

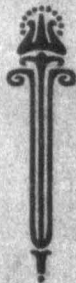
THE POLITICAL INSTITUTIONS AND THEORIES OF THE HINDUS

A STUDY IN COMPARATIVE POLITICS

BY

BENOY KUMAR SARKAR

Professor, National Council of Education, Bengal,
Membre Correspondant de la Société d'Economie
Politique de Paris. — Author of *The Science of
History, Chinese Religion through Hindu
Eyes, The Positive Background of
Hindu Sociology*
etc. etc.



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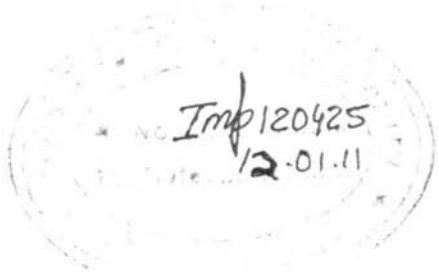
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Out-of-Print



TO
YOUNG ASIA
THIS LITTLE BOOK
IS DEDICATED

Preface.

I.

Edward Freeman's Comparative Politics (1874) was confined to Europe. The object of the present treatise is to extend the area of investigation to Asia. The data used are Hindu, the political institutions and theories of Islam as well as those of China and Japan being set apart for separate treatment.

The methodology is indicated in pp. 5—9, 163—166. Readers will notice that the thread of argument in the author's previous writings, *Hindu Art: Its Humanism and Modernism* (1920), *Hindu Achievements in Exact Science* (1918), *Folk-Element in Hindu Culture* (1917), *Love in Hindu Literature* (1916), *Chinese Religion through Hindu Eyes* (1916) and *Positive Background of Hindu Sociology* (Vol. I, 1914, Vol. II, Pt. I, 1921) is here continued and developed only to fit in with a new order of social phenomena.

The study of institutions is based chiefly, or rather exclusively, on inscriptions, coins and contemporary reports (Authorities A). The Sanskrit and Prākṛit treatises on politics and law as well as the semi-historical epics and birth stories (Authorities B and C) have sedulously been eschewed. This "literary" material has, if at all, been used by way of illustration, especially where strictly historical evidence was not forthcoming.

The evidential value of these latter sources of information in a portrayal of *Realpolitik*, excepting perhaps that of certain sections of the *Arthaśāstra*, is as a rule very questionable. This circumstance is not adequately realized by writers on Hindu law (public or private) but will have to be grappled with from now on as a problem in indology.

The size of the book has been considerably reduced by this almost total exclusion of "literary" data. Brevity has been secured also by the avoidance of lengthy extracts and plurality of almost identical references from epigraphic tomes.

A readable account of public law, although unavoidably often shallow, meagre and halting, has been the end in view. Some of the chapters have, however, been purposely kept thin as the subject has been dealt with at some length by previous writers. And in any event the discussion is everywhere as concise and allusive as possible and is by no means exhaustive in reference.

It has been sought, however tentatively, to fill a gap in the history of mankind's constitutional and economic development. But owing to the dearth of data that might throw light on continuity the chronological treatment has not always been felt to be significant.

The "secondary" sources of information (Authorities D) have been

acknowledged in the notes even where the originals have been consulted. A few borrowed references, e. g. those to some of the *Archaeological Survey Reports* could not be verified as the volumes were not available.

The treatise will serve to cry halt not only to such statements as that "the simple device by which an orderly vote is taken and the minority acquiesce in the rule of the majority as if it had been their own is found for the first time as an every day method of discussion in Greek political life" made by the neo-Hegelian Bosanquet in his *Philosophical Theory of the State* (1899, pp. 4—5) but also to such as that "the earliest form of the state known to us is the city state of ancient Greece" in Hobhouse the anti-Hegelian's *Social Evolution and Political Theory* (1911, p. 141). Indeed, on fundamental points the volume delivers a front attack on the traditional Western prejudices regarding Asia such as are concentrated in Hegel, Cousin, Max Müller, Maine, Janet, Smith, Wilmoughby, and Huntington.

On the other hand, the standpoint of the present undertaking is to be sharply distinguished from the trend of recent Indian researches on the Hindu constitution. Besides, on several issues, e. g. those bearing on national unification, democracy, taxation, and so forth, the facts exhibited will no doubt give a rude shock to the postulates of the political nationalists of Young India.

Many of the interpretations are necessarily calculated to challenge the conventional notions and therefore provoke a controversy. If they serve to open the questions an object of the book will have been realized.

Hindu political theory, the second theme of the treatise, does not seem to have been dealt with in its philosophical bearings by any writer in the Indian languages nor in English, French and German. The short sections of the book in which this subject is treated might easily be expanded into independent monographs. It has been aimed here mainly to suggest new lines of inquiry. Notwithstanding much work done in "private law" owing to administrative necessity it may be mentioned *en passant* that the legal *philosophy* of the Hindus is still a virgin field.

Altogether, in viewpoint and method of approach as well as in the ground covered and in conclusions this is perhaps the first comprehensive attempt at appraising, interpreting and laicizing the discoveries of *indianisme* for students of political science, and thereby introducing to the scientific world the people of ancient India as peers of the Greeks and the Romans and their mediaeval successors down to the *ancien régime*, both in constitution-making and in speculation on the state. In this endeavour the author's ally in logic is the critical technique of Abbott, Bluntschli, Brissaud, A. T. and R. W. Carlyle, Dunning, Figgis, Gomme,

Joseph-Barthélemy, Lowie, and Schömann. These investigators — political and anthropological — are all the more acceptable because the studies undertaken by most of them have hardly any reference to the Orient and are to that extent untainted by any bias so far as Oriental culture is concerned.

The invariable fallacies of such Eur-American savants — philosophical historians and historical philosophers — as deal with the facts and phenomena of the East have been discussed by the author in an essay on the "Futurism of Young Asia" in the *International Journal of Ethics* (Chicago, July, 1918). These must have to be guarded against by every student who is interested in cultural inquiries for comparative sociology.

A publication such as this could not have been undertaken previous to 1905, and nobody is more conscious than is the writer that on the strength of archaeological finds that are enriching the world's knowledge about Hindu culture from day to day many of the statements in this present study will have to be cancelled, modified or rearranged in the interest of a more "intensive" sociological interpretation.

Attention has throughout been invited to the need for more data (both epochally and regionally). But, and this perhaps is more important for political science, the logical analysis of Hindu institutions and concepts with proper orientation to Western politics and political theories should call forth serious efforts on the part of indologists in public law.

II.

The book owes its origin to the lectures which were delivered (November 1916—February 1918) at the State Universities of California and Iowa and at Clark and Columbia Universities in the United States. A paper on "Democratic Ideals and Republican Institutions in India" embodying the substance of a part of these lectures appeared in the *American Political Science Review* (November 1918) and has subsequently been incorporated as "Hindu Achievements in Democracy" in Vol. II of the author's *Positive Background of Hindu Sociology* (1921).

Part of the material contained in the present book has been written in French by the author himself for a course of six lectures on *Le Droit Public des Hindous* at the University of Paris (February—March 1921) and for two addresses, one before the Société Asiatique (April 1921) on *L'Indianisme et les sciences sociales* and the other before the Académie des sciences morales et politiques (Institut de France) on "*La Démocratie hindoue*" (July 1921). The same data have also been laid under contribution while lecturing in German at the University of Berlin (Feb. 1922) on *Politische Strömungen in der indischen Kultur*.

Thanks are due to the editors of the *Political Science Quarterly* (New York, December 1918 and March 1921), the *American Political Science Review* (August 1919), the *Modern Review* (Calcutta, March and October 1920), the *International Journal of Ethics* (April 1920), the *Vedic Magazine* (Lahore, July 1920), the *Collegian* (Calcutta, September 1920), the *Hindustan Review* (Allahabad, October 1920), the *Journal of the Indian Economic Society* (Bombay, 1921) and the *Annals of the American Academy of Political and Social Science* (Philadelphia, September 1921), — journals in which about half of the present publication appeared as articles. In each instance the material has been revised and brought up to date in regard to bibliography.

Thanks are likewise due to Professor Maffeo Pantaleoni of Rome for his interest in having the essay on gilds translated into Italian for his *Giornale degli economisti e rivista statistica* (April 1920), to M. Paul Masson-Oursel, agrégé de l'Université de Paris, for his having published in French a résumé of the chapter on constitution in the *Revue de Synthèse Historique* (August—December 1920), as well as to the committee of the University of Calcutta on Sir Asutosh Mukherjee Silver Jubilee Volumes for their desire to have a contribution from the author, which incidentally is being availed of in the present work.

I have pleasure in acknowledging my personal obligations to the authorities of the libraries at Harvard and Columbia Universities, New York Public Library, Bibliothèque Nationale (Paris), and Preussische Staatsbibliothek (Berlin) for the courtesies received at their hands, and also to Fräulein Ida Stieler of Innsbruck, author of *Edelweiss and Alprose*, who has verified the references and done much of the library work. And for the scientific interest shown in these investigations I am grateful to Professors John Dewey, Edwin R. A. Seligman and William R. Shepherd of Columbia University, President G. Stanley Hall of Clark University, Professor A. A. Goldenweiser of the New York School for Social Research, Editor J. Mc Keen Cattell of the *Scientific Monthly* (New York), Rector Paul Appell of the Académie de Paris, Dean F. Larnaudé of the Faculté de Droit, Professors Charles Gide and Charles Lyon-Caen, M. Gabriel Ferrand, Islamologist, Senator Raphael-Georges Lévy, president of the Société d'Economie Politique de Paris, Editor Rudolf Pechel of the *Deutsche Rundschau* (Berlin), Professors Walther Vogel, Alois Brandl, Eduard Meyer, Hermann Schumacher and Heinrich Lüders of the University of Berlin, and Staatssekretär Carl Becker.

