



Centre of **Criminology**

## **Criminology, Law and Society**

### **Masters Programme**

The Centre for Law & Society, in conjunction with the Centre of Criminology, offer a LLM or MPhil programme in Criminology, Law and Society.

This programme will appeal to students with interests in law and society, criminology and social justice. The programme seeks to develop interdisciplinary skills in theory and research methods and offers a range of speciality courses including social justice, forensic science, punishment, policing, victimology and international criminal law.

A key focus of the programme is on equipping students with the methodological skills necessary to understand and deal with "law in action", linking them to two of the Faculty's most innovative and exciting research centres.

### **The Coursework**

#### **COMPULSORY COURSES**

##### **Law in Action (PBL5849F)**

[Assoc. Professor Kelley Moul](#) & [Prof Erena van der Spuy](#)

Law in Action aims to prepare students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. It focuses on qualitative interviewing; observational research techniques; text analysis; and research design and evaluation.

Lawyers and legal scholars increasingly use empirical evidence to understand the legal system and its role in society, to unpack complex legal and policy questions, and to support their positions in the courtroom and in the business environment. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research.

This course is designed to introduce students to the foundations of qualitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft

that requires practice to do it well. The class is therefore hands-on, and will provide students the opportunity to learn qualitative techniques by doing, in class meetings and in assignments.

This course will cover topics including:

- Qualitative interviewing, the use of structured and unstructured interview guides, focus groups and questionnaire design
- Observational research techniques, including participant observation, participant/social action research, direct and indirect observation
- Text analysis, including interpretive analysis, discourse analysis, content analysis and grounded theory
- Research design and evaluation, including mixed-methods approaches and the evaluation of qualitative research designs

## **COMPULSORY COURSE, CHOOSE 1 OF 2**

### **Theories of Crime and Social Order (PBL5820F)**

[Assoc. Professor Kelley Moul](#)

The course will help you to gain an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. You will explore the history of criminological theory on understandings of crime and social order and consider the thinking of seminal criminological theorists and schools of thought.

### **Law & Society (in Africa) (PBL5848F)**

[Professor Dee Smythe](#)

This interdisciplinary course looks at theoretical perspectives on the relationship between law and society and their application within the African context. It will consider questions of legal culture and institutions, asking questions like: why some laws are made and others not; what institutional barriers block implementation; why citizens turn to the law (or not); and what other forms of social regulation operate in tandem with law.

Law shapes and is shaped by our social, political and cultural institutions and practices. In this course we will engage with some of the key theories and concepts, such as legal consciousness and legal pluralism, which help us to understand the relationship between law and society. Explicitly interdisciplinary in orientation, the course will consider questions that arise - and are best addressed - at the intersections of legal, social, political and economic fields.

### **Punishment & Human Rights (PBL5815S)**

[Ms Kelly Phelps](#)

The course examines four main themes: philosophical justifications that have historically been provided for sentencing; current justifications for punishment/ purposes of the correctional system; constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law; and current and future sentencing practice in South Africa.

Current course description: This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend common-sense approach to sentencing and punishment and to build firm opinions/approaches based on acquired knowledge. Modes of implementing punishment (prison, community sanctions) and special stakeholders in punishment (minority groups, children) will also be considered.

### **Victims and Victimology: Theory, Policy & Practice (PBL5822S)**

[Professor Elrena van der Spuy](#)

The course aims to: track the development of victimology as a field of theoretical and empirical enquiry; consider policies and practices associated with victim studies; and examine the impact of post-conflict political processes of truth seeking and reconciliation on a victim-centred approach to justice.

Over the past four decades victims of crime have become a constituency of considerable importance in criminological debates, in the development of crime policies and in criminal justice practices.

Within the scope of this course we:

- Track the development of victimology as an area of criminological enquiry;
- Discuss the theoretical perspectives, the crime policies and criminal justice practices associated with victim studies;
- Consider the methodology tools which assist in developing risk profiles;
- Engage with the controversies to which victim-centered justice systems have given rise, and
- Examine the impact of political processes of truth seeking and reconciliation in the aftermath of conflict on a victim-centred approach to justice.

### **Police and Policing: Explorations in Security Governance (PBL5844S)**

[Professor Elrena van der Spuy](#)

The course explores what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments; new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing.

Two key foci of the course are the way in which security has been constructed as an object of regulatory concern and the way in which the domain of security has been and is being expanded via notions such as human security. Theoretical themes include: mentalities, institutional arrangements, technologies and practices of governance as well as various 'faces' of state and plural governance. This course also examines the relationship between security governance in Africa (particularly South Africa) and global trends. The course is presented through a series of digital seminars.

### **Forensics and the Law (PBL5847S)**

[Assoc. Professor Kelley Moul](#)

The course engages with questions of evidence and criminal procedure, as well criminology and criminal law through a focus on: the crime scene investigation process; forensic evidence that may

be collected and presented in court; the identification, documentation and collection of physical evidence; biological evidence; forensic anthropology and odontology; fire investigation and forensic accounting.

This course is designed for students who are interested in the use of science to solve crime and will give students an understanding of the application of forensic sciences to the law. The course covers the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will learn about the identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology. Finally, the course engages with fire investigation and forensic accounting. The course engages integrally with questions of evidence and criminal procedure, as well criminology and criminal law.

### **International Criminal Law (PBL5807S)**

[Assoc. Professor Hannah Woolaver](#)

This course provides an introduction to specialist studies in international criminal law. It covers the history and development of international criminal law, detailed analysis of the core crimes of international criminal law, and the procedural and jurisdictional rules governing the domestic and international prosecution of international crimes. The prosecution of international crimes by the International Criminal Court, and States' cooperation with the Court, are given a special focus throughout the course. Students will require a background in either international or criminal law.

Current course description: This course provides an introduction to specialist studies in international criminal law, that is, the body of law regulating individual criminal responsibility under international law. The course covers the history and development of international criminal law and the establishment, jurisdiction and activities of the International Criminal Court, international and internationalised criminal tribunals. Attention is given to the material, mental and contextual elements of the three core crimes; - genocide, crimes against humanity and war crimes - as well as the legal requirements of relevant modes of liability, general principles of international criminal law, procedure, complementarity and cooperation in international criminal matters and selected conceptual and institutional critiques of the international criminal justice "project". To benefit from this course, students will require a background in either international or criminal law, and are expected to participate fully in seminars and to read, understand and critically assess intrinsically complex and lengthy source materials.

### **COMPULSORY RESEARCH COMPONENT**

#### **Masters in Criminology, Law and Society Minor Dissertation (PBL5850W)**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have:

- a thorough knowledge of the subject chosen;

- mastered techniques required for competent research in law;
- the capacity for independent thought and sound reasoning; and
- satisfactorily presented the results of the research.

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