

## Section 9.

## Caste and Public Service.

The gospel, "*Durch Nacht und Blut zum Licht*", i. e. the *dharma* of *puissance* or militarism is not intended exclusively for the so-called military (Kṣatriya or Samurai) caste. In Hindu thought army service has always been held to be national, i. e. the duty of every order of citizens. Brāhmaṇas (priests) can be soldiers according to the *Mahābhārata*,<sup>1</sup> as well as according to the lawbooks of Gautama<sup>2</sup> and Vaiṣṭha.<sup>3</sup> The *Manu Samhitā* also recommends recruitment from the priestly caste.<sup>4</sup> And, as noticed above, Śukra's opinion is quite clear. Baudhāyana is in favor of enlisting the Vaiśya<sup>5</sup> (the so-called artisan and mercantile classes). They are eligible as soldiers in the *Mahābhārata* also.<sup>6</sup>

No distinction is likewise made in the *Arthaśāstra* between castes (or hereditary and personal occupations) in the matter of inducting troops for national defense. The regulating principle is nothing but fitness or qualification as fighting material. In Kautilya's book there is a discussion as to the relative bravery of the different castes. "My teacher says," as we read, that "of the armies composed of Brāhmaṇas, Kṣatriyas, Vaiśyas or Śūdras (lower orders), that which is mentioned first on account of bravery is better to be enlisted than the one subsequently mentioned."<sup>7</sup> But to this Kautilya makes an objection on the ground, rather too idealistic for his usual commonsense attitude, that the Brāhmaṇas might be won over by prostration, because as priests they are likely to be sentimentally weak to those who are submissive. Hence the army of Kṣatriyas trained in the art of wielding weapons is better, or the army of Vaiśyas or Śūdras having greater numerical strength."<sup>7</sup> Thus while Kautilya does not make the calling of arms the exclusive preserve or monopoly of any section of the community, he would exempt the Brāhmaṇas, if at all, on the sole ground of military incompetency.

Further, the theory of national service on the question of castes is explicitly stated in the *Śukra-nīti*. According to this treatise caste is to play no part in the consideration of a person's qualifications for offi-

<sup>1</sup> *Śānti*, Ch. LXXVIII, 34.

<sup>2</sup> VII, 6.

<sup>3</sup> II, 22.

<sup>4</sup> X, 81; Śukra, IV, vii, 599, 664—667.

<sup>5</sup> Baudhāyana, II, 2, 4, 18.

<sup>6</sup> *Kaṇva* XLVII, 19, *Śānti*, CLXV, 34.

<sup>7</sup> Bk. IX, ii.

cership. No officer in the army hierarchy from *ājutika* (general in command of ten thousand troops) down to the *gaṇmika* (head of thirty) and *pattipāla* (head of five or six) is to be selected from any privileged class, tribe or race. Only such persons as are well up in *nīti-sāstras*, in the use of arms and ammunitions, the manipulation of battle arrays, and in the art of management and discipline, as are not too young but of middle age, as are brave, self-controlled, able-bodied, always mindful of their own duties, as are devoted to their superiors and hate their enemies should be made commanders and soldiers, no matter whether they are Śūdras, Kṣatriyas, or Vaiśyas or even descended from *Mlechchhas* (or unclean barbarians).<sup>1</sup>

But since the warrior caste is likely to specialize in valor, the *Śukra-nīti* would give the preference to a Kṣatriya, and failing him, to a Brāhmaṇa.<sup>2</sup> As a rule, it would not confer commission on the mercantile or agricultural classes, the Vaiśyas, because their service is needed in other fields. They can not be spared from attending to the normal economic interests of the state. And as for the Śūdras, they are usually to be held incompetent or unfit to take the lead, because like the ancient Greeks, the Hindu thinkers also postulated the existence of a class of "natural" slaves,<sup>3</sup> born only to serve. Under ordinary circumstances, therefore, a Śūdra is not to be in command of troops. But even these conventional arguments against Vaiśyas<sup>4</sup> and Śūdras are overridden by the supreme consideration of valor. Since fighting is treated as "the duty of the four pure as well as of mixed castes",<sup>5</sup> the commander may be selected from any caste,<sup>6</sup> for, after all, says Śukra finally, it is bravery that is to be looked for in a commander. The only persons against whom the theoretical injunction is absolute are the cowards, even though they be Kṣatriya by caste.<sup>6</sup>

This principle of indifferentism to caste regulates Śukra's thought not only in regard to the officers and privates of the army but to every branch of the public service. As usual, the Śūdra is normally declared ineligible for a seat on the council of ministers and the traditional preference is accorded to the Brāhmaṇa, failing him to the Kṣatriya, and failing that, to the Vaiśya.<sup>7</sup> But this stereotyped order of selection for

<sup>1</sup> II, 276—285. For Śukra's theory of caste in society see *Pos. Back*, Vol. II, pp. 89—95.

<sup>2</sup> II, 865—866.

<sup>3</sup> Manu VIII, 413—414.

<sup>4</sup> Śukra II, 868.

<sup>5</sup> *Ibid* II, 867.

<sup>6</sup> *Ibid* II, 866.

<sup>7</sup> II, 859—861.

the ten *prakritis* or councillors is thrown overboard in the general discussion on the subject. We are told that only those who are versed in politics and are men of good deeds, habits and attributes, and who are gentle in speech and old in age "should be made members of council irrespective of caste."<sup>1</sup> In making appointments to offices "one should not notice only the caste or race or only the family,"<sup>2</sup> though the "accident of birth" is of course an important consideration. "Work, character and merit, — these three are to be respected — neither caste nor family."<sup>3</sup> Neither by caste nor by family can superiority be asserted." The importance of caste is relegated in the *Śukra-nīti* only to social functions, such as marriages and dinner parties.<sup>4</sup>

Further, among the six officers<sup>5</sup> to be appointed in each village as representatives of the Crown, it is interesting to observe that the chief executive may come even from the priestly caste, and that even the warrior caste can contribute men to the department of revenue.<sup>6</sup> Thus according to Śukra, the Brāhmaṇa need not always have to pursue the religious avocation, nor the Kṣatriya always to be a soldier. In political theory, therefore, caste (birth-affiliation) is not the supreme factor in an individual's occupation or professional activity, as it has been alleged to be by the scholars in indology.<sup>7</sup>

Incidentally, it may be pointed out that the Hindu theory of social orders did not treat the castes as water-tight compartments even in regard to marital relations. Inter-caste marriages were held valid by Kautilya, Manu, Yājñavalkya and Viṣṇu.<sup>8</sup> Race-fusion or blood inter-

<sup>1</sup> II, 333—336.

<sup>2</sup> II, 110.

<sup>3</sup> II, 111—112.

<sup>4</sup> II, 113.

<sup>5</sup> II, 242—245.

<sup>6</sup> II, 862—863.

<sup>7</sup> A rare exception is Hopkins. Vide his article in the J. A. O. S., 1889, p. 185.

<sup>8</sup> Kautilya LXIV; *Mahābhārata*, *Anuśāsana-parva*, xlvii, 17, 28, xlviii, 4, 7, 8; Manu, III, 13, X, 6—7; Viṣṇu, XXIV, 1—4; Baudhāyana, I, viii, 2—6, I, ix, 3, 5; Yājñavalkya, I, 57, 91, 92, II, 125. These references are borrowed of Vanamali Vedantatirtha's *Bengali* article in the *Prabāsi* (Calcutta) for Vaiśākha, 1326 (April, 1919).

Enough data are not available yet for an epigraphic study of the caste system. But already it might be shown that the *rājās* of the ruling dynasties and of the *gaṇas* (republics) belonged very rarely to the so-called Kṣatriya caste, as the theory of water-tight compartments would lead one to presume. Similarly generals and officers of the army were contributed by the priestly, trading and Sūdra classes. Cf. Mookerji's *Local*, 59—62, Majumdar, 146—149, 160, 164, 171, 172. A "military interpretation" of Hindu history with special reference to the ethnic elements has been suggested in Sarkar's *Chinese Religion*, pp. 195—208 (A Melting-pot of Races). Note the cephalic index

X mixture, both horizontal and vertical, was therefore accepted as a normal phenomenon of actual life in the legal investigations of those sociologists who interested themselves in the problems of inheritance, succession, and partition of property.

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tests as well as legends and inscriptions on the strength of which Rama Prasad Chanda maintains that Brāhmaṇas of the "outer countries" were "outlandic" in stock, and that Brāhmaṇas and non-Brāhmaṇas are of common origin (*The Indo-Aryan Races*, 163, 167, 180, 182, 188—191, 194).

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## CHAPTER IX.

### The Theory of Sovereignty in Hindu Political Philosophy.

The state (*rājya*) as an entity is grounded in the phenomenon of *aiśvarya* or *svāmitva* i. e. sovereignty. The theory of the state, therefore, is fundamentally the philosophy of sovereignty.

No matter whether it is exercised by the one or the few or the many, no matter whether it is vested in the long run in the legislature or the executive or the judiciary, no matter whether it is identical with the despotism of custom or the rule of positive law, no matter whether it manifests itself in and through a single organ as the *primum mobile* embracing all organized spheres or is exhibited simultaneously in several coexistent coordinate corporations of a pluralistic universe, and finally, no matter whether it is the monopoly of the bourgeoisie or of the proletariat, it is *svāmitva* that ushers into being the phenomena called politics in social existence. In political speculation the central problem obviously is the analysis of this great *śakti* (force) that constitutes the core of "political" relations, i. e. the *élan* of *samūha* life.

"What is sovereignty?" is then the moot question to be attacked by all political philosophers. Let us proceed to examine how the problem was grasped by the *smṛiti* and *nīti* theorists of India. It is to be remembered, however, that we are here concerned with the thought which prevailed in the world ages before the ideas discussed in Merriam's *History of the Theory of Sovereignty since Rousseau*, Scherger's *Evolution of Modern Liberty*, Michel's *L'Idée de l'Etat*, Barker's *Political Thought in England from Spencer to the Present Day*, Joseph-Barthélemy's *Rôle du pouvoir exécutif dans les républiques modernes* or *Problème de la compétence dans la démocratie*, and Laski's *Studies in the Problem of Sovereignty*.

#### Section 1.

#### The Theory of the State.

##### a) *The Doctrine of Mātsya-nyāya*

##### (*The Logic of the Fish*)

At the back of political thinking in India there was the process of dichotomy at work. Hindu thinkers tried to understand the state by

differentiating it from the non-state. Their method was logical as well as historical. That is, in the first place, they tried to investigate in what particulars the state analytically differs from the non-state; and in the second place, they tried to picture to themselves as to how the pre-statal condition developed into the statal, i. e. how the state grew out of the non-state. The chief solution of both these problems they found in the doctrine of *mātsya-nyāya* or the logic of the fish.

What, now, is the non-state according to Hindus? The same question was asked by the philosophers of Europe thus: "What is the state of nature?" And the Hindu answer was identical with the European.

According to Hooker (1554—1600) in the *Ecclesiastical Polity* the state of nature is a state of strife. The *Leviathan* of Hobbes (1588—1670) declares similarly that the state of nature is a state of war and of no rights. In Spinoza's (1632—77) opinion also, in the *Tractatus Theologico Politicus*, the state of nature is a state of war and a state of the right of might. The non-state is thus conceived to be a war of "all against all", an "anarchy of birds and beasts", or a regime of vultures and harpies as John Stuart Mill would have remarked.

