

LECTURE VI
THE POLITICAL SYSTEM

We are today under the obsession of politics. The study of the political institutions of the past still attracts the care and attention of modern students that their socio-religious background fails to receive. This attitude is due, as much to the pre-occupations of the modern world with political controversies, as to an imperfect perception of the inter-connection between the two. When the aims of the catastrophic war into which the world was flung and from which we have yet hardly emerged had to be defined it was said to be fought to make the world safe for democracy. The signification of a somewhat vague political ideal as that for which the nations were dragged into a seething cauldron of destruction was received with unctiousness. Had it been said that the war was being fought for the higher purposes of humanity, for the vindication of mere morality or spirituality inherent in man, the declaration would not have commanded a fraction of the appreciation that the signification of a "democratic" purpose behind it evoked. The illusion of *idola fori* is difficult to overcome. A century of adoration at the shrine of what passed as democracy, still draws worshippers to where it is held to dwell. Like orthodoxy, democracy is what appeals to each man in the form of government that seems best to suit his needs and interests. Habit makes one impervious to facts. Nations which seek to perpetuate their domination over other nations, and which are governed by compact sections, still claim to be democratic. One is reminded of Sir Lancelot's conflicting ideals and practice.¹

Ancient India had no use for political labels. It is curious that in a land in which the tendency for classification and systematization seems inborn, political ideals and institutions remained unclassified. It looked to results, not to forms. It would matter little if the government was carried on by one, a few or the many, if the results were happy. That which is best administered is best. The test was Dharma applied to means, ends and results. The range of applicability was universal. It is the demonstration of the domination of a moral principle in the universe that vindicates the position of

1. His honour rooted and dishonour stood,
And faith unfaithful kept him falsely true.

(Tennyson).

the Supreme. He merges in Dharma. Judged by ultimate values that alone can be expedient which is just. Dharmaśāstra takes a cosmic view of existence and of every branch of activity, and judges them by this standard.

Rājadharmā is commonly equated with Political Science. Its content is assumed to be the art of government. It is forgotten that, literally and historically it means not the art of government, but the indications of the duties of a particular functionary, viz., the crowned king. Vijñāneśvara makes this clear in introducing the brief section on *rājadharmā* in *Yājñavalkya-smṛiti* (pp. 309-368). He explains that Yājñavalkya proceeds to indicate the special duties of a householder, who had acquired a special *guṇa* by being crowned as a king, after the specification of the duties of householders of all *varṇas* generally.¹ The duties of administration devolve on one who is put at the head of a state. In Indian conception, he who has to discharge the duties must obviously belong to the second *āśrama*, as the other three are outside worldly life. While the ideal is that the head of the state should be a Kṣatriya, the position might go to men of other *varṇas*; but even so the duties of the office (*guṇa-dharma*) will still devolve on him. That there may be no misunderstanding, Yājñavalkya (I, 311) uses the neutral designation *narādhipa* (king) instead of *rājā*, which, like *kṣatriya*, is frequently used in *smṛitis* in the sense of 'king'.²

A code of instruction for a ruler, on his duties may be of both a narrow and a comprehensive character. The specific duties, as an administrator when enumerated and explained, constitute the *smaller* code. One of the king's duties, and the most important, is to see that every one does his or her duty, whatever it might be. Protection is complete only when every one is made to keep within his limits, and perform his duties. Whoever neglects a duty or does what he is enjoined not to do has to be pulled up by the king, both in the interests of the community, whose placid life has been disturbed by his guilty action, and in the lasting interests of the offender himself. A knowledge of what every one is expected to do, in whatever position he or she may find himself or herself, is an antecedent condition of correct regulation of every one's conduct. The king has a personal responsibility for the *dharma* and the *a-dharma* of every

1. साधारणान् गृहस्थधर्मोत्पत्तेदानां राज्याधिकारविद्युत्पत्तयश्च गृहस्थस्य विशेषधर्ममाह 'नरौत्साहः स्मृत्तच्छ' इत्यादिना । (मिताक्षरा, १, ३०९)

2. *Mitākṣarā* equates (I, 308) नरौत्साह with 'crowned Kṣatriya' (नरविधिकारविध), and 'नराधिपौ' (I, 311) with राज्याधिकारः

subject, and it is signified by the statement that he obtains a sixth part of the spiritual merit of his good subjects, and a sixth part of the demerit (*apūṇya*) of unpunished delinquent subjects.¹ It is not to be taken as a picturesque statement but was meant and taken *literally* in the ages in which an unseen result was held to attach itself to every action, good or bad. It is his duty to determine what is enjoined and what is not, and to enforce compliance to the rules of Dharma.² The regulative and punitive duties of the king include not only civil penalties but appropriate penances and modes of purification from the taint of the offence. In short, the range of his responsibilities imposes on a ruler a liability to a sort of omniscience. This extends not only to the whole field of enjoined duties (*Dharma*) but also to the psychological and philosophic background of the mind of the subjects. This is why among the subjects that are indicated for study by princes, who will later in life be called on to rule, Kauṭilya includes philosophy (*anvīkṣikī*) in the prince's curriculum of studies, and further explaining the content of the philosophical course brings under it *Lokāyata*, school of Materialism³, whose followers the king is enjoined by Manu to keep under check or banish (IX, 225).⁴ The comprehensive character of *Manusmṛti*, which goes into every one's duties, makes it a work of *rājadharmā* in the wider sense of the term. But, as a king may not be in a position to understand every provision of the comprehensive code of conduct, he is required to get expert advice,—from his ministers in matters of administration, from judges in matters of adjudication, and from the *puṇyāḥita* in matters relating to penances and vows. This is the reason why the study of *Manusmṛti* is prescribed for the Brāhmaṇas particularly, and to all twice-born persons generally, (XII, 126). On questions of interpretation of doubtful points, he is to be guided by the opinion of a *paṇḍit* of learned men, whose constitution is detailed in XII, 108-115.

Bases of Manu's Polity.

The scheme of polity that *Manusmṛti* outlines is accordingly rooted in the general scheme of Hindu life, and in the postulates of Hindu social and economic organization. The former is com-

1. सर्वतो धर्मवद्भागो राज्ञो भवति रक्षतः । अथपार्थिवे षड्भागो भवत्यस्य सा रक्षतः ॥ (८, १०४)
2. तस्माद्भर्तृ यानिहेतु संभ्यस्तैजस्यरपिपः । नतिर्हं चाप्यनिहेतु सं धर्मं न विचाळयेत् ॥ (७, ११)
3. सांख्यं योगो लोकान्तं चैतान्नीक्षिकी । (p. 6.)
दुषोपवनसखसौम्यान्नीक्षिकी च विद्विष्यः । (p. 10.)
4. पाषण्डवर्षाभं मानवान् । . . . क्षिप्रं निर्वास्तयेत्पुरात । (९, २२५)

prehended under *varṇāśrama-dharma* in the wider sense of including the *dharma* of *varṇa* and *āśrama*, of both in their inter-relations, of the *dharma* of 'position' or *guṇa*, of the *dharma* of 'special occasion' (*naimittika*) and of the *dharma* 'common to all' (*sādhāraṇa* or *nitya*). The last presupposes the universal acceptance of certain institutions. These are property, the idea of contract and obligation, the existence of the capitalistic system in a planned society and of personal freedom generally. While these ideas may be regarded as springing from the established political order,—which is signified by the legend of no such regulations being needed in the Golden Age of the dim past,—they are pre-supposed by the system of government indicated and described by Manu. As the assumption of the *smṛti* is that all that is contained in it was revealed, like Koranic laws, it has a background of divine sanction for the institutions. He who advocates anarchy, as well as he who urges the abolition of private property, capital and the repudiation of contracts, will be acting not only in defiance of state laws, but of divine injunctions behind these institutions. In the face of these hypotheses, political and economic progress can be visualized only so far as they are possible within the limits of these institutions. A way-out is suggested, however, by certain commentators. The indication of a visible purpose or benefit is contrary to the nature of a Vedic *vidhi*. The rules regarding economic and political organization and institutions in *Manusmṛti* and works like it are rules of *Artha*, not *Dharma*. The sections on these topics are to be treated as *Arthasāstra* sections, which can be modulated by rational action. It is true *Arthasāstra* itself is within the canon, though by an explicit rule its rules must give way if they conflict with those of *Dharmasāstra*.¹ Absolute validity attaches only to those cases in which there is the sanction of both reason and injunction behind them.

