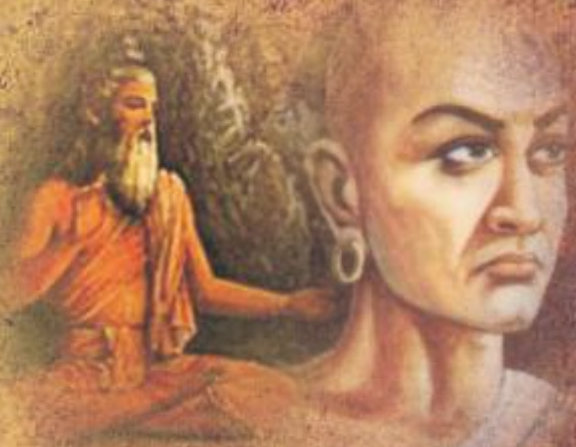


The Concept of
Equity
in
Sukraniti and Arthasastra
A COMPARATIVE STUDY



TR Sharma

THE CONCEPT OF EQUITY IN
SUKRANITI AND ARTHASASTRA

A Comparative Study

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T. R. SHARMA



Indian Institute of Advanced Study
Rashtrapati Nivas, Shimla

First published 2011

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ISBN: 978-81-7986-089-2

Published by
The Secretary
Indian Institute of Advanced Study
Rashtrapati Nivas, Shimla

Typeset by
3A Graphics
New Delhi 110 005

Printed at
Pearl Offset Press Pvt. Ltd.
5/33, Kirti Nagar
New Delhi

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Preface

It has been very rightly said that choosing to work on ancient India is like choosing to plunge into a fathomless ocean. This is so because ancient Indian literature consisting of the four *Vedas* (*Rig*, *Yajur*, *Sama* and *Atharva*); four *upa-Vedas* (*Dhanurveda*, science of archery; *Ayurveda*, the science of medicine; *Gandharva Veda*, science of music and dance; and *Sthapatyaveda*, the science of architecture); six *Vedangas* (limbs of the *Vedas*) i.e. *Vyakarana* (grammar), *Jyotish* (astronomy), *nirukt* (etymology), *Shiksha* (pronunciation) *Chanda* (meter) and *Kalpa*, *Alankar* the twelve *Brahmanas* including *Aitareya*, *Satapatha*, *Taittiriya*, and *Gopatha* among others; the *Aranyakas*; nearly a dozen *Upanishads* including *Chandogya*, *Kena*, *Prasna*, *Mundaka* and *Mandukya Katha*; the six schools of philosophy (*Nyaya*, *Poorva Mimamsa*, *Vaisheshika*, *Sankhya*, *Yoga-Darshan* and *Uttara Mimamsa*); four *Kalpa Sutras* (*Shrauta*, *Grihya*, *Dharma* and *Sulbh*); eighteen *Puranas* (*Matsya*, *Markandeya*, *Bhagavata*, *Bhavishya*, *Brahma*, *Brahmanda*, *Brahmavaivarta*, *Vayu*, *Vishnu*, *Varaha*, *Vamana*, *Agni*, *Nardiya*, *Padma*, *Linga*, *Garuda*, *Kurma* and *Skanda* and equal number of *Upa-Puranas* (sub or auxiliary *Puranas*); eighteen *Smritis* and the two epics (the *Ramayana* and the *Mahabharata*) constitute a plethora of literature which is so extensive, so diverse and so dense that it is beyond the capacity of a single human being to comprehend, analyse and interpret even a fragment of it. The contribution of very accomplished scholars who have spent their whole lives in trying to analyse and interpret it is no more than a mere grain of sand in a vast desert or a drop of water in an ocean.

Then there are those who have remained engrossed only

in tangential issues, who have not analyzed or interpreted any ancient Indian text or even a part of it; but have rather engaged themselves in futile debates. For instance, there is a lot of controversy as to who were the Aryans and where did they come from? One view is that the Aryans came from central Asia via the north-west India and captured *Madhyadesa* (central India) and *Brahmavarta* (the Indo-Gangetic plain stretching to eastern India). In the process of this expansion they pushed the original inhabitants of these regions to the south of Vindhya or to north-east India or drove them into forests. There is also a view that the Aryans and the non-Aryans signify two different racial groups, one which came from Syria and the other from central Asia. The latter followed the former. They came in waves and those who came later drove away those who had come earlier. In the present study, we have taken the view that the Aryans and the non-Aryans belonged to different racial stocks and the latter were the original inhabitants of the land who resisted the Aryans expansionist agenda.

The problem, however, does not end here. There are endless debates among scholars about the authenticity of a text or the exact date of its creation or its real author, questions, which they fully know cannot ever be satisfactorily settled because of the historical distance involved and because of the total absence of any reliable evidence, literary, archeological or any other. They are like those who go to the ocean but instead of taking a plunge continue to sit on the shores trying to count the waves, little realizing the futility of their whole exercise. Of course, they do tend to dampen the efforts of those who are seriously interested in understanding the ancient texts.

Having chosen to work on a couple of ancient Indian texts it was difficult for me to decide whether to take a plunge or count the waves. There were problems in choosing either of these two courses. While joining the debate about the

authenticity of the texts or about the dates of their creation seemed to me to be a mere wild-goose-chase; choosing to study a thinker of the past by analyzing his text, which the established historians and indologists considered spurious, seemed academically unsound if not worthless. Caught in this dilemma I thought it appropriate to charter a new course and make an attempt, howsoever modest, to understand a thinker by interpreting some of the events and activities with which he is, by tradition, associated, and where such association is not seriously doubted or contested and thereby to intuitively capture the essence of his ideas. The reader will find that in an effort to do so there is some degree of repetition in this work, particularly about the whole argument highlighting the inadequacy of the textual approach in an area like the one which I confronted and hence the need to rely on extra-textual literary sources.

The problem of interpretation, however, did not end there because I soon discovered that the whole narration of events with which most of the thinkers of the remote antiquity are associated had strong spiritual and moral overtones. Moreover, most of the orientalisists seem to have given a colouring of mythology to the whole narrative by projecting the battles fought between the Aryans and the non-Aryans during the remote antiquity as battles between *devas* (gods) and *asuras* (demons). However, the present work looks at these battles by shedding off the anthropolatry cloaks woven around them, but in doing so there is no intention whatsoever to denigrate or belittle the Hindu gods and goddesses or to hurt the feelings of their devotees. Rather, the intention is to hammer the point that the ancient Indian texts need not be treated merely as books on prayers to gods or on rituals or sacrificial invocations or oblations to manes or magical incantations and mystic techniques for meditation. They are more than that. They need not be viewed merely as moral and religious texts; rather they should

be treated as social and political treatises which indeed they are. Consequently, the whole narrative need to be viewed as struggle for power between different communities or racial groups. Of course, the scriptures do constitute what is popularly called the *dharmasastra tradition* which is aimed at promoting the three goals of human life: *Dharma* (righteous conduct), *Artha* (material well-being) and *Kama* (worldly pleasures). After the inclusion of *Moksha* (salvation) as the fourth goal, overshadowing the other three, the thrust of the scriptural literature of antiquity appeared to me to be more spiritual than temporal, more 'other-worldly' than 'this worldly', more 'moral' than 'political'. Some issues relating to public administration, state-craft or institution of kingship are indeed discussed under what has come to be called the *Arthasastra* tradition but this whole tradition is subordinated to the injunctions of *Dharmasastra* tradition. In fact, the former is no more than a hand-maid of the latter. This spiritual-moral perspective may, otherwise, be very useful in its own right but it is not relevant to the scope of the present study whose thrust is political. Therefore, the task at hand, in this study has been to cull out or construct the 'political' from what is projected primarily as the 'spiritual' and the 'moral'. More particularly, the relevant issue for the present study has been to ascertain and identify the form and *content of equity* in these narratives. This task has been by no means easy and in the process of doing so there have been several hiccups.

Notwithstanding such difficulties, it has indeed been a great challenge and a great thrill to make political sense of some of these narratives of remote antiquity from the perspective of equity and justice. I have immensely relished working in this direction. I must confess that it has been the rarest of the rare opportunities at the dusk of my academic career to remain engrossed in this academic adventure. At

the end of it all, when I look back a realization dawns on me that I would have missed something important in life if I had not got this opportunity to look at this rich treasure house of knowledge. For this I owe a debt of gratitude to the Indian Institute of Advanced Study, Shimla, particularly Professor B.L. Mungekar, its Chairman for all the encouragement that I got from him. I also profusely thank the then Director of the Institute, Professor Bhuvan Chandel for giving me this opportunity. I am also beholden to the Library staff of the Institute for all the help that I got during the course of this study. I must also place on record my grateful appreciation for the officers and employees of the Institute for the utmost kindness and consideration that they have shown to me during my three years stay which has been academically rewarding and socially memorable.

I will be failing in my duty if I do not record my thanks to the various libraries that I visited in connection with the present work. Special mention must be made of Vishveshvaranand Vedic Research Institute and Vishveshvaranand Vishva Bandu Institute of Sanskrit and Indological Studies, Hoshiarpur (Punjab); Parija Library, Utkal University, Bhubneshwar (Orissa); Library of Sri Sankara Sanskrit University, Kalady (Kerala); Oriental Research Institute, Mysore, (Karnataka); Library of Law College and Osmania University, Hyderabad and Nizam Public Library, Hyderabad (Andhra Pradesh).

I must also mention that during the course of this study I have greatly benefited from my interaction with the Fellows of the Institute and the IUC Associates. Special thanks are due to Professor O.P. Yadav (now Vice-Chancellor, Rohilkhand University, Bareilly (Uttar Pradesh)), Professors S.R. Mehta, B.S. Kumar, Dudhnath Singh, L.P. Pandey, A. Afonso, S.K. Suleri and J.S. Gandhi. However, I alone am responsible for the final form that this book has taken as

well as for all the inadequacies and shortcomings. Last but not the least I thank Shri Ranaji for sparing time to type and retype this monograph over and over again.

A slightly shortened version of some of the chapters of this work has been published in *Summerhill, IIAS Review*, Vol. XI, No. 1 (2005), pp. 14–20; Vol. XII, No. 2 (2006), pp. 11–17 and Vol. XIII, No. 1 (2007).

T.R. SHARMA

Chapter I

Introduction

1.1 A Note on Methodology

The present study is somewhat unconventional both with regard to its methodology and its scope. It follows a methodology different from most of the current methodologies of interpreting the ideas of political thinkers of the past, particularly those belonging to remote antiquity. In a modest way it attempts to put forth a new genre of research by conjuring up the science of politics of ancient seer and sage Sukracharya (hereafter Sukra) and the great strategist Kautilya, specially the power, not so much on the basis of study and analysis of the texts which are, by tradition, ascribed to them: The *Sukraniti* (or the *Sukranitisara*) of the former and the *Arthashastra* of the latter. Therefore, strictly speaking the approach in the present work is not *textual*. Further, the present study does not rely wholly on the context in which Sukra and Kautilya lived mainly because the context is not fully known. Thus, the approach is not even contextual in the usual sense of the term. The main consideration for not taking recourse to the textual approach is that the very authenticity of the extant *Sukraniti* as the work of Sukra has been and continues to be a subject of intense debate. In fact, most of the indologists and historians, both Indian and foreign, have declared the extant text to be partially or wholly spurious. Not only that, even the date of its compilation in the present form is fiercely disputed. So much so that the probable date ranges widely between

the early centuries of the Christian era and nineteenth century AD.¹

Although controversy with regard to the authorship of *Arthasastra* and the date of its composition has been less intense and the dust raised soon after its discovery around the first decade of the last century now seems to have settled down, yet some lurking doubts about its author and date cannot be altogether ruled out. With regard to *Arthasastra* it has been rightly pointed out by *Shamasastri* that an important question which has been engaging the attention of scholars “is one that relates to the names and date of its author and the authenticity of the work itself.” He further added that “few are the authors of ancient Sanskrit works, whose date and personality are well known to us, and fewer still are the Sanskrit works, the authorship of which is authenticated beyond doubt. Leaving the Vedic and Brahmanic works which are all ascribed to God himself, there is hardly any *Sutra* work, the date and authorship of which are not disputed. The same is the case with almost all the *Puranas*, *Kavyas*, dramas and philosophic works. Kautilya, the reputed author of *Arthasastra*, is no exception to this rule of chronological doubt”.² Given these limitations of text and context the present study relies more, at least in the case of Sukra, on historico-mythological sources like the *Puranas* and *Upa-Puranas* which are full of legends, tales, anecdotes and episodes about Sukra³ and at times even about Kautilya.⁴ Here, it needs to be emphasized that one cannot brush aside the rich mine of information about Sukra available in the Puranic sources merely on the plea that they are more of mythological than historical nature. It needs to be recognized that in some way and to some extent all these mythological accounts are closely related to historical reality. Many scholars are of the view that the Puranic legends are a part of popular history having behind them some real events which actually happened although a little fanciful embroidery in skirting

may have been added to them by projecting the stories about some rare heroic acts of some highly accomplished human beings as stories of gods. According to some scholars myths are useful vehicles of historical truth and need to be distinguished from *Akh yana* which are imaginary narratives about gods. Thus, the meaning of myth ranges from something largely fictitious to something entirely true. The point is that even behind the purest myth some pre-historic truth may be hidden. In this sense, mythology is history presented as a fable in which divine status is accorded to an exceptionally gifted human being (a great warrior like Indra, for example) or to a whole group or a community (the Aryans, for example). Alternatively, a divine being may be presented in human or animal form. (While the first is called the anthropolatry the second is known as anthropomorphic.)

So for information on major events one can safely rely on Puranic accounts. In addition to the Puranic and Upa-Puranic sources one can also turn to the *Vedas*, the *Smritis*, the *nitis* and the epics. As far as Sukra is concerned there are references to him (either by his popular name or by his other names) in the *Rigveda*. In addition to the scriptural sources one can also turn to romantic and folk literature of antiquity like *Hitopadesa*, *Pancatantra*, *Kadambari*, *Budha-charita*, *Kamasutra*, *Kathasaritasagara*, *Mudraraksasa*, *Dashkumarcharita* etc. to supplement and crosscheck the facts about life and mission of Sukra and Kautilya. Although the account of events given in these sources may not always match fully and may be deficient in many respects, yet one can easily discern some common thread in the narratives which would be sufficient to provide a peep into the contours of their politics. While surfing these diverse sources and going through the various legends contained in them one is bound to realize that there is a better reflection of their politics in their political manoeuvres and in the way they carried out the respective missions that they had taken upon themselves

than in the textual analysis of the works which bear their name. So for want of a better term one may say that the approach in the present study is somewhat akin to hermeneutical-interpretative. At least partly, if not wholly, the approach is extra-textual. To the present author this extra-textual approach seems quite appropriate for understanding and analyzing not only the broad contours of politics of Sukra and Kautilya but also for comprehending their respective conceptualizations of equity. In fact, such extra-textual hermeneutical-interpretative approach is necessary and probably unavoidable because of the suspect nature of *Sukraniti* text and the total paucity of archaeological or other irrefutable evidence to which one may turn in order to understand his science of politics. In fact, the events with which *Sukra* was associated speak volumes for his commitment to justice and equity. In other words, despite all doubts and disputations about the date and authenticity of the *Sukraniti* text, there is no controversy about the stellar role that Sukra played in his capacity as the preceptor of some powerful non-Aryan kings in the course of their intermittent wars with the expansionist Aryans. Same is true about the role that Kautilya played in the overthrow of the Nanda dynasty from the throne of Magadha and in the installation of Chandragupta Maurya in its place. Neither the orientalist nor the historians have contested the veracity of these events and the part played by Sukra and Kautilya in them.

Between the two, doubts and disputations expressed by some indologists and Sanskritists are more intense and wide-ranging in the case of Sukra than Kautilya, not only because of the historic distance involved in the case of former but also because the exact historicity of Aryan-non-Aryan battles cannot be fully established with precision. In fact, confusion gets further confounded on account of the fact that the whole interface between the two communities has

been presented as battles between the *devas* (gods) and the *asuras* (demons). To further complicate the matters, most of the Puranic sources maintain that the two were half-brothers, born of the same father but different mothers.⁵ The history and mythology have cleverly intertwined.

Notwithstanding this heavy mythological tinge most scholars, across the board, are agreed that the Deva-Asura battles were actually battles between the Aryans who were advancing from north-west India towards the *Madhyadesa* (Indian heartland) and the various indigenous non-Aryan tribal communities who resolutely resisted their advance. Since all available accounts of this interface have been chronicled by the Aryans they naturally tell us only their side of the story. That most accounts are biased is obvious from the fact that the Aryans took to themselves the honorific title of *devas* and assigned the derogatory titles like *Asuras* to their non-Aryan adversaries. By doing so they projected these encounters, between good and evil and between the noble and the ignoble. It is also well established on the basis of evidence contained in the various scriptures and other literary sources of antiquity that the two central figures who chartered the course of this interface and evolved suitable strategies and tactics for their respective parties, the Aryans and the non-Aryans, were Brihaspati and Sukra.

The question that needs to be considered here is the following: given this historic role of Sukra as preceptor and advisor of the non-Aryans can one comprehend his science of politics and his conceptualization of equity by analyzing this role? If so, to what extent can this be satisfactorily done? How far can it be done by looking at the battles fought between the Aryans and the non-Aryans during the remote antiquity as struggle for power between the two? What was the most crucial moral dimension of these battles? What was the objective of the Aryans in fighting these battles and why was Sukra in his capacity as the preceptor of the non-Aryans

mobilizing them against the Aryans. That indeed is the key question on which the present study hinges. It is not only unfortunate but amazing that in most studies by the indologists this power dimension, particularly the moral dimension involved in the conduct of Aryans and the non-Aryans has either been overlooked or considerably underplayed. It is the sole contention of the present study that it is only by ascertaining the true intent of the Aryans in waging these battles and that of the non-Aryans in offering resistance to them that one can get a peep into Sukra's vision of a social and political order. Needless to say that it is only by doing so that one can conjure up Sukra's conception of equity and justice.

For ascertaining the true intent of these battles and for capturing a glimpse of Sukra's notion of equity several related questions need to be asked. Through these battles were the Aryans trying to enslave or, in a manner of speaking, colonize the non-Aryans by expanding with the use of brute force their territorial possessions? Were they also trying to impose their values, belief systems and religious practices on the non-Aryans? Was Sukra trying to resist the Aryans' attempts to establish their political, economic and cultural hegemony over the non-Aryans? Was this Aryan attempt to forcibly Aryanise the non-Aryans akin to the present day practice of proselytization? Worse still, were the Aryans trying to drive away or even physically liquidate all those who opposed their expansionist agenda? To what extent Sukra's agenda was humanitarian? How should one look at Sukra's keenness to save the lives of those non-Aryan warriors whom the Aryans wanted to kill? It is all these questions to which the present study addresses itself in the hope that answer to these questions would help us in conjuring up Sukra's conception of equity and justice.

As one moves from Sukra to Kautilya one finds that the whole context is vastly different. Actually, Kautilya belongs

to a different historical epoch by which time most of the questions that Sukra confronted had been resolved one way or the other. Of course, in essence the two contexts were similar in so far as the centrality of struggle for power is concerned but its manifestation and its resolution had taken a different form. The historical distance that separates the two is considerable. Scholars are, more or less, unanimous that the greater part of the *Rigveda* occurred was prepared or at least refers to events that took place about 1500 B.C. and since there are references in it to Yadu and Turvasu, the sons of Yayati and the grandsons of Sukra, it is therefore reasonable to infer that Sukra lived much earlier than the period when some of the events mentioned in the *Rigveda* and where there are repeated references to Yadu, Turvasu, that Sukra served as preceptor of some non-Aryan kings.

Kautilya, on the other hand belongs to the fourth century B.C. So he appeared on the Indian political canvas more than 1200 years after Sukra. Consequently, unlike Sukra, the historicity of his role as the mentor of Chandragupta Maurya is not shrouded in mythology. Rather, it is well recognized by all historians and indologists alike, although there is some degree of haziness when it comes to identifying the real motive which prompted him to undertake his whole anti-Nanda mission. There is also some degree of ambiguity regarding Chandragupta Maurya's ancestry, particularly in regard to his parents. It is around these two questions that our whole analysis about Kautilya's politics, particularly his conception of equity revolves. It is the contention of this study that information or inference about these two questions will provide some useful insights into the real issues at stake in Kautilya's successful tirade against the Nanda rulers and his choice of Chandragupta Maurya to succeed them to the Magadha throne.

As pointed out above the whole political and social landscape had undergone a sea change during 1200 years

or so that separate Kautilya from Sukra. For one thing, the *varna* hierarchies which the Aryans had so laboriously imposed had got further solidified and fully legitimized. Moreover, with the passage of time several mixed castes had come up due to *anuloma* and *pratiloma* marriages. Of course, the dominance of the Brahmins on the intellectual plane and that of the Kashtriyas on the political-power plane was very much in place with a few exceptions here and there. One such notable exception was the mighty kingdom of Magadha with its capital at Patliputra which was being ruled by the Nanda kings.

All historical accounts show that Kautilya was once humiliated by the Nanda king and he decided to take revenge by destroying the Nandas. Given his political acumen he succeeded in overthrowing the Nanda dynasty. Further, he installed Chandragupta Maurya on the throne of Magadha. In regard to this whole episode it needs to be recognized that this explanation is neither very convincing nor does it tell us the whole story. While the humiliation of Kautilya by the king may have been the immediate provocation and the apparent cause; there must obviously be something more grave, some issue of fundamental nature behind the whole episode. Mere humiliation of a single individual, howsoever influential he may have been, is neither a sufficient cause to undertake such an extreme step culminating in the destruction of a powerful ruling dynasty, nor would he have the capacity and the wherewithal to achieve such an ambitious goal. If there was a deeper and more fundamental cause behind Kautilya's rift with the Nandas what could it be? It is only by considering this question in all its dimensions that one can understand Kautilya's commitment to equity and justice. In order to do so one needs to consider several related questions. Who was Chandragupta Maurya? Who were his parents? Where did

he stand in the caste hierarchy? Why of all people did Kautilya pick him up to occupy the Magadha throne?

There are several other issues that need to be considered. For instance, could he have succeeded in his mission without considerable amount of popular support among the subjects of the kingdom and some degree of sympathy and support among the officials of the king? What was it that made his whole venture morally just? Was there something in the public or private conduct of the Nandas which was blatantly unjust or immoral? What was it that made people despise the Nanda ruler? What enabled Kautilya to channelise the people's anti-Nanda sentiments for his purpose? Was it his uprightness and justness of his cause? In short, what was the political power angle in the whole drama of which the overthrow of the Nandas was but only one Act?

Likewise, there are numerous questions about Chandragupta Maurya which need to be considered? Who was he? Where did he get his surname 'Maurya' from? Was he an *aurasa* son (born from one's wife) or a *Kanina* (son of a Virgin). Who was Mura? What was her caste and what was her status at the royal palace? Was she the mother of Chandragupta Maurya? These are some of the relevant questions that one needs to consider in order to comprehend the true import of Kautilya's whole strategy vis-à-vis the Nandas on the one hand, and Chandragupta Maurya on the other. In short, it is by analysis of the major events associated with Sukra and Kautilya that the present study tries to conjure up the contours of their conceptionalization of equity.

The present study is also different from the available accounts given by indologists and historians in so far as they have viewed each event, each episode, each anecdote concerning Sukra or Kautilya in isolation rather than in combination. Because of such isolated and fragmentary accounts one fails to see the broad pattern that emerges

when these isolated events and episodes are seen as links in the chain or as parts of a grand design. However, a note of caution is necessary here. In the absence of an authentic text one has to intuitively reconstruct, one has to infer, one has to imagine, one has to interpret the events in order to cull out Sukra's and Kautilya's conceptualizations of equity and there is every possibility that sometimes the analysis may turn out to be highly exaggerated, far-fetched and thus wide off the mark.

Thirdly most of the available studies on Sukra and Kautilya deal, by and large, with their respective roles as preceptors and advisors of the kings of their times, the battle strategies that they evolved for them, their views about the organization of the state, and its administrative structure or, as in the case of Sukra, the love tales of his daughter. In this process their science of politics and their conceptualizations of equity and justice have neither been properly analysed nor examined in sufficient detail, nor put in sharp focus. This is so primarily because while delineating the role of Sukra and Kautilya the indologists, the Sanskritists and the historians have not given due attention to the power dimension involved in their respective roles. It is the contention of the present study that it is essential to identify the general cause for which Sukra and Kautilya were fighting. Were they fighting against some gross injustice being done to a certain individual or a certain group? Were they fighting to bring about a more just and fair social order? If so what was their vision of such a society? Investigation along these lines, it is hoped, would enable one to understand their conceptualizations of equity which is missing in the existing studies on Sukra and Kautilya. The present study is a modest attempt to fill this gap, although probably it does not do so in a very satisfactory manner. Of course, along with this extra-textual analysis of conceptualization of equity in Sukra and Kautilya the study also looks at the two texts, the extant *Sukraniti* of Sukra and

Arthashastra of Kautilya, to ascertain or rather supplement their views about equity with the help of textual analysis. It is hoped that such a two-layered analysis would provide a richer and more comprehensive perspective on equity in Sukra and Kautilya.

II

1.2 Equity: The Problem of Definition

Having delineated the broad methodological parameters of the present study, it would be appropriate to define equity or at least indicate some of its broad contours. It hardly needs to be emphasized that power has always been the most central element in all inter-personal relations. Further, in any arrangement of power equity has been a highly cherished value in all human societies in all ages. So much so that in the contemporary Political Theory equity is considered as one of the most cardinal human concerns, the others being Liberty, Equality, Rights and Political Obligation. Hence, the relevance of analyzing the conceptualization of Equity in Sukra and Kautilya is obvious, for, it will provide us a peep into the nature of power structure which, in turn, determined the social relation between different racial and socio-cultural groups in India during the remote antiquity,. After all, any organization of society and any institutional arrangement in the polity, past or present, rests mainly on two considerations: (i) need for the survival, stability and security of the state which would, in turn, be possible only if there is no serious intra-societal conflict and no grave external threat; and (ii) if there is some degree of 'equity' or 'justice' or 'fairness' in intra-societal relations among different individuals and among different racial and cultural groups. In fact, these two factors very significantly impinge on each other; in so far as there can be no peace and stability in the state and no harmony in the society unless there is adherence

to the norms of equity and justice; and there can be no equity without some degree of peace and security in the polity and the society. In other words, equity is a prerequisite of social peace in the same way as peace is the prerequisite of equity. However, despite centrality of equity as a value there is so much vagueness about the whole concept that it defies a neat and precise conceptualization. This is mainly because of the multi-dimensionality of the concept due to which equity has come to have numerous mutually exclusive connotations. Moreover, historically, different societies have understood it differently and, at times, even within a society different individuals and social groups have had different notions of equity, depending on the nature of historical epoch in which they lived and depending on where they happened to be in the social hierarchy. To some degree there is also variance between the way equity is popularly understood and the way it is conceptualized in the social science literature.

More often than not equity is considered almost synonymous with the notion of *natural justice* or *morality*. It is one's *intuitive sense of fairness* reached after serious reflection and due consideration, free from any bias or any influence of social interests (be they caste or class interests). As such the notion of equity is based on equilibrium which is a reflective equilibrium, i.e. one which is not merely instinctive and emotive and which is not based on questionable assumptions and influences.⁶ In other words, the notion of equity does not have to be based on one's prejudices, passions and emotions; rather it has to be based on one's considered reflections about: (i) conception of human persons as rational agents; and (ii) a realization (by them) that social cooperation is necessary not only for their survival but also for overall social peace, progress and prosperity and hence all political and social institutional arrangements should be so devised as to serve these ends. In this sense equity is largely

concerned with norms that determine the relations among various socio-cultural groups in a society. Thus it falls more in the domain of *social* rather than *individual* justice. The most crucial question from the perspective of equity would be: how fair is a society and how just are the principles on which its institutions are based? As such, any conception of equity has to be rooted in the notion of what constitutes a *right* society. Any such vision of a right society has to necessarily address itself to the issue of what is the most desirable fair social order and, having determined that, all structural arrangements have to be so devised as to make, *as far as possible, that desirable feasible*. At a more general level one can say that in any conceptualization of equity the ultimate objective has to be to obtain a society which, *its members* believe, is fair. Whether the non-members consider it fair or not is another matter.

Here it needs to be clarified that *equity* is *not equality* nor does it imply *equal* treatment; rather it is fairness and entails *fair* treatment to all. In this sense it is quite close to the Aristotelian notion of geometric justice the gist of which is to treat equals equally and unequals unequally. As Aristotle argued in his *Politics* “all men cling to justice of some kind, but their conceptions are imperfect and they do not express the whole idea. For example, justice is thought by them to be, and is, equality, not however, for all, but only for equals. And inequality is thought to be, and is, Justice, neither is this for all but for unequals.”⁷ As if to further clarify and emphasize the point he adds that, “all men think justice to be a sort of equality; and at a certain extent they agree in the philosophical distinctions which have been laid down by us about Ethics. For, they admit that justice is a thing and has a relation to persons and that equals ought to have equality. But there still remains a question: equality or inequality of what? Here is a difficulty which calls for political speculation. For very likely some persons will say that offices

of the state ought to be unequally distributed according to superior excellence, in whatever respect, of the citizen although there is no difference between him and the rest of the community for that those who differ in one respect have different rights and claims.”⁸ He further points out “those who are by nature equal must have the same natural rights and worth, and that for unequal to have an equal share, or for equals to have an uneven share, in the offices of the state, is as bad as for different bodily constitutions to have the same food and clothing.”⁹ This Aristotelian formulation seems to raise a very important theoretical point. Assuming that the *offices of state* are distributed according to the merit of the individual, should the same criteria also apply when it comes to other spheres of life like *access to natural rights* or *respecting the moral worth of people*? In other words, is the criteria which satisfies the norms of equity in *political* and *economic* domains of life also relevant to the *moral* domain?

In order to consider this aspect of the question in its entirety one must look more closely on different dimensions of equity—moral, political, economic and cultural, for, while a society may be fair in one respect, it may not be fair in other respects. Here, the *moral* dimension of equity is of crucial importance and constitutes the foundation for equity to obtain in other domains of life. But what is this *moral dimension* of equity? Broadly speaking, the idea that *equal respect is due to every individual, every class, race or gender constitutes the moral dimension of equity*. This notion of equity recognizes *equal moral worth* of all human beings qua human beings and pleads for their equal participation as peers in social life. However, this would be possible only if we treat all human beings as equal *moral beings*. So, to treat some individuals or some groups as less than full moral beings or less than full members of the society violates our deeply held and intuitively arrived at notions of equity. If there are various competing ideological conceptions of equity then equity in

the sense of 'fairness' would probably be the most reasonable and the most acceptable one. But fairness itself could have several competing moral conceptions. In this regard, Plato's contention that a fair society is one which is divided into three classes, philosophers, soldiers and producers representing three human attributes—Reason, Spirit and Appetite, and which is served by a numerically large class of slaves,¹⁰ bears a close resemblance to the Hindu society in ancient India which was hierarchically divided into four *varnas*. Of course, this Platonic vision of a just society was only an ideal, while the society in ancient India based on rigid *varna* hierarchy was both ideal and real. The concern of *varna* philosophy was not merely with using the device of hypothetical argument which is in tune with the moral principle but to create concrete conditions where such arrangement is viewed, or is made to appear, as reasonable *by the parties concerned*. Like Plato's theory of classes, the specialized *varna* theory assigned specific functions to each *varna* almost to the exclusion of all others and enjoined each of them to perform them as duties. The intention was to ensure full cooperation of all segments in the smooth functioning of society. But the crucial question in this context would be: what were the terms of cooperation in this (*varna* based) society and were these terms of cooperation fair? Were these terms based on the criteria of reciprocity and mutuality? To what extent did these terms ensure that all those who agreed to so cooperate benefited *equally* or nearly equally from this arrangement.

It is also relevant to ascertain whether there was equal acceptance, express or implied, of this conception of equity by all the *varnas* or was it accepted only by some *varnas* and that too only at a certain stage of historical development or so long as they benefited from this arrangement. Further, in order to be fair do these terms have to be *rational* or are they *rational* merely because they are *considered* to be fair?

Viewed from moral angle equity also entails *equal respect*. The notion of *equal respect* has several dimensions. It implies that no one in society is considered solely as a means and his or her dignity is not ever denied nor is one ever humiliated and ridiculed. The doctrine of equal respect has its positive as well as negative dimension, for it is rooted in the assumption that each socio-cultural group is constituted by a complex web of relations of mutual recognition mediated by culture and equity would entail that mutual respect is also due to that *web of relations* and to that culture.

It needs to be remembered, however, that the idea of equal respect which constitutes the linchpin of equity as a moral value does not imply that every individual or every socio-cultural group has actual equal worth: rather it only implies equal worth in a notional sense. It only insists on equal mutual respect in *inter-personal* and *inter-group relations*. The notion of equal respect of all human beings or equal worth of every person is probably more of a lofty ideal.¹¹

In addition to the moral aspect there are at least three other important dimensions of equity: *Political*, *Economic* and *Socio-cultural* in terms of which the justness or fairness of a society can be measured. Nancy Fraser has tried to operationalize these three dimensions for the present-day societies as *representation* (political), *redistribution* (economic), and *recognition* (socio-cultural).¹² The first refers to equal right to participate in the political process and also implies ability to participate in the civic affairs at par with others as full members of the political community. It also implies equality of opportunity and formal equality before law. The political struggles for equity in the political domain would involve the task of dismantling various constitutional, legal and institutional obstacles to equal participation of all in the affairs of the state.

In the *economic domain* equity means equal access to resources so as to narrow down the class differentials. It also

entails restitution of benefits wrongly acquired which can be done by affecting compulsory surrender of all ill-gotten gains in order to rectify all unjust acquisitions, entitlements, inheritances, transfers and enrichments. One way to understand and define the economic dimensions of equity is to ensure that entitlements are acquired only in return for *contribution to the society*: to each according to his/her contribution to the society.

The other way could be to see how the economy is organized and whether it meets the test of equity or not. Equity in the economic domain may not necessarily be taken to imply equal distribution of resources, or equal access to them on the contrary it may tolerate or even allow some degree of unequal access provided that it is done in the interest of overall social welfare. Even Rawls admits that inequalities in society “are permissible when they maximize or at least contribute to the long-term expectations of the least fortunate groups in society.”¹³ Two questions need to be considered in this respect, how much inequality does equity permit and how much redistribution of resources would it entail? These questions are important because ownership of land, capital and other resources has a direct bearing on the index of equity in a society. After all ownership does not only enable people to accrue greater income, but also to gain some amount of control over other people’s lives.¹⁴ In any such situation equity gets scarified at the altar of economic inequality.

The same consequence follows from the *contribution principle* which *formally* gives people an ‘equal right’ of a sort insofar as every one is measured by an equal standard (labour). However, given the fact that some people have greater natural talent this equal right itself becomes an unequal right because of unequal labour or unequal contribution. In other words, the contribution principle tacitly recognizes unequal individual endowments and unequal productive activity as a

natural principle. However, 'equal regard', 'equal ownership' and 'equal right' are quite different things because 'equal regard' is a *moral* question; while 'equal ownership' and 'equal right' are economic and political questions. Of course, they work in tandem and interact and impinge on each other.

On the cultural *plane*, which is probably the most significant one, the claim for recognition is a major component of equity because it is the most effective way to eradicate or at least minimize intra-societal status hierarchies. It entails struggle against institutionalized disrespect which can be remedied only by accommodating, tolerating and respecting cultural differences among different groups of citizens and by out-lawing social discrimination in all forms. In other words, equity here involves the just ordering of social and cultural relations through legal instruments. At times it may necessitate struggle against different manifestations of violation of human dignity. Here, two theoretical issues need to be considered: what constitutes equal respect and what kind of differences merit public recognitions? It is difficult to offer precise answer to these questions. Suffice it, therefore, to say that a society wedded to equity and fairness must follow the principle of equal moral worth of every individual and every group.¹⁵ It must allow all members of the society to participate in social and cultural life as peers. It is obvious that institutionalized hierarchies of cultural values amount to denial of due respect and recognition to individuals and groups who follow values and beliefs which are lower down in the hierarchy. Such groups would obviously suffer from status inequality and misrecognition. It is reasonable to assume that different socio-cultural groups may have at any given time affections, devotions and loyalties that they believe they would not and indeed should not compromise with. They may consider it unthinkable to view themselves apart from certain cultural values, certain

religious, philosophical and moral convictions or from certain attachments and loyalties. It would be quite in tune with the principle of equity to defend the cultural practices of such groups. Here, culture can be extended to mean anything ranging from intellectual and spiritual values, in the form of religious philosophy, legal systems, language, literature, art and music and even to rituals, myths and superstitions. This dimension of equity is extremely important and one must recognize that in the society in ancient India (as in the Indian society today) there were obviously conflicts not only among competing political and economic interests but more so among competing cultures and competing conceptions of good. It would be interesting to see how Sukra and Kautilya tackled these competing conceptions of good.

In a more general sense, equity in the cultural domain intervenes to put right an injustice in matters of freedom of conscience. Equity also implies an intention to fulfil an obligation in so far as it insists that no wrong should be allowed to go un-redressed, if it is capable of being redressed. Along with freedom of conscience one can also look at equity from another angle by relating to every community's *right to self-determination*. This would imply that a society which holds this position considers *autonomy* and *tolerance* as fundamental or basic human and group values. Similarly, consideration of equity would favour pluralism particularly *cultural pluralism*, or multiculturalism, along with *freedom of conscience*.

