

- Chalmers, David. "Naturalistic Dualism". *The Blackwell Companion to Consciousness*, edited by Susan Schneider and Max Velmans, Oxford: Wiley Blackwell, 2017, pp. 263-273.
- Crane, T. *The Mechanical Mind: A Philosophical Introduction to Minds, Machines and Mental Representation*, (2nd edition). New York: Routledge, 2003.
- Levin, Janet. "Functionalism". *The Stanford Encyclopedia of Philosophy* (Fall 2018 Edition), edited by Edward N. Zalta, 20 Jul, 2018: <https://plato.stanford.edu/archives/win2021/entries/functionalism/>
- Searle, John. "Biological Naturalism". *The Blackwell Companion to Consciousness*, edited by Susan Schneider and Max Velmans, Oxford: Wiley Blackwell, 2017, pp. 327-336.
- Banks, William P. *Encyclopedia of Consciousness*. Oxford: Elsevier Academic Press, 2009.
- Churchland, Patricia. *Matter and Consciousness: A Contemporary Introduction to the Philosophy of Mind*. Cambridge (MA): MIT Press, 1988.
- Chalmers, David, J. *Philosophy of Mind: Classical and Contemporary Readings*. Oxford: Oxford University Press. 2002.
- Heil, John. *Philosophy of Mind: A Contemporary Introduction* (3rd edition). London: Routledge, 2013.
- Kim, Jaegwon. *Philosophy of Mind*, (3rd edition). Oxford: Westview Press, 2010.
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#### DISCIPLINE SPECIFIC ELECTIVE - (DSE-8) – Philosophy of Law

#### CREDIT DISTRIBUTION, ELIGIBILITY AND PRE-REQUISITES OF THE COURSE

Course title & Code	Credits	Credit distribution of the course			Eligibility criteria	Pre-requisite of the course (if any)
		Lecture	Tutorial	Practical/ Practice		
DSE 8 Philosophy of Law	4	3	1	Nil	12th Passed	None

#### Learning Objectives

The course in Philosophy of Law, seeks to:

- Familiarize students with the nature and purpose of law by examining questions such as “What is (the nature of) law?”, “How, if at all, is law connected with morality?” and “What is justice?”, and to instruct students about possible answers and arguments provided in legal philosophy and theory.
- Introduce students to philosophical schools such as Legal Positivism and Natural Law.
- Help students critically examine the institution of legal punishment that pertains to the coercive impact of law.

#### Learning Outcomes

- The ideal outcome of this course is to make students understand the concept of law, its place in our lives, its formal structure, rules and modalities.
- Students should be able to discuss and argue on crucial legal questions that impact the life of common citizens with sensitivity, acumen, precision and insight.

#### UNIT 1

(12 Hours, 4 Weeks)

##### Law: Concept, Meaning and Definition

1. Theories of Law: Aquinas and Austin
2. The Concept of *Nyaya*: Agreement and Disputes - Kautilya

##### Essential/Recommended Reading:

- Topics 1 from Altman, Andrew; *Arguing About Law: An Introduction to Legal Philosophy*, Australia: Wadsworth, 2001, pp 32-58
- Topic 5 from Shamasastri, R. (Tr.), Kautilya's Arthashastra, Book III – Concerning Law Chapter I. Determination of Forms of Agreement; Determination of Legal Disputes, [https://csboa.in/eBooks/Arthashastra\\_of\\_Chanakya\\_-\\_English.pdf](https://csboa.in/eBooks/Arthashastra_of_Chanakya_-_English.pdf); pp 213-218

#### UNIT 2 Legal Obligation: Reason and Scope

(12 Hours, 4 Weeks)

1. Why Should We Obey the Law
2. The Ambit of Legal Obligation
3. The Rule of Law

##### Essential/Recommended Readings

- Topic 1 from Mackie, J. L.; The Obligation to Obey the Law, *Virginia Law Review*, Vol. 67, No. 1, The Symposium in Honor of A. D. Woosley and Obedience (Feb 1981), pp. 143-158
- Topic 2 from Fuller, Lon; The Case of the Speluncean Explorers, *Harvard Law Review*, Vol. 62, No. 4, February 1949, pp 616-645
- Topic 3 from Marmor, Andrei; The Ideal of the Rule of Law, A Companion to Philosophy of Law and Legal Theory (Second Edition), Dennis Patterson (Ed.), Blackwell Publishing Ltd., pp.666-674

#### UNIT 3 Legal Issues in India

(9 hours, 3 weeks)

1. Basic Structure of the Constitution
2. Judicial Review

#### Essential/Recommended Readings

- Topic1 from Abridged Judgement of KesavanandBharati Vs. State of Kerala; AIR 1973 SC 1461
- Topic2 from Baxi, Upendra; Who Bothers about the Supreme Court? The Problem of Impact of Judicial Decisions, Journal of the Indian Law Institute, Vol. 24, No. 4 (October-December 1982), pp. 848-862

#### UNIT 4 Fundamentals of Law

(12 Hours, 4 Weeks)

1. Codification
2. *Mens Rea/Actus Reus*
3. Crime and Punishment

#### Essential/Recommended Readings

- Topic 1 from Alfange, Dean; Jeremy Bentham and Codification of Law, Cornell Law Review, Vol. 55, Issue 1, November 1969, pp 58-75
- Topic 2 from Tebbit, Mark; *Philosophy of Law: An Introduction*, (3<sup>rd</sup> Edition), Routledge 2017, pp 193-212
- Topic 3 from Tebbit, Mark; *Philosophy of Law: An Introduction*, (3<sup>rd</sup> Edition), Routledge 2017, pp 242-253

#### Additional Resources:

- Marmor, Andrei, *Philosophy of Law*, New Jersey: Princeton University Press, 2011
- Rangarajan, L. N. (Tr. & ed.), *Kautilya: The Arthashastra*, Penguin Books India (P) Ltd., New Delhi, 1992
- Golding, Martin Philip, and Edmundson, William A., *The Blackwell Guide to Philosophy of Law and Legal Theory*, Oxford: Blackwell, 2005
- Marmor, Andrei (ed), *The Routledge Companion to Philosophy of Law*, New York: Routledge, (1st ed.), 2012
- Choudhary, S., Khosla, M. and Mehta, P.B., *The Oxford Handbook of the Indian Constitution* (1st ed.), Oxford: Oxford University Press, 2016
- Jain, M.P., *Indian Constitutional Law*, Lexis Nexis, (8th ed.), 2018
- Rai, Udai Raj, *Fundamental Rights and their Enforcement* India: Prentice Hall, 2011