

2 PhD Studentships in Criminalization (Glasgow and Warwick)

Further particulars

The project

The AHRC has awarded a grant for a four-year project on Criminalization. This builds on a previous AHRC project (*The Trial on Trial*), and aims to develop a normative theory of criminalization. The lead researchers are Antony Duff (Philosophy, Stirling), Lindsay Farmer (Law, Glasgow), Victor Tadros (Law, Warwick) and Sandra Marshall (Philosophy, Stirling).

It is often said that contemporary liberal democracies such as Britain and the USA face a crisis of over-criminalization: too much conduct is criminalized, too hastily, without adequate thought about the principles that should guide criminalization or the aims it should serve; the result is a disorganized, unprincipled criminal law, which subjects too many people to the threat of arrest and punishment. But normative theorists of criminal law, who have made major advances in systematic work on such issues as punishment and criminal responsibility, have made comparatively little systematic progress on this central problem of criminalization. This project will remedy that lack.

Our ultimate aim is to develop a normative theory of criminalization: an account of the principles and values that should guide legislators in deciding what should be criminalized, and the officials whose responsibility it is to enforce and administer the law; for criminalization is a matter not simply of legislation (the ‘law in the books’), but also of enforcement (the ‘law in the streets’). The central questions for legislators are: what counts as a good reason to criminalize something, and how should crimes be defined? The central questions about enforcement are: what kind of discretion should officials have in enforcing the law, and how should they exercise that discretion? Our account will aim to address both theorists and policy-makers.

To achieve that ultimate aim, we will pursue several further inquiries. We will explain the distinctive character of criminal law as a particular type of regulation: starting with the idea that the criminal law aims to identify, define and condemn wrongs which are ‘public’ in that they properly concern all citizens, we will examine the distinctions between criminal law and other kinds of legal regulation. We will discuss the way in which the content of the criminal law should be organised: what principles should guide legislators in defining crimes; how should those definitions be structured; how should offences be classified? We will discuss the relationship between criminal law and the state: if we understand the state in terms of an ideal of liberal democracy that gives citizenship a central role, what kind of criminal law is appropriate for citizens of such a state? (This will also involve examining the relationship between domestic, trans-national and international criminal law.) We will attend to the historical development of the criminal law: a normative theory of how our institutions and practices ought to be structured must be based on an understanding of their history.

A further objective of the project, building on the informal network of criminal law theorists that we began to develop through *The Trial on Trial*, is to promote interdisciplinary, inter-jurisdictional debate about this problem, thus improving the health and resources of criminal law theory. This will be achieved by the three linked pairs of workshops that we will hold in the first three years of the project; the major conference to be held in the fourth year; and the monthly meetings between the investigators, the research assistant and the Ph.D. students, half of which will also include invited guests.

The Studentships

The AHRC grant includes funding for two Ph.D. studentships, one to be held at Glasgow and one at Warwick. The aim of the Ph.D. studentships is to allow students to develop the particular theme of their Ph.D. within the general scope of the project, and in doing so to address significant gaps in the literature on different aspects of criminalisation. Applicants would thus be expected to have at least an upper second class degree in law, politics, philosophy, criminology or history from a UK university or an equivalent qualification from another university. To be eligible for the studentship, you must have an appropriate link to the UK to satisfy AHRC requirements. A masters degree in law or a related subject, or relevant and sustained professional experience which could be considered equivalent to such a degree, is expected. The studentship will provide the full cost of the student's fees of up to £3240 and a full maintenance grant, which currently stands at £12600.

Further details on eligibility are available on the AHRC website at http://www.ahrc.ac.uk/images/Doctoral_guide_2008.doc

The student at Glasgow will be supervised by Professor Lindsay Farmer and the student at Warwick by Professor Victor Tadros. However, they will have access to, and will be expected to engage with, all the Investigators and the Research Assistant, as well as the other Ph.D. student. They will be treated as members of the collaborative, interdisciplinary team, supported by all its members. The students will be expected to attend all the project workshops (two each year), and some of the monthly Investigators' meetings; depending on the precise themes of the meetings, the students will probably attend those at their home institution during years 1-2, and all the monthly meetings in year 3. The student's work will be discussed in and by the group of Investigators, who will assist in finding suitable publication outlets for papers written during the course of the Ph. D. This engagement with the overall project will contribute to developing the students' skills and to building the capacity for future research in the philosophy and history of criminal law. It will also be important for the Ph.D. students to attend conferences/workshops elsewhere, both in the UK and overseas, especially during the later parts of the studentship, presenting papers when this is possible; funding for a modest amount of conference travel has been built into the project costings.

The successful applicants will be expected to take up the studentship in September/October 2008

Closing Date

The closing date for applications for both studentships is Monday 5 May 2008.

The Glasgow Studentship

The student will undertake research into changing conceptions of the scope and social function of the criminal law in the late nineteenth- and early twentieth-centuries and their relation to changing conceptions of sovereignty and government. This could involve study of particular crimes (such as theft or assault), classes of crimes (such as property or public order offences) or the criminal law more generally – or some combination of these different areas. This would have to be conducted against a background of understanding changes in the political structure of the state and of the social functions of law in this period. The research will be primarily library-based, requiring the study of contemporary texts on criminal law and policing, as well as important primary sources such as parliamentary debates and papers, judicial and police statistics and other official documents. It may require some work to be done in official archives such as the PRO, but most of the documents and texts will be readily obtainable in libraries in Glasgow and Edinburgh.

