
CUSTOM, SOCIETY, AND LEGAL EVOLUTION IN EARLY SOCIETIES: A COMPARATIVE ANALYSIS OF SAVIGNY AND MAINE

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ABSTRACT

The evolution of law from customary practices to organized legal systems has been a subject of enduring interest in jurisprudence. This paper examines the evolutionary perspectives of Friedrich Carl von Savigny and Sir Henry Maine on the development of law in early societies through a comparative doctrinal approach. Savigny, the founder of the Historical School of Jurisprudence, argued that law originates from the *Volksgeist* or the collective spirit of the people, evolving organically through customs and social traditions rather than legislative enactment. In contrast, Maine explained legal evolution as a gradual transition from primitive, kinship-based societies governed by customary norms to modern legal systems characterized by codification and contractual relations, encapsulated in his theory of the movement “from status to contract.” The paper critically analyses the similarities and differences between these theories, highlighting their contributions to understanding the historical foundations of law and the role of custom in shaping legal institutions. It further explores the contemporary relevance of their ideas by examining the recognition of customary law within the Indian legal system, particularly in relation to personal laws, tribal customs, and constitutional legal pluralism. The study concludes that the theories of Savigny and Maine continue to provide a valuable jurisprudential framework for understanding the historical evolution and social legitimacy of law.

Keywords: Historical Jurisprudence; Customary Law; Legal Evolution; Savigny; Henry Maine.

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1.Introduction

The evolution of law has always been a central concern of jurisprudence. Understanding how legal systems originated and developed in early societies provides deep insight into the social, moral, and cultural foundations of modern law. Among the scholars who profoundly shaped the discourse on the historical and evolutionary development of law were Friedrich Carl von Savigny and Sir Henry Sumner Maine. Both thinkers, though from different backgrounds and methodologies, shared a common concern to trace law not as a creation of mere legislation but as an outcome of social evolution and historical necessity.

Savigny, the founder of the Historical School of Jurisprudence, viewed law as an organic growth of the people's spirit (*Volksgeist*). He argued that law is not artificially imposed by the legislature but gradually develops from the customs, beliefs, and collective consciousness of the community. According to him, every society has its own inner life and historical context that shape its legal institutions. Hence, attempts to codify law prematurely without regard to a nation's customs would lead to the distortion of its true legal spirit. His ideas emerged as a reaction to the rationalist and universal claims of the Natural Law School, emphasising the uniqueness of every society's legal evolution.

On the other hand, Sir Henry Maine, through his monumental work *Ancient Law* (1861), introduced the Evolutionary or Anthropological Theory of Law. He examined how law developed through the stages of social progress from primitive to modern societies. Maine's famous phrase from status to contract symbolizes this transformation: early societies were bound by fixed social relations (*status*), while modern societies recognize individual freedom and contractual relations. His comparative and historical approach laid the foundation for legal anthropology and sociological jurisprudence, linking law to broader social structures.

The contributions of Savigny and Maine represent two dimensions of the same phenomenon: the organic and evolutionary nature of law. While Savigny emphasized the cultural and historical continuity of law, Maine focused on its social and institutional evolution. Together, their theories provided an alternative to abstract rationalism by rooting law in history, society, and human experience. Understanding their evolutionary views remains crucial not only for jurisprudential scholarship but also for appreciating how modern legal systems continue to reflect traces of their early societal origins.

2. Savigny's Historical School of Jurisprudence: Law, Custom, and the *Volksgeist*

2.1. Savigny's Concept of *Volksgeist* (Spirit of the People)

Savigny's Historical School of Law is deeply rooted in the concept of *Volksgeist*, which translates to the spirit of the people. This concept holds that law is not simply a product of rational design or deliberate legislative will, but is organically grown from the customs, traditions, and lived experiences of a particular community. For Savigny, each nation has its own unique collective consciousness, which forms the underlying principles and values reflected in its law. Thus, law is a manifestation of the *Volksgeist*, embodying the historical culture and inner convictions of the community.² Law as an organic growth from people's customs, not imposed by the state.

