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Einladung zum Vortrag

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The Vedic Foundation of *dharma*

Epistemological Debates

The system built around the concept of *dharma*, I argue, is undoubtedly a legal system. My 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 his 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*? My 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 to the time, place, and community, is central to the Brahmanical understanding of *dharma*, in spite of the theological veneer of its Vedic basis.