REFLECTIONS ON RELIGION & LAW

The Field I Want to Inhabit

Donald R. Davis, Jr.*

Many years ago, Velcheru Narayana Rao, the great scholar of Telugu literature, gave me some advice: "Create the field you want to inhabit." He explained that the point was not to charge out on my own, do whatever I wanted, or ignore my debts to current and past scholarship. Instead, he meant that I—that we—should think and work *as if* our intellectual fields already had the shape we imagined or dreamed they could. At a time when too many academics viewed their mission as self-reproduction, it was a generous thing to tell me to build a field, or a corner of it. And, it is a goal that I have tried to pursue ever since. The purpose of this essay is to describe the field—narrow and broad—I want to inhabit.

What Law and Religion Can Learn from Hindu Law

My field has two names—one in English, Hindu law, and one in Sanskrit, Dharmaśāstra. I spend more time than I now think reasonable explaining both of these names to people who really should have heard of one or the other. At least a paragraph or a healthy footnote is devoted in almost every article I write to explaining why "Hindu law" isn't quite right because it's both anachronistic and a carry-over of colonialism, and yet helpful because it gets this tradition into the same conversation with Jewish law, Islamic law, Canon law, and Roman law. Alternatively, I break down the word *dharma-śāstra* and inform readers that it means the "expert tradition" (*śāstra*) of "religious law" (*dharma*) in Hinduism.[1] Though Hindu law is but a small plot within the field of law and religion, people who study religion or law,

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[1] Dharmaśāstra names both the tradition of Hindu religious law and jurisprudence and the texts that its experts produced and transmitted for over 2000 years. For a classic introduction to Hindu Law and Dharmaśāstra, see Robert Lingat (1973). The standard reference work on Dharmaśāstra is P.V. Kane (1962-1975). The most important translator and scholar of Dharmaśāstra today (and probably ever) is Patrick Olivelle. Try Olivelle (1999; 2004; and 2013). Modern Hindu law is a statutory codification and subsequent case law resulting from major legislation in the 1950s, just after India's independence. See J.D.M. Derrett (1968).

or at least people who study religion *and* law, should know these names and should have to read something about the tradition they label.

Why? What's so great about Hindu law? Isn't it a more or less defunct tradition of Brahmin jurists preserving rules for rituals, legal procedures, and social life that hardly ever applied in practice, or applied to Brahmins alone? Well, sort of, but just knowing that much already has the potential to teach us something. Why do we insist on using the word *apply* when speaking about the law? When someone follows or obeys the law, we don't think of them as applying the law to themselves. Yet, most of the law's power comes through conformity without coercion. Following the law is rarely a matter of consciously knowing a rule and then rationally applying it to a given situation.[2] People act from habit and training, but also from a sense of belonging to a community. The law functions as an ethos and a rhetorical world as much as it functions as a system of rule and punishment (White 1985).

Hindu law is not unique in treating the question of application as secondary. One of my favorite examples comes from Jewish law. In spite of the destruction of the Temple in Jerusalem in 70 CE, the Talmud included huge sections, including most of the order of *Kodashim*, that described and prescribed many rites and offerings, architecture, and behavior connected to the non-existent Temple.[3] In spite of the impossibility of application, the world-making power of the Temple laws helped create and has helped sustain the Jewish community and its self-conception to the present day.

In the field of law and religion that I imagine, the central purpose or function of law is not decided in advance. Instead, the different emphases found in distinct traditions should be allowed to reveal multiple purposes and functions of law that likely operate in all legal traditions to different degrees. Here rule application and punishment are king; there juristic debate is the primary mode of law; elsewhere law may build community. In general, unexamined assumptions within the field of law and religion should be regularly upset through comparison with other traditions and with adjacent fields.

What place do traditions of religious law have in the field of law and religion? As much as I value the work of John Witte, Jr., it is strange to read his recent overview (2012) of law and religion in the U.S. to find Hindu law marginalized as one member of a list of other traditions of religious law under one of ten major themes in the field. The reduction of this robust and complete tradition of religious law to a brief mention and note in a twenty-five-page essay places Hindu law even further from the center of law and religion studies than it was fifty or a hundred years ago. To be fair, Witte gives an accurate account of the tiny place

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[2] In his critique of Kant, Hegel concluded that "the imposition of any duty cannot come from the individual agent's imposing a 'law' on himself" (Pinkard 2000: 141). Instead, we "actively orient ourselves in experience" to a world that exists before us and to the actions we want to take within it (ibid.: 164).