Savigny opposed the idea that law could be imposed by the state or that universal codes could appropriately govern diverse societies. He argued that law grows gradually and continuously from societal customs that have gained consensus and become entrenched within a people. Rather than viewing law as a form of authoritative decree, Savigny saw legal norms as deeply tied to the practices, conventions, and habits of the people themselves. The evolution of law should therefore be studied in close relation to the history and collective will of a society, not extracted from abstract reasoning or borrowed from other nations.³

2.2. Custom as the True Source of Law in Early Societies

In Savigny's philosophy, custom is regarded as the true source of law in early societies. Law first arises unconsciously within a group, taking shape through habitual practices that reflect societal consensus. It becomes law when accepted and practiced over time, representing the lived realities and shared understanding of the community. Codification, according to Savigny, should only occur after society has reached a stage of unity and maturity where its Customs have crystallized into recognizable legal principles. The state's role is not to invent law, but to recognize, clarify, and formally express the laws that already exist within the populace.⁴

² Aishwarya Agrawal, *Volksgeist Theory*, LawBhoomi (Feb. 2, 2024), <https://lawbhoomi.com/volksgeist-theory/>.

³ Ocean Tiwari, Savigny's *Volksgeist*: The Indian Perspective, White Black Legal International Law Journal, <https://www.whiteblacklegal.co.in/details/savigny%E2%80%99s-volksgeist-the-indian-perspective-by--ocean-tiwari> (last visited July 11, 2026).

⁴ Savigny's Theory of *Volksgeist*, Scribd, <https://www.scribd.com/document/858097673/6-Savigny-sTheory-of-Volkageist> (last visited July 11, 2026).

This historical and cultural approach to law continues to influence modern jurisprudence, emphasizing that legal systems must reflect the unique spirit and evolution of their societies rather than impose uniform solutions divorced from local realities.⁵

2.3. The Organic Evolution of Law

Savigny regarded law as an organic institution that evolves naturally alongside the growth of society rather than being consciously created by legislators or political authorities.⁶ According to him, every society possesses a unique historical identity, and its legal system develops gradually through the customs, traditions, beliefs, and collective experiences of its people. Law, therefore, is not static but dynamic, adapting to social, economic, and cultural transformations over time.⁷ This gradual evolution ensures that legal rules remain closely connected to the values and needs of the community they govern. Savigny argued that premature legislative intervention or comprehensive codification could disrupt this natural process by imposing artificial rules that lack social acceptance.⁸ Consequently, he viewed jurists as interpreters and systematisers of existing legal principles rather than creators of entirely new laws.⁹ His theory underscores that the legitimacy and effectiveness of law depend upon its organic growth from society, making legal evolution a continuous and historically grounded process.

2.4. Savigny's Opposition to the Codification of Law

A significant instance of this opposition to state-imposed law was Savigny's critique of Anton Thibaut's proposal for a German Civil Code. Thibaut advocated for codification modeled on the French system, aiming for uniformity across Germany's fragmented states. Savigny strongly rejected this idea, contending that Germany's legal traditions were not mature enough for codification and lacked a sufficiently unified *Volksgeist* to support a common code. He believed codification would overlook the organic and historical development of law and disrupt the natural evolution rooted in custom.¹⁰

⁵ Aishwarya Agrawal, *Volksgeist Theory*, LawBhoomi (Feb. 2, 2024), <https://lawbhoomi.com/volksgeist-theory/>

⁶ Friedrich Carl von Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* 24–31 (Abraham Hayward trans., Littlewood & Co. 1831).

⁷ Sir John William Salmond, *Jurisprudence* 52–55 (P.J. Fitzgerald ed., 12th ed. 1966).

⁸ Savigny, *supra* note 1, at 31–45.

⁹ G.W. Paton, *A Textbook of Jurisprudence* 61–65 (4th ed. 1972).

¹⁰ *Jurisprudence – Volksgeist*, SlideShare, <https://www.slideshare.net/slideshow/volk-super-final/24152243> (last visited July 11, 2026).

3. Maine's Evolutionary Theory of Law

3.1. From Family to State: Maine's Theory of Legal Evolution

Sir Henry Maine's evolutionary theory of law is centered on the idea that law develops and changes in tandem with the evolution of society from simple family units to complex state institutions. His foundational thesis, famously summarized as from status to contract, posits that early societies were organized around fixed social positions or status, where individuals' rights and duties were determined by birth, family ties, and social hierarchy. Over time, as societies progressed, legal relationships shifted toward contract, emphasizing individual autonomy and freely negotiated agreements rather than inherited roles.¹¹

