South Asian Legal Studies
Pre-Conference Workshop

October 11, 2007
University of Wisconsin
Law School

Sponsors:
University of Wisconsin Law School
Center for South Asia, UW-Madison
Global Legal Studies Center
(joint initiative between UW Law School and Division of International Studies)
Institute for Legal Studies
American Institute for Pakistan Studies
American Institute for Bangladesh Studies
South Asian Legal Studies Pre-Conference Workshop
University of Wisconsin Law School

All plenary sessions will be held in Lubar Commons (7200 Law)

October 11, 2007

8:30-9:15 Coffee & Registration

9:15-9:30 Welcome by Mitra Sharafi
Assistant Professor of Law and History, UW-Madison

Opening Remarks by Marc Galanter
John and Rylla Bosshard Professor of Law and Professor of South Asian Studies, UW-Madison/London School of Economics

9:30-11:00 Plenary Session A: Hot Topics in South Asian Legal Studies: I. South Asia:

Chair: Marc Galanter
UW-Madison and London School of Economics

Speakers:
Aitzaz Ahsan
Counsel for Chief Justice of Pakistan
Sharif Bhuiyan
Advocate, Supreme Court of Bangladesh
R. Sudarshan
UNDP Policy Advisor on Legal Reform and Justice, Bangkok
Anita Weiss
Professor of International Studies, University of Oregon

11:00-11:30 Break

11:30-1:00 Plenary Session B: Hot Topics in South Asian Legal Studies: II. Diasporas

Chair: Paul Wallace
Professor Emeritus of Political Science, University of Missouri

Speakers:
Renisa Mawani
Assistant Professor of Sociology, University of British Columbia
Asifa Quraishi
Assistant Professor of Law, UW-Madison
Kusha Haraksingh
Department of History, University of the West Indies
Gerry Barrier
Professor Emeritus of History, University of Missouri
1:00-2:00  Lunch

2:00-3:30  Breakout Roundtable Session A:

Rethinking Categories of South Asian Legal Identity  
(Lubar Commons, 7200 Law)

Chair: Srimati Basu  
Associate Professor of Gender and Women’s Studies and  
Anthropology, University of Kentucky

Speakers:
Sukeshi Kamra  
Associate Professor of Literature, Carleton University
Mytheli Sreenivas  
Assistant Professor of History and Women’s Studies, Ohio State University
Sumit Guha  
Professor of History, Rutgers University
Megan Moodie  
Mellon-Sawyer Fellow, Franklin Center for Interdisciplinary and International Studies, Duke University

2:00-3:30  Breakout Roundtable Session B: Research Methods and Strategies in South Asian Legal Studies

(Room 69, Bascom Hall)

Chair: Sylvia Vatuk  
Professor Emerita of Anthropology, University of Illinois at Chicago

Speakers:
Sukanya Banerjee  
Associate Professor of English, UW-Milwaukee
Shubha Ghosh  
Professor of Law, Southern Methodist University
Mark Sidell  
Professor of Law, University of Iowa
John Pincince  
Visiting Assistant Professor of History, Loyola University Chicago

3:30-4:00  Coffee break

4:00-5:00  Film: “Courts and Councils: Dispute Settlement in India” (UW-Madison, 1981; 30 minutes) and discussion led by Marc Galanter

(Room 3250 Law)
4:00-5:00 Concluding session of contributors’ meeting to *Law & Hinduism: An Introduction* (eds. Timothy Lubin, Don Davis, and Jay Krishnan):
Revisiting the Starting Point: Are we creating a field?
(open to South Asian Legal Studies workshop participants)
(Room 3253 Law)

6:00-9:00 Joint dinner with contributors to the volume on *Law & Hinduism: An Introduction* (eds. Timothy Lubin, Don Davis, and Jay Krishnan).

Venue: Lubar Commons – 7200 Law

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Biographies of Participants

Cassie ADCOCK (Assistant Professor of South Asian Studies and Religious Studies, Washington University), cadcock@artsci.wustl.edu

Visit http://artsci.wustl.edu/~relst/adcock.htm

Saku AKMEEMA (World Bank) sakmeemana@worldbank.org

Aitzaz AHSAN (Counsel for Chief Justice of Pakistan) aitzaz_ahsan@hotmail.com

Aitzaz Ahsan is a Barrister-at-Law, Senior Advocate of the Supreme Court of Pakistan and a member of the National Assembly of Pakistan and a member of the Central Executive Committee of the Pakistan Peoples’ Party. He is also a member of the Law, Justice and Foreign Affairs Committees of the National Assembly.

He is the author of several publications including: The Indus Saga and the Making of Pakistan, Oxford University Press (1996); Indian edition, The Indus Saga: From Pataliputra to Partition, was published by Rollbooks, India (2005); Sindh Saga: Aur Qyam-e-Pakistan (Urdu) Dost Publications (1999); Divided by Democracy, co-authored with Lord Meghnad Desai, Roli Books, India (2005).

Sumudu ATAPATTU (Associate Director, Global Legal Studies Center, University of Wisconsin Law School) saatapattu@wisc.edu

Sumudu Atapattu teaches international environmental law at the UW Law School and has a PhD from University of Cambridge, UK. She has considerable experience in teaching, research and advocacy in Sri Lanka as well as in the South Asian region. Her book on Emerging Principles of International Environmental Law was published by Transnational Publishers, New York in November 2006.

Sukanya BANERJEE (Associate Professor of English, UW-Milwaukee) banerjee@uwm.edu

Sukanya Banerjee is Associate Professor of English at the University of Wisconsin-Milwaukee. Her areas of research include postcolonial studies, nineteenth-century British literature and culture, and studies of transnationalism and diaspora. She has been interested in the relationship between law, narrative, and citizenship, especially across the 19th-c. British Empire, and her book Imperial Citizens: Nation, Empire, Narrative, is forthcoming from Duke University Press.