[3] Rosen-Zvi (2008) describes a "conceptual revolution" in thinking about the Mishna's treatment of the Temple as grounded in later second-century concerns. Cohn (2013) offers a pointed study of why the rabbis wrote so much about laws that could not be applied, concluding that it was to shore up their own authority.

Hindu law occupies in law and religion in the U.S.—factually right, but morally wrong.[4] Each of these traditions deserves to be treated as complete and complex, not as a footnote to another study of religious freedom or human rights. These two thematic centers of law and religion identified by Witte overdetermine what data becomes relevant to the wider field. Treating present concerns and epistemes as universals diminishes the possible questions we might ask of law and religion. It can be fruitful to bring modern questions to ancient texts or American problematics to African contexts, but the trap of imperialist arrogance lies hidden in each attempt. The themes lower on Witte's list (e.g. natural law, ethics, the legal profession, and interpretation) have the most potential to transform the field of law and religion.

The very name of the field, whether law and religion or vice-versa, already assumes a division that is an exception historically and geographically.[5] The title of this journal too sets up a dichotomy—an assumption—of *two* things that Hindu law calls into question and reframes. Neither Roman law nor Common law should be the gold standard or starting point from which law and religion may be studied. How different the field might look if we taught first that law and religion are normally part of singular ideologies and institutions and that their separation has always been a fraught, incomplete project? Academic fields and the cultural institutions they study are built upon categories that are never natural but argued and used in ways that make them unstable. That instability is a good thing.

We learn a lot, for example, from knowing that it is Christians who are weird for *not* having extensive food laws (Mazur 2018, citing Isler). Europe and the U.S. are just as exceptional as other traditions of law and religion, when viewed in a fully comparative perspective. The separation of religion and law, in the peculiar form of Church and State, is the major point of deviation for what is too frequently called "the West."[6] Church-State studies, however, are merely a case-study of religion and law, not a general paradigm or model. The same presumption afflicts both religious studies and legal studies independently, but the problem is compounded when the two phenomena are paired. For too long, Christianity has been the paradigmatic "religion" against which all others were measured. Ditto with law in "the West," except that the historical tug-of-war between Common law and Civil law systems has produced a general sense that this tension characterized the

[4] Full disclosure: After writing this section, I was invited to join the editorial board of the *Journal of Law & Religion*, in part due to the fact that Witte is one of the few nonspecialists to take an interest in Hindu law.

[5] Whether law and religion is the same field as religion and law is itself an open question. The former is populated by people trained first in law and for whom religion may or may not be a serious area of research. The worst law-first treatments of religion reduce everything to belief, following a crass Protestant error. The latter is dominated by people who work in religion or theology departments or who are clergy. Their engagement with law tends to be less lawyerly or professional and more theoretical. Personally, I cheat by criticizing the division—a convenient position for a person without serious credentials in either field.

[6] The ridiculous macro-category of "the West" obscures the major challenges and contestations to the separation of Church and State.

development of law worldwide.[7] It was Witte's mentor, Harold Berman (1983, 2003), who argued that an "integrative jurisprudence," a strong sense of the religious foundations of law, existed in Europe prior to the French Revolution. As capacious as it was, Berman's desire to re-integrate law and religion, however, still came from a position that privileged a Christian worldview and an imperialist assumption that world legal systems had followed the coattails of legal developments in "the West," rather than being the product of the colonial decimation of jurisgenerative traditions of law around the world (see Benton 2009).

