



### Studies in Hindu Law and Dharmaśāstra

*Ludo Rocher, edited by Donald R. Davis, Jr and with a Foreword by Richard W. Lariviere*

**Pub Date:** 01 October 2014

**Binding:** Paperback

**Price:** £30.00 / \$49.50

**ISBN:** 9781783083152

**Extent:** 760 pages

**Size:** 152 x 229 mm /  
6 x 9 inches

**BISAC CATEGORY:** RELIGION / Hinduism / Sacred Writings \*

**BISAC CODE:** REL032030

**BIC CODE:** HRGS

**RIGHTS**

**Exclusive:** WORLD

**An invaluable introduction to the pioneering Indologist Ludo Rocher through a collection of his most important essays.**

*'Donald Davis, Jr. and the Anthem Press are to be applauded for undertaking this massive project. Indologists who already know Rocher's work will deeply appreciate that a ready means of accessing it now exists. For those unfamiliar with Rocher's work, this volume provides a significant counterbalance for the general study of the Indian tradition, standing as a corrective for a field that has long been dominated by a one-sided focus on religion.'* —Herman Tull, *Journal of Hindu Studies*

The main sources for an understanding of classical Hindu law are the Sanskrit treatises on religious and legal duties, known as the Dharmaśāstras. In this collection of his major studies in the field, Ludo Rocher presents essays on a wide range of topics, from general themes such as the nature of Hindu law to technical matters including word studies and text criticism. Rocher's deep engagement with the language and worldview of the authors in the Dharmaśāstra tradition yields distinctive and corrective contributions to the field. This collection serves as an invaluable introduction to a leading authority in the field of Indology.

### Contents

Foreword by Richard W. Lariviere; Preface; Abbreviations; Note on the Edition; Introduction; Part One. The Nature of Hindu Law; Hindu Conceptions of Law; The Historical Foundations of Ancient Indian Law; Hindu Law and Religion: Where to Draw the Line; Law Books in an Oral Culture: The Indian Dharmaśāstras; Schools of Hindu Law; Changing Patterns of Diversification in Hindu Law; Part Two. General Topics of Hindu Law; Ancient Hindu Criminal Law; Hindu Law of Succession: From the 'Śāstras' to Modern Law; Caste and Occupation in Classical India: The Normative Texts; Megasthenes on Indian Lawbooks; The "Ambassador" in Ancient India; The Status of Minors according to Classical Hindu Law; 'Quandoque bonus dormitat' Jīmūtavāhanas; Notes on Mixed Castes in Classical India; Inheritance and 'Śrāddha': The Principle of "Spiritual Benefit"; The Theory of Matrimonial Causes According to the 'Dharmaśāstra'; Jīmūtavāhana's 'Dāyabhāga' and the Maxim 'Factum Valet'; The Divinity of Royal Power in Ancient India according to Dharmaśāstra; A Few Considerations on Monocracy in Ancient India; Part Three. Hindu Legal Procedure; The Theory of Proof in Ancient Hindu Law; The Problem of the Mixed Reply in Ancient Hindu Law; The Reply in Hindu Legal Procedure: Mitra Miśra's Criticism of the 'Vyavahāra-Cintāmaṇi'; "Lawyers" in Classical Hindu Law; Anumāna in the 'Bṛhaspatismṛti'; Part Four. Technical Studies of Hindu Law; Possession Held for Three Generations by Persons Related to the Owner; The 'Vīramitrodaya' on the Right of Private Defence; The Technical Term 'Anubandha' in Sanskrit Legal Literature; The 'Kāmasūtra': Vātsyāyana's Attitude toward 'Dharma' and Dharmaśāstra; In Defense of Jīmūtavāhana; 'Dāśadāsi'; The Definition of 'Vākparulya'; 'Janmasvatvavāda' and 'Upamasvatvavāda': The First Chapters on Inheritance in the 'Mitākāra' and 'Dāyabhāga'; Karma and Rebirth in the Dharmaśāstra; Notes on the Technical Term 'Sāhasa' "Fine, Pecuniary Penalty"; 'Avyāvahārika' Debts and Kauṣīya 3.1.1–11; The 'Sūtras' and 'Śāstras' on the Eight Types of Marriage; 'Caritraṭīkṣṇa'; The Terms 'Niyukta', 'Aniyukta', and 'Niyoga' in Sanskrit Legal Literature; The 'Aurasa' Son; The Introduction of the 'Gautamadharmasūtra'; Part Five. Anglo-Hindu and Customary Law; Indian Response to Anglo-Hindu Law; Can a Murderer Inherit his Victim's Estate? British Responses to Troublesome Questions in Hindu Law; Reinterpreting Texts: When Revealed Sanskrit Texts Become Modern Law Books; Father Bouchet's Letter on the Administration of Hindu Law; Jacob Mossel's Treatise on the Customary Laws of the Veṅkṣa Cheṅṅyārs; Bibliography; Index

### About the Author(s) / Editor(s)

Ludo Rocher is W. Norman Brown Professor Emeritus of South Asia Regional Studies at the University of Pennsylvania. Donald R. Davis, Jr. is associate professor of South Asian religions at the University of Wisconsin-Madison.

#### Ordering in the UK/Rest of the World

Marston Book Services

P.O. Box 269, Abingdon, Oxfordshire

OX14 4YN, United Kingdom

Tel: +44 (0)1235 465577 | Fax: +44 (0)1235 465556

direct.orders@marston.co.uk | trade.orders@marston.co.uk

#### Ordering in North America

Books International

P.O. Box 605, Herndon, VA

20172-0605 United States

Tel: +1 703 661 1570 | Fax: +1 703 661 1501

bimail@presswarehouse.com

75-76 Blackfriars Road | London SE1 8HA | United Kingdom | Tel: +44 (0)20 7401 4200 | Fax: +44 (0)20 7401 4225

244 Madison Ave. #116 | New York | NY 10016 | United States | Tel: +1 646 736 7908 | Fax: +1 646 839 2934

info@anthempress.com | sales@anthempress.com | publicity@anthempress.com | www.anthempress.com