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Different Scales of Values.

The adjustment of *dharma* to changing needs was to be brought about only by research and interpretation. Rules traced back to divine omniscience cannot be supposed to be defective or self-contradictory. If any defects or contradictions are found, they must be deemed superficial and capable of resolution and valid explanation.

1. अर्थशास्त्रानु बलवत्तमं शास्त्रमिति विवक्षितः ॥ (राष्ट्रवलय, २, २२)
संस्मृता अर्थशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
अस्मिन्मते निरुच्येत अर्थेणार्थं विविक्षयेत् ॥ (अर्थशास्त्र, p. 150.)

The *pariṣad*, custom (*caritra*), the practice of the elect (*śiṣṭācāra*, *ācāraśca sādhanām*) can be called in for the determination of the problem of reconciliation, internal and external, of consistency and of suitability to all times and needs. From our outlook today the parts of *Dharmasāstra* of most interest are those devoted to polity, law and administration. To an ancient Hindu king the sections that would most appeal would be those dealing with *ācāra* and *prāyaścitta*, which the king had also to administer. We cannot attribute to him *our* mood, but must look at it from *his* standpoint. In the atmosphere of the palace and the court a knowledge of *rājavitī* will be gained by him automatically. It need not be specially taught or learned. It will be in the atmosphere. Nor will he require instruction on court etiquette. It is in regard to civil law and penance laws that he will feel the need for learning, training and guidance. This attitude will explain the character of the works on Dharma that princes might study. They are relatively full on forensic law, on penance, on *ācāra* of *varṇa* and *āśrama*, and even on transcendental matters, while their treatment of polity proper is scrappy and superficial. The difference will be clearly noticed if the *Kautilīya* and *Manusmṛiti* are compared, or better still if the *Nitisāra* of Kāmandaka is compared with Manu's work, because Kāmandaka deliberately adopts the *smṛiti* form and mode of exposition. On polity, administration and law proper Kautilya is very full; Kāmandaka omits not only all penance and *ācāra* law, but even *vyavahāra*. Manu stands midway, stressing all, and dealing with them pretty fully, but with a little less fulness polity proper.¹ The feature is reflected in later *smṛitis* and in *nibandhas* composed to order like Hemādri's great digest. Lakṣmidhara follows Manu's proportions, and even in his *nibandha* the *Rājadharmā* section is less full than some of the other sections while *Vyavahārakāṇḍa* is the fullest.

Theories of the Origin of the State.

Among legends of the origin of the State or Government, given in the great Epic are two, which ascribe a divine origin to the State, and base it on an original contract. Both legends are implicit in *Manusmṛiti*, which however does not describe them. The Supreme Being (*Prabhu*), finding that for want of a government (*arājaka*) every one in the world was disturbed by fear, created the King for the

1. In *Yājñavalkya-smṛiti* only 60 ślokas are devoted to polity proper, while *ācāra*, *vyavahāra* and *prāyaścitta* have 308, 307 and 334 ślokas respectively.

protection of all in the world. (VII, 3).¹ The legend is given by Kauṭilya (p. 22).² The people finding that for want of a common ruler they were being ruined by mutual quarrels (in which they devoured one another as fish devour fish) made Manu Vaivasvata their king, and agreed to render to him (and his successors in the office) a sixth of their harvested grain, a tenth of their trade gains, etc. It is in accordance with this arrangement that kings have become responsible for the welfare of their subjects. In both legends a pre-political stage is envisaged, which is one of anarchy in which every one devours every other. The idea implies the existence of 'rights' which were invaded, and of freedom to make a contract. The installation of Manu Vaivasvata was a secular arrangement. The legend in *Manusmṛiti* relates to the creation of political organization, i.e. kingship. The legend in *Kauṭilya* refers to the installation of the first king, by common agreement, later rulers apparently accepting the arrangement from veneration for precedent, or because Manu is the progenitor of the human race. Śukra has a third theory, which fits in with the general Hindu belief in *karma*. The king becomes master over movable and immovable chattels, becomes capable of giving protection and receiving his sixth (*daśyab sadbhāgagrahana*, I, 72), by virtue of the austerities performed by him in a previous birth even as Indra became king of the gods by austerities.³ This is mere explanation of worldly position by past *karma*, as one's caste in this life is similarly explained. Manu follows up his account of the creation of the king, by stating that he was created from 'eternal particles of the eight *lokapālas* (VII, 4).⁴ The divinity inherent in a king springs from this synthesis. The king is not an incarnation of God, but of elements of the chief gods. They

1. नराजके हि कोकेऽस्मिन् स्वर्ते विदुते मयात् ।
रुद्धासैमस्य सर्वस्य राजानमसृजाम्युः ॥ (७,३)
2. मातृश्रम्यावापिभूताः प्रजा मनुं वैवस्वतं राजान चक्रिरे । भद्रवपुद्भामर्गं, पण्यदशभागं,
द्विष्यं चारुम भागिभं कल्पयामाद्दुः । तेन भृता राजानः प्रजानां योगक्षेमवशाः तेषां क्रिदिवन्-
मरुच्छक्रा हरणि । यो(रस्त्वयो?) गच्छेन्वदाश्च प्रजानाम् । तस्माद्दृष्टव्यमामारम्यका अपि
निवर्तन्ति ॥ (वर्धेनाथ, pp. 22-23)
3. तपसा चैव सादृचे शास्ता धाता च रज्ज्जः ।
सुदः स्वमाकृतादृचे तपसा च मदीयिमात् ॥
अन्नमसावराणा च शंसः स्वतपसा भवेत् ॥
दशः पद्भागमहंघे वधेन्द्रो नृपतिरसौ (शुक्रनीति, १, २०, ७३)
4. इन्द्रानिष्कवमाकांयान्मशेष वरुणस्य च ।
चन्द्रविश्वधरोक्षेत्र माता विह्विस्व क्षात्यर्ताः ॥ (७,४)

account for his power and splendour and for his surpassing all beings in lustre. "Even an infant king should not be treated with slight, from the idea that he is only a mortal being; he is really a great divinity in human form." (VII, 8).¹ This is glorification not of a king but of kingship. For, through lack of virtues many kings like Vena perished (VII, 41).² The rule of this Vena was evil. It resulted in *varnasankhara*. It was in his reign that the practice of *niyoga*, which Manu condemns as an animal practice, was much in vogue (IX, 66-67)³, as the intellect of the king itself was destroyed by lust. Manu does not follow up the legend of destruction of Vena for his oppression, and the creation and installation of his son Prthu, after whom the earth is named Pṛthivī, as 'king of men'.⁴ Prthu took an oath (*pratiṣṭhā*) to subordinate his inclinations to morality, and to observe the eternal Dharma.⁵ The action of Prthu forms a second Social Contract.

