

Five-Year Integrated Law Course

B.A. LL.B. (H) and B.B.A. LL.B. (H)

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Semester III

BA LLB (H)

Philosophy-II

Course Objectives:

This course aims to provide law students with a comprehensive understanding of ethics, morality, and justice, drawing from classical and contemporary philosophical perspectives. It emphasizes the application of these principles in legal reasoning and practice.

Section A: Ethics and Morality in Law: An Introduction

1. Introduction to Ethics and Morality
2. Distinction between normative ethics, meta-ethics, and applied ethics
3. Importance of ethics in legal reasoning and decision-making

Prescribed Readings:

- Julia Driver, *Ethics: The Fundamentals* (Introduction, pp. 1-10)
- W.K. Frankena, *Ethics*
- Richard Wasserstrom, "Lawyers as Professionals: Some Moral Issues," *Human Rights Quarterly*, Vol. 5, No. 1 (1975), pp. 105–28.
- Arthur Applbaum, "Professional Detachment: The Executioner of Paris," *Harvard Law Review*, Vol. 109, No. 2 (1995), pp. 458–86.

Section B: Ethical Theories and Legal Practice

1. **Deontology: Duty-Based Ethics (Immanuel Kant)**
 - Concept of the categorical imperative
 - Application to legal obligations
2. **Utilitarianism: Outcome-Based Ethics (Jeremy Bentham, John Stuart Mill)**
 - Principle of utility and greatest happiness
 - Applications in policy-making and judicial decisions
3. **Virtue Ethics: Character-Based Ethics (Aristotle)**
 - The role of virtues and moral character
 - Implications for judicial behavior

Prescribed Readings:

- Immanuel Kant, *Groundwork of the Metaphysics of Morals* (selected sections)
- John Stuart Mill, *Utilitarianism* (selected chapters)
- Aristotle, *Nicomachean Ethics* (Book II and III on Virtue Ethics)

Section C: Classical Philosophers on Justice and Law

1: Plato on Justice

i) Plato's Concept of Justice

- Justice in the individual and the state
- The Tripartite Soul: Reason, Spirit, and Appetite

ii) Plato's Ideal State

- The Philosopher-King and the hierarchy of society
- The Allegory of the Cave and its legal implications

2: Cicero on Justice and Natural Law

- Justice as a universal principle
- The relationship between law and morality

3: Hobbes and Locke on Governance and Law

- Social contract theories and their impact on justice
- Legal obligations in civil society

Prescribed Readings:

- Plato, *The Republic* (Books I, IV, VII)
- Julia Annas, *An Introduction to Plato's Republic*
- Cicero, *On the Laws* (Book I)
- Thomas Hobbes, *Leviathan* (Chapters XIII-XV)
- John Locke, *Second Treatise of Government* (Chapters V-VII)

Section D: Modern Ethical Debates and Legal Applications

1. Law and Public Reasoning

- The role of public reason in democratic systems (**Amartya Sen**)

2. Ethics of Emotion in Legal Contexts

- The importance of empathy in judicial decision-making (**Martha Nussbaum**)

3. Critical Legal Perspectives

- The Hart-Fuller debate on law and morality
- J.L. Mackie's relativism and critique of objective ethics

Prescribed Readings:

- Amartya Sen, *The Idea of Justice* (selected chapters)
- Martha Nussbaum, *Political Emotions* (selected chapters)
- Articles on the Hart-Fuller Debate
- J.L. Mackie, *Ethics: Inventing Right and Wrong*

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Psychology II

Course objectives: This course aims to provide an interdisciplinary understanding of the relationship between psychology and the legal system, focusing on the psychological aspects of criminal behaviour, justice processes, and rehabilitation. This course emphasizes the importance of integrating foundational psychological theories with practical applications in the legal system. It explores the structure and functioning of the criminal justice system, psychological theories of crime and punishment, and the impacts of imprisonment and reintegration on offenders. The course also examines processes such as desistance, community reintegration, and rehabilitative practices, emphasizing models like the Good Lives Model and the role of narrative identity. Additionally, it addresses critical issues like bias in the legal system, cross-cultural perspectives on justice, and also social research methods. The course seeks to help students develop analytical, ethical and practical skills to address complex issues in the criminal justice system effectively, fostering sensitivity, integrity, and adaptability.

