

regarding the views and principles of the most ancient formulators of the Arthaśāstras.\*\*

Secondly, the way in which the Arthaśāstra writers view the problems of politics is also an interesting study. First of all, they seem to be interested mainly in the socio-economic problems of man and though they follow the older traditions about the duties of rulers to their subjects, they neglect the sacerdotalistic principles which we find in the Brāhmanas. The happiness of man in society and that through the governmental functions of the king is their main ideal and in attempting to formulate means for its realisation they take regal authority as the primary basis of social existence.

In common with the Epic thinkers, they postulate a condition of anarchy in the absence of a common superior and make coercive authority as the basis of all governments. Men actuated by greed or passion try to tyrannize over the weak and as such the latter are made to suffer. To end such a state of war and violence, regal authority is absolutely necessary and this authority they derive when the sole coercive power is vested in the king. This belief in the coercive authority makes them regard the science as that of Daṇḍanīti or the science of "proper co-ercion." We shall discuss this in detail in connection with the social ideals of Kauṭilya.

#### THE NEW MONARCHIES.

While the Arthaśāstra school was fairly on its way to development, the character of monarchy changed. Partly with the influence

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\*\* The relation between the Kauṭilya material and the Epic is in itself an interesting study. In a paper on the Political Speculations in the Epic, I have discussed this point and have tried to prove how Kauṭilya largely utilised materials which are found in the Epic. Whole verses and passages occurring in both the works appear identical. But, Kauṭilya shows a great advancement over the Epic writers both in method as well as in the elaboration of his ideas.

of the new ideas, partly aided by the re-action which followed the monastic propaganda, regal authority and its character changed. A new type of centralised monarchy came into existence. The last vestiges of tribal polity or of the semi-constitutional monarchies were swept away. Tribal boundaries or traditions were swept away and big kingdoms took their place. Conquest brought into the hands of the conqueror vast areas full of natural resources. The forests separating the tribal settlements, the rivers, which were often regarded as "*res communes*" all passed into the hands of the conqueror together with the mines and other sources of natural wealth. The personal domains of the conquered added to the resources of the victor. With enormous resources at their disposal, kings became free from popular control. The spy system (the germs of which might have existed in the earliest days) became a primary political institution and the ranks of spies were swelled by members belonging or pretending to belong to the various religious orders. As we have already pointed out long ago, in the days of Prasenajit, this vast machinery of espionage was already in existence.\*

Great standing armies came into existence and on this head we have the evidence of the IVth century Greek writers who speak of the vast armaments of Maghadha, and of the Andhras, the Kaliṅgas and the Pāṇdyas. Extra taxes came to be levied by kings and new sources of income were constantly added. This last point we shall discuss in the next section.†

\* My article on the spy system in Ancient India, though perverted and distorted through the negligence of the editorial staff of the *Dacca Review*, was published in 1920. There the passage from the *Saṃyutta Nikāya* (p. 79) was cited showing the early employment of men in the garb of religious wanderers.

† For the gradual evolution of taxation see my *Economic Life and Progress in Ancient India* Vol I. pp. 278—284.

### **Early Political thought.**

The period immediately preceding the imperialistic movement was also remarkable for the beginnings of political speculation properly so called. As the Upanisads saw the dawn of Metaphysical enquiry, evinced by the eagerness to find out the root causes of the universal phenomena or the relation of the latter to the joys and sufferings of the individual, so, speculation was directed towards the finding out of the principles which were calculated to ensure the happiness of men in society. From the close of the Vedic age, an idealistic picture of happiness arising out of the regulation of the functions of the different elements of society floated before the eyes of men. Gradually, the influence of the ideal of order based on that of the great universal system became less, and abstract enquiry was directed towards the socio-ethical problems of mankind.

The ideal of Dharma in its wider and moral sense enshrouded the minds of men and speculation was directed towards the realisation of that moral order. This concept of Dharma is unique in the history of Indian intellectual and moral progress and connoted as it does even now a world of ideas from the primary principles guiding human conduct to the ideal state of moral self-realisation so far as the individual is concerned. In its wider sense it embraced the

The Dharma ideal.

totality of principles and precepts which conduce best to the happiness of men in this life and that beyond. It is difficult to find a single word in western vocabulary which connotes the same idea. Its nearest approach so far as its ethical aspect is concerned is made by the French word *droit* and the German word *recht*. The earliest exponents of the ethical aspect of Dharma are the Dharmasūtras which seem to base their precepts on those handed down by the canonical tradition of the Vedic Schools. In these ancient works, the political aspect of social discipline is rather merged in the disciplinary canon which regulates the life of the individual in the various aspects of human existence. The Dharmasūtras, being the handiwork of the Brāhmaṇa teachers, know more of the individual or the diverse sections of men than the political whole. The king comes in only as an individual in privileged position and burdened with great social duties. The Brāhmaṇa also comes in as enjoying an extraordinary position so far as the social organisation is concerned. The sūtras profess moreover to lay down the guiding principles of different classes of men on whose co-operation the social good as well as the spiritual happiness of men depend. As such, they contain not only chapters on the duties of men of different castes with reference to their diverse stages of life or means of livelihood, purity of conduct, penance for sins (*Prāyascitta*), but lay down the rules of inheritance of property, judicial trials, the duties of kings and various other topics.

While this is the character of the Dharmasūtras, the Epic chapters discuss practically the same topics but they lay, a greater stress on the duties of the king, since from the point of view of social solidarity, the authority of the king was the basis of everything. The glori-



fication of Rājadharmā by the writers on polity shows their mentality and the peculiar angle of vision from which they view the problems of individual and social welfare. In the Rājadharmā chapters, we have the synthesis of different schools of thought as well as the superposition of diverse strata of speculations. But, in spite of, this, the further importance of the Rājadharmā chapters lies in the fact, that they show a decided tendency towards the separation of ethics from the sacerdotal canon and in some chapters we find even a tendency towards the separation of politics from the traditional lines of ethical enquiry. In some chapters, we find a deeper enquiry, and a determination to go to the root of social existence with a view to explain the evolution of social order from the standpoint of human desires for self-realisation and the natural obstacles to them. The Epic, properly speaking, is practically the only work which contains a summary of Hindu political speculation and shows us the turn of mind that led to these. Our misfortune however lies in the fact that the present version of the Epic not only contains later interpolations but also shows a careless handling of diverse strata of thoughts and ideals.

While such is the importance of the Epic, the Buddhist canon, specially the Jātakas, supply us with materials which though not exposing to us the dissertations and speculations of the lawgiver or the theorist, gives an insight into the popular mentality of those early times, their ideas as to what the legitimate functions of royalty should be, what they thought to be just and what they regarded as encroachments on their legitimate privileges. The Jātakas supply us with sufficient information as to real life, while the disciplinary chapters of the Vinaya or the saying of the Buddha

Ideal of discipline in  
in the Buddhist canon.

reveal to us the Buddhistic ideal as to Dharma and its realisation both in society and politics through individual discipline or the disciplinary model of the monastic community. As such, from these sections of the canon we find an idea as to the earlier conceptions of the nature of pluralistic discipline, though a political discipline properly so called was not evolved by the greatest of the non-Brahmanical teachers of the 6th century B. C.

*Evolution of ideas relating to the origin of Social life.*

As we have said already, the Dharmasūtras follow closely upon the older canonical tradition, which again hold the revealed Vedas as the primary sources of all knowledge. In the body of the Śruti texts, however, there is very little which can be called political speculation. But the germs exist there. We have not only attempts at the explanation of the origin of the universe with its diverse sections of human and brute creation, but some crude ideas as to the services and functions of the political organisation or its head, the king. Creation, as we have seen was a great natural process attributed to sacrifice (R. V. X. 90. Puruṣa Sūkta), or *Tapas* on the part of Prajāpati and to the great and eternal principles of *Rta* and *Satya*. While this represents the early attempts at finding out the abstract root-causes of the manifestations of the created world, we have also two popular traditions about the early services of royalty, i.e., those relating to Manu and Pṛthu.

As time went on, dissertations about these abstract principles gave place to the emanance of the ethical ideal, and an attempt to explain the principles of good government. The Dharma idea came to the forefront. The king was regarded as the protector of Dharma (धर्मस्य गोप्ता. Ait. Br. VIII. 26) and Dharma in the Sata-

Germs of Political  
thought in the Vedic  
literature.

patha Brāhmaṇa was equated with truth (*satya*). Moreover, the place of Dharma in human existence was defined and the same passage of the said Brāhmaṇa explained Dharma as those "*principles of justice* whereby the weak maintain themselves against the strong with the help of the king"\* With the Brāhmaṇa authors, this Dharma was thus something which may be taken to embody the primary principles of justice and equity, though it is nowhere discussed and explained till we come to a later age†. For our purpose, however, we must note that the above passage contains the germs which were later on elaborated into definite social and ethical ideas. First of all we find that it postulated that certain rights belong to all and secondly, the application of the principles of Dharma by the king safeguards the rights of the weak against the aggressions of the more powerful.

This Dharma idea which has cast so great an influence upon Indian social and moral evolution, predominates in the Dharma-sūtras, though these books do not explain the meaning or character of Dharma except that it leads to the happiness of men in this life and that beyond :

(अथातः पुरुषनिःश्रेयसार्थं धर्मजिज्ञासा । ज्ञात्वा चानुतिष्ठन् धार्मिकः । प्रशस्यतमो भवति लोके प्रेत्य च स्वर्गलोकं समश्नुते—Vasīṣṭha I. i. 1-3). They

\* स नैव व्यभवत्कृष्योदपत्यदृजत धर्मे तदेतत् चक्षस्य चक्षं यद्धर्मः  
तस्माच्चर्मात् परतरं नास्वयी अथौयान् वलौयीसमाशंसते धर्मेण यथा  
राज्ञैर्वै चे स धर्मः सत्यं वै तत्तस्मात्सत्यं वदन्ममाहुधर्मं  
वदतीति धर्म वा वदन् सत्यं वदतीत्ये तद्धो वैतदुभयं भवति ॥

Br. Ar. Up. I, IV, 14—Sata. Br. XIV. iv. 2. 23.

† Attempts at the definition of Dharma come only with the founders of philosophical schools like Kanāda or Jaimini. The former takes Dharma to mean यतोऽप्युदयनिश्रेयस विधिः स धर्मः and thus emphasises upon the moral and also the ethical aspect of it. But Jaimini goes to the root of all human desires and explains Dharma as चोदनालक्षणेऽर्थो धर्मः

then go to discuss the sources of Dharma and derive it from the Sruti, the Smṛti and the conduct of the Śiṣṭas.\*

Beyond this, the Dharmasūtras go no further. They give us neither definition nor abstract ideas, but postulate the existence of certain duties and obligations inherent in men of all castes and occupations. Moreover, they seem to hint at the existence of certain legal relations between the king and his subjects. These we shall discuss in their proper place.

But, while the Dharmasūtras are silent, there is evidence to prove that the root-ideas came to be elaborated in the hands of a set of subsequent thinkers whose views are found recorded in traditions which we find in the Epic or in the Buddhist canon. They evidently analysed the older Dharma concept and tried to come to a logical sequel as to the consequences of the absence of Dharma and the enforcement of its principles by the king. They speculated on the state of affairs when the king or the upholder of Dharma was non-existent. Probably, a divergence of opinion existed. Some made Dharma primordial and self-existing, identical with *Rta* and *Satya* and emanating with creation, while others made Dharma intimately connected with the origin of social order and the royal office. Consequently, two divergent theories as to the state of nature were arrived at.

According to one set of thinkers, Dharma existed as early as the beginning of the creation but not the king. In their eyes, the condition of existence in

Two theories of the  
State of Nature.

\* See Vasiṣṭha Bodhāyana and Gautama Dharmasūtras. According to Vasiṣṭha श्रुतिश्च तृविहितो धर्मः ; तद्व्याप्तिं शिष्टाचारः प्रमाणम् ।—Vasiṣṭha I. I ; उपदिष्टो धर्मः प्रतिवेदः । आचारो द्वितीयः । तदभावे शिष्टाः प्रमाणम् ।—Bodhā, I. I ; वेदो धर्मसूत्रं तद्विदाच्च श्रुतिश्रौतौ—Gautama. ; धर्मज्ञसमयः प्रमाणम् । वेदाश्च । Āpastamba ; Āpastamba in his work gives a higher place to the canon of the wise and next mentions the Vedas.



such a state of affairs was one of ideal happiness. "Men ruled themselves" they believed 'by Dharma and respected each others' rights, though there was no king, no punishment or chastiser."\*

This ideal state however did not last long. Error assailed the judgment of men and they became greedy, coveting others' wives and property. Society being on the verge of dissolution† the gods approached the Grandsire and he gave them a complete code of laws for the guidance of mankind. Later on, Viṣṇu gave them one of his *mānasa-putras*—Virajā as the first king of men. One of his successors accepted the duties of a king and some of his descendents ruled rightly. But, when one of them, Vena, became a tyrant, he was killed by the Rṣis and on their performing a sacrifice with the tyrant's body, Prthu sprang up from its right arm. He agreed to rule righteously and took an oath to that effect. Thus royalty was established and its duties, as also those of the various sections of mankind were laid down.

The formulators of the other theory started with the assumption that in the state of Nature, neither the king nor the precepts of

\* Mahā. Sānti. ch. 59.

निश्चयं नरस्याग्रं श्रेष्ठं सर्वं प्रीयते ।

यथा राज्यं सत्पुत्रमादौ कृतयुगेऽभवत् ॥

नैव राज्यं न राजासीत् न दण्डो न दासिकः ।

धर्मैश्च प्रजाः सर्वाः रक्षन्ति च परस्परम् ॥

† पाल्यमानास्तस्यान्ये नरा धर्मेण भारत ।

खेदं परमुपाजाम्बुस्तत्ताम्रोऽवाविशत् ॥

ते मोहयन्महपद्मा मनुजा मनुजधमः ।

प्रतिपक्षिविमोहाच्च धर्मक्षोभानन्यथा ॥

महायां प्रतिपक्षौ च मोहयन्ना नरास्तथा ।

लोभस्य वशमापन्नाः सर्वे भरतससम ॥

अप्राप्तस्याभिसर्पे तु कुर्वन्ती मनुजांस्ततः ।

कामो नामापरस्त्व प्रत्यपद्यत वै प्रभो ॥

तांस्तु कामवशं प्राप्तान् रागो नामाभिर्धुंयुशत् ।

रक्ताश्च नाभ्यजानन् कार्षाकार्ये युविष्ठिर ॥

अशम्यगमनं चैव दायावाचं तथैव च ।

मत्स्यामद्यं च राजेन्द्र दीषादीषं च नात्यजन् ॥

विभ्रुते नरलोके वै ब्रह्म चैव ननाश च ।

नाशाच्च ब्रह्मणो रानन् धर्मो नाशमयामनत् ॥

Mahā. Sān. Ch. LIX.