Berlin, March 1922.

BENOY KUMAR SARKAR.

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Scholars and institutions desiring to be in touch with the advances in the world's knowledge about ancient and mediaeval India will have to regularly consult the *Indian Antiquary* of Bombay, a monthly journal of antiquities, and the Annual Reports of the Archaeological Survey of India. Nor can they afford to do without the Calcutta monthly, the *Modern Review*, which, although chiefly a political magazine devoted to the promotion of national interests and discussion of current economic and social problems, addresses itself also to the interpretation of all phases of Indian culture.

CHAPTER I.

Comparative Politics from Hindu Data.

Section 1.

A Yugântara in Political World-View.

The world is moving fast. The accepted postulates of sovereignty, nationality and democracy have been undermined by the Great War. The doctrine of the will of the people as the basis of the state is no longer to remain a pious wish of Rousseauesque philosophers. Initiative, referendum and recall are on the fair way to ring out "representative" government and inaugurate once more an era of "direct democracies". The quality of democracy itself is being powerfully affected by the advance of public ownership and municipalization, socialistic usurpation and communistic expropriation, as well as schemes for "progressive" taxation and repudiation of national debt. For, Mother Earth has commenced leavening the conventional "popular government" of the past three generations with the flesh and blood of the masses and manual workers, the real People in the human species.

Nor is constitution-making untouched by the all-round creative urge that is stirring mankind to its depths. The idealists of Young Russia have embarked on an epochmaking experiment in the manufacture of a new type of *sva-râj* (self-rule). "Functional" (occupational) sovereignty, with its corollary of sovietic (conciliar) autonomy, and ethnic (linguistic) independence with its corollary of regional (territorial) freedom, are their watch-words in economico-political self-determination. Curiously enough, the city and clan republics of ancient Eur-Asia on the one hand, and medieval guilds and feudalistic decentralization or *laissez faire*, on the other, are thus being rehabilitated to the modern conditions of wireless telegraphy, air-navigation and long-distance phones.

Naturally, therefore, the "monistic" theory of the omnipotent state, such as was conceived by philosophers from Bodin and Hobbes to Austin and Hegel, is being found to be too palpably inadequate¹ to explain the

¹ *Modern French Legal Philosophy* (Fouillée, Charmont, Duguit and Démogue), pp. XLV, LXVII, LXIII, 254, 339—344.

Realpolitik of numerous *de facto* sovereign *samâhas* or corporations that flourish within the body politic. A radical *critique* of the classical school of sovereignty is being sought in Duguit's *Les Transformations du Droit Public*. The actual federalization or pluralization of authority, i. e. the multiplicity of *imperia in imperio* in the alleged unitary state-systems of today is tending to "discredit" the state itself as an instrument of social well-being.¹ Nay, while the Lenins and Liebknechtes are but seeking to abolish property in order to usher in a new socio-economic order, in the enthusiasm of recent legal thought in France the state has already ceased to exist. And to crown all, the almost Messianic Bolshevism of November 1917, especially such as it has operated in international diplomacy and in the formulation of policy towards subject races and colonies,² quixotic although it may appear from the Bastille of orthodox politics, has pushed into the limbo of oblivion the messages of 1776, 1789 and 1848. Altogether, a momentous *yugântara* or transformation of the time-spirit is on in political *Weltanschauung*.

In the Orient as in the Occident, everywhere, futurists are voicing the discontent of Shelley, the arch-Bolshevist of all ages:

"The world is weary of the past,
Oh might it die or rest at last!"

The spirit of the abolition of the *status quo* is abroad. It is almost a sin today to talk of the days that are no more or wait to take a stock of the leavings of history. The greatest demand of the hour is an emancipation of the intellect from history, from tradition, from experience, from "social inheritance".

This new scepticism of "searching and impetuous souls", the Browningite faith that "men seem made for something better than the times produce", could not but have invaded the systematized bodies of knowledge nursed by academies. A revision of encyclopaedias is, therefore, the order of the hour.³ But while all other social sciences have accordingly

¹ Barker's article on the "Discredited State", in the *Political Quarterly*, February 1915, pp. 107—110.

² Proclamation of the All-Russian Congress of Workers', Soldiers' and Peasants' Deputies, November 1917, announced by the Chief of the Oriental Division of the People's Commissariat for Foreign Affairs; see text in the *New York Nation* (Dec. 28, 1918); Lenin and Trotsky's *Proletarian Revolution*, pp. 424—426; Programme of the "Communist International" in the *New York Nation* (Oct. 13, 1920).

³ Current tendencies in intellectual *risorgimento* may be watched in the following among other publications: Enriques' *Problems of Science*, pp. 29—46 (critique of the methods of the special sciences), 51, 163—166, 358, 359, 361—363; 385—387; Bertrand Russell's *Our Knowledge of the External World: as a field for scientific method in philosophy*, 26—29, 236—242; Rignano's

been undergoing a comprehensive *Aufklärung* owing to the impact of "intensive" studies in anthropology, the expansion of the bounds of psychology, and the materialistic conception (that generally passes for the "economic interpretation") in history, the science of oriental lore is still in its non-age. Scholars, both in the West and the East, still take their cue from pioneer orientalists like Max Müller and Maine, and are used to interpreting the Indian "view of life" in terms of other-worldliness and pessimism, and appraising India's social, juristic, political and economic existence as but a web of archaic institutions alleged to be essentially distinct from the western. The discrepancy between the retarded growth of *indianisme* and the "geometrical" progression in the advance of other human sciences is almost as wide as that between the moral and natural philosophies of today of which Korzybski with his rigorous logic of the engineer rightly complains in the *Science and Art of Human Engineering*.

But there is no longer any reason for clinging to the over-easy generalizations of the first *corpus* of comparative studies. A scientific history¹ of Hindu Napoleons and Frederick the Greats has been rendered possible in recent years through the wealth of epigraphic data and other archeological evidence, inadequate and fragmentary though they be. New resources to be exploited by social science have been thrown open by the discovery of old books like the *Artha-śāstra*² of Kautilya, the Bismarck of the first Hindu Empire (B. C. 320). These have been immensely multiplied indeed by the historical researches of scholars of the two hemispheres for about half a century. And they have already borne some fruit like the one expected by Herder from his researches in the German *Volksseele*. For, that last wave of "romanticism", the nationalist movement³ of Young India, which has won recognition as a worldforce in

Essays in Scientific Synthesis, 162—168, 197—205; Schiller's *Humanism*, preface, pp. 192—203, etc.; Dewey's "Need for a Recovery of Philosophy", in *Creative Intelligence*, pp. 5, 55—58; Hocking's *Human Nature and its Remaking*, pp. 26—28, 221—222, 225; Korzybski, pp. 15—23; Robinson's *New History*, pp. 17—18, 21, 24, 49—51, 65; Gomme's *Folklore as an Historical Science*, pp. 177—179; Boas' *Mind of Primitive Man*, pp. 17, 29, 122—123, 155—156; Wallas' *Great Society*, pp. 10, 11, 217—218, 221, 223, 225, 313, 339, 345; Hall's *Jesus the Christ in the Light of Psychology*, Vol. I, 54, 64, 154—156, Vol. II, 336—338, 358, 364—370, 702, 706, 716—731; Lowie's *Primitive Society*, pp. 432—440; Sarkar's *Positive Background*, Vol. II, pp. 1—2, 8, 12, 19, 28, 36, 45.

¹ Smith's *Early History of India* (First Edition 1904; third edition, 1914). For a general estimate of Smith's writings with especial reference to the *Oxford History of India* (from the earliest times down to 1911) see Sarkar's article on "An English History of India" in *Political Science Quarterly*, Dec. 1919.

² Discovered (1904), edited and translated by R. Shamasastri.

³ Rowlatt's *Report on Revolutionary Conspiracies in India*, pp. 15—19; The "Savarkar case"

international politics since August 7, 1905, is receiving a conscious guidance and direction from the solid results of unquestionable antiquarian investigation. The sociological material is on the whole varied and copious enough to call for a philosophic handling, tentative albeit, in order that indology may be brought in line with the tendencies in other branches of modern inquiry.

These secular achievements of ancient India, the Hindu political institutions and theories, are virtually new data of comparative politics. But they are not calculated to pin sociology down to the past. For, comparative politics is not necrology, — the science of dead matter and tombstones, not archeology, — the study of fossils and paleontological phenomena. It is the science of *l'élan de la vie*, that one touch of Nature which makes the whole world kin. Its material is "humanistic" and thoroughly vital, as it deals with the creative endeavors of mankind, — the organizations and ideals that the human will and intelligence have invented in different lands in order to promote social happiness. And its message is equally fruitful and life-serving.

The conviction is forced upon us from a new angle that the behavioristic psychology of the races is essentially similar. Man as a political animal has responded to the stimuli of the objective universe in much the same way in the East and the West. The limits of social science are by such knowledge automatically enlarged; a phenomenal expansion of the mind is the inevitable consequence; and the prevalent notion about the Orient tends to find at last its proper place among the superficial body of unscientific *idolas*. In this wise, from an unexpected quarter, the Paracelsuses of today can discover fresh reasons for finding

"No use in the past: only a scene
Of degradation, imbecility — —
The record of disgraces best forgotten,
A sullen page in human chronicles
Fit to erase."