It is interesting to observe that in China also the state of nature was analyzed by Moh-Ti (c 500—420 B. C.) in almost self-same terms. In the non-state, as Su Hu explains it in *The Development of Logic in Ancient China*, "each man has his own notion of right. Therefore one man has one notion of right, two men have two notions of right, and ten men have ten notions of right. The more men there are, the more conceptions of right will there be. Consequently each man approves his own notion of right and denounces every other man's. So they denounce one another".

This Hobbesian "law of beasts and birds" or the *Naturprozess* of Gumplowicz is the logic (*nyāya*) of the fish (*mātsya*) in India. Should there be no ruler to wield punishment on earth, says the *Mahābhārata*<sup>1</sup> (c B. C. 600—A. C. 200), "the strong would devour the weak like fishes in water: It is related that in days of yore people were ruined through sovereignlessness, devouring one another like the stronger fishes preying upon the feebler". In the *Manu Samhitā*<sup>2</sup> likewise we are told that "the strong would devour the weak like fishes" if there be a virtual reversion to the non-state (if, for example, the king is not vigilant in

<sup>1</sup> *Sānti-Parva*, LXVII, 16—17; LXVIII, 11—12. The history of the theory of *mātsya-nyāya* in European sociology from Heracleitus to Gumplowicz is clearly summarized in Barnes' article on "The struggle of races and social groups" in the *Journal of Race Development* (April, 1919), pp. 394—400. For Protagoras' conception of the origin of the State after primeval chaos vide Barker's *Plato*, p. 130.

<sup>2</sup> VII, 20.

meting out punishments to those that should be punished). The *Râmây-ana*<sup>1</sup> also describes the non-state region as one in which "people ever devour one another like fishes". And a few details about the conditions in this non-state are furnished in the *Matsya-Purâṇa*.<sup>2</sup> "The child, the old, the sick, the ascetic, the priest, the woman and the widow would be preyed upon", as we read, "according to the logic of the fish" (should *danda* or punishment fail to be operative at the proper time).

The idea of the fish-like struggle for existence or self-assertion was thus a generally accepted notion in the "floating literature" of Hindustan. It found an important place in the exclusively political treatises also. It was exploited as early as the latter half of the fourth century B. C. by Kautilya, one of the first, as we have seen, among the historical names in political science. According to him in the *Artha-sâstra*<sup>3</sup> the logic of the fish prevails while the state is unformed. "In the absence of the wielder of punishment the powerful swallows the powerless". And Kâmandaka also, who several centuries later generally follows Kautilya, writes in his *Nîti-sâra*<sup>4</sup> (Digest of Politics) that in the absence of punishment (*danda*), the destructive or ruinous logic of the fish operates through mutual animosities of the people and leads to the disruption of the world.

Nor was the doctrine confined within the circle of academicians and theorists. We find it prevalent even among diplomatists and practical statesmen, e. g. of the ninth century. In the declarations of the Bengali emperor Dharmapâla<sup>5</sup> we are informed that his illustrious dynasty owed its origin to an "election" by the people. We are told further that it was "in order to escape from the logic of the fish", i. e. in order to escape from being absorbed into another kingdom, or to avoid being swallowed like a fish that the people of Bengal "made his father Gopâla accept the sovereignty". The mediaeval Hindu monarch was here using almost the same metaphor as has been employed in the nineteenth century by Mill in his essay on *Liberty* when he explains how "in order to prevent the weaker members of the community from being preyed upon by innumerable vultures it was needful that there should be an animal of prey stronger than the rest, commissioned to keep them down".

This theory of the non-state or the state of nature has had important bearings on other doctrines of Hindu political philosophy. For the

<sup>1</sup> *Ayodhyâ-Kânda*, LXVII, 31.

<sup>2</sup> CCXXV, 9.

<sup>3</sup> I, 4.

<sup>4</sup> II, 40.

<sup>5</sup> Banerji, Vol. I, pp. 147—149.

present we have only to note that in India political speculation was not divorced from the general intellectual currents in the society. The political philosophers kept themselves abreast of the contemporary thought in other branches of inquiry. The logical apparatus and dialectical machinery used in political discussions were familiar instruments in the cultural *milieu* of the scientific world.

*Mâtsya-nyâya*, for instance, is an expressive technical term in India's legal phraseology. In Raghu-nâtha's (fifteenth century) *Laukika-Nyâya-Samgraha*<sup>1</sup> (Compilation of Popular Legal Maxims) we find the "logic of the fish" coupled with the "logic of the monsters". The logic of the monsters is known as *Śundopaśunda Nyâya*. Śunda and Upaśunda are two monster-brothers, like Pyrochles and Cymochles in Spenser's *Faerie Queene*. They are said to have quarrelled over the nymph Tilottamâ and destroyed each other in the contest. Thus when two contradictory facts are equally strong, they neutralize each other. But when they are of unequal strength, i. e. when the one can overpower the other, there is generated a field for the operation of the logic of the fish and the survival of the fitter.

The logic of the fish arises, as Raghu-nâtha explains it, under a double set of conditions. First, there must have to be a conflict between a powerful and a comparatively powerless unit. And secondly, the latter must have been crushed and obliterated by the former. It is frequently referred to, says he, in the *Itihâsas* (treatises on history) and the *Purâṇas*, and he quotes the following passage from Vasiṣṭha:<sup>2</sup> "By this time that Rasâtala region had become extremely sovereignless, i. e. an anarchic non-state, characterized by the ignoble logic of the fish." Vasiṣṭha's verse is elucidated by Raghu-nâtha with the gloss that "strong fishes began to make an end of the weaker ones".

The non-state is then a state of anarchy, one in which the "tyranny of robbers" has full play, "justice is non-existent", and the "people prey upon one another". It is "the greatest evil".<sup>3</sup> "Enjoyment of wealth and wives is impossible" under it.<sup>4</sup> Only the robber is then happy. Even his happiness is precarious, because "the one is deprived of his loot by two, the two are robbed of theirs by several combined".<sup>5</sup> "A free man is made a slave" and "women are raped".<sup>6</sup>

<sup>1</sup> Kishori Lal Sarkar's *Rules of Interpretation in Hindu Law*, Lecture VI.

<sup>2</sup> Cited in Maitra's *Gauda-lekha-mâlâ* (Inscriptions of the Bengal Imperial Dynasty) in Bengali, p. 19.

<sup>3</sup> *Mahâ., Śânti*, LXVII, 1—3.

<sup>4</sup> *Ibid., Ibid.*, LXVII, 12.

<sup>5</sup> *Ibid., Ibid.*, LXVII, 14.

<sup>6</sup> *Ibid., Ibid.*, LXVII, 15.

The psychology of men in the state of nature is brought out in the Book on *Śānti* (Peace) of the *Mahābhārata* according to the following causal nexus: "Then foolishness or stupidity (*moha*)<sup>1</sup> seized their minds. Their intelligence being thus eclipsed, the sense of justice (*dharma*) was lost. Cupidity or temptation (*lobha*) overpowered them next. Thus arose the desire (*kāma*) for possessing things not yet possessed. And this led to their being subjugated by an affection (*rāga*) under which they began to ignore the distinction between what should and what should not be done.<sup>2</sup> Consequently there appeared sexual license, libertinism in speech and diet, and indifference to morals. When such a revolution<sup>3</sup> set in among men, *Brahman* (the idea of Godhead) disappeared, and with it, law (*dharma*)".

It is thus with the negation of morals and manners, the nullification of property, the very antithesis of law and justice that the non-state is identified. And this appears to have been the fundamental position of Hindu theorists on the state. From this negative analysis it requires but a logical "conversion" according to the law of "contraries" to establish positively the philosophy of the state. To this we shall now address ourselves.

#### b) The Doctrine of Danda (Punishment, Coercion, Sanction).

Two "inseparable accidents" of the Hindu theory of the state are, first, the doctrine of *mamatva* ("mine"-ness) or *svatva* (*suum*), i. e. "one's own"-ness, *proprium*, *Eigentum* or property, and secondly, the doctrine of *dharma* (i. e. law, justice and duty). And behind them both lies the doctrine of *danda* (punishment, restraint, or sanction). Herein is to be sought the nucleus of the whole philosophy of sovereignty.

A state is a state, argue Hindu philosophers, because it can coerce, restrain, compel. Eliminate control or the coercive element from social (*samūha*) life, and the state as an entity vanishes. *Danda* is *überhaupt* the very essence of statal relations. No *danda*, no state. A *danda*-less, i. e. sanctionless state is a contradiction in terms.

We have noticed above that the absence of *danda* is tantamount to *mātsya-nyāya* or the state of nature. It is clear also that property and *dharma* do not exist in that non-state. These entities can have their roots only in the state. The theory thus consists of two formulae:

<sup>1</sup> *Śānti*, LIX, 15.

<sup>2</sup> *Ibid*, LIX, 18—19.

<sup>3</sup> *Ibid*, LIX, 20—21.



- I. No *danda*, no state;
- II. (a) No state, no *dharma*, and  
(b) No state, no property.

What, then, is the *rationale* of this *danda*?<sup>1</sup> What is it that makes coercion the *sine qua non* of the state? Why is it that the very idea of government should imply a restraint, a check, a control, a sanction? In Hindu political philosophy the answer to these questions is to be found in the "original nature of man".

The phenomena of government are founded on the data of human psychology. And in regard to them the general trend of thought all the world over seems to have been the same. In ancient China Hsun Tze (B. C. 305—235?) strongly condemned the doctrine of Mencius (B. C. 373—289) who had postulated the "original goodness" of human nature. For, according to his counter-theory (Book XXIII)<sup>1</sup> "man is by nature wicked, his goodness is the result of nurture". "A curved twig", to cite again from Su Hu's unpublished thesis (IV, iii), needs straightening and heating and bending in order to become straight.\*\* And man who is by nature wicked needs teaching and discipline in order to be right and requires the influence of *Li* and *Yi* (*Sittlichkeit*) in order to be good. The ancient rulers understood the native viciousness of man,\*\* and therefore created morals, laws and institutions in order that human instincts and impulses might be disciplined and transformed".

Let us now turn to the western world. Seneca, the Stoic philosopher of the first century A. C., "looked upon the institutions of society as being the results of vice, of the corruption of human nature. They are conventional institutions made necessary by the actual defects of human nature". The philosophical "anarchists" of modern times will not accept this doctrine. Men indeed had known a previous period of innocence; but after a time, according to this Roman thinker, they became avaricious. "Avarice rent the first happy society asunder. It resulted that even those who were made wealthy became poor, for desiring to possess things for their own, they ceased to possess all things. The rulers grew dissatisfied with their paternal rule; the lust of authority seized upon them."<sup>2</sup>

This doctrine of human depravity and the natural wickedness of man was entertained by the Church Fathers also. St. Irenaeus (second

<sup>1</sup> In regard to *danda* see the section on the "psychological premises of Hindu Politics" in the *Pos. Back*, Vol. II, pp. 31—34.

