

**A STUDY IN HINDU
AND
EUROPEAN POLITICAL SYSTEMS**

RAMAPRASAD DASGUPTA

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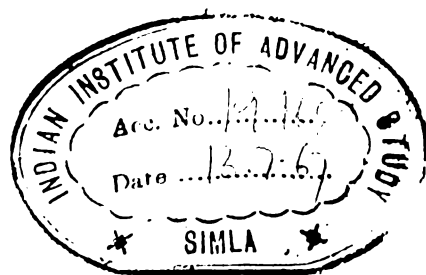
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FOREWORD

This work on Hindu and European Political Systems was planned by the author about twelve years ago in the course of his lectures to his students. But before the plan could be fully formulated he had a severe coronary attack. He took some months to recover from it. When after his recovery—seemingly complete—he began his lectures to his students, he thought of finalizing his plans for this book. But he never really recovered from his illness. While the book was in the press he had another attack, and he died very suddenly.

The author was fully aware of the difficulties of a comparative study but he was also very conscious of the utility of the comparative method. His study of European political development before the French Revolution has freshness, and his interpretation of the Hindu political system shows intimate knowledge of the subject.

The author would have inscribed this book to the memory of his daughter Rekha Sen. He would have acknowledged the help he had received from Dr. Benoy Chandra Sen, Dr. Sudhir Ranjan Das, Mr. Durgadas Mukherjee and Dr. Ramesh Chandra Mitra. In a posthumous publication we should put on record these wishes of the author.

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INTRODUCTION

A new approach to Hindu Polity.

One naturally feels diffident when he is going to bring out a new volume on Hindu polity. So many books have been written on this subject that the reader shrugs his shoulder with a knowing smile when he chances to come upon 'one more book' on the Hindu system of government. Why, the subject has been thrashed threadbare by a host of eminent scholars. It has been viewed from different angles. The last word on the subject has been said. There is no virtue in plagiarism !

Yet, in spite of this consciousness the author is presenting to the reading public a new treatise on Hindu polity. The approach of this volume is different from that of other books. It is a study of Hindu polity in the light of the development of European polity. Most of the books on Hindu polity have been inspired by the desire to defend the Hindu system of government from the unjust attacks made by those foreign scholars who have summarily dismissed it as "oriental despotism".

No doubt, the contribution of the Hindu governmental system was monarchical absolutism. But this is not true for all time. In the earlier stages at least there were certain checks on royal authority for which we can not call it absolute despotism. But what is most objectionable is the insinuation in the expression 'oriental despotism'. There is a veiled hint that the despotism of Eastern countries was a type by itself and was worse than European despotism ! And even when later on absolute monarchy came to be established, the government was not unmitigated and soul-less despotism as in other countries.

Naturally Indian scholars could not accept this arrogant challenge lying down. They were so much upset by this unwarranted slur on their past history that they did not care to enquire whether the political development of Europe until quite modern times was in any way better, and whether under certain circumstances and at some stages of social development, strong monarchy, nay even absolute monarchy, is not the best possible form of government. They also did not pause to note that absolute monarchy is much better than feudal anarchy, and that before the European states reached the modern constitutional stage they had to pass through a period of absolute monarchy which rescued them from the chaos of feudalism which is an euphemism for 'might is right'. Instead, most of them went to the other extreme and made all sorts of tall claims for Hindu polity. Thus it was claimed that the ancient Hindus had discovered all the secrets of modern government two millenia before they came to be applied in European countries. They have asserted with equal dogmatism that the Hindu was democratic, that there was party system, that the Hindus were familiar with ministerial responsibility and so on. Some of these authors have constructed constitutional utopias describing an imaginary state which came into existence Athena-like fully developed. They do not hesitate to quote in the same breath from the earliest portions of the Rig-Veda, the later Puranas and the Sukraniti!

Now, there can be no doubt that the Hindu autocrats, benevolent despots as generally they were, had less reasons to repent (Lord Acton has called the Enlightened despotism of the eighteenth century as 'Repentance of Monarchy') than their European competitors, although even the latter were less sinning than the European aristocrats. There are again some who in their anxiety to prove their infallibility, out-look and approach characterise

the Hindu government as despotic sometimes even with greater vengeance than the European scholars. No doubt there are a few who have tried to take a balanced view of the subject.

It is necessary to confess at the outset that any work on Hindu polity is bound to be different from a treatise on European polity. It is well-nigh impossible to write a book which can be accepted as a faithful account of the system of government which prevailed in ancient India. The reason is not far to seek. The greatest handicap for doing this is the paucity of materials with which to construct a connected account of the development of the polity of the ancient Hindus. The ancient Hindus lacked historical sense. They wrote profusely on diverse subjects but very few historical works. Again, we do not come across any work of the ancient Hindus like Aristotle's *Constitution of Athens*. The Hindu political treatises like Kautilya's *Arthashastra* or Kamandaka's *Nitisara* are all general works recommending policies which a good and clever monarch ought to pursue in order to consolidate his power by promoting the welfare of the people and protecting them. Now, these recommendations do not refer to any particular state but are meant to be of universal application. No doubt, these are to a large extent based on actual facts. They represent the political ideas current at that time and describe, so far as they go, the governmental organs and institutions obtaining in the country. But they are coloured by the personal predilections and ideals of the authors. They do not give an exactly faithful picture of things that were but an idealistic representation of what they ought to be according to those authors. And how far these recommendations were actually followed is difficult to guess.

More reliable, however, is the Vedic literature. So far as they go they may be accepted as giving a true picture

of the social and political conditions of the early period, except perhaps the arrogant claims of the Brahmanas. For they are primarily religious works, and political references are interspersed here and there without a conscious purpose. They tell us of things as they were and not as they should be. Certainly they do not give us an idealistic picture. They do not profess to recommend any course to rulers and administrators. Consequently our knowledge of the political conditions of the Vedic period is largely accurate and certain, though scrappy and meagre.

Then the occasional political references in the grammatical works can be accepted without the least hesitation, for they have no political motive and ideology. Thus Panini and Katyayana supply us incidentally a good deal of information about the social and political conditions of the country of the time.

¹ The evidence of the Epics can be safely relied upon so far as they give us a picture of the social and political conditions of the people of the time they profess to describe. They are primarily works of art, and the authors could not have any conscious motive to give us a garbled account of the society. The virtues and vices of the main actors have no doubt been exaggerated, morals have been attached, advice and precepts have been liberally strewn, qualities of the heroes have been magnified and sometimes to an extravagant and impossible extent, supernatural elements and divine personalities have been freely imported, but there is no reason to suppose that the Epics do not give us a faithful representation of the social and political condition of the times. Here a note of warning is necessary. The Epics, specially the Mahabharata, were not composed by one author only and at one time. There are clear evidences of subsequent additions. As regards the Mahabharata we

must bear in mind that the Santiparva must be regarded as a political treatise or a number of treatises clumsily interwoven with the main story. Its purpose is mainly didactic and as such the recommendations are to be carefully tested. Most probably, it was composed in the same age as Manusamhita.

As regards the so-called lawbooks, the Dharmasutras and the Dharmasastras the information supplied is not exhaustive. The Dharmasastra of Manu, however, is a mine of information. In this work, in addition to the religious rites and duties of the four Varnas, governmental functions are fully discussed. The duties of the king are elaborately stated. Inter-state relations are also discussed. Civil and criminal laws are exhaustively laid down. That is also the case with the works of Vishnu and Yajnavalkya. The Dharmasastras of Narada, Brihaspati and Katyayana, however, are codes of law. Now the real difficulty with these works is how far they can be regarded as representing the actual state of things. It is sometimes asserted that these lawbooks must not be taken seriously. They were merely so many Utopias and were never actually followed by any state. Their sanction was not political and popular but only religious. So they never exerted any influence whatsoever upon the actual conduct of government anywhere. This is pure nonsense. In those days when the idea of popular sovereignty was not even dreamt of, and the people had not become sufficiently politically-minded, religion was the only means by which a ruler could at all be controlled and guided. Religious sanction was the only thing which could keep men on the right path. Religious appeal was the only means by which men could be at all roused to action, if necessary, against the misrule of a tyrant.

The Buddhist and Jaina religious books also incidentally deal with political theories and give here and there

important clues to Hindu polity. The Jataka stories give us glimpses of the working of the government in Buddhist India. We must, however, be careful of disentangling the truth from the exaggeration and fictitious colouring of the stories, on which there is a deliberate attempt to fix a moral.

From some of the Puranas also we get some information on the system of government of the ancient Hindus though it is mainly a restatement of the views of the Dharmasastras and the Mahabharata.

A very important source of information consists of the accounts of foreign travellers and envoys. Unfortunately their number is not large, and their visits to this country were few and far between. In this connection we must first of all refer to the works of the Greek historians of Alexander's invasion and of other writers who followed them. Though the information supplied by this source is very important yet here also we must be cautious. Unfortunately the original works are lost, and we have substances of them in the writings of later authors. Besides, Alexander's soldiers and companions stayed in this country for a very short time. And being foreigners whose sojourn in this country was short it is natural that they should find it difficult to understand the Indian social structure and institution and would make confusing statements about them. But as to Indian polity and political institutions we can accept their views without much hesitation and qualification. The Greeks were the most "political" people of the ancient world, and it is quite unlikely that in political matters they would make any serious mistake or confusion. So also with regard to the account of Megasthenes, the Greek ambassador at the Court of Chandragupta, the original work is lost, and we have got only extracts from it at second hand, and there are also discrepancies in different versions. So here also we have to be careful, especially

where there are serious disagreements and differences between different versions.

As for the Chinese travellers, the two most important were Fa-Hien and Yuan-Chwang. Fa-Hien has left us an interesting account of India in the reign of Chandragupta II and Yuan Chwang of the time of Harshavardhana. Though they were Buddhist, and their first concern was to study Buddhism, they incidentally describe the condition of the country at the time of their travel and give us some information about the nature of the government. Then we have Alberuni, the famous Muslim scholar, who came to India in the eleventh century. Though he gives us some information about the judicial system of the Hindus, specially the ordeals, he does not say much about the administrative system.

There is another source of information about the political condition of the country. The Sanskrit literature—dramas, novels, biographical sketches, stories and fables—also throws some light on the working of the Hindu government. Thus there are stray references to the Hindu governmental system in some of the works of Kalidasa, in the *Mudrarakshasa*, the *Mrichchhakatika* and the *Kadambari*. Then there are a few biographical sketches like Bana's *Harshacharita* and Bilhana's *Vikramankadevacharita* which is a biographical sketch of a western Chalukya king. There are a few other biographical works in Sanskrit literature. Kalhana's *Rajatarangini* is a historical work dealing with the history of Kashmir. Though geographically a part of India, Kashmir, however, did not properly belong to the main current of Hindu political development.

Then we must refer to epigraphic evidence. Inscriptions engraved on rocks, stones, walls of buildings, pillars, copper plates, etc., give us much information about grants of lands and other things to individuals, learned societies, temples and monasteries as also about

the land-tenure, sources of government's revenue and designations of officials, administrative machinery, nature of the government, the condition of the country, the extent of empires, the conquests of particular emperors and their achievements. The evidence of coins also can not be ignored.

But the greatest difficulty in tracing the evolution of Hindu polity is chronology. Except in the case of foreign accounts it is not possible to ascertain the time of the composition of the literary works with any amount of certainty, nor can we definitely settle their sequence. Their dates are all pure guess-works based on internal evidence, style of composition, development of ideas and stray references to external events and things. These are still hypothetical. Sometimes the difference between the upper and lower limits is very great, even covering 4 or 5 centuries, e.g. that of Manu Samhita. Sometimes the dates remain controversial, e.g. that of Kautilya.

Another fact must be borne in mind. India is really a continent, and in those days when transport and communication were primitive and the country was full of jungles and rivers not easily fordable, the cultural and political development of different parts can not be same.

Naturally, the geographical difficulty is really baffling. Most of the Hindu writers are silent about their country of origin. We can merely guess it, and as their works are general treatises professed to be of universal application we can not say with certainty which part of the country they belonged to. This is important, for the authors must have described the social and political systems of their own regions, and their recommendations must have been specially meant for them. It is a mistake to think that the conditions of the whole of northern India, not to speak of India as a whole, were the same. They must have varied

from place to place. Social and political conditions are influenced to a great extent by physical features: climatic conditions, natural resources and contact with other peoples and cultures. Besides, it must be carefully noted that the presence of the dark-skinned non-Aryan people in large numbers was a disturbing factor in the political development. Thus the political development of the states of the eastern parts where the non-Aryan population undoubtedly formed an overwhelming majority must have been somewhat different from that of the north-western and central regions where the bulk of the population undoubtedly was of Aryan origin. This fact is often missed. So it is absurd to think that the social and political development of a sub-continent like India was uniform, following one general pattern. This is evident from the accounts of the Greek writers. When in the eastern and central regions kingdoms and empires had come into existence, in the western Punjab there was a large number of tribal and city states, many of which were republican. That is also the evidence of the Arthasastra and the Mahabharata. So it is surely unscientific to make a general statement for the whole of India.

Then we have to take into consideration the influence of repeated foreign invasions. This beautiful land of ours from time immemorial has always attracted the greedy eyes of the foreigners, and they have invaded it, wave after wave, almost in an unending succession. And because of some glaring defects in Hindu social and political systems these invasions could not often be successfully repulsed. As a result, the western parts of northern India have been repeatedly under the rule of the alien conquerors. Now these foreign rulers must have brought with them their own customs and ways of life. Though ultimately they were all absorbed in the Hindu

society, they must have considerably modified the Hindu social and political systems. One important effect of these foreign conquests must have been the strengthening of the monarchical power. For we can safely assume that these foreign conquerors had scant respect for the political ideas and institutions of the conquered people and ruled as despots ignoring the constitutional restraints placed by the Hindu law and religion on the authority of the king.

Another difficulty is the temptation to use modern political terms in explaining the Hindu political system or to read modern political ideas into it. Even European historians are not free from it. Thus in the 19th century European historians and political philosophers did not hesitate to read modern democratic ideas into ancient and mediaeval European polity. This temptation is almost irresistible for the Indian scholars because of the unmerited attacks which have been made upon the Hindu polity and culture by some prejudiced European writers. And the advocates of Hindu political system have a great advantage in the elasticity of the Sanskrit language. Every Sanskrit scholar knows that many Sanskrit texts can be explained in more than one way. Many of the Hindu law-books again contain contradictory provisions due either to clerical error or deliberate interpolation and modification by subsequent editors and teachers. Now by the method of "suppressio veri" and "suggestio falsi" one can build up any hypothesis and defend it in a sophisticated way. So also by giving a slight twist to a particular sloka or Sutra and putting the emphasis on a wrong place it is quite possible to give a different interpretation to any subject from what it appears to an unprejudiced and disinterested reader. No doubt, this is intellectual dishonesty but that is not quite uncommon.

So we must again emphasise the fact that because

of the above difficulties it is not possible to write a positive treatise on Hindu polity which can be accepted unhesitatingly. It must be confessed that to a large extent we are treading on uncertain ground. Our effort in this direction is bound to be tentative and speculative. There is always an element of uncertainty in all that we guess and say. The utmost that we can say with any amount of certainty is that the trend of the Hindu political development seems to be on the following lines and nothing more.

The best way of arriving at an approximate estimate of the Hindu political system is by making a comparative study of the Hindu and European political systems. For both started practically with the same political institutions. The utility of the comparative method is beyond question. In the words of Freeman (Comparative Politics, P-1), "It has carried light and order into whole branches of human knowledge which before were shrouded in darkness and confusion. It has brought a line of argument which reaches moral certainty into a region which before was given over to random guess-work. Into matters which are for the most part incapable of strictly internal proof it has brought a form of strictly external proof which is more convincing, more unerring." If we approach Hindu polity with the knowledge of European political development we shall have a fair idea of the excellence and shortcoming of the Hindu political system and political ideals. Moreover, the comparative method will help us to understand the nature and peculiarities of some of the Hindu institutions, the causes of some of the developments and tendencies, and it will also enable us to make a reasonable guess where materials are hopelessly inadequate or where we are absolutely in the dark, on the basis of information derived from the study of similar political institutions elsewhere. In this book we

shall first examine the European political development before the French Revolution, and then we shall study and interpret the Hindu political system.

Book I

European Polity

GREECE

To study the development of European polity we generally begin with Greece. The Greeks were undoubtedly the most talented people of the ancient Mediterranean world. A small people with a short political life, they have made magnificent contributions to the world's stock of knowledge and culture. We do not know for certain whence this wonderful people came to the Greek peninsula. In their dolls' state they played their brilliant part with feverish activity as if in a delirium. They fought, ruled, sang, thought, built, carved, painted and then after a short while, being utterly spent up, melted in the thin air. Yes, they vanished—at least their spirit departed. There remained their soul-less body, but the spirit was gone. The Greek genius had consumed itself by incessant activity.

The people of the Hellas also experimented in their small Aegean laboratory on the art of government. These intellectual Brobdingnags, however, were political Lilliputs. Their state was the smallest civilised state, the city-state. In this miniature state they began with the Homeric monarchy which ruled in consultation with the Council of the chief men of the community, occasionally bringing important matters before the Assembly of the whole people for their assent. The king was the supreme military commander, the chief judge, and the high priest of the tribe. He sprang from a royal family which claimed descent from the gods. The sceptre passed from father to son. This was before towns had come into existence.

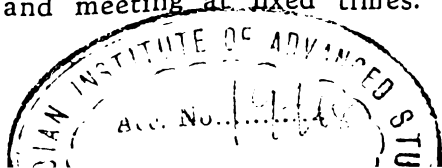
Next when we meet the Greeks again in the historical period living in the city-states, walled towns with a few miles of territory around whence the people drew their subsistence, we find that in Greece proper, except in Sparta, monarchy had been replaced by an aristocracy, though in outlying parts which the Greeks considered semi-barbarous, kings still ruled their petty kingdoms. The government was in the hands of the nobility of birth. They were the magistrates, they formed the council, and the popular assembly was restricted to men of upper classes, the common people being excluded from it. The movement was so general that there must have been some general causes for this startling change. The great migrations during which the leadership of a king had been necessary had been followed by a period of settlement and comparative calm when there was little need for a great military leader. The nobles in the meantime had grown wealthy and powerful, and organised in a council they were in a position to take over the duties of the king. And when cities had been formed all over Greece and had become identified with the state, the bonds of civic life were drawn closer. Now, "the Greek polis with its restricted area and public life, was eminently unsuited to a kingly form of government, the dignity of which requires for its support a certain degree of seclusion". (Greenidge—Ch. II P-19). As Grote argues, monarchy is almost indispensable in large country states where the king is the symbol of national unity. But in the city-states like those of Greece monarchy can not last long and is naturally replaced by an aristocracy or democracy. "For the smaller the state, and the more distinctly its life is centred in a city, the more obvious will the king's shortcomings be to the eye of his rivals and of the people. The weakness or cruelty of a king, or a kingly family,

would in a city-state be known and felt by all, and would be inevitably brought to an end, whether by sudden revolution or by gradual process."

Now the rule of the aristocracy was very oppressive towards the lower classes which roused great discontent. Their dissatisfaction sometimes gave birth to a constitutional dictatorship which undertook a thorough reorganisation of the government to reconcile the lower classes to it. Such a dictator was called the "arbiter" as was Solon of Athens. But generally this gave some ambitious man, possibly a disgruntled noble, opportunity to pose as the champion of the common people and with their help to seize the supreme power of the state by force. Such an unlawful ruler was called the tyrant. The Greek tyrant was not necessarily a bad or oppressive ruler. On the contrary he was often a real benefactor of the people and was anxious to keep the common people contented.

Tyranny, however, did not last long. Power corrupts, and the possession of absolute power and irresponsibility brought about a degeneration of these unlawful rulers, and their rule was brought to an end by the dispossessed oligarchs. We now enter on a new stage. The central fact in this period was a struggle between oligarchy and democracy; and gradually there was a decided drift towards democracy, though in some cases oligarchy was able to maintain itself. Then in the 4th century Macedonian supremacy practically crushed out the liberties of the Greek city-states and there was a reversion in some cases to tyranny. Finally in the second century Greece became a province of the Roman Empire.

Now a few words should be spoken about Greek democracy. First of all there was a popular assembly open to all adult citizens, discussing and deciding important questions of government and policy, and controlling the magistrates, and meeting at fixed times. There was a



governing council chosen by the people which prepared the business of the assembly and directed the magistrates. Most of the officers were chosen by lot from all citizens. In Athens the generals, however, were selected by election. Besides, there were popular jury courts, the jurors being picked up from all citizens by lot. In order to enable poor men to take a direct part in the government Pericles introduced payment of officers, councillors and jurors. The popular assembly, however, did not itself legislate directly in Athens; there was a cumbrous process which discouraged frequent changes of law.

Two things, however, should be noted in connection with Greek democracy. The Greek economy was based on slavery, and thus almost half of the population had neither civil nor political rights. Thus from modern standpoint even the Athenian democracy can not be considered a real democracy. Secondly, it was a case of direct democracy in which all citizens directly and actively participated in the administration of the state. Now this was possible for two reasons; firstly, because the institution of slavery made it possible for most citizens to devote themselves to politics, and secondly, because the state was very small. Being a city-state it was possible for all citizens to meet from time to time to take active part in the affairs of the government. Direct democracy is not at all suitable for or practicable in country states.

Athens :

The evolution of Greek polity can be best explained by a study of Athenian polity. At the dawn of history we find the city-state of Athens under the rule of an aristocracy. The people were divided into four tribes, tribes into brotherhoods, and brotherhoods into clans. Side by side, there was a cross division into three classes :

Eupatridae or nobles, Georgi or peasant proprietors, and Demiurgi or traders and public workers. Below them were the agricultural labourers who, though free, were not citizens.

Now the transition from monarchy to aristocracy was not a sharp break. At first the hereditary kingship was replaced by a life monarchy, the king being chosen by the nobles from a royal family. Next, the Basileus (king) had to share his power with a Polemarch appointed to help him in war, then with an Archon, chosen for ten years, who was given most of his judicial work. He now remained only the high priest. Then all these offices became annual and were thrown open to all the noble families, and six other magistrates called Thesmothetae were added. The nine were now called Archons. They passed into the Council of Areopagus for life after their year of office. This council was both an administrative body as well as a court. Besides, there was the assembly called Ecclesia which was attended by all citizens who belonged to the three classes.

As a result of the development of trade and industry, traders and industrialists, many of whom were nobles, became wealthy. The result was the transformation of aristocracy into timocracy, for wealth began to assert itself. The people were now divided into three new classes according to wealth. The first class, called the Pentacosiomedimni, was composed of the wealthiest citizens. Then came the knights or Hippeias who were moderately rich persons. The third class, called the Zeugitai or Teamsters, consisted of well-to-do peasants owning their own lands. The chief magistrates were recruited from the first class, no matter whether a noble or not. These three classes of citizens only had the right of attending the Ecclesia. Outside these classes stood the poor peasants and handicraftsmen who were called

the Thetes. They were citizens but had no political rights.

There was an abortive attempt on the part of a noble called Cylon to set up a tyranny. It was crushed, but the distress of the common people was great. To prevent a popular outbreak the customary laws were codified by archon Dracon. This code of law, however, was very severe and cruel and did not touch the root of the evil. Hence the far-sighted nobles appointed one of them as an arbiter, or an archon with extraordinary power to meet the situation. Solon's reforms were partly economic and remedial, and partly political. For his far-reaching political reforms he is regarded as the founder of the Athenian democracy. His most important political reform was that he recognised the Thetes as the fourth class and gave them certain political rights. No doubt they were still debarred from office-holding; they were, however, admitted to the Ecclesia. Another important reform of his was the establishment of the jury court called Heliaea out of all citizens. Every year six thousand citizens were picked by lot, and of these five thousand were divided into ten panels, one thousand being kept in reserve. To one or other of these panels, called dikasteries, all cases were submitted for trial. Any magistrate could be accused for illegality before these courts after his year of office. Thus the people were given not only a voice in the election of magistrates and councillors but control over administration. Solon also deprived the Council of Areopagus of its deliberative functions which were now transferred to a new Council of four hundred. Each tribe supplied one hundred members picked by lot or election from the three higher classes. As regards the nine archons they were chosen by a double process. Forty candidates were elected from the four tribes, and out of them nine were finally picked by lot. The council of Areopagus,

which henceforth was automatically recruited from the ex-archons, was given wide and vague powers as the guardian of the constitution.

After the retirement of Solon Athens was torn by party strifes and clan-rivalries leading ultimately to the establishment of the tyranny of Peisistratus and his sons. This was brought to an end by an assassin's dagger. The republic was restored and further reforms in the direction of democracy were undertaken by Cleisthenes. He first removed the danger of party strifes and clan-rivalries by abolishing the old tribes and creating ten new artificial tribes to break up the old local and clan organisations. Thereby he stabilised the foundation of the Athenian democracy. Next he replaced the Council of four hundred by a new Council of five hundred or Boule. This council was composed of fifty members from each tribe picked by lot. It was not merely a probouleutic council but a supreme administrative authority from which archons and other officials were obliged to take orders and to which they were to submit reports. It acted as ministry of finance and public works, and as ministry of war and foreign affairs. For the sake of efficiency the council was divided into ten boards called prytaneis, each consisting of fifty members of a particular tribe. Each of these boards carried on the public business during a tenth part of the year by rotation. Each tribe also supplied a regiment of hoplites (infantry) and a squadron of cavalry. These were commanded by ten generals or Strategi elected from each tribe. Cleisthenes also created a peculiar institution called ostracism whereby any person who was considered to be dangerous for the safety of the state was exiled from the state if only 6000 votes were cast.

It was the reforms of Ephialtes and Pericles which completed the democracy of Athens. The vague powers

of the council of Areopagus were abolished, and it retained only its jurisdiction in cases of homicide. All impeachments were brought before the Assembly or the Boule, and the people tried them in jury courts. Archonship was thrown open to all classes and to make it possible for the poor people to hold it pay was introduced, and the preliminary election was abolished. Pay was introduced also for the members of the council and the jurors serving in the courts. Thus Athens became a fully democratic state. It must, however, be borne in mind that it was democratic in the Greek sense. For almost half the people of the State were not only not citizens but were slaves without any civil and political rights.

Sparta :

It would be a mistake to think that all the Greek states finally became democracy. No. In the struggle between the aristocracy and the people in some states the nobles succeeded in maintaining their ascendancy, and the character of the government remained oligarchical. In others the struggle resulted in the establishment of what may be called mixed constitution. Sparta, however, presents a peculiar type of government.

First of all in the city-state of Sparta only a small fraction of the people enjoyed political privileges ; the bulk of the people were serfs who cultivated the lands of the Spartan citizens and were called the Helots. They were the original inhabitants of the land. Besides, there was a class of people who had no political right in the Spartan state, though they were freemen and managed their local affairs. They were called Perioeci or "dwellers round about." The dominant section of the Spartan people, a small fraction of the total population, were citizens and enjoyed political rights. But even

among the citizens there were two classes, the nobles and the commons, the former enjoying full privileges.

At the head of the Spartan state there were two hereditary kings belonging to two different royal families. The kingship evidently was a survival from earlier times. The powers of the king in historical period were limited. They were priests, though not sole priests of the community, and they were supreme commanders of the army, having the power of life and death in the field. They had hardly any judicial power. Their revenue was derived mainly from royal domains.

There was a Council of Elders, called the Gerusia, consisting of the two kings and twenty-eight other members over sixty years of age, holding office for life. They were elected by acclamation in the assembly but from among the nobles. The council was an advisory body having probouleutic functions. It formed a court of criminal justice.

Then there was an assembly, called the Apella, which met every month and which was attended by all citizens over thirty years of age. The assembly voted by acclamation on questions submitted before it by the kings or ephors. It did not debate. It decided questions of war and peace and foreign policy. But it had not the final say. For "the elders and magistrates" could veto any decision which seemed to them "crooked". So the assembly was not a sovereign body.

But the most characteristic feature of the Spartan constitution was the Ephorate. The five ephors who were elected by lot from among all the citizens were the guardians of popular rights. They jealously watched the actions of the kings and had the power of indicting them. They formed the supreme civil court and in the cases of the Perioeci were criminal judges also. They were entrusted with the duty of maintaining order and discipline in the Spartan state. The Spartan citizens

had to pass their lives through a rigid system of discipline. Indeed Sparta was a 'huge military school' and the prime duty of a Spartan citizen was to become an efficient soldier.

Though the city-state was the normal form of political organisation in ancient Greece, larger political associations were not wholly unknown. In the outlying regions of northern Greece there were kingdoms which were not city-states. Besides, there were federal unions in southern and central Greece.

Federation :

The Peloponnesian confederacy of which Sparta was the leader and which included most of the city-states of the Peloponnesus, was not, however, a federation. It was a league or confederation of independent states which had an equal vote in the council, and were bound by a defensive alliance to repel any invader. All questions of war and peace were decided by the council composed of delegates from the states. But Sparta had the sole right of summoning the council and in the final debate she was the sole mover. Besides, she was the sole executive and as such it was her duty to carry out the decision of the council. She collected military contingents and pecuniary contributions from the allies and had the supreme command in war.

The Confederacy of Delos which was formed during the closing stages of the Persian Wars under the leadership of Athens, to rescue or protect Greek states against the Persian attack was a great advance in the direction of federation. It was a league of maritime states which were independent and had to contribute either ships to the common fleet or money to the common treasury. The delegates of the states who met in a council at the temple of Apollo in Delos had an equal voice. The council decided questions of policy. The tribute,

as the money contribution was called, was collected by Athenian officials. As the leader of the league Athens was also the sole executive. The confederacy, however, was soon converted into an Athenian empire by the deliberate policy of Athens.

The Peloponnesian War humbled the pride of Athens, and Sparta assumed the hegemony of Greece. Athens again formed a second confederacy—this time to save the freedom of the allied states from Spartan attack. The states were all free and independent. Athens was the executive of the union. The council which was the deliberative body was composed of delegates from the states which had an equal vote. Athens, however, was not represented in it. Though the council decided questions of foreign policy, the final say lay with Athens. The Athenian Ecclesia had the power of ratifying or rejecting the decision of the council which, therefore, was a mere probouleutic body. The administration of the federal fund and the supreme command of the confederate army and fleet lay in the hands of Athens.

But the two noteworthy real federal unions were the Aetolian and Achaean leagues.

The Aetolian league which was a federation mainly of communes or districts had a council, an executive, and an assembly. The council was a federal body composed of the representatives of the states, each state having one vote only. But in the assembly, besides the members of the council, any individual citizen of the League had the right to attend, to take part in the deliberation and to vote, though the votes of the citizens of each state counted as one, the majority deciding the nature of the vote of the state. So the assembly was both a representative and primary assembly. It had the power of deciding questions of war, peace and of foreign policy. It also elected the Strategus or the general and the board of Apocleti. Though the

Strategus was the president of the assembly and supreme commander he was assisted in his executive work by the board of Apocleti.

The Achaean league was a federation of city-states which were independent in all matters except foreign policy and military affairs. There was a federal assembly which fixed the contributions which the states had to make to the common treasury or required them to furnish contingents to the federal army. It decided all questions of international relation such as war and peace.

The assembly could be attended by any citizen from any state of the league, though the votes were taken by cities and not by heads. Besides, there was a council called the Boule, composed of representatives of the federating states. It is believed that this council was a permanent body having probouleutic functions.

At the head of the government stood the Strategus or the general who had the supreme command of the army. He conducted negotiations with foreign states and brought all important matters to the assembly. He was assisted in the work of administration by ten civil ministers called Demiurgi who were chosen by the assembly. He was also the president of the assembly. He could not, however, be re-elected immediately after the expiry of his year of office.

ROME

We shall next examine the Roman polity. Rome was also a city-state like Athens or Sparta. It started practically with the same political institutions as Homeric Greece. According to tradition the earliest Roman government was a limited monarchy in which the king ruled in consultation with the Senate, a council of elders chosen by him, whose advice he was expected to take but not obliged to follow, occasionally submitting important matters like questions of war and peace and changes in law to a popular assembly, *Comitia Curiata*, in which the privileged few, the patricians, voted in groups called *curies*. Monarchy was not hereditary. Though tradition describes it as elective with a cumbrous procedure for selection, it is quite likely that the reigning king nominated his successor in consultation with the Senate, but his nomination had to be ratified by the assembly. The people were divided into two classes, the privileged nobility, the patricians, and the non-privileged multitude, the plebeians who were dependent upon the former in every way. Then a second assembly was created, the *Comitia Centuriata*, in which both the patricians and the plebeians voted in military groups called *centuries*, but the emphasis was placed upon wealth, the wealthiest men dominating this assembly. Out of 194 centuries the first two wealthy classes had 100 centuries, and most probably 18 more. The plebeians, however, were for the first time recognised as citizens though they were still excluded from office and were denied participation in the state religion. Now the seventh king was a tyrant. So he was expelled, and

monarchy was replaced by aristocracy. In the place of a life-king two annually elected (by the nobles) magistrates called consuls were appointed with full regal powers (*imperium*) and power of veto upon each other, to rule the state in consultation with the Senate, now selected by them, and with the co-operation of the two popular assemblies which had formal sovereignty. The consuls had two assistants called the quaestors. At first they were probably nominated by the consuls, but later on they were elected, and their number was gradually increased. They formed the lowest rung of the magistracy. But within a short time it was found necessary, in a time of war, temporarily to revive the monarchy in the person of the dictator assisted by his lieutenant, *magister equitum* (Master of the Horse), though the consuls continued to function under the direction of the supreme ruler. Dictatorship, however, remained an emergency office, resorted to in a time of crisis, generally for a maximum period of six months.

For the next hundred and fifty years or so the chief interest of the Roman history lies in a struggle between the patricians and the plebeians for political and social equality. The most important characteristic of this struggle is that it was waged in a bloodless way with constitutional weapons. The trump card in the hand of the plebeians was a general strike. The Romans called it secession. The patricians resisted fiercely, but before it was too late they yielded and made a compromise. It was a long struggle but in the end the plebeians secured complete equality, if not more, with the patricians.

The real importance of this period for a student of Comparative Politics lies in the fact that it was during this struggle that the republican constitution of the Roman city-state was fully developed. In the beginning of the struggle the plebeians organised themselves in an

informal gathering called the Concilium Plebis or Plebeian assembly under the leadership of two plebeian officials elected in the assembly with the title of tribunes of the plebs. When the patricians made the first compromise, the basis was the recognition of the veto of the tribunes whereby they were allowed to paralyse the action of the consuls when it was directed against a plebeian who appealed to them for protection. The person of the tribunes was declared sacred. So the tribunes had henceforth a negative power in the state though they were the executive officers of the plebeian community, entrusted with the duty of summoning the plebeian assembly and of carrying out its resolutions called plebiscita. Tribunes were given two assistants called aediles whose duty it was to enforce the tribune's orders, just as the consuls had been given assistants called quaestors. The next concession made to the plebeians was the codification and publication of the customary law. They were engraved on twelve stone slabs, and hence they were called the Twelve Tables.

When the plebeians began to demand that consulship should be thrown open to them, the patricians tried to pacify them by creating a new office, that of military tribunes with consular power, who were to be appointed when the Senate should see fit, and who could be elected from the plebeians. Now began the weakening of the consuls by transferring some of their powers to new officers. Thus were created the two censors who were to be patricians, in whom the duty of taking the census was vested. After some time this office was thrown open to the plebeians. The censors, however, were appointed every five years and were to hold office for eighteen months. Their office became very important because gradually they were invested with the power of moral censorship over the private life of individuals and of disfranchising them.

Next the consulship was thrown open to the plebeians, but the patricians created a new patrician office, the praetorship, which was entrusted with the administration of civil justice. The praetor was invested with imperium and as such he was empowered to perform all the functions of the consuls in addition to his special judicial duty. After a century and a quarter a second praetor called praetor peregrinus was appointed to administer justice between foreigners, or between Roman citizens and foreigners. When Rome began to establish an empire outside Italy the number of praetors was increased, and there were finally eight praetors. But the real importance of the praetor in the Roman constitution lies in the fact that as civil judges they issued at the beginning of their tenure edicts describing the remedies which they would give for civil wrongs. They professed merely to interpret and elaborate the civil law, though in fact they really modified the existing laws and even added new laws demanded by the changed conditions of the society. Thus they enormously developed the Roman law by 'legal fiction'. Besides, the praetor peregrinus, out of necessity, gradually built up a new and rational system of law, free from archaic forms and formalities, applicable to the Romans and the various foreign peoples who lived in Rome. Thus was created the famous 'jus gentium' which later on was identified with the law of nature and revolutionised the Roman law. In the meantime two new aediles called curule aediles had been created. They were entrusted with the duties of municipal commissioners and police magistrates and at first were recruited from the patricians, though after sometime the office was thrown open to the plebeians. To ensure the real equality of the plebeians it was provided that at least one of the consuls and one of the censors were to be plebeians. Further, the number of the tribunes was raised to ten, and they

became virtually magistrates of the state when the plebeian assembly was recognised as a sovereign legislative body for the whole people and their resolutions were given the binding force of law. Then there were created proconsuls and proprætors by prolonging the imperium of consuls and prætors after the expiry of their term. They were sent to the provinces as governors.

In the meantime the number of popular assemblies also had been increased to four. Besides the *Comitia Curiata* and *Comitia Centuriata* the *Concilium Plebis* also had virtually become a popular assembly, though the patricians were excluded from it. To these were added a fourth assembly, the *Comitia Tributa* in which the whole people voted in groups called tribes. This body had the power of passing laws and electing junior magistrates. No doubt all these four assemblies were sovereign parliaments in theory at least, but in reality they were sham parliaments and not real legislatures like a modern parliament or deliberative bodies like the Athenian *Ecclesia*. They had no fixed time for meeting and could not meet unless summoned and presided over by a higher magistrate. They could not vote on any measure unless brought before them by a magistrate. They had no power of discussion or speechmaking. They were simply to say yes or no to any measure put before them. In a word they were simply registering machines in the hands of the magistrates.

As for their elective power that was also more a sham than a reality. First of all there was nomination which was not at first a purely formal affair. Then there was the regular grade through which every aspirant to the highest magistracy had to pass, and so any man could not stand for any office. We have also to take note of the respect for great names and families ingrained in the conservative and disciplined mind of every

Roman citizen. And finally bribes offered to the voters by young aspirants of rich official families, which according to modern political terminology are euphemistically called "nursing the constituency", played their part in making the result of the voting almost a foregone conclusion. Quite early in their official career all ambitious youngmen of wealthy families held at least for a year the office of the aedile, and during their year of office they liberally spent their private fortune to make their tenure a magnificent display of their generosity. It was their duty to hold the national festivals, to manage public games in the theatre, and to supply corn at cheap rate to the citizens and practically free to the destitute rabble. This they were expected to do partly with their own money. And in their anxiety to win the heart of their electors they did not hesitate to incur heavy personal losses, for they knew that these expenditures would really give them the passports to higher magistracies.

Now this was governmental anarchy. In this crowd of magistrates with clashing powers, with tribunes empowered to veto the action of any magistrate, with four sovereign assemblies competent to pass any law, one naturally becomes bewildered if he tries to understand how the actual government was carried on. The machinery of the government was a hotch-potch, chaos erected into a system. It could only lead to deadlock—to anarchy. No doubt the distinction between the patricians and the plebeians had practically been obliterated; intermarriage had been permitted, and the two orders had almost been fused into one people. But a new nobility of office-holders had made its appearance and held a monopoly of all offices. Under the circumstances it is really a puzzle how the administration could be carried on for a single day without a hitch. And wonder of wonders the Romans not only managed

to live on, but it was during this period that they conquered Italy and made the Italian people subject allies, though some of them were consoled with the theoretical blessing of Roman citizenship. And during the next few centuries they conquered the whole of the mediterranean region and established a world empire ! This is a political puzzle indeed !

There is a popular belief that if Greece gave to the world the priceless heritage of her civilisation, Rome's legacy was her system of government and law. Now Roman law undoubtedly was a great blessing for humanity. But to regard the Roman government as a model is quite erroneous and foolish. We must not be blinded by the patriotism, martial vigour and imperial greatness of the Romans. The question then naturally suggests itself how it was possible for the Roman state not only to hold itself together but to conquer the Mediterranean world. The answer seems to be this. The Romans were a martial people noted for their sense of discipline, intensely patriotic and practical, without much intellectual qualities. As a nation of soldiers they blindly carried out the order of their superiors without bothering whether such orders were lawful or not, or whether those issuing the orders had the right to do so. In fact they were so many military robots and nothing more. The greater part of their lives was spent in the camp or barrack and they had little time for political discussion or thinking ; nor had they any aptitude for it. That is why the Roman people did not discuss any question, but simply voted on the proposal submitted to them by a magistrate, and more often than not they voted as they were directed. And as for the actual administration of the city-state of Rome that was imperceptibly usurped by the Senate, in theory the advisory council of the magistrates, but eminently fitted for the task, for all the wisdom and

experience of the nation were concentrated there. Nominally selected by the censors, in practice it was a permanent council of ex-magistrates. The magistrates also were anxious to exalt this body, for after the expiry of their term they would also become permanent members of it, and as such would control the government during the rest of their life. Besides, through good luck the Romans had to fight against decadent and exhausted peoples like the Greeks, Carthaginians, and Egyptians, or with barbarians beyond the Alps in the hinterland of Europe. As for the government of the empire, it was not government but misgovernment of the conquered peoples—their soulless and heartless exploitation in the interest of provincial governors and their entourage, and of the idle city-rabble of Rome.

Nevertheless it was the conquest of Greece and the East which was a turning point in the history of Rome. The contact with Greek and other eastern civilisations humanised the fighting robots of Rome. It is often said that the foreign conquests undermined the sturdy Roman character by the influx of wealth, slave-labour and luxury. But equally responsible was the Greek culture. The Romans, the upper classes of them, ceased to be mere military machines and became true human beings. They learnt to think and to create. But the lower classes were not benefited at all. They were demoralised and brutalised. They were cut off from their old moorings; they lost their old simplicity and piety. Long and bloody wars had created in them a taste for blood. So in their leisure they found pleasure in the shedding of blood in the Roman circus.

Now as the result of the intellectual ferment for the first time the injustice of the Roman social and economic life, and the absurdity of its governmental system became apparent to the thoughtful and humane section of the people who naturally made an attempt to bring

about a complete overhauling of the social and political organisation and to end the usurpation of the Senate. Thus with Tiberius Gracchus began the period of the revolution which ended with the replacement of the Republic by military despotism. The city-state of Rome was merged in the Roman Empire.

The system of government established by Augustus was a veiled despotism. The lesson of the murder of Caesar he had taken to heart. He realised that though the Roman people were prepared to submit to a master and forego their "so-called" freedom, they wanted the maintenance of the fiction of the Republic. So Augustus founded a system whereby he took the substance of power in his own hand and threw dust into the eyes of the people by keeping intact all the republican institutions and paraphernalia. He did not assume the regal title. He paid lip service to the Republic, and disguised his military rule under a cloak of republicanism. The sword was concealed by the Senatorial toga.

Thus a few years after Octavian had become the sole ruler of the Roman Empire he formally divested himself of his unlawful authority which he had assumed by force. In return the grateful Senate conferred extraordinary powers on him which made him the virtual sovereign of the Roman Empire. He was given proconsular imperium for ten years with the right of governing some turbulent provinces which required powerful armies to maintain peace and tranquillity. He was made commander-in-chief for life. He received tribunician potestas which gave him the power of controlling all magistrates by his veto and invested his person with the sanctity of the tribune. Besides, he was annually elected consul. Thereby he became the titular head of the Roman state. He was then given the power of issuing edicts as interpretations of law, of making treaties, and of commending candidates for magistracies whereby

he was able to thrust his own nominees upon the electors. At the same time by virtue of his consular imperium and tribunician potestas he became the president of the popular assemblies and of the Senate.

Octavian, however, did not assume the regal title, rex. Instead he called himself the Princeps or the first citizen of the republic—a republican title. He was imperator or the victorious general having untrammelled imperium. He took the family title of Caesar and that of Augustus which was a personal title of honour and sanctity.

As the form of the Republic was maintained, the magistrates still continued to function. But they were practically the subordinate officials of the Emperor (Imperator) to whose commendation they owed their election to office and from whom they expected further favours in the future. Besides, he could control them by his tribunician potestas.

The popular assemblies—the Comitias and the Concilium Plebis—still remained. But they were a mere shadow of their former selves. Some of their powers had been transferred to the Emperor, while others became a mere formality. Thus the power of election virtually became that of rubber-stamping the decision of the Emperor. In the reign of Tiberius, the next Emperor, even that power was transferred to the Senate, and only the names of the successful candidates were declared in the assembly. Legislative power also tended to pass more and more into the hand of the Princeps or his subservient Senate.

The Senate was not only retained but its authority was deliberately exalted. The Emperor was openly deferential to it and treated it as his equal. It was in co-operation with this august body that he carried on the administration of the Empire, and theoretically the government of the Roman Empire was a dyarchy in

which the supreme authority was shared by the Emperor and the Senate. But all this was a make-believe—a mere pretence. The Senate was a subservient and docile tool of the Emperor, for the Senators were virtually his nominees, eager to bask in the sunshine of his imperial favour.

As to the Roman people—'the great tame beast'—they were fed up with the turmoils of the century of revolution. They had had enough of 'republican freedom', and did not bother about the real character of the government. They were, however, pacified by the formal continuation of the republic and the retention of all the paraphernalia of republican government. Moreover, the Emperor took special care to dope them by continual injection of imperial bounties—"food for nothing and games for ever".

But even the pretence of republican rule did not long continue. As time went by the Emperor gathered more and more powers in his own hands while depressing those of the other organs. The mask gradually fell off and at last the Emperor stood openly revealed in all the glory of his pomp and absolute authority. The Roman people were not only reconciled to this naked despotism but even gloried in it. The Emperor became not only an absolute ruler of a world empire but a living god on earth to whom temples were raised where incense was burned and votive offerings were made.

The Roman Empire dominated the European scene for at least five hundred years until it was brought to an end by the barbarian invasions of the fifth century A. D. In the east, however, with Constantinople as centre, the Empire lived on for another thousand years until it was finally extinguished in 1453 by the Ottoman Turks.

FRANCE

Of the barbarians who swept away the Roman Empire in the west we first get a glimpse in Caesar's account of the Conquest of Gaul. They lived in a number of independent tribes. There was no kingship of the tribe. "When a tribe is attacked or intends to attack another, officers are chosen to conduct the campaign and invested with powers of life and death. In peace time there is no central magistracy; the chiefs of various districts and cantons administer justice and settle disputes among their own people...When a chief announces in an assembly his intention of leading a raid and calls for volunteers, those who like the proposal and approve of the man who makes it, stand up and promise assistance amid the applause of the whole gathering." (Caesar-The Conquest of Gaul—Ch. 1. Sec. 2)

In the time of Tacitus, a century and a half later, kingship—'permanent headship of the whole tribe'—has appeared in some of the tribes but not in all. The chiefs of local divisions or districts still administer justice and lead men of their districts in war. They now act as a council to advise the king and prepare the business for the primitive assembly of freemen. But the kingship is not hereditary. The new king is chosen from a noble (royal?) family. Thus Tacitus says: "They choose their kings for their noble-birth, their leaders for their valour. The power even of the kings is not absolute or arbitrary." Again, "on matters of minor importance only the chiefs debate, on major affairs the whole community; but even where the commons have the decision, the case is carefully

considered in advance by the chiefs...If a proposal displeases them, the people roar out their dissent; if they approve, they clash their spears." "One can launch an accusation before the council or bring a capital charge...In the same councils are elected chiefs, who dispense justice through the country districts and villages. Each of them is attended by a hundred companions, drawn from the commons, both to advise him and to add weight to his decisions." (Tacitus on Britain & Germany —*Germania* PP. 106, 109, 110 & 111.)

When the Roman Empire in the west was brought to an end, Clovis, the king of Salian Franks (a tribe of Germans), who traced his descent from Merovig, invaded Gaul and defeated the Roman governor Syagrius and occupied the greater part of Gaul. Anastasius, the Emperor at Constantinople, sent him the purple robe of the Roman consul as a formal recognition of his authority and the latter also accepted it as a token of the former's formal sovereignty. He also defeated Alaric, the king of the Visigoths in Gaul. Clovis thus established a vast kingdom comprising modern France, western and central Germany and Bavaria. He founded a line of kings who formed the Merovingian dynasty.

The kingdom of Clovis was divided into a number of districts ruled by royal officers, counts and dukes. Though at first personal and revocable these offices had a tendency to become hereditary. It is asserted that the monarchy was still elective, though confined to the family of Merovig. This elective character must have been a legal fiction, for we find that again and again the kingdom was divided among the sons of the reigning monarch, though again united just as any personal property. As to the meeting of the general assembly of freemen, it had become a formal affair, the review of the armed freemen before a campaign and nothing more, for in a vast kingdom

in those days it would not be possible for the people to meet from time to time to take part in the work of government. If any assembly met on any other occasion that must have been a meeting of the people living around the royal residence, and of the great land-holders, prelates, and king's followers. Such a meeting which was really a great crowd of unorganised people served merely spectacular purposes. With all their devotion to freedom it was not possible for the Franks to preserve the general assembly long after the conquest of Gaul. Hallam rightly says (Middle ages—P 71), "A people not very numerous spread over the spacious provinces of Gaul, wherever lands were assigned to or seized by them. It became a burden to attend these general assemblies of the nation which were annually convened in the month of March, to deliberate upon public business, as well as to exhibit muster of military strength".

Again, if it is suggested that the king was guided by the advice of court officials and members of the aristocracy, that was nothing new. It is the case with every monarchy, however despotic it may be. Even the Great Moguls and the Turkish Sultans had their councillors and courtiers. The Merovingian kings undoubtedly were absolute rulers. Their despotic rule was supported by a band of faithful followers called *fiddes*, *Leudes* and *Antrustiones* who were remunerated for their loyal support by gifts of land. However, these kings after sometime became absolutely powerless because of their debaucheries, palace-intrigues, fratricidal wars for succession, and the Arab attacks in the south. The real government passed into the hands of royal officers called *Mayors of the Palace* of Neustria and of Austrasia, the two parts of the kingdom. Ultimately one of these *Mayors of the Palace*, Duke Pepin, pushed aside the last Merovingian king Childeric III and assumed royal title

with the consent of the Pope, and founded the Carlovingian Dynasty.

The greatest ruler of this new dynasty—in fact of the Middle Ages—was Pepin's son Charles the Great or Charlemagne. "He stands alone like a beacon upon a waste or a rock in the broad ocean". He was a great conqueror and a great administrator. He ruled over an extensive empire. For services rendered to him the grateful Pope placed the Imperial crown on his head, and thus laid the foundation of the Holy Roman Empire—the Will-o-the wisp of European history. Charlemagne, no doubt, was an autocratic ruler. For the General Assembly which met every year in the spring was not a legislative or political body. It was really a great review or pageantry. It is said that the capitularies of Charlemagne were passed in the General Assembly. Now this undoubtedly meant that they were announced in a general gathering of the people. Of course as Charlemagne was an exceptionally able ruler he would mix with the common people in such a gathering to ascertain their opinion, and to know their grievances and their needs. Besides, he would discuss matters of general interest with the big men of the kingdom and with high officials and churchmen. The smaller council composed of the magnates and royal officers which met in the autumn must have been an advisory council of the familiar type.

After his death his vast empire broke up. "His sceptre was the bow of Ulysses which could not be drawn by any weaker hand". His son Louis had to spend his days struggling with his sons who rebelled against him and fought with each other. On his death the empire was divided among his three sons. Charles got most of modern France, Lewis most of Germany, and Lothair got the remaining portion with the imperial title. The history of the next hundred and fifty years.

is a dreary tale of rapid decline of the royal power in the weak and incompetent hands of the later Carlovigian rulers who could not control the dukes and counts or repulse the Norman attacks. Their line was interrupted thrice by the usurpations of the Counts of Paris and Orleans. Finally the Carlovigian dynasty was replaced by the Capetian when Hugh Capet, the Count of Paris and Orleans, became the king of the Franks on the death of the last Carlovigian king Lewis V. (987). He was crowned by the Archbishop of Rheims. But this brought him in addition to the royal title little more than the city of Laon. The rest of France was in the possession of the powerful noble families who for some-time had been ruling their principalities practically as independent princes, though acknowledging a nominal allegiance to the Carlovigian kings.

The weakness of the Carlovigian kings was due to many causes. One was of course the weakness of the individual holders of the sceptre who were either too young to rule effectively, or were incompetent and indulged in luxuries and debaucheries, neglecting the royal duties. They left the government in the hands of the chief palace officials, provincial governors, and district officers. Even if the kings had been ordinarily capable and dutiful it would have been almost beyond their power to maintain their hold on every part of the kingdom because of the vastness of the country-state, the nature of the country which was full of hills and jungles, the want of good roads, and primitive means of transport. Besides, their financial resources were too inadequate for the purpose of efficient government. The main sources of the king's revenue were the income from crown lands situated in different parts of the country, and part of the fines imposed in criminal trials. The king had no customary right to levy any tax on the people in general. As the use of money was

not general the revenue from the crown lands was received in kind and had to be consumed on the spot because of the difficulties of transport. And for this the king could not maintain a standing army devoted to him, and had to depend almost wholly on local levies under the control of provincial and district officers. So it was difficult for the king to curb his powerful and disloyal provincial governors or crush their risings. To make matters worse the administrative machinery and financial system of the Roman empire had been completely destroyed. The barbarians who had come under the Roman rule or into contact with the Roman empire had not been really romanised or civilised. They had been trained on the model of the Roman army, but had not been disciplined and made law-abiding. They had imbibed none of the virtues of the Roman life. Their love of freedom meant indiscipline and turbulence and not real devotion to liberty. They did not appreciate the blessings of orderly government and peace. In spite of the contact with the Roman civilisation they had remained essentially savage. They had no high ideal of life. Even when they were converted to Christianity that noble religion did not soften and humanise them. As to the Gallo-Romans they were helpless, indifferent, and inert. Though some of them held high office under the Frankish kings, and had practically fused with the conquerors the mass of the common people remained hewers of wood and drawers of water. To them the monarchy was a position of profit and honour for the holder and not an instrument of promoting the general welfare of the people.