The new "enlightenment" and Renaissance, and the *Novum Organum* of the twentieth century can acquire therefore a significant impetus from studies in jurisprudence, public law, and political philosophy from the

(France vs. Great Britain) in Scott's *Hague Court Reports*, pp. 275—283; Scott's *Survey of International Relations between the U. S. and Germany* (Aug. 1914 — April 1917), p. 305; Reinsch's *Intellectual and Political Currents in the Far East*, 93, 105, etc.; Lovett's *History of the Indian Nationalist Movement*, Gilchrist's *Indian Nationality*, Maurice Bourgeois' "Le Mouvement National" in *Le Monde Illustré* (19 Feb. 1921), *Freiheitskampf der indischen Nationalisten*, Lajpat Rai's *Young India*.

oriental world of experience. And social science, thus reconstructed, cannot fail to have a powerful bearing on the current problems of the contemporary world. For, the acknowledgment by scientists of the basic uniformity in the mental and moral make-up of humanity is the theoretical pre-condition for a peaceful understanding of the diverse peoples. Comparative politics will thus turn out to be a most helpful ally of practical statesmanship in the amicable adjustment of relations between Asia and Eur-America. It will give birth to a new internationalism quite in conformity with this era of transvaluation of values.

Section 2.

The Instrument of Interpretation.

The term "comparative" is, however, glibly used in modern sociological parlance. But errors creep in probably almost unconsciously as soon as one proceeds to employ it. At best it is only a method; and unless used with discrimination, like statistics it can be made to prove anything one wishes to prove. In the manner of experiments in a chemical laboratory, the social comparisons should be instituted under definitely known conditions; and as in mathematics, the items to be compared should be brought to a common denominator. Obviously a hill cannot be compared with a river (except as mere terrestrial objects). Nor can mollusca be rationally compared with orchids (except as mere living bodies). Similarly, a fossil or a mummy must not be compared with organisms that can react to the environmental stimuli, nor a master be compared with a slave, — unless the basis of comparison be categorically stated and the conditions of comparison well defined.

Now, the brightest period of Occidental civilization happens to be the darkest period of Oriental. And this, again, is the epoch of the political-cum-industrial domination of the East by the West. In the nineteenth century and during the first years of the twentieth it may almost be said that Asia was for all practical purposes lying dead. Howsoever resentful orientals themselves may feel in regard to the prevailing albinocracy, not even the blindest idealist among them can ignore or minimize the situation. For, in the conjuncture of world politics the Orient has for quite a long period remained veritably the "white man's burthen". Asia today is indisputably a continent of slaves, *de jure*, as well as *de facto* (albeit not everywhere *de jure*). And to add insult to injury, the new life which has of late been pulsating through Asian humanity and which has created for Japan a first class rank in the concert of world-powers, is due to the inspiration furnished mainly by

Eur-America from Newton to Becquerel, from Washington and Rousseau to Mill and Treitschke. The inferiority of the Orient to the Occident in culture as well as in politics is thus from every side an established fact of modern history. The tragedy of Young Asia is complete.

Under these conditions is it possible for Eur-American scholars to evaluate past Asian achievements in science, industry, politics, art and philosophy at their proper worth? Can it be conceived that dominant races should be able to appreciate the human values in the life-processes of emasculated slaves? Here is an elementary fact in the psychology of successful nations that is chiefly responsible for the current fallacies in comparative sociology. It explains why the comparative method is yet in its infancy, at any rate, the comparison of the claims of the Orient and the Occident to have contributed to the world's scientific concepts and categories or to the building up of social and civic well-being.

Human memory, again, is very short. It does not go even so far back as one generation. It is impossible of course to call to one's mind the days of pre-steam industry. And the discoveries relating to the radium group are bidding fair to throw into the shade even the marvellous technological power of the energies that underlie contemporary life and efficiency. And yet how old are these achievements?¹ And scientifically speaking, how many are they in number? The "pragmatic" answer lies in the history of Japan. This Asian country did not take more than twenty-five years (1880—1905) to exploit the whole of western culture in order to triumph over a great European power and be invited by America to dictate terms to the vanquished foe.

Historically considered, some of these achievements are fifty years old, others seventy-five, almost none above a century. The steam engine was first applied to cotton manufacture in 1785. But it did not come into general use before the third decade of the nineteenth century. Let Americans try to visualize the life and conditions of those "Pioneers" immortalized by Walt Whitman who a few generations ago had been laying the foundations of the Middle West and the Farthest West. It is also fair to recollect the social and industrial position of Germany in the days of Goethe, the educational condition of the people of France about the time when Arthur Young was touring in that country, and the condition of the working classes and the female sex of England at the time of the Napoleonic wars.²

¹ Routledge's *Discoveries and Inventions*; R. Mackenzie's *19th Century*, pp. 181—206, 289—315, 429—432; Price's *Political Economy in England*, pp. 5—7; Weir's *Historical Basis of Modern Europe*, pp. 315—469.

² Chapter on "Weimar in the eighteenth century" in Lewes' *Life of Goethe*; Young's *Travels*

Coming specifically to politics, it has to be admitted that, strictly speaking, modern Europe and America do not date back earlier than 1866-1870. Europe was feudal and mediaeval almost down to that time. The political boundaries¹ were then almost as flexible as in the days of Charlemagne or the Guelphs and Ghibellins. America's freedom was threatened in the second war with England (1812), and integrity jeopardized by the Civil War, of which also her old enemy England tried to take diplomatic advantage. Nationality existed only in limited degree before Mazzini and Bismarck; the dignity of labor was not recognized before Karl Marx and Louis Blanc; "popular" parliamentary institutions were all but unknown before the first Reform Bill of England; and the right of the masses to elementary education, the sole pre-condition of a real democracy, was not really a question of practical politics in the first half of the nineteenth century.

Every student of political institutions and theories must have to remember this background of Eur-American life while trying to understand the civic and social achievements of Asians. Judged by the triumphs of today, the western people even of the first half of the nineteenth century were "unfit" for self-government. Especially was continental Europe anything but democratic, without national consciousness, and devoid of the sense of the rights of citizenship. Far worse of course were the earlier epochs.

"Then came those days," as Macaulay describes the Restoration in his *Essay on Milton*, "never to be recalled without a blush, the days of servitude without loyalty and sensuality without love, of dwarfish talents and gigantic vices, the paradise of cold hearts and narrow minds, the golden age of the coward, the bigot and the slave. The King cringed to his rival that he might trample on his people, sank into a viceroy of France; and pocketed with complacent infamy her degrading insult and her more degrading gold. The caresses of harlots and the jests of buffoons regulated the policy of the state. The Government had just ability enough to deceive, and just religion enough to persecute. The principles of liberty were the scoff of every grinning courtier and the

in France (Miss Bethan-Edwards' introduction); Compayré's *History of Pedagogy* (vide Guizot's Educational Commission in 1833); Toynbee's *Industrial Revolution*, pp. 60-61; Traill's *Social England*, Vol. V, pp. 346-347, 453, 455, 601-604; Vol. VI, 69-70, 620-30; Chapter on "social movements" in *Cambridge Modern Hist.*, Vol. XII, pp. 730-731, 761-762; Calhoun's *Social Hist. of the American Family*, Vol. I, 83-127, 245-258, Vol. II, 80-101, 171-199.

¹ A. J. Toynbee's *Nationality and the War*, pp. 9-15; See "The Congress of Vienna and its Legacies" in Phillimore's *Three Centuries of Treaties of Peace*; Guyot's *Causes and Consequences of the War*, pp. 207-211, 222-226.

Anathema Maranatha of every fawning dean. In every high place worship was paid to Charles and James, Belial and Moloch, and England propitiated those obscene and cruel idols with the blood of her best and bravest children."

Nor in Louis XIV *le grand monarque's* psychology was there any respect for the rights of the people. He acted on the creed of absolutism, viz., *L'état c'est moi*. Besides, his high-handed measures at home and his unjust wars of aggression constitute a reflection on the political institutions and international morality of the times. Not less "characteristic" of occidental development are the horrors of judicial torture and inhuman penal legislation, both secular and ecclesiastical, which prevailed in Europe from the revival of Roman law in the thirteenth century to the epoch of reform initiated, at any rate in so far as the ideal is concerned, by the Italian jurist Beccaria in his *Crimes and Punishments* towards the end of the eighteenth.¹

The scientific method consists in proceeding from the known to the unknown. Students of comparative politics ought to approach the political literature and institutions of Asia with a full knowledge of this tradition of despotism in European history. It is as unjust to compare ancient and mediaeval Asia i. e., the Asia of the Asians, with the Europe and America of the twentieth century, as to compare the latter with the Occident previous to the "industrial revolution". Unbiased investigators will find in Asian history the same struggles and tribulations through which European humanity has passed. It is impossible to mention a single institution or ideal in the Occident for which a parallel or replica is not to be found in the Orient. And no political weakness can be cited in Asia of which there is no double in Eur-America. But in order to avoid superficial analogies² what is required of scholars is: first, to practise scientific detachment from the conditions of life in which they are living today; secondly, to master the actual facts of political development and speculation in Asia; and thirdly, to place them in the perspective of occidental *Realpolitik* and "pious wish", epoch by epoch, area by area, and item by item.

The "superior races" of the last hundred years have been misled by their fact of success to postulate the whole development of Asian polity as nothing but an unchanging record of semi-savage, i. e., almost unpolitical or pre-political group-life, and the entire literature of oriental

¹ Lea's *History of Inquisition*, Vol. I, pp. 234—236; Vol. III, 300, etc. 421—423.

