

poor. During their implementation all programmes have encountered problems concerning selection of personnel, exit strategies, and supervision. That the "target group" has developed an over-reliance on aid, became evident after the tsunami – particularly striking compared to the comparatively fast rehabilitation occurring in India.

The feasibility of a bottom-up approach and the usefulness of poverty reduction programmes were queried in the discussion as well as the advantage of the latter over traditional welfare programmes. In fact, it was the welfare measures that contributed to the improved HDI index. The political affiliation and background of many of these programmes was considered an additional drawback. Moreover, it was doubted whether any of these programmes could be successful if causes of poverty like restricted access to land, water and resources were not addressed and as long as the areas devastated by the war were disregarded.

The seminar's limitation to geography and economics occurred less on purpose but because the promising applicants for the fellowships came from these disciplines. They did, however, address important aspects of the country's development beyond the boundaries of their disciplines and pointed to the direction further research will have to take. What struck participants most forcefully were the gaps in knowledge and methodology that have to be closed. Publication of the contributions, once revised, is intended in the 'Heidelberg Papers in South Asian and Comparative Politics', the web journal of the SAI.

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### **"Jaina Law and the Jaina Community"**

London, 17–18 March 2005

In recent years, the annual international Jain Studies Workshops at the School of Oriental and African Studies have developed into one of the most important venues for the global network of scholars studying the Jain tradition. This is no mean achievement in a field of study which from its infancy in the mid-19<sup>th</sup> century suffered from a chronic lack of communication amongst the small group of specialists from different academic disciplines in India and abroad. The symposium at SOAS is now a fixture in the academic calendar. It is also recognised as an important event for the Jain community. The unique atmosphere of the public workshops at SOAS is due to the vibrant presence of a sizable number of members of the academic and, in particular, of the Jain community

who enthusiastically participate in the discussion of the papers presented. Nothing remains of the notorious sterility of the proverbial 'Prakrit and Jainology' sessions at early Indological conventions, which made the study of Jainism so unattractive for students of religion and history. The often unexpected comments of practicing Jains at the SOAS workshops open up new perspectives and certainly provide a double reality check for ivory-tower scholarship. The short-circuiting of academic scholarship and community self-awareness, of observer and participant perspectives, generates a heightened awareness amongst scholars of the potential consequences of their research. The usually unintended social effect of academic research on the Jain tradition is itself an interesting topic for research. In fact, one of the aims of the current AHRB sponsored project on 'Jaina Law and the Jaina Community' at SOAS is to investigate historically the feedback between academic scholarship, case law, and policy in India and Britain.

The 7<sup>th</sup> workshop on 'Jaina Law and the Jaina Community', 17–18 March 2005, was organised by the Centre for Jaina Studies at SOAS in collaboration with the Centre for Theology and Religious Studies of the University of Lund, and financed by the AHRB project at SOAS on 'Jaina Law and the Jaina Community'. The academic proceedings of the conference were opened by Phyllis Granoff (Yale University), who delivered the 5<sup>th</sup> Annual Lecture on Jainism at SOAS entitled 'Protecting the Faith: Exploring the Concerns of Jain Monastic Rules' – a thought-provoking analysis of selected passages of Saṃghadāsa's 6<sup>th</sup> century *Bṛhatkalpabhāṣya*, a classical commentary of the canonical *Bṛhatkalpasūtra*, which contains discussions of exceptional procedures concerning delicate problems within mendicant orders such as the rape and pregnancy of nuns. Focusing on the question of the function of the exceptions to the rule, she argued that 'behind the often bewildering diversity of rules, exceptions, and counter-exceptions, lies the fundamental concern of preserving the Jain monastic community against external and internal threats'.