At first, the academic study of Hindu law suffered from the training in Roman and English law possessed by the early Orientalists. These colonial scholars rarely allowed Hindu concepts, legal reasoning, and presuppositions to disrupt the eternal dichotomy of Civil and Common law (Rocher 2010). It is no coincidence that the three earliest English translations of Hindu law texts were titled the *Code of Gentoo Laws*, the *Institutes of Hindu Law*, and the *Digest of Hindu Law*—exactly paralleling the core texts of the Roman Corpus Iuris Civilis.[8] Nor is it an accident that British colonial judges and administrators viewed Hindu law by analogy with the ecclesiastical law of the Church of England. Only *religious* matters (namely, marriage, inheritance, and caste) would be administered according to Hindu law; other law would be English law in the colonial state (Lariviere 1989: 758-59; Derrett 1968: 233-37). While we can understand that one naturally relies on what one knows, the dynamics of colonialism meant that English law trumped Hindu law, in spite of a stated policy to the contrary. The failure to understand either the limits or the possibilities of Hindu law emanated from a belief that English law was superior. British colonizers could only appropriate and use Hindu law, never learn from it.

As a result, in Cover's famous terms (1983), the colonial state and its courts in India were "jurispathic." State control of the law's creation, promulgation, and enforcement led in 1864 to the expulsion of Hindu and Muslim jurists from colonial courts and to "judicial cognizance" of Hindu law based on roughly eighty years of accumulated case law. From that moment, Hindu law lost its connection to the pandit class and to various formal and informal courts that had comprised its practical existence. That history serves as an example of the fact that law is not solely the product of the state. Non-state law has to be eradicated in order

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[7] Schiavone (2012) is an interesting history of the development of Roman law, marred by an opening and a frame that asserts, rather than proves, "While we freely talk about Mesopotamian law, and Egyptian, Greek, or (to move beyond the ancient world) Hawaiian or Aztec law, it was Roman law alone that provided the paradigm enabling us to recognize as 'legal' the prescriptive practices that were originally integral parts of radically different contexts and systems" (3-4). Without citing a single study outside of the field of Classics, Schiavone confidently dismisses the idea that "law" existed before or separately from Rome as "Indo-European comparativism or reckless extension of the concept of law" (90). Merryman (1985: 4-5) at least acknowledges the problem, but just then declares it not *his* problem. I find this sort of ethnocentric and linguistic determinism to be stifling, trapping us in a debate about self at the expense of knowing something about and learning from others.

[8] These were compilations and translations written under British pressure. They are not a good starting point to understand the tradition. Instead, see the works listed in note 1 above.

to achieve state political ends. I say this neither to idolize nor to idealize non-state law, which can be just as repressive as state law.[9] Both should be judged by their practical effects, and then promoted or opposed accordingly. States, however, view non-state law from religious legal traditions such as Hindu law with suspicion by default.[10] It is inferior, backward, or wild, not because it is bad law, but rather because the state does not control it. In the case of India, Hindu law limped along as a law administered by colonial judges until it was transformed into a legislative form known as the Hindu Code Bills of the 1950s (Derrett 1957; Levy 1968-69; Newbigin 2013). In this modern form, the Indian state administers Hindu law as a personal law only nominally derived from the classical tradition.

This brief discussion reveals just two ways that a study of Hindu law might inform the wider field of law and religion. First, the theoretical premise that law and religion are distinct institutions must be proven, not assumed. Religious legal systems such as Hindu law deny the validity of such a division. Indeed, the different conceptual frameworks of Jewish, Muslim, Hindu, and many other legal traditions should be key points of comparison for a vibrant field. Second, the historical erasure of Hindu law under British colonialism stands as a prominent example of how colonialism and imperialism shaped the global evolution of law from the sixteenth century onwards. The story of law in "the West" should no longer be told as an internal evolution within Europe and then America, because it happened on a stage made out of colonial depredation and imperial ambition (Benton and Ross 2013; Mawani and Hussin 2014). The impact of colonialism and imperialism on law today should continue to grow as a fertile subfield of law and religion.

What Hindu Law Can Learn from Law and Religion

The theoretical and practical sophistication of the field of law and religion stands well above the current state of Hindu law studies. From basic philological work to edit ancient texts to historical studies of diverse evidence of legal and religious activities, from subtle jurisprudential and theological arguments to empirical and contextual studies of law and religion on the ground, Hindu law lags behind many other fields. In saying this, I am not denigrating my own or my colleagues' work, but rather trying to point to what more I think is possible for our field. If we ask why Hindu law lags behind the broader field, at least three reasons come to mind: 1) it's really hard, 2) hardly anyone studies Hindu law, and 3) the diversity of the field is very limited.

