

ANCIENT POLITICAL EXPERIENCES

Krishna Prasanna Mukerji



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ANCIENT POLITICAL EXPERIENCES

By

KRISHNA PRASANNA MUKERJI

M.A., LL.B. (Calcutta), D. Phil. (Heidelberg)

Professor of Politics, Vidyodaya University, Colombo,
Formerly Sir Pherozshah Mehta Professor of Politics,
Bombay University

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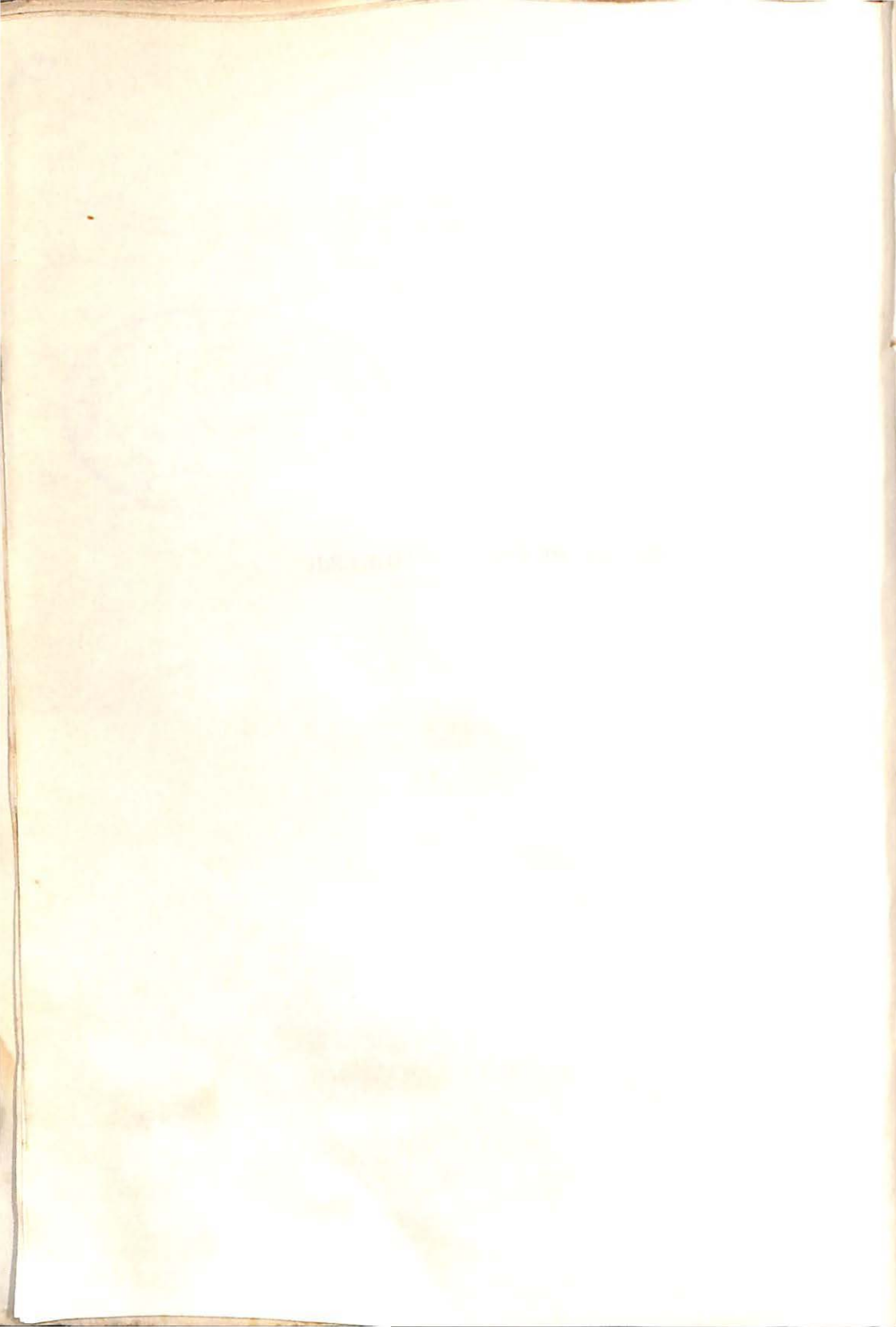
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To

SATYA PRASANNA MUKERJI

my revered eldest brother



PREFACE

The main purpose of this work is to place side by side a critical account of the political ideas and institutions of ancient India and Greece and on its basis to make an appraisal of their achievements in this field. This being so, the most appropriate title of this book would have been the *Political Ideas and Institutions of Ancient India and Greece*. But with a view to avoiding such an unwieldy title it was decided to bring out the work under the present caption. It is therefore understood that by "ancient" in the title only ancient Greece and India are meant and that the political ideas and institutions of ancient Egypt, Babylon and China are not included in this work. I have neither the material nor the scholarship at my disposal to undertake such a colossal task. I have used the word "experiences" in the title to denote both Ideas and Institutions.

The idea of bringing out a comparative study of Indo-Greek political experiences appeared to me specially appropriate at the present juncture when the East and the West, having come nearer *spatially* through the improvement of technology and transport are waiting to be brought nearer spiritually through the alchemy of human sympathies and growth of the humanities. Improvement in human relations is best effected by showing from actual history of nations, such as the Indo-European family of nations, the identity of the roots and similarity of the efflorescence of the cultures of the West and the East whose differences and dissimilarities are mostly sought to be emphasized by western (and westernized) authors with a view to proving the all round superiority of western culture throughout the ages. In the present work I have acted contrary to this almost universal practice not only for the sake of the very desirable goal of improving the East-West relations but also because my reading of history does not permit me to come to such a conclusion of the onesided superiority of the West in ancient times.

I admit the presence of a sort of lopsidedness in my treatment resulting in a greater detailing of Indian political ideals and institutions than those of Greece. This is so for no other reason than that of correcting the existing lopsidedness of western and westernised authors who, in my humble opinion, have been misrepresenting either through ignorance or cussedness, ancient history of the Aryan peoples by over-estimating Greek values and achievements as well as under-estimating those of ancient India, the net result being an over-all ignorance about Indian achievements specially in the sociopolitical sphere and an exaggerated awareness of Greek achievements, even among Indian students. Even sympathetic western authors like H. G. Wells (whose comparative impartiality is responsible for debunking much of the exaggerated prominence given earlier to the Greeco-Roman culture by sentimental admirers of western classical life) would not deem it necessary to present the socio-political life and institutions of ancient India with the same prominence as that given to the corresponding sections of Greeco-Roman history and go even to suggest some inferiority in our socio-political ideals and institutions simply because our forefathers lived in Asia or the backward East.

In consequence, Wells who praises Emperor Asoka's greatness and condemns the gladiatorial and ambitious politicians of Rome, devotes (in his *Outline of History*) over thirty pages, for instance, to Roman brutality, conquest and corrupt political institutions (which however he eulogises as the Neandertahl form of modern State), has nothing more than a precious two-and-a-half pages to offer us for describing the rise of the great Mauryan empire under Chadragupta (the Sandrakotus of the Greeks) and its glorious extension under Asoka, forgetting or omitting in this process of unpardonable abridgement even to mention the architect of that empire, the great Kautilya and all that he stood for: In fact he omits to mention or forgets the "Arthasastra" and then regrets the absence of an Aristotle (with his *Politics*) in Asokan India.

Had this period of Indian history been featured properly by Wells, it would have been evident to students of comparative history and government that a much better sample of modern government (than the Neanderthall form of it represented by Rome) was to be found in Northern India under the Mauryas representing a united Aryavarta extending from the Hindukush to Vellore, that the "glory of Susa and Persepolis had passed to Pataliputra", that Kautilya was no class-politician (like the Roman Senators and Consuls) and that his equitable civil law and elaborate administrative system "laid the foundation of political and social security" which paved the way for Asoka's world-mission. Thereafter the humanist influence of Buddhism helped "to divert the logical, Brahman mind from abstract speculation to the knowledge of mathematics, astronomy, chemistry, pathology and medicine" which later on made the Universities of North India famous throughout the world. In fact when "the western world was relapsing into political chaos and intellectual torpor, Pataliputra, Ujjain, Ayodya and other royal cities flourished in India under refined and cultured rulers." But all this cannot certainly be described in two-and-a-half pages. The treatment of socio-political institutions of India and the important role played by social guilds (varnas and ashramas the lack of whose corresponding institutions in the Greeko-Roman world landed it in socio-political tragedies like the Socratic conviction and Pericles-Aspasia and Caesar-Antony-Cleopatra tangles) is even more niggardly. Many more such lacunae in western treatment of Indian history may be multiplied.

This is my justification for a more elaborate treatment in this work of the Indian political ideals and institutions. It is more or less based on the principle in the homoeopathic system of treatment, the Law of Similars.

Lest my favourable assessment of Indian achievements in Politics (at places) be regarded as an effusion of narrow nationalistic pride I would, for the benefit of my critics (and future reviewers of this book) explain my attitude

towards the cultural attainments of ancient India in general and in Politics in particular. I do not deny some reasonable amount of national pride in myself; I would be less than human if I were to do so. But I claim enough objectivity and detachment on my behalf not to be taken off my feet by my national pride such as I may happen to possess. In fact my national pride itself demands that I should be balanced (*sthitadhi*) and non-attached (*nishkama*) in my appraisal of men and affairs. As a result I have been a merciless critic of our latter-day degradation, the present caste-system, nepotism, favouritism, jobbery and all other social evils of modern India and I may, in my sixtieth year, be excused for adding that I have paid the heaviest penalties for that.

The India whose achievements I have found it fit to praise is not the India of today (and that India is not the subject matter of the present study) but the ancient India whose greatness, if any, does not lend an automatic lustre on the India of my time. I am painfully aware of the paucity of contributions that my generation in India has made to the sum total of human knowledge, and I would not try to mitigate the shame involved in this situation by taking shelter under the usual excuses of political dependence, colonialism and the uncertainties of this age. A vigorous nation will forge ahead in spite of all such obstacles and if we are unable to do so I shall accept the castigation of future historians with the humility it deserves. For the sake of argument I am prepared to accept that present-day India is as far away from the intellectual vigour and wide outlook of Vedic seers as perhaps Shylock was from Jesus, — and at least in the vigour of their intellectualism the westerners are perhaps the better descendants of the Vedic *rishis* (provided anthropologists, antiquarians and other experts accept the vague imaginings of a lay man like my humble self). This intellectual vigour the westerners might have inherited or acquired from Greece. That might be so (provided again the experts agree). I would in that case only say that the western descendants of the ancient Aryan stock have emulated or inherited (as the case might be) only one aspect of the ancient Aryan.

greatness — i.e. intellectual vigour which the Greeks (over-) emphasized but neglected the other aspect of Aryan greatness, — spiritual serenity and self-possession which the Aryan masters of ancient India emphasized. The westerners' inheritance would be complete if they combine the legacy of Greece with the legacy of India. This is the appeal of this book for western readers:

The lesson of this book for Indians (and near Indians) is that the greatness of ancient India is not a type of virtue which could be automatically claimed by modern India simply because we happen to occupy the geographical habitat occupied by the ancient greats and profess to be their legitimate descendants. To be able to claim the greatness of the type achieved by ancient Indians we have to emulate their vigour (*virya*), their vision (*dhyana*), their discipline (*samyama*) and their aspiring efforts, (*sadhana*). Perhaps in this we can receive valuable help from the West which through the Greek traditions seemed to have acquired intellectual vigour and knack for acquired knowledge.

It would thus be seen that mine is not the attitude of a national megalomaniac but of a person keenly interested in building up modern culture on a balanced harmony of rationalism and spiritualism. The dangers of undigested spiritualism has been so often discussed in the context of India's present or recent deterioration that I do not feel it necessary to re-emphasize it once again excepting to point out that India's failure to tackle her problems of poverty, subjection and suffering is not because of her "spiritual" outlook but because of her inability in her later history to follow the strenuous path of aspiring efforts or *sadhana* which her own spiritual ideals dictated. When she had the courage and strength to follow her spiritual ideals she did not fail to make valuable contributions to positive science which in the interest of humanity (and not merely to bolster up India's nationalist pride) should be made available to all concerned, and this I have certainly tried to do in the present work. By focussing the attention on the positive achievements of the Hindus, specially in the domain of Politics and Sociology, I have

endeavoured to dispel deep-seated disparagements imbedded in the western mind about the capacity of a spiritually oriented people for positive achievements, because I believe that the for the proper development of human civilization spiritual orientation must supplement the rationalism of the West whose lone and undisputed reign on our cultural arena threatens us with the destruction of all higher values whose dark forebodings had made the greatest intellectualist and humanist of the last century utter the warning, —

“ Er nennt es Vernunft und braucht es allein,
Nur tierischer als jedes Tier zu sein”.

(Goethe's "*Faust*")

I also believe that much of the neglect and disparagement of India's achievements in positive science (including social and political science) are due to the feeling (among enlightened westerners and westernized easterners) of strange-ness and foreign-ness about Indian culture just as their enthusiastic acceptance and eulogy of Greek culture are due to the feeling of kinship and nearness for it. If the West could be made aware of its kinship with ancient India, I suppose, a more sympathetic attitude towards her culture and a greater appreciation of her achievements could be created among western (and westernized) thinkers. And this has also been one of my endeavours in this work. If as Professor Radhakrishnan has said "in the Rg-Veda the European will find memorials of his own racial inheritance" is true, the western intellectuals will find that they are not strangers to India but only separated from her by historical accidents and that the legacy of India is not meant to be inherited only by Indians but also by the West; — and then their undue opposition to or at least suspicion of Indian ideals like spiritualism, *yoga*, *dharma*, *varnashrama* etc. might give way to more rational attitude towards India's cultural achievements including those in Political Science. Such are the inspirations behind the authorship of this work.

K. P. Mukerji.

Vidyodaya University, Colombo.
March, 1961.

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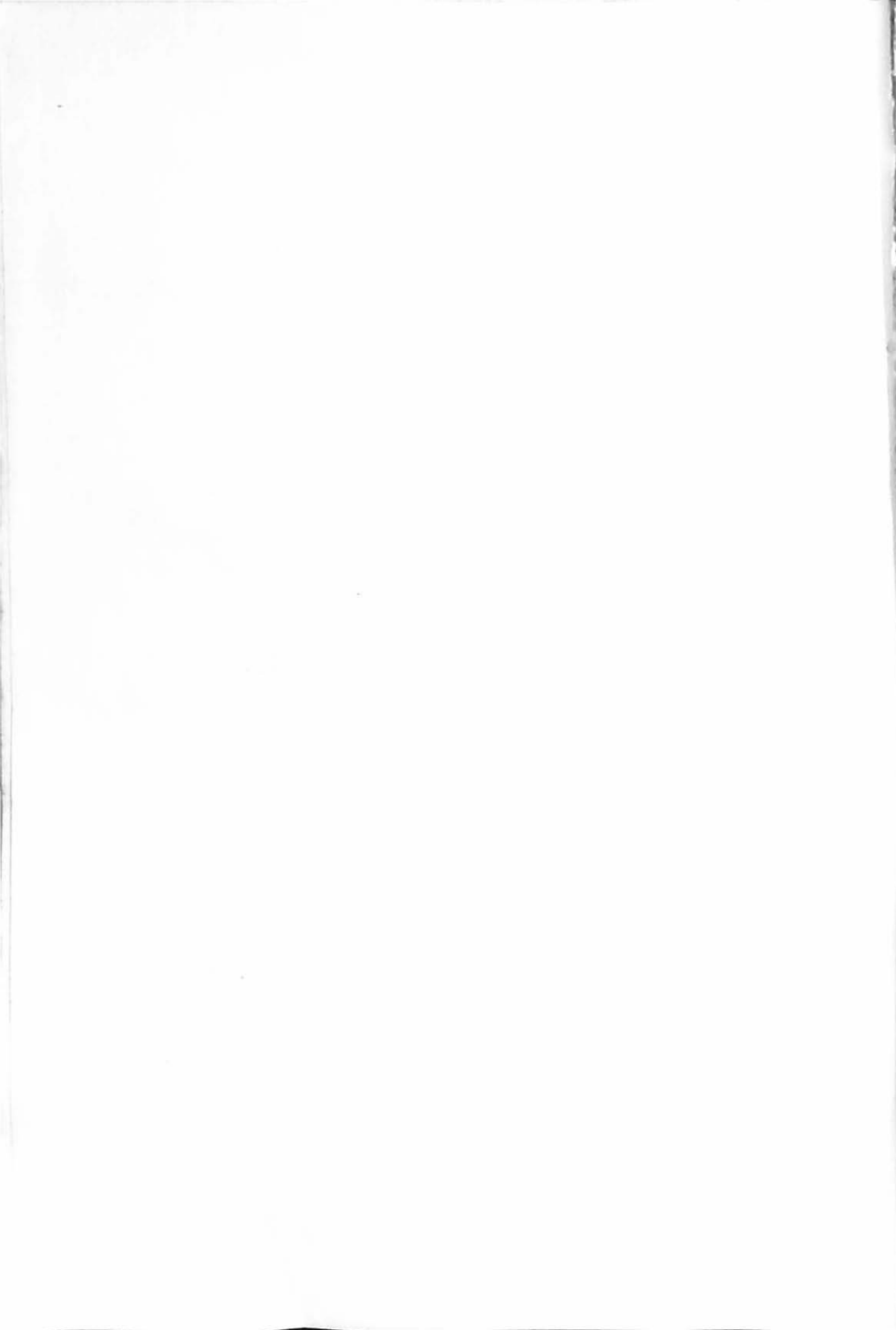
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PART I

HINDU POLITICAL EXPERIENCES



CHAPTER I

INTRODUCTION

According to Aristotle (the acclaimed father of Political Science), man is a political animal; but according to his nineteenth century European descendants the Hindu is an exception. Disregarding social anthropology and racial history they satisfied themselves somehow that in Asia there neither is, nor ever was, any love of liberty, any concern for social justice, any attempt at responsible government, — and since India was in Asia, what applied to Asia in this regard applied *pari passu* to India. According to Hegel's *Philosophy of History* (1900) if Asia generally has been the scene of despotism and tyranny, the worst part of Asia in this respect has been India because, whereas in other Asian countries (such as China, Persia, and Turkey) there had been protests and struggles against despotism, in India there has not even been any expression of resentment against it.

Others, less ruthless in their attack than the mentor of Prussian despotism, regret the absence of the spirit of liberty in the early political writings of India which, according to them, are confused heaps of religious and ethical dicta unrelated to any general principle and hence useless to the political theorist. Moreover,

as A. Willoughby (in his *Political Theories of the Ancient World*, 1903) points out, the ruler of the Vedas and the Institute of Manu is the autocratic monarch. Having thus satisfied themselves through their coloured-glass view of things they feel justified in coming to the conclusion that India had no experience of "democracy" and no idea of the State, both of which again were the discoveries of the West and by West is of course to be understood *Greece, untouched by Asia*. L. T. Hobhouse in his *Social Evolution and Political Theory* (1911) tells us that the earliest form of the State known to us is the "City-state" of ancient Greece.

Not satisfied with these, western social thinkers tried to show further that Political Science could not have been expected to be known to or understood by the Hindu because this essentially non-political animal (*i.e.* the Hindu) is dominated by theological considerations (in his political writings), is muddle-headed (as he brings in other subjects in his discussions on Politics) and is an other-worldly escapist by nature.¹ Having satisfied themselves about the inherent incapacity of the Hindu for political speculation and institution-building, our western masters present us with a list of achievements of the ancient West in

1. I have tried to answer these charges in my paper on *Hindu Positivism* published in the *Bombay University Journal*, Vol. XXIII, No. 1. Works of western thinkers who take contrary view to the one which is current (such as Rhys Davids, Rawlinson, McCrindle) have gone unheeded by political scientists (western or westernized).

matters political and of course "West" in this context always refers to Greece untouched by the East. Accordingly (i) the "State" originated in the West because the *polis* (mis-translated as "City-state") originated in Greece, (ii) "democratic government" originated in the West because a rabble of two thousand and odd middle-class male social drones could order the judicial murder of a person like Socrates, (iii) love of positive life and beauty originated in the West because they are acquainted with the paganism of Greece and not of any other pre-Christian culture and (iv) of course science and philosophy originated in Greece otherwise the theory of cultural imperialism of the West falls to the ground. My limited but sincere readings give me very different indications.

Without denying that the Greeks were one of the progressive peoples of the ancient world, my readings tell me that the Greek society (in spite of its much vaunted democracy and enlightenment) was privilege-ridden, class-conscious, slavery-supporting and ungenerous to women. It was a society which by consensus of authoritative opinions had grown rich by the employment of slaves (males in the mines and females in the textile industry) and grown privilege-ridden by reserving citizenship rights to males born in particular families, so that at the prime of Athens' political affluence less than ten per cent of her inhabitants were citizens. It was a society which had grown corrupt by conceding political power without providing

training in restraint and by encouraging fighting as a national virtue which brought booties of war as rewards in the bargain. Patriotism confined to city-loyalty was often bartered for gold and national unity was unknown in the history of Hellas. Finally it was a society grown despicably degenerate by the isolation of women left in deliberate ignorance and secluded subjection meant only to be used as play-things of man, so much so that even philosophers and statesmen openly lived with mistresses (without loss of public reputation).

In comparison the Hindu record is not worse either on the social side or on the side of political speculation and institution-building. Leaving out the veneration that has been shown to women in India in the Mother-cult (which was unknown in ancient Greece), in education, in the concern for their welfare, in the exercise of right over property and in participation in public life and society-building the Hindu women were in a much better position than their Greek sisters. In addition in India despotism was checked and republicanism was practised in an indigenous way which certainly was not less efficacious than the Greek counterparts; class-privilege was mitigated by the responsibility attached to the higher classes and the over-all spirit of renunciation which oriented the life of the abler section of Hindu society. In political speculation and institution-building the conception of the State as a general welfare agency of society is an Indian contribution whereby

social justice was sought to be safeguarded by the insistence on the due discharge of the duties of one's station in life (*dharma*) in every stratum of society and public liberties defended in extreme cases of despotism even by regicide. Republicanism (decision by votes), national unity, women's freedom, empire-building, organization of public utility services, universities and army and popular control over rulers' powers were not the monopoly of the ancient West and India's contribution in all these fields were at least at par with those of Greece and Rome.

The general trend of western scholarship has not been fair by ancient India in the assessment of India's political and social contributions. Academic fair-play demands that the political ideas and institutions of India and Greece should be discussed in a single volume and kept side by side for a fair comparison and assessment. This work has no higher pretension than that.

CHAPTER II

THE ORIGIN AND GROWTH OF HINDU POLITY

A coercive agent of human government as an unfortunate necessity for social harmony due to the moral degeneration of man from an original status of sinlessness in an all-perfect Golden Age without lust, anger, greed and delusion has been the traditional way of tracing the history of the origin of State in pre-historic past with which the names of Locke and Rousseau are intimately connected. But the earliest proto-type of this kind of thought is to be found in the Indian epics written at least a thousand years before Christ ; and repeated in the Indian mythologies (*puranas*).

Whatever be the propriety for this attempt at tracing the origin of State to a progressive decline of human morals (and growth of human perfidy), all such attempts seem to me to have in their inner core a substance or substratum of truth, viz., that the most morally justifiable form of human government lies in not being governed by an outside agency but (as was believed to have been the case in the *Krita Yuga* or Golden Age) in self-rule or being a *Swa-rat* or an auto-crat using the word in its etymological sense. As a moral entity, which an enlightened man is, man cannot realize his true self if he is not governed by himself or if he is governed by others. This is the kernel of Philosophic

Anarchism and is a basically sound proposition. But this proposition is based on an assumption, that man is a moral entity. In other words, provided man is a moral entity he can realize his true self in only being self-governed. In the idiom of ancient Hindus reiterated by that great scholar, Lokmanya Tilak, man can perform *Swadharma* only under *Swaraj* and therefore Tilak declared "Swaraj is my birthright and I shall have it." In the Golden Age of Indian conception (*Krita Yuga*) dharma or morality was automatically followed as a part of the law of being and hence men in that age were regarded as *auto-crats*, *swa-rats*, self-ruled persons who did not require any coercive institution like the State nor its laws.

But just because the *dharmic* or righteous man can claim *swarajya* or self-rule as his birthright, it is necessary for the ends of social justice or for the purpose at least of minimising social injustice, to have a coercive institution for human government or State when people, discarding the rules of ethics and duties of life, become *adharmic* or selfish, greedy and deluded by pleasures of senses. And since the evolutionary cycles (*kalpas*) are pregnant with the spirit of self-dissolution or involution which sets in after a period of time however long, (may be millions of years, so that on the dissolution of one cycle another may emerge), evolution is permeated with the spirit of perversion, progressive decline of morals and deterioration of dharma, which ultimately must result

in such *adharmas*, (*i.e.* moral and material chaos) that the relevant cycle of evolution is obliged by its own inner pulls to experience an automatic involution or dissolution or *pralaya* which no doubt is followed by another cycle of creation or *Srishti*.

The sustenance of an evolutionary cycle after its Golden Age or *Krita Yuga* when men started to be contaminated by greed, lust, jealousy and selfishness necessitated, however, the prescription and enforcement of rules of ethics, justice and fair play (*i.e.*, *dharma*) by a coercive authority provided by the best will of society or the Divine will because the Divine dwells in the hearts of the pure-souled persons. A society where there is no pure-souled or conscientious persons, there *adharma* will continue to rule and it is freely admitted that pure-souled persons are rare—"Durlabho hi shuchirnarah.¹ This being so in times other than the *Krita Yuga* or Golden Age it is necessary to have a State for ensuring the Rule of Law or rule of *dharma* in society otherwise the weak and the meek are oppressed by the selfish and the strong just as in the fish-world the bigger fishes swallow up the smaller and *matsya-nyaya* conditions prevail.

The starting point of Hindu Political Philosophy is the basically selfish nature of man *admitting at the same time the possibility of rare*

. *Mahabharata, Shantiparva*—15 . 34.

pure-souled persons who can rise above selfish interests and promote the common welfare.

From prehistoric times of the Vedic Shatapatha-brahmana (xi 1.6.24) to the twelfth century authority of Mansollasa (II 20, 1295) via the epics and *puranas* we get a continuity of thought pattern affirming the need of the coercive power of the State to fight out the matsyanyayic tendencies which inevitably appear in society whenever the State authority with its coercive power (*danda*) is weak or absent. The *Mahabharata* therefore says that Dandaniti leads men to the performance of their duties and makes them desist from *adharma*.¹ It also says that *danda* is meant for punishing and bringing under control the impudent and uncivil and ungentlemanly persons (*ashishtan*) who are anti-social and against the moral life.² In the absence of *danda* or coercive power of the State the strong oppresses or swallows up the weak as in the fish-world³ and according to Shukracharya ordinary men are kept on the right path by the fear of punishment from the State.⁴

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1. Dandena niyate chedam dandam nayati va punah
Dandanitiriti khyata trillokanabhivartate. *Shantiparva*—59:78
Dandaniti swadharmebhyaschaturvarnyam niyachchhati
Prayukta swamina samyagadharmebhyo niyachchhati.
Shantiparva—69:76
 2. Yasmadadantandamayatyashistandandayatyapi
Damanaddandanashchaiva tasmaddandam vidurbhudhah.
Shantiparva—15:8
 3. Dandaschenna bhavelloke vinashyeyurimah prajah
Jale matsyanivabhakshyandurbalam balavattarah.
Shantiparva—15:30
 4. Rajadandabhayaloka swaswadharmaparo bhavet.
Shukraniti—1:23

But the classic exponent of the need of State authority for the purpose of maintaining a just or justice-oriented cultural social order is of course the greatest name in ancient political literature, Kautilya, who, however, with his customary thoroughness does not forget to tell us that the coercive power of the State is conducive to social welfare and justice only when it is exercised impartially by a law-fearing ruler, and that is why he advocates that the *danda* should be exercised impartially over all according to their guilt without fear or favour, and that this rule should be observed in the case of the king's son as well as his enemy.¹

So Hindu political thought which must have crystallised itself into some basic fundamental principles of universal validity by 500 B.C. (if not by 1000 B.C.) starts with the acceptance of the view that faced with the choice of the anarchy of a Hobbesian state of Nature (or *Matsyanyaya*) and the curtailment of freedom of the anti-socials under the fiat of the State, the acceptance of the State authority is certainly preferable, provided of course, the State which is brought into being for the promotion of *dharma* or at least the suppression of *matsyanyayic adharmā*, does not forget its *raison d'être* and hence it was repeatedly emphasised that the supreme power in the State was not the ruler but the *dharma* and the ruler was only

1. Dandohi kewalo lokam param chemam cha rakshati
Raja putre cha shatrun cha yathadosham samadhritā.

Kautilya's Arthashastra—III:1

the instrument for realising dharma.¹ This emphasises the agency aspect of the State and hence the intrinsic modernism of Hindu political thought. But of this more later.

The foregoing paragraphs have been, so to say, interpolated here before turning to the problem of the genesis and growth of Hindu polity for bringing to the forefront an important but little appreciated fact about ancient Indian political thought, viz., that of the time we have any record of political speculation of the ancient Hindus (which is at the latest 500 B.C.) the utility of the State as a subservient instrument of social welfare and justice had been already accepted by the philosophers and the laymen of India and that she was not experimenting with society-building or constitutions as was the case in the corresponding period in Greece. Between 600 and 100 B.C. Greece was groping in the dark in vain for a stable and viable social order capable of promoting welfare of an entire people in the Greek peninsula without ever succeeding in hitting on the idea of a State in the modern sense of the term, when India, having conceived the State as an instrument of social welfare subordinated to the law of Nature or *Dharma*, was not stagnating politically as some would have us believe but was vigorously experimenting with the detailed problems of improving the administration and

1. Vyavasthityamaryadah kritavarnashramasthitah
Trayyahi rakshito lokah prasidati na sidati. *Ibid*—1:3
Chaturvarnashramo loko rajna dandena palitah
Swadharmakarmabhirato vartate svesu vartmasu. *Ibid*—1:4

machinery of the State. The earlier Dharma-sutras and Kautilya's *Arthashastra* are the documentary proofs thereof.

Such records as we possess of the social amalgamation of Hindus in the earliest epochs enable us to hazard the opinion that following the pattern of social life of Indo-European group of nations the first institutions of human government among vedic-aryans must have gradually developed from the disciplines practised in patriarchal joint families gradually developing into janmans (village kinship), *visa* (or group of kinship villages) and *jana* (several visas or tribes) and that in all probability the earliest governments in ancient India were tribal. The love of family, the respect for marital relation and preservation of family property, in other words, the defence and peaceful enjoyment of marital and proprietary rights were the main stimulants to the growth of organised government.

The Vedic governments were still tribal and for that reason the Vedic people were still nomadic, at least migratory,—people inspired by the *Wanderlust*, not necessarily an aimless *Wanderlust* of gypsies but of people who had not yet found out a suitable habitat to settle down. Necessarily they were a robust, adventurous, open-minded, charitable and courageous people—a courage which was as conspicuous on the physical as on the mental plane.

At this (tribal) stage their governmental agencies presented the spectacle of States without territories or *rajyas* without *rashtras*. Gradually through societal processes most of which are not known to us, the peripatetic governments got themselves transformed into territorial States—and then Aryavarta was fully colonised.

The earliest Indian polities were not only non-territorial, migratory, but also loosely combined kinship groups or *visas* united through defensive and offensive alliances over which the tribal chief (or *Janapati*) exercised a sort of fluctuating control. But this state of affairs must have been over by 1000 B.C.

It may now be asserted with some amount of certainty that a community of material interests and cultural values emerged in the Indo-Aryan communities by the 6th century B.C. which transformed the loosely held tribal polities into organically united territorial States and even though the components of these polities remained *more or less* the same, they lost most of their independent conceits and acquiesced to remain as subservient units of over-all functioning States with ascertainable geographical boundaries.

As already mentioned earlier the component units of the Indian State had its tribal state origins which in their turn had patriarchal family origins hence *kinship* seemed to have

remained the most important cementing force of social amalgamation in India as it was in other Indo-European communities elsewhere. In this connection it would be an interesting occupation for scholars to make a comparative study of Indian *janmans*, *visas* and *janas*, the Greek *gens*, *phratries*, *demes* and *phule* and the Roman *gen*, *curia* and *tribe*.

What can be said at the present state of our knowledge is that they seemed to have developed on considerably similar lines and both in the Indo-Aryan and Greeko-Roman worlds the basic inspiration for peaceful and settled form of government were the anterior social institutions of *marriage* and *private property*—and probably there is a good deal of truth in the theory of philosophical anarchists which points out that if the acquisitive instinct was not allowed to grow in man, a State with its machinery would not have been necessary. The question that would, however, remain to be eternally answered is—Was it possible to suppress, repress or sublimate the acquisitive instinct *en masse* ?

In ancient India there seems to have been a fairly good appreciation of these problems and hence the most ennobling social concept of human civilization, the Brahmin-idea, was contributed by the Hindu civilisation as its unique gift to humanity. The core of this idea lies in conceding the innate depravity of the acquisitive instinct in man and at the same time the

full realization of the fact of the preponderance of this baser basic instinct in human nature—and hence the solution to combat the evil was found in a compromise namely of recognizing the play of this instinct in a modified form in the average person and the relinquishment of this instinct by the spiritual elite¹ of society through voluntary renunciation of careerist pursuits (*i.e.* the *Brahmanas*).

But, by and large, having regard to the strength of the acquisitive habit of generality of human beings, government in ancient India was based on the recognition of the twin instinct of sex and material acquisition whose legitimate satisfaction demanded a political instrument endowed with the organised might of society or the State. The *Mahabharata* therefore enjoins that one should first secure a king and then wife and wealth because in the absence of a ruler where is the wife and where is wealth?² Kamandaka also points out that the fear of the coercive power of the State is essential for social peace because the world is covetous of wealth and women³ and therefore

1. A rather naive question is sometimes asked in this connection: How do we know that a spiritual elite exists in society? The answer is simple: The very fact that the Indo-Aryan society felt the need of a non-possessing, voluntarily renouncing spiritual elite and discussed matters relating to the provisions to be made for it in their social scheme is a positive proof of its existence in that society. Who else but a spiritual elite of a high order could provide for the voluntary renunciation of all careerist pursuits for its own class in the Brahmanic way?

2. Rajanam prathamam vindet tato bharyam tato dhanam
Rajanyasati lokasya kuto bharya kuto dhanam.

Shantiparva—57:41

3. Stridhanalolupam jagat. *Kamandaka*—II:42

in the absence of the State's coercive authority (*danda*) the world would revert to the state of primitive anarchy (*matsyanyaya*). Dr. Kane has pertinently pointed out that these ideas have been echoed in the later writings of Europeans such as Machiavelli.

Like any ancient civilization, the Hindu also favoured the king to be the head of the State, but many republics and oligarchies also prevailed in ancient India. Western scholars and following them even some Indian scholars have created a bias against the State-builders of ancient India by trying to depict them as lovers of monarchical tyrannies to whom the higher ideals of republican democracy and rule of law did not appeal. Nothing is farther from the truth, because monarchy, as we know from the British or Swedish examples, may be more conducive, under proper safeguards, to the growth of constitutional government, rule of law and individual freedom than republics controlled by ambitious demagogues which present us with the spectacle of tyrant cities such as Athens had become in the course of time and Sparta had always been. The Indian monarchies were always, at least so far as their theoretical and philosophical foundations were concerned, constitutional (rule of law) States as will be shown later. (See Appendix iii).

Another fact that eludes the notice of scholars is that the elective principle has been applied throughout the long history of Indian monarchy

right from the Vedic time to the middle ages whenever suitable hereditary rulers were not available. Reference to the election of a king is to be found in the *Atharvaveda*¹ where it is also stated that the king is elected by nobles, king-makers (*ratnins*), sutas, village headmen, chariot-makers and metal-workers. Other references of elected Indian kings are to be found in relevant texts such as the election of Janmejaya in Adiparva, of Rudradaman by the people of Saurashtra (150 A.D.), of Gopala the founder of the Pala dynasty of Bengal (730-740 A.D.), of Harsha-Vardhana (604-647 A.D.) and of Yashaskara mentioned in *Rajatarangini*.

Another important fact about Indian monarchies is that though owing to the amalgamation of military power with administration in ancient days, thrones were occupied mainly by males, females were not debarred from becoming monarchs, which also was possible because the constitutional nature of the Indian monarchy made it immaterial whether the occupant was a male or a female provided he or she was far-sighted and understood his or her constitutional limitations. The widow of King Agnivarman (in the Raghuvansa), the 10th century Kashmir queens Sugandha and Didda (*Rajatarangini*), Danda Mahadevi, daughter

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1. Twam visho vrinatam rajyaya twamima pradishah pancha devih.
Atharva veda III:4:2
 Ye rajano rajakritah suta gramanyashcha ye
 Upastin parna mahyam twam sarvankrinbabhito janam
Ibid—III:5:7

of king Shubhakara of Ganjam (13th century) were crowned rulers in their own rights.

Democracies :—

Apart from the respect for the *rule of law* and constitutionalism among the Indian monarchies, the consultation of the people's voice in the political life of ancient India is further proved by the definite evidence of republican States even before the epochs and certainly during the period when republican polities of the diminutive *polis* type came in vogue in ancient Greece. Even in the *Mahabharata*¹ there are references to *ganarajyas* and the difficulty of forming uniform policies and keeping secrecy in the administration of such republics. The same epic refers to the *Sangha of Vrishnis* whose president was Krishna and we have the authority of the world's foremost grammarian, *Panini* that *gana* and *sangha* are synonymous terms. Kautilya also uses the terms *sangha* as a synonym for *gana* or republic. For about a thousand years (500 B.C. to 500 A.D.) the Indian sub-continent was studded with republics.

In fact Kautilya in his *Arthashastra* devotes considerable space on the advantages of winning over republics and gives important information regarding their types and workings (Book XI).

1. Bhedomulo vinashohi gananamupalakshaye
 Mantrasamvaranam duhkham bahunamiti me matih.
Shantiparva—8
 Gotrasya nasham kurvanti ganabhedasya karakam
 Abhyantarabhayam rakshyamasaram bahyato bhayam.
Ibid—107

Here he mentions Kamboja and Surashtra as *Srenis* or warrior groups who lived by Varta (*i.e.* trade, agriculture and animal husbandry) as well as wielding weapons of war—that is those who fought battles in times of necessity but otherwise followed agricultural and commercial pursuits and had no aristocratic pretensions like some others such as the Lichchhivika, Virjika, Mallaka, Madraka, Kukura, Kuru, Panchala, who lived as rajan or chiefs not indulging in manual work or business but forming only the ruling aristocracy.¹ He also makes the pertinent remark that it is easier to create dissensions among such republican people because of the existence of rival parties whose leaders are often quarrelling among themselves.

There are, however, references to powerful Indian republics in the writings of authors who lived centuries before and after Kautilya such as the Greeks like Megasthenes and Buddhist authors of *Jatakas* and *Vagga* literature.

The *Mahaparinibbana-sutta* (in Chapter I) sets out conditions of welfare for the Vajjian republic namely (i) of holding frequent meetings of assemblies, (ii) conducting these meetings with decor and concord, (iii) respecting long standing conventions and elders, (iv) respecting and showing consideration to women, (v) honouring shrines and (vi) supporting *Arhats*.

1. Kamboja surashtra kshatriyashrenyadayo vartashastropajivinah
Lichchhivika virjika mallaka kukura kuru panchaladayo rajashabdropajivinah. Kautilya's Arthashastra—XI:1

Dr. P. V. Kane¹ rightly complains about the lack of information about the qualifications of voters and members of the assembly which governed the republics, the manner of taking votes and about the term of office of the president or of the Assembly itself. But he himself has noted the existence of an inscription from Uttaramallur which mentions the extent of land to be possessed by and of vedic earning required in a candidate for election and also the method of writing on tickets the names of candidates. These are the proof of loss of valuable historical data but not lack of republicanism in ancient India.

As pointed out by Dr. Altekar, in ancient India the colonising warrior settlers claimed and enjoyed the privileges of royal connections and royal title (*rajanya* or *rajan*) even after they ceased to be the Kings and in fact the noted lexicon *Amarakosha* distinguishes between two types of republics, viz., those in which political power was vested in the descendants of the original founder-families (*Rajanayaka-gana*) and those in which it was vested in all Kshatriya families (i.e. the *Vajaka-gana*) and the *Arthashastra* (cited earlier) showed that both the *Kshatriya* (military class) and *Vaishya* (trading class) shared political power in these republics. In fact both etymologically and historically "*rajan*" may be shown to have indicated a ruler or wielder of state authority and not an autocratic ruler of a crowned polity which

1. See P. V. Kane's History of Dharmashastras. Vol. III p. 91

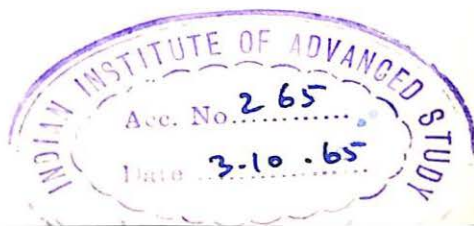
the English word king implies. It is unfortunate that "*rajan*" has come to be translated rather carelessly as "*King*". If this historic or etymological significance of the word *rajan* is properly grasped it would not be difficult to understand why in some of the Buddhist literature some republics (like the Lichchavi Sangha) are described as having thousands of *rajanyas* (mistranslated "kings"). Similarly the Yaudhyeyas, another republican people of ancient India, were credited with 5,000 *rajanyas*.

In later times, king Rudradamana (150 A.D.) in the Junagadh Inscription boasts of uprooting the proud Yaudhyeyas and Samudragupta, (4th Century A.D.) of subjugating the Yaudhyeyas, Malavas and Arjunayanas.¹

These and the numismatic evidence² are sufficient to prove the existence of *gana-rajyas* in ancient India. Prof. Rhys Davids in his *Buddhist India* mentions several republican clans of ancient India, such as the Sakyas of Kapilavastu, *Lichchavis* of Vesali, *Videhas* of Mithila and *Mallas* of Kushinara and in this connection mention has also been made of the fact that the Buddha belonged to the Sakya clan, which had a single elected chief at a time and that his father was a *raja* in the republican sense.

1. See Kane, op. cit. p. 89

2. See Allan's *Coins of Ancient India* and Altekar's "State & Government in Ancient India" pp. 109-111 re: the coins of the republican clans of Arjunayanas, Yaudheyas & Sibis



It is impossible, in view of these overwhelming proofs to discard the other important testimony of the existence of republics in ancient India, viz., that of Greek writers, as a sample of misunderstanding of the nature of Indian polities by these foreigners and this erroneous view has been rightly criticised and successfully demolished by Dr. Altekar.² Apart from all the absurdity of these arguments they are insulting to the intelligence of Greek historians who should have at least known the difference between a *monarchy* and a *republic*—and this distinction they maintained in all their writings. Nor are the Indian republics to be confused with small autonomous cities or villages under the sovereignty of monarchical chiefs.¹ The historical fact is that in the Punjab of Alexander's time there were more powerful and more extensive republics than monarchies—and Greek writers mention Indian democratic clans like —

Oxydrakai	=	Kshudrakas
Malloi	=	Malavas
Siboi	=	Sibis
Sambastai	=	Ambasthas

1. Some critics like M'Crindle think that the 'so-called' Indian republics were merely autonomous village communities and others like Fick think that they were similar urban communities. This of course is not tenable in face of definite proofs of larger States with elected assemblies of rulers: and even if some of them were small their status could not have been worse than that of the so-called republics of Greece. Athens at the peak of her prosperity could boast of only 1060 square miles of territory which was perhaps the extent of the territory of the Sakyan republic. The largest polis of Greece, Sparta, had an area of 3360 square miles and the area of the whole of Attica was roughly two-thirds of the size of Rhodes Island.

2. Altekar, op.cit. pp 100-109

Most of these republics, moreover, had resisted Alexander's invasion. The Kshudrakas and Malavas united into a confederation and the Ambasthas elected three generals for the purpose of opposing Alexander and the Greeks who rated republics higher than monarchies would surely have taken good care before giving them the credit of having republican forms of government.

It may, however, be a pertinent question to ask:— In what sense were these *gana-rajyas* democracies or republics ? The answer is that the Indian *gana-rajyas* were republics in no worse sense than that in which the much vaunted democracies of Greece were republics, because in both sovereign power was vested in a large central Assembly. Otherwise historical evidences go to prove conclusively that the so-called democracies of Greece, such as Athens and Sparta were neither based on universal adult franchise nor on the equality of sexes nor on the equal distribution of wealth. It is now well known to all students of history that women and slaves had no place in the much vaunted democratic Assembly of Athens, that the position of women in Greece was hardly better than that of man's maidservant and plaything and that Greek society was essentially aristocratic, that Greek governments were essentially oligarchies in which a precarious peace was maintained either by conceding to the plebeians the share of booties of war or by enforced slavery and threat, coercion and undue influence. The

position of Indian republics (or as a matter of fact of all Indian States) was not worse than this, and in one respect it was definitely better viz., the status of women. *Politically, economically, and educationally* the Hindu woman enjoyed a far superior status¹ to that of her Hellenic sister. At this stage of our knowledge only gross perversity or ingrained prejudice or both can confabulate a myth of European superiority in everything at all times. So far as the structural aspects of society were concerned both the societies were stratified, for instance into Brahmin, Kshatriya, Vaishya, Shudra in India and slaves, metics and citizens in Athens and these latter, that is, the citizens constituted a small fraction² of the community in both the countries (*i.e.* India and Greece).

It is very important in this connection to emphasize that the Greek democratic traditions

1. I have excluded here the consideration of another aspect of Indian womanhood—the mother aspect—in which the woman in India attained a position of veneration unequalled anywhere else in the history of human civilization—and certainly a very much better position than that of the woman in ancient Greece.

In Greece, even according to the most sympathetic Greek philosopher, Plato, the woman was regarded as an inferior male, in India she has been the very incarnation of the Platonic Demiurgus—the Mother of everything including Gods who are according to the Chandi, proteges of the Mother. The entire Tantra philosophy and ritualism are dedicated to the cult of self improvement and salvation through the worship of woman or rather the female principle in every woman.

It is perhaps not just an accident that we hear of Arundhati, Maitrei, Gargi, Seeta, Savitri, Gandhari, Draupadi, Lopamudra in India and not in Greece.

2. It is estimated that there were around 300 B.C. some 460,000 slaves in Corinth, 470,000 in Aegina and 400,000 in Attica. The Helots of Sparta . . . were ill-treated and frequently put to death. . . . In the Platonic *Laws* (ix. 856, the slayer of his own slave is to undergo a legal purification corresponding to that imposed on the unintentional homicide of a free man, and incur no further penalty.—L. T. Hobhouse: *Morals in Evolution* (1951), pp. 295-298.

were no better (and perhaps in many respects worse) than those of India although western and westernized admirers of Greek democracy have taken great pains to depict Hellas as the originator and the most classic defender of those traditions. It is necessary at this stage to remind ourselves that of Athens 300,000 population one-third was slaves and perhaps another third was alien residents (metics) who were debarred from any association with the government and devoid of all political rights which could not have been enjoyed by more than ten per cent of the population. We should further remind ourselves that even a political thinker of Plato's eminence "approved of slavery unreservedly, finding it a necessary condition for the maintenance of the proper status of the citizen. " Furthermore the much vaunted Athenian democracy was a democracy of the males only among those who were fortunate to be called free. According to Aristotle a slave does not possess the power of deliberation necessary for self-government, a child possesses it imperfectly and a woman possesses it but is without authority. Xenophon's ideal wife is a good house-keeper—and no wonder there was no girls' school in Athens.¹ According to Professor Gilbert Murray, to the average Athenian it was probably rather wicked for a woman to have any character, to take part

1. Ibid pp. 205-206

in public life or acquire learning.¹ We shall also see in the second part of this work that the Assembly of a Greek City consisted not of the elected representatives of all the people but only the male adults of privileged Greek families united into an oligarchic brotherhood (phratry). It was essential for a Greek to be accepted as a member of a phratry as a condition precedent to his recognition as a citizen.

As to the Greeks, so to the Hindus, citizenship was not so much the possession of a right as something of an obligation similar to those arising out of the membership of a family — with this important difference that whereas in Greece this membership was closed to foreigners in the main, in India in spite of some preference being shown to the regenerate (twice-born) Aryans, society was catholic enough to admit foreigners when it was considered conducive to the welfare of the people in general. Thus it was that the Greeks (Yavanas), Scythians, Huns and Kushanas were absorbed in the Hindu fold. In India, culture was considered more important than the membership of a narrow community and a cultured man could acquire citizenship or an honoured rank in society in any part of India irrespective of his province or even the country

1. In *Politica*, quoted by Altekar, *op. cit.* p. 331. It would be noted that if the status of women is any measure of democratic equality the Hindu women's position whether in private or public life was superior to that of the Hellenese women.

See Appendix ii.

of origin. There are instances of Greek provincial viceroys under Asoka, Parthian Governors under Saka kings, Hun administrators and later on Muslim functionaries under the Rashtrakutas.

As to equality in the eye of law as understood in modern times, its absence was no less marked in the Greek republics than in India. If in India lighter punishment was recommended by the Smritis for offences committed by Brahmans, in Greece not only a nominal punishment was imposed (on a citizen) for the murder of a slave—the slave was not even recognized as a personality in law and could be sold or put to death by the (citizen) master. Moreover “slavery remained a recognized fate for prisoners of war as an alternative to massacre, and even Plato could only hope that Greeks would abandon the practice of enslaving fellow-Greeks restricting themselves to the barbarians, who, as Aristotle held, were the only natural slaves.”¹ Taking all this into consideration it can be said with certainty that the Indian republics were at least as good as their Greek counterparts.