² Vide the sections on the "comparative method" and the "age of modernism" in the author's article on the "Futurism of Young Asia" in the *International Journal of Ethics*, July, 1918.

political thought as at best but commonplace speculation pervaded by theocratic ideas. Thus has been engendered a monumental *idola* in the realm of social science. They manage to forget that the superior races of the ancient and mediaeval world were not Europeans but Egyptians, Assyrians, Persians, Mohammedans and Buddhist-Shamanist Tartars, whether in the strength of arms or in the "more glorious victories" of peace. Down to the second siege of Vienna in 1699 it was the historic role of Asia to be always the aggressor and of Europe to be on the defensive.

On the other hand there is a class of Oriental scholars, among both Indian nationalists and leaders of the Chinese revolution, who try to demonstrate the existence of every modern democratic theory and republican institution and perhaps also of sovietic communism in the experience of ancient and mediaeval Asia. There is an attempt on their part to trace the latest Eur-American phase of the art and science of government in the teachings of Confucius and Mencius, Śukra and Manu, and in the clan-republics and village-commonwealths of the Orient.

Both these attitudes must be set aside as superficial. It is not necessary to claim extraordinary achievements for Orientals in order to prove their political *virīya* and administrative *śakti* (genius). Nor again is it permissible to read modern ideas into the "liberties" of Athens and Rome or forget the limitations of feudal and Hapsburg Europe or be blind to the two thousand years of occidental autocracy from Alexander to the end of the *ancien régime*.¹

What is urged here is that it is unfair to compare the East in its worst and most degraded condition with the West in its best and most prosperous stage, and that it is a vicious practice to try to understand Asia such as she was as the leader of humanity's progress from the servile and degenerate Asia of today, the Asia that is facing annihilation. Justice and science require that Asia and Europe should be tried in the balance "under the same conditions of temperature and pressure", i. e., under conditions of absolute freedom and mutual respect.

Such is the instrument of interpretation that we propose to apply to the epochs of Hindu polity roughly synchronous with European development from Pericles to Dante.

¹ Cf. the author's "Democratic Ideals and Republican Institutions in India" in the *American Political Science Review* (Nov. 1918), pp. 581, 587—588, 592, 596, 605—606, and "Democratic Background of Chinese Culture" in the *Scientific Monthly* (January, 1919), pp. 58, 62, 65. See in this connection Montesquieu's *Lettres Persanes* (1721).

CHAPTER II.

Hindu Political Development.

Section 1.

The Tenacity of Monarchy in the West.

Modern mind, especially in the United States, is so deeply grounded in the republican ideal that scholars are invariably disposed to forget the fact that in the western world the norm of political development is to be sought not in the republic but in the monarchy, and in that, again, generally of an irresponsible autocratic character. At the threshold of a scientific study of oriental polity it is essential, therefore, for a clarification of fundamental ideas, to recapitulate the trend of Western political experience.

Americans won their independence by defeating the British. When they had to think of constructing a sovereign government, the most natural form that suggested itself to them was a *popular* polity. None of the thirteen colonies was bossed by a prince of royal blood. Their society from the very beginning had known only of councils, assemblies, courts, and clubs. A dynasty of kings was thus absolutely out of the question. Besides, in 1782 Washington, the hero of the field, magnanimously rejected, "with great and painful surprise", the crown and the supreme power offered to him by some discontented officers. The most important problem before the Yankees after 1783 was therefore not the form of government but the form of union. The republic (no matter whether democratic or otherwise)¹ was with them an accomplished fact, one of the socio-political *data*, so to speak; their sole struggle was over the nature of the federation. America's record thus really stands apart from the story of the evolution experienced by those peoples who by the term 'government' are used to mean the rule of a king.

This norm is represented by France. The French revolution followed close upon the American revolution, and was to a great extent inspired by its theories and achievements. Besides, there is an interesting coincidence between the two. Americans in the first stage of their resistance

¹ Beard's *Economic Origins of Jeffersonian Democracy*, pp. 309—316, 464, 465.

to England's control did not think of actual separation or declaration of independence. The French people likewise in their opposition to Louis XVI did not at first contemplate an abolition of the monarchy. Like the American "independence" the French republic was a second thought, an aftermath of painful necessity, and like some of the great discoveries of the world a real "accident" of history.

The revolution began in France with the conversion of the "third estate" into the National Assembly under the influence of Siéyes on June 17, 1789. The monarchy was abolished and France declared a republic by the Convention (the third revolutionary government) on September 22, 1792. But during these thirty-nine months neither the prominent leaders, Siéyes, Mirabeau, Lafayette, nor the demagogic journalists and ultra-radical "friends of the people", Desmoulins, Marat, Danton, nor even the people themselves in the thousand and one *cahiers* (pamphlets on the grievances to be redressed) ever expressed any desire to do away with the royalty as an institution. Even the "rights of man" did not include the abolition of kingship.

It was unexpectedly and virtually through friends and well-wishers of the king and the queen that royalty was abolished in France. The National Assembly's Bolshevistic short cuts with the feudal privileges and hereditary nobility had made the country too hot for the aristocratic classes. The French nobles thereupon sought refuge in the Germanistic territories. The public opinion and military support of the continent were successfully canvassed by them against the revolutionists on behalf of the old royalist regime. Eventually the Austrian emperor and the Prussian king in coalition with this "emigrant" nobility invaded France to "re-establish the liberty and honour of the most Christian king and his family and place a check upon the dangerous excesses of the French revolution, the fatal example of which it behooves every government to repress". It was this foreign invasion that led the National Assembly to declare the country in danger; and it was against this *tyrannie* of foreigners, and not against Louis XVI, that the famous *La Marseillaise* was composed.

The attempt of Austria and Prussia on France could not but be interpreted by the Convention as an underhand measure of the King himself. He was therefore tried on a charge of "treason", found guilty and executed (January 21, 1793). The same fate awaited the queen in October and on the same charge. Thus in France the abolition of monarchy was not accomplished as a matter of principle. It was a by-product of inevitable circumstances, over which the revolutionists had no control. Up to the last moment France was royalist at heart.

What, again, is the lesson of Switzerland,¹ the oldest republic of the modern world, with regard to the inception of the republican idea? In early times the Swiss peasantry and nobility lived in forest cantons. In 1291 three districts, Schwyz, Uri and Unterwalden, formed a league to defend themselves against powerful neighbours. They defeated the Austrian invader at Morgarten in 1315, and successfully fought against the laws of the Diet of Worms (1500). Freedom from Imperial interference was thus ensured by the strength of arms. The territory of the league was gradually extended by the voluntary accession of new cantons, and the complete independence of the Confederacy was acknowledged by the treaty of Westphalia (1648). The story of the Swiss republic is thus similar to that of the American. We have here republicanism developed among peoples that had never known kingship as an actual institution of social life.

Holland was a republic for a short time during the seventeenth century. But as it is now a monarchy, the experience of the Dutch does not count in modern republicanism.

The "glorious" English revolution preceded the French by a century. The people of England did not go mad over the magic name of republic. Virtually no *doctrinaire* principles guided them in the practical framing of their constitution of 1688. They replaced one king by another, but one with fetters on. Previous to this "great rebellion" there had indeed been a period when England was a republican commonwealth. But a kingless regime did not commend itself to the temperament of the English, and this in spite of the fact that they had a regicide to their credit (1649). Since the Reform Bills of 1832, 1866 and 1886, the monarchy of England has been a republic all but in name, a "crowned republic" in the words of Tennyson; but the republican form is not yet.

The principles of the American and French revolutions were advertised and sown broadcast through the long wars of the Napoleonic era (1793—1815). The years 1830 and 1848 were the years of revolutions and risings against absolutism and privilege all over Europe. But in spite of the steady progress in constitutional ideas, checks on royalty, and the assertion of popular rights, a formal republic did not make its appearance in any European country until yesterday (March 16, 1917).² The third republic of Europe has been born in Russia, the quarter where it was least expected. On the whole, however, Europe seems still to be chary of losing her crowned heads. Although the expulsion of Hohen-

¹ Mc Crackan's *Rise of the Swiss Republic*, pp. 111—115.

² Lenin and Trotsky's *Proletarian Revolution in Russia*, pp. 17—23.

zollern-Hapsburg rulers by "divine right" (Nov. 8, 1918) from Germania may lead eventually to the sweeping off of monarchy from the world's stage, the restoration of Constantine in Greece (1921) still points "atavistically", so to speak, to the historic norm in European political *psyche*.

Next remain to be considered over a score of republics in Latin America.¹ Their origins are the same as that of the United States of North America. These had at first been members of the European "colonial" empires, especially Spanish and Portuguese. Subsequently they won their independence by successful wars. Like the north Americans, these Latins from Mexico to Argentina, also, had no royal family to look up to. The republic was therefore the most natural polity to them. Yet in some of these states, such as in Mexico and Brazil, monarchy was established either by the choice of the people themselves or by the usurpation of the General-Presidents. Ultimately, however, all of them have successfully withstood the dynastic ambitions of the "first citizens".

But perhaps the best example of the extreme tenacity of the monarchical idea is furnished by the history of Italian regeneration. If there is one man in Europe of the nineteenth century who by his life and work made the ideal of nationality and the idea of republic the life-blood of millions both in his own land and abroad, that man is Joseph Mazzini. The country of Mazzini, therefore, if not any others, may be expected to have realized the republican idea while its new life was being ushered into existence (1861—1870). But half the mission of Mazzini still awaits fulfillment. Italian nationality has been achieved, and Dante's and Machiavelli's dreams of a United Italy have been realized, nay, exceeded (1919) so far as southern Tirol is concerned; but Italy is not a republic yet.

In the perspective of this record of Eur-America let us place the facts of Hindu political development. We may safely begin with the inductive generalization that monarchy dies hard and that it has been almost a fetish to human beings.

