

Paper No- 13. PHILOSOPHY OF LAW

Marks.100

1. Traditional Natural Law Theory: Law for the Common Good; Legal Positivism: Law as Command; Law as the Union of Primary and Secondary Rules. The Separation of Law and Morality; the morality of Law, The obligation to obey the law; sources of legal authority.
2. Constitutional law: A Brief Introduction to the Indian Constitution and its History; The "Basic Structure" Doctrine. Separation of Church and State: Affirmative Action.
3. Rights: The Hohfeldian Framework; Positive and Negative Rights; Fundamental Rights
4. Criminal law: Theories of Punishment; the Death Penalty; Criminal Responsibility: Justifications and Excuses, *Mensrea*, etc.
5. Contract law: The obligation to fulfil a contract; Contracts and Promises; Blackmail
6. Tort Law: Causation in the Law.

Further Readings:

1. Joel Feinberg, Jules Coleman, Christopher Kutz, *Philosophy of Law*, 9th edition Pearson, USA, 2013.
2. *The Blackwell Guide to the Philosophy of Law and Legal Theory* Edited by Martin P. Golding and William A. Edmundson, Blackwell, London, 2004.
3. Andrei Marmor, *Philosophy of Law*, Princeton University Press, Princeton, 2010.