N. Gerald BARRIER (Professor Emeritus of History, U. of Missouri-Columbia) barriern@missouri.edu

Professor Barrier has written several articles and chapters on Sikhs and how the political and legal frameworks of colonial and now post-colonial Punjab/India have framed self-image and political mobilization. Areas discussed include personal law, and also how symbols such as turbans, kirpans, have been approached (historically and also in a N. American context, before and after 9/11). One of his most notable articles in this respect is a detailed chapter in Baird, Religion and Law in Independent India, and his article on the Fairfax Virginia Gurdwara Case in Barrier and Pashaura Singh, eds. Sikh Identity. He was an expert in several gurdwara cases, and worked with the INS on other cases. Visit http://history.missouri.edu/people/barrier.html

Srimati BASU (Associate Professor of Gender and Women's Studies and Anthropology, University of Kentucky) srimati.basu@uky.edu

Professor Basu’s research thus far has been primarily on issues of property, marriage, law and women's access to resources, the interpellation of nation, gender, and popular culture. Her fields of interest include feminist jurisprudence, legal anthropology, development, violence against women.
She has been working for the last few years on a new project, a cross-cultural and comparative ethnography of family courts and mediation processes. This project follows from her interest in the fate of feminist reforms, and also allows her to examine questions of power and discourse, the postcolonial legal subject, family and kinship, customary dispute resolution systems, as well as delving into core theoretical issues of feminist jurisprudence and development. Some topics include: juxtaposing theory on rape and marriage, legal pluralism and domestic violence, mediation and governmentality, trajectories of managing violence. She is now working to bring it together as a book project provisionally entitled Managing Marriage. Visit http://www.uky.edu/AS/WomenStudies/New/faculty/basu.html

Sharif BHUIYAN (Associate, Dr Kamal Hossain and Associates, Bangladesh and Advocate, Supreme Court of Bangladesh) sharif.bhuiyan@gmail.com

Dr Bhuiyan is an advocate of the Supreme Court of Bangladesh and specializes in international law and WTO law. He earned his LLM and PhD Degrees from University of Cambridge, UK and was a visiting fellow at the Lauterpacht Centre for International Law, Cambridge in 2006 and a lecturer at the Department of Law, University of Dhaka in 2000. His book entitled National law in WTO Law: Effectiveness and Good Governance in the World Trading System was published recently by the Cambridge University Press.

Arudra BURRA (JD student at Yale and PhD student in philosophy at Princeton) aburra@Princeton.EDU, arudraburra@yahoo.co.in

Arudra Burra is a JD student at the Yale Law School, and a PhD student in the philosophy department at Princeton. His interests in philosophy are in moral, political, and legal philosophy, broadly speaking. His dissertation is on the concept of exploitation, and how it relates to other concepts such as coercion and blackmail.

His interests in South Asia are primarily in legal history, particularly around the transfer of power. At present he is studying the conflicts between the Supreme Court and the first Indian Parliament leading up to the enactment of the First Amendment Act of 1951. How did these two institutions conceive of the constitution, of their role in interpreting it, and of each other? The question is particularly interesting because the membership of this first Parliament was identical to that of the Constituent Assembly - which had, in its deliberations on issues such as the right to property, explicitly voiced concerns about the power of judicial review. Where fundamental rights were concerned, why did the Court choose to exercise judicial review with respect to matters such as property and freedom of speech, but not, say, to preventive detention? He would like to work further on the early history of the Supreme Court, in particular to explore the sorts of influences - from English and American law - that animated many of its early opinions. Here again he is curious about the interaction between a highly Anglicized legal tradition (manned by completely Anglicized judges) and a political vision that emphasized sloughing off the colonial past.

Sreeparna CHATTOPADHYAY (Assistant Professor, Anthropology and Social Change and Development, University of Wisconsin-Green Bay) chattops@uwgb.edu

Prof. Chattopadhyay’s paper, entitled “Who cares about dead women?” is part of a larger dissertation project examining marital violence in Mumbai. It describes some of the challenges involved in doing fieldwork in the archives of the Indian judicial system. While the first part of the study focuses on unreported cases of non-dowry related marital violence in a slum community in north-eastern Mumbai, the second half focuses on reported cases of domestic violence using the archives of the Bombay City, Civil and Sessions court. After a long struggle gaining access to information that is essentially part of the public domain, she managed to secure 40 case files and 790 reported cases of domestic violence.

The analysis of these documents reveals several critical and disturbing issues with respect to the practice of this law. It highlights the ways in which the judiciary invalidates women’s claims of violence through sometimes overt means such as active discouragement of reporting, the bungling of investigations either through negligence or the deliberate sabotage of cases, and even through covert and sinister means involving the subtle art of words, speech and language. Legal discourse pertaining to domestic violence cases attempts to construct specific versions of events using language that
undermines the ‘violence’ in domestic violence, painting a benign picture of marital violence, while retaining discourses on kin obligations, sanctity of the family, etc. Prof. Chattopadhyay’s reading of these materials employs both a feminist and a deconstructive approach so as to locate the means of silencing victims of domestic violence in the Indian jurisprudence. Visit http://www.uwgb.edu/scd/

Ruchi CHATURVEDI (Visiting Assistant Professor at Smith College, Dept of Anthropology) rc355@columbia.edu

Professor Chaturvedi’s research revolves around the nearly decades long period (from late 1970s to early 2000s) of political violence between local-level workers of different political groups in North Kerala. The key protagonists of this violence have been workers of the Communist Party of India (Marxist) (CPM), and the Hindu nationalist Rashtriya Swayam Sewak Sangh (RSS) and Bharatiya Janata Party (BJP). In district and higher courts they have been charged with crimes ranging from murder, attempt to murder and criminal intimidation. Drawing upon fieldwork amongst these local level political workers, she ethnographically examines the impasse of moral and discursive orders generated by the practice of political violence in the liberal democracy that India aspires to be. She describes the political workers as members of close-knit, fraternal communities of friends and fellow workers and as constituents of political formations anchored on revolutionary and radical ideologies. Impelled by these contexts, they not only announce the efficacy and necessity of violence in politics but also acknowledge their own participation in it. As citizens of a liberal democracy, they disavow, often in the same instance, their own culpability as well as the practice of violence itself.