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[9] I would go further and suggest that modern commitments to secular state law have generally been a positive, because religious laws have myriad problems that deal poorly with modern worldviews and assumptions. See, for example, Hamilton (2005), a sobering critique of the misuse of religious liberty in the U.S.

[10] Insofar as premodern states—whether in India, Nepal, or Southeast Asia—actively promoted Hindu law, the diversity and jurisgenerative capacity of Hindu jurists lessened (a claim that I assert but cannot substantiate here). More broadly, the state promulgation of law always implies selection and reduction of diversity in favor of uniformity. I take this jurispathic tendency of the state to be a key point of Cover's argument.

Why is it hard? In the first half of the twentieth century, Hindu law was researched by classically trained Indian Sanskritists who also had degrees in English law or European and American lawyers who studied Sanskrit. Neither group had training in what we today call religious studies. Today, Hindu law is studied mostly by people trained in Sanskrit, not law, who usually study religion as well. If you want to put any topic into historical context, you also have to learn one or more of twenty-ish major languages in South and Southeast Asia and the relevant history. To bring deep training in Sanskrit, history, law, and religion together is no easy feat, and almost everyone in the field has a weakness, a major area in which they are self-trained. The result has been that we tend to get stuck defining and redefining basic issues—Is *dharma* really law? What counts as a source of Hindu law? What was the relationship of law in the books to law in practice?—instead of having the capacity to move into more cutting-edge topics in the wider field. For example, we don't yet have a good study of temples as they appear in the Hindu legal texts.[11] But, four of us wrote really similar pieces on the relationship of religious expiation and legal punishment in the span of five years (Lubin 2007; Davis 2010; Olivelle 2011; Brick 2012). The study of the connection between the dramatic changes in the form and content of medieval Hindu law texts and the rise of new Hindu sectarian traditions has barely begun. But, at least once a year, I get asked to write yet another encyclopedia entry on *dharma*, Hindu law, or Dharmaśāstra (I've written five to date). We seem to be fated always to write another introduction to Hindu law.

What we need to learn from law and religion is how to move beyond the basics without skipping them. Knowledge of Sanskrit is a *sine qua non* for this field, but we can and should be bolder about taking on new topics by drawing on what's happening in the wider field. The sixth of Witte's major topics, for instance, is the mutual influence of theology and jurisprudence. We need specific studies of how Dharmaśāstra influenced other Hindu intellectual traditions such as Vedānta or Tantra and other Hindu institutional formations such as Śaivism and Bhakti movements—and vice-versa. Even in areas such as the family (Witte's third topic) in which Hindu law has both a long history of scholarship and a huge corpus of original material, published work gets pitched to South Asianists, not law and religion scholars. Hindu law scholars could do more to attract other people to the field by writing with general audiences in mind and in non-specialist fora.

In order to grow, however, the field of Hindu law needs to diversify. To play with the agricultural metaphor, my field has suffered from excessive monoculture. It needs greater biodiversity to flourish. That diversity must come in several forms. First, the field simply needs more laborers. It is no exaggeration to estimate that only a dozen university-based scholars today—including in India—devote their research primarily to Hindu law and Dharmaśāstra. Many more, but certainly not more than a hundred, sometimes refer to Dharmaśāstra sources or produce occasional studies of Dharmaśāstra-related topics. For example, we have trouble finding ten or twelve participants in the Law & Society section of the triennial World Sanskrit Conference. It's hard to help a field grow with so few people. The perception that Hinduism is an otherworldly, escapist religious tradition obscures the

[11] Olivelle (2009) only examines the earliest texts which all date from a period before the noted rise in temple cultures in India beginning in the eighth and ninth centuries CE.

central place of law in its theological and practical history (Davis 2007). Even those who find Hinduism, Yoga, or Tantra, rarely find Hindu law.