Dharma were existent. The result was that there existed a state of war. Society was non-existent; men devoured each other as *big fish devour weaker ones of the same species*. The more powerful snatched away other's property or abducted women. This rule of might almost led to the extinction of mankind and they laid down certain regulative conventions (*samayān*) to exclude or punish the wicked. Next, they approached Brahman and prayed for a king who was to protect them in lieu of accepting their allegiance and tributes of corn, gold and other things.\* Manu though refusing at first, became the first king of men.

The two theories are remarkable in the history of Indian political thought. They are clearly based on the two Vedic traditions already referred to i. e. those relating to Prithu and Manu and though they differ in analysing human nature and thereby postulate two different states of Nature, they come practically to the same conclusion. They both hold—

(a) that kingship is necessary for the existence of society

(b) the absence of regal authority leads to violence.

(c) the king, though he is vested with power and authority must be within proper limits.

[(d) Another point of agreement between them lies in the interference of the gods, this being due to the fact that the Indian mind could not free itself from older religious ideas.]

\* शराजकाः प्रजाः पुर्वं विनेयुरिति नः युतम् ।

परस्परं भक्षयन्तो मत्स्या इव कचि कशान् ॥

समीत्य तास्तदाशक्तुः समयानिति नः युतम् ।

वाकशूरी दण्डपक्षयो यस्य स्यात् पारजायिकः ॥

यः परस्वमथादद्यात् त्यज्या नस्तादृशा इति ।

विश्वामित्रोऽथ सर्वेषां वर्णानामविशेषतः ॥

तास्तथा समयं ज्ञात्वा समयेनावतस्थिरे ॥

सहिततास्तासदा जग्यं रसुखात्माः पितामहम् ।

अनीश्वरा विनश्यानी भगवन्नीश्वरं दिश ॥

यं पूजयेम सन्ध्यं यथ नः प्रतिपादयेत् ।

Mahā. Śānti. Ch. LXVII.

But The main point of conflict of the two theories lies in the fact, that in the first, kingship is regarded as a divine institution, though later on, the king's rights were put within bounds and he was compelled to take the oath, while the second theory regards kingship as a human institution valued only for its utility.

It is difficult to decide as to which of the two theories is older. But, it, is quite clear that the second theory is intimately connected with the Vedic tradition about Manu and his services to mankind. In later times, its influence on the evolution of Indian political thought was very great. For, we find in this theory a number of ideas which were so commonly accepted and to which we have references throughout our literature. The chief points of interest about it are :—

(a) that a state of war existed in the absence of a king.

(b) the earliest king ruled by virtue of popular choice. Sovereignty thus lies with the people and they can expel a tyrant and elect a new king.

(c) the king's rights arise by virtue of a bilateral contract between the people and the former.

The first of these predominant ideas is exemplified by the description of *Matsya-nyāya* which occurs throughout the length and breadth of our literature. Not only do we find the mention of the word in innumerable places, but, we have descriptions of it in the *Rāmāyaṇa*,\* the *Mahābhārata*, the *Kauṭīliya*, the *Smṛtis* and even in many poetical works.

\* We shall discuss these in their proper place, but here we may show something from the two Epics. The conception of *Matsya-nyāya* is prominent in the *Rāmāyaṇa*. As we have seen already, the Ikṣvāku elders proposed to elect a prince in place of Rāma who had departed to the forest, on the ground that "the country might not go to rack and ruin owing to *matsya-nyāya*." We have a number of long passages in which the consequences of anarchy are discussed (See. *Ayo*, ch. 67 śl. 4-29 ; and ch. 67 śl. 31-32) The idea of big fish swallowing up smaller ones finds place almost everywhere.

The Mahābhārata gives us in innumerable places harrowing descriptions of the evils of anarchy in the absence of a king.—The main points in these descriptions are that they harp on the following *e.g.*—

(a) In such a condition, the strong claim every thing. Two unite against one and rob and despoil him. The weak invariably suffer.

(b) The weak are enslaved ( अदासः क्रियते दासः )

(c) Women are snatched away and violated ( ऋयन्ते च वलात् स्त्रियः and हरयुर्वलवन्तोऽपि दुर्वलानां परिग्रहान् । )

(d) The idea of private property or of ownership passes away ( ममेदमिति लोकेऽस्मिन्नभवेत् सम्परिग्रहः )

(e) With the passing away of private ownership or marriage, social ties cease to exist ( न विवाहो समाजो वा यदि राजा न पालयेत् ॥ )

(f) Hence, individual efforts or socio-economic activity ceases ( न योनिदोषा वर्त्तन्त न ह्यधिर्नवविकपथः )

(g) All primary social institutions being thus violated, social existence ceases.\*

Such being the consequences of a kingless *régime*, a ruler is according to them absolutely necessary to maintain the primary

\* The two best descriptions of anarchy are found in the 67th and 68th chapter of the Śānti parva. For their importance we give the following extracts *e.g.*

न धनार्थो न दारार्थं केषां देवाः राजकम् ॥

प्रीयते हि हरन् पापः परवित्तनराजके ।

यदास्य उद्धरन्त्यस्य तदा राजानमिच्छति ॥

पापः ह्यपि तदा जैनं न लभन्ते कदाचन ।

एकस्य हि द्वौ हरतो ह्यथोऽवहवोऽपरे ॥

Again

राजमूलो सद्गमाश्च धर्मो लोकस्य सन्त्यते ।

\* \* \* \*

अदासः क्रियते दासः क्रियन्ते च वलात् स्त्रियः ।

एवमात् कारणाद्देवाः प्रजापालान् प्रचक्रिरे ॥

राजा चेन्न भवेन्नोके श्रथिव्यां दण्डधारकः ।

जले मत्स्यानि वा भृत्यन् दुर्वलं न लवतारः ॥

Maha. Śān. LXVII 67.

प्रजा राजभवादेव न खादन्ति परस्परम् ॥

\* \* \*

(contd.)



institutions and to protect the subjects. Kingship being thus an institution of so vital importance, the people naturally elect a king of their own. The earliest king was Manu who at first refused to assume royalty owing to the sinful nature of man. But upon this, the people agreed to grant him a fixed share of the produce of their labour and part of their hoarded wealth.

This theory which was of gradual evolution, gained ground very early. In the Epic, it seems to have been evolved out of the traditions relating to Manu. Its influence however was very great and we find it even in folklore or in traditions recorded in the Buddhist literature. In the Aggañña Suttanta we find the account of the creation of universe and incidentally we are told as to the election of the Mahā-sammata by the people, who raised him to that high office to "punish the wicked and reward the virtuous". To maintain his position he was allowed a share of the paddy from the people. He was called Rājan since he delighted all (Rañjēti) his subjects (see Aggañña suttanta ; Dīgha Nikāya Vol. III. sec. 27).

This theory of the original elective character of royalty was also connected with the belief that the taxes paid to the king was but his remuneration for his services of protection and justice.

यथा क्षत्रुदये राजन् भूतानि शशिर्व्यधोः ।

अन्वे तमसि मज्जे दुरपश्यन्तः परस्परम् ॥

यथा क्षत्रुदये मत्स्या निराक्रन्दे विहङ्गमाः ।

विहरेयुर्गधाक्रान्तं विहंसन्तः पुनः पुनः ॥

\* \* \* \* \*

एवमेव विना राज्ञा विमण्ड्येयुरिमा प्रजाः ।

अन्वे तमसि मज्जे दुरगोपाः पशवो यथा ॥

मनीदमिति लोकाश्चिन्न भवेत् सन्परिवहः ।

\* \* \* \*

हरेयुर्बलवन्तोऽपि दुर्भक्षानां परिवहान्

हन्तुर्व्यायच्छमानां यदि राजा न पालयेत् ॥

न दारः न च पुत्रः स्यात् न धनं न प्ररियद्धः ॥

न शोनिदीप्तौ वर्त्तेत न कृत्रिमं वसिष्कपथः ।

न विवाहाः समाजाः वा यदि राजा न पालयेत् ॥

Mahā. Sānti, Ch. 68.

Both in the sixty-seventh chapter of the Epic and in the Aggañña Suttanta\* we find this as the necessary corollary to the hypothesis that royalty arose in a compact or contract between the ruler and the ruled. In the Buddhist account, the people are made to chose the Mahāsammata and in lieu of his services they agree among themselves to pay a share of the paddy. In the Epic account however, the people enter into communication with Manu the king-elect after laying down certain conventions for their own guidance. They lay down the terms of the contract and this seems to have been a bi-lateral one with rights and duties on either side *e.g.*

(a) on the part of the king, he was to protect the people

(b) on the part of the people, they were to obey him, and in lieu of his services they were to grant him 1-50 of cattle and gold, 1-10 of the produce of fields etc. together with the handsomest damsel.

This idea that the taxes paid to the king was his wages, is found throughout our literature. In the epic Mahābhārata, we are expressly told that the king was to maintain peace and justice and receive as his wages, the “*sixth part*” or the *vali* as his “*wages*” (*vetana*) or his “remuneration for protection” (*tāsāmevābhiguptaye*)† Furthermore, a king who failed to protect or administer

\* Mr. Ghosal the author of Hindu Political theories is loath to use the term contract and applies the word compact to this understanding between the ruler and ruled which gave rise to monarchy. Furthermore, he sees in the Aggañña Suttanta account the real and the earliest formulation of a social contract theory.

† आददीव बलिञ्चापि प्रजाभ्यः कुरुमन्दन ।

स यद्भागमपि प्राप्नुस्तासां वैवाभिशुतये ॥ शान्ति—६१।२५

also बलिघट्टेन शक्तेन दण्डेनाद्यापराधिनान् ।

शास्त्रानीतिन विप्रो या वेदनेन चनामसम् ॥ do ७१।१०

properly, was regarded as a "thief"\* stealing the "sixth part" unrighteously. As a result of this, we find repeated mention of the epithet "*Vali-śadbhāga-taskara*" applied to unrighteous kings. Again, in the *Ādi-parva*, (Ch. 212) we find an infuriated Brāhmin (who was invoking the aid of Arjuna) expressly reminding Arjuna that a prince failing to protect his subjects was a thief who<sup>†</sup> stole the "sixth part". How old these ideas are is to be ascertained from the fact that the *Dharmasūtras* which are certainly pre-Buddhistic, show clear evidence of their influence. Gautama clearly says that the king "receives part of the produce of fields and tolls on articles *since he protected all these*."<sup>‡</sup> *Bodhāyana* also says that the king was to protect *with the sixth part as his wages*,§ while *Vasistha* grants the sixth part of the

- \* अगोक्षारश्च राजानो बलिषड्भागतस्कराः ।  
समर्थाद्याप्यदातारस्तं वै निरयगामिनः ॥ Anu—Ch. 28.  
लोदाय बलिषड्भागं यो राष्ट्रं नाभिरक्षति ।  
प्रतिगृह्णाति तत्पापं चतुर्थींशेन सूक्ष्मिणः ॥ Śānti Ch. 211, 12.  
बलिषड्भागमुद्धृत्य वक्षि सप्तपयोजयेत् ।  
न रक्षति प्रजाः सम्यक् यः स पाण्डितस्करः ॥  
दत्ताभयं यः स्वयमेव राजा न तत्प्रमाणं कुरुते ऽर्थलोभान् ।  
स सर्वलोकादुपलभ्य पापं सोऽधर्मबुद्धिर्निरयं प्रयाति ॥ Ch. 139. Śānti.  
† क्रियमाने धने तस्मिन् ब्राह्मणः क्रीधसूच्छितः ।  
आगत्य खाण्डवप्रस्थं सदकोशत् स पाण्डवान् ।  
क्रियते गोधनं क्षुद्रेष्टुं शंसैरकृतात्मभिः ।  
प्रसज्य चाप्यहिषयादभ्यधावत पाण्डवाः ॥  
अरक्षितारं राजानं बलिषड्भागहारिणम् ।  
तमाहुः सर्वलोकस्य ससयं पापचारिणम् ॥ Ādi. Ch. 212.

‡ राज्ञे बलिदानम् कथं कैदं शमसष्टमं वष्टं वा पशुहिरण्यधोरण्यके पञ्चाशद्भागात् विंशतिभागः  
यत्कं पण्ये मूलफलपुष्पौषधसधुर्माषदशोन्मनानां वष्टं तद्रक्षणधर्मत्वात् तेषु तु नित्ययुक्तं स्यात् ।  
Gautama. (Ch.—X.) Gautama whose work is not later than the 5th Cen. B. C., closely follows  
the Epic tradition which is represented by the 67th ch. of the *Śāntiparva*.

§ वड् भूगन्धतो राजा रवेत् प्रजाम् । Ch. XVI. *Bodhāyana*.

wealth of his subjects to the king on *condition of his protecting them according to Dharma*.\*

While the Epic and the Dharmasūtras are unanimous in holding regal rights as arising out of contract, there are other important facts which point to the contractual nature of royal rights. Even in very ancient times, the Epic and the early law-books lay down the maxim that the king was to make good the loss of his subjects caused by thieves and robbers. This clearly confirms the contractual nature of regal rights; for, if we believe rights as arising out of king's sovereign majesty, then this provision would not have found place in the Epic or in subsequent legal texts like those of Kauṭilya, Yāgñavalkya and even Nārada and Kātyāyana.