Rohit DE (PhD candidate in legal history, Princeton) de.rohit@gmail.com

Rohit’s primary area of interest is in examining how law and legal institutions in South Asia act as sites for the creation and transformations of identity. His previous research has dealt with the codification of Islamic law in India, Pakistan and Bangladesh.

He is also interested in examining how this transition from subjection to citizenship is handled before the postcolonial courts. Since the nation finds expression as a legal entity, he seeks to understand the role the post-independence Supreme Court played in creating a united nation state and in linking independent India to the legal inheritance of colonial India. Using precedents from colonial cases, the courts in independent India gave new life to older debates over rights and identities.

Donald R. DAVIS Jr. (Assistant Professor, Dept. of Languages and Cultures of Asia, UW-Madison) drdavis@wisc.edu

Don Davis, Jr. is Assistant Professor, Department of Languages and Cultures of Asia, University of Wisconsin-Madison. On Oct.11, he is hosting the meeting of contributors to Law and Hinduism: an Introduction, a volume edited by him, Jay Krishnan, and Timothy Lubin. Visit http://lca.wisc.edu/facstaff/faculty/davis.htm

Victoria FARMER (Assistant Professor, Political Science and International Relations SUNY-Geneseo) farmer@geneseo.edu

Professor Farmer is a South Asianist trained as a political scientist. She wrote her dissertation (University of Pennsylvania) on media policy in India, focusing on the legal and administrative governance of Indian television (Doordarshan). She is currently embarking on two publishing projects: (1) a book on comparative media policies of the states of South Asia; and (2) an article on legislative issues in India regarding governance of media, freedom of information, and consumer protection. Visit http://www.geneseo.edu/academic_depts/index.php?pg=PlSc&content=facultyy.php

Allison FISH (PhD candidate in legal anthropology, UC-Irvine) afish@uci.edu

Allison is a fourth-year graduate student in the Department of Anthropology at the University of California, Irvine. Her dissertation research focuses on the practice of yoga both within and outside of India for commercial exchange. She is particularly interested in understanding how different parties, from individual gurus to international corporate yoga schools to the Indian central government, are using
commercial tools such as intellectual property claims and the franchise form to control the global circulation of yogic knowledge.

In the past five decades, cosmopolitan consumers particularly in the United States, Europe, Japan, and Australia, who are attracted to indigenous and orientalized cultural artefacts and knowledge, have created a market demand for the South Asian spiritual practice of yoga. This demand for a commercialized yoga has shaped a new and profitable transnational market space that, in 2004 in the US alone, generated more than $30 billion. In the last ten years this industry, due in part to its increasing value, has been subject to escalating informal and formal regulatory activity by private actors, interest groups, and state institutions. By using a case study of recent IP claims to yoga, Allison's research examines how contemporary cultural practices are subject to contestation and reconfiguration by complex interactions between private, legal, corporate, and state actors. Her analysis explores how the practice of South Asian yoga is becoming the subject of globally franchised businesses and how this phenomenon provides a space for the innovative application and extension of IP management tools by different parties attempting to place a tradition either in the public or private domain.

Marc GALANTER (John and Rylla Bosshard Professor of Law and Professor of South Asian Studies, UW-Madison and London School of Economics) galanter@law.wisc.edu

Professor Galanter is a leading US-based authority on contemporary Indian law. He is the author of Law and Society in Modern India (1989), Competing Equalities: Law and the Backward Classes in India (1991) and other works on the Bhopal disaster, legal pluralism, the legal profession, and informalism (lok adalats/nyaya panchayats) in India. His most recent book is Lowering the Bar: Lawyer Jokes and Legal Culture. Visit http://law.wisc.edu/faculty/biog.php?iID=276 and http://marcgalanter.net/

Shubha GHOSH (Professor of Law, Southern Methodist University (SMU) Dedman School of Law) sghosh@mail.smu.edu

Professor Ghosh's research looks at responses to international pressures to expand intellectual property protection in India. Since the ratification of the TRIPS Agreement in 1994 and the establishment of the World Trade Organization, intellectual property has been the foremost issue in developing countries like India. The justification for such interest has been in the role of strong intellectual property rights as a key ingredient of the rule of law agenda and the promotion of stable economic and market systems. There are several levels to conducting research on this topic. The first level is identifying the political and legal institutions that adapt to the pressures of adopting formal legal protections for intellectual property. The second level is identifying the industrial and market changes that are the result of changes in intellectual property law. The third level is tracing the popular response to the pressures on intellectual property reform. Prof. Ghosh's work on traditional knowledge and intellectual property has identified some of the doctrinal and institutional responses to the threatened appropriation of traditional knowledge by intellectual property owners. He situates these responses in the broader theoretical framework of the development of global civil society. Visit http://www.law.smu.edu/faculty/facdetail.aspx?ID=51

Rebecca GRAPEVINE (PhD candidate, Department of History, U. of Michigan) rrgrapevine@comcast.net