<sup>2</sup> Carlyle, Vol. I, p. 24. In Aristotle's language, "men are easily spoiled, and not every one can bear prosperity" (cf. Dunning, Vol. I, 89).



century A. C.) in discussing the causes which have made government necessary holds the view that "men departed from God and hated their fellow men, and fell into confusion and disorder of every kind; and so God set men over each other imposing the fear of man upon man, and subjecting men to the authority of men, that by this means they might be compelled to some measure of righteousness and just dealing".<sup>1</sup>

The idea that "the institution of government was made necessary by sin and is a divinely appointed remedy for sin" was continued and developed by St. Augustine and St. Gregory the Great. It was "emphatically restated by the ecclesiastical and political writers" of the period from the ninth to the thirteenth century, and found a champion in Pope Hildebrand, Gregory VII (1073—1085).<sup>2</sup>

The verdict of Hindu thinkers on the nature of man is identical. According to Kāmandaka,<sup>3</sup> men are by nature subject to passions and are covetous of one another's wealth and wives. "Rare", says Manu,<sup>4</sup> "is the man pure or sinless" (by nature). *Durlabho hi śuchirnarāḥ*. The lower ones tend to usurp the places of the higher. People are prone to interfering with the rights of others<sup>5</sup> and violating morals and manners.<sup>6</sup>

Not that there was no Saturnian golden age of pristine purity and bliss. For, says the *Mahābhārata*<sup>7</sup> anticipating by over a millennium the dogmas of Father Lactantius and others, "at first there was neither state nor ruler, neither punishment nor anybody to exercise it. The people used to protect one another through innate righteousness (*dharma*) and sense of justice". But, as among Stoics and Canonists, the "fall" of mankind is accounted for by Hindus also on the basis of a postulate of sin, loss of true religion, *moha*, stupidity, and what not.

On the whole, therefore, it is not a roseate romantic conception of human tendencies and instincts that the *Mahābhārata* offers. The dictum, "spare the rod, and spoil the child", proverbial in western pedagogics, might be dittoed by the Hindu thinkers. For, as we read in the Book on *Śānti*, by nature "men tend to overthrow<sup>8</sup> one another. Left to itself the "whole world would be in a mess" like a devil's workshop. As a rule, men are used to behaving like "the creatures<sup>9</sup> that cannot

<sup>1</sup> *Ibid*, Vol. I, p. 129.

<sup>2</sup> *Ibid*, Vol. II, 143—146, Vol. III, 97, 105, 187.

<sup>3</sup> II, 42.

<sup>4</sup> VII, 22.

<sup>5</sup> *Manu* VII, 21.

<sup>6</sup> *Ibid*, VII, 24.

<sup>7</sup> *Śānti* LXIX, 14.

<sup>8</sup> *Ibid* LXVIII, 8.

<sup>9</sup> *Ibid*, LXVIII, 10—12.

see one another when the sun and the moon do not shine", or like the "fishes in shallow waters", or "birds in places safe from molestation where they can fly at each other's throats in a suicidal strife".

Men, we are told, normally acknowledge only one right and that is the right of might. Those who do not part with their property for the asking run the risk of being killed.<sup>1</sup> Wives, children and food of the weak are liable to be seized perforce by the strong. "Murder, confinement and persecution constitute the eternal lot of the propertied classes".<sup>2</sup> The very phrase, 'This is mine' (*Mamedam*), may be lost from the vocabulary, and *mamatva* or property become extinct", — an ideal which is being anxiously sought for in the contemporary Utopia of Soviet Russia.

The natural tendency of human relations,<sup>3</sup> again, according to the *Mahābhārata*, is toward sexual promiscuity (*yonidoṣa*). The formation of marriage alliances or of stable societies is not instinctively prompted to man as he is. And if possible, he would shirk even agriculture, commerce, and other means of livelihood, preferring a state of slothful ease and "primrose path of dalliance".

Such is the man natural, or man as nature made him, in the political anthropology of the *Mahābhārata*. This state of license is the furthest removed not only from a Wordsworthian "Nature's holy plan" but also from the picture of original man governed by a law of "reason" as exhibited in Locke's treatises on *Civil Government*. Nor is it anything but antipodal to the Rousseauesque faith in man's natural impulses and idealization of the "human heart by which we live". Instead, therefore, of postulating with the writer of the *Emile* that "all things are good as their Author made them, but everything degenerates in the hands of man", or finding "reason to complain what man has made of man", the Hindu students of political theory set a high premium on the institutions and conventions that make up the artificial thing called civilization. In fact it is to "educate" man out of the deplorable mire of primitive license and beastly freedom that government has been instituted, say they. The state is designed to correct human vices or restrain them and open out the avenues to a fuller and higher life. And all this is possible only because of *danda*.

In all discussions of political theory, therefore, the doctrine of *danda* occupies a foremost place. Some writers have even called their treatises

<sup>1</sup> *Ibid*, LXVIII, 14.

<sup>2</sup> *Ibid*, LXVIII, 19.

<sup>3</sup> *Ibid*, LXVIII, 21—22.

on politics and statecraft *Danda-nîti* (Laws of Sanction, or Science of *Danda*). In the *Manu Samhitâ*, at any rate, no other category is calculated to command greater attention. For, is not *danda* "divine, God's own son, the protector of all beings, and as powerful as law itself?"<sup>1</sup> Indeed, it keeps all created beings to their respective duties (*sva-dharma*) the "virtues" of Plato or the "functions" of Bradley and other neo-Hegelians, and makes them cooperate to the enjoyment (*bhoga*) or happiness of mankind.<sup>2</sup> Nay, it is in reality "the king, the male (compared with which all other things are female), the manager of affairs, the ruler, the surety for the four orders pursuing their own duties in life".<sup>3</sup> Further, it governs, protects, watches; and, last but not least, is identical with law.<sup>4</sup> To crown all, the whole world is rectified by *danda*<sup>5</sup> and even the gods and demigods are subject to its authority.<sup>6</sup>

*Danda*, as interpreted by Manu, is obviously the very principle of omnipotence, comparable to the *majestas* of Bodin or the *summa potestas* of Grotius. It is the abstraction of that power whose concrete embodiment is *aiśvarya*, *svâmitva* or sovereignty in a state, which is explained by Figgis as the real "divine right" of kings. It is absolute, with jurisdiction over all, uncontrolled by any entity.

A ruler *in office* personifies this *danda*, but the ruler *as a person* is subject to it as every other individual is. Hence the inevitable dilemma of kingship in the Hindu theory of the state. It is by wielding this terrible weapon that the king is to preside over and regulate the state. He is the *danda-dhara* i. e. holder or bearer of the instrument of sovereignty, but he is himself liable to be scorched by it, may be one of its first victims for he is not "infallible".

In Hindu political thought, therefore, *danda* is a two-handed engine and cuts both ways. On the one hand, it is a terror to the people and is a corrective of social abuses. It is a moralizer, purifier, and civilizing agent. As Kâmandaka<sup>7</sup> observes, it is by the administration of *danda* that the state can be saved from a reversion to the logic of the fish and utter annihilation, as well as the people set right. It is through fear of punishment, according to the *Śukra-nîti*,<sup>8</sup> that people become "vir-

<sup>1</sup> *Manu*, VII, 14.

<sup>2</sup> *Ibid*, VII, 15; cf. Carr's *Philosophy of Benedetto Croce*, pp. 127 etc.; Bosanquet's *Some Suggestions in Ethics*, pp. 43-44, 64-65; *Pos. Back*, Vol. II, p. 28.

<sup>3</sup> *Ibid*, VII, 17.

<sup>4</sup> *Ibid*, VII, 18.

<sup>5</sup> *Ibid*, VII, 22.

<sup>6</sup> *Ibid*, VII, 23.

<sup>7</sup> II, 40-42.

<sup>8</sup> IV, i, lines 92-97.

tuous" and refrain from committing aggression or indulging in untruths. *Danda* is efficacious, moreover, in causing the cruel to become mild, the wicked to give up wickedness, and the garrulous to beware of loquacity. It can subdue even beasts, and of course it frightens the thieves and terrifies the enemies into submission as tributaries, demoralizing all those that are wayward. Nay, it is good also for preceptors and can bring them to their senses, should they happen to be addicted to an extra dose of vanity or unmindful of their own avocations.<sup>1</sup> Finally, it is the foundation of civic life, being the "great stay of all virtues"; and all the "methods and means of statecraft" would be fruitless without a judicious exercise of *danda*.<sup>2</sup> Its uses as a beneficent agency in social life are, therefore, unequivocally recommended by Śukra.<sup>3</sup>

But, on the other hand, *danda* is also a most potent instrument of danger to the ruler himself, to the powers that be. For, "unweary lies the head that wears the crown", in more sense than one. The mal-administration of *danda*, says Kāmandaka,<sup>4</sup> leads to the fall of the ruler. If the ruler is wise enough to manipulate it carefully, as Manu observes,<sup>5</sup> it is surely conducive to the greatest good of the people. But what is the guarantee that the holder of the weapon would not bungle with it and handle it thoughtlessly or arbitrarily? Should that be the case, the *danda* would lead to the ruin of the state. And would the office-bearer, the king, got scot-free? By no means. Manu is an advocate of regicide. He does not hesitate to declare that *danda* would smite the king who deviates from his duty,<sup>6</sup> from his "station in life". It would smite his relatives too together with his castles, territories and possessions. The common weal depends, therefore, on the proper exercise of the *summa potestas*, the *aīśvarya*.

*Danda* thus carries with it its own nemesis, and we are at once reminded of Mill who says in his *Liberty* that "as the king of the vultures would be no less bent upon preying on the flock than any of the minor harpies it was indispensable to be in a perpetual attitude of defence against his beak and claws". It is a like bulwark of people's rights as against the ruler that is furnished by the Hindu doctrine of *danda*, in so far as its efficacy is attributed to the careful handling of it. In the first

<sup>1</sup> IV, i, lines 99—100.

<sup>2</sup> IV, i, lines 101—102.

<sup>3</sup> IV, i, line 98.

<sup>4</sup> II, 39.

<sup>5</sup> VII, 19.

<sup>6</sup> VII, 28—29.

place, Manu would not allow any ill-disciplined man<sup>1</sup> to be the administrator of the *danda*. In the second place, the "greatest amount of wisdom", e. g. that accruing from the "help of councillors and others"<sup>2</sup> is held to be the essential pre-condition for the handling of this instrument. And here is available the logical check on the possible absolutism of the *danda-dhara* in the Hindu theory of sovereignty.

By the doctrine of *danda*, then, the state is conceived as a pedagogic institution or moral laboratory, so to speak, not necessarily a Lycurgan barrack, of course. It is an organization in and through which men's natural vices are purged, and it thereby becomes an effective means to the general uplifting of mankind. Hindu theorists therefore consider the state to be an institution "necessary" to the human race if it is not to grovel in the condition of *mātsya-nyāya* ruled by the law of beasts. Man, if he is to be man, cannot do without political organization. He must have a state, and must submit to sanction, coercion and punishment, — in a word, to *danda*.

## Section 2.

### The Theory of Property, Law, and Social Order.

#### a) *The Doctrine of Mamatva (Property).*

According to the *Mahābhārata*, *Manu Samhitā*, *Śukra-nīti* and other texts of Hindu political theory, government is by nature coercive because man is by nature vicious. The state can thus be born only in and through *danda*, i. e. punishment or sanction. It is out of a condition of the "logic of the fish" (*mātsya-nyāya*) or the Hobbesian and Spinozistic „state of nature", that *danda*<sup>3</sup> brings into existence a well regulated civil society called the state. In Aristotelian terminology *danda* would be the "efficient cause" of the state.

What, now, are the marks of the state? How does it declare its existence? What are its functions? In what manner does it make itself felt among the people? In Hindu theory the state, as soon as it crystallizes itself into shape, conjures up *mamatva* ("mine"-ness, *Eigentum*, *proprium*) or *svatva* (*suum*) i. e. property, and *dharma* (law, justice and duty) out of primitive chaos or socioplastic anarchy. Both these institutions are creations of the state. The state functions itself by gene-

<sup>1</sup> VII, 28.

<sup>2</sup> VII, 30.

<sup>3</sup> *Manu*, VII, 20; Kautilya, I, iv.



rating them, and people recognize it in its activities fostering their nurture. *Mamatva* and *dharma* are therefore two fundamental categories in the political speculation of the Hindus.