Having discussed the ideas about the origin of sovereign authority, we pass on to examine the character of regal functions. The chief point about regal majesty was the vesting of sole coercive authority in the king. The Epic writers are almost unanimous in holding that coercion was the basis of social organisation and discuss the reasons why it was introduced. In the sections discussing the state of nature, we find speculations as to the consequences of the absence of coercion and we find pictures of the dissolution of social life owing to the activity of the strong over the weak. In addition to these, we have at least one chapter which gives us a parable relating to the origin of coercion. This is in the form of a dialogue between king Vasuhoma of Anga and Māndhātṛ. We are told that in the sacrifice of Kṣupa, there was the disappearance of Daṇḍa and as a result of it, all social conventions were violated and a state of war and social anarchy took place. The laws of marriage and property were violated with disastrous consequences. So

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\* राजा तु धर्मेणानुयायन् वृद्धमग्रे लभेत् धनस्य ।      Vaśiṣṭha I.



Danda was created by Rudra and Danda-nīti composed by Sarasvatī.\* Though mixed with fable, the chief ethical principles which the Epic thinkers take into consideration are not difficult to find out. Firstly, without coercion the weak are bound to suffer and all social conventions including the Vedic discipline and all other moral relations are likely to be swept away.† Secondly, this coercive jurisdiction cannot be vested in ordinary subjects since this would but result in the dominance of the same principle i.e. tyranny† of the strong over the weak. The chastisement of the wicked is recognized to be of supreme necessity.

Hence, all coercive authority is to be vested in the king who is to act impartially and administer the laws, with a view to maintain the life, property and discipline of his subjects (प्रजा विनयरक्षार्थं धर्मस्थात्मा सनातनः ।). Danda preserves the four orders and defines the limit of the activity of individuals and castes.‡

Danda or coercion was thus conceived to be the basis of Rājya or political society. The Epic thinkers in common with the thinkers of the modern age, regarded it as the primary principle in the evolution of the state. Its establishment was, according to them, also marked by the simultaneous evolution of the idea of justice, and justice

- \* तस्मिन्नन्तर्हिते चापि प्रश्नानां सङ्करोऽभवत् ।  
 नैव कार्यं न चाकार्यं भोग्याभोग्यं न विद्यते ॥  
 पेशापेये कृतः सिद्धिर्हिंसन्ति च परस्परम् ।  
 गम्यागम्यं तदानानात् स्वं परस्वं च वे ससम् ॥  
 परस्परं विलुप्यन्ति सारमेया यथानिधम् ।  
 अवलान् बलिनी प्रन्ति निर्धेयादमवर्तत ॥

Sec. Śānti Ch. 122.

- † मज्जिघ्णो दण्डनीतो हतायां सर्वे धर्मा प्रचयेयुर्विबुधाः ॥ (27-28). Śānti. Ch. 63.

- ‡ यदा निवर्त्यते पापा दण्डनीत्या मदात्मभिः ।

तदा धर्मो न चलते सङ्गतः प्रायतः परः ॥ Śānti—Ch. 65-27.

- § दण्डनीतिः स्वधर्मस्थायतुर्वर्ण्यं नियच्छति ।

प्रयुक्ता स्वामिना सम्यग्धर्मस्थो नियच्छति ॥ SI. 76.

लोकस्य सौमस्तकरी मर्यादा लोकभाविनी ।

सम्यङ्नीता दण्डनीतिर्यथा माता यथा पिता ॥ Śānti Ch. 69 : SI. 103.

was regarded as the upholder of society. The jurisdiction of the king extended over all and no one could claim freedom from it.\*

Coercion being thus essential to the exercise of regal authority, the king required guidance in the matter of properly exercising his coercive jurisdiction. The canon laid down for his guidance were not of his own creation but existed apart from him. The Epic thinkers attribute a divine origin to these primary laws and principles and they ascribe them either to Brahman (see Ch. 59 Śānti) or to Sarasvatī (Ch. 122 Śānti). These came to be known as Dandanīti, a name often applied to the art of government by the Epic and the Arthaśāstra thinkers. The original work by Brahman being too voluminous, successive redactions were made.†

While Epic thinkers attribute to Dandanīti a divine origin, the Dharmasūtra writers make them part and parcel of the divinely

\* दण्डः संरक्षते धर्मं तथैवाथे नराधिप ।  
 कामं संरक्षते दण्डस्त्रिवर्गो दण्ड उच्यते ॥  
 राजदण्डभयादेके पापाः पापं न कुर्वते ।  
 यमदण्डभयादेके परलोकभयादपि ॥  
 परस्परभयादेके पापाः पापं न कुर्वते ।  
 दण्डस्यैव भयादेके न स्वादन्ति परस्परम् ॥ Śānti—Ch. 15.  
 सप्तप्रकृतिं चाष्टाङ्गं शरीरमिह यद्विदुः ।  
 रावणस्य दण्डमेवाङ्गं दण्डः प्रभव एव च ॥  
 ईश्वरेण प्रयत्नेन कारणात् क्षत्रियस्य च ।  
 दण्डो दत्तः समानात्मा दण्डोऽस्तीदं सनातनम् ॥  
 मामा पिता च भ्राता च भार्या चैव पुरोहितः ।  
 नादण्डगे विद्यते राज्ञो यः स्वधर्मेण तिष्ठति ॥ (Śānti—Ch. 121 śl. 60.)

† Of such writers on Dandanīti, we have the names of the god Śiva or Viśālākṣa, Indra who composed the Vāhūdantaka redaction, Bṛhaspati and Śukra. (Ch. 59. Śāntiparva). Elsewhere, (Ch. 58) we find the names of Śiva, Indra, Śukra, Bṛhaspati, Bhāradvāja, Prācetasu Manu, and Bhāgavān Gāurāśiraḥ.

originated Dharma, the primary source of which is to be found in the revealed *Śruti*. We have quoted the views of the Dharma-sūtra writers. The Epic authors do not enter into discussions as to the nature or origin of Dharma, though they lay down concrete maxims for the guidance of individuals of various castes and belonging to diverse states of existence. But, in the absence of all such dissertations, their views may be easily understood from the parable of the two sages Śaṅkha and Likhita\* in the Śāntiparva (Ch. 23). Likhita, the younger brother, had eaten some fruits from his brother's trees in his absence. This the elder brother regarded as theft and told him to go to the king and ask the latter to punish him. The king hesitated at first but as the Brāhmaṇa demanded punishment, he had to pass sentence—mutilation of his hands, and had it inflicted on him. Afterwards he returned to the elder brother and at his behest bathed in the river near by. A miracle took place and the young Brahmin regained his hands.

The story illustrates the Brāhmaṇical concept of law and its functions in the political world. Dharma, according to them, is self-existent and upholds the universe; in its concrete and social aspect, it comprises the sum-total of rules guiding the relations subsisting between individuals and their functions relating to the whole. Its various functions depend on the position of the individual in society. The transgression of Dharma leads to the disruption of harmonious relations in the universal system and as such brings in a state of discord. In social life, such discord produces evil and to avoid such discords, punishments are necessary, since thereby the normality of relations is restored. In political life, it is the duty

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\* Reputed to have been the formulators of the highest and best code for moral discipline, Śaṅkha and Likhita are mentioned even in the Buddhist canon.

of the king to look to the normality of relations and as such by administering punishment he restores social equilibrium. His main duty is to enforce the laws which exist apart from his authority.

Upon this point, the dialogue between the two brothers throws some further side-light. The younger who had suffered from mutilation, feared that the elder brother might hurl his anathema on the king for his mutilation and asked him to forgive the latter. But the elder sage rather smiled and explained to him that punishment had cured both of them from sin. (धर्मस्तु ते व्यतिक्रान्तस्तस्ते निष्कृतिः कृता ॥ ३८ ) Again, when the latter had regained his hands by a miracle, he wondered why his purification had not taken place prior to his punishment, and to this the reply was that he was not the wielder of punishment and that the king by inflicting punishment had freed himself from the sin arising out of the miscarriage of justice, together with the man who committed the wrong as well as his fathers. e.g.

किन्तु नाहं त्वया पूतः पूर्वमेव महाद्यूते ।

यस्य ते तपसो वीर्यमीदृशं द्विजसत्तम ॥

शङ्ख उवाच—

एवमेतन्मया कार्यं नाहं दण्डधरस्तव ।

स च पूतो नरपतिस्त्वं चापि पितृभिः सह ॥ ४३-४४ ।

The Dharmasūtras practically show the same concept of Law and as such they make law above king and above society. The king, according to them, was to wield the rod of punishment and if there was any miscarriage of justice or escape of culprit, the king was not only to make good the loss but to perform penance.\* The

\* See Vasistha Dharmasūtra Ch. XIX. and XX.

स्वधर्मो राज्ञः—पातनं मृतानां तस्यानुष्ठानात् विधिः ।.....तस्मात् गार्हस्थ्यनैवमिदं पुरोहितं दध्यात् । ब्रह्मपुरोहितं राट्टयन्तीतीति ।.....राजा चतुरो वर्णान् स्वधर्मे स्थापयेत् तेष्वपचरत्सु दण्डं धारयेत् । दण्डस्तु दीयकावधयोविद्यास्थानविशेषैर्द्विवाक्रोशयोः कल्पाः । आगमादृष्टान्ताश्च ।



king's punishment removed all sin\*, and even when a sinful act was committed in secret the Divine king Varuṇa remained the ultimate punisher.† The same duty of penance attached to the Purohita‡ who continued to be regarded as the moral guardian of the realm.

The above conception of law was thus not merely sacerdotal, but had a strong æsthetic background as in the case of the Greek ideal of law. Unlike the Roman idea, the multitude had nothing to do with its formulation or interpretation, As the Hellenes regarded law as the emanation of the juridical will of the gods, so, in India, law was the part and parcel of the great principles guiding the universal phenomena. The multitude had nothing to do with it and its interpretation depended on the rational faculty of the wise, learned in the sacred traditions of the past.§ As such the Brāhmaṇa had the best claim for legal interpretation, while the administration of law was vested in the king. The dea of such a *concordat* existing between the Brāhmaṇa and the

(Śāntiparva Ch. 36 sl. 17)

\* राजमिदं तदद्वान्तु कृत्वा पापानि मानवाः ।  
निर्मेलाः स्वर्गमायान्ति सन्तः सुकृतिनो यथा ॥  
अन्नादे भूषणं नाष्टि पत्नी भार्यापचारिणि ।  
गुरो शिष्यश्च याज्यश्च सं नो राजानि किंलिपन् ॥

† गुरुरास्मवतां शास्ता ग्राह्यो राजा दुरात्मनाम् ।  
अथ मच्छन्नापापां शास्ता वैवस्वतो यमः ॥

‡ दण्डोत्सर्गं राजेकरावमुपवसेत् । विराजं पुरोहितः । कच्छमदण्डदण्डने पुरोहितः । विराजं राजा

§ Again, अत्रतानामसन्तानां जातिमात्रोपजीविनाम् ।

सहस्रशः सन्तानानां परिषत्वं न विद्यते ॥

यददन्ति तमोमूढा सुखं धर्ममजानतः ।

तत्पापं शतधा भूत्वा तद्वक्तृणां चिगच्छति ॥

अन्तारो वा तयो वापि यं ब्रूयुर्धर्मपारगाः ।

स धर्म इति विज्ञेयो जितरेषां सहस्रशः ॥ Vasiṣṭha Ch. III.

Kṣatriya ruler came into existence in the days of the Brāhmanas, (supra 172).\*

Regal authority being of so vital importance, royalty and the office of the king came to be glorified. The Glorification of Royalty. Śāntiparva chapters contain dissertations on the importance of kingship and explain the social and ethical reasons which call upon men to respect the sovereign majesty of the king, though he was but an ordinary individual of flesh and blood like his subjects. In these, clearly, two currents of thought are discernible. *e. g.*

- (a) that of thinkers who explain the social and ethical necessity of kingship,  
and (b) the idealistic subjectivity of those who continue the older tradition relating to the king's parallelism with the divine rulers.

The first set of thinkers seem to regard royalty as a human institution, but venerate the office and functions of a king on account of his manifold services to mankind. Their views are mainly to be found in the 67th and 68th chapters of the Śāntiparva. They harp on the state of affairs in the absence of the king's coercive authority and give us pictures of the Mātsya-nyāya which we have already described in detail.† The views of the next set of

\* द्रवो वर्था ब्राह्मणस्य निहृतेन वनेरन् । ब्राह्मणा धर्मान् प्रवृथात् । राजा जातुमिष्यात् ।

Vasiṣṭha Ch. I.

† In Ch. 68, we have a dialogue between king Vasumanā of Kōśala and Brhaspati. Vasumanā asked how men prosper and to this Brhaspati gives his ethical reasons. *e. g.*

केन भूयति वर्धते चयं गच्छति केन वा ।

कमचन्तो महाप्राज्ञ सुखमव्ययमाप्नुयुः ।।

उद्वस्यतिश्वाच—राजमूलो महाप्राज्ञ धर्मो लोकस्य खल्यते ।

प्रजा राजभयादेन न खादन्ति परस्परम् ॥ Ch. 68.

अराजकेषु राष्ट्रेषु धर्मो न व्यवतिष्ठते ।

परस्परं खादन्ति सर्वेषां विगराजकम् ॥ Ch. 67.

thinkers will be discussed presently but though they look from a different standpoint, all are unanimous in holding that regal authority and functions are the very basis of human existence and prosperity. Their views in reality are but an elaboration of the ideas we find already in the Brāhmanas and in the Upaniṣads (see pp. 172.). Here we give a summing up of the excellence of Rājadharmā according to the first set of thinkers : *e. g.*

यथा राजन् हस्तिपदे पदानि संलीयन्ते सर्वसत्त्वोद्भवानि ।  
 एवं धर्मान् राजधर्मेषु सर्वान् सर्वावस्थं सम्मलीनान्निबोध ॥  
 अत्याश्रयानल्पफलान् वदन्ति धर्मानन्यान् धर्मविदो मनुष्याः ।  
 महाश्रयं बहुकल्याणकरं चात्र धर्मं नेतरं प्रादुरार्याः ॥  
 सर्वे धर्मा राजधर्मप्रधानाः सर्वे वर्णाः पाल्यमाना भवन्ति ।  
 सर्वस्वागो राजधर्मेषु राजंस्त्वागं धर्मश्चादुरथं पुराणम् ॥  
 मज्जेत्यो दण्डनीती हतायां सर्वे धर्माः प्रचयेयुर्विबुधाः ।  
 सर्वे धर्माश्चाश्रमाणां हताः स्युः चात्रे त्यक्ते राजधर्मं पुराणे ॥  
 सर्वे त्यागा राजधर्मेषु दृष्टाः सर्वा दौक्षा राजधर्मेषु चोक्ताः ।  
 सर्वा विद्या राजधर्मेषु युक्ताः सर्वे लोका राजधर्मं प्रविष्टाः ॥  
 यथा जीवाः प्राक्तनैर्बध्यमाना धर्मश्रुतानामुपपौडनाथ ।  
 एवं धर्मा राजधर्मैर्वियुक्ताः सञ्चिन्वन्तो नाद्रियन्ते स्वधर्मम् ॥

Sānti. ch. 63.