Maine traced the historical development of law in his seminal work *Ancient Law* (1861), arguing that earliest legal systems functioned primarily on customs and kinship-based norms. Here, society's smallest and most fundamental unit was the family, typically patriarchal, with the head possessing authority over members whose legal identity was tied to their family status. In this setting, law was more about collective group rights and obligations than individual rights.¹²

3.2. From Status to Contract: The Evolution of Legal Relations

As societies became more complex and individuals acquired greater freedom, Maine observed the rise of contractual relations, which signalled a transition to modern legal systems. In contract law, relationships are defined by agreements freely entered into by legally equal parties, reflecting a dynamic and individual-centred legal order. This movement from status to contract represented a hallmark of societal progress and legal modernisation.¹³

3.3. Custom as the Foundation of Early Legal Systems

Sir Henry Maine regarded custom as the earliest and most authoritative source of law in

¹¹ Sir Henry Maine's Definition of Law, GGSIPU Study Material, <https://allclearnotes.in/sir-henry-maines-definition-of-law/> (last visited July 11, 2026).

¹² Theory of Law by Sir Henry Maine: Historical School of Jurisprudence, LawNotes4U, <https://www.lawnotes4u.in/theory-of-law-by-sir-henry-maine-historical-school-of-jurisprudence/> (last visited July 11, 2026).

¹³ From Status to Contract: An Analysis of Henry Maine's Social Evolutionary Theory, Indian Journal of Law and Legal Research, <https://www.ijllr.com/post/from-status-to-contract-an-analysis-of-henry-maines-social-evolutionary-theory> (last visited July 11, 2026).

primitive societies.¹⁴ Before the emergence of legislatures and formal judicial institutions, social conduct was governed by customs that evolved through repeated community practices and collective acceptance. These customary norms regulated family relations, property, succession, and social obligations, thereby maintaining order and stability within society.¹⁵ Maine argued that as societies developed, customs gradually transformed into recognized legal principles and were eventually codified by the State. To substantiate this theory, he adopted a comparative and anthropological method, examining diverse legal systems to trace the historical evolution of law across different civilizations.¹⁶

3.4. The Role of Comparative and Anthropological Studies in Legal Development

Maine's theory also emphasized the importance of comparative and anthropological studies of law to understand this evolution. By comparing the legal systems of different cultures and epochs, he sought to identify universal patterns and stages in legal development. His approach laid the groundwork for sociological jurisprudence and legal anthropology, insisting that law must be studied as a product of social facts and cultural history rather than abstract rational principles.¹⁷

Regarding case laws illustrating Maine's theory, one can look at Indian family law reforms, which show the gradual legal shift from status-based personal laws governed by traditional customs and family hierarchies to contractual principles respecting individual rights. For instance, landmark Supreme Court judgments recognizing women's independent rights within Hindu succession law reflect this transition, moving from fixed status-based prescriptions to rights grounded in contractual and equal participation principles.¹⁸

Additionally, historical cases where courts acknowledged customary tribal laws alongside formal statutory law exemplify law evolving with societal pluralism, aligning with Maine's emphasis on anthropological insights in law's development. The evolution of contract law in English and American jurisprudence further exemplifies this shift towards individual autonomy

¹⁴ Sir Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society, and Its Relation to Modern Ideas* 5–12 (John Murray 1861).

¹⁵ G.W. Paton, *A Textbook of Jurisprudence* 72–75 (4th ed. 1972).

¹⁶ Maine, *supra* note 1, at 13–25.

¹⁷ Sir Henry Maine's Definition of Law, GGSIPU Study Material, <https://allclearnotes.in/sir-henry-maines-definition-of-law/> (last visited July 11, 2026).

¹⁸ Sir Henry Maine's Definition of Law, *supra* note 17.

in legal relations.

In sum, Maine's evolutionary theory views law as a living, historically contingent system that moves from embedded, status-based community rules to flexible, contract-based legal frameworks. This progression highlights the role of comparative study and historical context in appreciating law's dynamics in early and modern societies alike.¹⁹

4. Comparative Analysis of Savigny's and Maine's Theories of Legal Evolution

Savigny and Maine, although both foundational figures of the Historical School of Jurisprudence, present distinct and contrasting evolutionary views on the nature and development of law, which can be summarized through a comparative analysis based on several key aspects.