There is a larger question that needs to be seriously considered. Can there be a conceptualization of equity which is trans-national, trans-historical and relevant across different cultures and across different political orders—liberal democracies, oligarchies, monarchies, etc.? For example, was the connotation of equity same in the pre- and post-1215 AD England (Magna Carta) or in pre- and post-1789 France (French Revolution) or pre- and post-1917 Russia? Further, was it the same in the old civilizations like India and China

during ancient, medieval and modern times? Was the conception of equity in a society of remote antiquity the same as in a democratic polity under modern conditions? Alternatively, are all conceptualizations of equity essentially time space specific? Can there be a conception of equity which is valid for all epochs and for all human societies irrespective of their particular social circumstances? Obviously, there can be no unanimity on these questions. Michael Walzer is of the view that any quest for a universal theory of Justice (and of equity) is misguided. There is no such thing as a perspective external to the community, no way to step outside its history and culture.¹⁶ When one looks at this question in a historical perspective one finds that what was considered fair in one epoch by one society or by one segment of it was not considered so in another epoch or by another society or by another segment of it. The twenty-first century conceptualization of equity may or may not be the same as the one which was in vogue two thousand four hundred years back or four thousand years ago.

There is another question that needs to be considered: if the conception of moral personhood varies from tradition to tradition, would the conceptions of equity also vary accordingly? There are, in fact, two dimensions of this question; first, what is or what has been the general *public conception of equity* in a certain society at a certain stage of its history and second, what could lead to stable regulation of a society. The equity would emerge out of a mix of these two considerations but there could be different prioritizations and different weightages to these two dimensions of the question. While in ancient India stability seems to have been the priority and the public conception of equity was subordinated to it; the present-day thinking may reverse this mix. The problem is, in fact, more complex than it seems at the first instance. A society, on the whole, may be wedded to some considered principles of equity yet there may be

some individuals and some groups with in it who find it profitable not to conform to these principles even while taking advantage of their conformation by others. This problem exists as much today as it did in the remote antiquity. This may necessitate the introduction of certain structural and institutional arrangements to guard against any such eventuality. The rigid *varna* order in India was used as a strong and effective tool to do so. Even Rawls admits that “meeting ones duties and obligations” needs to be “regarded by each person as the correct answer to the action of others.”¹⁷

Further, if one were to concede for the sake of argument that a particular political, economic and socio-cultural arrangement is fair if the people among whom it obtains regard it as such the problem of subjectivity would still remain. Therefore, contestation about objective conceptualization of equity would continue to be there. Moreover, within a society those who belong to one ideological persuasion or to one economic class or to one cultural stream may consider some socio-political arrangement as fair, while some others who belong to a different ideological persuasion or to a different economic class or to a different socio-cultural stream may or may not do so. Thus, it may not only be difficult but virtually impossible to have any mutually shared understanding of what is fair and just. This is bound to be so if, in the course of conceptualizing equity one does not take into account the views of the dominant group (in whatever manner) only but also of the disadvantaged and the marginalized stratas of society, for, in the absence of any shared understanding, it may not be possible to have a conception of ‘equity’ or ‘justice as fairness’ which is acceptable to every one in society. In other words, it is important to have a conceptualization of equity which every society or every segment of a society not only theoretically accepts but also lives up to.

This amounts to saying that the only way in which one can understand and conceptualize equity is to see how a particular community at a certain stage of its existence understood it. According to this particularistic perspective a society may be deemed to be just and fair if it is *decent*, i.e. if it acts in accordance with the *shared understanding of its members* as embodied in its (then existing) social and cultural practices. Here, any conception of equity will have to proceed essentially from the assumption that “society is a more or less self-sufficient association of persons who in their relation to each other recognize certain rules of conduct as binding and who *for most part* act in accordance with them” because they believe that these rules specify a system of cooperation designed to advance the good of those taking part in it. Another key question that needs to be considered in the context of any attempt at conceptualization of equity is whether and to what extent the interests of the community are to be served? This may be termed as the *relativist conception of equity*. To take a rather extreme case of the relativist position a society practicing wide-spread slavery or system of *dasas* would be considered fair if (all) its members approve it. In other words, slavery is wrong only if a given society disapproves it. However, according to the *universalistic conception of equity* a society which practices slavery or has a system of *dasas* violates the tenets of equity even if (all) its members consider the arrangement to be fair. In a nutshell, in the *universalistic* conceptualization there is some *objective* criteria to determine whether a given social arrangement is fair or unfair; while in the particularistic conceptualization the fairness or unfairness of a social arrangement hinges on the *subjective* considerations of its members.

In the context of universalistic and relativistic conceptions of equity it would be relevant to mention that in the contemporary western political theory there are three quite distinct positions on this question: *the Nozickean libertarian*

position according to which a fair and just society is one which protects and promotes the interest of the individual irrespective of social consequences of doing so; *the Communitarian* position which holds that equity lies in giving precedence to the collective interests of the community over the individual interests; and *The Rawlsian-liberal* position which tries to combine these two (the individual and the collective) in a complex way as embodied in Rawls' two principles of justice, particularly in his *difference principle*. The libertarian doctrine is also akin to moral individualism and humanistic principle in so far as it considers a socio-political arrangement just and only if it promotes the good of the *individual*. As against this, the communitarian view is that equity lies in being fair to the various human aggregates, groups and *communities* as well, so that it helps in promoting solidarity and continuity of values and beliefs of different racial and cultural groups. In the Rawlsian schema equity lies in giving equal basic liberty to every one in society but at the same time making sure that liberty of no one is transgressed unless it is done with a view to give equal liberty to others and further that any unequal distribution of goods and offices is in the interest of the least advantaged in the society.

The above discussion would show that in essence equity is, quite akin to what the contemporary western liberal theory calls *social justice* in its broadest possible sense or what Rawls has articulated in his 'difference principle'. Here, equity or 'justice as fairness' is understood as having four dimensions: *participatory parity*; *economic redistribution* including redistribution of goods and services in a manner which is to the advantage of the *least advantaged* in society; *cultural recognition* and *freedom of faith and conscience*. A social arrangement is fair if and only if it allows all relevant social actors (individuals and groups) to participate in political, economic, social and cultural life. This Rawlsian

conceptualization of equity needs a little elaboration because his conception of justice as fairness is the most widely accepted version of equity to-day. Rawls has repeatedly asserted that this conception needs to be understood as a *political* rather than as a *metaphysical* doctrine.¹⁸ In fact, in his formulation of ‘justice as fairness’ Rawls seems to be trying to distinguish between the narrow and limited “political” conception of justice (or equity) and a more broad-based and comprehensive moral, religious and metaphysical conception.¹⁹ It is necessary to understand the difference between these two conceptions. The narrow “political” conception of equity is concerned primarily with the basic organizational structure of the polity and its general policy thrust; while the broad-based “moral” or “metaphysical” conception is more concerned with what is of value in human life and ideals of personal virtue, decency and character which govern all aspects of one’s life.²⁰

It should, however, be noted that this conception of Rawls is caught in what he has termed as the “priority problem”—priority of *right* over *good*. The contestation for prioritization is mainly between these two values—*Right* and *Good*, and in western political theory it is expressed in two diametrically opposite theories—*deontological* and *teleological*. According to the first, what is right does not depend on [but is independent of] what is good. For example, to suggest, that we should always speak the truth is not determined (and ought not to be determined) by good consequence (if any) of doing so but rather because speaking truth is the right thing to do. In other words, speaking the truth is good because it is right, it is not right because it is good or because it produces good results (which, in fact, it seldom does). As against this, the *teleological theory* holds that what is right depends on what is good; speaking the truth is right only if it produces good (good result). If one were to extend this argument one may say that according to this theory respecting a certain socio-

economic order even if it is hierarchical is right because it produces good (consequences). On the other hand, *deontological theory* would assert that a certain web of social relationships has to be right irrespective of or independent of whether or not it produces good (results). In short, while the deontological theory asserts that '*right is prior to good*', the teleological theory holds that '*good is prior to right*'. It is, of course, possible that in a certain situation 'right' may be consistent or congruent with '*good*', and if it is so, so much the better. In the Rawlsian schema this is termed as '*thin theory of good*'.²¹ What is a good society is a teleological question; what is a fair or a right society is a de-ontological question. It would be useful to examine the position of Sukra and Kautilya in the light of this theoretical debate as well. Whether or not they defended a certain order because it was *right* or because it was *good* or because it was *both* needs to be ascertained.

The question of equity can also be analysed from a couple of other theoretical considerations. The Aristotelian principle suggests that, other things being equal, human beings enjoy *the exercise of their realized capacities* and this enjoyment increases the more the capacity is realized. According to this principle, a society committed to and based on realized capacities of its members is a right (and just) society even if it is not good, in so far as it may be unequal or even oppressive. The teleological position would hold that since human nature and human potentialities are such that each person depends on the cooperative endeavours of others, not only on his/her own powers, a well-ordered society is right as well as good. Secondly, it needs to be considered as to how equity relates to the claims of *moral freedom* of the individual. As has already been pointed out *moral freedom* implies equal right of *all human beings* to make best of themselves. However, whether this can happen in a society which has a vast class of *dasas* (slaves) is doubtful. Since only that political and social

order can be said to promote equity which enables every one in society to realize his/her capabilities, a society which tolerates slavery or institution of *dasas* violates the basic norms of equity. As such a system would be unjust and unfair if it facilitates, or even allows or tolerates the development of some at the expense of others. According to this criterion all class-based societies (including a society based on *varna* order) where wealth, power and social status mesh together for the benefit of one class is invasive, indecent and hence unjust. Such a strict criterion of equity would further imply that all inequalities are arbitrary and hence unjust unless they work out to every one's advantage, even though it may be relative advantage!

Finally, in any attempt at conceptualizing equity it is important to examine its relation with *common law* and *statute law*. As already stated equity or fairness is often understood as recourse to the principle of natural justice with a view to correct or supplement law but in essence it is a system of justice which prevails over common as well as statute law. At one level it can be conceived of as some sort of impartiality or neutrality. But does impartiality or neutrality amount to treating equals equally and unequals unequally as statute law may provide for? In other words, to what extent does the principle of treating equals equally and unequals unequally satisfy the litmus test of fairness?²²

In order to further clarify this dimension of the question it may be added that relation of equity to common law and statute law gives a rather limited juridical view of equity where it is understood broadly as a body of rules or rather principles which constitute an appendage to the general rules of law. In fact, historically the term equity came to western, particularly British jurisprudence when the Judges began to apply the criteria of fairness to such cases where it was felt that the application of general rules of law would produce substantial injustice or amount to gross unfairness

because of some unique facts of some cases. Viewed from this limited angle, equity began to be taken as a body of rules or principles which constitute a *gloss* to the statute law. Equity in this sense emerged in the west as a new body of rules or general principles in order to mitigate the severity of rule of law. It may be understood as a sort of intervention to put right or mitigate the severity or unjustness or unfairness of stipulation of common law and statute law. Moreover, sometimes a person or a group of persons or a whole class may not be able to get just and fair treatment because of social dominance or economic strength of some persons or groups. In such a situation equity appears as the antithesis of common law and statute law partly because of latter's failure to look beyond the narrow technical correctness of rules and procedures and former's insistence that it should do so and partly because of inability of common or statute law to take note of changing values as they arise and evolve in a changing society.²³ It would thus seem that the relationship of equity with common law and statute law is three-fold: in some cases equity acts as a *supplement to them*, sometimes it acts as *anti-thesis* to them and some times or probably most times it acts as something superior to them. This is so because in case of any conflict or variance between equity on the one hand and common and statute law on the other, more often than not, it is equity that prevails. In fact, in England equity became an alternative system of jurisprudence particularly in the course of its application to such cases about which there were no provisions in law or where the common law and statute law remedies appeared to be inadequate or patently unjust.²⁴ The judgement in such cases was passed on the basis of personal integrity, good taste and self-respect of the aggrieved with a view to ensuring equitable rights and liabilities. However, in the present study the concept of equity is not being used so much in this *narrow* legal-juridical sense; rather it is being used in its *broad* political

sense and even *still broader* and comprehensive religious and moral conception of justice as fairness.²⁵

In the context of the present study there is also the need to look at equity from the specific Indian angle. In the contemporary western liberal theory equity or justice as fairness is understood as fairness both in procedural and substantive sense. However, while in the west the notion of equity during the pre-Rawlsian era has been largely *individual centric*; in India (and in fact in all oriental societies) it has all along been (mostly) *community* or *group centric* probably because of the deep-rooted caste and cultural identities. Therefore, it may not be wholly appropriate to analyse the concept of equity rooted in individual rights and formal individual freedoms; rather it would probably be in the fitness of things to try to understand, analyse and apply it in *terms of rights and freedoms of different mutually dependent social and cultural groups*. Equity in this sense lies in creating, within a given structure of practice *proper balance* between the competing claims of different ethnic groups. However, to determine as to what constitutes this “proper balance” is the heart of the matter. Generally speaking, any denial to a socio-cultural or racial group to pursue its own culture or to ridicule it for the same or to try to impose outside values and beliefs on it or to try to *penalize* it for holding on to its own conception of good even if it is not consistent or congruent with the prevailing conception of right, would be violation of equity. This is so because it fails to ensure *proper balance* between different socio-cultural and racial groups.

1.3 *Summing Up*

The above discussion would show that, broadly speaking, equity is synonymous with ‘fairness’. Viewed in the ‘fairness syndrome’ it has come to have three distinct connotations: a *narrow legal-juridical*, a *broad political* and a *still broader moral*

and socio-cultural connotation. In its legal-juridical sense it implies a system of natural justice. It stands for fair treatment by the law courts particularly in those cases where the existing laws of the state are not satisfactory or are inadequate or appear prima facie unfair. In the political connotation the relevant question is how fair is the political system and its political institutions and structures? Has every citizen and every community got equal access to political power? Is there any attempt by the state to reduce the economic inequalities? Does the state hand-out preferential treatment to different disadvantaged stratas of society? Moral connotation equity is not only the broadest but also the most relevant from the perspective of the present study. According to this connotation equity lies in recognizing equal moral worth of each individual and each group in the society. It also calls for cultural autonomy to different castes and communities. Do the different communities respect each other's values and belief systems? Is it a society where the difference of opinion is not only tolerated but also respected and accommodated?

By way of further elaboration it may be said that the narrow legal-juridical connotation relates largely to specific legal cases concerning (mostly) individual grievances arising out of inadequacy of civil and criminal codes; while the political connotation relates to the constitutional and institutional design of the polity, the way the state institutions are structured so as to ascertain their justness. In short, the moral connotation relates to inter-societal relations that obtain between different social, cultural and racial groups (including gender relations) from the perspective of their justness or otherwise. The present study intends to examine and analyse, in a comparative perspective, the views of the two most seminal political thinkers of ancient India—Sukra and Kautilya—on equity in terms of these three-layered connotations.

NOTES

1. For a summary of this whole debate see, Lallanji Gopal, "Sukraniti—A Nineteenth Century Text", *Bulletin of the School of Oriental and African Studies*, Vol. 25, (3) 1962.
2. Shamasastri, R. "A Note on the Supposed Identity of Vatsyana and Kautilya", *Quarterly Journal of the Mythic Society*, Vol. VII (1) October 1916, p. 210. Also see, Ch. Banerjee, "Kautilya Arthasastra: The Question of the Date Re-examined", *Modern Review*, 109, pp. 30-34; and D.R. Bhandarkar, "Date of Kautilya", *Annals of Bhandarkar Oriental Research Institute*, Vol. 8, pp. 64-84.
3. In fact in various literary sources of antiquity Sukra has been described as a great seer and thinker who expounded profound *niti* (Policy) or *rajaniti* (Science of Politics).
4. For a comprehensive bibliography on Kautilya see, Ludwick Sternbach, "Bibliography of Works on the Kautiliya Arthasastra", *Vishveshvaranand Indological Journal* Vol. XI, 1973, pp. 36-67. Also see, M. Winternitz, *History of Indian Literature*, Vol. III Pt. I, tr. Subhadra Jha (Delhi: Motilal Banarsidass, 1963); A.B. Keith, "The Authenticity of the Kautilya Arthasastra", *Journal of the Royal Asiatic Society*, 1916, pp. 130-37.
5. According to the Puranic legends Daksha married his several daughters to Kashyapa. Prominent among them were Aditi, Diti and Danu. While Aditi is said to be the mother of all the *devas*; the sons of Diti came to be called *Daityas* and those born to Danu were named as *Danavas*. Even Parvati who married Siva was Daksha's daughter.
6. For such conceptualization of 'equity' or 'justice as fairness' see Chandran Kukathas and Philip Pettit, *Rawls—A Theory of Justice and its Critics* (London: Polity Press, 1990), p. 7.
7. Aristotle, *The Politics*, Book III, Chapter 9, tr. Ernest Barker (New York: Oxford University Press, 1995), pp. 103-04.
8. *Ibid.*, chapter 13, pp. 115 ff.
9. *Ibid.*, chapter 16, pp. 126 ff.
10. See, J. Annas (1981), *An Introduction to Plato's Republic* (London: Oxford), pp. 105 ff. Also see, William Archibald Dunning, *A History of Political Theories: Ancient and Medieval* (New York: Macmillan Co., 1927), p. 26 ff.
11. See Alessandro Ferrara, *Justice and Judgement* (London: Sage, 1999), p. 201.
12. See Nancy Fraser, "Reframing Justice in a Globalizing World", *New Left Review*, Vol. 36, Nov.-Dec. 2005, p. 69.
13. John Rawls, *A Theory of Justice*, p. 151.
14. For a detailed exposition of this view see Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (New Delhi: Oxford University Press, 2005), p. 169.
15. This argument has been very well elaborated by John Rawls. See, John

- Rawls, "Justice as Fairness—Political not Metaphysical", *Philosophy and Public Affairs*, Vol. 14, No. 3 (1985), p. 241.
16. Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality*, (London: Blackwell, 1983).
 17. John Rawls, *A Theory of Justice*, p. 479.
 18. Rawls, "Justice as Fairness." *Philosophy and Public Affairs*, Vol. 14, No. 3 (1985), p. 241.
 19. John Rawls, "The Priority of Right and the Idea of Good", *Philosophy and Public Affairs*, Vol. 17 (1988), p. 252.
 20. Kukathas and Pettit, p. 135.
 21. Rawls, *A Theory of Justice*, p. 246.
 22. For different dimensions of this problem see, R.E. Megarry and P.V. Baker, *Swell's Principles of Equity* (London: Sweet and Maxwell, 1960), pp. 13 ff.
 23. For a similar exposition see, *Encyclopaedia Americana*, Vol. X (New York: American Corporation, 1965), p. 465.
 24. In such cases in England the aggrieved persons started petitioning directly to the sovereign who began to decide such cases on his own or through his Chancellor.
 25. For a scholarly treatment of this distinction between political conception of justice as fairness and a more broad-based and comprehensive 'religious' and 'moral' conception of justice see, John Rawls, "The Priority of Right and the Idea of Good", *Philosophy and Public Affairs*, Vol. 17 (1988), p. 252.

Chapter II

Life and Times of Sukra and Kautilya

2.1 Sukra: A Profile

As has been indicated in the previous chapter the thrust of the present study is to examine, in a comparative perspective, the science of politics of Sukra and Kautilya, particularly their respective conceptualizations of equity. The approach used in this work is largely *extra-textual* to the extent that it treats their lives as political texts and tries to conjure up their notions of equity by analyzing the major events of their lives, the political struggles in which they were engaged, the values that they cherished, the cause which they tried to defend and promote and the strategies that they evolved in order to do so. Most of the existing studies on Sukra and Kautilya are inadequate in this respect, for, more often than not they try to analyse their political ideas without properly placing them in the context in which they operated. This is particularly so in the case of studies on Sukra where the extra textual factors are given a go by.¹ Given this centrality of extratextual approach in the present work, it is but necessary to examine minutely the biographical profiles of Sukra and Kautilya for, this will provide a peep into their conceptualizations of equity. After all family background, childhood influences, early socialization and the socio-political context in which a thinker is placed goes a long way in shaping his political ideas and attitudes. In fact, in the history of ideas it is now universally admitted that for the

proper understanding of a thinker mere *textual approach* which is limited to the study of his/her texts is not enough, for no text is independent or autonomous of the context in which it is created. Ideas of a thinker do not get formulated and expounded in a vacuum; rather they are in the nature of his/her response to the socio-political conditions of his/her times. Therefore, the text of thinker must be placed in the context in which it was created and his ideas must be understood in the context in which they were expounded and articulated. In short, the understanding of the *context* is crucial to the understanding of a thinker. The advocates of this *contextual approach*, as it has come to be called, including John Dunn, John Pocock and others have highlighted the importance of the context in comprehending the true essence of a thinker's philosophy or theory as expressed in his/her *writings* and *actions*.²

That, however, is not all because even a mix of textual and contextual approaches may not give us a fully objective but only a subjective view of the thinker. One must recognize that some degree of a thinker's subjectivity is bound to creep into his/her text, consciously or otherwise. This makes it necessary for the analyst to go beyond the textual and contextual approaches and take recourse to *hermeneutical-interpretative approach*. The advocates of this approach like Gadamer tend to argue that for the proper understanding of a thinker it is necessary to take note of this element of subjectivity. In order to do so the interpreter needs to capture the real intention or the true motive of the author in creating a certain text or in expounding a certain view which may be in the nature of a theory or a philosophy or an ideology. According to this approach such a capture of intention or motive is possible through fusion of mental horizons of the author and the interpreter.

In the light of above discussion, it is evident that the science of politics of Sukra and Kautilya can be understood

only if one is aware of their lives and times, including their genealogies, their biographical profiles and their respective social milieus. However, in trying to do so in the case of Sukra and Kautilya one immediately encounters a strange paradox. The paradox is this: although Sukra lived in the pre-Vedic times³ and Kautilya lived several centuries later, yet surprisingly enough, biographical details about the former are available in plenty in diverse literary sources, particularly in the *Puranas*,⁴ while in the case of latter there are hardly any. It is a different matter though that the details about Sukra are highly confusing which is quite understandable partly because of the long historical distance involved and partly because of his semi-mythical nature. In sharp contrast to this very little is known about Kautilya's personal life. In fact, there is a double paradox: while in the case of Sukra the biographical details have survived and the original text of *Sukraniti* seems to have been lost; in the case of Kautilya the situation is just the opposite—biographical details about him are scanty but his *Arthashastra*, after having been lost for quite sometime, is now available, more or less, in its original form.

It is difficult to explain this paradox. One can at best make a conjecture that, to some extent, it may be because Sukra, despite his profound *niti* and strong will could not accomplish fully what he wanted to accomplish, i.e. protecting the freedom and dignity of the various non-Aryan tribes from the onslaughts of the expansionist Aryans; while Kautilya was fully successful in achieving his mission of overthrowing the mighty Nandas and installing Chandragupta Maurya on the throne of Magadha. After all, in the power struggle between the Aryans and the non-Aryans all the moves of Sukra were aimed at defending and promoting the power-interests of those who, at the end of the day, after protracted and intermittent battles, turned out, broadly speaking, to be the vanquished. It is no surprise,

therefore, that once the Aryans established their hegemony in the *aryavarta* (home of the Aryans—a name that they gave to this sub-continent), there was no reason for the *Sukraniti* to find favour with them, much less to patronize it; rather it was quite in tune with their dominant position to relegate it, howsoever rich and profound it might have been, to the dustbin of history, even if the details about his life, in his twin capacity as the preceptor of some non-Aryan kings and the *purohit* (priest) of some non-Aryan tribes, could be allowed to survive. On the other hand, since Kautilya was successful in achieving, almost single-handedly, the rare feat of destroying a mighty kingdom, a task which apparently seemed impossible, he enjoyed all the lime-light and patronage that political power could bestow. It was, therefore, natural that the doctrines concerning the organization of state, maintenance of law and order and efficient conduct of foreign relations that he propounded in his *Arthashastra* became popular with the rulers and were considered worthy of preservation, promotion and emulation. In such a situation where he was basking in the glory of being a king-maker the recording of biographical details about him might have seemed less important and even unnecessary. This probably explains, even if inadequately, the paucity of biographical details about Kautilya and plenty of the same about Sukra.

While in the case of Kautilya the problem about details of personal life arises because of dearth of information, in the case of Sukra it is just the abundance of it that creates a problem. This is so because the information contained in different literary sources does not always match. So much so that it becomes difficult to say anything definite about him. Partly, the problem also arises because in different literary sources Sukra is addressed by different names like Kavi, Kavya, Usana, Bhrigu and Bhargava. It may be mentioned that Sukra was, not his original name, but a title given to

him by Siva. It seems that Sukra's original name was Usana and other names like Kavi, Kavya, Bhrigu and Bhargava are all patronymic names as will become clear from the following account.

2.1.1 *Sukra's Genealogy*

About Sukra's parentage the information is highly confusing. Some sources refer to him as the son of the great sage Bhrigu; while in some other sources he is mentioned as the son of Kavi who was son of Bhrigu. This much is, however, clear that he was either son or grandson of Bhrigu and thus belonged to the Bhargava *gotra* (clan). As such he could be addressed as Bhrigu but calling him Kavi would make sense only if he was son of Kavi. There is lot of confusion in this regard. A careful perusal of the available circumstantial evidence leads to the inference that he was son of Bhrigu.⁵ This appears plausible if we take note of the fact that Bhrigu, Angiras and Atri were all *prajapatis* (progenitors of mankind) and they all seem to be contemporaries, belonging to one and the same generation.⁶ As a *purohit* of the non-Aryans Sukra was contemporary of Brihaspati who was son of Angiras and *purohit* of the Aryans, and these two *purohits* were, like Vasishtha and Viswamitra, on opposite sides of the political barricade. (See, Appendices I, II and III). That even age-wise the two could not have been very different is obvious from the fact that on one occasion when Sukra was engaged in severe penance Bhrishpati became the preceptor of the non-Aryan king Andhaka in the guise of Sukra. There are also some references to show that the two fought each other during the war which broke out when Soma carried off Tara, wife of Brihaspati. It is further substantiated by the fact that Brihaspati's eldest son Kacha (Kaca) was sent to Sukra's hermitage, apparently to study but actually to somehow manage to acquire the unique knowledge which Aryans did

not have and which they needed urgently in order to defeat the non-Aryans or at least have strategic parity with them.⁷ The fact, that during his stay at Sukra's hermitage, latter's daughter, Devayani, fell in love with Kacha would imply that the two must have been merely of the same age group, at least the age differential could not have been great.

The ambiguity and confusion that one finds about Sukra's father obtains in equal measure about his mother as well. Bhrigu was an Aryan Brahmin but one of his wives was Paulomi daughter of Puloman (a non-Aryan) who is believed to be the son of Kasyapa and Danu (daughter of Daksha and mother of the *Danavas*) but it is not clear whether she was the mother of Sukra. The *Puranas* do not mention his mother's name but address her merely as *Kavyamata* (mother of Kavya). It is difficult to say whether Paulomi and *Kavyamata* were the same or different persons. About Paulomi being the daughter of Puloman is also uncertain because in some sources Paulomi is mentioned as one of the four daughters of Vaishvaner, who was a non-Aryan. She was the mother of Chayavana *rishi*. Once she was kidnapped by Puloma who was also a non-Aryan. Chayavana is said to have been born as a result of her union with him. Puloma was the son of Kasyapa and Danu. As such he was a *danava*. Sachi, wife of Indra, was also daughter of Puloma.⁸ The confusion gets further confounded because there is a reference that one of Bhrigu's wives was Khyati, daughter of *rishi* (ascetic) named Kardam (who was a Brahmin) but she is no where mentioned as Sukra's mother. One can, however, argue that if Sukra was a pure Brahmin then both his parents have to be Brahmins and by that logic Khyati could be his mother. But if we pose the question as to what prompted Sukra to become the preceptor of a clan of non-Aryans then it would seem more plausible that it may be because his mother was Paulomi (a non-Aryan). This inference gets reinforced when we consider a *Puranic* tale which says that on one occasion when

Sukra decided to undertake penance to secure from Mahadeva the boon of invincibility for the non-Aryans he advised them to lay down their arms, observe unilateral truce and live like hermits till his return. In deference to his command the non-Aryans gave up fighting and laid down their arms but their counterparts, the Aryans, with a view to taking advantage of Sukra's absence from the midst of their adversaries, attacked them. When their plea that they had laid down their arms and were living like hermits fell on deaf ears and they sensed imminent threat to their lives at the hands of Indra and Visnu they fled and sought shelter in the hermitage of Sukra's mother. She decided to protect them and threatened to curse Visnu, who was leading the charge if he did not stop harming them. In order to preempt her from cursing him, Visnu, at the prompting of Indra, instantly killed her. Probably, it will not be far wrong to conjecture that it must have been the hermitage of Paulomi and the non-Aryans' decision to seek shelter there may have been facilitated by their non-Aryan tribal affinity with her. This is so because their taking shelter with a woman belonging to the Aryan racial stock would not make much sense. Similarly, it is less likely that Visnu would have killed Khyati who was daughter of a Brahmin ascetic (Kardam). For the two Kshatriya war heroes—Visnu and Indra—it would have amounted to a double sin, killing a woman and killing the daughter of a Brahman ascetic. However, nothing can be said with certainty because when Bhrigu got to know of it he cursed Visnu but the sin for which he pronounced the curse was only for killing a woman (*Sribadh*).

The confusion gets still further confounded because in some sources of antiquity it is mentioned that Bhrigu's wife was Divya, daughter of a non-Aryan king Hiranyakasipu (son of Diti and Kasyapa). Diti is identified as mother of a non-Aryan clan who were pejoratively called *daityas* by the Aryans. This would mean that Puloman father of Paulomi and

Hiranyakasipu, father of Divya, were half-brothers (born of the same father but different mothers, Danu and Diti, and further that Paulomi and Divya were cousins.) There is nothing to show that Divya could not be the mother of Sukra and it was at her hermitage that the non-Aryans sought shelter and it was she whom Visnu killed. In this connection it is necessary to recall that Sukra's professional career as a preceptor and *purohit* began with Hiranyakasipu and continued during the reign of latter's son Prahlada and his cousin Andhaka (son of Hiranyaksa), and thereafter he continued as preceptor of Virocana (son of Prahlada) and finally Bali (son of Virocana). Thus, he seems to have served four generations of Hiranyakasipu right upto Bali, out of which his role as preceptor of Andhaka and Bali was the most eventual. He also had a stint as the preceptor of another non-Aryan king, Vrishparva, which was, relatively speaking, rather brief, yet it was as eventful, if not more, as his stint with Andhaka and Bali.

In addition to being the preceptor of these two prominent ruling families of the non-Aryans Sukra was also the *purohit* of at least two Aryan kings—king Danda of the solar dynasty and king Yayati of the lunar dynasty. It needs to be noted that among all preceptors, Vasishtha, Gautama, Brihaspati, etc. Sukra is the only one who served as preceptor of the non-Aryans as well as the Aryans, even though the two were often at war with each other.⁹

Despite such a stellar role of Sukra confusion about his genealogy and progeny remains and it is not limited only in regard to his parents but also his spouses and children. According to an account contained in *Devi Bhagavatam* (eighth Skanda) Sukra was married to Urjaswati, daughter of Priyavarta. In several *Puranas* there are references that Sukra married Jayanti, daughter of Indra and stayed with her for ten years.¹⁰ It was a fixed term marriage. In some sources his wife is mentioned as Sushma or Sataparva.¹¹

According to a reference in the *Vayu Purana* one of Sukra's wife was Angi who gave birth to four sons—Trastr, Varutrin, Sanda and Amarka. He had another wife named Yajani from whom he begot Devayani. Besides Devayani Sukra had two other daughters, Arja and Jeyashth.¹² Devayani was married to Yayati who was the most powerful Kshatriya king of his times belonging to the lunar dynasty. Jeyashtha was married to Varuna probably the one who is mentioned in several hymns of the *Rigveda*. Information about his daughter Arja is limited. On one occasion she was ravished by the Kshatriya king, Danda, at Sukra's hermitage when the latter was away to the court of non-Aryan king Vrishparva. For this offence Sukra not only cursed him but also destroyed his kingdom which became a forest (Dandakarnia) and fell into the hands of non-Aryans. It was ruled by Ravana's sister Surpanakha with the help of Khar, Dushan and Trishira.

The information about Sukra's four sons is also limited. According to some sources they were all killed by Visnu (or Indra). There is also a reference that two of his sons, Sanda and Amarka were assigned the task of teaching Prahlada, son of Hiranyakasipu, who was killed by Visnu. In short, there is very limited and confusing information about Sukra, about his parentage, about his spouses and about his progeny. With a view to giving some idea of Sukra and his contemporaries and the complex web of relations between some of the dynasties the relevant information is being given in tabular form in appendices at the end of this work.

2.1.2 *Sukra's Unparalleled Brilliance*

The ambiguity about Sukra's ancestry and progeny notwithstanding, there is no doubt that he was man of unparalleled intellect. On the basis of diverse Puranic accounts Sukra emerges as a person of multi-dimensional attributes. In *Siva Purana* he is described as son of Bhrigu,

Bhargava of great brilliance, bright scion of the family of Bhargava, a great Brahmin, an excellent Brahman of brilliant stellar luster, of bright refulgence. He is mentioned as a lordly yogin, a store house of the *Vedas* (i.e. knowledge), wise lord of the Daityas (progeny of *Diti* right from Hiranyakasipu to Bali). He is also rated as foremost among the politicians.¹³ He was a great devotee of Siva and undertook severe penance to obtain from him the unique knowledge which he had not given even to Visnu and Brahma.

His role as preceptor of the non-Aryan clan of Hiranyakasipu was exceptional. On several occasions when he was away from them the Aryans were able to subjugate them. Once Andhaka paid rich tributes to him when the Aryans defeated them. In a state of dejection he went to Sukra and told him that due to “your advice we have never been defeated. We are always victorious.” He also told him that due to his blessings the Aryans were afraid of them “O Bhargava, by seeking refuge in you we roam about unhesitatingly in the battle-ground, like cows grazing in the fields fearlessly. Thus he was a great defender of various non-Aryan clans.

2.2 *Who was Kautilya?*

After having noted a few biographical details about Sukra, it would be appropriate to present a similar sketch of Kautilya. It must, however, be pointed out that it is quite amazing, almost a puzzle, that although his *Arthashastra* has been extensively studied by scholars of diverse hues—historians, indologists, sanskriticists, jurists, sociologists and political scientists, both Indian and foreign—there has been very little attempt to put together enough details about the personal life of the author of this significant work. There are numerous studies of his *Arthashastra* in which wide-ranging issues like authenticity of the text and the date of its composition have been discussed thread-bare; there are also studies which have examined Kautilya’s views on state, government, kingship, military organization, war, defence, international and inter-

state relations and questions relating to state economy; but not many studies have paid enough attention to examine the context of the author in which he created this text. In the following pages an attempt is being made to fill this gap by culling out, from stray references to Kautilya in some ancient Indian literary sources, details about his life and times. Such an exercise, it is hoped, will not only enable us to have a better understanding of his science of politics but will also help us in capturing the nuances of his strategy and his intention in expounding it. As has already been pointed out it is now widely recognized that for understanding a thinker it is not enough to examine his/her text it is also necessary to relate it to his context. Emphasizing the importance of context and other extra-textual factors Wolpert, an eminent historian, aptly said that *Arthashastra* must not be used alone as a primary source to understand the early Mauryan polity and the full import of Kautilya's science of politics.

Like Sukra, Kautilya is also addressed by at least two other names—Canakya and Visnugupta. In fact, there appears to be a definite pattern in the use of these names. As author of the *Arthashastra* he is referred to throughout the text as Kautilya, except at one place where he is called Visnugupta, but as far as his role in the overthrow of the Nanda dynasty and installation of Chandragupta Maurya on the throne of Magadha is concerned he is called Canakya. In order to avoid confusion we are using in the present study his more popular name—Kautilya.

Nothing much is known about his parentage and his early childhood. There is a brief reference in the *Mahabharata* that his father lived some where in south India. About his parents, his spouse and his progeny there is virtually no definite information. In Kamandaka's *Kamandakiyanitisara* there is a passing reference which says that Visnugupta belonged to the very illustrious dynasty whose members lived

like *rasis* (sages), accepting alms from no body. Kamandaka's account also indicates that as a person Kautilya was highly conscious of his honour and self respect who could go to any extent to support a cause which he thought was just. In addition to *Kamandakiyanitisara* of Kamandaka, one also finds some account of Kautilya's personal traits in Visakhadatta's *mudraraksasa* and a stray reference in Banabhatta's *Kadambari*.¹⁴ Although these ancient texts are not histories in the strict sense of the term but they do enable one to have a broad idea about Kautilya's life and times. One must, however, take these accounts with a pinch of salt because they may have some amount of distortion of facts, some amount of exaggeration and some degree of bias. Broadly speaking, Kamandaka's account of Kautilya is on the whole highly laudatory; while Banabhatta looks at him with some degree of contempt; and Visakhadatta projects his statesman-like qualities as well as his conspiratorial traits. Let us first look at Kamandaka's portrayal of Kautilya.