The glorification of royalty is found in innumerable other passages. In another passage, its excellence is set forth in terms of the fruition of the objectives of life—*cf.*

सर्वस्य जीवलोकस्य राजधर्मः परायणम् ॥  
 त्रिवर्गो हि समासक्तो राजधर्मेषु कौरव ।  
 मोक्षधर्मश्च विस्पष्टः सकलोऽत्र समाहितः ॥  
 यथा हि रश्मयोऽश्वस्य हिरदस्याङ्गुशो यथा ।  
 नरेन्द्रो धर्मलोकस्य तथा प्रग्रहणं स्मृतम् ॥

In the Indra and Māndhātṛ dialogue, the god of the devas

describes Rājadharmā as the earliest and first of all Dharmas and sums up by saying that :—

ज्ञात्रो धर्मो ह्यादिदेवात् प्रवृत्तः पश्चादन्ये शेषभूताश्च धर्माः ।  
अस्मिन् धर्मं सर्वधर्माः प्रविष्टास्तस्मादर्थं श्रेष्ठमिमं वदन्ति ॥  
नष्टा धर्माः शतधा शाश्वतास्ते ज्ञात्रेण धर्मेण पुनः प्रवृत्ताः ।  
युगे युगे ह्यादिधर्माः प्रवृत्ता लोकाज्ज्येष्ठं ज्ञात्रधर्मं वदन्ति ॥

The glorification of royalty developed also on different lines.

Sacerdotal concept of  
royalty.

A set of thinkers mainly relied on the sacerdotal traditions of the past and developed the ideas which we have already found in the Atharva-Vedic hymns and the Brāhmaṇas. Evidently, they looked to the various aspects of royalty from the point of view of universal discipline and harped on the parallelism between the duties of the mundane ruler and those of the divine guardians of the universe—the *devas*. The king's five great functions were compared to those of Agni, Āditya Mrtyu, Vaiśravaṇa and Yama.\* Others compared the regal functions to those of the father, mother, the guru, the Goptā,

- \* कुरुते पञ्चरूपाणि काशयुक्तानि यः सदा ।  
भवत्यग्निरादित्यौ मरुतश्चैव यमः ॥  
यदा ह्यासीदतः पापान् दहत्युगे च तेजसा  
मिथोपचरितौ राजा तदा भवति पावकः ॥  
यदा पश्यति चारेण सर्वभूतानि भूमिपः ।  
सैनसं कृत्वा शत्रून् तदा भवति भास्करः ॥  
अपृच्छीत्य सदा क्रुद्धः क्षिप्र्यति शतशो वरान् ।  
सपुत्रपौत्रान् सामान्यास्तदा भवति सोऽन्तकः ॥  
यदा तु धनधाराभिस्तर्पयत्युपकारिणः ।  
आच्छिन्नपि च रत्नानि विविधान्युपकारिणाम् ॥  
यियं ददाति कस्यचित् कस्याच्चिदपकर्षति ।  
तदा वैश्ववसो राजा लोके भवति भूमिपः ॥



Agni, Vaiśravaṇa, the god of wealth and Yama.\* Innumerable such passages are found in the Śāntiparva and it is impossible to quote all of them. In some of these not only the excellence of royalty highly lauded, but the thinkers inculcate absolute obedience to rulers and point out the consequences of insults to regal authority. Again, while a set of thinkers dwells upon the consequences of regal displeasure, others speak of the sin that arises out of insults to the king.† Thus, in the dialogue between Māndhātṛ and Indra, the latter not only dwells upon the evils of the absence of regal discipline but goes so far as to say that Dharma is based on regal administration, and if any one insults the king, the food offered by him to the ancestors or the gods are not accepted by them.‡ The essence of royalty in their eyes is the same as that of the gods and hence the gods, too, honour the king.§ On the basis of these ideas, some thinkers go still farther and inculcate obedience on the ground that the king, though he exists in a human form, has in him the higher essence of divinity *e. g.*

न हि जात्वमन्तव्यो मनुष्य इति भूमिपः : ।

महती देवता ह्येषा नररूपेण तिष्ठति ॥

This last verse claims importance from various considerations. First of all, it marks an important enunciation of the essence of royalty and, as such, this verse occurs in many of the later Smṛti collections like the Manu Samhitā. Secondly, many scholars of our

\* माता पिता गुरुर्गोप्ता वज्रिर्वैश्रवणो यमः ।

सप्त रात्रौ गुह्यानेवान् मनुराह प्रजापतिः ॥

† यदा निवर्त्तते पापा दण्डनीला मन्त्रात्मभिः ।

तदा धर्मो न पश्यते सदभूतः श्राद्धतः परः ॥

‡ सर्वलोकांशुलक्षैश्च राजानं योऽवमान्यते ।

न तस्य दत्तं न हुतं न श्राद्धं पश्यते कश्चित् ॥ २४

§ मातृपितृभिरपि देवभूतं सनातनम् ।

देवापि मातृपितृभिरपि धर्मकामं नरेश्वरम् ॥

own day, have wrongly interpreted this verse and on the basis of such misinterpretations have propounded the theory that in ancient India, kingship was regarded as a divine institution\* and the holder of the regal office was regarded as a god.

As we have said, these passages arose out of an elaboration of the sacerdotalistic traditions. For a truer interpretation of the

\* It is needless to examine this theory in detail because it is beyond the scope of a volume like this. But, before we pass on to other topics we beg to point out the main sources of error and misinterpretation which give rise to such a theory. First of all, the passage itself has been mistranslated and the spirit of the author misunderstood. What the composer of the verse meant, was that the king should not be insulted like an ordinary individual, since, though he was a man, his essence was higher than that of ordinary men. Here, the word *nara-rūpa* claims importance and shows that he is spoken of as being in reality a man. The other element of the king if the *rūpa* or outward form is taken away is *divine*. Secondly, the word *deva* or *devatā* does not connote the same idea as the word "God" in the Christian vocabulary. The Devas of Indian conception were but embodiments of the beneficent aspect or functions of nature. They are neither omniscient nor all-powerful as the Hebrew or Christian God. In the Vedic conceptions we find such personifications. They the Gāthī was a devotee of the Dadhikrā or the horse which was regarded as a *devatā*. Similarly, hunger or anger was personified as a god (*deva*). Later on, the Devas came to be regarded as the guardians of the various aspects of nature who presided over the working of the great laws underlying the natural phenomena. The Buddhists and Jains regarded the Devas as the servants of the Jinas and Buddhas. In course of time, as the higher philosophical systems were evolved, the gods who once occupied the chief attention of men, dwindled into insignificance, but, in the minds of a pantheistic people, their concept continued to exert some influence. Even now this still survives, as shown by our peculiar mode of expression. In our own days, a Hindu lady regards her husband as a *devatā*; so, a man's father stands to him in the relation of a *devatā*. Even now, the cow in its essence is regarded as a *devatā*. From these examples it will be clear that the word *deva* or *devatā* signifies nothing but the idealistic personification of a beneficent spirit. No question of divinity in essence or element is involved. The husband being regarded as a *devatā*, it does not mean that he is something of divine creation while the wife is of mundane or devilish origin. The error of our Indian scholars and researchers lies in the fact that owing to the intellectual tyranny of a politically superior race, they fail to bear in mind the wide gulf of difference which exists between the ethical and metaphysical concepts of the Indians and those of the westerners dominated by the influence of semitic monotheism. The Europeans translate *deva* by the word "God" and the Indian scholars follow suit. The ignorance of the former may be tolerated but that of the latter amounts to an unpardonable offence.

underlying idea we are not to go beyond the Rājadharmaparvan itself and its best explanation is given in the 90th and 91st chapters of the same book, where the sage Utathya explains to Māndhātṛ the essence of royalty. Clearly, the sage attributes the origin of regal authority to the ethical and social necessities of mankind. In common with many other thinkers, he harps on the consequences of anarchy and prominently mentions the abolition of private property, disruption of sexual discipline and the other attendant evils arising out of anarchy. According to him, Prajāpati created *dharma* for the prosperity of living beings ( *प्रभवार्थं हि भूतानां धर्मः सृष्टः स्वयंभुवा* ) and Dharma is the highest of all institutions ( *धर्मः श्रेष्ठतरः स्मृतः* ). The importance of the king lies in his capacity and functions for maintaining dharma and not for furthering his own ends. cf.

धर्माय राजा भवति न कामकरणाय तु ।

मान्वातरिति जानीहि राजा लोकस्य रक्षिता ॥

Accordingly, a king who maintained dharma was to be conceived (as beneficent as) a *deva*, but he who followed the path of adharma was sure to go to hell. cf.

राजा चरति चेद्धर्मं देवत्वायैव कल्पते ।

स चेद्धर्मं चरति नरकायैव गच्छति ॥

It is further pointed out that on the king's conduct depended every thing. [Practically] He was the creator (of social life) and [its] destroyer ( *राजैव कर्त्ता भूतानां राजैव हि विनाशकः ।* )

The above explanation attributed to Utathya thus makes it clear that the glorification of the regal office was due to his great services and not to any inherent divine essence in him. Furthermore, this hyperbole of a comparison with divinity has something peculiarly Indian about it and does not make the king's essence something which may be regarded as superhuman.

Another important factor which proves the utter weakness of the Divine theory is furnished by the views of thinkers who justify the expulsion or destruction of a tyrant. The Epic thinkers are unanimous in denouncing the unlawful exercise of authority and condemn the high-handedness of a despot. The 59th chapter furnishes us with the traditional account of the destruction of Veṇa, the earliest tyrant. The unknown author of the 61st chapter of the Anuśāsana condemns a tyrant as a *Rājakali* and calls upon people to put him to death "*as if he were a mad dog*" ( स संहृत्य निहस्तव्यः खेव सोच्छाद आतुरः ). Bāmadeva, whose dialogue with king Vasumanāḥ is given in Ch. 92 of the Śāntiparva, endorses the same view and denounces a tyrant transgressing Dharma *as fit to be killed by the people* ( असत्पापिहसचिवो बध्धो लोकस्य धर्महा ). This doctrine of tyrannicide could neither have existed nor could it have been so boldly enunciated if kingship was regarded as divine.

Tyrannicide is naturally inconsistent with the divine conception of kingship, and its justification comes only in an age in which duties and responsibilities on either side are postulated. On the other hand, the influence of a theory of divine origin would but lead to the inculcation of the king's inviolability and obedience to his authority, irrespective of the manner of discharge of his functions. In the Middle Ages, when the Divine theory was enunciated by the despots of Europe, some of them like James I. denounced opposition to their authority as something blasphemical. On the contrary, the end of despotism was synchronous with the almost universal acceptance of the theories of Social Contract, as explained by Locke and Rousseau. Hence, we are but justified in drawing the following conclusions :

- (1) Hindu kingship was not a divine institution. The righteous king was venerated as a beneficent spirit



and was often spoken of as a *deva*, though this did not by any means characterise kingship as something divine no more than the other institutions or created objects.

- (2) It was, on the other hand, something which was supposed to have arisen out of a popular election. A contractual relation was supposed to subsist between the king and his subjects with rights and duties on either side.
- (3) The Hindu idea of kingship postulated some active rights and obligations, both political and moral, vested in the king. He was bound to perform certain active duties to his subjects, to further their material prosperity and to help in their higher self-realisation.

Of these, protection was the foremost. The primary word used by the Epic thinkers to denote protection is *Rakṣaṇam*, which was

regarded as the cream of regal duties ( राजधर्मः नवनीतम् ). The king was to fight foreign enemies

and those inside. The importance of rakṣaṇa was so great that kings who failed to protect the life or property of their subjects were denounced as being unfit for the regal office. Protection was his greatest religious merit and failure to do so his worst sin. In many passages, we find similes comparing such rulers with things useless\*

The king's duties.

\* वडेतान् पुत्रयो जज्ञाद्विज्ञा नावमिवाथै ।  
अप्रवक्तारमाचार्यमन्त्रीमानवलिङ्गम् ॥  
अरक्षितारश्च राजानं भार्याचाप्रियवादिनौम् ।  
शान्तकामश्च गोपालं वनकामश्च नापितम् ॥

Again—

किं तैर्लङ्घ्यते जीजाः किं वेत्ता वायुदुग्धया ।  
बन्धवा भार्याश्च कोशः कोऽर्थः राजाश्चरक्षता ॥  
यथा राक्षसो हस्ती यथा जनेमयो रथः ।  
यथा ज्वलन्ते पण्डो वा प्राये शिवं यक्षोवरम् ॥  
एवं विमोऽनघीयानो राजा श्वश्च न रक्षिता ।  
मेषो न वर्धते यश्च सर्वथा ते निरर्थकाः ॥

or entirely devoid of the qualities naturally supposed to exist in them. As such, a king incapable of protecting his subjects is placed in the same category as a sterile wife, a barren field, a milkless cow and a Brāhmaṇa without learning.