Section 2.

The State-Systems of Ancient India.

In regard to oriental monarchies we have to realize, first, that Hindu states were thoroughly secular. In India, paradoxical as it may seem to pre-conceived notions, religion is never known to have dominated

¹ Shepherd's *Central and South America*, pp. 71—96, and *Hispanic Nations of the New World*, 166—195.

political history or philosophy. Politics were invariably independent of theology; nor did priests interfere in the civil administration as a matter of right, temporal or spiritual. In short, with the exception of the quasi-religious statal organization of Sikhs in the seventeenth century, Hindustan knows of no "theocracies" strictly so called. Even under Asoka the Great, Harṣa-varḍhana, and Dharma-pāla, the supreme dignity of the empire as a worldly organism was not sacrificed to the personal religiosity of the crowned heads. Consequently, the struggle for "Caesaro-papism"¹ among the so-called "Byzantine" emperors, the long-drawn-out conflict between the papacy and the Holy Roman Empire, the rivalry with regard to the custodianship of the "twain keys" to heaven, the temporal sovereignty of spiritual heads, the political influence exerted by the pope through his cardinals, legates and pardoners over the internal politics of states in Western Europe, these and other facts that contribute to the complexity of occidental history are not matched in Hindu political development.

Hindu monarchs with non-Hindu officers, non-Hindu princes with Hindu ministers and generals have been the norm in India's history. The functions of priests were confined to the private religious life of the royal families and the people. Their place on state councils was relegated to the administration of social and national festivals. And the dictates of religious scriptures were placed before the mind's eye of rulers and statesmen, if at all, solely as principles of moral guidance. These may be taken to have been checks and restraints on the possible autocracy and high-handedness of the powers that be. Nothing analogous to the Church as an institution of "public law" was ever attempted by the priestcraft of the Hindu, Buddhist, Jaina and Moslem faiths, notwithstanding the efficiency of their ecclesiastical organization and occasional military activities.

With these general remarks we shall tabulate here the principal landmarks in the history of Hindu politics. Let us begin with the Maurya Empire (B. C. 323—185).² Its capital was located at Pātaliputra (site of modern Bankipore) on the Ganges in Eastern India. Under Asoka

¹ Bury's *History of the Later Roman Empire* (A. C. 395—800), Vol. II, ch. XI. Vide the preface to Vol. I. for a discussion of the proper title. Bryce's *Holy Roman Empire*, pp. 89—120, 153—166, 204—228; Freeman's *Chief Periods of European History*, Lectures IV, and V; Lea's *His. of Inquis.*, I, pp. 213, 221, 233—236; III, 190—192, 295, 300, 515; Sidgwick's *Development of European Polity*, 223—229.

² See map on p. 105 of Smith's *Oxford History*. The political and administrative history for preceding three centuries may be seen in D. R. Bhandarkar's *Ancient History of India* (B. C. 650—325).

the Great the empire included the regions covered at present by Afghanistan and Baluchistan, the whole of Northern India, the Deccan, and Southern India excluding the extreme south (Chola, Pāndya, Kerala, Satyaputra and Ceylon). The area and pretensions of the undivided Roman Empire at its zenith were thus anticipated by this first *sārva-bhauma* (universal) empire of the Hindus by about five hundred years. And of course Great Britain's rule in India today falls considerably short of Maurya achievement.

It should be pointed out, however, that this was the only Hindu state with jurisdiction over all India. For subsequent periods in pre-Moslem times the fortunes of the south were to all intents and purposes separate from those of the north, exactly as in Europe the story of the Eastern (or "Byzantine") empire ran independently of that of the Western. In spite of Samudra-gupta's *dig-vijaya* or conquest of the quarters (A. C. 330—350), embracing some of the southern territories in its Alexandrine sweep, and the Rāstrakūta (Deccan) intervention (c 914—916) in northern Indian politics as well as Rājendra-chola the *Gangaikonda's* (1013—1042) victories on the banks of the Ganges northerners and southerners never again came to be held together by a single administrative and military system.

Three states acquired prominence in three different parts of India after the extinction of the Mauryas. The first was the empire of the Sungas (B. C. 183—63). It served virtually to keep up the continuity of the Maurya Empire in the eastern provinces. The capital remained unchanged. Puṣya-mitra, the founder of this House, inflicted a decisive defeat on Menander, the Hellenistic invader of India (B. C. 153). The second was the empire of the Āndhras (c B. C. 240—A. C. 250). They were rulers of the Deccan from sea to sea with eastern and western capitals.¹ These southern emperors maintained commercial intercourse with western Asia, Greece, Rome, Egypt and China. Gotami-putra (109—135) and Yajña-śrī (173—202) are two of their most aggressive monarchs. Their rivals in the north were the Indo-Tartars or Kuṣāns (A. C. 15—226) with capital at Puruṣa-pura (modern Peshawar). This northern and northwestern power was in relations of commerce and diplomacy with the Han Empire of China and with the Roman Empire during its period of greatest extent. Kāniṣka (A. C. 78—123) of this House was the contemporary of Trajan and Hadrian. Through the Kuṣān

¹ D. R. Bhandarkar's "Dekkan of the Sāta-vāhana Period." in the *Indian Antiquary*, 1918 which must be studied, however, in the light of the new material placed by V. S. Sukthankar in the *R. G. Bhandarkar Commemoration Volumes*. For republics of this period see *Infra*, p. 141.

empire the Indian sphere of influence, political and cultural, was extended over Central Asia. Recent excavations have brought to light an underground "Greater India" from among the "ruins of Desert Cathay".¹

Nothing is known of Northern India for a century after the epoch of the Kuṣāns, and for about three hundred years the history of India south of the Vindhya Mountains is a blank. But the next scene reveals in the Gangetic Valley the India of the Vikramādityan Guptas (A. C. 320—550) with capital at Pāṭaliputra through whom Hindu culture commenced to become a world-power;² as subsequently it served to help forward the Chinese renaissance of the Tang period (618—905) and thus indirectly sponsor the emergence of Japan as a civilized state. The epoch of Gupta imperial glories was synchronous with that of the dismemberment of the Western Roman Empire, but was paralleled by the period of consolidation in the Byzantine Empire from Constantine to Justinian. The age of the Guptas is in India's literary history the age of Kālidāsa (c 400—460), the Virgil of the Hindu *Aeneid*, the *Raghu-vamśa* ("The House of Raghu"), and is as famous in popular tradition as that of Alexander or Charlemagne in Europe. In the language of this poet of imperial nationalism the Vikramādityas were

"Lords of the lithosphere from sea to sea,
Commanding the skies by chariots 'of air.'"

The Gupta Empire was followed by what may be described as a diarchy like that of Āndhra-Kuṣān India. The Empire of the Vardhanas (606—647) in Northern India had its capital at Kanauj on the Ganges in the middle west. Emperor Harṣa had diplomatic touch with the Chinese Napoleon, Tang Tai-tsung. The empire of the Chālukyas (550—753) in the Deccan had its capitals at Vātāpi (modern Badami in Bijapur) and Nasik. Pula-keśi II was paramount sovereign over India south of the Narmadā and reciprocated embassies with Khusru II, the Sassanian monarch of Persia.

During the seventh and eighth centuries India witnessed the formation of myriads of states similar to those in Europe. In various quarters the effort to achieve hegemony gradually led to the operation of centripetal tendencies. Out of a veritable *mātsya-nyāya* ("logic of the fish") or Hobbesian "state of nature" there eventually arose the condition of what may for ordinary purposes be characterized as a pentarchy. India's destiny remained for several centuries in the hands of five chief

¹ Mookerji's *History of Indian Shipping*, pp. 116—141; Stein's *Ruins of Desert Cathay*, Vol. I, pp. viii, x, 469—496.

² Sarkar's *Chinese Religion Through Hindu Eyes*, pp. 184—229.

nationalities. (1) Bengalis¹ of the lower Gangetic Valley became a great power under the Pâla and Sena Emperors (730—1200). Dharma-pâla (795—830) and Lakṣmaṇa-sena (1119—1170) are the Charlemagnes of Bengal. (2) Gurjara-Pratihâras (the so-called Rajputs) (816—1194) of Upper India and Rajputana, celebrated in Râjaśekhara's *Karpûra-manjarî* as "world-monarchs", had their capital at Kanauj. A *digvijaya* (conquest of the quarters) was successfully undertaken by Mihira Bhoja (c 840—890) of this dynasty. (3) Râstrakûtas (750—973) of the Deccan² with capital at Malkhed became a power by dispossessing the Châlukyas of their dominions. Govinda III was the *sârva-bhauma* ("world-ruler") of the South. Râstrakûtas were replaced by Châlukyas of Kalyan (973—1190) who in their turn were expelled by Hoysâlâs of Dvâra-samudra and Yâdavas of Devagiri. (4) Cholas³ (850—1310) of Southern India militated against Châlukyas of the Deccan and also came to measure their strength with Pâlas of Bengal. Râja-râja (985—1018) and Kulot-tûnga I (1070—1118) are the most celebrated monarchs of this House. (5) The kingdom of Kashmir⁴ (c 650—1339) had a more or less isolated career in the extreme north. Gurjara-Pratihâras submitted to Mohammedans in 1194, Senas in 1200, Hoysâlâs, Yâdavas and Cholas in 1310, and Kashmir in 1339. Thus came to a close the ancient period of Hindu India which furnishes the background of the present treatise.