Kamandaka begins his *Kamandakiyanitisara* by offering salutation to Kautilya in the same way as Kautilya began his *Arthasastra* by offering salutation to Sukra and Brihaspati. One can say that Kautilya is to Kamandaka what Sukra is to Kautilya. Kamandaka, in highly eulogizing tenor, describes Kautilya as one who sprang from an extensive and illustrious dynasty, the descendants of which lived like *rasis* accepting alms from no body, whose renown became worldwide, who was most artful and cunning one. He projects him as a highly intelligent person, effulgent like a blazing fire. In his estimation Kautilya was foremost among those conversant with *Paramartha* (highest or the most sublime truth), who had mastered the four *Vedas* as if they were only one. This fire of energy was like flash of lightning. It is interesting to note that there is a similar laudatory depiction of Sukra in the *Puranas*, particularly in the *Siva Purana* where he is credited with magical powers, one who used his magical spells

for benevolent as well as malevolent purposes. In Kamandaka's assessment Kautilya was moon among men. So much so that he compares him to Shaktidhara in prowess.¹⁵ Kautilya is credited with having by his *mantrashakti* (power of incantations) and *utsahasakti* (courage and self-confidence) brought the entire earth under the thorough control of Chandragupta Maurya. He is further described as the wisest of counsellors who collected the nectar-like *nitisara* (essence of politics) from the vast ocean of earlier Arthashastra works. He is said to be one of pure intelligence who had reached the end of different branches of learning. In other words, Kautilya had mastered different branches of learning and in his science of polity he evolved a series of significant lessons to the kings, advising and directing them regarding the techniques of acquirement and preservation of territory.¹⁶ Elsewhere Kautilya is described as a militant Brahmin of unbending nature. Other epithets used for him are 'orthodox Brahman', 'master of *sastras*', 'practitioner of *kritya*' (magical spells), 'a man with prophetic vision'. Thus, he bears close resemblance with Sukra who was also described as 'a seer' and 'master of charms, incantations and amulets'.¹⁷

According to Kamandaka, Kautilya displayed a remarkable and rare skill to destroy his enemies and, therefore, could be likened to Indra, the Aryan war-hero of *Rigvedic* fame. As Indra had won many a battle for the Aryans, so did Kautilya for the Mauryans. In fact, in some sense, Kamandaka's eulogies seem to imply that Kautilya surpasses Indra because very often he was able to achieve with his clever diplomatic moves, without the use of any weapons, through peaceful means, what Indra had achieved through violence and bloodshed. Instead of using force indiscriminately he was many a time able to achieve his goal only by holding out threats of use of force. Through his well-calculated tactical manoeuvres he achieved what Visnu had achieved with his

Chakra (disc), Indra with his *bajjara* (thunder-bolt) and Parshurama with his axe.

Kautilya is also mentioned in Visnusarma's *Pancatantra*, Dandin's *Daskumarcarita*, Hemachandra's *Parisistaparvam*; Varahamihira's *Brhatsamhita*; Kshemendra's *Brihatkathamanjari*; Somadeva's *Nitivakyamrita*, *Kathasaritasagra* and *Canakyakatha*. Besides these references Kautilya is also mentioned in several *Puranas*, particularly in *Visnu Purana*, *Vayu Purana*, and *Matsya Purana*. *Nandisutra*, and other Jain canonical works like Bhadrabahu's *Kalpasutra* also mention Kodillya which is taken to be a reference to Kautilya. It needs to be specifically mentioned that at least two of the above works, i.e. Dandin's *Daskumarcarita* and *Pancatantra* of Visnusarma have projected Kautilya in a positive light as a brilliant expounder of science of polity.¹⁸

This is one dimension of Kautilya's personality. There is another dimension which is quite negative where Kautilya is depicted as the most wicked, cruel, treacherous and revengeful person. This comes out in different degrees in Banabhatta's *Kadambari* and more sharply in Visakhadatta's *Mudraraksasa* where Kautilya appears as crookedness personified rather than as a moralist, one who used some underhand methods when he was engaged in intense struggle to overthrow the Nandas and thereafter in his capacity as the advisor and Prime Minister of Chandragupta Maurya. In his attempt to win over Raksasa, Kautilya emerges in full measure as the master of political intrigue.

Let us first minutely examine his role in the overthrow of Nanda king, Mahapadma or Dhana Nanda. Historical accounts about the overthrow of the Nanda king by Kautilya are not only vague and inadequate but also conflicting. It is difficult to ascertain the exact sequence of events as they unfolded. At best one can make some conjectures with the help of recorded historical facts. The Nanda ruler against whom Kautilya engineered a successful revolution is

identified, according to tradition, as Mahananda or Dhana Nanda which some Puranic sources have identified as Mahapadma Nanda, who ruled over the mighty kingdom of Magadha with its capital at Patliputra (present day Patna). He was son of the last Kshatriya king of Saisunaaga dynasty, Mahakandi, from a Sudra woman. This would obviously make him a Sudra, at least a half-Sudra. But according to the Jain tradition he was the *son of a barber born to a Sudra courtesan*.¹⁹ Historians unanimously maintain that Saisunaga rule in Magadha was followed by rule of the Nanda dynasty. Nanda rule is said to have lasted for about 136 years.²⁰ The Nanda rule over Magadha was followed by the Mauryan rule which, according to some historians, lasted 137 years but *Visnu Purana* assigns 173 years to the Mauryan dynasty.²¹

According to the Greek sources a mighty king ruled in the east over the region of the Ganges. This was the rule of the last king of the once powerful dynasty of the Nandas. When Kautilya vowed to overthrow the Nanda ruler his popularity had been considerably undermined by the avarice and mal-administration of the king and corruption of his ministers. This provided to Kautilya a fertile ground to engineer the overthrow of the ruler. Kautilya's exact position in the court of the Nanda king is not clear but he was attached to the royal court probably as a learned Brahmin or may be even as a *purohit* (priest). On one occasion he is said to have had a tiff with the Nanda king but it is not clear as to what was the nature and cause of this tiff. Only this much is mentioned in the ancient historical and literary accounts that the Nanda king insulted him. What insult was heaped on him and more significantly why was he insulted remains a mystery. Given their professional orientation the historians have not bothered much to examine this question. Their focus is mainly on narration of events as they unfolded without any attempt to work out the implications, so also the literary works. According to an account Kautilya felt

humiliated because the king did not allow him to attend some ceremony which was taking place at the royal court. According to a slightly different account he was ordered by the king to leave the court. Somadeva's *Kathasaritasagra*, mentions that Shaktar, who was a minister of the Nanda King, met Chanakya (Kautilya) and invited him to the Nanda King's palace for *Shradh* on the thirteenth *tithi* of dark fortnight and promised that he would be accorded the highest place among the invitees and would be given one *lac* (one hundred thousand) *mohars* (gold coins). He accepted the invitation and reached the palace on the appointed day and occupied the highest seat. In the meantime another Brahman named Subandhu reached and insisted that he be given the highest seat. The dispute for the highest seat was referred to the king who decided in favour of Subandhu. When Shaktar informed Chanakya about it he got very angry and vowed to destroy the king within seven days and walked out. Shaktar secretly kept him at his house and assisted him in his mission. Whatever be the case the provocation does not seem to be serious enough to prompt any one to go to the extent of vowing to overthrow the king, getting him killed, getting his son(s) killed and getting his whole dynasty destroyed. In fact, there must be some deeper reason which the scholars have not bothered to discover. Therefore, there is a need to look at the whole episode more closely. With the help of these episodes one needs to draw reasonable inferences because, given the historical distance involved, it may not be possible to provide hard and verifiable facts to substantiate an argument. Even textual accounts, wherever available, may only be cryptic. Hence, the whole contention may have to be based on conjectures, though all such conjectures may get a lot of confirmation from circumstantial evidence. One may have to integrate and interpret the disparate facts and account of events by seeing the underlying connection between them.

It is not unlikely that there may have been a succession struggle between Chandragupta Maurya and the sons of the Nanda king. Kautilya may have used the alleged 'insult' as a pretext to open a front against the Nanda king. It seems quite probable that in the succession struggle to the throne Kautilya may have taken a position or may have put forth a claim which the king did not approve of or appreciate.

2.2.1 Kautilya's Diplomatic Moves

After his escape from Patliputra he went towards Punjab where, according to the Greek sources, he met Alexander, obviously to seek his support to overthrow the Nandas.²² According to Justice and Plutarch, Alexander met a 'young stippling' "named Sandrocottus", who has since been equated with Chandragupta Maurya, the future founder of the Mauryan Empire.²³ In a slightly different account of Chandragupta's meeting with Alexander it is stated that he encouraged Alexander in his enterprise to conquer Magadha but as is well known the fatigued army of the Greek invader was not inclined to move forward because after the capture of Punjab his soldiers were already feeling tired and homesick and refused to move forward.²⁴

The succession struggle thesis gets further support from the fact that Kautilya got Chandragupta Maurya admitted to the Taxila University where he was groomed for his future role by teaching him the art of governance. In any case the general impression that Kautilya just spotted him is wide off the mark. In fact, if one looks at Kautilya's whole style of functioning then it will not be difficult to make out that it was his usual style to do things in a manner that they would just look accidental or unintended even though they were well-planned and well calculated.

Having failed in his mission to rope in Alexander to help him capture the throne of Magadha Chandragupta, with

the help of Kautilya succeeded in managing the support of some tribes of north-west frontier and of Punjab to help them in their goal. Here, Kautilya particularly relied on the very valuable assistance rendered by Parvataka, a powerful but highly ambitious king of the mountains. Along with young Chandragupta, Kautilya also raised an army of their own. It stands to reason to argue that the help rendered to the duo by the tribes of north-west India and of the Punjab was precisely because they were convinced about the justness of Chandragupta Maurya's claim to the throne of Magadha.

There is enough evidence to suggest that after Alexander's death in 323 BC Kautilya advised Chandragupta to capture Taxila. From there, assisted by the various north-western tribal chiefs they marched towards Patliputra. They laid seize around the capital city of Patliputra. However, Parvataka, the king of the mountains was murdered during the seize, probably at Kautilya's instance. Some historians maintain that Kautilya got him killed through one of his *vish kanyas* (poison girls). However, it is quite likely that Parvataka may have agreed to support Kautilya in his campaign aimed at the overthrow of the Nanda king in the hope or on the condition, express or implied, that some territory of Magadha would be ceded to him.²⁵ If this be so then one can surmise that as soon as Kautilya sensed victory in his on-going seize of Patliputra he may have got rid of Parvataka to rule out any possibility of ceding a part of the kingdom to him. The seize was successful and the Magadha throne was captured. The king Mahapadma Nanda died under mysterious circumstances. However, Raksasa, the Prime Minister of the Nanda king escaped from the capital city. One needs to look at these two events—the death of the Nanda king and escape of Raksasa—more closely. Given Kautilya's familiar way of doing things it cannot be ruled out that death of king was part of his grand design. The Nanda king died apparently of high fever which lasted only for a week but it is not clear

whether he died during the seize or afterwards. One can surmise that the king must have died or Kautilya may have managed to get him killed during the seize. In any case, it was obvious that the king's death would hasten the capture of Magadha. This lends credence to the possibility that Raksasa the most competent minister of the Nanda King may have escaped as soon as he learnt that the king had died.

Despite the whole mystery that surrounds the death of the Nanda king, two conjectures can be safely made. First, that if the seize of Patliputra was the culmination of succession battle then it stands to reason that there must have been considerable sympathy in the Magadha state and some degree of popular support among the people for Chandragupta Maurya. His claim to the Magadha throne must have seemed legitimate to people. Secondly, the very fact that the anti-Nanda campaign was being spearheaded by a highly learned Brahmin, Kautilya, several other influential persons at the royal court must have lent express or tacit support to his anti-Nanda campaign. As a courtesan even Mura must have been quite popular among the court officials. In this scenario Raksasa and a group of other court officials may have initially stood by the Nanda king but once Kautilya was able to engineer his death, the balance of forces decisively tilted in favour of Chandragupta Maurya. It was probably in this situation that Raksasa fled from Patliputra to save himself from certain death at the hands of Kautilya. Given Kautilya's masterly moves, the possibility that he managed to poison the king through one of his confidants or won over the royal physician, either by promising him honourable rehabilitation in the new dispensation or threatening him with certain death, cannot be ruled out altogether. Of course, all these conjectures are in the realm of possibilities and nothing can be said with certainty.

Be that as it may, it is obvious that in this whole succession

battle Kautilya achieved three major successes—first, the death of king Parvataka whose help he obtained to dig his heels during the seize of Patliputra but got rid of him when his help was no more needed and victory was quite in sight. By this act Kautilya ruled out the very possibility of Parvataka demanding a price for the help that he had rendered; second, the death of king Dhana Nanda under mysterious circumstances; and third, the escape of Raksasa. It is not unlikely that escape of *raksasa* may have been a part of Kautilya's tactics so that he could, when the dust settles down, use his services for the post-war reconstruction of Magadha.

In fact, almost all historical accounts maintain that the real genius behind Chandragupta Maurya's success was an old Brahmin, Kautilya, who later on assumed the position of his Prime Minister. He exercised brahmanic 'control' to temper and guide the impulsive actions of young Chandragupta Maurya as much before his accession to the throne as after it.²⁶

After the overthrow of the Nanda dynasty, Kautilya devoted full attention to stabilize and secure Chandragupta Maurya's rule from internal and external threats. While doing so he was fully conscious of the fact that Raksasa was a very competent and upright person and had been very loyal to the Nanda rulers. He may also have been quite influential. Therefore, his escape could pose a constant threat to the Mauryan king, if he remained hostile to the new regime. For one thing, given the high position that he had held at the court of the Nanda king Raksasa was ideally placed to use his popularity among the people of Magadha to spread disaffection against the new dispensation. So there was an urgent need to suitably tackle him. Moreover, king Parvataka's son, Malyaketu, was nursing a grievance against Kautilya for his having engineered the assassination of his father. He was bent on avenging it by organizing all anti-Kautilya-anti-Chandragupta elements in the Magadha

kingdom and outside it. He had already roped-in Raksasa and the two together were trying to destabilize the Mauryan rule. So much so that the two had already garnered the support of five tribal chiefs. Thus, a mighty alliance headed by Malyaketu, with Raksasa being its chief strategist, was already in place. It was becoming almost invincible and it had already invaded the kingdom once and was all set to do it again. A real war of nerves between the two camps was on. The situation was, indeed, grim because Malyaketu–Raksasa combine was quite capable of overturning the Kautilyan apple cart. So there was an urgent need to break this alliance. Using his political acumen Kautilya meticulously evolved a strategy to sow the seeds of dissension in the enemy camp. He convinced Malyaketu that Raksasa could not be trusted. He did so by forging a letter which gave an impression that Raksasa was hostile only to Kautilya and not to Chandragupta Maurya and further that he was ready to serve the new king, if Kautilya was ousted by him. To give a colour of authenticity to this letter he sealed it with Raksasa's seal which he had cleverly procured. Thereafter, he stage-managed a sham quarrel with Chandragupta Maurya and resigned from the office of Prime Minister complaining that the young king had humiliated him. Both Malyaketu and Raksasa fell into the trap which Kautilya had laid for them.

Kautilya seems to have realized that part of the opposition to the Mauryan king could be because of him. After all, it was he who had master minded the killing of Dhana Nanda, it was he who had installed Chandragupta Maurya on the throne of Magadha. It is he who was now serving the young king as his mentor and conscious keeper. So probably his withdrawal from the royal court may soften the opposition to the Mauryan ruler. However, if he was to decide to withdraw it had to be done in a style so as to befool Raksasa. In the interest of Mauryan kingdom he was ready to retrieve provided that the empire which he had won for the Mauryan king was not lost after his departure from the scene. For this

it was not enough to break the anti-Mauryan–anti-Kautilyan Malyaketu–Raksasa plus grand alliance but also to find a person with sufficient administrative experience and popular acceptability to step into his shoes.

Obviously, there was only one person who could do the job satisfactorily and it was none other than Raksasa. But Kautilya realized that there were several hurdles in winning him over, for he had all along been known for his unqualified loyalty to the Nandas. Therefore, to make him join the new dispensation built on the ruins of Nanda dynasty was by no means easy. Secondly, after his escape from Patliputra he had already joined the enemy camp. In this otherwise hopeless situation the only silver line or the proverbial last straw for Kautilya was the fact that Raksasa's family was still at the house of a trusted friend of his, Chandandasa. So all things considered the task before Kautilya was quite, uphill. However, with the help of his political acumen, his conspiratorial disposition and his strong willpower he accomplished it with finesse.

2.2.2 Kautilya as Epitome of Political Intrigue

While the overthrow of Nanda king highlights one aspect of Kautilya's personality, it is his role at the court of Chandragupta Maurya during the post-Nanda phase, particularly his desperate attempt to win over Raksasa that reflects the other. It brings into sharp focus his multi-pronged strategy aimed at killing many birds with one stone. It will be no exaggeration to say that in the Raksasa episode Kautilya comes out as a unparalleled epitome of political intrigue who held all the trumps and kept them close to his chest. Winning over Raksasa was the master-stroke of his strategy and his statesmanship. His objective was not to *liquidate* Raksasa, not to *neutralize* him but to *win him over* to the Mauryan side! His calculation was that winning over Raksasa will render prince Malyaketu's threat to the

Magadha throne ineffective. Moreover, it was bound to blunt opposition to Chandragupta Maurya, if any, among the pro-Nanda sections of his subjects. In the bargain, he would have the services of a competent and loyal person of Raksasa's calibre to help the young Mauryan king.

Through the use of a variety of moral and immoral means including propaganda, secret service, counter espionage, lies, frauds and threats of assassination Kautilya sowed the seeds of doubt and discord in the enemy camp. Through a series of clever moves he made prince Malyaketu believe that Raksasa could not be trusted. So much so that Malyaketu finally dismissed him from his camp and he had nowhere to go but fall in Kautilya's trap.

With his family still at Chandandasa's house Raksasa stood completely outwitted. The only option before him was to place himself at the mercy of Kautilya. In this hopeless situation he learnt that Kautilya was going to execute his life-long friend, Chandandasa, obviously for having given protection to his family. Being thus driven to wall, Raksasa surrendered before Kautilya in a bid to save the life of his friend. In this whole plot Kautilya did not use any force but only forgery, perjury and poison to achieve his objective. Of course, he did hold threats of use of force.

In a broader sense Kautilya's strategy was one of reconciliation with Raksasa so as to utilize his administrative experience for the post-war reconstruction of the empire. Kautilya offered him the high office of Prime Minister which he himself was holding. This strategy of Kautilya was based on the assumption that the road to success lies not through unlimited application of force or in a total war. In fact, according to him, unlimited application of forces is negation of intelligent statesmanship. The maxim that he seems to have followed is that it is better to win over an intelligent enemy than to crush him. All in all, Kautilya's conduct depicts the low state of public morals which sanction the use of all

sorts of wily methods and unscrupulous ways including the use of charms (or to give impression of their use), in order to get rid of not only one's enemies but even of inconvenient friends.

In fact, on a closer look one finds that at various stages of this whole mission Kautilya used all the four cardinal principles of diplomacy that he later advocated in his *Arthashastra*—*sam* (pacification or conciliation), *dan* (gratification/gift or bribery), *danda* (punishment), and *Bheda* (division). There is some evidence to suggest after installing Raksasa as the Prime Minister of the Mauryan king, Kautilya called it a day and retired from active politics. There is a conjecture that he spent the remaining years of his life in reflecting about various aspects of politics, particularly in evolving principles of administration which could ensure safety of the king, peace in the kingdom and prosperity of the subjects. It is also widely believed that it was during his post-retirement phase that he compiled these principles on the basis of his mature insights into what he appropriately titled as *Arthashastra*. He used his *gotra* (clan) name Kautilya as author of this work²⁷ rather than either of his two other names—Canakya and Visnugupta—by which he was known during the earlier phase of his life when he was engaged in installing and dethroning the kings of his times. This would also explain why the name Kautilya does not occur in the accounts of his tirade against the Nandas and during his role as the preceptor of Chandragupta Maurya.

It seems that in compiling the *Arthashastra* it was not his intention to enunciate a high theory of politics, rather it was a compilation of his practical experiences and insights which he had gained when he was active in politics. He was keen to familiarize the future rulers with these methods so that they could resort to them, whenever a need arose; and also guard against their use by the enemy. It is this commitment of Kautilya to provide guidelines to the rulers which makes

his *Arthashastra* an unparalleled discourse on practical politics.

Looking at Kautilya's role in totality one can say that he was a man of intensity of spirit, a man capable of calmly facing a crisis. Diplomacy for him was a game of wits in which he held the winning gambit. In diplomacy his aim was to score an intellectual and moral rather than physical victory over his enemy. On the one hand he injected fear in the hearts of his adversaries and left them no escape route; while on the other, he inspired his allies by his astuteness, austerity and made them conscious of their historic role in helping in the task which he had undertaken.

Thus, there are two quite different portrayals of Kautilya's personality, one by Kamandaka, which is on the whole quite laudatory; and the other by Visakhadatta which is quite negative. While the former calls him moon among men; the latter describes him as a person of crooked intellect (*Kutilmati*) who burnt the Nanda dynasty in the fire of his anger. In Visakhadatta's *Mudraraksasa* Kautilya emerges as a revengeful and scheming person, who never forgets a slight and never loses sight of his goal, one who carries on a no-holds-barred fight against his enemies, fight not necessarily with weapons but with his intelligent manoeuvres. He plays with them as a cat plays with mice and tires them out. Here, another trait of his personality comes to the fore. This is his strong will power, his determination, his perseverance and his confidence in himself. Interestingly, however, after achieving his goal he changes gear and adopts an attitude of reconciliation. But he does so in the interest of state and in the interest of its subjects. Whenever he sensed any threat, however remote, which could jeopardise the security of the Mauryan state he was quick to take appropriate preventive measures. His anticipation of the coming events was his strong point. In *Mudraraksasa* one instance of his anticipation is quoted. On one occasion he learnt that some function was being organized to celebrate lunar eclipse (*chandragrahana*),

he quickly ordered the cancellation of the function because of its apparent similarity with Chandragupta. He apprehended that it would be interpreted as a signal of impending eclipse of the Mauryan ruler, Chandragupta. He feared that the enemies may be planning to attack the Mauryan *Chandra* (the Mauryan moon). It is this anticipation of enemy's moves which makes him a class apart as a strategist par excellence.

We may conclude with Nehru's assessment of Kautilya which is a very balanced one. According to him Chanakya has been called the Indian Machiavelli: To some extent this comparison is justified but he was a much bigger person in every way greater in intellect and action.²⁸ He was not a mere follower of a king, a humble adviser but he was bold and scheming, proud and revengeful, never forgetting a slight, never forgetting his purpose, availing himself of every device to delude and defeat the enemy, he sat with the reigns of Empire in his hand and looked upon the Emperor more as a loved pupil than as a master. Simple and austere in his life, uninterested in the pomp and pageantry of high position, when he had redeemed his pledge and accomplished his promise, he wanted to retire, Brahman-like, to a life of contemplation. He was unscrupulous enough yet he was also wise enough. His purpose was betterment of the State not the mere defeat and destruction of the enemy. If the war involves both parties in common ruin, that is bankruptcy of statesmanship.²⁹

NOTES AND REFERENCES

1. See, for example, Benoy Kumar Sarkar, *The Sukraniti* (New, Delhi: Oriental Books, 1975), Jagdishchandra Mishra, *Sukraniti* (in Hindi) (Varanasi: Chowkhamba Prakashan, 1998); Swami Jagdishvarananda Saraswati, *Sukranitisara* (Ballabgarh: Rishidevi Roop Lal Kapur Trust, 1997); and Ramanand Saraswati, *Sukraniti*, (Delhi: Manoj Pocket Books, n.d.).

2. It can be argued that for understanding the essence of Plato's political philosophy it is not enough to read his *Republic*, the *Laws* and the *Statesman* and *Crito* and *Symposium*, it is equally necessary to understand the conditions prevailing in the Greek society of his times, particularly in the city states of Athens and Sparta. So also for Aristotle's *Politics*. Similarly, for understanding Machiavelli's *Prince* one must understand the conditions prevailing in Florence during the fifteenth century and for Hobbes's *Leviathan* one must know the sixteenth century England. One can appreciate Marx's concerns expressed in the *German Ideology* or in *Manifesto of the Communist Party* or *Grundrisse* or *Capital* only if one is aware of the havoc which capitalism was playing with the workers' lives in the nineteenth century Europe. The clarion call given by Ambedkar in his *Annihilation of Caste* and the *Riddles of Hinduism* would make sense only if one is aware of the injustice, insult and indignity which dalits were subjected to for centuries in the *varna* based Hindu society. The relevance of Gandhi's *Hind Swaraj* becomes obvious in the context of exploitation to which India was subjected to by the imperial England during the colonial era and the dehumanization towards which rapid industrialization was leading.
3. The name Sukra does not occur in the *Rigveda* but there are numerous references to him by his other names—Usana and Kavya. See, *Hymns of Rgveda* tr. Ralph, T.H. Griffith, Varanasi: Chowkhamba Sanskrit Series, 1963) 1. 51.10-11, 83.5, 121.12; IV. 16.2, 26.1; V. 29.9, 34.2; VI. 20.11; VIII. 23.17; IX. 87.3, 97.7; X. 22.6, 40.7, 49.3 and 99.9. Also see, Purnendu Narayan Sinha, *A Study of Bhagavata Purana* (Madras, Theosophical Society, 1950), p. 107.
4. The *Puranas* being a mix of history and mythology do not contain historical accounts in the strict sense of the term but at the same time they cannot be considered wholly as mere figment of imagination.
5. If the *Puranic* sources are to be believed then it can be said that Sukra was not his original name; rather it was a title given to him, in a certain context, by Mahadeva (Siva). See, *The Siva Purana*, pt. (Delhi: Motilal Banarasidass, 1969). In some *Puranas* Kavi is said to be the son of Bhrigu and father of Sukracharya. See V.R. Ramachandra Dikshitar for *The Puranic Index*, Vol. I, (Delhi: Motilal Banarsidass, 1995), p. 338. In some other *Puranas* Sukra is shown as son of *Prajapati* (Bhrigu?). His mother was killed by Visnu but was brought back to life by Bhrigu, (Dikshitar, Vol. III, p. 441).
6. Angiras was one of the seven *maharisis* (great sages) and one of the ten *prajapatis*. His wife, Smriti was daughter of Daksha. He had three sons, Utathya, Brihaspati and Markandeya. Utathya's wife Mamta was seduced by Brihaspati. Bhardwaja was born to Mamta from Brihaspati.

Brihaspati's wife Tara, was carried off by Soma, son of Atri. Atri was son of sage Durvasa and he married Ansuya, daughter of Daksha. For details see, John Dowson, *A Classical Dictionary of Hindu Mythology* (London: Routledge and Kegan Paul 1961), p. 16.

7. In essence this was quite like the present day practice where some non-nuclear power nations try to steal nuclear secrets by gaining access to the nuclear countries in different guises, often as scientists.
8. About Sachi, daughter of Puloma there is a *Puranic* tale that Indra kidnapped and ravished her because she was very voluptuous. Puloma was friend of Vritra (a non-Aryan) who was the bitterest enemy of Indra. Once Anurhad with the connivance of her father Puloma retrieved Sachi whereupon Indra got very angry. He killed his father-in-law to escape his curse because he had married her without the consent of her father. Some *Puranic* accounts state that Puloma, father of Pulomi was father-in-law of Bhrigu (See. Dikshitar, Vol. II, p. 362).
9. Of course, for a while Brehaspati did act as preceptor of the non-Aryan king Andhaka but that was only in the guise of Sukra and that too with a malicious motive of misguiding the king.
10. See, Dowson, p. 307. Jayanti was sent by Indra to lure Sukra when the latter was engaged in severe penance to obtain from Siva a boon of invincibility for the non-Aryans.
11. Ibid.
12. See, Shri Ramprasad Majumdar, "The Historical Aspect of the Puranic Asura Dynastry", *The Journal of the Bihar Research Society*, Vol. XXVII, Parts 1-2, pp. 124 ff.
13. Kunst, Arnold and Shashtri, J.L., *The Siva Purana*, pt. II (Delhi: Motilal Banarsidass, 1969), p.1007 ff.
14. See, Visakhadatta, *Mudraraksasa* (New Delhi: Global Vision Publishing House, 2004); and Banabhatta, *Kadambari*, tr. C.M. Ridding, (Bombay: Jaico Publishing House, 1960).
15. Shaktidhara is another name of Kartikeya, son of Siva.
16. See, Ludwik Sternbach, *Canakya Rajaniti: Maxims on Raja-niti*, (Madras: Adyar Library, 1963), pp. 3-4. For further elaboration of this point see, Manmatha Nath Dutt, *Kamandakiya Nitisara*, (Calcutta: Elysium Press, 1896).
17. Radha Kumud Mookerji, *Chandragupta Maurya and His Times* (Delhi: Motilal Banarsidass, 1960), pp. 8ff.
18. But on the whole in most of these sources the reference to Kautilya is of a very general nature limited only to his role in the overthrow of Nanda king and installation of Chandragupta Maurya in his place. At the most he is credited with having won over Raksasa through his well calculated diplomatic moves.

19. See, Thakur Harendra Daya, *The Visnu Purana* (Delhi: Sandeep Publication, 1983), p. 53 ff.
20. See, *Purana* (2005), volume XLVII, No. 2.
21. See *Visnu Purana*, IV, 24.
22. See, Visakhadatta, *Mudraraksasa or the Signet Ring of Raksasa* tr. by R.S. Pandit, (Bombay: New Book Company, 1944), pp. 3 ff.
23. Quoted in Stanley Wolpert, *A New History of India* (New York: Oxford University Press, 1989), pp. 56ff.
24. Waley, Adolf, *A Pageant India*, (London: Constable and Company, 1927), p. 13.
25. In the history of the world there are any number of examples to show that one ruler often agrees to militarily help another by extracting a promise that some part of the captured territory would be ceded to him.
26. Wolpert, p. 57 ff.
27. There is a surmise that he belonged to the *Kutil gotra*.
28. Nehru, Jawaharlal, *Discovery of India* (Calcutta: Signet Press, 1946), p. 96.
29. *Ibid.*

CHAPTER III

Equity as a Value

3.1 Conceptualization of Equity in Sukra: Moral, Socio-Cultural and Political Dimensions

In an earlier section of this study three different conceptualizations of equity have been discussed. The first, a *broad* metaphysical, moral and socio-cultural connotation where equity implies a pattern of interpersonal and intra-societal relations based on equal respect to all human beings qua human beings irrespective of biological, racial and intellectual differences among them. It also implies equal respect to all social groups and tolerance towards all cultural streams found in a given society. The second, a somewhat *narrower* political connotation where equity refers to the justness of the political order. In this notion of equity the emphasis is on equal right of different individuals and different segments of a society to participate in the political affairs of the state as equal members of the polity. According to this connotation equity lies in vesting every citizen with equal liberty and recognition of inherent right of every community to self-rule and self-determination. The third is a *still narrower* legal-juridical connotation where equity refers to the legal apparatus of the state which is fair and impartial and one which is based on principles of natural justice and rule of law. The central concern of these three connotations is to secure a society and a polity which is fair to every individual and every group constituting it. The primary value

in each of these notions of equity is social justice. Of course, this classification is purely analytical and has been devised in the present study merely as a heuristic device, despite the fact that in their actual manifestation the three connotations often over-lap, coalesce and impinge on each other.

The present chapter seeks to examine and analyse the position of Sukra and Kautilya with regard to the broader metaphysical, moral and socio-cultural dimensions of equity as also the narrower political dimension. However, it needs to be clarified at the very outset that the analysis that follows is largely extra-textual, i.e. it is not based on the study of their respective texts—*Sukraniti* and *sukranitisara* of Sukra and *Arthashastra* of Kautilya. It is the contention of this study that in the present case the extra-textual route is methodologically quite appropriate because *actions* of Sukra and Kautilya mentioned in various historical and literary sources speak more eloquently about the extent and nature of their commitment to equity and fairness than their texts. In fact, the extra-textual route is more rewarding and more enlightening because it is more broad-based and provides a better peep into their conceptions of a just and fair society and polity. Recourse to this extra-textual approach also emanates from the fact that there has been and still is an intense protracted debate about the very authenticity of these texts, about their authorship and about the probable date of their composition. Given this scenario of branding these texts, particularly the *sukraniti* as spurious, any conceptualization of equity based on them would be questionable because the text itself is questionable.

On the contrary, it would be quite tenable to try to construe their (Sukra's and Kautilya's) respective conceptualizations of equity and fairness by comprehending the real essence and true nature of political struggle in which they were involved, the interests they tried to serve and the values that they sought to promote. While undertaking this

exercise one must also constantly bear in mind that Sukra and Kautilya belonged to two different historical epochs¹ and operated in two different societal settings. Therefore, they must be understood in the light of the specific societal contexts in which they were placed. However, since analysis in this chapter is entirely extra-textual, its focus is more on Sukra than on Kautilya mainly because the whole debate about the authenticity of *Sukraniti* is still quite alive; while doubts about the historicity of Kautilya and his magnum opus, *Arthashastra* seems to have substantially receded. In order to comprehend Sukra's conceptualization of equity in its totality, the present discussion may be divided into four sections: the nature of wars between the Aryans and the non-Aryans during Sukra's times and some of the key issues involved in them; the nature of caste and class politics of the Aryans; the dimensions of cultural contestations between these two people, the extent of gender justice in Sukra; and ends and means relationship in his actions.

3.1.1 *The Nature of Wars*

It will be hardly denied by any one that the history of pre-Vedic and Vedic India is, more than anything else, a history of intermittent wars between the Aryans and the non-Aryans. These wars signify an intense power struggle between the two or more communities for territories (earth if you like) during the remote antiquity. While the Aryans were trying to expand their territorial possessions either by capturing the territories of non-Aryan communities by taking them as slaves or by pushing them out from the *madhyadesa* to the margins or to the forests. Through these wars the Aryans aspiration was to convert the whole of the Indian subcontinent into *Aryavarta* (the home of the Aryans). By temperament the Aryans were aggressive and by design they were expansionist. There were three different communities

with whom the Aryans had to contend during the course of their advance from north-west India towards central and east India : the Dravidians (presently inhabiting south India); the tribal groups of central India (including the Bhils, the Santhals, the Nishads, the Mundas, etc.); and the mongoloids (living today in North-East India).

Sukra was preceptor of some of these communities during the most critical phase of Aryan-non-Aryan encounters. More particularly he served, with great devotion and dedication, several generations of one particular non-Aryan kingdom—the kingdom of Hiranyaksa; starting with king Hiranyakasipu to Prahlada to Andhaka to Virocana and finally to Bali.

When Sukra appeared on the Indian political scene as preceptor of this dynasty the situation for them was quite dismal. Aryan intent to physically liquidate all those who did not fall in line by refusing to adopt their values and belief systems or who resisted their territorial advances was clear. Visnu the Aryan hero of unparalleled valour had already killed Hiranyaksa in a duel. The fight between the two was for territory which Visnu was trying to secure for the Aryans, but faced considerable resistance from the natives. After Hiranyaksa's death, his twin-brother, Hiranyakasipu succeeded him. He was also fully committed to defend the sovereignty of his kingdom and political and cultural autonomy of his people. Despite Sukra being there to advise the king, Hiranaykasipu was also slain by Visnu. After his death his son Prahlada succeeded to the throne. During his reign the Aryan hostility somewhat softened because he readily accepted the dominance of the Aryans. In fact, his position seems to be quite akin to a vassal. However, on one occasion he felt cheated at the hands of Visnu regarding the boon of the invincibility and abdicated his throne in utter disgust and passed it on to his cousin Andhaka, son of Hiranyaksa. Andhaka was made of a different disposition than Prahlada and he started asserting his independence.

Thereby he invited the ire of the Aryans who tried to subdue him. The battle which followed was really fierce and Sukra showed exemplary professionalism to defend and promote the non-Aryans' quest for freedom. So much so that on a couple of occasions when he sensed that Andhaka's state was likely to be run over by the Aryans because of their superior weapons or their clever machinations he undertook penances for securing superior weapons or evolving better strategies to counter the Aryans and thereby defend the political identity and freedom of this non-Aryan kingdom from the Aryan onslaughts.²

Two instances of Sukra's herculean effort to defend the kingdom of Andhaka stand out clearly. According to one account he secured a strategically crucial weapon which Rudra had used against Soma in an earlier war which had broken out on the issue of abduction of Tara, wife of Brihaspati (who was preceptor of the Aryans and thus Sukra's counterpart). But his most stellar contribution to protect the non-Aryans from oppression of the Aryans lies in procuring *sanjivani vidya* (knowledge of reviving the dead) from Mahadeva along with a boon of invincibility.³

Through this strategic move Sukra was able to secure a decisive strategic edge over the Aryans. The latter began to realize that it was not possible to subdue the non-Aryans so long as Sukra was there, because with his unique knowledge he revived the non-Aryan war heroes who fell on the battlefield. Therefore they decided to use other diplomatic methods to enslave and vanquish them. Very soon a golden opportunity came their way. On the advice of Sukra, the non-Aryan king Bali (son of Virocana and grandson of Prahlada and great grandson of Hiranyakashipu) had succeeded in not only defending his kingdom by keeping the Aryans at bay but had also conquered the kingdom of the most powerful Aryan war hero Indra. The Aryans were despondent over this loss and wanted to somehow retrieve

the lost kingdom. They came to know that as a part of his victory campaign and in order to further consolidate his position vis-à-vis the Aryans, Bali was arranging, on the advice of his preceptor, a *visvajit yajna* (world conquering sacrifice). Being an exceptionally great philanthropist Bali announced that during this *yajna* he would not refuse the request of anyone who comes begging to the ceremony. The Aryans decided to use this liberal disposition of Bali to their advantage and sent Visnu in the guise of a dwarf Brahman to beg nothing short of his whole kingdom. Sukra being a great seer and a strategist par excellence was able to see through the Aryan game-plan. He cautioned Bali not to fall into the Aryan trap and not to grant any request of the dwarf brahman. He told Bali that it was a design of the Aryans to subjugate him and snatch his kingdom. But Bali riding high on popularity refused to pay heed to Sukra's advice and promised to grant the request of the dwarf brahman. Feeling slighted at Bali's arrogant and defiant attitude, but still fully committed to defend autonomy of Bali's kingdom and welfare and freedom of his subjects, he refused to perform the *sankalp* (the ritual of giving) and finally walked out of the *yajna*. Thus, the huge kingdom of Indra which Sukra had managed to win for the non-Aryans was lost.⁴ Thus, after battling with four generations of Hiranyaksa the Aryans finally subjugated a major community of the non-Aryans. It was a turning point in the history of Aryan-non-Aryan interface and it turned the tide decisively against the various indigenous races of the non-Aryans. It also marked the retirement of Sukra from this kingdom, although he did continue serving another powerful non-Aryan kingdom ruled by Vrishparva.