The capacity to protect was the highest qualification. Protection was his greatest religious merit and failure to do so his worst sin.\* As such, any one who saved the people from anarchy, was a lawful ruler whom the people were bound to obey. Furthermore, the selection of a king was the primary duty of a community or state as well as of all individuals.†

This protection again did not merely comprise police duties. The king was to do everything for the material and moral welfare of his people. In regard to this economic aspect, we find in the Epic an elaboration of the ideas which we have already found in the Vedic and Brāhmaṇic literature. He was to help men of all classes and castes for the realisation of their earthly aims. He was to protect Brāhmaṇas and Snātakas. Their moral degradation or starvation was a sin which assailed the king (Śānti. Ch. 76 and 77).‡ He was

- \* यदङ्गा कुर्वते पापमरुतान् भयतः प्रजाः ।  
 राजा वर्षसङ्कलने तस्यान्तमधिगच्छति ॥  
 यदङ्गा कुर्वते धर्मे प्रजा धर्मेण पालयन् ।  
 दशवर्षसङ्कलने तस्य मुक्तं फलं दिवि ॥  
 स्थितिः स्वधीतिः सुतपा लोकान् जयति यावतः ।  
 क्षणेन तानवाप्नोति प्रजा धर्मेण पालयन् ॥  
 † राजानं प्रथमं विन्दे सती भार्या ततो धनम् ।  
 राजन्यसति लोकस्य कुतो भार्या कुतो धनम् ॥

also राष्ट्रस्थेयतुल्यतमं राज एवाभिवचनम् ।

- ‡ यस्य वा विषये राजन् स्त्री नो भवति वै विजः ।  
 राज एवापराधं तं सम्यक् तद्विदो जनाः ॥  
 यदस्या सो भवेत् स्त्री नो वेदविदो स्वातन्त्र्यदा ।  
 राजन् स राजा मर्त्यस्य इति वेदविदो विदुः ॥

to act as the patron and guardian of agriculturists by maintaining tanks, constructing waterways (so as not to make the agriculturist entirely dependent on rain), supplying corn and seed to the

husbandmen or lending money at a nominal rate of interest. (Sabhā. Ch. V. mentions the

rate of one per cent). He was to act as the protector of Vārttā.\* In times of distress he was to do everything possible for the suffering people. Moreover, he was always to extend his special protection to the infirm, the aged, the widow, and the minor, and to feed them.†

As protection of property was one of his primary duties, he was bound to make good the loss of his subjects who suffered from the oppression of thieves and robbers.‡ He was to grant even-handed justice to all and punish wrong-doers even if they were his nearest relations. Failure to do justice was sure to obstruct the king's passage to heaven.

By his activities, the king was not only required to further the material aspects of life, but he was also to protect *Dharma*. This does not mean that he

Moral guardian of the community.

- \* कचिद्राष्ट्रे तडागानि पुष्पाणि वृद्धन्ति च ।  
भागशो विनिविष्टानि न कृषिर्देवमालका ॥  
कचिन्न भक्तं वीक्ष्य कर्षकस्यावसौदति ।  
प्रत्येकञ्च शतं वृद्धा ददाद्यान्मनुयद्भन् ॥  
कश्चित् स्तुतिता तात वाचां ते साधुर्मर्जनेः ।  
वाचांवां स त्रियसात लोकोऽयं सुखमेधते ॥  
† कश्चिज्जादौन् गुरुन् वृद्धान् वयिजः शिखिनः त्रितान् ।  
अभौषामगुरुद्वापि चमधान्ये न दुर्गतान् ॥  
कपणानामवृद्धानां विश्वानाञ्च योषिताम् ।  
योगक्षेमञ्च वृत्तिञ्च नित्यमेव प्रकल्पयेत् ॥  
‡ प्रत्याहर्त्तुमशक्यं स्वाद्धनं चौरैर्हृतं यदि ।  
तत्क्षत्तौशात् प्रदेयं स्यात् चक्षुःक्षौ लोपक्षौवतः ॥  
§ व्यवहारलोपे संपतेः कुतः स्वर्गः कुतो यशः ॥

was the ecclesiastical or religious head or that he was empowered to lay down religious doctrines or codes of discipline, but that he was to wield the rod of punishment and to exert actively with a view to preserve the fundamental principles of social morality. He was to see that the different sections followed their occupations, that there was no clash of their interests and that men preserved the right line of conduct. The king's duty of preserving Dharma is well illustrated by the story of the Kekaya king, Aśvapati, who when attacked by a demon, told him that he had nothing to fear from him, since, in his realm Dharma was well-preserved. As such, he was freed by the demon (Sānti. Ch. 77\*) who also praised his conduct highly.

This duty of protecting dharma exercised so a great an influence on the minds of the people that there gained ground the idea of a moral (though contractual) relationship between the king and his subjects. According to the evidence of innumerable passages

Concept of a higher  
relation between king  
and community.

of the Epic, the king became entitled to a fourth part of the religious merit of his subjects (of all classes, including the Brāhmaṇa) and *vice versa* he was liable to suffer from the sins of his subjects to the extent of one fourth.† The Dharmasūtra of Gautama also seems to hold the same idea. (धर्मस्योऽंशभाक् भवति Gau. XI.)

\* न मे स्तेनी जनपदे न कदर्थो न-मद्यपः ।

नानाहिताग्निर्वायुश्च नामकालरमाविशः ॥

† यं यं धर्मं चरन्तीह प्रजा राजा सुरक्षिताः ।

चतुष्प तस्य धर्मस्य राजा भारतं विन्दति ॥

यदधीते यद्ददाति यज्जुहोति यदश्नति ।

राजा चतुर्धमाक् तस्य प्रजा धर्मण्य पात्वयन् ॥

यद्राष्ट्रेऽकुशलं किञ्चिद्राजो रक्षयतः प्रजाः ।

चतुष्प तस्य पापस्य राजा भारतं विन्दति ॥



With such onerous duties and moral obligations, the king was really speaking nothing but a custodian of his people's good and lived entirely for their prosperity. Momentous responsibilities lay on his shoulders, with no amount of privileges or rights of enjoyment commensurate with his labours or duties. He was bound by oath to protect his subjects\* and to regard himself as the custodian of popular wealth, which he had no right to spend† for his own enjoyment. Such was the noble idealism which dominated the Hindu concept of kingship. The Epic thinkers employ various similes to denote the type or the exercise of regal authority. Some describe him as a father, a mother, or a guru, and liken him to the great gods ruling the universal system. In one of these the king is described as a mother with a child in the womb. As she nourishes the child with her own vital elements and takes the utmost care for its safety so the king is to live for the good of his subjects.‡

In other places, the king is constantly likened to the father of his subjects, and he is called upon to perform the duties of a father to his children. This concept of a paternal regal authority§, as we

\* cf. ch. 59. of the Sântiparvan, already referred to gives us the oath taken by Prthu.

† So Says the Ausânara king to the sage Gâlava

पौरजानपदार्थानु समाधौ नात्मभोगतः ।

कामतो हि धनं राजा पारक्यं यः प्रयच्छति ॥

न स धर्मेन धर्मात्मन् युज्यते यशसा न च । Udy. ch. 118. 13-4.

‡ भवितव्यं सदा राजा गर्भिणीसदृधर्मिणा ।

यथा हि गर्भिण्यौ हित्वा स्वं प्रियं मनसोऽनुगमः ।

गर्भस्य हितमाधत्ते तथा राज्ञ्यप्यश्वयम् ॥ Sânti. ch. 53. 45.

§ पुत्रवत् पात्र्यमानानि राजधर्मेण पार्थिवः ।

लोकं भूतानि सर्वानि चरन्ते नास संशयः ॥

पुत्रा इव पितुर्गृहे विप्रिये यस्य मानवाः ।

निर्भया विचरिष्यन्ति स राजा राजसत्तमः ॥

For an account of this paternal concept of royalty, see my paper on the "Governmental Ideals of Ancient India." (Calcutta Review 1922).

know already, had its germs in some of the Vedic coronation hymns. Those ideas were elaborated in the eastern monarchies and we find them further developed at the hands of the Arthaśāstra writers like Kautilya, and in a later age the noblest exponent of the paternal ideal was the Emperor Aśoka himself.

### *Social and Legal Theory of Hindu Kingship.*

The intimate relationship subsisting between a king and the life and prosperity of his subjects or the all-absorbing character of regal functions did not end merely in these dissertations setting forth the closest possible ties between the two. The thinkers of the day who reflected the social consciousness of the people, postulated the existence of the closest possible bonds which subsisted between the ruler of the community and his people. They harped on the fact that the exercise of regal functions led to the normal fruition of the aims and the objectives of individuals in all spheres of existence. A social existence meant to them a free scope to the individuals' efforts and as such it was supposed that a natural relationship independent of political allegiance subsisted between the king and the community.

Consequently, there arose what we may call a social theory of kingship which looked to the king as the natural *guardian* and *patron of all*. He was everybody's protector, everybody's preceptor and supplied all that men could expect from a father or a near kinsman. We may say that the king was not only a "*parens patriae*" (in the words of foreign jurists,) but there subsisted a real moral and spiritual bond between him and his subjects. The influence of such a theory is found in the Dharmasūtras and the early precepts of

the Smrtis show the extent of popular veneration and regard for the monarch.

The king not only received a place of honour and precedence in all meetings and assemblies but he could like a Śrotriya claim that hospitality in households which was offered to the nearest of kin. The bull or the goat was slain for his entertainment and the *arghya* offered to him. ( षड्वर्चा भवन्ति । ऋत्विग्विवाह्यो-  
राजापितृव्यस्नातकमातुलाश्च—Vāsiṣṭha. Ch. XI. 1-2). Honour was shown to him and as in the case of a father, he was not addressed by name (नाम चास्य वर्जयेद्वाजः). The king's death caused *āśauca* to all and even the Brāhmaṇa showed reverence by suspending his sacred studies (see Gau. Ch. XVI on *anadhyāya*). Thinkers of the Dharma school also regarded it as a sin to slander a king. Treason against him or his assassination came to be regarded as a great sin. All the Dharma-sūtras mention regicide as a *mahā-pātaka* and a son is called upon not only to forsake a regicide father but also not to perform his obsequies ( त्वज्जित् पितरं  
राजघातकम्—see Gautama, Ch. XXII).

A number of thinkers discussed the king's importance from the legal point of view and harped on the legal consequences of the suspension of his authority. According to Vāsiṣṭha, interest on loans stopped on the death of the king. Unfortunately, we know but little about the other legal consequences of the king's death but all the Dharmasūtra authorities are unanimous in vesting the king, with the following legal privileges of which we have counter-parts almost everywhere in the world :

- (a) The king was immune from trial or judicial punishment.
- (b) He could not be made a witness in a law court. (चत्वारो  
वर्णाः पुत्रिणः साक्षिणः स्थिरन्यत्र-श्रोत्रियराजन्यप्रजितमानुषहीनेभ्यः ।)

- (c) His properties could not be enjoyed by others and adverse prescription could give no title to such a holder. cf.

आधिः सौमा बालधनं निक्षेपोपनिधिः स्त्रियः ।

राजस्वं श्रोत्रियस्वं च न भोगेन प्रणश्यति ॥ Vāsistha.

- (d) He was entitled to all treasure-troves and lost articles. All properties without heir passed to him by escheat except Brāhmaṇa's property. (See Gau. X; Bodh. I. 10. 16 etc. प्रणष्टस्वामिकं रिक्त्यं अन्नाह्वयस्य राजा हरत् सस्वत्सरं परिपात्य ।.....अदायादन्नं राजाहरत् ।)

### Theory of Taxation

From the evidence furnished by the literature of the period, we find also the evolution of the general principles of taxation. Kings of this period did not depend entirely on the share of booty or the *Vali* paid by his subjects. The accepted principle was that all members of the community were liable to pay tax and this was in lieu of the king's great services to the community. We have dis-

Taxation.

cussed the theory of taxation earlier, but, here we give details about the sources of royal income, which are mentioned in the Epic (Ch. 67) as well as in the Dharma-sūtras especially in that of Gautama. The principal taxes were the following :

\* The main sources of information on this head is supplied by the Rājadharmā-parva (Ch. 67) and the Dharmasūtra of Gautama.

the Epic passage says :—पशूनामधिपञ्चाशत् हिरण्यस्य तथैव च ।

धान्यस्य दशमं भागं दास्यामि कीषद्वयः ॥

Gautama (ch. X) expressly says सांशमिकं वित्तं वाहनतु राज्यः...राज्ञे वशिदानं कर्षकैर्दशमस्य एतं पष्ठं वा पशुहिरण्यशिरष्यैके, पञ्चाशद्भागान् विंशतिभागः शल्कः पण्ये, मूलफलपुष्पीपवसधुमावृत्तण्यनानां पष्ठं तद्रक्षणधर्मित्वात् । तेषु तु नित्ययुक्तः स्यादधिपकेन वृत्तिः । शिथिलो मातिः मास्येकैकं कर्म कुर्यादतिमात्मीयकौविनो व्याख्याताः ।



- (a) Tax on the produce of land. This varied according to various authorities. According to Baudhāyana, the king was entitled to  $\frac{1}{6}$ . Vasiṣṭha holds the same opinion, but Gautama mentions  $\frac{1}{10}$ ,  $\frac{1}{8}$  or  $\frac{1}{6}$  as the share of the king, thus partly echoing the Epic tradition which mentions  $\frac{1}{10}$ th as the royal share. This royal share was accepted in kind and in the Jātakas we find the Droṇa-māpaka taking it in the name of the king.
- (b) Tax on hoarded wealth or gold. The nature of this tax is very difficult to determine. Probably it was a tax on the hoarded wealth and not on the annual income.
- (c) Tax on animals or other productions including fruits, roots, animal-produce, flowers, honey, etc.
- (f) Tax on ferries maintained by the king.
- (d) Tax on articles of merchandise. The earliest references to it are in Gautama and Bodhāyana. Gautama lays down  $\frac{1}{10}$ th as the duty on merchandise. Bodhāyana specifies it as Sāmudra-śulka and regards  $\frac{1}{10}$  as the royal share; also on other articles.\*
- (e) Tax on artisans.—The earliest reference to it is in Gautama who mentions the king's right to compel workmen to work for him once a month.