However that be, taking advantage of the weakness and lax government of the later Carolingian kings, the dukes and counts who had originally been royal officers and whose offices were at first revocable, began to make their offices hereditary and assumed independent

authority. They began to regard all crown lands within their jurisdiction as their own property. On the other hand big landlords also exploited the situation by assuming governmental powers, and thus converting their estates into independent principalities. In this time of anarchy and confusion when the king was unable to control the provincial governors or big landlords and defend the country against the inroads of the Normans smaller proprietors were obliged, for reasons of safety, to place themselves under the protection of dukes and counts or of big landlords, promising to render military service and to make certain payments. They also had to take an oath fealty to their lords. They thus became their vassals.

Again the dukes, counts and big landlords in their anxiety to increase their fighting power would like to have a large band of armed followers. So they granted parts of their estates to their own companions and followers as 'fiefs' on condition of military service and occasional payments of pecuniary dues. These grantees also became the vassals of their grantors. This is not all. The process might be still further repeated more than once, thus establishing a chain of feudal relationship of lord and vassal. In this way there grew up a feudal hierarchy in which a man was a vassal of some lord but himself lord of his own vassals. Besides, the system was not so simple as at the first sight it seems to be. For an ambitious man might take lands on condition of military service and loyalty from two or more lords. The result was confusion which tended to weaken the relationship of lord and vassal and make the oath of loyalty largely nugatory.

The Church also did not escape this general feudal tendency. Because of royal generosity and private munificence it had come into possession of large quantities of land in different parts of the country. These lands were administered by local clergymen, the bishops

and abbots. During the chaotic times of the later Carolingian kings the Church lands also were feudalised. The bishops and abbots became the vassals of the king or some great feudal lords while they also had their own vassals like the lay lords.

The land, however, was not cultivated by the military tenants even of the lowest grade. They lived on the toil of others who were at the bottom of the feudal society. The status and rights of the cultivators varied from place to place and from time to time. There were freemen who during the anarchical conditions of the ninth and tenth centuries had sought the protection of some lay or spiritual lords placing their lands under their jurisdiction and accepting 'the position of tributary dependance on certain fixed terms of payment in return for this protection'. There were again unfree cultivators or serfs who, though not slaves, were of semi servile condition, mostly 'slaves who had been gradually lifted up to serfdom' and who had received grants of land from their masters which they cultivated for their own subsistence in return for dues and labour on the master's demesne lands. They could not leave the land of their masters to which they were virtually attached. They were under their authority in various ways, even in the matter of matrimonial relationship. Gradually the distinction between the free cultivators and serfs tended to disappear. For while the position of the serfs was by degrees improved that of the free peasants was depressed, so that in course of time the two classes were practically assimilated.

Now let us return to Hugh Capet. When he became king monarchy was 'no more than magni nominis umbra', except in his ancestral principality. The big feudal lords who were in possession of rest of the country were practically independent. They coined money, collected feudal dues, administered justice, and

made war upon each other, sometimes even against the king himself. Thus each one of the six 'peers of France' was a rival of the king—the Count of Flanders, the Duke of Normandy, the Duke of Aquitaine, the Count of Toulouse, the Count of Champagne, and the Duke of Burgundy. Besides these principal feudal rulers there were others who were almost equally powerful and independent, the Counts of Anjou, Vermandois, and Ponthieu, the Duke of Gascony etc. Though after sometime most of these feudal lords reluctantly gave a tacit approval to Hugh Capet's usurpation, his authority over them was shadowy and illusory.

It will be a mistake, however, if we think that the feudal principalities were so many petty states where the feudal lords were virtually kings who carried on the regular administration of their own realm. For there was little governing in those days, and there was no lofty ideal of government before them. Most of their time was spent in fighting with each other or with the king, and sometimes with their own disloyal vassals. Their hold upon their own feudal tenants was precarious and uncertain. Like their own lords the vassals also were engaged in fighting with each other or in pillaging towns or oppressing the common people. Under these circumstances the life and property of no man was safe. There was no learning, no culture among the people. Only in some secluded corners, in monasteries, and later on in some small universities, the lamp of learning was somehow kept burning dimly. Even the feudal aristocracy was leading a pure animal life—eating, drinking, fighting and multiplying. This was what the ancient Hindus called 'Matsyanyaya' or anarchy—the big fishes swallowing the smaller ones.

Now began a long and fluctuating struggle between monarchy and the feudal aristocracy for political power. The dummy king wanted to make his kingship a

reality, to extend his authority over the great feudal vassals, and to make them submissive and amenable to royal jurisdiction. The feudal vassals on the other hand defied the royal power and tried to keep the king as a figurehead, and if possible, to win complete independence. In this protracted and fluctuating struggle which was waged with the greatest barbarity and cruelty and with faithlessness and unscrupulousness, the king represented the centripetal force of order and unity against feudal anarchy and disunion.

The fight which the king of France had to wage against his feudal vassals was a desperate one, for the disloyal and practically independent barons were not his only enemy. At one and the same time he had to fight against another formidable foe—the king of England, at first a disloyal and over powerful vassal, and then the claimant of the French throne. For more than three centuries England and France were at war with occasional truces. And what was most dangerous for the French king was the fact that the French nobles were so dead to patriotic feeling that they had no scruples in joining the national enemy against their own king.

Yet the king triumphed in the end. There are several causes of this. Though at first kingship in France 'was scarcely more than a lofty traditional abstract idea' it had a great potentiality. Given favourable conditions such an idea enormously strengthens the hand of an able and strong man. The power of idea on men's mind is in the long run irresistible. And fortunately for France from the beginning of the twelfth century there arose a number of exceptionally strong and able, though mostly unscrupulous, kings who steadily increased the royal power by extending their influence and authority over the powerful feudal princes, e. g., Louis VI, Philip II (Augustus), Louis IX, Philip IV

(the Fair), and so on. They realised that the best means of curbing the unruly vassals was by combining with others. Though occasionally the feudal princes formed coalitions against the king, the latter was generally successful in sowing dissensions among them. By forming matrimonial alliances, and by showering favours and distinctions they managed to win over many of the feudal princes to their side. They found that the surest way of controlling their powerful vassals was by bringing them into personal contact with them. So they sometimes held assemblies of barons and the clergy called 'cours plenieres' which gave the kings collective support in their difficulties. Besides, they would justify their action in such an assembly. Whenever they wanted to punish any powerful vassal for any misdeed they would call a court of peers to try the delinquent. Originally every immediate vassal of the king had the right to sit in such a court which was later called Parliament (when it began to meet in Paris it was called Parliament of Paris), but it soon came to be composed in practice of lawyers and a few nobles, lay and spiritual. It greatly 'enhanced respect for royal authority.'

Another factor which strengthened the royal authority was the gradual evolution of an efficient administrative machinery. The early kings performed their royal duties in a court (*curia regis*) composed of members of the royal family, priests, counsellors, attendant barons, and executive agents. As time went on this court tended to split up into three bodies, Parliament (Parlement) for administration of justice, Chamber of Accounts for financial control, and King's Council for general policy and administration. For local administration there were provosts, bailiffs and seneschals. Besides, a large number of inferior officials was appointed to carry on the detailed administration under the direction

of bailiffs and seneschals. As the result of the improvement of administrative machinery the king's hold upon his own principality was complete, and this greatly helped him to extend his authority over the rest of the country.

Again, in his struggle with the feudal princes the king received valuable support from the towns most of which had been fiefs of some count, baron, or bishop. They had been mercilessly squeezed by their lords. At last when they grew rich and powerful by industry and trade the exactions of their lords seemed unbearable, and they secured freedom and right of self-government by successful insurrection, purchase, or voluntary grant. When later on many of the lords tried to revoke the charters which they had granted or sold in their distress, the towns resisted and appealed to the king for help. Though the king did not always give his support to the townsmen, he did not, however, fail to exploit the struggles to his advantage. On the whole he supported the towns to tame the feudal vassals with the assistance of the burghers.

Philip II learnt from Henry II of England the useful lesson of fighting against the feudal barons with the help of hired soldiers called Brabancons. The difficulty was about paying them as long as he had to depend upon his scanty feudal resources. At first the king raised the necessary money by debasing coinage and by fleecing the Jews. Then a much more convenient means was discovered. In stead of demanding military service from the barons, clergy and townsmen he began to encourage commutation of military service for money payment. This was generally welcomed by the vassals who were thereby relieved of irksome military duties at the king's demand. With the money thus raised the king was able to keep a mercenary army more efficient and dependable than the uncertain feudal

levies. This gave him an enormous accession of strength. In fact the standing army of hired soldiers became the greatest support of royal absolutism.

Philip II was greatly helped by an unexpected circumstance. Fortunately for him the throne of England passed about this time into the hands of an unscrupulous, incompetent, and tactless bungler who alienated all classes of his subjects by his misrule. And the astute king of France was not slow to take advantage of the unpopularity of John. He conquered Normandy, Touraine, Maine, and Anjou. Thus the territory directly under the control of the king of France was greatly enlarged, and this considerably increased his normal revenue.

The Church also strengthened the hand of the French monarch. Though there were occasional quarrels about jurisdiction and investiture they were not on the whole serious enough to embroil the Church and the State. So also the relations between the Papacy and the French monarchy were not generally strained though there were occasional interferences from the Popes. However that be, the sympathy and support of the Churchmen were always given to the king when the corporate interests of the Church were not affected. For the latter was always on the side of peace and order, and the king represented law and order as against feudal anarchy and disorderliness. Besides, the clergy found in the royal authority 'the greatest safeguard of ecclesiastical liberties'. No wonder the king found his ablest and most faithful advisers and servants from among the Churchmen.

Then there were the lawyers. When the study of the Roman law was revived in the twelfth century the idea of the absolute sovereignty of the Emperor came to reinforce the royal authority, for in France the king was equated with the Emperor. Thus the

Parliament of Paris which was dominated by lawyers consistently supported the monarchy against the barons though later on it sometimes opposed the royal will, specially when the king was weak and incompetent.

For all these reasons the authority of the king of France steadily increased. So much so that Philip IV (the Fair) was able to hurl defiance against the Papacy which had humbled the pride of many powerful Emperors and secular princes. In 1294 Philip IV imposed a tax (Maltol) on merchants and the clergy. They appealed to Pope Boniface VIII for help. Boniface VIII arrogantly claimed to be "set over the nations and kingdoms to root out or pull down, to destroy and to overthrow, to build and to plant", and forbade all clergy by his bull *clericis laicos* "to pay, under whatever pretext of voluntary grant, gift, or loan, any sort of tribute to their government, without his special permission". Philip IV regarded such claims as an encroachment upon the authority of the king and repudiated them. Thus began a bitter controversy between him and the Pope, and the latter published a number of bulls addressed to the king and the clergy of France, in one of which he categorically declared the king of France to be subject to his authority. Philip replied by a rude letter and openly defied the Pope by publicly burning his bulls. To show that he had the support of the whole people he held a meeting to which he summoned not only the nobles and the clergy but also representatives of cities. This was the first meeting of the States General which was attended by the three estates of the realm (1302). Philip summoned this meeting not to weaken the monarchy by limiting its power through popular control, but to strengthen it by the loyal support of all classes of the people. This experiment was soon repeated. This was due to his urgent financial needs.

In this connection Lodge says, "It is obvious that the summons of the States General was not in any way forced upon the king by external pressure, but was a mere expedient to strengthen his hands. The assembly never got rid of this taint on their origin. If a French king thought his end could be best attained by summoning the States General he summoned them: but if, on the other hand, he thought it advisable to treat separately with the various provinces, he did so. Later in the century an attempt was made to secure regular assemblies with definite authority, but the attempt was a failure, and parliamentary government was never established in France until the nineteenth century". (Lodge—The close of the middle Ages—P 60-61).

Philip IV no doubt won in this struggle. He had, however, learnt a lesson. It was necessary to proceed cleverly. The citizens must be flattered, must be convinced that it was their interest to pay. They must be induced to make "voluntary" contributions. But to approach them individually, town by town, and to negotiate with them, would be a long and tedious process. Why not invite them to send their deputies to the royal court where they would have the privilege and honour of meeting the nobles? This would flatter them and tickle their vanity. They would be overwhelmed with royal favour and honeyed words. And in their first flush of exultation, enthusiasm, and sense of self-importance, they would be quite generous with their purse. Already the king's officers had met the representatives of towns and the clergy in informal local assemblies to negotiate for contributions. So Philip the Fair summoned another general assembly, composed of the nobles, the clergy and the representatives of the towns in 1308 and again in 1314. The expectation of the king was more than fulfilled; so much so that this experiment was repeated

by him and his successors whenever they were in need of money. Indeed by a stroke of good luck the king had discovered Aladin's lamp. Sometimes, no doubt, the States General would show itself restive or refractory, specially when the demand was too heavy, or when the king had arbitrarily imposed heavy financial burdens. It would demand redress of their grievances. It would even claim that taxes should be imposed only with the consent of the three estates meeting in the States General. This would require clever management by the king who would appease the assembly by promises of amendment. But as soon as the gathering had dispersed he would go back upon his promises and merrily go on his own way. For a king's promise like that of a politician 'is more brittle than a lover's oaths'. And the States General was really helpless. It had no fixed time for meeting. If it was trouble-some the king would ignore it altogether and would not summon it as long as possible. He would impose taxes arbitrarily by his royal authority. During the darkest days of national humiliation when France lay helpless at the feet of the English conqueror attempts were made by the States General to interfere in the work of government with a view to effecting a thorough reformation (1355-56). But this was a passing phenomenon and had no constitutional importance. We find that both John and after him his son Charles V imposed taxes arbitrarily without the consent of the States General. It was rarely convoked by Charles VI and Charles VII who raised money by royal prerogative. The States General met only twice during the fateful reign of Louis XI who also raised money by his own authority. But in the first year of the reign of his infant son Charles VIII the States General of Tours at the instance of the royal princes who were opposed to the regency of Anne, made a series of demands, e. g. that no tax should be

levied without their concurrence, or that they should meet every two years (1454). These demands though formally conceded, remained a dead letter. The States General was not summoned for a long time, and the king collected the taxes as before arbitrarily.

Thus it is clear that the States General had practically no effective control over taxation and administration. It had also no legislative power. It could make petition to the Crown, but the laws were made by the government which could always ignore the demands of the States General when they were enacted after its dissolution. No doubt the States General was summoned from time to time when it suited the purpose of the king, but it formed no check on royal authority. Powerless to do anything, it lingered on for some time. At last, the last meeting before the French Revolution took place in 1614. After this for 175 years there was not even a semblance of constitutional government in France. No wonder Louis XIV is believed to have said, "L'etat c'est moi." It was openly a despotism.

Now the question naturally suggests itself why the States General was not able to acquire real political power and make itself a permanent popular institution to check royal despotism. The answer is not far to seek. In France the king represented the only unifying force and sole guarantee of order and progress as against the disintegrating and chaotic influences of the nobility. And there was no unity between the first two estates who generally combined and the 'Tiers etat', especially as the former two were exempted from financial burdens which fell with a crushing weight upon the common people. A strong king was always able to play off one against the others. Hence being unable to combine, the three estates could not compel the crown to recognise their control over the purse or

legislation. All that they could do was to petition the Crown enumerating their grievances, but they were powerless to compel redress of them. And it was not difficult for Richelieu and Mazarin to deprive the nobility of all political power, leaving to them social and political privileges only.

So the States General formed no check upon royal despotism. It was rather an instrument in the hand of the king to crush all anti-monarchical forces and establish autocracy. It was a source of strength and power to him and not a controlling authority, though occasionally it required clever management and strong handling. Moreover, it is a mistake to regard it as a national organisation, for the States General never represented the nation. It represented only the aristocracy of birth and religion and the wealthy classes of traders and manufacturers. The people—the common people—were not in the picture. They were slaving and groaning under the crushing burden of serfdom in their miserable hovels in the king's domain-land or in a nobleman's estate! With them the question was who should oppress and fleece them, the king or a noble. They were the Sudras of the European Society or even worse off.

In conclusion we have to say something about the Parliament of Paris which was strictly speaking a central Court of Justice. Its origin is to be traced to the reign of Philip Augustus who first held a court of peers. Theoretically every tenant-in-chief had a right to attend. But the nobles found it irksome to attend its frequent sessions. So they began to hold aloof. St. Louis (IX) appointed lawyers to this court, and as the nobles tended to disappear the former began to dominate it. The seats in this body became purchasable and hereditary if the paulette was paid. Thus the court became a close corporation with vested interests. The lawyers of this court supported royal absolutism. So it

was a powerful weapon in the hand of the king. Royal edicts and ordinances were registered in the Parliament. Later on it claimed the right of refusing to register which, it was argued, invalidated them. But the king was not absolutely helpless. He could overrule the objection by coming to the Parliament in person and demanding its registration. Such a sitting was called a 'bed of justice'. It is generally when the king was a minor or a weak man that the Parliament would dare to defy the king's will. It must, however, be noted that the Parliament never acted from a sense of public duty and in popular interest, though for tactical reasons it would sometimes pose as the defender of popular rights and interests. But it did not really represent the people. It had no legislative power. So the Parliament of Paris can not be regarded as a real check on royal absolutism.

GERMANY

The treaty of Verdun (August 843) separated Germany from the rest of the Frankish empire. "From this point the administration of public law and constitutional history of Germany begins" (Stubbs). By this treaty Charles got France to the west of the Meuse and the Rhone. Lewis was given Germany to the east of the Rhine and a few cities on the west bank of the river. Italy and the intervening territory between the two kingdoms, called Lotharingia (Lorraine later on), together with the title of the Emperor, went to Lothair.

Germany under Lewis the German included Bavaria, Alemannia, Franconia, Saxony, and Thuringia; and the Germans comprised the so-called five nations—the Franks, the Alemannians, the Saxons, the Bavarians, and the Lotharingians. But really they were not nations in the modern sense of the term. They should rather be called tribal unions. Only in the case of the Bavarians there was some approach to it, and the Saxons were being gradually welded into one separate people. The Lotharingians again did not form even a tribal union. They were the inhabitants of a particular district. However that be, besides these 'five nations' there were other tribal unions not separately distinguished. All these peoples, however, spoke dialects of German and were all Christians, Saxons being the latest converts.

Now, though these peoples belonged to the same German race they were differentiated from each other by deep-seated differences. The Franks were the most romanised of the German peoples and had been long under an organised and settled government. The Alemannians

also had been partly romanised. But the Saxons had not been affected by the Roman influence and had remained heathens. So a strong and equable pressure was necessary to keep Germany united and weld the Germans into a nation.

When Lewis died his three sons divided the kingdom of Germany amongst themselves. Carloman was the king of Bavaria, Lewis II king of Saxony, and Charles the Fat king of Alemannia. Carloman became the king of Italy on the death of his uncle Charles the Bold. Charles the Fat became the Emperor in 879, and by 884 he had not only united the whole of Germany under his rule but also France and Burgundy. But he was quite unworthy for his high station and became insane. Arnulf, a bastard son of Carloman, headed a rebellion against him, and had him deposed (887). Arnulf now got himself accepted as king of Germany, for Charles was childless. In 896 he went to Italy and was crowned Emperor by Pope Formosus. But he was not in a position to maintain his hold on Italy and left it hurriedly. For sixty years Italy was left to herself.

Arnulf was succeeded by his son Lewis who, however, died childless at a critical time for Germany. For just at this moment the Frankish kingdom was simultaneously attacked on two sides; on the west by the fierce Norman marauders and on the east by ferocious Tartar tribes called the Hungarians or Magyars, who defeated Lewis in battle. This was not the time to weigh hereditary claims. As Charles the Simple, the cousin of Lewis, was a contemptible fellow his succession was out of the question. The crisis demanded a warrior who would be able to save Germany from annihilation or enslavement. In the search for the saviour the eyes of the German leaders fell upon two men, Otto, duke of Saxony and Conrad, duke of Franconia. The former was the brother-in-law and the latter the nephew of

the late king ; but as Otto was very old he proposed the name of Conrad who was finally accepted as king and crowned.

Conrad's reign was troubled by the rebellions of the dukes of the five nations and some counts who were trying to make their office hereditary or were aiming at independence. Before his death he summoned the higher nobility, lay and spiritual, in a council or Diet, and as he had no heir he recommended Henry, duke of Saxony, the son of Otto, as his successor.

Henry (the Fowler) had at first to chastise some of the dukes for their disloyalty. He won them over by his firmness, tact, and conciliatory policy ; and during the rest of his reign they remained quiet. For the defence of the extensive frontiers of his kingdom he created a number of marks or marches which were ruled by Margraves. Before his death he summoned a Diet and recommended his son Otto as his successor. After his death the dukes, counts, archbishops, and bishops met at Aix-la-chapelle and 'elected' his son. He was crowned by the Archbishop of Mainz. Like his father Otto retained possession of the duchy of Saxony instead of devolving it upon a brother.

Otto also had to struggle with the dukes who were able to draw his brother Henry the Quarreller to their side by promising to place him in his brother's place. The rebellion was crushed. Otto made a reorganisation of the duchies. But he was again confronted by a new rebellion in which his own son Ludolf, whom he had declared as his successor, joined. Practically all Germany except his brother, duke of Bavaria, was in arms. This was also put down, and there was a further reorganisation. It is clear that by this time Germany had been feudalised and the dukes and counts had succeeded to make their office hereditary and were trying to make themselves independent or to reduce the king to

nullity. But the Saxon kings were too strong for them, and they had to pay the penalty of their disloyalty by the forfeiture of their territories. So the process of consolidation was making rapid progress in Germany and the idea of national unity was gaining ground.

For about fifty years Italy had been left to himself. During this period both the Papacy and the Empire had fallen to the lowest depth of degradation. The Italian princes had been struggling with each other for the kingship of Italy and the imperial title, and the infamous Popes noted for their debaucheries and shameless greed had been playing them off against each other. It was this anarchical condition which first brought Otto to Italy. He got himself elected king of Italy. Later on Pope John XII appealed to him to come to his rescue and crowned him Emperor. But on his departure John began to intrigue against Otto which brought him back to Rome. He deposed John and made Leo VIII Pope. When an anti-Pope was chosen in the person of Benedict V Otto again came back to Italy and restored Leo VIII, and carried away Benedict to Germany. On the death of Leo Otto caused John XIII to be chosen. Otto died in 973.

It was an evil day for Germany when Otto the Great started for Italy to win the kingdom of Italy and the imperial crown. For the imperial crown was a glittering phantom which merely brought prestige and honour to the king of Germany but no accession of power, and the price he had to pay for it was very heavy. For Italy became the grave of German unity and of the German kingdom. To give substance to the imperial shadow for the next three hundred years the best endeavours of the kings of Germany were devoted to Italy. Yes, Italy was the Siren who seduced them from their lawful spouse Germania who was systematically neglected for the bewitching charms of the Italian harlot

who was never faithful to them. The German princes were not slow to take advantage of this neglect. They tried to ingratiate themselves with the deserted queen, to throw off their allegiance to the king, and win practical independence. And worse still, the German kings emptied their treasury in the attempt to maintain their hold on Italy and chastise the fickle Italians for their disloyalty. For without Italy the Roman Empire was meaningless. Thus the fatal gift of Italy brought 'a constant drain of blood and treasure upon Germany'. And to replenish their empty treasury the German kings sold away their imperial domains, imperial rights and imperial authority to the princes and cities who thus became practically sovereign and independent.

Lastly, the Italian connexion and the imperial crown engendered a relentless hostility between the Emperors and the Popes. At first the German kings came to Rome with a reforming mission, to raise the Apostolic Church from the abyss of immorality and degradation. Pope after pope was deposed because of their dereliction of duty or immoral life and ways. As the result of a hundred years' castigation there was a change in the Papacy and the Popes became the real shepherds of the people. They took advantage of the revulsion of popular feeling in their favour to throw off the imperial control, to free Italy from the German connection, and ultimately to establish a universal theocracy by bringing the Emperors and temporal princes under their authority. This led to a long struggle between the Papacy and the Empire in which both sides fought for supremacy with varied success, and neither of them hesitated to hit below the belt. The Emperors deposed the Popes for their disloyalty and default, the Popes excommunicated the Emperors and absolved their subjects from their allegiance because of their immorality or incompetence. Thus for three hundred years or so there was a "perpetual

see-saw between the Church and the Empire." Though in the end the Papacy seemed to have won the final victory, it was not really so. For it led to the Babylonish Captivity and the Schism and finally to the Reformation which for ever split the Church in two halves.

Otto the Great was succeeded by his son Otto II who was 'elected' king of Germany at Worms and crowned Emperor at Rome. He also had to face some troubles with disloyal dukes. He also made an expedition to Italy, fought with the Greeks and the Saracens in the South, held a Diet at Verona where he nominated his son Otto as his successor, and appointed John XIV as Pope.

On his death his son Otto III who was only three years old was crowned king without any difficulty. There was not even a formal election, though there were agnates. When even a boy in his teens, Otto III went to Italy and was crowned Emperor at Rome. The young Emperor was a dreamer who saw the vision of a universal Empire and a universal Church both centred at Rome, radiating their civilising and purifying light throughout the Christian world. But his dream was too good to be realised and the young 'knight-errant' who had to interfere in the papal elections died when he was only twentyone.

Otto III left no heir and no clear recommendation. The choice of the princes fell on duke Henry of Bavaria, a descendant of Henry the Fowler and the nearest relation of Otto. As usual he had some troubles with his vassals and made a reorganisation of the fiefs. In Italy he had to wage a languid war with a rival for the Italian crown. Before his death he nominated Conrad the Salic of Franconia as his successor. Conrad was a descendant of Otto the Great in the female line. But he was not the duke of Franconia, and so was not a territorial prince. He was crowned Emperor at Rome.

As usual there were rebellions of some dukes, and forfeitures and redistribution of their fiefs. His most important act, however, was the publication of the famous Edict which formally declared the fiefs hereditary. Before his death he had his son Henry crowned king at Aix.

Henry III was one of the greatest Emperors, and under him "Germany reached its acme of consolidation". In his first visit to Rome when he was crowned Emperor he deposed three popes, nominated a fourth, and on his death appointed successively three other Popes. Thus the papal chair seemed to be completely in his gift, and the Popes under his thumb. But just at this time there was a complete change in the character of the Papacy. Gregory VII (Hildebrand) infused a new spirit and purified the Church by his policy of reformation. What is more, he not only tried to free the Church from secular control but wanted to exalt the Papacy over all temporal rulers, and to establish a universal theocracy throughout Christendom. This was sure to bring the Church into open conflict with the secular rulers, specially with the Holy Roman Emperor.

Before Henry's death his son was accepted as king and crowned at Aix. This was confirmed by the Pope. When Henry IV succeeded his father he was a child of six and for some years was under guardianship. The central fact of his reign is his struggle with the Papacy. So long submissive and at the mercy of the Emperor, Pope Gregory VII suddenly assumed the offensive. The way had been prepared by Nicholas II who had passed a law whereby he excluded all secular influence from the election of Popes, confining it to the cardinals. Gregory VII threw a challenge to all secular rulers, especially to the king of Germany, by publishing his decree against lay investiture. He summoned Henry to appear before him to answer some charges. Henry,

already sorely pressed by the revolts of his disloyal vassals, was not slow to accept the challenge. In a Diet at Worms he deposed the Pope. Gregory now excommunicated him, and the German prelates declared him deposed. Henry in his turn persuaded the Bishop of Utrecht to excommunicate Gregory. But his high-handedness and immorality had alienated all his supporters who now banded against him. The confederates determined to elect a new king unless Henry yielded. Forsaken by all, Henry no longer a proud king but a humble penitent in sack cloth, stood three days and three nights bare-footed and bare-headed before Countess Matilda's castle at Canossa. He was at last admitted to the Pope's presence where he prostrated himself at Gregory's feet, made an unconditional submission, and obtained a formal absolution.

The real significance of this humiliation of Canossa is that it was not only the first triumph of the spiritual power over the secular, but what is more important for Germany, henceforth the disloyal German princes found in the Papacy a sure rallying point and invaluable ally in their fight against the king and Emperor—an ally who brought great accession of power to their side. For the reformed Popes had public opinion on their side and used their tremendous weapons of excommunication and deposition with great effect. They absolved the rebellious vassals from their oath of allegiance, paralysed the efforts of the royal supporters, and cut the ground from under the feet of the kings.

But Henry had stooped to conquer. Immediately after his absolution he again assumed a hostile attitude against the Pope. The German princes now chose Rudolf of Swabia king. Gregory again issued a decree of excommunication and deposition against Henry and recognised his rival king. Henry in reply deposed him and appointed an anti-Pope, Guibert of Ravenna.

Again the war flared up. Rudolf was killed and Henry was supreme in Germany. Gregory was besieged in Rome and Guibert was placed on the papal chair. Henry received the imperial crown from him. Gregory died in exile.

In Germany the Swabians chose Herman of Luxemburg as king. Henry's son Conrad, however, was crowned king, and Herman was deserted by his supporters and gave up the contest. The new Pope Urban II was bitterly opposed to Henry. He instigated Conrad to rise against his father and join his enemies. Henry repudiated his eldest son and had his younger son Henry crowned at Aix. He also was faithless and rebelled against his father, seized him, and forced him to resign. Henry IV managed to escape, fought against his son, and was imprisoned. He died in utmost pecuniary distress.

Henry V continued the struggle with the Papacy. He also defied the decree against lay investiture. Again there were the excommunication of the Emperor, deposition of the Pope, and the appointment of an anti-Pope. The Saxons again rose against the Emperor and joined the papal side. Ultimately the struggle was ended by the Concordat of Worms (1177). The real gainers were the German feudatories, lay and spiritual who made enormous strides to practical independence, though the older duchies were breaking up.

On the death of Henry V without an heir the house of Franconia came to an end. Under the influence of the Archbishop of Mainz Lothair, duke of Saxony, was chosen king. He was a faithful and submissive tool of the Papacy. Though the rebellious dukes of Franconia and Swabia set up an anti-king Conrad, he was excommunicated and gave up the contest after some time. Lothair was crowned Emperor at Rome.

Lothair had no son. So he wanted his son-in-law Henry the proud, the greatest feudatory in Germany, in whom were concentrated a number of duchies and

other territories, to be his successor. But the German princes on his death rejected Henry's claims and elected Conrad of Hohenstaufen, duke of Frankonia, king. Henry, however, refused to submit. Conrad held a Diet and deprived him of his fiefs which were bestowed upon his enemies. On his death Saxony, however, was restored to his son Henry the Lion. As his son was a mere child Conrad named his nephew Frederick of Hohenstaufen (Barbarossa) as his successor.

Frederick Barbarossa was the most brilliant Emperor. He kept his vassals in their places. Had he devoted himself to Germany alone he might have united the German kingdom and set up a strong monarchy. But again and again he was drawn to Italy. He was crowned Emperor at Rome by Pope Hadrian IV. Then he quarreled with the Pope who was in alliance with the Lombard cities and the Normans. On the death of Hadrian there was a double election of Alexander III and Victor IV. The Emperor supported Victor IV and then the anti-Pope Paschal III. Alexander excommunicated Frederick and released his subjects from their allegiance. At Legnano he was defeated by the Lombard League and peace was made by the Treaty of Constance. Then there was reconciliation between Frederick and Alexander at Venice. In the porch of St. Mark, Frederick knelt in sudden awe before the Pope and the latter raised him, 'and gave him the kiss of peace'. The significance of this incident has been clearly stated by Bryce—"It was the renunciation by the mightiest prince of his time of the project to which his life had been devoted: it was the abandonment by the secular power of a contest in which it had twice been vanquished, and which it could not renew under more favourable conditions." [The Holy Roman Empire].

Henry the Lion who had deserted the Emperor in his critical struggle against the Lombard League forfeited

all his fiefs which were divided among his enemies. The result was that more than a third of Germany was redistributed and a large number of nobles, subject to the Duke, became direct vassals of the Emperor. The rulers of the five old duchies lost their prominence and new nobles came into the forefront.

Long before his death Frederick had caused his eldest son Henry to be crowned at Aix, and on his death Henry VI became king without any difficulty. He devoted practically his whole life to Italy where he was crowned Emperor and claimed the Norman kingdom of Sicily. He attempted to make the imperial dignity hereditary, devolving upon the nearest male heir of the Emperor. Though he received the assent of fifty two princes, the proposal was opposed by the Saxons. Hence it was abandoned, and Henry secured the election of his son Frederick as king.

Frederick was a boy of three when his father died. Pope Innocent III was bitterly anti-Hohenstaufen and persuaded the German bishops and anti-Hohenstaufen princes to put aside the child and choose a new king. But the pro-Hohenstaufen princes chose Frederick's uncle and guardian Philip of Swabia, king. The Pope, however, refused to recognise Philip and at his instance the other party chose Otto of Saxony. The Pope confirmed this election and Otto was crowned. There were again two kings in Germany, one recognised in the north, the other in the south. On the death of Philip, however, Otto IV was unanimously recognised and was crowned Emperor by Innocent III. But Otto soon alienated the Pope by his assertion of his imperial rights in Italy. Innocent excommunicated him.

The German prelates and the Swabians now offered the crown to young Frederick. Even the Pope was induced to bless Frederick II. After some years Otto died and Frederick was the undisputed sovereign of Germany.

The main interest of Frederick II's reign lies in Italy. He was crowned Emperor in Rome. His young son was crowned king as Henry VII. But he revolted against his father, was imprisoned and solemnly deposed, and died in chains. His place was taken by his younger brother Conrad who was elected king. Frederick determined to destroy the Lombard cities whose cause was espoused by Pope Gregory IX who excommunicated him. On his death his successor Innocent IV renewed the excommunication and solemnly deposed him. But no important prince was willing to be anti-Emperor. At last through the influence of the prelates a petty prince, Henry Raspo, landgrave of Thuringia, was elected and crowned. Henry, however, died within a year, and William, Count of Holland, was now chosen king. Frederick died in 1250. With him fell the Empire. Four years after Conrad IV died.

For twenty two years after the death of Frederick II no one was actually sovereign in Germany—there was no crowned Emperor. This period is known as the Interregnum. On the death of William of Holland no German prince was prepared to have a crown which was a mockery of greatness. At last the electors met and there was a double election of Richard of Cornwall and of Alfonso, the king of Castile. They were mere shadows and do not deserve any notice. On their death as no great prince coveted the empty name Rudolf of Habsburg was elected. He was the first Habsburg Emperor.

Rudolf failed to persuade the electors to choose his son as his successor. On his death three short reigns followed: of Adolf of Nassau, Albert of Austria, and Henry VII of Luxemburg. They need not detain us. The choice of so insignificant a man as Adolf of Nassau shows that no body took the imperial crown seriously.

After the death of Henry VII there was again a double election—of Lewis, duke of Bavaria, and Frederick,

duke of Austria. After a civil war Lewis took Frederick prisoner and became the sole king. He now came into conflict with the Papacy. Again there were excommunication of the king and deposition of the Pope and appointment of a partisan. The electors now chose Charles of Moravia. Next year Lewis died.

From Charles IV's reign the policy of the German sovereigns was that of complete submission to the Papacy. Though his enemies chose a rival sovereign in Gunther Schwartzburg, the latter was poisoned within a few days. Charles's reign is famous, however, for his Golden Bull of 1356 which formally settled the composition of the electoral body. This was confined to seven electors,—the Archbishops of Treves, Cologne, and Mainz, the king of Bohemia, the Count Palatine of the Rhine, and the rulers of Saxony and Brandenburg. It confirmed the right of primogeniture, freed the subjects of the electors from foreign jurisdiction, and raised the status of the Electors to that of a king.

It is a puzzle to the historians why the election of the German king came finally to be confined to an electoral body consisting of seven electors only, some of whom had come into prominence recently, to the exclusion of others many of whom belonged to old illustrious families. We may suggest one explanation.

Even if we accept the views of Tacitus that when kingship first appeared among the German tribes the king was elected by the freemen of the tribe, by the time the Franks conquered and established a large kingdom comprising the greater parts of modern France and Germany the principle of hereditary succession had not only been well established but the kingdom had come to be regarded as something like a private property, heritable by all the sons of the reigning king. On the death of the first Merovingian king Clovis his kingdom was divided among his four sons. Though Clotaire, the

youngest brother, ultimately re-united all the kingdoms. on his death there was again a new partition of his dominions among his four sons. This happened again and again. It was also the case with the Carlovingian kings. Ultimately Charles the Fat reunited the kingdoms. But his brother Carloman had left a bastard son, Arnulf who deposed Charles the Fat and with the help of his partisans made himself king of Germany. Arnulf was succeeded by his son Lewis. Up to this time the kingship was hereditary, passing from father to son, and where there were more than one son it was divided just like a private property among all the sons. Lewis died childless in the midst of a great danger, for Germany was now attacked by fierce Hungarians who inflicted smashing defeats on the German King. It was no time for weaklings. So his cousin Charles the Simple who was a contemptible creature, was set aside by the feudal vassals and other important men who gave the crown to Conrad the duke of Saxony, a relative of the late king. This was the first notable breach of the hereditary principle on the ground of a serious emergency. Before his death Conrad who had no son, called together the princes to whom he recommended his relative Henry the Fowler, duke of Saxony, as his successor. Henry was formally accepted as king in a great assembly. He was succeeded by his son Otto I whom he nominated and who was proclaimed king in a great assembly. He was crowned Holy Roman Emperor by Pope John XII. He was succeeded by his son Otto II, and Otto II by his son Otto III, a child of three years. There was no formal ratification even. Thus again the hereditary principle asserted itself. Otto III, however, died without a direct male heir. He had made no recommendation. So the great nobles chose Henry II, the duke of Bavaria, the nearest relation of Otto as king. Before his death Henry who had no son, nominated his cousin Conrad

the Salic. He was formally accepted in a Diet. Conrad had his son Henry III crowned, and he became king after his father's death. Henry III in his turn persuaded the princes to accept his minor son, a boy of six, as his successor. From the reign of Henry IV who was very unpopular in Germany because of his character and high-handedness began the long struggle for supremacy between the Papacy and the Empire, during which the Emperor would depose a refractory Pope and the Pope would excommunicate a hostile Emperor whose subjects were released from their allegiance and were called upon to choose a new ruler.

Thus the tremendous moral power of the Church combined with feudal disloyalty ultimately to undermine the imperial power in Germany. And with it was shattered the principle of hereditary succession. For it must be noted that up to this time the German crown had been essentially hereditary, passing from father to son, and in default of a son to a near relative recommended by the reigning king, though there was a formal acceptance by the powerful vassals. Only when there was no male heir and the reigning king had failed to nominate his successor, the powerful feudatories and other important men would assemble to choose a new king, generally some one related to the last king. But from now on everything depended upon the support of the great feudatories and the attitude of the Pope. To make matters worse many of the Emperors died without a male heir, or leaving behind a minor child. The result was that though sometimes the father was succeeded by his son the hereditary principle no longer operated. Not only that. Sometimes there were two rival kings supported by their respective partisans, one a favourite son of the Church, the other anti-Papal with the Pope's curse on his head. Some of the German kings were not even crowned as Emperor. The prestige of the imperial

crown fell to the lowest ebb. After Frederick II there was no great Emperor. They were so many creatures and tools in the hands of the powerful feudatories. Many of them did not receive even a formal allegiance from the whole of Germany, and their authority was practically nil. The imperial power had fallen so low that no great German feudatory was anxious to get the empty honour, or even when offered refused to accept it. So it went to minor feudal princes who could not maintain the pomp of the imperial office. Sometimes it even went to foreigners, for no German prince would agree to accept the mockery of an imperial office. Practically the imperial crown went abegging and was thrust upon any chance claimant. The result was that the crown of the Holy Roman Empire became the sport of the princes and the Papacy. But the feudal lords were not united. There were clearly marked factions—the Guelfs and Ghibellins. If one king was recognised by the north supported by the Papacy, another would be set up by the south. The crown was no longer in any sense hereditary; it now came to be considered elective, the electors being the German princes. But as time went on the imperial office became more and more a shadow of its former self. So most of the princes would not even mind who was the nominal owner of this empty title—would not even try to have a hand in his choice. Thus ultimately the choice came to be confined in the hands of the so-called Seven Electors.

But even this election by the Seven Electors became a fiction. For since the time of Frederick III the imperial crown with one exception came to be the monopoly of the House of the Hapsburgs, though at every succession there was a formal election. So again the imperial crown became for all practical purposes hereditary.

Now as to the nature of the German government of the early middle ages, it was a monarchy not limited by any legal or moral check. The king was an absolute ruler so far as it was physically possible for him to be so. There was no constitutional and legal machinery to control him, no constitutional rules or customs circumscribing his authority, no code of king's duties to prescribe his rights and duties. Indeed there was no philosophy of government which emphasised that kingship was a public institution and existed for the protection and benefit of the people and not a mere position of profit and honour for its holder. There was no lofty ideal placed before the king to pursue, not the least attempt to create a sense of responsibility in him. Not to speak of the idea of welfare-state as emphasised in the Hindu books of Polity and the Dharmasastras, even the idea of police-state was not sufficiently emphasised in any treatise. In fact there was not a single political treatise before the 12th century (Sabine). In the words of Bryce (Holy Roman Empire, P. 90) "The Middle Ages were essentially unpolitical. Ideas as familiar to the commonwealths of antiquity as to ourselves, ideas of the common good as the object of the State, of the rights of the people...were to them...unknown, perhaps incomprehensible." Under the circumstances kings with one or two honourable exceptions would not consider that they owed any duties to their subjects, that their office was a position of trust and responsibility, and that there are certain things which they must not do as they are harmful to society and the subjects.

As to the assembly of freemen, it has been pointed out in connection with the French polity that the tribal assembly of Tacitus was a thing of the past by the time the Merovingian kings had conquered a large kingdom and ruled an unwieldy country-state embracing the greater part of modern France and a considerable portion of

modern Germany. It is absurd even to suggest that the Merovingian and Carolingian kings summoned and held assemblies of freemen from time to time to consult them on matters of government or to secure their approval to their policy. In those days when communication was extremely difficult and travelling was very unsafe and arduous because of the want of good roads and primitive means of transport people would not go to distant places to exercise their nominal and intangible political rights.

Again, the work of government was very primitive and simple. It mainly included administration of justice and leadership of the army in wars. Law-making was not a regular function of the government. The life of the people was regulated by customs which had come down from time immemorial and which were now reduced to writing in the shape of codes. This was the work of some learned men who undertook this work at the instance of some powerful kings. The people had no share in the work of codification. The capitularies of Charlemagne were really royal ordinances or executive orders which were promulgated in these mass meetings to give them the widest possible publicity. So there was little for which ordinarily the approval of freemen would be necessary. The assemblies of the people which the Merovingian kings went to attend in bullock carts, the *Placitum* and *Mallum*, were formal gatherings of the people which met for ceremonial purposes and were a part of royal pomp and pageantry, or military reviews held before every campaign. Nothing serious was done in these gatherings. No serious work or consultation is possible in a mass meeting. These meetings, however, must have been utilized by the kings to publish royal edicts, and to make important announcements. Those who attended such meetings were either soldiers drafted for fighting a campaign or sight-seers and idlers who crowded to see a big 'tamasha'.

To ascribe any political significance to such a gathering betrays a lack of common sense and ignorance of crowd psychology. After Charlemagne even the Mallum and Placitum ceased to meet, and there was not a semblance of popular consultation.

As to the council of chief men of the kingdom, it also formed no legal check upon the absolutism of the king. It was originally a coterie of the king's friends and trusted advisors and companions who attended upon him. It was the primitive palace circle. They played with the king, went out for hunting with him, looked to his comforts, ministered to his needs, shared his pleasures, provided entertainments for him, controlled the household, carried out his orders, and whenever necessary gave him advice. They thus formed the nucleus of the royal court. To such a royal court the king would summon from time to time the high officials and important men of the kingdom—the dukes, counts, bishops, abbots etc. The primary object of such a meeting was to collect information about the condition of the country, to question provincial governors and district officers, to give them directions, and seek their advice on important questions of government. Though as a rule the king would follow the advice of his trusted friends and responsible officials, it would, however, be a mistake to think that their advice was binding on him and thus they formed a check upon his authority.

The early monarchy, however, was not strong, though there was no legal check on it. Weak monarchy does not mean limited monarchy. We can, however, call it undeveloped monarchy—undeveloped monarchy because the state itself was undeveloped.

After Germany had been finally separated from France a strong bid was made by the Saxon and Franconian Emperors to strengthen and consolidate the royal power. Most of these rulers were able men,

possessed of remarkable royal qualities. They were men of courage, determination and resourcefulness. Had they been placed in a more favourable situation they would have established a strong centralised monarchy on a firm foundation ruling the country with absolute power of a Louis XIV of France. But they were from the outset confronted with a task which was almost beyond the power of any man. Luck also was against them. As a result, instead of consolidating and *establishing the royal power*, they brought it to the *verge of ruin*.

The first difficulty of the German kings was the size of the country which was unwieldy, considering the means of transport and communication of the time. This difficulty was increased further by the nature of the country which was mountainous and covered by dense forests that made communication very difficult and dangerous. Hence the king was not sure that his commands and directives would be faithfully followed throughout the length and breadth of the kingdom, especially in outlying parts. For this he had to depend mainly upon the loyalty and willingness of the dukes, counts, margraves and other administrative agents. From the nature of the case these officers must have enjoyed a good deal of autonomy and could easily flout the instructions and directions of the government at the centre with impunity. Unless the defiance was open and flagrant it would not invoke the actual intervention of the king. Moreover, as the king had no regular civil service he had to depend upon the local authorities and influential men for the enforcement of his decrees. Besides, Germany had no good frontier on any side like France or Spain which were almost guarded by natural frontiers. She was exposed on all sides to foreign attacks, and was continually harassed by them, though this also gave her an unlimited

opportunity to expansion. But this, instead of adding to the strength of the monarchy, led to the dispersal of its forces and the creation of dangerous rivals on the frontiers—the rulers of the Marks. Besides, the German king had no capital—no central point from which to control and supervise the administration of the whole country. The royal court moved from place to place living on the produce of the crown lands scattered all over the country. It had no fixed abode, no centre acting as the heart of the empire, hallowed by royal and imperial tradition, and on which the hope of the entire nation was pinned. This was mainly due to the continual move of the king and the royal family and the frequent changes of the royal families, at first because of the failure of eligible heirs, later because of the hostility of the Papacy and the intrigues of the princes.

The economic resources of the kings were very limited. The chief sources of royal revenue were crown lands and part of the fines levied by the courts. Now as regards the first it must be remembered that the crown lands were scattered all over the extensive kingdom and the income from them was mainly in kind. So the king had to move with his family from place to place, and even then the royal revenue was just enough to meet the ordinary requirements of the king and the royal family. As they found it extremely difficult to pay the expenses of the government and wars, especially of the Italian expeditions, many of them were forced to alienate the crown lands which led to further depletion of the royal treasury, and sell valuable privileges to the princes and towns.

We must not forget that by this time feudal system had been firmly established in Germany, and German dukes, counts and other feudal vassals were always trying to shake off the imperial control or reduce

the royal power to a shadow. The first duty of a German king was invariably to fight against the rebellious feudatories and reduce them to submission by force or special favours. Sometimes the Emperors tried to bolster up the spiritual lords as against the temporal princes but ultimately this also led to the weakening of the monarchy. In Germany the danger of feudalism was aggravated by strong tribal and local (which Hallam, Stubbs and others call 'national') spirit which the Emperors found almost impossible to crush. Dukes after dukes were defeated and dispossessed, duchies were broken up into fragments, but the local feeling remained as strong as ever.

In France, Spain and elsewhere monarchy representing the centripetal force ultimately triumphed over the centrifugal force of feudalism. In Germany it was otherwise Feudalism ultimately triumphed over monarchy and made the imperial title a mockery. This was partly due to the fact that in Germany because of inadequate financial resources the German kings were unable to create a large standing army of mercenaries attached to them and had to depend mainly upon feudal levies of doubtful loyalty. So even when a rebellious feudatory was defeated and removed, there was merely a change of ruler and not a permanent absorption of the duchy, and that too with the consent of other feudatories.

Another very important cause of the weakening of the German monarchy was the restoration of the Holy Roman Empire by Otto the Great. Since then the main attention of the German kings was directed to secure the imperial crown, and to firmly establish their power in Italy. They devoted greater part of their time, energy and scanty financial resources to Italian expeditions. They were perforce obliged to neglect Germany of which the German princes took advantage

to make themselves, practically independent. Valuable time and resources which ought to have been devoted to the consolidation of the royal power in Germany were thus frittered away in a distant land in the hopeless pursuit of a phantom. The situation was still further worsened when there began the long conflict with the Papacy with its tremendous hold upon the Christian world. Emperor after Emperor was excommunicated and deposed, their subjects were freed from their allegiance and were called upon, to choose anti-Caesars. Though the Emperors often successfully defied the papal decree and caused anti-Popes to be chosen, in the long run the imperial power was shaken to its very foundation, its moral and religious basis was destroyed, and ultimately it was irreparably ruined. Only the imperial title survived, but its authority became a fiction.

These, then, were the causes why Germany could not become a strong centralised national State. It would be a mistake to ascribe the weakness of the German monarchy to popular control or legal check of the feudal vassals. For there was no popular assembly in mediaeval Germany limiting the authority of the king. No doubt from time to time the king summoned the Diet, a meeting of the higher nobility, lay and spiritual, the dukes, counts, bishops and others, but it did not form any legal check upon the king's power. It was the old royal council or king's court. It was mainly because the king was anxious to prevent the partitioning of the realm among his sons or to avert a fratricidal war after his death, and to secure the loyal support of the powerful vassals that before his death he would summon a meeting of the Diet and nominate one of his sons as his successor and call upon the powerful vassals to accept him. He thought thereby the chances of civil war and feudal risings would be greatly minimised. It was much later that the king would summon the Diet for other purposes

also. Thus before embarking upon a foreign war, or leading an army into Italy, or when he wanted to deprive a duke or count of his duchy or fief as a punishment for his revolt or insubordination, or to defy the excommunication of the Pope, or to persuade his partisans to choose an anti-Pope he would summon the Diet to enlist the support of his feudatories. On rare occasions, he would summon it to formulate any general law applicable to the whole Empire. But it must be remembered that the initiative lay with the king; it was he who could convoke the meeting of the Diet when it would suit his purpose, and its meetings were not frequent. Such a council never formed a real check upon the king's absolutism. Much later representatives of the free imperial cities were admitted to the Diet in the interest of the king. They, however, never formed an important element of the Diet. The king expected their support as against the feudal nobles. They partially supplied his financial needs. So the German king was not an absolute ruler because of legal and constitutional limitations, but because he was physically incapable of controlling the big feudatories.

However that be, by the end of the middle ages the German monarchy was reduced to a shadow, to a political fiction. The feudal vassals and the imperial towns were practically independent. Still the monarchical principle triumphed here also. For, instead of the German king the feudal vassals became absolute rulers in their petty states. Though there had been local estates in their own domains by the time strong monarchies had been set up in other European countries these estates had either been abolished or had been shorn of real powers.

SPAIN

Castile :

Now we come to Spain. European historians and political thinkers wax eloquent over the excellence of the political institutions of the petty states of mediaeval Spain and the liberty enjoyed by the people of that region. Especially, they enthuse over the sovereign powers of the Cortes of Castile and Aragon.