Implications of the Theories.

The underlying implication of the different legends is that political union, under a common ruler is natural and necessary, and may be considered as having divine sanction behind it. It is the only answer to human depravity, which leads man to eat man, unless restrained by a common master. While the divinity in the ruler so created makes for his lustre and power, he is bound to respect the original convention of righteous rule. Manu gives only the divine creation legend. The extremes of irresponsibility to which it may

1. बाळोऽपि नावमस्तथो मनुष्य इति भूमिपः ।
महता देवता दैषा सरक्षेण विपुति ॥ (७,८)
2. वेनो विनष्टोऽविनामभुक्षेव पाथिवः ।
सुराः वैज्वन्तश्च सुसुप्तो निमित्त च ॥ (७,४१)
3. अथ द्विजैर्हि विद्विजः पशुभ्यो विगर्हितः ।
मनुष्याणामपि भिक्षो वेने राक्षं प्रशासति ॥
स महोमक्षिणोऽध्वर्यु राजपिप्रवरः पुत्र ।
वर्मानां स्वर्गं चक्रे कामोपवदन्चितनः ॥ (९,६९-७०)
4. द्वापिन्वर्षं, ५८,१०२-१२२—for the legend.
5. प्रतिष्ठां चापिरोहस्य मनसा कमेना गिरा ।
पालविश्वाम्यहं योम ब्रह्म रक्षेव वासुधय ॥
यथात्र धर्मं शशुको दण्डनीतिव्यपभयः ।
तमशाहः करिष्यामि खवद्रो न कदाचन ॥
अदृष्ट्वा ने द्विजाक्षिति प्रतिजानीष्य चापि भो ।
लोकं च संहरासुहृदं मत्तास्मिन्ति पलेप ॥
एवमस्ति वैन्वसु तैवको ब्रह्मविदिमः । (द्वान्निवर्षं ५८,११५-११९)

lead an infatuated monarch is countered by allusion to the evil king Vena, whose story must have been familiar to all. But over and above it, another legend that Manu gives makes the king himself subordinate to a higher power, viz. Daṇḍa or the incarnation of the Spirit of Punishment. It is Daṇḍa who is king; he is the regulator of the entire universe,¹ (VII, 17-1). A guiltless man is hard to find in the world; through fear of Daṇḍa the world observes Dharma.² The elaboration of this legend or theory of the penal power behind the State (or king) is of constitutional interest. It provides not only the Austinian sanction behind law, but also a restriction on the unlimited exercise of the prerogative powers of the king! Punishment is said to strike down the king who swerves from Dharma,³ (VII, 28) for Daṇḍa is Dharma.⁴ The meaning of the identification is that the king is under the law, not above it. Dharma alone rules. The power to make new laws or to alter old ones is not vested in the king or any human power. A king, like a judge, merely declares Dharma; he does not make it. A strong executive is needed for social order; an irresponsible executive is a danger. The support of the one and the condemnation of the other are in Indian theory made to rest on Divine sanction.

It is noteworthy that *Manusmṛiti* makes no mention of alternative theories of the origin of monarchy; from the pressure of war, as stated by the *Aitareya Brāhmaṇa*,⁵ or from an election sanctified by divine blessing as implied by the *Satapatha Brāhmaṇa*, or from deification of a priest during a sacrifice and its perpetuation, as in the case of the *rex sacrorum* in ancient Rome.⁶ As a practical-minded thinker Manu is satisfied with supporting the necessity for a common executive authority and with basing it on morality and the common good.

1. स राजा पुरुषो दण्डः स नेता शासिता च सः ।
चतुर्णामश्रमाणां च धर्मस्य प्रविशुः स्युः ॥
दण्डः शासित प्रजाः सर्वा दण्ड ज्याभिरक्षति ।
दण्डः शोरो जागति ॥ (७,१७-१८)

2. सभो दण्डन्ति लोको दुर्कर्मो हि क्षुण्णिमरः ।
दण्डस्य हि भयासर्गं जगद्गोपाय कल्पते ॥ (७,२२)

3. धर्मोद्विचलित हन्ति नृपेण सजाप्यवम् ॥ (७,२८)

4. दण्डं धर्मं विदुर्मुखाः (७,१८)

5. पेल्लेयमा, १,१४—देवाहारा वा लोकेषु समयन्ते . . . तांस्ततोऽसुरा अजयन्
देवा अन्नपन्नराजतया ते नो अयन्ते, राजान् करवामसाः शतिं तेषांति ॥

6. K. P. Jayaswal—*Hindu Polity* (1924), Ch. 23 and 24,

Glorification of the King.

The value of unitary control is the obvious reason for the laudation of the person and position of the king. It was clearly not meant to be taken literally by king or subject. The king is Viṣṇu¹ (Caṇḍeśvara quotes a retort, almost in Gandhian language, the "subject is Viṣṇu too").² He is made up of the essences of the divine guardians of the universe (*lokapālas*).³ Assaulting a king, reviling him or treason against him are capital crimes. Banishment follows the betrayal of state secrets. To seduce the queen is treason.⁴ The protection given to the ministers and others are the natural needs to protect high functionaries. The property of a king is proof against adverse possession, however long it may be (VIII, 149). (It means state property cannot be taken over and held against the State on the plea of prescription). Ownerless things go to him. Every one, every article, is pledged to support him by definite contributions. His jurisdiction is unrestricted. Brāhmaṇa immunities do not mean that they cannot be tried in the king's courts. The Vedic statements "Soma is the king of the Brāhmaṇas"⁵ and that the king is lord of all except the Brāhmaṇas⁶, are merely glorificatory statements; for, the Brāhmaṇas' offences and offences against him have to be adjudicated by the king or by his judges.⁷ The privileged position of the chief executive is seen in the rule that a king does not contract pollution by birth or death⁸ (V, 63); he is like the *brāhmacārī* and the sacrificer (*dikṣita*). The king's impurity is extended to all, and Vedic study is interrupted so long as it lasts

1. नाडविष्णुः शुभिवीर्यविः

2. 'अक्षारम्भ न मे राज्यं राजानं रक्षतु प्रजाः ।'

इति सर्वे प्रजा विष्णुं साक्षिणं श्राव्यन्त्युद्धः ॥ (राजनीतिरत्नाकर, 1936, p. 74).

3. मनु, ७,४-७

4. कौटिल्य, p. 234.—सर्वज्ञ राजसावांगमने कुम्भीपातः । *Ibid.*, p. 227. अन्तःपुरमर्षकं...मत्तरेव । *Viṣṇusmṛiti* construes the seduction of the queen as incest: XXXVI, 4.

5. सोमोऽस्मानं ब्राह्मणानां राजा (शतपथब्राह्मण, ५,४,२,३)

सस्माद् ब्राह्मणोऽनायः सोमराजा हि भवति । (*Ibid.*, ५,४,३,१,२)

6. राजा सर्वरेषु ब्राह्मणवर्षेभ्यः । (गैतमधर्म, १,१,१.)