Buddhistic books give us no details. The Dīgha Nikāya passage on Royal election (Aggañña Suttanta) mentions merely a "part of the paddy." The Jātakas give us no further details except

\* सामुद्रशुल्काः ; परं रूपमुक्तं दशपणं शतं । अन्यथाभिषि सारतुक्पेयानुपहृत्य धनं प्रकल्पयेत्—  
धाम्यं शुल्कमवधारयेत् ।

that the Droṇamāpakas exacted a share of the produce (see p. 320 and 276) and they seem to support the view that the king could enhance taxes. These books show further that lost articles went to the king, merchandise was taxed by him and there existed an excise duty on liquor (See Kulāvaka Jāt. 31). This excise duty was known as the Chātikahāpaṇa and it was continued under the Mauryas and their successors. Duty on merchandise as well as tax on vendors was levied at the gates (see Mahāummagga Jātaka, 546). Regal power in taxation appears to have been increasing. The Jātakas further show (see Suruci, no. 489) that contributions were levied on the birth of an heir—in the shape of a paṇa as price of milk for the royal baby (Khīramūla). This was clearly the forerunner of the 'Utsaṅga' tax in the Arthāśāstra. (See I. C. Ghosh's *Introd. to Beng. trans. Jāt. Vol. II*).

Exemptions from taxation were granted to individuals under certain circumstances and to some classes in the enjoyment of privileges. On this head we have details both in Āpastamba and Vasiṣṭha.\* They concur in granting immunity from taxation to Śrotriya, women, minors, students, tāpasas or ascetics and blind, deaf or dumb persons. Sūdras engaged in service are exempted by Āpastamba, while Vasiṣṭha exempts artisans, beggars, ascetics, those earning less than one kārṣāpaṇa, and those who earn by exploiting natural sources like rivers, forests or rocks. He cites a Mānava verse to justify this.†

\* Āpastamba II.10. अकरः त्रिविधः । सर्ववर्णानां च स्त्रियः । कुमाराश्च प्राग्व्यञ्जनेभ्यः । वे च विद्यार्था वसन्ति, तपस्विनी धे धनपराः । यद्वयं पादावनेक्षा । अन्त्यमूककधिरोगाविष्टाश्च । etc.

† also Vasiṣṭha Chapter XIX. अकरः त्रिविधो राजपुमाननाथो भ्रजितवाचहस्तुरुपप्रजाता । मदीयनकचदाहशैलोपभोगा निष्कराः स्तुः । युक्ते मानवश्चापि श्रोकसुदाहरति ।

‡ न भिन्नकार्षापणमसि शुल्के ।

न शिल्पहन्तौ न शिक्षौ न दूते ॥

न भैक्ष्यलब्धे न हुतावशेषे ।

न त्रिविधे भ्रजिते न यज्ञे ॥

*Royal qualities qualifications and duties.*—Royalty being of so great importance to the community, the Epic, the Dharmasūtras and the Jātakas all concur in holding up an ideal of righteousness before the king and inculcate on him certain virtues which were the *sine qua non* of royal success and the consequent happiness of the people in the kingdom. The Epic and the Brāhmanical texts which look to the problems of politics from the point of the ruler, thus lay down the following qualities and virtues of the king :—

(a) He should be ever active. The virtues of activity or *Uthāna* for the good of the realm are narrated in many chapters (see. 56-57, Śānti). Ever active, he was to fight for the “fourfold” objective.\*

(b) He should be mindful of the people’s good and make all efforts to please them (रञ्जनकाव्यया). The Epic (Ch. 58) derives the word *rājan* from *rañjana* or pleasing (रञ्जिताश्च प्रजाः सर्वास्तेन राजेति चोच्यते ।) and this is confirmed by the Buddhist tradition.

(c) He should protect life and property. He should be impartial in putting down public enemies and in punishing criminals. The Epic cites the instance of the banishment of Prince Asamañjah (Ch. 57 Śānti.) by his father.

(d) He should administer justice impartially and not be too hard in inflicting punishment. Proper punishment should be awarded by him (Śānti. Ch. 69† Ādi. Ch. 220, Śānti. 140) and only to the guilty.

\* This is narrated in the dialogue between Bharadvāja and the Sauvira Śatruñjaya. The four are mentioned as follows:—

अलभ्यस्व कार्यं लिप्सां लब्धं केन विवर्द्धते ।      बहिर्गतं पाक्षितं केन पाक्षितं प्रपश्येत् कथम् ॥

† नित्यमुद्यतदण्डः स्यात् नित्यं विवृतपौरुषः ।

अच्छिद्रः छिद्रदग्धौ च परेषां विवराश्रयः ॥

नित्यमुद्यतदण्डस्य धर्ममुद्दिशते जनः ।

तस्मात् सर्वाणि भूतानि दण्डेनैव प्रसाधयेत् ॥

एवं दण्डं प्रशंसन्ति पण्डितास्तत्त्वदर्शिनः ।

तथाश्नुतुष्ये तज्जिन् दण्डः प्रधान उच्यते ॥ S’ān. ch. 140.

(e) He should be guided by the accepted canon of moral and political discipline and respect the laws of Āsrama and Varna. He should control himself, not give way to excesses of Vyasana nor covet others' wealth or women.

(f) He should follow the advice of his Purohita, learned Brāhmaṇas and advisers.

(g) He should not impose unjust or heavy taxes, nor exact additional ones\* (Śānti. ch. 71) without public sanction† (Ch. 87--88)

(h) He should consult his ministers, watch public opinion (Ch. 84-86) and keep his deliberations absolutely secret.

(i) He should maintain the Śrotriya, orphan and the widow and help all his subjects in times of distress. He should protect and encourage Vārttā or agriculture, industry and commerce.

(j) He should employ spies to watch over the conduct of his officials and his people. (चारनेत्रः प्रजावेक्षी धर्मार्थकुशलः सदा । Ch. 118) and thereby gauge public opinion.

(k) He should strengthen himself by making friends with neighbouring kings and keep his military forces ready for eventualities, and also take care to have his treasury filled. ‡

\* ननुदीर्घं दुष्टेन्द्राष्टं भनरा इव पादपम् ।  
वत्सपेक्षौ दुष्टे च व सनाय न विकुशयेत् ॥  
जलौकावत् पिबद्राष्टं मुहुनेव नराधिपः ।  
व्याघ्रीव च हरेत् पुत्रान् सन्देशेन च पौडयेत् ॥ S'ān. ce. 88.

† अरघो मे समुत्थाय बहुभिर्दस्युभिः सद्यः ।  
इदमात्मवधायैव राष्ट्रमिच्छन्ति बाधितम् ॥  
अस्मापदि चोरायां सत्प्राप्ते दारुणे भये ।  
परिद्वेषाय भवतः प्रार्थयिष्ये धनानि वः ॥ S'ān. ch. 87.

‡ अवलस्य कुतः कोशो अकोशस्य कुतो वलम् ।  
अवलस्य कुतो राज्यसराज्ञः श्रीमन्वेत् कुतः ॥  
तस्मात् कोशं बलं मित्रमथ राज्ञा विवर्धयेत् ।  
जीवकोशे हि राज्ञामभवजानन्ति सानवाः ॥ S'ān. ch. 133.



(l) When enemies threaten, he should fight and be ready to lay down even his life for his people.\* When the enemy is too strong and fighting would be futile, he shall make peace by submitting. (संश्रयेत् वैतसीम् वृत्तिं ; see. Ch.113, 130, 131).

The fine idealism of these Dharma writers who look at these problems from the point view of the ruler is something worthy of note. They dwell on the services of the king and make regal authority the pivot of social existence and progress. In so doing, they harp more on the limitations to the exercise of regal functions, than the privileges and rights of the king. The king was evidently to live for the common good. That was to be the highest objective of his existence, and thereby he had the way to Heaven open to him as through the highest penance and virtue. We quote the following passage of the Śāntiparva in which a king's life is likened to a great and life-long sacrifice which leads to the highest Heaven (See Śānti. Ch. 25. the story of Senājit).

दीक्षां राज्ञः संयुगे युद्धमाह्वयिं राज्ये दण्डनीत्याश्च सम्यक् ।  
 विजित्यागो दक्षिणानाश्च यज्ञे सम्यग्दानं पावनानीति विद्यात् ॥  
 रत्नं राज्यं बुद्धिपूर्वं नयेन सन्ध्यात्मा यज्ञशीलो महात्मा ।  
 सर्वान्लोकान् धर्मदृष्ट्या चरंश्चाप्यृष्टुं देहान्मोदते देवलोकं ॥  
 जित्वा संग्रामान् पालयित्वा च राष्ट्रं सोमं पौत्वा वर्धयित्वा प्रजाश्च ।  
 युक्त्वा दण्डं धारयित्वा प्रजानां युद्धे क्षीणो मोदते देवलोकं ॥  
 सम्यग्वेदान् प्राप्य शास्त्राख्यधीत्य सम्यग्राज्यं पालयित्वा च राजा ।  
 चातुर्धन्यं स्थापयित्वा स्वधर्मे पूतात्मा वै मोदते देवलोकं ॥  
 यस्य वृत्तिं नमस्यन्ति स्वर्गस्थस्यापि मानवाः ।  
 पौरजानपदामात्याः स राजा राजसत्तमः ॥

\* अधस्तः अविद्यस्यैव यच्छ्यामरणं भवेत् ।

अविद्यतेन देहेन प्रलयं योऽधिगच्छति ॥

अविद्यो नास्ति तत्कर्म प्रशंसन्ति पुराविदः ।

न युद्धे मरणं तात अविद्यायां प्रशस्यते ॥ S'ān. dh. 97.

*The Concept of the Rāṣṭrā and its Ends.*

While speculation was directed towards the definition of royal duties and functions, the abstract conception of the *rāṣṭra* or the politically organised community also became developed. The *rāṣṭra* was conceived as a political whole comprising different elements or limbs closely related to each other and working harmoniously in a common purpose. The general idea was that there were "Seven Limbs" (*saptāṅga rājya*—Ch. 122. sec. 8); elsewhere, a *rāṣṭra* was supposed to have seven *Prakṛtis* and some regarded it as having had eight limbs *i. e.*, the seven in addition to *Danḍa* which was the source of sovereignty and political power (सप्तप्रकृति चाष्टाङ्गं शरीरमिह यद्विदुः । राज्यस्य दण्डमेवाङ्गं दण्डः प्रभव एव च ॥ Ch. 121. sl. 47).

The aggregate of these Seven *viz.*, the king, the ministry, the treasury, the army, the territory or *rāṣṭrā* in its limited sense, the fortifications and defensive organisations and the ally (*mitra*), made the state. Of these again, a differentiation was made between the king, the sole head of the executive and judicial authority and the *rāṣṭrā* which comprised the other six. They were supposed to depend for safety on each other and it was their duty to help each other in distress (परस्परं हि संरक्षा राज्ञा राष्ट्रेण चापदि । नित्यमेव हि कर्त्तव्या एष धर्मः सनातनः ॥ Ch. 130 sl. 30). A corporate conception of the *rāṣṭra* is also found in some of the Epic chapters, where *Bhīṣma* speaks of the duties of the *rāṣṭrā* (राष्ट्रस्यैतत् कृत्यतमं राज्ञ एवाभिषेचनम् ॥ Ch. 67. sl. 1 and 2).

The Epic thinkers are unanimous in regarding the *rāṣṭrā* or the state as a great means to the realisation of the highest end. To them, the individual was an end in himself and his self-realisation was the highest goal of

Ends of the State.

social existence. His aims in life comprised the Caturvarga of *Dharma*, *Artha*, *Kāma* and *Mokṣa*. These four were interdependent and the last i. e. *mokṣa* depended on the proper realisation of the worldly prospects of life. For all these, the individual depended on political discipline. ( सर्वस्य जीवलोकस्य राजधर्मः परायणम् ॥ त्रिवर्गे हि समासक्तो राजधर्मेषु कौरव । मोक्षधर्मश्च विस्पष्टः सुकलोऽपि समाहितः ॥ ) As such, the ends of the state were both economic as well as moral.

### *Economic Considerations.*

The consideration of the economic basis of the state proceeded on the lines of the past. The germs which we find in the ancient Vedic coronation hymns were elaborated into those conceptions which made *Pālana* or finding out of sustenance for the classes and individuals in distress, the highest duty of the head of the state. It came to be recognised that a state could not subsist unless the material prospects of the people were well considered. Society was moreover looked upon as an organism which depended on the co-operation of the different classes and sections. And so, came those considerations for the mutual economic relations of the various sections together with the remunerations of the working sections. The Hindu state was thus more social than political like many of the states of the ancient world, and existed for the harmony of classes and the material happiness of its members.

Both in the *Dharmasūtras* as well as in the *Epic* chapters, we find speculation directed to the above end. The *Dharmasūtras* contain passages which denounce capitalistic tyranny and try to fix rates of interest, regulate caste-duties or the relations between master and labourer. The *Epic* contains passages which seem to lay down a rude scale of remuneration for working men.\* It

\* For this, see my *Economic Life and Progress in Ancient India*, Vol I, pp. 306—7.

would be out of place to enter into detailed discussions on these heads here, but these clearly show as to what they thought about the ends of the state. Economic considerations in the ancient works show clearly that they were not unmindful of the "economic basis of the state" and anticipated many of the problems which in our modern age are absorbing the attentions of the greatest thinkers.

More than this, in that hoary antiquity, thinkers were not wanting who tried to ease the relation between capitalist and labourer, by allotting to the latter a specific share of the productions of his exertions. A very old Epic passage (which is also quoted by Kaṭilya in his *Arthāśāstra*) thus lays down the share of the labourer in the absence of contracts :—

ब्राह्मणाय च राज्ञे च सर्वाः परिददे प्रजाः ।  
 तस्य वृत्तिं प्रवक्ष्यामि यच्च तस्योपजीवनम् ॥  
 षष्ठ्यामेकां पिवेद्धेनं शताच्च मिथुनं हरित् ।  
 लब्ध्वाच्च सप्तमं भागं तथा शृङ्गे कला खुरे ॥  
 सस्यानां सर्ववैजानामेवा साम्बत्सरो भृतिः ॥

Next to these political and economic aspects, many thinkers harped on the sacerdotal and moral character of the *rāṣṭra*. From the later Vedic age, the abstract ethical conception of Dharma came to play a prominent part in the social-ideal of the Indian thinkers. Dharma in their eyes upheld the universe and comprised the natural duties of mankind or its sections taken separately in relation to the social-whole. It was regarded as the basic principle in the evolution of the various aspects of the phenomenal world. Applied to mankind or its different sections, Dharma



comprised that body of rules and precepts of life which, if obeyed, conduced to man's happiness (both mundane and spiritual) and prosperity. Dharma, as such, was the basic element in the maintenance of the moral order of the *rāṣṭra* and the head of the state was under an obligation to maintain it.