Let us examine their development in some details. We shall first deal with Castile. The beginning of the Castilian state is to be traced to the eighth century when the remnant of the Gothic monarchy found shelter in the northern mountain of Asturias while the Moors overran the entire peninsula. Here in this mountainous district the Christian refugees proclaimed their leader Pelayo, a Visigothic noble, king of Cangas-de-Onis, which title was soon changed for that of king of Pravia, and then for that of Oviedo. He and his son-in-law Alfonso fought bravely against the Moors and conquered city after city in Asturias, Galicia, Leon and Castile. During the reign of Alfonso II some of the original nobles of Castile threw off the Moorish yoke, acknowledged the king of Oviedo as their suzerain, assumed the title of Counts of Castile and began to rule as practically independent princes. Ordonez II transferred the seat of government from Oviedo to Leon and assumed the title of the king of Leon. He was jealous of the power of the Counts of Castile and treacherously put them to death. Later on, one of their descendants secured the recognition of his entire independence from the king of Leon and began

to rule the province of Castile as the independent Count of Castile. Castile was later united with Navarre. Sancho, king of Navarre, divided his dominions amongst his four sons of whom Ferdinand got Castile as the king of Castile. Ferdinand of Castile succeeded to the kingdom of Leon in right of his wife Infanta Sancha. He also followed his father's example and divided his dominions among his sons: Castile to his eldest son Sancho, Leon to Alfonso, and Galicia to Garcia. Sancho, however, reunited Leon and Galicia to Castile by force. When he was assassinated his younger brother Alfonso became the king of the reunited dominions. The kingdom of Leon and Castile was again divided by Alfonso VII between his sons. They remained separate for a hundred years. Then at last they were permanently reunited by Ferdinand III, the king of Castile, about the middle of the 13th Century. During all this time and for the next two centuries, the main duty of the kings of Leon and Castile as also of the rulers of other Christian states of Northern Spain, was to wage war with the Moorish rulers and bit by bit to reconquer the Spanish Peninsula for Christianity until in 1492 the last Moslem soldier left the Spanish soil. These wars partly took the character of the Crusades, partly that of the war of independence. Indeed for about seven hundred years the whole business of life in Spain for kings and nobles as well as for common people was to fight for redeeming the patrimony of their Christian ancestors from the grasp of the infidel foreign masters. (History of Spain and Portugal—Ch. VI P. 24). "When every foot of land was to be recovered from foreign masters by hard fighting, the feudal forms naturally fashioned themselves... The main object of every noble and wealthy warrior was at the period in question, to attach to himself the greatest possible number of military followers; and as leaders, who could thus dispose of

nearly the whole force of the country, were to be conciliated at any price by monarchs struggling for their kingdoms.....the collective power of the nobles soon became infinitely superior to that of their king." Under the circumstances they could not be ignored by the weak kings who thought it advisable to meet them in occasional gatherings to persuade them to follow their lead in the fight with the Moslems and render them assistance in times of need. These meetings now came to be called the Cortes (Courts). The prelates also were members of this body. And naturally so. For in those days all learning was confined to the clergy. Besides, as the Spanish wars of this period were of the nature of the Crusades against the infidel Moors, as preachers of religious ardour the clergy had a place of honour and influence in the councils of the king. Though at first the traders and manufacturers had no place in these councils, it was not very long before they also made their appearance. This was again due to the force of circumstances. As the Christian princes went on recovering more and more territory they planted new towns or rebuilt or repopled old ones in their new conquests. They found it necessary to attract settlers to these exposed towns near the frontier, which were to serve as barriers against Moslem incursions, by conferring valuable privileges on them by local fueros or charters. Thus they were given the right of choosing their own magistrates, and of forming municipalities. Besides, what is most important, many of them were ultimately granted the privilege of sending deputies to the Cortes. This the kings did as a counterpoise to the nobility. "The municipalities supported, because it was to their own interest to do so, the anti-nobility policy of the kings; these in turn favoured the middle class in that regard, especially during the periods of intensest conflict with the anarchic nobility, making use of middle

class strength to this end." (Altamira P. 185). Yet there was no uniform practice in this respect. The king would send his writs to some towns only. There was no system of representation. The deputies were chosen arbitrarily; often the right of election was confined to the ruling body of the towns. There was no fixed time for the meeting of the Cortes. It depended entirely upon the will of the king. He would avoid them as long as he could. It is only when he was in difficulty—in need of advice, but more especially of money—that he would summon this assembly. He would also summon it when, on rare occasions, he wanted to issue any new law. It would be a mistake to suppose that when the king first summoned these assemblies he did it because he was forced to do so or he was under a legal obligation to do it. Far from it. In the national and religious wars with infidel foreign conquerors he summoned the nobles and clergy and later on the deputies from some towns to consult them as to how best to carry on the fight with these enemies. He believed that by taking the nobles and the common people in his confidence he was strengthening his own position and improving his chances of victory. Moreover as his financial resources were very meagre and limited (the nobles and clergy were exempted from taxation and the contributions of the towns were fixed by their charters) he could demand additional money in these assemblies and prevail upon the towns to pay them. Besides, as his military force was mainly composed of the nobles' armed followers and the citizen soldiers of the towns, it would be necessary to coax and cajole them as also to inspire them by haranguing them in these assemblies. What is to be specially noted is that the king was not forced to summon the Cortes because of the demand of the nobles and of the towns. Nor did he consider these assemblies as a check upon his authority. "It should be understood that none of

those summoned to attend the Cortes were called because of any inherent right of their own to take part, but simply at the king's will, so that for a long while the personages and councils concurring in the Cortes varied from time to time." (Altamira P. 190). The king had absolute freedom as to whom among the nobles and clergy he would summon to a particular Cortes. So he freely exercised the prerogative of calling upon some towns to send their deputies while he ignored others. No doubt the Cortes would sometimes murmur against the king's demand for more money or sometimes even protest against his extravagance or misuse of money. But strong kings would turn a deaf ear to these protests and grumblings. Sometimes they would even promise to abide by their decision, but only to break this promise later on. It is only weak rulers whom it was possible for the Cortes to control. That the Cortes did not wield much real power is proved by the fact that since the fourteenth century the two higher estates did not think it worth-while to attend the meetings of the Cortes, or they were excluded from them by the deliberate policy of the kings. Moreover, as they were exempted from taxation they were not, as a rule, interested in the proceedings of these royal courts. It is only on rare occasions like the accession of a new king, that the nobles and clergy would be summoned to confirm formally the succession and take the oath of allegiance. As to the towns, it can very well be imagined that without the leadership of the powerful nobles the deputies of the towns did not offer any real check upon the arbitrary action of the king. That they were helpless against a strong king is shown by the fact that the number of towns enjoying the right of sending deputies was gradually reduced, and ultimately it was confined to seventeen towns only. We can guess that only those towns in whom the king had implicit confidence retained this doubtful right.

So what is described as checks upon monarchy is not really constitutional checks but practical ones arising out of the weakness of an undeveloped monarchy placed in a difficult circumstance. Practically, the whole business of these kings was to fight against the moslem rulers of their country. They were first and foremost military leaders but without a standing army, depending almost wholly on the feudal army and volunteer forces of the self-governing towns. Their financial resources were scanty, barely sufficient to maintain their kingly state. Their hold on the feudal nobles was precarious and uncertain. Towns also enjoyed local autonomy, though bound by charters to make fixed payments annually. Under these circumstances the king had to persuade the nobles to help him with their soldiers and induce the towns to make contributions of additional money and supply contingents of citizen militia. This could be done in a meeting held as the occasion demanded it. As to his authority over his immediate subjects, the common people under his direct rule, there appears to have been no effective check or limitation. That can also be said of the power of the feudal nobles in their own estates. So a weak and undeveloped feudal monarchy having nominal authority over powerful vassals and selfgoverning towns must not be equated with a constitutional monarchy. It was no doubt a limited monarchy in the sense that its financial resources were extremely limited, hardly sufficient even for maintaining the royal state, and its own military strength was practically nil though its primary duty was to fight against the alien rulers of the country. In short the king was a general without an army, and a steward without adequate funds.

Aragon :

What has been said about Castile applies to a large extent to Aragon also. About half a century after the birth of the kingdom of Oviedo (718), a second Christian state was born in the recesses of the Pyrenees. In 758 the nobles of the mountain region elected Garcia Ximenes, a noble of Spanish blood, king. The new king founded his kingdom in the country of Sobrarve (Soprarve). His son Garcia Iniguez conquered Navarre on the one side and Aragon on the other. With the death of his great grandson Ximenes Garcia without children this royal line came to an end. The Moors soon recovered Navarre, and Sobrarve became a part of the Spanish March (of Charlemagne). About forty years later Aznar, a noble of the original Basque race, assumed the title of Count of Sobrarve. His brother and successor Sancho conquered part of Navarre and repudiated French sovereignty. His grandson Garcia Ximenes acquired Aragon by marriage. He, however, assumed the title of king of Navarre. His successors were involved in constant warfare with the Moors and extended their kingdom. King Sancho of Navarre got Castile by right of his wife. Before his death he divided his dominions among his four sons. To his eldest son Garcia he gave the kingdom of Navarre, to Ferdinand Castile, to Gonzalo Sobrarve and Ribagorza, to Ramiro Aragon. The last three states were raised to the status of Kingdom. On the murder of Gonzalo by his servants Ramiro annexed Sobrarve and Ribagorza to his kingdom of Aragon. He defeated the Moors in a number of battles and extended his kingdom eastward and made the Emirs of Saragossa, Tudela and Lerida tributary. Soon differences arose between him and king Sancho of Castile. This led to a war in which Ramiro was defeated and slain. He was succeeded by his son Sancho who

conquered some towns from the Moors. On the murder of Sancho IV of Navarre by his brother Don Raymond the indignant people drove the murderer and his brothers, and offered the kingdom to Sancho of Aragon. Sancho fell at the siege of Huesca. His son Pedro captured Huesca. Pedro's brother and successor Alfonso I of Aragon called the Battler conquered from the Moors the kingdom of Sargossa with all its dependencies and made the city of Sargossa his capital. He then crossed the Pyrenees and fought against the Duke of Aquitaine and captured Bordeaux. He, however, was defeated by the Moors and died of grief, bequeathing his dominions to the knights templars. The people of Aragon and Navarre, however, repudiated this bequest. The Navarrese elected Garcia Ramirez as their king, and the Aragonese placed Ramiro II, the brother of Alfonso, on the throne of Aragon. Thus Navarre and Aragon were again separated. Ramiro, however affianced his daughter and heiress Petrouilla to Raymond, the Count of Barcelona (Catalonia). As a result Catalonia was united with Aragon, but the government of the two states remained separate. Ramiro abdicated in her favour making Raymond her guardian. Queen Petrouilla divided her dominions between her two sons. To the youngest Pedro she gave the French provinces, and Barcelona was given to the eldest Alfonso. She personally ruled Aragon. On her death Alfonso succeeded her in Aragon. His attention, however, was given mainly to French affairs.

Alfonso was, succeeded by his elder son Pedro II in Aragon, while Provence went to his younger son. Pedro II declared himself a vassal of the Pope thereby alienating his own subjects who solemnly protested. But he soon won back their confidence and affection by his valour.


Pedro at first took part in the Crusade against the heretics called Albigenses in France. Then he quarrelled

with the Pope and changed sides and joined with the Count of Thoulouse, the protector of the heretics, and fought against the Crusaders. He died fighting. His uncles and brothers now struggled for the possession of the crown of Aragon. The Queen Dowager, however, summoned a meeting of the Cortes and presented her young son James (Jaime) to it. Thereafter the nobles, clergy and the deputies of the towns acknowledged James as king and swore oath of allegiance to him. James I conquered Valencia and Majorca. The latter years of his reign were disturbed by insurrections. On his death his kingdom was dismembered. Majorca and the French provinces went to his younger son who became king of Majorca, while Pedro III became the king of Aragon. Pedro, however, made his brother tributary to him. He put down an insurrection of the Catalans who rose in rebellion because he had not taken the customary oath at his accession. He granted in 1223 the great Aragonese Charter called the General Privilege which confirmed the old rights of the people. His attention was mainly devoted to the outside of Spain. He had married the daughter of Manfred, the king of Naples and Sicily, and tried to enforce his wife's right to Sicily and Naples. He easily conquered Sicily but spent his life in fighting with Naples and France for the possession of the mainland. He was excommunicated and deposed by Pope Nicholas III, but he ignored it and stoutly defended his own kingdom. He even defeated a combined French and Neapolitan fleet. Philip the Bold of France invaded Catalonia, but was forced to evacuate it. Pedro left Sicily to his second son James and the rest to his eldest son Alfonso. Alfonso conquered Minorca and Iviza, but he died shortly. He was succeeded by his brother James on the Aragonese throne. In Sicily his younger brother became king.

James II of Aragon conquered the islands of Sardinia and Corsica.

Pedro IV of Aragon was involved in a war with Castile which was terminated by the mediation of the Pope. He annexed Majorca to Aragon after deposing James. He had daughters and no son. So he endeavoured to get his eldest daughter Constance recognised as his heiress. This was opposed by his brother Don James who organised a confederacy of the Aragonese nobles, and under the name of the Union they rebelled. Pedro now called a Cortes at Saragossa which induced him to recognise his brother as his heir in preference to his daughter. His reign, however, was troubled by the affairs of Sardinia which involved him in serious disputes with the Popes. Upon the death of the king of Sicily he seized that kingdom from the hand of the young queen Maria. Pedro was a veritable tyrant and was called the cruel. When he died there was universal joy. His son and successor John I also was harassed by rebellions. The same was the case with his successor Martin. The latter died without leaving a legitimate child, and there was a dispute about succession. The Cortes of Aragon, Catalonia, and Valencia separately discussed the question and they decided in favour of Don Ferdinand of Castile who was proclaimed king. His reign was disturbed by the rebellions of disappointed rivals. His son Alfonso I was involved in Italian politics and conquered the kingdom of Naples. On the death of Alfonso his illegitimate son Ferdinand became king of Naples and his brother John, king of Navarre, succeeded to the rest of his dominions. John's son Ferdinand married Isabella, the queen of Castile. Ferdinand succeeded to his father as king of Aragon. Thus Ferdinand and Isabella became king and queen of Spain.

I have deliberately given a brief review of the political history of Aragon. This is essential for the



proper understanding of the Aragonese Constitution. Any attempt to explain it except in the context of its political history will be misleading. The first thing which strikes one who is surveying the political history of this region is that the Aragonese state has passed through continuous vicissitudes of fortune as seldom fall to the lot of any state. It is appearing and disappearing again and again, now under this name now under that, now in this shape now in that, now alone and now in combination with others, now under the rule of this dynasty now under another. Using a mathematical expression we can say that there is a continual permutation and combination, and division and addition of principalities in this region.

This is confusing. One loses his way in this maze of details. What is most important is that a state which passes through such repeated and bewildering transformations under different names, forms, and ruling dynasties, can not take deep roots; nor can the ruling houses have any security or hold upon the people. The Aragonese monarchs therefore lacked that halo of divinity which usually 'hedgeth' monarchy. There was also no royal tradition. The machinery of government did not become effective and efficient. The nobles were practically independent and all powerful in their estates. They ruled their districts as petty kings. The ricos hombres regarded the king merely as one of them placed above them by their own choice—a *primus inter pares*. No doubt they owed him nominal allegiance and were bound to render him military assistance in his wars. That was all. They were free from all control and exempted from taxation. The Aragonese nobles even claimed the legal right of confederation and rebellion against the king if he failed in his duty. There was no limit to their arrogance. The king was a king by courtesy, exercising his nominal powers on their sufferance.

His authority was shadowy and evanescent. Indeed the Spanish kinglets were merely military leaders whose prime duty was to lead the Christian hosts against the Moslem rulers, and free their country from foreign yoke and religious persecution.

Bit by bit these kings wrested their country from Moorish possession. But the accession of new territories did not bring a corresponding increase of power and wealth to them. For most of the lands conquered from the Moslem rulers were distributed among the great barons who supplied these princes with the bulk of their military force. It must not be forgotten that these kings practically had no standing army dependent on them. They had to rely mainly on the baronial armies for wars. Besides, the towns freed from Moslem yoke and new towns planted in the conquered lands were invested with valuable privileges including that of local autonomy and exemption from arbitrary taxation, on condition of defending the frontier against the enemy and fixed annual payments.

These kings whose main mission in life was to fight against the Moslems would sometimes consult the great nobles as to the plan of the campaign and strategy for they supplied the bulk of the forces. They had to be placated and gratified. Moreover, as they were practically independent, whenever the kings wanted to make a change of the general laws which affected them they had to be persuaded to accept them. Bishops and other prominent clergymen were also present in these meetings called Cortes. For in the wars against the Moors these religious leaders took a prominent part. They were both clergymen and fighters. Besides, as they were the only educated men of the time their advice and assistance were needed in framing royal decrees and proclamations. At the time of the accession of a new king a meeting of the cortes was held where

he was formally recognised by the assembled nobles and clergymen. Disputed successions were also referred to it. In Aragon they were frequent. Annexation of new territories also was sanctioned by the Cortes.

Moslems were not the only enemies against whom the Aragonese kings fought. They were involved in wars in France. They interfered in the affairs of Castile, and Navarre when the latter country was separate and independent. This was not all. The ambition of the petty Aragonese kings soared very high. They began to undertake transmarine operations at first against the neighbouring islands, and later even against Sicily, Naples, Sardinia and Corsica. Now this imperial policy required not only a large army but also a powerful navy. That meant huge expenditure of money. But the financial resources of these kings were very small. The main sources of their revenue were fixed payments made by the chartered towns, income from the crown lands, and fines imposed by royal judges. This was hardly sufficient for a peaceful king following a conventional routine of life. It was quite inadequate for ambitious monarchs who were constantly engaged in wars not only against the Moslems and neighbouring Christian princes but against far off lands also.

So the king must have a much larger revenue—more money, always more money. He could not expect it from the powerful and arrogant nobles who were very watchful of their rights and privileges and on whom he had very little control. The clergy could not be expected to pay much. The only quarter from which he could expect substantial financial contributions was the towns, especially those of the coastal regions grown wealthy by industry and commerce. But they also were not legally bound to pay anything beyond the amount fixed by their charters. So they must be coaxed and cajoled to pay more. For nobody is willing

to pay unless he is forced or flattered to do so. Instead of approaching them individually it would be far better to summon them to the royal court where they could be easily won over by honeyed words, by flattery mixed with prospects for gains, and by the conferment of honours and privileges. There was one argument which was most convincing to the merchants and manufacturers. New territories conquered with their money and military help would really benefit them by expanding their markets, by bringing new commodities within their easy reach, by giving employment to sailors and adventurers, and by giving a fillip to shipbuilding. This was an argument which was difficult to resist. Above all, it was a great honour for the despised traders and artisans to be members of the same assembly with the nobles and bishops. It gave them prestige; it gave them status and respect. Well, for this one can pay lots of money. And as regards the nobles and bishops, they would not have the least objection if the "fat-bellied" traders and merchants paid for expeditions from which they also hoped for some gains. What objection can you have if others pay your bills? If they were not interested they would not attend these meetings. Thus the Cortes came to be composed of three or rather four estates, if we distinguish between the higher nobility and the equestrian order (*infanzones*), though when it was a question of financial contributions, the nobles and bishops would often stay away. They were present on great occasions—the accession of a new king, the decision of disputed succession, annexation of new lands, and the passing of a new law (as distinguished from royal decrees).

Besides, as the Aragonese kings were constantly engaged in wars on the Spanish mainland or abroad they had little time to devote to home affairs and internal administration. This was an opportunity to

the nobles and towns whose freedom was seldom interfered with and who availed themselves of the long absence of the kings to consolidate their own power and position. The fact is that until Spain became a united kingdom in the 15th century the king's hold on the feudal barons, who ruled in their own estates like independent princes was shadowy and precarious, and the towns enjoyed a good deal of autonomy.

But it would be a mistake to think that the Cortes put a real check on royal absolutism. It was rather an instrument of royal policy and power. In the hand of a strong king the Cortes was a pliable tool for carrying out his wishes. It is only when the king was a minor or was weak and incompetent, or there was a disputed succession that the Cortes would make itself felt. That it did not always check tyranny, is clear from the existence of tyrannical kings like James or Pedro IV (the cruel). Moreover, there was no fixed time for the meeting of the Cortes. It was left to the king to decide when he should summon it for advice or money. In fact it was occasionally and after long intervals that the Cortes would be summoned at the pleasure of the crown to serve some royal purpose. Now a body which met intermittently after a lapse of years at the pleasure of the king could hardly act as a check on royal authority. That the nobles did not attach much importance to it or consider it a privilege to attend its meeting is shown by the fact that they were not regularly present, at least in large numbers.

Besides, the Aragonese Cortes can not be regarded as a national assembly. There was no common assembly for the entire state. The Cortes was a provincial body. The three provinces of Aragon, Catalonia and Valencia each had a separate Cortes of its own. Hence except

on rare occasions there was no common policy pursued by them. Thus meeting at different times and in different places, with no unity of interests and purpose among the various estates, and not unoften deserted by the nobles, the Cortes was not really powerful, and it was not difficult for a strong king to control and manage it and get his demand conceded.

Lastly, even if it is conceded that the nobles and towns of Aragon enjoyed a good deal of liberty free from royal encroachment or tyranny it must not be forgotten that the mass of the people in the state did not share in it. They groaned in serfdom, oppressed by the king and nobles. The liberty enjoyed by the Aragonese state was the liberty of the privileged orders—nobles, clergy and the traders of the towns.

That the powers exercised by the Cortes and the check it offered on the royal power were more apparent than real will be clear when we consider that it was powerless against strong kings. That is why it was possible for Charles V to permanently abase the Castilian Cortes when it had the presumption to stand against the royal policy. In 1538 the self-willed Emperor and king of Spain excluded the nobles and clergy from the Cortes of Castile on the ground that they paid no taxes. Henceforth the Cortes maintained a shadowy existence wholly dependant upon royal favour and consisting only of the so-called deputies of the eighteen towns who enjoyed the patronage of their royal master. Its only function from now on was to rubber-stamp the decision of the king who was a cent per cent autocrat.

The Cortes of Aragon fared no better. About fifty years later Charles's son Philip II of Spain, completely suppressed all vestiges of freedom and constitutional privilege by converting the Aragonese Cortes into a body of royal nominees, with hardly any privilege except

that of petitioning the king. The judges also became simply the royal stooges depending on the king's favour. So when Spain attained her national unity and stable government it was under a despotic monarchy free from all checks.

SCANDINAVIA

Denmark, Sweden and Norway.

It is very difficult to trace the development of political institutions in the Scandinavian countries, for our knowledge of the early history of these countries is meagre, uncertain and full of gaps. For a long time their history is so hopelessly interwoven with legends that it is well-nigh impossible to form a tolerably certain picture. So the early stage of their political evolution is to a great extent a matter of guess and hypothesis.

In all the three countries the Jutes and Goths formed a number of small states ruled by chiefs who were called small kings or "Smaa-Kongar". They were in reality leaders of small bands of Vikingars or Sea-rovers. Each of these petty states had a 'Thing' or public assembly where cases were tried, laws were declared and kings were chosen. These early kings were primarily military leaders and high priests of their people. They were not judges. For when the people gathered in their annual Thing the jurors and witnesses stood on an elevated place in the middle of the sacred enclosure where the assembly met and 'took a solemn oath in the presence of all the people that they would decide and speak according to truth.' (Ote, PP. 75-76).

There were constant wars among these petty states, the kings trying to extend their territory and power by subjugating their neighbours. Thus a powerful king would be able to bring under his sway the neighbouring kings and make them tributary. Then these dependent kings would be removed and the conquered territories

would be annexed. In this way a number of large kingdoms was formed. Thus Sweden came to be divided into two kingdoms, Svealand and Gothland. Denmark was formed into a number of big kingdoms, viz., Jutland, Sjoelland, Skaania and Bleking, each with a Thing. Norway probably was divided into five kingdoms with five Things. Finally these formed into three kingdoms—Denmark, Sweden and Norway. The history of these three kingdoms is so closely interwoven that it is not easy to disentangle their separate threads. For some time, however, these kingdoms had no national organisation of the people. The Things for legal and political purposes remained provincial. It was only in Iceland which was a colony that the first All-Thing or General Parliament was established.

However that be, in course of time a national popular assembly grew up in each of these kingdoms. Thus we find when king Knud of Denmark died, the people meeting in a Thing offered the crown to his brother Olaf, setting aside his little son. It seems that though the crown was hereditary in a royal family and normally a father would be succeeded by his grown-up son, in cases of disputed succession or when the son of the king was a minor, the General Thing or All-Thing would choose a brother or nephew of the last king. When king Niel's son Magnus murdered his cousin Knud, Knud's brother Erik Eimun made an appeal to the people meeting at an All-Thing for men and money to make war on his uncle, king Niels.

In Sweden also a national assembly came into existence. Though for a long time there was great rivalry between the peoples of Svea and Gautland a National assembly met at Upsala. Thus in the reign of Olaf the Lapking we hear of a Thing at Upsala where 'a great Lagman or law-explainer, called Thorgny.

set before the king what he was to do', and threatened him that unless he acted in conformity with the wishes of the people he would be put to death. Olaf thereupon promised to rule according to their wishes. He however, later on violated his promise.

In Norway we learn that on the death of Harold Haarfager his eldest son Erik began to rule the people so harshly that they rose against him. He was deposed and in his place they chose Hakon their king.

It is likely that these assemblies which met when the king summoned them for ceremonial or political purposes were composed of the members of the aristocracy, the bishops and abbots after the conversion, and the free peasants of the locality who attended as sight-seers and made noisy demonstrations at the bidding of their superiors. After some time the peasants either abstained from attending because they were not at all interested in high politics and had no time to waste, or they were deliberately excluded by the king and the nobles who came to regard the government as their monopoly. For when the king took up the work of organising the government of the whole country, he had to depend upon the local aristocracy for local government. Thus when after a ten years' civil war in Denmark a Thing met to choose a king (on the death king Erik the Lamb, for ten years there was no lawful king) the nobles and bishops did not summon the peasants but they themselves chose Prince Valdemar as their king.

The establishment of the national Things does not mean that the kings were really constitutional monarchs with legally limited authority and the people were free from arbitrary government and royal oppression. Not in the least. We find that many of the kings were cruel and wicked men who oppressed the people with heavy exactions and harsh treatment. The only remedy

against flagrant misrule was rebellion, and deposition of the ruler when the rebellion was successful. That is the remedy for despotism everywhere. Of course it is the common people who suffered, and the nobles were generally let alone. They were the instruments of royal policy and agents of royal government. As members of the government or in consideration for their military service (the popular militia and navy gradually came to be replaced by aristocratic cavalry) they were exempted from taxation, the burden of which fell all the more heavily upon the peasants. As they were not affected by heavy taxation, they would have no reason to protest against royal exactions.

The growing importance of the aristocracy is also seen in the establishment of a Council of State in the higher sphere of administration in all the three kingdoms. This Council was composed of great nobles and clergymen who were chosen by the king himself and whose function was mainly advisory. The nobles were often entrusted with important administrative duties. Besides, they were also local rulers.

The nobles, however, were not contented with the practical monopoly of government, both in the local as well as in the national sphere. They soon began to aim at a higher position. They wanted to make themselves the real masters of the realm. The king must be reduced to a mere puppet, a willing tool in their hand, a mere dummy kept for averting rivalry and jealousy among themselves. Controlling the local administration and the machinery of the Central government, commanding the army and the navy, and supported by the tremendous moral power of the Church they tried to feudalise the Scandinavian kingdoms as completely as possible. Thus from the thirteenth century there began a fluctuating struggle between the king and the aristocracy in all the three

Scandinavian kingdoms. Though the nobles generally got the upper hand and made themselves very often the masters of the country, the royal power, sometimes suffering a temporary eclipse, was not crushed permanently. In Denmark, with a view to strengthening himself and as a counterpoise to the power of the nobility, king Abel for the first time invited the burgher class in the towns to send their representatives to the National Assembly. But one great weakness of the Danish monarchy lay in the elective character of the monarchy, which though confined to the royal family did not recognise the principle of primogeniture, especially when the children of the late king were young. It gave the nobles and the clergy an opportunity to set aside the claims of minor sons in favour of a grown-up brother with whom they would often strike a hard bargain.

Thus on the death of Erik Menved, the Council of State made a hard contract with the king's brother Duke Christopher and then proclaimed him king. This is called the Magna Carta of Denmark. According to Cambridge Mediaeval History, Vol. VI. this took place in the reign of king Erik Clipping (the father of Erik Menved who was murdered by a coalition of nobles). Cambridge Mediaeval History, Vol. VIII, however, supports the view of Ote and says that the Charter was issued by Christopher in 1320, the year of his accession. In this Charter the king, whoever he was, was made to promise that he would call the General Court (assembly) every year, that the nobles were exempted from all taxes, that they had the right of refusing to carry arms beyond the country, and that no one could be imprisoned or fined without a lawful trial.

Here one thing should be specially noted. The Council of State which had originally been an advisory council of the king chosen by him, had by this time

become a permanent body working independently of the king, and had usurped the powers of the Assembly which had the formal right of 'choosing' the king. This is a clear evidence of the growing power of the nobility. From now on, it is the Council of State which was the real power in the state to which the king was often forced to yield.

It would, however, be a mistake to attach any undue importance to this so-called 'Magna Carta of Denmark'. It was no more sacred or binding upon the king than any promise extorted from a man under duress. There can be no doubt that when Christopher or Erik made that promise he had no intention of keeping it. His successors at least did not consider themselves bound by it. Its only importance is that it is an episode in the struggle between monarchy and feudalism. It is a pointer showing which way the wind was blowing, that the monarchical power was being overwhelmed by that of the aristocracy, that the king was becoming a mere tool in the hand of the powerful nobility. In a sense it was the Canossa of the Danish monarchy. But Christopher, though a weak man, refused to submit to the aristocratic tutelage for long and took up arms against the nobles, who called in Count Gerhard of Holstein (Black Geert) to their aid. This prince routed the royal forces, took the king's son prisoner, drove out Christopher from Denmark and placed his nephew Duke Valdemar of Schleswig on the throne. For the next fourteen years Black Geert was the de-facto king of Denmark. But his oppressive rule roused the anger of the lesser nobility, one of whom Niels Ebbeson murdered the oppressor. Jutlanders now drove away the Holsteiners and recalled the son of king Christopher, Waldemar Atterdag from Germany and made him king.

Waldemar made it the main object of his life to restore the royal power. He got assistance from the

Church and raised money by various means to recover the Crown lands which had been recently lost. The nobility, however, were opposed to the increase of the royal power and repeatedly took up arms against him, but the king had the upper hand in almost every war. Thus the royal power was partially restored though feudalism still remained the prevailing principle, for the king had to govern the country with the help of his feudal vassals.

About this time Sweden and Norway also were feudalised. In the former country king Valdemar was unable to control his brothers, Duke Magnus and Prince Erik, who were provincial rulers. Assisted by the king of Denmark, Erik Clipping, they revolted and captured their brother and forced him to abdicate in favour of Magnus. Magnus was succeeded by his son Birger. Birger in his turn had to deal with the disloyalty of his brothers Erik, Duke of Sodermanland and Duke Waldemar, who became the leaders of the nobles in their fight against the king. They were, however, treacherously seized and confined in a dungeon where they died. At this the nobles raised the standard of rebellion. Failing to crush it the king fled, and the nobles meeting in a Diet chose the infant son of Duke Erik, Magnus, king. Magnus had already become king of Norway by inheritance. This was a golden opportunity for the nobility who ruled in each country through the Council of State, in the name of the infant king. Even when Magnus came of age they were not willing to relax their hold on the government. The king was induced to pass a law which enacted that he was to rule with the help of the Council of Peers. When Magnus tried to pursue an independent policy he was opposed by the nobles who found a leader in the king's son, Prince Erik. The nobles, however, fared badly when Erik died suddenly under suspicious circumstances

and the king enlisted the support of king Valdemar Atterdag by marrying his son Hakon to the little princess Margaret of Denmark. Magnus now expelled twenty four leading nobles from the country.

The outlawed nobles fled to Mecklenburg where they offered the Swedish crown to Count Albert, king Magnus's nephew (sister's son). Albert now came with the banished nobles to Sweden and was chosen king by the Great Thing. Magnus was defeated and taken captive.

Though chosen by the nobles, Albert did not like to be a puppet in their hands and relied on the support of the Germans who had come with him. The nobles were not in a mood to stand this and threatened to depose him if he would not yield. Albert found it impossible to defy them and bowed before their will. He appointed one of the leading nobles, Bo Jonsson, as his "all powerful Helper". From this time till his death Bo Jonsson was the real ruler of Sweden. On his death Albert made another attempt to shake off the power of the nobles, but this led to a fierce civil war. The nobles now offered the throne to Queen Margaret of Denmark and Norway. Margaret's army defeated Albert's German troops. Albert and his son were captured and kept in confinement.

Queen Margaret was an able ruler and was clever enough to control the Swedish nobles who created no difficulty as long as she lived and ruled the three kingdoms. Not only that. She even induced the nobles of the three countries to accept Erik, her sister's grandson and her adopted heir, as their future ruler. Erik was actually crowned at Calmar by the Archbishops of Lund and Upsala and proclaimed king of the three kingdoms. Here was published the Calmar Act of Union (1398) signed by Margaret and the delegates of the three Councils of State. Norway, Sweden and Denmark were declared to be forever

united with a common king chosen by the three nations. This union was possible because the nobles, who were the only people who counted in those days, cared only for the interest of their class and not of the country or nation. Many of them had lands in more than one country, and to them the Union was a blessing. Moreover, it was expected that when there would be a union of the three countries, the king would be the nominal head of the united kingdom and would leave the actual government in the hand of the Councils of State and the aristocracy.

But both Margaret and Erik pursued the policy of centralisation. They were resolved to make their kingship a reality by bringing the nobility and the clergy under their control, by regaining fiefs, lands and castles and by appointing their own men bailiffs in place of the feudal lords. Many of them were foreigners and as such were not at all mindful of the national interest. They were cruel and arrogant in the discharge of their duties. This no doubt was resented by the nobles. But the greatest opposition came from an unexpected quarter. Erik was involved in a protracted war with the Count of Holstein. For this he tried to raise money by extorting high duties from the Hansa merchants in contravention of their exemptions and liberties. As a consequence the Hansa cities joined the war on the side of Holstein. Erik was now obliged to tax his subjects heavily. As the nobles were exempted from taxation, the burden fell with a crushing weight on the common people—the peasants and the rising class of industrialists and traders. This was the last straw on the camel's back. Even the worm would turn and bite when driven to extremity. So the farmers and the industrialists rose under the leadership of Engelbrecht, the son of a mine-owner. Though a few nobles joined them the nobility

as a class were opposed to this plebeian insurrection which threatened their own power and privileges. When the insurgents appeared in Copenhagen and demanded from the Council of State that they must depose Erik, the bishops and nobles refused on the plea of their oath of allegiance. At this the patience of Engelbrecht was exhausted. He now "caught up one of the prelates by the back of his neck, and holding him out of the window, threatend to throw him and all the others down into the armed crowd below, unless they would, without further delay, fulfil the wishes of the nation". The Council now yielded and drew up a deed deposing Erik.

What happened next was a real revolution. In the following year (1435) a national Assembly met in Arboga. There came not only the two old estates of the realm, the nobles and the clergy, but also burghers and free peasants, thus forming a Diet representing the four Orders which henceforth distinguished the Swedish polity. The Diet of Arboga elected Engelbrecht regent for Sweden. The nobles and clergy, however, had acted under compulsion and began to wreck the whole scheme as soon as popular pressure was relaxed. The Council of State secretly negotiated with king Erik, and with his approval appointed Karl Knutsson, one of the leading nobles, regent along with Engelbrecht. Karl Knutsson however, was secretly aiming at the crown, and one of his adherents treacherously murdered Engelbrecht.

In the meantime the popular movement had spread to Norway and Denmark also. In both countries peasants rose against the government. In Denmark the Council of State took advantage of the situation to depose Erik. The nobles now offered the Danish crown to Erik's nephew Christopher, son of the Count Palatine of the Rhine. Soon he was also chosen king

of Sweden, and two years later of Norway. This meant the defeat of the monarchy and of the lower classes and the triumph of the nobility who now got undisputed control of the government.

When king Christopher died a party of the nobles of Sweden elected Karl Knutsson (Charles VIII) as their king. In Denmark the choice of the Danish nobles finally fell on Count Christian of Oldenburg who signed a capitulation leaving all powers in the hands of the Council of State. In Norway, the Swedish party crowned king Karl, while shortly later the Danish party chose Christian. Then a formal act of Union between Denmark and Norway was signed by the two Councils, providing for a common election of the king (1450).

The next seventy years were a critical period of the Swedish history. It was the apogee of feudal power. Though in some years there was a nominal king with the real power in the hands of the nobles, during the greater part of the period there was no king at all. There was a scramble for the supreme power among the nobles. Some of them secured the highest place in the state with the support of the rising classes of burghers and yeomen. But others were jealous of their position and tried to bring about their fall, even offering the crown to Danish kings, who secured temporarily the recognition of their kingly position by capitulations whereby they surrendered all powers in the hands of the nobility.

Thus king Karl, who had become the nominal king in 1448, was forced to flee the country in 1457 and the nobles chose Christian I of Denmark as the nominal king. But Christian I soon lost their favour and his crown, and Karl was installed on the throne. But again Karl had to leave the country while Christian was nominally restored. This was repeated once again.

When Karl died, for the next twentyseven years there was no king in Sweden. Karl's nephew Sten Sture, of whom most of the nobles were jealous, was able to secure the highest position in the state with the help of the burghers and yeomen. But he was not called king. Instead he was proclaimed 'Regent and Marshal of Sweden'. For about thirty years he held that office in spite of the ill-will and intrigues of the nobles who in 1463 decided to accept king Hans of Denmark as king of Sweden, on condition of a capitulation recognising the supreme power of the Council. In 1497 the nobles proved too strong for him, and when king Hans came at the head of a strong army, Sten Sture surrendered his office to him. Hans was crowned king of Sweden. His rule, however, was too short. In 1501 bishop Hemming Gadt, supported by Svante Sture, another powerful noble, and hitherto a bitter opponent of Sten Sture, proclaimed the deposition of king Hans and restored Sten. Upon his death in 1503, Svante Sture was made regent. In 1512 he was succeeded by his son Sten the younger through the powerful support of Dr. Hemming Gadt and the common people. Many of the nobles of Denmark, however, were opposed to him, and under the leadership of archbishop Gustaf Trolle appealed to the Danish nobles for assistance. In 1518 the Danish king Christian II appeared with a Danish army before Copenhagen, but was defeated. He went away after a fruitless interview with Sten. In 1520 the death of Sten placed Sweden at the feet of Christian II, who was crowned king of Sweden at Stockholm with great pomp.

Though Christian had received the support of the Swedish nobles he had a great distrust of the nobility in general. When on the death of his father he had been recognised by the Danish nobles as the king of Denmark they had extorted from him a charter which

made him a mere puppet in their hands. Naturally he determined to secure his power in his new kingdom by exterminating the leading nobles. So, in the midst of his coronation festivities he suddenly arrested ninety persons, most of whom were members of the higher nobility, on a flimsy charge and executed them in the market place of Stockholm (the Bloodbath of 8th Nov. 1520). Among them was Erik Johansson Vasa.

Christian left Sweden believing that he had forever crushed the Swedish nobility and with the support of the burghers and peasants he would be able to establish personal rule. His expectation was not wholly fulfilled. For though the stage was really set for the establishment of absolute monarchy, he did not reap the fruit of it. "The Union of Calmar was drowned in the Bloodbath of 8th November." Within three years his hold upon Sweden was destroyed and Sweden was finally separated from Denmark.

The result of the last seventy five years' civil war and mutual rivalry among the nobles was the decline of the political power of the nobility, just as the Wars of the Roses in England had undermined the political power of the English aristocracy and set the stage for Tudor despotism. Thus, though the liberator of Sweden, Gustaf Eriksson, better known as Gustavus Vasa, was a noble himself, the son of Erik Johansson Vasa, one of the victims of the Blood bath, he placed himself at the head of the peasantry, and with their help and against the hostility of many of the nobles he was able to free the country from the Danish yoke. In June 1523 the diet at Strangnas proclaimed him king of Sweden, and the Union with Denmark was forever dissolved.

Gustavus Vasa's rule was quite different from that of the feudal monarchy of the last three centuries. In fact he laid the foundation of absolute monarchy in Sweden by bringing the clergy and the nobility under

his control. In this he depended upon the support of the burghers and peasants whose power was like that of Zero. By themselves they had practically no value but when standing behind some strong personality they increased his power ten or hundred-fold. That Gustavus Vasa was not a mere cipher king but a real master of his kingdom will be seen from the following incident. At the Diet at Vesteras (1527) the Chancellor Laurentius Andreae made a statement of the financial need of the government and demanded that the nobles and the rich prelates must make free grants to the king. On behalf of the clergy Bishop Brask replied that they could not consent to any decrease of the rights and revenues of the Church. Gustaf at once jumped to his feet and asked whether the Council of State and the nobles considered this as a proper answer. When Ture Jonsson as the mouthpiece of the nobles supported the Bishop, Gustaf flew into a rage and shouted, "Then I will no longer be your king—Your aim, as I see, is to be my masters, and to set monks, priests, and other creatures of the Pope over my head. Who would be your king on such terms, think you? Not the worst soul out of hell! So see to it, give me back what I have spent of my fortune, and I will go away from you all, and never return to my ungrateful country." Then the angry king rushed out of the hall.

On the third day the bishops gave in. The nobles under Ture Jonsson held out; but when the Bonders (the free peasants) threatened to support the king against the nobles, they also made an unconditional surrender. Henceforth the bishops were forever excluded from the Council of State, which body again became a mere advisory council of the king and not the real government of Sweden. The bulk of the Church property was confiscated. The king got full control over the Church. The monasteries were deprived of most of their property.

As the leader of the common people the King had triumphed over the nobles. Gustaf was now the real ruler of the country. In 1544 a law was passed whereby the crown was declared hereditary in Gustaf's family.

Gustavus Vasa's son and successor Erik was a learned man having varied tastes, but he was cruel and indulged in folly and extravagance. He inclined towards Calvinism. He embarked upon a disastrous war with Denmark. After nine years he was deposed by his brothers, Duke Johan and Duke Charles. The Diet was induced to elect Johan as king. He ruled arbitrarily, renounced Protestantism and declared himself a Catholic. His attempt to force a special form of prayer upon his subjects caused great discontent. His son Sigismund was elected king of Poland. The king had a quarrel with his Council of State over this question. He arrested many of the members on a charge of treason. These were deprived of their lands and dignities and were kept in close confinement. On his death his brother Duke Karl assumed the control of affairs on behalf of his absent nephew. The Diet at Upsala (1593) adopted the Lutheran creed as the established religion of Sweden. When Sigismund came to Sweden attended by a Polish retinue quarrel broke out between him and the Council of State and the Diet because he refused to ratify the resolutions of the Upsala Diet. The Council threatened that it would refuse to grant supplies for the king's coronation. The Estates meeting at Upsala opposed the king. Sigismund replied haughtily 'that the Estates would have to learn the difference between an hereditary and elective Crown'. But he made a show of yielding to get himself crowned. After that he broke his word and left for Poland, appointing Catholic governors of provinces. He also appointed his uncle Duke Karl regent. Soon there was a rupture between Karl and the Council, and the former summoned

a Diet which formally appointed him Governor General of Sweden. He relied on the support of the peasants and forced the higher nobles to submit or leave the country. Quarrel now broke out between the absent king and his uncle Karl. At his instance the Council and the Diet demanded that the king must return to Sweden. As Sigismund took no notice of it he was formally deposed and Karl was proclaimed king by the Diet at Norkoping.

Karl or Charles IX was a masterful personality. He ruled his kingdom with a strong hand. He was loyally supported by the lower classes and effectively tamed and controlled the nobles, a number of whom were put to death on a charge of treason. He was called the "Peasants' king." At his instance the crown was formally declared hereditary both in the male and female line. On his death his son Gustavus Adolphus became king. Gustavus was a highly accomplished and learned man. He was cast in heroic mould and is famous for his military exploits. Though for the greater part of his reign he was involved in wars he did not neglect the government of his country. Few kings did so much for the welfare of the people. He held the Diet every year, and won over the nobles by conferring on them various privileges.

On his sudden death in the battle of Lutzen he was succeeded by his minor daughter Christina, and there was a long regency. After she had come of age, for ten years she harassed the people by her profuse wastefulness and reckless squandering. And then she abdicated in favour of her cousin Karl Gustaf (Charles X). Charles was a great conqueror and died after a four years' reign. Again there was a long regency, for his son Charles XI was four years old. He was a stern and able ruler and completely repressed the higher nobility. The process of exalting the royal

power which had been begun by Gustavus Vasa was completed by Charles XI. The Diet became a subservient tool in the hand of the king, summoned merely to confirm his acts. The Diet of 1680 declared that the king "was bound by no form of government, but only by the law of Sweden. In ruling his hereditary realm, he need consult his Council only when and how he pleased, and was responsible to God alone". The Council of State became a mere Royal Council. The Diet of 1682 made Charles a "full-fledged autocrat". The king was given 'the right to make laws, to order the succession, to abolish freedom of speech, to levy taxes, to direct education, administration and the Church ... At the same time, a standing army was in contemplation which, when complete, would render the king wholly independent of the Estates'. Finally in 1693 the Diet proclaimed Charles XI absolute sovereign, 'who had the power and right to rule his kingdom as he pleased'.

Thus the only alternative to feudal anarchy or oligarchical misrule in Sweden was royal absolutism. An absolute monarchy was often benevolent and promoted the general welfare of the people. An oligarchy was always selfish and oppressive, and was much worse than an oppressive tyrant. For the oppression of a class is much more intolerable than that of one man.

Charles XI was succeeded by his son Charles XII who was a great soldier and ruled his kingdom as he thought best, without consulting the opinion of the Council of State. When he died childless and without any will the question of succession became acute between his sister Ulrica and his nephew Charles Frederick of Holstein-Gottorp, the son of his eldest sister Hedvig. The Council of State acknowledged Ulrica as the Queen on her promising to renounce absolute authority. She had to sign a compact whereby the Crown lost all power and the nobles again became all powerful. On

her request the Diet in 1720 recognised her husband Frederick as king. The nobles extorted from Frederick I an assurance that he gave up his absolute power. The lower orders were allowed no share or say in the government. King Frederick was a mere puppet of the nobles. The real government was in the hands of the council. On his death his son Gustavus III became king. The new king was anxious from the first to free himself from the feudal bondage and was able to make himself an absolute ruler by a bloodless revolution.

The course of development in Denmark was practically the same with some differences in detail. Here also, since the deposition of Erik, there was a continuous struggle between monarchy and feudalism. The alternative to monarchical absolutism was oligarchical misrule. But in Denmark there was no period when monarchy was in abeyance except for three years after the death of Frederick I during the Count's feud. Here also the kings found their allies in their contest with the nobility in the lower classes—burghers and peasants who were prepared to support the monarchy against oligarchical misrule and oppression. And it was with the help of the lower classes that the king was finally able to triumph over the nobles and set up absolute monarchy. In Denmark the king was never as helpless and powerless as the king in Sweden. The causes were that Denmark was much smaller and compact than Sweden, and it was not absolutely impossible for the king to control different parts of the country. Moreover, as the kingdom of Denmark was largely composed of islands the king, being in control of the navy, was not absolutely powerless against the nobility. Besides, Denmark was industrially and commercially much more advanced than Sweden, and a strong Danish king attempting to control or resist the nobles was always sure of the

powerful support of the industrial and commercial classes. In case of need the Danish kings could borrow from or tax the Hansa merchants to fill the royal coffers.

Thus on the deposition of Erik the Danish Council of State offered the Crown to his nephew Christopher, son of Duke of Bavaria, extorting from him great concessions. As he devoted his attention to the securing of the thrones of Sweden and Norway, he left the government of his kingdom to the Council of State. The peasants of Jutland, ground down by heavy taxes, rose in revolt. But after some initial success the rebellion was crushed.

On the death of Christopher without any heir the Council of State chose Count Christian of Oldenburg. Christian I spent the greater part of his reign in the attempt to gain the crowns of Norway and Sweden and to secure the duchies of Schleswig and Holstein. He left the government to the Council of State. The hapless people had to pay heavy taxes, loans and gifts. When he died after thirty three years' oppressive rule the nobles placed his son Hans on the throne. He had to make a hard compact whereby he left all power in the hands of the nobility. He also devoted his main attention to the securing of the crowns of Norway and Sweden. In Norway he was acknowledged readily but in Sweden he had only a brief success.

On Hans' death the Danish Council of State imposed very hard terms on his son Christian II, making him a cipher king. This filled Christian with an undying hatred for the nobility against whom he relied on the support of the burghers and peasants. This hatred was manifested in the Blood Bath of Stockholm. In Denmark he passed several good laws to benefit the trading and working classes as well as the peasantry. He spared no pains to spread education among the lower classes and to promote their material well-being. This caused great

uneasiness to the nobility who became anxious for their own interest and safety. They combined with the bishops and tried to remove the king. When Christian got a warning his courage failed him and he fled from the country in spite of the solid support of the burghers and peasants.

The Danish nobles now chose Christian's uncle, Duke Frederick of Holstein, as king. He was able to secure the crown of Norway but Sweden was irretrievably lost. He was completely a tool in the hand of the nobles and undid all the beneficial works of Christian for the lower classes. He fully shared the belief of the nobles that it was 'contrary to good order and morality' to raise the condition of the peasants who were to be treated as beasts of burden. When he died, for three years there was no king in Denmark; for the nobles and clergy could not agree as to who should succeed. At last they chose king Frederick's son Christian III as their king. Though the new king was a just and kind-hearted man and wanted to promote the welfare of his people, he could not do much because of the nobles who effectively controlled him.

Christian III was succeeded by Frederick II. Frederick had to sign a new compact with the nobles whereby they secured many new privileges. On his death his minor son Christian IV became king under a regency of four councillors. He also was an able and good king and did much for the material progress of his country. He constantly endeavoured to curtail the influence of the nobles and to lessen their powers over their serfs. The nobles also tried to thwart him in his beneficial work in every possible way. They even refused to grant the supplies which he needed to uphold the Protestant cause in the 'Thirty years' war. The Council of State threatened to ignore his sons and chose a prince of Holstein-Gottorp family as his successor. Thus harassed

and thwarted by the nobles in all his actions the great king died in 1648.

It is only after his son Frederick had agreed to sign a charter whereby he practically left all powers to the nobles and the Council of State that the Council of State proclaimed him king. Frederick was involved in a fatal war with Sweden in which one Danish province after another was overrun by the Swedish troops under Charles X. Even Copenhagen itself was attacked. The city was saved by the heroism of the citizens who fought with the courage of despair, and the timely help brought by Dutch admirals. In this desperate situation Frederick showed exemplary personal valour, great fortitude and sagacity, and was able to secure the intervention of England, France and Holland. On the sudden death of Charles X he was able to conclude the humiliating Peace of Copenhagen (May, 1660), whereby he had to make an unconditional surrender in perpetuity of Skaane, Halland, Bleking and Bahus.

The condition of Denmark seemed hopeless. The country had been devastated by Swedish troops. Everything was in disorder, and the treasury was empty. In his distress Frederick summoned the Diet and took the nation into his confidence. The nobles shifted the responsibility to others, claimed their exemption from taxes and refused to give anything to save the state from bankruptcy and destruction. The burgher class was furious at this selfishness and want of patriotism. The town-council of Copenhagen under the leadership of the burgomaster Hans Nansen asked the king to curtail the privileges of the nobles. They were supported by the clergy headed by Bishop Svane. The gates of the city were closed and civic guards were posted at the doors of the building. Thus cornered the nobles agreed to surrender their exemption from taxation. They, however, bitterly opposed the proposal of Nansen and

Svane to make the crown hereditary. But at the next meeting of the Diet they had to yield when they were told "that every door of exit was held by troops and the whole of the city guard was ready to rush to arms on the first sound of the alarm bell." (18th October, 1660). Thus by a bloodless revolution Denmark became an absolute monarchy. Sometime later a large number of signatures was collected from the nobles, clergy and burghers for a charter which proclaimed the absolute independence of the hereditary monarchy in Denmark. "Five years after the revolution the quintessence of autocracy was formulated in the Kongelov (King's Law), which remained a royal secret until after Frederick's death."

A new system of government was created for Denmark. The nobles lost their monopoly of high offices, many of which were now filled by the Germans. The Council of State (Rigsraad) became the Royal Council, a mere court of law. "After the Swedish fashion colleges or departments of State were established, and the kingdoms of Denmark and Norway were divided into districts, each governed by a sheriff with a fixed salary. The Central government showed itself active, but always paternal. Essaying no social revolution, it left the nobles opulent and the commons depressed. The former soon accepted the autocracy, and the latter did not repudiate their royal ally. Offices were now open without distinction of birth." [Cambridge Modern History V]

Thus ultimately absolute monarchy triumphed in all the Scandinavian countries.

TREND OF POLITICAL DEVELOPMENT IN EUROPE

In country-states monarchy in some form or other was almost universal until recently. We are not taking into consideration the Swiss Confederation which was not properly speaking a country-State but a loose confederation of a number of small, backward, and mountainous or forest Cantons. So also the Dutch Republic was not a country-state like France or Spain. It was 'only a congeries of provinces and town corporations, each of them with sovereign attributes, held together by the loosest political ties.' It was an aristocratic republic in which political power was monopolised by a burgher aristocracy. The great mass of the people had no voice in the government of their country. 'The town corporations, the ultimate depositaries of sovereign power, were close, self coopting oligarchies.' Each province was practically autonomous and sovereign, with an executive head called Stadtholder and an assembly called the States. Though there were at the centre a States-general and a State council, their powers were not large or undisputed. Even here a monarchical tendency was clearly discernible from the very beginning. It was represented by the House of Orange. Finally, in 1747 hereditary monarchy with almost absolute power was permanently established in the person of William IV of Orange, the great-nephew of William III, with the title of Stadtholder. The explanation of this universality of monarchy in country-states has been given by Sidgwick in his *Development of European Polity* (Chap. XIII, P. 191). "In the country-state the personal unity of the monarch is a needed bond and symbol of unity for a much longer

period than in the city-state, where mutual communication and combination of the citizens is so much easier, and we may add which possesses in the walled town with its market place and temples such a striking and visible sign and bond of corporate existence."

This monarchy in the beginning was very weak and undeveloped, limited in scope and power. First of all, it was elective—elective in the sense that a member of the royal family, nominated by the reigning king, generally his son if of age and strong and able, was accepted, except in rare cases, by the leading chieftains; and this was then ratified by acclamation in a gathering of the freemen. In some cases these minor chieftains were elected by the freemen, though they would invariably choose the leading men. The powers possessed by this primitive king were few, mainly the command of the tribal army in the time of war, the performance of sacrifices, and sometimes the settlement of disputes among tribesmen. Often this last function was performed by the tribal chieftains, and sometimes even by the primitive assembly. In every important matter the king, as was natural, would consult other chieftains who generally were his close companions and trusted friends, and would be guided by their advice. In very important matters, e. g., declaration of war against a neighbouring tribe, he would announce this decision to the assembly of freemen summoned for the campaign. The tribesmen generally would hail this announcement with shouts. On rare occasions they would express their disapproval in a similar way.