The history of India for about sixteen hundred years from the time of Mauryas exhibits to us the picture of a gradually growing and expanding political consciousness as well as scientific and cultural development. The Hindu Alexanders, Caesars, Constantines, Charlemagnes and Frederick Barbarossas could easily challenge competition with their western peers on their own terms of *śakti-yoga* or *Machtpolitik*. It is, moreover, only fair to note that for one Justinian in Europe there were a dozen Maurices, for one Charles the Great the name of Charles the Fats was legion, and for a Frederick II, the "wonder of the world", there were myriads of Adolfuses and Wenceslauses.

Not altogether extinct, however, was the sovereignty of Hindus with

¹ Banerji's *Memoir on the Pâlas of Bengal*, and *Bāṅglār Itihāsa* (History of Bengal, in Bengali language) Vol. I. (Hindu Period), A. K. Maitra's articles on the "Stones of Varendra" in the *Mod. Rev.* (June—Sept. 1912). Re the drama *Karpûra-manjarî* see Konow's translation in the *Harvard Oriental Series*, p. 179 (cited by H. C. Ray Chaudhuri in the *Mod. Rev.* Oct. 1921).

² R. G. Bhandarkar's *Early History of the Dekkan*; Kincaid and Parasnis' *History of the Maratha People*, Vol. I (To the Death of Shivaji). Chs. II—VI.

³ Aiyangar's *Ancient India*, 90—191.

⁴ Kalhana's *Râja-taranginî* (trans. by Stein). The *Imperial Gazetteer of India*, Vol. XV, pp. 90—96.

Sarkar, *Political Institutions*.

the advent of Islam. Excluding the isolated enterprise of the Bengali Danuja-mardana¹ (c 1417), devoted to Kâlî, the patron-goddess of energists, there were at least four state-systems embodying independent Hindu power during the period when portions of the Indian sub-continent were members of consolidated Mohammedan empires or lesser Mohammedan states. Inevitably the first to come in touch with the new factor in Indian politics were the kingdoms of Rajputs in the Middle West.² Beginning in the ninth and tenth centuries, these "cognates" and "agnates" of Gurjara-Pratihâras have continued their existence until today. The empire of Vijaya-nagara³ (1336—1565) in the extreme south was necessarily the last to feel the Mohammedan pressure. By the middle of the seventeenth century two important Hindu reactions were provoked by the firm establishment of the Moslem as a paramount power. In the Deccan the bulwark of Hindu independence was built up by Shivaji⁴ (1627—1680), the Frederick the Great of India, in his empire of the Marathas. This was continued during the eighteenth century under the Peshwas or ministers. Fragments of Maratha states still exist more or less as "feudatories" of Great Britain. The second great reaction against political Islam manifested itself in the militant nationalism of Sikhs in the Punjab.⁵ Some of their kingdoms maintain themselves today in "subordinate alliance" with the British power.

During all this period of tug-of-war between Hindus and Islam no part of India came to be subject to a "foreign power". Mohammedans were as much the children of the soil as the original inhabitants. Neither the Sultanate of Delhi (1200—1526) nor the Moghul monarchy that replaced it was in any sense the "government of one people by another". The Moghuls are celebrated chiefly through such world-figures as Akbar,⁶

¹ For Hindu reaction in Bengal under Ganeśa and Danuja-mardana (c. 1409—1442) see Banerji, Vol. II, Ch. vii, also his "Two New Kings of Bengal" in the *Arch. Sur. Ann. Rep.* 1911—12, pp. 167—170. *Re Danuja-mardana* see Bhattasali's Bengali article in *Bhârata-varṣa* (Āśvin 1328, Sept. 1921).

² *Imp. Gaz. of Ind.*, Vol. XXI, pp. 93—103; Sarda's *Mahārāṇā Kumbhāq; Early Hist.*, pp. 407—415; *Indian Empire* Vol. II, pp. 308—318 (*Imp. Gaz. Ind.* Series).

³ Sewell's *Forgotten Empire*, H. Krishna Sastri's articles in the *Ann. Rep. of the Arch. Sur. of Ind.*, 1907—1909, 1911—1912; *Ox. His.* pp. 299—317.

⁴ Ranade's *Rise of the Maratha Power*; Rawlinson's *Shivaji the Maratha*; Kincaid and Parasnis, Vol. I, pp. 271—277; J. N. Sarkar's *Shivaji and His Times*, Chs. XV, XVI.

⁵ Cunningham's *History of the Sikhs*; Macauliffe's *Sikh Religion*, Vol. I. (Nanak), Vol. IV (Teg Bahadur), Vol. V (Gobind).

⁶ Smith's *Akbar the Great Mogul*, Havell's *History of Aryan Rule in India*, Chs. XV—XX; cf. the present author's "Political Tendencies in Chinese Culture" in the *Mod. Rev.* (January, 1920).

Shah Jahan and Aurangzib¹ (sixteenth and seventeenth centuries). The Moghul period of Indian history is one of the most important epochs of civilization. For the people of India, it was an era of prosperity, material and intellectual. The epoch, known generally as the age of Indo-Saracenic renaissance, looms therefore as large in the consciousness of the Young India of today as does the age of the Vikramādityan *sârva-bhaumas*. The policy of the Moslem states was always secular, and the personal bigotry and intolerance of some of the rulers were not more frequent than were the fanaticism and inquisitionism of Christian monarchs of contemporary Europe.² From Prithvî-râja and Mohammed Ghorî of the twelfth century to Baji Rao and Haidar Ali of the eighteenth, Hindu and Mohammedan India can exhibit therefore as many Charles Vs, Gustavus Adolphuses, Louis XIVs, Fredericks and Peters as can the western half of Eur-Asia.

In the foregoing account no notice has been taken of autonomous city-sovereignties and independent clan-commonwealths. They were in existence off and on during the extensive ages that gave birth to Vedic literature, the *Jâtakas*, the early Jaina and Buddhist books and the *Mahâbhârata*, down to the beginnings of the Gupta Empire (c 350 A. C.). Some of them are described in the Greek and Latin literature on India and Alexander. These nationalities were republican in type, more or less aristocratic or oligarchic in character, and thus resembled in general features the states of ancient Greece and Rome, as well as the mercantile towns of medieval Italy and of the Hanseatic League.

Section 3.

Pax Sârva-bhaumica

(Peace of the World-State).

It is clear that political development in India was not a continuous growth. Students of history will not find in it the simplicity and unity that characterize, generally speaking, the dynastic history of Japan, or still better, of China from the days of Tsin Shi Hwang-ti (B. C. 222). We have here all the complications and intricacies of the Byzantine

¹ J. N. Sarkar's *History of Aurangzib*: Vol I (Reign of Shah Jahan), Vol. II (War of Succession), Vol. III (1658—1681); Law's *Promotion of Learning in India by Muhammadans*, pp. 139—193.

² For Moorish toleration in Europe during the epoch of Christian fanaticism, see McCabe's *Peter Abelard*, 227—229. Turkish liberalism was appreciated by Bodin in his days (*vide* Bluntschli's *Geschichte der neueren*); cf. also Toynbee's *Nationality*, p. 415, and Macdonald's *Turkey and the Eastern Question*, p. 34. *Vide* Voltaire's *Lettres Philosophiques* (1734).

empire and the Caliphate.¹ The inextricable cobwebs of diplomatic intercourse that Europe witnessed in the Middle Ages owing to the rivalry among the Christian empires and kingdoms on the one hand, and their relations of intrigue with the competing Moslem nationalities on the other, repeated themselves in the military annals of Hindus also and subsequently of Hindus and Mohammedans. Nay, from the standpoint of the political centre of gravity and *status quo*, the picture of India's state-systems is as bewilderingly varied and diversified as is that of the western world from the armageddon of the Homeric epics down to the world war against Germany. Nothing short of the kaleidoscopic changes in Freeman's *Historical Geography of Europe* can therefore fitly portray the multitudinous ups and downs of "races" and "classes" in India through the ages.

The fallacy of sociologists from Bodin to Buckle, Montesquieu to Maine, and Hegel to Huntington² equipped as this last is with "energy-charts" and "maps of civilization", as well as of indologists from Max Müller to Vincent Smith has, however, been broadening down "from precedent to precedent". Fundamentally, it consists in their not recognizing this essential parallelism and pragmatic identity in the development of *Realpolitik* in the East and the West. As a rule, they are obsessed by the postulate of Eur-American "superiority" to, or at any rate,

¹ Bury's *Later Roman*, Vol. II, pp. 510—511.

² While not prepared to be a "monist" or "absolutist" in the conception of *Kultur-geschichte*, the present author accepts with certain limitations the general thesis as to what Bagehot would call the influence of "physics" upon "politics". A recent summary of the geographical interpretation of history is to be seen in Huntington's *Pulse of Asia* (Ch. XVIII). It will be noticed that the philosophical analysis attempted by "physicists" is invariably based on too many assumptions in regard to the historical data themselves, especially to those bearing on the Orient. The hemispherical generalizations are therefore reared on erroneous premises. Some of the worst specimens of the mal-application of the comparative method, so far as the selection of sociological facts is concerned, are furnished in the writings of Huntington. In the *Pulse of Asia* this neo-climatologist takes for granted in the newspaper style that "Mohammedanism favors immorality" (pp. 128, 232) and that Persians are "prone to lying" (pp. 364—366). The postulate of the "white man's burden" is, moreover, the pervading philosophy of this book (p. 323) as also of his *Civilization and Climate* (pp. 35, 201, 259, 262). His appreciation of Japan in the latter volume (pp. 255—256) is accordingly explained by a corollary to the same logic, viz, that "nothing succeeds like success". From the obverse side the identical *idola* is illustrated in the chapter on the "Problem of Turkey" in his *World Power and Evolution*, which *en passant* is inspired more by political propagandism than devotion to science. A short but comprehensive criticism of the prevailing fallacies in comparative culture-history is set forth in Sarkar's "Futurism of Young Asia" in the *International Journal of Ethics* for July 1918. See also the section on "Asians vs. Latins and Slavs" in the author's article on "Americanization from the viewpoint of Young Asia" in the *Journal of International Relations* (July 1919) for an examination of the alleged social and cultural distinction between the oriental and European laborers in regard to their assimilability to American conditions.

difference from, the oriental races. The shortcomings of Hindu politics are thus assumed by them to be "characteristic" of India.