The Epic chapters constantly harp on this Dharma ideal and give it a high place; though, generally speaking, the *Rājā-dharma* writers take Dharma in its concrete legal sense and make it synonymous with law. In some chapters we find the influence of this older idealism, and in one of them the king is said to discharge his obligations to Dharma by his righteous conduct. *Sānti Ch. 56—*  
 आदिवि कुरुष्वैव राज्ञा रज्जनकाम्यया । \*\* आनृणां याति धर्मस्य लोकेन च  
 समर्चते ॥१३॥ )

Owing to the influence of the moral ideal, the *Brāhmaṇa* occupied a remarkable position in the body-politic. He held co-ordinate authority with the king and saved the people by his spiritual services. Thus, the *Gautama Dharmasūtra* expressly states that the *Brāhmaṇa* and the king are the upholders of the *rāṣṭra*. *Vaśiṣṭha* also holds the same view and, in explaining the *Brāhmaṇa*'s exemption from taxation, attributes it to his services of spiritual protection and benefit. ( *ब्राह्मण आपद उद्धरति ब्राह्मणो वेदमाख्यं करोति तस्मात् ब्राह्मणोऽनाद्यः* ! ) Consequently, his immunities are similar to those enjoyed by the king and his privileges are greater than that of the former, since, he was the 'protector of moral life, the expounder of the mysteries of Dharma and his *tapas* brought peace to society.'

The roots of *Brāhmanical* predominance are to be found in the *Brāhmaṇa* literature. The growth of the Dharma ideal strengthened it further. The *Brāhmaṇa* become the expounder of Dharma while the king was its physical protector. So, for the safety and

Extreme.  
*Brāhmanical* political  
 ideals.

prosperity of the kingdom, the closest possible co-operation between the two was a vital necessity. The ideas in the Brāhmaṇas were elaborated with a view to regulate the relations between the king and the Brāhmaṇas, and this is beautifully summarised in a passage of the 78th Chapter of the Rājadharmā in which we have a dissertation on the interdependence of the two respective elements.

ब्रह्मैव सन्नियन्तु स्यात् क्षत्रं हि ब्रह्मसम्भवं ॥  
 अङ्गोऽग्निर्ब्रह्मतः क्षत्रं अश्विनो लोहमुत्थितम् ॥  
 तेषां सर्वत्राणं तेजः स्वासु योनिषु शाम्यति ॥  
 यदा हिनत्ययोऽश्मानमग्निश्चापोभिगच्छति ।  
 क्षत्रं च ब्राह्मणं हेष्टि तदा नश्यन्ति ते द्वयः ॥

This passage shows the interdependence of the Brāhmaṇa and the Kṣatriya, and advocates a compromise between the extreme claims of the rival elements. As such, we find a synthesis of the Dharma idealism with the political aspirations of the ruling section.

The privileges of the Brāhmaṇa learned in the Vedas were many. *e. g.* (a) immunity from taxation (b) immunity from punishment. The Dharmaśāstras are unanimous in holding that corporaal punishment should not be awarded to a Brāhmaṇa. This is too well known to be repeated here, (c) His legal privileges comprised—non-attendance at court as a witness and the immunity of Brāhmaṇas' property from royal escheat or adverse prescription. In case of lapse of heir, the Brāhmaṇa's property passed to his kinsmen or even fellow-students, while treasure-troves discovered by him passed entirely to him. (d) Socially, he claimed the right of way before the king, while his right of hospitality preceded that of the king. Most of the Dharmaśāstras attach these immunities and privileges to the śrotriya, though, Vasiṣṭha uses the word Brāhmaṇa in the same sense. In the Rājadharmā, Bṛhaspati denies these privileges to the Brāhmaṇas who followed lower occupations. (See Ch. 76. Text)

अन्धकसंविहीना ये कदर्या ब्रह्मवाचकाः ।

एते शुद्धसमा राजन् ब्राह्मणानां भवन्त्युत ॥

अयोविद्या सर्व एव सर्वे आनादितोद्ययः ।

तान् सर्वान् धार्मिको राजा वलिं विष्टिं च कारयेत् ।

Vasiṣṭha also denounces begging Brāhmaṇas as thieves.

But, there are passages in which we find the extremes of Brāhmanical claims made under the influence of the Dharma ideal. The Brāhmaṇais made the protector of the universe and the owner of everything by virtue of his closest possible connection with Dharma. Cf.

ब्राह्मणो जायमानो हि पृथिव्यामभिजायते ।

ईश्वरः सर्वभूतानां धर्मकोशस्य गुप्तये ॥

\* \* \* \* \*

विप्रस्य सर्वमेवेतत् यत् किञ्चिज्जगतीगतम् ।

ज्येष्ठेनाभिजनेनेह तद्धर्मकुशला विदुः ॥

स्वमेव ब्राह्मणो भुङ्क्ते स्वं वस्ते स्वं ददाति च ।

गुरुहि सर्ववर्णानां ज्येष्ठः श्रेष्ठश्च वै द्विजः ॥

पत्न्यभावे यथेवं स्त्री देवं कुरुते पतिम् ।

आनतर्यामिना च त्वं पृथिवी कुरुते पतिम् ॥

This constant extolling of the position and privilege of the Brāhmaṇas and their description as mundane gods was not the only sequel to the elaboration of the Brāhmanical Dharma ideal. This latter gave rise also to abnormal conceptions as to the possibility of governance with a moral ideal and without any coercive authority. The rule of Dharma came to be the ideal condition of human excellence and consequently, the highest stage of man's moral self-realisation. The influence of this idea is apparent not only in the conception of the primeval state of nature characterised by the absence of a coercive authority but also in the dream of an ideal social existence in which individuals were to be freed from coercion or punishment and the object of the latter is to be attained by penance and moral regeneration.

In regard to this, we have ample traces of a current of speculation in this direction. The evidence of the 59th chapter shows clearly that the thinkers of the Dharma school regarded the earliest condition of man as having been free from coercive authority. (See *supra* pp. 276 नैव राज्यं न राजासीत् न दण्डो न दाण्डिकः । धर्मैव प्रजाः सर्वा रक्षन्ति स्म परस्परम् ॥ etc.) In another place of the Rājadharmā, (ch. 88) we find further a mutilated tradition that the earliest king Manu had made the rule that none should be punished or taxed. (न केन चिद्व्याचित्तव्यः कश्चित् किञ्चिदनापदि । इति व्यवस्था भूतानां पुरस्तादनुना कृता ॥ Ch. 88—Sl. 16) But, by far the most important sidelight thrown on the same subject is that furnished by a dialogue between king Dyumatsena and his son Satyavān. The 266th chapter which contains the dialogue, begins with the son's protest against the execution of criminals brought before and condemned by the father. The son explains in the clearest possible terms that the execution of men under no circumstances could be called Dharma.\* On the father's reply that without the coercion of criminals, the social existence will be jeopardised, the son's rejoinder points out the evils of punishment and the consequent miseries of the punished man's near kinsmen. The latter also emphasises the point, that through discipline and training, criminals might turn out pious men and their progeny might prove virtuous.†

\* व्याहृतं व्याजहार सत्यवानित नः श्रुतम् ।

वधाथोन्नोद्यमानेषु पितुरेसानुशासनात् ।

अधस्तां याति धर्मी यात्यधस्तां धर्मताम् ।

अधो नाम भद्रं धर्मी नैतद्विदितुमर्हति ॥

† असाधुश्चैव पुरुषो लभते शीलमेकदा ।

साधोऽपि ज्ञानाधुन्यः शीलमा कायते प्रजाः ॥

न मूलजातः कर्त्तव्यो नैव धर्मः समात्मनः ॥



A ruler should thus try to discipline himself, first\* and those of his subjects who show aberrations of conduct should be placed at the disposal of the Brāhmaṇas and especially the Purohita†

Towards the close of the chapter, the dialogue turns mainly on the necessity of exercising mercy and forgiveness to the erring sections of the community, and the plea for a noncoercive government is rather masked by that of ahimsā and the futility of excessive punishments.

But, while such an 'idea' could not be developed, or accepted for the people as a whole, an anarchistic idealism gained ground with the Brāhmaṇas so far as their own community was concerned. They had long claimed *Soma* as their king, and had inculcated the doctrine of their immunity from all corporeal punishments. This however, did not mean merely a selfish fighting for privilege, for, horrible penances of self-mortification came to be substituted for punishment in crimes and sins. The Karma theory contributed to its elaboration. For, since, there was no redemption except through actual suffering, the absolution from regal chastisement could not ease the sufferings of the soul in lives yet to come. Hence penance was necessary, in as much as, it freed men from sufferings which were the necessary consequences of violation of Dharma.

This Prāyaścitta doctrine which is formulated in the Dharma-sūtras and is elaborated in the later Samhitās  
Philosophic Anarchy. open to us a remarkable chapter in the history of human speculations, so far as man's early ethical concepts are concerned. At the same time, it shows the boldness of that

\* आत्मो वादी निश्चलश्चो दुष्कृतं सन्निगच्छता ।

† सर्वे एव तयो वर्णाः कार्याः प्राज्ञावन्मनाः ॥

idealism which culminated in conceiving man as the highest end in himself and his self-realisation through his own efforts without the intervention of the crude discipline of the coercive state. In this respect, the ancient Indians anticipated many of the problems before some of the advanced thinkers of our own day.

That this idealism made a great influence on the Brāhmanic mind is confirmed by many stray references to the ideal "A-rājaka" or 'non-ruler' society in the Epic literature. Not to speak of the ideal State of Nature which floated before the eyes Indians, there is at least one reference to such a state of affairs being spoken of as actually existing. This is furnished by a chapter of the Udyoga parva, in which Duryodhana in emphasising the necessity of having a commander over the whole army, cites the story of the misfortune of the Brāhmanas fighting against the Kṣattriyas. The former had no king or leader, but had the Brahmadanḍa as the symbol of unity and fought against their enemies. Being defeated, they become wiser, elected a leader, and thus won the victory.\*

Having attempted a survey of the political ideas in the Dharma-sūtras and the two Epics, we pass on to an enquiry into the Political ideas which are found in the Buddhist canon. To speak in a few words, the Canon including the folk-lore literature of the Jātakas, shows almost the same ideas as are found in the literature of the orthodox section of Brāhmanism. Such a thing we should naturally expect, in as much as, it would be a serious misconception to regard

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\* Mr. Jayasval in his *Hindu Polity* cites the conception of the State of Nature in Chap. 59 of the Rājadharmā, as an instance of the A-rājaka constitutions. Many scholars have repudiated this as merely a piece of unhistorical speculation. But, though this example may not be one to the point, yet the instances or the passages cited in this section go to point towards the fact that an ideal of philosophic anarchism was formulated by some of Hindu political thinkers. They thus had anticipated many of the extreme thinkers of our own day.

the teachings of Buddhism as something extraneous to the spirit of Indian culture and tradition. In that remarkable age, India produced a host of metaphysical expounders who differed not only in their mode of enquiry but also in their conclusions. Buddha was such a teacher and his views are not entirely in conflict with those of contemporary thinkers—Brāhmaṇical and non-Brāhmaṇical. Any hard and fast creed had not arisen by that time and if there was any unity, it was in the social ideals or traditions. In regard to these latter, Buddha was never a revolutionary or tried to brush away the past. He was merely a reformer who wished to widen the social outlook and protested against the monopolies then claimed by the Brahmins. In doing so, again, his criticisms were directed more towards pointing out the discrepancies between abstract principles and the contemporary practices than to create a new state of affairs.

In the Canon, we find replicas of the ideas in the Epic as regards the origin of social existence or the evolution of political society. The tradition about the "State of Nature" is similar to that found in ch. 59 of the Rājadharmā. Originally, the natural state of man was an ideal one, but, when aberrations of conduct arose, conventions were laid down and the Mahāsammata was elected by the people. The Jātakas, too, contain echoes of the same idea. The Māndhātā Jātaka speaks of the Mahāsammata or the "chosen of all" as having been the first king in the oldest kalpa (Jāt no 208). Similarly, the Ulūka Jātaka speaks of the election of kings by men and other animals and shows thereby the influence of the theory of regal election. The belief that the tax paid to the king was in lieu of his services of protection and just rule, is also found in Aggaṇṇa Suttanta (cf. Sānti Ch. 67).