7. न च राजा सर्वरेषु ब्राह्मणवर्षेभ्यः इति शीतलवचनात् ब्राह्मणो दण्ड्य इति मन्तव्यम् । तस्य भयंसारथेत्वात् ॥ (मितक्षर, २,४)

8. न राजा मर्षदोषोऽस्ति श्रुतेर्ना न च सविनाम् ॥ (५,९,३)

(IV, 10)¹ and his death interrupts Vedic study.² A moratorium follows automatically on the occurrence of a vacancy to the throne (Vasiṣṭha). Rights cannot be acquired by possession during an interregnum, according to Kaṭīlyā (III, 16).³ Śukra puts picturesquely the idea that a throne can never be vacant; as Indrāṇī is never a widow, so a kingdom can never be without a ruler.⁴ When a country is conquered, and its king is slain, the conqueror is enjoined to instal at once a member of the late reigning family as king (VII-202) so that there may be no vacancy to the throne (II, 49).⁵ A king is even more necessary in the demoralized conditions of defeat than in normal conditions. The advice to appoint a *yuvārāja*, which is acted upon in the *Rāmāyaṇa* and the *Mahābhārata*, is not dealt with by Manu, nor is there anything in his work about the rule of succession. Obviously a kingdom cannot be divided like personal property; but Manu would allow the eldest son to take the entire inheritance, (IX, 105) and such a son would *a fortiori* be the heir-apparent in a kingdom.⁶ Manu regards the eldest son alone as the son who frees the ancestors from hell, and the other sons as only sons of lust (*kāmajaḥ*).⁷ The statement has been interpreted as indicating a desire for family limitation, but this is doubtful, as the trend of smṛti thought is to welcome additions to a family. Manu's rule that in private property there should be no discrimination between son and son cannot furnish an indication.⁸ Bringing under indivisible

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1. अह न कीर्तयेद्भक्त राघो राघोश्च यत्के ॥ (४, ११०)
 2. विषयस्ते च राज्ञि भ्रैते (नीतमधर्म, १६, ३२)
आचार्यवशीयुदीपाय्यायमातुल्यभङ्गरभङ्गसंज्ञायाः (विशिष्टेभ्यस्तोतिभेदरात्रेण ।
स्वदेवराजानि च ॥ (विष्णुस्मृति, २२, ४४-४५)
 3. शासनः श्रोत्रिणाः पापञ्चा वा राज्ञामसन्निधौ परास्वपु विवस्मत्तः स कोमेन हरेद्युः ॥
(कौटिलीय, p. 191)
 4. न त्वेव रूपहीनाः स्युः दुर्दृग्णा इति तु प्रजाः ।
यथा न विष्वेन्द्राणो सर्वदा तु तथा प्रजाः ॥ (शुक्रनीति, १, ९५)
 5. स्वामयेत्तत्तत्तदंशं कुर्वाच समकामिनाम् । (७, २०२)
 6. अथेष्ट एव तु पृथ्वीयासिन्धुं धनमसौधतः ।
शेषास्तस्यपनीयेयुर्नैव पितरं तथा ॥ (९, १०५)
 7. अथेष्टेन जातमात्रेण पुत्री भवति मानवः ।
पितृभ्यामनुगन्धैव स तस्मात्सर्वगर्हति ॥
यस्मिन्पूर्वं संनयति तेन याजस्यथ्यस्तुति ।
स एव धर्मनः पुत्रः कामनामिहस्यत् विदुः ॥ (९, १०६-१०७)
 8. न पुत्रमाय विवर्धे पिता दत्तात्कर्मचन । (९, २१६)

effects things that would lose value by division (IX, 219) might be applied by analogy to the indivisibility of a royal inheritance.

Personal Responsibility of the King.

Responsibility goes with power. The language of hyperbole, which is used for exalting the office and person of the king, must not be construed literally. Even in such descriptions as Manu's the repetition of *vrata* (self-imposed vow) in regard to the functions in the discharge of which the king is likened to god after god (*Manu* IX, 303-311), emphasizes his dedication for his duties. He should shower benefits on the kingdom. He should draw his taxes from his subjects slowly as the sun draws water by evaporation; there should be no abrupt collections, like the modern 'capital levy.' He should be kept fully abreast of all that happens, through his secret service. He must be stern and impartial in his judgments. He should punish only the wicked. He must cultivate popularity. Like Mother Earth he must bear the weight of the support of the entire people. Nārada's glorification of the king is still more exaggerated.¹ But, they are construed in their proper spirit as only indicating the finality of judicial pronouncements made by the king or in his name by a judge, and of arrangements, such as division of property, that he decrees. The injunction that a king, even if devoid of good qualities, should be honoured even as a bad husband has to be dutifully obeyed by a wife, is only a call for respect to the office of head of the State, and not a counsel of abject submission to the personal whims of a ruler. Literal versions of the praise have led to the impression that Nārada is the advocate of royal absolutism. The context in which these statements occur is restricted to litigation. Similarly, it is not a royal power of making laws that Nārada proclaims but the embodying of recognized customary usages in royal proclamations, so that they may obtain due publicity and there may be fixity in affairs (*sthitihyariham*). Every act of an executive authority, if challenged, can only lead to confusion. There should be some finality in disposals. This is all that is meant in this misconstrued passage. In the *milieu* in which an ancient Indian king functioned, his real powers can be deduced only from a review of the entire set-up of the kingdom.

Regal responsibility is enforced by every judicial decision that was pronounced being in the king's name and having to be implemented by his authority, while he had no power to set aside a decision by fiat. By good government, and by diligent upholding of Dharma, a king of

1. See the whole of chapter XVIII.

the Kaliyuga may make it like the Golden Age. By unrighteous action he can lower the Golden Age to the level of the Age of Iron. A careless, idle or vicious ruler will not only incur popular odium but bring many misfortunes on himself and on his subjects. It is in this sense that he is called 'the maker of his age.'¹ It does not mean that he can alter the conditions of life or usage or *Dharma*. Manu hints it in alluding to the degradation of morals in the time of the unrighteous Vena. Unhappiness in a kingdom is traced to error in government, for which the king is responsible. For every mistake in the kingdom, it is the king who is threatened with penalties, 'seen' and 'unseen.' The *advisory* position of his ministers made the king the *sole* repository of responsibility. In Indian belief not only is it incorrect to say (as we do in modern states, in which the king is a mere figurehead,) that 'the king can do no wrong,' but, it is held that he *can* do great wrong, and be held responsible for all his acts of commission and omission.

The idea of regal responsibility is emphasized in different ways. He is asked to set an example to his subjects. A ruler, who is constitutionally uncontrolled, can make his personal failings national calamities. This is the reason for the initial warning, in detailing the duties of the Kṣatriya *varṇa*, that he should conquer his inclinations to yield to the urge of his senses. The personal failings of the ruler are appropriately described as the sorrows (*vyasana*) of his subjects. In a constitutional monarchy, where the king is a gilded non-entity, the weakness of a king does not matter to the kingdom. It is not so in personal rule. The elaboration by Manu² of the *ten* royal vices that spring from pleasure (*Kāma*) and the eight that spring from wrath (*krোধa*) show the importance of keeping the king well out of mischief. Death is preferable to vice. This is the reason for the meticulous regulation of the king's time, so that he is hardly ever left to himself or left unoccupied, for the prescription of a fairly comprehensive and purposive curriculum of studies to the future king, and perhaps also for the omission to guarantee the succession to the eldest or any son. That kings were at liberty to select, on public grounds, the son who should succeed them, apart from mere seniority in birth, is evidenced in the dynastic history of India. The princes had to learn from 'experts' the Veda,³

1. 'दावा काष्ठस्य कारणम्', 'शुभ्रमवर्तको राजा'

2. VII. 45-53.

3. त्रैविध्यस्यसर्वो विद्यां शक्यतीति च ज्ञानार्जवम् ।

दान्मोक्षिषो बालविद्यां शारदारिर्मात्रं लोकाः ॥ (७,५१)

the art of government, philosophy and the knowledge of the Supreme Soul (*adhyātmaśāstra*), and from practical men the trades and professions: *vāṭīśāstra* (VII, 43). The prescribed curriculum is identical with that advised by Kauṭilya, and is therefore standardized, or at least customary. More important than the subjects learned is the association as learner with teachers of proved spirituality and character. The future king should represent the flower of the training that could be given to one of his age.

