

**LAW & RELIGION IN ANCIENT INDIA**  
**SAST 361 01 (25270)**  
**Spring 2010**

**Instructor**

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Office Hours: Wednesday 1:00–3:00PM

**Class Time and Location:**

Monday, 1:30–3:20PM, Rosenkranz Hall (115 Prospect St.), room 6

This seminar course examines the tradition of classical Hindu law, known as Dharmaśāstra, and its place in the legal, religious, social, and political history of India and South Asia. The first part of this course will introduce students to the complex and fascinating history of this legal tradition from its beginnings prior to the Common Era up to roughly the eighteenth century. In the second part, we will investigate a set of broad questions concerning such things as the nature of scriptural authority, jurisprudential commentary, the role of customary law, and the relationship between law and the state. Throughout the course, special emphasis will be placed on the close reading of primary sources.

**Required Texts**

Lingat, Robert. *The Classical Law of India*. [available on classesv2]  
Olivelle, J. Patrick. *Dharmasūtras: The Law Codes of Ancient India*.  
Olivelle, J. Patrick. *The Law Code of Manu*.  
Selected articles and other readings. [available on classesv2]

**Grading and Requirements**

Class Attendance/Performance 50%: Students are expected to attend all classes and actively participate in class discussions. They are also required to write a 1–2 page critique of the week's readings and to email it to me no later than noon on the Saturday before class. The classes meeting on January 11 and 15 and April 19 are exempt from this requirement.  
Final Paper 50%: Students are required to write a research paper (approximately 20 pages in length), on which they will give a short presentation in class on April 26. The paper, however, will not be due until noon on the day of the scheduled final.

**Class Schedule**

**Jan. 11: Introduction to the Class and Classical Hindu Law.**

**Jan. 15: An Overview of Ancient Indian History.**

Romila Thapar, *A History of India: Volume One*, pp. 15–135 (Chapters One-Six).

**Jan. 25: The Concept of *Dharma* and Its Relation to Classical Indian Law and Religion.**

Ludo Rocher, "The Dharmasāstras." In *The Blackwell Companion to Hinduism*, pp. 102–16.

Robert Lingat, *The Classical Law of India*, pp. 3–17 (Part One: Chapter One).

Paul Horsch, "From Creation Myth to World Law: The Early History of *Dharma*." In *Dharma: Studies in Its Semantic, Cultural, and Religious History*. ed. Patrick Olivelle. Special issue of *Journal of Indian Philosophy* 32: 491–511.

Patrick Olivelle, "The Semantic History of *Dharma*: The Middle and Late Vedic Periods." In *Dharma: Studies in Its Semantic, Cultural, and Religious History*. ed. Patrick Olivelle. Special issue of *Journal of Indian Philosophy* 32: 491–511.

**Feb. 1: The *Dharmasūtras* of Āpastamba and Gautama.**

Robert Lingat, *The Classical Law of India*, pp. 18–27 (Part One: Chapter Two).

Patrick Olivelle, *Dharmasūtras*, pp. xxi–126 (Introduction & the *Dharmasūtras* of Āpastamba and Gautama).

**Feb. 8: The *Dharmasūtras* of Baudhāyana and Vāsiṣṭha.**

Robert Lingat, *The Classical Law of India*, pp. 28–72 (Part One: Chapter Three).

Patrick Olivelle, *Dharmasūtras*, pp. 127–326 (The *Dharmasūtras* of Baudhāyana and Vāsiṣṭha).

**Feb. 15: The *Arthasāstra* of Kauṭilya.**

Hartmut Scharfe, *Investigations in Kauṭilya's Manual of Political Science*, pp. 102–251 (Part II).

**Feb. 22: The *Manu Smṛti*, Part I.**

Patrick Olivelle, *The Law Code of Manu*, pp. xvi–105 (Introduction and Chapters 1–6).

**Mar. 1: The *Manu Smṛti*, Part II.**

Robert Lingat, *The Classical Law of India*, pp. 73–96 (Part One: Chapter Four).

Patrick Olivelle, *The Law Code of Manu*, pp. 106–220 (Chapters 7–12).

**SPRING RECESSES!**

**Mar. 22: Other Scriptures: The Dharmasāstras after Manu, Sanskrit Epics, and Purāṇas.**

Robert Lingat, *The Classical Law of India*, pp. 97–106 (Part One: Chapter Five).

John Brockington, "The Sanskrit Epics." In *The Blackwell Companion to Hinduism*, pp. 116–28.

Freda Matchett, "The Purāṇas." In *The Blackwell Companion to Hinduism*, pp. 129–43.

NOTE: We will spend the last portion of this class discussing final paper topics and scheduling individual times to meet.

**Mar. 29: Commentaries, Digests, and Traditional Hermeneutics.**

Robert Lingat, *The Classical Law of India*, pp. 107–75 (Part One: Chapter Six and Appendix; Part Two: "The Problem" and Chapter One).

Donald Davis Jr., *The Spirit of Hindu Law*, pp. 47–69 (Chapter Two: "Hermeneutics and ethics").

**Apr. 5: The Relationship between Dharmaśāstra and Custom/Social Practice.**

Robert Lingat, *The Classical Law of India*, pp. 176–207 (Part Two: Chapter Two).

Richard W. Lariviere, “Dharmaśāstra, Custom, ‘Real Law,’ and ‘Apocryphal’ Smṛtis.” In *Recht, Staat, und Verwaltung im klassischen Indien*, pp. 97–110.

Gregory Schopen, “Archaeology and Protestant Presuppositions in the Study of Indian Buddhism.” In *Bones, Stones, and Buddhist Monks*, pp. 1–22.

Patrick Olivelle, *The Law Code of Manu*, pp. xxxviii-xli (“The Nature and Purpose of the Treatise”) [reread].

David Brick, “The Court of Public Opinion and the Practice of Restorative Ordeals in Pre-Modern India.” *Journal of Indian Philosophy* 2009: 1–14.

**Apr. 12: The Relationship between Dharmaśāstra and Royal Authority.**

Robert Lingat, *The Classical Law of India*, pp. 207–72 (Part Two: Chapter Three and Conclusion).

Donald R. Davis, Jr., “Intermediate Realms of Law: Corporate Groups and Rulers in Medieval India.” *Journal of the Economic and Social History of the Orient* 48:1, 92–117.

**Apr. 19: Class Presentations on Final Research Paper**

FINAL PAPERS ARE DUE BY NOON ON THE DAY SCHEDULED FOR THE FINAL.