Thus, as far as Aryan-non-Aryan wars are concerned Sukra made sure that so long as he was at the helm of affairs as preceptor and *purohit* of the latter he successfully defended their political sovereignty, and their autonomy which was

no mean achievement. After all, the Aryans were not only a highly motivated, expansionist community they also had sophisticated weapons, extremely shrewd Brihaspati as their preceptor, great mobility in the form of horse with its speed for tactical manoeuvres in the battlefield and milch cattle (particularly Cow) in the form of movable food supply, and ox-cart for transport.⁵ To hold the fort against such a well-equipped and highly accomplished adversary was nothing short of a miracle for Sukra. This is particularly so because although there were several great warriors among them known for their personal valour but, on the whole, the non-Aryans were a highly disorganized and indisciplined lot.

3.1.2 Sukra and the Caste Politics of the Aryans

The history of Sukra's times is not only a history of intermittent battles between the Aryans and the non-Aryans, it is also a history of oppression, exploitation and colonization. The Aryan politics was politics of the *dvija* (twice born) castes. Unfortunately, the Aryan politics of the remote antiquity has not been viewed by scholars as politics of *varnas* and castes where caste became an instrument to legitimize oppression and deprivation which continues right up to this day. There was a very subtle attempt by them to impose and legitimize the caste and race hierarchies and class exploitation. As such among other things, Sukra's fight was directed at demolishing these caste and race hierarchies and class-based exploitative practices of the Aryans. Viewed from this angle Sukra's struggle was a struggle for equality, a struggle for fraternity. It was directed at the Aryans who constituted the *dvija* castes and who tried to push the non-Aryans to the status of *Sudras* (untouchables) and *dasas* (slaves). By monopolizing all the economic resources, land and cattle wealth, and political power the Aryans tried to reduce the non-Aryans to complete subjugation. Sukra, on the other

hand, stood for sharing of economic sources and sharing of political power. In short, his fight was a fight against the racist and the supremacist politics of the Aryans. It is this that constituted his concept of equity.

To put this dimension of Aryan–non-Aryan interface in the vocabulary of present day social science discourse, one can say that by taking up the cause of the *dasas* and *sudras* Sukra was fighting for *politics of inclusion* against the *politics of exclusion* to which the *dvija* castes were firmly committed. He was fighting against the intended slavery which manifested itself not as slavery in the western sense of the term or slavery as it existed in the ancient Greek society. Even though it had some features of slavery as it existed in Greece, it had several unique features of its own which got ideologically established and politically legitimized in the *varna* order where some segments were not only treated as untouchables but also as unapproachable (they had to stay at a certain distance away from those belonging to the *dvija* castes) and unseeables (they had to remain out of *dvija* castes' sight). Obviously, there could be no equity in such a society because equity is possible only in a society where there is no exploitation, no slavery, no *dasas* and no caste hierarchies. In short, the paradigm of injustice and the total absence of equity in ancient India clearly manifested itself in exploitation of *dasas* by the Aryans and it was precisely to demolish this paradigm of injustice that Sukra was fighting. It needs to be noted that the relationship between the *dvija* castes and the *sudras* or the *dasas* is not akin to the one that obtains between the elite and the masses nor is it like the one that exists between the rulers and the ruled, it was much worse. It was a relationship between those who, in the Aryan estimation, were 'pure' and those whom they branded as 'polluted'. This 'purity–pollution thesis had very abhorrent and far-reaching implications, for if the body of the *dasa* or *sudra* was a defiled body how could it have a soul and how

could it be allowed to recite the *Vedas*. The argument was that the recital of *Vedas* by the polluted would pollute the *Vedas*. So the *sudras* were neither allowed to recite nor to hear them. Thus, they were denied all access to the Aryans' rich storehouse of knowledge. Since knowledge is power hence by denying access to the *Vedas*, the non-Aryans were, in essence, denied all access to power. The Aryan apprehension was that if *sudras* were allowed to recite the *Vedas* or to listen to them or were permitted to access the Aryans' storehouse of knowledge it would lead to their upward mobility and, in due course, it would break the watertight compartmentalization of society which they were so laboriously trying to introduce and defend. Since the *varna* order was defended very cleverly by the Aryans by linking one's *varna* in this life to his or her *karmas* (actions) in the previous life, there could obviously be no redemption or escape from it; at least not in this life. Sukra must have felt that if it was not possible to demolish the *varna* order lock, stock and barrel the next best option would be to weaken it by creating confusion of castes by encouraging marriages between the Aryans and the non-Aryans. He did so by manipulating the events in such a way that the most powerful Aryan king of Kshatriya *varna*, Yayati, was forced into a situation where he had no option but to marry Sukra's daughter, Devayani. It was of course a marriage between a brahmin girl and a Kshatriya king and there was nothing so revolutionary about it but Sukra, through a series of clever moves, ensured that in the bargain, Sarmishtha, the daughter of a native non-Aryan king, Vrishparva also entered Yayati's palace not as his wife but in the guise of Devayani's maid. For the pretty daughter of Vrishparva it was not difficult to exploit Yayati's amorous disposition and become his mistress or co-wife. It was through such marriages between the Aryans and the non-Aryans that the rigid *varna* hierarchy loosened, at least it lost some of its shine.

3.1.3 *Cultural Contestations and the Role of Sukra*

In human history there are any number of instances to show that the most common strategy for a country or a racial group to colonize and enslave another country and its people is to physically capture its territory and establish political control over it through sheer muscle power. The other route to do so is to capture its material resources and impoverish its people through various exploitative instrumentalities. However, in either of these cases of subjugation the colonizer's hold on the colonized people continues only so long as the former's muscle power or economic clout lasts. There is also a third route which is more effective, more subtle and more enduring than the two mentioned above. Here, the dominant colonizer nation or race establishes its cultural hegemony over the colonized people. This is done by destroying the native cultures by ridiculing them by branding them not only as inferior but also as savage and barbarous. In other words, the colonizer does not control only the bodies of the colonized, not only their stomachs but also their minds, so that they begin to think the way the colonizer wants them to think, they begin to behave the way the colonizer wants them to behave. The colonized people are left with their heads but ideas in their heads are those that are planted by the colonizer. The success of this cultural route to colonization lies in making the colonized people accept the colonizer's world-view as their own. Arguably, the Aryans were the first tribal people on this planet to have realized the significance of cultural conquest vis-à-vis the relative fragility of political and economic conquest. Consequently, their objective was not only to vanquish the non-Aryans in the battlefield but also to denigrate them as *sudras* in the *varna* order and above all to obliterate and delegitimize their cultural baggage, their values and their belief-systems. Therefore, along with political and social dominance the Aryans were also determined to establish

their cultural dominance over the non-Aryans. As a first step in this direction the Aryans styled themselves as *devas* (gods) and put all the non-Aryans in the category of *Asuras* (demons) which was used as an over-arching generic term so as to include in its ambit all the non-Aryans. *Dasas* (slaves), *dasyus* (pirates), *danavas*, *daityas* and *rakshasas* and other derogatory epithets were used to describe them.⁶

To register their superiority over the non-Aryans, the Aryans projected themselves as the forces of light and depicted their adversaries as forces of darkness. They asserted that their culture was superior as compared to the cultures of the non-Aryans. As a part of this assertion they took a lot of pride in the fact that they were wedded to 'other-worldly' pursuits, they delved into philosophic speculation, they had a flair for poetry, music and other finer arts. As against this they condemned the non-Aryans for being superstitious with faith in charms, witchcraft, incantations and ceremonies to raise spirits through magical formulas. Given this domineering attitude of the Aryans, Sukra's task: to ensure a place of honour for the non-Aryans and some degree of respectability for their cultural practices was quite uphill.

But the crucial question is who were these people who styled themselves as the *Devas* (gods) and their adversaries as *asuras* (demons). If the anthropomorphic and anthropolatry cloaks which are woven around them are removed then one finds that in the remote antiquity there lived in the Indian subcontinent two distinct categories of people the Aryans and the non-Aryans who had very little in common.⁷ Aryans rendered themselves famous by their wisdom, real or supposed, their heroic deeds and above all their austerities, their *yajnas* and sacrifices. So much so that with the passage of time the term *deva* (god) became a sort of idealized nomenclature or honorific term for the Aryans while the name *Asura* which was used for the non-Aryans came to have an abusive and pejorative import. This is

understandable because the *Vedic* and *Puranic* sources are not objective; rather they are one-sided. They give us the viewpoint of the Aryans only. One must bear in mind that these accounts lack objectivity. The fact of the matter is that in mundane terms the Aryans and the non-Aryans were people of different ethnic lineages, they belonged to different racial stocks, they spoke different languages and they subscribed to different cultural values, beliefs and philosophies of life. The two followed different ritual practices. They also differed from each other even in their physical features. The Aryans were fair-complexioned; while the non-Aryans were dark complexioned. The Aryans interpreted this difference to project themselves as a superior people, as forces of light and the non-Aryans as forces of darkness. The Aryans ridiculed the non-Aryans for their huge, clumsy bodies, their repulsive facial geometry and called them by several derogatory names like nose-less, goat-nosed, broad-jawed with sound in breath and what not. By doing so they tried to engender a sense of inferiority and self-pity in them. Above all, the Aryans condemned the non-Aryans for their cultural practices, for having no sacred fires, for performing no *yajnas* and for being phallus worshippers. By doing so the Aryans tried to demonstrate, as all colonizers do, that culturally they were superior to the non-Aryans. Sukra on the other hand, was keen on defending the cultural practices of the non-Aryans and accord them a respectable status alongside the Aryans' cultural practices and rituals. The Aryans stood for complete cultural *assimilation*; while Sukra fought for cultural *accommodation*. The Aryans were intolerant of non-Aryan cultural practices, while Sukra pleaded for toleration.

The Aryans considered themselves to be superior to the non-Aryans in every respect and hated them; while Sukra pleaded to accord them humane treatment. The Aryans were highly abusive about the non-Aryans. All negative

attitudinal traits like deceit, falsehood, wildness and bruteness were associated with them. They were accused of cattle-stealing and women lifting and were branded as intellectually bankrupt, morally degraded, hardened criminals, dangerous sorcerers, fiends devouring human flesh, hideously repulsive savages living in caves and *jungles* (forests). They were held guilty of ostentations, arrogance, self-conceit, anger, rudeness and ignorance. On the other hand, the Aryans took a lot of pride in being worshippers of various nature gods—*Indra* (the god of rain), *Varuna* (the god of Ocean) and *Surya* (the Sun) and *Agni* (the fire), the two gods of light and warmth. In fact, the Aryans blamed the non-Aryans for all ills and ascribed to themselves all the conceivable noble traits—serenity, self-control, austerity, purity, forbearance, righteousness, fountains of knowledge and justice, symbols of heroism, bravery, valour, firmness, dexterity and generosity. They boasted of having sacred fires, holding *yajnas* and offering sacrifices. By doing all this the Aryans wanted to demonstrate that their conflict with the non-Aryans was, in essence, a clash between two cultures and two sets of social values—non-native and native, modern and traditional, civil and savage, rational and irrational and spiritual and temporal. Thereby the Aryans tried to confine the non-Aryans, to use Frantz fanon's term, within "a circle of guilt".⁸ To establish their cultural superiority they enunciated four-fold lofty goals of life: *Dharma* (righteousness), *Artha* (material prosperity), *Kama* (enjoyment of worldly pleasures) and *Moksha* (salvation).

From the above account it is obvious that the Aryan attitude towards the non-Aryans was unjust, grossly unfair, and most inhumane. If one were to look at this interface of Aryans and non-Aryans in its totality it was not much different from the recent theory of 'whiteman's burden' articulated by Kipling and others because in the whole narrative of the Aryans there was an attempt to drive home the point that their mission was a 'civilizing mission'.⁹

In a manner of speaking, this coercive aryanization was probably the first flush of imperialism in India and certainly the most effective at that. The Aryans were the first and arguably the last to have tried to give this continent their own racial name—*Aryavarta*—the home of the Aryans. On the cultural plane the Aryan attitude towards the non-Aryans was one of total intolerance. There was hardly any attempt by them to synthesize, much less respect, the non-Aryan cultures. Pushing the non-Aryan natives into the category of *Asuras* was definitely not the best way to integrate them into the Aryan socio-cultural order, at least not by the present day standards.¹⁰ It was this domineering attitude of the Aryans which Sukra was fighting against because it was patently unjust and unfair.

To put the Aryan–non-Aryan interface in the present day political vocabulary, one can say that the whole Aryan discourse, like the post-modernist discourse, was rooted in the “*theme of difference*”, i.e. in the “we–they” syndrome which had very serious implications. Since the Aryans constituted quite a cohesive group both racially and culturally they could be taken to constitute a “nation” (or at least an embryonic nation); while different groups of the non-Aryans were only “fragments” or some sort of rudimentary sub-nationalities because the only commonality among them was that they were all objects of Aryan greed and Sukra equipped them, though in different degrees and in diverse ways, to resist the Aryan attempts aimed at bull-dozing them.¹¹ This whole Aryan approach towards the non-Aryans can be likened to what came to be known after First World War as the “Versailles syndrome”, i.e. to be too harsh to one’s foes.

The broad contours of Sukra’s total commitments to equity come out clearly in his multi-pronged resistance to this ‘we–they’ attitude. He wanted some sort of accommodation between the two people at political as well as at the cultural level. But the attitude of the Aryans was

most unreasonable. Sukra led the fight of the non-Aryans against this unjust attitude. For this he firmly stood by the successive generations of the non-Aryans to ensure that the Aryans are not allowed to ride rough shod on the non-Aryans and their cultural practices. Viewed from this angle, Sukra's whole effort in his capacity as preceptor of the non-Aryans was to protect their culture. Hence, along with their political sovereignty he was also defending, by all possible means, the cultural autonomy of the non-Aryans. His vision of equity is amply reflected in these two tasks.

It needs to be realized that the task of defending the cultural autonomy of the non-Aryans was by no means easy because the Aryans not only ridiculed their cultural practices; rather they also belittled and made fun of the gods whom the non-Aryans worshipped and even all others who were sympathetic and supportive to their cause. Aryans insisted that the non-Aryans must worship their gods. They particularly wanted them to worship Visnu instead of Siva. So one dimension of cultural struggle between them got manifested in a struggle for supremacy between Visnu and Siva. In fact, the Aryans spared no effort to humiliate Siva towards whom their attitude was one of exclusion. The most glaring evidence of it can be found in the fact that his father-in-law, Daksha, did not invite him to the *yajna* which he had organized. This humiliation of her husband led his wife Sati to burn herself in the sacrificial fire which culminated in the destruction of the sacrifice by Siva's devotees and *ganas*. One must also recall that the Aryans often addressed Siva (some what pejoratively) as *Pasupati* (lord of the beasts) and his supporters and attendants as *bhutas* (ghosts), *pretas* (goblins), *pisachas* (fiends), etc.

The above account does give some idea of the forces which Sukra was fighting against and the social cause for which he was fighting. If Siva owned him as his third son, as indeed he did, he owned him precisely because ideologically

the two were on the same plane. Their common goal was to ensure equity in society by preventing the Aryans from trampling the non-Aryans for their cultural practices which the former considered to be barbarous. Siva gave shelter to the non-Aryan king Andhaka (son of Hiranyaksa) who had been constantly at war with the Aryan lord *Visnu* to avenge the death of his father and his uncle (Hiranyakasipu). So much so that Siva appointed him chief of his *ganas*, *ganapati*. The recognition of Siva as *Mahadeva* (supreme lord) by the Aryans at a later date marked a turning point in their relations with the non-Aryans. It marked the beginning of the half-hearted process of cultural accommodation on which Sukra had been constantly insisting.

It was Siva who gave *Sanjivani Vidya* to Sukra which enabled him to revive the non-Aryan warriors who got killed at the hands of Aryans on the battle-field. The Aryans were quick to realize that the acquisition of *Sanjivani Vidya* by Sukra made the non-Aryans virtually invincible.¹²

3.1.4 Gender Justice

It is relevant to mention here that the core element of Sukra's notion of equity is to rescue the oppressed from the oppressor, exploited from the exploiter, under-privileged from the privileged and weak from the strong. Accordingly, an important dimension of Sukra's equity is his total commitment to gender justice. On several occasions he resolutely defended the honour of women and severely punished any one, howsoever high or mighty, who exploited them. He was particularly harsh towards those who molested or tried to violate the chastity of women. A couple of instances can be cited to substantiate his commitment to just and honourable treatment to women. The first relates to his daughter Arja. Once when Sukra had gone to non-Aryan king, Vrishparva, who was his *yajman*, his daughter was alone

at his hermitage. At that time king Danda of Ikshvaku dynasty of solar race who was also *yajman* of Sukra reached his hermitage and finding Arja alone he ravished her despite all the resistance that she could muster. When Sukra returned she tearfully narrated the whole incident to him. Sukra got so much angry at this heinous act that he took a vow to severely punish the errant king for his offence. Consequently, he liquidated the king and destroyed his kingdom which became a forest—Dandakarnya—and fell into the hands of a non-Aryan tribe. It was ruled by Ravana's sister Surpanakha and was defended by her with the help of Khar, Dushan and Trishira. The second instance is equally telling and shows his utter contempt for those whose conduct is adulterous. His daughter, Devayani, was married to king Yayati of the lunar race who had earned for himself the title of an emperor because of his military conquests. Non-Aryan king Vrishparva's daughter, Sarmishtha had accompanied her (Devayani) as her life long maid. As was feared, with the passage of time king Yayati because of amorous nature developed adulterous relations with Sarmishtha. In fact, she gave birth to three sons, Druhaya, Anu and Puru, for the king. When Devayani came to know about it she was very angry and complained to her father. Sukra was furious and inflicted a curse of instant old age on the mighty king who was his son-in-law.

These two instances apart, even otherwise Sukra accorded highest respect and regard to women. For him women were not mere commodities or mere objects of pleasure. He always tried to be fair to them. Once he was undergoing penance to obtain *Sanjivani Vidya* from Siva. When Indra, the most powerful Aryan king, learnt about it he got very much worried at the prospect of Sukra's success and decided to obstruct him from achieving his mission. He sent his daughter, Jayanti, to please him and thereby distract him from his mission. [It was quite like Indra's mission of sending Menaka to disturb and distract Visvamitra from his mission.] But Sukra

remained steadfast in his resolve. However, on the completion of his penance when he tried to thank her for the service that she had rendered she requested him to marry her and stay with her for ten years. Although Sukra was fully aware that this was a cunning move of Indra to delay his return to the court of non-Aryan king, Andhaka, yet out of consideration for Jayanti's services he agreed to her request knowing fully well that his absence from Andhaka's court could cost the non-Aryans dear and Indra might use the period of his absence to gain strategic advantage over them which may clear the decks for his (Indra's) final victory.

This was one dimension of his sense of gender justice. The other dimension relates to allowing women the right to choose their life partners. On one occasion Brihaspati's son Kacha came to his hermitage apparently to study but actually to somehow obtain or steal the unique knowledge of reviving the dead which Sukra had obtained from Siva. During Kacha's stay at the hermitage Sukra's young daughter, Devayani, fell in love with him. Sukra did not only tolerate her amorous behaviour but readily agreed to her repeated requests to protect Kacha from the harm that the non-Aryans inflicted on him because they did not like his presence amidst them because he belonged to the enemy camp. In fact, one may say that Justice and equity for Sukra lay in securing a life of honour and dignity for everyone in society, high or low, male or female. On one occasion there was a fight between his daughter Devayani and Sarmishtha, the daughter of king Vrishparva, during the course of which the latter (Sarmishtha) abused her and pushed her into a well. When Sukra came to know about Sarmishtha's violent and unbecoming conduct he readily agreed to Devayani's suggestion that they should no more stay at the court of Vrishparva. Sukra revised his decision only when the king profusely apologised to both of them and also agreed to Devayani's somewhat harsh demand

that henceforth Sarmishtha should serve her (Devayani) all her life as her maid.

Here it would be of some interest to compare, in passing, the decent and fair attitude of Sukra towards women with unbecoming, obnoxious and at times violent attitude of some prominent Aryans including his counterpart Brihaspati who ravished Mamta, wife of his brother, and that too by turning a deaf ear to her pleas that his action amounted to violation of *Dharma* (righteous conduct). Brihaspati's own wife, Tara, was kidnapped by Soma who, despite repeated requests refused to return her. The impasse led to a war. Budh (not to be confused with Gautama Buddha) was born out of Tara's union with Soma. The famous Aryan king Nahusha, father of Yayati, virtually ran amok to possess Indra's wife. Of course his misconduct did not go unpunished.¹³ About Indra's romantic escapades with various women including Ahalya the less said the better. He kidnapped Paulomi and forcibly married her. When her father protested and threatened to curse Indra, the king of gods did not hesitate to put him to death. On another occasion Visnu killed Bhrigu's wife (Sukra's mother?) obviously for no fault of her but just to escape her curse.

3.1.5 Ends and Means Relationship in Sukra

In any worthwhile discussion on equity one cannot afford to overlook the question of ends and means, for, no end, however noble, can be considered to be fair and just if it is not achieved by just means. In other words, in any consideration of equity purity of means is as important as purity of ends. Hence, Sukra's commitment to equity ought not to be measured merely in terms of his noble ends of protecting the political sovereignty, social equality and cultural autonomy of the non-Aryans; rather one must also look at the means that he employed to achieve these ends.

In other words, in order to comprehend Sukra's commitment to equity and fairness it is *necessary* but not *sufficient* to look at the ends he wanted to serve, one must also look at the means that he employed for doing so. Moreover it would be appropriate to juxtapose and compare the means that he employed with the means used by his adversaries, particularly by his counterpart, Brihaspati, who was the preceptor of the Aryans during the most eventful epoch of Indian history.

Although a lot can be said on this question but only a few instances would suffice. In one of the battles between the Aryans and the non-Aryans the situation became so grim that the very survival of the non-Aryan king Andhaka and his subjects was in danger. The Aryans had gained an upper hand in the battle and many warriors of Andhaka had been killed. Sukra became very despondent at this gloomy picture. After a little reflection he decided to undertake severe penance to please Siva and obtain from him some superior weapon along with boon of invincibility. Thereby he wanted to change the balance of forces in favour of the non-Aryans. Before setting out on his mission Sukra advised king Andhaka and his warriors to lay down arms and live like hermits during his absence. This was some sort of a unilateral ceasefire. According to the norms of *Dharma* (righteous conduct) the Aryans ought not to have attacked their foes when they had stopped fighting. But instead of reciprocating peace, the Aryans were keen to take advantage of Sukra's absence to vanquish the non-Aryans. The latter's plea that they had laid down arms and were living like hermits fell on deaf ears. Fearing their total extinction the non-Aryans fled and sought shelter at the hermitage of Bhrigu (Sukra's father). As chance would have it Bhrigu was not there at that time, but his wife (Sukra's mother?) was there and she assured them full protection. However, in hot pursuit Indra and Visnu reached there with the intention to kill them. To prevent

them from doing so she threatened to curse Indra for his misplaced bravado. To protect Indra from her curse Visnu instantly, even without warning, killed her. Needless to say that it was grossly unfair for the Aryan warlords to have attacked a people who had laid down arms and it was nothing short of criminal act on their part to have killed an innocent woman who had in no way harmed them. Despite such grave provocation and unethical act, Sukra did not retaliate and continued with his penance.¹⁴ Indra got extremely worried at the very prospect of Sukra's success in securing from Siva a superior weapon and a boon of invincibility for the non-Aryans.¹⁵ In utter desperation, he sent his daughter Jayanti, to distract Sukra from completing his penance. However, she failed to do so. After the completion of his mission Sukra, in all fairness, wanted to compliment her for the service that she had rendered. She requested him to marry her and stay with her for at least ten years. It cannot be ruled out that she may have done so at Indra's instance to delay the return of Sukra to the court of Andhaka and make best of this opportunity to weaken the non-Aryans. Having no scruples he (Indra) sent Brihaspati to the court of Andhaka in the guise of Sukra to misguide the king. Since Sukra's return was being eagerly awaited by Andhaka and his officials they failed to detect Brihaspati's ruse. Probably, no one among them even imagined that the Aryans would resort to such deceptive techniques. This was a clear case of impersonation. When Sukra finally returned to Andhaka's court after staying with Jayanti for ten years he was very much surprised to see Brihaspati there in his guise. There was heated argument between the two as to who was the real Sukra and lo and behold Brihaspati so emphatically staked his claim to being the real Sukra that even Andhaka agreed with him. Sukra felt very angry at Andhaka's attitude and cursed him but he let Brihaspati go without heaping any insult on him for his dubious ways. Even for a noble cause no

immoral and unethical act can be considered just and fair and no moral and ethical act can be considered unfair. If this be so then there is no doubt whatsoever that despite his counterpart's unethical ways Sukra did not deviate from the path of righteousness. That speaks volumes for his conception of equity.¹⁶

All these instances amply illustrate that even in the face of great provocation and despite all the machinations of the Aryans he remained firm and upright and never resorted to dubious methods of his rivals. The most crucial dimension of his commitment to equity and fairness comes out in his total adherence to right means to attain the right ends. That is what his conception of equity is all about.

It needs to be considered as to what extent did Sukra ultimately succeed in his multi-dimensional mission of ensuring fair treatment to the non-Aryans? It would seem that as far as the question of defending the political sovereignty of the non-Aryans is concerned he had his own share of success. The battles that the Aryans waged were ding-dong battles and so long as Sukra was on the scene the Aryans could not register a decisive victory over the non-Aryans. Rather, on quite a few occasions the latter had a clear upper hand over the former. Actually, it was much later in post-Sukra era in the war of ten kings described in the *Rigveda* that the Aryans registered a decisive victory. It was a war in which both grand-sons of Sukra, Yadu and Turvasu, and the three grandsons of Vrishparva, Druayu, Anu and Puru, in alliance with some other tribal chiefs, fought a decisive battle against the Aryans and lost. It was thereafter that the Aryans registered their sway over *Madhya desa* (central India) to which they gave the name *Aryavarta* (home of the Aryans).

This is so far as the Aryan–non-Aryan battles are concerned. As far as the Aryans' *varna* and caste politics is concerned nothing much could be done by Sukra to break

the *varna* hierarchy. Thus, the condition of *dasas* and *Sudras* remained pathetic. This was so largely because the *varna* values had been fully internalized and had become a part of Hindu social structure. However, he did succeed in making some dent through marriages between different *dvija* castes which led to the emergence of some mixed castes. For example, Sukra (a Brahman) married his own daughter, Devayani, to a Kshatriya king, Yayati, of lunar race despite latter's attempt to riggle out on the pretext that the scriptures did not allow such marriages. Sukra himself married Indra's daughter, Jayanti. Likewise, Vrishparva's daughter, Sarmishtha, was taken as his co-wife by Yayati. Caste-wise all these were marriages between Brahmans and Kshatriyas and in racial terms these were marriages between the Aryans and the non-Aryans.

It seems that Sukra's main success lay in making the Aryans accept some of the cultural practices of the non-Aryans which they had initially ridiculed. Although it is not possible to give a clear evidence of one to one correspondence of Sukra's success; yet it becomes evident if one looks carefully at the underlying linkages. There are several instances which show that gradually the Aryans became somewhat tolerant towards many cultural practices of the non-Aryans and even started imbibing their values and belief systems. It needs to be noticed, for example, that they decided to send Brihaspati's son Kacha to Sukra's hermitage to obtain the esoteric knowledge of reviving the dead. This was a tacit acceptance by them of possibility of such a knowledge despite their criticism of the non-Aryans for subscribing to such superstitious practices. In fact, several other non-Aryan cultural practices got incorporated into the corpus of the Aryan culture. Two instances need special mention here. Initially, the Aryans ridiculed the non-Aryans for being phallus worshippers. However, later they got reconciled to phallus worship in its new incarnation as *linga* worship.¹⁷

Secondly and *more significantly* for quite some time, the Aryan storehouse of knowledge consisted only of *trayi*, the three *Vedas*, *Rig*, *Sam* and *Yajur*. For them there was no knowledge beyond these three. But ultimately they accorded the same status to the non-Aryan sources of knowledge including some superstitious practices, incantations and ceremonies supposed to have magic spells and occult power like charms and amulets, all of which they had initially ridiculed. A compendium of all these non-Aryan popular beliefs and superstitions gained recognition as the fourth *Veda*, the *Atharva Veda*, to which the Aryans accorded the same status as to the other three *Vedas*. Along with it, the Aryans also willy-nilly accepted the several *upa-vedas* of the *Atharva Veda*, the *Sarpaveda*, the *Tantra Veda*, the *Pisacha Veda* and the *Asura Veda*.¹⁸

A careful perusal of the four *Vedas*, the four *upa-vedas*—*Ayurveda* (the science of medicine associated with Dhanwantri); *Dhanurveda* (the science of archery, associated with Bhrigu); the *Sthapatya Veda* (the science of architecture associated with Vishwakarma); and *Gandharva Veda* (the science of music associated with Muni Bharata) and the various auxiliary or *upa-vedas* of *Atharva Veda* would make it evident that the *Atharva Veda* along with its four *upa-vedas*, which is a later day addition to the Aryan *Trayi* constituted what may be called the *mass knowledge*, while the original three *Vedas* and their *upa-vedas* to which the Aryans initially subscribed constituted the *canonical* or *elite* knowledge. It needs to be recognized that Sukra's success lies in defending this mass knowledge and making it a part of the Aryan storehouse of knowledge.

This whole process of incorporation was not a one-way process; rather it was a case of mutual give and take. While the Aryans recognized the non-Aryans' sources of knowledge and took to some of their cultural practices; the non-Aryans also imbibed various Aryan values, beliefs and cultural

practices. Thus, they started offering sacrifices and holding *yajnas*. In fact, in some cases they even surpassed the Aryans, *a la* king Bali. They also began worshipping some of the nature-gods of the Aryans. Thus, a *modus Vivendi* was reached between the Aryans and the non-Aryans. This *modus vivendi* is ample evidence of Sukra's commitment to equity.

In a nutshell it may be said that the various non-Aryan native Indian communities were quite akin to the present-day ethnic communities or sub-nationalities and their battles with the Aryans were quite like the present day struggles for autonomy and self-determination. From this perspective Sukra, in his role as preceptor and advisor of various non-Aryan kings, would appear as a defender of their identity and dignity and an advocate of their political freedom which was being threatened by the aggressive and expansionist designs of the Aryans. He steered the resistance movements of the aboriginals and tribals to prevent their colonization, be it internal or external, by the Aryans. Whether he succeeded or not is not important, what is important is that he did not give in. He was the only one among several sages (Angiras, Vasishtha, Gautama, Atri, etc.) who questioned the hegemonic designs and the expansionist agenda and supremacist mentality of the Aryans.

On philosophical plane, the Aryans realized that knowledge was a way to *moksha* (salvation), while on the empirical plane there was a realization that knowledge was power.¹⁹ It was this realization that made the role of the preceptor most central both for the Aryans and the non-Aryans because the preceptor was considered to be the locus of all knowledge and by implication the locus of all power. It is true that the Aryans prevented the non-Aryans from obtaining the Vedic knowledge and also deprived them of *Amrit* (the elixir of life) at the time of churning of the ocean but it goes to the credit of Sukra that he obtained from Siva the most profound knowledge of reviving the dead, which,

in some respects, was more than a match to all the Vedic knowledge that the Aryans had for too long monopolized along with the elixir of life. With the help of this knowledge he was able to organize, almost single handedly, the whole 'resistance movement'. Thus, he remains the lone symbol of non-Aryan's liberation struggle.

On the basis of above account if one were to try to place Sukra on the spectrum of present-day political ideologies one can legitimately call him a *radical*, even a *revolutionary*, for, he was a champion par excellence of *freedom* and *autonomy* of every community, howsoever small, howsoever uncivilized than the rest. He was *anti-racist* and a *tireless advocate of rights of the least advantaged* in the society whom the Aryans had abusively termed as the *Asuras*, the *dasas* and the *dasyus*. Above all, Sukra advocated *peaceful co-existence* of Aryans and the non-Aryans and tried for some sort of *reconciliation* between the two people and two cultural streams but his efforts did not find enough resonance in the Aryan attitude, either at that time or thereafter.²⁰

It would be interesting to compare Sukra's whole life mission of countering the Aryan attempts at colonization of the non-Aryans with the liberation struggles spearheaded by the various nationalist leaders of Asia and Africa during the twentieth century. While the latter tried, and quite *successfully* to liberate their people from colonialism after the colonies had been fully milched by the imperial powers, Sukra tried by all means, peaceful as well as non-peaceful, but rather unsuccessfully, or partially successfully, to resist the influx of the Aryans at the very initial stage of Indian history when they were trying to run over the non-Aryan territories. His sense of equity comes out prominently in his whole approach towards the marginal groups. His sympathy and support was for the masses and for the common people. The knowledge that he patronized was popular knowledge; while the Aryan knowledge contained in the *Vedas* was elite

knowledge. Though his was the lone voice rooted in equity and fairness but it was worth it. In any case his whole attitude was quite in tune with the injection of *Srimad Bhagavad Gita* and the contemporary provisions of international law both of which hold that it is morally right to wage a war in self defence. That is precisely what the non-Aryans were doing and that is what constituted the core of Sukra's equity. Measured in these terms Sukra's whole political-ideological stance was quite at variance with that of Brihaspati, Vasishtha, Gautama and other preceptors of the Aryans. No wonder, therefore, that his stance has been denied its due place in the *Rigveda* and other sources of antiquity which give us the viewpoint of only the Aryans and that too in a highly biased Vincent Smithonian style. That also probably explains why the authentic *Sukraniti* text is not available today. That is why Sukra *Upa-Purana* which is mentioned at several places is not to be found anywhere, that is why he does not find a place among the seven sages and probably that is why it becomes so difficult to construct his science of politics in general and his conceptualization of equity in particular.

To put it in the vocabulary of present-day social science discourse one can say that Sukra's whole life mission was to resist the Aryan politics of exclusion. While the political dimension of this politics of exclusion manifested itself in the Aryan attempts aimed at destroying the non-Aryan kingdoms and denying them the right to govern themselves; the social dimension of exclusion manifested itself in the pervasive dominance of the *dvija* castes over the *sudras* and the *dasas*; and the cultural dimension, which was the most encompassing and wide-ranging, manifested itself in their highly contemptuous attitude towards the non-Aryans whom they condemned as 'savages' and 'barbarians', It also gets manifested in their attempts to impose their own religio-cultural practices of offering sacrifices and holding *yajnas* on the non-Aryans.

3.2 *Conceptualization of Equity in Kautilya: Political and Social Dimensions*

Having discussed Sukra's conception of a fair society in the foregoing section of this chapter, it is now proposed to undertake a similar analysis of Kautilya's conception of equity. However, while doing so one needs to remember that in the case of Kautilya the situation is not quite the same as in Sukra because after the initial doubts and contestations with regard to *authenticity* of the extant text of his *Arthashastra*, the *date* of its composition and its *authorship* there is now a broad consensus among the scholars that it is a genuine work of Kautilya. Therefore, his conceptualization of equity can be constructed, at least partly, through the textual analysis of the available text of his *magnum opus*. Of course, any such conceptualization will only be narrow legal-judicial rather than the broad socio-cultural and political. For conjuring up his broad conceptualization of equity one will have to turn to *non-textual literary sources* (literary sources other than Kautilya's *Arthashastra*) like the historical and *Puranic* accounts of important events of his life and the major struggles in which he was engaged. Among others such sources will include Visakhadatt's *Mudraraksasa* Somadeva's *Kathasaritasagara*, and the works of Greek historians including excerpts from *Indica* of Megasthenes. Among the Indian literary sources one can also turn to *Puranas* and Buddhist and Jain accounts of the Nandas and the Mauryas. Even otherwise, it will only be appropriate methodologically that the measure or yardstick which has been used to evaluate Sukra is used to evaluate Kautilya too. Needless to say that a common measure would render the comparison between the two valid.

As discussed above, according to Sukra's conceptualization of equity a just and fair society is one which is a decent society, i.e. which treats all its members as equal moral beings and accords equal respect and equal consideration to each one

of them. It is a society in which people belonging to different races, communities and castes live together with dignity. It is a society which not only tolerates but respects cultural pluralism. It is a society which decries oppression and exploitation of one group by another. It is in furtherance of these objectives that Sukra defended the political sovereignty and cultural autonomy of the various non-Aryan communities whom the Aryans were trying to subjugate, colonize and enslave. Sukra's fight was a fight to defend the honour and dignity of those whom the Aryans ridiculed and treated with contempt. It was a struggle to defend the weak from the strong, the savage from the civilized and the disadvantaged from the advantaged. In *class terms* Sukra's attempt was to defend those whom the Aryans were trying to push to the level of *dasas* and slaves. In social-status terms Sukra was defending those whom the Aryans attempted to relegate to the position of *Sudras*. Broadly speaking this is Sukra's conception of a society which is fair and just.

It will be relevant, for the purpose of the present study, to examine Kautilya's position from this perspective. However, before we do that it needs to be pointed out that Kautilya appeared on India's political canvas several centuries after Sukra. By that time the dust raised by Aryan–non-Aryan conflict had settled down. In fact, the Aryans had successfully created rigid hierarchically structured *varna*-based society in which the *dvija* castes were, in every respect, the privileged ones; while the non-*dvija* castes, pejoratively called the *Sudras*, were the non-privileged ones. The *dvija* castes particularly the Brahmin Kshatriya nexus had started dominating not only the social and political but also the moral and spiritual domains of lives of individuals and groups. Although the relation between the *dvija* castes and the *Sudras* was not like the one that obtained between the master and the slave in ancient Greece yet it was quite oppressive and dehumanizing for the *Sudras*. Given this backdrop of a *varna*-based society

where does Kautilya stand? What is the caste-class import of the struggles in which he was engaged? What is his vision of a just socio-cultural and political order and how far is he prepared to go to bring it about? What is his whole mission and what fair and foul methods and strategies he is prepared to employ to reach his goal?