There are historical reasons behind this lack of interest. In the mid-nineteenth century, the British Parliament began to relinquish its control over Hindu religious institutions, including both temples and the patronage networks of Brahmin communities that sustained a living tradition of Dharmaśāstra studies. Parliament's imperial moves in the 1860s in the wake of so-called Indian Mutiny led to the dispersal and weakening of Sanskrit education—a deliberate, "sudden" death of Sanskrit (Kaviraj 2005). A hundred years later, Hindu law studies in India (and Sanskrit generally) have been thoroughly decimated. Unlike Islamic law or Jewish law, there is no longer an independent class of religious specialists who debate and maintain Hindu law (Derrett 1957: 26). Structural inequities of education and funding inaugurated by the British persist in a barely changed form today and undermine not only Hindu law studies but also many other fields outside of technology and medicine.[12]

It is true that Hindu law today is a professional subfield of the law in India. The Indian lawyers and judges who conduct Hindu law cases, however, have no professional motivation or incentive to learn the history of the tradition, because of the rupture created by the British and the subsequent codification of Hindu law in legislated form. The present aversion of upper-caste Indian academics and professionals to Hindu law recapitulates and extends colonial patterns. As upper-caste men moved into other fields between the 1960s and 1990s, women, Dalits, and other lower castes stepped in (Patton 2010), until the recent majoritarian Hindutva governments in India exerted pressure to "re-Hinduize" Sanskrit studies. The twists and turns of this evolving process show us that local histories must inform our efforts to rectify injustices and inequities in any field. Numbers, however, are not the only problem in our field.

More importantly, those who study Hindu law ought to come from more diverse backgrounds—ethnic, racial, gender, religious, national, caste, disability, and so on. To begin with, far too few women have made Hindu law a focus of their research, though at least a few have.[13] Intellectual progress comes from fresh perspective. The field of Hindu law suffers from limited personal and cultural background. It should invite those with different experiences and backgrounds to study and to critique its history.

When I first wrote this essay in the summer of 2020, protests and meetings of supporters of the Black Lives Matter movement were happening across the US. The overdue crisis of conscience the BLM movement has provoked at every level of society is a difficult, but necessary education in the foundational role that race and racism has played in history, especially in the US. What I have learned from this moment is that racism has to be understood on par with other major social institutions such as politics, economics, law, and religion. As a White kid from Lubbock, Texas, I was taught that race was not (or was no longer) a thing we were to pay attention to. Martin Luther King's plea to judge people by

[12] I thank Indrani Chatterjee for pressing me to incorporate this part of the story, thought I can only quickly summarize her reactions and a history that deserves an essay unto itself.

[13] For some recent examples, see Leslie (1989); Rocher (1983; 2010); McGee (1987; 1991); Oleksiw (1978; 1982); Jamison (1998; 2006); Korneeva (2016); and Dutta (2018).

"the content of their character" meant that race was not to be discussed or factored in. To talk about race in public was considered rude and indecorous. Funny (not funny) how that didn't apply to groups of White people known to each other, nor to my father. My field should do better.

Let me put an uncomfortable fact out there: I cannot name a single Black scholar of Dharmaśāstra or Hindu law and only a couple of Latino scholars. The reasons for this absence are numerous and not attributable solely to systemic racism at work in the academy.[14] Nevertheless, it is a remarkable and regrettable fact. In the many general meetings of law and religion scholars that I attend, by contrast, I see Black and Latino participants. Racial exclusion happens not just in who is participating and not just because of that fact. Racism showed up long before the meeting happened in the themes and questions pursued by Hindu law (and South Asia studies) specialists. It feels like there's so much basic work to do that taking on important, but "trendy" questions is a "luxury," not a necessity. The idea that race (and gender and sexuality) are luxury topics that we will get to after the core issues is already racist. Consequently, we have tended to revisit similar themes and problems because the ground is at least partially plowed. I would contend and confess that I have not encouraged topics and perspectives that would emerge from placing questions of race, gender, and sexuality at the same level of importance as authority, property, ritual, hermeneutics, etc. If I had just thought for a second about how much we have learned about Hindu law from the critique of colonialism in India since 1980, I might have drawn the simple line to the possibilities that exist in other novel topics that are convenient to overlook. Of course, there is no correlation between identity and intellectual topic, but there is also no doubt that if there were even a few Black scholars of Hindu law that the topic of race would have come up and been written about.[15] My field is diminished by that absence. With greater diversity would come not only new major areas for study but also new nuances in already studied topics.