An additional feature of far-reaching consequence to the development of political thought in ancient India was that in the period of maximum advancement in political experiments of the Greeks (say from 400 B.C. to 300 A.D.) when not only the practical statesmen

1. L. T. Hobhouse : *Morals in Evolution*, p. 296

but even speculative philosophers like Plato and Aristotle could not think of anything beyond or better than the polis (or a City-Community), India had theoretically evolved the idea of a morally justifiable State subservient to the social will and mastered the technique of running such an instrument of social will for the practical purpose of administration of large masses of people within a single territorial jurisdiction. The result was that when Greece was experimenting with toy-governments, India was trying to evolve methods and means of stabilizing governments (both monarchical and republican) on the basis of the welfare of people concerned whose successful manifestations such as the grand administrative apparatus of Chandra-gupta Maurya or Asoka were never equalled by Greece.

It is necessary to remind ourselves constantly that it is the political thoughts and experiments of this dynamic ancient Indian people with which we shall be concerned in the pages that immediately follow, and not with their degenerate nineteenth-century descendants whom the white races cajoled, conquered, cheated and in the process re-taught the dignity of self-rule either by example or through insults or both.

CHAPTER III

THE HINDU VIEW OF JUSTICE, LAW, ADMINISTRATION OF JUSTICE

The existence of God interpreted as goodness and as the ground plinth of the cosmos is the necessary foundation of all moral and juridical philosophy; because that alone provides not only a norm for deciding *what is just* but also the reason or necessity for *conducting ourselves* in accordance with justice or *dharma*. Basic to the understanding of Hindu ethics and jurisprudence is the assumption of a universe which is *lawful to the core* and of the efficacy of the universal law in achieving desirable human goals when properly understood and applied to human conduct, activities and institutions. That which is just is not only appropriate and proper in Hindu thought but also desirable, progressive or enlightened—in fact the *just* is equated with the *virtuous*, i.e. with that which has the most desirable end, and secures *evolutionary fulfilment*.

In this last sense justice or *dharma* is connected with and is perhaps derived from the Vedic conception of *Rita*., and thence with usage (or *achara*), writ (or *anushasana*) and law (or *vyavahara*). The implicit philosophy which enables us to connect *Rita* with law is the one which views microcosmic man as a miniature replica of a macrocosmic universe and the origin of this philosophy is to be traced not to Plato

but to the Vedic rishis who must have flourished several thousand years before the untaught, unteachable Plato of western conception.

In the most ancient book of human civilization, the Rigveda, *rita* signifies the all-pervading cosmic orderliness through whose operation and observance by the stars, planets and other heavenly luminaries or *devas* (gods) the universe is governed. The gods who are special and first-born offspring of the primordial (Mother) God, are themselves bound by this supreme law of Being, that is *rita*. *Rita*, therefore, has been defined as that unchangeable principle that pervades the succession of phenomena—both terrestrial and ultra-mundane, including the phenomenal happenings of human life.

It is instructive in this connection to consider the significance of some of the derivatives of *rita*, such as *ritu*, *ritumati*, *riti-niti*, *niiti*, *ritvik* and *ritual*. *Ritu* means season which is associated with rain, irrigation, fertility, efflorescence, food-production or the production of the life-saving elixir, through the obedience of the cosmic law by the Earth in its annual and diurnal dance. Here is an instance of a most ritualistic dance of a celestial ballerina, the Earth, who never forgets the beat of her rhythmic obeisance to her Lord, the Sun, which is rewarded with love, life, abundance and joy—*premananda*, *jivanananda*, *vipulananda*. We seldom have the time to think and feel that the most

rhythmic thing and the most finished artist in the world is the Earth herself. And this she is because she is the daughter of a more ritualistic mother, the Universe—born of the primordial Vak or rhythm, the Spouse of Reality or *Brahman*. The Vedas therefore declared that, *prajapatirvai idam asit* (i.e., in the beginning was Brahman). *tasya vag dwitiya asit* (his double or spouse was Word), *tam mithunam sambhavat* (he united with her), *sa garbham adhatta* (she became pregnant), *sa imah prajah asrijat* (she created the creatures) *Sa prajapatim eva pravishat* (she then entered the Brahman.)

The *Taittiriya Brahman* therefore describes the *Vak* (Word) as imperishable (*akshara*), the first born of Rita, Mother of the Vedas, Centre-point of immortality, and the mother of sound and form (*nama-rupa*).

The miniature replica of this macrocosmic Mother Vak in the human kingdom is the woman—the mother of the human race and she is also as much *rita*-oriented or ritualistic as the mother who produced her i.e. the Earth and her mother the primordial Creatrix. The ideal Indian woman, like Sita, has therefore been compared with the mother Earth in her patience, dignity and strict observance of divine *ritas*, or laws of right living. As the Earth has its *ritus* or seasons or ritualistic periods of fertility, blooming, fruit-bearing and harvesting so has the woman her monthly periods when she becomes *ritumati* or *one in season*.

This coming in season of the woman (as it is called) is not an erratic but a well regulated and hence ritualistic phenomenon, like the spring, the rain, the autumn and winter. Everything connected with her is periodic, rhythmic, rita-oriented and ritualistic. The woman, the mother, is the giver of life and therefore it is very necessary for her to live, move and have her being (for getting better progenies) in life-giving rhythm, in *ritam* and *chhanda*, because—(and science confirms it)—everything is regulated by rhythm, periodicity—and cycles,—in fact all life pulsates in alternate cyclic order—the systole and diastole of the heart. The heart and lungs beat, the plants awake and sleep, the flowers close and open in alternate rhythms—and we even breathe in alternate, polarized breath - stuff—according to *Hatha-yoga*—hence the efficacy of breath - regulation or *pranayama*.

The biological manifestation of this cosmic rhythm of life as represented by her menstrual periods¹ has a deeper significance for the psycho-ethical make up of a healthy woman inasmuch as it makes her more sensitive to cosmic influences or intuitions as they are sometimes called—and brings her nearer to God, as the western mystic Maeterlinck has said. Because of this nearness to God or quint-essence and source of life woman is regarded

1. According to some authorities even before puberty, and during pregnancy and even after climacteric the menstrual rhythm continues in the woman though not apparent. Her super-sensitiveness in these periods cannot escape the notice of even a seasoned materialist.

as the miniature replica of the World-Mother—in fact every woman is a manifestation of the mother-spirit according to the *Chandi*.¹ Her physical and intellectual inferiority (if any) is therefore more than counterbalanced by her intuitional and spiritual superiority.

According to this view, she is not primarily so much the doer as the *energiser* (Shakti) and inspirer of right conduct, right action, right thought. As one more *naturally* integrated with the Primary and Primordial law of life and creativity, she knows instinctively the right path, the path of *rita*, the cosmic law. As the senior citizen of the Universe she is more mindful of the duties of her station in life and knows the appropriate means of discharging them—and thereby remaining law-respecting, *rita*-abiding, usage-respecting, and custom-following, tradition-loving and order-evolving, mother of culture. Apastamba, therefore, enjoins that customs should be learnt from women.²

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1. Vidyah samastastava devi, bhedah
Sriyah samasta sakalajagatsu—*Sri Sri Chandi*. XI. 6.
 2. Stribhyah sarvavarnebhyascha dharmasheshanpratiyadityeke.
Apastamba Dharma Sutra II. 14 - 15.

This view of woman is of course very different from that of the ancient Greeks whose disrespect for womankind was too patent to admit any doubt. Even according to Plato (the only Greek Philosopher who was to some extent charitable to woman) she was only an inferior male. In fact in *Timaeus* Plato puts forward the theory of the origin of women from man through successive degradations. Cowardly and unjust men after death were born again as women.

From *rita* therefore comes *riti* or usage which becomes intimately connected in Hindu thought with *niti* or morals.

In fact *riti-niti* are often compounded as one word, indicating the intimate connection of usage, and custom with morals and right conduct, not that every old custom is good but it creates a presumption in its favour till the contrary is proved.

Hence the repeated advice to rulers and especially to conquerors of new territories to respect local customs. Manu declares that a king who knows *dharma* or sacred law should carefully inquire into the customs of the *Varna* (a class), of countries, of guilds and families and enforce the customs peculiar to each.¹ Yagnavalkya "provides that when a conqueror reduces a country to subjection he should preserve intact whatever customs, laws and judicial procedure, and family usages are handed down from generation to generation

1. *Jatijanapadandharman shrenidharmanscha dharmavit, samikshya kuladharmanscha swadharman pratipadayet.* Manu VIII. 41.

Yajnavalkya (in II. 192) provides "that varying usages and conventions of *Srenis* (guilds of artisans), *naigamas* (traders), heretics and associations of soldiers and the like should be respected by the King in the same way as he honours the usages of learned brahmanas.

According to Kautilya—

Desascha jatya sanghasya dharmo gramasya vapi yah. Nebitastasya tenaiva dayadhamam prakalpayet—Arthashastra III. 7

That is, the king shall follow as regards inheritance and partition the customs that are in vogue in a country, caste, *sangha* (company or guild) or a village.

therein (provided they are not opposed to (*Shastras*)¹, and other law-givers advised the ruler not to cause confusion by imposing the usages of his own country on the conquered country. Of course when a usage is opposed to the text of *Vedas* or *Shrutis* the latter will prevail because a custom contrary to revealed *dharma* or right law is not to be respected.²

But it is interesting to note that the general trend of opinion is reverse so far as the position of customs contrary to *Smritis* or written laws are concerned. Hence (unlike the revealed or inspired laws of *Shrutis* or *Vedas* which have been rated superior to the custom or *riti*) the better opinion always seems to have been to recognize the superiority of customs over text of *Smriti* laws whenever they were in conflict with each other, provided the customs were of the unselfish *Shishtas* or cultural elite untarnished by selfish motives or motives of exploitation of the weak. This view has been epitomized in his translation of *Manu*³ by Sir William Jones where he says that "under the Hindu system of law clear proof of usage will outweigh the written text of the law" and accepted by the British judiciaries in deciding Indian Cases.⁴

1. *Yajnavalkya smriti* - I. 343

2. *Shrutirhi baliyasyanumanikadacharat. Apastamba Dharma Sutra* I 1.4.8, and *Vipratishedhe shrutilakshanam baliyah-Ibid.* I 11.30.9

3. According to *Manu* customs (or *acharra*) are transcendental laws. *Chaturnamapi Varnanamacharaschaiva shashwata.*

Manu. I .107.

4. For instance in *Collector of Madura vs. Mootoo Ramlinga* (Moore's Indian Appeals. XII, p. 436) and *Bhyah Ram Singh vs. Bhyah Ugur Singh* (Ibid. XIII. p. 390).

It is necessary to inquire into the rationale of placing the authority of customs below the *Shrutis* (*Vedas*) and above the *Smritis* (or written laws). The obvious reason was the respect for Cosmic law or *Rita*; and whichever category of laws was nearer *Rita* was given priority over those removed farther away from *Rita*. The *Shrutis* (*Vedas*) as revealed knowledge were considered to have been more directly and intimately connected with *Rita* than the *acharas* or customs, hence customs contravening the *Vedas* were to be discarded. But next to the revelations of the *Vedas*, the rules of life embodied in the usages of localities, guilds and groups were likely to be based on natural justice or *Rita* and therefore the *ritis* (customs) though of lesser validity than *Rita* represented in the revealed laws of *Vedas* are certainly of greater efficacy and sanctity than the written laws embodied in the *Smritis*. The general principle then seems to test the sanctity of law by the degree of its accord with the all pervasive cosmic law or *Rita*.

The philosophy behind this idea of judging the efficacy of law through its intimacy with *Rita* is based no doubt on the assumption of a Universe which is lawful to the core and which therefore necessitates the further assumption of a body of *Natural Law* or a *Cosmic Dharma*. This is neither introducing muddle-headedness in "scientific thinking nor importing a reign of pure subjectivism in social philosophy at all;

because, as I have said elsewhere,¹ "a civilization which allows the Universe to remain in a moral chaos cannot discover the moral foundation of society. This is so because, "the moral validity or sanctity of social facts and institutions depends upon their ability to prove their descent from a metapositive or super-existential, presumedly desirable or moral reason or natural law² to which we must submit ourselves and our institutions if we want to search for moral validity of our private and public actions, whatever may be the practical difficulty of finding out natural law³ (the Hindu equivalent of which is *Dharma*).

But *Dharma* is a difficult word to deal with. It seemed to have become very popular in the philosophical literature of India and like popular leaders who develop many facets to their character *Dharma* yielded to many interpretations varying according to the theme and context of its use. *Dharma* in the context of an individual member of a society is his moral obligations because these characterize the essential quality of a human being who is at his best a moral entity, *Dharma* in the context of a society is *social solidarity* because that represents the characteristic quality of society. *Dharma* in the context of religion is self-satisfaction or *beatitude* because that

1. See Chapter VIII of my "*The State*". (Madras. 1952).

2. *Ibid* p. 253

3. *Ibid* pp. 269-274.

characterizes the essential reward of religion, Dharma in the context of law and politics is justice because that represents the essential character and aim of law and politics. It would be seen that the word "Dharma" has traversed a wide field away from its etymological meaning—of *socio-moral cohesiveness* or *solidarity* but to a careful observer of this transformation of its meaning the effect of the root meaning is still visible in all its ramifications. Because *solidarity* or supporting or maintaining its own identity amidst the forces that are trying to disturb its equilibrium or *poise* is the law of being of anything which exists, Dharma in its most genuine sense means following the law of our being and since we are all issues, ultimately, of the one supreme Being (*Eko Devo*) we are truly our own selves when we are following the law of our best selves, in which lies Justice. Thus *dharma* in the *Dharmashastra* literature came to be equated with justice or social justice. Political Science in India therefore has rightly been regarded as a branch of Ethics or *Niti-shastra* because par excellence Political Science is the Science of social justice. The acceptance by western scholars of the socio-ethical basis of Political Science is the clearest vindication of this view. But let that go.

Let us now turn to the interpretation of *Dharma* as social justice and the effect of that interpretation on the Hindu conception of Politics and political institutions. The Hindu political ideal is nothing less than realisation in social life

the guidance and operation of the cosmic law or natural law—therein lies dharmic advance or real progress, that is progress according to evolutionary fulfilment. The Hindu view of natural law, however is relativistic and evolutionary¹ and this view has saved Hindu social philosophy both from the dogmatism of materialist and the escapism of idealist thinkers of modern times. The World according to the Hindu view is neither absolutely perfect, ready-made by God or Nature as such nor absolutely imperfect—rather it is to be viewed as a perfection-oriented imperfection, a contrivance guided by the law of relativity (a play of the real with the ephemeral but the ephemeral is also inspired with the dream of the real which is its creator), towards the absolute whose realization is its inherent urge or Dharma. All men are not equally enlightened and hence *dharmic* is relative to one's enlightenment. But to the degree one is enlightened to that degree *dharmic* or moral life becomes more and more of a necessity. To the fully enlightened Soul (The Buddha) *dharmic* is an imperative necessity because he is alive to his relation with the whole Universe.

1. The Hindu view of natural law or *dharmic* is relativistic and evolutionary, and by taking this view the Hindu philosophy has avoided the dogmatism and escapism of "materialists" and idealists respectively which either leads to the denial of the need of considered action or the denial of the need of moral life.—K. P. Mukerji: *State*, p. 325.

This relativistic and evolutionary view of natural law is being accepted in the West now. See W. Friedman's *Legal Theory*, London, 1944.

In fact an epoch in which everyone is enlightened and therefore understands the imperative need of following *dharma* or the law of his being, human laws and government are not necessary—such was the Krita Yuga (or golden age) when the reign of *Rita* was automatic and every one, so to say, was a *ritvik* or ritualist in the sense the earth has been earlier described as a ritualist going through her *ritus* or seasons, in the sense a woman is a ritualist, going through her periods. But in later ages when men become degenerate or that is, began committing lapses in following the law of their being, the natural law (*dharma*) had to be enforced and regulated according to the needs, capacities and situation of each individual, through human agencies or Government. This heralded the age of *Smritis* or *Dharmashastras*—and the most ancient or at least the most authoritative among them was *Manusmriti* or *Manavadharma-sastra* or the science of justice for the human race.

Dharma according to Hindu thinkers is relative to time, place, circumstances, sex, age, temperament, vocation. It is relative because the laws of the evolutionary process are not fixed ; had they been fixed it would be inconceivable to think of moral efforts, progress and moral values in such automatically fixed or perfected world. They are to be discovered by efforts which require adaptation and adjustment, mutation and selection. Consistent with the view of the reality and necessity of a moral

life and free will, the world-order cannot be viewed as a perfectly planned order and has to be viewed as a creatively (and hence constantly) planning system or rather a perfection-oriented process or flux hence the law of its being or *dharma* has to be, so to say, discovered in the context of the ever-changing flux of time and circumstances, stages and conditions, ages and climes, talents and traditions etc.

The varnashramic social system of Manu was an attempt at the establishment of a social order based on this view of *dharma* or justice which was essentially the same as enunciated later on by Plato in his *Republic*, as a mere piece of speculative adventure and hence lacking the governing *spirit of Varnashrama*, which is equally, if not more important than the scheme itself. The governing spirit of Manu's society is self-discipline and encouragement of private virtues : the governing spirit of Plato's city community (Polis) is superimposed discipline and encouragement of public virtues.

Much trash has been written and said about Manu's *Varnashrama*, mis-called caste-system by foreigners as well as Indians either through prejudice or ignorance or both—and, what is more perplexing, at the same time Platonic speculations have been greeted with showers of uncritical eulogies, not realizing that if the stratification of society for the purposes of social justice and social efficiency as visualized in the

"Republic" is to receive any encomium the earlier and more perfectly thought out scheme of social-stratification of *Manavadharmashastra* (which has the additional merit of having had a practical trial in Indian society for thousands of years) should and naturally would monopolize the major portion of the credit. No one bothers to realise that Plato's scheme (that part of it which is not nonsense) has remained unsullied as any dream stuff, whereas Manu's scheme (because of its sturdy commonsense) was given a practical trial and, as such, in course of time came to be soiled by *social realities*, which were always not edifying even in the Greek society.

For a correct, perspective of the Hindu view of (social) *justice* we have to first discard the prejudices created against ancient India's capacity for progressive rational thinking as well as the *psychology* which is unable to see any beginning of political wisdom beyond and besides Hellas. In these circumstances it is not realized that the central theme of Manu's work is *social justice* or *manava dharma* and hence Plato's "Republic" was not the first book to concern itself with the problem of justice in society. It has been said by Grote¹ that the central theme of the "Republic" is justice and the reasonings respecting the best form of Polity are means to this end. It is equally correct to say this about the earlier

1. George Grote: *Plato & the other Companions of Socrates*, London, 1888, Vol. I V p. 96.

work of Manu, but it is a gross mistake on the part of Grote¹ to think that Plato was the first to introduce the theory of justice in ethical speculation. This was done in India by the author of *Manava dharmashastra*, by whichever name we may decide to call him. Let us see how this is so.

From our earlier consideration of Vedic *Rita* we have seen the correlationship in Hindu thought between evolution and morals and in fact the idea of morals in evolution, which is the only way of securing any sanction for what we consider to be moral, is a Hindu idea. That is why to act according to *Rita* or evolutionary cosmic law is best for evolutionary fulfilment in which lies goodness, welfare, progress and virtue; and hence therein lies propriety, and justice or *dharma*. That which is in accord with the cosmic evolutionary law (*rita*) is just, because therein lies the highest evolutionary fulfilment. The Vedic seers (*rishis*) were very anxious to understand the operation of the cosmic law (*rita*) and even endeavoured to manipulate cosmic forces through the performance of sacred sacrifices (*Yajna*) in which capacity they were known as *ritviks* or conductors of rituals.

This is not the place for discussing the efficacy of rituals. I am only concerned here to show how anxious the Vedic preceptors were

1. *op.cit* p. 105.

to tune their lives and the working of their institutions in harmony with cosmic evolutionary forces because they believed that lives attuned to the cosmic rhythm and cosmic law alone could realise the end of human existence and therefore were the only desirable, moral and ethical and just way of living. Of this introduction of the theory of justice in ethical speculations, the pioneers were the Indian rishis and Manus. The Greeks (including Plato) in all probability were *second-rate imitators*.

The Hindu Seers (rishis) did not merely endeavour to manipulate cosmic forces and, understand cosmic laws but also prescribed a detailed course of self-discipline for the aspirant trying to understand cosmic laws and to live according to the dictates of those laws. The manual¹ pertaining to this discipline for self-knowledge through self-discipline is the *Yogasutras* of the Venerable Patanjali—(c. 200 B.C.) who systematized the conception of yoga, which was in existence centuries before his time. Space and propriety will not permit an essay, at this place, on the Yogic philosophy. Suffice it to say for our purpose, here that the end of the Yogic philosophy is the re-union of the

1. Though Patanjali's manual was written some time in the second century B.C., it embodies experiences of generations of aspirants for centuries since the Vedic time. Any one acquainted with the work can see that it embodies the spiritual experiences of ages. (Vide: S. Radhakrishnan: *Indian Philosophy* (1948) Vol. II pp. 341-342)

microcosmic *jīva* or part-soul of man with the macrocosmic Over-soul or Brahman through successive stages of self-purification and self-discipline, pervading through innumerable rebirths. This lofty aim of creation *i.e.*, self-realization would be easy and in fact automatic if society consisted of individuals who naturally followed the path of right conduct and right speech and right thought, that is, individuals who voluntarily followed the cosmic law (*rita*) and were so to say, law unto themselves. Such were said to have been the habits and nature of men in *Krita yuga* (the age of right-reason and correct vision) and in such an age political institutions, laws and their coerciveness were not necessary. There was then an automatic reign of justice or *dharma*.

But this serene and idyllic cycle of evolution gave place to degenerate epochs—when human hearts became injected with the poison of anger, lust, covetousness, delusion, pride and jealousy—and under the influence of these six enemies (*shada-ripus*) of higher living, human history began to take a (spiritually) downward course, the prevention of which required Himalayan resistance to evil and persistence in right-living, or living according to *Rita* wherein lay justice or *dharma*.

If history of human civilization is a history of challenges and responses, nowhere was civilised man confronted with such a mighty challenge as were the spiritual elite of India,

in the later Vedic age—and they rose to the height of the occasion and came out with a fitting response to the challenge—their reply was *Yoga* and *Varnashrama*—i.e. *Yoga* as the remedy for the individual and *Varnashrama*, the *remedy for the Society*. Manu was the physician who prescribed the latter remedy.

But Manu did not prescribe in a socio-moral vacuum—he had to prescribe socio-ethical remedies in the background of the Vedic social milieu and spiritual culture—and he acquired the authority that he commands by virtue of his being faithful to the spirit of Vedic norms, standards, values and culture—and these norms were very high: hence the stature of Manu's social ideal was so edifying. Accepting the Vedic ideal of society (as the promotion of social welfare and production of spiritual personalities)¹ Manu set out to offer a scheme of social organization, whose excellence lay in integrating every individual to the law of his being. But as every one was not identical in his physical, mental and moral make up, the obvious way out was the stratification of society according to the peculiarity of people's make-ups, their distinguishing features, their *Varnas* or colours as it were. The implications were that if every individual was allotted socially beneficial work according to the peculiarities of his constitution (both

1. Self-realized, Brahman-oriented, all-embracing souls—Manu XII, 125.

physical and psycho-ethical) he would derive thereby the joy of self-fulfilment as well as contribute his maximum service to society—and hence *dharma* or justice would be maximised. Manu addressed himself to this task with an assiduity and efficiency never equalled, much less surpassed by any one in the ancient world.¹

Following the postulates of vedic cosmology and metaphysics Manu conceived the human individual as a synthetic amalgam of consciousness and materiality, (the creative counterpart of the primal male (*purusha*) and female (*prakriti*)). Microsmic man is a reflection of macrosmic *Brahman*, but so long as *Brahman* is absolute and attributeless neither man nor any other manifestation of it is possible. It therefore manifests through a polarity or duality—the masculine *purusha* (*shiva*) and the feminine *prakriti* (*shakti*) which provides the matrix for the material manifestation of part souls (*jivatmas*) as men. But man is not however spirit enveloped by illusory matter (or *maya*) but spirit encased in its own creative *Shakti*, because as the *Sapindakarikas* says by veiling its own true form its *Shaktis* ever arise. The so-called *Maya* is nothing but consciousness in its *shakti* aspect and hence the

1. Plato's social stratification coming (as it did come) centuries after Manu not only smacks of borrowing but also lacks the thoroughness and refinement of presentation of the metaphysical and social theories which are so conspicuous in Manu. In addition Manu's scheme has had a practical trial of several centuries before Plato was born, so much so that in Buddha's time there were talks of reforming the Manavian scheme.

Adwaitabhava Upanisad says "I am the female" (*aham Stri*). The grand doctrine that emerges is—All is consciousness in its *immateriality* as well as its materiality; for, the creative-process starts with a disruption in the one unitary consciousness whereby the "I" (*aham*) and the "This" (*idam*) separated and the reminiscences of which disruption creates in human mind the illusion of self (*aham*) and the not-self or world (*idam*) through the operation of *maya-shakti* or sense of difference (*bheda-budhi*). This is the unavoidable illusion inherent in the phenomenal knowledge. When this illusion is reversed by self-knowledge and self-discipline, all differences and disunion disappear and the unity of one consciousness becomes apparent.

But let us pursue the nature of creative illusion through which everything, including man, incarnates. Since it is a basically coalescence of the spirit and materialist *shakti* every created being, man included, will reflect this dual impact of *Siva-shakti*, consciousness and matter. Here again for lack of space and propriety I am unable to enter into the details of Yogic anatomy—the sheaths (*koshas*), the bodies (*shariras*), the elements (*bhutas*), the states of consciousness, the plexuses (*chakras*) etc. I shall only confine to the portions strictly relevant to the principle followed by Manu in his stratification of society. The bio-physical anatomy of man, according to this ancient Indian view, is usually represented by the coalescence of two (one

erect and the other inverted) triangles representing respectively the 3 forces or aspects of consciousness and the three forces or aspects of matter which constitute the essence of an individual. The three aspects of consciousness are *sat* or pure being, *chit* or universal consciousness and *ananda* that is beatitude and the triangle formed by joining the centres of these forces represents the causal body (or *Karana sharira*) of man. The triangle formed by joining the centres of materiality in our constitutions represents the subtle or astral or psychic (including emotional) body (or *Linga sharira*). This matrix is represented by the inverted triangle. This triangle is the field of operation of the *trigunas* or three qualities of matter. These affect the complexion and constitution of our biological organism because of its inseparable contact with matter, without which physical existence is not possible. The three qualities of matter are *Sattva* (representing a force ascending to perfection), *Rajas* (representing a dynamic force prone to activity and achievement) and *Tamas* (representing a descending force of inertia).

A combination of these three *gunas* (which are present in every individual in different proportions) produces different types of human beings. A person in whom *sattva* predominates is *sattvic* and he is guided by enlightened reason, true knowledge and altruism. A person in whom *rajas* predominates is *rajasik* and he is a man of action aspiring for fame, and

heroism. A person in whom *tamas* predominates is *tamasik* and he is a man of acquisitive habits, loving comforts and fame and wealth¹. These represent the three regenerate classes of Aryan society (or twice born, the second birth corresponding to their initiation to Vedic sacrament). There will be a fourth un-regenerate class of persons in whom none of the qualities predominates and hence their characters are still un-formed like those of children. Their progress in the psycho-ethical plane will be naturally slow spreading over a long period of apprenticeship during which the best thing for them would be to serve the other three groups.²

Let anyone compare this scheme with that put forward in Plato's *Republic* and then decide which is superior and more original. But unlike Plato who stratifies society and depends on the superimposed discipline of his Rulers to see that the social order of his pattern functions properly, the scheme of Manu provides for self-discipline in the family (which also would be smothered through Plato's communism and all-comprehensive public education)—situated in the hermitages of *rishis* or enlightened masters, exclusively devoted to the higher ideals of life.

In fact, in Manu the classification of psychological groups run parallel to or is *interwoven*

1. Manu XII. 24-29. 31-33.

2. Manu I. 87-91.

Compare this conception of the Shudra with that of the *natural slave* of the Greek philosophers.

with the classification of age-groups in society. In the first part of life one is a student, in the second a *householder*, in the third a *retired man* and in the fourth (meant only for exceptional persons) a homeless *mendicant*¹. These are his four ashramas or stages of human existence—and just as the functions of the social groups (*varnas*) can be intermixed only at the peril of social morality (*dharma*) and social order, the intermixture of functions of the age groups are equally detrimental to the best interest of social manners and morals. An ashrama-less person like an unmarried man or woman above certain age or a novice recluse is a danger to society.

The *Ashrama*-scheme conjoined to the *Varna*-scheme (as is to be found in Manu) places Manu on a decidedly superior position to Plato : his unquestioned originality (or lack of borrowing) being an additional merit of Manu.

I am unable and also unwilling to enter into a detailed consideration of the "criticisms" of (better termed prejudiced attacks on) the *varnashrama* system first because prejudices cannot be cured by reason and secondly whatever I had to say I have already said in an earlier work² where unjust allegations of love of escapism of Hindu mind, hereditary privileges and atrocity to backward peoples, as peculiar

1. Vide *Manusmṛti*. IV 1, VI. 1-8; 33.

2. See my *The State*—pp. 332-346.

traits of Hindu social philosophy and social leaders have been answered or shown in the right perspectives.

Here I shall only add a few words on the spirit of *Varnashrama* because (as is evident from democratic success of some modern monarchies) in the realm of political philosophy or ideology of a nation, the *spirit* which inspires a scheme of working out a social philosophy is more important than the scheme itself, and any student of social philosophy who only concentrates on the constitutional mechanism and misses the *spirit* behind the construction of the social mechanism will certainly mistake the husk for the kernel. To draw a modern parallelism if the very fact of the existence of a monarchy and a House of Lords in the British Constitution obliges one to declare Britain an anti-democratic country his sanity and judgment might well be questioned by any sober and intelligent critic.

In the same way respect for Brahmins and dignity of Kingship should not in our assessment of Hindu Polity make us blind to its pervading spirit of service and co-operation, its abhorrence to unhealthy acquisitiveness and group-rivalry, its incessant endeavour towards voluntary renunciation of careerist pursuits by the best brains of society and its overall efforts at the *growth of Man's spiritual* personality in an atmosphere of self-criticism, and introspection, its persistent resistance against the

emphasis on individual rights and its stubborn insistence on non-attached performances of the duties of one's status in society and stage in life as the only path leading to justice or *dharma*.

We have tried to understand the position of law, law-making and administration of justice in the background of this varnashramic ideology and its prevailing ethos. As indicated earlier, the epochs of which we have any indication of the growth of political thought in India, were not epochs *searching for social philosophy* (as the Greeks were doing throughout their period of political experimentations, including the age of Plato - Pericles) but were epochs when political and ethical values had already been *discovered and defined*—in the *Dharma sutras* and *Dharma Shastras* (*Smritis*) based on the ethical standard of the Vedas and the usages or practices of the *shishtas* or spiritual elite (*i.e. sadachara*). Laws in the broadest sense (or rules of social propriety) are therefore to be in consonance with *Veda*, *Smriti*, *Sadachara* and must have in addition the quality of satisfying conscience. These four according to Manu are the indicators of *dharma*.¹ It was also decided upon by the better conscience of society that the *varnashramic* plan was the constitutional framework of a *dharmic* (or just) society which provided the social philosophy

1. Vedo'khilo dharmamulam Smritishile cha tadvidam
 Acharaschiva Sadhunam atmanastustirevacha
 Vedah Smrtih Sadachara Swasya cha priyamatmanah
 Etachchaturvidham prahu sakshadharmasya lakshanam—
 Manu II. 6, 12

or constitutional law and which therefore was not to be tampered with just as in a modern democracy, the democratic principle (*i.e.* one-man-one-vote and periodical election of legislators through a broad-based franchise) is accepted as the fundamental law of society. The task of a modern democracy is not to question the democratic principle but to find out the means and methods of making "democracy" effective, similarly the task of ancient Hindu polity was not to question the *varnashramic* principle (of ordering society, because that was based on the then social elite's conception of supreme justice) but to find out ways and means of making *varnashrama* effective.¹

The efforts of our ancient political thinkers at theorizing about political ideals and institutions on the basis of the *varnashramic* ideology is said to have the effect of stabilizing *status quo* and impeding the growth of constitutional rights and liberties (similar to those enjoyed by citizens of free countries) in ancient India and is said to have stopped the growth of *constitutional law*. I am unable to subscribe to this view, as this is based on an entirely erroneous view of the nature of *constitutional law* as understood even in the West today and is based on the erroneous and exploded views of Dicey and his predecessors. The

1. In this monarchical or democratic form of the state is of minor consideration for modern democratic ideal and the same was the case with the ancient *varna* ideal. Hence *varnashrama* was practised both under monarchical and republican governments in India just as democracy is being practised now under both forms (as in the U.K., and the U.S.A.

up-to-date position in the West in this regard favours if not supports the Indian attitude towards social philosophy and constitutional law which are anterior to the State and statute law.

It is not realized that in the West the last word on the nature of constitutional law is not Dicey but Jellinek (followed by Jennings)—Jellinek declared that the nature of public law was metajuristic¹ and he amplified this further by saying that the norms of public law have a subjective property and are ultimately conditioned by the collective cultural tendencies of a nation² and its customs and therefore what is constitutional and unconstitutional are likewise dependent upon social forces³ and this is so because the event of the rise of the State falls outside the sphere of law⁴.

This means that constitutional laws are not juridical but psychological stuff of ethical sanctity based on a nation's customs and usages whose continued observance is the proof of their transformation into the social ideology or political philosophy of the people concerned. This exactly is the equivalent

1. Sie (d.h. oeffentliche Recht) ist metajuristischer Natur.

G. Jellinek: *Allgemeine Staatslehre* (1914) p. 368

2. Norm.....muss stets die auf einer Eigenschaft des subjektes ruhende Faehigkeit besitzen, von diesem als berechtigt anerkannt zu werden. Darum ist es schliesslich eine von der gesamten Kulturanlage eines Volkes bedingte Ueberzeugungete. *Ibid* p. 371.

3. Normmaessigkeit and Normwidrigkeit sind dann ebensfall abhaengig von den sozialen Kraeften. — *Ibid* p. 363.

4.faelt—der Vorgang der Entstehung selbst ausserhalb des Rechtgebietes — *Ibid* p. 342.

of *dharmic* guarantees of *Dhammasutras* and *Dharma-shastras* against arbitrary rulers. If they are not good guarantees because they are not laws proper, there are no good guarantees under any constitution, western or eastern, modern or ancient, because no conceivable constitution can have "constitutional laws" which are laws proper or which are not the reflections of the relevant peoples' social ideology.

The fact is, the phrase "*constitutional law*" is a misnomer and our *Dharmashastrakaras* did not wisely perhaps indulge in the creation of this impostor type of law. They called it by its proper name and the genuine name for what goes by the name of constitutional law in the West is respect for certain rules relating to certain customs followed by the people because they believe that it is beneficial for them to do so and therefore they like to prolong their continuity. Jellinek most beautifully illustrates this in a pithy sentence—"There is no English Statute that the parliamentary form of Government should prevail in England."¹ It prevails because it answers the English people's call for what they consider to be the best form of Government, in other words because it is in consonance with the English society's *Social Ideology*. It is there because the English society believes and has continuously believed that such

1. Es gibt kein englishches Gesetz, das die parlamentarische Regierungsform einge fuehrt hatte.

a form of government would safeguard the "Rule of Law" which really means the "Rule of rules of social ethics" considered valuable, that is conducive to social welfare because they are based on common law practices or conventions or *Sadachara*. In the face of all this I feel embarrassed by the apologetic attitude of learned Indian scholars¹ towards the lack of provision of legal constitutional safeguards in Hindu political literature. *Legal constitutional rules* or safeguards are absurdities which cannot exist anywhere and that is why Jellinek wisely declared that not the making of fundamental rules or (*Rechts*) but the protection of the legal order is a matter for the State.² The State obeys and protects the fundamental rules and do not make them (rather the rules create the State) and hence the rules are not and *can never be laws*. The checks on any legal sovereign in any constitution is not law but extra-legal *social forces* like the corporations, guilds, the scriptures and opinions of

1. For instance Dr. P. V. Kane and Dr. A. S. Altekar in the following passages. (a) "These checks, through real, cannot be called constitutional in the sense in which that word is used in modern times".—P. V. Kane: *History of Dharmasastras Vol. III* p. 98. (I maintain that they can be called constitutional precisely in the same sense in which that word is used in modern times).

(b) "But though the king was below the Dharma and was bound by it.....the ancient Indian polity provided no Constitutional means or checks to call the king to account if he transgressed the law."

—A. S. Altekar: *State & Government in ancient India*, p. 57
As if there are legal checks on king's transgressions anywhere !!!

2. Dadurch wird zwar nicht die gesamte Rechtsbildung, wofür aber der rechtlich geordnete Rechtsschutz Sache des Staates—Jellinek—*op. cit.* p. 366.

learned and virtuous men and judges and jurists, and so it was in ancient India.

Let us now turn to the ancient Hindu conception of law (not constitutional law, which are really not laws but usages representing ideologies) and the process through which laws were made.

The respect of law in India was inculcated by referring to its divine origin and hence there was nothing higher than law. *Dharmat param nasti*, declared the Upanisads. Nothing was higher than Law. There were the sacred laws based on the scriptures, like the rules relating to various varnas and ashramas and these even the king or ruler could not interfere with. They were similar to the modern rules of constitution or articles of social ideology. In addition, the customs of countries, castes, families, occupational guilds when not in conflict with Vedas were also binding on the rulers.

It is obvious that the ruler's legislative function was reduced to the narrowest limits of making administrative regulations (*anushasanas*) and rules of procedure in the administration of justice (*vyavahara*). But though the reign of custom and usage monopolised much of the legislative field, a fairly wide field of legislation was left in the hands of the King's Law Minister (designated *Pandita* by Shukracharya) whose duty it was to lay down the policy which the king was to follow in the field of legislation.

It is to be remembered in this connection that customs and usages fall out of use and new conventions become current as a necessary phenomenon of social dynamics and hence the law minister was to make periodical surveys "to find out which laws are ancient and which laws modern, which of them are sanctioned by *Dharmashastra* and which though based upon that authority, are no longer valid and which of them have the approval neither of the *Dharmashastra* nor of popular usage."¹

It is now quite evident that law in ancient India was neither made through the noisy passage of bills in a popularly elected parliament nor through the dictatorial fiat of the ruler but by the appropriate and/or enlightened social will as represented by the jurists appointed by the ruler to advise him in this regard and the occupational guilds, who in their turn were guided by the scriptures, practices of the elite and usage of localities, families, and conventions of guilds. The aim and object of law was the promotion or observance of cosmic law or *Rita*, representing as it were the Divine will or *dharma* or justice — scriptures, jurists' opinion, customs being relied upon as indicators of *Rita* or divine will in the day to day practices of social life. It is not certain whether the decisions taken by the King's councillors regarding making of laws were accepted as final or finished pieces of legislation or they were later placed

1. Altekar: *op. cit.* p. 255.

before the popular assemblies. The presumptions however are in favour of the latter course because otherwise the reason for the existence of these assemblies would remain unexplained.

If, however, this view is accepted, we would find that law-making in ancient India did not follow any different procedures from those followed by ancient Greece, as they resembled in the following essential features—(a) legislation should have the object of the promotion of divine will or dictates of Reason or Justice or *dharmā*, (b) before the passage of legislative proposal in the popular assembly it must be sanctioned by a differently constituted body like the King's (Jurists) Council in India and the Council of 500 in Athens, (c) laws thus passed were to be abrogated if they contravened existing and respected usage or the basic constitutional rules (like the *Varna-shrama* and the Athenian Constitution). Neither in ancient India nor in Greece were laws made through parliamentary enactments in the modern sense.

In fact, more attention was paid to the problem of the administration of law than making of laws and it is quite surprising that even in very ancient time rules and regulations in this regard were framed in ancient India which were conspicuous for their rather modern outlook.

There is no mention of any organised judiciary in the Vedic literature—and that is not surprising, when we remember that even in 10th or 11th century A.D. there were hardly any impartial judiciary in the European countries where aggrieved parties had more or less to depend for justice or vengeance on their own strength.

In ancient Greece, if Athenian Courts are to supply us the model, the judiciary was very ill-conceived and ill-organised—of which the judicial murder of a person like Socrates in the hand of a rabble of 2,000 ill-educated Athenians is the best proof.

Compared to all this the Indian judiciary was very well organised by 500 B.C. the latest. One of the most important functions of the king was to administer justice and punish offenders, and although he delegated his judicial authorities to the Chief Justice (*dharmadhyaksha*) or other functionaries so far as the outlying parts of his territory were concerned, it is almost certain that the king personally looked into the grievances of people in the capital.

Vyavahara or the administration of law engaged the attention of Indian thinkers from the earliest historical time although in the course of its development the conception of *vyavahara*¹ underwent changes. According to

1. Apastamba's Dharmaśūtra—II. 7. 16. 17; I. 6.20.11; I. 6.20.16

Apastamba (600 - 300¹ B.C.), *Vyavahara* meant transactions or dealings; according to Shukra¹ (400 - 100 B.C.) and the epics or smritis (200 B.C. - 100 A.D. it meant law suits and legal proceedings and later on² (1100 - 1500 A.D.) it came to mean judicial procedure. We have to take the word both in the sense of legal disputes and judicial procedure.

The *Shukranitisara* (Ch. IV) may be taken to represent fairly all the main features of the conduct of law suits and administration of Justice in ancient India and a summary of Shukra's observations is given below to indicate the Indian view of the subject in a nutshell.³

The punishment of the wrong-doer was a primary function connected with the kingship but this punishment should not be arbitrary and must be according to law and hence in deciding cases the king was required to be free from anger and avarice and dictated by the spirit of the *Dharmashastra* and to follow the proper judicial proceedings with the help of the ten requisites of the administration of justice.⁴ In the absence of the king disputes

1. *Shukranitisara*—IV, V. lines 7-11 and 30 9;

Manu smriti—VIII. 1,
Yajnavalkya smriti—II,1.

2. In *Jimutavahana's Vyavahara matrika* and *Raghunadana's Vyavaharatattva*

3. See my article on the Administration of justice according to the *Sukranitisana* in the *University of Ceylon Review*, Vol. VIII, No. 1.

4. They were the King, Officers, Councillors. Smriti-shastras, the accountant, the clerk, gold, fire, water and one's own men.

could be settled by brahmanas (appointed by the king) who were high-born, self-controlled, impartial, calm, devoid of anger, versed in the Vedas and those who feared the next life ¹.

It is very important to note also that Shukra insisted that in no case could a dispute be settled unless the adjudicators sat in a properly constituted court, which again could never be constituted of a single person: not even the king alone was to adjudicate upon a law suit, hence it was necessary that the king and his councillors (or Judges) sat with the co-adjudicators or *Sabhyas*. Moreover, the trial and the pronouncement of judgment had to be public or *Sabhashthitah*,² because secret trials might result in partiality and injustice which are caused by passion, cupidity, fear, malice etc.³ Exemplary punishment has been recommended by Shukra for judges whose decisions are vitiated by greed, or passion or lack of courage.⁴ In the administration of justice according to law, however, local customs and

1. *Shukranitisara*—Ch. IV. Sec. V, lines 23-26.

2. Yuktipratyakshanumanopamanairlokashastratah
Bahusanmatasamsiddham vinischitya sabhashthitah
Sasabhyah pradvivakastu nripam sambodhayet sada
Shukraniti—Ch—II. 197-199.

3. Naikapashyechcha karyani Vadinossrnuyad vachah
Rahasi Cha nripah prajnasabhyaschaiva Kadachana
Pakshapatadhiropasya karnani cha pancha vai.
Shukraniti—Ch. IV. Sec. V 12-15

4. *Shukraniti*—Ch. IV. Sec. V. 179-181.

group traditions should not be ignored by the judge, nor even by the king, because 'long-standing customs are not to be condemned.'¹

Although Shukracharya insisted on cases being tried in a "properly constituted" court it is nowhere clearly stated how the court should be constituted. From the available data it is apparent that the king and/or his judicial officers had competence to decide all cases (civil or criminal) and this may be called the King's Bench Division (presided over by the King or the Chief Justice) of Shukra's time, and this was not a court of first instance but only an appellate court. Trial by peers seemed to have been the most favoured method of settling disputes and determining punishments.² Most probably all disputes were first to be brought in three grades of courts of self-adjudication, in the order: the family (Kula), the corporation (Sreni) and community or tribal (gana) courts. When these people's courts failed to give satisfaction the courts of the King's Bench were to be moved in the order:

1. Deshajatikulanam cha ye dharmah prak pravartitah
Tathivate palniyah praja praksubhyate' nyatha
Shukraniti—Ch. IV, Sec. V. 92-93
Yesam paramparaptah purvajairapyanusthitah
To eva tairna dushyeyuracharannetarasya tu.
Shukraniti—Ch. IV, Sec. V 100-10.
2. Aranyastu swakaih kuryussakrthikassari thikaissaha
Sainikassainikarieva grame' pyubhayavasibhi.
—Ch. IV. Sec. V. 44-45

That is, foresters are to be tried by foresters, merchants, by merchants, soldiers by soldiers and in the villages by neighbours. Even thieves and ascetics were to settle their disputes, according to the usage of their guilds. (ch. IV. Sec. V. 35- 36)

the councillors' court, councillors' court presided over by the chief justice (*pradvivak* or *adhyaksha*) and courts presided over by the king. Fines and corporal punishments could be inflicted only by the king.¹

The king was to sit for judicial purposes along with the chief justice and other councillors or *sabhyas* but it cannot be said very definitely who exactly were the *sabhyas* or king's councillors for settling disputes. Probably different officials of the State were called upon to sit as councillors (or puisne judges) with the king and/or his chief justice, on different occasions according to the nature and circumstances of cases. For instance, in a dispute relating to land the *amatya* (revenue officer or a civil servant) and in a case involving a foreigner a *mantri* (minister) would be invited to sit as a councillor. Probably such functionaries constituted a panel of visiting councillors who acted more as assessors than as judges in cases requiring expert knowledge. In addition there was a permanent body of *sabhyas* (councillors) who along with the king and/or the chief justice constituted, so to say, the permanent bench. The decision of a court of law or the judgment was required to be a written document and indicate that it was based on the following: (a) proofs (or *pramanas*), (b) reason or logic, (c) usages, (d) oaths, (e) admission by plaintiff, (f) special order of the king.

1. *Shukranitisara* - Ch. IV. Sec. V lines 59-62

Parties not satisfied with a decision could have the case re-tried by paying double the fine or prefer an appeal to a higher court. Judges, when they decided cases contrary to dharma were to be fined Rs. 1,000,000 by the king.

The superb modernism of Shukrian administration of law and justice breathes through his work, in spite of some archaic practices, of which mention must be made of the inclusion of divine ordeals as valid evidence. It is to be noted, however, that Shukra recommended these ordeals only where due to obscurity of facts or obstinacy of parties it was not possible to secure proofs. Moreover disputes of certain nature were required to be proved by witnesses and documents and possession: they were those relating to immovable properties, guilds, non-delivery of gifts etc.

CHAPTER IV

POLITICAL INSTITUTIONS IN ANCIENT INDIA

At the outset I would like to indicate my views on the proper connotation of the word "political".

The word "political" has been used in English political literature, without consistency of course, as a substitute for an adjective from the noun, State, that is as an equivalent for a word like "State-al" if such a word were in existence. Thus it was that Bluntschli and those who seem to follow him still use the expression "Political Science" to mean the "State-al Science"—the presumption being that that which is concerned with the State alone is political and conversely what is political must necessarily be pertaining to the State. From this it would follow that a society where there is no State cannot have anything which can be called "political" and also cannot have "politics" either theoretical or applied.

Thus was forged an apparently convenient formula by scholars and politicians of the nineteenth century West who were inspired by the spirit of imperialist domination of the East and was therefore eager to show the utter lack of the political ideas, ideals and institutions in the East excepting

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those relating to the "oriental despot". Self-government and self-governing institutions were unknown to the East and therefore eastern countries like India should not ask for self-government and therefore also the European domination should continue. Edward Freeman's *Comparative Politics* (1874) was therefore confined to Europe and even today in voluminous works on the *History of Political Thought* hardly any mention is made of the *Dharmashastras* or Manu or Kautilya or Shukracharya. The argument or rather the insinuation is that India (or the East) has never known the conception of the sovereign State and as things political (according to the Bluntschlian definition) were equivalent to things connected with the State, India (which was supposed to have had no idea of the State) could not have political ideals or institutions or Political Science.

But as hinted earlier, this formula was only apparently convenient for the upholders of western domination and could last as a formula for supporting this sort of intellectual imperialism¹ only so long as things were not analysed in their correct perspectives and things Indian were either condemned or ignored and things Greek were applauded and endowed with exaggerated importance. It was under the influence of this idea of the exaggerated

1. It was against this intellectual imperialism that the earliest among the modern Indian political thinkers like K. P. Jayaswal and B. K. Sarkar wanted to protest in their writings whose patriotic fervour has to be viewed in this background.

importance of the Greeks (who were again mistaken as the proto-representatives of western civilization¹) that a scholar of the eminence and standing of L. T. Hobhouse remarked that "the earliest form of the State known to us is the City-State of ancient Greece",² insinuating thereby that the State and the science of the State (which again was mis-defined as Political Science) was unknown to India or any other eastern people.

But thanks to the growth of Social Sciences in the West, things began to be analysed more critically and objectively and today (though the incorrigibles will go on confusing the Greek City or *polis* with the State) no genuine social scientist would fail to perceive the absurdity of using such a meaningless expression

1. I am of the opinion that neither in its origin nor in its sum and substance was the Greek civilization a civilization of the West which represents a dubious and a dangerous courtship between Christian theology (which would have been revulsive to Greek philosophers) and the scientific temper whose net result is a spiritual crisis born of the tension between the dogma of theology and reason of scientific enquiry.

Philosophically speaking the Greek civilization knew nothing of this pathological tussle of the western soul—it was free, open, robust, sensuous and pagan and near-Indian (in fact very Indian, only without the sobering influence of the spiritual discipline of India, even which some of the rare geniuses like Pythagoras, Socrates, Plato were trying to imbibe).