Rebecca's research has focused on the Hindu Marriage Act of 1955. She has argued that during the debates on the Act in the Lok Sabha, at least two competing discourses of citizenship were deployed, one which privileged the idea of a universal citizenship and one which located Hindu women's legal rights in their past and future service to the nation. Hindu women's relationship to the state was conceptualized through a politics of conjugalility and the home. In the future, she plans to examine legislative debates on the Indian Citizenship Act (also 1955) as well as judicial decisions involving gender and citizenship. A project she has developed addresses early 1950s judicial interpretations of Articles 14 and 15 of the Indian Constitution to argue that by the time the Hindu Marriage Act came up for serious debate in 1954 and 1955, the judicial groundwork for separate personal laws had already been laid. One theoretical issue she is interested in exploring further is the concept of the State as a monolithic, singular actor in light of differing judicial and legislative approaches to religion and gender in India.
South Asia has long been characterized by great diversity of legal forms and usages that were often accommodated by governing authorities, sometimes ignored and sometimes attacked. Nonetheless, the parallels between some present-day patterns of conflict resolution and dispute settlement with those found in the historical records of the seventeenth and eighteenth century is striking, despite the colonial and post-colonial government's long-running efforts to install a "modern" legal regime that would make recourse to such fora both impossible and unnecessary. It suggests that institutions reflect not the survival of traditions but contemporary realities of power in 'soft states'.

Visit [http://history.rutgers.edu/index.php?option=com_content&task=view&id=159&Itemid=140](http://history.rutgers.edu/index.php?option=com_content&task=view&id=159&Itemid=140)

Dr. Kusha Haraksingh (LLB London, PhD SOAS, Barrister, Lincoln's Inn) is Head, Department of History and Associate Fellow, Institute of International Relations, at the University of the West Indies, Trinidad. His research interests include the intersection of Indian legal traditions with western law in the context of the Asian Diaspora which emerged out of nineteenth-century indenture. In public life Dr. Haraksingh has been a member of the Trinidad & Tobago Parliament, chairman of several state-run companies, and is the Lead Negotiator for the Caribbean on legal trade issues. His research interest here is the jurisprudence of world trade as it affects small developing countries.

Visit [http://www.uww.edu/cls/directory/jaffe_james.html](http://www.uww.edu/cls/directory/jaffe_james.html)

Beatrice JAUREGUI (PhD candidate in anthropology, University of Chicago) [bea@uchicago.edu](mailto:bea@uchicago.edu)

Beatrice is currently engaged in research for her dissertation, with the tentative title, “Little Tyrants and Faulty Tools: Policing and Democratic Order in Contemporary India.” Her general research interests center upon legality, legitimacy, concepts of participatory democracy, and application and enforcement of the law. At the 36th Annual Conference on South Asia, she will be presenting a paper titled “Policing in India: Exploitation of the Law or an Ethics of Illegality?” as part of a panel, “Labors of Legality and Illegality: Corruption, Goondas, and Politics in India and Nepal.” It will be based on sixteen months of field work in Uttar Pradesh, studying the everyday lives of police officers. She argues that due to a variety of political, professional and personal pressures and structural inequities, law enforcement personnel often perceive their normative extra-legal or illegal activities not as matters of law or legality, but rather as necessary to “carry out their duty” and “survive the system”. By analyzing a variety of types of behaviour justified as management techniques in a larger political order that disallows adherence to rational law, she hopes to provoke new ways of thinking about legal governance, politics and social order that do not rely on over-determined and imprecise categories like “corruption,” “brutality” and “abuse of power.”
Laura JENKINS (Associate Professor of Political Science, University of Cincinnati)
laura.jenkins@uc.edu

Professor Jenkins’ research interests include reservation policies and the politics of legally classifying Scheduled Castes, Scheduled Tribes and Other Backward Classes, which she has written about in a few articles and her book, *Identity and Identification in India*. She is now following recent policy and legal developments expanding or limiting reservations in higher education, which will be the subject of her Fulbright project in India next year. Personal law is another research and teaching interest (see her teaching case on Shah Bano at http://oz.uc.edu/thro/shahbano/index.htm). She is also interested in laws relating to religious conversions (both colonial and post-colonial). Visit http://www.polisci.uc.edu/Faculty/faculty.html or http://www.polisci.uc.edu/CV/jenkinscv.PDF

Anil KALHAN (Visiting Assistant Professor, Fordham Law School) akalhan@gmail.com


The article examines India’s recent antiterrorism and other security laws, situating those laws in historical and institutional context in order to analyze the human rights concerns that arise from these laws and the ways in which British colonial-era patterns and practices have evolved and been maintained after independence. He plans to explore in greater depth the extent to which structural aspects of criminal justice system, specifically, the ability (or inability) of the central government to exercise oversight over state enforcement decisions and the ability (or inability) of prosecutors to exercise discretion free from interference by the police and elected officials, may either promote or undermine human rights in India. Visit http://law.fordham.edu/

Sukeshi KAMRA (Associate Professor of English, Carleton University, Canada)
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Professor Kamra describes his article “The Force of Law and the Outlawing of Patriotism: The Bangabasi Trial (1891)” as follows: The constitution of the (European) subject of democratic governance is, it is generally agreed, in and through law. The particular, and peculiar, iteration of this principle in colonial rule (India) has been remarked upon often: an uneven, formal observance of law co-exists with a generalized culture of racial hierarchy and prejudice, also unevenly expressed and practiced. The formal procedures in which law’s universality, impartiality, and judiciousness are embodied co-exist, that is, uneasily with a justified inobservance of a full democratic system which is most famously described in John S. Mill’s comment that “dependencies” not fit for representative government are justifiably governed by the more advanced (“Representative Government”).

What then can one say of the constitution of the racially marked, governed indigene of colonial rule? Not allowed the luxury of being situated outside of colonial law (post-1860), and being required to participate in a legal process that was bewilderingly complex and removed (judging by complaints made in the indigenous press), the constitution of the indigenous subject takes place in and through colonial law.