How Royal Absolutism Was Checked.

The king was the repository of both responsibility and power. The former was more moral than constitutional; that is to say there was no power or body, which was empowered by law to control the action of the king. The fundamental law, *i.e.*, Dharma, provided no rival to the king, no co-adjutor, no person or body of persons whom he *must* consult and obtain the co-operation of. Society was more a system of mutual checks and balances. The provision of enlightenment and a conscience to a king, who has no external constitutional check, is the obvious way of making him act properly. Telling him that he will incur sin, or will lose his chance of salvation will be effective only if by his training, temperament and environment a deep-rooted belief in them has been generated in him. The detailed recital of his duties—to himself *and to others*—is another step in the direction. He should be constantly reminded that his *interests* coincide with the good of the subjects, and that he will be judged by his posthumous reputation. He should be reminded of the manner in which good kings had won love and respect in this world, and earned heaven in the next. The character of *Manuśmṛiti*, as a work springing from the mouth of the 'father of men,' and given out in the remote past, rules out historical illustrations, unless they refer, as in the instance of King Vena, to a remote age, or the two ladies, Aṣṣamālā (Arundhati) and Sāraṅgī (who, in spite of the low origin became worthy of honour because they acquired the qualities of their virtuous husbands, as rivers by union with the ocean, IX, 22-23), married to sages who were among the immortals, like Vasīṣṭha. Kāmandaka is freer, and cites a historical (or legendary) instance, to point to the result of every virtue or dereliction. Neither ruler nor subject could be oblivious of the implications of the legends of the origin of kingship and royal authority. If divinity was latent in the king, it would be reflected in his virtuous upholding of Dharma; not otherwise. He might wield the "rod of punishment," (*Danda*) against others, but the embodied Spirit of Punishment is still *his* Master, and is identical with Dharma. It will slay him if he transgresses Dharma. The "law" protects only

when it is cherished (*dharmo rakṣati rakṣitah*). The social compact from which the king, or the State derives its title to govern, is two-edged: it can be used to *support* the king's claim as well as to *refute* it. A contract is bilateral. It is only when one party observes the terms of the agreement that an obligation springs in the other to do so also. The solemnities of the coronation, with their symbolic representation of the king's representative and elective origin, and of the coronation promise (which revives the pledge of Pṛthu, when he was installed as king on the assassination of Vena), will drive home the conviction that the king is only a public functionary, remunerated for his duties by the payment of taxes, and in effect only a public servant. That there may be no misunderstanding of his resemblance to a worker, who is worthy of his hire only when he accomplishes the work he has been hired to do, a tax is described as the king's 'wage' (*vetanam*).¹ This doctrine is implicit in *Manusmṛiti* and throughout Indian literature, Hindu, Buddhist and Jain. *Aśoka* frequently refers to his position, with such implications, and to the obligation resting on him to labour ceaselessly for the public welfare. *Kālidāsa*, whose fame made his utterances pass into popular currency as proverbial wisdom, and whose words are deliberately woven by great rulers in their inscriptions and declarations of aims, says of a great hero that he took *balī* (contributions as tax) from the subjects *solely* to be used for their benefit (*prajānameva bhūtyartham sa tebhyo balim agrahit*) to be returned to them as a fertilizing shower of benefits.² Failure of the duty to protect is involved in undetected theft, and unrecovered stolen properties. Accordingly, the king (*i.e.*, the State) was, in ancient India, under the obligation to make good to a loser the *full* value of the property stolen.³ The king, who fails to protect person and property (*arākṣitā*) in spite of his collecting taxes (*balim saḍbhāga hāriṇa*) is to be stigmatized as the gatherer of the sins of the whole kingdom (VIII, 308). The ruler who collects his dues but fails to afford protection sinks into hell.⁴ It is held a breach of

1. See my *Rājadharmā*, p. 107, and my *Ancient Indian Economic Thought*, p. 114 and p. 189.

2. *Raghuvaṃśa*, I, 18

3. दातव्यं सर्वज्ञेनो राजा चोत्तरेण भवन् । राजा तदुपयुक्तान्भोरस्वामोति कितिभम् ॥ (८, ४०)
देवं चौरद्वर्षं द्रव्यं राजा जनपरमं तु ।
अददाद् सप्तमोति कितिभं यस्य तस्य तद ॥ (वाचन. २, ३६)

4. योऽरक्षन् बलिमादधे करं द्युक्तं च पापिभः ।
प्रातिभोगं च दण्डं च स सपी सरकं भवेत् ॥ (८, ३०७)

the coronation pledge. The king who does not maintain the limits of every one's duties and rights (*anavchṣita-maryādam*) is as bad as an atheist, and he falls into hell.¹ Such appeals to the post-mortuary effects of bad government can have effect only when the throne is occupied by a devout and conscientious ruler, or a weak and timid one. Unjust punishment recoils on the king's head, as well as omission to punish the guilty (VIII, 128).² In every unjust decision by a court in his kingdom, a fourth of the sin goes to the king and only another fourth to the judges (VIII, 18).³ He should see that a law-suit is not hushed up, and that none are started in his own name.⁴ (VIII, 43). He must not appropriate the property of persons guilty of mortal sins (*mahāpātaka*, IX, 244).⁵ Fines unjustly collected by the king should be thrown into water for Varuṇa or given away to Brāhmanas (*Yājñavalkya*, II, 307).⁶ As the commonest punishment is fining, the king is warned to resist the temptation to make it a source of income, and the fixing of the scale of fines is obviously intended to prevent an abuse of the power (VIII, 183).⁷ The king has no power to pardon or overlook an offence, as thereby the guilt is transferred to him.⁸ (VIII, 316). Perpetual vigilance is a duty of the king or the state, or of any one

1. अनवेक्षितमार्गं नास्ति किञ्चिदुपपन्नम् ।
अरक्षितान्तरं नृषं विद्यादयोगतिम् ॥ (८, ३०९)
2. अदण्डान् दण्डयन् राजा दण्डोर्षोभाप्यदण्डयन् ।
अयतो महदामोनि लक्ष्ये नैव नपठति ॥ (८, १२८)
3. पादोऽपमैव कर्नार पादः साक्षिणश्छति ।
पादः समासदः सर्वाङ्गं पादो राजानश्छति ॥ (८, १८)
4. नोऽप्यदरेत्येव साधुं राजा माप्यथ पूर्यः ।
न च प्रापितस्येन छलेषां कथयन् ॥ (८, ५३)
5. नाहरीत नृपः साधुर्महापातकितो धनम् ।
आद्रदानस्तु ततोऽमानन दीनेन विन्यते ।
अन्धुः प्रवेच्य तं दण्डं वरुणायोपदादेव । (९, २४३-२४४)
राज्ञोऽप्यथेन नो दण्डाः शुद्धीतः वरुणाव तम् ।
मित्रेण दणाद्रिभ्यः स्वयं विशदयुषोऽहम् ॥ (९, १०७)
6. वपानां द्वे सौते साधुः प्रथमः साहसः स्थितः ।
मध्यमः पत्र विज्ञेयः सहस्रं लैव चोपमः ॥ (मनु, ७, १३८)
7. साशीतिपणसाहसौ श्रेष्ठ उच्यते साहसः ।
सद्वर्षे मध्यमः प्रोक्तस्तदर्थमथमः स्थितः ॥ (वाङ्, १, ३६३)
“मनुनाक्तं सपञ्चान्तमम तिसृष्वारथाविवर्षं श्रेष्ठयम्” (मिताक्षर) ॥ Kāuṭilya's
fines are far lower in amount.
8. अशासित्वा तु सं राजा स्तेनस्यामोति किरिषम् । (८, ३१६)

placed in guardianship over another, thus a husband who connives at the adultery of his wife, or a teacher at his pupil's neglect of *sandhyā* are as guilty as the parties themselves.¹ *Manusmṛiti* denies a king the power to annul a sentence pronounced in court after a proper enquiry² (IX, 233). The king cannot withhold his sanction for a court decision, or fail to implement it. There is no royal pardon or reprieve in Dharmaśāstra.