Property does not exist in the non-state<sup>1</sup> (*mâtsya-nyâya*) i. e. in the condition of men left to the pursuit of their "own sweet will". In the non-state, of course, men can possess or enjoy, but they do not "own". Property, however, is not mere *bhoga* i. e. enjoying or possessing, its essence consists in *mamatva* or *svatva* i. e. ownership.<sup>2</sup> It is "one's own"-ness that underlies the "magic of property". To be able to say *mamedam*<sup>3</sup> (This is mine) about something constitutes the very soul of owning or appropriation.

This proprietary consciousness is created in men for the first time by the state through its sanction, the *danda*. For it enjoins<sup>4</sup> that vehicles, apparel, ornaments, and jewels must be "enjoyed by those to whom they belong", and that one's wife, children, and — food "must not be encroached upon by others." And it is only through *bhaya*<sup>5</sup> or fear of the state that the people observe these injunctions, and the sanctity of property is kept entire.

A distinction is here brought out between mere *bhoga* and *mamatva* as the basis of the difference between the non-state and the state. In Europe the identical discrimination has been made by Rousseau in his *Social Contract*. "In the state of nature," says he, "there is but possession which is only the effect of the force or right of the first occupant"; whereas "ownership which is founded only upon a positive title" is an incident of "civil society".

Property (*bhoga* plus *mamatva*), then, is a *differentium* between the non-state and the state. And juridically speaking, the property taken cognizance of by the state is *laukika* i. e. worldly, material, or secular, as the *Mitâkṣarâ*, the *Sarasvatî-vilâsa*, and other law-books<sup>6</sup> make it clear. Thus considered, it is necessarily also a *differentium* between the state and the extra-state, e. g. a *Sukhâvatî*,<sup>7</sup> the transcendental Land of Bliss in Buddhist metaphysical lore. For, in that super-sensual region "beings are not born with any idea of property even with regard to their

<sup>1</sup> *Mahâ., Śânti*, LXVII, 12—14.

<sup>2</sup> *Ibid.*, LXVIII, 19.

<sup>3</sup> *Ibid.*, LXVIII, 15.

<sup>4</sup> *Ibid.*, LXVIII, 16.

<sup>5</sup> *Ibid.*, LXVIII, 8.

<sup>6</sup> Cited in Jolly's *Recht*, p. 91: *Svatvam laukikam (das Eigentum ist weltlich); Sarasvatîvilâsa "geht vielleicht am weitesten in dieser Richtung" "in dem es die Entstehung des Eigentums aus rein weltlichen Akten betont".*

<sup>7</sup> *Buddhist Mahâyâna Texts*, Part II, pp. 13, 43, 55.



own body." Besides, according to the *Gītā*, property is not to be acquired by ascetics and monks who desire to live, like the Senecan "wise man" or the Catholic Capuchin, an extra-statal or super-political life, in which, as the proverb goes, man is either a beast or a god.

We are not concerned here, however, with property, *laukika* as it is, in its bearings as a legal institution. The Hindu analysis of the distinction between real and personal property or discussion of the right to use, destroy, transfer, bequeath and sell each species of property, need not therefore detain us. We are interested for the present in the concept of property as a political category only, i. e. as influencing the theory of the state. But it may be remarked, in passing, that it is the state backed by *danda* that gives validity to the "seven modes"<sup>1</sup> of acquiring property and to its "three titles"<sup>2</sup> as well as to other legal incidents.<sup>3</sup>

Nor does it fall within our scope to discuss the concept of property as an economic entity. Obviously, of course, the property generated by the state is Aristotelian in its exclusiveness, as the phrase *mamedam* signifies. It does not contemplate the communism of Plato or of More. "A field," says Manu,<sup>4</sup> "belongs to him who cleared away the forests, and a deer to him who first wounded it". This is individualistic tenure and jurisdiction in their primitive form.<sup>5</sup> But no matter whether held in common or private, it is pertinent to observe that the sacredness of property can be established only by the state through its *danda*.

Two miraculous changes are effected in social life, once private property is thus ushered into existence. First, people can sleep at night without anxiety "with doors open."<sup>6</sup> And secondly, women decked with ornaments may walk without fear though "unattended by men".<sup>7</sup>

This sense of security as regards property is therefore the first great achievement in the humanization of Caliban. This is the first item in the civilizing of man by *danda* out of the *mātsya-nyāya* or "law of beasts and birds".

•           b) *The Doctrine of Dharma.*

(Law, Justice, and Duty).

Property is the first acquisition of man through the state. His second acquisition is *dharma*. The doctrine of *dharma* is like the doctrine of

<sup>1</sup> Manu, X, 115.

<sup>2</sup> *Vaśiṣṭha*, XVI, 10.

<sup>3</sup> Jolly, 90—92.

<sup>4</sup> IX, 44.

<sup>5</sup> Letourneau's *Property: Its Origin and Development*, p. 72.

<sup>6</sup> *Mahā, Śānti*, LXVIII, 30.

<sup>7</sup> *Ibid*, LXVIII, 32.

*mamatva* an essential factor in the theory of the state, and both have their foundations in the doctrine of *danda*.

There is no *dharma* in the non-state,<sup>1</sup> i. e. in the condition of men left to themselves.<sup>2</sup> It comes into existence with the state. *Dharma* is created by the state or rather by its sanction, *danda*.<sup>3</sup> No state, no *dharma*. *Dharma* does not flourish where "politics" is not, it flourishes only as long as there is the state. In other words, *dharma* appears as *mātsya-nyāya* disappears, and *dharma* ceases to exist with the extinction of the state. Logically, therefore, a people can have no *dharma* when its statal life is abolished, e. g. through loss of freedom, revolution or anarchy.

We shall now proceed to analyze this *dharma*. What is that category in Hindu thought which, besides property, serves to differentiate the state from the non-state? What is that characteristic, shorn of which, as shorn of *mamatva*, the state would revert to the condition of *mātsya-nyāya*? The answer to these questions lies in the doctrine of *dharma*.

*Dharma* is a very elastic term. Like *jus*, *Recht* and *droit* it has more than one meaning. It really admits of almost all the ambiguities associated with the term "law" as analyzed by Holland in his *Jurisprudence*. Thus there are at least five senses in which *dharma* is used both in scientific treatises as well as in common parlance; viz.,

1. religion, a category of theology, e. g. Confucian *dharma*, Moham-medan *dharma*, Christian *dharma*, Hindu *dharma* etc.,
2. virtue, as opposed to vice or sin, a category of ethics,
3. law, as a category of jurisprudence,
4. justice,
5. duty.

For purposes of political theory we have to neglect 1. and 2. and confine ourselves to the import of *dharma* as law, justice, and duty. The doctrine of *dharma* then enunciates three propositions: — first, that the state differs from the non-state as a law-giving institution; secondly, that the state differs from the non-state as a justice-dispensing institution; and thirdly, that the state differs from the non-state as a duty-enforcing institution.

In the *mātsya-nyāya* there is no law, no justice, no duty. The state is the originator of law, justice and duty.

<sup>1</sup> *Ibid*, LXVII, 1.

<sup>2</sup> *Ibid*, LXVIII, 22.

<sup>3</sup> *Manu*, VII, 14, 15, 18.

A. *Dharma* as law.

*Dharma* (law) is the creation of the state, and the state, as such, has the sanction of *danda*. Theoretically, therefore, every *dharma*, if it is nothing but *dharma*, is *ipso facto* what should be called "positive" in the Austinian sense. *Dharma* is obeyed as *dharma*, only because of the coercive might of the state. All *dharma-śāstras*, i. e. the legal text books e. g. those of Manu, Yājñavalkya, Nārada, Brihaspati, and others, would thus automatically acquire the character of "statute"-books simply because their validity, provided they have any validity, depends on the authority of the state. The Yājñavalkyas and Manus would obviously have no "sanction" in a condition of *mātsya-nyāya*.

But probably, so far as actual practice is concerned, the *dharma-śāstras* of India had no greater sanctity than as treatises embodying the "positive morality" of the different ages. Let us therefore examine how the nature of *dharma* (as law) was understood by the theorists themselves. As is well known, law as a category of jurisprudence, has passed through two stages in European thought. The same two concepts we notice in Hindu political philosophy also.

In ancient European theory law is the embodiment of eternal justice. Thus according to Demosthenes (fourth century B. C.) laws are the gifts of the gods and the discovery of the sages. In Aristotle's conception law is the rule of god and reason. Stoics like Cicero and Seneca believed that law lies in the hearts of all men.

This doctrine of "natural law", of law as the "king of all things", was maintained by the jurists such as Gaius and others whose views are codified in the *Digest* of Justinian. It was the theory also of Celsus and other Church Fathers. In medieval European (Teutonic)<sup>1</sup> theory, so far as there was any theory independent of the tradition of Roman jurisprudence, law was not something "made" or created at all, but something which existed as a part of the national, or local or tribal life.

The modern theory of law in Europe may be said to have originated in the sixteenth and seventeenth centuries with Bodin and Hobbes in their analysis of sovereignty. It has since become classical, however, as the handiwork of Austin,<sup>2</sup> the father of analytical jurisprudence. According to this view, law is the command of the sovereign enforced by a sanction.

Thus there are two theories of law, — first, law as uncreated or original, existing either as a part of the universal human conscience, taught by "natural reason", or as a custom among the people; and

<sup>1</sup> Carlyle, Vol. I, p. 235; Mackenzie's *Studies in Roman Law*; Gomme's *Folklore*, 84—100.

<sup>2</sup> *Lectures on Jurisprudence*, VI.

secondly, law as created by the fiat of a law-maker, as something which is to be obeyed not because it is just, good or eternal, but because it has been enacted by the state. Both these conceptions are to be found among the speculations of Hindu political philosophers. The distinction between positive law and ethics is clearly set forth by Vijnānēśvara (eleventh century) in his notes on the text of Yājñavalkya<sup>1</sup> in regard to the judicial duties of the King.

The ethical conception of law as the dictate of conscience, i. e. as *jus naturale* has a long tradition in Hindu thought. In the *Bṛihad-āraṇyak-opaniṣat*<sup>2</sup> law is identical with truth and is as powerful as king. It is of course the creation of God. Brahman (God), we are told "was not strong enough." So he "created still further the most excellent *dharma*."\*\*\* There is nothing higher than law. Thenceforth even a weak man rules a stronger with the help of the law, as with the help of a king. Thus the law is what is called the true. And if a man declares what is truth, they say he declares the law; and if he declares the law, they say he declares what is true. Thus both are the same."

According to Āpastamba,<sup>3</sup> law is what is "unanimously approved in all countries by men of the Aryan society who have been properly obedient to their teachers, who are aged, of subdued senses, neither given to avarice nor hypocrites". In the *Manu-Samhitā*,<sup>4</sup> again law is whatever is practised and cherished at heart by the virtuous and the learned, who are devoid of prejudices and passions. Vasiṣṭha<sup>5</sup> and Baudhāyana<sup>6</sup> also hold the view that law is the practice of the *śiṣṭas* i. e. those whose hearts are free from desire." The *śiṣṭas* or *ṛiṣis*, i. e. passionless and unavaricious persons of India are obviously the "sages" of Demosthenes.

And in Yājñavalkya's Code<sup>7</sup> according to which law is *sadāchāra* i. e. the "practice or conduct of good men", what "seems pleasant or good to one's self", and the "desire that springs from mature consideration," as well as in the *Vyavahāra Darpaṇa*, where law is described as something "eternal and self-existent, the king of kings", far "more powerful and right" than they, we have once more the Oriental counterpart of the Greek, Stoic, Roman and Patristic conceptions of law as morality.