While the outcome of the process is where the significance of the trial of the Bangabasi under section 124A is concentrated, its process, or as much of it as we can piece together from the Proceedings of the Home Department (October 1891) and the Indian Law Reports (Calcutta 1892), is as revealing of the strategies employed in reading Indian texts (that too in translation many times over), strategies that were also to be employed over the next couple of decades in subsequent trials. Visit http://www.carleton.ca/english/faculty/kamra.htm
Eileen KAUFMAN (Professor of Law, Touro Law Center) eileenk@tourolaw.edu

Eileen Kaufman, Professor of Law at Touro Law Center, received her B.A. with highest honors from Skidmore College and her J.D. and LL.M. from New York University Law School. Before joining the faculty at Touro, Professor Kaufman served as managing attorney at Westchester Legal Services. She was Touro’s Vice Dean from 1996-2000. Professor Kaufman teaches Torts, Constitutional Law, and Sex-Based Discrimination. Among her professional activities, she is the co-President of the Society of American Law Teachers, was the Reporter for the New York Pattern Jury Instructions Committee, chaired the Bar Admission and Lawyer Performance Committee of the American Association of Law Schools, and served as a member of the Committee on Legal Education and Admission to the Bar of the Association of the Bar of the City of New York and the New York State Judicial Institute on Professionalism in the Law. Professor Kaufman has published primarily in the areas of civil rights and women’s rights. She is the recipient of the 2004 Ruth G. Schapiro award of the New York State Bar Association.

Professor Kaufman is the founder and co-director of Touro Law Center's Summer Program in India, the only ABA-accredited summer program in India. Since 1995, she has taught a comparative constitutional law course there that focuses on issues of race, caste and gender. Her publications include "Women and Law: A Comparative Analysis of the United States and Indian Supreme Courts' Equality Jurisprudence," 34 Georgia Journal of International & Comparative Law 557, 2006, reprinted as lead article in Indian Juridical Review 2007; and "Dazzling the World: A Study of India's Constitutional Amendment Mandating Reservations for Women on Rural Panchayats," 19 Berkeley Women's Law Journal 29, 2004, co-authored with Louise Harmon. She is currently working on a project that analyzes the legal status of Tibetans residing in India.

Fareeha KHAN (PhD candidate, Department of Near Eastern Studies, University of Michigan) fareehak@umich.edu

Fareeha is a doctoral candidate at the University of Michigan. Her dissertation is entitled Reforming Law Through the Traditional Madhhab: Ashraf ‘Ali Thanawi’s Fatwa on Women’s Right to Divorce. Through her training at the University of Chicago and the University of Michigan, she has developed expertise in Islamic Law, the Islamic intellectual tradition, Islam and modernity (in particular reform movements of the modern Muslim world), and women and Islam. Her studies have been focused on two major geographical areas of the Muslim world: South Asia and the Middle East. She has also conducted some research into topics related to Islam in America.

For her dissertation, she is studying a well-known treatise of the celebrated Indian Muslim jurist, Ashraf ‘Ali Thanawi (d. 1943), who attempted through his treatise to provide Muslim women with the right to divorce. This treatise ultimately had far-reaching consequences, since it had a strong influence on the important Dissolution of Muslim Marriages Act of 1939 in India, and it continues to influence the way in which divorce is dealt with in the Pakistani legal system as well as in the broader South Asian diasporic communities, particularly those in the UK and the United States. Unlike the modernist reformers of his day, Thanawi utilized tools from within Islamic legal methodology to bring about the reforms in divorce law that he desired. It is important that his call for reform was done from within the tradition, since, in this way, he was able to maintain continuity, and therefore a level of interpretive authority.

Riyad KOYA (PhD candidate, Department of History, UC Berkeley) skoya2@berkeley.edu

Riyad is a graduate student in the History Department at UC Berkeley, focusing on the comparative study of marriage law for Indian migrants abroad in the British Empire. This project requires him to think critically about the construction of legal identities and the importance of renewed attention to legal studies within the broader field of South Asian studies.

His project focuses upon the manner in which colonial societies sought to govern Indian marriage in the context of the indentured labor system. His research to date has suggested that in the early stages of indentured labor, Indian migrants possessed limited means to prove the validity of their marriages under civil law. Therefore, from the 1860s forward, colonial governments began to craft specific marriage legislation for Indian migrants, issuing ordinances providing for “Heathen” or “Indian” marriage. These
pieces of legislation validated marriage between the migrants by means of civil registration with a district magistrate or immigration official. Significantly, as research on Natal ordinances has shown, colonial officials often treated this form of civil marriage as indissoluble, thereby curtailing the possibility of divorce for Indian women, who were “witnessed” into the marriage registration by their husbands.

The question of the form of “Indian marriage” therefore was a particularly vexed one within the British Empire. As migrants crossed jurisdictions within the British Empire, judicial decisions were rendered to delimit the territorial scope of personal and customary law. One of the key conflicts in the recognition of Indian customary marriage in a colony such as Natal or Fiji was the question of whether British law ought to recognize polygamous or child marriages. In the context of India itself, such marriages were underwritten by the British recognition of the jurisdiction of “Hindu” and “Muslim” personal law over the domestic sphere and matters of family law.

Omar KUTTY (PhD candidate, Department of Anthropology, University of Chicago) 
omarkutty@hotmail.com

Genevieve LAKIER (Postdoctoral fellow, Weatherhead Center for International and Area Studies, Harvard) 
glakier@hotmail.com

Genevieve’s dissertation is an examination of popular political mobilization in Nepal over the course of the democratic period, although based on fieldwork conducted between 2002 and 2004. It examines the role coercive mobilizations such as the bandh (general strike) played in the negotiation of political power, and economic/social privilege over the course of the democratic period. She is very interested, with respect to these kinds of coercive, violent, collective demonstrations, in the ways in which they functioned to establish rights and privileges in lieu of, and in contrast to, the bureaucratic procedures of law. In normative democratic theory, of course, demonstration (understood as a form of speech) operates in addition to, and as a supplement for, the legal workings of the state and the courts; but throughout South Asia, and perhaps, one might imagine, the third world more broadly, it is instead through mobilization that groups ensure the distribution of privileges and rights that either could not or would not be guaranteed by a legal system in which few trust or have access.