In these tribal states war was a normal occupation. For the greater part of the year the tribe fought with neighbouring tribes. As a result of these wars petty tribal states developed into territorial states, the weaker tribes being conquered by and amalgated with the more powerful ones. Now the formation of these small

territorial states had an important influence upon the polity of these states. With the growth of the size of the state the power of the king grew. The original people of the tribe dispersed over a large area ; and as a consequence it was not possible for most of them to gather at a central place regularly. So the assembly of freemen would not meet as often as before. It is on important occasions like the accession of a new king, the beginning of a campaign, or performance of the annual sacrifice, that the people would meet in large numbers. That was also the case with the Council of chieftains, for they also were scattered over different parts of the kingdom ruling their respective districts. The king would now consult his companions who attended upon him and those chieftains who were near at hand. Only on important occasions the Council of chieftains would be summoned for consultation and help.

Then when the state grew still larger as the result of further conquest and amalgamation, the status of the king was still further exalted. He would live in a rudimentary palace, attended by a number of companions, and served by a retinue of servants. He affected a grand manner, wearing an attractive dress and a crown, feasting on sumptuous dishes, and enjoying various luxuries attainable in those days. The assembly of freemen would no longer meet to approve public policy or acts. It was not physically possible to gather the freemen of the kingdom at a central place from time to time. Even when summoned, very few would care to attend and respond to the call. For it would mean neglect of their cultivation or occupation which they could ill afford to do for the exercise of a right which few would comprehend. Only once or twice in the year some of them would meet at a review before a military campaign. Naturally the king would avail himself of this opportunity to

make important announcements. The Council would now meet on important occasions to advise the king and to assist him in performing his duties. It now consisted of members of the royal family, king's companions, local rulers, members of the aristocracy, priests, and after the conversion bishops and abbots. Kingship became strictly hereditary, passing from father to son, and in default of the son to the nearest male heir. In some cases the form of election was still gone through, though it was nothing more than a formal acceptance of the royal heir or the nominee of the late king, by the Council.

As the kingdom grew large, and the life of the people lost much of its primitive simplicity, the king was obliged to undertake seriously the work of administration. He had to maintain peace within the state, defend the country from outside attack, administer justice and collect royal revenue derived from royal domains and fines imposed on unsuccessful litigants and criminals.

Naturally the king would appoint the rulers of the districts and provinces, judges, collectors of revenue, and leaders of local levies from among the members of the aristocracy or from the clergy. As money was scarce and not in general use these officers were paid not in cash but in kind, generally from the royal dues in the locality. From time to time they would go to the king's court to give an account of receipt and expenditure, pay the surplus to the king, attend the meeting of the Council and receive his instructions and decrees. Sometimes the king would send his emissaries to convey his wishes and orders to these officers and watch over their activities. At first these offices were temporary and revocable, though quite often they were bestowed for life. But soon they would tend to become hereditary, though at first at every renewal there was a formal investiture. The son of a loyal and efficient officer was always preferred

to a new man of doubtful loyalty and ability. As a result, the provincial and district officers began to look like dependent sub-kings rather than royal officers. They often imitated the pomp and grandeur of the royal court. They would sometimes delegate their duties and functions to their own friends and dependents and spend their life in idleness and pleasure.

Now, in those days of turbulence and rapine, without good roads, with primitive means of communication and transport, and without a standing army devoted to him and a regular civil service, it was very difficult for the king effectively to control the distant provincial and district officers. Only strong and able kings of commanding personality, tireless energy and unfailing tact, were able to keep powerful officials in their place. Not infrequently the local governors, while nominally acknowledging the suzerainty of the king and occasionally paying him tributes and gifts, would act as independent rulers. And whenever the king was a minor, or a worthless ruler given to pleasures and carnal vices, they would not hesitate to rise in rebellion and try to set up independent principalities for themselves. As the popular levies were commanded by these disloyal subordinates the king often found it impossible to crush these risings and bring the faithless rebels to their knees. More often than not he was forced to make peace with them on their terms, conceding practical independence. Sometimes these successful rebels would make the king a puppet in their hands and rule the country in his name, thus setting up an oligarchy under a royal mask. It is in this way feudalism came to be established in western and central Europe because of the weakness and inefficiency of the undeveloped monarchy in the early middle ages.

There was a further development of the process. The large landholders also did not fail to take advantage

of the prevailing anarchical conditions. They usurped governmental powers whenever possible, and began to behave like semi-independent princes in the fashion of the royal governors. Nay, even the higher clergy too followed their example and administered the landed property of the Church like lay landlords, exercising many of the governmental powers. It was not, however, possible for the smaller landholders in those days of general disorder and insecurity to live a life of isolation and independence, depending upon their own strength and resources. Naturally, they would seek protection from a powerful neighbour by becoming his vassal and promising to help him with their personal military service and occasional payments in kind or money.

Again, big landlords would grant parts of their estates to others on condition of military service and pecuniary payments, the latter solemnly promising to remain faithful to them for ever and under all circumstances. This would relieve them of much of the trouble of personal management of big estates and at the same time increase their military strength which was greatly needed in those troublous times.

As to the cultivators of the soil, both independent farmers and semi-servile cultivators of the landlord's land, their condition can be easily imagined. As between the two classes, the condition of the former was worse in one important respect. For, though the serfs or the dependent tenants of a landlord were in a semi-servile condition they were sure of their master's protection as against outsiders. The free farmers, no doubt, did not owe any body personal service or rent in kind or cash. They enjoyed, nominally at least, personal freedom. In practice, however, their condition was simply unbearable. For, they could not expect from anybody protection of their life and property against the attacks

of the rich and strong. Under the circumstances their only remedy was to seek the protection of a powerful landlord by consenting to be his dependent tenants, owing him personal service and rent. Gradually the two classes were assimilated, the conditions of the serfs being improved and those of the free tenants depressed.

It would be a mistake to think that feudalism was a system of polity planned and imposed upon the European society by the deliberate policy of kings and emperors. Not in the least. Properly speaking feudalism was not a system. It was as unsystematic and chaotic as the chaotic condition of Europe at that time. It was not imposed from above by anybody. It grew half hazardedly out of the chaotic conditions of the time. Though there were some common elements or characteristics, it differed from place to place, and from time to time. There was no conscious principle or theory underlying it at first.

However that be, these feudal conditions lasted in Europe for a pretty long time. For centuries monarchy struggled with feudal aristocracy with varied success. At first it seemed that the king was fighting a hopeless battle against the feudal barons. The odds against monarchy were indeed very heavy; for, in addition to the feudal vassals the king was often involved in a bitter struggle with the Papacy which was trying to set up a universal theocracy and would not hesitate to excommunicate a troublesome and defiant king and call upon his subjects to rise in revolt against him. The rebellious barons also were always sure of getting the blessing and the tremendous moral support of the Holy Father against a powerful king who took his kingly trade seriously. Besides, when the king ought to have devoted his whole energy to the crushing of the independent powers of the feudal aristocracy and arrogant pretensions of the Roman Curia his attention was

sometimes distracted by the prospect of winning the Imperial Crown. Again and again in most of the countries monarchy seemed to be on the point of collapse and oligarchy to be firmly entrenched. The king became a dummy in the hands of the powerful nobles who oppressed the people to further their personal and class interests, always of course in the name of the cipher king. Sometimes even the nominal monarchy was temporarily suspended while the country was harassed by civil wars among the ambitious nobles. It seemed certain that monarchy would be ultimately extinguished to make room for undisguised oligarchy.

But this was not to be. In this protracted struggle between monarchy and feudalism, monarchy represented peace and order as against the disintegrating force of aristocracy. Besides, though Papacy sided with the nobles when its theocratic pretensions were repudiated by a strong king, and the Church as a corporation was opposed to the king when its corporate interests were affected, the influence of individual clergymen was cast on the side of monarchy. It is from them that the king found his ablest supporters and servants.

The influence of the Roman Empire also was on the side of monarchy. For, the Roman Empire in the heyday of its glory was a typical example of absolute monarchy. When the study of the Roman law was revived in Europe in the twelfth and thirteenth centuries the influence of the Roman law with its idea of absolute authority of the Emperor, came strongly to reinforce the authority of the king. Quite naturally the lawyers were among the strongest supporters of absolute monarchy.

Again, for some time a new force had been silently growing up, at first very feeble and despised by the aristocracy, but as time went by it became more and more powerful and assertive and ultimately proved to

be the strongest supporter of monarchy. In spite of the troubles and insecurity of the feudal period industry had been growing up within the walled towns with the active encouragement and support of the king, for these towns from the beginning were a source of income to the king. It must not be forgotten that the revenue of the feudal king was extremely limited and inelastic. It was barely sufficient for ordinary purposes in a time of peace. But when he was involved in a long and protracted struggle with the aristocracy he found that his normal revenue was hopelessly inadequate for the purpose. He made frantic efforts to get more money. From the Church he could not expect much. The nobles were not in a mood to pay, especially when they were fighting against the king himself. The king, indeed, tried to secure an additional revenue by abusing his feudal rights of aids and relief. This, however, did not bring him much relief. On the other hand it was bitterly denounced as a violation of the feudal contract and abuse of royal power. It gave the nobles the needed excuse to oppose him and even to make war upon him with a good conscience. But the towns offered him an unlimited prospect of financial exaction. Many of them were situated on the royal domain and stood in the relation of vassals or serfs to the king who had a lawful right to demand military service and aids or pecuniary contributions from them. The townsmen also, belonging to the depressed classes of the society, but grown wealthy as a result of trade and industry, were willing to make generous payments to the king for his protection and grant of municipal self-government. For, what they needed most was peace and protection from the rapacity of robber barons and the opportunity to pursue their peaceful avocations unmolested. This could be guaranteed by a strong king who would be able to repress all disturbing elements of the society.

So the manufacturers and traders from the beginning were ranged on the side of the king whom they considered as their patron and protector. Even the towns which had been situated within a noble's estate and had been dependent on him, had secured their freedom and the right of self-government by successful rebellions or purchase. They now looked to the king for protection against their old masters and were willing to pay for it. Naturally, whenever the king was in financial difficulties he turned to the towns for additional contributions. The nobles also did not fail to notice the financial help which the burghers could render to either side. They also tried to enlist their support by humouring them and by throwing some crumbs to them. The result was that both the king and the nobles tried to use the burghers as pawns in their political game. But self interest is the greatest driving force. And sooner or later the king and the burghers were sure to combine against their common enemy. They were natural allies. The feudal nobles who were disturbing the peace of the country and thwarting the king were the worst foes of the traders and industrialists. To the latter the only alternative to strong monarchy was feudal anarchy.

The burghers, however, by themselves did not provide the king with good soldiers. Traders and manufacturers are never good fighters. They are men of peace and hate soldiering. So their direct military value to the king was not great. But with the money which they liberally supplied, the king was able to hire mercenary soldiers who had made fighting their profession of life and were loyal to him against all the world. They had no political axe to grind. They made the king independent of the disloyal baronial army and enormously increased his military strength. It was still further increased when gunpowder came into use. The king was now in a position to have

a monopoly of the destructive artillery with which he could bombard the baronial castles.

The king soon found it tiresome and slow to individually approach the towns for contributions. It would be very convenient if they were summoned to meet him at the same time in a common assembly to grant him financial aids. So they were asked to be present in the council of feudal vassals to listen to the king's request or hear his decision on a particular matter. Gradually this practice became a convention and the towns were asked to send their representatives when the baronial council met. It was extremely flattering to the low-born townsmen to have the privilege of discussing matters of state like the nobles and the clergy. It enhanced their feeling of self-esteem, for they now felt that they were some bodies. Naturally, in a mood of exultation, and out of a feeling of gratitude, the representatives of the towns would readily agree to the king's demand for money. The nobles also would have no reason to object as long as they were not themselves called upon to pay. It is easy to be generous with other people's money.

Again, the burghers who regarded the king as their friend and ally, generally supported the king's proposal whenever there was any discussion of the same. They were suspicious of the nobles whom they both admired and hated, and except on rare occasions, they voted against them. If, in addition, the king could drive a wedge between the clergy and the nobles by judicious distribution of favours and concessions, it would not be difficult for him to have his way.

There was another quarter from which the king occasionally got unexpected help—the common people or the peasantry. As a rule they formed an inert and apparently soulless mass of helpless human beings—"the great tame beast", unconscious of its strength and lulled to sleep by the 'dope of religion'. By constant suggestions

these toiling masses had been hypnotised to believe that it was God's will that they should work hard from morn to sunset, without complaint and without murmur, for the happiness and comfort of the fortunate few. It was almost impossible 'to disturb the pathetic contentment' of these inarticulate beasts of burden and to rouse them from their torpor or resignation of despair. They were crushed down by the weight of feudal burdens, tithes and taxes. They bore all their sufferings silently, 'hardly venturing to look upwards, even to their Father in heaven'. They complained against nobody, they cursed none but their own fate, and they patiently waited with supreme resignation for the final deliverance. But there were moments when even these mesmerised cattle would stir and kick and refuse to bear any additional weight. And when they rose, they rose with a tremendous convulsion, shaking society to its foundations. Their wrath was directed against their immediate oppressors, the nobility, to whom in their mad fury they were prepared to show no quarter. They had no grudge against the king, for they did not consider him as their enemy. In fact, they fought the king's battle, and a clever king would not fail to exploit their rising to his own advantage. He would come forward as their leader and reap the fruits of their victory.

To cap all, the nobles themselves often committed mass suicide by fighting among themselves over the division of spoils. They tried to capture the supreme power by eliminating their erstwhile allies by all means, fair or foul. And these faction fights of the nobles often developed into wars of extermination from which few survived. It was the king who benefited from this civil war. For, in the end it was he who was left the master of the field.

Thus in most of the European countries the culmination of the long and fluctuating struggle between monarchy

and feudalism was the setting up of absolute monarchy. Hitherto the only real check upon the king's power had been provided by the feudal nobles, not however in the interest of good government, but for their own selfish class or individual interest. It was clearly a struggle for power. The nobles did not care a brass farthing for the welfare of the people or their freedom. They simply wanted to exploit them. Far from being the watchdogs of popular liberty or the benefactors of the people they were their most ruthless oppressors. The common people also did not fail to see them in their true colour. They had had enough of feudal anarchy and oppression. The country had been devastated for centuries by these turbulent nobles. What it now needed most was peace and order, and for that they were prepared to pay any price. So they rallied round a strong king who would be able to keep these disturbers of peace under control. Thus with the active or passive support of the masses the king was able to set up an absolute government in the country.

Here is the real beginning of the modern period of European history. The government for the first time realises that they have their duties to the people. The king is a trustee who must fulfil his trust by serving the real interest of the people, promoting general welfare, and maintaining peace in the country by repressing all disturbers of peace. Thus simultaneously in different countries of Europe in the seventeenth and eighteenth centuries we find absolute kings striving to promote the general welfare of the people by undertaking schemes of all-round reforms. Historians call it the period of enlightened despotism.

ENGLAND

In the last chapter we have seen that the culmination of political development in most European countries before the French Revolution was the establishment of absolute monarchy. This seems to have been the inevitable destiny of country-states. There is, however, one notable exception to this general rule. England after the Anglo-Saxon conquest started from the same beginning as most of the West European countries, with the same primitive German social and political institutions. There was the primitive monarchy, limited by customary checks, ruling in petty tribal states. These gradually developed into larger territorial states with an apparent increase of the king's power. Finally, a fairly large country-state grew up embracing the whole island up to the Firth of Forth, except the mountains of Wales. But the royal authority was not strong enough for the task confronting it, and in consequence feudal tendencies made their appearance towards the end of the Saxon period. This was clearly manifest in the reigns of Edward the Confessor and Harold. After the Norman conquest William I gave them a definite shape and turned them in a peculiar direction. Thus there began the feudal period in which there was a prolonged struggle between monarchy and feudal aristocracy leading to a long civil war which finally set the stage for the establishment of the veiled despotism of the Tudor kings. So far the development was on familiar lines. But now there was a sharp turn which has given the English constitutional history its peculiar interest and which ultimately changed the political destiny of mankind. Just at the moment

of its apparently final triumph monarchy was involved in a life and death struggle with Parliament and was defeated. Monarchy, indeed, was not abolished, but absolute monarchy met its doom. Henceforward the king ruled with a parliamentary title, with the assent and co-operation of Parliament. Finally, it led to the evolution of the Cabinet government in which the king reigns but does not govern. The supreme importance of this constitutional evolution lies in the fact that the example of England tremendously influenced the political history of Europe and America in the eighteenth and nineteenth centuries, and has laid the foundation of modern democracy.

The question naturally suggests itself, why was the ultimate political evolution of England so different from that of the continental countries. Why did it not culminate in absolute monarchy as in other countries? Was it purely accidental? Was it entirely due to the peculiar character and genius of the English people? Or were there certain special causes, which were not wholly accidental, which were responsible for this peculiar development of the English polity? These are points which are well worth considering.

One rightly begins the constitutional history of England with an account of the political institutions of the primitive Germans given by Tacitus. Without going into details we may simply repeat that in some tribes kingship had already come into existence while in others there was as yet no king, the command of the army being entrusted to a temporary war-lord (Duce) chosen for the purpose. There was a Council of Chieftains who ruled the local divisions. This council was consulted by the king on important matters. The chieftains were attended by special followers who were called comites. And there was also an assembly of all freeman (folk moot) to which questions of war and peace were

submitted for approval. Kingship was not purely hereditary, though, as a rule, if the son of the last king was of age and fit he was accepted. In exceptional cases, e.g., the minority of the king's son, or if the king was childless, his brother or nephew or any member of the royal family who was of age and fit, was chosen by the Council of chieftains, and this choice was ratified by the popular assembly.

When the Anglo-Saxons invaded Britain they brought with them their social and political institutions. But during the migration and conquest some modifications must have taken place, the most important being the general establishment of kingship. The successful leader who, according to Saxon chronicle, was called Ealdorman or Heretoga, assumed the title of the king (Cyning). The chief followers of the king were called gesiths, later thegns. They were attached to his person by oath. They protected him in war, and received grants of land in return. They soon came to form a nobility of service. The folk-moot might have continued for sometime as the assembly of free warriors. But as the little kingdoms were gradually swallowed up by the more powerful ones and larger states were formed, the folk moots became shiremoots as the old kingdoms became shires or districts. In the shire the place of the king was taken by the Ealdorman, elected by the Witenagemot. The shiremoot now became mainly a court where cases were tried before the Ealdorman, the Sheriff (the king's officer), after the Conversion the bishop, the landowners of the shire, and four men from each township and twelve representatives from each hundred court. The hundred was a division of the shire and had a hundred moot where justice was administered and minor administrative work was done. Below the hundred there were the smaller divisions called townships having tun-gemots or township-moots. Besides these there were private courts

of the great landowners who had been granted jurisdiction by the king.

In the large kingdoms it was not possible for all freemen to meet from time to time for administrative and deliberative purposes. So the king summoned the great nobles (Ealdormen and Thegns), and the chief ecclesiastics (arch-bishops, bishops and abbots) to his council which was now called the Witenagemot or the Assembly of the Wisemen. It was also attended by æthelings or princes of the blood. It had most of the powers of the old folk-moot. It was with the advice of his Witan that the king made laws, questions of war and peace were decided, and grants of public lands were made. Besides, it chose arch-bishops, bishops and even kings. It acted as the highest court of the kingdom. Though the powers of the Witenagemot were extensive in theory, in practice, however, much depended upon the character and ability of the king. Against a strong king it was helpless, but when the king was feeble or incompetent it became the real power in the state.

In course of time the whole of England was united under the house of Wessex. We are not concerned with the details of their rule or the Danish invasion and conquest. We should, however, note that towards the close of the Saxon period feudal conditions began to appear in England. The king (Edward the Confessor) was not strong enough to make his will felt throughout the country, and taking advantage of the weakness of the king, provincial governors or the Earls began to aim at practical independence and tried to make their earldom hereditary. They even made war upon the king and with each other. One of them Harold succeeded in inducing the Witan to choose him king on the death of Edward the Confessor. Harold was not able to control the powerful and jealous earls who were preparing to overthrow him. It is clear that England was already

in the grip of feudalism, and if this state of affairs continued for some time more the country would be completely feudalised like France. But before this could happen there was the Norman conquest which gave a new direction to the English political development. Not that feudalism was averted. Rather in a sense the Norman Conquest marked and definite establishment of feudalism in England.

William had to satisfy his Norman followers. This he did by repeated confiscations of the estates of the rebellious English nobles which he divided among the Norman leaders on condition of military service and personal fidelity. But he, partly deliberately and partly of necessity, gave lands to his Norman followers in scattered estates over different parts of the country, and not in one region in a compact body, thus abolishing the old big earldoms except a few in the frontier regions. Thus was averted the greatest evil of continental feudalism, in which the great feudal vassals of the king were practically sub-kings ruling their estates like independent princes and were sometimes even more powerful than their lord to whom they paid only a nominal allegiance. As Duke of Normandy William himself had revolted against the king of France, defeated him in battle, and forced him to make a humiliating peace. In England also the same tendency had manifested itself in the reigns of Edward the Confessor and Harold. But for the Norman conquest this would have been firmly established, making the king a cipher. This danger was averted by the policy of William who had grown wise from his own experience. As a consequence, though English feudalism also was both economic and political, the political aspect was partial and controlled. No doubt the baron always had a cavalry force at his disposal. It was, however, difficult for him to use his whole military strength against the king in a sudden revolt. As his

lands were scattered, the king would get previous information from his jealous neighbours before he could collect his entire force and thus would be able to crush him in detail. So the barons were never a formidable enemy of the king except when he was thoroughly incompetent or weak. And fortunately for the English monarchy the first three Norman kings were exceptionally strong and able rulers who crushed the baronial risings with a strong hand. Stephen, no doubt, was a weak man and was not able to keep his barons under his control. They defied him, fought against him, took him prisoner and put his rival Maud on the throne. Maud was equally incompetent, and was besides haughty and arrogant. After his release Stephen took up arms against her and was supported by a section of the barons. The result was that the country was harrassed by both the sides. The barons did care neither for Maud nor for Stephen but were fighting for their own hands. The common people suffered most. They were oppressed by both sides. It was anarchy. But one thing ought to be noted. Though the barons set the royal authority at naught and did what they liked, not one of them thought of pushing aside the King or the Queen and stepping into their shoes or carving out an independent principality for himself. Nominally at least they were fighting for one or the other Sovereign. This was mainly due to the scattered condition of their estates which made it impossible for them to play the king. Sovereignty requires a compact territory. Here in lay the real strength of the Norman monarchy and not in the Oath of Salisbary as is often suggested.

According to the feudal theory the king had direct connection only with his tenants-in-chief who were bound by an oath of fealty to him. In the same way the mesne-tenants' allegiance was due to their immediate feudal lords and not to the king. This was considered

as the most serious defect of feudalism. If any baron revolted his own tenants were by oath bound to follow him into rebellion. By the Oath of Salisbury all landholders, whose-so-ever tenants they might have been, were called upon to take an oath of allegiance directly to the king and to swear to remain faithful to him as against the whole world. It is asserted that this oath clipped the wings of the barons, for after this they were not sure of the allegiance and support of their own vassals if they rose in rebellion against the king. Thus it enormously strengthened the king's authority.

Now this is clearly an exaggeration of the importance of the Oath of Salisbury. The oath, no doubt, theoretically established a direct connection between the king and the mesne-tenants, in practice it did not make much difference. For, in those days of turbulence and treachery an oath of allegiance sat lightly on the conscience of feudal vassals. Whenever it suited their interest the oath would not prevent the subtenants from supporting their lord against the king, as it would not cause a qualm of conscience to the tenants-in-chief to throw off their allegiance to the king. It merely gave the king a theoretical satisfaction about the loyalty of all landholders, but not practical guarantee of their fidelity and support. If the sub-tenants wanted to betray their own lord and desert him in his difficulties they would have a good excuse and moral justification—that is all.

Nevertheless, the Oath of Salisbury helped the king to some extent for a special reason. The king and the barons and many of the sub-tenants belonged to the conquering Norman race. They were foreigners to the English people and were hated as such. And many of the sub-tenants again were English who were personally hostile to their Norman overlords in their heart of hearts and hated them more than the king. Now when these tenants-in-chief would rise in rebellion the Oath

of Salisbury would give their English vassals a good excuse for not supporting them. And the kings fully exploited this advantage. William Rufus, Henry I, and Henry II appealed to their English subjects in their distress and the loyal support of the English was one of the causes why the barons were generally unsuccessful in their struggle for political power.

There were other special advantages of the Norman and Angevin kings. In the Anglo-Saxon period a strong and efficient system of local government had been evolved in spite of the weakness of the Central government. Now the Norman and Angevin kings made it a point to retain and develop it. This was also an important factor in strengthening monarchy after the Conquest. Again, fortunately for England the relation between the monarchy and the Church, except in the reigns of Henry II and John, was on the whole cordial. This also went a long way to consolidate the royal power in England. For, not only were the kings free from the corporate hostility and opposition of the Church but they found their best supporters and servants from among the clergy. And it is with the help of the churchmen that the kings were able to build up an efficient system of central administration and justice.

Another point ought not to be missed. The Norman and Plantagenet kings did not fail to make use of the Anglo-Saxon fyrd in their struggle with the Norman barons. They did not allow it to decay and go out of use. On the contrary they deliberately revived it and took special care to keep it on an efficient footing. For, the fyrd consisting of the English people, could be expected to be faithful to the king as against their Norman oppressors and thus, to some extent, make him independent of the baronial army of doubtful loyalty. Another weapon in the hand of the king was the small mercenary army which he organised with the money

which he obtained by encouraging the barons to commute their military service for a money contribution called scutage. The standing army thus raised was personally devoted to him and bound by self-interest to support him. This mercenary army also made the king to a large extent independent of the uncertain baronial levy.

The result of all these is seen in the reigns of John and Henry III. Feudalism became almost non-political in England, non-political in the sense that the barons did not try to assert their independence and behave like independent princes. They were clearly on the defensive. When they fought they fought to preserve their class privileges and exemptions and to control the king. For tactical reasons they began to pose as champions of good government and general weal. Besides, a new factor comes into the English politics at this stage. Both the feudal aristocracy and the monarchy tried to enlist the valuable support of the rising class of burghers, grown wealthy as a result of the development of trade and industry. Worthless as soldiers they were specially valuable allies from the financial point of view. For, they could liberally supply the king or the nobles with the sinews of war in the shape of pecuniary contributions. That is why the victorious barons introduced into the Magna Carta a few clauses apparently in the interest of London and other towns and of the merchant class as a whole. It is a mistake to regard the Great Charter as a national Charter of liberties wrested from the hand of a tyrannical king by the united efforts of all classes of Englishmen. No ; in reality "the Great Charter was a bond between a feudal king and feudal barons : it runs on feudal lines". John was a tyrant because he was a strong king and determined effectively to control the barons and the Church and push his feudal rights to the extreme. The real character of the baronial

opposition is clearly stamped on the Charter itself. It was not at all political; it was essentially financial and incidentally legal. Its aim was not to set up a baronial oligarchy but to defend the financial privileges of the barons and protect their personal freedom. Even the clauses 12 and 14 are essentially protective and financial rather than political. The real intention of the barons was not to participate in the administration of the country through the baronial assembly but to prevent the exactions of the king. Clauses 39 and 40 were introduced to ensure personal safety as against the high-handed actions of the king which accompanied his financial exactions and military demands.

The Magna Carta has been given an undue political and constitutional importance which undoubtedly it did not possess at the time. John and his successors never took it seriously. To them it was merely a hollow promise which had been extorted from an unwilling king under duress and as such was invalid. The Pope released John from his oath on that ground. To the barons also it was no more than a temporary expedient to prevent the king from tyrannising over them. They also knew the real worth of this Charter and that is why they inserted the clause 61. The real significance of this Charter was that it supplied an attractive slogan to the barons in their struggle against the king and nothing more. This Charter was ratified thirty seven times. This shows its worthlessness as a check upon royal despotism.

The Norman and Angevin kings undoubtedly were absolute rulers. The only checks upon their authority were unwritten feudal customs which a strong king would ignore with impunity. The king regarded the Great Council of tenants-in-chief as an instrument in his hand which he would consult on important matters for his own advantage. A strong king never considered

it as a check upon his authority. The barons also at first did not consider it as a weapon with which to control a self-willed king. The 12th and 14th clauses of the Magna Carta suggest that it was not frequently summoned, and even when summoned the barons were not anxious to attend it. What the barons really wanted was not that the king should summon them regularly or quite often. They wanted that the king should neither summon them nor exact scutage and aid.

Even when Edward I began from time to time to summon the burgesses and knights to Parliament, as the Great Council came to be called by this time, he did not think that he was doing something which would weaken his authority. Rather he believed that this new step would further consolidate his position and strengthen the royal power. For the townsmen were the king's obsequious allies and not the friends of the barons. Even when Simon de Montford had asked the towns and boroughs to send their representatives he had done so because after the victory of Lewes the barons had begun to quarrel among themselves, and most of them had been opposed to his authority and policy. And as the burgesses were generally hostile to the aristocracy he in his needs had tried to enlist their support by placating them. Edward I followed his example to his own advantage. The burgesses generally supported the king as against the barons.

Against a strong king Parliament was powerless ; it is only when the king was weak and incompetent, or his title to the throne was defective that it found an opportunity to make its power felt. Thus it was with the assent of Parliament or the Great Council that Edward I passed the statutes which aimed at curbing the barons by reducing their political power. Even when Edward I was obliged to confirm the Charter in 1297 it was not the victory of Parliament but that of a 'rebellious gathering of barons'. So the only sanction for the Magna Carta or the

only force behind Parliament was the threat or actual use of force by the barons. But the barons were always on the defensive, fighting to defend their rights and privileges from the encroachment of a high-handed and tactless king. They did not try to assert their independence. They, however, posed as the champions of popular rights and good government. The situation was complicated by the personal ambition of the members of the royal family who posed as the leaders of the baronial party in the hope of replacing the king.

This happened in the reign of Edward II. Edward was a weak and incompetent king but he wanted to curb the barons and gave his confidence to his personal friends—'the favourites'. The barons, however, were too strong for him and banished his friend Gaveston. They entrusted the government to a baronial clique, the 'Lords Ordainers', who ruled the country according to a scheme called the Ordinances. Edward's cousin Thomas Lancaster, one of the most powerful barons, became the real ruler. Edward no doubt chafed under the baronial tutelage and bided his time. After some years he gathered an army, crushed the nobles and executed Thomas of Lancaster. He repealed the Ordinances in a Parliament on the plea that "the matters which are to be established for the estate of our lord the king and of his heirs, and for the estate of the realm and of the people, shall be treated, accorded and established in Parliament by our lord the king and by the consent of the prelates, earls and barons, and the commonalty of the realm, according as it hath been heretofore accustomed". This startling statement of a great constitutional principle about legislation was made in Parliament in 1322 at the instance of the king himself who wanted to free himself from the control of the barons. He did not even dream that he was laying down an important constitutional principle which later on might be used against the monarch.

For the next few years the king ruled despotically, and again the barons plotted against him. This time the faithless queen joined the conspiracy hatched by her lover Roger Mortimer, and the conspirators proved too powerful for the king. Edward II was deposed, rather he was compelled to resign, and Parliament accepted his minor son Edward III as king, though the real power was in the hands of the queen and the barons.

When Edward III took the reins of government in his own hands he gave almost his whole attention to France—the Hundred Years' War. He was constantly in want of money and repeatedly demanded fresh grants from Parliament. Parliament took advantage of the king's pecuniary difficulties to extort important concessions which Edward III in his eagerness to carry on the war to a successful conclusion thoughtlessly made, little realising that he was thus lightly throwing away many of the king's prerogatives and was giving Parliament valuable constitutional rights which would in future be used against the king. It was about the control of taxation that Parliament made the greatest advance. Especially a beginning was made of parliamentary appropriation of supplies to particular purposes, auditing of the accounts, and attaching the condition of redress of grievances to grants. Moreover, Parliament forged an important weapon to control the king's ministers—the impeachment.

Richard II's reign was a long struggle for power between the king's party and the nobles who were led by the king's uncle, Duke of Gloucester and his cousin, Earl of Derby, the son of John of Gaunt who had misruled the country during the first four years of his minority. John had been discredited by the Peasants' Revolt and retired from active politics. The country was ruled by Richard's friends. But they were harassed by the Duke of Gloucester, Henry of Derby, and other nobles. This led to a civil war between the king's friends

under the leadership of De Vere, Earl of Oxford, and the nobles. De Vere and his supporters were defeated and were accused of treason by the five leaders of the baronial party, who styled themselves as "Appellants" and ruled the country for the next few years. When Richard came of age he took the government in his own hands and bided his time for the next eight years. Then he suddenly arrested three of the Appellants on a charge of treason. Gloucester was murdered in prison, Warwick was imprisoned, and Arundel executed. The two other Appellants, Derby and Nottingham, were, however, rewarded with dukedoms. Henry, Earl of Derby, became the duke of Hereford. Richard now began to rule as an absolute ruler. He was granted a revenue for life, and to a council of eighteen friends Parliament even delegated its powers. The king had triumphed over the baronial oppositions. The two dukes quarreled and the king banished them. Henry, however, was assured that on the death of John of Gaunt he would be allowed to succeed to his father's Lancaster estates. This promise Richard did not keep. He seized the duchy of Lancaster on the death of John of Gaunt and went to Ireland to subdue it thoroughly. Taking advantage of the king's absence Henry (Bolingbroke) landed in England with a small army. The barons who had been chafing under the king's tyranny joined him. When Richard returned from Ireland he found his position hopeless and surrendered to his cousin. Richard was deposed by Parliament and Henry was accepted as king Henry IV. England thus narrowly escaped the permanent establishment of absolute monarchy—not because of the action of the obsequious Parliament but for the selfish policy of the barons and the personal ambition of Henry Bolingbroke who took full advantage of the unpopularity of Richard's tyranny. Neither Henry nor the barons cared for 'the constitutional aspect of the crisis'. The

opposition to Richard was purely 'a factional baronial opposition.' So this was a successful rebellion and not a 'revolution' as it is generally called. Parliament was merely a pliable tool in the hand of the strong—of the king when the king was strong and clever, of the barons when they were stronger.

The authority of Parliament during the Lancastrian rule until the outbreak of the Wars of the Roses was unquestioned. "It was a period of unbroken constitutional government", which is "startingly and prematurely modern". "It was constitutional not because the constitution was solidly founded and firmly fixed and fortified in possession of the government, not because the constitutional way seemed the only natural way of doing things, but rather because of circumstances somewhat temporary in character: the insecurity of the king, his absence, his infancy, or his personal weakness, left Parliament really alone the strongest factor in the government". (Adams—P. 218).

Henry IV's position was very weak. He found it much more difficult to keep the throne than to win it. He claimed to rest his title to the throne on three grounds—hereditary descent, successful usurpation by force, and Parliamentary sanction. Now in those days the theory of Parliamentary sanction did not carry much weight, for it could be secured by any successful adventurer. The claim of hereditary descent by a younger line was dangerous, for it opened the way to all ambitious members of royal descent to follow his example. His real title was the right of conquest, forcible usurpation with the support of discontented and disloyal nobles. Well, that held out an alluring prospect for any ambitious adventurer 'who had royal blood in his veins.' No wonder that for the greater part of his reign Henry had to defend himself against rebellious barons. Naturally the harassed king tried his best to strengthen his position and keep his rickety throne by following the line of least resistance

with Parliament, even deliberately exalting its authority as a buffer against baronial attack.

Henry V's position was much stronger, but the interest of his reign lies in France—in the glorious victories of the Hundred Years' War. This opened an unlimited prospect of power and gains to the barons and they enthusiastically supported the youthful martial king. So at home there was little danger from baronial attack and the government was carried on in perfect harmony and co-operation with Parliament which availed itself of this opportunity to win new powers and consolidate its position. The reign of Henry VI was the high water mark of aristocratic misrule, intrigues for power, and finally the scramble for the crown. The power of the great nobles had increased as a result of the French wars. They had become "semi-independent leaders of great bands of armed followers who wore their liveries and were prepared to follow their fortunes either in French wars or English riots". When the Hundred years' War came to an end the occupation of these nobles and their armed retainers was gone. "The English lords ousted from France returned to England at the head of bands of men brutalized by long warfare, demoralized by the life of camps and garrisons, and ready for any desperate adventure". Moreover the concentration of estates in the hands of a few great nobles made them practically rivals of the king in power and influence. During the long minority of the king there was the factious struggle between the Dukes of Bedford and Gloucester and Cardinal Beaufort in the Council. Then during the personal rule of the weak and imbecile king things did not improve. The factional struggles between the great nobles continued as before. Finally there appeared on the scene Richard, Duke of York, the nearest heir to the throne, for Henry VI was childless. He assumed the leadership of the 'constitutional' opposition. When the

king became insane and a son was born to him blasting the prospect of the Duke of York he raised the standard of rebellion. Thus began the Wars of the Roses—'a political tournament open to all competitors with royal blood in their veins', of which 'the prize was the crown'. The other nobles who could not hope to seize the crown joined in the fray with the object of securing personal advantages and gains by perpetuating anarchy. They were simply free-lances and cared neither for constitutional development nor for the rights of any claimant.

During this period from 1399 to 1455 Parliament 'was busy about the establishment of the so-called privileges of parliament: freedom of debate; the freedom of members from arrest; the right of house of Commons as distinguished from the upper house to originate taxation; to determine the qualifications of members; to discipline and punish members and disrespectful outsiders; the regulation of the right of suffrage in the counties; the extension of the practice of appropriations; and the improvement of the process of legislation'. But more important than all these was the 'habit of parliamentary authority' which was developed during this long period of executive weakness. But in reality all these were illusory as the later history shows.

It is often said that the increase of the powers of the House of Commons was a fact of fundamental importance, for it was the stronghold of the middle classes as distinct from the aristocracy. But this is not true until the 19th century. All through this time it was only an instrument in the hands of the nobility, though a strong king would often make it a docile tool as he would also make the House of Lords. No doubt the House of commons was composed both of representative knights and the representatives of the mercantile and industrial interests in the towns. But in reality it was dominated by the knights, through whom again the great

nobles controlled it. It was not an accident that the knights of the shire who belonged by birth to landed aristocracy, chose to combine with the representative burgesses to form the House of Commons rather than with the great nobles. They clearly understood the advantage of this and their action was deliberate. In a house of great nobles the petty local landholders would be mere ciphers dittoing the decision of the big landlords, but in the House of Commons they would be the dominant factor leading the low-born merchants and artisans by the nose. That is what actually happened. The House of Commons became a second string in the hand of the great nobles.

That the powers of the House of Commons were merely theoretical and not real is evident from the fact that during the Wars of the Roses it was impotent and was practically out of the picture. The whole fabric of constitutional rule so laboriously built up since the reign of Edward I crumbled to pieces, and in the place of the rule of law was substituted the rule of naked force, though Parliament was occasionally summoned to do the bidding of the victorious party. The Yorkist kings, especially Edward IV who was the most powerful king since Edward III, distrusted Parliament and summoned it only at long intervals, and even then took care to pack it with their own adherents. Thus during the last twelve years of his reign from 1471 to 1483 Edward IV summoned only one short Parliament in 1478. The Yorkish kings often raised much money without the consent of Parliament in the form of loans or gifts (benevolence), thus making themselves independent of parliamentary grant. The most serious consequence of the Wars of the Roses, however, was the destruction of the so-called habit and tradition of parliamentary government of the early Lancastrian period.

Henry VII, 'as the last competitor' in the political tournament of the Wars of the Ross, 'emerged from

the list the ultimate victor'. Not that none after him tried to follow in his footstep, but that he was able to crush them. They were never formidable rivals. Henry's position as king of England, however, was not at first strong. He was merely a usurper who had seized the crown by force. His only title to the throne was that of the invincible sword. He 'came to the throne as the result of no national movement in defence of the constitution.' By no stretch of imagination his accession can be defended on the principle of hereditary succession. He was far removed by birth from the throne. There were at least four persons who had a better title to the throne. He was conscious of his essentially weak legal position. So one of his first acts after he had seized the throne was to marry the daughter of Edward IV, Elizabeth of York, in order to strengthen his claim.

Nevertheless, whatever may have been his legal title to the throne, in one respect his position was strong. The Wars of the Roses had shattered the baronial power. 'They that took the sword perished by the sword'. Many of those who escaped from the battle field with their lives were the victims of the headman's axe. Parliament had been utterly discredited during the long anarchy. The country had long groaned under the tread of ruthless knights. Naturally there was one great longing for peace for which the people were willing to pay any price. What was needed most was a strong king who would be able to repress all disturbers of peace and maintain law and order in the country. And Henry was equal to the task. He struck at the root of the nobles' power by his Statutes of Livery and Maintenance and by creating the extra-ordinary Court of the Star Chamber which it was difficult for any man to defy or browbeat. Moreover, a new invention enormously strengthened the hand of the king—that of the gun powder which reduced the importance of the baronial castle

and the mounted soldier. Henry had the exclusive possession of the artillery. There was no reason why he should not have the monopoly of fire arms also ; and bullets were no respecters of persons. Henry further weakened the nobles by depriving them of their political influence. He chose churchmen or commoners as his ministers. Besides, he consolidated his power by passing a number of good laws. In all his acts he worked through Parliament which willingly co-operated with him. Hitherto the barons had been the controlling authority in Parliament. With the destruction of the baronial power Parliament became docile and subservient, ready to carry out the master's will. Still the king was determined to make himself independent of parliamentary grant by securing a large-revenue by extra-parliamentary methods. Thus he demanded benevolences and revived every possible feudal claim. He secured a large revenue by an apparent show of clemency in commuting death-penalty for huge fines. In his anxiety to live within his means, he scrupulously took care not to be entangled in a foreign war, though he formed marriage alliances with foreign powers. The result was that during the last thirteen years of his reign he summoned only one Parliament in 1504. Thus was established what is known as Tudor despotism. The king ruled as he pleased in co-operation with a 'subservient parliament' though the form of the constitution was not violated. The Tudor kings used Parliament to carry out their most arbitrary acts.

There is, however, no reason why this Tudor despotism should not have become an undiluted absolutism by doing away with the nominal parliamentary form as in the continent at the beginning of the modern period. All the circumstances were favourable for such a transition. The country, distracted by the long spell of feudal anarchy was longing for peace and was ready to support a strong king. The baronage was practically crushed. The

hands of the king had been strengthened by necessary laws. He had at his disposal a powerful artillery and other firearms. He practically made himself independent of parliamentary grants. Finally the attention of the nation was diverted from politics to new things—development of industry and commerce, geographical discoveries, the New Learning, and lastly the religious question.

It is generally suggested that what saved England from such a catastrophe was the insularity of England which made her almost immune from foreign invasion, thus making it unnecessary for the English king permanently to maintain a standing army which is the main pillar of absolute monarchy and the tradition of constitutional government which even the mightiest of the Tudor kings did not dare to violate. Now though there is some truth in the first point, it is not the whole truth. The insularity of England might have been a favourable condition for absolutism as well. For by securing England from foreign invasion (except from Scotland which was never formidable) it would have allowed a level-headed, prudent and calculating king to keep himself free from foreign entanglements, making it unnecessary for him to depend on parliamentary grants. In that case it would have been possible for him to relegate Parliament to the background even to abolish it as in France. And there is also no reason why a strong king like Henry VIII should not have been able to keep a small efficient standing army in exclusive possession of firearms for the maintenance of internal peace and order. As to the parliamentary tradition, well, that had been effectively destroyed during the anarchy of the Wars of the Roses, and could have been ignored with impunity as the custodians of parliamentary power had perished in those wars or by the headman's axe.

What really saved Parliament from complete annihilation was its subservience, its apparent helplessness.

and impotence. The strong Tudor kings, in stead of regarding it as a rival or as a possible check on royal authority, considered it as a convenient tool of royal policy. Another important reason why Parliament did not share the fate of the French States-General was the fact that Henry VII was not succeeded by another king as astute and clever, as calculating and self-controlled as himself, but by an impetuous, self-willed, vainglorious and blood-thirsty debauchee like Henry VIII. While Henry VII had scrupulously avoided foreign wars, Henry under the guidance of an ungodly churchman, Wolsey, involved himself in continental wars which brought him no doubt short-lived glory but at the same time exhausted the savings of Henry VII. Thus he was obliged to appeal to Parliament for money from time to time. No doubt the nation loved their good king Hal who united in his person the claims of the Houses of Lancaster and York ; they were nevertheless unwilling to part with their money to satisfy the martial hankerings of their youthful king. In 1523 the House of Commons refused to discuss the royal demand for money until Cardinal Wolsey who had come to intimidate the Commons had departed, and even then it made a much smaller grant. The result was for the next seven years Parliament was not summoned. In 1529 the king was forced to summon it for his anxiety to secure a divorce from Catherine. This Parliament, known as the Reformation Parliament, sat for seven years till 1536. For political reasons the Pope was not in a position to satisfy Henry, and Henry was bent upon getting the divorce by fair means or foul. He tried various means, and finally summoned Parliament which had not met, except for that brief session of 1523, for about fourteen years. If this divorce question had not cropped up, or if the Pope had been in a position to help Henry most probably there would have been no official Reformation in England—at least in Henry's reign, for he had no quarrel

with the Papacy. Nay, he had been the Pope's supporter against the German reformer, and was firmly attached to the Catholic creed. In that case it is quite likely that Henry would not have summoned Parliament again during the rest of his life. As it was after 1536 he summoned Parliament in connection with matters mainly connected with the Reformation and the Succession. The succession question became important and difficult because of Henry's divorce. Both Mary and Elizabeth could not at the same time be legitimate. So Parliament was induced to declare Mary illegitimate and settle the succession upon Elizabeth. After the execution of Anne Boleyn Elizabeth was pronounced illegitimate and the crown was settled upon the offspring of Henry and Jane Seymour. By this Act the king was authorised to nominate his successor by letters patent. This was clearly a delegation of Parliament's power. Edward VI no doubt was a legitimate son of Henry, for when the latter married Edward's mother Jane Seymour both Catherine and Anne Boleyn were dead and the marriage was a valid one. But Edward was a sickly child, and Henry had a presentiment that his son would not live long, might not even survive him. So on the authority of the Act of Parliament 'Mary and Elizabeth were restored to the succession after all the other descendants of Henry VIII, and after them the line of his younger sister Mary preferred to that of his elder sister Margaret, who had been married to the king of Scotland'. In his anxiety to straiten the succession question which had become complicated and confused because of his matrimonial ventures and to stabilise the Tudor dynasty he unwittingly exalted Parliament and increased its power, undermining the principle of hereditary succession. Here was a frank and unequivocal admission that the Crown of England was not strictly hereditary but legally the gift of Parliament. So also he had enormously increased the authority of Parliament by the Divorce

question and consequent repudiation of the Pope's authority. Headstrong and licentious as he was, Henry did not realise that he was really striking at the root of royal absolutism in order to satisfy his lust !

Henry was succeeded by his sickly son Edward VI who was a minor. The government was in the hand of a council which declared Edward's uncle, Duke of Somerset, Lord Protector. The chief interest of his reign lies in the reformation of the religious doctrines in a Protestant sense. Parliament had to be summoned to pass the necessary laws. For the mass of Englishmen were not in favour of the Reformation and were devoted to their old religion. Under the circumstances it would not be possible for the Council and the Lord Protector to make any doctrinal changes without the instrumentality of Parliament. Even then there were serious risings.

Before Edward came of age he died and was succeeded by his thirty seven years old half-sister Mary, the daughter of Catherine, though an attempt had been made to exclude her from the succession, and there had been a brief interlude of Lady Jane Grey's nominal reign. Now Mary was a bastard in the eyes of the Protestants. They feared that she would try to bring back Catholicism and Papal authority. This Mary, the daughter of Catherine, believed to be her duty. For that however she had to take recourse to Parliament. With its help she restored England to Catholicism. This shows that Parliament which had been changing the religion of the country again and again at the behest of the Crown was a docile and subservient tool in the hand of the Sovereign. Nevertheless the theoretical affirmation of Parliament's authority was clear and emphatic and the tradition of parliamentary rule which had been destroyed by the Wars of the Roses was again being revived in the most pronounced way. Had there been no Divorce

question and no repudiation of Papal authority in the reign of Henry VIII. Henry would have been succeeded by Mary, and even if she had no child she would have been succeeded by the nearest heir without any difficulty. In that case Parliament could have been pushed to the background and its meetings would have been few and far between. And finally it would have gone the way of the French States-General.

But that was not to be. Mary had a very short reign and died childless. She was succeeded by Elizabeth. Now Elizabeth was a bastard in the eye of the Catholics, i.e., of half of England. Again Cranmer who had consecrated the marriage of Henry and Anne Boleyn had declared it null and void three years later. So in the eyes of the Protestants also she was an illegitimate child of Henry. Hence her position was extremely weak, though she succeeded to the throne according to the will of Henry and the Act of Parliament. It was Cecil who was mainly instrumental in putting her on the throne. Though personally she was indifferent to religion, yet as Anne Boleyn's daughter and at the instance of Cecil she inclined towards Protestantism and wanted to bring back her father's system with suitable modifications. This she effected with the help of Parliament. By this she made the Catholics her bitter enemies. They regarded Mary Queen of Scots who had returned from France on the death of her husband as the rightful queen of England and Elizabeth as a mere usurper. Mary, after great vicissitudes of fortune in Scotland, came to England as an unwelcome guest of Elizabeth who kept her rival closely confined. From this time until her execution for about twenty years she was the centre of Catholic plots against the life of the queen. At the same time Elizabeth had to play off Catholic France and Catholic Spain against each other and thereby save herself from both. This was an extremely difficult game. Elizabeth's position at times

seemed to be absolutely hopeless and desperate. Though she was served loyally by a number of able councillors and officials, in a sense she was absolutely alone. She had neither husband nor son to help her. She had to rely on her own resources and tact. Under the circumstances she had to take Parliament into her confidence. Though it did not meet quite often, still all through her reign Elizabeth had to turn to parliament in her difficulties. Even Mary's death did not end Elizabeth's troubles. Immediately after the execution of Mary, Philip II of Spain, the leader of the Counter Reformation who had been secretly supporting Mary, planned to invade England and fitted out the Armada. With the defeat of the Armada Elizabeth's position greatly improved and England also breathed a sigh of relief.

Yes, it was a great deliverance for England, and in a double sense. She had narrowly escaped foreign conquest, and what is not less important, she had narrowly escaped royal absolutism. Had Henry VIII kept his head cool and controlled his passions and had not lightly provoked a religious revolution, and had there been no uncertainty about royal succession and Henry had been succeeded by a legitimate heir—even a daughter aided by an able and tactful husband and followed by a grown-up son (there is no reason why Mary should not have children if she had been married at the proper age)—it is quite likely that 'Tudor despotism' would have developed into an absolute monarchy of the continental type. For, when the old nobility which had so long formed the only real check upon royal absolutism had perished in the Wars of the Roses and there was a great longing for peace in the country after the devastating civil wars of thirty years, and when the attention of the growing middle class was directed to the New Learning, Reformation, commerce, maritime adventures, industry and money-making, it was the golden opportunity for a line of strong kings with a good

hereditary title to establish an absolute monarchy. This was the time 'when the taunt sometimes heard that the Anglo-Saxon will contentedly endure any kind of government that gives him security of trade' was justified.

But fate decreed otherwise. Henry VIII was a headstrong, self-willed and licentious king who for purely personal reasons began a religious revolution which convulsed England for more than a century. Moreover, at the time when he demanded a divorce from Catherine so that he might marry Anne Boleyn with whom he was over head and ears in love, he had no son. He married one wife after another, but had only a daughter by Anne Boleyn and a sickly son by his third wife. And as luck would have it, his son did not survive him by many years and the throne passed into the hands of his daughters whom he and Parliament had declared bastards. It was this which sealed the doom of absolute monarchy in England. For though Elizabeth was a strong and popular monarch yet during her long reign she was confronted with such difficulties as were beyond the power of any woman to surmount unaided, however able and tactful she might have been. No doubt she did not summon Parliament regularly and often, yet from the beginning of her long reign to its close she had from time to time to take the nation into her confidence through their representatives.

The result was that by the time of the close of the Tudor period the cause of absolute monarchy was practically undermined. For three quarters of a century the Tudor monarchs had made Parliament the instrument of their policy, summoning it now and then without the lapse of any long interval, and had deliberately, though without realising the consequence, exalted its formal powers, even unequivocally admitting its power of regulating succession to the throne and thereby destroying

the foundation of hereditary succession. And this was done by the spontaneous and unfettered action of willing monarchs and not by helpless kings under duress. Thus was the principle of parliamentary authority and control indelibly impressed upon the mind of the English nation—at least of the energetic, enterprising and prosperous middle classes. The tradition of parliamentary control thus re-established during the Tudor period would be difficult for any future monarch, however able and resourceful, to absolutely ignore. It is not, however, suggested that the kings would be powerless and absolutely dependent on Parliament, or strong kings would not be able to govern as they liked as long as they did not openly violate the forms of constitution. Certainly not. Even after the death of Elizabeth, had she been succeeded by a line of tactful and strong kings, able to conciliate the confidence of the nation and evoke their spontaneous loyalty, there is no reason why they should not have continued to govern the country personally with the occasional aid and co-operation of Parliament. In other words there would have been limited monarchy—limited as regards powers of taxation and legislation—but not responsible government carried on in the name of a dummy king by a parliamentary committee under parliamentary supervision.