The first speaker of the second day of the conference, M.A. Dhaky from the American Institute of Indian Studies in Gurgaon, continued in the same vein with a detailed criticism of the prevailing a-historical approach informing the scholarship on Jainism amongst Jain scholars in India which, in his view, tends to be based on 'blind faith' rather than 'factual evidence'. In his paper 'The Problems of Jaina History', he identified ten prevalent problems in the interpretation of the Jain scriptures, and in addition deplored the general prevalence of 'sectarian bias', 'megalomania', and the 'pampalomania' of super-astronomical dimensions and proportions. Olle Qvarnström's (University of Lund) contribution 'Haribhadra on Dharma' focused on the classical double dharma theory and discussed the Brahmanical influence on the prescriptions for the ideal conduct of the Jain laity in the medieval *Śrāvākācāra* texts. In his

paper 'Dharma and Religion in the Constituent Assembly Debates' Torkel Brekke (University of Oslo) argued that the debates in the first half of the 20<sup>th</sup> century on 'Jaina Law' can be understood in the light of the modern differentiation between religion and dharma. He analysed different interpretations of 'the opposition between religion as something universal, and religion as something embedded in social life' in the Constituent Assembly Debates.

With 'Jainism in the Indian Courts' Peter Flügel (SOAS) gave an overview of previous work on Jaina law and outlined his current research on the construction of Jain 'customs' and 'identities' in the petitions and judgements informing modern Indian case law, and on the interface between religious, legal, political, and academic discourses on religion in India. He highlighted the importance of studying the role of lawyers and clients as 'juristtheologians' (Derrett) and the uses of evidence and expert witnesses in exegetic practice in Indian courts for an understanding of both the impact of the modern legal system on contemporary Jain culture and society, and the (unintended) political implications of academic scholarship on the Jains. In his paper 'Jain Minority Rights and Indian Secularism under the Siege of Hindutva' Bal Patil (Maharashtra State Minority Commission) reported fascinating details of his ongoing struggle to secure legal recognition for the Jains as a 'minority' under the National Commission of Minorities Act of 1992. He described the prevalent Hindutva interpretation of Jainism as a 'Hindu sect' as the main obstacle to this endeavour and provided evidence from legal and academic sources.

Werner Menski's (SOAS) paper 'Jaina Law and Custom' outlined a new approach towards Jaina law transcending his previous conception of Jaina law 'as an unofficial legal system that continues today under the protective umbrella of Hindu law' by investigating 'Jaina values as a culture-specific natural law system' which seeks to compete with similar systems on a global scale. The paper of D.K. Jain (Advocate, Supreme Court New Delhi), 'Concept of Public Worship – Legal Rights and Obligations', was circulated but could not be presented due to the speaker's illness. The paper focuses on the legal problems concerning Jain religious property such as temples and pilgrimage sites.

In his paper 'Jain Jurisprudence with Special Emphasis on Penology' Lekhraj Mehta (Advocate, Jodhpur High Court) discussed Jain perspectives on the death sentence which is in rare cases still enacted under Hindu law, arguing that Jain law rejects the death sentence and seeks to reform the offender. In her paper on 'The Pilgrimage to Shatrunjaya: Cosmology and Salvation in Practice' Andrea Luithle (University of Heidelberg) analysed the symbolical role of the famous temples of Śatruñjaya, whose ownership is still contested within the courts, and the function of ritual processes to imprint 'collective memories' (Assmann) on the pilgrims to Śatruñjaya to establish Śvetāmbara identities. In

'The Caves of Khaṇḍagiri and Udayagiri: Jainism in Orissa' Lynn Foulston (University of Newport) described the history and iconography of this important site which contains the famous Hāthigumphā inscription of Khāravela whose historical significance has still not been sufficiently explored.

The conference closed with the contribution of Frank van den Bossche (University of Gent) on 'Jaina Atheism' as discussed in Guṇaratna Sūri's engagement with Nyāya theism in his *Tarkarahasyadīpikā* (c. 1400 CE), a commentary on Haribhadra's *Ṣaddarśanasamuccaya* (c. 750 CE). His argument that Jainism is 'atheistic' was established with reference to the definition of theism as a 'belief that a personal creator exists'. Selected papers of the symposium will be published in the series *Routledge Advances in Jaina Studies*, the first volume of which contains papers of earlier Jaina Studies Workshops held at SOAS. It will appear in autumn 2005 under the title *Studies in Jaina History and Culture*.

Peter Flügel