Katherine LEMONS (PhD candidate, Rhetoric and Anthropology, UC Berkeley) 
klemons@berkeley.edu

Katherine’s dissertation research focuses on practices and institutions of dispute adjudication within the Muslim community in contemporary North India, particularly those disputes that technically fall within the domain of personal law - those about marriage, divorce, inheritance and succession. She found that while personal law questions are to be adjudicated in the civil courts according to the state’s version of the relevant religious law, they are actually often mediated and adjudicated in many extra legal institutions, such as women’s arbitration centers, shariah panchayats and the offices of Muftis. She therefore looked at three Sharia Panchayats, or Darul Qaza, one Muslim Women’s Arbitration Center, or Mahila Panchayat, the fatwas and advice offered by a popular Old Delhi Mufti, and the ‘fatwas’ and mediation sessions of the head of the All India Muslim Women’s Personal Law Board in Lucknow, U.P. Her research seeks to think through the various aspects that inform the practice of Personal Law: religion, gender, conceptions of community, language and economic context. Each site of adjudication worked through a different type of authority and emphasized a different aim of adjudication. All were, however, produced through the interplay between conceptions of religion, gender and family organization, community, and economy.

Renisa MAWANI (Assistant Professor of Sociology, University of British Columbia, Canada) 
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Dr. Renisa Mawani is an Assistant Professor in the Department of Sociology. She has published in the areas of moral regulation and state formation; (post)colonialism, law, and space; histories of Chinese migration to British Columbia; legal constructions of Aboriginal Identity; and the mutually constitutive relations between law and nature. Her publications have appeared in journals including Law/Text/Culture, Social and Legal Studies, ARIEL, Canadian Journal of Law and Society, and Social Identities. She is currently working on two books. The first, which is near completion, tracks the
encounters between aboriginal peoples, Chinese migrants, and Europeans in late nineteenth and early twentieth century British Columbia. This monograph examines the differing juridical truths about ‘race’ that constituted the colonial contact zone as well as the colonial projects these knowledge inspired. The second is a (post)colonial legal history of Vancouver’s Stanley Park that examines the relations between law, nature, and empire. Newer projects include a study of the Komagata Maru, which centers on questions of South Asian migration, mobility, and violence within the British Empire as well as diasporic anti-colonial struggles. Visit http://www.soci.ubc.ca/index.php?id=8113&url=detail.php%26p%3D1972%26r%3Dbio%26e%3D38

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Sarah MEHTA (JD candidate, Yale) sarah.mehta@yale.edu

Sarah received an Honors B.A. in South Asian Studies and Development Studies at Brown University. In 2003 she received the Bishop McVikar Award for Religious Studies and the Pembroke award in Gender Studies for her thesis on Muslim women, citizenship, and Islamic family law, based on fieldwork in Hyderabad. She returned to India in 2005-2006 as a Fulbright scholar at the Centre for Policy Research where she worked on a World Bank study of public interest litigation and researched the use of religious resources in development projects for Muslim women. She also worked on the Sachar committee report on the socio-economic status of Muslims, examining discrimination against Muslims in social services, and is currently interested in proposed anti-discrimination legislation in India.

Megan MOODIE (Mellon-Sawyer Fellow, Franklin Center for Interdisciplinary and International Studies, Duke University) meganmoodie@yahoo.com

Megan’s dissertation in anthropology, “Culture or Freedom? The Gendered Intimacies of Modernization in Rajasthan,” explores how discourses about Rajasthani women’s oppression-by-culture becomes involved in the ongoing project of fashioning an emancipated post-colonial India. The idea that “India will only be free when its women are free” is particularly salient in this region, where freedom is understood as law, rights, and market participation, and unfreedom is culture understood as feudalism, religious orthodoxy, and patriarchy. Her ethnographic work centers on how women in Rajasthan relate to one another under the sign of the projects that are undertaken in the name of their freedom, including reproductive health, micro-credit, and dowry reform.

She is currently turning her dissertation into a book, tentatively entitled An Ethnography of Freedom: Building Dhanka Basti in Jaipur. It looks at how one particular Scheduled Tribe, the Dhanka, are recasting their ideas about freedom as reservations for their employment decline. Building on the ethnographic work she conducted in an urban Dhanka neighborhood on reproductive health and dowry reform, she is taking a broader look at the implications of privatization for those who have benefited from reserved seats in education and government, which the Dhanka undoubtedly have in the last twenty years. She is particularly interested in how intimate gender relations are being renegotiated in relationship to shifting understandings of constitutional guarantees and what they may or may not provide in the future.

Smita NARULA (Faculty Director, Center for Human Rights & Global Justice, New York University) narulas@juris.law.nyu.edu

Professor Smita Narula is a Faculty Director of the Center for Human Rights and Global Justice (www.chrgj.org) at NYU School of Law, and Assistant Professor of Clinical Law of the International Human Rights Clinic. Her research, litigation, and advocacy projects focus on key human rights issues including: discrimination on the basis of caste, race, religion, and gender; human rights violations in the “war on terror”; the promotion of economic and social rights; and the accountability of corporations and international financial institutions for human rights abuses. In addition to focusing on human rights issues in South Asia, she has also researched post-September 11, 2001, abuses against South Asian immigrants in the United States. Before joining NYU in August 2003, Narula spent six years at Human
Rights Watch, first as the organization’s India researcher and later as Senior Researcher for South Asia. In this capacity, she oversaw Human Rights Watch’s work on India, Pakistan, Sri Lanka, Bangladesh, and Nepal, and helped coordinate the organization’s response to the U.S.-led war in Afghanistan.