Next, as to the scope and functions of regal authority, the

literature of Buddhism, echoes the same ideas as in the Epic and the Dharmasūtras. A king's functions according to the ideas in the Jātakas, were limited to the chastisement of wrongdoers and he was in no way absolute. Thus, when the Yakṣinī in the Telapatta (no 96) Jātaka asked for absolute dominion over the king's realm and his subjects, the king plainly reminded her that "as his own self was not the full master in his realm or over all his subjects and as his jurisdiction extended only over those who transgressed his authority or violated the laws, he had no power to grant such an authority". Next, the king was supposed to rule according to law and following the sacred Canon. It was also his duty and his interest to please his subjects. This idea is made clear by the preamble to the Rājovāda Jātaka (no 151) which though it betrays some evidence of monkish handling, clearly lays down that a king ruling righteously goes to heaven (*dhammena samena aṭṭa-vinicchayam nāma kusalam saggamaggo esa etc.*—preamble to Jāt. no 151). The same Jātaka gives a description of the righteous Kosala king and tells us that owing to his good rule, the law courts were empty and that the king used to wander about at night to hear public opinion. The same story also emphasises the king's endowment with the tenfold regal qualities. (*e. g. dāna, sīla paritṛyāga, akrodha, avihimsā, kṣānti, ārjava mārḍava, tapas and abirodhana*. See note on the Jāt. by I. C. Ghosh, Ben. Trans.). Moreover, in the Jātakas as in the Epic we find the idea that a king's virtues brought good to his subjects. This is exemplified by the Kurudhamma Jātaka (no 276), where the Kaliṅga king whose realm suffers from famine, poverty and pestilence, seeks the secret of a realm's prosperity from the virtuous Kuru king. The latter's prosperity is attributed to his performance of the *kurudhamma*. At the same time, we



find as in the Epic, the converse of this idea *i. e.* the people suffering for the sins of their king. The Bharu Jātaka amply illustrates it (no. 203). For the sins of the king, the whole realm of Bharu perished, and the idea is very clearly expressed in the following passage and the verse attached to the Manicora Jātaka (e. g. "sace hi rājā adhammico hoti devo akāle vassati, kāle na vassati chātaka-bhayam rogabhayam sathabhyān ti imāni tīṇi bhayāni upagatān eva hontiti. etc ; the same occurs in the Kelisila Jāt. no. 202). While a bad king is denounced, it was believed by the people that the righteous king was the representative of the gods and the sight of such a king caused religious merit. (Dūta. no. 60). The Mahāsvapna Jātaka (no. 77) also connects royal unrighteousness with the decay of the people.\*

Again, misconceptions remain in regard to the political teachings of Buddhism. Many scholars believe Buddhism to have been associated with the pluralistic political discipline. At first sight, the Saṅgha organisation leads men to incline to this view. But, a careful examination shows that this is merely an outcome of the association of Buddhism with the non-monarchical tribes of the Eastern borderland, and that their republicanism was but a heritage of the past. The Buddha's sympathies were indeed for the system in which he was born and bred, as is illustrated by his determination to prevent the murderous designs of Viruḍhava against his kinsmen,

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\* Dr. Ghosal gives a decidedly higher place to Buddhist political speculation and attributes the formulation of the Social Contract theory to Buddhist canonists. Evidently, this view is the outcome of a belief that the Canon is older than the Epic tradition. But, this supposition is absolutely without any foundation. The Brāhmanical theories in the Epic show a continuity of development and the germs of the two theories of a state of nature connect themselves with two old Vedic traditions. The truth is that as the result of speculations, such a theory about the origin of government had gained ground long ago, but the Buddhist author twisted it to his own advantage and connected it with the Mahāsammatā.

but, this does not show a political ideal, but feelings of humanity and a natural sympathy for the traditions of the past.

Later on, as Buddhism grew into a great religious system, its system of organisation came to be modelled more and more on the Empire which was growing so fast. The Saṅgha itself was conceived as a great Dharma Empire. The Buddha was its Cakravartin, the Agraśrāvakaś Śāriputta and Moggalāyana were turned into the Dharma-senāpati and Āmātya respectively. Ānanda was conceived as the Dharma-bhāṇḍāgārika and so on. The Dharma idea, as enunciated by the Tathāgata acted on the universal political idea of the Empire and the latter reacted on it. The offspring of these two agents was the Imperialistic Dharma ideal of the Emperor Aśoka.

The above summary of the political and ethical speculations of the ancients shows a peculiar line of development, and this should be taken into consideration when we try to compare the political thought of the Indian with that of mediaeval or ancient Europe.

The political thought of Europe was evolved out of the synthesis of the original ideas inherited from the Graeco-Roman with those cosmic ideas inherent in the Hebraic teachings which came to Europe with the preaching of christianity.

Early in the Dark Ages, the ideal of pluralistic discipline in the city-state evolved by Hellenic political genius, or that of popular government based on the existence of rights and obligations on the part of the ruler and ruled, as conceived by the formulators of *Jus naturale*, went down before the conception of the omnipotent authority of the deified Imperator of Rome. With the establishment of the feudalistic régime and the enunciation of the salvation of mankind through the working of the dual discipline of the Church and the Empire, regal authority came to be associated with a moral sanction though for

The evolution of Western Political thought."

the time being, the "Divine Right" idea was non-existent and popular bodies continued to exercise their functions while turbulent nobles repudiated the claim of monarchs to allegiance. In course of the struggle between the Papacy and the Empire, philosophers and divines like Thomas Aquinas fell back on the traditions of Roman law and formulated the idea of Natural Law being the basis of civil society. At the same time, devout churchmen struggled to prove the excellence of papal authority, while the adherents of the Empire emphasised the divine sanction associated with the Empire.

Gradually, politics was freed from the influence of religion and with Bodin and Machiavelli, the modern theory of the political sovereignty of the state and its concept from the secular standpoint came to be formulated. About the same time, another set of thinkers, advocating regal irresponsibility, harped on the divine right of kings, now freed from Papal authority through the Reformation. Partly with the opposition of orthodox churchmen and partly with the theocratic idealism of the Calvinists, these extreme theorists of divine right were attacked by men like Languet, Buchanan, Bellarmine and Mariana, who all attributed the rise of regal authority to the people's will and a mutual pact. In the next generation of political thinkers, we find a conflict between this divine right vested in kings (through patriarchal succession from Adam) and the theory of popular election of kings justifying tyrannicide when kings ruled unrighteously. In course of this conflict, when despotic regal authority came into clash with the interests and aspirations of the people, a number of thinkers propounded the origin of society in a contract between the ruler and the ruled. Hobbes who followed Hooker regarded the state of nature as one of war. This

state of war necessitated the laying down of conventions amongst the people and the establishment of a common superior who was to exercise authority, though he was no party to a binding contract with the people. Authority once vested in the king was indivisible and perpetual unless his conduct led to anarchy which alone justified revolution on the part of the subjects for their self-preservation.

Influenced by circumstances, Hobbes showed a preference for monarchy and its authority. His successor Locke, on the contrary, portrayed a state of nature which was an ideal condition of equality and freedom in which men were governed by the natural law of reason. But, as this "state was full of fears and dangers," men renounced, according to Locke, natural liberty in favour of civil liberty. Gradually, a legislative authority was erected and the best men were elected to rulership. Thus, according to him, the legislative power of sovereigns was a fiduciary power for certain ends and was liable to removal in case of its arbitrary exercise. These theories held ground for a time and under their influence many publicists of Europe cried 'back to nature.' The Encyclopedists like Montesquieu, however, advocated a moderate constitutional *regime*. But as circumstances never became favourable for reform, it was reserved for Rousseau with his idealistic and deductive method to reformulate the '*Contrat social*' with a view to prove the entire dependence of regal authority upon popular choice and the real rule of the people.

The history of Hindu political speculation, similarly, shows a conflict and ultimate synthesis of several currents and counter-currents of ideas. The different angles of vision of the thinkers who looked at these problems from the ethical or the sacerdotal point of view, have been discussed and



we have summarised the different theories arising out of their peculiar ways of viewing the problems. In the earlier stages of Indian speculation, this sacerodotal influence was very great and politics was intimately connected with religion, (as we have seen in connection with the ideas contained in the Brāhmaṇas). Gradually, as the horizon cleared, the ethical and social needs of man claimed greater attention and there came a tendency to look to these problems independently. This took place in the same age which saw the metaphysical speculations relating to the universal phenomena, and the same amount of abstraction was directed towards the solution of socio-ethical problems. The influence of these is found in the speculations about the origin of sovereignty, the need of a king and the concept of a 'state of nature', which existed prior to the establishment of regal authority. These, show indeed, a parallelism of development so far as India and Mediaeval Europe are concerned.

On many points, we have little of essential differences. The indian thinkers grappled with the same problems and anticipated the solution which medieval theorists attempted centuries later. The speculations about the necessity of a common superior led them to postulate a State of Nature. The concept of a 'state of nature' has had its parallel in Europe, for, as we know, Hobbes, Locke and Rousseau all made it the basis of their political theories.

As the conceptions of Hobbes materially differed from those of Locke, ever so the two Indian concepts regarding this 'natural condition' differed from each other. Hobbes' theory of a state of nature is almost the same as we find in the 67th chapter of the Sānti-parva, which regards the condition of man in a natural state, as one of war. The theory of Locke is nearly similar to that of the propounders of the Dharma ideal. In Ch. 59, again,

in formulating the importance of Danḍa as the basis of state, Hindu thinkers anticipated many of their brethern of the modern age.

While we find a clear parallelism, there is enough room for noting differences in the line of thought between Indian thinkers and those of the West. In most chapters relating to the origin and exercise of sovereign authority, we find Indian thinkers interposing the agency of the divine rulers, showing thereby the close dependence of political ideas on those relating to the universal system. This peculiarity is clearly noticeable as well as the fact that religion and the peculiar cosmic ideas made a deeper influence in India so far as the ethical ideas were concerned. Life with the Indian was not an end in itself but it was a mere phase in a greater existence. Its pleasures and pains were the after-effects of Karma in previous births, and its future, too, was determined by the good or evil done in its duration. Thus, the influence of the philosophical ideas of rebirth and Karma widened the ethical outlook of the Indian and connected it closely with the world unknown. The ideas in regard to the latter were different from those that gained ground in Europe where, only the material aspects of the present existence was taken into consideration. Then, again, the divine agents remained ever-present in the Indian mind and made the deepest impression in spite of the growth of a higher philosophy which directed itself towards the conception of the absolute. While these gave a peculiar turn to Indian political speculation, diversity in social evolution gave rise to certain principles which have exercised their influence even to this day.

First of all, the Indian believed in a social existence which depended for its smooth working on the harmonious co-operation of sections, mutually inter-dependent, but not enjoying the same and equal social status. The castes

which composed the social structure were but parts of the same organisation, though their functions and status were not

Some important principles underlying socio-political evolution.

the same. Equality in social matters never became the ideal with Indian thinkers and they never emphasised the attainment of this

ideal. This was partly due to the fact that a composite society grew out of a social federation of races and tribes whose ethnic divergences and cultural differences made unification impossible. Such a type of social existence became popular in view of the fact that it ensured the socio-economic cooperation of sections and avoided at the same time the race-war which would have been the necessary consequences of a hankering after a homogenous social structure. The Indian mind never yearned after equality but delighted in diversities. Caste has had undoubtedly its defects, but, its leading beneficial features have been ignored by western thinkers. A detailed discussion on this head will be out of place here, but, anyhow it is easy to understand that in India equality never became a political necessity. The Indian conceived certain rights common to all including the members of the most degraded sections but believed at the same time in diversities of evolution through higher intelligence or effort. The right to exist, to have family or property, or a claim to royal protection, belonged to the Sūdra equally with the Brahmin or the prince, but beyond that, there remained scope for diversity of progress and advancement. Furthermore, inequality never stood in the path of political association or social co-operation and the diversities of social condition or status were easily explained through the theories of Karma and rebirth. Hence, a strife of classes was eliminated and the composite federated social structure continued to be lauded.

Secondly, such a social concept was not without influence on the aim and scope of political life, as well as the organisation of the political machinery. A society composed of diverse ethnic elements required for its normal working a strong executive authority and a set of fundamental principles to guide the actions of the ruler. As such, regal authority was erected on a stronger basis and monarchy became the ideal of Hindu political philosophers. But, at the same time, the holder of the regal office was subjected to the fundamental laws of the disciplinary canon, both political and social. The scope of popular activity in matters of legislation was also narrowed down. Laws were allowed to evolve gradually and their interpretation was vested not in the multitude but in the wise exponents of real social opinion.\* Within their own folds, communities had the fullest scope for democratic social life, and their customs were regarded as valid. In social and economic matters too, the representatives of the different sections had their recognised place. But, the fundamental principles guiding social life as a whole were kept out of the reach of the multitude. Thus, the internal autonomy of the different sections was maintained while revolutionary changes were prevented.

Thirdly, the elevation of the Brāhmaṇa to the highest social position eliminated the timocratic basis of political superiority which we find in Europe from the days of the Solonian democracy

\* अन्नतानामसन्धानां जातिमात्रोपश्रीविनाम् ।

सदृशशः समेतानां परिषत्वं न विद्यते ॥

यददन्ति तमोमूढा मूर्खा धर्मसंज्ञानतः ।

तन्पापं शतधा भुत्वा तदङ्गुलिमच्छति ॥

अत्वारो वा मयो वापि यं ब्रुवन्तेद्वारकाः ।

स धर्म इति विश्वे यो नेतरेषां सदृशशः ॥



to the middle of the last century. In India, wealth never became the standard or sole basis of political franchise.

Finally, the crude political discipline never came to be regarded as the *summum bonum* of existence. Man was not a means as in the speculations of Europe, but, he was the highest end in himself. It was for his self-realisation that the state was conceived as a means to that higher end. The state and its discipline extended over the whole of man's economic or material activity, but, beyond that, the self-disciplined individual was left to himself to work his own salvation. Religion or intellectual advancement never came within the scope of political discipline. Elsewhere, we shall discuss these points in detail.

*Note*—Before passing on to the next section, we beg to draw the attention of readers to a few facts relating to the political speculation of the Epic thinkers. As a rule, they view the problems of politics from the standpoint of the rulers. Yet, a careful study of the various chapters show that they conceived of certain fundamental rights naturally vesting in the people, if we are allowed to use the word right in that sense.

These were, socially, the right to exist, the right to hold and maintain family, the right to own lawfully-earned property, and the right to look after his own self-realisation both material and spiritual. The right of self-defence was also vested in the individual and as such, the murder of an assailant even if he were a prince or a Brahmin was not punishable.

The king as the head of the state was to ensure these rights and to extend his protection to all. He was to deal out justice with impartiality to all his subjects. Failure to do this made him not only morally culpable but he was liable to removal by the people, in whom resided the 'moral right of revolution.' This would appear from the views of the extreme champions of popular right like Bāmadeva or the author of the Anuśāsana passage already referred to. The doctrine of tyrannicide held ground in India also, and the views of Indian thinkers may be compared with those of Mariana and others in Europe.

Regal power was subjected to many limitations, and these checks may be summarised as follows :—

- (1) The king was equally subject to the law and was not vested with law-making power.
- (2) He had no right of arbitrary taxation. He was not the owner of land, nor could he impose arbitrary punishments.
- (3) Justice was ensured by the existence of assessors in all law suits and their voice determined the guilt, while the king simply passed sentence and executed it.
- (4) In the small democratic states, there was always a strong public opinion and men of all castes and sections had their laws recognised. Their guilds were a potent force, and if we are to believe in the Epic, caste-representatives had their seats in the Regal Council.