Historically speaking the Greek civilization was no part of the western civilization at all because during the epoch that civilization flowered there was no civilization west of Greece. The entire West was a cultural wilderness. In fact there was only one civilization in the world those days, and if we insist on maintaining in our language the present distinction between the East and the West, the entire civilization of the World in ancient times was very definitely Eastern and Greece lay on the westernmost fringe of the habitat of that very Eastern civilization.

2. *Social Evolution and Political Theory*, (1911)—p. 141.

as the "City-State" as a substitute for the Greek polis nor claim the attributes of the (modern) State on its behalf. In fact the noted American sociologist R. M. MacIver¹ has rightly pointed out that to translate the Greek *polis* as the State is to misunderstand an entire civilization. I am constrained to add that much of the humanistic studies of western scholars are based upon this misunderstanding.

The Greek City was not a State because it was not an artificial *association* for pursuing limited social interests as an agent of the social will endowed with legal force of the organized society as the State is, but was a natural *evolutionary community* pursuing all the common interests of the Community backed by the will of the Community working not as its agent but as the principal itself². If we still persist that things pertaining to the State alone are "political" and "politics," there was nothing which could be called *political* in ancient Greece nor could there be any "Political Science" among the Greeks who knew nothing about the State. This must be a shocking discovery to those western scholars who have been brought up on the tradition of an all-knowing Greece which again in their imagination had been the originator of Political Science.

1. See MacIver: *The Modern State*, pp. 85-87

2. See my work on "*The State*", chapter III on the State & the Social Order.

Without admitting that the Greeks were the fathers of political ideals, institutions and science, I would, however, readily concede that there were much Political Science and experiments with political ideals and institutions in ancient Greece though she was blissfully ignorant of anything like the State. This is possible only by discarding once for all the erroneous view that, that only is "political" which pertains to the State and accepting my view that whatever pertains to the problems of making justice available to all as far as possible on equal terms (*i.e.* whatever pertains to *dharma*) is "political". According to this view Political Science is not merely the Science of the State ; it is rather the Science of Social Justice (or *Dharmashastra*) and as such it is also the Science of the State, which is an important instrument for making justice available to all on equal terms.

The etymological and original meaning of "political" will also suggest such an interpretation : things pertaining to the *polis* or polity, things pertaining to the polite life of the *polis* or life lived on the basis of the rules of politeness, mutual regard, fair-play and justice are things essentially political. Hence, the science which concerns itself with the problems of civilized living, polite behaviour, just social ordering is, par excellence the Political Science. A people awakened to the needs of just and polite living in a polity has political ideals and may have political science and institutions

even though they may not have evolved the State. The Greeks, precisely, were such a people.

By the same token, the ancient Indians were much more "political" people, because they had not only to their credit the awareness of polite and ethical living, fair-play and justice as the Greeks had but in addition they thought of a social agent of justice very much after the pattern of the (modern) State which the Greeks even at the height of their speculation could never conceive. This much for the connotation of "political".

Under the title "political institutions of the Hindus" I propose to discuss (i) The Varnas, miscalled castes, (ii) the Ashramas, (iii) Sabha and Samiti, (iv) Paura and Janapada. A latticed tapestry formed by the functioning of these political institutions produced the political ethos and maintained the political equilibrium of the ancient Indian society. It would be my humble endeavour here to reproduce as faithfully as possible the complex pattern of social life which alone can give an idea of the working of "democracy" in India, because social equilibrium is necessarily such a tapestry of institutions which however, must have been accepted as "just" by all the sections of the society concerned and this representation to be correct can never be merely latitudinal or longitudinal. Of necessity it was a criss-cross social pattern.

Varnas : It would be impossible to understand ancient Indian politics (in theory or

practice) until we learn to look upon the *Varnas* as the most important political institution of the Hindus and this was so not through some historical accident but as a result of deliberate planning on the part of Hindu social leaders and political theorists. Critics have viewed the Hindu State as the perpetuator of social *status quo*, *i.e.* *Varnashrama* : the fact, however, is the other way about. The *Varna*-system represents the Hindu conception of a just social order. Accordingly, the important thing to note here is not the insistence on the protection of *Varna*-order by the State (which is of course true) but the emergence of the Hindu State as the creature of *Varnashramic* social order and the maintenance of social justice by the Hindu State as understood by that social order. The point to be noted here is that the society (with its *Varna*-structure) is anterior to the State in point of time and of superior competence in point of authority. It is as much wrong for the Hindu State to defend the *Varna*-structure as it is for the "democratic" State to defend "liberty" and "equality" (whatever those beautiful words might mean). Nobody finds fault with a modern "democratic State" for supporting a stagnant social *status quo* if it defends the parliamentary system with all its hideous pressure groups, caucuses and class-conflicts but even westernized Indian critics have found fault with the Hindu State for its defence of the "stagnant status quo" *i.e.* *Varnashrama*. For me this does not make any sense whatsoever. If it is creditable for a

modern "democratic" State to defend "liberty" and "equality" as understood by the "democratic" peoples of today it was equally creditable for an ancient Indian State to defend *Varnashrama* as understood by ancient Indians. In both the cases what each one has been defending is its respective *social ideology*, and people defend their social ideology because they think that their own particular ideology promotes welfare and social justice; and, they bring into being an agent of society (such as the State) because they think that such an agent alone can adequately defend that ideology in whose defence lies, according to them, social harmony, social peace, social progress, that is justice or *dharma*.

The stratification of society into the four *varnas*, according to the Hindu law-givers, was motivated exactly by these aims and objects and necessitated by the demands of social justice, peace and progress. The principle on which this stratification was based was the very sound one of placing every one in the position for which nature and nurture had best fitted him. By performing efficiently the duties of one's station in life the individual does not only realise his best self or self-fulfilment but also enhances social efficiency and helps the promotion of progress as well as justice in society.¹

1. Plato obviously borrowed these ideas from Indian sources, somehow. What is difficult for me to understand is how the inclusion of the same stratification of society in his Republic makes it a masterpiece while it becomes a silly, oriental and reactionary proposition when viewed as an Indian product.

It is quite clear from innumerable passages in the *Smritis* and *Puranas* that the *Varna*-order was promulgated by the cultural elite and social leaders of ancient India, not for exploitation but for the promotion of social progress according to the dictates of reason, justice and fair-play ; and it was for this reason that the State-authority was commissioned to maintain and support the *Varna*-system. According to the *Vayu-purana* the State was brought into being by the Creator for stopping the inter-*varna* rivalry and mixing up of the duties of people's stations in life. ¹ The greatest *Smriti*-writer, Manu, maintained that the society could prosper only as long as the duties of *varnas* were properly discharged and the State where these get mixed up shall perish. ² In the *Mahabharata* therefore the same punishment is prescribed for the offender against the *varna*-order as for the rebel against the king ³ — that is, the offender against the *Varna*-system was adjudged as heinous as the person who committed sedition or treason. The Creator himself was said to have established the *Varna*-order and also brought into being the coercive State-authority (*danda*) for

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1. Varnashramavyavasthanam tesham Brahma tathakarot
Punah prajastu to mohattan dharmanna hyapalayan
Parasparavirodhena manuntah punaranvayuh....
Vayu-Purana—I. 57, 55-58:
 2. Yatraveteparidhvamsajjayante varnadushakah
Rashtrikaih sahatadrashtam kshiprameva vinashyanti.
Manu Smriti X. 61.
 3. Rajno vadhamchikirsadyastasy chitro vadho bhavet
Ajivakasya stenasya varnasamkarasya cha —
Shanti Parva—86:21

enforcing the *varna-dharma* against those who tried to transgress this Organic Public Law of the Indo Aryan Community.

It would thus be quite clear that the *Varna*-system in ancient India was not some *ad hoc* class-hierarchy of the type prevalent in feudal Europe foisted on society by political adventurers out to establish their own hegemony by taking advantage of a troubled revolutionary interregnum but a product of a deliberate discovery by the most reputed leaders of society of a *fundamental and universal principle* of social justice namely that each should discharge one's function in and for society and that one for which he is best fitted by nature—therein lay *dharma* the promotion of which was the duty, nay, the *raison d'être* of the State. Transgression of this fundamental law of justice would ruin the society and State and plunge the people into chaos and confusion, *i.e.* into injustice and *adharma*.¹ Accordingly the defence of this

1. No student of comparative Politics can miss the obvious indebtedness of Plato to Hindu thought when he defines Justice as follows:

"That each citizen shall do his own work, and not meddle with others in their work....each section recognizing and discharging its legitimate function...that for which each individual was best fitted by nature and that each person shall enjoy his own property as well as his own work—that is true Justice.so injustice occurs, when a person undertakes the work of another instead of his own, or in addition to his own.....The mischief is not great....in the subordinate functions. But the mischief becomes grave and deplorable when a man from the subordinate functions meddles with the higher—when a craftsman....thrust himself in the position of a soldier.....or usurps the position of a chief..... Herein consists the true injustice....with ruin following in its train". See Republic Chapter IV.

Compare—Varam swadharmo viguno na parakyah swanusthitah Paradharmena jivanhi sadyah patati jatitah—*Manusmriti* X 97 and—Swadharme nidhana shreyah paradharmā bhayavaha—*Geeta*. III 35.

Social Constitution (i.e. the *Varna*-system) was basic to the maintenance of a just polity that is essential for the purpose of making justice available to all and hence must (according to my definition of "political") be regarded as the *Political Constitution* of the Indian Society just as the Parliamentary System is the Political Constitution of the British Society. It is because of this that matters such as party-system, cabinet system etc. must be considered in a discussion on the British Constitution even though they had and/or have *no legal basis*. As Jellinek has pointed out, there is no law that England should have a Parliamentary form of Government. The fundamentals of a free constitution are *extra-legal*, but thereby they neither become unimportant nor illegal but meta-juristic and truly *political* in my sense of the term, which I claim to be the only sensible meaning of "political". The various governments that have been formed during the centuries in Britain have, in spite of their many differences in policy-making and policy-execution, respected this fundamental organic principle of Government on which alone a just society, according to the British people, can be run—therein lies the glorious continuity of Britain's political tradition or tradition of government based on justice. The various governments in Hindu India that had been formed in ancient time, in the same way, in spite of their many differences in policy-making and policy-execution (and in addition even in spite of their differences in the State-structure such as

monarchical or republican) respected the fundamental organic principle of government on which alone, according to the Indian people, a just society could be run (*i.e.* the *Varna*-system) and therein also lay the glorious continuity of India's political tradition or the tradition of government based on justice, of course, as understood by Indians.¹

Ashramas : The political significance of the *Varnas*, however, can be understood in its proper perspective only in the context of the *Ashramas* and in fact they are so complementary to each other in Hindu thought that they are mentioned almost always as inseparable twins by the expression *Varnashrama*. It should here be pointed out that the degradation of the Hindu society was caused not merely by the rigidity of the *Varna*-stratification into privileged and unprivileged castes on the basis of the accident of birth in this or that family (bearing the name of a *Varna* without having the qualifications for it) but also by the total neglect of the *Ashrama* duties by latter day Indians. The appreciation of India's socio-political system will always remain incomplete and erroneous unless we give up our inability or unwillingness to understand the importance

1. It is noteworthy that even Buddhist kings like Asoka respected this structural design of society and further, so long as the principle of social stratification was not allowed to be vitiated by class-privileges and class-antagonism and vested interests (as the latter day caste-system became) the Hindu *Varna*-system was able to make unique contributions in the field of art, philosophy, religion and in that society cultural values were prized over baser possessions.

of the *Ashrama*-system and the mutual interaction of the *Varna*-system and the *Ashrama*-system in the ancient Indian society or the *Varnashramic* social order.

It is also necessary to point out that the Indian social system will not be understood nor rightly assessed if the *Ashramas* are taken to represent merely the four stages of life and unless they are viewed as a political institution standing in organic relationship with the other political institutions like the *Varnas*, *sabhas*, *samitis* etc. In other words to understand the political ethos of the ancient Hindu society we have to understand the mutual interactions first of these two important political components of that society and then of other political institutions taken together—that would be the ethos of the *Varnashramic* society.

The important thing here to catch is that under the Hindu social system (and perhaps alone under that system) the four stages of human life—studentship, householdership, retirement in forest and mendicantship—were politically (*i.e.* for the purposes of social justice and moral elevation) *institutionalized*, and by institutionalized I mean that these more or less well-known stages of life were transformed into social instruments for maintaining the just social order. That implies that in the ancient Hindu society to be a student or a householder etc. was not something left to the casual whim of an individual but was (with very special exceptions) regulated by the rules, traditions

and laws (as laws then were) of society. They were political institutions whose rules, etiquettes and functions were prescribed by society or its cultural elite.

Let us now see how these *Varnas* and *Ashramas* interacted mutually and what kind of social ethos they produced or were likely to produce. Leaving the last of the four *Varnas* (i.e. the *Shudras*) and the last of the four *Ashramites* (i.e. the *sannyasins*) as exceptional categories, we shall consider here the mutual interactions of the first three occupational groups (*Brahmanas*, *Kshatriyas*, *Vaishyas*) and the first three age groups (students, householders, retired persons). It will be readily seen that the central position in the day to day functioning of the social process would be in the hands of *householders* (Manu III, 77, VI, 89) and the majority of these effective householders (in any case the most influential among them) would be the *Vaishyas* (traders, cultivators, merchant group) because the *Brahmanas* (Teacher-scholars) and *Kshatriyas* (Soldier-rulers) necessarily had to be proportionately small (because of the high qualification requirements). Moreover, both of these two groups (*Brahmanas* and *Kshatriyas*) would have to depend for the financing of their plans and projects (cultural, educational, administrative or military) on the *Vaishya* householders. The *Vaishya* householder therefore had been the pivot of Hindu society as the *producers of social wealth*. But since material wealth like any

other desirable thing in a Commonwealth which was a *Varnashramic* society had to be regarded as a *social trust* and since the maintenance of the *Varnashrama*-system was the accepted social ideology of the Indian people (like parliamentary government in Britain) these producers of wealth in spite of their own indulgence in luxury were socially and morally (*i.e.* therefore politically) obliged to support the rest of the social order specially the administrators and teachers among whom were counted not only the Brahmanas but the retired men and women (of the third Ashrama) of all the three Varnas.

It was the duty of the householder (specially the *Vaishya* householder) to pay taxes and establish endowments for the support of the administrative and military services of the *Kshatriyas* and the educational and spiritual services of the *Brahmanas* and other teachers of every *Varna* who constituted the third *Ashrama* of *Vanaprasthis* or retired forest-dwellers.

The institution of *Vanaprastha* is one of the greatest political contributions of India whose grandeur and significance eluded grasp of most foreign critics¹ because of its novelty and of

1. To this of course there are exceptions like Paul Deussen who commenting on the Ashramas made observations such as the following:

"How far the practice corresponded to this theory given in Manu and other law books, we do not know; but we are free to confess that in our opinion the whole history of mankind has not much that equals the grandeur of this thought."—*Encyclopaedia of Ethics and Religion* Edited by James Hastings.

"The entire history of mankind does not produce much that approaches in grandeur to this thought."—*The Philosophy of the Upanisads*. Tr. by Geden, 1906, p. 367. Cited by Kane in *History of Dharmashastras*, Vol. II, p. 424.

westernised Indian critics probably because it had not had a counterpart in the West. In fact the preponderating western bias of our mind has induced us to castigate the provision of *Vanaprastha* as an eastern device for shirking duties or fostering escapism. That this had not been the spirit of *Varnashrama* would be at once clear when we remember that the performance of the duties of his station in life and the due discharge of one's obligations to all concerned including the dead ancestors, were considered the *sine qua non* of a justifiable life leading to salvation to which there was no short cut approach or by-passing of duties such as the duty of being a householder and of serving the society in various other ways including the duty of begetting worthy progenies.

The point to be emphasized is that only after the due discharge of his duties as a householder did one earn the right to retire in the seclusion of the forest for introspection, self-criticism and contemplation. But even so there were certain conditions precedent for his retirement. The first condition was the presence of a grown-up married son who would be able to continue to serve society which he himself was doing so long with his wife as his partner. The second was that even at this stage he was obliged to maintain his wife and be accompanied by her—in fact the retirement was to be as much joint as the householdership had been. The third was that the retirement was not for the sake of seeking

excitement and pleasure (as people retiring in the Rivas do) but for seeking self-enlightenment, self-knowledge and non-attachment in the seclusion of a forest, and the forest was in ancient India a peculiar institution by itself. It was an institution no doubt for silent meditation for ex-householders of all the *varnas* but also for rendering a special type of service to society because at this third stage of forest-dwelling all *vanaprasthis* irrespective of their occupational differences in the previous (householder) stage, came to belong to virtually one class, the class of disinterested advisers to the householders of the next generation. At this stage all *vanaprasthis* came to belong to one category of disinterested councillors, saints and sages experienced in life's intricate guile but voluntarily dissociated from it. This is why there were no "caste-restrictions" for saints and sages. Sainthood depended in India, not on one's occupation but on the amount of wisdom one had acquired in the performance of his occupational duties at the householder stage and thereafter. The last and the fourth condition was that the forest dwelling *Vanaprasthis* organized themselves into a body of experienced teachers running in their secluded hermitages the most peculiarly Indian type of boarding schools in which the students lived under the direct supervision of the hermit teacher and his wife like their own children. Teachers were *not paid servants* but like respected parents though they received financial assistance from the householder class in general

as part of their social obligation but the teachers maintained their pupils also as a part of their social obligation irrespective of the pupils' capacity to pay in cash or kind. To these teachers of society came kings and ministers, statesmen and generals, ordinary men and women for the solution of many knotty problems of their respective stations of life. Rich in experience and at the same time untainted by jealousy or greed (—because they had voluntarily given up the careerist pursuits at this stage—) they were looked upon as the benign elders of society who were thoroughly dependable because they were so thoroughly selfless. In no other civilization have the nobility, dignity and maturity of old age so gracefully institutionalized as in the Indian.

Furthermore, these hermitage schools represented a tiny but important cross-section of the entire Community because not only were the teachers (with their wives) so to say recruited from all the *Varnas* but these schools also nestled the children of all the *Varnas*. It is well-known that the members of all the three Aryan groups *i.e.* the *Brahmanas*, *Kshatriyas* and *Vaishyas* gave initiation to their children (by the time they were eight or ten years of age) and from initiation to the time of their marriage they were to spend the years of studentship in the houses of their hermit teachers who were *Brahmanas* as well as non-*Brahmanas*; ex-kings and ex-queens as well as aged commercial magnets and their wives.

It would thus be seen that the *Varnashramic* ideal of social order was not a rigidly compartmentalized society of three or four strictly divided, mutually antagonistic castes but a society stratified according to talent and aptitude for the promotion of maximum welfare and social justice with good deal of co-operative intermixing, inter-marriage and inter-group exchange of personnel bound by ties of sympathy, co-operation and fellow-feeling and what is more, inspired by the ideals of service.

The mutual interactions of these two groups (*Varnas* and *Ashramas*) did not, however, exhaust the mutual group-influence which went to make up the political ethos of ancient India. In fact the society was much more organically unified and various other institutional activities and experiences were equally responsible for the enrichment of her socio-ethical or political life. This brings us to the consideration of some of the Hindu assemblies.

The *Vidatha* was perhaps the earliest folk-assembly of the Vedic Indians when society and government were in a tribal stage. Like most ancient folk-assemblies the *Vidatha* was required to perform a variety of functions, religious, political, economic and military. One very important feature of this Vedic assembly was the concession of full membership to women on terms of equality with men to which

the *Rg Veda* makes repeated reference.¹ The *Vidatha* was probably the assembly of the vedic Indian tribes or *Ganas* and these *Ganas* in course of time might have changed into the republican States of the post-Vedic period in succession to the early Vedic monarchies. Some of the Vedic *Ganas* must have been matriarchal as there are references of vedic *matriganas* in the epics. But these must have existed before the promulgation of *Varnashrama* as those early tribes did not know division of labour on the basis of sex or any other basis. According to the *Mahabharata* "the members of the *ganas* were equal in terms of birth and family, but not in terms of bravery, wisdom or money."² Being anterior to the promulgation of the *Varnashrama* naturally the *Vidathas* cannot give any idea of the influence of the *vox populi* in the government of the *Varnashramic* society. Their importance however lies in the legacies which they might have left for the assemblies of the Vedic and post-Vedic period, namely, on the *Sabhas* and *Samitis*.

The available opinions of Indologists and the source material at our disposal do not permit us to state with any degree of certainty much about the nature and interrelationship

1. Guha charanti manusho na yosha sabhavati vidathyeva sam
vak. *Rg. Veda* 1.167.3
Asthapayanta yuvatim yuvanah shubhe nimisham vidathesu
pajram—*Ibid* 1.167.6.
Grihangachchha grihapatniyathasovashini tvam vidathamava-
dadi *Ibid* 85.26
2. Jatya cha sadrishah sarve kulena sadrishastatha
Na tu shauryena budhya va rupadravyena va punah.
Shanti Parva 108.30-31

of these ancient assemblies, the Sabha and the Samiti. The *Atharva Veda* refers to them as the twin daughters of the Creator¹, probably meaning thereby that they were as old as creation itself which might have been the rhetorical way of emphasizing their antiquity. They were coeval bodies and therefore they must have been two different bodies as otherwise their two different names would be meaningless. In all probability the *Sabhas* were folk-assemblies of rural origin which in the later Vedic age were consulted by the first Vedic kings and were gradually in the course of centuries converted into the King's Privy Council.

The *Samiti* was a deliberative body whose distinctive function lay not in holding heated debates among rival political groups out to defeat opponents in wordy warfare for the capture of political power but in the efforts made by it to arrive at harmonious or unanimous decisions through sympathetic understanding of each other's point of view and co-operative thinking. In the *Rg Veda* there is a prayer that the deliberations of the *Samiti* may be harmonious and the minds of its members well-disposed towards one another and its conclusion unanimous².

1. Sabha cha mam samitishchavatam prajapaterduhitaram sam-
vidane.—*Atharva Veda VII* 12.1

2. Sam gachchhadhwam, sam vadadhwam sam vo manamsi
janatam
Samano mantrah samitih samani samanam manah saha
chittamesham—*Rg. Veda X* 191.2.3

Apart from deliberation the most important function of the Samiti was to act as a check on the ruler or the Chief Executive (*i.e.* either the post-Vedic kings or the Executives of later republics, the aristocratic members of which bore the honorific title of *rajas*.) It is definite that the sovereignty of an Indian republic was vested in the Central Assembly or Samiti and it controlled both the home and foreign policies. The membership of these assemblies ran to thousands as in Athens and the members elected the Executive Council and the Generals (as in Athens). The composition of these Hindu assemblies was also similar to that of the Greek assemblies, that is, confined to specially qualified adults, who alone were regarded as citizens, but the Hindus seemed to have been more broad-minded in this matter of the membership of their assemblies because they were in principle at least, not opposed to the inclusion of women and cultured foreigners of which mention has already been made earlier.

These Indian assemblies however, were not legislatures in the modern sense of the word. This is not to say that they were useless as democratic political institutions, because the importance of a political institution (as a democratic body) depends not on the extent of its law-making powers but on the extent of its ability to bring to bear upon public questions the instructed judgment of the enlightened members of the public. Neither does this suggest that since the assembly did not legislate, the king must have autocratically legislated

in India. This is far from the truth. The fact is that the laws were provided for by the *Dharmashastras* (whose authors were saints and jurists and law-givers having the requisite learning and moral integrity for that purpose) and the king's duty lay in administering them according to the *Smritis* and well-established usages and traditions (*acharas*). For the maintenance of law and order it might have been necessary for the king to make certain additional rules and regulations which the kings no doubt had the right to issue as shown by the royal edicts of Asoka and other Indian kings. Shukracharya gives a list of writs which could have been issued by the king; some of which are listed below :— prohibiting people from (i) the use of abusive language to their slave, servant, son, wife or pupil, (ii) the practice of deceit in respect of measures, weights and coins, (iii) taking and giving bribes, (iv) showing disrespect towards learned men and parents, (v) sowing dissension between husband and wife, master and servant, father and son, (vi) publication of slander, (vi) committing adultery with a married woman, etc. Apart from this the duty of the king was not to make laws but *to find out the laws* in relevant cases from the *Vedas*, usages of trade-guilds, and the opinions delivered by the assembly of learned men (the *Parishad*)¹.

1. Tasya cha vyavaharo vedo dharmashastranyanganyupavedah puranam

Deshajatikuladharmaschamtayirvirudha pramanam.

Karshakavanikapasupalakusidikadavah sve sve varge....

Nyayadhigame tarkochyupah..Vipratipatyau traividyavridhebyah pratyavahrtya nishtham gamayet tatha hyasya nishreyasam bhavati *Gautamadharmasutra* XI 19-26

The question that arises now is that if the Indian assemblies did not legislate but still deliberated on what did they deliberate? The answer is not desperately difficult even though a direct clue may not still be available from the source materials at our command today. We have seen earlier that these Central Assemblies were brought into being since the very early vedic and post-vedic time to serve as the sovereign authority to check the arbitrary rule of rulers (either monarchical or republican). The key-note of the Hindu Science of Government is to give to the ruler all honour and respect but to retain the sovereign power in the hands of the people or the peoples' respected representatives (not necessarily their voted¹ representatives). Hence the topics of discussions in the *Samitis* must have been those connected with the *policies* the Chief Executive (monarchical or republican) was following, and that is why since the early vedic age it has been incumbent on the Hindu ruler to carry the assembly along with him.² That is also the reason why an aspirant for political power wanted to dominate the assembly³ in the Periclean fashion.

It is interesting to note that the Greek view of legislation was not very different from the ancient Hindu view, even though there is more

1. Modern conditions have shown that the voted representatives may not be always the respected ones: sometimes they are the despised representatives also.

2. Dhruvaya te samitih kalpatamiha. *Atharva Veda* VI. 88.3.

3. A vashchittam a vo vratam a vo'ham samitim dade.
—*Rg. Veda* X. 166.4.

definite proof of the so-called law-making power of the Athenian Assembly. It is however to be noted that even there, *a la* Hindu *Samitis*, laws passed by the *Ekklesia* were considered as rules, the observance of which would help the promotion of divine universal will or law or the dictates of Reason or justice. Moreover the laws passed by the *Ekklesia* were not to be counter to the Athenian Constitution (which was the Athenian equivalent of *Varnashrama*) and existing laws. Plato went further in curbing the law-making powers of the assemblies when he declared that the Chiefs (or Archons) alone "at the end of their long term of study, having ascended gradually from the phenomena of sense to intellectual contemplation and familiarity with the unchangeable Ideas—will come to discern and embrace the highest of all Ideas—the Form of Good¹. This is very similar to the insight and virtues claimed on behalf of the Indian law-givers like Manu.

We have now seen how the different classes of the Indo-Aryan Community through different political institutions like *Varnas*, *Ashramas*, *Sabhas*, and *Samitis* were creating a mosaic of public opinion in the formation of which all important sections of society were more or less responsible. The social ideals and values created by this complex political cross-section were to be defended by the legal order represented by the State (monarchical or repub-

1. See George Grote : *Plato & other Companions of Socrates* (1888) Vol. IV, p. 212 and *Plato's Republic* VII.

lican). But this criss-cross of (socio-moral or) political life was further enriched by two other political institutions—the *Paura* and the *Jana-pada*. Much discussion (learned and otherwise) has taken place on the exact nature and function of these institutions.¹ On a careful sifting of facts from fiction it is possible now to assert with near certainty that whatever might have been their position in pre-historic past, from the date we have any record of these bodies they were *local bodies* of the *urban* and *rural* areas respectively.

But though these were primarily local bodies they were organically connected and related to the central administrative system inasmuch as they were regularly consulted in matters connected with taxation and the general fiscal policy of the State. In all probability their membership was confined to the *Vaishyas* and *Shudras* who were the real tax-paying groups as the *Brahmanas* and *Kshatriyas* were very often tax-free. This arrangement provided for some participation of the shudras in the administration and perhaps this was the only aspect of the central administration in which the shudras were interested. The contributions made by these institutions further enriched the political life and added to the usefulness of public opinion in consultation with which the Hindu State normally functioned.

1. Ghoshal, Altekar, Kane, Jayaswal, Sarkar.

On the basis of the data at our disposal and of the above analysis I venture to advance the *theory of Criss-Cross of Political Institutions* which functioned at different levels of the social structure none of whom was sovereign and all of whom jointly and severally were trying to help the emergence of the real Sovereign, *i.e. Dharma* or Justice and to maintain the *dharmic* social order. The State was the legal organ of the *dharmic* or justice-loving or political society brought into being for the maintenance of the ethical values of society and promoting the maximum welfare of its members.

I leave to the competent critics to judge, how near this is to the definition of the State according to the latest theoretical developments in this field.

CHAPTER V

THE HINDU VIEW OF THE STATE AND POLITICAL OBLIGATION

It is one of the most intriguing facts of history that the Greek mind was singularly devoid of the idea of the State. Even the master-minds of Greece were prisoners of their *polis* and the *polis*, as we have seen earlier, was not a State even in its theoretical bearings. In the field of Political Science the most striking difference between the Hindu and Greek thought is the Hindu ability (and the Greek inability) to conceive the State, for, like the conception of the zero, the conception of the State is a contribution of Ancient India to human civilization.

The Hindu State (or *rajya*) has been almost unanimously described as seven - limbed (*saptatmakam*) by Manu, Yajnavalkya, Shukra, Kautilya¹ and also in the *Mahabharata*, *Agni Purana*, *Markandeya Purana* and *Kalika Purana*.

1. Swamyamatyan puram rashtram koshadandan suhrittatha
Saptoprakritayo hyetah saptamgam rajyamuchchate.
Manu. IX. 294
Swamyamatya jano durgam kosho dandastathaivacha
Mitrayetah prakritayo rajyam saptangamuchchate.
Yajnavalkya. I. 353
Saptangamuchchate rajyam *Shukraniti I. 61-62*
Swamyamatyajanapadadurga kosha danda mitrani prakritayah.
Kautilya's Arthashastra. VI. 1.

For suggestions regarding improved re-constructions see my article on *Fundamental Categories of Hindu Political Theory* in the *Indian Journal of Political Science* Vol. XI No. 2.

The seven elements (or *angas*) of the State according to the Hindu political theorists are *swamin* (ruler), *amatya* (civil servants and/or ministers), *jana or rashtra* (territory and people) *durga* (capital city), *kosha* (treasury), *danda* (coercive instrument for enforcing law) and *mitra or suhrit* (ally). The aforesaid composition of the State, as has already been pointed out by earlier writers, are in accordance with the nineteenth century (Bluntschlian) requirements of State-composition as prevalent in the West according to which the State was to have as its constituents, the people, territory, unity, governmental organization and coercive power (miscalled sovereignty). In the Hindu definition "people and territory" are represented by *rajya*, "unity and governmental organization" by *amatya*, *kosha* and *durga* and "sovereignty" by *danda* and *swamin*. An additional element, *mitra*, or ally, which is not to be found in the western definition of the State, in the Hindu definition takes it towards completeness by emphasizing also its external relations which are no less important than the conduct of internal policies.

The case in favour of the Hindu concept of the State is further strengthened by the emphasis it lays on the organic relationship among the constituent elements of the State as well as on their complementary nature. According to Kamandaka the elements of the State are *parasparopakaridam*, that is, they are mutually useful and complementary.¹ Although in

1. Kamandaka. IV, also *Angi Purana* and *Matsya Purana*

some works (as in the *Arthashastra*)¹ the importance of one of the elements (i.e. *swamin*) seemed to have been over-emphasized, others (like the *Markandeya Purana*)² hastened to clear this up by adding that the ruler is said to be the most important of the State not to minimise the importance of the other elements but because (in time of crisis) the ruler alone can protect the other six elements. The important thing about them is their organic unity which is more explicitly brought out in the *Mahabharata*³ where it is pointed out that "it is not possible to say categorically that any one of the seven excels the others in merit, but that at different times a different element assumes importance over others, since that particular element is in the particular circumstances capable of accomplishing the purpose in hand." Manu therefore enjoins that "all must work harmoniously towards one ideal or end," like the three staves tied together on the staff of a *sannyasin*.⁴ The State in fact has been compared with a living human organism by Shukracharya⁵. who compared the

1. Raja rajyamiti prakritisamkshepah. *Kautilya's Arthashastra*. VIII. 2.
2. Saptangasyapirajyasya mulam swami prakirtitah
Tanmulatwattathanganam sa tu rakshyah prayatnatah.
Markandeya Purana
3. Saptangasya rajyasya tridandasyeva tishthatah
Anyonya gunayuktasya kah kena gunato' dhikah
Teshu teshu hi kaleshu tattadangam vishishyate
Yena yatsiddhate karyam tatpradhanyayakalpate. *Shanti Parva*
4. *Manu IX*. 296-297.
5. Saptangamuchchyate rajyam tatra murdha nripah smritah
Durgamatya suhrichchhotram mukha kosho balam manah
Hastau padau durgarashtrau *Shukraniti*. I. 61-62

ruler with the head, the ministers with eyes, the ally with ears, the treasury with the mouth, the army with the mind and the capital and territory with hands and feet respectively.

These references to the organic unity of the State-elements and the references to the coronation oath which the Hindu king was required to take prior to his assumption of kingly duties have led some scholars to view the Indian conception of the State as a very modern concept having all the merits (?) of the Bluntschlian definition of the State and the European Organic theory and Social Contract theories; while other scholars were led to protest against the tendency of crediting the Indian State-concept with so much modernism (?) and so much merit (?). I am unable to agree with either of these groups and would claim on behalf of the Hindu State - concept much more merit and modernism than are to be found in the Bluntschlian definition or the European Organic and Social Contract theories. My position is that there is a remarkable strain of modernism (genuine, post-Laskian modernism) in the Hindu view of the State which, modernism, in the process of its purificatory emergence has rejected and modified much of the social contract theory, organic theory (and other theories like the idealist theory) and also the classical theory of sovereign State—a process in which much of Bluntschli, Austin, Hobbes and much else like Diceyan Rule of Law and Parliamentary Sovereignty have stumbled down. Let me explain.

Neither the Bluntschli-Garner type of definition of Political Science nor the Hobbes-Austin-Garner type of Sovereignty of the State can be acceptable to a really modern political theorist (aware of the repercussions on our science of sociology, psychology, ethics, constitutional law). To him any political theory based on the sovereignty of the State (and the denial of the sovereignty of the society) would be *ab initio* void. The so-called classical State theory was based on the misinterpretation and misunderstanding of the real nature of the *legal supremacy* of the State which when morally justifiable was obliged to work under constitutional rules miscalled constitutional Laws but which were really the ethical norms and value structures of society through which and for the maintenance and promotion of which the State was brought into being and exists.

The *legal supremacy of the State* which is bound by constitutional rules is obviously conditional supremacy: the condition being its subservience to social will and social ideology reflected in the constitutional limitations and rules which provide the *raison d'être* of the State.¹ It should be transparently clear by now to all concerned that the theory of the sovereignty of the State has to be given up not because some eminent Professors like Harold Laski found it fashionable to be a Pluralist (whatever that might have meant) for some

1. Rousseau had perhaps understood this but did not make his position very clear.

time and then found refuge in the Marxian State-theory (which really aims at destroying all possibilities of any State-theory, because Marx's political philosophy is a brand of very consistent and understandable Anarchist philosophy), nor because of the necessity of curtailing the State's sovereign powers due to the dangerous possibilities of international-wars and the ever-growing demands of international economics but because of the simple theoretical consideration that the sovereignty of the State absolutises the agent (that is the State) vis-a-vis the real master (that is the society) and allows the agent to by-pass the principal. This would remain an utterly untenable theoretical proposition even if the dangers of wars and economic crises were not there. This is the post Bluntschlian or rather post-Laskian modernism in State theory to which reference has been made earlier and I praise the Hindu State theory because it had realized this centuries earlier and I believe that it was a great achievement of the Hindu political theorists that they refused to discover the "sovereign State" but instead discovered the sovereign community and their sovereign social ideology like the *Varnashrama Dharma*.

As regards the European social contract and organic theories of the State, I desire to emphasize that the Hindus never tried to develop anything like a full-fledged social contract or organic theory and I, once again congratulate

them on their supreme sagacity¹. I agree with those who hold that the Hindu view of the State does not include within its ambit the entire gamut of assumptions and arguments on which the European organic and social contract theories rest but that in my opinion only enhances the prestige and worth of the Hindu theory. The European organic and social contract theories are in my opinion very confused theories. Though certain amount of truth may be found in them, there is much that is neither true nor theoretically tenable.

Western political thought has been vitiated through out the centuries by two basic misconceptions, namely the assumption of an inherent antagonism between the interest of the individual and that of the society and the oft-repeated false identity between State and society. The two wrong assumptions of western political thought are due to the isolationist outlook which very often delights in viewing such mutually integrated social categories as society—individual—State—as independent (mutually exclusive) categories. This creates endless theoretical difficulties and then to get out of these difficulties are formulated over-simplified or over-drawn theories like the organic, the idealist, the social contract theories which

1. I do not understand the pathetic regret of some Indian Indologists over the fact that the Hindu political theorists did not anticipate a cent per cent replica of the European Organic and Social Contract theories. The European Organic and Social Contract theory is utter nonsense and the Social Contract theory, although it made an effort to justify the State on the basis of the consent of the governed, it includes much that is untenable, notwithstanding some good points made by Locke and Rousseau.

get us involved in greater difficulties. For instance the contrast between the society and individual (as is to be found in the utilitarian - Spencerian theory) was tried to be counter-acted by the Organic-Idealist theories which, however, landed in the stark absolutism of Hegelian or Socialistic State wherefrom many tried to take refuge in Pluralism and there they lost themselves and their theories in the maze of Pluralism and Syndicalism. This was so because instead of emphasizing the only justifiable element in the Organic Theory, namely, the need of an organic unity among the social components of the State the western theorists went to the absurd extent of viewing it as an exact replica of the human organism endowed with a super-will¹ (and according to some even with a sex) and this will was so superior as to be able to over-ride the wills of individuals and thus wrecking the moral foundation of State theory once for all.

The European social contract theories also landed in innumerable difficulties in their efforts at the identification of the State with society (as in Hobbes and Rousseau), in making the State prior to the morally-conscious society (as in Hobbes), in making the State coextensive with the society (as in Rousseau), in assuming sweet reasonableness amidst primitive anarchy (as in Locke) and by the failure of these theorists to conceive the

1. For the criticism of the Organic theory see my "*State*".

state of Nature as a *psychological* category instead of a *historical* category. This was so because instead of emphasizing only the only justifiable element in the contract theory (namely, the need of the consentient basis of State authority) the western contractualists went to the absurd extent of crediting primitive people (entire and whole) with sweet reasonableness and contractual habits of highly social citizens of advanced societies and often of viewing morals as posterior to the State. The much maturer Hindu political theorists carefully avoided such pitfalls and abstained from any attempt at the enunciation of a full-fledged social contract theory or organic theory but at the same time had the sagacity to mention the really useful element in both the above theories, namely, the organic unity among the components of State and the consentient basis of State authority. Let us see how this was so.

Reference has already been made regarding the emphasis on the organic unity of the social components of the State in *Mahabharata* (*Shanti Parva*), Manu and Shukra. Now let us see how the consentient basis of the State authority was emphasized in Hindu political thought, without, however, trying to enunciate a full-fledged social contract theory for which there is hardly any justification either in history or in theory. The most explicit hint to the consentient basis of the State authority is to be found in the *Mahabharata* (Chapters 59 and 67 of the *Shanti Parva*) and Kautilya's *Arthashastra* (Ch. I 13). In *Shanti Parva* we

find that Vaniya (alias Prithu) the second king takes a vow before gods and saints, that "he would protect the world and carry out his duties as laid down in the Science of Government and not act in an arbitrary way". Coming as it does immediately after the story of the regicide of the first king Vena (father of Vaniya) by the *brahmanas* because of his disregard of people's wishes, it does emphasise the consentient basis of government though not perhaps the proof of a direct contract between the people and their ruler exchanging obedience for protection. This point finds further support and elucidation in Kautilya's *Arthashastra* where it is stated that people suffering from anarchy (*matsyanyayabhibhutah prajah*) elected Vaivasvata Manu their ruler and promised 1/6th of the grain raised to him in lieu of the protection afforded by him.² A slight variant of the same is to be found in the *Mahabharata* according to which Manu was at first unwilling to accept this onerous task of governing the people steeped in injustice and sin (*adharma*) but subsequently the people agreeing to offer him 1/50th of their cattle, 1/50 of their gold, 1/10th of their grain and 1/4th of their spiritual merit in lieu of the King's protection which they were to receive, Manu accepted the offer and started to suppress anarchy and establish order

1. Pratijnam chavirohaswa manasa karmana gira
 Palayisyamyaham bhaumam brahmetyevahachaskrit
 Yashchatra dharmo nityukto dandanitivyapashrayah
 Tamashankah karishyami swavaso na kadachana.
Shanti Parva. 59. 106-108

2. *Arthashastra.* I. 13

prevalent state of anarchy in society does not justify reading into them a crude social contract theory à la Hobbes, Locke or Rousseau but they do emphasize the most valuable element that is to be found in all this tall talk of a social contract theory in the West, namely the importance, for purposes of theory, of the consentient basis of the State authority.

We therefore find that the Hindu political theorists utilized the two most valuable elements in the organic and social contract theories and further strengthened their State theory by incorporating another element of basic importance, which no doubt follows from the consentient basis and the organic unity of State-components, namely, the *agency aspect* of the State which, so to say, once for all nips in the bud any recrudescence of the Theory of Sovereign State which has made western political thought vitiated, unintelligible and clumsy for centuries.

The State according to the Hindu theory, is no doubt *legally supreme* (this debars the entry of any pluralistic nonsense) and hence the great respect shown to *danda* or the law-enforcing authority of the State but this is not absolute sovereignty but only a conditional supremacy in the legal sphere over the rest of the society, the condition being the subservience of the State to the moral order represented by society and to the society's conception of morality or Justice, which was above the ruler (monarchical or republican). In the Hindu view

and justice.¹ This and the recurrent reference to a pre-State *matsyanyaya*² state, that is the

1. *Shanti Parva*. 67. 19-24

2. *Matsyanyaya* (or the logic of the fish world) is a figurative equivalent of the Hindu State of Nature or anarchy, because in the fish-world the strong preys upon the weak in an anarchical way. There is some evidence to show that unlike the State of Nature of the European conception which was regarded as a historical category, the Hindu State of Nature indicated more a psychological category which therefore, could make its appearance in any place at any time, that is when the people's mental conditions are such that they prefer anarchy to settled social life, however, temporary this attitude may be. Further, it is possible and from the theory point of view also desirable, to conceive of three different types of *matsyanyaya* or anarchical states, namely, (i) the original, pre-social, primitive anarchy in which moral principles were unknown (ii), the post-social but pre-State anarchy, where people had known and relished proprietary and marital rights but had not yet found out an effective sanction to guarantee them, and (iii) the subsequent anarchical states that is, any period of constitutional transition or interregnum between a revolution and re-constitution of the legal order presented by the State.

The Hindu theorists seemed not so much to have emphasized the historical or the past aspect of the State of Nature as its psychological aspects, which makes it possible to view *matsyanyaya* not merely as past phenomenon but as a universal phenomenon which may appear any where any-when if the psychological conditions favouring anarchy are somehow present. The following extracts would go to show that the Hindu theorists thought of the State of Nature as a psychological category, that is, they seemed to have realized that *matsyanyaya* state (in which the strong would prey upon the weak) could emerge any time, any where when a strong authority or fear of public chastisement for wrong-doing was lacking:

(a) *Matsyaiva jana nityam bhakshayanti parasparam.*

Ramayana - Ayodya Kanda 67-31.

(b) *Dandashchenna bhavelloke vinashyeyurimah prajah.*
Jale matsyanivabhaksyandurbalam balavattarah.

Shanti Parva 15.30

(c) *(Dandah) apranito hi matsyanyayamudbhavayati*
Baliyanbalam hi grasate dandadharabhawe.

Kautilya's Arthashastra I. 4.

(d) *Dandabhawe paridhwansi matsyonyayah pravartate.*

Kamandaka II.40

At any rate I consider the psychological view of the *matsyanyaya* better suited for purposes of theory.

prevalent state of anarchy in society does not justify reading into them a crude social contract theory à la Hobbes, Locke or Rousseau but they do emphasize the most valuable element that is to be found in all this tall talk of a social contract theory in the West, namely the importance, for purposes of theory, of the consentient basis of the State authority.

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of the State the ruler's authority was definitely dependent upon his readiness to follow the *dharma* or the value-structure (or social ideology) of the people.¹ As I have observed elsewhere "the State authority was not to interfere with the free life of the occupational, cultural or local groups united in autonomous or quasi-autonomous associations or communities² but to co-ordinate their activities and with that end in view was invested with *legal supremacy* and power of general supervision over social life, which however was never intended to become arbitrary or absolute³.

It may be pointed out here that the superiority of the ethical rules or *dharma* is also to be found in the Hegelian idealist school of thought but there the determinator of *dharma* or morality is not the individuals who comprise the society but those who happened, for the time being, to wield governmental power. This by-passing of the society is ethically unsound (if not also historically incorrect) because in effect, it absolutizes the wielder of State-authority irrespective of his moral right to wield

1. "The subjection of the sovereign power to the Dharma was not an ideal theory inoperative in practice; for the rule of the socio-religious law actively conditioned the whole life of the people and was therefore a living reality and it had in the political field very large practical consequences."

— Sri Aurobindo : *The Spirit & Form of Indian Polity* Calcutta, 1947, p. 13

2. The more important of which, as pointed out earlier, were institutionalized.

3. See my "*State*" p. 358.

it and is therefore untenable in theory. It has again to be noted to the everlasting credit of Hindu political thinkers that though they were the earliest apostles of the theory of "morals in evolution" (on which L. T. Hobhouse has so largely drawn) *a la* western idealists, they did not confuse the entire social evolution of man with the construction and working of the governmental apparatus (mis-called State by Hegelian absolutists). They wisely pointed out that the best customs and traditions of the society and its components like the guilds and local bodies and the conduct of the social elites were to be treated as the source of society's moral ideals and not the ruler or the State which was relegated to the position of an agent of a morality-oriented society.

The Hindu State theory thus wisely discarded the temptation of enunciating theories in the images of now discarded western theories (like the Organic, the Idealist and the Contact theories) but judiciously collected together those elements of these latter theories which are really valuable for theory-purposes and indicated the possibility of their integration into a well-knit theory of the State which is true for all ages and climes. The valuable elements of the Hindu State theory are (a) the organic unity among the constituent elements of the State (population, territory, unity, organization and the ruler or chief executive), (b) the consentient basis of the State authority (which would entail the constant consultation of public opinion through national assemblies, councils

of ministers, professional guilds, local bodies etc.), (c) and the exercise of legal supremacy as a subservient social agent for the defence and promotion of the moral ideals and social ideology of the people.

The moral ideals of society may or may not be enshrined in a written constitution nor be incorporated in Statute books. In fact in the only two countries where social ideology guided most the formation of Government (ancient India and Britain) the social ideologies were mostly NOT on the Statute book always but they proved effective checks on the arbitrary powers of governmental authorities because (and that is the only important thing in this case) they had the backing of effective public opinion of their respective societies—the only sovereign creator of social norms and constitutional rules. I regret having to point out that the lack of the proper understanding of the real nature of constitutional limitations on the State by otherwise very learned Indologists have made them unnecessarily apologetic¹ towards this aspect of Hindu State theory. This is so because the mental hang-overs of Diceyan legalism (in matters relating to the nature of “Constitutional Law”) still works as such an obsession to these writers that they do not allow them still to see the inadequacy of legalism as the basis of legal and political philosophy which can be grounded, as Georg Jellinek² was the first westerner to point out,

1. Kane, P.V. : *History of Dharmashastras*—Vol. III p. 98

2. Georg Jellinek: *Allgemeine Staatslehre, Chapter XI (Staat und Recht)*

only on socio-ethical foundations. That is why Jennings¹ later on pointed out that there was no distinction of substance or nature between constitutional conventions and constitutional laws and that the sanction behind both is that they accord with the prevailing political philosophy or that is, social ethics or view of *dharma* or justice. This I maintain is the only tenable basis of political obligation in any society.

The subservience of the State to the social will and social ideology emphasizes the qualified sovereignty (if I may say so) of the State and the acceptance of this subservience saved the Hindu State theory from the devastating fate of the theory of unlimited State-sovereignty of western thinkers from which western political thought has not yet fully recovered. It was realized centuries ago by the Hindus that what the State theoretically speaking could possess was not sovereignty but *danda* or coercive power for enforcing law or preventing its breach and hence *danda* has received high eulogies from all our ancient political philosophers.² But the limited purpose for which this *danda* could be exercised by the State (without arrogating unjustifiable powers) was also understood by them. The purpose for which the State can utilize the coercive (including of course enforcing and enabling, powers is the *dharmic* purpose, that is, the

1. Ivor Jennings : *Law and the Constitution*, (1942) pp. 113-131

2. Yatra shyamo lohitaksho dandashcharati papaha
Prajastatra na muhyanti netachet sadhu pashyati.
Manu VII. 25; Matsya P. 225. 8.

purpose of maintaining and promoting *dharma* or society's concept of justice and not according to the whim of the ruler. Otherwise, the Hindu thinkers opine, the *danda* (which is described as the king of kings) will also operate on the ruler himself¹ because the ruler is bound by the *dharmic* injunctions,² or social ideology. This is so because the right to possess and exercise *danda* is derived by the ruler from the society and must be limited by the society's conception of *dharma* or justice. Hence the Hindu political literature freely recognizes the people's right to depose or even execute a king.³

The *dharmic* State of Hindu conception is not a mere police-State because according to *Rajadharma* the king's function is two-pronged, that is, on the one hand the ruler is to chastise the anti-social evil-doers who try to disrupt society, on the other hand he is also to promote and encourage people to promote material welfare of society, because *dharma* or justice when properly safeguarded would promote both moral and material welfare. The *dharmic* State is par excellence a Welfare State, the essential pre-condition of welfare being the police functions of the State. Hence according to the *Mahabharata*⁴ *dandaniti* must first

1. *Kamandaka* II. 39

2. According to Shukra (Ch I. 375-376; IV. ii. 259) the ruler is the servant of the People and according to Manu VIII.336) the king is liable to fines for his wrong actions.