Professor Narula has conducted numerous human rights investigations in South Asia on topics such as: bonded child labor; abuses related to the HIV/AIDS epidemic; caste discrimination; state-sponsored massacres; the marginalization of religious minorities; gender-based violence; and violations of the right to education. She has also regularly briefed U.N. agencies, international human rights treaty bodies, government officials as well as the media. She has authored a variety of reports and articles on caste discrimination worldwide and on the rise of religious nationalism in South Asia, including a report titled Broken People: Caste Violence Against India’s ‘Untouchables’ for which she received the 1999 Human Rights Award from India’s Dalit Liberation Education Trust.

She graduated from Harvard Law School, where she was Editor-in-chief of the Harvard Human Rights Journal. She received a Masters in International Development from Brown University and worked on HIV and public health at UNICEF and the United Nations Development Fund.

Anshuman PANDEY (PhD candidate, Department of History, University of Michigan)
Anshuman is interested in the political aspects of language and ethnic identity viz. the Eighth Schedule of the Indian Constitution, the use of legislation to raise demands for ethnic recognition, etc. He is also interested in the manner in which Hindu religious texts are cited in the opinions written by justices of the Supreme Court of India.

John PINCINCE (Visiting Assistant Professor of History, Loyola University Chicago)
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Professor Pincince recently completed his dissertation, “On the Verge of Hindutva: V.D. Savarkar, 1905-1924,” in the Department of History at the University of Hawaii. The dissertation examines a seminal period in the life of Savarkar and the evolution of the Indian nationalist movement during the first two decades of the twentieth century. A large proportion of the dissertation is devoted to an examination of the British Government of India’s criminalization of Indian political practice, particularly elements that advocated political violence as a means of anti-colonial resistance, deemed by the colonial regime as “extremist” and “anarchist.” Specifically, he researched and wrote about several Special Tribunal trials held at the Bombay High Court in 1909 and 1910.

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Jeff REDDING (Oscar M. Ruebhausen Fellow in Law, Yale Law School)
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Jeff Redding is an Oscar M. Ruebhausen Fellow in Law at Yale Law School. He has worked for Lawyers Collective in Delhi and Mumbai, and also as an Assistant Professor of Political Science/Law at the American University in Cairo, Egypt. His research interests and experience, in both India and Pakistan, relate to Islamic law and legal institutions, the interaction of state and non-state legal actors,
personal law, and also law and sexuality. Mr. Redding earned his J.D. from the University of Chicago School of Law.

Tamara RELIS (British Academy Research Fellow, London School of Economics and research fellow, Columbia Law School) t.relis@lse.ac.uk

Drawing upon preliminary insights deriving from new empirical fieldwork research in urban and rural locations in Delhi, Maharashtra, A.P. and Karnataka, Tamara’s research examines legal, lay and gendered actors’ understandings, aims and experiences in the processing of human rights violation cases of serious violence against women. Actors’ perceptions (victims, accused, family members, lawyers, judges/mediators) act as a lens to map, theorize and critically analyze the processing of these cases in formal lower courts, court-linked and extra-legal informal justice mediations (lok adalats, mahila panchayats, nari adalats).

In particular, Dr. Relis examines how, if at all, international human rights norms (e.g. CEDAW 1979) have permeated the processing of these cases in formal versus informal justice mechanisms, as well as the reception by local actors of international human rights norms relating to gender violence. In exploring the limits of human rights discourse, as well as the interplay between legal and extra-legal actors involved in these cases, the findings speak to the debate on universalism versus cultural relativism as well as the theoretical ideas informing these processes, e.g. restorative justice and norm diffusion theory. The paper additionally provides a critical look at the boundaries created between both formal and informal justice in India as well as between ratified international law and realities on the ground in the processing of gender violence cases. Visit http://www.lse.ac.uk/collections/law/staff/tamara-relis.htm

Mitra SHARAFI (Assistant Professor of Law and History, University of Wisconsin-Madison) mitrasharafi@yahoo.com

Professor Sharafi's research examines the Parsi legal history of colonial South Asia. Currently, she is working on a book manuscript that examines Parsi litigation circa 1900 across a variety of colonial South Asian courts, including the Parsi Chief Matrimonial Court of Bombay, the Bombay High Court, the Chief Court of Lower Burma, and the Judicial Committee of the Privy Council. Forthcoming publications include review articles on Assaf Likhovski’s recent book, Law and Identity in Mandate Palestine, and on legal pluralism and the cultural defense. She teaches contract law at the UW Law School, and offers legal history courses through the undergraduate “Legal Studies” program at UW-Madison. Visit http://law.wisc.edu/faculty/biog.php?id=812

Mark SIDEL (Professor of Law, University of Iowa) mark-sidel@uiowa.edu

Professor Sidel's work on law in India and South Asia focuses on the legal regime affecting the voluntary sector, including philanthropy, the nonprofit sector, and civil society. For several years he has served as academic director of a five-nation project on Philanthropy and Law in South Asia, funded by the Asia, Ford, Himalaya and Rockefeller foundations, that focuses on Bangladesh, India, Nepal, Pakistan, and Sri Lanka. This project produced a volume, Philanthropy and Law in South Asia (Asia Pacific Philanthropy Consortium, 2004). With funding from an American foundation, the Philanthropy and Law in South Asia group from Bangladesh, India, Nepal, Pakistan, and Sri Lanka and Professor Sidel will meet in Delhi August 11-12 to update developments in the region and to issue an update report.