But here again fate ordained differently. Elizabeth was not succeeded by a king who had an unimpeachable title and was able to conciliate the confidence of the nation. According to hereditary principle James no doubt had the best claim, but he had been excluded by Henry VIII's testament and the Act of Parliament. He was placed on the throne by Cecil and his clique, and there was a long and heated debate about succession in Parliament before he was accepted. But his weakest point was that he was a foreigner—the king of a foreign country which had been England's traditional enemy from time immemorial. So though he had Tudor blood in his veins and was perforce

accepted by the English people without enthusiasm and without affection, he remained always a suspect in their eyes. Every act of his was regarded with suspicion by the nation. He was first the king of Scotland and then the king of England. This was really very unfortunate. Moreover, his religious position was also very difficult. As a consequence of the vacillating and uncertain religious policy of the Tudor Sovereigns since Henry VIII, for three quarters of a century the religion of the English people was in a chaotic condition. There were all sorts of creeds and beliefs, none of which was clearly the faith of the majority of the people. Though there were minorities of staunch Catholics and Puritans, the mass of the people had no clear and well-defined religious convictions. Their devotion to the Papacy and Catholicism had been shaken or undermined, at the same time they had not found a safe and firm anchorage in any other creed. In other words the religious condition of the country was in a state of flux and for the common people it was highly uncertain and unsatisfactory. The mass of the illiterate and ignorant people were simply bewildered. James's peculiar affiliations increased their difficulties. From the son of Mary Queen of Scots the Roman Catholics expected much. At the same time from the king of Presbyterian Scotland who had been brought up from his birth under the close supervision of staunch Presbyterians the English Puritans not only expected sympathetic attitude but far reaching reforms. But James who had a deep hatred for the Presbyterian form of religion and was a man of tolerant disposition, determined to continue Elizabeth's policy. He pleased neither groups. The consequence was a series of Catholic plots and determined Puritan opposition to the king's policy in the House of Commons. This was specially unfortunate. For the Puritans who formed the dominant element of the House of Commons were not in a mood to satisfy the financial

demands of the king who found it more and more difficult to meet the increasing expenses of the government and of the royal family with the ordinary revenues of the Crown. Prices were going up and duties of the Government were expanding. Besides, in spite of the pacific mentality of James he found it impossible to avoid being involved in the religious wars of the continent. To make matters worse James who was a learned man, a pedant and a conceited fellow, thought too highly of his kingship. Being a foreigner he did not understand English character or English political institutions. He unnecessarily threw a challenge to the politically minded Englishmen by proclaiming from house-tops the theory of the Divine right of kings. This was absolutely uncalled for. So also his reference of constitutional questions to the judges was unfortunate. For thereby he gave great publicity to his unpopular acts of doubtful legality. For a certificate from the docile and subservient judges would satisfy none but the credulous. Many things which he might have done unostentatiously and tactfully were sure to be resisted by a politically conscious middle class when done with fanfare. Besides, his actions were not consistent, and thereby he raised a cloud of misunderstanding about him. He gave his only daughter in marriage to the Calvinist Elector palatine of the Rhine, whereas for many years he tried to bring about a marriage between his son Charles and the daughter of the Catholic king of Spain. He did not support his son-in-law in his difficulty. This intensified the suspicion of both the Catholics and the Puritans. Neither could trust a monarch who could play such a double game.

Again, the time was not propitious for the setting up of naked despotism. Under the strong Tudor monarchy for more than a century England had not been disturbed by baronial wars. The country, except for the religious

controversy and persecutions, had been enjoying a long spell of peace which made men forget the blessings of a strong monarchy. At the same time with the destruction of the Armada and the accession of a Scottish king on the throne of England the danger of foreign invasion had passed away. The Renaissance and the Reformation had given a great stimulus to independent thinking of the middle classes which were becoming prosperous as a result of the growth of industry and trade. Prosperity and success gave a new confidence and assertiveness to these prosperous burghers who were mostly Puritan in their religious conviction. Finally, these people, though rich, were parsimonious and greedy, and were unwilling to give generously to the king for the need of the state or for the extravagance of the court. As James, because of his extravagant habits and ever increasing needs of the government, was constantly demanding larger and larger sums from Parliament, it was inevitable that the King and Parliament would come to a conflict.

Charles I was unfortunate in inheriting this conflict between his father and Parliament. His position from the beginning was very difficult. Like his father he was also a foreigner by birth. Like him he also did not understand English character or sentiment. It was most unfortunate that he had already roused the suspicion and dislike of his Protestant subjects by wooing the Spanish Infanta, and finally by his marriage with the sister of the Catholic king of France. In their eyes he was a disguised papist and this belief was strengthened by his mildness towards the Catholics. This is why Parliament voted him tunnage and poundage only for one year and not for life, and refused to vote him liberal supplies even when he was fighting against Catholic Spain and Catholic France. When the Duke of Buckingham who had been Charles's companion in the Spanish and French matrimonial ventures became his chief councillor and favourite, the Protestants had

no doubt about his real religious conviction. Naturally the House of Commons, dominated by the puritan element, directed its first attack against Buckingham and refused to make any grant until the favourite was removed. This intensified the struggle between the King and Parliament. Charles in his anxiety to save his friend dissolved Parliament and raised money by forced loans. Soldiers were billeted on those who refused to pay, and many were imprisoned including Darnell (Darnell's case). But this was not successful. In this pressing need for money Charles was again forced to summon Parliament which in the 'Petition of Right' condemned his high-handed acts. The helpless king had to swallow it in return for a large grant of money for the conduct of the French War (expedition to La Rochelle).

The relation between the King and Parliament, however, did not improve in the least, rather it deteriorated still further. In disgust Charles dissolved Parliament and determined to rule without it. For eleven years—during the Eleven Years' Tyranny—he did not summon it and dispensed with parliamentary grants by a policy of rigorous economy and avoidance of foreign entanglement, and by raising the necessary money by various expedients, some of which, if not definitely illegal, were of doubtful legality. The country on the whole remained quiet and submissive, though there were a few protests against the financial and religious policy of the king and his religious agent Laud. There is no reason why this system should not have continued indefinitely, even to the end of Charles's reign. Had it been so, monarchy would have won a definite triumph over Parliament—at least for the time being. This would have changed the course of history of England. But the bungling of the king and the narrow and rigid religious policy of his archbishop saved England from absolute monarchy. The king had a great advantage which he could have exploited. He was not

only the king of England but of Scotland as well. And being a Scot by birth he could have easily won the sympathy and support of the Scottish people by tactful management. But no ; he recklessly threw away this advantage by his tactlessness and short-sightedness. Immediately after his accession Charles had given an affront to the Scottish nobility by his "Revocation". Still the Scottish people had not been wholly alienated. When in 1633 he went to Scotland he received a warm reception as he belonged to the old Scottish dynasty and spoke with Scotch accent. All this, however, was wholly changed when in 1637 he imposed a new Service Book upon Scotland by his own authority. This was too much for the Scots. For ardent Presbyterians as they were, they were strongly opposed to a Prayer Book, especially a Prayer Book similar to the English Prayer Book, which in their opinion savoured of popery. All Scotland was in a ferment. "Religion was not only as in England, a dominating element in popular mind ; it was the sole element to the exclusion of everything else". All classes united for the defence of their religion and signed a National League and Covenant. With fatal persistency Charles refused to conciliate the angry people and withdraw the Service Book. Finally this led to war—the First and Second Bishop's wars and to the summoning of Parliament—the Short and Long Parliament. The Long Parliament took advantage of the helplessness of Charles to abolish the arbitrary powers of the king and make him absolutely dependent upon Parliament. Thus it was the defeat in the Scottish Wars which destroyed the absolute rule of Charles and restored the Parliamentary system to England. Had there been no war with Scotland there is no reason why Charles's tyranny should not have continued to the end of his life. And the Scottish war could have been easily avoided, if only Charles had not interfered with the religious system of Scotland. The fact is

Charles had played his hand wrongly and thus ruined his chance.

That there was a strong royalist sentiment in Parliament and the country even after the 'Eleven years' tyranny' is evident from the fact that when the Puritan section in Parliament proposed to place the command of the army needed for the suppression of the Irish Catholic rebellion in the hand of Parliament and Pym brought forward the Grand Remonstrance recapitulating the illegal acts of the king and proposing to set up a parliamentary government, there were keen and violent debates. Though finally the Remonstrance was passed by a narrow majority of eleven, Parliament itself and the nation were irrevocably divided. Thus in the Civil war which followed the bulk of the nobles and gentry fought for the king and most of the supporters of Parliament came from the towns. The fate of monarchy now depended upon the chances of the war which at the initial stages seemed to favour the king. And if Charles could have won over the whole of Scotland to his side and had there been no Cromwell to lead the parliamentary forces absolute monarchy might have triumphed in the end.

However that be, Charles was finally defeated and surrendered to the Scots who handed him over to Parliament. After a good deal of intrigue and secret negotiations and the Second Civil War the king was tried and executed. The Country was ruled at first by the Rump with the backing of the army. But the Rump bungled and mismanaged the affairs of the country. It was then replaced openly by Cromwell and the army. Cromwell now ruled for the next five years and a half as a military dictator or an absolute monarch with the title of Lord Protector. All his attempts to disguise military despotism by a constitutional mufti proved unavailing. He found himself unable to co-operate even with a docile and nominated Parliament. On his death

there was confusion and the republican experiment failed miserably. Order was restored by the restoration of the monarchy in the person of Charles I's son Charles II. Though the cause of absolute monarchy was gone for ever there was no reason why strong monarchy ruling with the help of Parliament should not continue indefinitely. Had James II been a Protestant and a tactful and able ruler there would have been no Glorious Revolution, no Hanoverian succession, and no Cabinet government.

Thus in England also the course of political development ran in the same channel as in the continent. The trend was definitely towards absolute monarchy which was the only alternative to feudal anarchy and this was practically realised in the Tudor period. It is due to a series of accidents that from the Stuart period English constitutional history took a different turn and ultimately found its culmination in parliamentary government.

Book II

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Hindu Polity

VEDIC PERIOD

In tracing the development of Hindu Polity we have to begin with the Vedas, for it is in these works that we get the first glimpse of the Indo-Aryan polity. The common form of government at the early Vedic period appears to have been a tribal monarchy. But monarchy does not seem to be the universal form of government in the Rigvedic India and oligarchical form of government was not probably unknown. Thus the Rigveda X. 97, 6 says, "As the kings (Rajanah) assemble together in the Samiti, the plants gather together in him who is called a physician, one who heals disease and destroys demons". It is not unlikely that in this passage the word Rajanah refers to tribal chieftains or heads of the noble families together with the king. In the Atharva Veda (III, 5, 7) the king, after his election and investment with an armlet called Parna, is found to say, "Sagacious builders of the car, clever and skilful artisans,— Make all the men on every side, Parna, obedient to my will. The kings and makers of the kings, the troop-leaders, masters of the horse,— Make all the men on every side, Parna, obedient to my will." (Griffith). There can be no doubt that here the word kings (Rajanah) refers to the ruling aristocracy, i.e., the subordinate chieftains. The king of the tribe was one of them, only he was the chief. This seems also to be the case with the Homeric Greeks. In Homer we find that every tribe had a supreme head or king who was called "Basileus". But this title is also applied to subordinate chieftains in the Odyssey. Thus, "Telemachus says, 'there are many chiefs (Basileus) of the Achaeans in Ithaca,' though, as it afterwards appears, the island has only one city, and its inhabitants form one demos with one

assembly. And again, when Odysseus in his travels is thrown on the shore of pleasant Scheria, where the noble Phaeacians dwell in what is manifestly represented as an ideal and happy condition, we find, from the statement of the head-chief Alcinous that there are 'twelve glorious chiefs (Basileus) who rule among the people, and he is the thirteenth,' (Sidgwick, *Development of European Polity*, p. 65).

There is, however, another possible explanation. Even in the Rigvedic period there might have been some tribes which had not yet adopted the monarchical form of government and were ruled by an oligarchy consisting of local chieftains who were called kings. We know that the earliest form of government among the Germanic peoples was oligarchical, and not monarchical. Our first information regarding the primitive Germans is derived from Caesar's account. In this there is no mention of kingship among the German tribes. In the time of peace there was no common magistracy; the chiefs of the districts into which the tribe was divided administered justice among their people; a common magistracy was formed only when the tribe was at war. Even in the time of Tacitus, kingship, though it had made its appearance, was not general. The *civitas* or tribe, was composed of a number of *pagi*, and a *pagus* of a number of *vici* (*Vicus*—a township), just as in India a tribe (*Jana*) was composed of a number of *Vishes* and a *Vish* of a number of *Gramas*. Justice was administered in the *vicus* and *pagus* by the *principes* or chieftains elected in the tribal assemblies. In times of war, war-leaders called *Duces* were appointed to lead the tribal army. In some tribes the king was elected as the head of the tribe. But Tacitus is quite emphatic on the point that kingship was a new development.

That kingship was a new development among the Indo-Aryans also is proved by the evidence of the

Aitareya Brahmana (I. 14) which says, "The Devas and Asuras were fighting in this world. They fought in the eastern direction; then the Asuras defeated the Devas. They then fought in the southern direction; the Asuras defeated the Devas again. They then fought in the western direction; the Asuras defeated the Devas again. They fought in the northern direction; the Asuras defeated the Devas again.....The Devas said, 'It is on account of our having no king, that the Asuras defeat us. Let us elect a king.' All consented. They elected Soma their king. Headed by the king Soma, they were victorious in all directions". Now if we read the Aryas for Devas and the Dasas (Non-Aryans) for Asuras, the picture is complete.

This statement of the Aitareya Brahmana is not at all fanciful. There can be little doubt that it gives a true account of the origin of kingship among the Indo-Aryans. It is quite likely that the nomadic Aryan tribes which came to India were led by tribal chieftains like the German principes. But here they had to encounter strenuous resistance from the non-Aryan natives who had reached a very high stage of civilisation as is evident from the excavations at Mohenjo-daro and Harappa, and scattered references in the Vedas. In the Rigveda (I, 103, 3; IV, 32, 10) we see Indra destroying the cities of the non-Aryans. These cities (or puras) were often made of iron (Ayas—II, 20, 8). We are also told of their wealth (I, 176, 4). Now the non-Aryan inhabitants of the soil disputed every inch of the ground. And because of their better organisation, larger number, greater resources and superior tactics they were often able to inflict crushing defeats upon the Aryan invaders. Profiting by experience and feeling the need of unity of command, the invaders appointed war-lords in imitation of their victorious enemies. In the beginning the appointment might have been temporary. But as the war was a

protracted one and was fought practically without any cessation, the new institution tended to become permanent. No doubt for a long time the subordinate chiefs who were proud of their ancestry and regarded the king as one of them, though he was the chief, continued to use the title of Rajan, and the king who needed their support would not also hesitate to humour them by calling them as such. But here and there some tribes might have retained their aristocratic constitution, and their local chieftains also were called Rajans. But these must have been exceptions.

So monarchy may be regarded as the prevalent form of government in the Vedic period. Kingship at first was not hereditary but elective. The king was elected by the people. Thus the Rigveda (X, 124, 8) speaks of the people choosing their king. So also the Rigveda (X, 173,) refers to all the people wanting a man to be their king. 'Let all the people wish for thee.' But more copious are the references in the Atharva Veda. Thus in the Atharva Veda (III, 4) we find—

"To thee hath come the kingship with its splendour :
Oh ! shine as lord, sole ruler of the people.
King ! let all regions of the heavens invite thee.
Here let men wait on thee and bow before thee.

2. The tribesmen shall elect thee for kingship, these
Five celestial regions shall elect thee. &c. &c."

[Griffith]

Again the Atharva Veda (VI, 87) says :

"Here art thou : I have chosen thee.

Stand steadfast and immovable.

Let all the clans desire thee : let not thy

kingdom fall away."

That the king was really chosen from a number of candidates or rivals will be seen from the Atharva

“May Indra, Pushan, Varuna, Mitra, Agni,
benignant Gods, maintain this man in riches.
May the Adityas and the Visve Devas set and
support him in supremest lustre.

- Now the question is whether the people really chose the king or they merely accepted or ratified the choice made by a small group of select persons. Undoubtedly popular election really meant popular acceptance. From our own experience we know that in a mass meeting no real election is possible. What passes for popular choice in such a meeting is the formal ratification of the choice made by a clique of self-appointed leaders or members of a Working Committee by the vociferous section of the crowd. The people really shout 'Zindabad' or 'Jay' at the instance of the leaders and bosses. One

modern example will suffice to illustrate this point. Even in an American Presidential Convention for the selection of the party candidate for the Presidency the ordinary delegates numbering between one and two thousands do not really choose the party nominee. Thus Munro says, "The nominee is not really chosen by this howling mob of perspiring delegates. They are merely behaving like dervishes while the issue is being settled for them outside. For a relatively small number of leaders and bosses usually have the Convention in hand. Somewhere, away from the madding crowd, usually in the back parlor of a near-by hotel, these high lights of the party are leaning across a table, conferring, bargaining, and deciding how the votes of their followers shall be swung." When the word comes down from the leaders "the delegates tumble over one another in their anxiety to be with the winner, and the nomination is made in a whirl of enthusiasm." If this is the case with a clever and educated people like the modern Americans what shall we say of the primitive Indo-Aryans? Coming nearer home we can refer to the election of the President of the Indian National Congress. As we all know it is the Working Committee which virtually chooses the President.

Among the ancient Euro-Aryans also kingship was at first elective. He was chosen by the Council of Elders or Chieftains and then the choice was ratified by popular acceptance. Thus though among the Homeric Greeks there was a tendency for kingship to become hereditary it was not strictly so. The new king had to pass through some form of election. Sidgwick says, "Still among the various chiefs that a Homeric tribe (in the Odyssey) may have, there is normally one highest chief or king, whose office descends ordinarily, though not necessarily, by inheritance to one of his children. When a suitor says to Telemachus that it belongs to him as heir of his father

to be king of Ithaca, Telemachus answers modestly that there are 'many other Achæan chiefs' in Ithaca, and that some one of these may hold sway if Odysseus is dead. It seems clear from the tone of this discussion that Telemachus is considered to have a certain claim; but that claim may be overruled." But the question is who chose the king. Not certainly the people, for they did not propose or discuss any question. They simply expressed their approval or disapproval by exclamation. The freemen of the tribe met together 'whenever the king summoned them to hear and acclaim, but not to debate or propose themselves.' The king also had to consult the Council of Chieftains on every important matter. And as Telemachus says that any one of the many Achæan chiefs in Ithaca 'may hold sway if Odysseus is dead, it is quite likely that the choice was made by the chieftains themselves, though the choice would be ratified by popular acceptance.

So also according to tradition the Roman kingship was not hereditary but elective. On the death of a king there was no immediate successor with a definite title to rule. A temporary or interim king (*inter-rex*) was chosen by the Senate for a few days to nominate the new king in consultation with it. This choice, however, was then ratified by the *Comitia Curiata*. Among the Germans also though the king was formally chosen for his noble birth by the assembly of freemen, there was a preliminary selection made by the Council of Chieftains. For all important matters which were submitted to the assembly for final decision were first considered carefully in the Council. The assembled freemen only expressed their approval or disapproval by exclamations.

So we may take it that in the early Vedic period the people only ratified the choice made by a small body of persons. Now who were the latter? Most probably the subordinate Chieftains or the leaders of the nobles—the

'Kings' (Rajanaḥ). It is not unlikely that is why the leading nobles have been called in the Atharva Veda III. 5. 7, 'Kings and makers of the King' (Ye Rajano-Rajakṛitah) by the newly-consecrated king after the consecration ceremony. Of course it is quite possible that occasionally the choice made by the leading nobles would be unacceptable to some ambitious rival who would put his claim before the popular assembly and the people would then be called upon to make the final decision. This is suggested by references to rivals in a number of hymns.

That the king was really chosen by the leading nobles, Rajano Rajakṛitah, is corroborated by the evidence of the Satapatha Brahmana (IX, 3. 4. 5) which says, "Only he becomes king whom the (other) kings allow to assume the royal dignity, but not he whom they do not (allow to do so)." Now by the time of the Brahmanas territorial idea had made its appearance and some of the states had become territorial states as the result of the amalgamation of tribes by conquest and permanent settlement. The states had also become larger, and it was not possible for the people to meet from time to time to participate in political affairs. So the popular assembly 'Samiti' had ceased to meet. When we again meet it in the Upanishadic age it is no longer a political assembly but a learned gathering or society. In the Chhandogya Upanishad V. 3, Svetaketu went to the Samiti of the Panchalas after finishing his education. It was presided over by king Pravahana Jaivala who put some learned questions to him.

Monarchy had also become hereditary by this time, and the principle of primogeniture was generally recognised. So there was no election of the king by the people. Yet the nobles had some say in the matter of royal succession. They could set aside the claim of any brother in favour of another. Thus the final choice lay in the hands of the

Rajanah. Their acceptance was essential. No one could become king unless he had been formally recognised by them. Now the decision of the nobles must have been made in a Council which was attended by the Sutas and Gramanis who always waited upon the king (Satapatha Brahmana III. 4, 1, 7; & XIII. 2, 2, 18). That is why they have been called in the Satapatha Brahmana 'non-royal Kingmakers'. In the Aitareya Brahmana VIII. 12, & 17 the function of the Kingmakers, called in this book 'Rajakartarah', was to proclaim the newly-consecrated king at the coronation ceremony.

Though the king was elected for life he was often deposed and banished. So also a deposed king was sometimes recalled and restored to the throne. Thus the Atharva Veda III. 3, which is a hymn 'for the restoration' of an expelled king, says :

3. "King Varuna call thee hither from the waters !
 From hills and mountains Soma call thee hither !
 Let Indra call thee hither to these people.
 Fly hither to these people as a falcon.
4. May the hawk bring the man who must be
 summoned from far away, in alien land, an exile.
 May both the Asvins make thy pathway easy.
 Come and unite yourselves with him, Ye kinsmen.
5. Let thine opponents call thee back.
 Thy friends have chosen thee again.
 Indra and Agni, all the Gods have kept thy home
 amid the tribe.
6. He who disputes our calling thee, be he a stranger
 or akin,
 Drive him, O Indra, far away, and thou bring
 this man to us."

(Griffith)

Now we come to the powers and functions of the Vedic king. Primitive kings in general had three-fold functions—religious, military and judicial. Thus the Homeric Basileus was the high priest of the tribe. He sacrificed on behalf of his people. He was also the supreme commander of the host. He led the tribal army in times of war. Besides, he was the chief judge of the community. The Roman king also had three-fold functions. He was the high priest of the people. He commanded the army in war. He administered justice. The powers of the tribal kings of Germany, however, do not seem to have been large. They were supreme leaders in war. They did not, however, try serious criminal cases. "Capital punishment, imprisonment and even flogging are allowed to none but the priests, and are not inflicted merely as punishments or on the leader's orders, but in obedience to the god whom they believe to preside over battle." (*Germania* p. 106). They were not, most probably, the priests of the tribe. There was a separate class of priests in the time of Tacitus, and we do not hear of the religious functions of the king, except in connection with the auspices. Thus Tacitus (p. 109) says, "Their practice of questioning the notes and flights of birds is, of course, known also to us; peculiar to the Germans is the seeking of presentiments and warnings from horses. These horses are kept at the public expense in those sacred woods and groves that I have already mentioned; they are pure white and undefiled by work for man. The priest or the king or chief of the state yokes them, noting their neighings and snortings. No form of auspices inspires greater trust...."

Now the Vedic King was the head of the tribe. He was to 'shine as lord, sole ruler of the people.' Men waited on him and bowed before him. (*Atharva Veda* III, 4). He was 'exalted, yea, above the wealth of Aryaman,' 'All the men on every side' was expected to be obedient to

his will (Ibid III, 5). He was 'the Sovran Lord of creatures.' He was 'the head and chief of Princes.' He was the 'master of the people' (Ibid, IV. 22).

Undoubtedly the position of the Vedic king was of the highest dignity. "Repeatedly in the Rigveda the honorific epithet *rajan* is applied to the great gods Indra, Mitra, Varuna, Agni, Brihaspati, Soma and Yama as well as the multiple deities *Adityas*, *Asvins* and so forth. Still more significant is the repeated application of similes about kingship with reference to the gods. To take a few examples, in I. 67. 1 Agni is said to claim obedience like a king." [Hindu Public Life I. P. 20]

His main duty was protection against external enemies and internal disturbers of peace. He was the protector of the people ('*gopa janasya*'—Rigveda III, 43. 5). He was the leader of the tribal host, though under him there was a commander or *Senani* (Rigveda VII. 20, 5; IX. 96, 1; X. 84, 2; Vajasaneyi Samhita XVI. 17 &c.). That the king often personally led the army is clear from Rigveda X, 75. 4, where the poet addressing the river Sindhu (Indus) says :

"Like mothers to their calves, like milch-kine
with their milk,
 So, Sindhu, unto thee the roaring rivers run.
 Thou ledest as a warrior king thine army's
wings what time
 thou comest in the van of these swift streams."

(Griffith)

So also in the Rigveda X. 128 and Atharva Veda V. 3; & VI. 97 there are prayers for a king's victory in battles. He is called the 'slayer of thy foes' in the Atharva Veda IV. 8 and many other hymns.

Whether the early Vedic king was a judge is not clear. In the opinion of the Vedic Index (Vol. II, P. 428) "Sabha was the lawcourt as hinted in the Yajurveda.

'Sabhacara' is one of the victims at the Purusamedha ('human sacrifice') in the Yajurveda. The St. Petersburg Dictionary thinks it is an adjective equivalent in sense to 'Sabha-ga', going to the assembly. As he is dedicated to Dharma, 'Justice', it is difficult not to see in him a member of the Sabha as a law court, perhaps as one of those who sit to decide cases: there is nothing to show whether the whole assembly did so, or only chosen body. The special use of Sabhacara suggests the latter alternative." Whether or not the king was a judge in the early Vedic period, it is clear that by the time of the Brahmanas he came to possess criminal jurisdiction. For the Satapatha Brahmana (V. 4, 4, 7) says that though he was himself not liable to punishment (adandya) he wielded the rod of punishment.

The Vedic king, however, was not the high priest of the community. Even in the early Rigvedic period a distinct class of priests had arisen and there was no "public worship by the state." (Keith—Religion and Philosophy of the Veda I, P. 290). For his private worship and sacrifice he depended upon the Purohita or domestic priest who occupied a very prominent place. As Keith says, "the Vedic Purohita was the forerunner of the Brahmana statesman." (Cambridge History of India, Vol. I, p. 95). He was not merely the royal chaplain but a chief adviser, who often accompanied the king to the battle-field and participated in the fighting.

The Vedic King was not a lawgiver. Nowhere in the Vedic literature there is any reference to the lawmaking power of the king. Even in the Dharmasutras the king is not regarded as a source of law. As with other primitive peoples the Vedic society was regulated by unwritten customs known to a select class of intelligentsia composed perhaps of the learned Brahmanas and ruling aristocrats. In Greece also the early society was governed by unwritten customs. For the 'dooms' of the Homeic kings,

as Maine (Ancient Law) points out, were not laws proper but isolated and individual judgments given by the kings in cases before them according to their innate sense of justice and fairplay. In the city-state of Athens it was Draco who first codified the unwritten customs, and after him Solon. In Rome the king no doubt could change any law with the consent of the Senate and the Comitia, yet it appears that these so-called laws were concerned with political organisation of the state and were not private substantive laws. For long they remained unwritten, known only to the privileged Patricians. It was long afterwards that they were codified in the 'Twelve Tables'. That was also the case with the early Germanic peoples.

The Vedic king, however, was considered as the upholder of the (sacred) law or 'Dharma'. Thus the epithet 'dharmasya gopta' is applied to him. "Turning to such references in the Yajus Samhitas and Brahmanas we find that in AB. VIII. 12 and 23 describing the Mahabhiseka of Indra and of kings, the divine as well as human sacrificer is proclaimed among other epithets with the title dharmasya gopta ('Protector of the Law')." (Hindu Public Life I, P. 64). To use a modern expression we can call this power as that of 'the enforcement of the laws'.

The administrative system of the early Vedic period was quite simple. In the Rigveda, besides the Purohita, we hear of the Senani, Gramani, Madhyamasi and Jivagribh. But in the opinion of the Vedic Index "the Madhyamasi of the Rigveda was probably not a royal but a private judge or arbitrator." The meaning of 'jivagribh' is not quite clear. There was another officer called Kshattri. From numerous references to Varuna's spies in the Rigveda we may reasonably infer that the Vedic kings employed spies to know what was going on among the tribesmen or what was their feeling about them. In the Atharva

Veda we come across new officers called the Sutas (charioteers or minstrels).

In the Samhitas of the Yajurveda and the Brahmanas we find the mention of some high functionaries, called 'Ratnins' or Jewels. Among them were the Purohita (court chaplain), Senani (commander), Suta (charioteer or minstrel), Gramani (troop leader or village headman), Sangrahitri (the treasurer), and Bhagadhugha (the tax-collector). Kshattri, Akshavapa and Palagala included in the list are regarded by Dr. Altekar as belonging 'to the class of courtiers.'

Most of the Ratnins were important officers of the state. They were held in the highest respect. The king went to their houses to offer ratna-havis as a part of the Coronation ceremony. In the Taittiriya Brahmana I. 7, 3, they are called the giver of the kingdom. So they are identified with the Kingmakers.

The Vedic King was not an absolute monarch. In addition to customary and religious checks there were two assemblies which exerted a good deal of influence upon him. There is a considerable difference of opinion among scholars about their real character, composition and powers. Indeed it is not possible to make any definite and categorical statement about them because of the paucity of materials. We have to depend upon stray and meagre references about them here and there in the vast Vedic literature. Many of these again are not clear and explicit because of the archaic and obscure words and expressions. Moreover, the context also is not often helpful because of its vagueness and religious bearing. Without entering into these controversies I would like to give my views of the institutions.

That Samiti and Sabha were two different institutions is clear from the fact that they are separately mentioned in more than one place. Besides, Atharva Veda VII. 12, 1 resolves all doubt about the matter. It prays :

Here it is clear that a lawful king must go to the meetings of the assembly or Samiti. If he does not do so he is not a true or lawful king; he is a tyrant or unlawful king. So also in the Rigveda X. 97, 6 there is a reference to the kings (Rajanah) gathering in Samiti. No doubt kings here mean the leading nobles. Yet it undoubtedly suggests the political character of Samiti. The political importance of Samiti is further seen in the fact that the co-operation and goodwill of the assembly was essential for the safety of the king and stability of his rule. Thus Atharva Veda VI. 88 says :

to strive to retain their confidence and seek their co-operation and good will.

Jayswal has made an interesting suggestion which is not wholly improbable (Hindu Polity. P. 14). On the strength of the passage in the Rigveda XII. 1. 56—'Ye Samgramah Samitayah'—he interprets Samities as assemblies of the people of the villages through their representatives. Or in other words Samiti was a representative assembly consisting of the representatives of the villages. Now this interpretation is quite ingenious but there is one strong objection against it. The idea of representation was of much later growth. Primitive societies knew nothing of it. Their popular assemblies were primary assemblies where all the people met personally. It was the case in ancient Greece, Rome and Germany. The Homeric Assembly or Agora, the Athenian Ecclesia and the Spartan Apella of the historical period were primary assemblies. So were the Roman Comitias and Concilium Plebis. It was the same with the primitive German tribes. So it will not be reasonable to hold that the Vedic Samiti was a representative assembly of the people. Nevertheless, there is most probably some truth in the suggestion. It is quite likely that Samiti was the primary assembly of the whole people of the tribes, meeting in groups of villages or gramas under the leadership of the Gramani. Though generally the questions submitted to the Assembly were decided by acclamations, yet in rare cases when the people were not unanimous and there was a marked difference of opinion, the question would be decided by a majority vote, the people voting by gramas. Such was the case in ancient Rome. Besides, we must take note of the group feeling or herd instinct among primitive or backward peoples. Even to-day we find that when there is a conference or meeting of the people of different areas they come in local groups led by local leaders, take their seats together, and vote according to the direction of their leaders.

The place is common, common the assembly (Samiti),
 common the mind, so be their thought united.
 A common purpose do I lay before you,
 and worship with your general oblation.
 One and the same be your resolve,
 and be your minds of one accord.
 United be the thoughts of all that
 all may happily agree."

(Griffith)

The same prayer is repeated with variants in the Atharva Veda VI. 64.

Samiti, however, ceased to exist as a political assembly in the later Vedic period. When we meet it again in the Upanishads it is not a political assembly but a learned gathering or Academy, though sometimes presided over by the king. And quite naturally. For by that time the states had grown much larger as a result of conquest and amalgamation of tribes, and it was not possible for the common people to meet in a central place from time to time to discuss and decide political questions.

Though there is a difference of opinion about the character, composition and powers of Sabha, it seems likely that the name was variously applied to village councils, local associations, social clubs and a central political assembly like Samiti. That it was a political assembly almost at par with Samiti is evident from the statement that Sabha and Samiti were two daughters of Prajapati, the Creator. Had it not been so they would not have been bracketed together and called sister bodies. Its high status is shown by the fact that it was of divine origin, being the daughter of the Creator. Heated discussion and debates often took place in it and ambitious men were anxious to catch the ear of the members by pleasing words and win victories by their eloquence. Thus in the Atharva Veda VII. 12 there is a prayer for victory in debates in Sabha.

2. "We know thy name, O conference (Sabha) :
thy name is interchange of talk (narishta).
Let all the company who join the
conference agree with me.
3. Of these men seated here I make the
splendour and the lore mine own.
Indra, make me conspicuous in all this
gathered company.
4. Whether your thoughts are turned away,
or bound and fastened here or there,
We draw them hitherward again :
let you mind firmly rest on me."
(Griffith)

It is not possible to determine definitely the relation of Sabha with Samiti, though it is clear that they must have been closely related to each other. Nor are we sure about its composition. Jayswal suggests (Hindu Polity. P. 18) that "probably it was the standing and stationary body of selected men working under the authority of the Samiti." This is quite probable, for we know that in ancient Greece, Rome and Germany there was a council of picked men—of leading aristocrats or minor chieftains—who formed a probouleutic council and discussed all questions threadbare before they were submitted to the people for ratification. Thus in Homeric Greece the king "must always look for the consent and seek the opinion of the deliberative Council of the Elders. Certain families have come to hold a privileged position above others—had in fact, been marked out as noble, and claimed descent from Zeus, and the Council was composed of this nobility." (Bury). So also in Rome the Senate, originally composed of the heads of the leading aristocratic or Patrician families, acted as a probouleutic council where all matters which were to be brought before the people were first

discussed carefully. The Comitia only voted yes or no, without any discussion. In the tribal states of Germany also the subordinate chieftains or Principes formed a deliberative council which discussed all questions before they were submitted to the Assembly of freemen for approval. Besides, as I have already said, there can be no real discussion of any question in a mass meeting. The common people are only passive and mute listeners whose only duty is to clap their hands or cry 'shame' at the instance of their leaders. Of course at times fiery speeches and impassioned appeals are made by orators and demagogues, occasionally sweeping the listeners off their feet. But generally a mass meeting is a mere registering machine meant to rubberstamp the decisions of the leaders. The real discussion takes place and decisions are made behind the scene in formal or informal meetings of the leaders and bosses.

So it is quite reasonable to regard Sabha as a probouleutic council composed of 'selected men'. Now who were they? Most probably they were the leading nobles or Rajanah. They were the chief companions and advisers of the king. He must have looked up to them for advice and help. This is partially corroborated by a statement in the Atharva Veda III. 19. 1, where king Yama's Sabhasadas or members of his Sabha are called Kings or Rajanah. This is further supported by the Rig-veda VIII. 4. 9 where we find :

"Indra, thy friend is fair in form and rich in horses,
cars, and kine.

He evermore hath food accompanied by wealth,
and radiant joins the company (Sabha)."

Of course this statement does not say that all the Sabhasadas were rich and radiant. There might have been some who were not so. Still, the aristocratic character of Sabha seems to be more probable. We have

already seen that Rajanah or leading nobles were the kingmakers who made a preliminary selection of the king. Now they must have met in a council to consider the claims and fitness of the princely candidates and make a choice which was to be formally ratified by Samiti. This council most probably was the political Sabha of the tribe. That members of Sabha were held in high honour is evident from the White Yajur-Veda, XVI. 24.

The Sabha was not only a deliberative or probouleutic council, it was also a court of justice, probably presided over by the king.

In the late Vedic period political Samiti gradually went out of existence. We do not hear of it in Yajus Samhitas or the Brahmanas. But Sabha not only continued to meet but rose in importance. It became the royal court. It had its president or Sabhapati (Vajasaneya Samhita, XVI, 24). Probably he presided over the body in the absence of the king. The Sabha was attended among others by dependent kings. (Aitareya Brahmana VIII. 21). As Dr. Ghoshal suggests "it was a phenomenon quite in accordance with the emergence of overlordship in a more concrete form than before."

Now we come to the revenue of the Vedic king. No king, however primitive the state, can do without a revenue. So we find that even the early Vedic king had an income to support himself and his family and to maintain his royal dignity. He had a share of the wealth of the community. The Atharva Veda IV. 22 which 'is a benediction on a newly-consecrated king' prays :

"Exalt and strengthen this my Prince, O Indra.
Make him sole lord and leader of the people.

2. Give him a share in village, kine, and horses,
and leave his enemy without a portion."

(Griffith)

So like all primitive kings, the Vedic king had crown lands and a share of the livestock of the community. Besides he received tributes or 'bali' from his subjects. In the Rig-veda X. 173. 6 which is a 'benediction on a newly-elected king' the singer prays :

"On constant Soma let us think with
constant sacrificial gift.

And then may Indra make the clans bring tribute."

So also in the Atharva Veda III. 4. 3 the poet blesses a newly-elected king that he shall 'see abundant tribute.' It is believed that as yet the tributes were voluntary contributions made by subjects. Tribute was also exacted from defeated enemies. However that be, by the time of the Brahmanas tribute had become a compulsory payment made by the subjects. In the Aitareya Brahmana VIII. 12 & 17 the epithet 'the eater of the people' has been given to the king. It does not mean that the Vedic king oppressed the people by heavy taxation but that he was supported by regular contributions from the people. Of course the brunt of taxation fell upon the Vaisyas who were engaged in gainful occupations, i. e., trade, agriculture and cattle-rearing. Thus the Aitareya Brahmana VII. 29 describes them as 'tributary to another.' It was natural that the Kshatriyas who were entrusted with the duties of government and defence should be exempted from taxation. Brahmanas also who followed intellectual pursuits and performed religious duties claimed exemption. But the question is whether the king would accept this claim. It appears that the king did not always exempt the Brahmanas from taxation. This explains the curse uttered in the Atharva Veda V. 19 against a king who oppresses a Brahmana.

6. "If any king who deems himself mighty
would eat a Brahman up,
Rent and disrupted is that realm
where in a Brahman is oppressed.

9. The very trees repel the man, and
drive him from their sheltering shade,
Whoever claims, O Narada,
the treasure that a Brahman owns.
10. That wealth, king Varuna hath said,
is poison by the Gods prepared.
None that kept watch to guard his realm who
hath devoured a Brahmana's cow.
 &c. &c."
 (Griffith)

In the Vedic period the king was not regarded as the owner of the land of the community. We find in the Satapatha Brahmana VIII. 1. 7. 3. 4 that in order to make a royal gift of public land valid the approval of the people (vis) was necessary. The gift of villages by the king in the later Vedic works most probably meant the gift of regalian rights or the appointment to the post of the village headman (gramani).

Beni Prasad (The State in Ancient India P. 32) remarks, "There are indications of a tendency which can only be called feudal. There are passages in which the term Rajan which usually denotes a king is employed in the sense of a noble..... It will appear that a king was surrounded by a number of nobles, perhaps drawn from the same class, perhaps only claiming a similar social status." In a sense he is right. For the Rajans of the Vedas were like the Principes of Tacitus, and they might have developed into feudal lords in a feudal society. But in India it was a mere tendency; it did not develop into feudalism as in Western Europe. It is only towards the close of the Hindu period that feudal conditions made their appearance.

In the later Vedic period there is a definite trend towards the increase of the size of the state as the result of conquest and amalgamation. Besides, there was the

establishment of over-lordship by more powerful kings over their weaker neighbours. During this period the Aryans came out of the narrow valleys of the Indus and its tributaries and spread over the vast basin of the Gangetic plains, and the narrow tribal spirit was superseded by the larger ideal of territorial state or 'Rastra.' Even in the Rigveda we can trace the germs of imperialism. Thus in the Rigveda X. 128. 9 we find "Vasus, Adityas, Rudras have exalted me, made me far-reaching, mighty, thinker, sovran lord" (Ādhiraja = Overlord over kings). Again the Rigveda X. 166 begins with the prayer, "Make me a bull among my peers, make me my rivals' conqueror: Make me the slayer of my foes, a sovran ruler (virat), lord of kine." In the Rigveda III. 55. 7 ; 56. 5 the term Samrat ('All-ruler') is applied to the gods. Some of these terms we find in the Atharva Veda and Yajus Samhitas.*

In the Aitareya Brahmana VIII. 17 we come across a number of epithets which certainly denoted a variety of authority. Thus we hear of Samrajya, Bhaujya, Svarajya, Vairajya, Rajya, Paramesthya, Maharajya, Adhipatya, Svavasya, and Atistha. In the opinion of Dr. Ghosal "the position of the Emperor is evidently conceived to be sum total of all forms of authority known at that time. Among these vague generalities are included overlordship of kings, sole rulership and territorial sovereignty up to the known natural frontiers." It was the ambition of all great kings to become Sarva-bhauma which according to the Aitareya Brahmana VIII. 18 meant the "monarch of the land up to its (natural) frontiers, up to the sea, over all human beings." But, as Beni Prasad says (The State in Ancient India P. 49), "the conquest of the world did not mean the extinction of existing kings but merely the acknowledgment of suzerainty."

* For details see Hindu Public Life I. PP. 82 ff.

The consecration or Abhisheka of the early Vedic king was a simple affair. But by the time of the Brahmanas Coronation became an elaborate ritualistic ceremony. This invested the sovereign with a special religious sanctity. In the words of Dr. N. Bandyopadhyaya, "Through the agency of ritual the favour of the gods was assured to the king... Monarchy came to be glorified. It was clothed with a higher moral sanction and became not only regal but sacerdotal. In the eyes of his subjects, the king's functions and duties partook of the nature of those vested in the divine rulers." [Development of Hindu Polity and Political Theories. P. 158]. It was accompanied by one of the four royal sacrifices, e. g., Rajasuya, Vajapeya, Asvamedha and Aindra Mahabhisheka.

This brings us to an interesting development, the divinity of the king. In the Rigveda and Atharva Veda except some doubtful expressions there is nothing to attribute divinity to the king. In the Rigveda IV. 42 king Trasdasyu is called a 'demi-god' (ardhadeva). This statement evidently is a fulsome eulogy of that king and does not really attribute divinity or divine origin to him. So also in the Atharva Veda XX. 127 the singer while eulogising king Parikshit calls him "the Sovran whom all people love. The king who ruleth over all, excelling mortals as a God." This eulogistic statement does not really invest that king with divinity. Again the expression, "Thou art the partner of the Gods", in the Atharva Veda VI. 86 is a 'glorification of a newly-consecrated king', and does not definitely attribute divinity to him. So also when in the Atharva Veda IV. 22 the poet calls the newly-consecrated king 'sole lord and leader and allied with Indra' (Indrasakha) he does not clothe him with divinity.

In the Yajus Samhitas and the Brahmanas, however, there is an attempt to identify or associate the king with the gods. Dr. Ghoshal says (Hindu Public Life I Pp. 57 ff), "In connection with the dogmatic exposition of

ceremonies of royal and imperial consecration, these works some times identify or associate the king (or the Kshatriya sacrificer) with Indra. ...More frequently in these works the royal sacrificer is declared by virtue of his participation in the sacrifice to attain heavenly world and even the fellowship with one or other of the principal gods. Thus a formula accompanying a Vajapeya rite states that they (the sacrificer and his wife) have come to heaven, have become Prajapati's children and have become immortal. Explaining a number of ceremonies of the same Vajapeya sacrifice, SB (V. 2. I. 11 ; 2. 1. 24 ; 3. 4. 23) declares that the sacrificer thereby becomes identical with 'Prajapati' or else becomes Prajapati's child." Evidently this attempt at deification of the king shows the anxiety of the Brahmanas to placate the former with whom their relations were not always cordial. There are evidences in the Vedas that the kings often harassed the Brahmanas by exactions and even by abducting beautiful Brahmana women. The latter on the other hand were not slow to retaliate. They imprecated the curses of heaven upon their godless oppressors, threatened them with the loss of their kingship, and intrigued with their aristocratic rivals to overthrow them. They used their influence with the people to withdraw their support from these tyrants. Now this went on for a pretty long time. At last both sides realised the futility of their quarrel. It dawned on them that if there was a reconciliation between the spiritual and temporal powers it would be to the advantage of both. The result was the significant gesture from the Brahmanas for stabilising monarchy by an elaborate ritualistic coronation ceremony which invested the king with a kind of divinity. The king on the other hand was expected to recognise the pretensions of the Brahmanas and protect them. We shall discuss this matter in details later on.

The divinity of the king was not a peculiar phenomenon in ancient India. It was the case with most

of the ancient peoples. The Homeric king claimed his descent from the gods, and "he was revered as a god in the deme." According to tradition the first Roman king was the son of the god Mars by a vestal virgin (Roman Devadasi) Rhea Silvia, who was a king's daughter. The early English kings claimed their descent from the god Woden and this invested their authority with a semi-sacred character. It should, however, be noted that the Hindu kings of the early period did not claim descent from the gods, and were not divine by virtue of their royal office. It is the ritualistic coronation ceremony, specially the sacrifices, which invested them with divine character. Even then it was taken more in a figurative sense than as a reality. For until the time of Kanishka we do not hear of a king who claimed himself to be a god or of divine origin.

CASTE SYSTEM

In this chapter I shall briefly deal with the origin and growth of the Caste system which exerted a great influence upon the Hindu polity. It will not be possible for me to enter into an elaborate discussion of the subject. That has been done by a host of eminent scholars who have often differed amongst themselves. I shall confine myself to giving my idea of its origin and development after a careful consideration of their views.

In the early Vedic period there is no clear evidence of Caste system. It appears that the early Vedic society was not divided into castes. It is in the Rigveda X, 90. 11 & 12 that we get the first clear division of the people into four distinct classes. Thus the famous Purusha Sukta says: "When they divided Purusha how many portions did they make? What do they call his mouth, his arms? What do they call his thighs and feet? The Brahman was his mouth, of both his arms was the Rajanya made. His thighs became the Vaisya, from his feet the Sudra was produced." But there are references to Brahma, Kshatra, and Vis in the Rigveda VIII. 35, 16-18. The Rigveda IV. 42. 1 refers to the Kshatriya order. In the Rigveda VII. 64. 2 the gods Mitra and Varuna are addressed as Kshatriyas. There are references to the Brahmana in the Rigveda I. 164. 45; IV. 50. 8. &c. Besides in the Rigveda I 113. 5 & 6, there is a vague reference to a four-fold division of society. Thus we find: "All living creatures hath the Dawn awakened. One to high sway, one to exalted glory, one to pursue his gain, and one his labour."

From the earlier hymns of the Rigveda it is apparent that the Aryan invaders, collectively called the Vis (the

people) had a ruling aristocracy, the Rajanya or Kshatriya—the tribal chieftains and their descendants and members of the royal family. The common people also were called Vis. This division of the people into noble and common is not a peculiar feature of the Vedic Hindus but was universal among all ancient and mediaeval peoples. Thus the Homeric Greeks, the early Romans, the primitive Germans, and most of the mediaeval peoples reveal this distinction.

In the case of India this distinction was aggravated and perpetuated because of the peculiar circumstances of the country. The conquest of Northern India was a long and arduous process, covering many centuries; for every inch of the vast territory was disputed by the non-Aryan children of the soil who were not savages and had an advanced civilisation of their own. The invaders were not always victorious. In many a bloody encounter the Aryans were worsted, or at least halted. This is clear from many of the prayers in the Vedas. And as at first these were wars of extermination the sufferings were great on both sides. Sometimes the defeated aborigines would make sudden attacks upon the invaders and commit depredations. So the new comers had always to be on their guard, always to be ready to fight. This required what now a days is called a standing army. This was formed in those days by the fighting aristocracy and their retainers who now came to be called by the generic name of the Kshatriyas. These would be maintained by the common people who, though fighting whenever necessary, would at other times take to the peaceful occupations of agriculture, cattle-breeding, handicrafts and trade. They would willingly entrust more and more the risky work of fighting to the warrior class so that they could give their undivided attention to productive works, even agreeing to support them by various contributions or by grants of lands which were cultivated by themselves or slaves.

Besides this fighting aristocracy there were the men who composed the hymns, performed sacrifices and propitiated the gods. They were called Brahmanas. At first they came indiscriminately from both the nobility and the commoners, though mainly from the former ; for poetic genius and uncommon intelligence were found much more among the "cultured" aristocracy than in the mass of the people. But as time went on and the religious literature, rites, and formularies became more and more extensive and complicated there was a tendency to heredity among the men of religion. Thus gradually there grew up a separate sacerdotal or priestly class who confined themselves to religious matters—performance of the elaborate sacrifices, composition of the Psalms and committing them to memory. The aristocracy and the common people were generally engaged in their natural pursuits, though now and then some men of exceptional intelligence and poetic talents or of religious disposition would take to the life of religion. Such a division of labour was found in the primitive communities everywhere. But in India the Hindus developed a religious literature and formulary which have no parallel in the world. As writing was unknown the only means of preserving them was by memorising. This necessitated the rise of a class of men who would dedicate themselves entirely to religion and preserve the precious heritage by handing it scrupulously from father to son and add to it by their own composition. Thus the priestly class tended from the nature of its office to be more and more hereditary and exclusive. Yet during the whole of the Vedic period the priestly class never became rigidly exclusive, and for a long time to come intermarriage was allowed with other classes. Though the mass of the common people called Vaisyas would fight in times of war as common soldiers under the leadership of the Kshatriya war-leaders, fighting was not their normal occupation or means of livelihood. They were engaged in agriculture,

cattle-breeding, handicrafts and primitive trade. Naturally from the nature of their occupation they came to be looked down upon by the higher classes who lived on the produce of their toil. In early societies everywhere manual workers were regarded with contempt by the upper classes who did not engage themselves in productive labour. It was more so in India because these works were performed also by the despised Sudras who belonged to the dark-skinned conquered races and were either slaves or were later on raised from slavery to a semi-servile condition.

Side by side with this division into three classes there was the insurmountable barrier between the fair-skinned handsome conquerors, with a peculiar civilisation and ways of life of their own and the dark-skinned natives, with a different type of culture and ways of life. The distinction was more marked than that between the Hellenes and the Barbarians; for in the latter case the barrier was not generally insurmountable. They were not in most cases separated by the colour-bar, and consequently absorption or intermixture was not impossible. But the gulf between the Arya and the Dasa or Dasyu was wide and unbridgable. In later times, when the Hindus came into contact with the Greeks, Bactrians, Sakas, Parthians, Kushanas, and the Hunas, they did not find much difficulty in absorbing them; for they were not separated by complexion. With in a few generations all distinctions were obliterated. But black is black, and white is white, and it is almost impossible for the two to meet on an equal footing and intermarry. We find a convincing proof of it in modern America, Africa and in other parts of the world. But there is no harm in satisfying your lust on black women, or utilising black men as your beasts of burden. This is what happened in ancient India. At first the Aryans regarded the natives as their enemies who should be exterminated en masse.

though their womenfolk might be preserved for concubinage. Then a more humane method was adopted, for it was found profitable to spare the conquered blacks. They were made slaves and were employed in doing all sorts of manual labour for the benefit of their masters. Later on many of these slaves were emancipated for various considerations, and other non-Aryan peoples were admitted to the Aryan Society as freemen, though of inferior status. But all along the distinction between the Arya and Sudra or Anarya was scrupulously maintained. The Sudras must not aspire to a footing of equality even with an ordinary Arya. They were to form a caste quite apart from the Aryans, though within the Hindu fold. Thus originated the Varna or colour division. The Sudras gathered around them newly admitted non-Aryan tribes, the riff-raff of the Aryan community and the children of Sudra concubines. They could not be priests or soldiers. They were permitted to live by mechanical pursuits and manual labour.

Now the distinction between the Sudras and the Aryas was deep-seated and clear because of the colour bar. And in their anxiety to maintain their racial purity the white-skinned Aryas made this bar absolutely rigid and impassable by religious rules and practices. Thus was created the rigidity of caste distinctions which gradually came to be applied to the higher classes also. In this way the original social classes were converted into socio-religious castes of extreme rigidity. Though in the early Vedic times it was not impossible for a warrior to take to the profession of the priest and vice versa, this gradually became more and more difficult; and finally the distinctions became absolutely rigid. Intermarriages between the castes, however, were permitted, though frowned upon. As time went by the Vaisyas began to split into a number of sub-castes according to their profession or trade, with all the rigidity of Caste system.

These sub-castes, however, are represented in the Dharma Sastras as mixed castes, the product of inter-caste marriages. This may be true to a large extent.

Even in the early Rigvedic period the Brahmanas have begun to put forward claims of superiority. Thus in the Rigveda IV. 50. 8 we find, "To him the people with free will pay homage—the king with whom the Brahman hath precedence." The Atharva Veda goes one step further and claims for the Brahmanas kinship with the gods. In Book V, 18. 13, while cursing the oppressor of a Brahmana and despiser of the gods the infuriated singer warns: "Who wrongs *the kinsman of the Gods, the Brahman*, gains not the sphere to which the Fathers travelled." Again in Book XII. 4. 10 & 53 Gods and Brahmanas are bracketed together. Thus we are told, "For Gods and Brahmanas is the cow produced... If in his home one cooks the Cow, sacrificed or not sacrificed, wronger of Gods and Brahmanas, he departs, dishonest, from the world." They also claimed exemption from taxation. They held out the threat of utter ruin for a Kshatriya or king if he devours a Brahmana. (Atharva Veda V. 19. 6). The Satapatha Brahmana (XIII. 6. 2. 18; & 7. 1. 13) unequivocally exempts the Brahmanas from taxes.