3. *Shatapatha Brahmana* XII-9, 3, 3; *Manu* VII. 28-29, *Kautilya* I. iv

4. Dandanitih swadharmebhyashchaturvarnam niyachchhati. . . .
Prayukta swamina samyagadharmebhya niyachchhati.

Shanti Parva 69—76

control the four *Varnas* and lead them on to the performance of their respective duties and make them desist from *adharma*.

But the Hindu ruler's duty does not stop there, because as Kautilya says,¹ *danda* is the means to attain simultaneously the twin aims of social stability (law and order) and welfare (*yogakshema*). *Yogakshema* or Welfare the promotion of which according to Kautilya is the duty of the administrators (*amatyas*) consisted of agriculture, cattle-breeding, trade, fortifications, defence of territory, prevention of adversities, collection of State-dues, and punishments of criminals and evil-doers².

The welfare activities of the State were to extend to such varied aspects of social life as the support of the students and learned men³, maintenance of the aged, the destitute, the cripple, the lunatic, the orphan, the widow pregnant women by giving them food, medicine,

1. Anvikshikitravivartanam yogakshemasadhano dandah.
Kautilya Arthashastra I.4.
2. Janapadasya karmasiddhayah swatah paratashcha
Yogakshemasadhanam vyanapratikarah
Shunyaniveshopachau dandakaranugrahashcheti. *Ibid* VIII.1.
3. Ritvigacharya purohita shrotriyebyo
Balavirddhavyadita vyasanyanathanscha raja bibhrayat.
Kautilya A.S. II.1.

lodging and clothings¹, protecting and honouring chaste women², and securing employment for unemployed artisans and craftsmen³. According to the *Mahabharata* the king should cause meeting (assembly) halls, *prapas*, tanks, temples and lodgings for brahmins to be constructed⁴. The State was also required to check natural calamities and failing that to give relief to the people when such calamities could not be checked. Kautilya mentions (A.S. IV 3.) floods, fires, famines, diseases, and pests like rats and wild elephants as the natural calamities from which the ruler should protect the people. Others mention other (*itis*) or natural calamities, such as, excessive rains, droughts, rats, locusts, parrots and presence of foreign kings, against which the State must provide protection to the people⁵.

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1. Kripananathavridhdhanam vidhavanamcha yoshitam
Yogakshemam cha vrittimcha nityameva prakalpayet.
Shanti Parva 86.24.

Kachchidandhanscha mukanshchapangun vyanganavandhavan
piteva pasi dharmajna tatha pravrajitanapi. *Ibid.* 5.124
 2. Sadhvinaṁ paṇam kuryat puṇam cha mahipatiḥ
Eko patnī striyā sarva dharayanti jagatrayam.
Rajanitiprakasha p. 130
 3. Rajanya vaishya vapyajivantau rajanam upatistheyatam
tavubhan samvibhaktavupa kuryatam swaswa dharmanustha-
nena shilpinah karavascha shudrah. *Sankhalikhita* quoted in
Rajanitiprakasha p. 141
 4. Silaprapatadagani devatayatanani cha
Brahmana vasathaschaiva kartavyam nripasthamai.
Anushasana Parva
 5. Ativristiranavristir mushakah salabhah sukah
Atyasannascha rajanah sadeta itayah smritah.
Kshiraswami on Amarkosha

Megasthenes (in Fragment XXXIV) mentions that in Mauryan India superintendents of rivers were appointed to see to it that water taken from a river for irrigation purposes was equitably distributed among cultivators.

Enough has been said, I suppose, to convince a fair-minded critic that the *dharma* to protect and promote which the State was brought into being by society included both the maintenance of law and order and the promotion of material and moral welfare of the people.

CHAPTER VI

PRINCIPLES AND SOURCES OF TAXATION IN ANCIENT INDIA

The right of the State to levy taxes is one of the best manifestations of what the European political thinkers have been in the habit of calling its sovereignty but what really speaking is its conditional legal supremacy or its right to enforce laws and to raise money compulsorily for carrying out its duties effectively. But even this right is not an absolute one : The State cannot raise revenues any way it likes nor utilize the money it raises for any purpose. A genuine State (as distinguished from an arbitrary Government) must therefore base its taxation policies on certain fundamental principles of justice, equity and fair-play. The ancient Hindus did not fail to appreciate this point.

We have seen that in the *saptangic* view of the State one of the principal elements of the State is *kosha* or treasury, whose importance for the people and government had been recognized by all the important political thinkers of ancient India. According to the *Mahabharata* the treasury is the means to attain prosperity and hence the ruler is advised to guard the finances of the State with assiduity¹. Kautilya also emphasizes the fact that all the

1. Koshascha satatam rakshyo yatnamasthaya rajabhih
Koshamula hi rajanah kosho vriddhikaro bhavet.
Shanti Parva 119.6.

(important) undertakings of the state depend on the financial stability and therefore the ruler must pay attention to the state of the treasury first.¹ And Kamandaka draws attention to the common maxim that the king is dependent on the treasury.² The principal source of replenishing the treasury is no doubt taxation : even so taxes must be levied on the basis of certain canons and the Hindu political thinkers pointed out the necessity of following the undermentioned canons of taxation :

The first canon of Hindu taxation was that taxes could not be levied according to the arbitrary whims of officials or rulers because that had to be done according to the injunctions of *smritis* or ancient law books which not only lay down the sources of taxation but also the limit or taxable capacity of such sources. These rates of taxation, however, would be varied by the ruler in abnormal times and under abnormal circumstances. For instance the land revenue, ordinarily, was to be fixed at 1/6th of the produce of the soil³ but this could be raised to 1/4th or 1/3rd of the crops in times of *apad* or distress.⁴ Kautilya seems to further qualify the conditions on which excess tax on land (*i.e.* over 1/6th of the produce) could be

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1. Koshaamulah koshapurvah sarvarambhah, tasmāt purvam koshamaveksheta. *Kautilya's Artha Shastra* II.2
 2. Koshamulohi rajeti pravadaḥ sarvelankikah. *Kamandaka* XIII.33.
 3. This is according to *Gaut.* D. S. X.24; *Manu* VII.130; *Visnu*. Dh. S. III.22-24
 4. See *Kautilya* V.2; *Manu* X.118; *Shanti Parva* 87; *Shukra* IV 2.9-10,

levied by saying that excessive taxes could not be demanded as a matter of right but must be asked for as a request (*pranaya*) and that no excess tax should be levied more than once during the same period of distress ¹.

The second canon of taxation was that it should not be excessive, that is, its incident should not be felt as an excessive burden by the taxpayers. Although there is no express provision for a graduated scale of taxation, the reference to the desirability of avoiding taxation which harm or ruin the tax-payers would naturally indicate the acceptance of the principle of ability to pay. The *Mahabharata*, for instance, declares that "just as a bee draws honey but at the same time leaves the flowers uninjured, so the king should take wealth from subjects without harming them." It further enjoins that one should not cut the root or source of income just as the garland-maker plucks flowers for his garlands without however injuring the tree and not behave like the coal-miner who exhausts the mine in the process of hewing coal.²

1. Koshamakoshah pratyutpannarthakrichchhrah sangrihniyat
Janapadam mahantamalpapramanam va devamatrikam
Prabhutadhanyam dhanyasyangsham tritiyamchaturthamva
yachet...iti kshakeshu pranayah .. iti vyvaharistu pranayah
.....sakrideva na dvih prayojyah. *Arthashastra* V 2.

2. Yatha madhu samadatte rakshan pushpani shatpadah
Tadvadathanmanushebhya ugadadyadavihsaya
Pushpam pushpam vichinvita mulachchedam na karayet
Malakara ivarama na yatha angarakarakah.
Udyoga Parva 34. 17-18
Also Shukraniti IV. 2. 113

The third canon of taxation was that in increasing the rate of any particular tax the principle of gradualness (or raising it by small increments at a time) should be followed¹.

The fourth canon was that taxes were to be collected at a time and place and manner which would be most convenient to the taxpayer². For instance in taxing skilled artisans regard had to be paid to the labour and skill involved in producing the articles taxed as well as the cost of living of the artisans³. Similarly in taxing merchants allowances had to be made for the availability of the markets, the cost of transport and guarding the articles in warehouses etc⁴.

The fifth canon of taxation was the universality of tax-payment, of course according to ability. This meant that every one, however poor, who followed an occupation of profit was obliged to contribute to the State coffers. Even those who lived on their manual labour, like cooks, porters and *shudras* had to contribute a day's labour to the State per month

1. *Shanti Parva* 88. 7-8

2. Adadita dhanam kale trivargaparivridhaye
Yatha gauh palyate kale duhyate cha tatha praja.
Kamandaka V. 83-84.
Also Shanti Parva 88.12.

3. *Shanti Parva* 87. 15

4. *Manu VII* . 127; *Shanti Parva* 78. 13-14.

or per fortnight .¹ These principles, as pointed out by Kane, compare favourably with the canons of taxation propounded by Adam Smith in his "Wealth of Nations"².

A careful study of the history of taxation in ancient India provides several grounds on which tax-levying by the State was justified in ancient India and also indicates several sources wherefrom taxes could be legitimately raised. As to the justifiable grounds for taxation, the general trend of opinion was that the tax represented the royal due for protection given to the people³. Sometimes it was also regarded as the king's wages (*vetana*) based on a contract between the king and the people according to which the people promise to pay him his wages in the shape of taxes in lieu of the protection they received⁴.

There were however, several sources of raising revenue for the State in ancient India and all of them were not called taxes or *kara*.

1. *Manu* VII. 137-138; *Gaut* X.31-34; *Shukra* IV. 2. 121

The only exception to this rule of universal tax-payment seemed to have been the brahmanas and sometimes the kshatriyas. It is however to be noted that this was not a privilege enjoyed by the brahmanas but a very justifiable consideration shown to the best brains of the country for voluntarily withdrawing themselves from careerist pursuits and agreeing to devote all their time for public service.

2. These are ability, certainty, convenience of payment; and minimum sacrifice to the tax-payer.

3. *Gaut D.S.-X*. 28.

4. *Shanti Parva* 67 and 70; *Baud. Dh. S.* I.10.1; *Narada* 18.48 *Kautilya* I.13.

There seemed to have been current at least four words to represent the different types of State dues from the people, namely, *bali* or land revenue; *kara* or taxes other than land revenue; *shulka* or octroi or custom duties and *pratibhoga* or presents of fruits, flowers and vegetables.

Taking *bali* and *kara* under one category representing taxes proper we find that land tax was *usually* levied at 1/6th to 1/10th of the produce of the soil as per details below ¹:

Sukadhanya (or bearded grains like wheat and barley) and spring crops
—1/6th of the produce.

Shimbidhanya (or grains in pods) and harvest of lands sown in rainy season
—1/8th of the produce.

Crops grown on lands that were fallow for some years—1/10th of the produce.

At times of distress and difficulties the State could claim 1/4th or even 1/3rd of the produce of the soil ².

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1. Shukadhanyeshu shadbhagam shimbidhanye shvathastakam
Raja balyarthamadadyaddeshakalanurupatah
Shukashimbyatirikte dhanye manugautamokto dwadasho
dashamo bhagah
Tathacha Brhaspatih. Dashastasastam nripaterbhagam, Khilad-
vasa vasantashcha Khrsyamanadya thakrami sa evah deshasthitya
balim dadyarbhutam sanmasa varshikam.
Esha dharmah samakhyatah kinashanam puratanah.
Vishnudharmottara II.61.60-61
 2. *Kautilya's Arthashastra* V. 2; *Manu* X.118; *Shanti Parva* 87;
Shukraniti IV. 2.9-10

But there were exceptions to this: for instance if a cultivator brought under cultivation absolutely waste land or fallow land or if he constructed tanks or irrigation canals for improved cultivation then Shukra enjoined that the State should not levy any tax on the produce of such lands till the person concerned had recovered twice the amount which he spent on these ventures¹.

Regarding other taxes the State is entitled to 1/50th of the cattle reared by herdsmen,² 1/32nd of the interests earned by money-lenders³, and 1/6th of trees, meat, honey, perfumes, medicinal plants, salt, clarified butter, earthenwares⁴ etc.

Coming to *shulka* (or tolls and custom duties), it seems every sale of merchandise entitled the State to some sort of a sale tax. For instance, according to Gautama and Manu⁵ and other law-givers 1/20th part of the sale price of an article (bought and sold in the country) was to go to the State coffers as its due. But on goods imported from abroad (by sea) the duty was to be 10 per cent of the price of the cargo⁶.

1. *Shukraniti* IV. 2. 121-122

2. *Manu* VII 130 ; *Gautama* X.25; *Vishnu Dh. s* III.24

3. *Vadthurshikancha* kausidad dwatrinansa harenripah.

4. *Manu* VII.131-132; *Gautama* X.27, *Vishnu Dh S.* III.25
Shukraniti IV.2.128.

The other sources of taxation mentioned in Kautilya's work and others are mines, roads, gambling halls, musical parties, prostitutes, forests etc.

5. *Gautama* X.26; *Manu* VIII.398; *Vishnu Dh S.* III.29.

6. *Baudhayana Dh. S.* - I. 10 15-16.

Kautilya prescribed the following rates of tolls for articles mentioned below:

Flowers, fruits, vegetables, seeds, dried fish and meat were to pay a toll duty equivalent to $1/6$ th of the price of the commodities. Chemicals, dyes, pungents, ferments, carpets and wool were to pay $1/10$ th or $1/15$ th of their prices and the same rate was to be paid for threads, cotton, scents, medicine, wood, bamboo, fibres, liquor and skin. The toll duties on conch-shells, pearls, diamond; and other precious stones, corals and necklaces were fixed by experts.¹ Further, in times of crisis and distress the State was permitted to levy charges on temple funds and impose ferry tolls. An interesting feature of the last mentioned tolls on ferry service was that *brahmanas*, children, pregnant women, very old and sick persons, messengers and ascetics were exempted from these dues². Kautilya also enjoined the free passage of goods on ferries if they happened to be marriage gifts, or presents taken along with a bride or accouchement of women or articles to be used in religious ceremonies³.

1. Kautilya's *Arthashastra* II.22.

2. *Ibid* II.28.

3. *Ibid* II.21.

CHAPTER VII

STATE-FUNCTIONARIES IN ANCIENT INDIA

After selecting a suitable¹ territory (*rashtra*) for establishing the State (*rajya*) the ancient Hindu ruler was required to provide for an efficient administration. The lowest unit of Local Government was the Village (*grama*). Manu² advised the ruler to appoint a "hierarchy of officers" for a village and groups of 10, 20, and 100 villages. These officers were to report to the Central Government all difficult matters connected with the administration of the villages and one of the king's ministers was to handle such cases. According to Shukra the supervisor of 100 villages was called the *samanta*, an officer having jurisdiction over 10 villages was called *nayaka*.

The civilization of India was mainly rural, not because town-building was not known to Indians but because they believed that cultured life was possible in the leisurely and spacious surrounding of a village: Towns were used only as headquarters of government, law, commerce, entertainments. Baudhayana therefore recommended residence in villages for cultured people because in a city "the body is covered with dust which enters the mouth

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1. The territory should be not water-logged, rich in crops, not visited by epidemic, mostly inhabited by Aryas, made charming by trees and flowers etc. *Kulluka on Manu* VII.69.
 2. *Manu* VII. 115-117, VII. 120

and eyes," whereas villages abound "in water, fuel, fodder, fuel-sticks, kusha grass, flowers and are full of well-to-do and industrious people ¹.

According to the *Shukraniti* ² there were to be six village officers :

Sahasadhipati or village magistrate (who was to be a *kshatriya*) and whose duty was to deal with wrongs involving force.

Gramanetri or the village headman (who was to be a *brahmana*) and whose duty was to protect the people from the oppression of thieves, robbers and State officials.

Bhagahara or land revenue collector (who was a *kshatriya*) and tending trees was one of his duties.

Lekhaka or the scribe (who was a *kayastha*), who was skilled in account-keeping and proficient in several spoken languages.

Shulkagraha or the toll-gate-keeper (who was a *vaishya*) whose duty was to levy tolls without causing loss to merchants.

Pratihara or the guards at the village-gate (who were *shudras*) who formed a strong constabulary proficient in the use of arms.

1. *Baudhayana Dharma Sutra* II.3. 58 & 60

2. *Shukraniti* II. 120-121; 170-175; 428-429.

According to Kautilya¹, "a group of villages should be set up with a chief town or a fort in each: a group of villages being called a *Sangrahana*, a group of 200 villages being called *Kharvatika*, of 400 villages being called *Dronamukha* and in the midst of 800 villages there is the *Sthaniya*." In Kautilya's time we find the city being provided with a mayor (*nagaraka*), who was probably also the chief of the metropolitan police. Under the mayor were the *gopas* and each *gopa* was to superintend a group of 20 to 40 families in the capital. The capital was to be divided into four wards each of which was to be under a *sthanika*." "The *gopa* and *sthanika* had to keep registers of the caste, *gotra*, name and occupation of the men and women in their districts and also of their income and expenditure."

The Second Book of Kautilya's *Arthashastra* gives an elaborate organization of some 30 State Departments run by different grades of civil servants; each Department being headed by an *Adhyaksha* or Superintendent. Persons with qualifications fit for selection as councillors (*Amatyas*) were appointed according to their aptitude and talents as Superintendents or Heads of the various Departments². We discuss below the function of some of the important among them :—

The Superintendent of Accounts was required to have an office with well-arranged

1. Ashtashatagramya madhye sthaniyam, chatuhshatagramya dro-namukham, dwishatagramyah kharvatikan, dashagrami sam-grahena sangranam sthapayet. *Artha Shastra* II. 1.
2. Amatyasampadopetah sarvadyakshah shaktitah karmasu niyojyah *Ibid* II. 9

seats for clerks and shelves for account-books. He was required to furnish accounts regarding the work in hand, of work accomplished (by different Government Departments and manufactories), of receipts, expenditure, net balance and of tasks to be undertaken in each Department.¹ Ministers of State were required to submit jointly a statement of actual accounts regarding the Departments.²

The Superintendent of Revenues was required to divide the whole kingdom into four revenue districts. The villages in each district were to be first classified as good, middling and bad and then each of these was to be divided as a tax-free village (or *pariharaka*) or soldier-supplying village (*ayudhiya*) or a village paying revenues in grains or cattle (i.e. *hiranya* or *kupya*) or one supplying free labour to the State (i.e. *vishti*³).

Under the Collector-General worked the *gopa* or village-accountant and each *gopa* had to attend to the accounts of 5 to 10 villages. They had to set up village-boundaries, to number plots of lands as cultivated, uncultivated, plains, wet lands, gardens, vegetable

1. The Departmental Heads were the Superintendents of Record; Treasury; Mines; Mint; Commerce; Forest; Armoury; Weights and Measures; Weaving; Agriculture; Liquor; City; Prostitutes; Store-Houses; Measure of Space & Time; Tolls; Slaughter House; Ships, Cows, Horses, Elephants, Chariots, Infantry, Pass-ports, Revenue; Armed Forces, Gold, Accounts etc.

2. *Kautilya's Arthashastra* II. vii.

3. *Kautilya's Arthashastra* II. xxxv 142.

gardens, fences, forests, altar, temples, irrigation works, cremation grounds, feeding houses, water supply places, places of pilgrimage, pastures and roads¹. The *gopas* had to keep accounts of the number of young and old residents in each house and record of their character (*charitra*), occupation (*ajiva*), income (*aya*) and expenditure (*vyayas*). The District Officer (*sthaniya*) was in charge of the accounts of the District or one-fourth of the realm. The validity of accounts submitted by officers were checked by informations gathered by spies disguised as householders or ascetics.

The Superintendent of Commerce: The duty of this Superintendent was "to ascertain demand or absence of demand for and rise and fall in the price of various kinds of merchandise which may be the products either of land or of water and which may have been brought in either by land or water." He was also to ascertain the time suitable for their distribution, centralisation, purchase and sale. Foreigners importing merchandise were exempted from being sued for debts unless they had local associations or partners.²

The Superintendent of Weaving : His duty was to employ qualified persons to manufacture threads (*sutra*), coats (*varma*), cloth (*vastra*) and ropes.

1. *Ibid.*

2. *Idid.* H. xvi. 98;

Widows, crippled women, girls, mendicant or ascetic women (*pravrajita*), women compelled to work in default of fines (*dandapratikarini*), mothers of prostitutes, old women servants of the king, temple girls who had ceased to attend temples on service were to be employed to cut wool, fibre, cotton, panicle (*tula*) and flax. Their wages were fixed according to the quality and quantity of thread spun. Good workers were rewarded with oil and dried fruit-cakes whose application kept heads and eyes cool and soothing and increased efficiency in work. Works of these nature were provided at their homes (through maid-servants of the Department) to women who did not customarily go out of their residence, whose husbands had gone abroad, who were cripples or those who were young.¹

The Superintendent of Tolls was required to erect near the large gate of the City a toll-house and there hoist the departmental flag. When merchants arrived with their merchandise at the gate, toll collectors approached them and took down their names, the names of places they came from, the amount and quality of their merchandise and the place of origin of their seals (perhaps manufacturers' seals). Those whose bails did not possess seal-marks had to pay double toll. For counterfeit seals they had to pay eight times the normal toll. Those who told lies were punished as thieves. Several kinds of

1. *Ibid* II xxiii. 113, 114.

goods were however toll-free: these have been mentioned in an earlier chapter.¹

The Superintendent of Prostitutes : Prostitutes constituted an institution in ancient India and was regarded as useful members of society (though looked down upon), when they performed their appointed duties. There were therefore rules regulating their lives and conduct. The prostitutes attached to the royal household for holding the royal umbrella, golden pitcher, royal fan or those attending on the king when seated on a chariot or throne, were specially paid persons, their emoluments varying according to their beauty, jewellery and accomplishments. When they lost their charms and beauty they were to be appointed as nurses or cooks in the king's kitchen.²

A prostitute attached to the king's court or household could, it seems, go under the protection of a private person but in that case she had to pay a fine of $1\frac{1}{2}$ *pana* per month to the Government. But a person abducting a prostitute or confining her or disfiguring her was fined 1000 *panas* or more rising up to twice the amount of her ransom (that is $24,000 \times 2$ *panas*) according to the circumstances of the crime and the status of the prostitute.³

1. Kautilya's *Arthashastra* II.xxi.110

2. *Ibid* II. xxvii. 123-125

3. A person having connection with a prostitute against her wil or when she was a minor girl (*kumari*) was punished with the highest amercement—*Arthashastra*, II. xxvii. 124.

A man causing hurt to a court-prostitute had to pay a fine equal to thrice her ransom ($3 \times 24,000$ *panas*). A man causing hurt to a prostitute's mother or her young daughter was punished with the highest amercement. On the other hand, *when in her own house*, a prostitute deprived her paramour of his enjoyment, she was to pay eight times her fee. She was also required to supply to the Superintendent all information regarding the amount of her daily fees and every prostitute was required to pay two days' earning every month to the Government.

*The Superintendent of Gold*¹ was required to have a Goldsmith's Office (*akshashala*) consisting of four rooms and one door. The official Goldsmith was to be skilful, of high birth and of reliable character. He was to employ artisans to manufacture gold and silver coins and ornaments from bullion brought to him by members of the public.² The State goldsmith of the mint was required to return to owners (of gold brought to the goldsmith) coins or ornaments of the same weight and lustre (quality) as that of the bullion they received at the mint. When the quality (lustre) of a coin was lowered in the mint, the artisans concerned were punished with the first amercement : if the weight was less than the standard weight they were punished with middlemost

1. Kautilya's *Arthashastra* II. xiii. Probably one main entrance was meant

2. *Ibid* II. xiv.

amercement and deception in balance or weight was punished with the highest amercement.

At the top of these there were some one dozen functionaries who could be regarded as the higher administrators or higher civil servants who together with the ruler were called the *ratnins* or gems of the State as they were connected with the *ratnahvimsi* ceremony which formed a part of the coronation ceremony. They were:—

- i. *Senani* or *senapathi* or the commander-in-chief;
- ii. *Purohita* or the royal priest, who was perhaps the most influential member of the council.
- iii. *Mahishi* or the crowned (or chief) queen;
- iv. *Suta* or the court-chronicler (the charioteer according to some)
- v. *Gramani* or the village headman;
- vi. *Kshattri* or the royal chamberlain;
- vii. *Sangrahitri* or charioteer or treasurer;
- viii. *Akshavapa* or the superintendents of records in charge of the Accounts Department.
- ix. *Bhagadugha* or the collector of taxes.

- x. *Duta* or ambassador or Foreign Minister; and
- xi. *Parivrikti* or the discarded queen (sonless¹).

The *ratnins* (or State-jewels) were undoubtedly a powerful body which decided the choice of the king. They were described as the king-makers in the *Atharva Veda*.² This body which must have been the earliest king's council in ancient India represented a fair cross-section of ancient Hindu society: The priest was required to be a *brahmana*, the commander-in-chief was usually a *kshatriya*, the two queens (the crowned queen and the rejected queen) represented women³, the village headman was a *vaishya* (trader), the *suta*, the *takshan*, the *kshattri* and the *rathakara* were artisans and the *govikarta* was perhaps a *shudra*. Whatever the exact nature of the functions performed by the

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1. In some texts only (such as *Shatapatha Brahmana* & *Maitriyani Samhita*) functionaries such as *takshan* (the carpenter), *rathakara* (the chariot-maker), the *palagala* (the messenger), and the *govikarta* are mentioned.
 2. Ye rajano rajakritah suta gramanyashcha ye
Upastin parna mahyam twam sarvankrinva bhitojanan.
Atharva Veda III.5.7.
 3. The inclusion of women in the list of State-jewels is praiseworthy and the inclusion of the *parivrikti* extremely significant. It has been suggested that this was done out of the fear of the possible harm a rejected queen could do to the king and his administration. This might have been so but I am inclined to believe that this was mainly done with a view to collect the goodwill of all at the auspicious hour of coronation and was dictated more by consideration of humanism (the characteristic note of Hinduism) rather than of fear.

ratnins, their importance in the political set up leaves no room for doubt as the following points would show :—

(a) They were described in some texts as the giver of the kingship and kingdom to the king¹ because of the important part played by them in the *Ratnahvimsi* which was a part of the coronation ceremony.

(b) As a part of this ceremony the king had to visit the *ratnins* in their respective homes as a mark of his dependence on their co-operation for the success of his administration.

(c) In addition to their being the giver of the kingdom to the king they have been described as the sustainer of the king on his throne².

(d) Finally the importance of the *ratnins* as a body lay in its being the earliest beginnings of the king's council of ministers which came to be regarded as indispensable for good government" in ancient India by Hindu political thinkers and of which illustrations were afforded by the *mantri-parishads* of the Mauryas, Shakas and the Guptas. There were no doubt, divergence of views regarding the strength of the council of ministers ranging from 12 to 20 ministers at a time but Kautilya

1. Ete vai rashtrasya pradatarah. *Taittiriya Brahmana* I. 73.

2. *Panchavimsi Brahmana* XIX. 1.4.

wanted the number to be fixed by the needs of different States at different times¹.

There seems to have been two sets of ministers in the ancient king's councils : the cabinet ministers who decided important State-policies were called *mantrins* and other ministers who carried out the policies (like the members of Higher Civil Service in modern times) called *amatyas*. The ministers seemed to have been selected by the king as far as possible on the hereditary basis but when men of requisite qualifications were not available among the descendants of former ministers they were selected from among qualified Aryas. The consultation of ministers by the king was however a compulsory practice in Hindu India. According to Kautilya² no administrative undertaking could be taken up without being first discussed in the council of ministers whose sittings were secret.³ The majority decision was to be carried out by the king.⁴ The subjects which must have been discussed in the council of ministers according to Manu.⁵ were (a) matters of war and peace *i.e.* foreign

1. *Arthasashtra*. I.15.

It appears that the ministers were selected not so much on the strength of their popularity as of their character and ability—See *Manusmriti* XII. 110-111, 113-114.

2. Matrapurvah sarvarambhah. Taduddeshah samvritah kathana-manisravi pakshiviranalokyah syat. *Arthashastra* I. 15.

3. Nasya chhidram parah pashyechchhidreshu paramanviyat. Guhetkurma ivangani rakshedvivaramatmanah.

Shanti Parva .83.49

4. Kautilya's *Arthasashtra* I. 15; *Shukraniti* I. 365.

5. *Manu* VII. 56-59; Also *Kamandaka* XIII. 23-24; *Angi Purana* 241.16-18.

policy, (b) financial and military matters, (c) defence, and (d) revenue. According to Yajñavalkya¹, the king was first to consult the *Mantrins* and then the *Purohita* (priest) and thereafter decide the course of action. Hence certain pre-eminence seemed to have been attached to one of the ministers (*i.e.* the *purohita*) though he did not preside over the council of ministers. The *purohita* is also mentioned at the top of the list of ministers given by Shukracharya, which is as follows²:—

Purohita or Priest,

Pratinidhi (lit. representative) seemed to have been the Secretary to the council of ministers,

Pradhana or President of the Council of Ministers,

Sachiva or War Minister.

Mantrin or Home Minister,

Pradvivaka or Minister for Justice,

Pandita or Minister for Ecclesiastical & Cultural matters,

1. *Yajñavalkya I.* 312.

2. Karyakaryaprajñānata smṛitah pratinidhistu sah
 Sarvadarshi pradhanastu senavit sachivastatha
 Mantri tu nitikushalah pandito dharmatatwavit
 Lokashastranayajñastu pradvivakah smṛitah sada
 Deshakaalaprajñānata hyamatya iti kathyate
 Ayavyayaprajñānata sumantrah sa cha kirtitah.
Shukraniti II. 84-86. See also *Ibid II.* 69-70

Sumantra or Finance Minister,

Amatya or Revenue Minister.

Duta or Foreign Minister or Ambassador. Probably one of the most distinguished ambassadors was selected to be the Foreign Minister.

These ministers were assisted by secretaries (*adhikaris*) and clerks (*lekhas*). It was realised in ancient India (as it is done now) that "power corrupts and absolute power corrupts absolutely".¹ It was therefore suggested that no minister should be permitted to hold the same portfolio for more than a few years (5, 7 or 10) after which there should be a change of portfolios among ministers.²

It is noteworthy that in spite of the discretionary powers of the king (which royalties enjoyed everywhere as royal prerogatives) in ancient India "in theory and practice the king was to issue orders in the presence or under the advice of his principal ministers." This would be evident from the procedure followed by kings in transacting the business of the State which was as follows :

The ministers bringing out proposals of work in their departments (such as Home, Foreign, Justice etc.) were required to submit

1. Balam hi chittam vikaroti. *Kautilya's Arthashastra* VII. 14.

2. See *Shukraniti* II. 107-117.

them in writing and this was first sent to the Revenue Minister. If he recommended it by writing on it "*sadhu*" (i.e. good), it was forwarded to the Finance Minister. If he forwarded it by writing on it "*samyag vicharitam*" (or well considered) it went to the President of the Council. If he signified his approval by writing on it "*satyam yathartham*" (i.e. it is in order) it was forwarded to the Crown Prince. If he wrote on it "*angikartavyam*" (or should be accepted) it was sent to the priest, and if he remarked "*lekhyam swabhimatam*" (approved by me) then it was sent to the king. Then the king wrote on it "*angikritam*" (accepted) and fixed his seal.¹

Before concluding this chapter it would be appropriate to add a few words on the Foreign Minister or Duta. According to Kautilya, there were three kinds of envoys or *dutas*,² namely *Nisrishtartha*, *Parimitartha* and *Shasana-hara*. The *Nisrishtartha* was a minister representing his State with full discretionary powers like a minister plenipotentiary. The *Parimitartha* was an envoy entrusted with a definite mission. The *Shasana-hara* was a royal messenger carrying royal correspondence.

The duties of a *duta*, according to Kautilya, were transmission of missions, maintenance of treaties, issuing ultimatum, gaining friends, creating intrigue, sowing dissension among

1. *Ibid.* II. 362-372

2. *Arthashastra* I. 16.

friends, fetching secret force, carrying away by force relations and gems, gathering information about the movement of enemy's spies, breaking of peace treaties (when necessary) and winning over the favour of the envoy and government officers of the rival.¹

According to Kamandaka the *duta* should find out the number and war potentials of the forts, the economic and military sources of the rival (*i.e.* prospective enemy) king and gather information about his war and peace tactics and strategic bases.²

Shukra, however, designated the Foreign Minister as *Duta*. It is likely that the same person who had been an ambassador abroad might have been selected as the Foreign Minister after finishing a foreign assignment successfully. In that case one of the *dutas* might have been selected as the Foreign Minister but all *dutas* could not have been Foreign Ministers.

From what has been said it could be easily seen that the ancient Hindus had developed an elaborate apparatus of Public Administration which was exercised, by and large, for the welfare of the people.

1. *Ibid* I. xvi. 32.

2. *Kamandaka* XII. 22-23.

CHAPTER VIII

THE HINDU VIEW OF INTER-STATE RELATIONS

Although the saints and philosophers of India have throughout the ages preached the gospel of peace and amity which has helped India to win for herself a reputation for being a peace-loving country, the political thought of India cannot be said to have been a consistent chain of peace-promoting ideals and policies. On the contrary the ideals of kingship in India has all along been inspired by the idea of a "world-conquering" *sarva-bhauma* whose goal was some sort of Imperialism.¹ The very idea of welfare (*yogakshema*) in Indian political literature is based on a dualistic note of peace (*sama*) and exertion (*vyayama*) and exertion in this context clearly refers to expansion through diplomacy if possible and through war if necessary.

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1. A probable explanation for this lies in the fact that the Aryans from the beginning of their coming to India had to engage themselves in subjugating the indigenous population which was regarded by them as belonging to an inferior civilization. Hence the ideals of peace advocated by saints and seers could be pursued only when the rule of *dharma* (righteousness) had extended to the farthest corners of the sub-continent and when the whole of *Aryavarta* was won over in favour of the *Aryan way of life*. Factually such a view of the political life might have degenerated at times to stark opportunism and imperialistic aggrandizement. As a later political work, *Nitivakyamrita*, observed, "Nahi kulagata kasyap bhumih kintu virabhogya vasundhara", that is, the earth is no body's family property, she belongs to the brave. The Hindu thinkers however, enjoined that conquest to be justifiable must be undertaken for spreading the rule of Law and carried on in a humane manner.

The ideal set before a ruler was that of an ambitious conqueror (*vijigishu*) ever aspiring to extend the spatial jurisdiction of his government with great energy, tact and resourcefulness.¹ It was to realize this end of imperial grandeur that the ruler was required to wield and exercise the three-fold powers of *mantra* (intellectual powers), *prabhu* (financial power) and *utsaha* (bravery and military power) — well-known in Hindu political literature as the Doctrine of Triple Powers (*Trishakti*).² In modern terminology it means the three cardinal strength of the State: statesmanship, financial solvency and military strength. According to Gautama the basis of all this again is *kosha* or financial strength probably because without that neither intelligence nor military strength can be pursued effectively.³ According to Kautilya, however, statesmanship is superior to financial power and the latter is superior to military strength.⁴ This eulogy of intellectual power or statesmanship is understandable only in the context of the emphasis in Hindu political literature on the peaceful pursuit of the kingly goals, that is pursuing the goal of expansionism as far as possible in a peaceful manner; which in this context means taking recourse as far as possible to diplomacy and

1. Sapannastu prakritibhir mahotsahah kritashramah
Jetumesanashilashcha vijigisuriti smritah. *Kamandaka VIII. 6.*
2. Shaktistrividha, jnanabalam mantrashaktih, koshabalam prabhu-
shaktih, Vikramabalam utsahashaktih. *Kautilya's Arthashastra*
VI.2.
3. Prabhumantrotsahasaktayastanmulah iti.
Tanmulah koshamula ityarthah. *Gautama Dh. S. quoted in*
Saraswathivilasa.
4. *Arthashastra IX. 1.*

as far as possible avoiding war. The *Mahabharata* enjoins (supporting the views of Brihaspati) that fighting should be avoided as far as possible and that for securing political goals the three *upayas* (means) other than the fourth (*i.e.* war) should be resorted to. Wise men should resort to fighting only when no other course is left.¹ This brings us to the theory of *Upayas*.

There are four of these *Upayas*² or means and they are to be employed with due consideration of time and circumstances and the nature of one's opponents.³ Leaving out the last of the *upayas*, namely, aggression (which falls in the category of war) we are left with really three means for the purposes of diplomacy, that is *sama*, *dana* and *bheda*.

Sama in modern terminology would mean conciliatory negotiation as it consisted of such acts as (i) recounting by the two parties or States of good turns done to each other, (ii). praising the qualities and actions of persons to be won over, (iii) declaring intimate relationship between the negotiating parties,⁴ (iv). wishing

1. Varjaniyam sada yuddham rajyakamena dhimata
Upayaistribhiradanamarthasyaha Brihaspatih. *Shanti Parva* 69.23
Na yuddhamashrayetprajno na kuryat swabalakshayam....
Vadanti sarve nitijna dandastwagatika gatih. *Brihatparasara X.p.*
280.
2. The four Upayas are mentioned in *Ramayana-Sundarakanda*
41. 2-3; *Manu VII.* 108-109; *Shukraniti IV.* 1. 27.
3. Shatrumitrodasinamadyameshu samabhedadanadandan yath-
arham yathakalam prayunjita. *Visnudharma Sutra III.* 38.
4. It was discovered during World-war II that Churchill & Roose-
velt were cousins.

future prosperity for each other, (v) promising fidelity and friendship.¹

Dana or the act of making diplomatic gifts and this included the return of what was deposited with one another or paying in regular instalments what was so agreed to be paid previously.

Bheda signified sowing of dissension which could be done in several ways, such as, offering bribes or presents to the rival's ministers, crown prince, feudatories and high officers, or by creating mistrust between the rival king and his ministers or subjects for which purpose spies and *ubhaya-vetanas* (i.e., persons who were in the pay of both the States) could be used. The parties in the opponent's country who could be utilized in this connection were the powerful corporations and their chiefs as well as individuals who were ambitious, alarmed or frustrated².

The Hindu political thinkers, however, were realistic enough to understand that in spite of all efforts at maintaining peace and amity, clash of interests, necessity of protecting allies and feudatories, pressure of population and other causes might oblige the State to get involved in war. They therefore advised the ruler to be ever vigilant with regard to the

1. See *Kamandaka XVII*. 4-5.

2. See *Kautilya's Arthashastra XI*. I; and 1.14 and also *Shukraniti IV*. 1.25-54.

States which surrounded his territories and to make strenuous efforts for maintaining a power-system (*mandala*) which would be most advantageous to his State so long as peace could be maintained and also thereafter, that is, when it became impossible to avoid war. This brings us to the well-known *mandala Theory* of which Kautilya (Chandragupta Maurya's able Prime Minister) was the ablest exponent¹.

According to this theory the tree of *naya* or good policy consisted of 72 elements or *prakritis* on the basis of a *mandala* or *Circle of Powers* consisting of twelve States. Now, each State according to the *Saptanga theory* consists of seven elements. Of these only six elements, that is the ruler, ministers, people, capital, treasury and army (that is all but the government) are operative (or active) in inter-State relations or diplomacy. Hence if a power system or Circle consists of 12 States the total number of elements constituting that Circle (*mandala*) would be naturally 72. In other words, every energetic State with expansionist ideals (*i.e.* a *Vijigishu*) is viewed as being surrounded by eleven types of States or States with 11 varieties of attitudes towards it.

Of these seven are said to be in front of the *vijigishu* and four in the rear. The seven in

1. The *mandala theory* which enunciates in general the Hindu view of inter-State relations and diplomacy has been discussed in Kautilya's *Arthashastra* VI.2; and VIII; *Manusmriti* VII. 154-211; *Ashramavasiparva* of *Mahabharata* 6-7; *Yajnavalkya* I. 345-348; *Kamandaka* VIII-IX, *Angi Purana* 233, 240; *Visnudharmottara Purana* II. 145-150 etc.

front are termed *ari* or enemy, *mitra* or friend, *ari-mitra* or enemy's friend, *mitra-mitra* or friend's friend, *ari-mitra-mitra* or enemy's friend's friend, *udasina* or indifferent (neutral) and *madhyama* or one placed midway between the *vijigishu* and his enemy.

The four at the rear are the *parshnagraha* or one who attacks from behind, *akranda* or one who comes to one's aid on receiving a cry for help, *parshnagrahasara* or friend of the *parshnagraha* and *akrandasara* or the friend of the *akranda*.

It is necessary at this stage to explain two things: the meaning of the *directions* ("front" and "rear") of the enemy, friend or neutral; and, the *principle* on which these categories (enemy, friend, neutral) are based.

Madhyama	Arimitra-mitra	Udasina
	Mitra-mitra	
	Ari-mitra	
	Mitra	
	Ari	VIJIGISHU
	Parshna-graha	
	Akranda	
	Parsna-graha-sara	
	Akranda-sara	

As to the direction, since it is possible for any State at any given point of time to be surrounded by many States all round, the State with which friendly relations have ceased and against which military action has become necessary is to be considered in "front" of the *vijigishu* and also

to be regarded as the *vijigishu's ari* or the "enemy." (Obviously this does not preclude the possibility of having other enemies by the *vijigishu* but the *ari* which is supposed to be in front because it has become the object of the *vijigishu's* attack or intended attack is the "*the enemy*").

After this it is not difficult to follow the direction of others on the power-system or *mandala*. The State next to the enemy or *ari* is *mitra* or friend; next to the *mitra* is *ari-mitra* or friend of the enemy; next to that is *mitra-mitra* or friend's friend (or ally's ally) and next to that is *ari-mitra-mitra* or enemy of ally's ally.

Then turning to the opposite direction (from the *ari*), the State right opposite to the *ari* or enemy State is the *parshnagraha* (lit. one which might attack the *vijigishu* from the back). The *parshnagraha* is in fact an enemy State but the special term is used to indicate that the State in question is a type of enemy who waits for an opportunity to harass the *vijigishu* when the latter gets involved in military operations in other directions to which he had to divert his main military strength. Beyond the *parshnagraha* State is the *akranda* State (lit. one who comes to you on hearing a cry for help). Next to that is the *parshnagraha's* friend and beyond that is the friend of the *akranda*.

Two other terms (in the *mandala*) remain to be explained, namely, *madhyama* and *udasina*.

A *madhyama* State is so situated as to have common borders with the *vijigishu* and his *ari* (that is the State the *vijigishu* has decided to attack). The *madhyama* State must be close on the border of both the *vijigishu* and his enemy and capable of helping both of them and also strong enough to resist any one of them singly: A *udasina* on the other hand is a State lying beyond the realms of *vijigishu*, *ari* and *madhyama* and capable of resisting any one of them singly.¹ According to other authorities the situation of the *udasina's* territory is immaterial for deciding his category in the *mandala*; what is important here is his attitude towards the *vijigishu*. That is a State which for any reason wanted to remain indifferent to the exploits of the *vijigishu* was good enough to be classed as the *udasina* or indifferent State². (which has been interpreted to mean a neutral State, without always having justification for that). This much for the spatial or situational aspect of the power-system or *mandala*.

We next turn to the basis or principle of categorising the States as friend, enemy etc. From the above descriptions the obvious basis seemed to have been "Geography." It is now well-known that geographic considerations though important is not the sole determinant of a State's attitude towards other States which

1. Arivijigishwor bhumyanantarah sanhatasanhatayoranugrahasamartho nigrahe chasanhatayormadhyamah. Arivijigishu-madhyanam bahih prakritibhyo balvattarah sanhata sanhatanamarivijigishu madhyanamugrahe samartho nigrahe chasanhatanamudasinah. *Kautilya's Arthashastra* VI.2.

2. *Kulluka on Manu* VII. 153.

is decided ultimately by the State's conception of its own self-interests; so that though there is a likelihood of the immediate neighbour being the enemy of a State or being its rival, the economic, strategic and other interests of two neighbouring States may at times turn out to be so complementary as to make them friends or allies. The Kautilyan categorization obviously, was based on probabilities calculated, only on geographical considerations. Even so it has great importance in the history of diplomatic literature as it is the first enunciation of a theory of Balance of Power and the first indicator of the geographical basis of foreign policy which was later on enunciated by Napoleon and which has not yet become absolutely out of date.

It was realized in ancient India that the foreign policy of a country however peace-oriented, must be backed by military strength if it is to be effective and that ultimately war is the arbiter of inter-State disputes.¹ Kautilya therefore, integrated the theory of three-powers (*trishakti*) with the theory of six war-tactics (or *shadgunas*). The six war-tactics or *gunas*² are *sandhi* or inter-State agreements or treaties (of which 16 varieties are defined in *Kamandaka Nitisara* IX.2-18); *vigraha* or declaration of hostilities or taking a hostile attitude; *asana*

1. See Kautilya VII. 1; Manu VII. 160; Kamandaka IX - XVI

2. Panabandha sandhih apakaro vigraha, upekshanam asanam, abhyuchchayo yanam, pararpanam samshrayah, sandhivigrahopadanam dwaidhibhavah, iti sadgunah.

Kautilya's Arthshastra VII 1.

or taking an attitude of indifference or neutrality; *yana* or preparation for attack or marching into enemy territory; *samshraya* or taking shelter with a powerful State or alliance; *dwaidhibhava* or making peace with one and declaring war against another or dividing the army into two sections (or it may mean pure duplicity).

Kautilya further elucidates the conditions under which each of the above policies is to be followed.¹ According to him an inferior State (in strength) should sue for peace-treaty or *sandhi*; a superior State (in strength) should wage war (*vigraha*); when a State feels that neither its enemy can injure itself nor has it strength enough to destroy its enemy, it should observe indifference or neutrality; a State which has enough strength and means to march into the enemy's territory should do so; a State which is devoid of necessary strength should be allied to a powerful State, and when the circumstances indicate that the dual policy would yield results, duplicity.² should be resorted to.

The credit of correlating the doctrine of *mandala* (or balance of power) with the doctrine of *trishakti* (or three-fold powers) and integrating them with the *shadgunas* (or six-fold policies or tactics) goes to the celebrated Mauryan statesman and theorist Kautilya (also called

1. *Ibid.*

2. The better interpretation of *dwaidhibhava* in my view appears to be deceit and duplicity, because it includes spreading dissensions, cutting enemy's supplies, indulging in deceitful wars and guerilla tactics and demoralising the enemy by employing prostitutes.

Chanakya). According to Kautilya statecraft, financial resources and military strength (these three-fold powers of the State) are to be utilized in the pursuit of the most advantageous of the six-fold policies (within the Circle of States which concerns a ruler who is harbouring imperialistic ambitions).¹ In modern terms it means that the game of diplomacy to be successful in yielding the desired results has to be played with due regard to the available diplomatic knowledge, financial and military resources and with due consideration to the position occupied by the State concerned vis-a-vis the *mandala* or Circle of States or power-system which operates in its vicinity. It also means that the foreign policy of a State (i.e. peace, war or neutrality) is decided by *geo-political factors*. It has thus the merit of emphasizing the importance of geography in the shaping of foreign policy and geography is still perhaps the most important factor² in inter-State relations even though it may not be justifiable to succumb to the snares of a

1. Vijigishu shaktyapekshah shadgunyamupayunjitah

Kautilya's Arthashastra VIII. 3

Shadgunasya prakrtimandalam yonih

Sandhivigrahasanayansamshrayadwaidhibhavah sadgunyamit-yacharyah.

Ibid VII. 1.

2. Even though some geographical peculiarities are losing their importance in modern times, it is still admitted that no foreign policy can be effective if no regard is paid to the geographical factor. It has been rightly observed by competent critics that "No effective policy of security can rely exclusively on political factors while neglecting geography.... They proved effective when they are in harmony with geographical facts.. In such cases geography primed ideology. On the other hand, alliances concluded on basis of ideological or racial affinity nearly always foundered on the rock of geographical realities which form the most persistent elements of national interests.—

Strausz-Hupe & Possony: International Relation 1950 p. 41

theory of geographical determinism *a la* certain geo-politicians. It has to be remembered in this connection that though the geography of peace is determined by considerations of economic inter-dependence, the geography of war is determined by the "fact that the neighbour is the most frequent and most likely enemy¹."

The *mandala*-theory of foreign relations further emphasizes for the first time in the history of diplomatic thought the fundamental fact now recognized on all hands that the *friend-foe relation*² "is the regulatory principle of international relations." A glance at the diagram (sketching Kautilya's *mandala*) would show how clearly he grasped the importance of the friend-enemy-neutral nexus in inter-State relations.

In fact a careful study of Kautilyan theories would convince any one that he wanted to evolve an integrated theory of welfare on the basis of the co-ordination of powers (*shaktis*), means (*upayas*) and policies (*gunas*). The proper and judicious co-ordination of powers, policies or tactics or means resulted in the welfare

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1. *Ibid.* It has been observed by some authorities that in the course of history, this particular contradiction has usually been solved by disregarding the geography of peace.
 2. With their usual disregard for ancient Indian History of political thought some western thinkers hold that the importance of this fundamental relation was first emphasized by Carl Schmitt in his *Der Begriff des Politischen* (Hamburg, 1933). I submit however, that unless the whole of his *mandala-theory* is a meaningless jargon, this fundamental relation (*i.e.* friend-foe relation) was first emphasized by Kautilya in the fourth century B.C. This, however, is admitted by Schumann in his *International Politics* (1948), p. 379.

of the State. The ends of the State at particular time determine the quality or type of welfare and the type of welfare desired by the ruler determines the direction in which the powers (of intellect, wealth and arms) are to be applied. The end of the State, at a point of time, may be "peace" and then the three powers (*shaktis*) are to be directed towards the three peaceful means (*sama-dana-bheda*). This is the stage when the game of diplomacy can be made fully operative.

