HINDUISM AND LAW

Covering the earliest Sanskrit rulebooks through to the codification of “Hindu law” in modern times, this interdisciplinary volume examines the interactions between Hinduism and the law. The authors present the major transformations to India’s legal system in both the colonial and postcolonial periods and their relation to recent changes in Hinduism. Thematic studies show how law and Hinduism relate and interact in areas such as ritual, logic, politics, and literature, offering a broad coverage of South Asia’s contributions to religion and law at the intersection of society, politics, and culture. In doing so, the authors build on previous treatments of Hindu law as a purely text-based tradition and, in the process, provide a fascinating account of an often neglected social and political history.

Timothy Lubin is Professor in the Department of Religion, and Lecturer in Law and Religion in the School of Law at Washington and Lee University. His publications concern classical Hindu ritual and doctrine, and their relation to legal precepts and practices in India.

Donald R. Davis, Jr., is Associate Professor in the Department of Languages and Cultures in Asia at the University of Wisconsin, Madison. His previous publications include The Spirit of Hindu Law (2010) and The Boundaries of Hindu Law: Tradition, Custom and Politics in Medieval Kerala (2004).

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HINDUISM AND LAW:
AN INTRODUCTION

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List of contributors

of Manu and Visṇu. He has also completed a new translation of Kautilya's Arthaśāstra.

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Chronology

c. 3rd century BCE
Rock and Pillar Edicts of King Piyadasi (Aśoka Maurya); Āpastamba Dharmaśāstra

early 2nd century BCE
Gautama Dharmaśāstra

mid–late 2nd century BCE
Baudhāyana Dharmaśāstra
(i.e., “Proto-Baudhāyana,” namely the early part consisting of the first and most of the second book)

1st century BCE
Vasiṣṭha Dharmaśāstra

from early CE
South Indians involved in maritime trade settled on the coasts of Sumatra and Cambodia, and along the Straits of Malacca

c. 150
Sanskrit inaugurated as cosmopolitan language; incorporation of artha into Dharmaśāstra texts and the concomitant incorporation of regional legal norms into the early smṛtis (dharmaśāstras)

c. 2nd century
Mānava Dharmaśāstra (Manu Smṛti)

c. 4th–5th century
Yājñavalkya Smṛti

400–700
Inscriptions begin to indicate strong presence of corporate groups; production of smṛtis with more detailed and pronounced sections on legal procedure

5th–6th century
Nārada and Bṛhaspati Smṛtis

7th century
Viṣṇu Smṛti

7th–8th century
Kātyāyana, Pañcarātra, Vaikhānasa Smṛtis

700–900
Temple building increases; earliest commentaries

900–1200
Monumental temples built by regional rulers; earliest digests
### Chronology