<sup>1</sup> Mitra, pp. 32—33; K. L. Sarkar, Lect. IX, p. 116.

<sup>2</sup> I, 4, 14, *The Upaniṣads*, Vol. II, p. 89.

<sup>3</sup> I, 7, 20, 8.

<sup>4</sup> II, 1.

<sup>5</sup> I, 5—6.

<sup>6</sup> I, 1, 1, 4—6.

<sup>7</sup> I, i, Introduction, 7.

In Hindu analysis *dharma* came to be defined as positive law also. The conception of law as *rājñam ājñā* in Kautilya's language i. e. as command enforced by sanction finds clear expression in the writings of Nārada, Śukra, Jaimini and his commentator Śabara Svāmī. In Nārada's *Smṛiti*<sup>1</sup> we are informed that the performance of duty having fallen into disuse, positive law (*vyavahāra*) has been introduced, and that the king as superintending the law is known as *danda-dhara* or wielder of *danda* (the power to punish). The sanction is definitely mentioned in the *Śukra-nīti*,<sup>2</sup> according to which the sovereign should categorically state in his commands that he would "surely destroy by severe punishment those offenders who after having heard these his decrees would act contrary to them."

In order that the law may be seriously recognized as command Śukra stipulates that the greatest amount of publicity should be given to it. For instance, it is the duty of the sovereign to have the laws announced by the state drum<sup>3</sup> or have them inscribed in esplanades as written notices. The documents embodying these commands (*śāsana-patra*)<sup>4</sup> are to bear the king's signature, date, etc. Laws thus being the promulgations of the state, we read further in the *Śukra-nīti*<sup>5</sup> that the king is the "maker of the age", the "cause of time" and of the good and evil practices, and that since the ruler is the dictator of virtues and vices, people make it a point to practise that by which he is satisfied. Besides, as law is upheld by sanction we can easily understand why Śukra advises the sovereign to make use of his terrible weapon<sup>6</sup> in order to maintain the people each in his proper sphere.

The same idea of positive law is expressed by Jaimini in the very definition of *dharma*. As we find in his *Mimāṃsā-Sūtra*, *chodanālak-ṣaṇohrtho dharmah*.<sup>7</sup> *Dharma* is that desired-for object (*artha*) which is characterized by command (*chodanā*). Jaimini has also examined the reason as to why that which is determined by a command should be obligatory. He analyzes the reason as lying in the fact that "the relation between the word of command and the purpose to which it is directed is eternally efficacious."<sup>8</sup>

<sup>1</sup> Introduction, I, 2.

<sup>2</sup> I, lines 623—624.

<sup>3</sup> *Śukra*, I, 625—626.

<sup>4</sup> *Ibid*, II, 607—608.

<sup>5</sup> IV, I, lines 116—119.

<sup>6</sup> *Ibid*, I, 120.

<sup>7</sup> Ganganath Jha's "*Shabara Swami's Commentary on Jaimini's Mimamsa*" in the *Indian Thought* for 1910.

<sup>8</sup> K. L. Sarkar, Lect. I, pp. 23—24.



The doctrine of *dharma* as law introduces into the theory of the state the cardinal element of *aīśvarya* or *svāmitva*, i. e. sovereignty. Whether *dharma* be taken as equivalent to the dictates of a moral sense, or as the observance of a tribal or some other established usage, or as the deliberate order issued by an authority with threat of punishment in case of violation, it is clear enough that *dharma* is like *danda* the most awe-inspiring fact in the state's life. *Danda* and *dharma* are indeed the two faces of the political Janus, so to speak, the one looking to the failures, the other to the triumphs. Or, to express the same thing in a different way, *danda* is the root of a tree which flowers in *dharma*. The state can be recognized positively by *dharma* which is in evidence, while *danda* maintains its vitality from behind.

### B. *Dharma* as justice.

We have now to understand the doctrine of *dharma* as justice in its bearing on the theory of the state. Justice does not exist in the *mātsya-nyāya*; if therefore a reversion to *mātsya-nyāya* is to be avoided i. e. if the state is to be maintained, justice must not be tampered with. Justice is necessarily as integral a limb of sovereignty in Hindu conception as law.

The dignity of justice has been declared by 'Manu'<sup>1</sup> in the following terms: "If justice is violated, it destroys the state, if preserved, it maintains the state. Therefore justice must not be destroyed". Such sentiments in the *Manu Samhitā* could be bodily incorporated in the writings of a Jonas or an Alcuin of the ninth century and other mediaeval European theorists<sup>2</sup> with whom the maintenance of justice is the *sine qua non* of the state and kingship.

But what is justice? It is a most practical or pragmatic definition that Hindu theorists offer. According to Manu<sup>3</sup> justice consists in the application of law to the cases arising between the members of the state. And that law is to be known from the customs and from the *Institutes*, e. g. those of Gautama, Yājñavalkya and others.

Justice, as interpreted by Śukra,<sup>4</sup> consists of two elements. First, it consists in a discrimination of the good from the bad (of course, according to the laws). Secondly, it has a utilitarian basis in as much as it is calculated to minister to the virtues of the rulers and the ruled and promote the common weal.

<sup>1</sup> VIII, 15.

<sup>2</sup> Carlyle, III, 109.

<sup>3</sup> VIII, 3.

<sup>4</sup> IV, v, lines 7—11.



The doctrine of *dharma* as justice is thus organically connected with the theory of the state as contrasted with the non-state.

### C. *Dharma* as duty.

*Mātsya-nyāya* is a condition in which duties are nil. Men left to themselves tend even to persecute<sup>1</sup> their mothers, fathers, the aged, the teachers, the guests and the preceptors. It is the fear of *danda* that brings about an order among men, each man minding his own duty (*sva-dharma*).<sup>2</sup> The doctrine of *dharma* as duty is thus like that of *dharma* as justice naturally a doctrine of the conservation of the state. It is only from this standpoint that the theory of duties has a bearing on the theory of the state.

The doctrine of duty as stated in the *Gītā*<sup>3</sup> runs thus: "One's own duty, though defective, is better than another's duty well performed. Death in performing one's own duty is preferable; the performance of the duties of others is dangerous". The passage here has no mere meta-physical significance. This theory of *sva-dharma* (one's own duty) or "My station and Its Duties" as Bradley would define it, has a political significance as well. It has the sanction of the state behind it; for, says Manu<sup>4</sup> "neither a father, nor a teacher, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished if they do not keep within their duty". According to Śukra<sup>5</sup> also, the people should be kept each in his proper sphere by a "terrible use" of the weapon of sovereignty.

Duties are thus enforced by *danda*, which also backs the laws. Indeed from the angle of the *prajā* or *prakṛiti* (the people in the state), *dharma* as duty is but the obverse of *dharma* as law. What the state calls "laws" are recognized as "duties" by its members as a matter of course. The doctrine of duty is thus identical with that of law turned inside out.

Altogether, then, the doctrine of *dharma* in its entirety imparts to the state the character of an institution for the advancement of "culture". The state elevates man out of the law of beasts by instituting legislation, adjudication, and enforcement of duties. The functions of the state are thus in keeping with the ideas involved in the doctrine of *danda*. The state as a pedagogic or purgatorial or moral-training institution is not

<sup>1</sup> *Mahā, Śānti*, LXVIII, 16.

<sup>2</sup> *Ibid.*, LXVIII, 8; *Manu*, VII, 21, 22, 24; *Śukra*, I, lines 45—51.

<sup>3</sup> ch. III; cf. Bosanquet's *Philosophical Theory of the State*, pp. 204—207; Barker's *Plato*, p. 176.

<sup>4</sup> VIII, 335.

<sup>5</sup> I, line 120; IV, iii, 15.

merely a *mamatva*-insuring instrument i. e. a property-securing agency, but a *dharma*-promoting *samûha* (public association) i. e. a *Kultur-Staat* or the "virtue"-state of Plato. And herein the Hindu theory meets Aristotle's conception of the state as the means to the furtherance of the "highest good" of man.

c) *The Doctrine of Varnâśrama*  
(Classes and Stages).

Out of *mâtsya-nyâya* evolves *dharma* through the fiat of *danda*. Now *dharma* has need to be embodied, i. e. the *Kultur-Staat* must have to materialize itself in space and time. This is accomplished in the *râṣṭra*, which provides *aiśvarya* (sovereignty) with "a local habitation and a name". It is in and for the *râṣṭra* that the state institutes *mamatva* and *dharma*. Property, law, justice and duty are concretely realized through this medium. The doctrine of *râṣṭra* thus furnishes the crowning arch in the Hindu theory of the state.

What is this *râṣṭra*? It signifies "the country". Both "movable and immovable things" are indicated by the term.<sup>1</sup> It is a territorial concept comprehending an aggregate of human beings and material possessions and thus constitutes the "physical basis" of the state. It may be taken almost as equivalent to *res publica*. The doctrine of *râṣṭra* would therefore naturally consist of two parts: (1) the doctrine of property and (2) the doctrine of *prajā*, *prakṛiti* or population. The doctrine of property has already been investigated. Let us now examine the doctrine of population in its bearing on the theory of the state.

In the *mâtsya-nyâya* condition there is the people, but no state, because there is no *danda* to enforce *dharma*. If the *prajā* is not to remain *ad infinitum* an amorphous mass of *selbständig* atoms, it must have to follow *sva-dharma*, i. e. the members of the society must perform their respective "duties", which, as we have seen, are really "laws" turned inside out. The observance of these duties would necessarily imply the organization of the people into a unified state, a *samûha* or a *polis*.

Now, communally speaking, the *prakṛiti* or members of a society naturally fall into economic and professional groups, classes or orders, the so-called castes of India. The alleged classification of a society into four occupational groups, e. g. Brâhmaṇa, Kṣatriya, etc. is however a conventional myth, at best, a legal fiction. Students of *Realpolitik* like Śukra<sup>2</sup> are aware that the actual number of these orders or castes is "unlimited". The reason, as may be guessed, is stated in the *Śukra-nîti*

<sup>1</sup> IV, iii, line 2.

<sup>2</sup> IV, iii, lines 22—23.

to be the "intermixture of blood through marriages". These orders of *prajā* or classes of members of the state are known as *varṇas*<sup>1</sup> i. e. colors, probably designated after some typical (or hypothetical?) ethnic complexion. Further, from the standpoint of the individual, we have to notice that people pass through well-marked physiological stages, e. g. infancy, adolescence, etc. These stages or periods of life in every person are called the *āśramas*.<sup>2</sup> They are arbitrarily known to be four in the span of human existence.

The total population with all its interests and problems of all the different periods of life is then comprehended by the two categories, *varṇas* (classes) and *āśramas* (stages). If therefore the people is to constitute a state, every member of each of the *varṇas* (no matter what their number and what their occupations) must have to perform the duties (*sva-dharma*) of his "station" at each of the four *āśramas* or periods of life. Thus, the soldier at the front must "do or die", the young man while at school must not marry, the king must keep to the coronation oath, and so forth. This is the doctrine of *varṇāśrama*,<sup>3</sup> the counterpart of the Platonic correlation of "virtue" and status (*Republic*, II, III, IV).

As soon, therefore, as the *prajā* is organized into a state, be it in any part of the world or in any epoch of history, a *varṇāśrama* spontaneously emerges into being. It is inconceivable, in this theory, that there should be a state and yet no *varṇāśrama*. To say that the state has been born and yet the various orders or classes of the people do not follow *dharma* would indeed be a contradiction in terms, a logical absurdity. *Sva-dharma* leads inevitably to *varṇāśrama*, the two are "relative" terms. They indicate coexistent phenomena in the social world. In other words, the doctrine of *varṇāśrama* is a corollary to that of *dharma* as duty, *varṇāśrama* is but *sva-dharma* "writ large".