The end of the State on the other hand may, at a particular time, be "war" and then the three powers of the State are to be directed towards the six war-policies or war-tactics (or *gunas*). All this, I believe, is implicit in Kautilya's *mandala theory*.

The general trend of Hindu political thought also makes it clear that the Hindu political scientists never suffered under the *illusion of a perpetual peace* as a practical ideal. On the contrary they viewed war as a recurrent necessity in a world wherein the interests of self-preservation and self-expression would oblige any State which expected to survive in history to pursue an aggressive and expansionist policy. According to them *expansion* or *extinction* (or at least subordination) seemed to have been the alternatives before States, and, an ambitious ruler was naturally advised to follow the path of aggressive expansionism and hence also to cultivate the art of war.

But if war according to the Hindu political philosopher was a biological and political necessity, he believed in making it as humane as possible. Two things were therefore insisted upon for justifying a military engagement or war viz., that its aim should be a *Dharmavijaya* and it should be fought out as a *Dharmayuddha*.

Dharmavijaya signified a conquest or a campaign of conquest undertaken not for humiliating or tyrannising over other rulers of people but for the sake of becoming a *Digvijayi* or extending the Rules of Law (or *Dharma*) up to the farthest corners of the civilized world. Such a campaign is contradistinguished from ordinary campaigns or wars undertaken for satisfying the conqueror's lust for wealth and power and the real distinction lay in the main object of such a conquest. The main object here was the extension of *Dharma* in less civilized parts of the earth surface and not expropriation of inferior or weaker peoples.

As I have tried to show elsewhere,¹ the necessity of expanding the sphere of the Rule of Law or *Dharma* is inherent in the very concept of *Dharma* or moral law or Justice because to make justice available to a few disregarding others is by itself an unjust attitude. There I have tried to show that the moral evolution of the State and its jurisdictional extension go together because they are interdependent variables. Hence as our morals improve

1. See my "*The Theory of the Evolving State*" (Kitab-Mahal, Allahabad 1954)

our sense of affiliation extends its limits farther and farther because our heightened moral sense informs us that it is immoral to be narrow-minded; it is unjust to be just to a few of our own nationals; hence, also the idea of the State continuously expanding its operational field to the farthest limits till it encompasses the whole humanity is inherent in the State-concept¹. The logical development of the State idea leads inevitably to the idea of a Universal State (*Ekachchhatra*—the whole world under one white umbrella of peace). Every aspiring and energetic ruler is therefore encouraged to take up world-conquest in the *dharmic* way.²

But though war and conquest were thus regarded as a necessary function of the State, the conquest that was justifiable and meritorious was only that in which certain conditions were recognized: The first condition was that the victor (*vijigishu*) should not annex the territory of the vanquished nor destroy his family

1. *Ibid*, pp. 47-49.

"Political and moral obligations, for instance, expand or extend with the expansion and extension of our intellectual horizon, economic interdependence and our socio-cultural contacts... That is why... in the context of our international connections and interdependence the idea of a sovereign nation-State has become as immoral, odious and absurd an idea as the concept of a 'sovereign rate-payer in the city-council or a sovereign husband in the family'". *Ibid* p. 49.

2. The logical conclusion from the ideals of a *dharmavijaya*, however, would lead one to give up the conquest in the ordinary sense and induce one to undertake conquest through love and persuasion because "the jurisdictional extension of the State along with an evolution on moral lines demands that the process of this extension (*i.e.* the emergence of the World-State) must follow a morally justifiable course, that is must follow a voluntary and consentient line. This was done by Emperor Asoka and is beautifully symbolised in Asoka's *dharm. chakra*.

nor create confusion in his country.¹ In fact the *formal* recognition of the victor's suzerainty should be the object of his enterprise and as a mark of vassalage the vanquished paid a periodic sum as tribute to an overlord.² Even when annexation of territory became necessary or during the time of the occupation of enemy's territory the victor should respect the laws and customs of the country and not tyrannise over or plunder the people nor dishonour their women folk,³ because, as Kautilya wisely remarked, that provokes the *mandala* or Balance of power.⁴

The second condition and redeeming feature of the Hindu doctrine of conquest (*dlgviiaya*) are that it should be carried on and carried out in the most humane possible manner. It must be said to the credit of ancient Indians that though they could not find it practicable to follow the idea of perfect pacifism⁵. (as advocated by their spiritual leaders), they were perhaps the first people in history to demand that war should be carried on with due regard to some ideals of honour, chivalry and humanity.

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1. Paradeshavaptau taddeshadharmannochchhindyat. .
Raja parapuravaptau tu tatra tatkulinamabhishinchet.
Na rajakulamuchchhindyat anyatrakulinarajakulat. *Visnudharma Sutra* III. 42, 47-49. See also *Shanti Parva* 33. 43-46.
 2. Grihitapratimuktasya sa dharmavijayi nripah
Sriyam mahendranathasya jahara natu medinim.
Raghuvamsa IV. 43; See also *Shukraniti* IV 7. 373; 397-99
 3. *Yajnavalkya* I. 342-343
 4. *Arthashastra* VII. 16.
 5. It is to be noted however, that the one exception to the general spirit of pugnacity among the rulers of the ancient world was afforded by India in the person of Emperor Asoka (d. 237. B.C.)

Thus was the ideals of *Dharmayuddha* held before Hindu rulers aspiring to rule according to the accepted ideals of Hindukingship, although wars carried on with deceit, cruelty and unfair means were by no means unknown.¹ Even so there were definite rules regarding the treatment of vanquished enemy, the distribution of the booty, the treatment of the wounded and the weak which do credit to the imagination, urbanity and catholicity of Hindu political thought. The ideals of *dharmayuddha* are well set out in the *Mahabharata* (*Bhishmaparva*) where it is stated that "conquerors do not secure victory so much by their armies and prowess as by truthfulness, freedom from cruelty, the observance of *dharma* and energetic actions."² The same epic also emphasizes that it is better to die fighting according to the rules of *dharma* rather than gain victory by wicked and sinful actions.³

1. In fact the ancient Indians seemed to have tolerated (if not encouraged) a doctrine which was something like the "reason of State"—doctrine of "modern" West according to which under difficult and adverse circumstances or for self-preservation rulers were permitted to take recourse to *kutayuddha* i.e., to undertake wars in which the rules or restraint provided for *dharmayuddha* were given up or not followed. See *Mahabharata* XII. 140; *Kautilya* X. 3; *Shukra* I. 350.

It has however been rightly pointed out that even the rules of *kutayuddha* seemed to have been humane compared to the manner wars were waged elsewhere in the ancient world.

2. Na tatha balaviryabhyam jayanti vijigishava
Yatha satyanrisansyabhyam dharmenaivodyamenacha
Bhisma P. 21. 10
3. Dharmena nidhanam shreyo na jayah papakarmana.
Shanti Parva 95. 17-18

The following are some of the rules of war which were expected to be followed in ancient India :—

(i) The opponents must be similarly equipped with military outfits and weapons (that is, a foot-soldier against a foot-soldier, a horseman against a horseman)¹

(ii) One should not kill in battle (a) one who is already engaged in battle, (b) who has turned back from fight, (c) who is without armour or drinking water, (d) who joins his hands in supplication, and begs to be pardoned (e), whose hair is dishevelled, (f) who sits down exhausted and says "I am thine", (g) who climbs a tree (as if to escape), (h) who declares himself to be a *brahman*, (i) who is a spectator, (j) who is an envoy or a messenger, (k) nor a woman, nor a charioteer nor a child nor an old man, (l) nor one who is naked, disarmed, afflicted with fear or seriously wounded.²

1. *Mahabharata Bhishmaparva* I. 27-32.

2. Baddhanjaliputam dinam yachantam sharanagatam
Na hanyadanrisamsyarthamapi shatrum parantapa
Arto va yadi va driptah paresham sharanamgatah
Arih pranam paritajya rakshitavyah krtatmana . . .
Evam dosho mahanatra prapannanamarakshane
Aswaryam chayashasyamcha balaviryavinashanam.

Ramayana VI. 18. 27-28, 31.

Vridhdhabalau na hantavyam na cha stri naiva pristhatah
Trinapurnamukhaschaiva tavasmiti chayo vadet.

Shanti Parva 98. 48-49

Na paniyam pib-ntam na bhunjanam nopanahan munchan am
Navasharna savarma na striyam na karenam na vajinam na
sarathinam
Na sutam na dutam na brahmanam na rajanamraja hanyat.

Mit on Yaj. I. 326

Also see *Gautama Dh.S.* X. 17-18; *Manu* VII. 90-93.

(iii) The non-combatants were to be left unmolested and allowed to pursue their peaceful avocations. Megasthenes in Fragment I. p. 32 observed that "tillers of the soil even when battle is raging in the neighbourhood are undisturbed by any sense of danger", because the combatants allowed those engaged in husbandry to go unmolested.¹

(iv) Generally speaking fighting was banned after sunset.² The *Mahabharata* provides an illuminating example of the respect shown to this rule where it narrates the incident of Kunti (the Pandava Mother) entering at night fall the Kaurava camp and conversing with the Kaurava Commander Karna persuading him to join his uterine brothers, the Pandavas.

(v) Manu forbade the use of treacherous or concealed weapons as well as barbed and poisoned weapons blazing with fire.³

(vi) The *Mahabharata* also enjoins that, "even an enemy soldier, when wounded, should be treated with medicine and allowed to go when his wounds are healed."⁴

1. Cited by Kane in *History of Dharmashastra*, Vol. III p. 210

2. Bhishma Parva 49,52-53.

3. Manu VII. 90-93

4. Bhagnashastro vipannashcha krittajyo hatavahanah
Chikitsyah syat wsavishaye prapyo va swagrhebhavet
Nirvrnascha sa moktavya esha dharma sanatanah.
Shanti Parva 95. 13-14

(vii) Rudiments of the institutions of nursing and Red-Cross Services seemed also to have been introduced in the warfare of ancient Hindus, because Kautilya enjoined that "physicians with surgical instruments...medicines, curative oils and bandages in their hands and women (nurses) looking after the food and drink of the army should stand behind the soldiers uttering encouraging words.¹ They were obviously unarmed and not molested by combatants. Labourers were also employed for the upkeep of roads, bridges, wells, machines, foddors, etc. at the theatres of war and for removing the wounded from the battlefield.²

We find therefore that both in its theoretical and practical aspects the Hindu view of Inter-State Relations and Diplomacy tried to maintain certain high ideals and humane practices which reflect nobility as well as originality of thinking.

1. Chikitshakah shastrayantragadasnehavastrahastah
Striyashchannapanarakshinyah purushanamuddharshniyah
pristhataastistheyuh. *Kautilya's Arthashastra* X.3.

2. *Kautilya's Arthashastra* X. 4.



PART II

GREEK POLITICAL EXPERIENCES



CHAPTER IX

INTRODUCTION

The history of Hellas is rich in political experiences. The results of these experiences are the primary assets and stocks-in-trade of modern students of political theory and practice. Constitutionalism is the keynote of Greek history and culture and the derivation and origin of political terms now in vogue have been tried to be traced back to the political experiments of the ancient Greeks. The Greeks, however, were not a homogeneous people but a composite race which emerged out of the fusion of the native Mediterranean element with the intruders from Europe and Asia Minor. The original natives belonged to the Cretan stock of people who were the founders of the Minoan culture (Minos was the half legendary king of Crete). The Minoan civilization shifted its centre from the island of Crete to the mainland of Greece (about 1500 B.C.) where it encountered opposition from various hordes of invaders from the north. These northern tribes brought along with them an Indo-European language (which proved to be the mother of the later Hellenic tongue).

By 1400 B.C. the Minoan authority was destroyed and replaced by that of the Mycenaean (so called because of their stronghold in the Peloponnesian town of Mycenae). This Achaean tribe had in turn to encounter

the invasion of Dorians and the resultant confusion drove many inhabitants of Greece to Asia Minor. By the year 1000 B.C. the migration to and from Greece was over and the peoples who settled down in Greece formed the composite Greek people. The fusion which resulted in this process, however, brought the annihilation of the old Minoan civilization and system of government. The new "nation" had, therefore, to evolve new systems of administration and new codes of civilized life. The efforts of this nation in these directions constitute the political experiences of ancient Greeks as known to history.

The earliest types of Greek political organisation were the "Tribal Governments" consisting of group of villages comprising of territory of the average size of an English county. Often neighbouring tribal governments formed into a loose federation. Such sub-divisions later on formed the geographical provinces of Greece like, Thessaly, Laconia, Crete, Arcadia, Boeotia, Attica, Achaea, etc.. The tribal government was at best a police-State and its chief function lay in protecting the life and property of the citizen. There was as yet no sign of good life or civilised existence noticeable in Greek society. Indeed historians have described the period between 1000 and 800 B.C. as the Dark Ages of Greece. Between the eighth and the sixth centuries B.C. Greece experienced a renaissance which enabled the Greeks to reach

a high standard of civilization resulting in great intellectual and colonial expansion. From 800 B.C. Greece started taking active interest in navigation and exploration and by 500 B.C. settlements of Greek colonists cropped up on the coasts of Thrace, Black Sea, Sicily and Southern Italy. This expansionist movement brought the Greeks in close contact with new peoples, new customs, new methods and knowledge and as a result it broadened their intellectual horizon.¹

The very period of expansion abroad was marked by a tendency at home towards urbanisation in consequence of a universal desire to attain security against foreign aggression. (This townward movement was known as the *Synoikismo*). The urban settlements which came into existence as a result of this movement became the strongholds of the tribal chiefs. The cities became the virtual capitals to which the political centre shifted and gradually the importance of the city was so much enhanced that very soon it came to be identified with the political community. The city-communities (*Polis*) came to be established definitely by 500 B.C.

The sovereign independence of the City-community (or *Polis*), however, proved baneful both for the internal and foreign politics of

1. I have reason to believe, that at this period the Greeks came in contact with the Hindus and learnt much from them in Philosophy and Political Science.

Greece. In internal politics city-patriotism and politics, the leading passions of the Greek life, gave rise to factious quarrels between the politically conscious people and the aristocratic ruling class and this shook the stability of the city-Polities and made them the victims of periodical revolutions. Disquieting and distressing as these upheavals were, they contributed greatly to the growth of a rich crop of political experiments and constitution-making. Thus it was that though the main contour of the Greek political map was dominated by the democratic hue, colour was added to the picture by the occasional or rather frequent rise of tyrannies, oligarchies, timocracies, monarchies and unions. The Greeks, however, remained throughout the period of their conscious history a nation of sovereign cities, never a sovereign nation (in the modern sense) even though loose confederacies and leagues were set up as means of warding off foreign enemies, specially the Persians.

The cause of Greek liberty against Persian aggressions were naturally championed by the two leading polities of Athens (which defeated the Persians at Marathon in 490 B.C.) and Sparta (which defeated the Persians at Thermopylae in 480-79 B.C.). During the Persian Wars (490-479 B.C.) a confederacy under Spartan leadership was formed at Corinth (the League of Corinth) but after the wars the "federal" idea was given up and Sparta confined her activities to the Peloponnesus only. Another league of some 175 "States" under the

hegemony of Athens was formed out of the liberated Greek towns in the Aegean watershed which was known as the Confederacy of Delos (so called because the Federal Parliament met at the island of Delos). This too was short-lived owing mainly to the high-handed and over-lording attitude of Athens which after passing through the democratic experiments under the constitutions of Solon (600 B.C.), Cleisthenes (510 B.C.) and Pericles (450 - 429 B.C.) transformed herself into an imperial tyrant city.

The spirit of unity which had brought the two leading City-Polities (Sparta and Athens) together to ward off the Persian invasion was equally short lived, because after the Persian wars were over they emphasised their differences to such an extent that by 431 B.C. they had entangled themselves into a deadly war which was to last for 27 years (the Peloponnesian War 431 - 404 B.C.) "It drew the greater part of Greece into its orbit" and ultimately resulted in the victory of Sparta. Her highhandedness this time once again destroyed the chance of Greek unity. A period of inter-governmental wars followed till Sparta in turn was defeated by the City of Thebes (371 B.C.) and was forced to retire within the limits of Laconia. The autonomy of the city-polities was re-established by 350 B.C. and with it was re-kindled the fire of inter-city rivalry. This was also the time of the first appearance in Greece of a more or less systematic Political Philosophy which considerably

moulded and modified the experimental results of the people in the field of Politics. The century between 427 and 322 B.C. is the most fruitful period of Greek Political speculation which was disseminated through Plato's Academy (founded in 386 B.C.) and Aristotle's Lyceum (founded in 334 B.C.). Though these speculations by their very nature were concerned with *political ideals* yet they throw a flood of light into the workings of Greek *political institutions* as no philosophy worth its name can afford to be completely dissociated from the actualities of life.

It is however, a curious fact of Greek constitutional theory and practice that never or seldom the Greeks tried to look beyond the ideals of the *Polis* or the City-Polity. Even such a speculative philosopher as Plato was a "prisoner of the city-state". No wonder therefore, that though the philosophers (Plato and Aristotle) contributed to political theory so many ideas, they were singularly devoid of any perceptible influence on the political institutions of the period which followed them immediately. The need of the time was a strongly united State in Greece and the ideals and legacies of the city-polities were inadequate and inimical to the growth of this unity. The lack of a central authority in the Leagues of Greek cities was the cause of their failure to stand the test of history. They, therefore, only added to the complexity of the picture.

In this tangled scene of Greek political habits and thoughts was ushered in the great personality of Alexander the Great (336 B.C.). When this young man of spirit and imagination succeeded his father to the kingship of Macedonia and the headship of the League of Greek cities for war against Persia, he at once realised the insufficiency of the "city-state" ideals and the inadequacy (if not the stupidity) of treating all foreigners as barbarians. He launched a campaign of conquest with a view to unify. His ideal is said to have been to bring about a world-collaboration, a union between Europe and Asia, not through the compulsion of a dominant (Greek) race but through the leaven of a progressive culture of which Greeks and non-Greeks were to be the participants and beneficiaries. But he was too arrogant and vain for such an enterprise. In any case, all his ideas died away with his premature death (323 B.C.).

A scramble for power ensued among his Generals (mostly Macedonian nobles) and it took nearly half a century to compose these differences, during the while the cities of Greece proper reverted to independence (275 B.C.). A period of internecine feuds followed, the most important of which was the attempt made by the Spartan king Cleomenes to crush the supremacy of the Achaean League in the Peloponnesus. Aratus (the leader of the League) asked for Macedonian help in this crisis and the Macedonian

king Doson utterly defeated the Spartans in 222 B.C. and instituted a Greeko-Macedonian League. This League also was short-lived owing to the arrogant attitude of Doson's successor and gradually the Greek cities were conquered by Rome (200-146 B.C.) Such was the history of the people who are said to have given to the western World the concepts and ideals of the science and art of government.

CHAPTER X

THE ORIGIN AND GROWTH OF GREEK POLITY

The constituent elements of Greek polity were the village community (*come*) and the household (*oikia*). In Aristotle's view the community is identical with the clan (*genos*). The *genos* "was a close corporation, the individual members of which believed themselves to be ultimately connected by blood." The ancestor who gave his name to the clan might have been a hero or a god. The tribe (*phule*) names originally ethnic became local names. The *gens* at Athens were family divisions and sometimes ethnic and to some extent local. Attica was divided into four tribes the *Hoplites* (warriors), the *Aegieoreis* (shepherds), the *Argadeis* (artisans) and the *Geleontes* about whose exact occupation historians have not been able to come to a decision. The *phratry* was a brotherhood formed of related or sympathetic clans (*gens*). In Athens thirty of the clans formed a *phratry*. The *phratry* was the connecting link between the family and the polis because membership of this body was the deciding factor on the question of citizenship. Class-consciousness threatened Athenian unity so Cleisthenes abolished the four Ionic tribes and replaced them by ten new tribes. Each tribe was composed of smaller units called *demes*. The *demes* were units of local government but they neither represented local interests nor encouraged separatist feelings.

Before entering into the discussion of the Greek idea of *politeia* (constitution) it is necessary to emphasise that political practice and philosophy differed considerably in Hellas and therefore, though the exposition of political concepts by thinkers like Aristotle or Plato is highly valuable to the political theorists, it is the historians' delineation which can give an idea of the real political experiences of the Greeks. The second point to be emphasised in this connection is that even though political terms have lingered on in the usage of modern political literature (as they were used by the ancients) the sense in which they were used originally by the Greeks was different from the sense in which they are used now. Taking all this into consideration Greenidge is quite right in observing that—"A political view of Isocrates is worth more for our purpose than one of Aristotle, a judgment of Xenophon is more valuable than a page of Plato"¹.

Thus it is that though to us the "constitution" represents a part of the life of a nation, to the Greeks the constitution represented "the whole of the national life"². By a happy coincidence Aristotle represented the current Greek view when he defined the constitution as "an ordered arrangement (*Taxis*) which specifies three things—(i) the ethical end of the city, which is itself the means by which

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1. A. H. J. Greenidge: "*A Handbook of Greek Constitutional History*" p. 2.
 2. *Ibid*—p. 4.

the Polis has decided to attain good life, (ii) the distribution of offices and (iii) the sovereign body of the city, or by what individual or class of individuals supreme office is to be held.¹ The constitution is "the form of the Polis," that is it represents the form in which the Polis has chosen to express its life. The expression of the city's life is the same as the expression of the politically dominant or privileged class or the *politeuma*. According to Greek practice the *politeia* (constitution) depended on the *politeuma* (dominant class),—and since in a free society social classes are continually changing position in relation to political power, the constitution according to the Greeks is a part of the *socio-organic metabolism* and hence it is in a state of *continuous flux*. A free society thus, is in a state of continuous revolution: in other words, factually, (though not legally) revolutions are *constitutional necessities* if not a part of the very constitutional process according to the Greeks. No wonder Aristotle devoted an entire section on the art of avoiding revolutions in his "*Politics*."

The constitutional history of Greece affords illustrations of many types of polities which were classified by Aristotle² as :—

- i. *Basileia* (or kingship)—the rule of one for the good of all.

1. Aristotle: "*Politics*" IV-1.

2. *Ibid*—III—6, 7.

- ii. *Aristokratia* (or aristocracy)—the rule of the best men for the good of the community.
- iii. *Politeia* (or polity or commonwealth) — the rule of the many for the good of all.

These normal forms according to Aristotle, may become perverted and take the following forms respectively :—

(a) Tyranny—the rule of one for his selfish interests.

(b) Oligarchy—the rule of a monied clique for the good of its own class.

(c) Democracy—the rule of the poor mob for its own class-interests.

From the point of view of practical politics this classification suffers from the defect of being over-simplified because in actual practice (and to this Greek History bears testimony) we do not find such simple constitutions as a pure kingship or aristocracy but only mixed forms of governments.¹

Among the above-mentioned types of governments, democracy should draw our special attention, not only because of its popularity but more especially because it has ceased to have the connotation which it had in ancient Greece even though we have borrowed and

1. *Vide B. E. Hammond: "Political Institutions of the Ancient Greeks"—pp. 111-112.*

used the word in our modern political literature. The best sample of Greek democracy was afforded by the Athenian democracy and the difference between the ancient and modern democracies will become distinct if we study that democracy and contrast it with the modern samples. The key-note of Athenian democracy was the *direct rule of the sovereign people*. The Demos in Athens "did not delegate its powers; its sovereignty was not intermittent, it was continually exercised¹." Two important things followed from this:—

- i. the magistrates were never entrusted with power to rule the people however temporarily (as is done in the modern democracies) and
- ii. the Assembly (*Ekklesia*) which (met at least once a month) could be summoned any time and could alter the decisions of its previous meetings.

Thus it was that elected Generals had to carry out policies with regard to wars even if they disapproved them. The People's Assembly in Athens possessed powers before which the modern parliaments pale into insignificance².

"The people with us is a vague idea : the demos to an Athenian was a concrete thing which he had often seen and heard"; and it was

1. J. W. Headlam: "Election by Lots at Athens"—p. 27.

2. Ohne Zweifel, die Volksversammlung besass in Athen eine Macht, die ueber die Competenz auch des maechtigsten modernen Parlaments weit hinausging". — Julius Beloch: *Die Attische Politik seit Perikles*—s. 14.

the Ekklesia¹. The demos in Athens actually governed because the ekkelesia (or the assembly) was not so much a legislative as a judicial and above all an executive body. In the phrase of Sir Henry Maine the constitution of Athens was *an inverted monarchy*. The king in a monarchy has his servants, deputies and advisors but all decisions-making powers resides in him and so also in the Athenian democracy: the demos made decisions, though the demagogues and generals helped and advised the people, the *supreme power was never delegated to them*. Further, democracy to the Greeks meant something more than this that the people should mould the *decisions* of the government: it also meant that each citizen should take part in the *administration*. There was not to be a magisterial class (bureaucracy) because in a true democracy every self-governing citizen must be a potential magistrate. Thus it was that each Athenian citizen not only took part in the deliberations in the assembly but had to take in turn a seat in the Council and discharge duties in other public offices. "It is no exaggeration to say that most Athenians must have spent a large part of their life in the performance of public duties."² This was possible, however, because the Athenian citizens had leisure as a result of the recognition given to the institution of slavery. It is noteworthy that women had no place in the parliaments of ancient Greece.

1. *Headlam—Op. Cit.* p. 29.

2. *Ibid—p.* 172.

The seat of political power in Greece was to be found in the tribal assembly (*Ekklesia*). The assembly, however, gave or withdrew its sanction to decisions taken earlier by the nobles, who were the leaders of immigrant hordes who subsequently turned into big landowners. In course of time they came to occupy highly honoured place in society, acted as army chiefs and lord justices and some of the bigger landlords even used the kingly title of *Basileus*. These "kings" had, however, very weak jurisdiction over individuals whose conducts were more directly controlled by the heads of families with powers over the lives and liberties of the members of their respective families¹. It is believed that as successive hordes of immigrants from the north settled down in the Greek country it became the seat of small village communities (*kome*) which Aristotle identified with the clan (*genos*). An aggregate of families or clans came to be known as a Tribal Union (*phule*). Gradually the patriarchal monarchy was replaced by the rule of the strong who was able to look after the common interests and the problems of defending against aggressors. The Athenian people were divided into *gene* and *phratry* for the purposes of *private life* and private law. The clan however, contained different types of citizens in Athens, e.g. born and acquired citizens. The *phratry* included within its fold only Athenian born citizens. The legitimacy

1. M. Gary & T. J. Haarhoff: "Life and thought in the Greek and Roman World",—pp. 17-18.

(i.e. born of a citizen woman wedded to a citizen father) of a child having been affirmed on oath by its father, the child was to be accepted as such by the majority vote of the *phratores*, which could thus deny legitimacy and thereby citizenship to a child¹. All this only marks the tendency of the gradual emergence of the *public rights* of citizenship from the hazy private rights of the clansman or the family-member. The public status of a citizen does not seem to have been fully developed in the *tribal age*; for that the search must be made in the "city-states."

The tribal age was still the Dark Age for Greece. It had produced social life but as yet the emergence of civilised life was not visible. Since 800 B.C. however, the Greek mind began to attain some maturity and as a result of this intellectual awakening the Greeks started to explore new seas and lands and as a further result of which they came in intimate contact with civilised foreign races—the Babylonians, Egyptians, Indians, and the Phoenicians. The net result was an unique expansion of Greek horizons and in its wake came the eagerness for civilised life, (for security and peace), and the *synoikismoι*, a townward movement which ensured safety and peace. These towns very soon became centres of political life, so much so, that the city later on came to be identified with the polis. The polis however, originated in the tribal society

1. Greenidge—*Op. Cit.*—pp. 128 - 129.

as a fortress but when fully developed *tribal* organisations gave place to *political* ones and private rights were pushed behind public life the city emerged out as the most powerful public organisation, which successfully challenged the prerogatives of less inclusive and hereditary groups like the clan or the family. But the first city-polities were *city-monarchies*. Indeed the king's citadel served as the nucleus around which the nobles built their town-residences and thus the city cropped up. According to some historians the kings were reduced to the position of prisoners (of their nobles) confined in their citadels. In any case their powers gradually grew shadowy till by 600 B.C. city-monarchies were replaced by aristocratic republics. With the growth of colonisation and foreign trade, land fighting gave place to naval warfare in which more and more common men were needed and recruited. Fighting thus ceased to be a monopoly of the aristocracy and with the advent of the common man in sea warfare he attained a new political stature before which the aristocracy had to give way. An organised *demos* now bargained for and achieved political power. Foreign trade moreover made the common man rich and this also gave a death blow to the privileges of the landed aristocracy and paved the way for the advent of democracy¹.

After a careful sifting of facts J. L. Myers (in "The Political Ideas of the Greeks"—

1. Cary & Haahrhoff—*Op. Cit.* pp. 18 - 25.

p. 59) comes to the conclusion that "the *polis* originated in tribal society, or, at all events, in its most original and typical variety, among individuals bred up in tribal societies and habituated to tribal life. But in the fully formed *polis* tribal organisations and institutions play but a subordinate part; in the life of its members, public or, as we may now call them, political functions occupy a much larger place than private duties and stand on a far higher plane of importance." This importance of *polis* and public life in Greek society is emphasised in Pericles' Funeral Oration wherein citizenship is proclaimed to be the highest glory of human existence. It has been rightly observed that "For the Greeks the theory of the city was at once ethics, sociology, and economics, as well as politics in the narrower modern sense." To them civilization consisted in forming "a community in which its members were to live a harmonious life." "In such a common life the supreme value for the individual lies just in his ability and his freedom to contribute significantly, to fill a place however humble in the common enterprise of civic life¹."

Regarding the composition and structure of the city-polity, the most important thing to remember is its exceedingly small size both in area and population. It is estimated that the area of Attica was 2/3 of Rhodes Island and the population of Athens was over 300,000. A small territory dominated by a single city was the

1. George H. Sabine : "A History of Political Theory" - pp. 13 & 19.

typical *polis*. The population of a *polis* consisted of three social classes having distinct political and social status :—

1. *Slaves* (about 1/3 of Athenian population consisted of slaves). They occupied the lowest social position with *no political status*.
2. *Metics* (or resident foreigners)—were freemen but had no part in the political life. There was no social stigma attached to this position.
3. *Citizens* had full political rights. This status was attained by birth and demanded participation in the government of the *polis*. Acquired citizenship was also recognised in some of the cities.

In Athens the whole body of *male* citizens over 20* years of age formed the Assembly and this body supplemented by a Council (of 500 selected by lot) and a magistracy of ten constituted the government. For purposes of local government Athenians were divided into 100 *demes*. The method of election was resorted to in the appointment of Generals (as their duties demanded technical military skill and training) who apart from being military officers, exercised great influence in the Council

* 18 years according to some writers.

The *polis* was not equivalent to the modern State — See my. *The State* Madras 1952) pp. 66-67.

and Assembly. In Sparta the Council "was a senate composed of elders chosen for life and without responsibility to the assembly" and hence was an aristocratic body. The democratic traits of Athens however were seen most prominently in the composition of her Law Courts which consisted of citizens of over 30 years of age, *chosen by lot*. As they acted in the name of the people their decision was *final*. They could try not only persons but also *laws* and thus declare laws repugnant to the constitution or custom as unconstitutional or invalid.

CHAPTER XI

THE GREEK VIEW OF JUSTICE, LAW AND CITIZENSHIP

The idea of justice grew among the Greeks as a result of a gradual evolution. In Homer *dike* is the "way in which a thing happens," for example what was wrong with the suitors of Penelope was that "they are not willing to woo in accordance with *dike*," that is, in the way decent people do their courting. It was at this time associated or identified with the idea of decency and all civilized people were *dikaioi*. Later it meant the normal way of things happening. The notion of *dike* (justice) is to be distinguished from that of *themistes*. *Themistes* was the very voice of gods and the voice of gods when interpreted by human beings gave the *dike* or the just or proper way of happening of or doing a thing. But as many gods have many voices the human interpreter of *themistes* had to decide the *dike* according to his abilities. Therefore, there could be crooked or straight *dike* according to the nature and ability of the interpreter of the *themistes*. A proper *dike* must "accord with the real order of things."

Dike was personified by the Greeks and was represented as the daughter of Zeus (from whose will and pleasure she issues) and her mother Themis. *Dike* has five sisters, namely, *Eunomia* or Order, *Eirene* or Peace and the

three *Moirai* or Destinies or Fates. A man who is not acting according to *dike* is "simultaneously wronging the whole order of things" or the Cosmos, that is, he is out of gear with God and Nature as well as his fellow-men. (Myer : *Op. Cit.* pp. 100-110). In Herodotus and the Tragedians *dike* means satisfaction required to restore things to their normal course or satisfaction to be made for causing injuries or injustice. About the middle of the seventh century B.C. officials called *thesmothetai* were first appointed : they were the scribes or those who put down in writing the *thesmoi*. *Thesmos* meant "conduct in accordance with what is *themis*..." or normal observance. The *thesmoi* were the "formal utterances of public officials on matters of procedure or behaviour". So that the *thesmoi* were the normal behaviours and *dikai* were the penalty or satisfaction required to restore the deviations to the norm and when therefore, the *thesmoi* and *dikai* were published it was possible for the injured man to send such information to the Council of Areiopagus, making declaration as to in respect of what *nomos* or rule or law is there the failure to obtain *dike*. In these efforts to repair breach of law the *polis* encroached upon the functions of the older kinship groups and personal initiative.....and out of a chaos of family usages a coherent system and a complete written code of private law emerged.¹ At this point the *polis* really is transformed into a public organization.

1. See J. L. Myer's "The Political Ideas of the Greeks" — Lecture IV.

The political object of Greek democracy was freedom (self-rule) which was at the same time in harmony with social well-being. This freedom according to Plato, therefore, lay in observing the ideal behaviour or conducting one self according to *dike*. Freedom lay in doing one's own business and not meddling with other people's affairs. The keynote of Greek public life was civic harmony which was to be found by each contributing his best to the common venture—the public life—and since this was possible only when the citizens have respect for law, freedom and law were complementary concepts in Greece. The one implied the other. This idea of the necessity of obeying law as a public duty emerged gradually. The earliest law (*nomos*) was a discovery and a gift of gods, then it meant the opinion of sensible men (or propriety), later it meant the restitution of a thing done amiss (voluntarily or involuntarily) and finally a general compact of a *polis* in accordance with which it is proper for all in that *polis* to live. But the law must be self-imposed, for therein lies the essence of freedom. A free man is not a slave because he is not governed by regulations imposed upon him by others.

Lacking the good-will necessary to forge a nation-wide unity, the Greeks remained members of hundreds of petty polities but never succeeded in effecting a national federation. City-patriotism was too strong to allow the growth of national patriotism : citizenship

was of the city brand, not of the national pattern. Though the necessities of trade obliged the Greeks to concede to resident aliens (*metoikoi*) a privileged position and to recognise their equality of footing (with citizens proper) in matters relating to private law, citizenship itself was to "go by kin." Even emancipated slaves were enrolled as the *metoikoi*. Only in rare cases were immigrants enfranchised.¹

Naturally there were two conceptions of citizenship—(i) the ideal which the polis tried to realise and was to a great extent realised in Athens, and (ii) the current conception which actually decided the terms of conferring citizenship in the city-communities which lagged behind the ideal. According to this idealist view a citizen was defined as "one who is capable of ruling and being ruled in turn."² This is derived from the idea according to which executive function in an ideal polity or city must be distributed amongst its members. "The recipients of these functions were the only *Politai*."³ This was the ideal which the non-perfect democracies aspired to attain. In actual practice, however, there were wide variations in the idea of the citizen's rights and duties in different cities. The common factors may, however, be summarised in the two phrases — "The protection of private rights" and "The descent from original

1. Cary & Haerhoff: *Op. Cit.*—p. 31.

2. Aristotle: *Politics* — i-2; vii-14.

3. Greenidge: *Op. Cit.* — p. 7.

citizens." As to "protection of private rights" we have already seen that in course of time (with the growth of foreign trade) even resident aliens were accorded these rights, but such aliens were distinguished from the citizens proper.

"Descent from original citizens" or common kinship or membership of the *phratry*, therefore, was the primary and essential prerequisite of citizenship. It has been said that the *phratry* was "the connecting link between the family and the polis" and rightly so. The membership of the *phratry* was essential to the attainment of full citizenship¹ (that is for endowing a person with all the privileges and obligations attached to the membership of the political community) and the admission to the *phratry* depended upon the social and racial status of the family. It was the *phratry* which controlled the admission of newly-born babies into its fold. If the members of a *phratry* were not satisfied that a particular child was born of citizen parents lawfully wedded, they could, by adverse votes, deny the child admission to the *phratry* which meant also denial of admission to citizenship. The practice of bestowing the status of a citizen only to children of lawfully wedded, citizen parents was not strictly adhered to and was relaxed occasionally owing to the exigencies of war, migration and trade.

¹ Usually, therefore, citizenship at Athens was hereditary but exceptions were not unknown. "It was indeed possible to increase the citizen body by a vote of the people, but the privilege was jealously guarded."—*Greenidge: Op. Cit.*—p. 131.

We find that gradually the tendency in Athens (and thence in other parts of Greece) was towards allocating equal rights and responsibilities to all citizens. "With the exception of a few posts, such as the high military offices, in which technical knowledge was obviously essential, the entire administration was confided to the hands of ordinary citizens. In order to facilitate the attendance of every citizen at his public post, a small fee was paid to councillors, jurors, and executive officials."¹ This has led some one to remark that the Athenian democracy was a kind of "political conscription".

The political conscription to which citizens were subjected in an ideal Greek "democracy" could be made workable only in the background of freedom from drudgery and presence of leisure which necessitated the acceptance of the institution of slavery. The *helots* and slaves stood outside the phratries but without them no "democratic" constitution (nor even an openly aristocratic constitution like that of Sparta) was workable. It is estimated that during the 5th and 4th centuries B.C. there were about 400,000 slaves in Athens, who worked in the household, on the farm, in the mines, "manned the marchant fleet," and worked as tenants on lands paying (like Spartan *helots*) a portion of their produce to their masters in the *city*. It is held that socially their position was not different from

1. Cary & Haarthoff *Op. Ctt.* — pp. 38-39.

that of poor citizens and in Athens they enjoyed a degree of freedom of "demeanour and speech," which was not evident in other parts of Greece. Indeed the Athenian slave was said to have been a "class with rights."

In Sparta there was a class of slaves called *helots* and it is estimated that in the 7th century B.C. there were some 250,000 *helots*, i.e. about 2/3 of the inhabitants in Spartan domains, who were denied the *Rights of Man*.¹ Originally these *helots* were believed to have been captives of war (*Eilotes*) or a conquered people who submitted to the Spartan suzerainty under stated terms. This contention is supported by the fact that the *helots* were public slaves (i.e. under the dominium of the city-community) who were attached (by the community) to some private individuals. They could be freed only by the polis (not by the masters under whom they worked) nor sold out of the country. The polis employed them for military purposes and they were under the special protection of the polis and the community-religion.² In the utopias of Plato and Aristotle "they advocated the greatest good to the greatest number, but unfortunately their greatest number was limited to citizens of untainted blood and to an aristocracy of the few supported by serfs and slaves."³

1. "The Greek Political Experience" Studies in Honor of William Kelly Prentice) p-63.

2. Greenidge: *Op. Cit.* pp. 83-84.

3. *The Greek Political Experience—Op. Cit* pp. 218-219.

The most characteristic features in the Greek notion of law is that it was looked upon a secondary factor (in the life of the *polis*) which supported the primary, which was the Constitution. We have seen before that the Constitution represented the entire life of the *Polis* and as such the necessity of distinguishing public and private law was not felt. A distinction however, was maintained on the basis of universal laws (*koinos nomos*) and particular laws (*idios nomos*); and the laws of the constitution were just regarded as a part of the particular laws. The nature of the laws of the constitution in a Greek *polis* moreover was not similar to the modern constitutional laws—rules indicating limitations and distribution of the sovereign power—(because the sovereign people in Greece had and insisted to have unlimited powers). Greek constitutional laws were rules which thwarted the attempts of individuals to destroy the constitution or they were in other words rules to combat revolutions.

The “Law” in Greece supported the *Polis*. The laws were enforced by the *Polis*, *not created* by the *Polis*. The sanction behind Greek laws was not the polis-authority, on the contrary the polis enforced the laws which relied on *divine origin* for its sanction. Law was a “gift of God” for the regulation of human conduct transmitted, however, (to man) through Nature and Reason. After a revolution the “public law” necessarily undergoes change and

this certainly casts doubts on its unchangeable and universal character. It is certainly not universal in the sense of being applicable to all people in all times. Its universality, however, is to be interpreted in terms of its equity, *reasonability* and suitability to the conditions of the nation at a particular historical epoch.¹

The laws passed in the *ekklesia* (assembly) were considered as rules the observance of which would help the promotion of divine universal will or law or the dictates of Reason and Justice. The *ekklesia* had the supreme law-making power but no law could be proposed in the *ekklesia* unless it had been "considered and sanctioned by the council of five hundred." The law thus passed again was not of absolute validity, for any new law or any resolution could be indicted before a popular law-court if it went counter to the Athenian constitution or existing laws. A condemned law or resolution became *ipso facto* void, and the indictment could be against the *proposer* as well as the *proposition*. This was known as *graphe paranomon* or Indictment for Illegality.² The reason for the production of this novel indictment is said to have been to "make the unofficial orator feel the responsibility of his position", and to enable the assembly to protect itself from the consequences of the "extreme freedom of initiative permitted in

1. *Greenidge: Op. Cit.* pp. 9-11.

2. *Hammond: Op. Cit.* — p. 79.

that body.” In Athens, therefore, it is said, there was the impersonal sovereignty of Law.¹

The special characteristics of the Athenian Law and Law-court were directly derived from the nature of the Athenian democracy (the direct rule and administration of the people). Democracy of this type meant power of the people (citizens) to *criticise* and *punish* all law-breakers including the magistracy. This power was exercised by the Athenians through the popular courts (instituted by Solon)—*i.e.* the *dikasteria* or jury courts composed of all the collective aggregate of citizens over 30 years of age. The court was distinguished from the assembly by the fact of its being a sworn body. By the *heliæan* oath they swore to protect the constitution “even against possible decrees of the assembly, swore among other things, to preserve the democracy and never to revert to extreme social measures²”.....For enabling poor citizens and citizens from the villages to exercise this function (as judges and jurors) Pericles provided for a fee of one obol per day (which was later raised to three obols per day). This duty was not compulsory but it being a sort of a good pension for elderly citizens attracted a large number. In course of time the *heliasts* were divided into ten panels : these and their meeting places were called *dikasteries*. The particular court in which a particular section (panel) was to

1. *Greenidge: Op. Cit.* — pp. 171-172.

2. *Ibid* — p. 154.

sit on a particular day was decided by lot. In Athens the courts were constituted from a total of 6,000 *dikasts* drawn by lot each year from citizens of not less than thirty years of age.

The rise of the popular courts was a product of gradual growth. With the growing strength of the democratic temper the council of *Areiopagus* and other magistrates were pushed into the background till they were reduced practically to the status of court-clerks.¹ The *dikasts* sat at once as judges and jurors; determined both points of fact and law, and passed sentences which were irrevocable and non-appealable. The oath was administered as a precaution against bribery. A single court constituted of members from 200 to 2500 in number. Proceedings even in capital cases, such as that of Socrates, were limited to a single day. A simple majority determined the verdict. Execution of sentences was prompt.²

A distinction was maintained between civil (private) and criminal (public) cases. Private suits could be brought only by the interested parties and the compensation recovered was paid to the plaintiff. Public suits could be instituted by any full Athenian citizen and the money compensation (if any realised) went to the state-treasury. If the prosecutor withdrew

1. See — Headlam — *Op. Cit.* p - 147.

2. *The Greek Political Experience* — *Op. Cit.* — p. 42.

during the pendency of the suit or failed to secure 1/5th of the votes (of the *dikasts*) in his favour, he was fined 1,000 drachmae and lost the power of bringing similar charges in future.¹ It has been argued that being composed of a larger number of laymen, mostly poor, the decisions of the Athenian courts were largely dictated by considerations other than those of justice. The court was often a political audience swayed by emotional appeals. Still this was justified on the belief, prevalent in Greece, that "the many are more incorruptible than the few; it is like water: the greater the volume the purer the stream."

The chief characteristic of Greek Law was simplicity and this too was directly deducible from the direct rule of the *demos*. Because of the sovereignty of the people and the determination of the people to exercise that sovereignty actively there arose in Greece no class of trained lawyers (as it happened in Rome or Britain), no complex system of law, no glosses or commentaries, no code of case laws, because the sovereign people wanted to remain free from the shackles of precedents and codes and limitations of jurisdictions and niceties of points of facts and points of laws. It has been rightly observed in this connection that "A precedent is only possible when, an authoritative exposition can be given of the law, in such a way that it is applicable to other cases."²

1. *Greenidge: Op. Cit* — pp. 175-176.

2. *Headlam: Op. Cit* — p. 151.

This was not possible in Athens where the sovereign people sat on judgment with a free mind, unbiased by dictation of an outside authority which it refused to admit (because to admit that would have been causing the suicide of popular sovereignty for a sovereign people). Naturally also Greek laws were couched in simple, non-technical phraseology, for "at Athens no one was specially trained" because such lack of specialisation was the basis of the Greek idea of democracy.

CHAPTER XII

THE GREEK POLITICAL PARTIES

We have some records of political parties in Athens only and it is inferred that things were very similar in this respect in other Greek democracies also. But those parties were not similar to modern political parties. According to modern conceptions any group to be recognised as a political party (in a democracy) must be composed of members holding more or less similar views on important social, economic and political questions. They must further work for the good of the whole political community and with that end in view try to capture the government, failing which to constitute a part of the opposition to the government formed by their opponents. In Athens during her political adult age there were three parties whose functions were very different from what we have described above. The three Athenian parties were :

- i. The Democrats or the supporters of the democratic constitution.
- ii. The Oligarchs or opponents of the democratic constitution who had to work mostly in secret,
- iii. The supporters of the Middle party or opportunist Democrats, who opposed openly not the constitution but the policy of the democracy, though at heart disliking the constitution itself.

None of these were political parties from the modern point of view. The democrats formed a sort of dictatorship, because "at Athens to advocate any proposal injurious to the democracy was an act of high treason."¹ The oligarchs (who were opposed to the constitution) for the very reason of their treasonable conviction could not act in the open as a free political party. The middle party at best functioned as a permanent opposition criticising the policy pursued by the democrats, but never thought of assuming the responsibilities of government, because being essentially oligarchs (who professed democratic ideas out of a policy of sheer opportunism) an open endeavour to change the constitution according to their taste would have landed them into the prison (if not the gallows). Moreover, there were hardly any principles at the basis of their differences with other groups nor did they aspire to work for the good of the entire community. There was neither any free-play of controversies and discussions over political issues. This was made impossible by the nature of the constitution of the parties. The oligarchs by the very fact of their being oligarchs were unable to take part in the ordinary political battles. The political controversies were therefore, confined to the democrats and the pseudo-democrats (*i.e.* the middle-party men) and these again were not fought on principles but only around ephemeral

1. L. Whibley: "*Political Parties in Athens during the Peloponnesian War*" — pp. 35-36.

policies pursued in day-to-day administration. These policies again were shaped not with a view to furthering the best interests of the community as a whole but with a view to promoting the interests of the classes which the parties represented: the oligarchs representing the interests of the rich, the democrats of the poor and the middle party representing those of the middle class. We discuss the three parties now in a little greater detail.

The Democrats :—Naturally the democratic party in Athens was the most organised party and the only group with a consistent home and foreign-policy. The key-note of their home-policy was the defence of the democratic constitution at any cost. Their foreign policy was marked by a determination not to submit to Sparta and to keep the bond of alliance between Athens and her allies strong. The party had the additional advantage of being represented by a set of able party-agents, the demagogues, one of whom was accorded a special pre-eminence and was called the *Prostates ton demou* or the premier demagogue. His title was purely unofficial and descriptive and "his power was entirely dependent on the support of the assembly."¹ The Prostates could be elected as a General as is evident from the cases of Pericles (almost throughout his political career), Cleon (was General during the years 424-421 B.C.) and Androcles (was General in 414-13 B.C.) and

1. Whibley: *Op. Cit* — p. 51.

others.¹ When the chief demagogueship (*Prostates ton demou*) and the Chief Generalship (*Pritanis ton strategon*) were combined in one and the same person, that person practically became an autocratic President of a republic for whom to turn into a tyrant was but an easy short step. That such a transformation could take place, without a revolution if he cleverly succeeded in posing as the champion of the people, was proved several times in Greek history. Apart from the premier demagogue there were the lesser demagogues, whose occupation it was to "protect the interests and gain the favour of the people by zealous devotion to their service." They showed their talents in the assembly, the council and the law-courts, and specially in the financial administration, prosecution of magistrates and suspected oligarchs. The latter-day demagogues were the people's flatterers and servants and not their leaders and this was one of the reasons of Athens' degeneration and downfall.