But any body with the sense of historical perspective must have to admit that none of the alleged failings of Hindu culture, e. g. weakness of military organization, lack of patriotism, absence of national solidarity, and so forth, are the attributes exclusively of Indian, or for that matter, of Asian *Weltanschauung*. The "southern" and "sub-tropical" climate of India and the caste-system of Hindus cannot be rationally invoked to explain socio-political and socio-economic phenomena that are almost universal and world-wide in their range. Genuine "comparative history" is the only solvent of false explanations and unscientific hypotheses.

Hellenes, notwithstanding the temperate zone of their "isles of Greece", were not more remarkable for unity than were Hindus of the time of Alexander. Nor did their character display any enviable patriotism when put to the test of Macedonian gold¹ and arms. The crushing defeat inflicted on Seleukos and Menander by Chandra-gupta Maurya (B. C. 303) and Puṣyamitra Śunga (B. C. 153) respectively was not less decisive a feat of Hindu *virīya* or *parākrama* (i. e. energism) which served to keep European military power away from India than were the victories of the Greeks over Persians at Marathon and Salamis which saved Hellas from the "expansion of Asia". The failure of Hindu nationalities before hordes of Scythians, Tartars or Huns was no worse specimen of military incompetency, social disintegration, moral corruption and political instability than was the disruption of the Roman empire by the "barbarians".²

The processes by which during the seventh and eighth centuries Saracens³ made themselves masters of Sicily, Southern Italy, Spain and southwestern France and converted the Mediterranean Sea into an Asian lake do not by any means prove that the organizing ability of Christians, although they had no caste restrictions, was appreciably superior to that of Gurjara-Pratihāras who fell equally before other inroads of Islam. Nor did East-Europeans exhibit extraordinary physical vigor and martial qualities because of the physiography of Russian snows when in the thirteenth century they had to capitulate to the avalanche

¹ Bury's *History of Greece*, Vol. II, pp. 303, 305—306.

² Dill's *Roman Society of the Last Century of the Western Empire* pp. 303—345; Bury's *Later Roman*, Vol. I, pp. 25—36; Young's *East and West through Fifteen Centuries* (B. C. 44—1453), Vol. II, pp. 131—137.

³ Scott's *History of the Moorish Empire in Europe*, Vol. II, pp. 35—37; Young, Vol. II, pp. 567—570; *Cambridge Mediaeval History*, Vol. II, pp. 379—385.

of Buddhist-Shamanist Mongols¹ of Central Asia inch by inch as far to the interior of Europe as the Carpathian Mountains. In the fifteenth and sixteenth centuries, again, Christians of the Balkans, Greece, Italy, and Spain persisted in their antagonistic relations² even in the face of Ottoman invasions. Certainly they did not appear to be more alive to the fact of the common danger, and failed not less ignominiously to present a united front against the peril from "Greater Asia" than did Hindus and Mohammedans in the eighteenth century while confronting the menace from the "expansion of Europe". What, then, are the counts on which the climatological or any other "monistic" interpretation of history seeks to base the alleged distinction between the West and the East?

In order to understand the strength and limitations of Hindu politics it is essential, moreover, to realize that the historic state-systems of Europe have neither been long-lived nor built up on "national" principles such as are defined by Ratzel in his *Politische Geographie*. The classical institutions were notoriously ephemeral, and in the Middle Ages dynastic revolutions were plentiful. This discontinuity of political life was not the special feature of the imperial area alone. It affected all the provinces of Europe in the north, south, east, west and centre.

Even if we take the individual peoples like Franks, Goths, Saxons, Danes, Swedes and others and confine our attention to small territories we find the same chequered career, the same multiplicity and polystatal heterogeneity as on the Indian sub-continent. England, because of her insular position, as Frederick List explains it in his *Das Nationale System der politischen Ökonomie*, has managed to enjoy the longest period of continuity as a "nation-state". And yet the little land of Angles, Saxons and Jutes (excluding Wales and Scotland) had to pass through the *mātsya-nyāya* of a heptarchy and the aliendom of Scandinavian and Norman aggressions. Chronologically the next nation-state to evolve in Europe is France. And yet here, even so late as on the eve of the Revolution, notwithstanding the previous centralizing efforts of *le grand monarque* there were about three hundred and sixty distinct bodies of law,³ in force sometimes throughout a whole district, sometimes in a much smaller area. Besides, the peace of Westphalia (1648) and the congress of Vienna (1815)⁴ are standing commentaries on the absence

¹ Howorth's *History of the Mongols*, Vol. I, pp. IX—XI, Vol. II (*The so-called Tartars of Russia*), pp. 25—183; Yule's *Book of Ser Marco Polo*, Vol. I, pp. XL—XLIII.

² Depping's *Histoire du commerce entre le Levant et l'Europe*, Vol. II, pp. 207—214, 222—224.

³ *Cambridge Modern History*, Vol. VIII, p. 49.

⁴ Phillimore's *Three Centuries*, pp. 13—61.

of nationality-states conceived as linguistic or cultural units. It is only by the Bolshevik dismemberment of Russia (1917—1918) according to the doctrine of self-determination that nationalism has been ensured in Eastern Europe. But in Central Europe, although the Congress of Versailles (1919) sat with the object of achieving it, the creation of half a dozen German "irredentas" in foreign states has but added to the list of the world's erstwhile Alsace-Lorraines.

The sole unifying factor in medieval European development was the magic name of Rome and the halo of the Roman empire. But, in practical politics, in spite of Bury's special pleading in his *Later Roman Empire*¹ to demonstrate the existence of a theoretical unity, the name of Rome led to anything but unity in western life. Such a Rome Hindustan also had in its Pātaliputra. Built about B. C. 450 by Udaya of the Śiśunāga dynasty the city remained the seat *par excellence* of historic empires under Mauryas, Sungas, Guptas, and Pālas. In India, too, it was ever the ambition of powerful Charlemagnes to attempt achieving the glory of the Vikramādityan *sārva-bhaumas*. Further, during the period from the thirteenth to the eighteenth century Moham-medan Delhi occupied the place of the older Pātaliputra and became a second Indian Rome, at once the crown of honor and bone of contention to all *vijigīṣus* or aspiring *Siegfrieds*, whether Hindu or Moslem.

Europe has continued to be what Dante described "slavish Italy" to be, the continent of warring nationalities and conflicting ambitions. The scheme of a unified Europe (really, western Europe) managed by a universal empire, of which the chief was to be both pope and caesar, was indeed elaborated by him in *De Monarchia*. He also prophesied very often in the *Inferno*, the *Purgatorio*, and the *Paradiso*, the advent of such a Caesar-Pope, poetically called the *Veltro* (the Greyhound), the Messiah or *Yugāvatāra*, the redeemer of Europe, who would restore the ancient glory of Rome. But this Ghibelline dream of Dante's, fused no doubt with the "Italian" nationalism of the Guelphs, remained a pious wish. Besides, the ostensible continuity of that "Austrian imposture", known in history as the Holy Roman Empire, until its overthrow by Napoleon should not mislead anybody as to the existence of centripetal forces in European polity, since it is too well known that it was neither holy, nor Roman, nor an empire as one should understand it. Such pious wishes and such legal fictions of empires have their "doubles" or replicas in the *nīti-śāstras* of the Hindus and in the Moghul-Maratha achievements of medieval India.

¹ Vol. II, p. 539; Vol. I (preface), Freeman's *Comparative Politics*, pp. 333—335.

Let us consider now the actual boundaries of states or territorial limits of nationality in the history of European polity without being biased by the principles of Curzon's *Frontiers* or Supan's *Politische Geographie*. In terms of population and area, ancient and medieval Hindu polities present specimens and types that can well stand comparison with the contemporary western units. The Athens (including all Attica) of Pericles had only twenty five thousand "free citizens" with three hundred thousand slaves. Men, women, and children of all classes were numbered at 400,000.¹ The population of France at the time of the Revolution was under twenty five millions. At the same time England and Wales had only eight millions and a half.² And today the average of first class powers is between forty-five and fifty millions. Besides, there exist a score of lesser sovereignties, including the new "self-determined" states born out of the Russian Leviathan through drastic Bolshevik surgery and those carved out of the old Germanistic empires, which have to maintain themselves virtually as buffer-states, at least as theatres of intrigue, for powerful neighbours.

Now, India is as large in size as Europe *minus* the Russia of the Czars. If, therefore, in ancient and mediæval India there were as many rival nationalities in the "state of nature" as in Europe, Indian history need not be condemned,³ as it has been done *ad nauseam*, as a horrible record of anarchy, bloodshed and internecine civil war, or barbaric raids of military adventurers. Mankind may legitimately expect within Indian boundaries (accommodating, as they do, three hundred and fifty million people) as many first class powers of the Mazzinian or Leninian pattern, lower-grade nationalities and neutralized states, with their balance of power, *entente cordiale*, and what not, as one witnesses on a continent of the same area, or peopled by the same number of men and women.

If, roughly speaking, forty or fifty million people can be conceded to be the human basis of great powers in modern Eur-America, each enjoying eternal openings to prepare for "the next war", no student of political science or international relations should shudder in the name

¹ Dickinson's *Greek View of Life*, p. 73; Tucker's *Life in Ancient Athens*, 23, 62.