His scholarly work on Indian and South Asian law also includes the articles that have appeared in such law journals as the Tulane Law Review, Chicago-Kent Law Review, International Journal of Not-for-Profit Law, and Harvard Asia Quarterly as well as in edited volumes. Visit http://www.law.uiowa.edu/faculty/mark-sidel.php
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Professor Sinha specializes in comparative politics at UW-Madison. Her research focuses on the political economy of India, comparative federalism, India-China comparisons, and international sources of change in developing countries. Visit http://polisci.wisc.edu/users/sinha

Ryan SOLOMON (PhD candidate, Rhetoric, UW-Madison) rsolomon2@wisc.edu

Ryan’s work focuses on the relationship between rhetoric and law in light of the epistemological considerations that underlie legal jurisprudence, and the impact that has on the way we think about rationality in law, as well as the way we think about justice. His research looks at the way jurisprudence functions in indigenous legal systems in different parts of the world, mainly in Africa and Asia.

Avani SOOD (PhD candidate, Social Psychology, Princeton) avanimsood@yahoo.com

Mytheli SREENIVAS (Assistant Professor of History and Women’s Studies, Ohio State University) Sreenivas.2@osu.edu

Professor Sreenivas’s approach to South Asian Legal Studies is through her disciplinary background in modern South Asian history and her research interests in the cultural history of families in colonial south India. Drawing upon legal disputes concerning political authority and property ownership during the nineteenth and twentieth centuries, she examines the law for what it may reveal about shifts in families—as both institution and ideology—under the conditions of colonial rule. In the process, her research also investigates legal discourses and institutions themselves. She is particularly interested in the gendering of legal frameworks governing families and their property. In her own scholarship, therefore, the law functions both as an archival “source” of historical data and as a site of interrogation about the cultural history of colonial rule. Some of her research in legal studies will appear in her book, Wives, Widows and Concubines: The Conjugal Family Ideal in Tamil India (forthcoming, Indiana University Press). An article on colonial property law, “Conjugality and Capital: Gender, Families and Property under Colonial Law in India,” has appeared in the Journal of Asian Studies (2004). Visit http://womens-studies.osu.edu/people/person.cfm?ID=2100

Rachel STURMAN (Assistant Professor of History and Asian Studies, Bowdoin College) rsturman@bowdoin.edu

Professor Sturman’s research interests center on colonialism, law and modern liberal state formation. She is currently completing a book, Law’s Subjects: Property, Family and Value in the Making of Modern India, which explores these issues through a study of historical formulations of property and personhood in colonial civil law, focusing on the Bombay presidency. In her next project, Professor Sturman looks at the British imperial system of indentured labor, which transported more than a million Indians to British, French, and Dutch colonies around the world in the aftermath of the abolition of slavery. She will use the prism of law to examine how ideas about humanity, citizenship, rights, and violations were defined within the national, transnational and imperial frameworks of the indenture system. Visit http://www.bowdoin.edu/faculty/r/rsturman/

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R. Sudarshan is a UNDP policy advisor based in Bangkok with expertise in the legal affairs of India and recently, Nepal.

Ashwini TAMBE (Assistant Professor of Women’s and Gender Studies, University of Toronto, Canada) a.tambe@utoronto.ca

Ashwini Tambe is Assistant Professor of Women and Gender Studies and History at the University of Toronto. Her research focuses on colonial South Asia, gender and sexuality studies, and global political economy. Her upcoming book, Codes of Misconduct: The Regulation of Prostitution in Colonial Bombay (U. of Minnesota Press, 2008), traces the relationship between forms of prostitution, law making, and
law enforcement practices in colonial Bombay. Her current research focuses on the changing legal age standards defining girhood in twentieth-century India.

**Ananya VAJPEYI** (Assistant Professor of History, University of Massachusetts)  
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Professor Vajpeyi is interested in law as it relates to a variety of subjects, among them caste (social inequality), violence (particularly political conflict and communal violence), and rights (via citizenship and displacement).

**Sylvia VATUK** (Professor Emerita of Anthropology, University of Illinois at Chicago)  
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Professor Vatuk is a social anthropologist who has fairly recently developed a particular interest in the sub-discipline of legal anthropology. She is especially concerned with questions about the relationship between individuals and the law in modern nation states, conceptualizing law as a resource that people use in negotiating the changing circumstances of their daily lives. Over the course of many years she has undertaken field research for extended periods in India and has written many scholarly articles on a variety of topics related to issues of family and kinship, aging, and gender relations in South Asia, among both Hindus and Muslims. Much of her work has a strong historical component as well, and she has become increasingly interested in recent years in South Asian legal history, particularly with reference to Muslim personal law.

The research project in which she is most actively engaged deals with questions of Muslim personal law and its impact on women in the contemporary period. She has carried out ethnographic investigations, interviewed participants and examined case files in family and criminal courts, focusing on women clients involved in litigation related to disputes over marriage, divorce, maintenance, marital property, child custody, domestic violence, and related problems and also gathered material on and conducting interviews with religiously observant women leaders of a nascent "women's legal rights" movement that is becoming increasingly active, prominent and influential within the Muslim communities of many of the large and medium-sized cities all over India. Visit [http://www.uic.edu/depts/anth/faculty/vatuk.html](http://www.uic.edu/depts/anth/faculty/vatuk.html)

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Professor Wallace has written extensively on Sikh and Punjab politics, and has been serving as an expert witness and consultant for immigration-related cases for two decades. He was also a special witness for the Air India trials in Vancouver, both the one concluded a year ago, and the ongoing investigation. Visit [http://web.missouri.edu/~wallacep/](http://web.missouri.edu/~wallacep/)

**Anita WEISS** (Professor of International Studies, University of Oregon)  
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Professor Weiss specializes in Pakistan, South Asia and comparative Muslim cultures. Her recent books include *Power and Civil Society in Pakistan* (2001) and *Walls within Walls: Life Histories of Working Women in the Old City of Lahore* (2002, 2nd ed). Visit [http://www.uoregon.edu/~caps/faculty/weiss.html](http://www.uoregon.edu/~caps/faculty/weiss.html)

Thank you........

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