The pretensions of the Brahmanas reach their climax in the Brahmanas. Though emphasising the interdependence of the Brahmanas and Kshatriyas (Taittiriya Samhita V. 1. 10. 3; Aitareya Brahmana VIII. 2 &c.) Aitareya Brahmana (VII. 7) does not hesitate to declare that "a Brahman is better than a Kshatriya." Taittiriya Brahmana goes even further when it asserts (1. 4. 4) that "a Brahman is all gods." The Satapatha Brahmana also echoes that idea when it says, "The Brahman descended from a Rishi indeed is all deities." Nay more. It does not even hesitate to repudiate the king's authority over the Brahmanas (XI. 5. 7. 1). After the consecration of the king the priest addressing the people says, "This

man, ye people, is your king ; Soma is the king of us Brahmanas."

It can not, however, be expected that the Kshatriyas as a caste and the king in particular would accept such arrogant claims lying down. From the Atharva Veda it is quite clear that the Brahmanas were often harassed by the king and the Kshatriyas, and lived in mortal dread of their anger. Even the Vedic literature itself often gives the lie to the tall claims of the Brahmanas at unguarded moments. According to the Kathaka Samhita 28. 5 the Kshatriya is superior to the Brahmana. The same opinion is given in the Satapatha Brahmana I. 2. 3. 2 when it says that the Brahmana follows 'in the train of a king'. The Aitareya Brahmana VII. 29 practically admits the political superiority of the king when it says that he can expel a Brahmana at his will.

But the other side of the shield is presented in the Buddhist and Jaina literatures. As Ishan Ghosh says in his Second Volume of the Jataka stories, the Kshatriyas enjoyed pre-eminence among the four castes. Wherever in the Pali books there is any mention of the various castes Kshatriyas are always mentioned first and then the Brahmanas, e.g., Vinaya Pitaka 9. 1. 4, Sheel Mimangsha and Uddalaka Jatakas &c. When Brahmana Ambastha went to the assembly hall of the Sakyas they not only did not offer him any seat but laughed at him without rising from their seats. In the Sonaka Jataka we find that Arindama, the king of Baranasi, insulted Sonaka by calling him "that low-born fellow".

Rhys Davids in his Buddhist India (P. 60) says, "It will sound most amazing to those familiar with brahmin pretensions...to hear brahmins spoken of as 'low-born'. Yet that precisely is an epithet applied to them in comparison with kings and nobles." According to him 'the Jain books take it throughout as a matter of course, that the priests, as regards social standing, are below the nobles.'

The rivalry between the Brahmana and the Kshatriya is often compared with the struggle between the Papacy and the Empire in the middle ages. In a sense both represent a struggle between the spiritual and temporal powers for supremacy. Underlying both the conflicts there were theories regarding the mutual relation between the two powers. In India, as we have seen, one idea was that of the interdependance and joint sovereignty of the Brahmana and the king, the second was that of the superiority of the Brahmana, and the third recognised the supremacy of the king. In mediaeval Europe the first theory was that Pope and Emperor were each independently commissioned by God, the first to rule the spirits of men, the second to rule their bodies. Each reigning thus by divine right, neither is set above the other, but both are to co-operate and to help each other. "The second theory, the one held by the imperial party, was that the Emperor was superior to the Pope in secular affairs.'... 'The third theory, the one held by the papal party, maintained that the ordained relation of the two powers was the subordination of the temporal to the spiritual authority, even in civil affairs." (Myers-Mediaeval and Modern History). Here the similarity ends. There are important points of difference as well. We shall have occasion to discuss this question in some details later on.

PARTIAL DRIFT TOWARDS REPUBLIC

In the Rigvedic period monarchy was the normal form of government. All references in the Rigveda are to monarchy except in one doubtful case. Now in the Greek states and in the city-state of Rome monarchy was after a time superseded by aristocracy. It seems that it was also the case with many states in ancient India. We find in the Atharva Veda (V, 18, 10), "They who, themselves ten hundred, were the rulers of a thousand men. The Vaitahavyas, were destroyed for that they ate a Brahmana's cow." This clearly refers to an aristocratic form of government. According to Aitareya Brahmana (VII. 3, 14) the Uttara Kurus and the Uttara Madras formed non-monarchical states, for their states were called 'Vairajya' or Kingless. In the time of the Buddha there were many republics in Northern India. In the Avadana-Sataka (No. 88), gana rule is mentioned in opposition to royal rule. There some merchants say that some states in the Madhyadesa are ruled by ganas and some by kings. In the Jaina Acharanga Sutra II. 3, there is a reference to Arajani, Ganarajani, Do-Rajjani etc. As Jayswal points out, the great Sanskrit Grammarian Panini also refers to Samghas in the sense of a republic. He enumerates a number of them, e.g., the Vrika, the Damani, the Trigartta-Shastha or the League of the Six Trigarthas, the Yaudheyas, the Parsva and others. He calls these republics as ayudha-jivin, i.e., living by the profession of arms. These republics, were situated in the Vahika country, i.e., in the Punjab & Sind (Jayswal). Besides these Panini also names other communities who were republican, e.g., the Madras, the Vriji, the Rajanya.

the Andhaka-Vrishni, the Maharaja and the Bharga. Rhys Davids names a number of republican peoples mentioned in the Buddhist literature (Buddhist India, P. 22). They are the Sakiyas (Sakyas of Kapilavastu), the Bhaggas, (Bhargas) of Sumsumara Hill, the Bulis of Allakappa, the Kalamas of Kesaputta, the Koliyas of Ramagama, the Mallas of Kusinara, the Mallas of Pava, the Moriyas of Pippalivana, the Videhas of Mithila, and the Lichchhavis of Vesali. The last two combined were called the Vajjians or the Vrijis.

The Greek writers (Invasion of India by Alexander the Great and Ancient India as described by classical writers-McCrindle) have described a number of republics in the Punjab and Sind. They name among others the Sabarcae, the Adraistai, (Arishtas of Panini), the Oxydrakai (Kshudraka), Malloi (the Malavas), the Siboi (the Sivis or Saibyas), the Agsinae (the Agra-Srenis), the Sambastai or Abastanoi (Ambastha), the Xathroi (the Kshatriyas), the Ossadioi (The Vasatis), and the Brachmanoi (Brahmanaka) and an unknown republic on the Hyphasis or Beas which is identified with the gana of Yaudheyas. (The identifications have been made by Jayswal). "The major portion of the Punjab and Sind which came under the survey of the Greek writers, shows only two or three monarchies, the important ones of which were the kingdoms of Poros, and the Abhisaras. Otherwise the whole country was republican". (Hindu Polity I. P. 63).

Kautilya (XI, Ch. I) also refers to Samghas and divides them into two classes, viz., Raja-sabdopajivin (living by the title of King) and Varta-Sastropajivin (living by agriculture, trade and fighting). Among the former he mentions the republics of the Lichchhivikas, the Vrijikas, the Mallakas, the Madrakas, the Kukuras, the Kurus, the Panchalas, and others. Among the latter he enumerates the Kambhojas, the Surashtras, and according to Jayswal the Kshatriyas, the Srenis, and

others. The Mahabharata also refers to ganas or republics (Santi Parva 107). In the Allahabad Inscription of Samudragupta (Corpus Inscriptionum Indicarum III) there is a mention of tribal republics which were brought within the Gupta Empire, e. g., the Malavas, Arjunayanaś, Yaudheyas, Madrakas, Abhiras, etc. Besides a large number of coins of the ganas of the Yaudheyas, the Malavas, and the Arjunayanas have been found.

So it is quite evident that from the time of the later Vedas there was a drift towards the oligarchical form of government. Many of the monarchies were replaced by republics. That most of the republics mentioned above were not new states or old states which had been from the beginning republican is beyond doubt. As Jayswal (Hindu Polity, I. Ch. II, Pp 58 ff) shows, some states which had been monarchical at first became republican later on. Thus the Kurus, according to the Buddhist records, 'occupied the country of which Indraprastha, close to the modern Delhi, was the capital'. It was a kingdom in the Buddha's time ; so also according to Aitareya Brahmana (VIII, 14). But Kautilya regards them as republican. The Videhas had been a monarchy in the Vedic period, but in the time of the Buddha they had become republican. The Panchalas, according to Aitareya Brahmana, formed a monarchy, but Kautilya calls these states a republic. Then most of the tribal states of the Punjab and Sindh where the Indo-Aryans made their first settlements in the Rigvedic period were monarchical. But from the Greek accounts it is clear that in many places monarchy had been supplanted by a republic before the invasion of Alexander. Finally there is the famous statement of Megasthenes (Ancient India as described by Megasthenes and Arrian-McCrindle), "At last, after many generations had come and gone the sovereignty, it is said, was dissolved, and democratic governments were set up in the cities". Now

though this was a legend heard by Megasthenes from 'the men of greatest learning among the Indians' it is certain that there is a substratum of truth in it. It can be reasonably believed that in many states monarchy had been replaced by a republican form of government, and that in the time of Megasthenes there was a number of 'democratically' governed city-states in the Greek sense.

Now, the question is, why did this change from monarchy to republic take place. Unfortunately we have no definite and direct information about it. We shall have to guess the causes. Let us examine the causes which led to the change of monarchy into republic in Greece and Rome. In the case of Greece there is no positive information about it. Aristotle (*Politics*), however, suggests that the causes were disagreement among the members of the royal family and the attempt to set up arbitrary government by the kings. According to Grote, 'monarchies are apt to last longer in large territorial states, while small states, like the Greek and later Italian republics, seem naturally to develop an aristocratic or democratic constitution.' The reason is not far to seek. 'The smaller the state, and the more distinctly its life is centred in a city, the more obvious will the king's short comings be to the eye of his rivals and of the people.' And this would lead to the downfall of monarchy. (Grote Vol. II. Ch. IX).

In the case of Rome we have more definite information, though it is based on tradition. It appears that the last three kings were foreigners (Etruscan), and they adopted a policy of depressing the aristocracy, and violated some of their cherished institutions and privileges. The last king was a tyrant who insulted and oppressed them. His son Sextius is reported to have violated the modesty of the wife of a respectable citizen. So kingship was abolished and a republic set up.

Now in the case of ancient India also the observation of Grote seems to apply. The Hindu states of the Vedic times were small tribal states, and in the Punjab and Sind many of these might have developed into city-states, for already cities had been in existence there. So there was the natural tendency 'to develop an aristocratic or democratic constitution'. There was bitter rivalry among the aspirants for the throne. The kings also began to show autocratic inclinations and became tyrannical. They oppressed the people, made exactions from them, even from the Brahmanas. They did not also hesitate to kidnap respectable women belonging to the Brahmana caste. This is borne out by the Vedic literature. Thus in the Rigveda X. 109 and the Atharva Veda V. 17 there are references to the abduction of a Brahmana's wife by a king. Besides, in the Atharva Veda V. 19 we find, "If any king who deems himself mighty would eat a Brahman up, Rent and disrupted is that realm where a Brahman is oppressed." In the Atharva Veda VI. 40, there is a prayer for safety against a king's wrath. Thus we hear, "May Indra make us free from foes and danger : may wrath of kings be turned to other places." So also in the Atharva Veda VI. 136, there is a fulmination against an oppressor. The hymn runs :

"This Thunderbolt shall take its fill of order, scare life away and overthrow the kingdom,

Tear necks in pieces, rent the napes asunder, even
as the Lord of Might the neck of Vritra.

2. Down, down beneath the conquerors, let him not
rise, concealed in earth, but lie down-smitten
with the bolt.

3. Seek out the oppressor, yea, strike only the
oppressor dead.

Down on the fierce oppressor's head strike at full length, O Thunderbolt!"

(Griffith)

In the Atharva Veda XII. 4, we are told that "wronger of Gods and Brahmans, he departs, dishonest, from the world." In the next hymn we find that "all these blessings of a Kshatriya depart from him when he oppreseth the Brahman and taketh to himself the Brahman's cow."

According to the Panchavimsa Brahmana (XIV. 6. 8) king Kutsa Aurāva killed his Purohita. Upagu Saushravasa, for worshipping a particular god. The Jataka stories also refer to a large number of oppressive and licentious kings of earlier times. Then Manu (VII, 40 ff) says, "Through want of modesty many kings have perished, together with their belongingsThrough a want of humility Vena perished, likewise king Nahusha. Sudas, the son of Pijavana, Sumukha, and Nemi.....Day and night he (the king) must strenuously exert himself to conquer his senses; for he (alone) who has conquered his own senses, can keep his subjects in obedience" [Buhler] Kautilya (Bk. I. Ch. VI.) also says, "Whoever has not his organs of sense under his control, will soon perish, though possessed of the whole earth bounded by the four quarters. For example: Bhoja, known also by the name, Dandakya, making a lascivious attempt on a Brahmana maiden, perished along with his kingdom and relations. So also Karala, the Vaideha. Likewise Janamejaya under the influence of anger against Brahmanas, as well as Talajangha against the family of Bhrigus. Aila in his attempt under the influence of greed to make exactions from Brahmanas, as well as Ajabindu, the Sauvira (in a similar attempt) &c. (Shamasastri). It is not, however, maintained that all these individual instances should be treated as historical facts. But these stories show that there was a persistent tradition that formerly many kings had developed tyrannical propensities and committed various acts of

oppression. They had not even spared the Brahmanas. In consequence they had roused popular discontent which led to their deposition, and in many cases to the destruction of their kingdoms. That many of the kings were deposed and exiled are borne out by the repeated statements of the Atharva Veda. Some of them again were recalled and restored.

So we can suggest that in the later Vedic period there was a tendency among kings to become autocratic. Many of them were tyrannical and vicious ; and as a consequence there was general discontent which was fanned by the Brahmanas, leading ultimately to their overthrow. Thus we find in the Vedic Index (I, P. 204) that 'his management of the sacrifice then gave the Brahman power to ruin the Kshatriya (king) by embroiling him with the people (Taitt. Sam. ii. 2, 11, 2 ; Mait. Sam. i. 6, 5 ; ii. I, 9 ; iii 3. 10 ; Kath. Sam. XXIX. 8 &c) or with other Kshatriyas (Mait. Sam. iii. 3, 10 &c).' In many cases new kings might have been set up, while in others, it is probable, monarchy was abolished and the government passed into the hands of the aristocracy (the Rajanyas). That the aristocracy would be ranged against the monarchy can be easily understood. Goaded by ambition and jealousy, they would naturally try to overthrow monarchy and set up an oligarchy in its place. In their struggle with the king they would try to enlist the support of the powerful caste of the priests as well as of common men as in the case of England. The Brahmanas again who suffered from the high-handedness of the kings would not hesitate to join with them. As they began to put forward claims of superiority over the king the latter was particularly cruel and oppressive towards them. The Aitareya Brahmana (VII. 7) declares, "A Brahmana is better than a Kshatriya." In the Satapatha Brahmana their pretension reaches the climax. It goes

so far as to identify the Brahmanas with the gods (XII. 4. 4. 6), and repudiates their allegiance to the king when at the Consecration the priest says, "This man, ye people, is your king: Soma is the king of us Brahmanas". (XI. 5. 7. 1).

Pretensions like these could not be allowed to go unchallenged. Like Henry IV of Germany or Henry II of England the kings were determined to nip this dangerous pretension in the bud. No king, worth his salt, can waive his authority over a certain section of the people. Naturally the wrath of the king was directed mainly against these arrogant and defiant subjects. They were oppressed, insulted, and humiliated in various ways. Even their womenfolk did not escape their lustful eyes. But the king had underestimated the power of the haughty Brahmanas. They were not as helpless as they seemed to be. As intermediaries between the gods and laymen they wielded tremendous religious weapons. They imprecated the curse of Heaven upon the head of their godless oppressor. They appealed to the religious fervour of the masses. They declared a crusade against the vile wretch. They held out all sorts of supernatural punishments for those who would not rally round them in their attempt to purge the earth of this evil spirit. No wonder, they found enthusiastic support from the common people. The aristocracy also threw in their lot with them, but for different reasons. They had no reason to be pleased with the latter for their absurd pretensions. But as long as they did not put forward any secular claim they could be conciliated and used to realise their own ambition, though they were not prepared to accept, their superiority. The Rajanyas also had been chafing under the autocratic rule of the kings. They saw with dismay and increasing concern the evergrowing power of the king and the consequent depression of the aristocracy. They found that from

being equals of the king they were gradually being reduced to the position of subjects. So it was natural that they would be anxious to do away with monarchy and substitute oligarchy in its place, or at least they would remove the autocratic kings and place on the throne those who would be more amenable and would respect the rights of the Kshatriya aristocracy. Some of them would be actuated by the motive of seizing the throne for themselves. And in the quarrel between the kings and the Brahmanas they saw their opportunity. As the Brahmanas claimed spiritual superiority and not temporal authority an understanding between these two powerful orders was not difficult to arrive at. In the same way when Henry IV of Germany defied Pope Gregory VII, most of the princes of Germany rallied to the side of the Papacy. So also in the struggle against the Plantagenet kings the clergy ranged themselves on the side of the barons. The result was that a large number of thrones was overturned. Of course, here and there some clear-sighted and tactful kings would save their heads and their crowns by timely submission to the divine priests and by conciliating the aristocracy. Now and then new dynasties would be set up in some places. In some cases again the docile and obsequious sons would be suffered to succeed their vanquished fathers as a price of their servility and treachery. But in many of the petty states of the Punjab and Sind monarchy was abolished and oligarchy established.

So far the nobility and the Brahmanas had acted ✓
together against the common enemy. But once the victory was won the temporary alliance tended to break. For the victorious aristocracy could not tamely submit to the soaring ambitions and far-reaching pretensions of the religious caste. Naturally, they began to challenge the claims of the latter to superiority and put forward claims of their own superiority.

Unfortunately the story of this struggle between the nobility and the priesthood for supremacy has not been preserved in the Brahmanical literature. Still here and there some brief and garbled notices can be picked up with great care. Thus in the Mahabharata it is said that Parasuram after killing Karta-Virjyarjuna waged wars with the Kshatriyas and massacred them twentyone times. And when we find in the Ramayana that Parasurama's pride was humbled by the Kshatriya Rama, does it not suggest that in the struggles the Brahmanas were sometimes worsted and had to own defeat, though this fact has been disguised in a clever way? Then again the most dominant figure in the Mahabharata is not that of any Brahmana but of the Kshatriya Krishna. Besides, it should be noticed that it was in this period that new rational schools of philosophy (Upanishads) which ignored ritual and ceremonial piety took their rise, and the contributions of the Kshatriyas in them were not negligible. In one of these works we get the startling admission: "It (Brahma) energetically created an excellent form, the Kshatra, viz., those among the gods who are powers, Indra, Varuna, Soma, Rudra, Parjanya, Yama, Mrityu, Ishana. Hence nothing is *superior* to the Kshatriya. Therefore the Brahmana sits below the Kshatriya at the Rajasuya sacrifice." (Brihad-aranyaka Upanishad, 1. 4).

For a real account of the struggle we have to look elsewhere. Jainism and Buddhism were not only a protest against the ceremonial religion of the Brahmanas with their bloody sacrifices, but a revolt against Brahmanical tyranny and pretensions. As their founders were Kshatriyas it was natural that they should challenge the claims of superiority put forward by the Brahmanas and appeal to the masses against the sacerdotal caste. No wonder, they received ready response from all classes of the people. And the more

firmly the Brahmanical claims were repudiated the more insistent and arrogant became their pretensions in the Dharma literature.

In the Buddhist literature the Kshatriyas have been invariably placed before the Brahmanas to emphasise former's superiority. In the Jain literature also the nobility occupies a higher place than the Brahmanas.

For the most part this struggle was a bloodless one. Though here and there it may have led to occasional bloodshed it was fought with the pen and the mouth rather than with the sword. Without doubt the stronghold of the nobility was the republics. That is why Brahmana lawgivers have nothing but contempt for republican rule. But in the kingdoms Brahmanas were able to establish their superiority over the Kshatriyas with the help of the king whom they now gave their moral support in return.

CHARACTER OF THE REPUBLICS

Of the character of most of the republics of this period we have little definite information. This lack of direct evidence is the greatest obstacle in the way of a student of constitutional history of India. And of necessity he has sometimes to depend upon conjecture and inference on the strength of slender indications.

In Greece as well as in Rome the primitive monarchy was replaced by oligarchy. When monarchy perished, whether due to weakness and incompetence or tyrannical tendency of the king, or the jealousy and ambition of the aristocracy, the government passed into the hands of the nobility who had brought about its destruction. The explanation of this is quite simple. The common people at this stage were not at all fit to shoulder the burden of the government. They had neither the requisite training nor the time and inclination for it. For what the ordinary freemen wanted was not power, but peace and opportunity to pursue their peaceful occupations unmolested. They were quite prepared to leave the government in the hands of the aristocracy provided they were left in peace, and there was no oppression and glaring injustice.

In the light of above consideration we should expect that in India also when the primitive monarchy was abolished in some of the states, the reins of power would be seized by the aristocracy. The priesthood, no doubt, would claim to have some voice in the matter of government but as they were concerned more with social and spiritual domination than with temporal rule they would generally leave the actual work of administration in the hands of the nobility. Though occasionally we

hear of Brahmana kings those were exceptions, and nowhere do we find the claim of the Brahmanas to rule asserted by the canonical writers. That task has uniformly been prescribed for the Kshatriyas. It shows convincingly enough that the ancient Brahmanas, unlike the mediaeval Christian Church, had not the slightest ambition for temporal power.

That in India also the course of development was similar to that of Europe will be evident from the following facts. In the Jaina Acharanga Sutra the Jaina monks and nuns are enjoined not to go, among other places, to a do-rajja country. Do-rajja country was one where there were two rulers. (Hindu polity). The Greek writers also speak of a town called Patala which had a constitution like that of Sparta. The command in war was vested in two hereditary kings belonging to two different families while the government was in the hand of a Council of Elders. (Invasion of India by Alexander the Great p. 296). Evidently it was a "do-rajja" constitution, and the government was really oligarchical. Kautilya also refers to "dvairjya" constitution or the "rule of a country by two kings" where mutual jealousy and partiality leads to the destruction of the state (Bk. VIII, Ch. II). We cannot say how such a peculiar constitution arose. It was, however, a type of monarchy.

When Panini gives the names of a number of Samghas (Jayswal equates a Samgha with a Gana) including that of the Yaudheyas, he calls them ayudha-jivin or a republic of those who live by the profession of arms, i.e., a state in which the governmental power is vested in the hands of the warriors. It is not likely that all the people in such a republic lived on the profession of arms. In the Vedic period no doubt all tribesmen of whatever caste had to fight. But as time went on and the Aryans began to settle permanently in different parts of northern India they began to be split up into

different occupational classes or castes. Many of these castes no doubt sprang from the irregular unions between the Aryans and the non-Aryans and in some cases even they were purely non-Aryan. Those Aryans who followed the traditional Aryan occupations of agriculture, tending of cattle or trade were still called by the old name, Vaisya. But others came to be known by their particular professions. Though in the early Vedic period various mechanical arts were known to the Aryans, yet when the non-Aryans were admitted to the fold of the Aryan-society, many of these passed into their hands because they were more proficient in these things. This is quite evident from the fact that though the Sudras were expected to serve the higher castes (rather Varnas), they were grudgingly allowed to live by practising mechanical arts (Gautama X, 56 & 60). It should also be noticed that in the lists of duties of the different castes mechanical arts and crafts have not been included in those of the three upper or Aryan castes. The reason must be this. These arts had already passed into the more skilful hands of the non-Aryans and the progeny of mixed marriages. This also explains why many of the mechanical arts which had been quite respectable in the early Vedic period, e.g., that of Ratha-Karas or Chariot-makers, became ignoble in the later period.

However that be, it is a fact that with the settled life there grew a disinclination on the part of the mass of the people to fight. Military duty was not only irksome and distasteful to peaceful men but it also hampered their peaceful pursuits. A cultivator could not afford to leave his field every now and then, the trader could not close his shop at frequent intervals, and a craftsman would not like sudden cessation of his work. So the business of fighting was left in the hands of the Kshatriya aristocracy and of those adventurous men of other castes who preferred the life of a soldier

to a peaceful occupation. And I think because of this heterogeneous character of the warrior class which monopolised all political power that these republics have been called by Panini *ayudhajivi* instead of *Kshatriya*. So these Samghas were oligarchies in which the mass of the people had no share in the government which was in the hands of the warriors who formed a minority of the population. That the early non-monarchical states were oligarchical is also suggested by the character of the government of the two republican states in eastern India of which we have more or less definite information from the Buddhist literature. As will be shown presently the *Lichchhavis* and the *Sakyas* also had an oligarchical form of government, for there power lay in the hands of the aristocracy composed of the *Kshatriya* chiefs. The mass of the people were excluded from all share in the government.

Then, in some of the Greek states, especially in Athens, oligarchy was supplanted by democracy (in the Greek sense ; from modern standpoint no Greek state was a real democracy). Of course between the two periods there was often a brief interlude called tyranny in which some ambitious man espoused the popular cause and abolished oligarchy with popular support. However on the ruin of the oligarchy he did not set up a democracy but his own personal rule. Then the tyranny was brought to an end either by the oligarchs or by popular movements. It must, however, be borne in mind that in some states only democracy was realised ; in others the oligarchy continued in power, or there was an oscillation between oligarchy and democracy.

Now the question is whether in India also there was really a further move towards democracy as in Greece. It appears that in some city-states and tribal republics of the west *democracy in the Greek sense* made its appearance. Political power passed into the hands of *the free people*

who took a part in the government of the state. Sudras who were semi-servile most probably had no voice in the government. In the accounts of Alexander's campaign we meet a number of non-monarchical states which have been described as 'free' or 'independent'. Now some of these states were oligarchical, others 'democratic'. Thus the Sambastai or Abastanoi (Ambashthas) are said to have a government which was democratic. (Diodoras & Curtius—Invasion of India by Alexander the Great). So also there was the powerful tribal republic of the Sabaracae 'where the form of government was democratic and not regal'. Then the legend quoted by Megasthenes that 'at last, after many generations had come and gone, the sovereignty, it is said, was dissolved, and democratic governments were set up in the cities,' suggests that some of the republican states at least were democratic, of course in the Greek sense. Megasthenes certainly would not have credited this legend which he heard from the Hindu learned men if in his time some of the republics had not a democratic form of government.

The existence of democratic tribal states is corroborated by Kautilya also. He divides political samghas into two groups—Varta-sastropajivin and Raja-sabdopajivin. Among the first class he mentions Kambhoja, Surashtra, Kshatriya, Sreni and others. Among the latter he includes Lichchhivika (Lichchhavis), Vrijika (Jayswal takes it as Videha), Mallaka Madraka, Kukura, Kuku, Panchala and others.

Now it is necessary to ascertain the real meaning of the words 'Varta-sastropajivin' and 'Raja-sabdopajivin.' The former, it seems, was a republic in which the government was carried on by those who lived by agriculture, trade, cattle-breeding and fighting, or in other words by all free-men. So these republics were 'democracies.' Panini has called the republics (Samghas)

ayudhajivi or oligarchies composed of men subsisting on the profession of arms i.e., Kshatriyas and other warriors. Kautilya deliberately uses the term Varta-sastropajivin because in these republics the government was no longer confined to the warriors but common freemen who lived by trade, cattle-breeding and agriculture also participated in the work of administration. Even if the Sutra is translated as Kamboja, Surastra and other corporations of the Kshatriyas who live by trade, agriculture and cattle-breeding it does not make any difference. The bulk of the population being Kshatriyas, these republics were democratic. As regards the second class the meaning is not difficult to understand. They were states in which the government was carried on by men who lived on their title of king, i.e., aristocratic rulers who all bore the title of king. So these states were oligarchies. We know that this was the character of the Lichchhavi republic in the time of the Buddha.

We have not much definite information about the constitutions of these republics, and it is possible that they varied from place to place and from time to time. We are, however, fortunate in having some important indications about the constitutions of two republics from the Buddhist literature. In the Mahaparinirvana Suttanta the Buddha says: "Have you heard, Ananda, that the Vajjians often hold *full and frequent assemblies*?" "So long, Ananda, as the Vajjians hold full and frequent assemblies: So long as they meet together in concord and rise in concord and *carry out Vajjian business in concord*: So long as they enact nothing not already established, abrogate nothing that has been already enacted and act in accordance with the ancient institutions of the Vajjians, as established in former days: So long as they honour and esteem and revere and support the *Vajjian Elders*, and hold it a point of duty to hearken to their words. So long may the

Vajjians be expected not to decline but to prosper.” (Dialogues of the Buddha, II, P, 79-85).

Now the Vajjians were the Lichchhavis and the Videhas united in a confederacy. In this dialogue the following points should be noted : that the Vajjians (the confederacy) held full and frequent assemblies ; that they carried on the government by friendly discussion ; that there were Vajjian Elders who were held in high honour and esteem and whose guidance was followed by the assembly. So here we have an assembly whose composition is not indicated. It met frequently to carry on the business of government by discussion and was generally attended by the bulk of the members. There were Elders (or leaders who formed the council) who occupied a distinguished and honoured place and guided the deliberation of policy by their advice. But we are not told how the Elders were chosen.

The Jatakas give us further information. In the introduction of the Ekapanna Jataka the Buddha tells the story of a wicked Lichchhavi prince. At that time the city of Vaisali enjoyed unlimited prosperity. 7707 kings (Rajas) constantly carried on its administration. There were as many viceroys (uparaja), generals (Senapati), and treasurers (Bhandarika). In the introduction of Chullakalinga Jataka the same number of kings is given. In the Bhadda-Sala Jataka there is a reference to a tank with the water of which the Lichchhavi kings were consecrated. Even if we make allowance for the exaggerations in these stories the following points may be gathered. The government of the Lichchhavi state was carried on by a fairly large number of persons who bore the title of Raja. As each of the Rajas had a viceroy, general and treasurer they must be regarded as chieftains who ruled local divisions. Thus the Lichchhavi state was an oligarchy in which political power was wielded by the ruling aristocracy. There was

a general assembly at Vaisali composed of the Rajas. But besides the assembly there must have been a council of Elders who guided the deliberations of the general assembly, as in the Vajjian confederacy.

Next about the Sakyas. The chief town of their state was Kapilavastu. Besides the capital city there were other townships of which eight have been enumerated by Rhys Davids (*Buddhist India* pp. 18 & 19). As regards its government Rhys Davids says, "The administrative and judicial business of the clan was carried out in public assembly, at which young and old were alike present, in their common Mote Hall (Santhagara) at Kapilavastu. It was at such a parliament, or palaver, that king Pasenadi's proposition was discussed. When Ambattha goes to Kapilavastu on business, he goes to the Mote Hall where the Sakyas were then in session. And it is to the Mote Hall of the Mallas that Ananda goes to announce the death of the Buddha, they being then in session there to consider that very matter".

"A single chief—how, and for what period chosen we do not know—was elected as office-holder, presiding over the sessions, and, if no sessions were sitting, over the State. He bore the title of raja, which must have meant something like the Roman consul, or the Greek archon.

"Besides this Mote Hall at the principal town we hear of others at some of the other towns above referred to. And no doubt all the more important places had such a hall, or pavilion, covered with a roof, but with no walls, in which to conduct their business. And the local affairs of each village were carried on in open assembly of the householders, held in the groves..."

The view of Rhys Davids has been criticised by Dr. Bhandarkar who says that the Sakyas were ruled by hereditary kings (*Carmichael Lectures, First series. P. 161*). Dr. R. C. Majumdar, however, rightly points out that the

opinion of Dr. Bhandarkar is not tenable (Corporate Life. Ch. III. Pp. 235 ff). It is his considered opinion that the constitution of the Sakyas was similar to that of the Lichchhavis. Let me quote the words of Dr. Majumdar.

"The Kunala Jataka (No. 536, V, 412, ff). describes a feud between the Sakyas and their neighbouring clan, the Koliyas. A careful study of the whole account hardly leaves any doubt that the Sakyas were governed on the same principle as the Lichchhavis. Thus when the quarrel grew serious over the waters of the Rohini river which each party wanted for irrigation purposes, the Sakyas (agriculturists) went and told the councillors appointed to such services, and they reported it to the multitude of kings (or royal families)"...

"Not only is there not the least reference to any individual royal authority in this circumstantial narrative but the chiefs of the Sakyas are all called kings—'Why are you come here mighty kings' said the Buddha and again we have the expression 'Becoming believers the kings said, etc.' In the Samudda-Vaniya-Jataka (No. 466, IV, 158) Devadatta laments that he was renounced by all the kings of the 'Sakyas'. Similarly we learn from the Bhadda-Sala-Jataka (No. 465, IV 144 ff) how king Pasenadi sends his messengers asking for one of the daughters of the Sakya clan in marriage. On receipt of this message the Sakyas gathered together and deliberated. Here, again, there is no reference to any king to whom the message was delivered. According to time-honoured customs ambassadors are despatched by one king to another, if there be any, and the omission in this respect seems to lend considerable strength to the assumption that the Sakyas had no king in the sense we attach to the term. It is true that 'Vasabha-khattiya', born of a slave woman and Mahanama, is referred to by the king of Kosala as 'daughter of the Sakya king', but Mahanama is elsewhere (p. 147)

referred to as simply 'Mahanama the Sakya' and Vasabhakhattiya tells her son "My boy, your grandsires are the Sakya kings". The young Sakyas are also referred to as 'princes'."

"The instances quoted above from the Jatakas hardly leave any doubt that the Sakyas, like the Lichchhavis, had a number of rajas, who were probably members of the supreme assembly ruling over the state. We hear also of a class of officers called 'Uparajano or Viceroys' and this makes it probable that like the Lichchhavi rajas, the Sakya rajas, were also heads of minor administrative units".

In support of Dr. Majumdar's view it may be stated that if there was a hereditary king among the Sakyas, the proud king of Kosala, the overlord of the Sakyas, (Sakyas assembled in their council themselves admit that they live in the territory and under the suzerainty of the king of Kosala. Evidently in the time of the Buddha the Sakyas were under the hegemony of the king of Kosala.) would have demanded the hand of one of the daughters of the Sakya king or in default of a princess of the royal family. But he was anxious to marry "any Sakya girl". So all the Sakyas of the ruling aristocracy occupied the same position.

Then we get a few stray references in the accounts of Alexander's invasion. According to Arrian the government of Nysa was oligarchical for it was in the hands of a governing body of 300 aristocrats with a President. From Strabo we learn that the government of 'the country beyond the Hyphais (most probably the Yaudheya republic) was aristocratic, for it was in the hands of 'five thousand councillors, each of whom furnishes the state with an elephant.' Curtius informs us that the Ambasthas who had democratic form government 'elected three generals renowned for their valour and military skill' when they heard that Alexander was

about to attack them. That the generals and the Presidents in the republics were elected seems to be corroborated by the Bijayagadh Pillar Inscription of the Gupta period (Fleet) where we learn that the 'Maharaja-Mahasenapati' (the President and the commander-in-chief) of the Yaudheya-gana was elected (puraskrita).

About the constitutions of the republics we have not much information from Kautilya. It is however clear that there were chiefs who were called Samgha-mukhyas and an assembly. Our next source of information about the republics is the Mahabharata. In the Santi Parva there is a full chapter (107) relating to ganas. It throws much light on the constitution of ganas.

In a gana the executive was vested in the hands of leaders (ganamukhyas). There was an assembly composed of qualified citizens. As it was a large body it was not competent to know and discuss the secret policy of the state which was in the hands of leaders called Gana-mukhyas and their Pradhana. They formed a sort of governing council and were responsible for the determination of policy and its execution. They were to work together in secret for the welfare of the country. Besides, there were officers who were to be wise, brave, energetic and steady in the execution of work.

These republics maintained their separate existence for long, occasionally acknowledging the suzerainty of powerful emperors. They would, however, assert their independence as soon as there was weakening of the imperial authority. Finally these states were absorbed in the more powerful neighbouring states in the fifth and sixth centuries A. D.

MONARCHY IN THE EPICS *

Side by side with the tribal republics and republican city-states there were numerous kingdoms. For in some of the states where the oppressive kings were deposed, their sons or brothers, or even some nobles, were chosen kings in their places. In some cases kingship was restored after a period of oligarchical anarchy or matsyanyaya. In some states again the kings were able to keep the people contented by their wise and benevolent rule and consequently there was no revolution. Besides, as the Aryans pushed eastward and southward new kingdoms were founded. Some of these were rather extensive. These were mostly in the Madhyadesa (the central region of the vast Gangetic plain). Tribal idea was gradually superseded by the idea of territorial sovereignty. From being kings of the tribes the rulers became kings of kingdoms, often named after the dominant tribes. This was the result of conquest and amalgamation of tribes and settlement in a fixed territory. Some of these kingdoms again exercised temporary suzerain rights over weaker neighbours, thus bringing into existence a kind of loose empire with dependent kings ruling over autonomous

* Though the Mahabharata and the Ramayana were put in their present forms, barring of course the clear interpolations, about the fourth or third century B. C., they on the whole depict the social and political conditions of much earlier times. For the main stories of the Epics must have been composed before the time of the Buddha and contain reminiscences of the later Vedic period. Santi Parva, however, was of much later origin. In fact it is a separate treatise on polity composed about the time of the Manu Samhita or of Kautilya's Arthashastra and clumsily tagged to the main story of the Mahabharata subsequently. Hence we shall not refer to its political precepts and theories in this chapter.

states but acknowledging the suzerainty of the Emperors and paying them occasional tributes and attending their courts on special ceremonial occasions. The territory of a dependent king, however, was not considered as a part of the suzerain's kingdom. In the Mahabharata we come across the ideal of Universal dominion—of an empire embracing the whole of India or Bharata. No doubt such an empire really signified the hegemony of a powerful king of a particular kingdom over weaker neighbours whom he had brought under his temporary sway by 'Digvijaya' or conquest of the four quarters. These empires no doubt showed feudal tendencies, and had they become permanent they would probably have led to the establishment of some kind of feudalism. But they were absolutely ephemeral. The conquest of the four quarters again was a hyperbole and must not be taken at its face value.

In the later Vedic period there was a distinct tendency towards hereditary succession (Aitareya Brahmana VIII, 12, and Panchavimsha Brahmana. XX. 12.5). On the death of a king his son succeeded him, though there was a formal acceptance by the leading nobles or the kingmakers, and the new king had to undergo an elaborate ceremony of Coronation. The rituals of the Coronation ceremony clothed him with a halo of sanctity. The blessings of the priests acted as a shield against popular hostility. The alliance with the Brahmanas decidedly strengthened his position. The king found it advantageous to seek reconciliation with the powerful sacerdotal caste. Thus his self-interest now ranged him on the side of his erstwhile enemies. Though belonging to the same caste the nobles were his rivals and would not hesitate to replace him or to destroy monarchy for their own aggrandisement. Moreover, the king seated on his rickety throne, had grown wiser. He had learnt the tremendous powers wielded by the men of religion and was not prepared to renew the struggle. On the

contrary he was anxious to cement an alliance with the priesthood for their common advantage. This was quite unobjectionable, for the Brahmanas had put forward claims of spiritual supremacy only and not of temporal power. Besides, they were prepared to attribute divine characteristics to the king. Unlike the mediaeval Church in Europe the Hindu priesthood did not aim at temporal rule. They were not organised in a religious corporation and did not form a hierarchy like the Catholic Church. They were not a rival of the state. Whatever their pretensions they did not really repudiate the jurisdiction of the state or the sovereignty of the king. They were quite willing to leave the administration in the hands of the king and the Kshatriyas, though they claimed some right of guidance and direction. No doubt they put forward claims of social pre-eminence and political exemptions. That could have been conceded so long as they did not demand political predominance or entertain any secular ambition. And the Brahmanas, however high their social and religious pretensions might have been, were, with a few exceptions, *free* from political ambition. Nay, it should be noted in fairness to them that they willingly put themselves under a self-denying 'ordinance'. Herein lies the real contrast between the Hindu priesthood and the Catholic Church. This is the secret of the ultimate triumph of the Brahmana caste. But for this unique act of self-sacrifice the Hindu priesthood would have finally lost their position and influence even after a period of temporary triumph. That the Brahmanas succeeded in maintaining their ascendancy for so long in spite of the partial eclipse in the Buddhist period, must be attributed to this cause. They must have convinced the people and the princes of their disinterestedness and honesty of purpose by social service and high ideal. They were not only the ministers of religion but also teachers and leaders of thought. No doubt they were

not wholly unwordly, and some of them at least cared for power and pelf and the good things of the earth. The learned Brahmanas again received gifts from princes and people, money payments in expiation of sins, dakshinas for religious service, and free dinners on various occasions. Most probably they were also exempted from taxation as they claimed. But it is to be noted that they did not possess huge estates like the mediaeval Roman Church and did not claim any tithe. Besides, these men were not, as a rule, celibates. They had their families to maintain. They had to procure at least the bare necessities of life, if they were to think and work for the community. Short-comings they surely had. Their social pretensions were absurd and unjust. Their arrogance was Himalayan. They were not above all temptations. They were not always proof against vices. There were blacksheep among them who would not hesitate to stoop to any means to feather their own nests and who became royal courtiers and parasites.

However that be, the king's position was much improved by the support of the Brahmanas. It was further strengthened by a larger revenue arising from increased taxation (a share of the crop, taxes in kind on animals and duties on commodities for sale), fines for offences, and so on. The king became the criminal judge—the wielder of the rod of punishment. There was a regular system of administration. The number of officials gradually increased. With the increase in the size of the state it was not possible for freemen in general to meet regularly in their Samiti. It was possible only in a tribal state. Thus there is no reference to Samiti in the Brahmanas. It was no longer an organ of government, deliberating on policy. But with the decline of Samiti or the general assembly of the people there was a corresponding rise in the importance of Sabha.

Henceforward Sabha was the regular and normal body for the meeting of the king and the people. It was in Sabha that the king consulted his people on matters of general importance, heard their grievances and promised redress, administered justice, and held ceremonial meetings. No doubt the composition of Sabha varied from time to time and from place to place. There were members who attended the meetings regularly, such as ministers and high officials, generals, the princes of the blood, nobles (Kshatriyas), the Purohita and other important and erudite Brahmanas, dependent kings, the leading members of the merchant and craft guilds, and prominent leaders of the capital and the country parts. [Mahabharata-Sabha Parva, ch. 4; Udyoga Parva, ch. 2; ch. 94; Ramayana-Ayodhya Kanda, ch. 1; 2; 14; 15; 67; 81; 111 &c]. Besides these regular members any one who had any grievance, or who sought any favour or who wanted to inform the king of any matter, could attend Sabha. Such was the case in Saxon England also where under similar conditions folkmoot was superseded by the Witenagemot or the Assembly of the Wisemen, and in the Teutonic kingdoms which arose on the break-up of the the Roman Empire in the West and where the General assembly of freemen was replaced by the Royal council. Naturally in such a meeting policy of the government was not discussed. The Hindu lawgivers and political thinkers lay the greatest emphasis on the secrecy of the government policy which ought to be discussed in a small council consisting of king's ministers and high officials, meeting in some secluded place in the greatest privacy so that not even a whisper could reach the outside world. For the success of a venture or undertaking depends upon absolute secrecy of the counsel or mantra. On important occasions like the inauguration of the king or the consecration of the crown prince as yuvaraja the leaders of the people were summoned to be present in Sabha.

For, though monarchy had become hereditary and the rule of primogeniture was generally followed, yet acceptance by nobles and the leaders of the people seems to have been necessary even in the Epic period. And the acceptance was not always a formal affair—a mere ratification of the hereditary succession or the nomination of the reigning king. There are instances in the Mahabharata where the rule of primogeniture was not followed because of the opposition of the people, and the choice of the reigning king was sometimes rejected by his subjects. In such a case the people's verdict was the last word. The king had gracefully to submit to the popular will. Thus in the Udyoga Parva of the Mahabharata (ch. 149), when the old king Pratipa of the Kuru family wanted to consecrate his eldest son Devapi who was a man of ideal character he was dissuaded from doing so by the Brahmanas, elders and the people of the capital and the country who opposed the proposal because Devapi had been suffering from leprosy. So also when Yayati wanted to make his youngest son Puru king, in supersession of his elder sons, the people of all castes protested. The king had to persuade the people by giving a convincing explanation of the exceptional circumstance. In fact he implored them to accept his suggestion. [Adi Parva, ch. 85]. Then we know that the elder brother Dhritarastra who was blind was not chosen king and the younger brother Pandu was selected instead. No doubt on the retirement of Pandu, Dhritarastra became regent, but he was not formally consecrated. He merely ruled as an interim ruler until his sons and the Pandavas came of age. Nay Yudhisthira was formally consecrated as yuvaraja. Duryodhana who was jealous of the Pandavas, repeatedly tried to encompass their death by various means, though they managed to escape every time. The people of the capital, the Pauras, finding that the Pandavas were endowed with endless qualities extolled

their virtues, and meeting in assemblies and courtyards (squares) began to agitate about the fitness of Yudhisthira to ascend the throne. They asserted that as previously Dhritarastra had been excluded from the throne because of his blindness he could not now become king. They would, therefore consecrate, the young, valourous, truthful and kind Yudhisthira to kingship. When Dhritarastra was informed of what the people were saying he became worried and dejected.

Again, in the Ramayana (Ayodhya Kanda, I-III), when king Dasaratha, because of his old age, wanted to consecrate his well-qualified eldest son Rama as yuvaraja he summoned the leading men of different districts and towns to his Sabha. He made suitable arrangements for their accommodation, and honoured them with valuable presents and decorations. To his Sabha also came the kings of other (dependent) kingdoms who sat facing him. Addressing the members of the Sabha Dasaratha said in a grave but sweet tone, "You all know that my ancestors have ruled the people of this large empire as their children. For the happiness of the empire of Ikshvaku and others I would like to make a proposal. I also have ruled this state to the best of my ability, ignoring personal happiness and self-indulgence like my ancestors...I have lived thousands of years. I now desire peace and happiness in my infirmity. I am tired of this heavy and sacred burden. Now with the permission of the twice-born men present here I want to take rest, leaving the government in the hand of my son. My son Ramachandra, conqueror of enemies, is as powerful as Purandara, and endowed with all qualities...I shall instal Rama as yuvaraja to-day and get rid of my mental worries. *If You approve my decision, speak out your consent. But if my proposal does not seem acceptable to you, advise me what is better....*"

The kings accepted king Dasaratha's proposal with happiness. They burst into cheers. The earth seemed to tremble at the excitement of all the people. The twice-born men (Brahmanas) and the generals, together with the people of the capital and the country (Paurajanapada), learning the desire of the virtuous king, took counsel among themselves and then told him, "Maharaja, You are old : so You should instal Ramachandra as yuvaraja. We wish to see mighty Rama seated on a large elephant, his face covered by the (royal) umbrella". Then on the death of Dasaratha the king-makers met in the council which was attended by prominent Brahmanas, the Purohita and the ministers, and proposed to make some member of the Ikshvaku family king. (Ayodhya. ch. 67)

So also in the Adi Parva (ch. 94) we find that Kuru, son of king Sambarana, was accepted by all the people because he was virtuous. When Yudhisthira (Mahaprasthan Parva, ch. I) wanted to retire to the forest he left the government in the hand of Arjuna's grandson, Parikshit, in the presence of the people, after asking the permission of the Paura-Janapadas. Again, when Parikshit died the people of the capital placed his infant son Janamejaya on the throne (Adi. ch. 45).

Not only that. Bad kings were sometimes expelled by the people. Thus, we are told that king Vichitravirya was exiled from the kingdom by his subjects when Bhishma was engaged in a duel with Parasurama. The people implored Bhishma to be their king, but the latter humbly and sorrowfully explained to them why he could not accept their offer. In the Asvamedha Parva (ch. III) Vyasa tells Yudhisthira the story of the deposition of king Khaninetra by the people because he was oppressive. Besides in the Udyoga Parva (ch. 74) there is a reference to eighteen wicked kings in former times who were responsible for the destruction of themselves, their kinsmen and their well-wishers and friends.

Kings were sometimes obliged to banish even their own sons at the instance of the people. Thus, in the Ayodhya Kanda of the Ramayana (Ch. 35) we find that King Sagara was forced to banish his eldest son Asamanja for life, because the wicked prince used to throw young boys into the river Saraju.

At the same time we can not shut our eyes to the fact that the idea of proprietary right in the kingdom had already grown up. So much so that it was possible for the original poet to say that Yudhishthira staked his kingdom in the game of dice. The same idea we also find in the story of Nala. Now we can not explain away this inconsistency by saying that this was a later idea interpolated in the main story later on. For the game of dice is an integral part of the main story. The Kurukshetra war hinges upon the loss of the kingdom as a result of gambling and the obduracy of Duryodhana. Now the only solution of this difficulty is to believe that though the idea of the proprietary right in the kingdom had already been conceived, in practice, however, the people had some say in the royal succession.

The people also participated in other political matters. When fifteen years after the Kurukshetra war Dhritarastra who had grown very old wanted to retire to the forest he asked Yudhishthira to summon the people. He met the Paura-Janapadas, Brahmanas, and dependent kings, and addressing them asked their permission to go to the forest. He saluted them with folded hands and repeatedly prayed to them to give him permission. The people were very much moved, but finally gave him permission. (Asramabashika Parva—Ch. VIII and IX).

Again, in the Ramayana (Ayodhya-LXXXIII) we see that Naigmas and Nagarikas accompanied Bharata when he went to bring back Rama from the forest. Then when after the war with Ravana, Rama returned he

was greeted by the people, by the leading Brahmanas, Vaisyas, merchants and others ... (Lanka-CXXIX).

That the king was generally guided by public opinion expressed even outside Sabha is seen in the Uttara Kanda (Ch. 53). One day when Rama was seated in his court surrounded by his friends and courtiers he asked Bhadra to tell him frankly and without fear what the people of the city and the country were saying about him, Seeta and others. Bhadra replied with folded hands that the people of the city were saying that Rama had performed a very difficult feat. He had rescued Seeta after killing Ravana in war. But in spite of the fact that Ravana had touched and embraced her by force he had brought her without hesitation to his capital. From now on they too would have to condone the transgressions of their wives; for the people must follow the example of the king. Rama then dismissed his courtiers and summoned his brothers. When they came he related to them what the people were saying about him and Seeta and asked Lakshmana to take Seeta to Valmiki's asrama and leave her there.

It is difficult for us to approve of Rama's action as a man and husband. He forsook an innocent and loyal wife in response to public opinion, but we must admit that he made a supreme sacrifice to satisfy his subjects and discharged his kingly duties according to the ideas of the time.

This incident high-lights the force of public opinion in Epic India. It also shows that the people were ever alert and watchful of their interests and rights. In the Epics the people come to the political stage on various occasions and effectively influence the course of administration. Sometimes when the public mind was agitated over a particular act of the king and his government, the people of the capital and of the country parts, and sometimes even those of the city only, would hold

demonstrations in the streets, squares (courtyards) and places of public meeting, demanding the reversal of the government policy or act. Sometimes, it appears, they even forced the king to give them audience. Besides, on important occasions the king would summon the leaders of the people, the Paura-Janapadas, to his Sabha to hear what he wanted to place before them and give their approval to his policy and measures. Sometimes, it appears, he would summon the people of the capital and the country in general and address them in a mass meeting. Such an assembly partook the character of the old Samiti, though the name was not used. Now if we remember that the king had no legislative power and the taxes were fixed by custom we can not call the king in the Epics an absolute ruler, though he was a very powerful monarch. He always had his ears close to the ground. He kept his watch over the different parts of his kingdom by means of spies. He tried to ascertain the trend of public opinion through their reports.

Now as to the administrative machinery. In chapter 141 of the Adi Parva eighteen principal officers including the heir apparent have been mentioned. Among them we find the Purhota, the chief minister, the chamberlain, the inspector of prison, the city superintendent, the superintendent of works, the president of the Sabha, the magistrate, the keeper of the frontiers, the commander-in-chief, the keeper of weapons, the overseer and so on. In chapter V of the Sabha Parva it is suggested that a number of old men of good families, honest, able and devoted, should be appointed as ministers. In the Ramayana (Ch. VII, Adi Parva) we find that king Dasaratha had eight ministers, besides a number of non-official advisers who were sages. Besides there must be a number of trustworthy, honest and experienced officers of different grades in charge of the work of administration. One interesting suggestion is that the soldiers must be

regularly paid and properly fed. In chapter 185 of the Vana Parva the king is called the upholder of law and protector of the people. The ideal of the government was the promotion of the well-being of the people. In chapter V of the Sabha Parva we find that the king was to reward learned men according to their merit. Cultivators were to be specially looked after. In order that they did not depend absolutely upon the rainfall, large reservoirs full of water were to be maintained in different parts of the kingdom. They were to be supplied with loans at 4 p. c. interest whenever necessary. Special care must be taken that they were never short of seeds and foodgrains. All classes of people must be protected by repressing wicked men, specially thieves and robbers. The king was to give audience to his people everyday and try cases impartially. He must see that his ministers and other officers do not harass innocent persons out of greed, or do not wrongfully decide cases between the rich and the poor, receiving bribes. Besides, he ought to protect the people from fire, snakes, wild beasts, diseases and demons. It is possible that some of these recommendations were later interpolations.