The non-existence of *varṇāśrama* is possible only under conditions of non-performance of duty. Suppose the *varṇas* do not follow *dharma*, e. g. the soldier flies from the enemy in a cowardly manner, the husband does not maintain the wife, the judge encourages the fabrication of false evidence, the king violates the *samaya* or compact with the *prakṛiti*, and so forth. According to Śukra<sup>4</sup> the offenders are to be rectified by the *danda* of the state. This is the supreme moment for the exercise of *aīśvarya* (sovereignty). Why, even the king is not immune from penalty.

<sup>1</sup> Kāmandaka, II, 18—21.

<sup>2</sup> *Ibid*, II, 22—31.

<sup>3</sup> Kāmandaka II, 35; *Pos. Back*. Vol. II, p. 90.

<sup>4</sup> IV, iv, 6, 82—83.

Rather, as Manu<sup>1</sup> declares "the settled rule", where "a common man would be fined one *kârṣāpaṇa*, the king shall be fined one thousand". Really, a state is no state unless it can enforce as duty the *dharma* that it has enacted as law. This should be postulated in the irreducible minimum of the state's functions. One can therefore easily understand with Kāmandaka<sup>2</sup> why if *dharma* is violated by the members of the state there is bound to be a *pralaya* or dissolution of the world. Verily, with the extinction of *varṇāśrama* there is a reversion to *mātsya-nyāya*. The violation of *sva-dharma* and of *varṇāśrama* brings back the "state of nature", and the state automatically ceases to exist.

*Varṇāśrama*, though obviously a socio-pedagogic and ethnico-economic term, is thus fundamentally a political concept. It is an indispensable category in an organic theory of the state. It is identical with *rāṣṭra* from the demographic (*prajā* or population) aspect. The doctrine of *varṇāśrama* is therefore the doctrine of *rāṣṭra* minus the doctrine of property; and further, the doctrine of *dharma* (as law and duty) applied to the total *prakṛiti* (or members of the state) coincides with the doctrine of classes and stages. The doctrine of *varṇāśrama* then is clearly an integral part in a consistent philosophy of politics.

### Section 3.

#### The Theory of International Relations.

##### a) The Doctrine of Mandala (Sphere of Influence).

The conception of "external" *aiśvarya* (sovereignty) was well established in the Hindu philosophy of the state. The Hindu thinkers not only analyzed sovereignty with regard to the constituent elements in a single state. They realized also that sovereignty is not complete unless it is external as well as internal, that is, unless the state can exercise its internal authority unobstructed by, and independently of, other states.

"Great misery", says Śukra, "comes of dependence on others. There is no greater happiness than that from self-rule". This is one of the maxims of the *Śukra-nīti*<sup>3</sup> bearing on the freedom of the *rāṣṭra*, or the

<sup>1</sup> VIII, 336.

<sup>2</sup> II, 34.

<sup>3</sup> Ch. III, line 646. It is not the object of this section to describe the Hindu laws of peace, war and neutrality, for which see Visvanath's "International Law in Ancient India" in the *Mod. Rev.*, April-November 1918, and Pramatha Nath Banerji's "International Law and Custom in Ancient India" in the *Journal of the Department of Letters*, Vol. I (Calcutta University), 1921.

land and the people in a state. Kautilya also in his remarks on "foreign rule" expresses the same idea in a negative manner. Under it, we are told in his *Artha-śāstra*,<sup>1</sup> the country is not treated as one's own land, it is impoverished, its wealth carried off, or it is treated "as a commercial article". The description is suggestive of John Stuart Mill's metaphor of the "cattle farm" applied to the "government of one people by another."

The doctrine of independence (*svārājya*, *aparādhīnatva*) implied in this conception of external sovereignty was obviously the foundation of the theory of the state in relation with other states. And it gave rise to certain categories of *droit des gens* or *jus gentium* which normally influenced Hindu political thinking from at least the fourth century B. C. These concepts can more or less be grouped under the doctrine of *mandala*, that is, sphere or circle (of influence, interests, ambitions, enterprise, and what not).

This doctrine of *mandala*, underlying as it does the Hindu idea of the "balance of power," pervades the entire speculation on the subject of international relations. It is hinted at by Śukra<sup>2</sup> and referred to by Manu.<sup>3</sup> Kāmandaka<sup>4</sup> has devoted a whole chapter to the topic. It has been exhaustively treated by Kautilya.<sup>5</sup> We are not concerned here with the doctrine as such; we shall only study it in its bearing on the theory of sovereignty.

In the first place, the doctrine of *mandala* is essentially the doctrine of *viṣigīṣu* (aspirant to conquest) or *Siegfried*. It is the cult of expansion. Now, the *Mahābhārata*<sup>6</sup> inculcates the ethics of "manliness as the highest thing" and characterizes it as consisting in a ceaseless "upward striving". The same aspiration to "press only up" and "bend not" or "elect glory even at the cost of life" can influence each and all of the states on earth. The doctrine becomes necessarily a spur to the struggle for existence, self-assertion and world domination among the *Siegfrieds*. The conception is thus altogether a dynamic factor calculated to disturb the equilibrium and *status quo* of international politics.

First, then, in regard to the doctrine of *viṣigīṣu*. According to Kau-

<sup>1</sup> Book VIII, ch. II, *Ind. Ant.*, 1910, p. 83. For older uses of the concept of *sva-rāj* (self-rule) vide the *Atharva-Veda*, XVII, i, 22, 23, also Macdonell and Keith's *Vedic Index*, Vol. II, p. 494; the *Mod. Rev.* March 1919.

<sup>2</sup> IV, i, lines 39—43.

<sup>3</sup> VII, 154, 156, 207.

<sup>4</sup> Ch. VIII.

<sup>5</sup> Book VI, ch. II.

<sup>6</sup> Book XII, ch. 56, verse 15; V, 127, 19—20; V, 134, 39; *J. A. O. S.*, 1889, pp. 156, 187—189.



tilya,<sup>1</sup> it is the ambition of each state to acquire "strength and happiness" for the people. The *élan vital* of a ruler in Kâmandaka's conception<sup>2</sup> also lies in the "aspiration to conquer". The king, says he, should establish in himself the *nâbhi* (or centre of gravity) of a system. He should become the lord of a *mandala*. It is part of his duty to try to have "a full sphere around him" just as the "moon is encircled by a complete orb". The "full sphere" is, of course, the circle of states related to the *Siegfried* as allies, enemies and neutrals. Perpetual "preparedness" must therefore be the first postulate of *Realpolitik* in Hindu theory. "One should be ever ready with *danda*" (the "mailed fist"), declares Manu<sup>3</sup> naively, "should always have one's might in evidence and policies well-guarded, as well as be ever on the look out for the enemy's holes". Further, one should "bring to subjection all those elements that are obstacles to the career of triumph".<sup>4</sup>

The *rationale* of this preparedness is very simple indeed. It is as elemental as human blood itself. It goes without question in *Śukra-nîti*<sup>5</sup> that "all rulers are unfriendly", nay, they are "secret enemies to those who are rising, vigorous, virtuous and powerful". "What wonder in this?" asks Śukra, and his solution is given in another query which carries its own answer: viz., "Are not the rulers all covetous of territory?" Such being the data of international psychology, Kâmandaka<sup>6</sup> frankly suggests that "in order to do away with one's enemies their kith and kin should be employed" whenever possible. For, is not poison out-done by poison, diamond cut by diamond, and the elephant subdued by the elephant? "Fishes, again, swallow fishes, similarly relatives relatives." The *Râmâyana* is cited in the *Kâmandakî-nîti* for a corresponding precedent in diplomatic tactics. The fact is well known that in order to overthrow Râvaṇa his brother Vibhîṣaṇa was exploited by Râma.

The *vijigîṣu*, then, cannot by any means afford to indulge in pious wishes or have faith in the Utopian statecraft of idealistic dreamers. What under these conditions are likely to be the relations between the hypothetical Siegfrieds of the *nîti-sâstras*? These firebrands are normally endowed with a war-mentality and a bellicose attitude. The world in their eyes is a theater of warfare and equipment for warfare, as it has really been since the Chinese philosopher Sun Tzu's *Art of War*; and they

<sup>1</sup> *Ind. Ant.*, 1909, p. 284.

<sup>2</sup> VIII, 1, 3, 6.

<sup>3</sup> VII, 102.

<sup>4</sup> *Manu*, VII, 107.

<sup>5</sup> IV, i, lines 15—17.

<sup>6</sup> VIII, 58, 67.



proceed on the assumption that nothing can be unfair in war. The student of political science must therefore have to make almost the same remarks about the "aspirants" of Hindu political speculation as those of Grotius in the prolegomena to his epoch-making *Laws of War and Peace* (1625). "I saw prevailing throughout the Christian world", writes the father of international law, in regard to the European international politics of the early seventeenth century, "a license in making war of which even barbarous nations would have been ashamed. Recourse was had to arms for slight reason or no reason, and when arms were taken up, all reverence for divine and human law thrown away, just as if men were henceforth authorized to commit all crimes without restraint".

The *vijigīṣu* would think like Maude of the British War-office that the "surest means of keeping the peace is war", or like Stockton, the American militarist, that "the army and the navy is not a burden during peace, but if properly maintained is but a paying business proposition". He can also have the idealism of a Hegel in order to support his *sādhana* or *Streben* to win the place in the sun, and if necessary may as well induct the ancient Greek sophists in his service to prove that might is right.

The theorists who propounded the cult of *vijigīṣu* would have been in good company with the philosophers of ancient Greece. In Aristotle's postulate of "natural" slaves, "natural" masters, "natural" wars, and so forth, the writers of the *nīti-śāstras* could easily find a place for the "natural" aspirations, "natural" allies and "natural" enemies of their doctrine of *mandala*. The *Politica* assumes that the "barbarians", or non-Greeks, were intended by nature to be slaves<sup>1</sup> and ruled by the Greeks. And since slaves are "property" like "other things", warfare with the object of making slaves and thus acquiring wealth is a legitimate and "naturally just" occupation.<sup>2</sup> This Aristotelian justification of warfare can be easily recognized as forming the theoretical basis and psychological background of all wars from the conquests of Alexander and the Roman Caesars down to the Thirty Years' War.<sup>3</sup> Furthermore, the methods and tactics of the Christian *vijigīṣus* who are responsible for the expansion of Europe in Asia, Africa and America, can all be traced to the dicta of the father of political science, though as a rule moralists are apt to associate them with the teachings of Machiavelli's *Prince* (1513).

<sup>1</sup> Book I, chs. ii, vi.

<sup>2</sup> Book I, ch. viii.

<sup>3</sup> Lawrence's *Essays on Modern International Law*, IV. Vide Machiavelli's *Discourses*, Bk. II, xxi, Willoughby, pp. 77—78, Lilly's *First Principles in Politics*, p. 56, Hobhouse's *Metaphysical Theory of the State*, pp. 100—103, Stockton, p. 203.

The opinions adumbrated in the *nīti-śāstras* are in any case neither exclusively oriental nor exclusively medieval or primitive. Nor need they be dubbed exclusively Machiavellian. For, has not the *Prince* furnished the fundamental logic of statesmen from the Athenian Pericles and Macedonian Philip down to the Metternichs, Bismarcks and Cavours of our own times? "Also it must be recognized", as Figgis, justifying the methodology of Machiavelli, says in his volume on political theory, *From Gerson to Grotius*,<sup>1</sup> "that in a state of things like international politics, where there is no recognized superior, and even International Law is but the voice of public opinion, the condition of affairs is very much more nearly akin to the state of nature as imagined by Hobbes than it is in the relation of individuals". It is on such considerations that, like Machiavellism, the doctrine of *vijigīṣu* maintains its legitimate place in a theory of international relations. It provides an unvarnished statement of the only hypothesis which can satisfactorily explain the innate militarism that the human world inherits from "beasts and birds".