- **Unit 1: Psychology and the Criminal Justice System-** Introduction to the Criminal Justice System, Models of Justice, The Psychology and Sociology of Crime, Prison and Imprisonment, Crime Reduction Strategies, Resettlement and Risk Assessment in Criminal Justice, Inequalities and Disparities in the Criminal Justice System.
- **Unit 2: The Psychology of Desistance and Reintegration-** Definitions and Key Theories of Desistance, Narrative Identity and the Role of Personal Narratives in Change, The Wounded Healer Phenomenon, Creating a Rehabilitative Climate in Correctional Facilities, The Good Lives Model of Offending Behaviour, Processes and Challenges of Community Reintegration, Case Study: The Safer Living Foundation and Best Practices Safer Living Foundation
- **Unit 3: Psychology of Crime and Punishment-** Theories of Crime, Responsibility and Agency in Criminal Behaviour, Police Investigations: Interrogations and Confessions, Detecting Deception and Credibility Analysis, Competence to Stand Trial and The Insanity Defence; Theories of Punishment and Behavioral Control: Norms and Social Influence, Compliance, Deterrence, Retributive vs. Restorative Justice, Evaluating the Death Penalty Verdicts, Harm Reduction Approaches in Criminal Justice
- **Unit 4: Broadening Perspective on Law and Psychology-** Bias in the Legal System, Distributive and Procedural Justice Cultural Perspectives on Law and Justice, Emerging Challenges, Social Research Methods: Bridging Psychology and Legal Studies, Psychological Insights into Jury Systems : Decision-Making and Group Dynamics

Suggested Readings

Bartol, C. R., & Bartol, A. M. (2018). *Introduction to Forensic Psychology: Research and Application* (5th Edition). SAGE Publications.

Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the Risk Paradigm*. Routledge.

Ainsworth, P. B. (2000). *Psychology and Crime: Myths and Reality*. Harlow, Essex: Longman.

David Canter, *Forensic Psychology*. Oxford Univ Press 9780199550203

Levinson J. & Peng, K. (2003). Different torts for different cohorts. A cultural psychological critique of tort law's actual cause and foreseeability inquiries. *S. Cal. Interdisc. LJ*.

MacCoun, R. J. (2005). Voice, control, and belonging: The double-edged sword of procedural fairness. *Annual Review of Law and Social Science*, Vol. 1, 171-201

Carson, D. and Bull, R. (2003). *Handbook of Psychology in Legal Contexts*, 2nd ed. Chichester: Wiley.

Cullen, F. T. (2017). Correctional rehabilitation. *Academy for Justice*, 4, 235-260.

Kaur, R. (2014). *Forensic Psychology: The Indian Scenario*. Deep and Deep Publications

Kumar, N. (2015). *Criminal psychology* (1st ed.). LexisNexis

Psychology and Law: A Critical Introduction Kapardis, Andreas Cambridge University Press 2014 978- 1107650848

Gottfredson, M. R., & Hirschi, T. (1990). *A general theory of crime*. Stanford University Press.

Semester III

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Law and Economics – II

Unit I Economic Approach to Law

Positive and Normative Economic Analysis of Law, The Continental Approach, Criticism of Economic Approach to Law

Unit II The Common Law

The Economic Theory of Property Rights: Static & Dynamic Analysis, Contract Rights and Remedies, Family Law & Sex Law, Tort Law, Criminal Law, The Common Law, Legal History, and Jurisprudence

Unit III Public Regulation of the Market

The Theory of Monopoly, The Antitrust Laws, Intellectual Property, The Regulation of the Employment Relation, Public Utility and Common Carrier Regulation, The Choice between Regulation and Common Law

Unit IV The Law of Business Organizations and Financial Markets

Corporation, Secured and Unsecured Financing and Bankruptcy, Financial Markets

Unit V Law and The Distribution of Income and Wealth

The Distribution of Income and Social Welfare, The Income Tax System, Income Distribution, and Social Welfare, Effect of Legal Rules on the Distribution of Income, Transmission of Wealth at Death.

Recommended Readings

Posner, R. A. (2014). *Economic analysis of law*. Aspen Publishing.

Shavell, S. (2004). *Foundations of economic analysis of law*. Harvard University Press.