The Oligarchs :—Educated minds naturally protested against extreme democracy. This anti-democratic temper was further encouraged by the teachings of philosophers (the Sophists, Socrates, Aristophanes) who taught heretical doctrines against the fanatical worship of institutions to which the average

1. Es kann kaum ein Zweifel sein, dass Peisandros sowohl wie Androkles im Jahre 414/3, vielleicht auch im naechsten Jahre Strategen gewesen sind". *Julius Beloch—Op. Cit. s. 63.*

Athenian was prone. In the case of some, the protest against extreme democracy was lukewarm but there were others who were ready to undermine the democratic order. The *oligarchs* as a whole turned out to be a disloyal faction, who were guided more by their sectional rather than the social interests¹ and who "saw the possibilities of their own advancement in the chance of revolution." "They not only rejected the obligation to obey the laws, but they were traitors to their country, for they intrigued with the City's enemy against it; their ends were always selfish and treasonable, and were pursued by means of conspiracy and terrorism."² For these reasons they worked either under disguise of being democrats (*i.e.* hypocritically or secretly) and always in small batches because open and organised group-work would have exposed the real nature and motive of their party. This was the cause of the growth of political clubs (*hetaeria*) which were the meeting places of the oligarch conspirators. With this network of associations (which were kept informed of each other's activities by periodical conferences) the oligarchs tried to undermine the constitution persistently. But the opportunity for an actual overthrow came rarely so that the main activity of this party consisted in embarrassing the democratic government in their day-to-day

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1. Beloch has aptly remarked that their concern was not how the government should function but who should govern.
 2. Whibley: *Op. Cit.* — p. 81.

administration by criticism, opposition, terrorism, assassination and lastly by secretly collaborating with the enemies of Athens. "Their treachery to Athens and indeed to Greece, in combining with Sparta, Boeotia and Persia, is established by a long catalogue of crimes, which begins with the action of Isagoras in inviting Spartan aid and is continued down to the alliance of the oligarchs with Lysander in 405." ¹

The Middle Party :—The "moderates" or the "Centre Party" had for their strongest bulwark the middle class and were well known for their moderation in politics. It is believed that the party was first organised under Nicias, whose counsel of reconciliation with Sparta was much misunderstood as a piece of treacherous conduct. He had also opposed the Sicilian expedition which proved ruinous to Athens. Had not nationalist fanaticism run amok during the Peloponnesian war Nicia's policy would have effected a friendly and beneficial union between Athens and Sparta.

The policy of the middle party was guided by sheer opportunism. It has been said that "they went with the stream, and acquiesced, in democracy, till the current of events set in the direction of oligarchy, when they made no attempt to resist the movement." ² Naturally this party was constituted of most heterogeneous elements, from men of keen democratic feeling (but opposed to democratic

1. *Ibid* — p. 86.

2. *Whibley* : *Op. Cit.* — p. 95.

excesses) to democrats by force of circumstances (not unwilling to help an oligarchic uprising if and when opportunities came). But all the members of this group wanted two fundamental reforms : (i) the curtailment of the unlimited power of the people in and outside the assembly, and (ii) abolition of the system of paying remuneration for State services except in the army. Indeed the latter would follow from the first, for payments for state service became necessary only because men irrespective of status and standing were being asked to perform these duties in an extreme democracy like that of Athens.

One of the most far-sighted leaders of this party was Aristophanes. As the best representative of his class "he stood midway between the extreme democrats and the oligarchs..... and was really loyal to the demos" though severely criticising its follies. His advocacy of the honourable treatment of Athens' allies, his proposal for a pan-hellenic federation, his warnings against the rising power of Persia (which was gaining added strength as a result of the Greek civil war) were counsels of soundest judgment and wisest statesmanship. But that such sound advice was productive of no practical good and was unable to influence actual politics

indicated that the majority of the members were followers of the "wait and see" policy, lacking the will to carry through a well-formulated programme. In fact the party lacked courage, political dynamism and moral strength to be of any practical use. In conclusion we have to note that the Greek political parties aimed at revolutionary changes in the body politic (whereas the modern democratic parties aim at constitutional changes) and that was their most distinguishing feature.

CHAPTER XIII

THE GREEK ASSEMBLIES AND VIEW OF DEMOCRACY

The popular assembly (*ekklesia*) consisted of all male citizens over eighteen years of age. Slaves, resident aliens, all women and minors were ineligible. It was an omnipotent and supreme body. In theory it was subordinate to the law of the constitution but in course of time "the belief gained ground that the demos was infallible." The sovereign position of the assembly could be seen also in the checks imposed upon the magistrates. Generally offices were filled up through the means of election by lot. "The theory underlying choice by lot was that any citizen of proper age, not specifically disqualified, was equally fit as councillor or magistrate to execute the people's will."¹

There were two kinds of meetings of the *ekklesia*; the ordinary and the extraordinary. In the ordinary meetings business was discussed according to a regular programme and these were not dependent on being summoned by a magistrate. There were to be four meetings of each of the Executive Committees or *prytaneis* (presumably per session). The extraordinary meetings were specially convened by the *prytaneis* (or the ten tribal executive committees) usually at the request of a

1. *The Greek Political Experience* : p. 38.

Strategus. The ordinary meetings were connected more with the day-to-day administration. In both the types of meetings however, business was prepared for the *ekklesia* by a committee of the council and came before it (*ekklesia*) in the form of a *probouleuma*. No bill could be discussed in the assembly which was not first prepared in the council but this was not of practical effect as members (of the assembly) could add to bills and make alternative decisions. Later the assembly secured the power of indirect initiation of proposals by suggesting that certain kind of *probouleuma* should be brought forward by the council.¹ The recommendations of the council were treated with great respect, though the assembly could over-ride them — that seems to have been the position (in a nut shell) of the assembly vis-a-vis the council.

A little more detailed study of the *ekklesia* reveals that it differed fundamentally at least in one respect from a modern parliament or assembly which is essentially a legislative body of unlimited (as in Britain) or of almost unlimited (as in U.S.A.) competence. The Athenian *ekklesia* was hardly such a legally omnipotent body as its legislative powers were limited by Natural Law. On the contrary the distinctive feature of the *ekklesia* lay in its being the "sovereign administrative power" in the community, the highest executive more than the highest legislative body. The Athenian

1. Greenidge : *Op. Cit.* — pp. 169-170.

assembly was the assembly of the Athenian *demos* and the *demos* at Athens was not satisfied by merely discussing and passing resolutions in the assembly but was keen upon actually taking part in the government and highest decision making acts relating to the country. The *ekklesia* for instance had the final authority on affairs relating to war, diplomacy and finance and controlled the distribution of grains. No doubt the theoretical inability of the assembly to pass laws direct (without being prepared by the Council) and general respect for established laws and usage checked hasty and revolutionary legislation, yet laws of far-reaching effect were practically passed by this body through its administrative orders and decrees. Indeed it was to check irresponsible legislation that the *graphe paranomon* was devised. This was introduced to frustrate the attempts of individuals (specially oligarchs) to tamper with the constitution.¹

There were assemblies in other cities also, functioning more or less on the same model. The assembly at Elis consisted of 600 members, who held supreme power but extreme democracy never developed here because there was no over-emphasis on city and political life.

The council in no sense was an upper House of a modern bicameral legislature. The Athenian Boule (Council) of 500 was established by Cleisthenes replacing the old Council of

1. Vide "Greek Political Experience" — *Op. cit.* — p. 41.
and Greenidge : *Op. cit.* — pp. 170-171.

400. Its membership was open to all citizens over 30 years of age. Fifty members were chosen from each tribe to serve for a single year. The office (of a councillor) was voluntary (not a burden or compulsion) but competition for membership was keen. Before being accepted as councillors, members had to pass through an examination (called *dokimasia*) before the previous (retiring) Council. The Council divided into ten tribal Executive Committees (*prytaneis*) each functioning for 1/10th of the year. Effective monopoly of leadership and continuity of policy were avoided by the device of rotating the presidency of the council daily. The councillors were representatives of no special class or interests.¹

The council had a "double character"; (i) as a probouleutic senate it prepared business for the *ekklesia*, and (ii) as the chief administrative authority it carried out the resolutions of the *ekklesia*. In exercise of its administrative functions the council had power of general supervision (over all the departments) and could summon officials for the purpose of giving them instructions. The wide range of the council's powers may be seen in its (a) control over the military affairs of the State, (b) power

1. "Greek Political Experience" : *Op. cit* — p. 37.

According to Glotz, the Council was at once a preparatory Commission, an executive Committee and a supreme magistracy. It prepared precisely worded resolutions (*probouleuma*) for the *ekklesia*, enforced obedience to *ecclesian* decrees, supervised and gave instructions to public officials and gave audience to foreign ambassadors before introducing them to the Assembly—

to inspect fleets and wharfs, (c) in its responsibility for the upkeep of the cavalry and the hoplite forces, (d) its disposal of the much of the routine work, specially those connected with foreign policy, reception of embassies, and formalities connected with treaty-making with foreign States. In financial administration it controlled expenditure and it was the main voice in the making of the estimates. Its duty it was to raise necessary supplies for the year including the raising of public loans. Special impeachments for treason, conspiracy and certain cases of bribery were held in the council. In the 4th century B.C. it acquired the right to hear appeals against magistrates for not carrying out the law.¹

In other Greek cities the councils were constituted differently. In Elis, for instance, the *Demiurgia* was a council of 90 members holding office for life. In Argos and Rhodes also there were the usual *ekklesia* and the *boule*. In Sparta the *gerousia* or the Council of Elders was an extremely powerful body and consisted of the two kings and 28 members chosen for life from certain selected families of the "State" who were over 60 years of age. Nobility, age and membership of the assembly were the essential pre-requisites for being selected as members of the Spartan council which was a deliberative, administrative and also a judicial body—and "this combination of functions made the *Gerosia* very powerful."²

1. *Greenidge: Op. Cit.* — pp. 166-168; and *Headlam: Op. cit.* — pp. 121-124.

2. *Greenidge: Op. Cit.* — pp. 100-101.

Regarding the Athenian practice of electing certain officials by lot Headlam has rightly observed that "the democratic constitution of the *demes* exhibits more clearly than any other part of the administration the two cardinal principles of the democracy to which the lot was subservient:—that all important questions should be decided by the direct vote of all members of the community; and that every member should, besides taking his part in this assembly, also bear his share in the separate administrations by holding, at least for a year, one of the numerous offices."¹ The units of local selfgovernment (*demes*) were also placed on democratic footing by the constitution of Cleisthenes. The polis was divided for the purpose of local government into 100 *demes*. All the adult members of the *deme* formed a unit of local government. Each *deme* owned public property and incurred expenses in the performance of public duty. (Public sacrifices and celebrations were conducted and performed by this body). The chief officer of the *deme* was the *demarch* (president of the *deme*) chosen annually. The *demes* jealously guarded their local rights and privileges and (in miniature) resembled the *ekklesia*. The emergence of the *demes* with their local autonomy was a necessary part of the process of democratisation in Athens and was successful in breaking the influence of nobles by nullifying their local influence, specially by taking away from their hands the

1. Headlam: *Op. cit.* — p. 165.

right of performing public sacrifices and of administering local (village) justice. They proved moreover the best schools for inculcating the lessons in citizenship and democracy as their administration entailed the handling of public money and performing of public functions (including the ceremonies) by a large number of citizens. It also lent to the character of the ordinary citizens that sense of responsibility which is absent in democracies which give them the power to criticise but not to shoulder the burdens of administration.

This was the most significant and amazing innovation of Athenian political genius for the purpose of safeguarding democracy or the actual rule by the people. The temple-priests in Greece were always elected by lot as it was believed by the ancients that in such an important selection the will of God should prevail and the lot was the most ready and handy method of knowing the intentions of God in selecting His ministers or priests. When (later on) therefore, the lot began to be applied in the selection of officers of the "State" the people were psychologically prepared for it. Indeed they thought that it was superior to the method of election by human agencies as the former in their eyes was sanctified by the presence of divine mediation (equating of course, chance with Divine will)

The more rational section of Athenians justified the lot as it appeared to them to be

a truly democratic procedure—rather a procedure essential to democracy as they understood it. This can be clear to us only if we grasp what the Greeks meant by democracy. It is important to realise at the outset that our modern conception of democracy (*i.e.* government *for* the people *by* their more efficient representatives) was for the Greeks no democracy at all. The Greeks meant by democracy the actual rule of the people by the *demos*, but if every one was to rule and if all could not be allowed to rule at a time (without creating confusion) the obvious solution lay in allowing a part of the people to rule at a time and by turn in such a rotation that some time or other every one will have a chance to rule, and since the ultimate aim was to give a chance to every one in turn it did not matter whose turn came first and whose came last. Indeed if no importance was to be attached to the rule of any one group or the other and if group by group all were to be given a chance in the art of government then obviously justice lay in election by lot of all officials excepting those whose duties demanded special and technical knowledge. There is no direct evidence to show that state-service was compulsory but *Headlam* opines (in his "*Election by Lot at Athens*"—*p.* 94) that it would be hardly too rash to assert that the city did reserve the right of compelling men to hold office and in that sense it would be right to say that the Athenian democracy was a "political conscription."

It is interesting to note the important offices which were filled up by election by lot. It is now evident that the *nine archons* (including the *thesmothetai*) in whose office was united the functions of priests and magistrates were elected by lot at least after the year 477 B.C. Indeed that was one of the ways in which the democratic party was able to do away with the powers of the *archons* and *areiopagus* and were able to develop the influence of the popular jury courts. It is, however, to be noted that any recourse to the election by lot is not democratic. What made it democratic in Athens was the fact that "all citizens were eligible and that the number of offices to be filled was very large." The question there was "not which ought to be *archon* and which not, but which ought to be *archon* this year and which next year." In such a context alone was it a democratic process.

Then the 30 *logistai* (board of Public Accountants) were also appointed by lot. This was obviously done for political purposes. The *poletai* were another class of officials elected by lot. They were also connected with finance, their most important function being "the sale of taxes to men who farmed them." Their general duty was connected with the "sale of public property, and the reception of tenders from contractors for the execution of public works." The *apodektai* were another class of officials elected annually by lot. They were the clerks of the *prytaneis* (executive committees)

and being connected with the important work of receiving and paying public money were treated as a special class. They sat in the council and received money from the public on payment of receipts and paid out money for which they took receipts from the public.

The most important effect of the election by lot was to be seen in the *boule* (Council) where this system of election was introduced by Cleisthenes (510 B.C.) The lot was introduced in the Athenian constitution of the time because its framer wanted an efficient, strong and small body to do the day-to-day work of a larger ratifying body, the assembly, without at the same time usurping the importance and privileges of the larger body. This was done admirably by a council chosen by lot. The principle was that "the work of the assembly is done by all Athenian citizens together, the work of the Council shall be done by all Athenian citizens in rotation." The Athenian jury courts (the *dikasteria* introduced by Solon) were yet another body of public servants chosen by lot. This was perhaps the best illustration of the "judicial competence of the people." Even charges of malversation or abuse of powers by magistrates were heard in appeal (from auditors' complaint) by these courts.

The Council of Areiopagus :—

This body was perhaps the original council at Athens and possessed the power to appoint

magistrates (archons). This was an aristocratic body tracing its origin from the ancient Council of Elders and in the absence of an organised *ekklesia* (assembly), which emerged only later, it is not strange that this body wielded the power to appoint magistrates.

The college of nine archons and the referees for the trial of cases of homicides (known as *ephetae*) were most probably members of the *Areiopagus*. It is believed that Solon eliminated the *ephetae* and constituted the Council of *Areiopagus* exclusively of *archons* and *ex-archons*. The functions of the Council of *Aeriopagus* may be enumerated as follows :—

- i. It appointed the magistrates,
- ii. It was the chief administrative body (till the rise of extreme democracy)
- iii. It was the guardian of the ordinances of the Polis.
- iv. It had autocratic censorial authority over the lives of citizens.
- v. It had the power of enforcing and revising laws (after the time of Draco)
- vi. The Solonian constitution gave it the added power of acting as the protector of the constitution against traitors.

- vii. It was the guardian of the sacred olive groves and as such had supervisory power over the cultus of the community.
- viii. It chose an advocate to plead a religious cause before the *amphictyony* of Delphi,
- ix. It had criminal jurisdiction covering cases of murder, wounding, poisoning and arson.

Indeed it was the most powerful enemy which Athens had to subdue before "democracy" could emerge.

"Democracy", however, emerged out successfully in Athens. The first blow against the *Areiopagus* was struck in 462 B. C. by the first great *Demagogue* of Athens, Ephialtes. Then came Pericles. The result of their reforms was to strip the *Areiopagus*, of its position of the *de facto* head of the *Polis* and guardianship of laws, its control over magistrates and its censorial functions. But even after this it retained criminal jurisdiction and power of supervision over religious functions. The power of protecting the *Polis* from traitors was retained in modified form. The net result of the reform however, was the annihilation of the powers of the magistracy and the crushing of the council and in their place arose the popular courts, as a symbol of the rising power of the *demos*.

CHAPTER XIV

THE CHIEF FUNCTIONARIES IN GREEK POLITY

In the course of the "secularisation of the Polity" (that is change from the conception of the divine to the secular origin of rulers) the civil magistrates emerged out as a powerful body and the *archons* of Athens (like the *ephors* of Sparta) came to constitute the highest magistracy of the City. When Codrus the last king of Athens died (in 1068 B.C.) a college of three *archons* appointed for life succeeded the king but at first only members of the Eupatrid clan owning land were chosen *archons*. In 752 B.C. the life tenure of the archonship was reduced to a term of ten years. In 682 B.C. the term was reduced to one year and at the same time six new officials were added who were called *thesmothetai* or Law-givers. All the nine *archons* (i.e. three *archons* plus the six *thesmothetai*) were elected by the Council of *Areiopagus*. At this time also began the practice of recruiting members of the *Council of Areiopagus* from the *ex-archons*.

From 487 B.C. the *archons* (including the *thesmothetai*) were chosen by lot for a term of one year. Their powers were gradually reduced with the rise of democracy. This decline of the *archonship* was inherent in the constitution of Solon.¹

1. *Greenidge: Op. Cit.* — p. 137.

Perhaps the most important public functionaries were the *Strategoi* (the Board of Generals). This was a College of ten highest military officers elected on the basis of ten Cleisthenian tribes and resembled (at least superficially) a modern cabinet of ministers, performing important state-functions extending over a wide range. G. Gilbert in his *Handbuch der griechischen Staatsalterthümer, Erster Band* (pp. 222-224) enumerates the powers and functions of the Generals or the *Strategoi* as follows :—

“ As military officers they had the command over all the forces of the State, both military and naval. They provided for the safety of the land, the protection of the coasts, and the food supply of the town. They conducted the levy and raised funds for war purposes. They appointed the *trierarchs*. As the chief executive magistrates they had the right to summon the assembly, usually through the *prytanes*, they were expected to protect the State against treason and to maintain the democratic constitution. They had also the conduct of foreign affairs, and represented the State in its relations with other communities, arranging for the conclusion of treaties and the fulfilment of obligations so incurred.”¹ This list of functions will show that “the Athenian generals were at once leaders in war, ministers of war, foreign ministers and to a great extent ministers of finance.”² The appointment of generals

1. Translated in Whibley *Op. Cit.*—pp 19-20.

2. *Greenidge: Op. Cit.*—p. 181.

was one of the few occasions when the lot was not resorted to *i.e.* when the *demos* did not insist on exerting the right to rule directly by every citizen but conceded the right of an expert to guide the State in matters in which technical knowledge was essential and which could not be expected from every citizen as such. They were, therefore, elected by popular votes. There is, however, a difference of opinion as to whether their election was by direct popular vote of all citizens or each tribe elected a general and then the ten generals from ten tribes formed a college, *i.e.* whether the election was *tribal* or *popular*. Authorities are almost certain that in the beginning, the generals were elected by their *phylae* or tribe.¹ There is, however, evidence also of the fact that more than one general might have come from a single tribe, — instances of this are cited by Beloch (*die Attische Politik* - p. 276). From this (as has been pointed out by Greenidge) three different conclusions can be drawn, namely,

- i. That generals were elected *for* each tribe *from* all Athenians by the whole people—
(*This is Droysen's view.*)

1. Says Beloch :—

Schon die Zehnzahl der Strategen ist Beweis dafuer, dass urspruenglich eine enge Beziehung zwischen ihnen und dem Phylen bestanden haben muss. In der That hat bei Marathon jeder Streatege seine eigene Phylebefiehlt, Aristides von Alopeke z. B. die Antiochis, Themistokles der Phreear hier die Leontis (Plut. Arist 5); sodass also damals alle 10 Phylen ihren Vetreter im Strategen gehabt haben muessen". — Die Attische Politik—s. 274. (Vide also—ibid p. 275).

- ii. That a President of the College of Generals was elected by all out of all, but each of his nine colleagues was elected by his own tribe, one of the ten tribes giving up its right of election each year. —(*This is Beloch's view.*)
- iii. That generals were elected out of all Athenian people by the special tribes and for the special tribes — (*This is Greenidge's view.*)

The reader may have his own opinion on the matter. It is, however, certain that one of the generals was a sort of the president of the college (or Commander-in-Chief) however he might have been elected and was called the *Prytanis ton stategon*. There is also evidence that there were differences of rank within the board of generals and that one among them had possessed superior dignity and power.¹ He was, however, a prime among peers (equals.) When the president of the board of generals combined in his person the position of the premier demagogue he undoubtedly became the most important man in the *polis*.² This has led some to think that the president came to possess such a position of authority as that of the British prime minister (in our times) and that his election was of as great political significance as the selection of the British premier.

1. Whibley: *Op. Cit.*—pp. 20-24.

2. See Beloch: *Op. Cit.*—p. 28.

On this also there are differences of opinion. Whibley is of opinion that the elections of Generals "were events of great political importance."¹ According to Headlam, however, "it is not even clear that the same man was *prytanis* during a whole year. In times of war of course one of the generals were given the supreme command but "this power belonged to the selected general in virtue of a responsibility which was purely military; it had nothing to do with political influence."² This is supported by the fact that no importance was attached to these elections at Athens (as is done in Britain or U.S.A.), no trace of election speeches or procedure of election or method of voting is found. This is explainable, according to Headlam, only on the supposition that these elections did not have the same significance for the nation as the elections of modern prime ministers have. Such elections can have political significance in an indirect democracy, that is, in a polity ruled by representatives, where the people exercise sovereign power intermittently. In Athens democracy was neither indirect nor was the exercise of the people's sovereign power intermittent. "In consequence, magistrates in Athens had a position quite other to that held by ministers in a modern democracy." (see *Headlam: Op. Cit.—pp.* 26-27). There could not be a party government under a single leader (in a direct democracy like that of Athens), say Pericles, simply because he

1. *Whibley: Op. Cit.—p.* 20.

2. *Headlam: Op. Cit.—p.* 23.

won the election as president of the board of generals and because all his nine colleagues happened to be his followers; nor would they resign if an orator of the opposition party won the assembly's confidence. Men were chosen on personal (not on party) basis to the generalship at Athens. But though *de jure* the assembly was all powerful and though elections had no political significance which the *demos* could see or appreciate, the *de facto* authority might easily have shifted on to the president of the board of generals (specially if he happened also to be the chief demagogue) in spite of the *demos* not realising the political significance of his election and in that case Beloch's view would be more tenable.

It is however, true that the *ekklesia* (assembly) had supreme control over generals. This control could be seen in the limitation of command which they exercised when they were sent in foreign campaigns. The assembly was free to criticise their actions and this criticism often led to their prosecution in courts and they could be convicted for not carrying the real wishes of the people in such campaigns. They were even censored by the people for granting unauthorised terms to a captured town and from this censor they were not exempted even if their policy resulted in success, because the condemnation was for the failure to act according to the wishes of the people and not for failure to achieve.

success.¹ In this the position of the president of the board of generals certainly differed from that of the British prime minister.

The *Logistai* was another set of officers elected by lot. They were a board of (public) accountants consisting of thirty members appointed by lot for one year. They added to and supplemented the informations on the financial position of the Polis (Athens) which were made known to the public through the *monthly accounts* submitted before the assembly by the *Prytaneis*. This was done usually by preparing statistical tables. Any other information regarding any department of the *polis* could be asked for by the council or the assembly from the *logistai* who had to procure the necessary informations. The *logisterion* was an archives of all kinds of financial statements (some of the copies of which have been preserved to this day). They also annually audited accounts which every magistrate was obliged to submit (before retiring from office) with regard to public money which was placed under his charge during his term of office. In case of detection of any inaccuracy of account or false entry, legal proceedings were started against the magistrate concerned who was then tried by a court of jurors over which the *logistai* presided. It is strange that specially qualified people were not appointed in such offices and that the selection was by lot.

1. See Greenidge: *Op. Cit.* — pp. 173-174.

Strangely enough before the end of the 4th century there was no chief finance officer in Athens. There were the subordinate accountants (*logistai*) appointed by lot, the Council (a body of 500 appointed by lot) and the generals who had some powers over the financial administration, but actually no finance minister. The financial policy was guided those days neither by the *logistai*, nor the council, nor the generals but by the orators (demagogues), who commanded the confidence of the public. The financial policy was moulded by the assembly, so to say, through the chief orator. It was his opinion which decided for peace or war. This was an undesirable arrangement and constituted one of the chief drawbacks of Athenian government. The chief finance officers' post (*Tamias tes koines prosodou*) was first introduced by Eubulus about 352. B.C. Much is not known about the exact functions of this office. Some authorities, however, believe that Aristeides, Pericles and Cleon gained so much influence and authority by being holders of this post.

GREEK EXPANSIONISM AND
IMPERIALISM

Greenidge mentions five different causes for the growth of colonies in ancient Greece : migration, political faction, commercial enterprise, military adventure and agrarian settlement. Greek colonization was always a public act of a *polis*, which after the creation of the colony was known as the *metropolis*. This public act of colonisation, like all public acts, was performed with due formalities which consisted of :—(i) obtaining religious sanction by consulting an oracle, and (ii) grant of a charter of incorporation by the government of the founding "State". This charter laid down the conditions under which the colony was to be founded and the relations (religious and political) which were to be maintained between the colony and the parent city. The founder was worshipped as a hero after his death. Sometimes an oath not to quit alliance with the mother-city was taken but the mother-city also was expected not to interfere politically in the affairs of the colony. This was considered essential for the autonomy of the *polis*.

Broadly speaking we come across two types of empire-building in Greece :—the Athenian and the Spartan.

(i) *The Athenian Empire*

"The Athenian Empire was the chief product, basis, and perpetuator of democracy in Greece."¹ It became a tyrant democracy which nevertheless protected the rights of man. The foundation of Athen's empire was laid in 478 B.C. when the command of the Greek fleet came into the hands of Athens as a result of her victory over the Persians. The first constituents of this empire were the Aegean islands, the Hellenic cities on the coast of Asia Minor, and the "states" of Hellespont and Propontis freed from the Persian yoke. Little later (in 476 B.C.) the Thracian cities were added to the empire. In or about 466 B.C. the towns of Carian, Lycian and Pamphylian coasts were added.

The Aegean area was now united into a *Confederation (of Delos)* with Athens as its leader. Deliberative and judicial functions were left in the hands of the Cities. Executive authority passed into the hands of Athens. The constituent Cities retained their independence. For discussing matters of common concern they met at a united session at the Apollo temple in the island of Delos. There was a common treasury which was at first situated at Delos but the treasury officers from the very beginning were all Athenians. (Later the treasury was shifted to Athens.) Athens

1. Greenidge: *Op. Cit.* — p. 189.

also dictated the method of assessment according to which each member-city was to contribute to the common treasury. Some contributed money and others ships.

The membership of the Union which was at first voluntary, later was forced upon unwilling cities. This was necessary to enforce obedience to Athens so that the Aegean Sea could be kept free from Persian and Phoenician influence as these nations had powerful fleets. For this reason those who tried to keep aloof were not allowed to do so and were forced to join. Those who refused to continue to be members and stopped contributing to the common treasury were forced to take re-admission but were deprived of vote in the joint assembly (which meant really being reduced to the position of a subject province of the confederacy). In this way many confederate members were reduced to the position of tributaries of Athens, which maintained a powerful and efficient navy to enforce her will.

The confederacy thus was reduced to an empire. This can be seen in the transference of the common treasury in 454 B.C. from Delos to Athens. The first fruit of the tribute (*i.e.* 1/60th of each City's contribution) which was formerly paid to the Apollo of Delos was now being paid to Athena of Athens. Athens gradually became the *imperial tyrant City*. Only the Cities of Samos, Lesbos, Chios

and the Euboean towns retained the power to vote in the joint assembly apart from Athens.

It seems there was no legal basis of Athens' Empire which was just factual. The documents which determined Athens' relation with the component "states" were more in the nature of charters than treaties. Two of the charters have been preserved — the charter granted to Erythrea in Ionia (455-450 B.C.) and to Chalcis in Euboea (445 B.C.). These documents indicate (i) the nature of the Athenian control and (ii) the privileges enjoyed by the member-Cities. As to (i), Athens sent a civil officer, a sort of a temporary commissioner whose duty was to help the organisation of the member-city on more or less Athenian models and then he retired. Athens also sent a military officer, who stayed permanently—indicating that she kept a garrison in those cities and over which he supervised. But this does not seem to have been a universal practice. As to (ii), envoys of such Cities were allowed free access to the council and *ekklesia* of Athens. Such cities were protected from aggression. These cities on their part promised general allegiance to Athens and to pay such tributes as the contracting parties agreed to. They were also to furnish land contingents and follow Athens to war when called upon to do so. The two great limitations imposed on the sovereignty of the member-cities were the payment of tribute and acceptance of the jurisdiction of Athenian courts (extra-territoriality) in those Cities.

The hegemony of Athens, however, became unpopular specially among the propertied class in the dependent *cities*, first because the burden of the tribute fell mostly on them and secondly they were deprived of all political importance in their own *cities*. As a result every *city* produced a Patriotic Party and rebellion raised its head everywhere. The disaster following the Sicilian expedition (during the Peloponnesian war) provided a good opportunity to the patriots and most of the member-cities now freed themselves from the yoke of their "liberator," Athens. Notwithstanding many defects it must be said to the credit of Athens that she fostered popular government in eastern Europe for about seventy years. The freed cities were, however very soon crushed and subjugated by the despotism of Sparta (which now ruled as the suzerain power over an extensive empire under the disguise of the Peloponnesian Confederacy).

(ii) *The Spartan Empire*

Sparta started her career as a conquering Polis and by the 7th. century B.C. she had made up her mind to become supreme in the Peloponnesus by right of conquest. In this she was thwarted by the successful opposition of Argos and so she tried to build up her hegemony (ostensibly) as the leader of a confederacy on the professed basis of the protection of common interests of the members of the union. On two occasions this hegemony

was about to bring within its orbit wider dominions, viz., during the Persian war when Sparta led the whole of Greece and during the Peloponnesian war when Sparta commanded the resources of all the Dorian cities (even those outside the Peloponnesus). It is surmised that the Peloponnesian Confederacy came into existence in two ways — (i) partly by conquest of *cities* (to whom autonomy was conceded by Sparta), and (ii) partly by defensive alliances with more powerful *cities* (such as Elis, Corinth, Sicyon etc.). Every City enjoyed autonomy and equal vote in the Council. Sparta, however, managed to maintain oligarchies in these *cities* (to suit her purpose). Her policy was to check the tide of revolutionary democracy and, therefore, she supported stable governments and conservative institutions. As the League was founded on the recognition of independence of member-cities every member had the right to demand assistance of the union in case of aggression. It was, however, far from an ideal federation because everything depended on Spartan supremacy. As the Leader of the League, Sparta had “full powers for carrying out military decrees” and “once war has been determined on, she acts as the commanding state,” raising supplies, military contingents or its money equivalents on non-payment of which Sparta could impose fine on defaulting *cities*.

The arrogant attitude which Sparta developed was disliked by the member-cities and this dissatisfaction engendered a spirit of

revolt. As a result Mossenia was lost in 369 B.C., Chians expelled the Spartan garrison and entered into an alliance with Athens and the same was done by Mytilene, Ephesus and Erythrea. Thus the empire of Sparta came to an end. A second confederacy under Athenian leadership was formed by 377 B.C. (in which finally 75 *cities* joined). Very soon the cities became suspicious of the real motives of their liberator (Athens) and this led to the revolt and disruption of the Union. Later Macedon took up the position of the leader and liberator of eastern Greek cities.

The above-mentioned unions of *cities* were experiments in more or less offensive and defensive alliances which resulted in imperialism and hegemony of one of the *cities* over the other members. Now we discuss unions of another type, viz., Federation. Experiments in federal government were carried on at Thesaly, Boeotia, Acarnania, Olynthus, Acadia etc. But the most important instances were those provided by the Aetolian and Achaean Leagues which are briefly discussed below :—

(i) *The Aetolian League.*—

The constitution was a representative democracy with a bicameral legislature. The Senate was composed of one representative from each commune (each member having only one vote). The General Assembly was the popular chamber and was constituted of (i) Councillors

and (ii) such citizens as were present and as cared to attend any particular sitting; so that in the Assembly one group was regular and another casual and the house was partly representative (*i.e.* so far as the Councillors were concerned) and partly *primary* (*i.e.* so far as the chance presence of citizens was concerned). The Council was representative body like the members of a modern Parliament and was the board of permanent representatives in the Assembly. They together with such members of the citizen body as cared to be present on a particular occasion formed the Assembly for that sitting. Every citizen of the League could deliberate and vote in the popular Assembly. Citizens, however, voted with the Councillors of their respective cities.

The Head of the League was a Strategos (or General) who was elected annually. He combined in himself civil and military powers. He commanded in the battle fields and represented the Federation in negotiations with foreign powers. Although he presided over the Assembly he was forbidden to give any opinion on question relating to peace and war. He was a President, not a Minister.

(ii) *The Achaean League.*

In early times there was a union amongst the 12 Achaean *cities* united by some sort of federal tie. By 391 B.C. the Achaeans were fairly well united. They had a common army

and they despatched ambassadors to represent the whole nation in foreign courts. This democratic federation was destroyed by the Macedonian conquest. The revival of the League, however, started in 280 B.C. The nucleus of the second federation was formed by four (of the former 12 cities) namely, Patrae, Dyme, Tritaea and Pharae. Between 280 and 240 B.C. the national League grew quickly. Sicyon was added in 251 B.C. and Corinth in 243 B.C. In 234 B.C. Magalopolis and a little later Arcadia joined and in 229 B.C. Argos, Hermione and Philus were admitted as members of the Federation. In 207 B.C. the League made the Peloponnese a single Polity (as Sparta also was now forced to join). Messina and Elis joined later. This Federation, however, was swallowed up by Rome when she started her career of conquest.

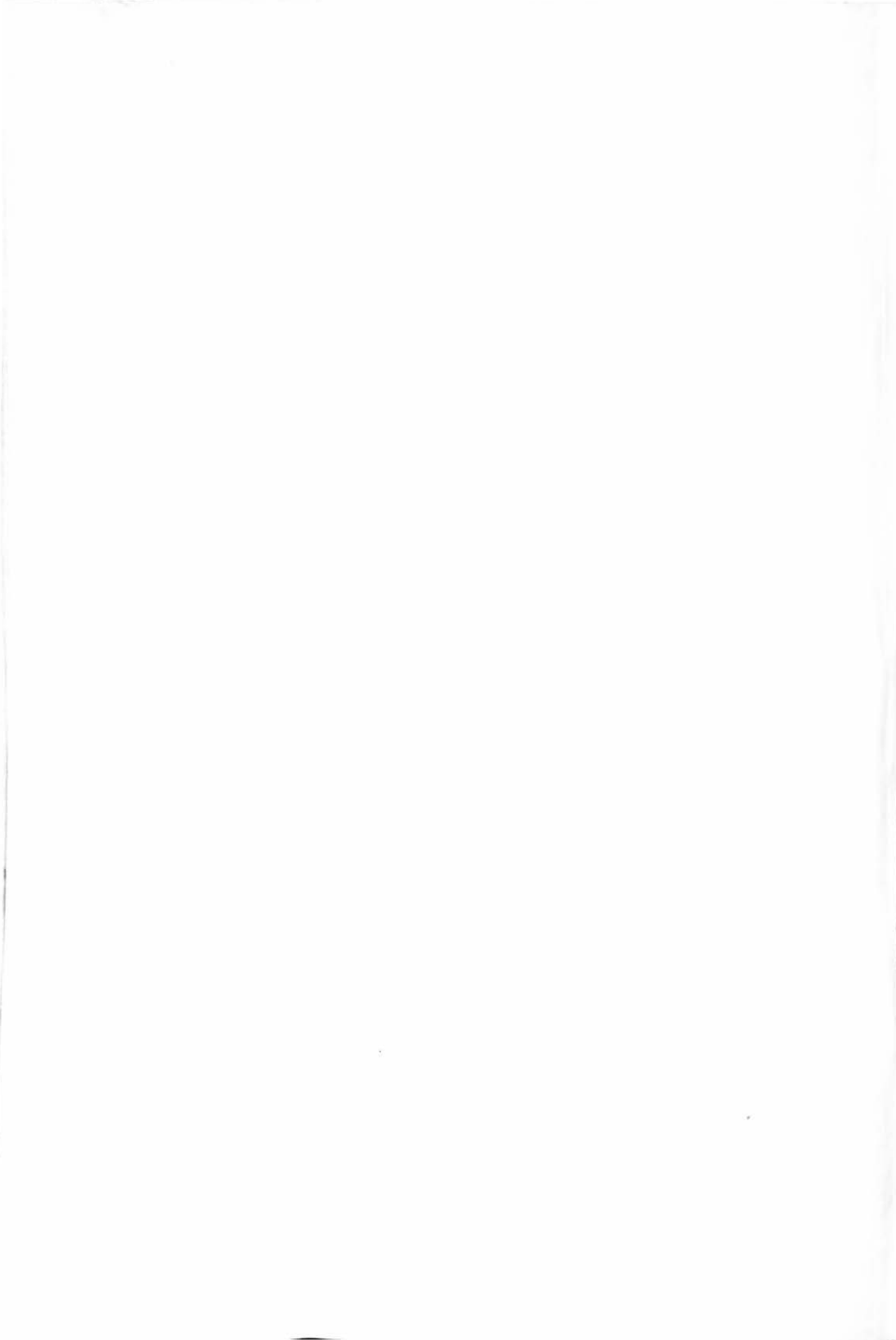
The League had a strictly federal constitution. The constituent units were "sovereign" in all matters which were not of common concern. The Central government did not interfere with the internal politics of the units. The military forces of the *cities* were at the disposal of the Federation in times of need. After 255 B.C. there used to be one (instead of two as before) General who was assisted by ten civil ministers (*demiurgi*) for administrative purposes. The General was elected annually and the same person could not be elected General in two successive years. The Assembly was constituted on more or less the

same line as that of the Aetolian League, citizens being allowed to sit and vote along with their representatives. Balancing of the claims of constituent States and of the general population in modern Federations is done by having a popularly elected lower House along with an upper House formed of the representatives of the units. The Greek federalists seemed to have solved the problem in another way—by the direct admittance of citizens in the Assembly.



PART III

COMMENTS AND CONCLUSIONS



CHAPTER XVI

COMMENTS AND CONCLUSIONS

Undoubtedly the Greeks were among the most progressive peoples of the ancient world. Their achievements in art, science and philosophy are not to be belittled. The keynote of Greek life, like that of the other branches of the Indo-European stock of peoples, was love of liberty and law but the Greeks might have extolled the public or political aspect of life more than the others. Individualism, rationalism and scientific spirit were said to have been the fruits of Greek liberty and harmony and symmetry the fruits of law. Thus viewed the Greeks appeared to their admirers as the originators of all sciences and arts, and Greece as the sole source of human culture and progress. This attitude of total adoration and admiration of Hellas and Hellenic culture has been described as *phil-Hellenism*.

Within limits of truth and moderation, I am myself a phil-Hellenist, but I am unable to subscribe to the fanatical creed of phil-Hellenism according to which the Greeks were the untaught, unteachable, born teachers of the human race and the originators of all cultural values — political, philosophical and aesthetic.

The causes of this fanatical phil-Hellenism are many, such as, the lack of historical perspective, the over-emphasis on the metaphysical

contributions of India and China by early indologists like Max Muller, the comparative neglect of Sanskritic studies and the over-emphasis on western classics (Greek & Latin) in western and westernized seats of learning etc. But the most important reason, in my view, has been the spirit of western domination. The philosophy of this domination is based on the time-honoured principle of all dominations, namely, the recognition of the conquerors' superior physical stamina and organizational skill. The modern conquerors, however, feel the necessity of justifying their domination on the basis of the superiority of their culture as well.

It is however difficult (on the basis of historical facts) to prove the superiority of the West in the achievements in the positive side of social activities right up to the nineteenth century. The superior races of the ancient and mediaeval world, as Professor B. K. Sarkar has shown, were not the Europeans but the Egyptians, Persians, Indians, Saracens and Buddhist Tartars. Historically considered most of the European achievements are not more than a hundred year old. The socio-political modernism of the West dates back from 1866-70 A.D. Industrialism was unknown to Europe before the third decade of the last century, the sense of nationality was unknown before Mazzini and Bismarck, the dignity of labour unknown before Karl Marx and Louis Blanc, popular government unknown even in England

before the first Reform Bill (1832), the Married Women's Property Act was passed in Britain in 1886, Compulsory Elementary Education unknown till the second half of the nineteenth century and slavery abolished not till 1833 in Britain and not till 1863 in the U.S.A.

In these circumstances it is not possible to claim European superiority at all time without converting (through fabulisation) one western country to a veritable store-house of original wisdom, culture and progress and this *Alauddin's Lamp* of western cultural superiority was found in Hellas. Efforts have therefore been made to make Hellas appear as the sole source of western culture and to depict that culture as the most ancient and original, and this is all the more necessary in the field of politics and government because the mission of the West is to govern the East. Then it could be argued that scientific attitude, civilized mode of government, capacity for organization and discipline were purely western products uninfluenced by the muddle-headed East. Some recognition to India's contribution to philosophy began to be given by the end of the nineteenth century but escapism and other-worldliness were still supposed to be the essential ingredients of Indian culture which enabled the Indians to attain transcendental metaphysical heights in the air but on the positive sphere of life-affirmation the Indian could not be expected to have made any

contribution. To the western mind, moreover, transcendentalism and positivism were mutually exclusive terms.

For the western mind which is essentially a Christian mind it is not easy to see how the Indian who makes salvation (*moksha* or *nirvana*) as his final goal and who believes in transcendental reality can ever believe in positivism and make contributions in positive sciences. Philosophically speaking the western mind is a diseased mind vitiated by the Christian theology with its eternal dichotomy between positivism and transcendentalism, between this world and the other world, between the temporal and the spiritual, between the sabbatical Sunday and the business-like other days. This dichotomy the Hindu has persistently denied. His cultural and social philosophy is through and through synthetic and hence the corpus of his sociology is a quadrivium, a *chaturvarga*, consisting of *dharma*, *artha*, *kama* and *moksha*¹ (salvation) which last is therefore the end-product of a full life lived with honour, usefulness and virtue. The Hindus' other-worldliness is also worldly because it is attainable only through the due performance of worldly duties (including marrying and begetting children). Hindu positivism is therefore linked up with transcendentalism.

This linkage of positivism with transcendentalism is however, not a sample of oriental confusion but of a fundamental sanity in the

1. Representing the political, economic, emotional and spiritual interests of man.

Indian mode of thought. In fact even western philosophers are now admitting that this spiritual root of positivism is essentially necessary to save it from being perverted into opportunism and fatalism in either of which case moral life is nullified. The Yale philosopher Northrop therefore wisely remarks that "the virtues and consequences of positivism are to be found in the East, not in the West." That is why, contrary to popular belief in the West and westernised East, ancient, India's contributions to practical and positive arts and sciences were considerable: and this covered fields like sports and fine arts; medicine and metallurgy, chemistry and anatomy, astronomy and mathematics, grammar and logic, and of course law, politics and government.

With this as our background information let us proceed to measure the achievements of the Hindus and Greeks in the realm of Politics. And first I shall turn to Greece.

A critical and careful examination of the socio-political experiments of the Greeks would go to show that,

(i) the Greeks were predominantly an Aryan people with the usual aristocratic outlook of the Indo-European (or Indo - Germanic) race. Generally speaking it was aristocracy and its corollaries like differences of status, position, and social worth which were emphasized, appreciated and institutionalized in Greek society.

(ii) This presumed and limited love of liberty only among Greeks or in the Aryan community of equals.

(iii) But this also presumed the justice of allotting an inferior status to the rest : Probably this was based on the genuine belief on the part of the Greeks that the interests of the barbarian non-Greeks were served if they remained subservient to the social elite, that is, the Greeks.

(iv) The females (even Greek females) were to be adored and protected as ornaments of society and homes but not to be dragged into the turmoil of public life: they were moreover to be chided and corrected.

So far the Hindus and Greeks have had almost everything in common : the difference if any was in favour of the Hindu so far as democratic spirit was concerned because of the definitely more liberal treatment of women in ancient India as compared to ancient Greece.

(v) Patriotism or love and respect for the City (*polis*) and its constitution was regarded as the greatest virtue, hence the emphasis on public life. The twin motif of Greek life was service of the city and winning personal distinction through that service. In this process there was a tendency for the parts (*i.e.* individuals) to be subordinated and sacrificed to the whole (*i.e.* *polis*), though in theory this was

tried to be defended on the ground that the individual found the realization of his best self only in the community. These are the elementary facts of Greek life. The phil-Hellenist, however, tries to justify the superior claims of the Greek civilization on the ground of its being (according to him) the only ancient civilization based on rationalism, humanism and positivism in contrast to the mythical, mystical and superstitious basis of eastern civilizations, like the Hindu civilization.

The actual facts of history however, teach us that rationalism was not the monopoly of the Greeks among the ancients and myth-making was not the monopoly of the ancient East. It is now well-known that the Greeks consulted oracles even with regard to important public matters and believed in propitiating gods by sacrifices to which philosophers like Plato might have objected. "In the received Grecian conception of religious worship, prayer and sacrifice were correlative and inseparable, sacrifice was the gift of man to Gods, accompanying the prayer for gifts from the Gods to man, and accounted necessary to render the prayer efficacious." "The Gods", adds Grote, "were not merely pleased with presents, but exacted them as a mark of respect, and were angry if they were not offered." The same learned author emphasises the Greek love and respect for rituals when he says "To learn what proceedings of

this kind were suitable, a man went to consult the oracle, the priests or the Exegatae.”¹

As to trust in legends and myths even though Plato rejected some of the existing legends but that was not because he was against legends but because they were against his belief and therefore he created fresh legends. Thus in his *Timaeus* he creates his own cosmology and demiurgus which have however essential resemblances with the cosmology of the Tantric and Shakta literature of India. It has been rightly said that in this work Plato “upholds his own Book of Genesis without appeal to authority or any intimation that he is touching on mysteries too great for his reason.”² Critics like Grote have found similarity between *Timaeus* and the writings of Moses. I do not know about that. But as an Indian who knows something of his culture I feel that Plato was reproducing much the same stuff in this work as are to be found in the *Tantric* and *Hatha-yogic* literature when he compared the cranium with a miniature kosmos with rational soul rotating with it and when he conceived the human body as something completely subservient to an ethical and aesthetical teleology. Plato's need for myths in his theory-building is loudly proclaimed by himself in his *Republic* where he emphasizes the need for a Golden lie about the three types of human beings — the golden,

1. George Grote: *Plato and other Contemporaries of Socrates*, London 1888, Vol. IV, p. 392.

2. Grote : *Op. cit.* p. 233.

the silvern, and the brass and iron men. "Upon the maintenance of these distinct breeds, each in its appropriate function, depends the entire fate of the city : for an oracle has declared that it will perish if ever iron or brazen men shall come to be guardians." ¹. If all this can be forgiven in Plato cannot a little of similar stuff be forgiven in the more ancient Manu ?

As to the mystic experiences of Hindus, Socrates (Plato's own *Guru*) was in the irrational habit of falling into long reveries *a la* Hindu *yogis*. Let the following extract from the *Symposium* substantiate my point :

" One morning he was thinking about something which he could not solve; he would not give it up, but continued thinking from early dawn until noon—there he stood fixed in thought; and at noon attention was drawn to him, and the rumour ran through the wondering crowd that Socrates had been standing and thinking about something ever since the break of day. At last, in the evening after supper, some Ionians out of curiosity..... brought out their mats and slept in the open air that they might watch him and see whether he would stand all night. There he stood until the following morning; with the return of light he offered up a prayer to the sun, and went his way." ²

1. *Plato's Republic*, Book III. Vide Grote — *Op. cit* pp. 30-31

2. Vide Bertrand Russell: *History of Western Philosophy* (1948) — pp. 109-110.

As to (that other Indian disease) asceticism, it is now well-known that Greek philosophers like Orpheus, Pythagoras and Empedocles were heirs to this weakness. To the last named, asceticism was "one of the most effective means of delivering the soul from the world of senses." And even very cautious critics of Greek borrowing from India cannot help thinking that all this Greece was learning from the Hindus. "The divine origin of the soul, its pre-existence, its fall into corporeality, its judgement after death, its expiatory wanderings through the bodies of animal or men according to its character, its final redemption from the cycle of rebirth and its return to God, are common to the mystery cults and Plato and Empedocles. This tradition is something which Hellenic thought, untouched by alien speculation, was perhaps not very likely to have developed, and we have it in a striking form in Indian religion."¹ A great Indian gentleman and scholar enjoying the hospitality of the University of Oxford could not have mentioned this topic with less politeness. Stutfield has more pointedly emphasized the point when he said "The mind of Plato was heavily charged with Orphic mysticism mainly derived from Asiatic sources. India, always the home of mystical devotion, probably contributed the major share."²

1. S. Radhakrishnan: *Eastern Religions and Western Thought* (2nd. Edn.) — p. 149. (*Oxford lectures*, 1936).

2. H. Stutfield: *Mysticism & Catholicism* 1925)—p. 74, cited by Radhakrishnan: *op. cit.* 14.

But as Professor Radhakrishnan has observed, these perhaps are the eccentrics in the sphere of Greek thought and were therefore not the representatives of the rationalist-humanist outlook. Let us then turn more specifically to Greek rational - humanism and analyse its contents. To start with, it must be made clear that no reasonable person can have any objection in having in his philosophy a reasonable dose of rationalism and humanism and I believe any philosophy worth its name will have these to some extent. The question is — what then was the special feature of the Greek brand of rationalism-humanism ? The answer given by the phil-Hellenist would presumably be that it enabled the Greeks to promote positive science, and human progress without superstition, without escapism and defeatism which the mystic outlook produced in a country like India. It is possible to rebut this statement by simply pointing out that it involves a factual error because in spite of the tall claims of the phil-Hellenist on behalf of the progress-producing ability of the Greek outlook, the Greek civilization is completely dead, whereas the Hindu civilization is not only not yet dead but even shows signs of recurrent resurrection. But that would appear like an evasion and I would therefore analyse the statement regarding the excellence of the Greek outlook on its merits.