<table>
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<th>Event</th>
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<td>c. 1200</td>
<td>Delhi Sultanate introduces state administration of law in Persian</td>
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<tr>
<td>13th–early 16th century</td>
<td>Spread of South Asian populations in Indonesia</td>
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<td>c. 1300</td>
<td>Vernaculars begin to be used for legal documentation</td>
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<td>c. 1365–1445</td>
<td>Prāyaścitattuviveka</td>
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<tr>
<td>1500</td>
<td>First European colonial presence; formalization of vernacular government documents</td>
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<td>1510–80</td>
<td>Raghunandana Bhaṭṭācārya</td>
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<td>c. 1540–80</td>
<td>Divyatattva</td>
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<td>1772</td>
<td>Judicial Plan of Warren Hastings, governor of Bengal; colonial administration becomes the central force in law; “personal law” institutionalized</td>
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<td>1776</td>
<td>Publication of A Code of Gentoo Laws</td>
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<td>1794</td>
<td>Publication of Jones’s translation of the Laws of Manu</td>
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<td>1798</td>
<td>Publication of Colebrooke’s A Digest of Hindu Law on Contracts and Successions</td>
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<td>1810</td>
<td>Publication of Colebrooke’s Two Treatises on the Hindu Law of Inheritance</td>
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<td>1829</td>
<td>Abolition of suttee (sati)</td>
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<td>1830</td>
<td>English replaces Persian as the administrative and diplomatic language</td>
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<td>1833</td>
<td>Slavery Abolition Act passed (in the UK), ends slavery throughout most of the British Empire, leading to an increase in indentured servitude that encourages the spread of South Asians to Mauritius, Guyana, Surinam, Trinidad, Jamaica, South and East Africa, and Fiji</td>
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<td>1850</td>
<td>Caste Disabilities Removal Act</td>
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<td>1856</td>
<td>Hindu Widows Remarriage Act</td>
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<td>1859</td>
<td>Code of Civil Procedure</td>
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<td>1860</td>
<td>Indian Penal Code; Code of Criminal Procedure</td>
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1864 Pandits cease to be employed as law officers to the courts
1891 Age of Consent Act
1899–1902 Boer War in South Africa
1906 Zulu Rebellion
1923 Publication of *Hindutva: Who is a Hindu?* by Vinayak Damodar Savarkar (alias “Mahratta”)
1937 Hindu Women’s Right to Property Act (“Deshmukh Act”)
after 1945 postwar diaspora of South Asians to the UK, the USA, Canada, Australia, New Zealand, continental Europe, and the Persian Gulf nations
15 August 1947 India becomes independent
1950 Constitution of India enacted
1952–5 “Hindu Code” debates
1955–6 “Hindu Code” Bills enacted
1955 Hindu Marriage and Divorce Act
1956 Hindu Succession Act
1956 Hindu Minority and Guardianship Act
1956 Hindu Adoptions and Maintenance Act
1985 Shah Bano decision
1986 Muslim Women (Protection of Rights on Divorce) Act
1992 Destruction of the Babri Masjid (mosque) in Ayodhya as part of a campaign to reclaim the site for a temple commemorating the Hindu god Rāma’s birthplace
ABBREVIATIONS OF INDIC TEXTS

BSm  Brhaspati Smṛti; ed. Rangaswami Aiyangar (1941a).
DhDN  Dharma Dwaita Nirnaya; ed. Gharpure (1943).
DT  Divyatatva of Bhāṭṭācārya; ed. and trans. Larivière (1981a).
Kāvyādarśā  Kāvyādarśa; ed. Thakur and Jha (1957).
MDh  Māṇava Dharmāsāstra; ed. and trans. Olivelle (2005a); with the commentaries of Medātīthi, Sarvajñanārāyana, Kullūka, Rāghavānanda, Nandana, and Rāmacandra: Mandalik (1886); with the commentary of Medhatithi and trans. G. Jha (1920–9); with the commentary of Kullūka: Vidyasagara (1874).
NSm  Nārada Smṛti; ed. and trans. Larivière (1989a).
Pāṇini  Apādhyāyī of Pāṇini; ed. Kielhorn (1880–5).
Patañjali  Vākaraṇa Mahābhāṣya of Patañjali; ed. Kielhorn (1880–5).
PSm  Parāśara Smṛti; ed. Tarkalankara (1893).
List of abbreviations

SmC  Smṛticandrīkā; ed. Srinivasacharya (1914–21); trans. Gharpure (1948).
TMB  Tāṇḍya Mahābrāhmaṇa; ed. Chinnaswami Sastri (1936).
TV  Tantravārttika of Kumārilabhaṭṭa; ed. Abhyankar and Joshi (1970–7).
VDC  Vikramāṇkadevacarita of Bilhana; ed. Bühler (1875).
VDh  Viṣṇu Dharmaśāstra (Viṣṇu Śmrī); ed. Jolly (1881); ed. Olivelle (2000); ed. with the Keśavavaijayantī commentary of Nandapanidita: Krishnamacharya (1964).
YSm  Yājñavalkya Śmrī; ed. Stenzler (1849); with the Mitākṣarā commentary of Viśn०नेśvara: Pandey (1967); with the Balakridā commentary of Viśvarūpācārya: Ganapati Sastri (1921–2).

EPIGRAPHICAL PUBLICATION SERIES WITH ABBREVIATIONS

(citations by volume and record number)

CII  Corpus Inscriptionum Indicarum, Archaeological Survey of India.
EI  Epigraphia Indica, Archaeological Survey of India.
SII  South Indian Inscriptions, Archaeological Survey of India.
South Asia: political divisions c. 1860 and today