Let us now examine the other aspect of the doctrine of *mandala*, that of the struggle for existence and "place in the sun" among the states. To a *vijigīṣu*, as Bhīṣma<sup>2</sup> declares, "right is that which a strong man understands to be right"; and the international *mores* of the *Mahābhārata*<sup>3</sup> is summed up in the dictum that "victory is the root of right", just as its creed of life for the individual appraises "death as better than lack of fame". How, then, is this quest of fame, victory or world-domination to be regulated by each state in competition with the others? Are there any rules or methods by which the competing states may guide themselves in this conflict of aspirations? These constitute in substance a natural corollary to the doctrine of *vijigīṣu*.

The "proper study" of the *vijigīṣu*, a Kaiser Wilhelm *in posse*, is, according to the *Manu Samhitā*,<sup>4</sup> his own and his enemy's spheres. And how are these spheres located in his imagination? Śukra gives a brief summary of the Siegfried's investigations as to the "balance of forces" or "conjuncture of circumstances" with a view to the "Next War." We are told that the enemies diminish in importance according as they are remote from the "centre of the sphere." First to be dreaded by the *vijigīṣu* are those who are situated around or very near his own state, then those who live farther away,<sup>5</sup> and so on. With the remote-

<sup>1</sup> Page 101.

<sup>2</sup> *Mahā.*, Book II, ch. 69, verse 15.

<sup>3</sup> *J. A. O. S.*, 1889, pp. 187—189.

<sup>4</sup> VII, 154.

<sup>5</sup> *Śukra-nīti*, IV, i, lines 39—41.

ness of location, enmity, hatred or rivalry naturally declines. Whether a state is to be treated as inimical, indifferent or friendly depends *per se* on its propinquity or distance. The geographical distribution of states influences their psychology in regard to their neighbors as a matter of course in such an order that the positive antipathy of the nearest dwindles into tolerable apathy of the next and gives way to active sympathy and even friendliness of the farthest distant. This, however, is not the only possible grouping of powers in a *vijigīṣu*'s estimation. The *Śukra-nīti*<sup>1</sup> gives another order in which the states may be distributed. According to this computation, first are situated the enemies, then come the friends, next the neutrals, and the most remote on all sides are the enemies again.

These are the elementary principles of international dealings of which elaborate accounts are given in the writings of Kautilya and Kāmandaka. The theory holds that there is a hypothetical tug-of-war always being fought between the *vijigīṣu* and his *ari* (the enemy). These two are the combatants or belligerents. Along with these are to be counted another two states in order to furnish a logical completeness to the hypothesis. The *quadrivium*<sup>2</sup> consists of the following members:

1. The *vijigīṣu*: the aspirant, e. g., an Alexander "mewing his might," bent on "conquering and to conquer;"

2. The *ari* (the enemy): the one that is situated anywhere immediately on the circumference of the aspirant's territory;<sup>3</sup>

3. The *madhyama* (the mediatory): the one (located close to the aspirant and his enemy) capable of helping both the belligerents, whether united or disunited, or of resisting either of them individually;<sup>4</sup>

4. The *udāsīna* (the indifferent or the neutral): the one (situated beyond 1, 2, and 3) very powerful and capable of helping the aspirant, the enemy and the mediatory, together or individually, or resisting any of them individually.<sup>5</sup>

These four states, then, constitute the smallest unit of international grouping. From the standpoint of the *vijigīṣu* all other states are either his own allies or the allies of his enemy. Such states are held to be eight

<sup>1</sup> *Ibid.*, IV, i, lines 42—43.

<sup>2</sup> *Kāmandakī*, VIII, 20; *Manu*, VII, 156.

<sup>3</sup> *Artha*, Book VI, ch. ii, in the *Ind. Ant.* for 1909, p. 283. For a fuller account of the Kautilyan *Mandala* see Law's *Inter-state Relations in Ancient India*. He suggests new terminology for states 3. and 4. in the *quadrivium* (*vide*, pp. vi, 13). But so far as the problem before the *vijigīṣu* is concerned the new terms do not seem to introduce any new point of view (p. 31).

<sup>4</sup> *Ibid.* According to Law, *madhyama* = "medium power" state, cf. *Inter-state etc.*, p. 10.

<sup>5</sup> *Ibid.* Law describes *udāsīna* as the "super-power" (*Ibid.*, pp. 9—13).

in number according to the hypothesis. How, now, is the "aspirant" to pick up his own allies from the crowd? He need only study the geographical position of these states with reference to the belligerents, i. e., to himself and to his enemy.

The *madhyama* (the mediatory) and the *udāsīna* (the neutral) may be neglected by the Siegfried, for the time being, in his calculation of the possible array of forces directly allied or inimical to his career of conquest. The two belligerents, with the eight others (divided in equal proportion as their allies *in potentia*), are then located in the following order of *entente cordiale* by Kāmandaka<sup>1</sup> and Kautilya.<sup>2</sup>

The "aspirant" occupies, of course, the hypothetical centre. Next to his front is the "enemy." Now we have to calculate frontwards and rearwards. Frontwards: next to the "enemy" is situated (1) the aspirant's ally, next to that is (2) the enemy's ally, next (3) the ally of the aspirant's ally, and last (4) the ally of the enemy's ally. Rearwards from the aspirant: First is situated (1) the rearward enemy, next is (2) the rearward ally, then comes (3) the ally of the rearward enemy, and last (4) the ally of the rearward ally.

There is nothing queer, archaic or unworkable in this conception of international relations. A simple illustration would show how humanly the political theorists of India approached the foreign policy of nations. Thus, for instance, according to the "Kautilian doctrine of *mandala*, the "natural enemies" of France engaged in studying the *modus operandi* for "the next war" would be Spain, England and Germany, and her "natural allies" Portugal, Scotland, Ireland and Russia. A French *vijigīṣu*, e. g., a Napoleon, embarking on a war with Germany, should begin by taking steps to keep his "rear safe." With this object he should have Spain attacked by Portugal, and manage to play off the anti-English forces in Ireland and Scotland in such a manner that England may be preoccupied at home and unable to attack France in support of Germany. As Germany, on the other hand, is likely to have China as her natural ally (supposing there is no other state between Russia and the Far East), the French *vijigīṣu* should set Russia against China, and so on. It is obvious that the diplomatic feats conceived by the Hindu political philosophers could be verified almost to the letter by numerous instances in European and Asian history, especially in ancient and medieval times when Eur-Asia was divided into numberless nationalities.

<sup>1</sup> VIII, 16, 17.

<sup>2</sup> Book VI, ch. ii, *Ind. Ant.*, 1909, p. 284.

Nay, the principle of Kautilyan *mandala* is in operation even now in the numerous states carved out of the old Germanistic empires (1918). For instance, the manner in which Poland is being bolstered up by France against Germany on the one hand and Soviet Russia on the other is in keeping with the adumbrations of the Old Asian Richelieu. Italy's pro-Hungarian sentiments as against Jugo-Slavia (1921) are also explicable quite easily by the *nîti* theory of political geography.

Be this as it may, we have to observe that the group of ten states or a *decennium* constitutes one complete *mandala*. The *vijigîṣu* is the centre of gravity of this sphere. Now each state can have the same legitimate aspiration, that is, each can be fired by the same ambition to form and figure-out a sphere of its own. The inevitable result is a conflict of interests, a pandemonium of Siegfrieds united in discord. The problem of statesmen in each state is to find out the methods of neutralizing the policies of others by exploiting the enemies of its rivals in its own interests. The doctrine of *mandala* thus makes of *nîti-śāstra* or political science essentially a science of enmity, hatred, espionage and intrigue, and an art of thousand and one methods of preparedness for "the next war."

We need not go into the details of the *Machtpolitik* conceived in Kautilya's *Artha-śāstra* or in the sections on warfare in the *Śukra-nîti*. But it is already clear that the doctrine of *mandala* has launched us at last into *mâtsya-nyâya*,<sup>1</sup> the logic of the fish, the Hobbesian law of beasts, anarchy. The doctrine assumes and is prepared for a world of eternally warring states. While "internal" sovereignty dawns as the "logic of the fish" sets, "external" sovereignty postulates the existence of the same logic as a fact in international relations. In one instance *danda*<sup>2</sup> or punishment, that is, "sanction" of the state, is exercised to crush anarchy, but it is apparently in order to maintain a world-wide anarchy that *danda* or *Faust-recht* is employed by one state against another. The theory of the state is thus reared on two diametrically opposite conceptions:

1. The doctrine of *danda*, which puts an end to *mâtsya-nyâya* among the *prajā* or members of a single state;
2. The doctrine of *mandala*, which maintains an international *mâtsya-nyâya* or the civil war of races in the human family.

From one anarchy, then, the state emerges only to plunge headlong into another. This is the dilemma that pervades the political philosophy of the Hindus.

<sup>1</sup> Kautilya, I, iv; Kāmandaka, II, 40.

<sup>2</sup> Manu, VII, 20; Śukra, I, line 45.



b) *The Doctrine of Sârva-bhauma (World-Sovereign).*

The Hindu theory of sovereignty did not stop, however, at the doctrine of a universal *mâtsya-nyâya*, that is of a world in which each state is at war with all. It generated also the concept of universal peace through the establishment of a *Weltherrschaft* as in Dante's *De Monarchia*.<sup>1</sup> The doctrine of *mandala* as a centrifugal force was counteracted by the centripetal tendencies of the doctrine of *sârva-bhauma* (the ruler over the whole earth). With this theory of the world-state and *Pax Sârvabhaumica* we shall conclude our present study.

In Europe the idea or ideal of a universal empire took most definite shape towards the beginning of the fourteenth century "exactly when the actual development of the modern nationalities was rendering it practically impossible."<sup>2</sup> This crisis and this transition in Western political thought are best represented in Bartolus (1314—1357), the "prince of jurists," for he began<sup>3</sup> by seeing a single universal empire, but he ended by recognizing a miniature empire in every *de facto* independent power. The same conception of a world sovereignty or a *federation de l'empire* is however as old in India as the political philosophers of the earliest Vedic period.

"Monarchy at its highest," we read in the *Aitareya Brâhmaṇa*,<sup>4</sup> "should have an empire extending right up to natural boundaries, it should be territorially all-embracing, up to very ends uninterrupted, and should constitute and establish one state and administration up to the seas." The ancient theorists were evidently thinking of the Indian continent as identical with the entire world. The achievement of a pan-Indian nationality was in their eyes the equivalent of a world federation just as in medieval European theory the unification of western Christendom was tantamount to the constitution of one state for all mankind, or as in the Eur-American world-peace movements of today "the world" is postulated to be the territories inhabited by albinos or white races.

This theory of a world-nationalism (or, what is the same thing, a United Indianism) exercised a powerful influence on the political speculations of the Hindus. It gave rise to set formulæ and slogans that fired the imaginations of the Alexanders, Charlemagnes and Fredericks of India through the ages. The *Aitareya Brâhmaṇa*<sup>5</sup> records some of

<sup>1</sup> I, 4, I, 8, I, 10, etc.

<sup>2</sup> Carlyle, Vol. III, 179. But the concept of Dantesque universal monarchy is as old as Cicero. Vide Atger's *Histoire des doctrines du Contrat Social*, p. 26.