Not only does the field of Hindu law studies have to grapple with its own failure to include and attract people from more diverse backgrounds, but Hindu law's historical and ideological commitment to caste and casteism must by extension be vigorously critiqued. Some work has been done to show how the ideology of Hindu law has served to maintain caste privilege, not only during and after colonialism, but especially earlier (Galanter 1963; McCormack 1966; Derrett 1968; and Beteille 1992). Casteism, like racism, also manifests in the lack of caste diversity among academics of South Asian descent, specifically the

[14] For a good start of the critique of racism in South Asian studies, see Venkatkrishnan (2021). The cultivated prejudice against Black and Africana communities in South Asia itself, for example, disinclines them toward research in this region. See Jayawardene (2016).

[15] The pioneering work of Davis, Gardner, and Gardner (1941) read caste and race together in Mississippi. Wilkerson (2020) is an ambitious new interpretation that takes caste as the underlying foundation of race. Along similar lines, the pioneers of Critical Race Theory and intersectionality offer an approach that brings into focus contextual and local conjunctures of class, race, caste, gender, sexuality, etc. For classic essays that bear close connection to legal studies, see Crenshaw, et al. (1995).

overrepresentation of Brahmin scholars in South Asian studies. The trend today, however, is toward the denial of caste and the preposterous propaganda that the British invented caste or that caste is a kind of Christian conspiracy promulgated under "colonial consciousness."[16] The Dharmaśāstra authors were the most explicit and vigorous defenders of the ideology of caste, but this fact does not sit well with many (upper caste) Hindus today. Just as most White people feel uncomfortable with discussions of race and revelations of their privilege, so also do most upper-caste Hindus feel that talk of caste cheapens the richness of Indian culture and belabors a problem of the past. Sounds familiar to me. As Trautmann (1997) has shown, caste and race grew up together as academic topics and the ethnological interests of early Orientalists influenced later studies of both. Precisely because Hindu law texts contain the core ideology of caste in Hinduism, the field of Hindu law must take on the critique of caste and the efforts to deny its salience even to the present day.

One final thing Hindu law scholars can learn from the wider field of law and religion, therefore, is how to open and sustain a critique of caste and other underestimated institutions of academia such as race, gender, and sexuality. The necessary critique of racism, patriarchy, and sexuality discrimination remains unfinished in law and religion, but it is much further along. In the field I want to inhabit, Hindu law scholars make explicit efforts to combat casteism, racism, and sexism not only because it's the right thing to do, but also because it makes the intellectual terrain more fertile. By tacking between the wider and specialized field, Hindu law can contribute to a more just and less ethnocentric field of law and religion, even as it can broaden its own intellectual horizons by taking cues from what is being done in legal and religious studies and by whom.

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WORKS CITED

Benton, Lauren. 2009. *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900*. Cambridge, U.K.: Cambridge University Press.

Benton, Lauren, and Richard J. Ross. 2013. *Legal Pluralism and Empires, 1500-1850*. New York, N.Y.: New York University Press.

[16] Sutton (2018) is an excellent, and brave, refutation of these pernicious campaigns in and outside of academia.

Berman, Harold J. 2003. *Law and Revolution II: The Impact of the Protestant Reformations on the Western Legal Tradition*. Cambridge, Ma.: Harvard University Press.

-----. 1983. *Law and Revolution: The Formation of the Western Legal Tradition*. Cambridge, Ma.: Harvard University Press.

Beteille, Andre. 1992. "Caste and Family in Representations of Indian Society." *Anthropology Today* 8: 13-18.

Brick, David. 2012. "Social and Soteriological Aspects of Sin and Penance in Medieval Hindu Law." In *Sins and Sinners: Perspectives from Asian Religions*, ed. Phyllis Granoff and Koichi Shinohara, 9-30. Leiden, Neth.: Brill.