4.1. Nature of Law

Savigny viewed law as an organic, cultural phenomenon arising from the collective consciousness of a people what he termed *Volksgeist* or spirit of the people. Law is the historical expression of a nation's unique customs, traditions, and social character, deeply rooted in its culture and history. In contrast, Maine's conception of law is more evolutionary and progressive, emphasizing law as a product of societal development and progress, transitioning from primitive to advanced forms reflecting changes in social organization.

4.2. Method

Savigny employed a primarily historical method, focusing on the study of Roman law and German customary law to understand the organic growth of legal systems over time. His approach sought to interpret law as an evolving product of a community's historical experience. Maine, by contrast, advanced a comparative and sociological method, analyzing different societies' legal systems from an anthropological perspective to trace law's evolutionary stages across cultures, highlighting the social factors and progress that shape law.²⁰

¹⁹ Aditya Trivedi, Henry Maine's Contribution to Law, 4 Indian Journal of Integrated Research in Law (Issue II) 1165 (2024), <https://ijirl.com/wp-content/uploads/2024/05/HENRY-MAINES-CONTRIBUTION-TO-LAW.pdf>.

²⁰ Comparative Analysis of Sir Henry Maine and Savigny's Theories – Term Paper AJ, Studocu, <https://www.studocu.com/row/document/kathmandu-school-of-law/general-concept-of-law/comparative-analysis-of-sir-henry-maine-and-savignys-theories-term-paper-aj/138262582>

4.3. Source of Law

For Savigny, the source of law lay in Volksgeist custom and the collective legal consciousness rather than in codified statutes or abstract reasoning. He resisted codification, fearing it would disrupt law's natural evolution grounded in tradition. Maine, meanwhile, considered social progress as the fundamental driver of law's development. He acknowledged the role of legislation and codification as instruments of legal modernisation in progressive societies, thus adopting a more pragmatic stance towards formal legal reforms.

4.4. Time Focus:

Savigny's theory is notably past-oriented; he believed law's legitimacy and authority derive from historical continuity and inherited customs. Law should conform to the historical spirit of the people. Maine's theory is more future-oriented, emphasizing law's role in reflecting social evolution and anticipating progressive development from static to dynamic social orders.²¹

4.5. Legal Development:

According to Savigny, legal development occurs through internal growth; customs gradually crystallize into recognized law by the people's spontaneous acceptance over time. This natural, evolutionary process fosters continuity. Maine viewed legal development as gradual evolution tied to societal transformation from status-based hierarchies to contract-based free relations. He recognized legal fictions, equity, and legislation as tools of evolution, emphasizing law's adaptation to changing social realities.

In essence, Savigny championed law as a culturally embedded, historically continuous phenomenon, whereas Maine emphasized law as an evolving institution responsive to societal progress and comparative study. Both perspectives contribute invaluable insights into understanding law's origins and transformation, with Savigny highlighting tradition and cultural rootedness, and Maine advocating for social evolution and modernization of law through legislative and sociological lenses.²²

²¹Historical School of Law, iPleaders, <https://blog.iplayers.in/historical-school-of-law/> (last visited July 11, 2026).

²² Dean Sir Assignment (Saiby), Scribd, <https://www.scribd.com/document/486171403/dean-sir-assignment-saiby> (last visited July 11, 2026).

5. Contemporary Relevance of Savigny and Maine's Jurisprudence

5.1. Influence On Sociological and Anthropological Schools

The Historical School of Jurisprudence, founded by Friedrich Karl von Savigny and further developed by Sir Henry Maine, has significantly influenced modern jurisprudence, especially in the emergence of sociological and anthropological schools of law. Scholars like Eugen Ehrlich, Léon Duguit, and Roscoe Pound extended the historical and evolutionary premises of Savigny and Maine by emphasizing law as a living social institution rooted in societal realities and social needs rather than merely formal statutes. Ehrlich's living law concept and Pound's sociological jurisprudence both trace intellectual roots to this tradition that stresses the importance of social factors and empirical study in understanding law's operation and development.²³

5.2. Application in Indian legal system's recognition of custom

The Indian legal system presents one of the most compelling examples of the practical application of the evolutionary theories propounded by Friedrich Carl von Savigny and Sir Henry Maine. As a culturally diverse and legally pluralistic nation, India has historically recognized custom as an important source of law, particularly in matters relating to personal laws, tribal governance, succession, marriage, inheritance, and local community practices.²⁴ The recognition of customary law reflects the historical development of Indian jurisprudence, where legal norms emerged not merely through legislative enactments but evolved gradually from the traditions, beliefs, and social practices of different communities.

