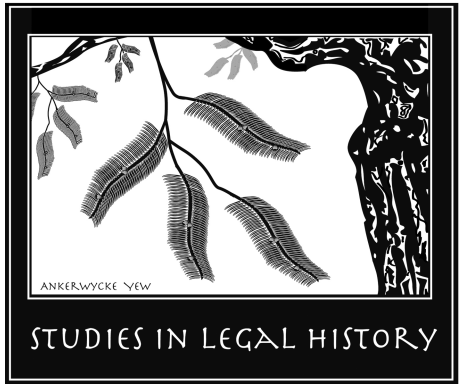
Legal Theory in the Colonies

In colonial India and Mandatory Palestine, early twentieth-century legal scholars made important contributions to the study of the nature of law, particularly by analyzing Hindu and Jewish law – their ancient religious systems. This book reconstructs the lives and ideas of these scholars, revealing a forgotten global wave of jurisprudential innovation that appeared across many territories in the non-Western world. The book challenges the view that non-Western legal scholars working in the colonies were passive recipients of Western ideas. It argues that Indian and Jewish thinkers used Western historical and sociological approaches to law to reimagine Hindu and Jewish law, and to assert their relevance to modern legal and constitutional debates. Though historical in scope, the story this book tells is also relevant to contemporary tensions between Western liberal law and non-Western religious legal traditions. This title is available as open access on Cambridge Core.

Assaf Likhovski is the Danielle Rubinstein Professor of Comparative Law and Jurisprudence at Tel Aviv University. He is the author of *Law and Identity in Mandate Palestine* and *Tax Law and Social Norms in Mandatory Palestine and Israel*.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877



See the Studies in Legal History series website at
http://studiesinlegalhistory.org/

Studies in Legal History

EDITORS

Lisa Ford, George Washington University
Thomas McSweeney, William & Mary Law School
Reuel Schiller, University of California College of the Law, San Francisco
Taisu Zhang, Yale Law School

Other Books in the Series

Sonia Tycko, *Captured Consent: Contract Labor in English Charity, Colonization, and War, 1600–1700*
Jenny Huangfu Day, *Transborder Fugitives, Extradition, and Political Crimes in Modern China*
Maurits den Hollander, *Court, Credit, and Capital: Amsterdam's Insolvency Legislation in the Dutch Golden Age*
Zachary Herz, *The God and the Bureaucrat: Roman Law, Imperial Sovereignty, and Other Stories*
Kevin Arlyck, *The Nation at Sea: The Federal Courts and American Sovereignty, 1789–1825*
Ivan Lee, *Extradition and Empire: Sovereignty and Subjecthood in Hong Kong*
James Q. Whitman, *From Masters of Slaves to Lords of Lands: The Transformation of Ownership in the Western World*

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877

Alastair McClure, *Trials of Sovereignty: Mercy, Violence, and the Making of Criminal Law in British India, 1857–1922*
Marie-Amélie George, *Family Matters: Queer Households and the Half-Century Struggle for Legal Recognition*
Simon Devereaux, *Execution, State and Society in England, 1660–1900*
Giuliana Perrone, *Nothing More than Freedom: The Failure of Abolition in American Law*
Christian G. Fritz, *Monitoring American Federalism: The History of State Legislative Resistance*
Ada Maria Kuskowski, *Vernacular Law: Writing and the Reinvention of Customary Law in Medieval France*
E. Claire Cage, *The Science of Proof: Forensic Medicine in Modern France*
Kristin A. Olbertson, *The Dreadful Word: Speech Crime and Polite Gentlemen in Massachusetts, 1690–1776*
Edgardo Pérez Morales, *Unraveling Abolition: Legal Culture and Slave Emancipation in Colombia*
Lyndsay Campbell, *Truth and Privilege: Libel Law in Massachusetts and Nova Scotia, 1820–1840*
Sara M. Butler, *Pain, Penance, and Protest: Peine Forte et Dure in Medieval England*
Michael Lobban, *Imperial Incarceration: Detention without Trial in the Making of British Colonial Africa*
Stefan Jurasinski and Lisi Oliver, *The Laws of Alfred: The Domboc and the Making of Anglo-Saxon Law*
Sascha Auerbach, *Armed with Sword and Scales: Law, Culture, and Local Courtrooms in London, 1860–1913*
Alejandro de La Fuente and Ariela J. Gross, *Becoming Free, Becoming Black: Race, Freedom, and the Law in Cuba, Virginia, and Louisiana*
Elizabeth Papp Kamali, *Felony and the Guilty Mind in Medieval England*
Jessica K. Lowe, *Murder in the Shenandoah: Making Law Sovereign in Revolutionary Virginia*
Michael A. Schoeppner, *Moral Contagion: Black Atlantic Sailors, Citizenship, and Diplomacy in Antebellum America*
Sam Erman, *Almost Citizens: Puerto Rico, the U.S. Constitution, and Empire*
Martha S. Jones, *Birthright Citizens: A History of Race and Rights in Antebellum America*
Julia Moses, *The First Modern Risk: Workplace Accidents and the Origins of European Social States*

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877

Cynthia Nicoletti, *Secession on Trial: The Treason Prosecution of Jefferson Davis*
Edward James Kolla, *Sovereignty, International Law, and the French Revolution*
Assaf Likhovski, *Tax Law and Social Norms in Mandatory Palestine and Israel*
Robert W. Gordon, *Taming the Past: Essays on Law and History and History in Law*
Paul Garfinkel, *Criminal Law in Liberal and Fascist Italy*
Michelle A. McKinley, *Fractional Freedoms: Slavery, Intimacy, and Legal Mobilization in Colonial Lima, 1600–1700*
Karen M. Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935–1972*
Stefan Jurasinski, *The Old English Penitentials and Anglo- Saxon Law*
Felice Batlan, *Women and Justice for the Poor: A History of Legal Aid, 1863–1945*
Sophia Z. Lee, *The Workplace Constitution from the New Deal to the New Right*
Mitra Sharafi, *Law and Identity in Colonial South Asia: Parsi Legal Culture, 1772–1947*
Michael A. Livingston, *The Fascists and the Jews of Italy: Mussolini's Race Laws, 1938–1943*

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877

Legal Theory in the Colonies

Hindu and Jewish Scholars under British Rule

ASSAF LIKHOVSKI
Tel Aviv University

CAMBRIDGE
UNIVERSITY PRESS

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877

CAMBRIDGE
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781009699884

DOI: 10.1017/9781009699877

© Assaf Likhovski 2026

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, with the exception of the Creative Commons version the link for which is provided below, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

An online version of this work is published at doi.org/10.1017/9781009699877 under a Creative

Commons Open Access license CC-BY-NC-ND 4.0 which permits re-use, distribution and reproduction in any medium for non-commercial purposes providing appropriate credit to the original work is given. You may not distribute derivative works without permission. To view a copy of this license, visit https://creativecommons.org/licenses/by-nc-nd/4.0

When citing this work, please include a reference to the DOI 10.1017/9781009699877

First published 2026

A catalogue record for this publication is available from the British Library

A Cataloging-in-Publication data record for this book is available from the Library of Congress

ISBN 978-1-009-69988-4 Hardback
ISBN 978-1-009-69990-7 Paperback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

For EU product safety concerns, contact us at Calle de José Abascal, 56, 1°, 28003 Madrid, Spain, or email eugpsr@cambridge.org

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 05:33:39, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009699877