

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19

Arudra Burra

§377 of the Indian Penal Code

1. Alok Gupta, "Section 377 and the Dignity of Indian Homosexuals"
2. Justice Leila Seth, "You're Criminal If Gay"
3. Dipanita Nath, "Rainbow at the end of the road: Queer resistance to Section 377"
4. IIT students and alumni petition in SC against Section 377 of IPC

HUL 360: Selected Topics in Philosophy

Ist Semester, 2018-19

Arudra Burra

Course packet I

Philosophical background: utilitarianism

1. James Rachels, “The Utilitarian Approach” and “The Debate over Utilitarianism” from *The Elements of Moral Philosophy*

What makes something a crime?

1. John Kleinig, “Crime and the limits of criminalization,” from *Ethics and Criminal Justice: An Introduction*
2. Nigel Warburton, “The Harm Principle,” from *Freedom – An Introduction with Readings*
3. Excerpt from the *Report of the Committee on Homosexual Offences and Prostitution* (Wolfenden report)

Legal moralism

1. Keith Culver, introduction from *Readings in the Philosophy of Law*
2. Patrick Devlin, “Morals and the Criminal Law,” from *The Enforcement of Morals*
3. H.L.A. Hart, excerpt from *Law, Liberty and Morality*

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19

Arudra Burra

Course packet III: deterrence theories of punishment

1. Michael Zimmerman, "The Justification of Punishment" from *The Immorality of Punishment*
2. Kadish, Schulhofer, and Steiker, "Notes on the Rational-Actor Model" from *Criminal Law and its Processes*
3. David Boonin, "The Consequentialist Solution" from *The Problem of Punishment*

HUL 360: Selected Topics in Philosophy
IInd Semester, 2017-18

Arudra Burra

Course packet IV

Definition of Punishment

1. Michael Zimmerman, from *The Immorality of Punishment*

Retributivism

1. Anthony Appiah, from *Thinking it Through*
2. HLA Hart, from *Punishment and Responsibility*
3. James Rachels, "Punishment and Desert"
4. Michael Moore, from "The Moral Worth of Retribution"
5. David Boonin, from *The Problem of Punishment*
6. William Miller, from "Clint Eastwood and Equity: Popular Culture's Theory of Revenge"

Restorative Justice

1. Council to Secure Justice, from *Perspectives of Justice: Restorative Justice and Child Sexual Abuse in India*

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19

Course packet V

Sentencing principles

1. Andrew Ashworth, “Elements of Proportionality” (excerpt), from *Sentencing and Criminal Justice*
2. Faizan Mustafa, “Why the triple talaq Ordinance is neither perfect nor necessary”

Rape sentencing

1. s. 375, Definition of Rape, *Criminal Law (Amendment) Act, 2013*
2. Mrinal Satish, “Forget the Chatter to the Contrary, the 2013 Rape Law Amendments Are a Step Forward”

Sentencing guidelines

1. Andrew Ashworth, “Aggravation and Mitigation” (excerpt), from *Sentencing and Criminal Justice*
2. Sentencing Council, UK “Rape” from *Sexual Offences Definitive Guideline*

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19

Course packet VI (optional)

Rape

Perspectives on Rape

1. Kadish, Schulhofer, Steiker: note on the harm of rape from *Criminal Law and its Processes*
2. Nivedita Menon, excerpt from *Seeing Like a Feminist*
3. Sohaila Abdulali, "I Fought For My Life...And Won"
4. Sohaila Abdulali, "I Was Wounded; My Honor Wasn't"
5. Stephen Schulhofer, "The Missing Entitlement: Sexual Autonomy," from *Unwanted Sex*
6. Flavia Agnes, "No Shortcuts on Rape: Making the Legal System Work"

Rape law and rape sentencing

1. s. 375, Definition of Rape, *Criminal Law (Amendment) Act, 2013*
2. Mrinal Satish, "Forget the Chatter to the Contrary, the 2013 Rape Law Amendments Are a Step Forward"
3. Mrinal Satish, "The Law and Practice of Rape Adjudication in India" and "Rape Sentencing" from *Discretion, Discrimination and the Rule of Law*

History of rape law reform

1. Radha Kumar, "The Agitation Against Rape," from *A History of Doing*
2. Leila Seth, "Rape: Inside the Justice Verma Committee," from *Talking of Justice*
3. Pratiksha Baxi, "Understanding Rape Law Reform"

HUL 360: Selected Topics in Philosophy
Ist Semester, 2018-19

Course packet VII: The Death Penalty

Perspectives from India

The “rarest of the rare” doctrine

1. Aparna Chandra, “A Capricious Noose”
2. V. Venkatesan, “A Case Against the Death Penalty”
3. “Sentencing in Death Penalty Cases,” from National Law University Delhi, *Litigating Death Penalty Cases: A Consultation*
4. Sruthisagar Yamunan, “New study: Former top judges acknowledge crisis in criminal justice system, yet back death penalty”

Case study: child rape in Madhya Pradesh

1. The Criminal Law Amendment Act, 2018
2. Milind Ghatwai,
 - “1, 2, 3, 4, Death”
 - “MP: HC commutes death penalty awarded to child rapist to life term”
 - “HC commutes death penalty of rape convict”
3. Saurav Datta, “Madhya Pradesh Scheme Incentivising Public Prosecutors Can Endanger Justice”

Class and the death penalty (optional)

1. Flavia Agnes et al, “The Making of a High Profile Rape Trial”
2. “Socio-economic Profile,” from National Law University Delhi, *Death Penalty India Summary Report*
3. “Legal Assistance,” from National Law University Delhi, *Death Penalty India Report vol. II*

Philosophical perspectives

1. Louis Pojman, "In Defense of the Death Penalty"
2. Jeffrey Reiman, "Against the Death Penalty" (optional)
3. Stephen Nathanson, "Why We Should Put the Death Penalty to Rest"