Savigny's Historical School of Jurisprudence emphasized that law is not an arbitrary creation of the sovereign but an organic manifestation of the *Volksggeist* or the "spirit of the people."²⁵ This proposition finds considerable support within the Indian legal framework, where courts have consistently acknowledged that customs acquire legal force because they embody the collective conscience, historical experiences, and cultural identity of a community. Indian

²³ Historical School of Jurisprudence, Encyclopedia.com, <https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/historical-school-jurisprudence> (last visited July 11, 2026).

²⁴ Mulla, *Principles of Hindu Law* ¶¶ 15–21 (23d ed. 2018); Paras Diwan, *Modern Hindu Law* 35–48 (22d ed. 2021).

²⁵ Friedrich Carl von Savigny, *Of the Vocation of Our Age for Legislation and Jurisprudence* 24–30 (Abraham Hayward trans., Littlewood & Co. 1831).

courts have repeatedly held that a custom, if proved to be ancient, certain, continuous, reasonable, and not opposed to public policy or statutory law, possesses binding legal authority and may even prevail over the general law applicable to a particular subject.²⁶ Thus, the judicial recognition of customs demonstrates the enduring influence of Savigny's belief that law evolves from the social life of the people rather than being exclusively imposed by the legislature.

Likewise, Sir Henry Maine's evolutionary theory of legal development is equally reflected in India's legal history. Maine argued that early societies were primarily governed by customs and kinship-based institutions before gradually progressing towards codified legal systems and modern legislation.²⁷ The historical evolution of Indian law closely mirrors this transition. Ancient Indian society relied extensively upon customs, religious practices, village traditions, and local usages to regulate social relations. Over time, these customary norms became incorporated into religious texts, judicial precedents, colonial legislation, and finally modern statutory enactments. Despite the extensive codification of personal and civil laws after Independence, several customary practices continue to enjoy legal recognition where legislation expressly preserves them or where they do not conflict with constitutional principles.²⁸

The Constitution of India further strengthens this evolutionary approach by accommodating legal pluralism while ensuring constitutional supremacy. Provisions such as Articles 13, 29, 371A, and 371G, together with the Fifth and Sixth Schedules, recognize the unique customs and traditions of various communities, particularly Scheduled Tribes and certain North-Eastern States, thereby preserving their distinct legal identities.²⁹ This constitutional recognition illustrates that Indian law does not seek to eliminate customary norms altogether but rather integrates them within the broader constitutional framework. Such an approach reflects Maine's observation that legal systems evolve gradually by adapting existing customs instead of completely replacing them.

²⁶ *Collector of Madura v. Mootoo Ramalinga Sathupathy*, (1868) 12 M.I.A. 397 (P.C.); *Thakur Gokal Chand v. Pravin Kumari*, AIR 1952 SC 231; *Ujagar Singh v. Jeo*, AIR 1959 SC 1041.

²⁷ Sir Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society, and Its Relation to Modern Ideas* 3–20 (John Murray 1861).

²⁸ Mulla, *Principles of Hindu Law* ¶¶ 15–21 (23d ed. 2018).

²⁹ INDIA CONST. arts. 13, 29, 371A, 371G, Fifth Sch., Sixth Sch.

The judiciary has also played a crucial role in balancing customary practices with constitutional values. While respecting long-established customs, courts have insisted that such customs must satisfy stringent legal tests relating to antiquity, certainty, continuity, reasonableness, and consistency with statutory law.³⁰ Where customary practices violate constitutional guarantees of equality, dignity, or fundamental rights, the courts have preferred constitutional morality over social traditions, thereby demonstrating that legal evolution is a continuous process responsive to changing societal values. This judicial approach illustrates the dynamic character of law envisioned by both Savigny and Maine—law remains rooted in historical traditions while simultaneously adapting to contemporary social realities.

Therefore, the recognition of custom within the Indian legal system serves as a practical manifestation of both Savigny's Historical School and Maine's evolutionary theory of law. Indian jurisprudence demonstrates that while legislation and judicial precedents have become dominant sources of law, customs continue to influence legal development by preserving cultural diversity, community identity, and historical continuity. The Indian experience thus validates the proposition that law is neither static nor purely legislative in origin; rather, it evolves through an ongoing interaction between social traditions, historical experiences, judicial interpretation, and constitutional values, making the theories of Savigny and Maine highly relevant to understanding the evolution of law in early societies as well as in contemporary India.