While taking the *extra-textual route* it would be rewarding to examine the various dimensions of struggles that Kautilya launched. More particularly it will be important to work out the broad implications of his encounter with the ruling Nanda dynasty of the mighty kingdom of Magadha which he took upon himself to overthrow and finally succeeded in doing so. In fact, there are two different but inter-related dimensions of this question: (i) in a hierarchically structured *varna*-based society in which he was operating what emerges as the real import of his bold mission which culminated in the overthrow of the Nanda king and the destruction of his whole dynasty and in what way, if any, does it reflect on Kautilya's conceptualization of equity? and (ii) what are the implications of installing Chandragupta Maurya on the throne of Magadha after the ouster of the Nandas? In order to consider these two questions in their totality it is necessary to look more closely at some of the available details about the Nandas and Chandragupta Maurya. That will give us some idea of the real issues involved. Though the historical accounts in this respect are available in plenty in diverse sources, Brahmanical, Buddhist, Jain and Greek, they are highly confusing and contradictory and it is difficult to determine the exact position. However, some broad inferences can be drawn by carefully scanning the available literature.

According to the available historical evidence the kingdom of Magadha flourished in the sixth century B.C. It was ruled by Kshatriya kings Jarasandha and Briharatha. The latter was ousted by Saisunaga, the king of Banaras. In all, ten Kshatriya

kings of this dynasty ruled over Magadha. Kakavarni, the last king of Saisunaga dynasty was treacherously killed by a barber who stealthily became the queen's paramour and the two conspired to get rid of the king. After the assassination of the king, this barber, under the pretence of acting as guardian of the royal children, usurped the supreme authority of the Magadha state.²¹

He used this position to put the young prince to death. Thereafter, he begot a son from a Sudra woman who was probably a courtesan. He was named Mahapadma Nanda and he became the first Nanda king of Magadha.²²

As is evident from the above account the founder of Nanda dynasty was a man of low origin, a Sudra, Mahapadma Nanda. The capture of power by him was an event of great significance in the Indian history. In a *varna*-based society the capture of mighty kingdom of Magadha by the Nandas and that too through fraud, treachery, intrigue and assassinations marked the transfer of power from the ruling *Kshatriyas* to the *Sudras*. The most crucial fact that needs to be borne in mind is that Mahapadma Nanda not only established the authority of the *Sudras* by uprooting the political supremacy of the *Kshatriyas* but also ended the ideological supremacy of the Brahmins by transgressing the *Varnadharmā*. It is obvious that to the two *dvija* castes—Brahmins and *Kshatriyas*—the Nandas must have appeared to be usurpers who could not be treated as legitimate heirs to the throne. Kautilya's confrontation with the Nandas must be viewed as clash between the upper *varnas* and the *Sudras*, where he, in collaboration with Chandragupta, destroyed the Nanda dynasty. The installation of Chandragupta on the Magadha throne symbolizes recapture of power by the *Kshatriyas*. The capture of power by the Nandas had signalled the end of traditional hierarchy by sounding the death-knell of the age-old Brahmin–*Kshatriya* dominance over the *Sudras*. In one sense, a *Sudra* capturing the big empire in

the heart-land of the Indian sub-continent is symptomatic of a spirit of revolt against the *varna* hierarchies which had been so laboriously evolved by the Brahmins and so forcefully imposed by the Kshatriya rulers in the form of *varnadharma*.

There could be no greater affront to the Brahminic ideology. As if it was not enough, Mahapadama Nanda, at the instigation of one of his ministers, Kalpaka, conquered many of the Kshatriya states—Ikshvaku, Panchala, Kasi, Hella, Kalinga, Asmaka, Kuru, Mithil, Susana, and Vithotra, etc.²³ Thus, for the first time in the Indian history a *Sudra* king made the Kshatriya rulers lick dust. The Kshatriya kings had met a similar fate earlier but that was at the hands of Parshurama, a Brahmin. This time it was at the hands of a *Sudra*. Along with this transfer of political power from Kshatriyas to *Sudras* there was also a major upheaval in the religious domain which manifested itself in the form of strong challenges to Hinduism which came from Buddhism and Jainism. Taken together these two developments were nothing short of a *revolution*.²⁴

Notwithstanding the military conquests of Mahapadma Nanda, or rather in spite of them, his regime seriously lacked legitimacy. This comes out clearly in the narratives of several Greek historians who maintain that the Nanda king was not at all popular among his subjects. They have cast serious aspersions on his character. According to Justin he was “a man of disreputable origin, the illegitimate off-spring of a barber, detested and held cheap by his subjects. He lacked the best defence and protection that a king should have, the love of his people”.²⁵ In fact, the people’s feelings were outraged by the usurpation of sovereignty by a man of low origin, the son of a barber, a *Sudra* and a murderer to the boot of the last lawful sovereign. He is depicted as a man of low character possessed of an inherently ‘wicked disposition’.²⁶ The term ‘people’ here obviously refers to the *dvija* castes who could not digest this humiliation of being ruled by a

sudra. They seem to have kept their anti-Nandas tirade alive through continuous propaganda about the meanness of their origin and immoral and illegitimate methods by which they came to power. The last Nanda king, Dhana Nanda, was unpopular because of an added reason, his miserliness, his avarice and his love for wealth which he accumulated at the expense of the people (read *dvija* castes) by means of excessive taxation and exaction.²⁷ It is obvious that the Brahmin–Kshatriya combine could not reconcile themselves to the rule of the Nandas. Dhana Nanda, the last ruler who was dethroned by Kautilya was detested and held cheap by his *dvija* subjects. They described him as “a man originally of *no-distinction* (italics in original) and of very mean nature”. This negative depiction is also endorsed by Diodorus, who wrote on the basis of account given by Megasthenes in his *Indica* wherein the Nanda king is described as a man of quite worthless character held in no respect by the people as he was thought to be the son of a barber. Among the Indian literary sources, the *Puranas*, which constitute a major brahmanical literary source describe Mahapadma Nanda, the founder of the Nanda dynasty as the “off spring of a Sudra woman”. They (the Nandas) are branded as *adharmikas* (immoral people).²⁸

This much about the Nandas. In order to conjure up the broad contours of Kautilya’s conception of equity it is equally necessary to examine the lineage of Chandragupta Maurya whom Kautilya installed on the throne of Magadha after the death of Dhana Nanda who, according to the Kashmir tradition, is supposed to have succumbed to the *kriya* or magic spells practiced against his life by Chanakya.²⁹ About Chandragupta Maurya’s ancestry there are two totally different versions in the available literature. While one view holds him to be of high birth, a true-born Kshatriya and hence eminently worthy of royalty; the other view slanders him as a man of base birth, a *Sudra*, not eligible for kingship as per the *varnadharma*.

The Kshatriya lineage of Chandragupta is upheld mostly in the Buddhist tradition which describes the Nandas as of unknown lineage and testify to the noble lineage of Chandragupta in a very assertive manner (See, Appendix IV). Chandragupta is described as a scion of the Kshatriya clan of Moriyas, an offshoot of the noble Sakyas who gave the Buddha to the world. Moriyas are said to have separated from the parent community to escape from invasion of the Kosala king and took refuge in a secluded Himalayan region known for its peacocks. Hence, they began to be called Moriya—living in a land of peacocks (*Moras* or *Mayuras*). According to a slightly different version a city built with bricks coloured like peacock's neck was called Moriya-Nagara and those who built it came to be known as Moriyas. According to *Mahabodhivamsa* prince Chandragupta was born in a dynasty of kings hailing from Moriyanagera, which was built by *Sakyaputta* (son of Sakya). The royal Kshatriya lineage of Chandragupta is also mentioned in several other Buddhist sources like *Mahavamsa*, *Digha Nikaya* and *Divyavadana*.³⁰

The Jain literature has also the same tenor. For example, *Parisishtaparvam* of Hema Chandra refers to Chandragupta as one born of a daughter of the chief of a village community who reared royal peacocks, while Nanda is described as the son of a barber by a courtesan (who the Greek sources specify as the queen of the last king of Saisunaga dynasty). Thus, both parents of the Nanda king were tainted, the father being a barber and the mother being a courtesan turned queen. The *Avasyaka Sutra* and *Haribhadra Tika* also support this theory.³¹

In sharp contrast to the position stated in the Buddhist and Jain sources, the *Puranas* maintain that Chandragupta Maurya was the son of Mura who is said to be one of the two wives of the Nanda king (See, Appendix V). Unfortunately, very little is known about the exact identity of Mura but some accounts say that she was unmarried and she was not of high

birth. Probably, she belonged to a poor family but it is difficult to say whether or not she was a Sudra. In the *Mudraraksasa* two words *Vrishala* and *Kula-hina* are used to describe Chandragupta. According to some commentators '*Vrishala*' means 'the son of a Sudra'; while according to others it does not stand for Sudra but rather to socially inferior status. It has also another meaning. It also means one who is *Vrishha* (the best of kings). The other term, *Kula-hina*, likewise points to the inferior lineage of Chandragupta. One is not sure whether it just refers to the poor economic condition of the family or its Sudra status. *Upogatha*, another literary source introduces a new character named Sarvarthasiddhi, as father of two sets of sons by his two wives: nine Nandas by his wife Sunanda and Maurya by his junior wife named Mura. This woman Mura is said to be the daughter of a *Vrishala* or a Sudra. It is further stated that Sunanda has a Kshatriya ancestry. According to the account given by Dhundhiraja, Chandragupta was son of Maurya. There is also a story that there was a rivalry between Chandragupta and the sons of Sunanda, particularly because Sarvarthasiddhi made him the Commander of the royal army in preference to the Nanda princes whereupon the latter conspired to murder him. However, he escaped. In *Mudraraksasa* Raksasa refers to Chandragupta as his 'Swamiputra' (his master's son). He is also called 'a scion of the Nanda house' because he was son of Maurya who was son of Sarvarthasiddhi, the father of nine Nandas. According to this version Chandragupta had a Nanda ancestry though he was son of Maurya. While the *Puranas* mention only nine Nandas, *Mudrarakshasa* mentions the tenth Nanda as well. Sarvarthasiddhi, is shown as a scion of the Nandas. He is reported to have occupied the throne of Magadha after the death of the last Nanda king, Dhana Nanda. However, he was not his son but only a kinsman of his. In some sources like *Kathasaritasagra* there is a slightly different version which says that the ninth Nanda king was

Puranananda/Purananda. He had two sons, one of them named Hiranyagupta was his legitimate son from his queen Sunanda; while the other named Chandragupta was his illegitimate son from Mura.³²

Western historians, by and large, maintain that Chandragupta Maurya was son of the Nanda king from a courtesan named Mura. According to Waley's conjecture he was son of one of the Nanda princes from a woman of low caste.³³ Wolpert a historian of some repute does not say anything definite about Chandragupta Maurya's caste or *varna* but mentions that his mother was in the royal harem of the Nandas.³⁴ If one were to keep in mind these contradictory conjectures of the historians then the question of about the exact caste of Mura remains unanswered. Was she of Sudra origin or did she belong to a caste higher than that of the Nanda? Would Kautilya, a hard core Brahmin that he was, have at all supported the case of Chandragupta Maurya to the Magadha throne if he was son of a Sudra woman? If we turn to his *Arthashastra* for an answer we find that Kautilya is clearly in favour of a king who, in terms of caste hierarchy, is high born even if he is weak and powerless rather than one who is of low *Varna* even if he is powerful; as indeed the Nanda king was. It stands to good reason to assume that Kautilya would not have so vehemently opposed the Sudra kings, that the Nanda were, if he himself was to install person who was of a equally low *varna*.

Where does all this muddle about the exact identity of Mura and Chandragupta lead us to? To what extent can these contradictory positions provide us a peep into Kautilya's conception of equity, if at all. In a nutshell, what are the broad implications of Kautilya's tirade against the Nandas which culminated in their total annihilation and his herculean effort to install Chandragupta Maurya on the throne of Magadha?

Looking at the whole context and the circumstantial

evidence it would be reasonable to assume that in a society where *varnadharma* was the main guiding principle of social life there could be no greater humiliation for the *dvija* castes, particularly for the Brahmins, who consider themselves to be the repositories of all spiritual and intellectual knowledge, and for the Kshatriyas, whose *varnadharma* enjoins them to rule over the society, to be ruled by a Sudra king. In essence, the capture of power by the Sudras by overthrowing the Kshatriyas not only from the Kingdom of Magadha but from more than half a dozen other states was nothing short of *social and political revolution*. From this perspective what Kautilya did by dethroning the Nandas and installing Chandragupta in their place was more of *counter-revolution*. This is particularly so if one accepts the interpretation given in Buddhist, Jain and Greek sources all of which maintain that Chandragupta Maurya had a Kshatriya lineage. In fact, these sources have *completely* negated the theory that he was son of Mura or that Mura was a courtesan or junior wife of the Nandas. Thus, the Puranic version that Chandragupta was the illegitimate or legitimate son of the Nanda king no more holds water. If this be so then the whole theory of there being a succession struggle for the Magadha throne between two sons of the Nanda king, one Hiranyagupta from his queen Sunanda and the other, Chandragupta, from his junior wife or courtesan Mura falls flat. The version in some of the Hindu sources to the effect that the Nanda king had handed over the command of his army to Chandragupta in preference to his other son(s) and that he/they conspired to kill him but he saved himself by fleeing to Patliputra also becomes irrelevant, unless we assume that Mura was of a higher *varna* than the Nandas.

Considering all the evidence from all possible angles it stands to reason to maintain that Chandragupta was indeed a Kshatriya, or of a caste higher than the Nandas, for, Kautilya would not have supported the case of one Sudra against the

other. Moreover, widespread support that Kautilya received which made the overthrow of the mighty Nandas possible could have come only from Brahmins and Kshatriyas, the two dominant *varnas* of Magadha. In fact, the incident about the alleged insult heaped on Kautilya by the Nanda king was seemingly used by him as a pretext to precipitate matters leading to the ouster of the Nanda dynasty from the throne of Magadha and installation of Chandragupta.

Actually, Shaktar, who was a minister of the Nanda king seems to be hand in glove with Kautilya as is evident from the fact that he not only invited him to a *Shradh* (a ceremony to pay oblations to manes) at the royal palace which fell on the thirteenth *tithi* of the *krishna paksha* (thirteenth day of the dark lunar fortnight) but also assured him that he would be given the highest seat and hefty *dakshina* of one hundred thousand gold *mohras* (coins). However, on the appointed day the king refused to accord him the honour and instead bestowed it on another Brahmin named Subandhu. At this *faux pas* Kautilya walked out without having his meal or was turned out by the king. He was hidden by Shaktar at his house. Shaktar also helped him in his anti-Nanda mission. Probably, the king had sensed the destabilizing moves which were underway against him. He seems to have rightly realized that if Kautilya was given the highest seat at the *shradh* ceremony and also the hefty *dakshina* he was bound to use it to organize a revolutionary upheaval against the king. It stands to reason because due to non-acceptance of Nanda rule by the *dvija* castes the popularity of the king was very low. Even among the court officials like Shaktar there are tacit and, at times, even express support for the anti-Nanda campaign. Shaktar was in any case the lynch-pin in the political intrigue spearheaded by Kautilya. The death of the Nanda king under mysterious circumstances after a brief illness, that too within a few days after his tiff with Kautilya would indicate that Kautilya had links even with the royal physician and the palace attendants.

The death of the king and murder of Hiranyagupta lends credence to the thesis that there was a well-drawn out strategy behind this whole design of Kautilya. The decks were now clear for installing Chandragupta on the throne of Magadha. The violation of *varna* code stood rectified. This was the *summum-bonum* of Kautilya's whole agenda.³⁵

In fact, Kautilya was so much committed to ensure the success of his plan, which seemed to him to be his fight for equity that he made a herculean effort to muster and mobilize all the anti-Nanda forces, of which there was no dearth either inside or outside Magadha, and that too far and wide. So much so that an attempt was made to enlist the support of Alexander on the plea that the Magadha kingdom was being ruled by Sudras, who according to the *sastras* were meant only to do menial jobs for the *dvija* castes. Although Alexander did not buy the argument yet Kautilya was able to rope in several, big and small, rulers of the Himalayan kingdoms, including Parvataka who was the most powerful among them in support of the cause of restoring the kingdom of Magadha to the Kshatriyas from whom it had been snatched by the Sudra and that too through immoral, unethical and criminal ways.

Kautilya's task was quite uphill because although the Nanda king was quite unpopular and lacked the support of his subjects, he was very strong militarily and economically and it was not easy to overthrow such a powerful ruling dynasty. However, providence seems to have smiled on Kautilya. The events unfolded in an unexpected but favourable manner for him which was nothing short of a miracle. The death of Alexander around this time created a power vacuum at Taxila and Kautilya-Chandragupta combine with its newly acquired support of hill chieftains was ideally placed for filling this vacuum and Kautilya did not fail to rise to the occasion. After capturing Taxila, Chandragupta marched towards Patliputra along with his hill allies.

It is here that another dimension of Kautilya's commitment to fairness and equity comes to the fore. After laying siege to Patliputra he wanted to be doubly sure that his whole effort should end up in restoring the throne of Magadha to the Kshatriyas who, he thought, were its legitimate heirs according to *varnadharma*. He had a genuine apprehension that since one of his allies, Parvataka, a tribal chief was quite powerful, in the event of success of his seizure of Patliputra about which there was not much doubt the hill chief might demand his pound of flesh as price for the support that he was giving to Chandragupta and the kingdom of Magadha or a segment of it may have to be ceded to him. If that happens then Kautilya's whole mission of installing Kshatriya on the throne of Magadha would fall flat. Moreover, it would be grossly unfair to the subjects of Magadha state to use them as commodities to be passed from one master to another.³⁶ Therefore, as a measure of abundant caution he planned to get rid of Parvataka sooner than later. Almost all historical accounts show that he got Parvataka killed through one of his *vish-kanyas* (poison girls).³⁷ After getting rid of Parvataka the decks were clear to restore the Magadha state to the Kshatriyas which was Kautilya's measure of equity, giving Kshatriyas their due.

There is another dimension to this whole episode. Kautilya lived at a time when the *varna* order and caste-system had become far more rigid than it was during Sukra's time. More particularly, the Brahmans and Kshatriyas had become highly conscious of their superior position in the *varna* hierarchy. The rule of the Nandas, who were Sudras, appeared totally anachronistic and violation of *varnadharma*. Kautilya and Shaktar, both being Brahmans, must have been in the heart of hearts, not only indifferent but even inimical to the rule of Sudra king. Many or almost all subjects of the Magadha kingdom belonging to the two superior *dvija* castes, Brahman and Kshatriya, must have been nursing considerable hostility

towards the Nandas. In a nutshell, Kautilya's conceptualization of equity was rooted in strict adherence to *varnadharma*.

There is one more dimension of Kautilya's conceptualization of equity. This relates to Mura. Assuming, for the sake of argument, that the story about Chandragupta being the son of Mura who was a courtesan is true Kautilya's conception of equity as a fair or just treatment would still hold good. It would seem that he is fighting to make sure that a hapless woman who has been sexually exploited by the king gets justice and the claim of her son to the throne is not overlooked merely because she was not the wedded wife of the king. Her son being the son of the king had as much, if not more, title to the throne as the son of the queen. In such a scenario Chandragupta's installation on the throne of Magadha would be some sort of natural justice because the first Nanda king himself had come to power through treacherous methods and through a process which began with the seduction of the Kshatriya queen by a Sudra; the only difference being that in this case a courtesan was seduced by the king. In other words, Chandragupta's claim to the throne rests on his royal paternity. Even in terms of *varnadharma* it was fair to promote Chandragupta's claim to the throne because he was a Kshatriya; and if not a Kshatriya he was only a half-Sudra, while Hiranyagupta, Nanda king's son from the queen was a full Sudra. If Mura was not a courtesan but the junior queen of the Nanda king, it would be only fair to divide the kingdom between Chandragupta and Hiranyagupta. In fact, the former's claim would be stronger if he was elder of the two sons of the Nanda king. However, if the king because of his obstinacy was not ready to apportion to Chandragupta his due share it was only proper for Kautilya to help him get it. Mobilization of support by Kautilya, both from inside and outside Magadha, for accomplishing his goal need to be viewed as fight for justice

or a fight to prevent injustice. Since in the public eye the Brahman priests were considered to be the sole adjudicators of what is morally right and wrong, what is *dharma* and *adharma*, their support to Chandragupta as against Hiranyagupta accorded further endorsement to his claim to the Magadha throne. If the Nandas had captured the Magadha throne through fraudulent means then who was to rectify it except the Brahman priests who were the conscience keepers of society. Kautilya's whole attempt was to set a wrong right. However, in the process of doing so it would have been unfair to penalize *all those* who were sincerely and with full devotion serving the state, and among the court officials it was Raksasa the able minister of the Nanda king who was one such person. Therefore through a series of tactical moves Kautilya honourably reinstated Raksasa in the new dispensation headed by Chandragupta Maurya. Thus, one can clearly see that it was in pursuit of equity that the Nanda king was overthrown, it was in pursuit of equity that Chandragupta Maurya was anointed as the king of Magadha, it was in pursuit of equity that Raksasa, the most competent minister of the Nanda king was given his rightful place as Prime Minister of Chandragupta Maurya. The larger message of Kautilya's various moves is that justice or equity lies in rewarding the meritorious as far as the state administration is concerned, but in matters concerning kingship justice lies in ensuring that the rulers are none others than the Kshatriyas which is the injunction of the *Dharmasastra*.

To conclude one can say that Sukra and Kautilya both fought for equity and justice but each had his own specific conceptualization. While for Sukra equity lies in defending the weak, the marginalized, the *dasa*, the *dasyu*, the oppressed, the disadvantaged and the Sudra from the atrocities of the dominant Aryans; for Kautilya it lies in punishing all those who displace the rightful holders of state

power through unethical and dubious means. Thus, equity lies in observance of the social code evolved by Manu, the law giver. Juxtaposing Sukra and Kautilya it would seem that Sukra's conception is more broad-based, in fact it is class-based, in so far as it is aimed at ensuring fair treatment to all the weaker classes and communities at the hands of the stronger ones; while that of Kautilya's is some what circumscribed in as much as it seeks to promote the claim of rightful heirs to the throne against the usurpers and impostors. One may in fact say that Sukra's conception of equity is more community-centric and more broad-based, while that of Kautilya is more individual centric and hence somewhat narrow.

NOTES AND REFERENCES

1. Sukra belongs to the pre-Vedic times and Kautilya to the post-Vedic, post-Brahmanic, and post-epic era.
2. Sukra's search for superior weapons reminds one of the present-day arms race particularly the search for nuclear weapons.
3. Securing the boon of invincibility from The Mahadeva is like securing the blessings of a super-power in the present day world politics. It could also have elements of military pacts to secure strategic advantage over the adversary. Same about boon of invincibility to Prahbada by Visnu.
4. Bali was taken prisoner and his state became a part of the Aryan empire.
5. The point has been very convincingly made by Kosambi, see, D.D. Kosambi, *The Culture and Civilization of India in Historical Outline*, (Delhi: Vikas Publishing House, 1975), p. 76.
6. The meaning of the term *Asura* changed from time to time as one moves from the era of the Vedas to the Brahmanas and the *Puranas*. In some parts of the *Rigveda* the term *Asura* seems to have had a spiritual and a divine connotation (as *asura* in Zoroastrianism); while at other places it is used in the sense of being powerful or strong. During the Brahmanic period the term began to be used in a derogatory sense signifying evil angels, imbued with demoniac traits. About the origin of *asuras* there is a very interesting Puranic legend which says that Daksha and Kashyapa were the two earliest *prajapatis* (progenitors of mankind). The former's several daughters were married to the latter, three of them being Diti, Danu and Aditi. The sons of Diti were called *Daityas* (this title was used for Hiranyaksha, Hiranyakasipu and their progeny);

that of Danu were identified as *Danavas* while the *Rakshasas* were their collaterals. Aditi is said to have mothered all the thirty-three *Devas* and twelve *Adityas*. Thus, *danavas* and *daityas* are half-brothers of *Devas* and *Adityas* because they were all born of the same father but of different mothers. Sati, the wife of lord Siva was also one of the daughters of Daksha. (For a comprehensive account of *Asuras* see, Rev. H. Heraj, S.J. "The Devil in Indian Scriptures", *Journal of the Bombay Branch of the Royal Asiatic Society* (new series), Vol. 27, Pt. I, 1951, pp. 222 ff). According to another Puranic legend initially the *Asuras* and *Devas* were both equipped with truth and falsehood but in due course, the former gave up truth and the latter gave up falsehood. Although there is no explanation as to why the two did so but its real import is to allege that the *Asuras* are symbols of falsehood; while the *Devas* are depicted as symbols of truth. According to another explanation those who fell into the *Asura* order were the ones born under evil stars, inauspicious lunations or at an evil hour. According to Max Muller what are described as battles between the gods and the demons for cows or the battles of light and darkness for dawn in the *Vedas* are battles of pious men against the powers of evil. (See, Max Muller, *Chips From a German Workshop* (London: Longman Green and Co., 1865), p. 101.

7. There are divergent views about the true identity of the Aryans and their original home. Because of historical distance involved it is difficult to say anything with any degree of certainty as to who lived in which region of the country and who came from where. It seems that movement of people from one place to another either in search of food or because of climatic hazards must have been a common feature. All that the Vedic accounts suggest is that the Aryans in the course of their earliest quest for territorial expansion moved from *saptsindhu* region of north-west India and came in conflict with the native aboriginal non-Aryan inhabitants of the Indian heartland. See, Griffith, Ralph T.H., *The Hymns of the Rigveda*, (Varanasi: Chowkhamba Sanskrit Series, 1963), Vol. II, Book X, 75. According to Max Muller after crossing the narrow passes of the Hindukush the Aryans captured or drone away, without much effort the original inhabitants of the trans-Himalayan countries. (Max Muller (1868), *Chips from a German Workshop*, p. 65.
8. See, Frantz Fanon, *The Wretched of the Earth* (New York: Penguin, 1965), p. 138.
9. One wonders whether it is some sort of natural justice that several thousand years later these 'fair-complexioned' Aryans had to bear the same humiliating treatment and had to live with the same epithets at the hands of their "white-skinned" rulers as they had handed out to the less-fortunate non-Aryans during the pre-Vedic period.
10. In fact, at places the *Rigveda* blatantly expresses the Aryans' aggressive postures bordering sometimes on a sheer war cry. See, for example,

Hymns of the Rigveda, tr. Ralph T.H. Griffith, Vol. II (1963), Book VII, 104, pp. 98–101.

11. The terms 'Nation' and 'fragments' have been used in the same sense in which Chatterjee has used them. See, Partha Chatterjee, *The Nation and its Fragments*, (Delhi: Oxford University Press, 1994).
12. Acquisition of this unique knowledge of reviving the dead gave the non-Aryans a strategic edge who had been, after the mythical churning of ocean, deprived of their share of elixir (*Amrit*) through the machinations of Visnu in the guise of a damsel, Mohini.
13. In a grim battle Kshatriya king Indra killed Vritra who was a Brahman which is a sin according to Dharmasastra. Later on in order to redeem himself from the sin of having killed a Brahman he decided to seek shelter in the Himalayas. During his absence Nahusha looked after his kingdom and it was at that time that he took fancy for Indrani wife of Indra.
14. It is a different matter though that Bhrigu revived her and as a measure of punishment cursed Visnu.
15. In the present day context it can be likened to getting the support of a superpower.
16. Even at the cost of a little repetition let us look at another important incident. Having captured Indra's kingdom the victorious king Bali was advised by Sukra to perform a *Visvajit Yajna* (world conquering sacrifice). By that time the Aryans had come to realize and rightly that because of Sukra's *Sanjivani Vidya* and Siva's blessings to him it was not possible for them to defeat their adversaries in the battlefield. Therefore, they decided to change their tactics. They resorted to a clever machination to retrieve Indra's lost kingdom. Luckily for them, Bali, who in addition to being a great warrior was also a great philanthropist, had announced that during his *Visvajit yajna* he would not refuse the request of any one who came begging to him. The Aryans decided to put the philanthropist disposition of Bali to good use to serve their purpose. Accordingly, they decided to send Visnu, in the garb of a dwarf Brahman to the *yajna* with the intention of demanding Bali's whole kingdom. This was undoubtedly an under-hand device. Being a great seer Sukra could see through the Aryans' whole game plan in sending Visnu to Bali's *yajna*. Therefore, he forewarned Bali, in strongest possible terms, not to grant any request of the dwarf Brahman who, he told the king, was Visnu and had decided to come to the *yajna* to snatch his whole kingdom and bestow it on his rival, Indra. It was a battle of wits and Sukra urged the king not to fall into the trap which the Aryans had laid for him. However, Bali, riding high on popularity as the greatest philanthropist of the world refused to heed to Sukra's advice. Consequently, he lost his whole kingdom and was taken capture by the Aryans and transported to *sutala* (the under-world). Thus, Bali's *Visvajit*

yajna ended in a fiasco which came as an anti-climax. Sukra tried desperately to prevent this from happening but Bali paid no heed to his cause.

17. It is obvious that there is no basic difference between phallus worship and *linga* worship except that *linga* worship combines in itself the worship of *linga* and *yoni*.
18. See, B.R. Modak, *the Ancillary Literature of the Atharva Veda*, (New Delhi: Rashtriya Veda Vidya Pratishthan, 1993), p. 26 ff.
19. In recent Arms this view has been articulated by Michel Foucault in his celebrated work, *Knowledge/power, Selected Interviews and other Writings, 1972-82*, ed. Collin Gordon (New York: Pantheon, 1980).
20. The great sage Vishvamisra was also a liberal and like Sukra he pleaded for the acceptance of source of the non-Aryan cultural practices.
21. The way in which the Magadha queen's affair with a barber changed the course of India history can be likened to similar role played by Cleopatra.
22. There is a slightly different version in the *Puranas* which maintain that of the Saisunaga kings, the ninth was Nandivardhana, the tenth was his son named Mahanandin and the son of Mahanandin by a *Sudra* woman was Mahapadama (Nanda) who exterminated all the Kshatriyas.
23. See, for details, S.P. Sharma, *History of Ancient India*, (New Delhi: Mohit Publications, 1996), pp. 156 ff.
24. It is interesting to note that the founders of these two great religions were Kshatriya rulers. The founding of Jainism is associated with 24 Tirthankars. The first tirthankar was Rishabha, a king who renounced his kingdom. The twenty-third tirthankar was Parsvanath son of Asvasena, the king of Kasi. Mahavira, the 24th Tirthankar was Vardhman, son of king Siddhartha. He became popular as Mahavira. Similarly, Buddhism was founded by Siddhartha, son of king Suddhodana of Kapilvastu.
25. Mukerji, p. 6.
26. *Ibid.*, pp. 6-7.
27. Sharma, S.P., *Ibid.*
28. Mookerji, p. 5.
29. Mookerji, p. 13.
30. Mookerji, pp. 13-14.
31. *Ibid.*
32. Somadeva, *Kathasaritasagara* (in Hindi) tr. Radha Vallabh Tripathy (New Delhi: National Book Trust, 1995). In eighteenth century, Ratnagarbha in his commentary on the *Puranas* describes the Mauryas as Sudras. Reference to Chandragupta are found in *Vayu Purana*, *Bhagavata Purana* and *Brahmanda Purana*.
33. Adolf Waley, *A Pageant India* (London: Constable and Company, 1927), pp. 136 ff.

34. Stanley Wolpert, *A New History of India*, (New York: Oxford University Press, 1989), pp. 57 ff.
35. If one were to subscribe to the view advocated in the *Puranas* that Chandragupta was the son of Mura who was a part of Nanda king's harem, Kautilya's efforts directed at promotion of his claim to the throne vis-à-vis the claim of Hiranyagupta would imply a totally different conception of equity. It had a larger and nobler social message rooted in equity that even the high and mighty must not be allowed to treat the lowly and the marginalized as mere objects of their enjoyment. They must be made to pay if need be, through their nose, for their immoral conduct, involving the molestation of poor women who are living at their mercy. After all, to overlook Chandragupta's claim to the Magadha throne merely on the plea that he was born of king's adulterous relations with Mura would have been grossly unfair and unjust both to Mura and to her son. In fact, by promoting the cause of Chandragupta, Kautilya is only trying to ensure justice to Mura. Of course he is prepared to go to any extent including the liquidation of the ruling dynasty. Interestingly, it bears a close resemblance to Sukra's destruction of king Danda and his kingdom because he had ravished his daughter, Arja.
36. In fact there are any number of instances in International Politics where an ally had to be given a portion of the conquered territory.
37. The concept of *vish-kanya* might appear to a modern rational mind to be purely mythical but some scholars maintain that they were very much there. According to one version, which seems quite plausible, there were some very beautiful girls who were, through its regular use, made so much addicted to taking some poisonous substances that their bodies became repositories of poison and hence any intimacy or even physical proximity with them could result in a man's instant death. But even if one were to rule out any such possibility, the simpler explanation could be that the *vish-kanyas* were exceptionally gifted girls who were taught to become intimate, even develop physical relations, with a male whom the state wanted to get ride of. They were to look for a suitable occasion to mix some poison in his food or drink.

CHAPTER IV

Equity As an Instrument

4.1 Equity in Sukra: Legal-Juridical

In the foregoing chapter of this study an attempt has been made to portray the society that Sukra strove to establish while serving as preceptor and adviser at the court of various non-Aryan kings ranging from Hiranyakasipu to Bali and Vrisparva and the two Aryan kings—Danda of the solar dynasty and Yayati of the lunar dynasty. He relentlessly fought for the freedom and autonomy of the various non-Aryan communities by successfully organizing a series of resistance movements to keep the Aryans, who were determined to subjugate and colonize them, at bay. In fact, the design of the expansionist Aryans was to not only physically and politically liquidate their adversaries but also to destroy their culture, their language, their values, their belief systems and their philosophies of life and thereby to completely obliterate their identities and, so to say, to Aryanise them. It is the basic contention of the present study that Sukra was lone among the sages to take up the cause of the non-Aryans and he did succeed in bringing about some sort of synthesis, some *modus-vivendi* between the Aryan and the non-Aryan cultures. This gets reflected, for example, in the Aryans' acceptance of the Atharva Veda, which is nothing but a compendium of non-Aryans' faith in incantations, amulets and charms, as the fourth Veda along with *Trayi*, the three Vedas, *Rig.*, *Sam* and *Yajur*, which together constituted the Aryan storehouse of knowledge. Along with it, the non-Aryans also took to offering sacrifices and holding of yajnas

which were the hallmarks of the Aryan cultural and spiritual life. Thus, by his subtle moves, Sukra not only foiled the Aryan attempts aimed at political subjugation and cultural assimilation of the non-Aryans but also ensured some degree of cultural accommodation and prevented the exploitation and oppression of the non-Aryan communities. He was able to ensure a life of freedom, honour and dignity for them. It is in this sense that his commitment to equity and justice as fairness gets amply reflected.

However, our analysis of Sukra's conceptualization of equity which has been attempted in the previous chapter is extra-textual in so far as it is not based on the study of any text ascribed to him; rather it is based wholly on an examination of his actual conduct as preceptor and adviser which finds extensive mention in several *Puranas* and other historical and literary sources including the *Mahabharata*.

We have resorted to this extra-textual route to study Sukra's science of politics, particularly his conceptualization of equity, primarily because a host of scholars have seriously contested the very authenticity of the available *Sukraniti* or *Sukranitisara*, as it is sometimes called. Steering clear of that controversy the present chapter attempts to delineate the broad features of polity and society that one finds in the *Sukraniti* text. It must, however, be clarified here that this chapter is more in the nature of a supplement to the previous chapter. Nevertheless, these two chapters taken together would, it is hoped, suffice to give a broad view of Sukra's conceptualization of equity and justice as fairness.

It is with this objective that some major dimensions of Sukra's conceptualization of equity as they emerge on the basis of a textual analysis of the available *Sukranitisara*, which is, by tradition, ascribed to him, is being discussed in the following pages. According to Sukra his *Nitisara* is useful to the human kind because it provides ways and means for the preservation and overall progress of polity and society. In

other words, at a level of generality, one can say that the very objective of his expounding this *nitisara*, as Sukra himself states in the beginning of this work, is to hand out some practical advice to the rulers for the promotion of social well-being.¹

In so far as Sukra's purpose in the *Sukraniti* is to suggest to the king the art of winning over the hearts of his subjects by administering the state in a judicious way and by promoting human interest; his *Nitisara* is more than a mere treatise on polity; it is, in fact, a system of moral philosophy, a general code of conduct aimed at regulating the behaviour of every individual in the society, irrespective of his station in life. Its underlying objective is also to impress upon the subjects that a just society is one where each one of them honestly performs his/her own duties according to his/her position and place in the *varna*-based society. It was necessary to do so because, as Sukra argues, all individual and social benefits come out of good deeds only and all injuries come out of evil deeds.² In so far as he is not concerned much with what is right but with what is good his conceptualization of equity should be understood in the backdrop of his teleological position of prioritizing good over right. In other words, for Sukra a society is not good because it is right but it is right precisely because it is good.