MONARCHY IN THE JATAKAS

The nuclei of some of the Jataka stories are common with those of the Ramayana and the Mahabharata. These stories were composed or thoroughly recast about the time when the two Epics were given their present forms; barring of course the subsequent interpolations and the didactic chapters of the Santi Parva and others. Most of them harked back to earlier times as did the stories of the Epics.

Many of the kings of the Jataka stories were good and virtuous rulers who were guided by honest and able ministers. They practised the ten royal virtues, observed the 'pancha shilas' and did their best to promote the happiness and prosperity of their subjects, even sacrificing their own personal interests and comforts. Indeed they were ideal kings who slaved for the general welfare of the people. Yet there were others who were blood-thirsty tyrants. Guided by evil councillors and vicious officials they oppressed the people with heavy taxation, and arbitrary punishment without a proper trial. They were extremely greedy, and would not hesitate to take bribes from suitors and give unjust and unfair judgments. Some of them indulged in worst carnal vices. Thus king Brahmadatta of Baranasi was a very greedy king (Tandulnali Jataka). King Dustakumara of the same kingdom was a very cruel man. He was ungrateful and did not hesitate to order the execution of Bodi-Sattva on a false charge and without a proper trial. Now the life of this heartless king had once been saved by this saintly man (Satyang-kila Jataka). King Brahmadatta of Baranasi who became enamoured

of the beautiful wife of one of his subjects tried to satisfy his lust by executing the husband on a false charge of theft (Manichora Jataka). King Prasenjit of Kosala accepted bribes from suitors and gave wrong judgment. King Bharu of Bharu country also used to do the same (Bharu Jataka). Even king Yashapani of Baranasi who ruled his kingdom justly did not hesitate to accept the advice of his greedy general and judge Kalaka to put to death Bodhisattva, his Purohita, unjustly, because he had been told by his dishonest general that the Purohita was aiming at the crown (Dharmadhvaja Jataka). A king of Baranasi in Kamanita Jataka was extremely greedy and sensual. Another king of the same kingdom, Mahapingala, was an ungodly and unjust ruler. He oppressed his subjects heartlessly. He punished them unjustly and harassed them with heavy taxation. He would inflict corporal punishments even for light offences and confiscate the entire property of these unfortunate men (Mahapingala Jataka). King Kalabu of Baranasi was a drunkard and debauchee. He did not hesitate corporally to punish the saintly Bodhisattva without a trial (Kshantivadi Jataka). Again, King Brahmadatta of Baranasi punished some innocent carters with confiscation of their entire property without a proper investigation of the case (Rathalatthi Jataka). King Mahapratapa of Baranasi was so cruel and unjust that he did not hesitate to murder his infant son with unspeakable cruelty in the presence of his mother for he was angry with his wife without any reason (Chulla-dharmapala Jataka). Then king Brahmadatta of Baranasi was an unjust ruler. He oppressed the people with unlawful exactions (Kukku Jataka). So also the king in Padakushala Jataka was a dishonest ruler who did not hesitate falsely to accuse others with his own crime. Then Vatsa King Udayana who was a drunkard was for nothing angry with a saint and tortured him (Matanga Jataka). Again.

King Panchala of Kampilya kingdom was a tyrant who ruled his people in an unjust and arbitrary fashion. His subjects were oppressed with heavy taxation and fled to the forest (Gandatindu Jataka). All these kings were tyrants who were not amenable to public opinion.

No doubt some of these tyrants were redeemed by the efforts of Bodhisattva and a few were killed or expelled by the infuriated people. Others, however, were beyond redemption and oppressed their subjects with impunity. The people seemed helpless before these blood-suckers and suffered their oppression mutely with stoic resignation. Now this is a picture different from that of the Epics. The people who tamely submit to despotism and silently bear heartless oppression can not be the same people who in the Ramayana and the Mahabharata actively participate in the affairs of the government, do not hesitate to criticise the action of the king openly, hold demonstrations in the streets, courtyards and other public places and secure the reversal of the unpopular acts or policy of the government, and depose or kill oppressive rulers. Even wicked Duryodhana who did not hesitate to resort to murder to remove the Pandavas from his way, did not dare openly to defy public opinion or to oppress the people. Though a bad man he is said to have been a good king (Dhritarastra's farewell). Public opinion was so powerful that even a mighty king like Rama abandoned his beloved and loyal wife in response to it.

How can we solve this puzzle? One explanation of course is that though the kernels of some of the Jataka stories are common with those of the Epics, and many others refer to the kings of the Madhyadesha they were coloured by the social and political conditions of eastern India in the Buddhist period when they were composed or thoroughly recast. These were somewhat different from those of the Madhyadesha even of the same period, not to speak of the pre-Buddhist time. Though

the Epics probably were given their present forms about the third or fourth century B. C. the main stories must have been composed before the Buddha's time and we may believe that their character was not essentially changed when they were given their present forms.

That the social and political conditions of eastern and central regions were always somewhat different will be evident if we take into account the following facts. First of all we must remember that the people of eastern India were not quite the same people as those of the central and western parts. As the Aryans pushed more and more eastward their original anti-black feeling was more and more softened. In spite of Sastric prohibitions there was considerable admixture of blood. Wars of extermination were definitely given up and the conquered aborigines were freely admitted to the Hindu fold and intermarriages between them and the lowest strata of the Aryan society were openly permitted. Nay, young and handsome black women did not escape the lustful eyes even of the higher classes who took them without any social stigma as concubines, and sometimes even as subsidiary wives of inferior status. Not only this. Illicit unions between the black and the white were not always between a white man and a black woman, but vice versa. When it was widely known it was frowned upon, often leading to corporal punishment. Very often these clandestine unions were deliberately connived at. Thus racial purity was to some extent modified as the Aryans spread over the vast Gangetic plain. When they proceeded further eastward they became more and more dispersed, and as they had given up the policy of extermination and expatriation they were soon outnumbered by the non-Aryans and the people of mixed blood. The bulk of the population of the kingdoms which arose in the eastern regions was definitely non-Aryan. As a result of constant contact with the aborigines and

their admission to the Hindu fold, the Hindu society itself was greatly transformed. Not only the social conditions but even the political ideas and ideals of the people of these regions were greatly affected by non-Aryan influence. This explains why the people of the central region or Madhyadesa regarded the people of the eastern parts with open contempt. It is not at all surprising that the kings of these regions were on the whole more autocratic and self-willed than the kings of the central region. The bulk of the people, being conquered non-Aryans who had been accustomed to autocratic rule of their own kings, meekly submitted to the tyranny of the Aryan kings and their trusted lieutenants. The handful of Aryan settlers also supported the strong government of their own kings, however oppressive they might have been to the common people. They required above all a strong government which would be able to protect them from outside attacks and keep in control the conquered peoples. It was not their interest to do anything which would weaken the authority of the king ; for if the power of the monarch was undermined that would jeopardise the safety of the whole community.

Then again Buddhism which for a time replaced Brahmanism as the state religion in the age of Asoka had been growing in strength in the eastern parts for a considerable time. It would be a mistake to think that this new religion suddenly deluged the country as the result of Asoka's conversion and his missionary zeal. For a pretty long time there had been going on a strong reaction against the Brahmanical domination and their highly ceremonial religion. The mass of the people were treated not as active participators but as docile followers who were expected blindly to obey the dictates of the mysterious Sastras as interpreted by the priesthood. The Kshatriyas who were not prepared to acknowledge the

supremacy of the Brahmanas defied them and their religion which buttressed up Brahmana claims. Naturally various heretical creeds arose in eastern India. Almost simultaneously there appeared Jainism, Buddhism, and other heretical sects like the Ajivikas. The founders of these creeds were generally Kshatriyas, and they received a ready response from the mass of the people. This was a sign that Brahmanism had been losing its hold upon the people in the east. By the time when Asoka came to the throne of Magadha the soil had been prepared for receiving the seeds which were sown broadcast by that great Emperor. It might have been possible for him to build Buddhist stupas or engrave the Buddha's teachings on rocks and pillars in different parts of his vast empire or to secure temporarily an outward conformity to the new religion by the irresistible force of his mighty empire, but it would betray our ignorance of human nature or of the power of a living religion if we think that Magadha would meekly accept a new religion at the dictation of a powerful monarch unless there had been an intellectual revolution in the meantime which had shaken the old religion to its very foundation. Asoka's conversion and his propagation of Buddhism were no doubt two decisive events of the world's history. But he worked in a country which was fully prepared to receive the gospel of the Buddha. His message of Ahimsa had already won the hearts of the Indians, especially of the eastern parts. Otherwise Asoka would have become another 'Ikhnaten' and his religion would have been obliterated soon after his death. But it was not so. Even after the revival of Hinduism under the Sunga Emperors for centuries the Buddha's influence remained an active force in the Indian society. It required the crusading zeal of a large number of lawgivers, authors of the Puranas, literary luminaries and uncompromising religious reformers to

liquidate Buddhism from this country. Even then the Buddha found a place in the Hindu Pantheon.

Now the rise and spread of Buddhism gave a severe blow to the authority of the Brahmanas and the hold of Brahmanism. The political result of the weakening of the influence of the Brahmanas and the hold of Brahmanism on popular mind was in a sense unfortunate. For it was religion which offered the most effective check upon royal authority and curbed the natural evil propensities of the rulers who wielded the enormous authority of the state and had unlimited opportunities of satisfying their greed and lust. Brahmanas as Purohita and councillors helped the king to discharge his duties honestly and wisely by giving him on the whole good advice. They kept him on the right path by timely admonition and warning him of the serious consequences of his act of highhandedness and folly. Belonging to a highly respected and educated caste, fortified by the sanctity of their person, wielding enormous influence on the conscience of the people, and as a rule free from worldly ambitions, they would not hesitate to rebuke sin even at the highest quarter. In fact it was the Brahmanas who were the watchdogs of social security and popular rights. They were the natural leaders of the people. Besides, great sages, unattached to any court, but held in the highest esteem because of their saintly character, encyclopedic erudition and reputed omniscience and supernatural power, frequently visited the royal courts to enquire about the state of affairs and to give the rulers timely advice and warning. These sages exerted a very great influence upon the course of administration and served as a very powerful check against tyranny and royal delinquencies.

Then again, the Brahmanical Sastras prescribed the duties of the king which were on the whole good considering the time and peculiarity of Indian conditions. They repeatedly try to inculcate into the

mind of the ruler that the office of the king is a sacred trust and not a position of pleasure and self-indulgence. They declare in an unequivocal voice that the king must be the protector of the people, the promoter of their well-being and the upholder of the Dharma and social order. They try to impress upon him that he is really the servant of the people, receiving his dues and taxes as his wages for protecting the realm. He is not above the law but under it. He would be a sinner and criminal if he failed in his duties for which he must be ready to undergo penances and even receive punishments in the shape of fines. He must be guided by good and virtuous advisers and must follow their advice and not his own personal inclinations. He must be just and fair to all, and impartial in the matter of administration of justice. He must not punish anyone who does not deserve punishment and let off a real offender for any consideration. He must reward virtue and merit. The king who violates these religico-political principles and injunctions not only suffers in this world but also in the next. The Sastras remind the king that many tyrannical rulers have roused popular anger against them by their oppressive and unjust rule and have perished in consequence, with their friends, kinsmen and even their kingdoms. Besides, a sinful king will suffer punishments in the Hell after death. These injunctions undoubtedly formed a great check on royal absolutism. For, the kings like ordinary individuals had great veneration for the rules of the religion and were mightily afraid of the punishments of the Hell. Besides, they were conscious that popular disaffection would be roused by the violation of the sacred rules of religion and oppression. All this was undermined by the Buddhist challenge of Brahmanism. It struck at the root of limited monarchy and promoted royal absolutism as did the Reformation in Europe. For in those days of faith and

superstition religious checks were much more powerful and effective than constitutional limitations of now a days. If bad kings sometimes violated the religious rules and oppressed their subjects mercilessly, wicked rulers of modern times show no more respect for constitutional provisions. Whenever necessary they treat the constitution as a mere scrap of paper, if the people are politically apathetic.

So the damage was irreparable. For, the Buddhist code of morality with its Pancha Shilas and ten royal virtues, however noble and humane, was not an effective substitute for the Brahmanical codes of rights and duties, and of virtue and vice, sanctified by immemorial usage and believed to be of divine origin, a direct revelation from God. In spite of its universal appeal the Buddhist dharma lacked the prestige of the Brahmana dharma. So also the Buddhist Sramanas and sages had not the same authority and hold on the people as the Brahmana sages and priests. Under the circumstances it is not at all surprising that a number of kings in the Jataka stories were heartless tyrants who oppressed their subjects with impunity and the people often bore their sufferings without a murmur or protest.

But perhaps things were not as bad as represented in the Jataka stories. Undoubtedly the picture is greatly overdrawn. The stories—every one of them didactic—were written with a deliberate purpose, to establish the greatness of the Buddha not only in this birth but in all previous births. The method is somewhat crude. The subject matters of some of these stories are not only incredible and absurd but also absolutely shocking and repulsive, especially the orgies of cruelty and bestiality and the perversity of taste and immorality. As a contrast to the good Bodhisattva his rival is invariably depicted in the blackest hues. And whenever it is necessary for the purpose of the story the king

has been represented as an inhuman monster, guilty of the worst vices and heartless cruelty, not only oppressive and tyrannical but even literally eating his subjects like a Rakshasa.

But even in the Jatakas there are sufficient indications which partially confirm the Epic evidences. Though monarchy in the Jatakas was hereditary and the rule of primogeniture was generally followed, there are cases in which the people placed some body after their heart on the throne. Thus in the Satyang-kila Jataka the people of the city, being disgusted with the tyranny of the king, kill him and place Bodhisattva, who does not belong to the royal family, on the throne. In the Nama Siddhika Jataka and Tailapatra Jataka, on the death of the king the people of the city consult with the amatyas and place Bodhisattva, the youngest prince, on the throne. In the Ekaparna Jataka Bodhi-sattva warns a wicked and cruel prince that if he continues to tread on the evil path, the people will not place him on the throne but banish him. In the Manichora Jataka, when Indra (Sakra) brings about the death of a wicked and lustful king and makes Bodhisattva, an ordinary householder, king, he is heartily accepted by the amatyas, Brahmanas, householders and all. In the Mahapingala Jataka the people of Baranasi instal prince Bodhisattva on the throne. In the Padanjali Jataka the amatyas reject the idle and idiotic son of the king of Baranasi and make Bodhisattva, one of the amatyas, king. In Gramanichanda Jataka, on the death of the king the amatyas examine the infant prince before he is placed on the throne. In the Shonaka Jataka, when the king of Baranasi dies without a male heir the amatyas send out the Pusparatha to pick up a king. In the Mahasutasoma Jataka, the commander-in-chief Kalahasti threatens a carnivorous king that if does not follow his advice he will be banished. In the Mahajana Jataka also the Pusparatha is sent out to pick up a king.

Then again, the idea that the king can not govern despotically in violation of the law, is found in some Jatakas. Thus in Tailapatra Jataka, when the new queen who is a Yakshini, asks the king to give her full authority and control over the whole kingdom he pleads his inability because he is not the lord of the kingdom and has not sovereign authority over all the subjects. He can punish only those who are traitors or criminals. In the Dharmadhvaja Jataka, when Kalaka, the dishonest commander and judge, asks the king to put Bodhisattva to death, falsely accusing him of treasonable intentions the king replies that he can not do so unless he is proved to be a serious criminal. In the Mahabodhi Jataka also, when the amatyas ask the king to imprison Bodhisattva the latter replies that he can not imprison him unless he is guilty of a serious offence.

Then in a number of Jatakas we find Bodhisattva trying to bring bad kings on the good and righteous path by wholesome advice, dilating upon the ten virtues of a good king and warning them of serious consequences unless they mend their ways and improve. There are evidences also of the participation of the people in political affairs. They attended Sabha and held demonstrations in the streets or in front of the palace. The king, it appears, held his court regularly. In the Pancha Guru Jataka king Bodhisattva, after his consecration, was seated in his Sabha surrounded by the amatyas, Brahmanas, householders and Kshatriya princes. In the Mahapingala Jataka also king Bodhisattva is found seated in his court, surrounded by Brahmanas, householders and amatyas. In the Saumanashya Jataka Mahasattva addresses the Pauras and Janapadas, assembled in Sabha, and points out the follies of the king. In the Khullasutasoma Jataka when a grey hair is discovered in king Sutasoma's head he takes it in his hand and sends for his eighty thousand amatyas, sixty thousand Brahmanas,

and the Paura-Janapadas. Addressing them he declares that he is old and will embrace ascetism. In the Kusha Jataka, the Pauras and Janapadas assemble before the palace and shout that as the king is sonless the kingdom is going to perish.

Now we come to the government. The king as the head of the state 'was the motive force of the whole government'. As he was the ruler of a pre-Buddhist state he had a Purohit as his adviser in spiritual and even in secular affairs. Besides, he had a number of ministers (amachchas), though he did not often follow their advice and was under the influence of wicked friends and favourites. Ishan Ghosh (Jataka II) has collected the designations of a number of high officials met in the stories. Thus besides the Purohita there were Arthadharmanushasaka (the adviser of the king on Dharma and Artha), Sarvarthachintaka (adviser of all kinds of Artha), Sarvakrityakara, Vinishchayamatya (minister of justice), Arghakara (the court valuer), Senapati, Bhandarika (treasurer), Chhatragraha (umbrella-holder), Asigraha (armed guard), Rajjuka (Surveyor), Sreshthi (Banker), Dronamapaka (measurer of king's share of corn), Hiranyaka (keeper of king's gold), Sarathi (charioteer), Dauvarika (gate-keeper), Hastimangalakaraka. Gajacharya (expert of elephants), Gramabhojaka (village headman), Balipratigraha (collector of taxes), Nagaraguptika, Rajavaidya (kings' physician) etc. Besides there was the Uparajan (vice-king or sub-king) who was a son or a brother or a near kinsman of the king.

In the Jatakas the king often personally administered justice, though under him there were a number of high officials who tried cases. Thus we often find the Purohita, Senapati and Uparaja administering justice. The king as in the Epics held the court which was attended by ministers, high officials, Brahmanas, nobles, leading householders, and representatives of the trade guilds, especially the Sreshthi.

It has already been said that in the Buddhist literature, especially in the Jatakas, Kshatriyas have always been placed before the Brahmanas. The former often looked down upon the latter. In the Shonaka Jataka the king of Baranasi (Benares) contemptuously called Shonaka 'that low-born Brahmana'. Indeed we find many of the Brahmanas earning their livelihood by low occupations. Some of them were cultivators, some hawkers, some cattle-breeders, some carpenters, and some even hunters. Naturally their special privileges and exemptions were not conceded. In some serious crimes Brahmanas suffered capital punishment.

MAHAJANAPADAS

From the Buddhist literature we learn that in the beginning of the 6th century B. C. there were sixteen big states (mahajanapadas) in India, besides a number of petty ones. Most of these large states were situated in central and eastern India, only two in the north-west. Though most of these states were ruled by kings there were some which were oligarchical republics.

Here we have to take note of one thing. In mediaeval Europe the territorial monarchy was not strong enough to make its power felt throughout the kingdom and keep the powerful local aristocracy and provincial and district officers under effective control, and as a result the kingdoms were feudalised. In India it was not so. We do not come across feudalism, though there were some feudal tendencies. We must not consider the kingdom of a king who had a number of dependent kings temporarily acknowledging his suzerainty and paying him tribute a feudalised kingdom. It might have become feudalised if the overlordship had been lasting, the dependent kings had been reduced to the position of imperial officers, and their kingdoms had been incorporated in that of the overlord. The question naturally suggests itself why was the political development of India different from that of Europe. The reasons are not far to seek.

In the first place, the Hindus had a clear idea of the importance of monarchy and the evils of anarchy. It is quite likely that when the early kings became oppressive many of them were overthrown and oligarchies were set up by the powerful nobles who had brought

about their downfall. Now, as the oligarchs were often selfish and oppressive, and were anxious only to promote their individual and class interests quite unmindful of those of the common people, and sometimes even fought amongst themselves for the supreme power, the country was given up to anarchy or 'Matsyanyaya', and the sufferings of the people knew no bounds. This state of affairs was brought to an end in many places either by a popular revolution which restored monarchy or replaced oligarchy by democracy, or by the efforts of a powerful noble who was able to make himself king by crushing his rivals, perhaps with the active support of the common people. This is corroborated by a tradition preserved in the Vishnu Purana (Part I, Sec. III). King Vena in his pride and arrogance claimed himself to be above everybody because Brahma, Janardana, Sambhu, Indra, Vayu, Yama, Sun, Fire, Varuna, Dhata, Pusha, Bhumi, and the lord of the earth "all exist in the person of a king for the essence of a sovereign is all that is Divine." He forbade the Rishis to worship Hari and declared: "I am the king, the lord of sacrifice, no one is entitled to oblations except myself." The Rishis were furious and killed him 'with the blades of kusa grass', consecrated by prayer. Then there was anarchy. There were dusts on all sides. The people in their distress told the Rishis, "The kingdom is without a king and hence the robbers and thieves have engaged in their dishonest work of encroaching upon the property of others. And O great ascetics, this dust has been raised by the robbers hastening to seize other men's property." Thereupon the ascetics created a new king Prithu by rubbing the right hand of Vena. And Brahma with the gods, 'the descendants of Angiras (the fires) and all things, animate or inanimate, came there and performed the ceremony of consecrating the lord of people—the son of king Vena.' In some cases

no doubt the oligarchy was able to maintain itself though it was sobered by the popular resistance, and conciliated the people by changing its outlook and policy. Never the less, the anarchy of a kingless state and oligarchical misrule must have made an indelible impression upon the people's mind. So much so that the Hindu political thinkers and lawgivers again and again emphatically denounce 'Matsyanyaya' and passionately plead for the maintenance of monarchy. This undoubtedly gave a very great support to the Hindu monarchy.

Again, realising the importance of a strong monarchy which would be able to repress anarchy, the Hindus gave the king ample revenues in the shape of crown lands, a share of the crops of cultivators and of the animals of herdsmen, taxes and duties from traders and manufacturers, a share of the treasure-trove, the monopoly of mineral produce, and fines from judicial administration. With such resources it was not difficult for the king to run the ordinary administration and undertake works of public utility. Besides, he was not absolutely dependent upon the Kshatriya aristocracy for military power. He could maintain a well-paid mercenary army recruited from non-Kshatriya castes and personally devoted to him. He could also build a powerful navy. No doubt the commanders were appointed from the Kshatriyas who had adopted the profession of arms and civil service as their means of livelihood. But they were royal officers appointed by the king, and holding their offices during his pleasure and under his strict supervision. The army was the king's army and not of the Kshatriya commanders. So though an ambitious commander would occasionally betray his master and seize the throne for himself, especially when the king was an incompetent, indolent or oppressive ruler, the king was not generally a puppet in the hands of the Kshatriya aristocracy.

This brings us to the next point. In Europe the nobles were always big landholders, very often the rivals of the king in this respect, having strong local connections and great hold upon the local people's affection. In India, at least for a long time, there was no landed aristocracy properly speaking. Land belonged, according to some political thinkers, to the cultivators who had cleared the forests, and according to others to the king. There were no landlords who held big landed estates. When we come across the expression 'gramakama' (desiring a village) it means that the person who desired it really wanted to be the headman of the village. Even when kings granted lands to individuals for meritorious service or learning, they were small holdings and not big estates entailing governmental duties. The old chieftains of the Vedic times who had once ruled the local divisions, the Rajanah, had gradually been replaced by king's officers holding their offices during his pleasure. These local officials were given as their remuneration not grants of land but simply the regalia. As a result the Kshatriyas were never rivals of the king. They were his officers and courtiers who might sometimes aim at the crown but never think of carving out an autonomous principality within the kingdom.

Then again, the priests in India did not form a corporation and a hierarchy as in Europe, and as such they had no corporate interest antagonistic to the civil authority. They did not aim at temporal rule like the mediaeval European clergy. They did not claim to form a state within the state. No doubt they had a very great hold upon the popular mind, and claimed pre-eminence in society, and special privileges and exemptions in the state. But they were never rivals of the king. Even when they asserted that Soma was their king they did not really repudiate the authority of the king. Of course they were anxious to have an effective voice in the

affairs of the government ; that was, however, as advisers and helpers of the king and not as his rivals or antagonists. Having no political axe to grind they gave their tremendous moral support to monarchy once their social pre-eminence and political privileges were recognised. So they were a pillar of strength to the king, instead of being an anti-monarchical force as the Church was in Europe.

The kingdoms which arose on the break up of the Carolingian empire were fairly large. Considering the resources and ability of the barbarian kings they were too big and unwieldy to be effectively governed from one common centre. Hence the kings were not able to control the provincial and district rulers, the dukes and counts, who became virtually independent, though acknowledging the nominal authority of the kings. Their example was followed by the big landlords who began to administer their estates like semi-independent princes. The result was that these kingdoms became feudalised. In India, however, the mahajanapadas were not too large or unwieldy. This was perhaps due to the fact that these states were really country-states with a strong local feeling. So even when a king would conquer a neighbouring country-state he would not generally incorporate it in his own kingdom. He would be satisfied with the recognition of his suzerainty and payment of tribute by the conquered king. He was conscious of his own limitations of power, and of the strength of the local feeling which would not permit the merging of the conquered state in the conqueror's kingdom. Hence it was not difficult for these kings to maintain an effective hold upon all parts of their kingdoms, and so they were not feudalised. No doubt the Nanda kings of Magadha and later on the Maurya kings were able to establish a vast empire and hold it together for a pretty long time. This was possible because of their vast resources of men and money and

other advantages peculiar to themselves. As long as the Magadhan imperial power was strong the empire remained intact. When decline set in it began to break up. First, the distant provinces either became independent or were conquered by foreign invaders. Then others also shared the same fate and the empire was dissolved.

Another factor which strengthened monarchy was the physical features of the vast Gangetic plain. Because of the nature of the land communication and transport were easy and convenient. Good roads could be easily constructed, and indeed were made by the kings. Horses, carts, chariots, elephants and camels brought distant places within easy reach. Besides, the large navigable rivers provided another convenient and less costly means of communication. Hence troop movement was easy and rapid. This gave a great advantage to a powerful king.

Then again, as India is rich in mineral resources money came into general use quite early, and this was a great source of strength to the king. Firstly, it was possible for him to levy taxes and duties in cash from traders and manufacturers, convert the royal share of agricultural produce into money, and receive fines in coins. With this money he was able to pay his officers and soldiers. Hence there was no necessity for creating benefices or granting jagirs. Thus was averted an important cause of the feudal system.

We have also to take note of the culture and general education of the ancient Hindus. This was in glaring contrast to the ignorance and illiteracy of even the upper classes in mediaeval Europe. Sudras, of course, were deliberately kept illiterate and ignorant because of political and social reasons. But the Aryans, at least the upper classes, were educated and cultured. As a result there was a strong public opinion, conscious of the rights and duties of various castes and classes, and mindful of

the general welfare of the people. It equally opposed the arbitrary acts and tendencies of the kings and the anti-social activities of the Kshatriyas and other big people. Moreover, the religious and political literatures always kept in the fore-front the duties of all, including the king.

Another important cause was the existence of an well-organised local government. There was a good system of municipal administration in the towns. Traders and manufacturers had their guilds which enjoyed considerable autonomy and performed many of the governmental duties. Their rules had a binding force upon their members and the king was expected to recognise them. In the villages the people administered their local affairs under the leadership of the village headman and the Panchayet. This undoubtedly was an antidote to feudalism.

The vast size of the Indian sub-continent also indirectly kept off feudalism. If any Kshatriya prince or noble was ambitious and powerful and wanted to become a king himself there were ample opportunities for him to do so, without jeopardising the peace and safety of his master's kingdom or proving disloyal to him. There lay before him vast territories in the east and the south beyond the pale of Aryan civilisation where he could carve out an independent principality for himself, if only he had the resources and ability to do so. Thus the south and the east always offered an outlet for the ambition and restless spirit of all adventurers. It thus acted as a safety-valve to monarchy.

The Hindu religion, and the allied heterodox systems and philosophy, exercised a sobering influence upon all, including the aristocracy. They held out before them a high ideal of life, taught them the virtues of obedience and loyalty, truthfulness and humility, charity and self-sacrifice. They inculcated in them a sense of

right and wrong, justice and fairplay according to the ideas of the time. In short, they raised them from the level of primitive savages and made them civilised human beings. Consequently the ancient Indians did not live an animal life like the mediaeval Europeans. So they would not disturb peace and order lightly.

Now back to our original theme. One of the 'mahajanapadas' was Magadha where a king named Bimbisara ruled in the middle of the 6th century B. C. Himself the son of a petty chief, he extended his power by matrimonial alliances and conquests, and finally ruled a large kingdom with his capital at Rajagriha. His son Ajatasatru who was a mighty ruler still further enlarged his kingdom by a policy of aggrandisement. Thus Magadha became the most powerful kingdom in northern India. The son of Ajatasatru, Udayin, transferred his capital to Pataliputra at the confluence of the Ganges and the Sone. Then followed a number of weak successors, the last of whom was set aside by his minister Sisunaga who became king with his capital, first at Girivraja, and then at Vaisali. He was a powerful ruler. His successor transferred his capital to Pataliputra. He was, however, murdered by Mahapadma who founded the Nanda dynasty. Though he was a low-born king and seized the throne by a foul act, Mahapadma was a very powerful ruler and established a large empire covering the greater part of northern India, extending probably up to the river Beas. He was followed by his eight sons, the last of whom Dhana was a very oppressive ruler and was finally supplanted by Chandragupta Maurya with the help of his famous Brahmana minister Chanakya.

Now, as regards the administrative system of these big kingdoms we have very little direct information. But if we believe that the Dharmasutras of Gautama, Baudhayana, Apastamba, and Vasistha belonged to this period we may glean certain indications from them.

The caste system was fully developed at the time, and it was the duty of the government to enforce the scheme of duties prescribed for the four castes and preserve the social structure intact. Gautama is very severe with the Sudras. According to him the position of the Sudras was like that of a Roman client or mediaeval serf. They were shut off from intellectual cultivation or religious participation. But we may take it that the position of the Sudras was not as bad as represented, specially in the eastern states. Gautama is full of Brahmanical arrogance. He reiterates the old theory that the king was the master of all but the Brahmanas (XI. I). He claims for the Brahmanas exemption from corporal punishment; he was only to be banished after being branded (XII. 45 & 47). Learned and needy Brahmanas were to be supported by the king. The king should appoint an elderly Brahmana of unimpeachable character as his Purohita and follow his advice. Brahmanas should be appointed as his counsellors. For 'Kshatriyas who are assisted by Brahmanas prosper and do not fall into distress' (Ch. XI).

It is very doubtful whether these extreme claims of the Brahmanas were conceded in practical life, especially when the Brahmanical religion and the position of the priestly caste were being assailed by Jainism, Buddhism and other heretical creeds. As regards the exemption of the Brahmanas from corporal punishments we can take it on the strength of the evidence of the Jataka stories that they were not always observed, at least in the eastern states. We can reasonably suspect that the more strongly the privileges and exemptions of the Brahmanas were denied the more frantic and arrogant became their claims.

However that be, the king was the real ruler of the state. It was his duty to protect the people by punishing the wicked according to the sacred law. He was

personally to administer justice. In default a learned Brahmana, according to Gautama (XIII, 26), or a minister according to Vasistha (XVI, 1), should try law suits. He was the war-lord, and was to lead his soldiers in battle. He was to take necessary measures during times of distress. It was his special duty to preserve the social structure with the caste system. He had an ample revenue. But there was an attempt to fix the rates of royal dues and taxes, though they must have varied from place to place. Thus Gautama prescribes $\frac{1}{8}$ th, or $\frac{1}{3}$ th, or $\frac{1}{10}$ th share of the gross produce as the land tax paid by the cultivators. Besides, he grants $\frac{1}{50}$ th part of the cattle and gold, and a duty of $\frac{1}{20}$ th on merchandise. Artisans also were to contribute a day's labour to the king (Ch. X). So also Apastamba (II, 10. 26. 9 ff) is emphatic that the king should take 'lawful taxes' (Sulka). Brahmanas, however, were exempted. Baudhayana (I, 10—18) prescribes 'a sixth part' (of the agricultural produce) as the king's wage for protecting the people. Vasistha also (Ch. I) grants a sixth part of the wealth of the subjects except that of the Brahmanas. According to him artisans also must pay a monthly tax (Ch. XVII.)

The king had no legislative power. According to Gautama (XI. 19) the sources of law were the Vedas, the Institutes of the sacred law, the Angas and the Puranas. In the opinion of Vasistha (I, 4) the revealed texts were the source of law. That is also the opinion of Baudhayana (I-I, I, 1). In their default the practice of Sishtas should be followed (Vasistha, I, 4). In cases of doubt the opinion of the Parisada is considered authoritative by the Dharmasutras. It is an assembly of ten learned men versed in the Sastras. The number may be less. (Gautama, XXVIII, 48-51; Vasistha III, 20; Baudhayan I, 1, 5-13; 16).

Though the king was a powerful ruler, almost a despot in the eastern parts, there is reason to believe that as

in the Epics and the Jatakas he held his Sabha or royal court regularly and was thus in constant touch with public opinion. It was in his Sabha that he tried cases personally. So also he received foreign ambassadors in his royal court. When he wanted to consult the people on important matters he summoned them to Sabha. For we are told by Vasistha (Ch. XVI) that the king 'shall administer affairs' with the help of ministers and citizens. The Greek writer Curtius says (Invasion of India by Alexander the Great) that the palace of the king 'is open to all comers even when the king is having his hair combed and dressed. It is then that he gives audience to ambassadors and administers justice to his subjects.' It is not, however, suggested that all the kings acted according to the law and custom and ruled wisely and justly. Certainly not. There were some at least who violated all rules and customs and oppressed the people mercilessly.

THE MAURYA EMPIRE

When we come to the Maurya Empire we stand on comparatively solid ground. We have not only Hindu, Buddhist, and Jaina legends relating to the Maurya emperors, but, what is most important, the invaluable account of Megasthenes who was the ambassador of Seleucos in the court of Chandra Gupta. Though the original text has been lost and we have only extracts quoted by later authors, which as such do not give us first hand information, and there are discrepancies in various authors, yet we may believe that on the whole they give us a fairly faithful picture of the Maurya period, in spite of minor variations.* Besides, we are fortunate in having epigraphic evidence, the Edicts of Asoka inscribed on rocks and pillars. I do not, however, consider Kautilya's Arthashastra as the work of Chanakya, and as belonging to this period.

It is not a mere accident that the first real empire in India arose in the east, and for about a thousand years, with an interlude of perhaps three or four centuries, Magadha remained the centre of imperial power in Northern India. Some of the causes of why it was so have already been discussed. The dispersion of the pure Aryans over a vast region, the predominantly non-Aryan character of the population and the consequent weakness of the hold of the Brahmanical religion and of the Brahmanas who provided a strong check upon the royal authority in the central region, the influence of non-Aryan social and political ideas and institutions, and the rise of heterodox

See McCrindle's—Ancient India as described by Megasthenes & Arrian ; & Ancient India as described in Classical Literature.

creeds like Jainism and Buddhism which supported royal authority directly or indirectly—these are some of the factors which have already been noted. Besides, we have to take into account the great wealth of the monarchs of this region accruing from a large income derived from the greater productivity of the soil, large forest produce, variety of animal life, abundant mineral resources, and flourishing industry and trade. With such huge resources it was not difficult for a king to maintain a large standing army consisting of mercenary soldiers devotedly attached to him. Besides, he could form a large elephant corps which played such an important part in Indian warfare. The plentiful supply of teak and timber helped in the creation of a large fleet as also in building good and strong chariots. With such a powerful army and navy at his absolute disposal it was easy for the king to make himself the absolute master of his kingdom and impose his authority effectively on the surrounding country. As most of the soldiers belonged to the non-Aryan races and wild tribes he could garrison different parts of the empire with them, and thus affectively control it, for there was little danger that the non-Aryans would fraternise with the Aryans of the western provinces.

Megasthenes gives us an indication of an important social evolution which had been taking place for some time. He divides the population into seven castes [Quoted by Diodorus, Arrian, Strabo and Pliny]. They include (i) Sophists or Philosophers, first in rank though smallest in number, and engaged in performing sacrifices for others and foretelling the future; (ii) Husbandmen, 'far more numerous than others'; (iii) Shepherds and Hunters 'who alone are permitted to hunt and to keep cattle and to sell beasts of burden or to let them out on hire' (Strabo); (iv) Artisans; (v) Fighting men, 'who, when not engaged in active service pass their

time in idleness and drinking. They are maintained at the king's expense, and hence are always ready, when occasion calls, to take the field' (Strabo); (vi) Overseers 'who are to enquire and superintendent all that goes on,' and make reports privately to the king (Arrian); (vii) Councillors and Assessors of the king. "To them belong the offices of state, the tribunals of justice and the general administration of public offices...Of the magistrates some have charge of the market, others of the city, others of the soldiery. Some superintend the rivers, measure the land, as in Egypt, and inspect the sluices by which water is let out from the main canals into their branches, so that everyone may have an equal supply of it. These persons have charge also of the hunters, and have the power of rewarding or punishing them according to their deserts. They collect the taxes and superintend the occupations connected with land, as those of the wood-cutters, the carpenters, the blacksmiths, and the miners. They make the public roads..." (Strabo). The councillors and assessors deliberated on public policy. "From their ranks the advisers of the king are taken, and the treasurers of the state, and the arbiters who settle disputes. The generals of the army also, and the chief magistrates, usually belong to this class" (Arrian). According to Strabo the fourth caste includes 'those who work at trades, vend wares, and are employed in bodily labour including armour-makers and shipbuilders who work for the king only.'

Now Megasthenes's account of the seven castes does not tally with the traditional Hindu caste system. So scholars think that being a foreigner he did not understand the caste system and has divided the people according to their occupations. No doubt he does not refer to the four traditional varnas and describes the occupational divisions of the people which he calls castes. Yet his description gives a fair idea of the trend of social

development which had been taking place at the time. Being a foreigner, not obsessed by conventional theories, it was possible for him to give an objective account of things and institutions as he saw them with his naked eyes. So he does not divide the Hindus into the traditional four varnas but into seven castes or groups with some sub-castes. As time went on and civilisation progressed society became more developed and complex and the economic life became more varied. The old division of the people into four varnas became inadequate. The number of trades and professions increased, intermixture of Aryan and non-Aryan blood became more common, and the adoption of new non-Aryan peoples into Hindu society was more frequent. The result was that to the four varnas was added a number of castes or jatis based on occupations and racial origin. For some time the new castes were not definite and rigid. But this change was sufficiently marked not to escape the notice of a foreign observer, though he did not fully comprehend it. Thus, instead of referring to the four time-honoured varnas he divides the Hindu society into seven occupational castes and a number of sub-castes as they appear to him. Naturally, there are confusion and inaccuracies; the classification is not exhaustive and there is a jumbling together of varnas and jatis.

The administrative system of the Maurya empire under Chandra Gupta was highly efficient and carefully organised. The ideal of the government was, to use a modern phrase, that of a welfare state looking after the manifold activities of the people and promoting their all-round improvement and general welfare. Naturally the machinery of the government was very elaborate and intricate and was driven by a very powerful monarch of outstanding ability. None but a dictator with unquestioned authority could conquer and hold together such a vast empire embracing half a continent and

ensure the smooth working of its government. Undoubtedly the Maurya king was practically an absolute ruler with certain customary limitations which could hardly control him. He was assisted by a number of councillors, most of whom were high officials, civil and military, belonging most probably to the Kshatriya caste, but including a few advisers of the Brahmana and other castes also. Occasionally when the king was confronted with any difficult problem he would seek the advice of sages living in the forest through messengers (Strabo). Below them, for the actual conduct of day to day administration of the vast empire, of the rural areas as well as of towns, there was a well organised and graded bureaucracy acting in their individual capacity or as a board. The superior civil officers were divided, according to Megasthenes, into two classes viz, those who administered the rural parts and those who were entrusted with the administration of the capital city. The former consisted of the superintendents of various departments, such as land survey, rivers, irrigation, collection of taxes, roads and highways, carpenters, blacksmiths, miners etc. The administration of the capital city, however, was carried on by six boards of five members each (Strabo). The military administration also was entrusted to six similar boards. Each board was in charge of one of the six branches, viz, the infantry, cavalry, chariots, elephants, admiralty, and commissariat. All officers from the highest to the lowest were regularly paid. Their work was carefully watched by spies who reported every matter of importance to the king. The distant provinces were ruled by viceroys who were generally princes of the royal family. Though there were judges appointed by the king to administer justice among the people the highest court, however, was presided over by the king himself. Strabo says that the king left the palace not only in time of war, but

when he had to sit in court to try causes. He remained there for the whole day without allowing the business to be interrupted, even though the time arrived for attending to his person.

It would be a mistake to think that the administration of justice must have been arbitrary, for Megasthenes, according to Strabo, says that the Indians 'have no written laws, but are ignorant of writing, and conduct all matters by memory.' It is quite likely that Strabo has misunderstood Megasthenes or the latter has made that statement carelessly. For, quoting Nearchus Strabo says, "They write letters, he says, upon cloth which has been very closely woven, but other writers affirm that they do not employ written characters". There is, however, a conclusive evidence in the report of Megasthenes himself as quoted by Strabo, where he says, "...but the king employs them (the philosophers) on the public account, at what is called the Great assembly, where at the beginning of the New year all the philosophers repair to the king at the gates. Here any of them who may have *committed anything useful to writing*, or observed any means for improving the crops and the cattle, or anything of advantage to State, declares it publicly". That writing was well known in India during the Maurya period is also quite clear from the fact that in his anxiety to spread the gospel of the Buddha Asoka had his edicts inscribed on rocks and pillars throughout his vast empire. If common people, particularly the higher classes, were ignorant of writing there would be no sense in doing this. And it is not possible for a people inhabiting a large country to learn the art of writing within a few years.

Still, when Megasthenes says that the people 'have no written laws', he is not quite wrong. For unlike the ancient Greeks and the Romans the Hindus had no written code of laws published by the government to

the people in the form of a book or inscribed on rocks or tablets. Their laws were compiled in the Dharmasutras and Dharmasastras which were called the Smritis. They were at first handed down from the teacher to the pupil by the word of the mouth and were committed to memory, and hence were called the Smritis or things remembered.

Then again, the recommendations of the Smritis would not be regarded strictly as laws by the Greeks and Romans, for though they were held in the highest esteem in ancient India and were considered authoritative by all Hindus, they were not issued by any state but were the works of private individuals, however eminent they might have been. After all, the Hindu lawgivers, to use a Roman phrase, were jurisconsults who composed their works not for any particular state but for the entire Hindu society.

However that be, there is not the slightest insinuation in Megasthenes that justice was administered fitfully and arbitrarily according to the sweet will or fancy of the judges or of the king. There is no reference to miscarriage of justice. So also there is no suggestion that the king could make law. Rather his statement definitely proves that the king had no law-making power. The Dharma Sutras also do not refer to the law-making power of the king. According to them the sources of law are the Vedas, the Smritis, the practice of the Shistas or virtuous men learned in the Vedas, and failing all these, the opinions of a Parisada consisting of "four men who each know one of the four Vedas, a Mimamsaka, one who knows the Angas, one who recites (the works on) the Sacred law, and three Brahmanas belonging to (three different) orders". They may even be less. (Gautama, Baudhayana and Vasistha). Besides, the customs of the country, castes and families are to be recognised if they are not repugnant to the sacred law.

Now we come to the revenue of the Maurya kings. According to Diodorus the cultivators had to pay a special land rent and a fourth part of the produce to the king, for 'all land in India is the property of the Crown, and no private person can own land'. According to Strabo's version, 'the whole of the land belongs to the Crown, and the husbandmen till it on condition of receiving as wages one-fourth of the produce.' Here Strabo and Diodorus differ about the share of the king, though both of them assert that all land belonged to the king. It seems that by the time of the Mauryas the king had come to be regarded as the owner of all land, and the occupiers or cultivators as mere tenants, though in early times the cultivators had been considered as the owners of the land. It is quite possible that both the views were current. In corroboration of Megasthenes's statement Manu's view may be quoted. Manu says (VIII, 39), "The king obtains one half of ancient hoards and metals (found) in the ground, by reason of (his giving) protection, and because *he is the lord of the soil*". That also seems to be the opinion of Kautilya, at least as regards agricultural land. In Book II, Chapter I, in connection with the formation of villages he says, "Lands prepared for cultivation shall be given to taxpayers (Karada) only for life Lands may be confiscated from those who do not cultivate them, and given others." But Manu also refers to the older theory of ownership of land. For according to him (IX, 44), "(Sages) who know the past call this earth (prithivi) even the wife of Prithu; they declare a field to belong to him who cleared away the timber, and a deer to him who (first) wounded it." However that be, the Maurya king also levied taxes on the sale of commodities. Megasthenes says that the king's due was the 'tenth of the articles sold'. Besides, those who were 'employed in bodily labour had to render to the state certain prescribed

services'. The Dharma lawgivers, however, exempt learned Brahmanas (Srotriyas) from taxation. According to Megasthenes, philosophers who had written any useful work were exempted from taxation.

We should note here that Diodorus and Strabo differ about the king's share of the agricultural produce. Apparently there is a mistake. Most probably the former is right, for the one-fourth share seems to be reasonable and is nearer to the traditional one-sixth share. But the special land rent mentioned by him may have been an irrigation charge. However that be, the rate is higher than the customary sixth part. This might have been due to the fact that the Maurya king who had restored peace in the country by a successful war, organised an efficient government and undertaken various works of public utility required a much larger revenue. And as he was a strong ruler and had a powerful army at his back it was not difficult for him to enforce his increased demand. Moreover, though the traditional rate was one-sixth, in practice it must have varied from place to place and from time to time. So also the rate must have varied according to the fertility of the soil.

It is necessary that we should take note of the easy accessibility of the Hindu kings. Unlike the rulers of other countries they did not live in 'splendid isolation' surrounded by a few high officials and courtiers 'far from the madding crowd's ignoble strife'. The Hindu king held or was expected to hold daily court or Sabha, attended by his chief priest, eminent Brahmanas, ministers, non-official councillors, high civil and military officers, royal princes, king's friends and leaders of the people. To this court came foreign ambassadors and messengers, and quite often renowned saints and sages who demanded an account of the condition of the country and the people and gave him wholesome advice. Sometimes they would not hesitate to rebuke him for

his shortcomings. Any man could go to the court and lay his grievance before the king. According to Curtius the palace of an Indian king 'is open to all comers even when the king is having his hair combed and dressed. It is then that he gives audience to ambassadors and administers justice to his subjects'. We have no reason to think that this statement of Curtius does not apply in the case of the Maurya kings also. For Strabo says that the king attended his court to try causes and remained there for the whole day.

Chandra Gupta was succeeded by his son Bindusara, and the latter by his son Asoka. Thus the succession to the throne was hereditary, though the principle of primogeniture was perhaps violated as the result of court intrigues and personal rivalry among the royal princes. We know something of Asoka's administrative system from the edicts which he caused to be engraved on rocks and pillars for the edification and guidance of the people. (Hultzsch, *Corpus Inscriptionum Indicarum*, Vol. I; Vincent Smith, *Asoka*). The sentiments breathed in these edicts are noble indeed. They reveal in the clearest light the nobility of his soul, and the largeness of his heart. In them we find that he regarded his subjects as his own children, and desired that they should become prosperous and happy, 'both in this world and the next'. He felt the deepest anguish and remorse for the slaughter and enslavement of a large number of people in the Kalinga war and determined to renounce war and adopt the principle of 'the conquest by the Law of Piety.' He preached the virtue of toleration and enjoined that a man must not respect only his own sect and disparage another. He emphasised the sanctity of animal life. He made curative arrangements for men and animals. He asked his civil officers to go on circuit every five years to teach the Law of Piety. He appointed special officers to give instruction in the Law of Piety. He

took steps to carry the message of the Law of Piety even to foreign lands. He insisted that reporters should report to him about the business of the people in all places and at all hours, for he was ready to work for the people in all places. No wonder H. G. Wells has said (*Outlines of History*, Vol. II, P. 264), "Amidst the tens of thousands of names of monarchs that crowd the columns of history, their Majesties and Graciousnesses and Serenities and Royal Highnesses and the like, the name of Asoka shines, and shines, almost alone, like a star."

For the first time the ideal of a Universal Empire embracing the whole of India was realised during the reign of Asoka, for Asoka's empire included almost the whole of India except the extreme south of the peninsula, and even more. It was not possible to rule such an empire effectively from a common centre at Pataliputra. Leaving aside the autonomous regions on the frontiers, the distant provinces were ruled by viceroys who were royal princes. From the inscriptions (Minor Rock Edict I, Brahmagiri Text; Kalinga Edict II, Dhauli Text), we hear of four provinces ruled by Prince-viceroys, viz., those at Suvarnagiri, Tosali, Ujjain and Taxila. Besides the Junagad Rock inscription of Rudradaman suggests that Girnar was governed by a Yavana governor, Tushaspha. There may have been other provinces ruled by governors.

Among the administrative officers the highest rank belonged to the Mahamatras (ministers). There were Mahamatras under the central government as well as under the viceroys. (Rock Edict VI; & Kalinga Edict II, Dhauli Text). They formed the advisory council of the king or the viceroy. Below them stood the Rajukas or Lajukas (Commissioners) who were placed in charge of 'many hundred thousands of people' (Rock Edict III; & Pillar Edict IV). Below them were the Pradesikas or

district officers (Rock Edict III). Below them were subordinate officers or Yutas and Ayutas. (Rock Edict III; & Kalinga Edict I, Junagad Text). Besides there were Purushas or Pulisas who were the special agents of the king and his viceroys (Kalinga Edict II; & Pillar Edict I). We also hear of official reporters or Pativedakas (Rock Edict VI). In the frontiers there were 'Wardens of the Marches' or Antamahamatras to guard the frontiers (Pillar Edict I). In the Kalinga Edict II we read of administrators of towns or Nagalaviyohalakas. One interesting innovation made by Asoka was the appointment of Dharma-mahamatras or Censors of the Law of Piety (Rock Edict V). They were to promote piety, charity and tolerance among the people. They were assisted by subordinate officers of the Law of Piety or Dharma-yutas. Besides, there were 'Censors of Women' or Striyadhyakshamahamatras, to look after the welfare of women (Rock Edict XII). In the Minor Rock Edict II there is a mention of the Scribe (lipikara).

The king and the viceroys were assisted by a ministerial council or Parisad (Parisha). It was composed of high officials or Mahamatras. It sometimes met even in the absence of the ruler. In the Rock Edict VI we read, "when in respect of anything that I personally order by word of mouth, for being used or proclaimed, or again in respect of any emergent work superimposing itself upon the Mahamatras, there is any division or rejection in the Parisad, I have commanded that it should forthwith be reported to me at all places, and at all hours."

We ought, however, to note one new development in the reign of Asoka, which at first sight seems quite harmless and natural, and does great credit to his heart, but which was fraught with important consequences for the future. The great king was a sincere believer in 'Ahimsa' or non-violence and tried to practise what

he preached. He restricted the slaughter and mutilation of animals. A large member of them was totally exempted from killing. (Pillar Edict V). He even stopped the killing of animals for the royal kitchen. He prohibited the slaughter of animals for sacrifice and holding of holiday feasts or Samajas. (Rock Edict I). While appreciating his sincerity, his courage of conviction and honesty of purpose, we can not shut our eyes to the fact that here was an interference with the practice of Brahmanical religion which enjoins sacrifices on special occasions. In prohibiting the animal sacrifice he was obstructing the performance of the religious duties of a large section of his people by mere executive decrees. In other words he changed the sacred law by royal ordinances, thus laying down a precedent for the posterity. Now this law-making power of the king was an innovation which immensely increased the royal authority, and made him a full-fledged autocrat. Besides, he now became practically the head of the official religion. Thus even the religious check on royal absolutism was removed. So Asoka is undoubtedly the greatest king in world's history, greatest as a human benefactor and greatest as a wielder of absolute authority.

POST-MAURYA POLITY IN MANU SAMHITA

We now come to the age of the Manu Samhita. The Santi Parva of the Mahabharata also roughly belongs to this period. The latter, however, is not far away from Kautilya's Artha-Sastra, and is like it in reality a book on polity. Though there are many ideas common to both the Manava Dharmasastra and the Santi Parva, the outlook of the latter is essentially secular, and its emphasis is on the King and the State. It is also free from the religious fanaticism which we find in the Manu Samhita.

It is clear from the 'laws' of Manu that he writes for kingdoms of moderate size and not for an empire embracing even the northern half of the Indian peninsula. Manu's kingdom is surrounded on all sides by independent states with which its relation is not at all friendly. So he must have come at a time when the Magadhan Empire had broken up into independent kingdoms. This view is corroborated by the reference (X, 43-44) to Yavanas, Sakas, Paradas, Pahlavas, Chinas, who, according to him, were Kshatriyas 'but gradually sunk in this world to the condition of Sudras'. This was the 'consequence of the omission of the sacred rites, and of their not consulting Brahmanas'.

As a result of repeated foreign invasions and the conquest of a large part of northern India social and political conditions of the country were considerably modified by the contact with foreign peoples and the imposition of foreign rule. It was quite natural that foreign rulers should pay scant consideration to the social and political ideas of the conquered people. Born and brought up in an atmosphere of despotic government they

ruled their conquered territories as autocratic rulers ignoring all religious and customary checks. Many of them accepted Buddhism with its tradition of absolutism. Even those who were hinduised and paid a lip service to the Brahmanical Sastras or conceded the social and religious pre-eminence of the Brahmanas, would not be prepared to recognise any religious check on their authority and to allow the sacerdotal caste any political control or influence. The example of these foreign rulers must have encouraged native rulers also to become despotic.