I shall here start with a query : Can undiluted reason exist and contribute anything as a social ideal ? Even a phil-Hellenist sociologist like L.T.

Hobhouse has been obliged to answer this question in the negative and let me quote the reason adduced by him. The awakening of the reason demands a theory of the universe, which ultimately demands not only that everything should emanate from one supreme principle but also that this supreme principle be identified with the true self or personality of man, "an identification which makes the spirituality of the Divine for the first time its essential feature¹.

This means that no philosophy, no social ideal or theory is possible without conceiving the inner flow and existence of *morals in evolution* which alone can provide us with an integrating link between the Self and Not-self and precisely this integration is what is attempted through the much-maligned mysticism of India or *yoga*. This further means that for self-realization one has to go beyond rationalism and the intellect without however denying the worth of positive science or the need of taking life positively.

Yoga, as I have said elsewhere², is not quietism or escapism or non-science: it is super-science, super-vitalism, super-awareness of self minus the aggression of lower life. The control of this aggression is possible not by neglecting humane social ideals or contempt of the life in the world, nor through escapism

1. L. T. Hobhouse : *Morals in Evolution* (1951)—p. 459 & p. 470.

2. See my *Implications of the Ideology-Concept* (1955), p. 150.

but by *vairagya* or non-passion (not non-action in performing one's daily duties). This passionlessness in life can come through virtue and suffering, compassion (*karuna*) and love (*prema*) leading to *dharma* or righteousness¹ That is why Manu says that "renunciation is the surrendering of the notions of I and mine and not the giving up of the work enjoined by the scriptures" and the Geeta is an inspiring essay on this type of renunciation through action (*karmayoga*). The Indian sages therefore emphasize the cultivation of private virtues and control over the diversions of mind (*chittavrittinirodhah*) as means to better life and not merely performance of hectic and spectacular public duty with a view to winning public applause and booty of war which seemed to have been the Greek ideal of life at least according to the popular view of good life. This is called the world-affirming and life - affirming philosophy which still continues to enthral some of the best minds of the West. Under the spell of its charms they not only over-eulogise the Greek view of life but also under-estimate the worth of the Hindu view of life which being (according to them) inspired by mysticism and influenced by ascetism is a contra-positive, life-negating, world-denying, non-ethical view of life and which (according to them) encourages *selfish self-improvement* (as if that is not a contradictory expression) at its best and escapism and idleness at its worst. Among the modern

1. See Ibid pp. 148-156.

greats who suffer under such misgivings about the efficacy of the Hindu view of life as a human ideal is Dr. Albert Schweitzer.¹ According to Schweitzer and people of his way of thinking "Brahmanic mysticism has nothing to do with ethics. Its through and through supra ethical "because deliverance from reincarnation can only be attained through freedom from the world and from the will to live." Thinkers of this school maintain that the Hindu mystic "forsakes the arena, abandons action, and withdraws into himself" and that this "may be as good as gold and fit for heaven but of no earthly use." A very able refutation of all this has been given by Professor Radhakrishnan in his Oxford Lectures (1936-38)² the gist of which may be stated as follows :

"The root of all evil is desire not love"—
"Love is organic to spiritual life" and
"religion has no secret which absolves us from living."—"The opposite of outward action is not inaction but inward action."—"There is no reason why we should regard self-perfecting as a species of inactivity in which one becomes unsocial, or despises the natural relationships of life or ends

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- [1. Similar misgivings on the part of L.T. Hobhouse have been dealt with in my *Implications of the Ideology-concept* (1955) Chapter VI, Section vi.
 2. Vide S. Radhakrishnan: *Eastern Religions and Western Thought* (2nd. Edn.), Chapter III on Mysticism and Ethics in Hindu Thought.

in a type of self-centred spiritual megalomania."¹ — "We must climb to the love of the universal through the staircase of human love..." — "Hence the normal mystic has a burning passion for social righteousness." — "The life and work of Dr. Schweitzer are themselves an example of disciplined asceticism."

It was to this disciplined abnegation of monstrous materialism (including the intoxication of public applause) that Hindu mysticism and asceticism appealed. In the absence of this correct type of ascetic discipline all our talk of service to society and humanity and our regard for ethical ideals would in effect lead us to self-aggrandizement and power-politics at home and abroad. The patent divergence between Christian ideals and the practices of Christian nations provides the best illustration of the inevitability of the fall of ethical standards without the substratum of spiritual life and discipline or the Hindu view of life. It is a sad socio-political spectacle which has been compared by Radhakrishnan to "professing vegetarianism while running a butcher's shop:" the result is the prominence of "conation in psychology, pragmatism in philosophy, social gospels in religion," leading us away from the inner life of the soul, the need of

1. A politics-minded visitor to the Ramna Maharshi immediately after the partition of India is said to have asked the saint why he was sitting idle in south when Gandhi was bungling at Delhi and the pithy reply which he was reported to have given was—"then who would do our work?"

self-possession.¹ As against this the Hindu view of life emphasized (without negating the world or life) the need of self-control, self-discipline and suppression of the delusive schemes of the desire-mind with a view to attaining self-possession. It is in this background that western intellectuals and spiritual leaders should assess the comparative efficacy as a human ideal of the Greek and Hindu view of life. The Indian ideal produced at its best the *Patanjali-samadhi* ethos : the Greek ideal at its best the *Pericles-Aspasia* ethos.² It is up to each one of us to choose between these two and in that there should be freedom of choice and I am not even arguing that point. What I am interested in saying in this connection is that it is not correct for the admirers of the *Pericles-Aspasia* ethos to dub the *Patanjali-Samadhi* ethos as an ethos of escapism and sloth, and selfishness.

It is heartening however, to find that the realization is dawning upon the West that rationalism and positivism devoid of spiritual discipline and illumination cannot sustain and

1. S. Radhakrishnan: *Op. cit.* pp. 112-113.

2. Here I am not trying to deny the presence in some form of the *Pericles-Aspasia* phenomenon in Indian history; what I am trying to convey is that that was never accepted in India as the highest or most desirable social ideal or achievement. "Know thyself" and "Thou art that" were the ideals worshipped and as Paul Deussen remarked, the inspiration for sustained social service (embodied in teachings like "love thy neighbor etc.") lies hidden in those spiritual backgrounds. In the words of Radhakrishnan "a self-sufficient humanism has its own metaphysical pre-suppositions.... As we think ultimate reality to be, so we behave". (*Op. cit.* p. 80)

uphold a civilization however gorgeous in its external settings. This might, I humbly suggest, provide the clue to the question as to why the Greek civilization is dead for ever and the Indian civilization, with all its latter day weaknesses, has managed to survive and even shows signs of continued progress.

Having thus cleared up the prejudicial background of the cultural history of the ancients let us apply our impartial mind to the proper assessment of the achievements of Hindus and Greeks in the sphere of Politics. Let us examine the Greek side first.

Here we find that by the sixth century B.C. most of the earlier Greek monarchies had been replaced by republics or to be more exact City-polities which were technically governed by the whole body of citizens but women, slaves and foreigners were excluded from citizenship rights. In fact even Greeks born in the City, whose father had come eight or ten miles from the City beyond the headland were excluded from citizenship rights. In many cities property qualification—(specially in land) — was demanded for citizenship. The City was a close corporation ruling a big population of slaves and outlanders. Every adult male citizen was a legislator (*i.e.* could attend, speak and vote in the popular assembly), member of the jury (for which he was paid) and acted in magisterial offices according to his turn decided by lot. The constitution of

the City (embodying the social ideology as for instance the *Varnashramic* ideology of the Hindus) was sacrosanct and hence just as the ruler's laws made in India had to be in consonance with the *Vedas* and *Smritis* and the *Varnashrama* ideal, laws made by the popular assemblies of Greek cities had to be in consonance with the constitutions of the cities concerned; nor were these constitutions made by popular assemblies (as is often wrongly presumed) but they were given to the people by sages¹ who no doubt (as in ancient India) took into consideration local customs and time-honoured traditions.

Patriotism and the fighting spirit were highly prized and paid for. Powerful demagogues were the real masters of *cities* like Athens and the ablest among them maintained certain standards in the conduct of public affairs, but without exception they were all power-seekers. As a result the general social ethos was dominated by party-wrangles, party-rivalry and power-politics. The government of the City-community was more or less totalitarian in nature although the vote was in constant use. Sedition (or offence against the City) was the greatest crime which was pursued,

1. "The rule of philosophers had been attempted by Pythagoras, and in Plato's time Archytas the Pythagorean was politically influential in Taras (the modern Taranto) when Plato visited Sicily and southern Italy. It was a common practice for cities to employ a sage to draw up their laws; Solon had done this for Athens, and Protagoras for Thurii"—*B. Russell : History of Western Philosophy* (1948), p. 139.

detected and punished in some sort of ways not perhaps dissimilar to the manner of dealing with offenders charged with un-American activities in the U.S.A. now.

Representative government, party-system in Parliament, cabinet-system of forming the executive, universal adult franchise, trade-unionism etc. seemed to have been unknown, so that by no stretch of imagination was the Greek governmental system anything like a modern democracy. Racial superiority, arrogance and contempt for the barbarian non-Greeks were the keynotes of the Greek character; national unification, and concept of the State unknown. In the realm of political speculation a few important works were produced, the most important among them being Plato's *Republic* and *Laws* and Aristotle's *Politics*. These have received notice and eulogies for their merit and originality out of all proportions. This is most true with regard to the *Republic*. It is difficult for me to recognize its claim to absolute originality. In fact most of Plato's "original" contributions such as his cosmological views propounded in his *Timaeus*, his conception of man as a microcosm in a macrocosmic universe (and society), his classification of souls according to their qualities, his stress on division of specialized social duties as being productive of social justice are to be found in the Hindu Puranic and Smriti literature written much earlier and with much more logic and sagacity. As a result the Hindus avoided some of the

wholly ridiculous suggestions of Plato such as communism in women and producing philosopher-statesmen by external or super-imposed discipline.

Aristotle's *Politics* is certainly a more systematic and sober work (c. 330 B.C.). In this work he emphasizes (in the Greek tradition) the self-sufficiency and all-embracing nature of the City-community (which is thus not a State-association), the political nature of man (that is man who is happy outside a political community—not State—like the *pōlis* is either a beast or a god), the division of men as natural rulers and natural slaves, the necessity of the citizen to be actively associated with all the aspects of the government of the City (specially legislative, judicial), and some equity in the distribution of property.

He however, rejecting the "communism" of Plato, emphasized the need of training the better intellects in becoming desire-free and refused to grant citizenship rights to the mechanic class as he believed that manual toil debilitated the soul and made it unfit for enlightened virtue. In this there was an echo of Hindu ideas. The same may be said of his demand in an ideal polity for different (social) classes of persons (such as artisans, husbandmen, soldiers, priests and judges) in due proportions. He emphasised the need for education (and eugenics) but this was demanded only for the select group of persons who would be recognized

as citizens and ultimate rulers and it must be remembered that like Plato's guardians Aristotle's citizens would never have to earn their living. They would start life as good subjects and soldiers and then (presumably through good moral education) become good rulers. Again like the Hindu thinkers Aristotle thought (in his *Ethics*) that theoretical wisdom was superior to practical knowledge and the latter is valuable to the extent it also was helpful in producing the former. The main ingredient of human well-being according to Aristotle, was contemplation which brought pleasure of wonderful purity and stability. But since a life absorbed in contemplation is too high an ideal to be followed we should be engaged in virtuous public activities¹. These thoughts are in consonance with Hindu tradition the only difference is that Aristotle seemed to have thought of having a contemplative life only through the pursuit of natural science, mathematics and metaphysics, which did not seem to have included anything like the Hindu *yoga* and hence perhaps his diffidence regarding leading a contemplative life and his suggestion to choose the second best, that is, public life. In any case his discourse on education is far from satisfactory or complete: nor are his treatments of subjects like organization and functions of deliberative assemblies, the executive and judicature exhaustive.

With this summary of the achievements of the Greeks in Politics let us now try to examine the

1. Vide R. D. Ross: *Aristotle* (1953), pp. 232-269.

oft-made claim of their *originality* and *superiority* in this field. Taking up first the question of the originality of the Greeks, we have to remember that this is a claim based on mere assertions that they were the first to teach humanity to think and so on, without any reference to historical facts which are available or search for others which are not yet available and these false assertions have been asserted so often that they have come to be accepted as facts. To preserve this myth of Greek originality ridiculous efforts are made to show that the Greeks led an isolated, insular life and never or seldom came in contact with other ancient civilizations like the Indian. Historical facts show interminable contacts of Greeks with Indians in the epoch political speculations were at their height in Greece and indebtedness of Greek thought to the Indian thought, both in Philosophy and Politics.

It is now well-known that Greece and India were in close commercial and cultural as well as political contacts since the sixth century B.C. and these contacts went on increasing and becoming more and more intimate till the beginning of the Christian era. In this bringing together of India and Greece, Persia, for historical and geographical reasons, had acted as the go-between. When the Persian empire was being built up on the ruins of Babylon (c. 538 B.C.) both Greece and N. W. India were parts of that empire of Darius and in fact Indian troops took part in the invasion

of Greece by Persia (480 B.C.) and the celebrated Indian grammarian, Panini, speaks of the Greek script as the *yavana-lipi* (Ionian script).

Let the following extracts speak for themselves:

(i) The Cambridge History of India (Vol. I, Chapters 15-17) mentions the Boghozokoi inscription which includes a reproduction of the peace treaty signed in 1400 B.C. between two warring tribes of Asia Minor, the Hittites and Mitanis, and contains invocations to vedic gods such as, Mitra, Indra, Varuna and the Ashwins.¹

(ii) The Persian courts (like the court of king Darius) were the meeting place of Indians and Greeks as both were his subjects. Professor H. G. Rawlinson thinks that Indian troops took part in the battle of Thermopylae.²

(iii) In his *Egypt and Israel* (1933) Professor Sir Flinders Petrie has observed as follows: "The presence of a large body of Indian troops in the Persian army in Greece in 480 B.C. shows how far West the Indian connections were carried Hence there is no

1. Vide K. Motwani: *Manu* (1937)—p. 224.

2. Vide H. G. Rawlinson : *Intercourse between India & Western World* pp. 27-28.

difficulty in regarding India as the source of the entirely new ideal of asceticism in the West.”¹

(iv) W. Jaeger in his *Greeks and Jews* (Journal of Religion, April 1938) observed: “We find in the fragments of Aristotle’s lost dialogues, which were mostly written during his earlier period, a surprising interest in certain features of Oriental religion.”²

(v) Pliny in Natural History (xxx. 3) observed that “Eudoxus, the astronomer and friend of Plato, was greatly interested in Indian thought.”³

(vi) Mayer in his Political Thought (1939) observed that “Egyptian, Persian and Indian cultural influences were absorbed into the Greek world from very early times.”⁴

(vii) Professor Radhakrishnan in his *Eastern Religions and Western Thoughts* (1940) points out that while on the N.W. Frontier of India Alexander made an effort to acquaint himself with Hindu and Buddhist thought and that “he sent a Greek officer named Onesicritus, a disciple of Diogenes, the cynic philosopher, to Taxila, the famous seat of learning, and the latter succeeded in getting an ascetic called Kalanos to join Alexander’s entourage.”⁵

1. Vide S. Radhakrishnan’s *Eastern Religions & Western Thought* (1940), p. 150.

2. *Ibid.* p. 151.

3. *Ibid.*

4. *Ibid.* p. 152.

5. *Ibid.* p. 153.

(viii) The same learned Professor speaking of the influence of Indian thought on Neo-Platonism observed: "In the New Academy we find a blend of the two schools of Plato and Pyrrho and a leaning to negative conclusions..... The religion of the Epicureans, the contemplation of the nature of the gods with a mind at rest, that of the Stoics, who identified God with the living universe, with its reason, and looked upon man as having in him a particle of divine reason are in the same line of development." ¹

(ix) Professor Winternitz in his *Indian Literature & World Literature* observed: It seems to me to be proved that Pythagoras was influenced by the Indian Samkhya. Nor have I any doubt that the Gnostic and Neo-Platonic philosophies have been influenced by Indian philosophical ideas. ²

(x) Referring to the Greek settlers of the second century B.C. in India Prof. Radhakrishnan observes: "The Greeks who settled in India gradually became Indianized. Of the monuments which survive of the Indo-Greek dynasties is a pillar discovered at Besnagar in the extreme south of the Gwalior State (140 B.C.) The inscription on it which is in Brahmi characters says: "This garuda column of Vasudeva (Visnu) was erected here by Heliodorus, son of Dion, a worshipper of Visnu and an inhabitant of Taxila, who came as a Greek

1. S. Radhakrishnan: *op. cit.* p. 153.

2. Quoted by K. Motwani: *op. cit.* p. 230.

ambassador from the great King Antialcidas to King Kasiputra Bhagabhadra..... The greatest of the Indo-Greek kings was Menander, who was converted to Buddhism by the Buddhist teacher Nagasena (180-160 B.C.) His conversion is recorded in the famous work *Milindapanha*.”¹

(xi) According to the *Mahavansa*, “at the foundation of the great tope by the king Dutthagamani in the year 157 B.C. “the senior priest of Yona from the vicinity of Alasaddha (Alexandria) the capital of Yona country attended accompanied by thirty thousand priests.”²”

(xii) Professor H. G. Rawlinson in his *Legacy of India* (1937) observes: “It is more likely that Pythagoras was influenced by India than by Egypt. Almost all the theories, religious, philosophical and mathematical taught by the Pythagoreans, were known in India in the sixth century B.C., and the Pythagoreans, like the Jains and Buddhists, refrained from the destruction of life and eating meat and regarded certain vegetables such as beans as taboo.”³

These are sufficient indications that the Greeks did not live in isolation from other civilized communities like Indians and also that they had received and accepted ideas from Persians and Indians. Side by side with

1. *Op. cit.* p. 156.

2. *Ibid.* pp. 156-157

3. *Ibid* — foot-note, pp. 142-143.

these proofs of contacts when we also find similarity of thought-patterns in the Indian *Upanishads* and *Samkhya* and the philosophy of Empedocles, Anaxagoras and the philosophers of the Eleatic School and remember the latter's later arrival in history (that is after 600 B.C., as against the Upanishadic period of India which is fixed between 900 to 600 B.C.), it is difficult not to feel convinced that the Greeks were the pupils of the Indians. Stutfield had very pertinently observed "Especially does there seem to be a growing probability that, from the historical standpoint at any rate, India was the birthplace of our fundamental imaginings, the cradle of contemplative religion and the nobler philosophy."¹ Indeed it is not difficult for scholars to see that the rise of philosophical thought in Greece and the revolt against her traditional Homeric religion started only when they contacted Upanishadic thoughts such as "the supremacy of the Absolute spirit; the reality of mystic consciousness; the distinction between intellect soberly contemplating the intelligible and intellect rapt into enthusiasm and borne above itself; higher and lower knowledge; the non-ultimateness of the pluralistic universe with its independent extents, some with life, some with consciousness; insistence on ascetic discipline; rebirth determined by the law of Karma, until the destiny of man is realised which is release or deliverance."²

1. Quoted by S. Radhakrishnan: *op. cit.* 133.

2. *Ibid.*

Plato's philosophical "originalities" were commonplaces of Hindu philosophy (established in the minds of Indians before the Buddha who was a contemporary of Confucius), for instance, the insufficiency of the intellect for comprehending reality, and the necessity for that purpose of beatific vision, the immortality of the soul, belief in the memory of past life, the shadow character of the phenomenal world (epitomized in the Platonic simile of the cave), the classification of human souls according to qualities, and the conception of the Demiurgus and World-soul in the *Timaeus* — are patent borrowings from Hindu thought because they appear in Plato (and in Greece) much later. As Professor Radhakrishnan rightly points out "They were firmly established in India before the sixth century B.C., and they arise in Greece after that period."¹

In view of these innumerable proofs of Indian influence on Greek thought and life and in view of the continuous intercourse of the two peoples it is impossible to think that this influence was confined to science, philosophy and religion and never extended to the domain of Politics and Sociology. In fact there are plausible theories even among western scholars regarding the travel of Manu's ideas about law and social organization to the West. In his *The Bible in India* (translated from the French) Mons. Louis Jacolliot after staying

1. *Ibid* p. 149.

in India for a considerable time observed : "A philosopher gives political and religious institutions to India, and is named Manu. The Egyptian legislator receives the name Manes. A Cretan visits Egypt to study the institutions with which he desired to endow his country, and history preserves his memory under the name of Minos. Lastly, the liberator of the servile caste of the Hebrews found a new society and is named Moses. Manu, Manes, Mines, Moses — these four names overshadow the entire ancient world... That they stood in the relation of predecessor and successor, however distant, seems proven by similitude of name and identity of the institutions they created." ¹ Professor Rawlinson testifies to this when in his *Intercourse between India and the Western World* (p. 138) he observes as follows : "It was in the days of Eudoxus that the first Indian, a shipwrecked sailor, rescued by chance from a watery grave, reached Alexandria. The subsequent expansion in trade is marked by the rules of merchandise, shipping and post-dues found in the Code of Manu." ² Referring to Plato's indebtedness to Hindu thought in writing his *Republic*, the late Ratan Tata Professor of Social Science in London University, E. J. Urwick remarked: "But I affirm very confidently that if any one will make himself familiar with the old Indian Wisdom — Religion of the Vedas and the Upanishads and will then read Plato's

1. Quoted by Motwani: *op. cit.* p. 247-248

2. *Ibid* — p. 237.

dialogues, he will hardly fail to realise that both are occupied with the self-same search, inspired by the same faith, drawn upwards by the same vision..... Again, just as Manu of ancient India instituted the caste system upon the basis of the three principles in the individual soul, so Plato divides his state into three classes, representing the three physical elements¹." So much for Greek originality.

We next examine the claim of superiority of Greek political ideas and institutions over those of India. Turning first to the growth of political institutions in India we find that (as in Greece) the early heroic kingdoms were in course of time replaced by other forms of polity but most of them or the important among them were not of the City-republic type—the type which proved to be the greatest stumbling block to the political advancement of the Greeks. The earliest Vedic kingships in India were replaced by monarchies and republics most of which were having jurisdiction over very much larger territorial units and population than the toy governments of Greece. The ruling power in the Indian republics were certainly not more exclusively held than in the Greek republics. In one respect the Indian polities (monarchical or republican) were certainly more liberal than the Greek polities, namely, the admission of women in public life and deliberative assemblies. Women were

1. *Ibid* - p. 232.

definitely admitted into vedic assemblies on equal terms with men and there are proofs to show that they were taking active and important part in their deliberations. In another respect also the Indian polities were more advanced, namely, in the admission of artisans and traders into active duties of citizenship which was denied in Greece. In India the *vaishya* was an important member of deliberative assemblies, in fact according to some authorities, the *vaishya* as a class might have dominated the Indian assemblies and certain important executive posts traditionally went to the *vaishya*.

Another important political factor in which India differed from Greece and scored over Greece was the *social ethos* maintained by India and Greece. It seems to me that in Greece the social ethos was one of hectic political activity with a view to winning public applause or/and victory over political rivals (and it seems everyone was everyone else's rival) and things seemed to have moved not so much on peace as on war footing. Sober and sustained political training seemed to have been conspicuous for its absence nor there seemed to have been any adequate provision for institutions for the citizens' education, and education was very essentially needed for the Greek citizens because every one of them was to play the triple role of a legislator, jurymen and executive officer.

Without trying to over-estimate the excellence of the Indian social ethos it must be

admitted that there was much greater awareness in India of the necessity of maintaining a peaceful atmosphere in which each class in ordinary time could pursue the legitimate avocation in peace as well as the need of providing institutions for imparting effective political education to the people. This, as has been shown earlier, was done through the *varnashramic* social system and the social *ethos* created by that system. As a result, rule of law (embodying the family, local and professional practices and customs which were considered useful for 'good life' and the practices of the spiritual elite) that is, *dharma* in the widest sense or social justice was tried to be made available to all in as far as possible equitable terms. Dharma was definitely placed above the ruling authority and hence whatever the form of government the operation of *dharma* or social justice was more or less assured to the people.

It would thus be seen that for the purposes of judging the merits of Hindu political ideals the form of government (monarchical or republican) was not a material issue because in either case the Chief executive was to remain *dharmic* (that is promote the *Varnashramic* social ideal) and was obliged (by the force of social *ethos*) to act on the advice of councillors who were selected on the strength of their learning, ability and character. It is not a very valid criticism of the responsible nature of the Hindu monarchies to say that after all

it was not a very effective check on the ruling power to have made it act according to the advice of the councillors on the ground of their not having been the elected representatives chosen through general elections of the modern type because it has become at least a debatable point now whether or not the most respectable representatives can be secured through the excitement and fanfare of general elections in which the propaganda machinery of well-organized and rich parties can play havoc on the emotional and explosive side of human nature which according to modern sociologists like Graham Wallas is not very rational in dealing with political matters. The important point to be noted here is not whether the councillors were elected in a general election or selected according to the most accepted ideals of ability and dependability as councillors (and the latter mode may prove a very much better way of selecting councillors) — but whether the ruling power was arbitrary or responsive to the popular will. The Hindu ruler was never allowed to be arbitrary under any type of constitution.

This was made possible by the ultra-modernism of the Hindu view of the State. The State was regarded as a seven-limbed *agent of society* (never the mouthpiece of the entire social order as in Greek polities which were therefore never States) in which the professional groups and age-groups (institutionalized in the *Varnashramic* system) helped and co-operated

with the State to maintain law, order and justice (i.e. *dharma*) by promoting a social *ethos* in which performance of the duties of one's station in life was recognised as a religious obligation. Promotion of public welfare was regarded as an additional duty of the State over and above that of maintaining law and order. Thus both the modern characteristics of the State, viz., *subservience to the social will* and *promotion of national welfare* were included in the Hindu conception of the State. In other words the Hindu State was a *Rule of law State* and a *Welfare-State*. I should like to dilate upon these two points:

The constitutionalism of the Hindu polity has sometimes been challenged on the ground of the unlimited and arbitrary powers which are said to have been given to the ruler in Hindu Political theory. This is entirely wrong and this accusation is based partly on the ignorance of Hindu political system but mainly on the ignorance of the true nature of constitutionalism among many writers on socio-political subjects. Regarding the nature of constitutionalism I would like to point out that what is necessary for constitutionalism or a Philosophy of Government is not a representative parliament constituted on the basis of a general election (though that would raise a presumption in its favour in a given society) but the recognition that the *legal order represented by the State* is subservient to the moral order represented by the society, — and it is

immaterial whether this subservience is expressed in the form of "Constitutional Laws" or "Constitutional Conventions" (as Jennings has shown in his able refutation of the Diceyan distinction between "Law" and "Conventions" of the Constitution¹). The force behind written constitutional law does not lie in the fact that some one has made it, but it lies in the fact that, like a constitutional convention, "it accords with the prevailing political philosophy" and continues "because it is desirable." "The conventions are like most fundamental rules of any constitution in that they rest essentially upon general acquiescence". Therefore "to say that a new policy is unconstitutional is merely to say that it is contrary to tradition²." As I have said elsewhere "this only shows that the Hindus knew (what the modern political and legal philosophers are beginning to realize now) that political and legal theories cannot be justified on the basis of *legalism*, but only by placing them on socio-ethical foundations In other word, when a morally oriented society (however organized) determines the nature and limits of the activities of the legal order (*i.e.* king or parliament or any other State-al authority) we get a morally justifiable ground for political obligations or a valid political theory³."

1 & 2. Ivor Jennings: *The Law & the Constitution* (1948).
pp. 113, 131, 296.

3. my "The State" — pp. 359-360.

An additional source of misinterpretation of Hindu constitutionalism is the misunderstanding created by the habit of wrapping the person of the Hindu king with a divine or semi-divine majesty and the acceptance of this by some modern Indian writers as signs of arbitrary powers of Hindu rulers. I am fully convinced that the Divine Right Theory of Kings was never *encouraged*, far less *accepted* by Hindu political theorists. It was necessary, specially in those far off days, to inculcate a spirit of reverence among the people for the most important political functionary, the King, and this is done to this day in Britain. This was all the more necessary in ancient India where political theorists like Manu had given the people the right to dismiss or even kill the *adharmic* or tyrant king. The allegorical account of the first two kings (Vena and Prithu) in the *Mahabharata* graphically emphasizes on the one hand the majesty and authority of the righteous king and on the other the popular right to dispense with a king who discarded or disregarded *Dharma*. As I have said elsewhere¹, the killing of the first Indian king, Vena, by the people and the beheading of Charles I in England indicate a parallelism which is hard to miss. But no responsible political theorist can make the use of the regicidal axe a matter of recurrent practice to be indulged in whenever the people or a section suffered from some real or imaginary grievance against the government.

1. See my "*The State*" — p. 361.

of the day. It was therefore necessary also to inculcate a spirit of reverence for the highest political functionary, the King. This was done in Hindu political literature by crediting the king (in an allegorical way) with the powers of the vedic deities, Vishnu (the preserver), Yama (the destroyer), Agni (the creator), Kuvera (the financier), Indra (the overlord).

This has sometimes been tried to be interpreted as the acceptance of Divine Right of Kings in Hindu Political Theory. By no stretch of imagination is it possible to do so if the obligations of the Hindu king, his liability to be punished for his mistakes or negligence and the right of the people to banish or execute him are properly understood. In his connection it is profitable to examine the European Divine Right Theory of Kings carefully. According to J. N. Figgis¹ this theory involves four things or propositions: the divinely ordained nature of monarchy, acceptance of the theory of legitimacy, the king's accountability to none but God, and passive obedience of subjects to the king as the vicegerent of God on earth. It would be seen from this analysis that the last two are the real ingredients of the European Divine Right Theory and were never accepted in India. The ruler in India ruled only because he was wanted by the people and because he accepted the obligation to respect the social ideology or political philosophy embodied in the *vanashramic* view of

1 See J. N. Figgis: *Divine Right of Kings* (1934), pp. 5-6.

social justice, which view of *dharma* and justice had been the basis of all legal and administrative systems recognized as State in India. The *Varnashrama* had been the equivalent of the Common Law and constitutional practices of Britain and like the latter in Britain the former (*i.e. Varnashrama*) transcended the authority and sanctions of rulers and governments. Critics of Indian social system are not lacking who point out the tyranny of the upper caste on the strength of the hold of the *Varnashramic* social system on the people of India: It is strange to find the same critics or their followers pretending not to understand the important influence it exerted on the constitutional and legal orders in India. It is quite evident to an impartial critic that whatever might have been the (injurious) effects of the *Varnashramic* system on the Hindu *social system*, its influence on the *governmental system* of the country was to ensure Rule of Law and establish constitutionalism in the best sense of the term, because it ensured the subservience of the legal order to the social order. This much for the presence of constitutionalism in Hindu polity.

We turn next to its welfare duties. It has been mentioned earlier that the Hindu political theorists did not suffer under the hallucination of laissez-faire liberty and therefore promotion of the material and cultural welfare of the people was always regarded as the duty of the State and in this sense the Hindu State was a

welfare-State par excellence. Agriculture, cattle-rearing, irrigation, famine and epidemic-relief, promotion of education and patronage of arts, protection of the old, the sick, the minor, the widow were regarded as the proper and essential sphere of State-activity. What is more important to note that the welfare obligations of the Hindu State were not regarded as theoretical ideals but were carried out in practice at least by the more distinguished kings.

With this end in view was set up a highly trained and elaborate bureaucracy, which functioned as much for the maintenance of law and order as for the promotion of people's welfare. This has led foreign critics to observe that "The work of about thirty different state departments described by Kautilya embraced most of the activities of a modern civilized Government." ¹

Let us discuss a few of the more important welfare activities of the Hindu State. First *Education*: The *Yajurveda* enjoins that the king should ensure proper means of livelihood to a *brahman* in distress keeping in view his character, learning, and needs². According to the *Smritis* it was the duty of the king to support *brahmanas* learned in the Vedas and not able to maintain themselves and according to Manu if a learned *brahmana* perishes through hunger

1. E. B. Havell: *A Short History of India* (1924)—p. 56.

1. *Yajurveda* — III. 44.

and want, the king invites divine retribution ¹. The *Shukraniti* maintained that it was the duty of the king to be "on the look out for educated men, should appoint them to offices suited to their education, should honour every year those who have attained eminence in learning and the arts and take measures for the advancement of learning and arts ²."

Secondly *Agriculture & Irrigation* : In the *Mahabharata* (*Sabhaparva*) kings are advised to provide the country with large tanks so that agriculture may not have to depend entirely on the rains. According to Magasthenes (*Fragments I & XXXIV*) the greater part of the soil in India was under irrigation and was yielding two crops a year. The superintendent of rivers (under Chandragupta Maurya) measured "the land as in Egypt" and inspected the sluices by which water was let out from the main canals into their branches so that every one could have equal share of water ³.

Thirdly *Relief work* : According to Kautilya it was the king's duty to offer relief to the people in national calamities like flood, famine, epidemic etc. (See *Arthashastra IV 3*). Relief

1. *Gautama X. 9-10 Manu VII. 134.*

2. *Shukraniti I. 368-369.*

3. The superintendent of Agriculture with the help of his departmental officers was to collect at the proper time all kinds of corn, flowers, fruits, vegetables, bulbs, hemp and cotton seeds and to employ slaves, labourers and prisoners..to sow seeds on crown lands." It seems the rate of rainfall in different parts of the country was also studied.

was also to be granted for granting pensions to the sons and wives of those who died while doing State-duty as well as to the minor, the aged and the sick¹.

Special relief had to be given to specially handicapped persons like the widow, the woman whose husband had gone abroad, the cripple etc. This was done by the Superintendent of Weaving and Cottage industries.

In fact the departments of State mentioned by Kautilya covers almost all the departments of a modern State.

In the theoretical field, a fairly comprehensive political literature under the titles of *Rajadharma*, *Dandaniti*, *Nitishastras* and *Smritis* began to be produced in India from a much earlier time than in Greece and some of these were edited by joint authors in the manner of the works of the European Encyclopaedists of later age and became well-known as *Samhitas*. In the course of this work and specially in Part I., I have had occasion to mention some of the ancient works on Politics produced in ancient India. Let me give here a list of the more important of them with their *dates* accepted by even those critics who are most unwilling to acknowledge the antiquity of India's cultural history. *Gautama Dharmashastra* (c. 550 B.C.); *Baudhayana Dharmashastra* (c. 450 B.C.); *Apastamba Dharmashastra* (c. 400 B.C.); *Shukranitisara* (c. 400

1. Kautilya's *Arthashastra* IV. 3; *Mahabharata*—*Sabhaparva*. 5.54

B.C.); *Chullu-vagga* and *Maha-Vagga*, containing Buddha's Constitutions of Ecclesiastical Polity (c. 350 B.C.); *Kautilya's Arthashastra* (c. 300 B.C.); *Vashistha's Dharmashastra* (c. 150 A.C.); *Manu Smriti* (c. 150 A.C.); *Vishnu Smriti* (c. 300 A.C.); *Kamandaka-Nitisara* (c. 350 A.C.); *Yajnavalkya Smriti* (C. 350 A.C.); *Narada Smriti* (c. 500 A.C.); *Brihaspati Smriti* (c. 650 A.C.*)

Some of the more important of these were, in course of time, brought out in abridged forms and this is specially true of the most

* The list given here is by no means exhaustive : it includes those which are comparatively well-known or less obscure. M. M. P. V. Kane in his monumental work on the *History of Dharmashastras* has pointed out that from very ancient times Indians have been engaged in producing systematic works on the science and art of government. An idea of the antiquity of the political ideals and institutions of ancient India will be available if we remember that according to the most modest computation the date of the Indian epics have to be fixed between 1500 and 1000 B.C. and even in the epics we find attempts at systematization of political ideas and values over those of earlier works and authors mentioned in them (i.e. the epics, *Ramayana* and specially the *Mahabharata*). As indicative of this we find "that in the *Mahabharata*, the *Ramayana*, *Manu* and *Kautilya* ideas expressed by numbers had already been stereotyped long before those works were written, viz. such as *saptanga rajya* (State with seven constituent elements), *sadgunya* (the six ways of policy viz. alliance, declaration of war, etc.), three *shaktis*, the four *upayas* (*sama*, *dana*, *bheda*, *danda*), *astavarga*, and *panchavarga*". These works mention also earlier works, e.g. the *Mahabharata* (*Anushasanaparva*) mentions *shastras* composed by *Brihaspati* & *Ushanas*, the *Shantiparva*, the *Rajashastra* of *Bharadvaj*, *Brihaspati* and others, the *Artashastra* mentions five schools—the *Manavas*, the *Brhaspatyas*, the *Ausanasas*, the *Parasharas* and the *Ambhiyas* and *Kautilya* cites the works of *Bharadvaja*, *Katyayana*, *Kinjalka*, *Pishunaputra*, *Pishuna*, *Parashara*, *Vishalaksha*, *Ghotakamukha*, *Kanishka* and others.

ancient and authoritative of India's *Dharma-shastras*, the *Manu smṛiti* whose date as given above is misleading, being the date of its latest edition. Its antiquity however is unquestionable. The *varnashramic* system (so-called caste system) enunciated therein had become such an old and to some extent injurious system that by 500 B.C. a Buddha was needed to reform and remould it. Mention of Manu however is made with reverence even in the Vedas — “*Yadvai kinchan Manu avadata tad bhesajam.*” (i.e., Manu's injunctions, in social matters, are a healing balm). All this clearly goes to prove that there is no foundation for the claim that political theory and progressive political institutions originated in Greece. On the contrary a systematic study of the subject of the antiquity and originality of political ideals and institutions will go to show that during the period (say 500 to 300 B.C.) when the Greeks were writing their first books on the art and science of government and naturally making impractical and absurd or wild speculations as are to be found in Plato's *Republic* (c. 380 B.C.) and in a lesser degree in Aristotle's *Politics* (c. 330 B.C.), Indians had considerably systematized the science of government and were writing commentaries on older texts and perfecting the art of public administration as a perusal of Kautilya's *Arthashastra* (c. 320 B.C.) would convince any one.

When critics are faced with these incontrovertible facts they accept the existence of political literature produced by ancient Indians with

a shrug of their shoulders but still justify its non-inclusion in works on *History of Political Thought* on very slippery and shifting type of arguments. After a careful sifting I have been able to categorize these criticisms against Hindu Politics under three heads: (i) Lack of systematic thinking among Hindu theorists, (ii) lack of the libertarian spirit and (iii) lack of democratic temper. I propose to submit my analysis of these criticisms in the paragraphs which follow immediately.

(i) Regarding the confusion and lack of systematic thought in Hindu political literature, is it a very great wonder that this was (to some extent) so at such an ancient epoch as the one in which the compilation of those works were undertaken when we find that even today a universally accepted terminology has not been evolved for our Science (?) ? There is not even an agreement on the name of this Science and it is till today described as Politics, Political Science, Government, Staatslehre etc. The later epochs in which the Europeans engaged themselves in writing on Political Science in spite of their comparative modernity have been conspicuous for lack of system. According to Pollock "even Plato never got to the point of having a theory of the state at all." Carlyle "had to spin out theories of law, justice and sovereignty from the writings of mediaeval compilers of customs and ecclesiastical tutors to princes." A sound and systematic theory has not been evolved even today, thanks to

the meanderings of western mind in the maze of Greek political thoughts and institutions and also to the lethargy of the Hindu mind to consult the contents of its own legacy.

Sometimes Hindu political thought is attacked on the ground of its being tainted with a special type of confusion, viz., that arising out of its addiction to mythology and religion. It is pointed out, in this connection, that according to *Mahabharata*, *Shukraniti*, etc., the science of government (*dandaniti*) is said to have sprung from the Creator's (Brahma's) lips; and also that spiritual or heavenly punishment for wicked rulers are prescribed in some of these books. But all this was unavoidable in the early stage of the growth of our Science (in the East as well as in the West) because man was not in ancient time scientifically oriented but *theologically* oriented; even so, it has to be said to the credit of Indian political thought that it suffered the least from this type of defect because ancient India had not much of a Church-and-Creed religion. Admitting, however, that such defects were there in Indian political thought, how were the ancient and mediaeval political thinkers of Europe any better than the Hindus? — and why the writings of these are also not expunged out of History of Political Thought?

In this connection we cannot forget the part played by Apollo and the Delphic Oracles in the revealed Laws and morals of Greece;

nor can we forget that the Solonian traditions recorded by Plato in his "*Critias*" maintains that the Golden Age of Athens was instituted 900 years ago by the gods. Mythological influences are to be found even in the works of Socrates and Plato because even though they resented the traditional mythology of Greece, they introduced mythologies of their own creation (vide Plato's "*Timeus*"). In Book IV of his *Republic* Plato even goes to the extent of making a declaration that myth-making and lying are to be the prerogative of government: there is to be one lie moreover — "a royal lie to be sure" — "which is to serve as the basis of social stratification viz. that God had created men of three kinds, the best made of gold, the second best of silver and the common herd of brass and iron. Compared to this the Hindu myth — which says that the *Brahmanas* originate from the mouth of the Creator, the *Kshatriyas* from His arms, the *Vaishyas* from His thigh and the *Shudras* from His feet¹ — appears to be an extremely charitable proposition so far as the lower classes are concerned.

Coming to the European mediaeval political writers, we find that right up to the 16th-17th century European political literature is dominated by theological tradition, temper and standards. Students interested in this

1. Lokanamtu vivaddhyartham mukhabahurupadatah.
 Brahmanam Kshatriyam vaishyam shudrancha niravartayat
Manusmirti I. 31.
 Brahmano'sya mukhamasit. etc. *Rig. Veda VIII. iv 19.*

problem should acquaint themselves with works like St. Augustine's *De Civitate*, (413-26 A.D.), St. Aquina's *The Rule of the Princes* (1215 A.D.), Dante's *De Monarchia* (1309 A.D.) and James Trew *Theory of Monarchy* (1600 A.D.). If these could find a place in the *History of Political Thought*, why not also the works of Manu, Yajnavalkya, Shukra and Kautilya ?

Again, it is pointed out that the books written by the Hindus are not systematic treatises on Political Science but are admixtures of law, religion, mythology, history etc. I maintain that such exactly are the works of Europeans of the same and even a later period. This can easily be seen by comparing the contents of works like *Manu-Smriti* and *Arthashastra* with Plato's *Republic* and Aristotle's *Politics*. If *Manu-Smriti* becomes unscientific treatise on Politics for including topics like origin of the universe, transmigration of the soul and Supreme bliss, does not Plato's *Republic* gets equally unscientific by including topics like Delphian Apollo, dignity of gods, myths, future life, corrupting influence of worldly contact, immortality of the soul and reward after death ? I regret having to say that the main current of western scholarship has succeeded in creating a prejudice against Hindu political literature by taking recourse to two types of *mis-comparisons*: On the one hand works of ancient Hindu political thinkers are compared with the modernest

works of western political thinkers (which is certainly not fair): on the other hand the lack of scientific treatment and confusions of Greek thinkers are condoned on the ground of their antiquity but the same charity is seldom shown to our ancients. I humbly plead for the application of a *uniform and fair* standard of criticism and judgment of the works of the ancients of the West and East and if this is done the achievements of Hindus in the sphere of Political Science will not be found inferior to those of the Greeks.

ii. We turn next to the second charge against Hindu political thought, viz., that it lacks the spirit of liberty. This criticism is only indicative of a lurking hang-over in the European mind of the outmoded conception of liberty of the laissez-faire school, because any one acquainted with Hindu thought will know that what it lacked was not liberty but the laissez-faire type of liberty which has ceased to be acceptable to the better minds of the West at least since T. H. Green. Love of liberty is firmly proclaimed by Manu when he observed — Freedom is happiness : dependence on the will of others is misery¹ and the same sentiments are re-echoed in the *Markandeyapuranam* (125.29). The whole tenor of Hindu Political philosophy is marked with an emphasis on the idea that *swarajya* or self-rule or freedom is essential for man, the

1. Sarvam paravasham duhkham sarvamatmavasham sukham
Manu IV. 160.

moral entity, because *swadharma* or the obligations of a moral entity cannot be performed without *swarajya* or freedom. But the freedom the Hindu aspired for was not the laissez-faire brand of freedom of acquiring due and undue rights for satisfying selfish ends but unhindered opportunity for performing the duties of one's station in life or *dharma* in which also lay social justice, which Plato also advocated in his *Republic*. There were sound psychological reasons for presenting the idea of freedom with an emphasis on its duty-aspect because the Hindu thinkers knew that man was selfish enough to fight for his rights : he need not therefore be further prompted by political theorists to be right-conscious. They therefore thought it proper to emphasize the *swadharma* or one's obligations more than *swadhikara* or one's right. This I believe was also the attitude towards freedom of enlightened Greek thinkers like Socrates and Plato and also of modern western thinkers like Green, Hobhouse and Laski. If liberty as defined by Laski, meant "the maintenance of that atmosphere in which men have the opportunity to be their best selves" and an *ethos* which enables "them to contribute their peculiar and intimate experience to the common stock"¹ : certainly the varnashramic social system was libertarian in the most classic and enlightened sense.

1. H. J. Laski: *A Grammar of Politics*. (1948), p. 142.

iii. Now we come to the third and last criticism against political thought, viz., that it was lacking in democratic spirit and that Hindu society therefore did not produce democratic institutions which according to these critics originated in the West, that is, in Greece. Here it is necessary to explain a basic thing about Political theory : viz., though the consent of the governed is necessary for a theoretically tenable political system, no body has yet proved that the best and the only way of getting that consent is the two western methods known to history namely, (a) the Greek method of allowing every adult male of a few exclusive families, to meddle in legislative, executive and judicial functions irrespective of any test of character and ability (against which even great Greeks like Plato protested) and (b) the modern western method of general elections at stated intervals conducted by the propaganda machineries of colossal party organizations backed by unscrupulous financial cliques with an eye on governing the government to be formed after the elections. I am unable to enter into a detailed discussion on the defects of western democracy here: I propose to do so in my next work. Here I shall only point out that the concern of Political theory is not with "Democracy" or "Any-other, cracy" as such but the most tenable and justifiable system of Social Control. Western "Democracies" (both of the ancient Greek type and of the modern type) have been presumed to be such a just, good, desirable system: no one has

taken the trouble to prove that that is so. My readings tell me that the Greek type produces not democracy but mobocracy under which it becomes possible and even desirable to commit a judicial murder of a man like Socrates and the modern system produces a veiled plutocracy under which the common man becomes beneficiaries of rights but has not got the means to enjoy them. I am not trying to argue against votes and elections: I am arguing against the inadequacies and dangers of votes and elections without the background of a scientifically planning society on which alone the best advantages of adult franchise, one man one vote and periodical general elections can be reaped and utilised for the common welfare. It was this type of political system that the Hindu idealized and encouraged: This may be called the chastened form of democracy, if we practice a little charity towards ancient India.

It is therefore clear that democracy of the right type was not unknown in India but there was no democratic fanaticism of the Greeks against which the best minds of Greece also protested. Within limits ancient India encouraged self-governing institutions with persistent vigour. The verity of India's self-governing institutions of local government have been objects of admiration of all historians some of whom have described India's village assemblies as semi-independent bodies. "The most enduring monument of this democratic local

polity still exists in the shape of central tree and the platform, the tank and the shrine with associated public hall and court and the guardian deity of justice installed therein."† According to Havell "The old vedic ideal with its theory of Dharma. and the Indo-Aryan village community, more democratic than the free cities of Greece, had for many centuries provided India,..... with the spiritual and economic ties which create a sense of nationality." ¹ "Each village (*grama*), country-town (*nigama*), or capital city (*pura*) had its well-defined local rights and responsibilities. Their traditional laws had as much authority as king-made laws." ²

From all that has been said earlier there can be no shadow of a doubt that the Hindu State was a government maintained for the promotion of freedom, and welfare of the people meant to be governed on constitutional principles in which the ideal of self-government was recognized in village, town and district councils, in trade and craft guilds, in the religious communities and in caste organizations, "whose collective influence imposed a very real restraint upon the powers delegated to kings and ministers." ³

But these democratic ideals and institutions were not confined to the sphere of local-government in India. The democratic

† R. K. Mukerji : *Democracies of the East*. (1923) p. 197.

1. E. B. Havell: *op. cit* pp. 51-52.

2. *Ibid.* p. 72.

3. *Ibid.* p. 123.

(republican) tradition in India is as old as the *Vedas*. The early Vedic kings were elected patriarchs. Between the 7th and 5th century B.C. India could boast of a dozen of republican clans such as the *Sakyas* of Kapilavastu, the *Videhas* of Mithila, the *Lichhavis* of Vesali and others; and these were contemporaneous with Sparta, Athens and Thebes in Greece. Just as the rise of the Macedonian empire extinguished the republics of Greece, in the same way the establishment of the Mauryan empire (in 323 B.C.) resulted in the extinction of Indian Republics. Unlike Greece however (where republicanism was destroyed once for all), India experienced another period of 500 years (150 B.C. to 350 A.C.) of republicanism. Of the Indian republics which flourished in this period mention may be made of the *Audambaras* of the Punjab "who began to issue coins as a sovereign state during the first century B.C."; the *Yaudheyas* of southern Punjab who successfully resisted Alexander's invasion of India; the *Arjunayanas* of north Rajputana and the *Malavas*, *Sibis* and the *Vrishnis*." ¹

If it is pointed out that these were not perfect democracies it is possible to show that they were not more imperfect than the Greek democracies. Speaking of their structure and temper Professor Sarkar has observed that the *shrenis* (craft-guilds), the *pashandi* (the heretics-guilds)

1. Vide B. K. Sarkar: *Political Institutions & Theories of the Hindus* (1939)—pp. 139-150

the *gana* or *puga* (town council or local government units) were bubbling centres of democratic public life in ancient India which have been described as different categories of Asian Polis.¹ Sabhas and Samitis were normal institutions of government which performed deliberative, legislative and judicial functions. "And unlike in Greece, women in India were partners of men in the discharge of these public duties."² According to Professor Rhys Davids sovereign republican States originated in India. The learned professor also held that the Buddha's father "was an archon of such a republic." In these Indian republics "a single chief ... 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."³

In view of all this it is not possible to argue out a case for the non-existence of democratic spirit or democratic institutions in ancient India.