5.3. Criticisms

However, both Savigny and Maine have faced criticisms. Savigny's focus on historical and cultural specificity has been critiqued for lacking universality and for idealizing tradition at the expense of necessary legal reforms. His opposition to early codification efforts, for example, overlooked the benefits of systematic legal modernization. Maine, while more progressive, is sometimes faulted for overemphasizing social progress and underestimating the complexities and persistence of status-based relationships in law. Both underestimated the transformative potential of deliberate legislative reforms and the role of rational legal science in shaping modern law.

³⁰ *Thakur Gokal Chand v. Pravin Kumari*, AIR 1952 SC 231; *Ujagar Singh v. Jeo*, AIR 1959 SC 1041.

Overall, the historical school's legacy continues to shape contemporary jurisprudence by reinforcing the law's embeddedness in culture and society, while also inviting critical scrutiny regarding the balance between historical evolution and proactive legal reform.³¹

6. CONCLUSION

Savigny emphasized the organic and cultural roots of law, viewing it as a product of a people's collective spirit or *Volksgeist*. He championed the idea that law develops through customs and traditions over time, deeply embedded in the unique historical experiences of each society. Savigny rejected codification and legislative imposition, favouring law's natural growth from the social fabric of the community.

In contrast, Maine emphasized law's evolutionary nature tied to social progress. He proposed that law develops from simple family structures and status-based systems toward complex state institutions and contract-based relationships. His approach was comparative and sociological, using cross-cultural studies to understand the common stages of legal development. Maine was more accepting of legislative reform and codification as mechanisms of modernization.³²

Both theories mark a key shift in jurisprudence from abstract, universal natural law theories to empirical, historical, and social approaches. They laid the foundation for modern sociological and anthropological jurisprudence, highlighting law as a dynamic social institution grounded both in cultural identity and social evolution.

Today, the relevance of Savigny and Maine persists in understanding customary and personal laws in pluralistic legal systems like India's, where diverse cultural identities coexist with evolving social institutions. Their insights help explain why law must evolve through social experience yet remain sensitive to historical and cultural contexts, ensuring legal systems adapt without losing their distinctive character. Thus, modern jurisprudence integrates their contributions, balancing organic growth with social progress to shape responsive, culturally rooted law.³³

³¹ Historical School of Jurisprudence, LawBhoomi, <https://lawbhoomi.com/historical-school-of-jurisprudence/> (last visited July 11, 2026).

³² Historical Understandings of Law, Advanced Jurisprudence, INFLIBNET, <https://ebooks.inflibnet.ac.in/lawp01/chapter/historical-understandings-of-law/> (last visited July 11, 2026).

³³ Historical Understandings of Law, Advanced Jurisprudence, INFLIBNET, <https://ebooks.inflibnet.ac.in/lawp01/chapter/historical-understandings-of-law/> (last visited July 11, 2026).

7. SUGGESTIONS:

- i. Integrate both historical and sociological approaches in legal research to gain holistic insights into law as a living social institution grounded in history and society.
- ii. Encourage legal research based on anthropological and cultural contexts, focusing on India's diverse customs, traditions, and community-specific laws to promote grounded jurisprudence.³⁴
- iii. Promote law reforms guided by social realities and empirical evidence rather than purely top-down legislative enactments to ensure laws reflect contemporary social needs
- iv. Raise awareness and recognition of indigenous customary laws alongside statutory laws to preserve cultural identities while fostering social cohesion and legal pluralism in India.
- v. Foster interdisciplinary collaboration between jurists, sociologists, anthropologists, and legal historians to enrich legal theory and effective policy-making.
- vi. Use historical-sociological knowledge as a methodological toolkit for critically analyzing and transforming social relations within the legal framework.³⁵

These suggestions aim to create law that respects India's cultural diversity and evolving social fabric, making jurisprudence adaptive, socially relevant, and culturally sensitive.

³⁴ Socio-Legal Research – Meaning | Methods | Challenges, Taxmann, <https://www.taxmann.com/post/blog/socio-legal-research> (last visited July 11, 2026).

³⁵ Richard Langone, The Science of Sociological Jurisprudence as a Methodology for Legal Analysis, 17 *Touro L. Rev.* 4 (2016), <https://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?httpsredir=1&article=1659&context=lawreview>.

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