On the positive side of duties to be discharged, Manu lays the following on the king, *i.e.*, the State. The support of education and state religion is implied in his duty to honour, support and make gifts to *śrotṛiyas* (VII, 82-86, 88, 135, VIII, 395; IX, 323). He should perform the various sacrifices, both for his own good and for the good of the kingdom (VII, 79, 145). The discharge of these duties diminishes the king's resources, and throws on the State a steady and unavoidable expenditure that will reduce the reserves which can be used to buttress up the power of the king, by establishing, for example, a standing army. In the West the power of the purse in legislative bodies was the source of the attacks on the Prerogative, and of the reduction of an absolute ruler to the position of a constitutional monarch. The sources of revenue for an Indian king were fixed, and means of adding to them by illicit ways were forbidden by Dharmaśāstra.³ The prohibitions can of course be set at naught, but only at the peril of overturning the throne. A popular tumult was always to be feared, and it might break out if anything was done to alarm the common people or fill them with fear of divine anger, and the occurrence of calamities. The effect of a protest launched by even a single person to-lay, against an act of the State or of some public functionary by fasting to death, ostensibly to bring about a change of heart, is due to such a fear. In ages in which special virtue was attached to birth in the first *varṇa* and was believed, the fasting to death of a Brāhmana, not through want of food, but as a protest must have had great potency in creating or fomenting trouble. It was styled *prāyopaveśa*, and though a form of suicide, which is

1. अनादे भृत्या माहिं पत्नी मायापचारिणी ।
युरी क्षिप्यथ याज्यश्व स्तेमो राजानि क्षिपिष्यन् ॥ (८, ११७)

2. तीरित चासुदृष्टि च यत्र कचन यद्भवेत् ।
इत्थ वदन्ती विवात्र तद्भूयो निनर्हयेत् ॥ (९, २३३)

3. Arthasāstra suggests dubious means of increasing the revenues by levying benevolences, special taxes and confiscation (*Kautiliya*, p. 246 and p. 249), but restricts them to collections from seditious or wicked persons.

condemned by Indian smritis, it appealed to the people as a kind of brave and disinterested action, whose magnitude was measured by even the defiance of the rule against suicide. Kalhaṇa's *Rājatarangīni* gives (VIII, 428, 658) descriptions of *prāyopaveśa* undertaken by Brāhmanas as a protest against misgovernment and of their great effect, so much so that a special officer was appointed to watch such public protests, and see if they were genuine. The declaration of *Manusmṛiti* that the kingdom in which a *śrotiṣya* pines with hunger will be visited by a famine and that no *śrotiṣya* should be allowed to perish of starvation¹ (which is found also in *Dharmasūtras*) is the basis of *prāyopaveśa*, though the context in which the declaration is made refers only to *involuntary* starvation and is aimed at getting the king to provide food and maintenance for such pious persons, and not to cases of voluntary starvation as a public protest.

If we look at the resources available to a king, other than mere laudation of his position and his revenue and accumulated wealth—to support autocratic rule, we may find little else. The *ksatriyas*, were like the Brāhmanas, unorganized, had no *esprit de corps*, and, in any case, will not feel themselves called on to stand by an oppressive ruler. They could not also have been a numerous body. The composition of an army made up of recruits from *ksatriyas*, as well as from other castes to whom the profession of arms was a 'distress occupation,' could not have helped the king very much. The members of an army of 'nationals' will not be free from the beliefs which run counter to royal misrule, and regard it as certain of drawing divine wrath on the kingdom and people. In a country dependent on rains, the failure of a monsoon, following an omoxions rule which defies the conventions of Dharma, can stir up a people's rising, which will be an instance of the conflict between the 'legal' and 'political' sovereigns, in modern terminology.

It may be asked—'Did not the king possess the power to override the law or change it?' We now regard the power of legislation as a mark of sovereignty. The sources of law or *Dharma* are alleged to include *rājāsāsana*, the commands of the king. Kauṣilya includes it along with custom (*caritra*), *vyavahāra* (rules of procedure) and *Dharma*, and makes each over-ride those that precede it in the enumeration.² Dr. Jayaswal takes *vyavahāra* as *Arthaśāstra* law, an

1. न च क्षत्रस्य संसर्गद्वेषो विषये भवन् ॥ यत्र राजस्य विषये शोचिषः संदति क्षया । तस्यापि तच्छ्रम राष्ट्रमभिलेख संदति ॥ (७, १३३-१३४)

2. धर्मश्च व्यवहारश्च चरितं राजशासनम् । विवादासंशयान्नादौ धर्मिणः पूर्ववाचकः (नारद, १, १०)

assumption for which there is no warrant. It does not mean that *Arthasāstra* rules are superior to those of *Dharmaśāstra*. It should be noted that Kauṭilya refers to the four—not as *sources* of law, as now wrongly construed, but as the “four feet of a judicial proceeding” (*vyavārtas-catuṣpādah*). Nārada makes the same enumeration and statement, in almost the same words, and his dicta have been loosely translated by J. Jolly thus: “Virtue (*Dharma*), a judicial proceeding (*vyavahāra*), documentary evidence (*caritram*) and an edict from the king (*rājasāsanam*) are the four feet of a law suit (*vivāda*). There, virtue is based on truth; a judicial proceeding rests on the statements of witnesses; documentary evidence (rests) on declarations reduced to writing; an edict depends on the pleasure of the king.” It should be noted that the dictum appears, not in the enumeration of sources of law proper, *i.e.*, substantive law, but of rules of procedure. A court can and must make its own rules. Where a clear declaration from the State (*i.e.*, king) as to what is or what is not the law is available in a public document (*rājasāsanam*), it will naturally gain first priority in procedure in the disposal of suits by judges. Documentary evidence is held as the best form of testimony, and Manu shows its importance, though he deals briefly with adjective law (*vyavahāra-mātrikā*). That the statement declares the over-riding force of *Arthasāstra* over *Dharmaśāstra* is explicitly contradicted by Kauṭilya (p. 150) and by Nārada also.¹

Rājasāsanam is not *new* law made by a king, over and above those given in *Dharmaśāstra*. The king is not above the law but is under it, like any other person. *Daṇḍa* is king over kings (VII, 28).² Kauṭilya, who represents the *Artha* view, holds that a court can punish a king, as it would any commoner (p. 226).³ Judgment could be given against him. The famous warning of *Manusmṛiti* (VII, 13) that no one should defy the law (*Dharma*) which the king