So Manu's Dharmasastra is not only a treatise on sacred law but also a militant propaganda of Brahmanism and an extreme assertion of the Brahmana's pre-eminence and authority. Anybody even cursorily going through its pages cannot fail to notice its combative spirit. From beginning to end it is a challenge to and denunciation of atheism and heresy in all forms, especially of Buddhism. Its views are extremely reactionary. Manu feels the ground giving way under his feet and like a wild animal at bay he strikes right and left in blind fury. Finding that the position of the Brahmanas had been undermined by Buddhism under the Maurya kings and then by foreign rulers who ruled despotically in total disregard of the Brahmanical Sastras and ignoring the influence and special privileges of the Brahmanas, he made it his mission to fight against these subversive forces and bring about a revival of Brahmanism and the restoration of the political influence of the Brahmanas. Especially was he up in arms against the Sudras, for he believed that the Maurya kings who had given the greatest blow to the Brahmanas and their religion were of Sudra origin. The foreign rulers also he regarded as Kshatriyas sunk to the condition of the Sudras. So he is vehemently opposed to the Sudra rule. "Let him not dwell in a country where the rulers are Sudras, nor in one which

is surrounded by unrighteous men, nor in one which has become subject to heretics, nor in one swarming with men of the lowest castes". (Buhler IV, 61).

Manu aggressively proclaims the old doctrine of Brahmanical superiority and divinity. He believed that it would be possible to rehabilitate the prestige and influence of the Brahmanas by militant propaganda. Like Hitler in modern time he was confident of the power of suggestion, if made with utmost vehemence. He was sure that if a statement, however absurd and unreasonable, was repeated constantly with the force of an axiomatic truth, men would believe it in the end. So he declares (I, 99 & 100 Buhler): "A Brahmana coming into existence, is born as the highest on earth, the lord of all created beings for the protection of the treasury or the law. Whatever exists in the world is the property of the Brahmana." Or (IX, 317) "A Brahmana, be he ignorant or learned, is a great divinity." The Santi Parva also is full of Brahmanical arrogance and places the Brahmanas above the King and the Kshatriyas. Like Manu (IX, 321) it says that fire sprang from water and iron from stone so the Kshatriya from the Brahmana (LVI). But they really wanted that there should be perfect harmony, nay alliance between the Kshatriyas and the Brahmanas. They are dependent on each other. In their friendship there is prosperity, in their hostility confusion and ruin. (Santi Parva. Ch. LXXVII & LXXIII). As Manu (IX, 322) says, "Kshatriyas prosper not without Brahmanas, Brahmanas prosper not without Kshatriyas; Brahmanas and Kshatriyas, being closely united, prosper in this (world) and in the next." So Manu does not openly deny the absolute authority of the king. Rather he exalts it still further. He is anxious to win him over by supporting him. Asoka called himself 'Devanam priya' (beloved of the Gods). Kaniska was called Maharaja Devaputra Kaniska (Epigraphia Indica IX, 33). Manu goes

a step further and calls the king a god. He thus revives the old idea of king's divinity and gives it a new interpretation and emphasis. According to the Brahmanas the king was associated or identified with the gods or became Prajapati's child as the result of the religious ceremony of the royal consecration and not by virtue of the kingly office. Manu, however, attributes divinity to the king as such. In chapter VII he declares, 'For, when these creatures, being without a king, through fear dispersed in all directions, the Lord created the king for the protection of this whole (creation), taking (for that purpose) eternal particles of Indra, of the Wind, of Yama, of the Sun, of Fire, of Varuna, of the Moon, and of the lord of wealth (Kubera). Because a king has been formed of particles of those lords of the gods, he therefore surpasses all created beings in lustre. And, like the Sun, he burns eyes and hearts; nor can anybody on earth even gaze on him. Through his (supernatural) power he is Fire and Wind, he Sun and Moon, he the Lord of justice (Yama) he Kubera, he Varuna, he great Indra. Even an infant king must not be despised, (from the idea) that he is a (mere) mortal; for he is a great deity in human form.' (VII, 4-11-Buhler). So also according to the Santi Parva the king is 'an eternal god' (Ch. LXV). He is Indra, Yama and Dharma. (LXXII). He is Agni, Aditya, Vaisravana and Yama (LXVIII).

Then he dilates upon the king's importance, especially of his coercive power (VII, 13-25). It is through fear of king's punishment that all created beings "swerve not from their duties". "Punishment alone governs all created beings, punishment alone protects them punishment watches over them while they sleep". If the king did not punish those who deserved punishment, 'the stronger would roast the weaker, like fish on a pit.' In short "the whole world is kept in order by punishment, for a guiltless man is hard to find." So

also according to the Santi Parva (LXVIII), if the king did not discharge his duties the strong would oppress the weak. But Manu insists that the king must be just in inflicting punishment. For if he does not properly punish those who deserve punishment, he will be destroyed (VII, 26-30). Besides, he must not oppress his subjects. If a king through folly rashly oppresses his kingdom, he will lose his life and his kingdom (VII, III). It is clear that in spite of the assertion of the theory of divinity of the king, Manu does not preach the duty of passive obedience on the part of the subjects. No ; he emphatically asserts the right of rebellion against a tyrant.

It is to be noted how Manu cleverly passes from deification and glorification to warning. And he continues in this strain. He urges the king to daily worship learned and aged Brahmanas. He reminds him that many kings have perished for want of modesty, e.g., Vena, Nahusha, Sudas, Sumukha, and Nemi. On the other hand, Prithu and Manu became sovereign, or Kubera the Lord of wealth because of their humility. He advises the king to conquer his senses, so that 'he can keep his subjects in obedience'. Then he warns him against the ten vices, arising from pleasure and wrath, such as hunting, gambling excess with women, greediness, drunkenness, doing bodily injury etc. He emphasises the virtue of self-control (VII, 38-25).

From this he passes on to administration. As it is very difficult to govern without the assistance of others the king should appoint seven or eight ministers (Sachivas) of good official families, who are learned and 'skilled in the use of weapons'. With them he ought to consider daily problems of administration and foreign policy separately and jointly. But he should appoint a learned Brahmana as his chief adviser with whom he should finally decide every matter (VII, 54-59). Manu (VII, 60-68), further, suggests that besides the Sachivas

the king should appoint others as Amatyas. They should be honest, wise, firm and well tried men who are able to collect money properly. Their number should be according to the requirement. They should be entrusted with the collection of revenue and management of the household. From them should be appointed the Ambassador and the Commander of the army. Santi Parva (Ch. 85), however, suggests that the king should appoint 37 Amatyas—4 Brahmanas, 8 Kshatriyas, 21 Vaisyas, 3 Sudras and 1 Suta. But he should decide his policy after consultation with the eight ministers (Mantri). It is to be noted that the Ministry of eight was composed of the 4 Brahmanas, 3 Sudras and 1 Suta ; Kshatriyas and Vaisyas were excluded ! In the Junagad inscription of Rudradaman (Epigraphia Indica VIII, 6) we find that the Saka ruler ruled with the help of 'Mati-Sachivas' (ministers without port-folio who were simply advisers) and 'Karma-Sachivas' (minsters with port-folio, i.e., Amatyas who were entrusted with the work of administration). Kautilya also (Bk. I-Ch. VII-X) draws a distinction between two kinds of Sachivas, e.g., Amatyas or high administrative officials including the departmental heads and Mantris or advisers. The latter, it appears, were selected from among the Amatyas. The king shall also appoint a High Priest (Purohita) and officiating priests (ritvigs). Besides he should appoint various superintendents who shall supervise the work of the officers of the king. (VII, 78-81).

So the administrative system prescribed by Manu is essentially similar to that described by Megasthenes and can be accepted unhesitatingly. He speaks of the division of the kingdom into units of a thousand villages. The latter are subdivided into units of a hundred villages ; these into units of twenty villages ; these again into units of ten villages. The lowest unit is the village. Over each unit a lord or local governor is to be appointed.

The work of these local rulers is to be supervised by a minister of the king. So also in each town there is to be a superintendent of all affairs. (VII, 115-123). These officers are to be regularly paid in kind or cash. This is also the opinions of the Santi Parva and Vishnu Smriti.

When the king is tired of looking after the affairs of the people he should appoint as his deputy the chief minister (VII, 141). Manu draws up a routine of the daily business of the king. Rising 'in the last watch of the night' and having performed his religious duties, including the worship of Brahmanas, the king shall go to Sabha or assembly. This Sabha was both a hall of audience where any subject could come to see the king, to submit his grievances, or to seek some favour, and a High Court of justice where the king or his deputy would try important cases. The king should gratify all his subjects who come there and send them back contented, by redressing their grievances or granting favours to them (VIII, 145-146). Sabha offered in fact a practical check on royal absolutism. It helped the people to air their grievances and gave a tremendous publicity to wrongs done to individuals by royal officers and agents. The importance of Sabha which was a special feature of the Hindu polity and continued till the end of the Hindu period even under autocratic kings, has not been properly appreciated. European scholars in particular ignore it while describing the administrative system of the Post-Vedic period, though they attach undue importance to feudal assemblies which the mediaeval European kings summoned when it suited their purpose, once in five or ten years. They regard this as a check upon royal despotism !

Manu suggests that after dismissing his subjects the king should leave Sabha and go to some secluded place with his ministers and there discuss his policy and

frame his plans. He must be careful about complete secrecy, so that the royal policy and plans will not leak out or be betrayed to enemies (VII, 146-150). It must be noted here that though the king would generally follow the advice of his trusted and experienced ministers, he was not legally bound to do so. They were his servants chosen by him, holding their office during his pleasure. Whenever he would differ from them, he would undoubtedly follow his own views unless he was an indolent and colourless nincompoop or there was an exceptionally clever and dominating personality among the councillors. Moreover, bad kings were rather guided by their favourites and evil companions and accomplices than by their ministers. Sometimes they would even choose unscrupulous and obsequious sycophants as their advisers.

However that be, Manu was anxious to take all possible precautions. He would not leave anything to chance. The whole life of the king must be moulded by a tight jacket made by him. The king was told, when he should take his food, what kind of food, and how prepared. Even the time for pleasure and amusement and the hour for retirement were carefully prescribed. The inspection of the army and hearing of the secret reports of the spies did not escape his attention. The fact is that during the last two or three centuries the powers of the kings had increased enormously and many of them were tyrants who oppressed the people ruthlessly. Manu was anxious to curb as far as possible their autocratic propensities and save the people from tyranny. This he wanted to do by reviving the influence of the Brahmanas and the authority of the Brahmanical Sastras in politics, by schooling the princes, by disciplining them and by prescribing a code of royal duties and rights. The point is how far the kings would follow these recommendations.

Though the king was the highest judge in the state, his judicial authority was to be carefully controlled. When he wanted to administer justice personally, he was to go to the court accompanied by Brahmanas and learned ministers (Mantri-VIII, 1 & 2). If he did not personally try cases, he should appoint a learned Brahmana who should be accompanied by three assessors (VIII. 9). There must not be any miscarriage of justice. If a king does not punish those who deserve it and punish those who are innocent, he becomes infamous and goes to Hell after death (VIII, 128). Nay more—"That evil minded king who in his folly decides cases unjustly, his enemies soon subjugate."

Manu goes into details as regards the civil and criminal laws. Yet he knows that his description is not exhaustive. According to him the Vedas, the Smritis, customs of virtuous men (Shistas) and one's own pleasure or self-satisfaction (not inconsistent with the Vedas, Smritis and customs of the Shistas) are the sources of law (II, 6-12). So also the laws of jatis (castes), janapadas (districts), srenis (guilds) and kulas (families) should be applied in their respective cases (VIII, 41). As to the points which have not been specifically dealt with they should be decided according to the decision of the Sishtas who 'have studied the Veda together with its appendages' (XII, 108-111). "Whatever an assembly, consisting either of at least ten, or of at least three persons who follow their prescribed occupations, declares to be law, the legal (force of) that one must not dispute". Even the decision of one learned Brahmana should have legal force, but not the opinion of many ignorant men (XII, 113). It is clear that if the king wanted a particular interpretation or decision in a doubtful case, it was not at all difficult for him to secure it. He could always pack a Parisada with his own men.

One important innovation ought to be carefully noted. Manu openly declares that laws (Dharma) made by the king to favour his friends or to punish his enemies must not be transgressed (VII, 13). Here dharma of course means royal ordinance. Still for the first time the law-making or ordinance-making power of the king is formally recognised in a lawbook. Here was an opening given to the king to issue ordinances to suit his purpose. It enormously increased the royal authority. Manu was forced to concede this right as the kings had been exercising this power for a long time. It would be futile to make any attempt to deny this power ; for that was sure to be ignored by powerful kings.

As regards the revenue of the king Manu elaborates the recommendations of the Dharma Sutras. They are almost similar to those of Gautama with minor variations. Thus he advises the king to take one-eighth, one-sixth or one-twelfth part of the crops as his due. He should take $\frac{1}{80}$ th part of the value of merchandise as toll or duty. Besides, he may take $\frac{1}{60}$ th part of cattle and gold and $\frac{1}{8}$ th part of trees, meat, honey, butter, perfume etc. He gives much more details about the articles to be taxed (VII, 127-138 ; VIII, 398-400). He also formulates some canons of taxation. "Having well considered (the rates of) purchase and (of) sale, (the length of) the road, (the expense for) food and condiments, the charges of securing the goods, let the king make the traders pay duty. After (due) consideration the king shall always fix in his realm the duties and taxes in such a manner that both he himself and the man who does the work receive (their due) reward. As the leech, the calf, and the bee take their food little by little, even so must the king draw from his realm moderate taxes." (VII, 127-129—Buhler). He warns the king of the disastrous effects of excessive taxation. The king must not cut up his own root, nor the root of other (men) by excessive greed. (VII, 139).

The Santi Parva also speaks in the same strain. The king should tax the people in such a way that they are not impoverished. He must not be greedy so that the state and agriculture are not ruined. If he is excessively exacting, he is hated by all. Just as a cow is milked without leaving the calf hungry, so a wise king should tax the kingdom. (LXXXVII). Just as the calf sucks milk without injuring the udder of the cow, and bees gather honey without oppressing the plant, so should the king collect money from the state. Or just as the leeches suck blood (without causing pain), so should the king tax his people. And the taxes should be levied mildly and gradually at proper time and according to settled rules and not untimely or illegally. (LXXXVIII). He should take his just dues without being goaded by greed and anger. He must never earn money unjustly. If he takes an illegal tax and oppresses the people, he brings about his own ruin. (LXXI). It is difficult to say how far the threat of popular discontent and rebellion was effective in checking arbitrary taxation and exactions. Still it was something that the rates of taxes were fixed by custom and religion. Ordinarily they would be respected, though bad kings might sometimes ignore them and oppress the people with heavy taxation.

Besides taxes and duties another source of royal revenue was the product of mines which were royal property. Administration of justice also brought a good income. Forests also formed a source of income. The king must on no account levy any tax on the Srotriyas; so also not on a blind man, an idiot and an old man of seventy years or more.

The Hindu king was given a very large income and quite rightly; for unlike in Mediæval Europe the ideal was a welfare state in which there was no limit to the state's beneficent activities. At the same time care was taken to check arbitrary and oppressive

taxation. That is why the lawgivers went into such details about the rates of taxation of various commodities. Of course it is not suggested that it always effectively checked arbitrary taxation. For no limitation, religious or constitutional, can guarantee faithful observance by all kings. Manu, however, knew that from time to time the State may be confronted with an unforeseen danger or calamity when the ordinary revenues of the king may not suffice, and to tide over this he must require additional money. For such an emergency it is necessary to make provision for a larger income. If that was not legally sanctioned, the king would not hesitate to go beyond the law to save himself and his kingdom. For necessity knows no law. That kings often oppressed the people by heavy taxation on the plea of urgent need of the state is evident from the Junagad Rock Inscription of Rudradaman. In this inscription we are told that the king 'to increase his religious merit and fame without oppressing the inhabitants of the towns and country (Paura-janapadam janam) by taxes, forced labour and acts of affection (Kara-Vishti-pranaykriyabhih) by (the expenditure of) a vast amount of money from his own treasury and in not too long a time made the dam three times as strong in breadth and length...' (Epigraphia Indica VIII. 6). The inference is that other kings would have done such an act by extra taxation. Manu, therefore, permits the king 'in times of distress' to take one-fourth part of the crops from the cultivators and one-eighth part of the grain or one-twentieth part of other commodities from traders. Besides, he can force the Sudras, artisans and mechanics to work for the state gratis (X, 118 ff). Even here the amount of extra taxes is specifically laid down, leaving no opportunity to the king's officials to fleece the people. Now the question is who should determine whether there was a real danger for the kingdom. Well, that was left to the discretion of the king and his advisers

and to public opinion. If the king abused his power in declaring an emergency authorising extra-taxation, that would be opposed by the people if they were politically alive and took an active interest in the government of their country and its welfare. In the last analysis it will be found that the only real check on tyranny is political consciousness of the people and an enlightened public opinion. In their absence even the best of constitutions will fail to check tyranny ; for the tyrant will not hesitate to treat the constitution as a scrap of paper whenever necessary.

The Santi Parva also makes provision for emergency taxation. It, however, permits the king to take money even by force in an emergency. If in a time of distress the people do not give money to help the king, he may confiscate their wealth by force. But first of all it should be proclaimed in the kingdom that the king is urgently in need of money. Then he will go to the villages and frighten the people saying that the state is in danger of being attacked by enemies in co-operation with robbers ; so he wants money to save them from the danger. They will get back their money when the danger has passed away. If the king does not get voluntary grants from the people, he should take recourse to force and collect the taxes with the help of soldiers. (LXXXVII). This is because the Santi Parva is really a work on polity rather than a Dharmasastra. Like Kautilya's Arthashastra its outlook is essentially secular. Its emphasis is on the need of the State. It is anxious to consolidate and safeguard the powers of the king.

In the Vishnu Dharma Sutra there is no propaganda. It declares the duties of the king and of the people in a cold dispassionate way. It does not give much details about the organisation of government and royal policy, though the enumeration of civil and criminal laws is much fuller, and the legal procedure is more developed.

On the whole his recommendations are similar to those of Manu, though he came somewhat later. In the Vishnu Smṛiti the divinity of the Brahmanas is taken for granted. Thus it says, "The gods are invisible deities, the Brahmanas are visible deities. The Brahmanas sustain the world". (XIX. 20-23-Jolly).

There is no deification of the king in the Vishnu Smṛiti. His king like that of Kautilya and Yajñavalkya is an ordinary human being, a mere Kshatriya whose duty is to protect the people. This shows that the theory of the divinity of the king did not find general acceptance at first.

There is an attempt as in other Dharmasāstras to check arbitrary taxation. The king is to levy fixed taxes and duties. The rates are almost the same as those of Manu. The Brahmanas, however, are exempted.

Like Manu Vishnu is also anxious to secure an impartial administration of justice. He is not also prepared to give the king a free hand in the matter. If he wants to try cases personally, he is to be accompanied by well-instructed Brahmanas. Otherwise, he is to 'entrust a Brahman with the judicial business' (III, 72-74). It is difficult to say how far this salutary rule laid down by Manu and other lawgivers who came after him was followed in practice.

PRE-GUPTA POLITY IN THE ARTHASASTRA

Kautilya comes sometime after Manu and seems to be familiar with the Manava Dharmasastra, though he does not refer to it. His approach is different for his is a political treatise and not a Dharmasastra. His outlook is secular. He looks at things from the standpoint of the state, the king and the people and not of Dharma. Naturally, there is no trace of propaganda, no moralising, and no sermon in the Arthasastra. No tall claim about the Brahmana's superiority to the king, not to speak of his divinity, is put forward, though he is to enjoy special privileges and exemptions. The emphasis is on the king and king alone. In the Arthasastra the king's power reaches its high-water mark. Though Kautilya does not deify him yet according to the Arthasastra 'the duties of both Indra and Yama are combined' in him. In the absence of the king there is anarchy (*Matsyanaya*) in which the strong "swallow" the weak. Kautilya says "People suffering from anarchy as illustrated by the proverbial tendency of a large fish swallowing a small one (*matsyanyayabhibhutam prajah*), first elected Manu, the *Vaivaswata*, to be their king, and allotted one-sixth of the grains grown and one-tenth of merchandise as sovereign dues. Fed by this payment, kings took upon themselves the responsibility of maintaining the safety and security of their subjects." (Bk. I, Ch. XIII-Shamasastry). Kautilya's state is not a large empire embracing the whole of Northern India. He writes for a medium-sized kingdom which is divided into four provinces, ruled by governors. Each province is again divided into a number of districts, subdivisions and villages.

The powers of the king are practically unlimited. The governmental system described by Kautilya is highly efficient and most carefully organised. With the king at the head there is a number of ministers (Mantrinah). Besides, there is a Ministerial Council (Mantriparisada) consisting of the chief ministers, departmental heads and high officials (amatyas). (Bk. I., Ch. VIII-XV). There is a regular civil service consisting of the superintendents of departments and district and city officers, together with their innumerable subordinates—accountants, tax-collectors, revenue officers, surveyors and police officers. Besides, there are judges (Dharmasthas) and police magistrates entrusted with the duty of apprehending criminals and preventing and suppressing crimes. So also there are members of the diplomatic service, physicians and veterinary surgeons. Finally there is a large number of household officers and menials. The army also is highly organised and is commanded by capable generals. But the most prominent feature of Kautilya's system is the elaborate arrangement for espionage. There is a network of spies all over the kingdom. Spies are everywhere—in public places, roads, public halls, assemblies, places of pilgrimage, markets, offices and temples and in every nook and corner of the country.

The number of departments with their superintendents is large. Besides the Chamberlain, the Collector-General and the Commander-in-chief, there are the Superintendents of Accounts, Treasury, Mines, Metals, Mint, Ocean mines, Salt, Gold in Goldsmith's office, Storehouse, Commerce, Forest produce, Armoury, Weights and Measures, Lineal measure (of space and time), Tolls, Weaving, Agriculture, Liquor, Slaughter-House, Prostitutes, Ships, Cows, Horses, Elephants, Chariots, Infantry, Passports, and the City. Under the Superintendents there is a host of subordinate officers and menials. Each has his duty well-marked and properly assigned.

Their work is to be carefully supervised by the superintendents and supervising officers. All these officers are to be regularly paid according to fixed scales and there is a provision also for sumptuary and travelling allowances in suitable cases. In short it is hardly possible to improve upon Kautilya's recommendations.

From a detailed consideration of the work of these departments it is evident that Kautilya's state is not a police State but an all-embracing welfare State. There is no limit to the state's activity—nothing is too low or unimportant to escape the notice of the government. It not only maintains internal peace and protects the country from outside attack but also regulates every activity of the individuals so as to promote the general welfare and happiness of the people. At every step the government steps in and controls or directs the individuals. It represses wrong-doing with a strong hand and generously helps the deserving and the helpless. It protects the people from national calamities and providential visitations. It takes preventive and remedial measures against fire, flood, diseases, famine, rats, tigers, serpents and demons. Besides, the state is not only a governmental agency but a huge productive organisation as well. It undertakes numerous productive and trading activities to increase the revenue of the state and to successfully exploit the natural resources of the country.

It is the duty of the king to encourage learning by supporting priests, teachers and learned Brahmanas with the gifts of 'Brahmadaya lands yielding sufficient produce and exempted from taxes and fines.' So also he ought to maintain orphans (bala), the old men, afflicted persons, the infirm and helpless women. The state ought to establish hospitals, temples of the gods and other public buildings. Roads are to be constructed. In the towns a sufficient number of wells is to be dug for the supply of water. In the country parts irrigation

works are to be undertaken wherever necessary. Food is to be stored in the State Store house. Half of it can be used for royal need and the other half 'shall be kept in reserve to ward off the calamities of the people.' In an agricultural country like India rainfall is very important. The government is to make a forecast of the rainfall by the study of astronomy. Besides, it is the duty of the state to ensure purity of food-staff by proper inspection. The state is also to look after the sanitation of the towns and take preventive measures against fire. This is not all. Merit is to be recognised by "the bestowal of honour." Worthy men are to be honoured by writs of commendation.

To administration of justice Kautilya gives a good deal of attention. He wants that people should get quick justice. Saving the exemption of the Brahmanas from corporal punishment except in the case of treason, and caste distinction in a few offences like abuse and assault, he is anxious to secure even-handed justice for all. He entrusts the administration of justice in cities and important places to a court consisting of three judges versed in law (Dharmasthas) and three executive officers (Amatyas). The suppression of serious criminals (Kantakas—thorns) he entrusts to executive officers—three Pradestas or three Amatyas. They are not only to punish them but also to prevent their crimes and detect and apprehend them. Besides, they are to take preventive and remedial measures against national calamities. It should be noted, however, that Kautilya's provisions for the suppression of serious criminals seem to be an elaboration of Manu's recommendations for the removal of 'thorns' (Ch. IX, 252 ft.)

Kautilya's civil and criminal laws are much more exhaustive than Manu's and more humane and reasonable. They are not tarnished by religious fanaticism and intolerance. The civil and criminal procedure is much

more advanced, we may almost say modern. Generally he relies on human evidence—oath, writing, divine witnesses, and inference. He does not believe in judgement or ordeals and does not even mention them. Instead, in serious offences when there is a strong suspicion and circumstantial evidence he prescribes torture and cross examination. (Bk. IV. Ch. VIII). Kautilya, it has already been said, insists that justice shall be done impartially, irrespective of the social or political status of the offender, though not equally. If there is a wilful miscarriage of justice the judges are to be punished. Even the king is not exempted from punishment. If he punishes any body who does not deserve punishment, he is to pay a fine of thirty times to the water-god Varuna, which the Brahmanas are to get. (Bk. IV. Ch. XIII).

This is really excellent. No higher ideal of government can be imagined, the only flaw being the discrimination of caste in a few cases, specially the exemption of the Brahmanas from corporal punishment. Yet inspite of all this, it must be admitted that Kautilya's king is practically an autocratic ruler. He is, to use a modern phrase, an enlightened despot, and his rule can be described as benevolent despotism. But he is a despot sobered by proper education and rigorous discipline, guided by honest and wise councillors and sometimes by great saints and seers, softened by constant and intimate contact with the people in Sabha and expected to observe the customs of the country and the dictates of the Dharma and the Arthasastra. The king is to slave—to spend himself—to promote the general well-being and happiness of his people. "In the happiness of his subjects lies his happiness, in their welfare his welfare ; whatever pleases himself he shall not consider as good, but whatever pleases his subjects he shall consider as good." (Bk. I. Ch. XIX.—Shamasastry). Yet, legally it is the king who

is finally to decide what is good for the people. If he makes a wrong decision inspite of the advice of his councillors, there is nothing which can deflect him from his course. If he issues an unjust and palpably harmful proclamation or edict, that must be obeyed. If he is rapacious and greedy, the people will be oppressed by heavy taxation in total disregard of the customary or legal rates. There is no legal remedy against that. If he unjustly punishes any body, nothing can protect him. The only real check was the fear of popular rising. And this seems to have been effective for the people were politically active, and there was a strong public opinion. Kautilya even advises the king to win over popular leaders.

According to Kautilya the king is the upholder of law (Dharmapravartaka). Sacred law (Dharma), contract (Vyavahara), custom (Charitra), and the edict of the king (Rajsasanam) are the four legs of lawsuit. The last is superior to all the rest. Whenever there is a conflict between a custom and Dharmasastra or a contract and Dharmasastra, the matter is to be settled according to Dharmasastra. But where the Dharmasastra is in conflict with reason and equity (dharma-nyaya), reason shall prevail, for the original text has been lost. (Bk. III. Ch. I). Here is a startling statement which places the king above the Dharma or law. Coming after the Maurya period and foreign rule Manu has been forced grudgingly to recognise the validity of royal edict regarding friends and foes of the king. As nowhere he recognises the king as the source of law, it is evident that such an edict will have binding force if it is not repugnant to law. But Kautilya unequivocally places the royal edict above law and custom. Nay, he clearly declares that when sacred law is in conflict with reason and equity, reason shall prevail. This gives the king the right to override the law (of the Dharmasastra) whenever it suits him on the plea that it is repugnant to equity.

The revenue of the king was very large, derived from many sources, viz., taxes, tolls, duties, fines, produces from crown-lands, forests, mines, and herds, and income from mint, state-trading, ferry, carriage, treasure-trove, gambling, prostitutes, etc. etc. The taxes were of many kinds, e.g. indakara, shadvaga, senabhakta, bali, kara, utsanga, parsva, parihinaka, aupayanika, kaushtheyaka etc. etc. Besides, there were duties and tolls practically on all commodities. (Bk. II. Ch. VI & XV). It was of course expected that they should be fixed according to well established principles and custom. Thus Kautilya says that "in accordance with the customs of communities, the rate of toll shall be fixed on commodities, either old or new." Besides, the king might resort to extra-taxation whenever he was in 'great financial trouble'. (Bk. V. Ch. II). These extra taxes were termed 'pranaya' (or love-gift, i. e., 'benevolence'). Cultivators would be asked to pay one-fourth of their grain, and one-sixth of the forest produce. Merchants would be asked to pay according to the value of their merchandise, herdsmen, and poultry farmers also would have to pay extra dues. Kautilya insists that such demands should be made only once. But exacting kings would not mind such advice. Moreover, he suggests that if the king does not demand pranaya or love gifts, he may beg for donations on various pretences. Some of the expedients suggested by him are revolting and even puerile and absurd. Most probably these are interpolations. However that be, the point is that a greedy and grasping king would oppress the people by heavy taxation. The only check was fear of rebellion. Kautilya remarks, "Revenue shall be collected at the proper time just as fruits are gathered from the orchard when they are ripe. Like unripe fruits it shall not be taken untimely, lest it may provoke the people and lead to deposition."

Thus the king was all in all. Practically everything depended on him. If he was a good king, the people were fortunate; if he was a bad king, there was no end of their miseries. So great care should be taken that the king might be a good one. This was to be done by proper schooling and rigid discipline from the very beginning. (Bk. I. Ch. V-VII). Even when he is a young prince, he must be carefully looked after. He is to be educated in the Vedas, Smritis, Political science, Science of wealth, Philosophy and History under competent teachers. He ought to pass through a rigorous discipline. He must restrain the organs of sense "on which success in study and discipline depends." "When a prince is possessed of good and amicable qualities, he may be made the commander-in-chief or installed as heir apparent... But never shall a wicked and only son be installed on the royal throne" (Bk. I, Ch. XVII). The king must shun lust, anger, greed, vanity, arrogance and overjoy. If a king can not control his organs of sense, he will soon perish even if he is a universal ruler. Kautilya cites numerous examples of kings who lost their kingdoms together with their relations because they were unable to control their organs of sense. Hence he should endear himself to the people by restraining his organs of sense and getting rid of "the six enemies". It should be remembered that there was no guarantee that these wise recommendations would be followed in all cases. Though in ancient India special care was taken for the proper education of the princes, some of them would turn out to be bad and oppressive kings in spite of the best training and education.

Kautilya hopes that the king will be kept in the right path and prevented from oppressing the people by his teachers and ministers and insists that they shall be respected. He shall follow the High Priest implicitly (Bk. I. Ch. IX). Before undertaking any administrative

measure he shall consult three or four ministers (Mantri). He may ask their opinion individually or collectively. Besides, there is a Council of ministers (Mantri-parishad). In works of emergency, he shall consult both his ministers and the Council of ministers. He is to act according to the advice of the majority. (Bk. I. Ch. XV). But this is also a mere recommendation which the king would flout if he was bent upon having his own way.

Like Manu Kautilya also draws up a rigid time-table for the king (Bk. I Ch. XIX). He divides both day and night into eight *nalikas* each. Each division is devoted to a particular work. His life is a duty. Everything is regulated. Every morning, he shall go to the assembly or hall of audience. He must not keep petitioners waiting at the door. If the king is not accessible to the people, there will be great confusion leading to public disaffection which will be exploited by his enemies. "He shall personally attend to the business of gods, of heretics, of Brahmanas learned in the Vedas, of cattle, of sacred places, of minors, the aged, the afflicted, and the helpless and of women". Here is the great redeeming feature of Kautilya's system, nay of the Hindu government—the personal contact between the king and his people. This was the greatest safety-valve of Hindu monarchy—the opportunity given to the people to present their grievances directly to the king and ask for redress. This distinguishes Hindu despotism from "Occidental despotism". Of course it is possible that a bad king would not meet his people quite often and oppress his subjects in total disregard of public opinion. That would, however, rouse popular disaffection and lead to revolution as long the people were politically alive, and there were ambitious persons ready to take advantage of the unpopularity of the king.

Kautilya suggests that the king should from time to time "give interview to saints and ascetics". (Bk. I.

Ch. XXI). They also would exercise a corrective influence upon him. Besides, he misses no opportunity to impress upon the king the danger of misgovernment and popular disaffection. "A king of unrighteous character and vicious habits will, though he is an emperor, fall a prey either to the fury of his own subjects or to that of his enemies. But a wise king trained in politics will, though he possesses a small territory, conquer the whole earth with the help of the best-fitted elements of his sovereignty, and will never be defeated". (Bk. VI. Ch. I—Shamasastry). Again, while describing inter-state relations he says, "The conquerors should march against the enemy whose subjects are oppressed. The strong enemy of wicked character should be marched against, for when he is attacked, his subjects will not help him, but rather put him down or go to the conqueror. But when the enemy of virtuous character is attacked, his subjects will help him or die with him". (Bk. VII, Ch. V—Shamasastry.) In short Kautilya appeals to expediency and enlightened self-interest of the king.

Somewhat later than Kautilya was Kamandaka who wrote a political treatise which practically gives a summary of some of the chapters of the Arthasastra. He does not throw any new light on the administrative system. According to his opinion it is the duty of the ministers to prevent the king from doing anything wrong, and the king is also to follow the advice of the ministers who are like his preceptors. They ought always to encourage the king to do his duty. Those who do not care for his frown and prevent a king from going astray are his real friends.

Almost contemporaneous with but a little later than Kautilya is Yajnavalkya. He seems to be familiar with the Arthasastra from which he borrows liberally. His opinions have a striking resemblance with those of Kautilya. Though a Dharmasastra, Yajnavalkya Samhita

is markedly free from propaganda and religious fanaticism. No doubt, he is also anxious to maintain the primacy and special privileges of the Brahmanas. He goes even so far as to claim the superiority of the learned Brahmana over the king in point of respect (I, 117). We do not get much information from Yajnavalkya about the government of a kingdom. Unlike Manu, he does not deify the king.

The king of Kautilya is the supreme law-giver whose laws or edicts are superior to the laws of the Dharmasastras. The king can set aside a Dharma-law if it is repugnant to reason and equity. Yajnavalkya's views are somewhat different. Like Manu he also does not regard the king as a source of law (I. 7-9). According to him *Śruti*, *Smṛiti*, practices of the virtuous, self-satisfaction and just desires are the sources of law. Four persons versed in the Vedas and Dharmasastras or a number of persons versed in three *Vidyas* form a *Parshat*. What they say is law. Yet he recognises the law-making power of the king in general terms. The people have to observe the law or ordinance made by the king (II, 186). When there is a conflict between two *Smritis* regarding a secular law, the matter should be decided by the king or his judges. This indirectly places the king above law.

Yajnavalkya, as the author of a Dharmasastra, does not formally recognise the legal sovereignty of the king. At the same time he does not openly deny it. His laws follow to a large extent Kautilya's recommendations and thus reject the harsh and Draconian laws of Manu. They are on the whole mild and humane. As a result of the softening influence of Buddhims and the time-spirit, much of the severity of the criminal law has been done away with, corporal punishment has been reduced to the minimum and most of the offences are to be punished by fines instead of the extreme penalty of

the law. Rellising that his laws in many cases are in open contradiction to those of Manu, he enunciates a new principle. "When there is a conflict between Smritis, there reason will prevail in law suits" (II, 21).

Then as regards the administration of justice, Yajnavalkya like Manu and Vishnu does not give untrammelled authority to the king or his Brahmana representative. For they were to try cases with the assistance of Brahmana members of the court. They must be learned in the Dharmasatras, truthful and impartial to friends and foes alike (II, 1-4).

As regards taxation Yajnavalkya casually refers to the traditional "sixth part" and duties on commodities. He does not give any details. He, however, says that the king who increases his revenue by extorting money wrongfully from his own kingdom soon loses his prosperity and is destroyed with his friends (I. 340). He, however, is silent on the right of extra-taxation in great distress.

Yajnavalkya also does not give any details about the administrative system. From his short references it is clear that the governmental machinery was almost the same as in Manu and Kautilya. There were the high priest, the ministers, the superintendents, departmental heads and so on (I. 312-3, 322). He also gives a time table of the king's duties (I. 327-333). Like the king of Manu and Kautilya Yajnavalkya's king was to be properly educated and disciplined. He must be active, truthful, virtuous, free from sensual vices, self-controlled, wise, and brave (I, 309-311). He was to decide his policy in consultation with ministers and the high priest (I-312). Besides, he should hold his Sabha regularly. To such a Sabha the people came not only in their individual capacity but also as representatives of corporate bodies to further their corporate interests. Such representatives were to be treated with special favour. After their mission had been fulfilled they were to be sent back

loaded with gifts and honour. Such gifts belonged to the whole corporation and must not be appropriated by the individuals (II, 189-190).

We have partial corroboration of the mild legal system of Yajnavalkya and Kautilya in Fa-hien's account of the Middle kingdom. According to the Chinese pilgrim who came to India in the reign of Chandra Gupta II there was no corporal punishment. Punishment was light. Criminals were fined, lightly or heavily, according to the gravity of the offence. Even in cases of repeated rebellions, the right hands of the rebels would be cut off (Buddhist Records of the Western world—PXXXVII). Now, evidently there is exaggeration. In his anxiety to draw a contrast between the severity of the Chinese Criminal law and the human and liberal system of India he makes a sweeping statement that there was no corporal punishment in the Middle kingdom. What he really wanted to impress was the mild and humane system of criminal justice in India. He himself admits that in cases of repeated rebellions the right hands of the offenders were to be cut off.

THE RULE OF THE GUPTAS AND THEIR SUCCESSORS

Fa-hien brings us to the Gupta Empire which under Samudra Gupta comprised a vast territory directly under the Emperor and a large number of dependent and conquered states, some of which were monarchical and others oligarchies like those of the Malavas, Arjunayanas, Yaudheyas, Madrakas, Abhiras and others (Corpus Inscriptionum III, Fleet, No 1). The territory directly under the Emperor was divided into a number of provinces or Desas, a province into Bhuktis or divisions, a division into a number of districts or Visayas and a district into villages or Gramas. The provinces were ruled by governors, some of whom were royal princes. There were officers in-charge of divisions, districts, and villages.

Gupta administration was highly efficient. The emperor personally looked after the government with the assistance of the ministers (Fleet, No. 6). Though he was as a ruler guided by their advice, the final decision lay with him. The higher appointments were made by him, and the high officials were responsible to him. Both the civil and military departments were well organised with regular staffs of officers of different grades. (See Dr. Altekar's 'State and Government in Ancient India,' Pp. 332 ff; Dr. Beni Prasad's 'The state in Ancient India', Pp 294 ff.)

The most striking development of the Gupta polity was the claim of the Emperor to be regarded as a god and its general acceptance. He was not satisfied with the ordinary title of Raja or even Maharaja. From the inscriptions we learn that from Chandra Gupta I's time the Emperor called himself Maharajadhiraja. Later kings assumed two other titles which are highly significant,

'Paramesvara' or the Supreme lord and god and 'Paramabhattacharaka' or the most worshipful, an epithet applied to a deity. Samudragupta is declared in the inscriptions as equal to (the gods) Dhanada and Varuna and Antaka.....a god dwelling on earth (Fleet, No. 1). Skandagupta is called 'Paramabhattacharaka Maharajadhiraja' (Fleet No. 16-B). Vishnu Vardhana is called 'Rajadhiraja Paramesvara' (Fleet No. 35) and so on. From this time these titles were adopted by all the independent kings. Prabhakaravardhana, the king of Thaneswara, adopted the title of Maharajadhiraja. His sons Rajyavardhana and Harshavardhana were called Paramabhattacharaka and Maharajadhiraja (Sonpat copper seal inscription of Harshavardhana, Fleet, No. 52). According to Bana's Harshacharita (85, 100) his hero also adopted the titles of Paramesvara and Chakravartin. This was the case with other independent kings. Manu was the first law-giver who had categorically deified the king. So the Gupta kings and their successors were fortified by the support of religion and law when they assumed this divine title. Besides, they might have been encouraged to claim this divine-honour from the example of the Roman Empire with which India had active commercial relations in this period.

The later Dharmasastras, Puranas & general literature frankly recognise the divinity of the king. Thus Narada Smriti which was composed in the later Gupta period says, "As a husband though feeble must be constantly worshipped by his wives, in the same way a ruler though worthless must be (constantly) worshipped by his subjects" (XVIII, 22 ff, Jolly). Again, "Kings endowed with immense power, appear (variously) in the five different forms of Agni, Indra, Soma, Yama and the God of Riches." So also, "How should a king be inferior to a deity, as it is through his word that an offender may become innocent, and an innocent man an offender in due course?"

Agni Purana also speaks in the same strain (CCXXVI). "The king like the Sun can not be looked at with the naked eyes for his splendour. The king is the wind god The king is the god of Death (Yama) The king is the Fire god The king is the incarnation of the god of rain . . . The king is the god Hari."

Again in Vishnu Purana we find that the Rishis who killed the wicked king Vena rubbed his right hand and created a son Prithu who was made king. Brahma who consecrated him was very glad to notice 'in his right hand the mark of the discuss of Vishnu' for he realised that there was 'a portion of that deity in Prithu' (Part I, see XIII).

This idea of divinity of the king became a fixed notion of Hindu Polity. In Matsya Purana (CCXXVI) also he is compared to the Sun, the Moon, Dharmaraja, Varuna, and Agni. In the Nitivakyamrita of Somadeva Suri the king is declared a Sublime god (V. P. 67). Even in a very late work on polity, Sukra Niti, we find the same idea of divinity of the king. Sukra (Ch. I, 139-152—Sarkar) says, "The prince who is virtuous, is a part of the gods. He who is otherwise is a part of the demons, an enemy of religion and oppressor of subjects. The king is made out of the permanent elements of Indra, Varuna, Vayu, Yama, Sun, Fire, Moon and Kuvera, and is the lord of both the immovable and movable worlds". So he is 'an incarnation' of the gods.

The Smritis of Narada, Brihaspati and Katyayana being purely codes of laws do not discuss the duties of the king or sources of royal revenue, etc. Still there are some incidental remarks which suggest that the king must not resort to arbitrary taxation but ought to collect the customary taxes and dues. Of course the customary rates must have varied from time to time and from place to place. Thus Narada (XVIII, 48) says, "Both the other customary receipts of a king and

what is called the sixth of the produce of the soil form the royal revenue, the reward (of a king) for the protection of his subjects".

So also according to Katyayana (App. I), the king shall get one-sixth of the produce. The king who wrongfully takes from the kingdom a tax, fine as punishment, a portion of corn and duties is a sinner.

Agni Purana (CCXXIII) also prescribes one-sixth of the income of his subjects for the protection and good government of the king. He also should levy duties on goods manufactured in the country or imported from foreign countries and on animals and slaves according to the fixed scale. In Garuda Purana (Ch. CXI) the king is advised to 'collect a little of the income of his subjects' as revenue without causing any hardship to them by unbearable taxation. Somadeva Suri says that the king is the protector of the people and gets legally the sixth part of the earnings of all (VII, Pp. 23-24).

We have corroboration of this from Yuan Chwang. According to him taxation was light, and forced service was 'sparingly used'. The main sources of revenue were land tax, tolls and duties. "The king's tenants pay one-sixth of the produce as rent. Tradesman go to and fro bartering the merchandize after paying light duties at ferries and barrier stations (Watters-P.176)

From the inscriptions we learn that the revenue of the kings was large. This is corroborated by Kautilya's Arthashastra. Besides the tribute of the dependent kings, there were various taxes and duties. Thus we hear of Udranga. Uparikara, Dhanya, Hiranya, Vata, Bhuta, income from mines and pasturage, treasuretrove, occasional contributions for the royal army and police, fines accruing from administration of justice, petty dues paid by the villagers for the maintenance of village officers and so on. Though some of these may have been recent additions, and some of the Emperors may

have been grasping and oppressive, there is nothing to suggest that most of them were so and oppressed the people with heavy taxation. The inscriptions rather prove that the emperors were generally enlightened rulers who tried their best to live up to the ideal. They encouraged learning, patronised arts and literature, supported religion and took all possible steps to promote the general well-being of the people. Of course it is likely that occasionally they would demand extra-taxes to tide over unforeseen calamities and dangers for like Manu, Kautilya and Santi Parva Somadeva Suri and Sukra also provide for an emergency. In the *Nitivakyamritam* (XXI 14) Somadeva permits the king to appropriate the surplus wealth of the religious establishments, Brahmanas and traders. He may ask a share of the wealth of rich men, widows, guilds, officers, village headmen, prostitutes, heretics, etc. The king, according to Sukra, may take special grants from the people under exceptional circumstances. "The king should receive the wealth of the rich men in times of danger by supplying them where with to live. But when he is free from danger, he should return the amount to them together with interest" (Ch. IV. II, 17-23, Sarkar). Now bad kings would sometimes oppress the people with heavy taxation on the plea of urgent need of the state. And as regards the duty of repayment they would always ignore it.

That the power of the king reached its high-water mark in this period is further confirmed by the frank recognition of the king as the supreme law-giver even by the *Dharmasastras*. Kautilya had asserted this but Yajnavalkya, though recognising the law-making power of the king, was not prepared to recognise him formally and openly as the supreme law-giver. Narada, however, like Kautilya unhesitatingly declares that *Dharma*, *Vyavahara*, *Charitra* and *Rajasasana* are the four

feet of the law-suit. The last is superior to the others (Legal procedure 10).

So also he says, "That wicked man who does not act up to the laws proclaimed by the king, shall be fined and corporally punished, as offending against the king's commandments" (XVIII, 13-Jolly). Then there is the startling statement—"Whatever a king does is right, that is settled rule" (XVIII, 21). Though Narada unequivocally recognises the king as the highest law-making authority, he does not favour the idea that the king may disregard the Dharmasastras. He declares, "What is opposed to revealed and traditional law or injurious to living beings, must not be practised by the king; and when it is practised (by others), he must check it" (XIII, 8, Jolly).

Brihaspati also lays down (II, 18, Jolly), "The judgment in a doubtful matter is declared to be four sorts, according as it is based on normal law, on the issue of the case or on custom or on an edict from the king." Though he does not formally declare the superiority of the King's edict, he indirectly admits that the Smritis are not infallible, and reason or equity is superior to them. Thus he says, "In the case of a conflict between two Smritis (texts of law), equity should be resorted to" (XXVII, 2). And as regards Katyayana, Dr. N. Banerji believes that he echoes the view of Kautilya about the four feet of a law-suit and the superiority of the king's edict, though the authorship of the two slokas which have been quoted in the Smriti Chandrika about it along with the four following slokas definitely ascribed to Katyayana, has not been specifically attributed to the latter.

As regards the administration of justice, Narada, Brihaspati, and Katyayana mark an advance on Yajnavalkya. In fact as regards the Judicial procedure these three represent the last stage of legal development in

Hindu India, and with the exception of one or two matters like ordeals and inequality of castes they breathe almost a modern spirit. In theory, regarding the king as the fountain head of justice, they took a special care to prevent arbitrary judgment or miscarriage of justice on his part. Besides enumerating inferior courts, they give a detailed description of the king's court. Thus according to Narada (Introduction, III) there are eight elements of a royal court, viz., "the king, his dutiful officer, the assessors of the court, the law-book, the accountant and scribe, gold, fire and water". When trying a case, the king must be equitable to all beings and act unselfishly. He is to give his judgment according to the dictates of the law-book and the opinion of the chief judge. The assessors of the court must be honest, impartial and honourable men, versed in the Sacred law and the rules of prudence (Introduction I, 39 & 40).

Brihaspati (I-Jolly) says that the king's court is composed of ten elements, viz., "the king, his chosen representative (the chief judge), the judges, the law (Smriti), the accountant and scribe, gold, fire, water and the king's own officer". Of these ten elements, 'the chief judge decides causes; the king inflicts punishment; the judges investigate the merits of the case.' The decision is to be according to law. The number of judges should be seven, five or three, and they should preferably be Brahmanas. Here, there is practically no scope for the king to act arbitrarily, except in fixing the exact nature of punishment.

According to Katyayana (P. 2 ff) the king ought to try cases in the company of the chief judge, ministers, Brahmanas, Purohita and assessors. If the king does not himself administer justice, he ought to appoint a fully qualified Brahmana learned in the Sastras. In the absence of a Brahmana, a Kshatriya and failing a Kshatriya, a

Vaisya should be appointed but never a Sudra. When the king is acting unrighteously, the assessors must not connive at it. If they do so, they will go to hell together with the king. Thus the king is not given a free hand in the matter. If he acts arbitrarily, it is in violation of the law. The recommendations of Sukra also are practically the same as these. According to him the king should try law-suites in accordance with the dictates of the Dharma and Sastras accompanied by the Chief justice, amatyas, Brahmanas and the Priest. He should never singly administer justice and in secret. If the king can not personally try cases, he is to appoint a learned Brahmana, failing him a Kshatriya and failing him, a Vaisya. It should, however, be noted that the criminal laws had again become severe. Many of the offences for which mere fines had been recommended by Yajnavalkya or Kautilya, were again put in the list of capital offences, and corporal punishments including imprisonment were prescribed for them. Most probably, this was due to the new Hindu reaction against the mild regime of the previous period. Thus there was a return to Manu and his severity.

There is a practical corroboration of the severity of the legal system of the period in Yuan Chwang's Travels. According to the Chinese traveller administration of justice was efficient, and hence violent crime was rare. "As the government is honestly administered and the people live together on good terms the criminal class is small." Punishments were severe. The usual punishments for serious crimes were exile and corporal punishments, including imprisonment and mutilation of limbs such as ear, nose, hand or foot. He does not speak of execution, most probably, because he did not see any case of capital punishment. Lighter offences were punishable with fines (Thomas Watters—Ch V-Pp. 171-72).

There is a trial scene in *Mrichchhakatika* (Act IX) where the judge enters the hall of justice accompanied by a gild-warden, a clerk and others. After hearing the evidence the judge finds Charudatta guilty of murder and informs the king (Palaka) of his finding. The king sentences the murderer to death, though he is a Brahmana and as such is exempted from Corporal punishment according to the *Smriti* law. Accordingly the claim that the Brahmanas are to be exempted from corporal punishment was not always admitted.

Though the king was very powerful, practically an autocrat, he was not a despot in the European sense. For he was expected to attend the Sabha every morning accompanied by learned Brahmanas, elders, ministers and attendants to listen to the prayers of those who came for some business. No doubt, the most important business transacted in the Sabha was the administration of justice. That such an assembly was not confined to judicial business only is clear from Brihaspati's injunction (I, 23) that entering the Sabha in the morning accompanied by elders, ministers and attendants the king should try cases and should listen to (the expositions of) the Puranas, codes of law and rules of polity. From Bana's *Kadambari* we know that the king's court was attended to by the fudatories as well. The Rashtrakuta Emperors used to hold their courts regularly. It was attended amongst others by the Emperor's vassals, high officials (civil and military), foreign ambassadors, representatives of guilds, leading merchants, bards, etc. Public were admitted on special permission (Altekar, P. 35). Such an assembly surely was not a mere law-court and must have exercised some moderating influence upon the Emperor. We learn from the *Agni Purana* (CC XXXV) that every morning the king 'should receive the Brahmanas, the ministers and the officers of the court as well as such people who would be presented by the usherer of the

court. Then having heard the daily report of works, he should determine the routine of business for the day and then proceed to adjudicate civil matters or to consult ministers on weighty matters of the State. According to Sukra Niti (I, 705-27), the king should consult his ministers about his policy in a secret place. Besides, he ought to discuss the royal duties with his near relations, preceptors, commanders and members of the council in the Council Chamber. "The wise ruler should ever abide by the well-thought out decisions of councillors, office-bearers, subjects and members attending a meeting never by his own opinion—" (II, 56-Sarkar).

This is also to be noted as Dr. Majumdar points out, though monarchy had long become purely hereditary and even the formal acceptance by the people or important men of the kingdom was not necessary, the idea of popular election or selection by the ministers and high officials never died out. Thus in the Junagad Inscription Rudradaman is said to have been accepted by all the Varnas for their protection (*Epigraphia Indica* VIII Pp. 43-47). According to Yuan Chwang, on the death of Rajyavardhana his brother Harshavardhana was elected by the ministers (*Buddhist Records of the Western World* Pp 210-213). The 'great minister Po-ni (Bhandi) addressed 'the assembled ministers' and said, "The destiny of the nation is to be fixed to-day. The old king's son is dead : the brother of the prince, however, is humane and affectionate, and his disposition, heaven conferred, is dutiful and obedient. Because he is strongly attached to his family, the people will trust in him I propose that he assumes the royal authority : let each one give his opinion on this matter, whatever he thinks. They were all agreed on this point and acknowledged his conspicuous qualities. On this the chief ministers and the magistrates all exhorted him to take authority.' After consulting the 'statue

of Bodhisattva' on the bank of the Ganges Harshavardhana 'assumed the royal office.' 'He called himself the king's son (Kumara); his title was Siladitya.' Then there is the famous instance of the election of Gopala, the founder of the Pala dynasty, by the people to bring to an end the prevailing anarchy (matsyanyayam) (Khalimpur Inscription —Epigraphia Indica IV, 34-48).

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