Cohn, Naftali. 2013. *The Memory of the Temple and the Making of the Rabbis*. Philadelphia, Pa.: University of Pennsylvania Press.

Cover, Robert. 1983. "Foreword: Nomos and Narrative." *Harvard Law Review* 97: 4–68.

Crenshaw, Kimberlé, Neil Gotanda, Gary Peller, and Kendall Thomas. 1995. *Critical Race Theory: The Key Writings that Formed the Movement*. New York, N.Y.: The New Press.

Davis, Allison, Burleigh B. Gardner, and Mary R. Gardner. 1941. *Deep South: A Social Anthropological Study of Caste and Class*. Chicago, Ill.: The University of Chicago Press.

Davis, Jr., Donald R. 2010. *The Spirit of Hindu Law*. Cambridge, U.K.: Cambridge University Press.

-----. 2007. "Hinduism as a Legal Tradition." *Journal of the American Academy of Religion* 75: 241–267.

Derrett, J.D.M. 1968. *Religion, Law and the State in India*. London, U.K.: Faber.

-----. 1957. *Hindu Law Past & Present*. Calcutta, India: Mukherjee.

Dutta, Manomohini. 2018. "Upakāra: The Theory of Spiritual Service and Women's Inheritance in the Dāyabhāga." *Journal of Hindu Studies* 11: 260–284.

Galanter, Marc. 1963. "Law and Caste in Modern India." *Asian Survey* 3: 544–559.

Hamilton, Marci A. 2005. *God vs. the Gavel: Religion and the Rule of Law*. New York, N.Y.: Cambridge University Press.

Jamison, Stephanie. 2006. "Women 'Between the Empires' and 'Between the Lines.'" In *Between the Empires: Society in India 300 BCE to 400 CE*, ed. Patrick Olivelle, 191-214. South Asia Research. New York, N.Y.: Oxford University Press.

-----. 1998. "Rhinoceros Toes: Manu 5.17–18 and the Development of the Dharma System." *Journal of the American Oriental Society* 118: 249–256.

Jayawardene, Sureshi M. 2016. "Racialized Casteism: Exposing the Relationship Between Race, Caste, and Colorism Through the Experiences of Africana People in India and Sri Lanka." *Journal of African American Studies* 20: 323-45.

Kane, P.V. 1962-75. *History of Dharmaśāstra*, 2nd edn., 5 vols. Poona, India: Bhandarkar Oriental Research Institute.

Kaviraj, Sudipta. 2005. "The Sudden Death of Sanskrit Knowledge." *Journal of Indian Philosophy* 33: 119-42.

Korneeva, Natalia. 2016. "The Āpastamba-dharmasūtra and Āpastamba-gṛhyasūtra: Re-examining Textual Features." In *Tamiḻ tanta paricu: The Collection of Articles in Honor of Alexander M. Dubyanskiy*, ed. O. Vecherian, N. Gordiychuk, T. Dubyanskaya, 51-63. Orientalia et Classica: Papers of the Institute of Oriental and Classical Studies. Issue LXIII.

Lariviere, Richard W. 1989. "Justices and Paṇḍitas: Some Ironies in Contemporary Readings of the Hindu Legal Past." *Journal of Asian Studies* 48: 757-769.

Leslie, Julia (trans.). 1989 [1995]. *Tryambakayajvan: The Perfect Wife (Strīdharmapaddhati)*. New Delhi, India: Penguin.

Levy, Harold Lewis. 1968-69. "Lawyer-Scholars, Lawyer-Politicians and the Hindu Code Bill, 1921-1956." *Law & Society Review* 3: 303-316.

Lingat, Robert. 1973. *The Classical Law of India*, trans. J.D.M. Derrett. Berkeley, Ca.: University of California Press.

Lubin, Timothy. 2007. "Punishment and Expiation: Overlapping Domains in Brahmanical Law." *Indologica Taurinensia* 33: 93-122.

Mawani, Renisa, and Iza Hussin. 2014. "The Travels of Law: Indian Ocean Itineraries." *Law and History Review* 32: 733-747.

Mazur, Eric Michael. 2018. "Law, the Sacred, & a Nosh." *Religio et Lex* 1: 49-61.