Sukra begins with the assumption that for everyone in society, irrespective of one's *varna*, caste, race or class the ultimate goal of life is *moksa* (salvation) which can be attained only by following *dharma* (virtuous or righteous conduct) by acquiring *artha* (wealth) and *kama* (worldly pleasures). To achieve them it is obligatory for everyone in society to give up by mind, body and speech the ten sins: envy, stealing, illegitimate passions, depravity, harshness, untruthfulness, divulgence of secrets, evil design, atheism and perversion.³ Sukra's notion of an ideal society hinges on the pursuit of these four-fold goals of human life and on giving up the ten

cardinal sins. Interestingly, in this respect there is no discrimination either on the basis of *varna* or caste or race or gender. This is the summum-bonnum of the state and it is the duty of the king to ensure a social, economic and political order where these four-fold goals can be realized. There is an injunction in the *Sukraniti* that if the king proceeds according to the dictates of justice and equity he can supply himself as well as his subjects with *trivarga*: virtue, wealth and enjoyment; otherwise he will destroy himself as well as his subjects.⁴ As *Varuna*, the god of water sustains everything by supplying moisture without any discrimination, so should the ruler maintain every one in his kingdom. As the moon pleases every one uniformly and without discrimination by providing its rays so should the king satisfy his subjects by his philanthropy and charity and by being the protector of life and property of his subjects. A polity is just and fair if the king is merciful, affectionate and charitable and treats the poor with kindness. Sukra's conceptualization of equity is that the interest of the poor is considered more important than the king's own interest and therefore he should not oppress the poor. In fact, there is a strong injunction in the *Sukraniti* against oppression of his subjects by the king. So much so that the ruler is projected as a servant of the people.⁵ The sovereign is for the protection and the prosperity of the people. The king is master of the people only in so far as he is the protector and promoter of 'legitimate' interests of all his subjects. But what constitutes the 'legitimate' interest of the people and who determines it is the heart of the matter.

The king should use the wealth of the state for the protection of his subjects and his advisors and officers should always serve the interests of his subjects.⁶ In fact, Sukra's conceptualization of equity found ample expression in the simile that he used to describe the three facets of the king's character: that of the autumn moon towards the learned

people (cool, shining and soothing), that of the summer sun (burning hot) towards the enemies, and that of the spring sun (pleasant and refreshing) towards his subjects.⁷ It is further stated in the *Sukraniti* that a king would be deserted by the good people and would acquire sins if he acts in an unjust manner and does not punish those who ought to be punished and punishes those who ought not to be punished.⁸ Thus equity lies in giving rewards and punishments according to virtues and vices of each individual. A king who administers the state through excessive greed is unfair because he destroys the wealth and life of his subjects. Therefore, he should give up greed and administer the state in a manner that he is fair to all his subjects.⁹ In fact, Sukra is so much committed to the cause of equity and justice that he holds out a warning that a king who overlooks the welfare of his subjects and squanders the revenues of the state for his own enjoyment and for the enjoyment of his wife and children leads himself to hell. Such a king is unjust in so far as he fails to give any happiness to his subjects. In short, *Sukraniti's* message is that a king in particular and his state administration in general would be considered fair only if the over-riding consideration in their thought and action is welfare of the people. Only such a king and only such a state would be considered to be just and fair. In the interest of equity the collection of revenue by the ruler should be for the maintenance of army and for the welfare of the people.

Sukra seems to have realized that a fair and just state was not possible without a just and fair society. Therefore, he also laid down some norms of a society which he considered fair. In this formulation he underplayed, to a limited extent, the hierarchical *varna* order and went to the extent of asserting that Brahmana, Kshatriya, Vaisya, Sudra and Mlechchas are not separated by birth but by their virtues and works.¹⁰ Further elaborating it, he argued that a

Brahmana is not so called because of his colour or his ancestry but because of his knowledge; similarly, Kshatriya is one who can protect the innocent and punish the wicked.¹¹ Those who are experts in sales and purchases, who rear cattle and cultivate land are Vaisyas; and those who are followers of the twice-born castes, who are drivers of plough and hewers of wood and grass, who, as artisans perform various services are called Sudras. Here, Sukra seems to take a position which not only approximates but almost corresponds to Plato's division of the Athenian society in ancient Greece into philosophers, in whom reason is supreme; soldiers in whom courage is supreme; the producers in whom appetite is supreme and the slaves. Thus, he rejects the ordinary criterion of birth and colour as the determining factors of *varnas* and castes and emphasizes merit and occupation as the crucial elements.

While a fair state, according to Sukra, is one where the ruler looks after the legitimate interests of all his subjects and hands out rewards and punishments according to the virtues and vices of different individuals; a fair society is one which is a decent society, a society where no one uses harsh words or resorts to wrong actions by which people feel pain,¹² where the king is discreet and the councilors are impartial, where the learned men follow the path of goodness;¹³ where no one (even in mind) speaks untruth or commits adultery, perjury, forgery, bribery, theft and violence.¹⁴ A fair society is one where social interaction among the different classes of citizens is marked by mercy, friendship, fellow-feeling, charity and sweet words, where it is an offence to speak ill of even the lower classes and castes.¹⁵ In Sukra's conceptualization a fair society is not a classless society, it is not a society based on arithmetic equality but on geometric equality; where rewards are distributed according to the quality and the quantity of one's contribution to social good and human happiness. A fair society is one where no one

transgresses the rights of another, where no one tries to leave the duties assigned to him or her and take up the duties assigned to others and where no one envies the other.¹⁶ A fair society is one where one is not vain with one's learning (Brahmana?); or valour (Kshatriya?); or wealth (Vaisya?); or high birth (all the dvija castes?); where learning leads to wisdom and humility, strength to the protection of all that is noble and good; and wealth to sacrifice and charity.¹⁷ A fair society is one where the virtues of kindness, gentleness, truth and philanthropy prevail.¹⁸ A fair society is one where the ruler is the enemy of the wicked; the good man of the cheat; and the wise man of the foolish;¹⁹ where mother nourishes the child during infancy, father educates him during childhood and where the king does not rob the property of the people. However, notwithstanding this broad scenario of a fair society, Sukra disapproves a social order where there is predominance of the females and the lower classes (sudras). In other words, while humanitarianism is considered a social virtue yet gender and *varna* hierarchy operates in all walks of life. Therefore, measured in the context of social values that the present-day societies cherish this social arrangement appears patently unfair. In fact, there is some degree of ambivalence in Sukra's position. While, on the one hand, he asserts that one should not quarrel with women, children and the elderly; on the other, he ordains that one should never sit on the same seat with people who are of low grade in character and work and with females.²⁰ Thus, one can see some sort of apartheid in Sukra even though he is emphatic that merits of even the enemies have to be recognized and respected and the demerits of even the preceptors have to be condemned.²¹

Sukra's conceptualization of equity is rooted in his insistence on respect for merit and disrespect for demerit. This is the running streak in *Sukraniti*. It is evident from the fact that even in the matter of recruitment to the state

services he insists that only persons who are of high birth, high attainments, high character and who are valorous, devoted and sweet tongued, who have noble habits, who are pure, who have no envy, no passions, no anger, no cupidity and no sloth should be appointed.²² In fact, four types of qualifications are stressed by Sukra for recruitment to the state services: hereditary (high birth); moral (free from ordinary vices); physical (pains-taking and capable of under going stress); and intellectual (wisdom and experience). This seems quite fair in terms of merit but there is no provision of preferential treatment to the disadvantaged.

Nevertheless, Sukra's conceptualization of equity prominently comes out in his scheme of recruitment to the state services. He ordains that anybody and everybody is not to be appointed to any post. All the candidates for a post must pass through the process of examination and selection. Race, caste and birth should matter only in social functions like marriage and dining but when it comes to appointment to the state services these considerations should weigh very little. One's work, character and merit are to be respected; not one's caste and family.²³ So much so that for recruitment to the army whether as a commander or as a soldier caste should not be a consideration and persons from all the castes, including the sudras and the mlechhas, should be appointed.²⁴ Sukra is convinced that persons who are truthful and meritorious are likely to be more conscientious and are more likely to discharge their duties honestly. Sukra further emphasized that the salary to the employees should be according to their qualifications and competence. In fact, the service rules suggested by Sukra were employee-friendly with provisions like annual leave, bonus, provident fund and pension including family pension.²⁵

He clearly advocates meritocracy in the state services when he insists that only such persons should be appointed who are duly qualified to discharge the functions allotted to them.

So in the interest of equity and justice competence and suitability of a person should be the sole criterion for appointment and those who are passionate, vicious, who seek bribes and those who are vain, untruthful and envious are not suitable for appointment.²⁶ Even some personal traits are also emphasized by Sukra. For example, he is of the view that persons who are spendthrift and extravagant are not to be appointed because they would bring disaster upon the state by squandering the resources. So it will be fair to appoint only such persons who are used to spending within their means.

Like appointment, even promotion in the state services should be based on just and fair criteria and only those who amply display their ability in the lower position should be promoted. So much so that if somebody is found to be incompetent in his present position then he should be dismissed and someone from amongst the juniors should be appointed, honouring, as far as possible, the seniority principle.²⁷

Sukra's sense of equity and justice comes out sharply in various stipulations made by him to give preferential treatment to the weak, the disabled and the disadvantaged. For one thing, he lays down that the siblings must take care and look after their parents and those who forsake their parents and wives should be imprisoned by the king and made to work on the roads.²⁸ In other words, they had to undergo rigorous imprisonment. Similarly, it is ordained that one should not insult parents, seniors and men of learning nor should one make jokes about them. So much so that it is suggested that those who are disrespectful towards the old people should be expelled from the commonwealth. They should be bound and transported to islands or forts and employed in the work of repairing roads. Such persons should also be made to live on insufficient and bad diet.²⁹ The deterrent measures of hard labour and insufficient and bad

diet were prescribed in order to make sure that parents and senior citizens were well looked after by the community.

As at the family level, so also at the societal level *Sukra* lays down that those who are prosperous should maintain the deformed, the stranger, the poor and the helpless.³⁰ Further, one should give way not only to the superior and the strong but also to the weak and the diseased.³¹ So while the society in *Sukra's* scheme of things continues to be unequal; the disadvantaged are to be given some consideration, not so much as a matter of *right* but as *an act of mercy*. This would show that the virtues of mercy and charity are considered necessary by *Sukra* to make the disparities of the *varna* based society bearable and acceptable. He maintained that the world exists through charity, good conduct and mercy; not through envy and wickedness.³² A virtuous person is one whose heart melts at the grief of others, who serves others without asking and who is protector of the weak. Such a person is a fully ideal person; while in others goodness is only three-fourth or half or quarter, depending on the extent to which these virtues are found in them.³³

The modern welfare state emerged with a view to mitigating the suffering and exploitation of one section of society (the proletariat) by the other (the bourgeoisie) in the wake of industrial revolution and the rise of capitalism. Likewise, in the *Sukraniti* some elements of welfare state were stipulated in order to mitigate, to some degree, the oppressive character of the *varna* society. According to *Sukra* the best ruler is he who protects his subjects and maintains, at state expense, those whose wealth is little but whose wealth is sufficient or excessive are not to be maintained by the state, particularly if they are of low character and lack the virtues of mercy and charity.³⁴ That wealth is defined as low which is sufficient only for twelve years; that wealth is moderate which is enough for sixteen years and that wealth is sufficient or excessive which is enough for thirty years.³⁵

Sukra further laid down that only those who are penniless should receive food and raiment from the state and not others. Obviously, these provisions are quite like the policies of the modern welfare state aimed at giving various benefits to the people living below the poverty line. In some situations the state should help even the wealthy people, if they are ruined in business provided they are well mannered.³⁶ It hardly needs saying that this is like the policy of helping the sick industrial units or the farmers who suffer losses in agricultural production which is followed by several welfare states. On the other hand, the state is advised by Sukra to snatch the wealth of the rich people who are dishonest in their dealings.³⁷ The *Sukraniti* also contains a provision that when people set up new industrial units or cultivate new lands or dig canals, tanks and wells in order to augment agriculture production the state should not demand anything from them by way of enhanced revenue until they have realized profit twice the expenditure incurred by them.³⁸ Well this certainly reminds one about gestation period allowed by the modern welfare states to the new industrial units by giving them tax relief for a certain period or waiving water cess on irrigated farming.

In order to relieve people from the curse of indebtedness at the hands of usurious money lenders it is laid down by Sukra that when the amount of interest equals twice the principal amount then only the principal is to be paid, nothing else. This provision is not much different from the present day practice of waiving loans in order to give relief to the debtors. In fact, Sukra also lays down the rate of interest to be charged by the state on loans. The creditors cannot charge compound interest on the loans given. This is like the policy of the modern welfare state of giving loans on soft terms.

Sukra also suggests that in the interest of justice and equity the wages should be paid to the workers according to their

qualifications and the quality and quantity of their work. For example, it is laid down in the *Sukraniti* that the wages of goldsmith had to be one thirtieth (of the value of gold worked upon) if the workmanship is excellent; one sixtieth if it is mediocre and one hundred twentieth if it is inferior. Similarly, there are several provisions in the *Sukraniti* for different scale of wages for working on other metals and alloys, the presumption being that different levels of expertise are required for working on each of them. For instance, the silversmith's wages were to be half of those given to the goldsmith, of the corresponding category: excellent, mediocre or inferior. Those working on copper, zinc and *jusda* were to get one-fourth and in the case of iron one-eighth of the value.³⁹ There is an interesting provision in the *Sukraniti* that the sellers of bad, adulterated and sub-standard goods were to be punished as thieves. Persons who adulterated metals were to get double the punishment.⁴⁰ Sukra's sense of equity also gets reflected in the wage structure which had to be according to the qualifications of the employee. However, the wages had to be adequate to meet the compulsory charges or the survival needs of the worker and his family. Actually, Sukra has divided the workers and peasants into three categories: inactive, ordinary and quick. Accordingly, their wages had to be respectively low, moderate or high.⁴¹ High or good wage, according to Sukra is one which is adequate for food and clothing; moderate wage is one which is enough to meet only the indispensable needs of food and clothing; while a low wage is one with which one can hardly maintain one self. The wage given to the sudra had to be not more than what is barely enough for food and raiment.⁴²

In the *Sukraniti* there are several other provisions aimed at general welfare. Some of them are quite similar to the provisions that one finds in the modern welfare state. There is a stipulation that for the convenience of travellers the state

should build *serais* or rest houses with the provision for water tanks which the travellers may use for drinking and bathing. Such *serais* should be between every two villages. Access to tanks, wells, parks, religious places like temples and roads should not be obstructed by any one.⁴³ It is also laid down that for the convenience of travellers the king must keep the roads in good shape and any one found guilty of damaging them should be punished.⁴⁴ Similarly, there is a stipulation that those who harass or harm the travellers should be punished. For the convenience of people it is also laid down that there should be sufficient number of wells, canals, tanks and ponds so that there is no scarcity of water in the kingdom. In fact, Sukra attached great importance to the maintenance of water supply by the state. It implies that for Sukra water supply was an essential service which the state ought to maintain at all times.⁴⁵ Sukra also ordained that those who destroyed the water reservoirs should be punished.⁴⁶ For the convenience of people the state should build bridges over the rivers. There should be boats and other water conveyances for crossing the rivers.⁴⁷ Many of the practices which are followed by the present welfare state like planting of trees, shrubs and creepers in the villages and in the forests are also mentioned in the *Sukraniti* with a view to avoiding deforestation and to ensure the expansion of green cover. Obviously, the underlying purpose of all these policy directives was to ensure a healthy environment to all the subjects of the state irrespective of *varna* or caste or gender. In short, the state had to function in a manner that it did not discriminate in the matter of providing the essential services. It had to cater to the needs of every strata of society. All these provisions make Sukra a liberal of a sort.

The basic principle of equity and justice in the *Sukraniti* is that the wicked must not go unpunished and the innocent must not be punished.⁴⁸ The wicked is defined as one who destroys the social virtues and promotes social vices. Such a

person is enemy of the state as well as of the society. Therefore, in order to ensure the good of the people and to provide them adequate security he must be suitably penalized.⁴⁹ The whole administration of justice is directed at the achievement of this basic objective. But how to obtain this goal? According to Sukra justice gets violated because of the partiality or imputation arising out of passion, cupidity, fear, malice and secrecy. Therefore, two things are necessary to ensure justice; first, that the judges are learned, selfcontrolled, impartial, unagitated and calm. These should be people who fear next life, who are religious-minded, active and devoid of anger; and second, that there should be transparency in the administration of justice.⁵⁰

Another important feature of judicial system proposed by Sukra is that in the interest of fairness and justice it is necessary that during the trial of a person belonging to a specialized profession the help of persons belonging to same profession is obtained. As such, the foresters must be tried with the help of foresters; merchants with the help of merchants; soldiers with the help of soldiers and in the village the villagers be tried with the help of persons who live in the same village and who know both the parties of the dispute. This is something like trial with the help of peers. The whole idea behind this provision is that peers and neighbours would be the best judges because they know both the parties and the merits of the case. Moreover, they would be familiar with the real grounds of dispute and their participation in the trial would ensure that usage or custom of the guild in the case of cultivators, artisans, artists, carpenters, dancers, ascetics etc. is kept in view while handing out justice.⁵¹ This would also ensure that the local customs followed by different castes, villages and races are kept in view while adjudicating a case. In fact, it is a plea that the local customs and folk ways should be recognized and respected.⁵² It also implies that the judges should be conversant with the actions,

character, attributes and traditions of the people whose cases they are deciding. In other words, justice for Sukra lies in honouring the local customs and traditions. This practice is still quite prevalent and customary law constitutes an important component of current jurisprudence.⁵³ Needless to add that Sukra was emphatic in pointing out that the judges must be impartial.⁵⁴ There is another stipulation in the *Sukraniti* that exemplary punishment should be given to those judges and officers who pass judgment through fear, greed, and passions. The relevance of such a clause hardly needs to be emphasized.⁵⁵

The scope of offences discussed in the *Sukraniti* is indeed very wide and ranges from offences against the state to those against the community, society, morality and religion.⁵⁶ However, in all cases of civil and criminal nature, whether in agriculture or industry the *Sukraniti* contains a comprehensive account of how justice is to be dispensed. Viewed in totality, these provisions provide a fairly good idea of Sukra's conceptualization of equity. It is further stipulated in the interest of the farmer that revenue from the land should be determined by the quality of the land and the amount of produce from it.⁵⁷ While doing so it should be ensured that the farmer does not perish under the weight of excessive land revenue. The attitude of the ruler should be that of a weaver of garland rather than that of a coal merchant.⁵⁸ The coal merchant burns the woods to make charcoal and thus destroys the forest; while a weaver of garlands plucks only those flowers which have bloomed and keeps the rest as well the plants for further use. Like wise it is also laid down in the *Sukraniti* that the collector of taxes should realize the taxes in such a way that the capital of the tax-payer is not destroyed in the process of tax collection.⁵⁹ The principle of determining the revenue on agriculture was based by Sukra on very fair criterion. According to him it had to be one-half, one-third or one-fourth from the land

irrigated by the rivers; by tanks, canals and wells; and by the rains, respectively. In the case of barren and rocky land it had to be only one-sixth.⁶⁰ There is also a stipulation that the ruler should grant lands in the villages to all classes of people, high, middle and low.⁶¹ But there is a sliding scale about the size of land to be granted. The size of land granted to the highest class should be twice that of the lowest class and it should be one and a half times to the middle one.⁶² Here, the highest class obviously refers to the brahmana and kshatriya; while the middle class refers to the vaisyas and the lowest class to the sudras.⁶³

Similarly, the state's levy is to be so determined as to be fair to the people. It is laid down by Sukra that the state should get half of the gold, one-third of silver, one-fourth of copper, one-sixth of zinc and iron and half of glass and lead, after all the expenses of those who extracted these metals have been met.⁶⁴

There is some discussion in the *Sukraniti* about business transactions and joint ventures. Here again, the attempt is to ensure that the arrangement should be fair to every one concerned. For example, there is a stipulation that the state should receive only 1/32 part as duty from the buyers as well as the sellers of the goods (sales tax) but should not get it from the seller when he actually receives less than or equal to the cost of production. The present-day practice of calculating the depreciation in value of a commodity seems to be only a slightly modified version of what Sukra is referring to here. Likewise, in regard to the joint ventures either in industry or agriculture or trade and commerce it is stipulated by Sukra that each partner or share-holder is to receive profits and losses in proportion to their respective shares in investment. In addition to this there are reciprocal contractual clauses like punishment to a priest for forsaking a householder without any offence or any valid ground for doing so or a householder forsaking a priest without any reason or offence.⁶⁵

As in revenue and civil cases so also in the criminal cases the whole edifice of judicature is so devised by Sukra as to ensure fair treatment to those who are charged with certain offences. Here Sukra's major thrust is to ensure that the guilty is suitably punished but at the same time he gets humane treatment and is not insulted or abused in any way and no third degree methods are used. Due consideration is to be shown to certain categories of persons who are being tried for different offences. For example, it is laid down in the *Sukraniti* that children, old people, diseased people, men in danger, mad persons, foolish servants, minors, sickly persons, persons who are very busy or persons who fear that their absence from their place of work might lead to the failure of their whole project/enterprise, or persons busy with the affairs of the state or persons engaged in festive activities or persons about to be married or persons about to undertake sacrifices or cowherds tending the cattle or agriculturists during the harvesting season or artists and artisans at work and soldiers in times of war are not to be summoned by the king.⁶⁶ However, after investigating a case if the king *prima facie* feels that in the interest of a fair trial any one belonging to any of the above categories needs to be summoned then he may summon them by providing conveyance to them. But this is to be done only in important cases.⁶⁷ Actually, it was to depend on the gravity of the case. In the cases of serious nature any one, even those who have retired to the forest (that is, even those who have renounced the world) could be called if there was a complaint against any of them.⁶⁸ Again, in order to avoid any miscarriage of justice and to ensure a fair trial it is laid down in the *Sukraniti* that both the parties to a dispute can appoint a pleader to represent them, particularly if they do not know the legal procedure or if they are busy or are not good speakers or are not intelligent enough or are mad, or old or diseased or

children.⁶⁹ But if a person does not respond to the state summons owing to vanity or due to his money or muscle power then he must be duly punished.⁷⁰

In the administration of justice three general provisions are laid down: filing a complaint without any reason results not only in the dismissal of the lawsuit but also entails punishment to the complainant; the producer of false evidence is to be penalized; and the person who bears false evidence and the person who suppresses evidence are to receive double the punishment (double of the punishment prescribed for the producer of false evidence).⁷¹ Further, the following categories of persons could not be admitted as valid witnesses: a child (because of ignorance); a forger (because of his sinful habits); close relations (because of their affection); and enemies (because of their rivalry). Moreover, a person with whom one has or previously had money, marriage or education relations could not be a witness.⁷²

Notwithstanding all these liberal provisions the shadow of *varna* order in the administration of justice becomes evident in a general stipulation that a man belonging to an inferior caste or race could not be a witness in cases involving the higher castes/*varnas* and a non-Aryan could not be a witness in cases involving an Aryan.

Another notable feature of justice in the *Sukraniti* is that even in cases where due to the foolishness of the owner there is no evidence with him to prove his case with regard to ownership of a property and the opposite party conceals the truth then three successive procedures are suggested in order to determine the veracity of the owner's claim: persuasion, that is, impressing upon the opposite party to be fair; *yukti*, that is, expediency which may include rewards, dissensions and temptations; and ordeals. In fact, *Sukraniti* provides a comprehensive list of ordeals which were to be used both in civil and criminal cases. Sukra mentions seven different types of ordeals: oath, rice, virtue and vice, water,

balance, poison and fire. There is a very interesting elaboration of each of these ordeals. In the fire ordeal the accused had to walk nine steps holding a hot iron ball in hand or had to walk seven steps on the burning charcoal or had to take out by hand iron from hot oil or had to lick by tongue a very hot iron plate. In the poison ordeal the accused had to swallow a certain amount of poison or catch a poisonous snake by hand. In the balance ordeal a person had to be weighed twice and the guilt was proved if there was a difference in the two measurements. In the water ordeal the accused was to be immersed in water for a certain period; while in the virtue and vice ordeal the accused was asked to touch one of the two images, one representing virtue and the other representing vice and if the accused touched the image representing virtue he was innocent but if he touched the image symbolizing vice he was guilty. In the rice ordeal an accused was considered guilty if he found it difficult to chew a certain quantity of rice due to palpitation of heart or for want of salivation or due to excitement and agitation; in the oath ordeal he had to touch the feet of superiors or touch the heads of children or touch coins or swear in the name of God.⁷³ Broadly speaking, some of these ordeals were of a highly deterrent nature; while some others were like the present-day lie detector tests. In fact, in several traditional communities some of these ordeals are still prevalent, either in the same or in a somewhat modified form, particularly the ordeals like the oath ordeal or the ordeal of virtue and vice.

These seven ordeals were to be applied depending on the amount of money or the values of disputed property involved ranging from 62 units of money; to 125; to 250; to 500; to 666; to 750; and to 1000. All these limits of money were to apply only to the worst class of people, which probably meant the sudras. For the better class of people (vaisyas?) the amount of disputed property had to be double of what

was prescribed for the worst class; and for the highest class (Brahmanas and Kshatriyas?) it had to be four times the initial amount. There were several other overriding stipulations with regard to these ordeals; the first being that both the parties had to agree, beforehand, to abide by the decision of the ordeals. If one of the parties opted for human evidence and the other party for any of the ordeals then the human evidence was to be accepted. Secondly, the accuser had to stand in front of the accused while the latter was undergoing the ordeal. The idea, obviously, was to arouse the good sense of the accuser in case he had levelled a false allegation.⁷⁴ After the ordeal if the accused proved innocent then he was to be honoured and the one who had falsely implicated him was to be punished and imprisoned, depending on the nature and extent of seriousness of the false charge.⁷⁵

However, in matters relating to property in the following category of cases the length of adverse possession was not to be taken into consideration; mortgage, boundary land, minor's property, sealed deposit of a female slave, government property and property of learned brahmins.⁷⁶ Secondly, the cases having the following defects should be straightaway dismissed: (i) uncommon cases, that is, something never seen or heard such as somebody alleging that he has been cursed by a dumb fellow or some one complaining that he has been tortured by the son of a barren lady; (ii) cases of frivolous nature like some body complaining that though the other person sings well but he has the gate of his house on the street near his house; (iii) cases involving charges of contradictory nature like why this dead man does not speak or why this barren lady does not bear a child; and (iv) cases involving worthless charges such as why people do not sympathize with me in my grief.⁷⁷

In *Sukraniti* there is a very interesting scale of punishments for different categories of citizens and the number of

offences for which they were being tried. Broadly speaking, the scales of punishments were different for good, average and bad citizens; and within each of these categories the punishments varied for first, second and third offence. Roughly, the punishment to a good person for the first offence was reproachment, moral reprobation and censure; for the second offence it was greater censure and for the third offence it was repetition of the first and second punishments plus imprisonment. For an average person it was censure, half punishment and imprisonment for the first offence; twice of the first punishment plus expulsion/exile and marking on the body for the second offence; and for the third offence it was punishment mentioned for the second offence plus imprisonment for life. For the lowest class it was twice or thrice of the half punishment plus imprisonment for the first offence; the first plus twice of that plus imprisonment plus hard labour in the form of repair of roads for the second offence. For the third offence by the persons of the lowest class the punishment was twice of the second plus imprisonment for life plus rigours of lower order.⁷⁸ The punishment provided for the worst offence is the third punishment, that is, a fine of one thousand *panas*; for the middle offence it is the second punishment, that is, a fine of five hundred *panas*; while for the first offence it is half of the second punishment, that is, two hundred *panas*. (*Pana* was a silver coin with silver content of approximately nine grams.)

The above account shows that for the habitual offenders the punishment was harder than for those who were first time offenders. Further, it was also to be considered whether the offence was committed voluntarily or involuntarily. Moreover, the commitment of offence could be mental (which could be known by studying the eyes, the mouth, the facial expression and the feelings of the accused) or it could be physical (that is, offence committed by actions or

through speech, vocal use of harsh words); or it could be by association, that is, by studying the company that one keeps.

One notable feature of Sukra's conceptualization of equity is to give humane treatment to the detainee during the period of detention. For example, there is a stipulation that binding down a person who is under detention or restricting his call of nature is a punishable offence. It is also laid down that torturing a detainee or using foul language or harsh words against him or giving him cruel treatment in words and actions is to be treated as an offence of serious nature. Similarly, officials who violate the period of detention or break the restrictions imposed on the detainee or who in any way restrict the liberty of the detainee are to be punished.⁷⁹ Thus, there is great respect for the liberty of the individual even in the case of under-trials and the state could not impose certain restrictions on them and could not be cruel towards them. However, there is a very interesting stipulation in the *Sukraniti* which says that if a person escapes from detention when swimming in a river or crossing a forest or going through a difficult region or in times of a revolution then he is not to be considered guilty and should not be punished.⁸⁰

Principles of equity also apply in the case of punishment to persons who are in the state service. It is emphasized by Sukra that the officers who are accused of corrupt or immoral practices by a large number of people must be dismissed from service. It is the duty of the king to ensure that the state officials do not oppress his subjects. To ensure it the ruler should hear people's complaints and while deciding them he must not take the side of the officers but that of his subjects.⁸¹ It is particularly emphasized by Sukra that those officials or citizens who misappropriate the taxes levied by the state must be tried for an offence against the state.⁸²

After having discussed the provision of law as it was to apply to the various classes of subjects a word about the status

of women in the *Sukraniti* would be in order. Broadly speaking, there is nothing in the *Sukraniti* by way of gender equality as it is understood today. In the modern societies gender equality has become a barometer of equity and justice but in Sukra's day it was not so. Of course, about the legal share of women in the family property the *Sukraniti* does suggest that the son should treat the wives of his father (other than his own mother) as his own mother and give them the share of property equal to his own.⁸³ This would indicate that polygamy must not have been very uncommon; hence this provision that the sons and wives would be entitled to equal shares in the family property. There is a further stipulation in the *Sukraniti* that women would have absolute right over the *streedhan*, women's wealth which consisted of what a married woman got in the form of dowry from her parents and gifts from her husband and his family as well as the presents from other relations.⁸⁴ Absolute right implied that a woman was free to use or sell or gift the *streedhan*, even if it was in the form of immovable property (including land and house etc.). However, she had no such right to sell or gift what she may have received as her legal share by way of right of succession. In fact, a woman could not own any property even when it was earned by her. There is a clear stipulation in the *Sukraniti* that whatever is earned by the wife, the son and the slave does not belong to them but to those to whom they belong. Thus, in essence, woman was considered no more than a commodity.⁸⁵ While the sons and wives were entitled to equal share in the family property, the share of the daughter was to be only half of son's share and the share of the daughter's son was to be half of that. At one place, Sukra has suggested that the son should give one-fourth of the property to the mother, one-half of that to the sister (i.e. one eighth) and half of that (i.e. one-sixteenth) to the sister's son and keep the rest (i.e. 9/16) to himself.⁸⁶ This arrangement was to obtain probably in those cases where

the father had only one wife.

Despite these somewhat liberal provisions about women's share in the family property and the right over *streedhan* there was no gender equality as far as women's status in the society was concerned. Just like the duties assigned to people belonging to the different *varnas*; the women were also assigned definite duties and any violation of this social code was to be punished. The duties assigned to the women were largely about the various household chores, like the cleaning of the house, cleaning of utensils, making fire, cooking food, feeding the whole family and paying obeisance to everyone in the family. She was expected to strictly obey the order of her husband and follow him like a shadow. She was expected to be friend in all his good activities and a servant in all his commands.⁸⁷ In fact, she had to worship her husband as a great god. Adultery, pregnancy without husband and incestuous sex in the prohibited circles were considered as cardinal sins and were punishable.

Although there is a stipulation in the *Sukraniti* regarding the appointment of female witnesses in cases involving the female interests but in other cases the women were not considered fit to be witnesses because of their mendacity.⁸⁸ The only positive provisions relating to women were that the murder of a woman was considered a heinous crime and the destruction of foetus was considered a felony.⁸⁹ Protection from arrest and detention is also provided to women. Exemption from being summoned as a witness is provided to young maids who have no relatives, women who have just delivered children and are in the lying room and also to women whose masters are not known.⁹⁰ However, there is some class bias in this whole formulation because high class ladies and girls are also granted exemption merely on the consideration of their high social (*varna*) status. There is a further stipulation that when a woman is party to a dispute either as a plaintiff or as a defendant she can appoint

a pleader to represent her.⁹¹ This was to ensure that there was no miscarriage of justice.

The above account shows that equity or justice as fairness which is a highly cherished value in all the civilized human societies today is not found, in full measure, in the *Sukraniti*, at least not in the sense in which it has been articulated in the current social science literature. No doubt, that Sukra emphasized that the disadvantaged must be given humane treatment; no doubt that mercy and charity are highly acclaimed values in the *Sukraniti* but the society depicted therein continues to be hierarchically structured on the basis of *varnas*. So much so that the *varna* order manifested itself in all spheres of life: social, economic and political. Take, for example, the organization of judiciary. While Sukra prescribed very high sounding qualifications for the judges so that they could act in an impartial manner; while he insisted that the judges must be learned, self-controlled, unmitigated, calm, god-fearing and devoid of anger; yet when it came to identifying such learned people the choice fell only on the brahmanas. It was only if a brahmana was not available that a learned kshatriya or a learned vaisya could be appointed a judge but it could *never* be a sudra. Even a woman could not be a judge. In fact, the sudras were sidelined in all aspects of life. The king's advisors had only to be barahmanas and in their absence kshatriyas and the vaisyas but in no case a sudra.⁹² In the villages all the important positions were to be shared by these three *dvija* castes; the sudras could be only sentinels, no more than mere hewers of wood and drawers of water.⁹³

In short, Sukra does not visualize a society, which is equal or nearly equal in any sense of the term. The maxim that he seems to follow is that the best should not sink in honour, nor should the lowly rise (unduly) high in the social scale. So the society in Sukra continues to consist of high and low, the oppressor and the oppressed, the exploiter and the

exploited.⁹⁴ In other words, equity or fairness was not the cherished values and the state did not pursue the goals of justice: social, economic or political. Rather, whatever came to the disadvantaged came as a part of charity and philanthropy of the king and the wealthy. There are plenty of suggestions in the *Sukraniti* that a wise man should always give away lands for public purposes like parks and grounds for dwelling houses to the peasants.⁹⁵ In fact, the virtue of gifting is highly acclaimed but the gift cannot be claimed as a matter of right; rather it depends on the largeheartedness and magnanimity of the giver. Similarly, there are platitudes like being good to the enemy even if he is harmful. So, like gifting, kindness and gentleness are also virtues which the state and the society ought to promote, but nothing beyond that. It is in this sense that the ruler is advised to set aside some part of the budget for charity and entertainment.

Secondly, the general principles of justice in the *Sukraniti* when measured in terms of the present day notions of equity and fairness appear to be quite unfair because the actual application of law was not uniform for all the castes and races, either with regard to the quantum of punishment or the adjudication of disputes or the admission of witnesses. In this respect even the women were discriminated against. They were bracketed with slaves, particularly with regard to owning of property because there is a stipulation that whatever is produced by the slaves and women belongs to one to whom they belong. They are considered inferior and there is no attempt to make them equal. All that Sukra is prepared to grant is that wife, slave and children should be treated with kindness. So the employee should be kindly treated by the employer; the servant by the master; the wife by the husband; the son by the father; and the pupil by the teacher.⁹⁶ But the wicked people, the thieves, the bad characters, the malicious ones, the offensive persons and all the evil doers should be constantly screened and suitably

punished. According to Sukra a society which follows these norms is fair and just.

4.2 Equity in Kautilya: Legal-Juridical

Kautilya's *Arthashastra* is a treatise, by and large, on statecraft. It deals with the art of governance and lays down detailed administrative procedures. It is essentially a discourse on practical politics. Its main objective is to teach the ruler how to govern his kingdom efficiently and effectively. There is very little in it by way of speculation about the ideal state or Justice as in Plato's *Republic*. Rather, it is more akin to Aristotle's *Politics*. Among the numerous subjects discussed by Kautilya are agriculture, trade and commerce, relations of the central government with the local governments, problems and policies relating to foreign and domestic policy, attitude of government towards the various arts and crafts, the administration of forest and mines. Hence, equity as such does not constitute the subject matter of the *Arthashastra* nor was equity a cherished value in most of the human societies of that era, at least not in the sense in which it is today. In fact, equity and justice as fairness do not seem to be the serious concerns of Kautilya except in a very limited and tangential way. Although the *Arthashastra* does provide a broad catalogue of rules and regulations regarding the duties and the overall conduct of different categories of subjects but that is only in terms of their respective *varnas*. There are, of course, some general platitudes where Kautilya says that happiness of the king lies in the happiness of his subjects and a king serves his interest best by serving the interest of his subjects.⁹⁷ But there is nothing specific about equity or justice nor is there any emphasis on equality of opportunity or rule of law. So one has to infer his notion of equity, particularly its legal-juridical aspects from the general description of the legal system of the state and from the

scales of punishments provided for different categories of offences to the different classes of subjects.