1* संस्रया धर्मशास्त्रेण शास्त्रं वा व्यावहारिकम् ।
 वासिष्ठस्यै विरुध्येत धर्मनगार्थं विनिश्चयेत् ॥ (कौटि, अर्थ, शा., ३, ९, पृ. १५०)
 * दण्ड विनयिष्यति: स्याद्धर्मशास्त्रार्थशास्त्रयो: ।
 तथार्थशास्त्रमुत्तरं धर्मशास्त्रोक्तमाचरेत् ॥ (नारद, १, ३९)
 2. दण्डो हि द्युमहेशेनं दुर्धराक्रतासभि: ।
 धर्मादिवर्जितं हृषितं नृपेन सभाम्भवम् ॥ (७, २८)
 3. दुर्धरं चापराधं च कारणं द्युमहाभवम् ।
 अनुकम्पं सरासे च देशकालौ समीक्ष्य च ॥
 उग्रमापचराम्यर्चं प्रदेष्टा दण्डकर्मणि ।
 राज्ञश्च मकुतोनां च कल्पयेदन्तरात्मिणः ॥ (कौटि, अ. शा., ४१०, ३, २२४)

makes in favor of those he loves or against those he disapproves of (*aniglesu*) and sentences, is not to be construed as entitling the king to make special laws, according to his personal whims.¹ The commentators make this clear, as also the context, because the next verse refers to the punitive power and its creation, through which alone the king is able to maintain his authority, which is superior to kings, and will strike down kings who swerve from Dharma, and which is identical with Dharma. Two interpretations of *dharmo rājakṛta*, or *rājāsānam* (king's edict) have been given, both of which are correct, according to their context. The king cannot transgress Dharma or issue an edict that does so. His commands must be obeyed, even if they are in favor of his favorites or against those he dislikes, *provided they are in conformity with law* (Dharma) or are not in conflict with it. This is Kullūka's interpretation which makes the verse refer to an *occasional* order of a king, which does not *create* a law. Medhātithi takes it to refer to orders that a king may issue, in the course of administration and in consonance with Dharma and custom, on *minor* matters, such as that the citizens should observe a holiday, that no animals should be slaughtered for soldiers on a particular day, that a close season should be established for snaring wild birds, that the king's slave girls may be entertained for certain days by wealthy men and dancers etc. "When such orders are issued by beat of drum, they should not be disobeyed. The king has no power to make ordinances relating to the Dharma relating to religious duties, nor rules of *varṇa* and *āśrama*, because to do so will be contrary to the *smṛti* dicta." (Medhātithi). The *Rājāsānas*, referred to by Nārada, are isolated or consolidated rules of *procedure* made by the king as a judge, and published by beat of drum. The courts will be bound by them. Or they may contain authoritative interpretations of obscure points of Dharma (law) decided by *pariśads*. The alleged 'royal edict' will thus correspond to the praetor's edict in ancient Rome, which *declared* but did not *make* new laws.

The idea that a Buddhist king was not bound by Hindu Dharma and would be free to change the latter by his edicts, is behind the belief that Aśoka exercised a prerogative of legislation, corresponding to the Tudor power of making laws by proclamation or possessed by modern Indian princes of co-ordinate legislation by proclamation. An analysis of Aśoka's famous inscriptions shows that the conclusion is baseless. Aśoka's Dharma is mainly the Hindu Dharma, *sāmānya-dharma*, common to all. His rule of *abhisikā* is the emphasis of one of the duties placed *first* in the

1. अग्निं चाव्यनिष्टु तं धर्मं न विचाभवेत् ॥ (७,१३)

enumeration of *yamas by varitis*.¹ (Manu, 1V, 204 and XI, 222; Yājñavalkya, III, 312-313). His ethical code is identical with that of *smrtis*. He was not hostile but friendly to Brāhmanas, to whom he asks (Edict VIII) honour and kindness to be shown, quite in the spirit of the *smrtis*. The belief that, like the Buddha, he forbade the holocaust of *sacrificial victims* is baseless: firstly, the idea of 'wholesale slaughter of animals' in Vedic sacrifices is incorrect, and sacrifices were themselves very occasional and few; and secondly because, he restricted the killing of animals, only within his palace, and enforced only the *smṛti* rule against castration and caponing.² He *may* have withdrawn his patronage from Brahmanical *yāgas*. The first and fourth Rock Edicts, and the second, fifth and seventh Pillar Edicts which contain the provisions, are not in any sense modifications of law or Dharma, but come within the categories named by Medhātith. It is therefore wrong to assume, as is usually done, that either Buddhism or Aśoka put a stop to the slaughter of animals, or meat eating. The belief that they did so persists, largely because it seems to be based on a dislike to Brahmanism.

In the search for precedents for a supposed power of the king to make laws, two instances have been pressed into service to establish the proposition. The first is an allusion in the *Paśukumārīcarita* of Daṇḍin (II, 44)³ to a regulation made by the Mauryas in favor of merchants. It was that a merchant found in possession of stolen property was not to be sentenced to death, like a thief. In *Manusmṛti* (IX, 270) a thief caught red-handed, with the stolen

1. अहिंसा सत्याग्रहेषुं शौचनिष्ठानिग्रहः ।
पतं सामासिकं परं चातुर्वर्ण्येऽन्वर्तनमनुः ॥ (१०, ६६)
अहिंसा सत्यमक्रोधमात्रेणै च समाचरेत् । (११, २२३)
महावर्षं दत्त्वा शान्तिवर्तनं सत्यमक्रोधतः ।
अहिंसासत्यमक्रोधं दमयेति यमाः स्मृताः ॥ (शाड, ३, ३१२)
सर्वेषां सत्यमक्रोधो दानमहिंसा प्रजननं च । (बृहस्प, ५, ५२)
अहिंसया च भूहानाममृशहावाय कल्पेत् । (मनु, ६, ६०२)
नित्यमहिंसो मृदुईवकाटी दमदामर्दाः । (मोक्ष, ९, ७०२)
शमा सलं दमः शौचे दानांमिन्द्रियनिग्रहः ।
अहिंसा युस्तुभूषा तीर्थानुष्ठानं दत्ता ॥
शान्तं शोभन्त्यलं देवमाहात्म्यपूजनम् ।
अनन्यदाहा च तथा धर्मः सामान्य उच्यते ॥ (विश्वसृष्टि, २, १६-१७)
2. यदनां सुंस्वोपचातकारी च । (विष्णुस्मृति, ५, ११९)
3. मौनेत्प पश्च बरो भणिनां, ईदृशोचपरपेषु नास्सद्यत्तिरभिधोगः ॥

property in his possession, is subject to capital punishment.¹ He who knowingly receives stolen property, or property of which the seller is not the real owner either incurs guilt or loses his purchase and is liable to punishment.² (VIII, 197). But an open and *bona fide* purchase in the market clears the buyer from criminal liability, though the article must be restored to the original owner (VIII, 201).³ The Mauryan law is clearly only in the spirit of Manu, and upholds the nonculpability of a transaction made in good faith, and a judge who acted in the spirit of Manu to take all circumstances, place, time, etc., into consideration would have only acted as directed by the Mauryan edict. It did not change the smṛti law, but only made it clearer. In an empire with expanding trade the trader had to be protected against mistakes made in good faith.