We have so far tried to examine the comparative merit and originality of the Hindu and Greek political experiences. In the paragraphs which follow I propose to discuss the *similarities* and *differences* in the political ideas and institutions of these two ancient peoples.

1. *Ibid.* pp. 32-34.

2. *Ibid.* p. 52. See also Rhys David's *Buddhist India*, p. 49

3. Rhys David: *Buddhist India* — pp. 22; 41.

Regarding the similarities it is to be pointed out that even if the mutual intercourse between these two peoples were not as significant as suggested in the previous pages, any similarity in the thought-pattern of two such branches of the Aryan race has great significance to one like myself who had dabbled a little in the sociology of knowledge (*Wissensoziologie*). In my "*Implications of the Ideology-Concept*" I have suggested that situational influences on the quality of knowledge which emerges at a given time in a given society include the influence of Biology as well as Geography, that is, both heredity and environment are to be included in the situational motivation which fashions the quality of knowledge which emerges in a given society, though their comparative ratios in the resultant knowledge are not yet predictable.

If we accept the view that the Greeks and Indians belonged to the same Indo-European racial stock, the similarity of their thought-pattern (specially if the facilities of mutual intercourse were as meagre as some would have us believe) may be attributed to their biological affinities because their geographical

environments are known to have been different in this case.¹ If this could be proved to have been so, there would be full justification for talking about an *Aryan-way of thinking*. In Philosophy, the Unpanishadic and Samkhyan thoughts together with the Orphic, Pythagorean and some of the Socratic and Platonic ideas (whose similarity with the former has already been noted) could be called the Aryan Philosophy or the Aryan Wisdom. In a similar way, it would be possible to talk of an Aryan Political Philosophy on the basis of the following similarities detectable in the political thought-pattern of the ancient Indians and Greeks :

(1) Man as a microcosmic part of the macrocosmic Highest Being is capable of infinite development. This was based on a faith in the unlimited possibilities of human beings, which could be realized by freedom in a self-governing community. Man's obligations as a moral being (that is, his *dharma*) could be performed only in freedom. The Greeks and

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1. It must, however, be remembered that though the geographic environments in which the Greek and the Indian civilizations flourished were different they were not as dissimilar as the artificial designations such as the "western" for the Greek and the "eastern" for the Indian environment would suggest. The mediterranean climate of Greece was much more similar to conditions in many parts of India than to the climatic conditions in west-European countries like Britain, France, Holland, Denmark, or Sweden. This climatic similarity of Greece and parts of India was, I believe, reflected in the sartorial similarities of these two ancient peoples. Wrapped in an unstitched sheet of cloth with many dignified folds and wearing a pair of simple leather sandal the average Greek scholar looked more like an Indian Pundit than like Bernard Shaw in his plus-fours or Churchill with his spotted bow.

the Indians differed in their ideas about freedom, but they agreed with regard to the necessity of freedom for leading a moral life. Even this difference gets near elimination in Plato's thoughts whose insistence on the performance of one's station in life as the basis of social justice (and therefore of freedom) is Hindu in conception as well as the manner of execution (at least so far as the *Republic* was concerned).

(2) Another similarity of Indian and Greek thought in Politics is about the acceptance of positive mission for the Hindu and the Greek Polity. This meant that the government was there not only to protect life and maintain law and order but also to promote social welfare and to further the good life. The welfare which the government promoted, however, was not determined by the wielder of governmental powers or State in India but the society : This was so because in India the State was only an agent of society but in Greece the State and society merged in one and hence the government was liable to turn totalitarian by a slight twist of the political balance of social powers.

(3) Political philosophers (or saintly law-givers) were to make the Constitution enunciating the social ideology (or political philosophy of society) for the furtherance of which the governmental system was brought into being. This ideology represented the Higher or Moral

Laws (miscalled constitutional laws in English) of society — and the laws made by governmental bodies had to be subservient to these Higher Laws. The duty of the Polity was more the application and enforcement of Law rather than the creation of law. Laws were created by society's accredited spiritual leaders (saints like Manu, Solon), the Law-givers and enforced by the governmental authorities.

(4) One more similarity between the political ideas of these two ancient peoples was to treat Politics as a part of Ethics. According to the thinkers of both these countries Politics could be called the Science of Public Ethics or *Dharmashastra* or *Nitishastra* as it was actually called in India and public aspect of the ethics concerned in Politics was emphasized by calling it *Rajaniti-shastra*. The strength of the Polity in both the ancient countries lay in the quality of justice it maintained. This justice was not maintained by enforcing some sort of mechanical equality but by establishing social harmony which was possible only when each was allotted the work for which he was best fitted and in a manner that the best development of each also resulted in the best development of all. Thus viewed, individuality was not contradictory to sociality but both complementary to each other. The aim of socio-political life was the growth of full personality, which was nothing but the reconciliation of individuality and sociality.

(5) Lastly, there was similarity of thought among Greeks and Indians regarding the

prior existence of a morally oriented community to the individual with personality suggesting the essential necessity of political or socio-moral life for the purpose of the growth of ethical civilization. Since personality (as argued above) emerged as a result of the reconciliation of individuality and sociality, the real individual endowed with moral personality could not have emerged before the morally oriented community came into being and trained up the individual in this harmonious way as a result of which he grew up to a real individual with personality (and not merely a singular number of the human species which many stark individualists try to become). Hence the Community was prior to the "individual." This unfortunately has been translated (or rather mis-translated) into English (from Greek) as "the State is prior to the individual." The State can never be prior to the individual because as one of the associations of society it is the creation of the voluntary will of individuals constituting society, who are therefore, of necessity, prior to the State. What is meant by the ancients was that the Community was prior to the individual and it is to be remembered that the Greek *Polis* was, as shown earlier, not a State but a Community.

We turn now to the differences in the political ideas of the Hindus and the Greeks :

(a) The most significant difference is the distinction maintained by the Hindus between the community and the governmental

authority or the *Society* and the *State*, whereas the Greeks identified the two. The result was that unlike in India where people had *private* life apart from political or public life, in Greece *life* coalesced with *political life*, and there was no civil right in Greece because all rights were political. This was so because the State as a neutral — impartial — mediating agent of society was unknown to the Greeks. The conception of the State as an agency of *social control* for maintaining public justice is a contribution of ancient India.

Just as in the modern West (at least right up to the present century) political life was restricted to the sphere of State-activity and thereby a *too narrow* connotation was prescribed to the *sphere called political*, similarly in ancient Greece the political life was equated with social life and the result was to prescribe a too wide a connotation for the sphere called political. The operational domain of *formal and informal justice* is no doubt the jurisdictional sphere of Politics and hence the political order is much larger in extent than the legal order (State) — and yet it certainly does not cover the whole of the social order which includes much wider range of corporate activities than the maintenance justice through control such as for instance, the promotion of arts, science, literature, love, friendship, joy, spiritual communion and bliss. To sum up, it may be said that in the hands of the Greeks Political

Science became a *Social Science*, in the hands of modern western thinkers like Bluntschli, it became a *State Science*; and in the hands of the ancient Hindus it was the *Science of Social Justice and Ethics* (*Dharma* and *Niti-shastra*).

(b) The Greek *polis* was an educational institution for promoting the common good of citizens. This probably accounts for the absence or paucity of private educational institutions in ancient Greece. In India the State maintained law and order, administered (formal) justice and promoted the common social welfare, but it neither went to the extent of "nationalizing" in the economic sphere nor dictating in the cultural sphere nor made welfare activities the monopoly of the State. Moreover the welfare it promoted was determined by the society's (or social elite's) conception of welfare, not the State's conception of welfare — providing one of the brilliant examples of planning without following the "*Road to Serfdom*." In the cultural sphere specially though the State had the fullest right or even obligation of encouragement and patronage, the actual activities relating to the promotion of education, arts, science were left in the hands of non-State but *political* institutions like the *Varnas* and *Ashramas*. These, as has been pointed out earlier, were not merely social groups but groups which were *institutionalized* for the promotion and maintenance of informal justice at several social levels.

(c) In Greece the political ideal was that all should take part in the government. Of course this did not mean to include slaves, women and foreigners: even so it meant that all free, adult, Greek males should take part in government. At least this was Aristotle's view: Plato however, again like the Hindus, wanted the government to be in the hands of the selected few. The Hindus, however, encouraged the widest possible consultation of public opinion in running the government but they neither encouraged the idea of government *by all* nor the Platonic idea of surrendering the entire political life to the few guardians and rulers. The actual administration was entrusted by the Hindus to the ruler (or rulers in the republics) but in either case the rulers were to act under the advice of councillors. The king was expected to be the nearest approximation to Plato's philosopher-statesman but the working of political life was kept in the hands of social groups whose consultation in matters of policy and public weal provided the sanction for governmental policies and practices.

At the close of our inquiry we therefore see that there were very significant similarities in the attitudes of the Greeks and Hindus towards the basic problems of Political Science, viz. that it was a part of the Science of Ethics, it concerned itself with the social or public aspect of Ethics and comprised the sphere described by Walter Lippmann as that of

Public Philosophy and that it was based on certain *metaphysical presuppositions* like the infinite possibilities of development of man viewed as a microcosmic part of the Highest Perfect Being whose primordial law was the Law of Love and freedom and justice which governed the universe. The morally tenable government must undertake the promotion of order as well as moral order; protect life and promote good life. The determination of what constituted good life was the task of a morally conscious community (or at least the presence of a morally conscious spiritual elite in society, which represented the moral conscience of the Community and therefore it (the elite) alone could enunciate social ideology or rules of the Constitution or the Higher Law of Society). This is so not on the basis of concession of a privilege but because the spiritual elite (the sages) were the free men or self-ruled men (*swa-rat* in Sanskrit) or the men who were law unto themselves and hence eminently fit to be the law-givers (and not the vote-catchers in polling booths). The government's task was to translate the social ideology into action as far as it was humanly possible to do so.

Under the influence of a peculiar sense of "democracy" the wielders of governmental powers and the Community, however, were not separated in Greece : In India they were separated though kept in organic relationships. Hence the State idea remained unknown to the Greeks and it first originated in India.

The Indian view of the State endowed it with *agency* and *welfare* functions (similar to those entrusted to the State by modern theorists) without however conceding it sovereignty. What however it did enjoy was *conditional legal supremacy*; the condition being acceptance of social subservience. The quality of justice and welfare which the State therefore promoted was not determined by the State but by the society (or its elite as its truest representative). Government was to be carried on in constant consultation with the major organic groups in society, some of which were institutionalized in India so as to make them fitter instruments of social justice in the broadest sense. Here certainly the Hindus scored a point over the Greeks and later Europeans.

The Hindus also scored over the Greeks in the practical political sphere of Public Administration. The Indian political thinker never fell into the rut of the City-polities. Vast areas and masses of people came under the jurisdiction of ancient Indian States and to cope with those the organization of the administrative system had to be brought to near perfection as the Kautilyan system goes to prove.

In point of *time* the Hindus definitely came on the field (both with regard to speculation and administration) earlier and hence borrowing if any must have flown from East to West and not vice versa. Indeed as Professor Tarn

has observed "except for the Buddha-statue the history of India would in all essentials have been precisely what it has been, had Greeks never existed." ¹

These are the considerations which should be taken into account in writing books on the History of Political Thought and if this is done and a proper perspective is tried to be secured all such works would start with Manu and not with Plato and his predecessors in Greece and then at least as much prominence would be given to works like *Manavadharma*, *Arthashastra* and *Shukranitisara* as is given to the *Republic* or the *Laws* or the *Politics* of Aristotle. This is not a plea for the disparagement of the achievements of Greece (with her intellectualism) but on the other hand a plea for stopping the neglect of the achievements of India (with her mysticism), because as Professor Radhakrishnan has rightly pointed out that the triumph of the intellect is great, its failures are not less great.

1. In "*The Greeks in Bactria and India*" p. 376. — quoted by S. Radhakrishnan. *op. cit.* p. 152.



APPENDIX



APPENDIX I.

POLITICAL THOUGHT OF ANCIENT CHINA

This appendix is being written under the influence of a belief that it is possible to discover fundamental political values and ideals in the works of ancient Chinese philosophers and that these together with those of India and Greece can constitute the basis of a very instructive comparative study of ancient political thought; all the more valuable to students of Comparative Politics because such a study would include the contributions of the ancient Aryan and non-Aryan masters. I do not, however, possess the scholarship adequate for the task and in these circumstances all that I can do is to indicate however inadequately some of the important ideas of the ancient Chinese masters like Confucius, Lao Tse and Mencius which may in future be developed for the purposes of such a comparative study by persons better equipped with scholarship than my humble self.

It may be instructive to all believers in the western root of positive and political Science to be told or reminded that the Buddha (who died in c. 480 B.C.) and Confucius (who died in c. 479 B.C.) were contemporaries and both were predecessors of Socrates (470-399 B.C.) and Plato (427-347 B.C.) and that the Chinese political thinker Mencius (372-289 B.C.) was contemporary of Kautilya (c. 370-290 B.C.) and Aristotle (386-322 B.C.). From my point of view these are very important dates for a student of Comparative Politics of the ancient world, because whatever the comparative worth of the political thoughts and institutions of these ancient peoples, (the Chinese, the Hindus and Greeks) they unmistakably show that political studies were pursued in ancient East (*i.e.* at least in China and India) and were not the monopoly of the Greeks.

When we turn to ancient China we are naturally obliged to focus our attention first on Confucius and when we do that we are obliged in turn to encounter Chinese

humanism,—and this directly explodes the myth of Greek monopoly of humanistic thought, because Confucius was first and foremost a humanist thinker. Born in an aristocratic but poor family, he served in an official capacity for some time and then turned a philosopher, teacher and political guide, who was almost throughout his life engaged in the task of the development of youths as noble and aristocratic men imbued with the highest ideals of public life. Service of man and of God through the service of man seemed to have been his ideal when he asked — “With whom should I associate but with suffering man?”

Of course Chinese humanism has had its own special characteristics but those have gone to make it all the more humanistic and humane. The aim of this humanism was not romance-hunting, pleasure-seeking and release from social fetters and obligations, but self-perfection through disciplined service of others. According to Confucian philosophy the ultimate test of a civilization is “whether it produces good sons, good brothers, good husbands, good friends and good individuals, who have a delicate sensibility and are most anxious to avoid hurting others’ feelings.” This involved moral transformation of man which could be brought about by education, discipline and culture and which in its totality resembled the Indian *sadhana* or aspiring efforts, whose aim, however, was the correct appreciation of human values and correct regulation of human relations (*jenlun*). Hence *a la* Hindus, the important thing to be realized by the moral entity that is man, is *obligation*, sense of duty and responsibility. The duties of universal obligation according to Confucius were those between the ruler and subject, between father and son, husband and wife, elder and younger brother and between friends. The virtuous man was not merely the ideal citizen but the ideal citizen plus the ideal father, the ideal husband, the ideal son, the ideal brother and ideal friend.

Such a squarely disciplined person alone would know how to govern other men and nations, provided of course in performing his multifarious duties he has been vigilant

enough to ceaselessly discover the laws of God. In case of difficulty of finding the laws of God one had to remember that to be true to one's self is the highest law of God and hence in times of doubt and moral crisis one had to act according to the dictates of one's conscience. Constant introspection and self-criticizing contemplation were necessary for a public man trying to discharge his moral duties to society and hence according to Confucius "among the means for regeneration of mankind, those made with noise and show are of the least importance." This is the characteristic which differentiated Eastern humanism from western or Hellenistic humanism. The East did not lose humanism in the maze of her mysticism: it embalmed its humanism in the humility of self-criticism and self-examination mis-called mysticism in the West.

In common with other ancients, the Chinese political thinkers also presumed that the universe was a moral order with a moral law (*tao*) and also that the moral sense was the characteristic attribute of man who is therefore naturally imbued with a moral sense or sense of justice (*yi*). This justice, however, did not depend upon the maintenance of a mechanical equality of all irrespective of differences but rather in mutuality and reciprocity. When a man carried out the principle of reciprocity conscientiously he was following the moral Law. Hence men, according to ability and aptitude might occupy high and low positions in society and yet justice might be maintained provided the law of reciprocity was respected. A moral man according to this view, does not dominate over subordinates when in high position nor flatters his superiors while working in a subordinate position. He maintains a correct personal conduct without favour or fear.

Another characteristic of Confucian thought was the merger of morals and politics: indeed moral harmony was presumed to be the basis of political harmony. Hence any idea of a struggle between the ruler and ruled or among the social classes was ruled out. Class-struggle and the distrust of the government are special features of Parliamentary system. In place of that Confucius preached

an essentially anarchistic political ideal in which the government existed but the political ideal was to make government progressively unnecessary. It is only in this context that we can understand how for thousands of years China lived without a police force and people hated to go to law courts — both of which characteristics were to be found in the Indian society to some extent. But in China contempt for Government, if I may say so, was perhaps carried to the extreme limits and as a result the Law was regarded as the resort of the Scoundrel"—and yet political ideals and institutions existed. This provides a historical illustration of my theoretical position that there can be Politics, political life and institutions without the State.

A people like the Chinese whose political ideal was to make Government progressively unnecessary was perhaps best fitted to evolve a political system based on the real consent of the people and enunciate a political theory emphasizing the real sovereignty of the people (un-dictated by the Government). I admit, I do not possess scholarship in these lines to be able to prove my contention and hence this apology of an appendix on Chinese political thought, but I have reason to believe that for long centuries the Chinese people enjoyed practical good government based on the moral values taught by their sages and cherished by the people even though the Head of their governmental structure sitting at the Capital might have been a dictator in theory. This in a qualified form, was true of India in some historical epochs. Neither is this surprising among ancient peoples who had evolved certain philosophy of life and provided institutionalized social agencies for the realization of values embodied in that philosophy. In support of my contention (which of course can be better examined by scholars better equipped than myself) I cite the following facts about the Chinese political ideals and practices :

- i. The idea, long since prevalent in China, of maintaining peace and order in the country through social agencies of self-government without having an armed force (or soldiers).

ii. The actual carrying on of government without a police force.

iii. The habit of using law as a negative agent, that is providing for only prohibitions through the laws.

iv. The theory of Heavenly mandate on the strength of which the ruler was supposed to have ruled over the people and the belief that the voice of Heaven was nothing but the voice of the people. Hence when the ruler misruled he forfeited his right to rule and was to be treated as a common thief (—showing a marked resemblance to Manu's prescription of removal of an unrighteous ruler). Hence, *a la* Rousseau, rebellion was not only permissible but the possibility of a revolt was always there — revolution was a permanent contingency.

v. Revolution in China was termed *kehming* which meant the change of the Heavenly mandate. Hence, as in India, the divinity of a good king did not preclude the removal by the people of the bad ruler. The real sovereign, in either case, was the people. When the ruler lost public esteem and confidence he automatically forfeited the mandate from Heaven. Right to revolt was inherent in Chinese Political Philosophy.

vi. From this followed the reciprocity of the relationship between the people and the ruler. Government must be run for the welfare of the people and the king must share his pleasures (music and parks) with the people. (Again the parallelism between this and Hindu *yogaksema* is to be carefully scrutinized).

From all this Mencius developed his theory of "Benevolent Government" which has been the key-stone of Chinese Political Philosophy. As stated earlier the point to be noted in ascertaining the worth of a political philosophy is not whether it was "Democracy" of our brand and parliamentary government but to what extent it was theoretically tenable and morally justifiable and to what extent it promoted humanism and civilization and progress.

The Chinese political thought was certainly humanistic and culture - promoting notwithstanding the unfortunate development of her later history. The development of the later history of Greece was neither very fortunate nor glorious. And even perhaps modern democracy needs many correctives and modifications (which I propose to deal with in my next work) and perhaps many of these may be derived from Eastern humanism and social solidarity developed through centuries of family traditions, continued nurture and introspection of detached sages based on a faith in human nature as represented in the following dictum of Mencius : "The sense of mercy is in all men ; the sense of shame is in all men ; the sense of courtesy is in all men ; the sense of right and wrong is in all men."

APPENDIX II

POSITION OF WOMEN IN HINDU SOCIETY

From what has been said earlier on this topic it would be clear that the Hindu society in ancient times maintained an exceptionally liberal attitude towards women. In consequence the Indian women in the Vedic age enjoyed an extent of freedom and equality with men which is unparalleled in the history of any other ancient nation. In the pursuit of knowledge, in the free choice of life-partners, in the performance of public duties and social service they enjoyed the maximum freedom in consonance with the dignity and decorum which naturally inhere in being women or the mothers of a noble (Aryan) race. In the nuptial hymns of the *Rg Veda* the bride is exhorted to take up the reins of the family government with the majesty of an empress¹, and once she entered the house of her husband (or rather that of the father-in-law) it was her decisions which were to prevail normally in all family matters²; so much so that she in her person was regarded as the embodiment of the home³.

Later on (as we find in the extant *Manu-smṛiti*) due probably to the lowering of the age of marriage by the beginning of the Christian era, the husband was allowed very restricted power of chastising an erring or disobedient wife. This, however, should not surprise us (western or westernised peoples) because in the history of the West more than a thousand years after the latest edition of the *Manu Smṛiti* was compiled the treatment of women in Europe was very much worse. Beating the wife was socially approved and a current practice in Chaucer's England⁴, in mediaeval Russia and Germany. In fact the

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1. Samrajni shwashure bhava samrajni adhi devrishu—
R.g. Veda, X. 85.46
 2. Yatha sindhurnadinam samrajyam sushuve vrishah
Eva twam samrajnayedhi patyurastam puretyacha — *Atharva Veda*, XIV. 1.43.
 3. Jayedastam maghavansedu yonih — *Rg. Veda* III. 53.4
 4. *Abraham's English Life & Manners in later Mediaeval Age*,

husband's right to punish the wife physically was not legally abolished in England till 1891 A.D. Compared to this date even the latest edition of *Manu Smriti* is about 2000 years older.

It is to be noted, however, that the idea of honouring (good) women and the practices of chastising (erring) wives run concurrently in the Aryan thought-pattern both in the East (India) and the West (Greece and later in Europe). Was it an example of Aryan impetuosity or excessive concern for their womankind or both? I do not know, but it is obvious that it was not regarded as contradictory attitudes to allot to women a highly honoured place in society and also to prescribe for their physical punishment. This is true also of Manu who after prescribing a moderate dose of punishment for the wife in cases of dire necessity describes her as the giver of life, object of worship and the lamp of home¹. However different all this may be from the modern conception of equality of sexes it becomes evident from a careful perusal of books like *Manu Smriti* that this was not dictated by a sense of insulting or dishonouring women but perhaps by an excessive regard for women's honour which was treated as something regal and hence tried to be defended with the rigour that accompanies all that pertain to royalty. The main motive behind all preventions and prohibitions against Aryan women was the idea of guarding them against all harms. The woman therefore is to be guarded and protected by her relations : by the father when she is a virgin, the husband in her youth, by the sons in her old age : she should never be left unguarded or uncared for². The object obviously is not to restrict her freedom nor to emphasize her inferior position but to safeguard her chastity and honour; because the same law-giver (Manu) said that for receiving veneration one mother was equal to a thousand fathers³ and that the

1. Prajanartham mahabhagah pujarha grihadiptayah
Striyah sriyascha gehesu na vishesho'shti kaschana
— *Manu Smriti* IX, 26,
2. Pita rakshati kaumare bharta rakshati yauvane
Raksanti sthavire putra na stri swatantryamarhati.
Manu Smriti. IX 3.
3. Sahasram tu pitiririnata gauravenatirichyate.—*Ibid.* II. 145

wife when she gives birth to a son becomes also the husband's mother (*Jaya*) as the husband is, so to say, reborn as the son¹. Hence the gods make their abode in the house where women are worshipped².

Describing the relation between the husband and the wife, Manu maintained that normally they should have identical material, moral and aesthetic interests, as the two were identical beings³. The *Shatapatha Brahmana* declared that the man was not complete human being till he married a woman and had children by her. According to the *Mahabharata*, the wife was herself the home and a home without a wife was a wilderness⁴. She was the divinely ordained friend (*bharya devakrit sakha*) and the best of friends (*bharya cha suhridam vara* 6); and hence when she is irritated or dissatisfied the husband must try to get reconciled to her⁷.

It is thus clear that some restrictions were imposed on women as mark of propriety but not with a view to stunt their natural talents or stop their free development. The result was that ancient India could boast of very celebrated woman scholars, poets, and administrators. Lopamudra, Vishvavara, Sikata Nivavari, Ghosha were authors of Vedic hymns⁸. Sulabha Maitreyi, Vadava Prathiteyi, Gargi Vachaknavi are among the ladies of such nobility and virtue that daily remembering their names

1. Patirbharyam sampravishya garbho bhutveha jayate
Jayayastaddhi jayatvam yadasyam jayate punah.—*Ibid.* III. 8
2. Yatra naryastu pujiyante remante tatra devatah
Yatraitastu na pujiyante sarvastatraphalah kriyah —*Ibid.* III. 56.
3. Jayapatyorna vibhago drishyate. Panigrahanaddhi sahatwam
karmasu. Tatha punyaphaleshu. Dravyaparigrahesu cha. Manu
& Apastamba cited by Altekar on p. 95
4. Ardho ha vaisa atamanastasmadyavajjayam na vindate argho
ha tavad bhavati atha yadaiva jayam vindate'tha prajayate
tarhi sarvo bhavati—*Shatapatha Br.* V. 1. 6. 10.
5. Na griham grihamityahurgrihini grihamuchyate
Griham tu grihinihinam kantaradatirichyate
Mahabharata XII. 144.6.
6. *Ibid* — I. 374, 73; IV. 22.17.
7. Apriyokto'pi daranam na bruyadapriyam budhah
Ratim pritim cha dharmam cha tadayattamavekshya cha
— *Ibid.* I. 98. 39.
8. *Rg. Veda Hymns* I. 179; V. 28; VIII. 91; IX 81. 11-20, X. 39-40.

is regarded efficacious for succeeding generations. In the Buddhist period of Indian history Shubha, Anopama and Sumedha were renowned authoresses of the Therigatha. It was because of their training, education and ability that Indian women were capable of discharging heaviest responsibilities like administration of large kingdoms if and when occasion arose. Widowed queens like Nayanika of the Satavahana dynasty (2nd century B.C.), Prabhavati Gupta of the Vakataka dynasty (4th century A.D.), Vijayabhattacharika of the Chalukya dynasty (7th century A.D.), Sugandha and Didda of Kashmir (10th century A.D.) acted successfully as regents during the minority of their sons. The heroism on the battlefield of Rani Jawaharbai (of Mewar) and Rani Luxmibai (of Jhansi) is too well known to be mentioned. All this could not have been possible if women were not given liberty and opportunity for self-development nor if they were not allotted a position of dignity and honour in the Hindu social system. Disparagement of women are mostly confined to our *comical* and *ascetic* literature and hence it is to be assessed with due consideration to the context and perspectives of such literature.

Otherwise the woman has been recognised in India as the emblem of life-force (*Maha-shakti*) and not merely as the biologically stronger sex as some western thinkers have started saying now. She has been regarded as the basic force in life and culture in India and the word woman has been made synonymous with the very incarnation of divinity (*Devi*) in its Mother aspect or the most benevolent aspect. The high regard for women has remained a tradition with the Hindus throughout the centuries from the Vedas to Vivekananda. Throughout India's chequered history their civil rights (including property right of married women) have always been recognized and that tradition continues till today even though some "educated" Indian women, under the influence of western philistinism, do not now observe many of the ancient virtues.

It was therefore no surprise to any one who knew India's history so see that in pre-independence (and post-independence) India so many women took leading parts

in her public life. To us Indians (who had not been overwhelmed by foreign influence) it was all very natural. The authority of Indian women in all social and family matters had remained unchallenged for ages. Of course they lost political rights when India came under foreign subjection along with their men folk. That is why when political independence came they won political rights automatically with men without having to take recourse to suffragist movements. It was due neither to male-generosity nor female fluke: it was *just natural*. For good or for evil their influence on our national life has become so much of an accepted tradition that we are unable to carry on without them.

The reason for this may be traced to the Indian habit of viewing woman in the image of the World-Mother to which reference has been made earlier. The best specimen of the Indian male has tried to discover in the woman the very essence and embodiment of the mystery that is life. The function of mystery is, apart from not manifesting itself in whole, to manifest itself in multiplicity of visions. The Indian male has therefore viewed her in multiplicity of ideas which is evident from the multiplicity of designations the simple English word "wife" has received in Sanskrit: The wife is the *jaya*, i.e. the one in whom the husband is re-born as the son; she is the *patni*, i.e. the mistress of his emotional life, the *grihini* the ruler of the household, the *sahadharmini*, the spiritual partner in the performance of his life's responsibilities and duties, the *bharya*, i.e. the one for whose protection and happiness he is responsible, and the *saubhagyavati sati*, i.e., model of fidelity and harbinger of all auspicious things.

Obviously all this was possible for her to become (even if it were confined to the world of ideas) not merely through male generosity or emotionalism: The women of India have had sterling worth and bright record of what Tagore has called "*saintliness in love*" to their credit which have won for them this enviable position. So long as they retain their ageless qualities no one can deprive them of their influence.

APPENDIX III

THE HINDU IDEAL OF KINGSHIP

The Hindu political philosophers had set before the king a very lofty ideal regarding the duties and responsibilities of his high office, which was also greatly eulogised by them. The king was conceived as one endowed with supernatural grandeur, and divine majesty and irreproachable sense of justice or *dharma*. As a result, many ruling dynasties tried to trace their origin from gods, sun, moon and fire. Some of the kings were styled "sons of "God" (*devaputra*) a la Alexander and Julius Caesar who also traced their descent from gods or goddesses. Some others like Ashoka were styled "beloved of the gods" (*devanam priya*). The *Manusmriti* (VII. 6-17) and the *Mahabharata* (Shanti 63. 24-30) are full with eulogies of the *dharmic* or righteous king and the kingly office. It may be mentioned, however, that the Egyptian Pharaohs and the Assyrian and Babylonian kings also claimed divine origins and were recipients of divine honours. In ancient Greece the king was not only "Zeus-born and Zeus-nurtured" but enjoyed the monopoly of the knowledge of divine laws. The Roman emperors were not only deified but "temples were built in their honour" after their death. And this tradition of monarchical divinity can be traced in the European political literature right up to the eighteenth century.

In India this eulogy of the king and kingly office was done with a purpose, that of making the king aware of the highest ideals of service which were to inspire him in the due discharge of the duties of his high office. Kautilya¹ proclaimed this ideal when he observed that "in the welfare of the subjects lies the happiness of the king, in their welfare lies his welfare; the good of the king does not

1. Rajno hi vratamuthanam yajnah karyanushasanam
Dakshina vrittisamyamcha dikshitasyabhishechanam
Prajasukhesukham rajnah prajanam cha hite hitam
Natmapriyam hitam rajnah prajanam tu priyam hitam
Artashastra I 19.

consist in what is pleasing to himself, but what is pleasing to the subjects constitutes his good." According to the *Mahabharata*¹ the king like a pregnant woman should not do what was pleasing to him, but what would conduce to the good of the people and to ancient *dharma*". The king, according to the *Markandeya Purana*² "is not to live in idle ease but strenuously exert himself for discharging his heavy responsibilities and *dharma*, which according to the *Brihadaranyaka Upanishad*³ was higher than the king. This subservience of the king to *dharma* (or social ethics) is a perennial theme of Hindu Political Philosophy and hence the kingship was never allowed to be regarded as the king's managership of his private domain but was always to be regarded as a *public trust*. The army and treasury were specially to be regarded as essentially public trusts in the hands of the king who should never utilize them for private or personal purposes⁴.

Of the kingly duties (Raja-dharma) the maintenance of the *varnashramic* social order (*Varnashramadharma*) or the righteous social order, the protection of the weak and the punishment of the wicked were the greatest and most important. Manu repeatedly emphasized that the highest duty of the king was to maintain the righteous.

1. Lokaranjanamevatra rajnam dharmah sanatanah
Shantiparva 57. 11.
 Yathahi garbhini hitwa swayam priyam manaso'nugam
 Garbhasya hitamadhatte tatha rajnapsyaseshayam—*Ibid.* 56.45.
2. Rajnam shariragrahanam na bhogaya mahipate
 Kleshaya mahate prithviswadharmaparipalane
 — *Markandeya Purana* 130.33-34
3. Sa naiva vyabhavattachchhreyo rupamatyasrijata dharmam tade-
 tatksatrasya kshatram yaddharmastasmaddharmatparam nasti.
 Atho abaliyambliyam samashamsate dharmena yatha rajna.
 Evam yo vai sa dharmah satyam vai tat tasmatsatyam
 vadantamahurdharmam vadatiti dharmam va vadantam satyam
 vadatityetadudhyevaitadubhayam bhavati—
 — *Brihadaranyaka Upanishad*, I. 4.14.
4. Balaprajarakshanartham dharmartham koshasangraha
 Paratrehachasukhahado nripasyanyastu dukhadah
 Striputartham krito yashcha swopabhogaya kevalam
 Narakayaiva sa jneyo na paratra sukhapradah
 — *Shukra IV*, 2, 3-5.

social system which was the basis of social justice or *dharma*, and protect the people against wrong-doers. By day or night and even when tired and fatigued the king should relentlessly think of protecting *dharma*.¹ Kautilya also emphasized that the king's duty was to "keep the *varnas* and *ashramas* to their duties", so also Shukra².

This protection would naturally involve the king in fighting and therefore the ancient kings of necessity had to be great warriors and very brave men. Manu³ enjoined that the king while protecting his subjects against invasions should not run away from the battlefield. The *Geeta*⁴ declared that there was nothing higher or more covetous for a *kshatriya* than a righteous war; because if (in such a war) he died he went to heaven and if he survived he became the undisputed ruler. In the *Rg Veda* and *Shantiparva* there are eulogies and prospects of heavenly rewards for the *kshatriya* who died on the battlefield⁵.

In the course of performing his duty of protecting the *varnashramic dharmic* order the king had the duty also of enforcing⁶ the rules of the social order and punishing those who went against established usages and customs

1. Madhyamdine 'rdharatre va visranto vigataklamah
Chintayeddharmakamarthansardham taireka eva cha
— *Manusmriti*. VII. 151.
2. *Manusmriti*. VII. 17, *Shukraniti*. — I 14, *Arthashastra* .I. iii, 8
3. Na nirvarteta sangramatkshatram dharmamanusmaran —
Manusmriti VII. 87 (See 88-89).
4. Dharmayaddhi yuddhachchhreyo' nyatkshatriyasya na vidyate
— *Geeta* II. 31
Yadrochchhaya chopapannam swargadwaramapavritam
Sukhinah kshatriyah partha labhante yuddhamidrisham
— *Ibid* II. 32.
Hato va prapsayasi swargam jitwa va bhokshyase mahim
— *Ibid*. II. 37.
Tato yuddhaya yujyaswa naivam papamavapsyasi—*Ibid* II. 38.
5. *Rg. Veda* X. 154. 3; *Mahabharata*, *Shantiparva* 78.31.
6. Swe swe dharme nivishtanam sarveshamanupurvshah
Varnanamashramanam cha raja srshto' bhirakshita.
Manusmriti VII. 35.

and these again restrained the king from being a wilful ruler. Yajñavalkya¹ enjoined that the king should punish those who swerved from the usages of their family, caste, guild or group. The position of the king as a public servant is emphasized repeatedly by various thinkers such as Shukra, Yajñavalkya and others².

Apart from his subservience to *dharma* and the *dharmic* social order the king's liability towards absolutism was further checked by his obligation to consult his councillors or ministers who were required to be fearless critics of king's policies whenever such a criticism was justified by the circumstances and cowardly councillors who toed the lines indicated by the king to the detriment of public welfare have been compared to women and declared unfit for the responsible position of ministers by some³. Kautilya enjoined that all administrative undertakings must be preceded by consultation with ministers (—*mantrapurvaḥ sarvarambhah*—) and that all State-business must be transacted in the presence of ministers⁴. Ministers must be consulted separately and jointly and that decision should be taken by majority votes.⁵ Similarly in the administration of Justice the king was to be guided and checked by his councillors⁶. The king was obliged further to rule on strictly constitutional lines by the 12 *Ratnas* or State - Jewels whose functions and influence have been explained earlier.

Throughout the history of Hindu Political thought it has been emphasized that it was obligatory on the part of the king to rule with the aid, assistance and advice of able, honest, loyal and just ministers whose number

1. *Yajñavalkyasmṛiti* I. 361.

2. *Sarvataḥ phalabhughbhutwa dasavatsyattu rakshhane*

— *Shukraniti* IV. 2. 130.

Sarvohi dhanam prayachachhannatmasamavayi prayojanamud-dhshati. Na cha karadanasya swagupteranyatprayojanamasti. Tasmatkaramadadanena prajapalanam vidheyamiti siddham.
— *Yaj* I. 366.

3. *Shukraniti* — Ch. IV. sec. v. 107-114; 179-181; 553-554.

4. *Arthashastra* — I. 15.

5. *Shukraniti* — II. 82-83.

6. *Ibid* — Ch. IV sec. v. 12-15.

ranged from 7 to 20 according to need and necessity. All this goes to indicate the unmistakable constitutionalism of Hindu monarchy and the welfare functions of the State.

Apart from these objective checks on the arbitrariness of the Hindu ruler there were also subjective checks which were equally emphasized in Hindu political literature: By this is meant the self-control and self-discipline demanded from the ruler. The education and up-bringing of the ruler were therefore so oriented as to develop in him a capacity to so control himself as not to be swayed away by lust, anger, greed into channels of inefficiency, weakness and inaction. Hence two sets of things were included in the educational curriculum of the Prince—(i) First, he was required to develop in him a set of noble qualities such as courtesy, generosity, gratitude, dignity, mental discipline and intellectual honesty¹. (ii) Secondly he was to be prepared for his career by making him go through a strenuously disciplined course of training so that he could be brave and strong as a warrior and noble and humane as a saint; the ideal being that of a *Rajarshi* or philosopher-king like Janaka, the father of Sita. In this plan of education the highest place was given to self-control and restraint over the sensual inclination by teaching him the art of controlling the traditional *shadaripu*, or the six enemies of the rational man, viz., lust, anger, greed, vanity, insolence and over-joy². Further, the ruler was advised to regulate certain deadly vices which had ruined so many earlier kings, such as excess sexual enjoyment, wine,

1. Vinitatma hi nripatirna vinashyati karhichit.—*Manusmriti*, VII. 39.
Shuchina satyasandhena yathashastranusrina
Pranetum shakyate dandah susahayena dhimata.—*Ibid.*, VII. 31.
Samikshya sa dhritah samyasarva ranjayati prajah.—*Ibid.*, VII. 19.
Tasyahuh sampranetaram rajanam satyavadinam
Samikshyakarinam prajnam dharmakamarthakovidam.
Ibid., VII. 26.
See also *Yajanavalkya* I. 309-311; *Kautilya's Arthashastra* VI. 1.
2. Vyasanani durantani prayatnena vivarjayet—*Munismriti*, VII. 45.
Vyasanasya cha mrityoshcha vyanam kashamuchyate
Vyasanyadho 'dho vrajatiswaryatyavyasani mratah.—*Ibid.*, VII. 53.
Indriyanam jaye yogam samattistheddivanisham
Jitendriyo hi shaknoti vashe sthapayitum prajah.—*Ibid.*, VII. 44.
See also *Kautilya's Arthashastra* I. 6.

gambling, hunting entertainments (of the night-club variety) and gossip. As a further safeguard against the ruler falling into the snares of temptation and becoming unmindful of his responsibilities, Kautilya² prescribed a rigorous (almost merciless) daily routine of work to be followed by him. According to this plan the ruler was to divide the day into eight equal parts (and also the night into another such periods) of 1 1/2 hours duration and was required to perform the duties prescribed for each period as shown below :

Day	Night
1st Period — Post watchmen and attend to the accounts of receipt and expenditure.	1st Period — Receive secret emissaries.
2nd Period — Attend to people's grievances	2nd Period — Bathe, supper and study.
3rd Period — Bathe, dine and study.	3rd, 4th & 5th Periods — Enter the bed-chamber with the sound of trumpet and go to sleep.
4th Period — Receive revenue in gold and attend to the appointment of officers.	6th Period — Awakened by sound of trumpets, think over the work which lies ahead next day.
5th Period — Correspond with the Council of Ministers.	7th Period — Consider administrative measures and send out spies.
6th Period — Amusement and self-deliberations.	8th Period — Receive benediction from the priest and teachers and consult the physician and the astrologer and then go to preside over the court.
7th Period — Inspect elephants, horses, chariots and infantry.	
8th Period — Discuss plans of military campaigns with the commander-in-chief.	

1. Mrigaya 'ksho divaswapnah parivadah striyo madah Tauryatrikam vrthatyacha kamjo dashako ganah — *Manusmriti*. VII. 47.
Panamakshah strishchaiva mrigaya cha yathakramam. Etatkashtatamam vidyachchatuskam kamajo gane—*Ibid* VII. 50.
Dandasya patanam chaiva vakaparushyarthadushane Krodhaje'pi gane vidyatkashtametatrikam sada—*Ibid*. VII. 51.
See also *Kamandaka XIV*. 57-58, 65; and *Shukraniti* I. 109-119.
2. *Arthasastra* — I.xix.38

It will be noted here that only three periods (or 4 1/2 hours) were allowed for the king's sleep and 1 1/2 hours for his amusement during which also he was required to introspect. Further, a bare 1 1/2 hours in the day and another 1 1/2 hours in the night were allowed for bath and dinner but during this he must make time for study. Perhaps he was expected to read only light literature (ancient equivalent of newspapers perhaps) but even so it meant mental work. Finally, consultation with ministers, the commander-in-chief and the inspection of the army units and hearing people's grievances were part of his daily routine duties. Even if all this was not followed to the letter it is sufficiently indicative of the fact that the Hindu king was not following the footsteps of the oriental despot but that of the typical constitutional monarch inspired by the noble ideal of service of the people and promoting social welfare. This constitutionality of the Hindu king was vouchsafed by (i) the obligation of the king to be subservient to dharma and the dharmic social ideology, (ii) compulsory consultation of ministers in all administrative and judicial acts, (iii) the nature of the ruler's education and upbringing and the (iv) people's right to exile, depose and even assassinate an unrighteous king (to which reference has been made in an earlier chapter).

It is another matter that the ministers were (perhaps) not chosen by the "democratic" method of election and that did not vitiate the inherent "constitutionality" of Hindu monarchy so long as the king was kept under strict socio-moral (or dharmic) limitations and all "Constitutional" limitations are of this socio-moral or dharmic category. As to whether or not the Hindu monarchy was democratic, it may be pointed out that the votaries of modern representative governments now admit that our "democracies" do not really represent government by the demos or the people but by the people's leaders (or elected ministers). The Hindu States also were governmental agencies¹ in which the government was run by leaders of ancient Indian society: the only difference being that whereas the leaders who ruled in the Hindu society were selected on the basis of the highest known

standards of *character, ability and learning*, the leaders who rule in the modern democracies are selected by majority of ignorant persons, whose intelligence, ability and education do not enable them to understand what policies would be best for the people and who again are the leaders under whom the best policies would be followed. This wrong judgment of the ignorant majority is further vitiated by the colossal propaganda of highly organised and well financed political parties out to win ruling power through the misdirection of voters. In the process perhaps too much premium is being paid on "popularity" for winning which character, ability and right-thinking are not essential pre-requisites.

It is high time that political theorists leaving aside the snug complacency about the absolute efficacy of parliamentary democracy give serious thought to the problem of essential qualification of our Representative-Rulers. Should it be mere *popularity* as seems to be the case or should it be *character-cum-ability* or should it be both and if the last, how are we to secure representative-rulers who possess character and ability and at the same time not averse to win popularity; and in this quest should we find that it is impossible to secure leaders of character and ability through popular elections will it be justifiable to discard the Hindu method of selecting leaders? If we agree that the problem of Democracy is not to make people govern themselves but to make them choose the best governors the Hindu emphasis on character and ability has perhaps still a useful message for modern democracies.¹

1. This is obviously a very important and complex problem which cannot be tackled in a few casual paragraphs and I propose to deal with it in a separate work.

OPINIONS ON THE AUTHOR'S OTHER BOOKS

THE STATE : (Theosophical Publishing House,
Madras, 1952)

Professor Mukerji should be congratulated for evolving a theory of the State in terms of Indian experience and rescuing the ideas of ancient Indian thinkers from the limbo of the forgotten past. His book is a protest against the Western habit of excluding Asian political ideas from the tradition of political speculation and thus denying to modern philosophers the wealth of Asian thinking. Professor Mukerji's *State...* is a book which should be in the library of every serious student of political ideas.
—*University of Ceylon Review*, January 1953.

Mukerji's book is without doubt the most significant one to be written in this important problem. One is tempted to quote from every page of this outstanding work, but it must suffice to say that *The State* should be read by all interested in the meeting of the east and west and it may not be too much to hope that some day it will become required reading for all students of political science, especially those who aspire to leadership on the world scene.—*American Theosophist*, April 1953.

This is a stimulating book, and one in the great traditions; it is challenging to students of politics, but its basic points are directed rather to the thoughtful public which needs to realize the moral and metaphysical values. In the midst of much cheap political literature one gets a sense of relief at the sight of this well-documented re-statement of political theory presented in a way that is true to the philosophy of the Ages. The vast learning and trained mind of the author are apparent on every page even to a casual reader. It is a book that results from the efforts made by only a few in each generation.—*Indian Journal of Political Science*, July-September, 1953.

Indian thinkers share with German philosophers a liking for abstract construction of architectural system. The author's definitions are not quite in accordance with the accepted theories of Classical Western writers. His ideology is based on Hindu moral philosophy. The author develops his theme that the abolition of the existing sovereign nation States must logically lead to the formation of a World State.

The book is interesting because it puts the emphasis on the Indian point of view in contrast to Western thought. —*International Affairs, London, October, 1953.*

Western students of Government and political theory will be interested in and will profit from a study of this work by an Indian professor of politics in the University of Bombay as it gives a valuable insight into the character and direction of political thought in a newly created State which has increasingly become an important factor in Asia and even in world affairs. Western political thinkers would certainly agree that the State should, coincide with freedom, justice, growth and the best elements in natural law. Perhaps the two most interesting chapters in this book are those that present the author's defence of the welfare or socialistic State and his analysis of the failure of world government in the case of the League of Nations.—*Annals of the American Academy of Political and Social Science, November, 1953.*

In this learned and well-written work the author attempts to formulate 'an integral theory of the State' based on his researches in the 'social and mental sciences connected with political philosophy, such as, sociology, economics, jurisprudence, psychology and ethics ... It is impossible in the course of a short book review to notice the author's illuminating comments on numerous concepts of political thinkers of the past ... It will appear from the foregoing brief survey that the present work is a valuable contribution to the modern idea of the State while it involves an interesting rehabilitation of the ancient

Indian conception of the State and society.—*Professor U. N. Ghoshal in his review in Modern Review, Calcutta, February, 1954.*

.....the most important contribution by an Indian political scientist in recent years in the field of political theory.—*Professor Norman D. Palmer in the American Political Science Review, September, 1955 (page 749).*

I am quite impressed by your original approach to political theory, which is, so to speak, pre-machiavellian, in the sense that ethics and metaphysics are not left out in the definition of objectives and duties of the State. This attempt at a synthesis of western political theory and Indian Philosophy seems to me an important contribution to modern political science.—*Mons. P. H. Coeytaux of the Social Sciences Department of the Unesco, Paris.*

IMPLICATIONS OF THE IDEOLOGY-CONCEPT:
(Bombay University Publication, 1955)

This book by the Professor of Politics in the University of Bombay initiates the University's Series in Politics. This book is fully deserving of the honour of leading off what we all desire should be an important academic series ... An attempt so all-embracing as this should evoke considerable interest among social scientists. The book is a highly stimulating effort at analysis, reconstruction and enunciation of a variety of theoretical and practical speculations. All scientists and specially social scientists will read it with interest and profit.... It is only proper that the Head of the Politics Department should re-state his position and his fellow researchers and scientists would be serving themselves and serving science by giving the book a very cordial and attentive reception.—*Professor D. G. Karve's review in the Indian Journal of Public Administration, April-June, 1956.*

Professor Mukerji apart from being Professor of Politics at the University of Bombay is definitely a student of philosophy, and is interested in emphasising Yoga as the one great means of making the human intellect free from situational motivations. As against the concept of ideology, he seeks to develop idealology or normative ethical ideals. Professor Mukerji makes it clear that his main aim is to develop the concept of science as including cultural and spiritual sciences and he is equally anxious to bridge the gulf between science and philosophy —*Dr. A. R. Wadia, Director of Tata Institute of Social Science, Bombay, in his review in India Quarterly, July-September, 1956.*

The scope of your treatise is most extensive and takes practically the whole of human knowledge and ethical values within its ambit. The study of the book has given me great delight and consolation.—*Sir C. P. Ramaswamy Aiyar, Ex-Vice-Chancellor, Banaras Hindu University in a letter, d/6.12.55.*

The importance of this book to a contemporary student of social sciences lies in two different fields. One is the loosening up of those prejudices which the author cleverly describes as the irrational dogmatism of rationalism ... The other important contribution is the positive assertion of reality values, inherent in the yogic system and the belief of a world which is outside the human intellect's reach. In this attitude Prof. Mukerji treads on a path which gains prominence nowadays in the purely anthropological approach to the comparative study of mythologies in different civilizations and especially of world-views.

Seen from this point of view, the relevance of Prof. Mukerji's "Implications of the Ideology-Concept", to the study of social sciences, particularly of cultural history and also that of international relations generally, can be understood and its positive contributions appraised. It is a step in the growing movement towards acknowledging the existence of a reality that is not confined to the limitation of our intellectual capacities. It is therefore, a step in a fundamental quest for truth.—*Dr. U. R. Ehrenfels in his review in the Indian Year Book of International Affairs, 1955.*

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