Here, one must bear in mind that Kautilya expounded his *Arthashastra* at a time when the Aryans had firmly entrenched themselves in position of power virtually in all walks of life, social, cultural, economic and political, and the caste system had got considerably solidified, internalized and legitimized. Therefore, the rigidity of the caste system or *Varnadharma* was taken by Kautilya as something given. In fact, there is hardly anything in the *Arthashastra* to show that he condemned or even disapproved the *varna* order. Though it may sound strange but it is evident that in this work Kautilya did not even recognize the obvious fact that the *varna* order was politically oppressive, economically exploitative and socio-culturally hegemonic and hence unfair. Kautilya seems to be totally oblivious to the fact that the *varna* based hierarchically ordered society was grossly unjust and inherently unfair. As such Kautilya's *Arthashastra* is not even a mild critique of structured and segmented character of the Hindu society of his times nor does he aim at demolishing these structures. On the contrary in Chapter III of Book I he quite approvingly quotes the duties assigned in the *trayi*, i.e. the triple *Vedas* (*Rig, Sam and Yajur*) to the various *varnas*. The duties assigned to Brahmanas are to study and to teach, to perform sacrifices, to officiate at others' sacrificial performances and to give and receive gifts. The duties of a Kshatriya are to study, perform sacrifices, to give gifts, to defend the kingdom and protect the lives of its people. It may be noted that a Kshatriya is neither expected to teach, nor to officiate at others' sacrifices nor to receive gifts. Important assignment of the Kshatriya is military occupation and defence of territorial integrity of the state. The Vaisyas are allowed to study and to perform sacrifices, but unlike the brahmanas, they are not allowed to teach or to officiate at the sacrificial performances of others or to

receive gifts; and, unlike Kshatriyas, military occupation, defense of the state and protection of lives of its people are not assigned to them. The specific occupations assigned to the Vaisyas are agriculture, cattle-breeding and trade (*Varta*). The duty of a Sudra is to serve the twice-born castes (*dvijas*) but he can also take to agriculture, cattle breeding and trade. The work of artisans and court bards is also meant for them.⁹⁸ In fact, the above *varna* hierarchy was so rigid and so imposing that orderly society was projected by Kautilya as one where everyone performs his duty according to his place in the *varna* order without trying to take up even, in a very limited way, the duties assigned to the other *varnas*. To make this arrangement acceptable to each *varna* a promise is held out that the honest performance of duties by them would lead one to *svarga* (heaven) and *anant ananda* (infinite bliss). This promise is accompanied by a warning or a threat that when the *varna* order is violated the world will come to an end owing to confusion of castes and overlap of duties. This dispensation is not found only in Kautilya's *Arthashastra* but also in the *Kamandakanitisara* of Kamandaka, who was his most prominent disciple.⁹⁹ One must also keep in mind that the above mentioned rules of the game inherent in the *Varna* order were not only unfair, discriminatory exploitative and arbitrary but also inflexible. There was hardly an iota of equity or justice in them. Even if one concedes for the sake of argument that in all human societies, past and present, there are varieties of inequalities—biological, economic as also in terms of mental abilities, knowledge, skill, talent, physical strength, age and sex etc.—the inequalities imposed by the *varna* order were most despicable because there was hardly any room for upward social mobility. Superimposed on these inequalities and at times, criss-crossing them were differences of race, language, culture and political ideologies of different communities. All this resulted in a very complex and rigid social web from which it was almost impossible to escape, much less to rebel against it.

However, viewed in a wider context the society envisaged by Kautilya in his *Arthashastra* was neither fully a slave society like the one which existed in the ancient Greece nor was it fully a feudal society like the one which existed in the medieval Europe nor did it entirely proximate to what Marx termed as the Asiatic mode of production. It had unique features of its own in so far as the state and society were sought to be organized on the lines laid down by the orthodox Brahmanical standards and the injunctions of *dharmashastra*. Although Kautilya prescribed a high moral pedestal for the *dvija* castes, particularly for the Brahmanas, and denigrated the Sudras as impure both were indispensable members of the society. In this sense, his *Arthashastra* reflects essentially the old Vedic tradition of the privileged Aryan community in the form of *dvija* castes exploiting the aboriginal communities of non-Aryans who were pejoratively called *dasas* (slaves) and *dasyus* (thieves) and were clubbed together under a broad rubric as *sudras*. But all things considered, one can say that it was not a slave society because as Kosambi has rightly observed slavery of Greek-type did not develop in India because the Aryans had only common property, no private property.¹⁰⁰ In sum, in Kautilya there is stratification of society into four *varnas*, and the two lower *varnas*, *vaisyas* and *sudras*, particularly the latter are so placed that they are subject to exploitation by the two higher *varnas* (*brahmanas* and *Kshatriyas*) with whom the state was in alliance and who enjoyed the fruits of others' labour. Such exploitative practices could be considered a specific variant of feudalism but it was not a feudal society as S. Th. Oldenburg would like to call it.¹⁰¹ Probably, it would be more appropriate to call it an "early feudal society" as Kangle sees it¹⁰² or "embryonic feudal society."¹⁰³

It is in this background that an attempt is being made in the following pages to assess the extent of equity in the legal-judicial system of the Kautilyan state which had some features of the modern welfare state, though in a very

rudimentary form. In fact, Kautilya's two-fold emphasis is on security of the state and welfare of the subjects. He realized that there has to be proper balance of these two major objectives of the state and there could be no either/or in this matter. In fact, it would very much seem like the present-day debate between *defence* and *development*. Kautilya rightly saw a symbiotic relationship between the two in so far as he seems to hold the view that all the welfare measures undertaken by the state would go haywire if its very security was threatened. His conception of equity, of whatever variety and in whatever measure it exists, gets reflected primarily in his scheme of welfare measures and the judicial edifice that he visualized in order to dispense justice to the people.

There is a lot of emphasis in *Arthashastra* on public welfare. So much so that Kautilya envisaged two sets of judicial officers to deal with crimes against public welfare. The first set consisted of judicial officers whose main responsibility was to administer the *normal laws* of the state; while the second consisted of those officers who were to administer the exceptional or special state laws. The former were called *Dharmasthas* and the latter *Pradeshtas*. It was quite different from the present-day two types of courts one adjudicating the revenue and the civil matters and the other dealing with criminal cases. For the protection of life and property of the people there was a provision for benches of three *Pradeshtas*. The responsibility of each bench was to punish those who were the enemies of public welfare.¹⁰⁴

The tasks assigned to these two wings of judiciary can be divided, in the context of equity, broadly into the following eight categories: (i) those impinging on existential or survival needs of the people and public utility services; (ii) those which relate to relief and compensatory provisions in the event of loss of or damage to personal and communal property; (iii) those emphasizing tolerance, moderation and humane treatment; (iv) those concerning the issues of

economic nature like production and distribution of material goods; (v) those relating to gender justice and protection of the weak, the disabled and the disadvantaged; (vi) those concerning equality of opportunity, particularly in matters of employment to the state services; (vii) those dealing with procedural dimensions of justice and (viii) those concerning general welfare of the people. If one looks at these tasks in their totality one finds that the above classification is by no means neat and there could be a lot of overlap. At best, it has been devised in the present study only for analytical purpose. Let us briefly examine each of them.

There is an emphatic stipulation in the *Arthashastra* that the king must provide food, clothing, shelter and medical treatment to the *needy subjects*. The needy subjects are not identified but they could be like the present-day people living below the poverty line. Kautilya also shows a lot of concern about people's health and lays down, in considerable detail, the responsibility of the state to ensure good health of the citizens. For this he suggests a comprehensive scheme of health care. According to him the health care had to be both preventive and curative. There is also a stipulation that the state should, in the interest of its people, ban unhealthy and unwholesome food. The implication of this provision seems to be two-fold: to ensure that the food given to the people is fit for human consumption and also that it meets the required nutritional levels. There is a lot of emphasis on health care but strangely enough there is no mention of education among the basic services that the Kautilyan state is required to provide. It is obvious that Kautilya was not able to go against the injunction of the *dharmashastra* where all knowledge and education was meant only for the privileged few and it was not only out of reach of the vast mass of *Sudras* but was strictly denied to them.

There are also some provisions of relief and compensatory nature particularly in the event of people suffering losses

due to natural and human calamities. Among natural calamities Kautilya makes a special mention of losses suffered by the people due to fire, flood, epidemics, famines, pestilence, pests and rats. This list goes to show Kautilya's concern for minute details. In the category of human calamities he includes mainly the losses suffered by the citizens due to thefts and robberies. He enjoins the state to guard its subjects against visitation of thieves and robbers. Along with it, the need to protect the people from the practices of dishonest private citizens and state officials is also duly emphasized by Kautilya. In fact, in cases of thefts and robberies the king or the state is held personally liable for restoring the stolen property to its owner. So much so that in the event of state's failure to do so the state must compensate the sufferers from the royal treasury.¹⁰⁵ Kautilya's whole thrust is that the attitude of the king towards his affected subjects should be akin to that of a father towards his children. The people must also be protected against certain notoriously dishonest trades and professions "those who are really thieves though passing for honest men."¹⁰⁶ Similarly, the theft of articles of the artisans is punishable with fine. There is also a concomitant provision that the artisan must make good the loss incurred by the dealer due to such thefts and the loss suffered by the customer due to misappropriation of raw material by the artisans.¹⁰⁷ Looking at these provisions in their totality it seems that Kautilya wants the state to be very strict in preventing thefts, robberies and all types of dishonest practices by the producers and artisans.

Kautilya's whole politics seems to be politics of moderation. It is politics of *compassion*. The elements of moderation and compassion get amply reflected in several provisions laid down by Kautilya in his *Arthashastra*. For instance, the state is required to take particular care of the orphanages. Likewise, the state is directed to ensure that the prisoners, *dasas* and *ahitas* (both male and female) are not ill-treated and are

given humane treatment. Strict penalties are provided for violation of these norms by the state officials.¹⁰⁸ For promoting cordial neighbourly relations and in order to maintain decent behaviour, devoid of any express or implied insult to any individual or group it is laid down that those who invite a person for meal to the exclusion of their immediate neighbours commit not only an insult but also an offence and a definite amount of fine is recommended in such cases. Obviously, such provisions are aimed at discouraging attitude of social exclusion and Kautilya lays down penalties for such practices because they breed hatred among the people.

In Kautilya there is also a stipulation to prevent the transgression of liberty of the individual or violation of his right to property except with the due process of law. So much so that punishment is laid down for interrogating a person without authority to do so or by a state official not authorized to do so. Similarly, punishment is also laid down for putting under bondage a minor or an innocent person. Even for interrogating a person without authority to do so is punishable. Similarly, punishment is provided for releasing from bondage a lawfully bound person.¹⁰⁹ In this sense, one does find some emphasis on protection of individual's life and liberty. But to what extent there was rule of law in the sense in which it is understood today is difficult to say. Some provisions relating to the protection of individual's property are also there. For example, punishment is laid down for breaking open a sealed house. Here, special care is taken by Kautilya to ensure that officers of the state do not ride rough shod on the innocent subjects. Impostors who pose as officers of the state without actually being so or the state employees who pose as officers without actually being so are to be punished by the state.¹¹⁰ Kautilya values human life so much that he provides punishment for not rescuing a person who is in distress. All these provisions unmistakably show that

Kautilya was full of warm humanitarianism and despite his adherence to the *varnadharma* he was sensitive to the realities of actual life.

Kautilya also lays down strict norms of fair economic relations in agriculture and industry. The state is expected to exercise effective control over the artisans' work and lapses like delay in the delivery of articles or failure to carry out fully the customer's instructions are punishable. In the present-day parlance such cases fall in the category of deficiency in service as consumer courts have termed them. As already stated, if the artisan is found guilty of any dishonest practice he/she is to be severely punished.¹¹¹ Such provisions are meant to deter the artisans from resorting to unhealthy practices. The purpose of such stipulations is also to protect the consumer from the acts of negligence and dishonesty of the industrialists and producers. In a rudimentary form they are aimed at ensuring fair trade practices. Kautilya specifically lays down norms to protect the people from certain notoriously dishonest trades and professions.¹¹² For this purpose the *Suvarnika* (chief of goldsmiths) is required to exercise strict control and supervision over the artisans.¹¹³ To be fair to the producers in a textile factory (*sutrasala*) there is a provision that wages should be paid to the workers according to the quantity and quality of their work.¹¹⁴ This is the evidence of equity in the Kautilyan state in the production sector. In the interest of justice and equity there is strict state regulation and supervision of weights and measures being used by the shopkeepers.¹¹⁵ The objective is to make sure that the buyers of goods and commodities do not suffer at the hands of the sellers. That is equity in the distribution sector.

In Kautilya's scheme of things the workers consist of two main categories, *dasas* who were bounded servants and *Karmakars* who were free workers. The former consisted of many types of unfree persons and were comparable roughly

to the present-day bonded labourers rather than to the slaves in ancient Greece because at least notionally they had the right to be free on payment of a ransom amount which was earned by them on the basis of work done for the master.¹¹⁶ Probably there was no such provision in the slave societies. Whether they actually ever earned enough to be able to get such freedom is difficult to say but at least a provision of this being possible, if not actual, freedom was there. Its realization seemed difficult because the normal wage of a worker was merely one and a quarter *pana*.¹¹⁷ This wage was the same as prescribed for the free workers but the *dasas* were also given, in addition to it, board and lodging. The *dasas* could be owned by the state as also by the private individuals. From the numerous references in the *Arthashastra* to male and female *dasas* and their daughters it is obvious that the practice of *dasa* was quite widespread during Kautilya's times. The *karmakars* seem to be more like the present-day contract labourers who are employed for doing a specific work for a specific amount of money or for definite wages.¹¹⁸

In addition to the *dasas* and *karmakars* there was also a third category of workers called *Ahitakas*. These were persons who were pledged with the creditor as servant when contracting a debt. They were different from *dasas* and *karmakars* and Kautilya prescribed definite rules and norms as to how they were to be treated. Although there is no mention of labour laws as such but Kautilya did lay down the duties and rights of the employer as well as the employee. Violation of these duties and infringement of workers' rights by employer or of the employee's right to work was punishable under law.¹¹⁹ In fact, the state was expected to protect the interests of labourers both with regard to their wages and their other rights. The workers, particularly the artisans, were organized into *srenis* (guilds) and they were required to protect the workers' rights and also to stand guarantee to the customer for any loss or damage or delay

caused by the workers.¹²⁰ The most serious offence was appropriation of the raw material given by the customer for manufacturing. As already stated, the workers and artisans were to be punished as thieves for any such appropriation.¹²¹ From the point of view of equity and justice one can say that although Kautilya does not disapprove of the institution of *dasas* and *karmakars* but he does provide sufficient safeguards to ensure that they are not oppressed and exploited. In fact, it is emphasized again and again that all the categories of workers and artisans must be given humane treatment.

In industry and business, Kautilya also visualized joint ventures and laid down the principles on which these joint ventures were to operate. They had to abide by the state regulations. It is impressed by him that gains and losses of the joint ventures must be shared proportionately by all the partners or shareholders of a joint venture. If someone decides to withdraw from a joint venture for some reason before the completion of the work he must also get proportionate share of profit or loss as the case may be.

Kautilya's sense of equity also finds reflection in the norms that he laid down in regard to the ownership of land. He seems to suggest that the land belongs to the state. It is the state which distributes it to the actual cultivators. Of course, the state also maintained its own agricultural farms which it managed with the help of *dasas* and freemen. Kautilya's sense of equity is found in considerable measure in the pattern of land revenue spelled out in his *Arthashastra*. The cultivators were required to pay one-fourth to one-third of the farm produce as land revenue to the state, but to be fair to the cultivators Kautilya laid down that the quantum of land revenue must be ascertained keeping in view the productivity of the land. This was done with view to avoiding hardship to the peasants. The cultivators were vested with full rights to sell, lease or gift their holdings.¹²² It is also laid

down by Kautilya that in the event of revocation of the sale it was to be ensured that neither party suffered any loss. Thus, any transaction had to be fair to all concerned and in the event of revocation of sale deed the amount of compensation was to be decided by the *sabhasads* (councilors) keeping in view the norms of justice and equity.¹²³

The whole economy in Kautilya's scheme of things is based on the *dasa* who constitute the principal agricultural community.¹²⁴ Viewed in terms of caste hierarchy they were, by and large, *sudras*. In fact, the main working class, not only in agriculture but also in industry consisted of *sudras*. They also worked as artisans and were engaged in trade. The *varna* hierarchy is prominently reflected here because there is a stipulation in Kautilya that no Aryan can be a *dasa*. So all the *dasas* belonged to the non-Aryan communities.¹²⁵ In fact, the two lower *varnas* produced all the wealth of the state and the two higher classes, who also controlled the state power, enjoyed it.

4.2.1 Status of Women

Although there is nothing specific in Kautilya like the present-day concern for gender justice and empowerment of women but in some rudimentary form the rights of women were secured. For one thing, he insists that a woman cannot be considered to belong to another person merely on account of adverse possession.¹²⁶ So kidnapping or lifting a woman does not entitle the kidnapper or lifter any right over her. To guard against molestation of women there is a stipulation that approaching a woman in exclusion would be punishable under the law.¹²⁷ In the event of matrimonial discord Kautilya does provide for divorce or dissolution of marriage. A detailed legal procedure is provided for the annulment of marriage. For example, it is laid down in the *Arthashastra* that either party, if it felt aggrieved could take

the matter to the court of adjudication.¹²⁸ Further, even causing abortion of a female slave was punishable, although, sexual exploitation of such women is nowhere mentioned as a crime. Similarly, approaching an elder's wife with carnal intention is a crime.¹²⁹

Notwithstanding such exceptions it is stipulated by Kautilya that all the cases of harassment of women had to be taken up by the courts *suo-motu* without any formal complaint by the victims. So much so that Kautilya laid down special provision to protect the honour of women, particularly of women who belonged to the higher *varna*. For example, it is laid down that a *Candala* touching an Aryan woman would be a major offence although an Aryan touching a *candala* woman was not considered an offence of the same magnitude. This becomes further clear in the stipulation regarding abortion of slave girls mentioned above. So violating chastity of a slave girl is not an offence at least not a serious one. The implications of this stipulation are clear and hardly need any comment. The rigidity and hierarchy of *varna* order is too evident here.

Kautilya's state does have some elements of a welfare state. For instance, several measures aimed at social welfare are recommended. The state was to show particular consideration towards the weak, the disabled and women, all of whom were considered disadvantaged. It is laid down in the *Arthashastra* that in matters of litigation the king (or his subordinates) should take up, on priority basis, the cases involving minors, old persons and the sick and provide suitable relief to them. Similarly, cases involving socially relevant institutions like temples and hermitages were to get priority over the rest.

Kautilya also seems to recognize the role that knowledge plays in the advancement of society. Accordingly, he advocated that the state should pay special attention to the welfare of Brahmans, particularly those who had mastered

the *Vedas*. He recommended that like cases involving women, in all cases concerning temples, Brahminas, ascetics, minors, orphans and old and sick persons the state should *suo-motu* take cognizance of the matter and decide them expeditiously.¹³⁰ He is also keen to ensure that the workers are given a fair wage keeping in view of the quality of their work. This is based on principle of equity.

It is further laid down by Kautilya that certain things cannot belong to another person merely by means of adverse possession. These include deposits, a pledge, a buried treasure, a boundary, king's property and property of a Brahman who is well versed in the *Vedas*. Here, it should also be noted that this preferential treatment was to be given only to those Brahmins who were proficient in the *Vedas* and not to the rest. Kautilya also insists on strict regulation and control of popular vices by the state. This, it seems, was necessary in his view in order to ensure good conduct and prevent crime in the society. In order to sublimate people's evil disposition into healthy channels the king is directed to promote visual and performing arts as a part of his policy of public amusement and entertainment. So much so that as a part of welfare measures, Kautilya emphasized the need to protect the environment. For example, there is a stipulation in the *Arthashastra* that causing damage to the trees in the city parks should be treated as offence which should not go unpunished. It is further laid down that damage to bushes, creepers and trees in the holy places, penance-groves, cremation grounds or to trees which serve as boundary marks are social evils and those who resort to these practices are evil doers and they must not be let off by the state, howsoever old their offence may be.

More than anything else, it is in matters relating to the state services that Kautilya shows his total commitment to equity. In recruitment to the state services he seems to suggest some kind of meritocracy in the state services in so

far as he insists that preference must be given to those who have the qualities of *Satva* (spirit) , intelligence, power of expression and above all to those who are of proven integrity and loyalty to the state.¹³¹ In order to assess these attributes for appointment to the state services several tests are provided by Kautilya. The special focus of these tests is to judge honesty, integrity and loyalty of the candidates. Kautilya is also very emphatic that certain types of person are not to be recruited to the state services. Among such persons special mention is made of three categories: *Mulaharas* (those who have squandered their patrimony), *Tadavikas* (those who are spendthrifts) and *Kadaryas* (those who are very miserly).¹³² These three categories are very significant from the point of view of ensuring the judicious use of state funds. The first two would not only indulge in wasteful expenditure but may also resort to corrupt practices like bribery; while the third type may hinder even the essential works that the state ought to undertake, in the interest of people's welfare. The present-day states should take a leaf out of Kautilya's suggestion, because it is an effective way to get rid of rampant corruption. In fact, Kautilya's stipulation is not only very relevant today but it is also worth emulating. After all, corruption today is so widespread that all welfare programs go haywire because of it.

It is also evident that Kautilya's state was neither a very soft nor a very hard state. All violations of law and all criminal acts were to be severely punished but no innocent was to be unnecessarily harassed. This is how he wants the state to be fair. For example, in the case of *Sahasa* (forcible seizure of an object with the help of muscle and money power) severe punishment is suggested by Kautilya. He mentions three *sahasa dandas* (three levels of punishment). In the case of *prathama* (it could mean lowest crime or first crime) a fine of 48 to 96 *panas* is prescribed, in the case of a serious crime (or second offence) a fine of 200 to 500 *panas* is fixed; while

in the very serious crimes (or third offence) , the amount of fine could be anything between 500 and 1000 *panas*.

Like protection of individual's property, protection of subject's life against injury was also very important function of the state. Therefore, *Parusya* (injury) either verbal including slander, defamation, contumely and threat, or physical injury like defiling of the body, menacing and hitting were punishable under law. Even leading an untamed animal or throwing a stone or a stick, or failure of a cart driver to take precaution against injury to a passerby are all crimes and are all punishable. Cases concerning seizure of other's property, trespass with criminal intent and scuffle are offences that can be taken to court for adjudication.¹³³ Even causing injury to others by magic is punishable.¹³⁴ Further, making a person eat something which is unfit for eating or make a person drink whatever is unfit for drinking are offences which are punishable.

Since Kautilya was writing in a society where *varna* order was all pervasive, he prescribed unequal punishment to the criminals belonging to different *varnas*. For the same offence the person of higher *varna* was to get lighter punishment than a person of lower *varna*. Thus, there was a sliding scale of punishment from lower to higher *varnas*. Special consideration was shown in the state laws for the Brahmins. Clearly, this was anti-thesis of the very notion of equity.

On the basis of above discussion some broad contours of Kautilya's conception of equity in the legal-judicial domain can be indicated. Firstly, as a broad category, *dandaniti* in Kautilya implies the primacy of the state over the individual. For him the interests of the state were primary and those of the individuals were subordinate to it. So Kautilya's state was not a *minimal* state as conceptualized in libertarianism in the contemporary political theory articulated by Robert Nozick and others. It was almost a *maximal* state which had several features of the modern welfare state. The major duty

of the state was not only to keep its territorial acquisitions secure but also to add to these acquisitions. There is very significant provision which says that the gains of this acquisition be distributed among the *deserving subjects*. But who are the deserving subjects? Here, Kautilya seems to apply two criteria to identify the deserving subjects. Firstly, it is those who are the most disadvantaged in the society, the old, the minors, the infirm, the orphans, the widows, the sick, the hermits and the ascetics. Secondly, the deserving subjects were identified in terms of the *varna* order. It is the Brahmanas, particularly those who were well-versed in the *Vedas*, the Aryan storehouse of knowledge. In other words, in Kautilya's scheme of things the benefits of state's territorial expansion should go to the disadvantaged and the knowledgeable. In addition to the *disadvantaged citizens* the state should give preferential treatment to the *intellectuals* who constitute the intelligentsia of the state.

It would be interesting to compare Kautilya's above stated conceptualization of equity with the Aristotelian conception of distributive justice or geometric equality. In Aristotle, the rewards are to be distributed in proportion to the telos of the state measured in terms of one's contribution in promoting good life of the people, that is, in promoting happiness of the subjects. According to Aristotle the state came into being for the *sake of life* and continues for the sake of *good life*. Likewise in Kautilya those who contribute more to the good life of society through their knowledge and intellect were to get preferential treatment. In fact, at the level of generality one can say that the Kautilyan conceptualization of equity and justice is very interesting mix of Plato's conception of justice and the Aristotelian conception of distributive justice. In Plato, the society is divided into three classes, *philosophers* in whom reason is supreme, soldiers in whom courage is supreme and the producers in whom appetite is supreme. Plato gives the

position of primacy to the philosophers and soldiers whom he describes as the guardians of society which seems to correspond to Brahmins and Kshatriya in Kautilya's design. In terms of its broad features, the *varna* based Kautilyan conception of justice and equity is quite akin to the Platonic notion of justice but for two crucial differences. Firstly, in Plato the classification of society into various classes is on the basis of attributes; while in Kautilya it is on the basis of one's place in the *varna* order which is determined by one's birth. Of course, in essence, this difference is more apparent than real, for even in Kautilya each *varna* is identified with some attributes—Brahman with knowledge, Kshatriya with valour, vaisya with wealth and Sudra with service. The last was comparable at least in terms of analytical category and numerical preponderance to the slaves in ancient Greece. Of course, in principle there is more room for social mobility in Plato than in Kautilya though even in the *varna* based society one does find some instances of social mobility, but probably they were rather too few. If the differences in Plato and Kautilya appear more profound and fundamental, it may be because Plato's whole conceptualization is more *ideal* than *real*, while that of Kautilya is more *real* than ideal. Plato is providing the norms of justice in a hypothetical society while Kautilya is doing so in an actual society based on *varnadharma*. In a nut shell one can say that in Kautilya there is a mix of Plato's and Aristotle's conceptions of justice and equity. Egalitarianism was not a cherished value either for Kautilya or for Plato or for Aristotle. It appeared as a cherished value only in the modern times, particularly after the French Revolution, and that too somewhat hesitatingly and haltingly.

This raises a more basic methodological question of interpretation. What is the most appropriate way to judge and evaluate the views of the thinker of the past? Is it proper to judge his conceptualization of Justice from the norms of

today or should he be judged in terms of the norms and values of his times? It is difficult to answer this question in precise terms. Probably one can argue that to be fair to a thinker he must be judged in terms of values and norms of his times, for, his exposition is in the nature of his response to the social order and social conditions in which he was located. Along with it, there must be something in his conceptualization which should be of some perennial value. In other words, there has to be a mix of 'is' and 'ought' in him. In fact, what distinguishes one thinker from another is precisely the nature of this mix, which is determined by ratio in which these two constituents or ingredients of 'is' and 'ought' are mixed in his formulation.

On the basis of the above discussion we can conclude that in so far as Kautilya's conceptualization of equity was rooted in the *varna* order it was relevant to his times but in so far as he pleads for humane and preferential treatment to the old, the weak and the infirm in the society it is something which continues to be relevant even today. To put it in most general terms, equity or justice is nothing but giving everyone in society his/her due both with regard to rewards and punishment. But how do we determine dueness? Is it to be determined in terms of who deserves it most according to mental and physical attributes or is it to be determined by the consideration of who is the most disadvantaged in society and hence needs it most. To put it in other words, equity and justice hinge on considerations of deserts and need and one finds a fair mix of the two in Kautilya, although the overall tilt in him is towards the privileged *varnas*—the brahmanas and the Kshatriya.

NOTES AND REFERENCES

1. See, Benoy Kumar Sarkar, *The Sukraniti*, (New Delhi: Oriental Books, 1975), p. 2. All references to Sukra in this chapter refer to this work, unless stated otherwise. Chapter number is followed by the verse number. It follows the reference to page number of the text.
2. *Ibid.*, p.11, I, 117-18.
3. *Ibid.*, p. 102, III, 13-15.
4. *Ibid.*, p.11, I, 133-34.
5. *Ibid.*, p. 24, I 365ff.
6. *Ibid.*, p. 62, II, 67.
7. *Ibid.*, p. 89, II, 566-67.
8. *Ibid.*, p. 131, IV, I, 104-05.
9. *Ibid.*, p. 132, IV, I, 127-29.
10. *Ibid.*, p. 8, I, 75-76.
11. *Ibid.*, p. 8, I, 81-82.
12. *Ibid.*, p. 23, I, 335-36.
13. *Ibid.*, p. 106, III, 91-94.
14. *Ibid.*, pp. 41-42, I. 613-16.
15. *Ibid.*
16. *Ibid.*, p. 65, II, 460.
17. *Ibid.*, p. 109, III, 188-89.
18. *Ibid.*, p. 84, II, 412-13.
19. *Ibid.*, p. 128, IV, I, 35-36.
20. *Ibid.*, p. 106, III, 109-10
21. *Ibid.*, p. 107, III, 133.
22. *Ibid.*, p. 56, II, 14-18.
23. *Ibid.*, p. 65, II, 111-112.
24. *Ibid.*, p. 78, II, 276-803.
25. *Ibid.*, p. 99, II, 825-36.
26. *Ibid.*, p. 67, II, 134-138.
27. *Ibid.*, p 74, II, 228-30.
28. *Ibid.*, p. 137, IV, 1, 229.
29. *Ibid.*, pp. 135ff, 4, I, 199-200.
30. *Ibid.*, p. 112, III, 251.
31. *Ibid.*, p. 113, III, 279-80.
32. *Ibid.*, p. 118, III, 417-18
33. *Ibid.*, p. 127, IV, I, 5-8.
34. *Ibid.*, pp. 139, IV, II, 35-41.
35. *Ibid.*, p. 139, IV, II, 42-44.
36. *Ibid.*, p. 269, V, 186-87.
37. *Ibid.*, p. 270, V, 191.
38. *Ibid.*, p. 148, IV, II, 242-44.

39. *Ibid.*, p. 213, IV, V, 653-59.
40. *Ibid.*, pp. 212-13, IV, V, 641-660
41. *Ibid.*, pp. 99, II, 813-14.
42. *Ibid.*, p. 99, II, 809.
43. *Ibid.*, p. 40, I, 601-602.
44. *Ibid.*, p. 135, IV, I, 199-202; also see p. 189, IV, V, 140-143.
45. *Ibid.*, p. 135, IV, I, 199-200.
46. *Ibid.*, p. 189, IV, V, 140-43.
47. *Ibid.*, p. 166, IV, VI, 125-29.
48. *Ibid.*, p. 183, IV, V, I.
49. *Ibid.*, p. 183, IV, V, 14-15
50. *Ibid.*, p. 18, IV, V, 23-26.
51. *Ibid.*, p. 184, IV, V, 35-36.
52. *Ibid.*, p. 187, IV, V, 89-91.
53. *Ibid.*, p. 184, IV, V, 31-32.
54. *Ibid.*, p. 184, IV, V, 35-36.
55. *Ibid.*, p. 191, IV, V, 179-80.
56. *Ibid.*, pp. 191-192, IV, V, 165-66.
57. *Ibid.*, p. 147, IV, II, 216-21.
58. *Ibid.*, p. 147, IV, II, 222-23.
59. *Ibid.*, p. 81, V, 351-52.
60. *Ibid.*, p. 148, IV, II, 227-30.
61. *Ibid.*, p. 269, V, 174-75.
62. *Ibid.*, p. 269, V, 176-77.
63. *Ibid.*, p. 148, IV, II, 227-30.
64. *Ibid.*, p. 148, IV, II, 233-35.
65. *Ibid.*, p. 212, IV, V, 626-27.
66. *Ibid.*, p. 193, IV, V, 199-201.
67. *Ibid.*, p. 193, IV, V, 212-13.
68. *Ibid.*
69. *Ibid.*, p. 193, IV, V, 216-218.
70. *Ibid.*, p. 194, IV, V, 242-44.
71. *Ibid.*, p. 198, IV, V, 334-37.
72. *Ibid.*, p. 200, IV, V, 377-81.
73. *Ibid.*, pp. 204-05, IV, V, 474-86.
74. *Ibid.*, p. 207, IV, V, 225-226.
75. *Ibid.*, p. 209, IV, V, 561-62.
76. *Ibid.*, p. 203, IV, V, 445-46.
77. *Ibid.*, p. 195, IV, V, 259-70.
78. Thus the punishment is in descending order as one moves from third to second and from second to first offence.
79. *Ibid.*, p. 192, IV, V, 193-94.
80. *Ibid.*, p. 193, IV, V, 210-11.

81. *Ibid.*, p. 51, I, 754.
82. *Ibid.*, p. 191, IV, V, 169-70.
83. *Ibid.*, p. 209, IV, V, 569-70.
84. *Ibid.*, p. 210, IV, V, 597-98.
85. *Ibid.*, p. 210, IV, V, 579-80.
86. *Ibid.*, p. 210, IV, V, 588-92.
87. *Ibid.*, pp 161-62, IV, V, 1-30.
88. *Ibid.*, p.200, IV, V, 377-78.
89. *Ibid.*, p. 190, IV, V, 163-64.
90. *Ibid.*, p. 193, IV, V, 202-03.
91. *Ibid.*, p. 193, IV, V, 216-18.
92. *Ibid.*, p. 100, II, 859-61.
93. *Ibid.*, p. 101, II, 864.
94. *Ibid.*, p. 269, V, 172-73.
95. *Ibid.*, p. 27, I, 423-24.
96. *Ibid.*, p. 39, I, 588-89.
97. V.N. Jha (ed.), *Kautilya's Arthasastra and Social Welfare*, (New Delhi: Sahitya Akademi, 1999) , p. 43.
98. For details see, Kautilya, *Arthasastra* tr. by R. Shamasastri, (Bangalore: Government Press, 1915), pp. 7-8. All references to *Arthasastra* in this chapter are to this edition unless stated otherwise.
99. See, Kamadaka, *Kamandakiyanitisara*, II, 9-35, (ed.) Dutt, Manmatha Nath, (Calcutta: Elysium Press, 1896).
100. D.D. Kosambi, "On Marxist Approach to Indian Chronology", *Annals of Bhandarkar Oriental Research Institute*, Also see, Dange, S.A., *India From Primitive Communism to Slavery*, (New Delhi: People's Publishing House, 1949).
101. Oldenburg quoted in R.P. Kangle (ed.), *The Kautilya Arthasastra* (Bombay: University of Bombay, 1965).
102. Kangle, p. 186.
103. This is so because the complex web of economic relations in conjunction with the *varna* order created a society where exploitation of large mass of *sudras* was the usual norm.
104. Kautilya, *Arthasastra*, section III and IV and IV.1.
105. *Ibid.*, 3.16, passim.
106. *Arthasastra* (IV.I).
107. *Ibid.*, IV.10.
108. *Ibid.*, 3, 13-14.
109. *Ibid.*, 3.20.
110. *Ibid.*, 3.20.
111. *Ibid.*, 3.12, 35-51.
112. *Ibid.*, IV, I.
113. *Ibid.*, II. 14.

114. *Ibid.*, II.23.
 115. *Ibid.*, 2.19.7.
 116. *Ibid.*, 3, 13-14.
 117. *Pana* was a silver coin with silver 'content' equal to three-fourth of a tola which is equivalent approximately to nine grams of silver.
 118. *Ibid.*, 3, 13-14.
 119. *Ibid.*, 3.14, 12-17.
 120. *Ibid.*, IV.I, 2-3.
 121. *Ibid.*, 3.11, 13, 14 ff.
 122. *Ibid.*, III, 8-9.
 123. *Ibid.*, 8.15-19 and 3. 16.5.
 124. *Ibid.*, 2.1.2.
 125. *Ibid.*, 3.13, 1-4.
 126. *Ibid.*, 3.16.
 127. *Ibid.*, 3.20.
 128. *Ibid.*, 3.1, 2-15.
 129. Given this stipulation it is obvious that approaching a younger's wife was not an offence of the same magnitude. The impact of *Varna*-based society in which Kautilya lived and wrote is evident from the fact that he described it as a crime for a man to have sex with a woman who belonged to a *varna* different from his own. One is not, however, sure whether this is tantamount to condoning the act of having sex with woman of one's own *varna*. It seems that Kautilya laid down this proviso because he was out to defend the *varna* code and even a male of higher *varna* having sex with a woman of lower *varna* was a crime but the quantum of punishment that it entailed was milder than the one laid down in the case of a man of lower *varna* having sex with a woman of the higher *varna*.
 129. *Ibid.*, 2. 20-22.
 130. *Ibid.*, 1.11.19.
 131. *Ibid.*, 2-9, 20-23.
 132. *Ibid.*, 3.1, 2-15).
 133. *Ibid.*, 4.13.

CHAPTER V

Conclusion

Comparison between thinkers is always problematic, more so when those being compared belong to different historical epochs or were operating in different societal contexts. This indeed is the case when one tries to compare Sukra and Kautilya. Of course, at the first sight, one might notice some apparent similarities between the two, because both were brahmins. Moreover, professionally both were advisors and preceptors of rulers of their times besides being fully committed to the safety of their respective kings. Again both were strict disciplinarians, and helped their kings in ensuring security and prosperity of the subjects of their respective kingdoms either by resorting to the magic spells or incantations or prayers and penances or through diplomatic and strategic moves. In essence, the status of both of them in the respective royal courts was of such a great honour that like Providence, they were virtually ruling the kingdoms as well as the kings. In fact, they were the conscience keepers of the rulers whom they were serving.

While Sukra was all along busy in evolving and executing *niti* (policy) which would defend the rights and liberties of the non-Aryans to which they had their legitimate claim by virtue of being human beings. He successfully defended the independence and autonomy of the non-Aryans by diplomatic and other means. Likewise, Kautilya managed to install Chandragupta Maurya on the Magadha throne. In fact, by doing so he rectified the real or perceived injustice that had been done to the Kshatriyas by the Nandas by ousting

the former from the ruling position to which they were entitled according to *varnadharma*.

