</i>, Oxford University Press 2012 P. Hungerford-Welch, <i>Criminal procedure and sentencing</i>, Kindle Edition 2019 D.N. Falcone, <i>Prentice Hall's dictionary of American criminal justice, criminology, and criminal law</i>, Upper Saddle River 2010 Federal Rules of Criminal Procedure (v. 2019) and Federal Rules of Evidence (2020; https://www.rulesofevidence.org)</p>	
	Supplementary literature	Supplementary literature	
		<ol style="list-style-type: none"> 1. V. Chiao, Action and Agency in Criminal Law, <i>Legal Theory</i>, 2009, vol. 15; 2. P. H. Robinson, Should the Criminal Law Abandon the Actus Reus-Mens Rea Distinction?, in <i>Action and Value in Criminal Law</i>, S. Shute, J. Gardner, J. Horder (eds.), Oxford 1993; 3. A. Brudner, Subjective Fault for Crime: a Reinterpretation, <i>Legal Theory</i>, 2008, vol. 14, issue 1; 4. J. Horder, Two Histories and Four Hidden Principles of Mens Rea, "Law Quarterly Review," 1997, vol. 113; 5. A. P. Simester (ed.), <i>Appraising Strict Liability</i>, Oxford 2005; 6. J. Horder, Self-Defence, Necessity and Duress: Understanding the Relationship, <i>Canadian Journal of Law and Jurisprudence</i>, 1998, vol. 11; <p>List of primary and secondary literature (criminal procedural law):</p> <p>R. Walker, R. Ward, <i>English Legal System</i>, London, Dublin, Edinburgh 1994. T. Ingman, <i>The English Legal Process</i>, London 1990, J. Sprack, <i>A practical approach to criminal procedure</i>, Oxford University Press 2012 P. Hungerford-Welch, <i>Criminal procedure and sentencing</i>, Kindle Edition 2019 D.N. Falcone, <i>Prentice Hall's dictionary of American criminal justice, criminology, and criminal law</i>, Upper Saddle River 2010 Federal Rules of Criminal Procedure (v. 2019) and Federal Rules of Evidence (2020; https://www.rulesofevidence.org)</p>	
	eResources addresses	Adresy na platformie eNauczanie:	
Example issues/ example questions/ tasks being completed	During the course of the class, the student will learn what are the basic features that distinguish the Anglo-American model of criminal trial (adversarial process) from the continental (inquisitorial) process, and will also learn what are the most significant distinguishing features of the Anglo-American model of criminal responsibility in terms of such issues as the role of guilt, the mental elements of crime or the circumstances excluding criminal responsibility.		

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