² Traill, Vol. VI, p. 84.

³ Smith's *Early Hist.*, pp. 356—357. The same fallacy is to be noticed in Banerji, Vol. I, pp. 225—228, 307, 308, in Banerjee's *Public*, pp. 235—239, and even in the poet Yogindranath Basu, whose recent epics in Bengali, *Prithvi-râj* (1915) and *Shivaji* (1918), are intended to be history in verse. All of them have an extraordinary conception of the importance of political unity in national life. It is evidently forgotten that the *élan de la vie* of mankind is not unity so much as freedom (*sva-râj*), be it the freedom of five thousand or of five million.

of world-peace if the same phenomena come to happen in China or India. An impossibly high ideal of unity or the *ignis fatuus* of federation that Europe has failed and refused to consummate must not be forced on the peoples of the orient. There should not be one standard for the West and another standard for the East in the ethics of political development or nationalistic upheavals. Logically, therefore, the attempt of Young Asia to organize "unities" embracing sub-continents is as absurd an anachronism in the twentieth century, pervaded especially, as it happens to be, by the pluralistic and separatistic doctrine of self-determination or *sva-râj* for culture-zones, as was the Hildebrandine project of a west-European Christendom under one theocratic monarchy.

Be that as it may, comparative sociology must have to declare that the political annals of mediæval India do not offer greater insecurity and worse absence of peace than such as were exhibited by the Welsh, Irish and Scotch wars of England, the Hundred Years' War between France and England, the wars of the Hapsburgs, the wars of the innumerable German baronies, the wars of the Italian kingdoms and cities, the English civil war, the French wars of the Fronde, the meteoric acquisitions of Sweden's Gustavus Adolphus and of the Polish Kingdom, the expansion of Turkey to the gates of Vienna, the courting of Moslem alliance by Christian monarchs against brother-christians, the annexations of Peter and Frederick, and the steady decline and fall of the Holy Roman Empire. In regard, specifically, to the relations between Mohammedan states and original Hindu states or between Mohammedan empires and their Hindu citizens or between Hindu empires and Mohammedan citizens, Eur-American historians have yet to prove, item by item, that the picture was in any way darker than was the story of the contest between Roman Catholics and Protestants culminating in the horrors of the Thirty Years' War.

So far as the ancient period is concerned, the historian has to observe that the records of Hindu imperial power are not usually marked by the accession and disappearance of dozens of puppet emperors such as were chosen and slain by the army in Rome. No generation was without its *sârva-bhauma*, *chakravarti*, or *châturanta* i.e. "world-ruler", whose regime was signalized by peace and security for the people. This *pax sârva-bhaumica* was the result of a well-regulated administrative machinery, and was helped forward to no small extent by remarkably long reigns, two or three of which sometimes covered a whole century. In any case no Eur-American scientist can legitimately congratulate himself on the superiority of the trend of occidental history if only he remembers a mediæval statement cited in Engelbert's *De Ortu et Fine Romani Im-*

perii.¹ "The Roman Empire", ran the opinion, "was and is always troubled by wars and rebellions; hardly ever were the gates of the temple of Janus shut; the greater number of Roman emperors have died violent deaths; and the Roman Empire has been the cause rather of disorder than of peace."

This must not be summarily dismissed as only the view of a radical anti-imperial propagandist. For, the duration and geographical extent of peace given by "Romans" were not really of a remarkable order. From the oriental platform, besides, the claim may be advanced that not more than once did European history exhibit the formation of a "unitary" state (of an "inorganic" character, of course, to use Seeley's phrase) with the size and area of the Maurya Empire (third century B. C.). This was the Roman Empire at its height during the second and third centuries A. C.² Even the less extensive Gupta Empire of the fifth century, the Vardhana Empire of the seventh century, and the Chola Empire of the eleventh century were barely approached by the Franco-German Empire of Charlemagne, or by the haphazard European possessions of the Spanish Emperor Charles V or by the ephemeral conquests of Napoleon.³

While, therefore, for purposes of comparative politics it is necessary to conclude that *pax sârva-bhaumica* or *federation de l'empire* is at least as conspicuous an achievement⁴ of Hindu statesmanship as *pax Romana* of occidental, it is on the other hand to be admitted on scientific grounds that the political unity of India is, historically speaking, as great a myth as is the political unity of Europe. India furnishes but another illustration of the universal sway of *mâtsya-nyâya*, the Hobbesian "state of nature", which can lead but to pluralism, whether anarchic or well-ordered. The East has reproduced the same *Naturprozess* of Gumplowicz's *Der Rassenkampf*⁵ as has the West.

¹ Woolf's *Bartolus*, 286.

² *Atlas of Ancient and Classical Geography*, pp. 16—17. *Vide infra*, pp. 133, 135.

³ *Atlas to Freeman's His. Geo; Early Hist.* (maps facing pp. 284, 340); *Ox. His.* pp. 211—212.

⁴ See the summary of inscriptions in Mookerji's *Fundamental Unity of India*, pp. 116—127.

⁵ Chapter IV.

PART I.

THE HINDU CONSTITUTION.

CHAPTER III.

Hindu Achievements in Organization.

Section 1.

Property and Woman in Private Law.

The bed-rock of modern legal institutions is twofold. First, the individual adult is treated as an entity quite independent of the family, the village, the gild or any other corporation. Secondly, the woman is juridically a *selb-ständig* i. e. self-sufficient unit enjoying rights different from, and independent of, those of the man, even of the husband.

In Europe, and especially in America it is the "industrial revolution" (with its concomitant mobility of labor and more or less freedom of economic competition) that is chiefly responsible for the daily advancing social and political equalization. And no doubt the impact of this new democracy has powerfully influenced the foundations of organized life in Asia also, from Tokyo to Cairo.

But it is interesting to observe that even under ancient and mediæval conditions the legal sense of Hindus was akin to and approached the "modern" conscience in both these postulates of civic existence. Thus, for instance, the emancipation of the individual from the head of the family was effected very early in Hindu law. It is embodied in the institution of inheritance and partition of property *per stirpes* (i. e. per stocks) as opposed to that *per capita* (i. e. per head).¹

A has two sons, B and C. B dies after leaving two children, 1 and 2, and C dies after leaving four, a, b, c, and d. On the death of the grandfather, A, the Hindu law of succession to A's property will keep the stocks of the two sons (B and C) separate; and one half of the inheritance

¹ For the relations between Manu, Vijnāneśvara and Jimūtavāhana on the question of individualism in property rights see Radhakamal Mukerjee's *Foundations of Indian Economics*, pp. 20—21; Maine's *Early History of Institutions*, Lect XI, p. 328.

will be divided between the two grandchildren (1 and 2), and the other half between the four grandchildren (a, b, c, and d). This is known as division *per stirpes*; the tendency of more developed and modern law on the subject is to prefer this mode of partition.

But in less developed and in archaic or primitive systems, although not invariably, if we accept Lowie's sociology of ancient institutions, the property is divided equally between all the six grandchildren, share and share alike. This mode, or partition *per capita*, will not consider the claims of the fathers (B and C) as of any importance at all, but place the entire jurisdiction or dominion within the grandfather's will or cognizance.

But the importance of the father as an individual is recognized as greater than that of the grandfather in the matter of partitioning the grandfather's property according to Jīmūta-vāhana's *Dāya-bhāga* school of law, prevalent in Bengal since the twelfth century, which, although professedly a digest of all ancient codes, attaches special prominence to Manu (A. C. 150). The same system is followed in Vijnāneśvara's *Mitākṣarā*, a commentary (eleventh century) on the *Institutes* of Yājñavalkya (A. C. 350), another old jurist, which has authority in every part of India including Bengal.¹ Individualism was thus held in high respect in the judicial psychology of the Hindus.

Secondly, in regard to the legal status of woman, both Jīmūta-vāhana and Vijnāneśvara declare *strīdhana*² or "woman's special property" incapable of alienation, on the basis of older authorities. In Hindu India the husband³ has absolutely no right to whatever a woman may have "acquired by inheritance, purchase, partition, seizure or finding", — the five origins of property in Gautama's jurisprudence.⁴ Besides, when the husband dies, sonless Hindu widows⁵ have for ages been entitled to enjoy the husband's property for life. But the right does not extend to alienation except under specified conditions.

¹ G. C. Sarkar's *Hindu Law*, pp. 27—29; V. N. Mandlik's *Hindu Law* (Texts and translations of Vyavahāra Mayūkha and Yājñavalkya Smṛiti); Colebrooke's *Two Treatises on the Hindu Law of Inheritance* (*Dāyabhāga* and *Mitākṣarā*); Jolly's *Hindu Law of Partition, Inheritance, and Adoption*, pp. 9—30; Jolly's *Recht und Sitte*, pp. 87—92; Mitra's *Law Relating to Hindu Widow*, pp. 61—69.

² *Yāj*, 145; *Dāya*, Ch IV, sec I, 1, 2; *Mit*, Ch II, sec XI, 2; *Manu*, IX, 194 ("sixfold" property of woman); Jolly's *Hindu Law*, pp. 226—261.

³ *Yāj*, 147; *Mit*, Ch II, sec XI, 31, 32. See Mackenzie's *Studies in Roman Law*, pp. 92, 93 (*parapherna*).

⁴ X, 115; For "seven modes" of acquiring property *vide Manu* X, 115; cf. also *Manu*, IX, 44; Jolly's *Recht*, pp. 90—92.

⁵ *Dāya*, Ch XI, sec I, 2, 3; *Mit*, Ch II, sec I, 2, 3.