<sup>3</sup> Woolf, 45, 109, 196.

<sup>4</sup> VIII, 4, 1, in Mookerji's *Fundamental*, p. 89.

<sup>5</sup> VIII, i, 39.

the ambitions and ideals of the Young India of the sixth century B.C. and beyond. "I want to attain to lordship over all rulers," proclaims one aspirant, "I want to achieve the conquest of both space and time . . . I want to be *sârva-bhauma* . . . and be the *eka-rât* (sole monarch) of the earth up to the skies."

Hindu political thought produced several other categories to express the same idea of the world-state or universal sovereignty. We have, first, the doctrine of *chakravarti*. It indicates that the *chakra* or wheel of the state-chariot rolls everywhere without obstruction. The wheel is the symbol of sovereignty. Or, if *chakra*<sup>1</sup> be taken as denoting a country from sea to sea, the *chakravarti* would be the ruler of a state from sea to sea (i. e., extending to the farthest limits). It is this conception of a political "dominion," of a secular overlordship, that is employed metaphorically with a spiritual significance in the conception of the Lord Buddha as *Chakkavatti*. "A king am I, Sela," says Buddha<sup>2</sup> using the language of his contemporary imperialists, "the king supreme of righteousness. The royal chariot-wheel in righteousness do I set rolling on—that wheel that no one can turn back again."

Secondly, we have the doctrine of *sârva-bhauma* expressed in the more popular and conventional conception of *samrât*. The *Mahâbhârata*, for instance, uses this category in order to convey the idea of a world dominion. "There are *râjâs* (kings) in every home (state) doing what they like," we read in the Book on *Sabhâ*,<sup>3</sup> "but they have not attained to the rank of *samrât*; for that title is hard to win." And this rank is at last won by Yudhishthira in the epic. Yudhishthira would thus be the *Veltro* of the *Divine Comedy*.

Another category in which the doctrine of *sârva-bhauma* is manifest is that of *châturanta*, of which Kautilya<sup>4</sup> availed himself in order to establish his ideal of imperial nationalism. The *châturanta* state is that whose authority extends up to the remotest *antas* (limits) of the *chatur* (four) quarters. The ruler of such a state *ananyâm prithivîm bhumkte*, i. e., enjoys the whole earth with none to challenge his might. In the *Arthaśâstra*, he is known also as *chakravarti*, for the territory of such a *châturanta* is called *chakravarti kṣetra* (dominion of a *chakravarti*).

The *sârva-bhauma*, *chakravarti*, *samrât*, or *châturanta* of Hindu political theory is identical with the *dominus omnium*, or lord of *univer-*

<sup>1</sup> Monier Williams' *Dictionary*.

<sup>2</sup> *Sela-sutta* in *Sutta-nipâta*, III, 7, 7; Hardy's *Manual of Buddhism*, p. 126.

<sup>3</sup> *Mahâ, Sabhâ* XV, 2.

<sup>4</sup> *Artha*, I, v, vii.

*sitas quaedum* in Bartolus's terminology,<sup>1</sup> the *hwangti* of the Chinese.<sup>2</sup> He is "the monarch of all I survey." He rules a state whose limits extend from sea to sea (*âsamudra-kṣiṭiśa*), and his chariots have free passage up to the skies (*ânâka-ratha-varṭma*), as Kâlidâs, the Virgil of India, puts it in his *Raghu-vamśa* ("The House of Raghu"). The pretensions of the doctrine of *sârva-bhauma* thus bear close analogy with the universal authority claimed by Hildebrand (c1075) for the Papacy, or with that rival conception of his opponents, the Ghibelline imperialism of the Hohenstaufens. Herein is to be perceived the Hindu counterpart of the doctrine, albeit from the monarchical angle, of a single state for entire humanity, the futurist version of which has embodied itself from time to time in diverse forms, — in the visions of "permanent peace," or in the pious wishes for a "parliament of man" or for the now almost discredited "league of nations," or for its antithesis, the communist "Third International" of the proletarian world.

The doctrine of *sârva-bhauma* does not stand alone in Hindu political philosophy. It is backed up by several other concepts which may be regarded as its logical feeders. First is the concept of the gradation of rulers in the scale of *aiśvarya* (sovereignty). The *Rig Veda*,<sup>3</sup> the *Śatapatha Brâhmaṇa*,<sup>4</sup> and other ancient documents recognize a hierarchy or graded rank of states from the lowest unit up. According to the *Aitareya Brâhmaṇa*<sup>5</sup> the smallest nationality is a *râjya*. From this rung the ladder gradually takes us through higher or larger "powers" like the *sâmrâjya*, *svârâjya*, *vairâjya*, and *mahârâjya* up to the greatest power, known as the *âdhipatyâ*.

Another scale of small nationalities, medium states, and great powers is furnished in the following schedule of the *Śukra-nîti* thus:<sup>6</sup>

| Title                            | Annual Income in Silver Karṣa <sup>7</sup> |
|----------------------------------|--------------------------------------------|
| 1. <i>Sâmaṇta</i> . . . . .      | 1 to 3 hundred thousand                    |
| 2. <i>Mândalika</i> . . . . .    | 3 hundred thousand to 1 million            |
| 3. <i>Râjâ</i> . . . . .         | 1 million to 2 million                     |
| 4. <i>Mahârâjâ</i> . . . . .     | 2 million to 5 million                     |
| 5. <i>Svarât</i> . . . . .       | 5 million to 10 million <sup>8</sup>       |
| 6. <i>Samrât</i> . . . . .       | 10 million to 100 million                  |
| 7. <i>Virât</i> . . . . .        | 100 million to 500 million                 |
| 8. <i>Sârva-bhauma</i> . . . . . | 500 million and up                         |

<sup>1</sup> Woolf, pp. 22, 196.

<sup>2</sup> Hardy, p. 126.

<sup>3</sup> IV, 21, 1.

<sup>4</sup> XI, 3, 2, 1, 6.

<sup>5</sup> VIII, 4, 1.

<sup>6</sup> Ch. I, lines 365—374. Vide Rao's "Kings, Crowns, and Thrones in Ancient and Mediaeval India" in the *Mod. Rev.*, Feb. 1917.

<sup>7</sup> A little more than 25 cents in present United States currency.

The *sârva-bhauma* is further described as being that ruler "to whom the earth with its seven islands is ever bound."

This concept of a scale of nationalities or a rank of states, as "first class powers" or "great powers" and "small nations" or the like, according to income and title, is essentially linked up in Hindu theory with the concept of political *yajnas*, sacrifices and rituals, which are fully described in the *Brâhmaṇas*. The *Gopatha Brâhmaṇa*<sup>1</sup> says that Prajâpati became *râjâ* by *râjasûya* sacrifice, *samrât* by *vâjapeya*, *svarât* by *âsvamedha*, *virât* by *puruṣamedha*, and so forth. We need not go into the details of these rituals. We have only to note that not every ruler is entitled to perform any and every sacrifice. Each sacrifice has its own value or mark of sovereignty attached to it; the dignity, might and rank of states being dependent on the character of the sacrifice performed.

According to the *Śatapatha Brâhmaṇa*,<sup>2</sup> again, the office of the king is the lower and that of the emperor the higher, and therefore one becomes king by offering the *rajâsûya*, and by the *vâjapeya* one becomes emperor. But the *râjasûya* is known to be the highest sacrifice in the *Taittirîya Brâhmaṇa*,<sup>3</sup> for according to this work, it can be performed only by universal monarchs exercising sovereignty over a large number of princes as the lord of an imperial federation. The *Aitareya Brâhmaṇa*<sup>4</sup> also says that by virtue of the *râjasûya*, *Janamejaya*, *Saryâta* and ten other rulers, "subdued the earth" and became "paramount sovereigns." In the *Âpastamba Śrauta Sûtra*,<sup>5</sup> however, *âsvamedha* (horse-killing) sacrifice possesses the greatest dignity, for it can be performed by a *sârva-bhauma* (the ruler of the whole earth).

It is obvious that authorities differ as to the relative importance of the political sacrifices, but all are united in the concept that the rituals have a state-value on their face, and that it is the greatest power or the largest nationality alone that is entitled to the highest sacrifice (be it the *râjasûya* or the *âsvamedha*, or what not). The concept of *yajna*, like that of the scale of the states, is therefore an important element in the theory of *Weltherrschaft*, world-monarchy or federated universe embodied in the doctrine of *sârva-bhauma*.

Last but not least in importance as a foundation for the doctrine

<sup>1</sup> Part I, pp. 77, 78, in the *Bibl. Ind.*; vide Law's "Forms and Types of States in Ancient India" in the *Mod. Rev.*, Oct., 1916.

<sup>2</sup> V, 1, 1, 13.

<sup>3</sup> Rajendralal Mitra's *Indo-Aryans*, Vol. II, p. 2, 3.

<sup>4</sup> VIII, 21—23.

<sup>5</sup> XX, 1, 1.

of *sârva-bhauma* is the concept of *dig-vijaya*<sup>1</sup> or conquest of the quarters. It implies that there is no longer a mere *vijigîṣu* or aspirant, awaiting his chance, mewing his might, or watching the conjuncture for "the next war." The Siegfried has conquered the quarters of the globe, he has realized his highest ambitions. The wheel of his chariot has rolled to the very extremities of the world, and there is none to question his power and prestige. All rival states have been subdued by him. He has brought them to subjection almost in the manner that Napoleon wished when he said in 1804: "There will be no rest in Europe until it is under a single chief, an emperor who shall have kings for officers, who shall distribute kingdoms to his lieutenants, and shall make this one king of Italy, that one of Bavaria; this one ruler of Switzerland, that one governor of Holland, each having an office of honor in the imperial household." *Dig-vijaya* has conferred on the *vijigîṣu* the chiefship of such a Napoleonic league of nations.

It is under these conditions of a "conquest of the quarters" that the hero of the *Raghu-vamśa* is authorized to celebrate the *viśva-jit* (indicating world subjugation) sacrifice at the end of his Alexandrine exploits. *Dig-vijaya* brings about a situation in which there is absolutely no scope for the doctrine of *mandala* or international *mâtsya-nyâya*. The world is at peace under the undisputed sway of the lord of the *universitas quaedum*, the *sârva-bhauma*. The unstable equilibrium of a *vijigîṣu*'s hypothetical *mandala* has given way to the *pax sârva-bhaumica* established by the *de facto* monopoly of world control through *dig-vijaya*.

A natural concomitant of the concept of *dig-vijaya* is the idea that the *sârva-bhauma* has all the other rulers related to him not as to the *vijigîṣu* of a *mandala*, that is, not as to the ambitious storm-centre of an international sphere, but bound as to a *râja-râja* or king of kings, to whom allegiance is due as overlord. With the rise of the *sârva-bhauma*, the *mandala* necessarily disappears. The old order of the "enemy," the "neutral" and other states has vanished, the new order of the world-state has arisen. An epoch of universal peace has replaced the age of warring nationalities, conflicting *ententes*, armed neutralities, and militant attitudes. The doctrine of *sârva-bhauma*, as the concept of federal nationalism, imperial federation, or the universe-state, is thus the keystone in the arch of the Hindu theory of sovereignty. The message of *Pax Sârva-bhaumica*, in other words, the doctrine of unity and concord is the final contribution of *nîti-sâstras* to the philosophy of the state.

<sup>1</sup> *Aitareya-Brâhmaṇa*, VIII, 4, 1; for instances of *dig-vijaya* in Hindu political tradition vide Mookerji's *Fundamental*, p. 87.



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