Research Training at Glasgow

In Glasgow, all students have two supervisors, and meet the Postgraduate adviser at the start of their work to discuss any training needs. All students are required to undertake a Research Methods course in their first year. This covers a combination of different methodological approaches (comparative, historical etc) as well as certain skills relating to the use of electronic databases, library resources and so on. Where students have skills needs that cannot be met within the School of Law, they are able to take courses in research methods run by the Graduate School of Arts or the Graduate School of Social Sciences or in the University Library. They can attend any other relevant postgraduate or undergraduate course. There are regular staff seminars which they are encouraged to attend, as well as a series of postgraduate seminars at which they are expected to present their work.

Glasgow has an active community of Ph.D. students and support networks both in the Law School and at the Faculty level, in which the student will be expected to participate. In the Law School there are active researchers with interests and expertise that will be relevant to the student's research. Glasgow is also a lead partner in the Scottish Centre for Crime and Justice Research, on whose resources the student will be able to draw.

Application Procedure

Applications should be on the University of Glasgow's standard application form for postgraduate study (http://www.gla.ac.uk/media/media_6776_en.pdf), and should be clearly marked 'Criminalization'. The application should include a statement of 800-1000 words clearly outlining your proposed research project and indicating how this would fit

within the more general aims of the project. Applicants should also submit a sample of their written work (an essay or dissertation) of between 4000 and 10000 words together with their application.

Informal enquiries about the Glasgow studentship should be directed to Professor Lindsay Farmer (L.Farmer@law.gla.ac.uk)

The Warwick Studentship

The student will engage in philosophical work on criminalization. The preference is for a student who will work on normative analysis of the criminal law, perhaps bringing to bear insights from moral or political philosophy. This might involve analysis which relates to the criminal law in general, for example about the scope of the criminal law, the distinction between the criminal or the civil law, or the way in which offences are to be classified. Or it might involve analysis of a particular offence or group of offences. The research might focus only on the rules of the criminal law, but it might also involve analysis of other aspects of criminal justice such as the role of prosecutors and the police.

Research Training at Warwick

Building upon its teaching strengths, the School of Law at Warwick University has an internationally oriented, dynamic, and rapidly expanding Ph.D programme.

The School places great store upon maintaining both the quality of its programme, through extensive supervision and monitoring procedures, and the student experience more generally. Students are upgraded to Ph.D. after one year upon successful completion of a review process with two academics drawn from the faculty. Students in their first year attend a Research Methods and a Theory seminar taught by specialists in the field. Additional teaching is available in other departments. Students of all years are considered an integral part of the department, taking an active part in the research seminar programme in which academics from other institutions also take part. Reading groups are regularly organised. Students are also encouraged to participate in the research activities of the university more widely.

Ph.D. Students are entitled to an annual grant from the school to support their research, which currently stands at £250. Students also enjoy the exclusive use of a well equipped laboratory with the latest information technology and full technical support. This is in addition to a graduate common room. Extensive mechanisms are in place for student feedback on pastoral as well as academic issues. Students are provided with research mentors in addition to their supervisor. This carefully tailored package has enabled our Ph.D students and the department to secure high completion rates in recent years.

Application Procedure

Applications for the Warwick studentship can be made by visiting the University's postgraduate application website at:

<https://postgrad.warwick.ac.uk/SWIFT/pgapp/login.asp>

You should upload a document in support of your application, outlining in 800-1000 words your proposed research project, indicating how this would fit within the more general aims of the project. This should be clearly marked 'Criminalization'. Professor Victor Tadros should be identified as the contact person in the application. Applicants should also send a sample of their written work directly to Victor Tadros at v.tadros@warwick.ac.uk. The work might be in the form of an undergraduate or postgraduate dissertation, and should be between 4000 and 10000 words in length.

Informal enquiries about the Warwick scholarship may be directed to Victor Tadros at the above email address.

2 PhD Studentships in Criminalization (Glasgow and Warwick)

Applications are invited for two full-time PhD studentships available from October 2008. These three-year studentships are linked to a project on Criminalization funded by the AHRC.

The project aims to develop a normative theory of criminalization, and involves collaboration between Antony Duff (Philosophy, Stirling), Lindsay Farmer (Law, Glasgow), Victor Tadros (Law, Warwick) and Sandra Marshall (Philosophy, Stirling).

It is often said that contemporary liberal democracies such as Britain and the USA face a crisis of over-criminalization: too much conduct is criminalized, too hastily, without adequate thought about the principles that should guide criminalization or the aims it should serve; the result is a disorganized, unprincipled criminal law, which subjects too many people to the threat of arrest and punishment. But normative theorists of criminal law have made comparatively little systematic progress in working on this central problem of criminalization. This project will remedy that lack.

The AHRC grant includes funding for two Ph.D. studentships, one to be held at Glasgow and one at Warwick. The aim of the Ph.D. studentships is to allow students to develop the particular theme of their Ph.D. within the general scope of the project, and in doing so to address significant gaps in the literature on different aspects of criminalisation.

Applicants will have at least an upper second class degree in law, politics, philosophy, criminology or history from a UK university or an equivalent qualification from another university. To be eligible for the studentship, you must have an appropriate link to the UK to satisfy AHRC requirements. A masters degree in law or a related subject, or relevant and sustained professional experience which could be considered equivalent to such a degree is also expected. The studentship will provide the full cost of the student's fees of up to £3240 and a full maintenance grant, which currently stands at £12600.

Informal enquiries may be addressed to Professor Lindsay Farmer at the University of Glasgow (L.Farmer@law.gla.ac.uk) or Professor Victor Tadros at the University of Warwick (V.Tadros@warwick.ac.uk).

Further details about the project and application procedures are available at

<http://www.philosophy.stir.ac.uk/Criminalization%20Project/CriminalizationProjectStudentships.php>

The closing date for applications for both studentships is Monday 5 May 2008.