McCormack, William C. 1966. "Caste and the British Administration of Hindu Law." *Journal of Asian and African Studies* 1: 27-34.

McGee, Mary. 1987. "Feasting and Fasting: The Vrata Tradition and Its Significance for Hindu Women." ThD dissertation, Harvard University.

-----. 1991. "Desired Fruits: Motive and Intention in the Votive Rites of Hindu Women." In *Roles and Rituals for Hindu Women*, ed. Julia Leslie, 71-88. Madison, N.J.: Fairleigh Dickinson Press.

Merryman, John Henry. 1985. *The Civil Law Tradition*, 2nd edn. Stanford, Ca.: Stanford University Press.

Newbigin, Eleanor. 2013. *The Hindu Family and the Emergence of Modern India: Law, Citizenship and Community*. Cambridge, U.K.: Cambridge University Press.

Oleksiw, Susan. 1982. "The Definition and Treatment of Nyāsa in Dharmaśāstra Literature." *Journal of the American Oriental Society* 102: 119-124.

-----. 1978. "Law and Government in the Mṛcchakaṭikā." PhD Dissertation, University of Pennsylvania.

Olivelle, Patrick. 2013. *King, Governance, and Law in Ancient India: Kauṭilya's Arthaśāstra*. New York, N.Y.: Oxford University Press.

-----. 2011. "Penance and Punishment: Marking the Body in Criminal Law and Social Ideology of Ancient India." *Journal of Hindu Studies* 4: 23–41.

-----. 2009. "The Temple in Sanskrit Legal Literature." In *Archaeology and Text: Temple in South Asia*, ed. Himanshu Prabha Ray, 191-204. Delhi: Oxford University Press.

-----. 2004. *The Law Code of Manu*. Oxford, U.K.: Oxford University Press.

-----. 1999. *Dharmasūtras: The Law Codes of Ancient India*. Oxford, U.K.: Oxford University Press.

Patton, Laurie L. 2010. "Women, the Freedom Movement, and Sanskrit: Notes on Religion and Colonialism from the Ethnographic Present." In *Rethinking Religion in India: The Colonial Construction of Hinduism*, ed. Esther Bloch, Marianne Keppens, and Rajaram Hegde, 79-92. New York, N.Y.: Routledge.

Pinkard, Terry. 2000. *Hegel: A Biography*. New York, N.Y.: Cambridge University Press.

Rocher, Rosane. 2010. "The Creation of Anglo-Hindu Law." In *Hinduism and Law: An Introduction*, ed. Timothy Lubin, Donald R. Davis, Jr., and Jayanth Krishnan, 78-88. Cambridge, U.K.: Cambridge University Press.

-----. 1983. *Orientalism, Poetry, and the Millennium: The Checkered Life of Nathaniel Brassey Halhed, 1751-1830*. Delhi, India: Motilal Banarsidass.

Rosen-Zvi, Ishay. 2008. "Orality, Narrative, Rhetoric: New Directions in Mishnah Research." *AJS Review* 32: 235-249.

Schiavone, Aldo. 2012. *The Invention of Law in the West*, trans. Jeremy Carden and Antony Shugaar. Cambridge, Mass.: Belknap Press.

Sutton, Deborah Ruth. 2018. "'So called caste': S.N. Balagangadhara, the Ghent School and the Politics of Grievance." *Contemporary South Asia* 26: 336-49.

Trautmann, Thomas R. 1997. *Aryans and British India*. Berkeley, Ca.: University of California Press.

Venkatkrishnan, Anand. 2021. "Skeletons in the Sanskrit Closet." *Religion Compass* 15, 5 (May): e12396; available online: <https://doi.org/10.111/rec3.12396> (accessed 5 October 2021).

White, James Boyd. 1985. "Rhetoric and Law: The Arts of Cultural and Communal Life." In *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law*, 28-48. Madison, Wisc.: University of Wisconsin Press.

Wilkerson, Isabel. 2020. *Caste: The Origins of Our Discontents*. New York, N.Y.: Random House.

Witte, Jr. John. 2012. "The Study of Law and Religion in the United States: An Interim Report." *Ecclesiastical Law Journal* 14: 327-354.