THE VEDIC FOUNDATION OF DHARMA: EPISTEMOLOGICAL DEBATES

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Lecture: May 5, 6.00 - 8.00 pm (Room 212)
Workshop: May 6, 10.00 am - 12.00 pm (Room 212a)
To register for the workshop please contact: cubelic@asia-europe.uni-heidelberg.de

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The system built around the concept of dharma, the Patrick Olivelle argues, is undoubtedly a legal system. Prof. Olivelle's starting point is H.L.A. Hart's (2012) The Concept of Law, perhaps the most influential work on the philosophy of law. Central to Hart's philosophy is what he calls "the rule of recognition". The rule of recognition, simply put, provides both ordinary citizens and state officials, especially judges, the criteria for identifying what is a valid law and what is not. In other words, it deals with the epistemology or, in the case of Indian jurists, pramāṇa, of law: where do we find law, or in the present case, dharma? Prof. Olivelle's paper addresses the development of a Brahmanical jurisprudence of dharma and its epistemology centered on the theory that dharma is found in and founded on the Veda. Between 500 and 1000 CE, we see scholars discussing the serious problems that flow from this basic principle. Given that most of what passes for dharma within Brahmanism is not found in the extant Vedic texts but in later texts known as smṛti, how can this principle be sustained? The most realistic answers to these problems come from scholars within the Indian legal tradition called Dharmaśāstra. Medhātithi, perhaps the greatest Indian jurist, frankly acknowledges that not all dharma is based on the Veda. The multiplicity of dharma, divided according the time, place, and community, is central to the Brahmanical understanding of dharma, in spite of theological veneer of its Vedic basis.