Despite these apparent similarities, the two had quite different conceptualizations of equity. This difference emanates primarily because the context in which the two were placed was vastly different. Sukra lived during the pre-vedic times when the *varna* hierarchies were still somewhat loose, less formalized and more diffused. Consequently, the principal contradiction was between the expansionist and invading *Aryans* and the defending *non-Aryans native communities*. He operated in a situation marked by racist Aryans' battles for supremacy over the non-Aryans. On the other hand, by the time Kautilya appeared on the Indian political horizon the racial conflicts of Sukra's days had been resolved and different clans of the Aryans had established their complete sway in central and eastern regions of the Indian sub-continent. In pursuance to the directives of *Dharmasastra*, most of the rulers were Kshatriyas and they were being assisted by the Brahmans. The principal contradiction now was between the *dvija* castes and the *sudras*. These two principal contradictions, the one between the Aryans and the non-Aryans which Sukra confronted and the other between the *dvija* castes and the *sudras* which marked the society of Kautilyan times influenced, nay determined, their respective conceptualizations of equity.

All things considered, one can say that Sukra was placed in a situation which was quite unenviable. In his search of equity, he was required to defend the political sovereignty, ethnic identity and cultural autonomy of the disparate non-Aryan communities which the Aryans were threatening to trample. It was a Herculean task on the part of Sukra because the expansionist Aryans were a well-knit community fully conscious of their common identity and shared destiny. Moreover, they were well equipped in every respect to subjugate and enslave the non-Aryans. They had the horse

which gave them mobility, they had the cow which gave them milk for food and they had the ox-cart as mode of transport. The non-Aryans despite personal valour were no match to them. They were a disorganized and undisciplined lot. One could evolve a strategy to safeguard their life, liberty and property but it was difficult to make them implement it. They were quite disadvantaged in many ways, and it was no easy task for Sukra to defend their values, their belief systems, their cultures and even their very physical survival. The gist of Sukra's equity lay in successfully resisting the Aryan attempts to enslave and liquidate them. His mission was to nullify the Aryan attempts aimed at turning the non-Aryans into *dasas* and to pushing them ultimately to the level of *sudras*. Equity for Sukra meant to ensure peaceful co-existence of the Aryans and the non-Aryans. This he ensured through very clever strategic moves like matrimonial alliances between the two warring people. Sukra in this sense became a symbol of non-Aryans *resisting identity*. His equity lay in his *politics of inclusion* and it found enough resonance in his efforts to redeem the non-Aryans from the circle of guilt, humiliation and de-humanization into which the Aryans were trying to push them. Equity for Sukra meant ensuring a life of dignity for the non-Aryans and Sukra undoubtedly had his share of success in this venture.

Kautilya came much later. By that time, the injunctions of *dharmasastra* had become so effective that no violation of *varnadharma* was tolerated. The *varna* code of Manu was quite in place. There was complete dominance of Brahman-Kshatriya combine in all spheres of life—political, economic, social, cultural, intellectual and spiritual.

This *varna* hierarchy was successfully inverted by a sudra, named Mahapadma Nanda who destroyed the Saisunagas, a Kshatriya dynasty, that ruled over the Magadha kingdom and captured the state power. This was indeed *social revolution* of far-reaching significance, for, it put into power the lowest

varna and that too in one of the most powerful kingdoms of that time. After capturing Magadha the Nanda rulers vanquished almost all the neighbouring Kshatriya kingdoms as well. It was a gross violation of *varnadharma* and the injunctions of *Dharmasastra* according to which the *sudras* were only a service *varna* not entitled to rule. Kautilya and other conservative brahmins who took upon themselves the responsibility of defending the *varnadharma* must have felt uncomfortable at this development. It was also a direct challenge to the Kshatriyas' inherent right to govern which had been ordained by Manu. Exponents of *varnadharma* like Kautilya must have thought, and probably rightly, that if such aberrations were not rectified at once, it could lead to total anarchy in the society. Therefore, in the interest of peace and order it had to be rectified sooner than later, or at least so must have Kautilya thought. Consequently, his entire life mission seemed to have been to destroy the Nandas and restore the Magadha throne to the Kshatriyas who were its rightful and legitimate heirs. If one were to believe Jain and Buddhist literary sources Chandragupta Maurya was indeed a Kshatriya and by installing him on the throne of Magadha by ousting the Nandas, Kautilya undid the injustice that had been done to the Kshatriyas. It was nothing short of a *counter revolution*. Equity, fairness or justice in his scheme of things lay in the strict observance of *varnadharma*.

If one were to compare the above stated politico-ideological stances of Sukra and Kautilya, one would find that in so far as the former was fighting for the honour, dignity and freedom of the non-Aryan groups as against the Aryans, his whole mission was *community-centric* or communitarian; while Kautilya's overthrow of the powerful Nanda king from the throne of Magadha and that too guided at least apparently by some personal vendetta and subsequent installation of Chandragupta Maurya in his place, was *individual-centric*. Of course, in a larger sense in so far as

the Nanda dynasty's rule symbolized the ascendance of a lower *varna*, its overthrow by Kautilya and passing on the Magadha throne to Chandragupta Maurya, who supposedly was a Kshatriya or belonged to a caste higher than that of the Nandas, had a communitarian slant to it.

Although in the overthrow of a *sudra* king, Kautilya followed the dictates of *varnadharma* and rectified what may have seemed to him to be an aberration, in his *Arthashastra*, which by tradition he is believed to have compiled after his retirement from the position of preceptor and Prime Minister of Chandragupta Maurya, he stipulated that the kings must give fair treatment to the *sudras*. Thus, he was not anti-Sudra and wanted them to be treated properly but he was not prepared to assign them the duty which *varnadharma* did not sanction. Not only that, his sense of equity gets amply reflected in the fact that he considered the *sudras* as an integral part of the Aryans. Of course, they were in the category of *non-dvija Aryans*.¹ In a way, this points to Kautilya's politics of partial, if not full, inclusion. Inclusion of *sudras* in the Aryan fold is of considerable significance. According to Kautilya while it was no crime for the Mlechchas to sell or mortgage the life of their off-springs as slaves, an Aryan (even if he is a Sudra) should never be subjected to slavery. Obviously, this implies that even the lowliest of Aryan cannot be made a slave. Kautilya's equity lies in bestowal of aryanhood on every one including a *dasa* irrespective of his caste or class. He further ordained that a slave can win freedom from slavery by paying the value of his enslavement.² Further, in certain matters of state policy, particularly in regard to certain civil rights Kautilya equates Brahmanas and Sudras.

Another dimension of Kautilya's equity relates to the position of women. In *Arthashastra* there is a clear stipulation that fair sex must be given fair treatment, particularly the poorest and the most disadvantaged among them. There is

a provision that poor pregnant women and their new born offsprings must be provided sustenance by the state. There is also a very strict code to defend the honour of unmarried girls and the rights of married and the widowed women.³ Kautilya also recommends preferential treatment to the aged, the infirm and the orphans.

In a nutshell, equity according to Kautilya as stipulated in his *Arthashastra* has three major dimensions, first, special care of the non-*dvija* Aryans, that is, *sudras* who, according to the *varnadharma*, are at the bottom-most layer of the society; second, special consideration to those who are physically or mentally challenged; and third, some special rights to all women: unmarried girls, married women and the widowed ones.

In conclusion, it may be said that while Sukra and Kautilya had their respective notions of equity which get reflected in their actions as well as their texts they differed a great deal when it came to ends–means relationship in order to achieve equity in society. Broadly speaking, while Sukra's approach is, by and large, to use fair means to achieve fair ends; for Kautilya there are no such scruples. According to him for accomplishing of fair ends, all kinds of means are permissible. In other words, whereas for Sukra the ends do not justify the means, for Kautilya they do.

One final methodological question. In order to be fair to a thinker of remote antiquity how should one judge him? Should he be judged from the values and norms of his times or those of today. This question is important for the proper evaluation of conceptualization of equity in Sukra and Kautilya. After all, equity as a cherished value in the human societies is a recent phenomenon. Not to speak of the ancient times, even during the middle ages and in the era of imperialism, peoples and nations were subjugated and enslaved in the most blatant manner. So much so that equality, liberty and fraternity got articulated as some of the

most cherished human values only during the French Revolution (1789). Similarly, questions of gender justice and human rights became the key issues in social science discourse only in recent times. Likewise equity, social justice and multi-culturalism, etc. gained currency and relevance as adjuncts of neo-economic liberalism only some decades ago. Therefore, it would be quite unfair to judge the political thinkers of the antiquity from the standpoint of present-day concerns of human societies. Having said that, it may be added that a thinker even of remote antiquity must have some contemporary relevance and an attempt must be made to interpret his formulations in new light. It is towards this end that the present study has made a humble attempt.

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1. *Arthashastra*, Book III, Chapters 6 and 7.
2. *Ibid.*, Book III, Chapter 13.
3. *Ibid.*, Book III, Chapter 4.

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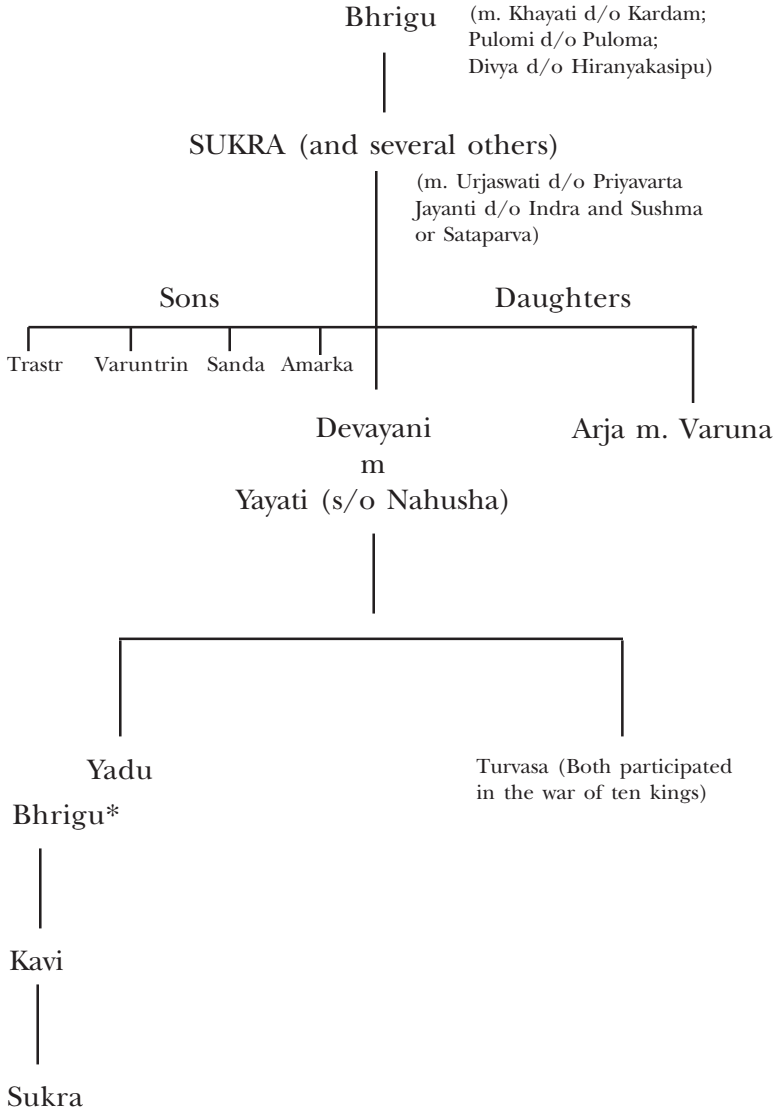
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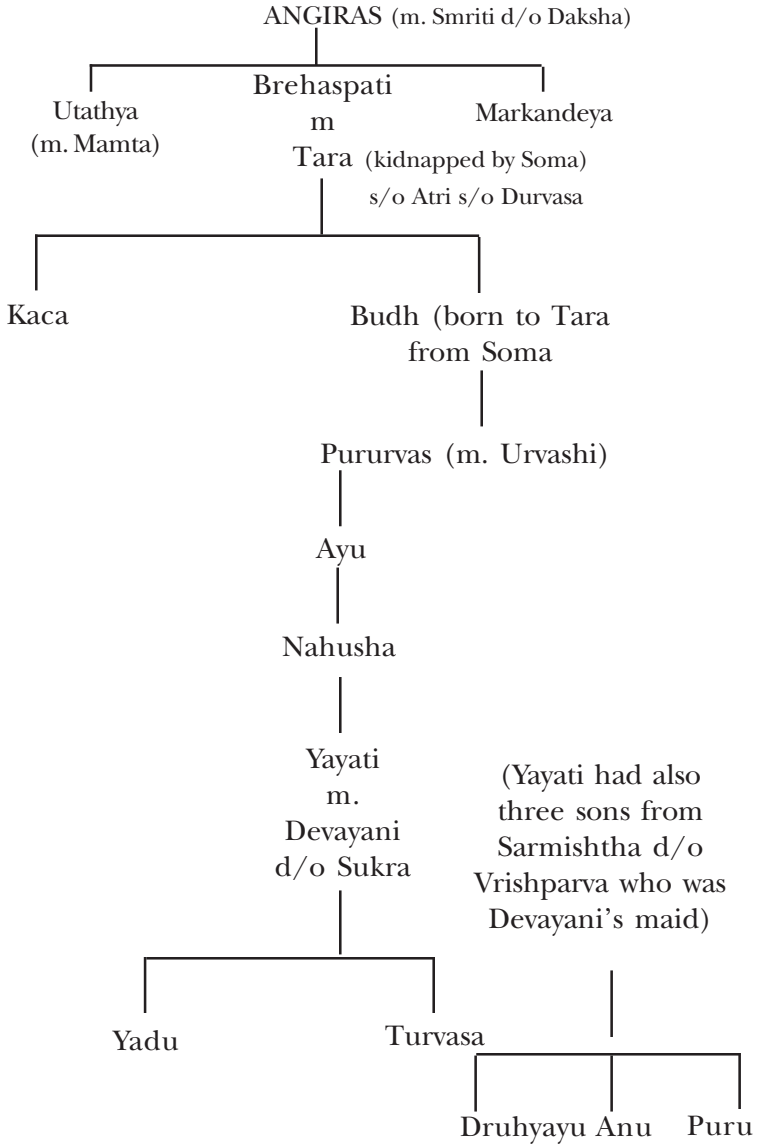
APPENDIX I

Genealogical Table of Sukra



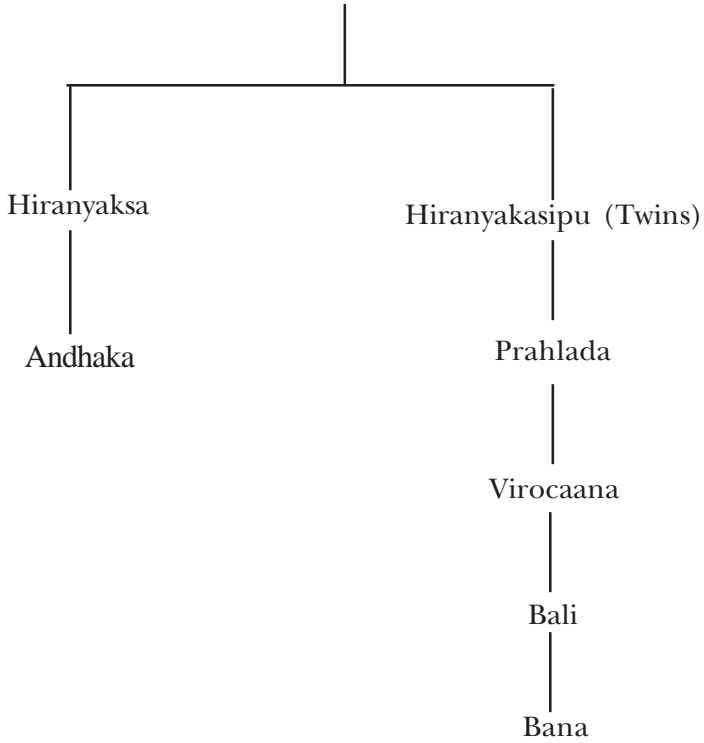
*While one view is that Sukra was the son of Bhrigu; the other view is that he was his grand-son.

APPENDIX II
Genealogical Table of Sukra



APPENDIX III
GENEALOGIAL TABLE OF BALI

Kasyapa (m. Diti d/o Daksha)



Appendix IV

A Note on the Nandas and Chandragupta Maurya

The Nandas were brothers numbering nine. The eldest brother is described as “a provincial person” who became a “confederate” of a band of bandits, finding their “mode of life” to be excellent. They did not believe in the “toils of tillage or cattle tending” but gave themselves to the more profitable pursuit of “pillaging towns and villages, and laying up stores of riches and grain, and providing themselves with fish and flesh, toddy and other beverage, passing their life thus jovially in feasting and drinking.” The romance of this adventurous life made the eldest Nanda seek admission to this brotherhood of bandits. They elected him as their leader in place of the one slain in an unsuccessful attack upon a town. He “proclaimed himself to be Nanda” and “wandered about, pillaging the country”, inducing his brothers also to join the gang. Very soon he thought that the career of marauders was not a fit one for valiant men but fit only for “base wretches”, and so decided: Let us aim at supreme sovereignty.” Then, “attended by his troops, and equipped for war, he attacked a provincial town, calling upon its inhabitants either to acknowledge him sovereign, or to give him battle.” By this means, “reducing under his authority the people of Jambudipo in great numbers, he finally attacked Patiliputra, and usurping the sovereignty, died there a short time afterwards, while governing the empire. His brothers next succeeded to the empire in the order of

their seniority. Their ninth youngest brother was called Dhana-Nando, from his being addicted to hoarding treasure.”

As regards “Chanakko,” the *Tika* tells us that he lived with his father at Taxila and was known for his devotion to his mother for whose sake he had his teeth destroyed, because she saw in them signs of his sovereignty which would make him neglect her. He was known for his proficiency in the three Vedas, in the Mantras, skill in stratagems, dexterity in intrigue and policy, but also for his physical ugliness, disgusting complexion, deformity of legs and other limbs, for which he is dubbed *Kautilya* in Hindu works.

The *Tika* also tells how Dhana-Nando, “abandoning his passion for hoarding, became imbued with the desire of giving alms, and built for the purpose a Hall of Alms-Offerings in his palace.” One day, the king entered the hall in state, “decked in regal attire, attended by thousands of state palanquins glittering with ornaments, escorted by a suite of a hundred royal personages, with their martial array of the four hosts of cavalry, elephants, chariots, and infantry, bearing the white parasol of dominion, having a golden staff and golden tassels,” and found that Chanakko, ‘who came to Pupphapura in his quest of disputation,’ had appropriated the seat which was reserved for the chief of the Brahmans. The king at once had him ejected from the seat. Chanakya, leaving, cursed the king and escaped arrest by stripping himself naked as an Ajivika and running into the centre of the palace where, in an unfrequented place, he concealed himself. At night, he entered secretly into a league with the Crown Prince named Pabbato who showed him the way out, on his promising him sovereignty. He “fled into the wilderness of Winjjha where, with the view of raising resources, he converted (by recoinage) each *Kahapana* into eight, and amassed 80 *Kotis* of *Kahapanas*. He next searched for a person who was entitled by birth to be raised to sovereign

power and *lighted* upon Chandagutta of Moriyān dynasty.”

The circumstances leading to the meeting of Chanakya and Chandragupta have been briefly related in the text. But the *Tika* gives some interesting details relating to the birth and early life of Chandragupta. At the conquest of Moriya-nagara, its king was slain, and his queen, then pregnant, fled from the city with her elder brothers and lived at Pupphapura in disguise. There she was duly delivered of a child who became known as Chandragupta. The mother for its safety placed the child in a vase and deposited it at the door of a cattle-pen where it was watched over by a bull named Chanda. There he was reared by a herdsman who put him to tend his cattle till he was taken away by a huntsman. As he was growing up, he was tending cattle with other village boys whom he profitably employed in a ‘game of royalty’ which he improvised by a natural instinct: “He himself was named *Raja*; to others he gave the offices of sub-king, etc. Some being appointed Judges were placed in a Judgment Hall; some he made officers of the king’s household; and others, outlaws or robbers. Having thus constituted a Court of Justice, he sat in judgment. On culprits being brought up, regularly impeaching and trying them, on their guilt being clearly proved to his satisfaction, according to the sentence awarded by his judicial ministers, he pronounced the punishment.

“Chanakko, happening to come that spot, was amazed at the proceeding he beheld.” He at once bought of the huntsman the boy for 1000 *Kahapanas* and decorated the boy with a golden necklace “worth a lac.” He also decorated the other boy, Prince Pabbato, with a similar necklace.

Next, Chanakya educated him “for six or seven years”, and “rendered him highly accomplished and profoundly learned.”

When he found Chandragupta “capable of forming and controlling an army,” he brought out his hidden wealth, by

spending which he “enlisted forces from all quarters and formed a powerful army which he entrusted to him.” “From that time, throwing off all disguise, and invading the inhabited parts of the country, he commenced his campaign by attacking towns and villages. In the course of their warfare, the population rose *en masse*, and surrounding them, and hewing their army with their weapons, vanquished them.” Thus defeated, both retired into wilderness where they decided: “Relinquishing military operations, let us acquire a knowledge of the sentiments of the people.” In disguise, they travelled about the country and mixed with the people. It was while thus travelling that they heard the dialogue between a mother and her son who ate a cake wrongly by throwing away its edges and eating only its centre, thus imitating Chandragupta who, “without subduing the frontiers, before he attacked the towns, invaded the heart of the country, and laid towns waste. On that account, both the inhabitants of the towns and others, rising, closed in upon him, from the frontiers to the centre, and destroyed his army.”

Taking their lessons from this conversation, they changed their strategy. “On resuming their attack, by again raising an army, on the provinces and towns, commencing from the frontiers, reducing towns, and stationing troops in the intervals, they proceeded to their invasion. After a respite, adopting the same system, and marshalling a great army, and in regular course reducing each kingdom and province, then assailing Patiliputta and putting Dhana-Nanda to death, they seized that sovereignty.”

The Author of the *Tika* remarks: “The discovery of Chandagutta is thus stated (in the former works): He discovered this prince descended from the Moriyān line.”

He further states: “All the particulars connected with Chandagutta, both before his installation and after, are recorded in the *Atthakatha* of the Uttarawiharo priests. Let

that work be referred to by those who are desirous of more detailed information. We compile this work in an abridged form, without prejudice however to its perspicuity.”

The *Tika* brings to light two interesting facts in the life of Chandragupta. It appears that the commencement of his administration was marked by an outbreak of lawlessness in the country. To suppress the disorder, Chandragupta “sent for a former acquaintance of his, a Jatilian (i.e. a Jatila Brahmana ascetic), named Maniyatappo (= *Maunitapasvi*), and conferred a commission on him. “My friend, (said he), do thou restore order into the country, suppressing the lawless proceedings that prevail.” He replying ‘*sadhu*’ and accepting the commission, by his judicious measures, reduced the country to order. Chandragupta thus “conferred the blessings of peace on the country by extirpating marauders who were like unto thorns in a cultivated land.”

The other fact which the *Tika* tells about his life concerns his marriage. It seems that he married “the daughter of the eldest of the maternal uncles who accompanied his mother to Pupphapura. Chandragupta wedding the daughter of his maternal uncle raised her to the dignity of Consort.”

(*Source*: Mookherji, Radha Kumud (1980), *Chandragupta Maurya and His Times* (Delhi, Motilal Banarsidass, pp. 229-31).

Appendix V

Chanakya and Chandragupta Traditions (From Jaina Sources)

The chief source of the Jaina traditions regarding Chanakya and Chandragupta is the work known as *Sthaviravali-charita* or *parisishtaparvan* written by Hemachandra as an Appendix to the larger work of the same author known as *Trishashti-Salakapurushacharita* dealing with the lives of 63 great personages, divine or human, who, as believed by the Jainas, have controlled the history of the world. These compromise the 24 *Tirthakaras* or *Prophets*, 12 *Chakravartins* or universal emperors, 9 *Vasudevas*, 9 *Baladevas*, and 9 *Prativasudevas*. The work has been edited by Jacobi with a summary of its contents.

Jaina sacred literature had its origin in the doctrines and sermons preached by the religious leaders who used to illustrate them by apologues and legends. These, when reduced to writing, gave rise to what is known as *Kathanaka-Literature*. This Literature is marked by four stages or layers in its development: (1) *Sutras* embodying the aphorisms of religious leaders as the nucleus; (2) *Niryuktis*, which give fuller expositions of the subjects of the *Sutras* to which they belong; (3) *Churnis*, which are the Prakrit commentaries on the *Sutras* and *Niryuktis*; and (4) *Tikas*, which are more elaborate commentaries on the connected *Niryuktis* and *Churnis*. These four divisions of literature are not, however, very rigid: Nos (2) and (3) reveal some amount of overlapping and mixture.

Hemachandra's source of the *Chanakya-Chandragupta-Katha* embodied in verses 194-376 of Canto VIII of *Parisishtaparvan* is the *Churni* and *Tika* on *Avasyaka-Niryukti*. The *Tika* was that written by Haribhadra.

Jain tradition represents Chanakya as the son of a Brahman named Chani, who lived in the village called Chanaka in the *Vishaya* or district known as Golla. His mother is called Chanesvari. Chani is described as a devout Jain.

The Buddhist story of Chanakya's teeth is mentioned but with different details. Chanakya was born with all his teeth complete. This was taken as a promise of royalty which alarmed his too religious father as a source of sin leading to hell. So he had his son's teeth broken out. But still the monks foretold that he would rule by proxy.

The Jain story regarding Chanaky's plan to amass wealth is different. It was due to the insult to which his poor Brahman wife was treated by her rich relations meeting at her father's place at the wedding of her brother. The first step that he takes for the purpose is to go to Pataliputra and have a share of the gifts which king Nanda was bestowing on renowned Brahmans. The story of Chanakya's ejection by Nanda is the same as the Buddhist, with small differences of trivial detail.

The Jain story makes Chandragupta the son of the daughter of a village chief, the chief of the village of the rearers of royal peacocks (*mayuraposhakas*).

Chanakya continues his quest of wealth and devotes himself to the study of Metallurgy (*dhatuvada*) evidently for manufacturing coins, as the Buddhist story relates.

He came to the native village of Chandragupta and found him behaving like a king among his playmates upon whom he used to mount as his elephants and horses. Chanakya, to test his mettle as king, asked him for a present.

The boy, in the royal manner, pointing to a herd of cows, said he could take them, without caring for their owners, as

nobody would dare gainsay him. He also made the significant remark: "The earth is for enjoyment by heroes" (*virabhogya vasundhara*). Chanakya at once chose him for his mission.

With the wealth which Chanakya had acquired by his knowledge of Metallurgy, he levied troops and laid siege to Pataliputra, surrounding it on its four sides (*chaturdisamaveshtayat*). But his army was defeated by the more numerous army of King Nanda, so that he (Chanakya) and Chandragupta had to escape by flight. Nanda, however, sent swift horsemen to overtake them. When one of them nearly came up to them, Chanakya, then resting on the bank of a lake, in the guise of an ascetic, ordered Chandragupta to plunge into it. Asked by the rider about the runaway youth, Chanakya pointed to the lake, into which he plunged, doffing his armour. Chanakya instantly seized the sword with which he severed the soldier's head. A second horseman also came up to them in pursuit but was disposed of by Chanakya by a similar trick. This time he made a washer man run away by saying that the king had a grudge against his whole guild (*tachchhrenirushito raja*) and then took over his work. Chandragupta's implicit faith in his master endeared the master to him, as he told him that he plunged into the lake without caring for his life out of blind devotion to his master.

Next, the Jain story repeats the Buddhist regarding the village boy being rebuked by his mother for eating a cake by a mistaken method, like that of Chanakya. It was that Chanakya had not secured the surrounding country before attacking the enemy's strong-hold. Then Chanakya proceeds to the country called Himavatkuta and entered into an alliance with its king Parvatata. Here the Buddhist version is different. The Allies then opened their campaign by reducing the outlying parts (*bahih*) of Nanda's kingdom. They, however, failed to conquer one town. Chanakya took recourse to a stratagem. He entered the town in the guise

of a beggar, as a Tridandin monk, and saw a temple of the Seven Mothers, the tutelary goddesses (*pahidevata*) of the town. Its citizens, tired of the protracted siege, asked the ascetic when it would be raised. He answered: "Not till the goddesses were in the temple and protected the town." The credulous citizens at once removed the idols from the temple. At this, Chanakya hinted to Chandragupta and Parvataka that they should retire with their army to some distance from the town. Thus the citizens were thrown off their guard and were rejoicing over their restored liberty, when they returned and took the town by surprise. They devastated the country, laid siege to Pataliputra, and compelled king Nanda to capitulate, with his decreased resources (*kshinakosah*), strength (*bala*), wits (*dhih*), prowess (*vikrama*) and spiritual merit (*punya*). He at last threw himself on the mercy of Chanakya who spared his life and permitted him to leave his kingdom, carrying with him all that he could in one chariot. He carried with him his two wives and a daughter and as much treasure as could be accommodated in the vehicle. Thus king Nanda (*Nandarat*) made his exit from his kingdom. While thus proceeding (*samayantam*), the Princess saw Chandragupta and fell in love with him at first sight. Then the father said to her that she might select him as her husband by the rite of *svayamvara*, because "very often the daughters of Kshatriyas have recourse to this practice." Thus Nanda is here taken as a Kshatriya. The Buddhist version of Chandragupta's marriage is different from Jain.

The Jain version, like the Buddhist, refers to outbreak of lawlessness at the commencement of Chandragupta's rule. It mentions Nanda's followers as culprits instigating it. It also mentions a different remedy taken to suppress the disorder. Chanakya, observing a weaver (*kolika*) killing bugs by setting fire to those places in his house which contained their nests, chose him for his method, that of tearing away evil from its roots (*muladunmulya*). The weaver was appointed as the

chief of the city (*Nagaradhyaksha*). He succeeded in allaying the suspicions of Nanda's followers, who were the robbers, by his gifts, and then having them murdered.

The next interesting point in the Jain story is its mention of a twelve years' famine in the country. At that time, the Jain Acharya Sushthita lived in Chandragupta's capital. He sent his following (*Gana*) to some other country to avoid the famine. It is, however, to be noted that this is Svetamabara tradition which is contradicted by Digambara tradition on the subject. Chandragupta was now showing Jain leanings and patronizing heretical teachers (*Chandraguptam tu mithyadrikpashandamatabhavitam*). Chanakya tried to wean him away from them by saying that they were morally corrupt. But Chandragupta wanted the charge to be proved. It was proved by Chanakya against some Jain ascetics one day, but it failed against others the next day. Chandragupta made them henceforth his spiritual guides (*gurun mene*).

Another interesting fact furnished by the Jain story is that Chandragupta's Queen bore the name of Durdhara. She is also stated to be the mother of Bindusara.

In the Jain story, Chandragupta's ally, Parvataka, died by some unfortunate coincidence, whereupon Chandragupta got possession of two kingdoms, those of Nanda and Parvataka [*dve api rajye tasya jate (Avasyaka-Sutra, p. 435)*].

Jain story is also very valuable for the light it throws on the date of Chandragupta's accession in to sovereignty. This point has been discussed in his Introduction (pp. xx-xxi) by Jacobi. In his *Parisishtaparvan*, VIII. 339, Hemachandra states that "155 years after the *nirvana* of Mahavira, Chandragupta became king (*nripa*)." This date is not accepted by Merutunga as being contradicted in his opinion by all other sources (*Vicharasreni*, Memorial verses, 1-3). But it is not true. It is accepted by Bhadresvara who, in his *Kahavali*, states: "And thus, on the extinction (*unchchhinna*) of the Nanda dynasty, and 155 years after the *nirvana* of Mahavira,

Chandragupta became King (*raya*).” Jacobi states: “The date 155 AV for Chandragupta’s accession to the throne cannot be far wrong, since the Buddhists place that event in 162 AB. If we assume the earliest possible date, 322, B.C., as the beginning of Chandragupta’s reign, the *corrected* date of Buddha’s death comes out to be 484 B.C., and that of Mahavira 477 B.C. This result is at variance with a notice in several Buddhist canonical works” to the effect that Mahavira had pre-deceased Buddha. In the *Samgiti-Suttanta*, Sariputta reports: “The Nigantha Nataputta, friends, has *just (adhuna)* died at Pava.” In the *Pasadika-Suttanta*, it was Chunda who delivers the news of Mahavira’s death to Ananda at Samagama in the Mall country. At this news, Ananda exclaimed: “Friend Chunda, this is a worthy subject to bring before the Exalted One” [*Dialogues of the Buddha*, III, 203 f.]. Jarl Charpentier holds [*JA*, 1914, p. 128] this statement in the Buddhist works to be founded on an error. From *Digha Nikaya* (III, 11 f.), it appears that the Buddhists thought that Pava where Mahavira died was the same Pava where the Buddha had stayed as the guest of Chunda the Smith on his way to Kusinara where he died. But the place where Mahavira died was another Pava called Majjhima Pava in the *Kalpasutra*, now known as Pavapuri in Bihar Shariff in Patna district. In this view, there should be no objection to the revised dates for the Nirvana of both Buddha and Mahavira at 484 and 477 B.C. respectively, especially as these lead to the acceptable date of 322 B.C. for Chandragupta Maurya’s accession to sovereignty. For the other view, a reference may be made to my *Hindu Civilization* (p. 230).

Source: Mookerji, Radha Kumud (1960), *Chandragupta Maurya and His Times* (Delhi, Motilal Banarsidass, pp. 232-35.

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 Zoroastrianism, 104n

GLOSSARY

Adharmika	Not righteous
Agni	God of fire
Ahitas	Workers pledged to the creditor
Amrit	Elixir of life
Anant anand	Infinite bliss
Artha	Wealth
Asuras	Devils; a pejorative term to describe the non-aryans
Bajjara	Thunder bolt
Bala	Strength
Bhutas	Ghosts
Bihiti	Outer part
Brahamin/brahman	One of the twice born varnas among the Hindus engaged in intellectual pursuits
Candala	Person belonging to the lowest varna
Chakra	Disc
Chandra	Moon
Chandragrahana	Lunar eclipse
Churnis	Prakrit commentaries
Daityas	A pejorative term to describe the non-aryans
Daityas	Demons
Danda	Punishment
Dandaniti	Mode of governance
Dasa	Slave/servant/bonded labourer
Dasyus	Thieves/pirates
Devas	Gods; a honorific title that the aryan took to themselves
Dharma	Ethical /moral code
Dharmasthas	Judicial officers
Dharmasastras	Ancient religious scriptures of the Hindus
Dhatuvada/dhatuvidya	Metallurgy

Dhiti/dhiih	Wits
Dvija	Twice born; a term used to describe upper caste Hindus
Ganapati	Lord of the ganas
Ganas	Followers/soldiers
Gotra	Clan
Indra	Hindu god of rain
Jungle	Forest
Jusda	an alloy
Kadaryas	Miserly
Kama	Enjoyment of worldly/sensual pleasures
Karmakar	Free labourer
Karmas	Actions
Kolika	Weaver
Koti	One hundred
Krishana paksha	Dark fortnight
Kritya	Magical spell
Kshatriyas	One of the twice born varnas among the Hindus usually rulers
Kshinakosha	Impoverished treasury
Kula-hina	Low lineage
Kutilmati	Crooked intellect
Lac	One hundred thousand
Linga worship	worship of phallus and yoni
Mahadeva	Supreme lord
Maharisi	A great sage
Mantra shakti	Power of incantations
Mayurposhakas	Those who rear peacocks
Mlechchas	Sinful people; a term used in ancient Indian literature for muslims
Mohars	Gold coins
Moksha	Salvation
Muladunmulya	Rooting out

Mulahara	Squanderer
Nagaradhyaksha	Chief of the town
Nirvana	Liberation
Nirvana	Perfect peace of mind
Niryuktis	Fuller exposition
Niti	Policy; politics
Nitisara	Essence of politics
Nripa	King
Pahidevata	god/goddess of the town
Pana	A silver coin of approximately nine grams
Parusya	Injury
Pasupati	Lord of the beasts; a term used for siva
Phallus	Male reproductive organ
Pisachas	Fiends
Pradeshtas	Judicial officers to administer special laws
Prajapati	Progenitor
Prathma	First or lowest crime
Pretas	Goblins
Punya	Spiritual merit
Puranas	Old historical tales with some element of mythology
Purohit	Priest
Rajniti	Politics
Rakshasas	Fiends devouring human flesh
Risi	Ascetic; sage
Rudra	God the destroyer; another name for siva
Sahasa	Seizer of an object by force
Sakyaputta	son of a sanya
Samayantan	Proceedings
Sanjivani vidya	Knowledge of reviving the dead
Sankalp	Religious ceremony involving the ritual of giving offering something
Sastras	Scriptures
Satva	Spirit
Serai	Inn

Shradh	A ceremony to pay oblations to the manes
Srenis	Guilds
Streedhan	Property given to a woman at the time of her marriage
Sudras	Lowest varna among the Hindus ;untouchables
Surya	Sun
Sutala	Underworld
Sutras	Maxims
Sutrashala	Textile factory
Suvarnika	Goldsmith
Svaymvara	A gathering at which a maiden chooses her husband
Swamiputra	Son of the master
Swarga	Heaven
Tadavkas	Spendthrift
Tika	Commentary
Tirthankaras	Makers of sacred paths
Tithi	Different days of dark and bright fortnight of lunar calendar
Trayi	The three vedas
Trivarga	Three goals of life
Utsahashakti	Courage self confidence
Varishala	Son of a sudra; a person of low origin
Varna	Literally colour; a term used to describe different Hindu castes
Varnadharmas	duties assigned to different varnas
Varta/varatta	Trade/economics
Varuna	God of water/oceans
Vikrana	Prowess
Virabhogya vasundhara	Earth is for enjoyment by the heroes
Vish kanya	Poison girl
Visvajit yajna	World conquering sacrifice
Yajman	One for whom the purohit/priest performs religious rituals
Yoni	female reproductive organ