The second instance is held to be a three days' grace granted by Aśoka to criminals sentenced to death between the date of the sentence and its execution, in order that the criminal might make his peace with the world and prepare himself for his departure. In smṛtis there is no rule that a sentence pronounced by courts should be carried immediately into effect. But that was the practice. It was an executive matter entirely, and a king was free to act on his discretion, as Aśoka did, in granting the short period of grace. The matter for surprise is that the period was not longer, in order that the king himself may review the case, in view of the impossibility of correcting a wrong capital sentence after it was carried out.

An influence that must have contributed, paradoxical as it may seem, to the zealous subordination to Dharma as laid down in works like *Manusmṛti*, is the presence, (constantly renewed) of large bodies of foreigners, who came as invaders, settled in the country, learned its language, were admitted to its tolerant religion and became enthusiastic advocates of its culture. Dynasties also, whose title to rule as kings, was weak under Dharmśāstra, made up almost ostentatiously for their weak position by zealous adherence to the ancient Dharma. In *Manusmṛti* we have a clear enunciation of the principle that only a Kṣatriya should be a king. But, the work knows of the existence of Śūdra kings and kings of mixed castes. The rule that a Brāhmaṇa

1. न ह्येतेन विना कीरं यात्येकामिहा युयुः ।
सहोढ सोपकरणं वासतेऽद्विवारणम् ॥ (९, २७०)
2. विक्रीणीति परस्व स्वं योऽस्त्रामां स्वान्यसंमतः ।
न त नयेत साहस्यं तु सोमयसोऽनमानिणम् ॥ (८, १९७)
3. विक्रवाचो धनं किंचित्पुत्रीयाच्छुद्धसपिथी ।
मन्वेण न विद्युर्हं हि न्यायनो लभते धनम् ॥ (८, २०१)

should not dwell in the dominions of a Śūdra ruler (*na Śūdra-rājye nivaset*, IV, 61) is coupled with the warning that one should not also live in lands over-run by a heretical population or by unrighteous persons. If it was meant to be acted upon, it was a counsel of perfection. The Purāṇas declare that the Nanda dynasty marks the end of the rule of Kṣatriyas (*Nandāntam kṣatriyakulam*). Under the great Mauryas, the limits of the empire stretched from sea to sea, from the Hindu-Kush to the forests of Eastern India, and far into South India. Aśoka was a Śūdra king, and as a Buddhist he will be classed as a *pāṣaṇḍin* (heretic), though to term so high-minded a ruler an *adhārmika* would have been absurd, particularly when his *dhamma* is indistinguishable from the old *Dharma*. A Brāhmaṇa king would have been as obnoxious to orthodox sentiment as a Śūdra ruler or a Vaiśya king. We have the Vākāṭakas, who claimed to be Brāhmaṇas, the Kadambas, whose first ruler, Mayūrasarman was a Brāhmaṇa, who voluntarily suffered demotion in *varṇa* by becoming a king, the Imperial Gupta dynasty, which gloried in an alliance with the Licchavis (whom Manu traces to outcaste or *vrātya* Kṣatriyas, X, 22), the dynasty of Thanesar (Sihaneśvara), of which Harṣavardhana was the most famous ruler, which Yuwan Chwang describes as a Vaiśya dynasty, besides the Śātavāhanas and the Pallavas, who were not of indigenous origin. Yet all these dynasties gloried in their support of Dharma, in performing, even in Kaliyuga,¹ the Aśvamedha sacrifice, and were enthusiastic worshippers of either Śiva (*e.g.* the Bhāraṣivas) or of Viṣṇu (*e.g.* the Guptas). They intermarried. The marriage of Harṣavardhana's sister to the Maukhāri Grahavarman (whose Kṣatriya birth is extolled by Bāṇa) may perhaps be explained away as hypergamous, but not the marriage of a Vākāṭaka princess to a Gupta king, which may make it a *pratiboma* union. When Manu denounces *nīyoga* as a 'beastly custom' (*pāśudharma*, IX 66), how would he have viewed the marriage of Candragupta II with the widow of his brother? The open door of tolerant Brahmanism might find a place in it for the Greek devotee of Viṣṇu, Heliodoros, whose flagstaff and inscription still exist at Besnagar. And but for the theory of *Manusmṛiti* that many Kṣatriyas fell from their *varṇa* by neglect of Dharma, the absorption into the *varṇa* scheme of powerful non-Indian peoples would not have been possible. The elastic limits of *Āryāvarta* were gradually extended to all lands in which *varṇāśrama-dharma* prevailed. A similar extension appears to have brought within the scheme every tribe or people, which accepted it!

1 Aśvamedha and Vājapeya are *Kalivarjya*.

It is obvious that the new converts to the *varnāśrama* ideal accepted the other ideas involved in it, such as the *guṇa-dharma* of kings as set out in *smṛtis*. They must have accepted the principle that the king was under, not above Dharma. The ostentatious manner in which the kings of the Pallava, Kadamba and Ganga dynasties of South India, and even the rulers of Campā in the Far East, took the title of 'Dharma-Mahārāja' must carry the implication that they accepted the entire scheme of Dharma. It is possible that the immense popularity of the horse-sacrifice with rulers of the new dynasties of dubious *varṇa* may have been due to the belief that their *vrātya* origin (assuming that they became *vrātyas*, after having been Kṛatiyas once upon a time)¹ would be corrected by the *Aśvamedha*, which is prescribed for it. Thus the system of *varnāśrama-dharma* obtained a new and vigorous lease of life from the incorporation within it of alien tribes and peoples, and the old *smṛtis* new and zealous upholders. There was statesmanship in the scheme of mixed castes and their official recognition in *Manusmṛti*, as it extended the field for humanization, religious and cultural conquest and the acceptance of healthy political ideals, which did not translate power as absolutism and irresponsibility.

The Elements of the State.

We may now pass to the concept of 'the seven limbs' of the kingdom, or the elements of the stable State, as we may put it. The condition of political union, or the State, having been upheld as a natural and necessary institution, resting not merely in the instincts of mankind, but on the highest ultimate sanctions, it becomes necessary to analyse its component elements. The effort resulted in the doctrine that the State has 'seven limbs' (*saptāṅga*). The idea is a unique discovery of the Indian mind, and is common to both Dharmaśāstra and Arthaśāstra. The seven constituents are stated to be the king (*svāmīn*), minister (*amātya*), capital (*pura*), country (*raṣṭra*), treasury (*kośa*), armed forces (*daṇḍa*) and ally (*suhṛt*), and each preceding one is held to be more important than those which follow it (IX, 294-295), and its destruction the greater calamity. As the three sticks composing the staff (*trīḍaṇḍa*) of the ascetic are all equally needed for its strength, so in the seven constituent elements of the kingdom there is, in normal conditions, none which is less important than another (IX, 295).² If it becomes a matter

1. Vasiṣṭha, XI 76—19.

2. महाभारत च राज्यस्य सिद्धयर्थं विद्वन्मया ।
अम्बोधयुधमैश्यान्म विचिदरिच्छिते ॥ (१, २९६)

of desperate choice in an emergency, as when an amputation may be the only way of saving the man, so in a national calamity, such as a foreign invasion, one may give up an ally than sacrifice the army, even give up the army than the war-chest, from which new troops may be raised and new allies won, sacrifice even the treasury to save the country from ravage (as by buying off an invader), allow even the country to be over-ran or denuded in a 'denial' policy to an invader, who might attempt to live off the land, and carry on the war, at the expense of the invaded land, and withdraw to the fortified capital (*para*, or *durga*). If it becomes necessary, in the last desperate effort to save the State, to evacuate even the capital, it may be done if the men, who have stood behind the king, as his ministers and directed the defence, can be saved. When all seems lost, and even the members of the cabinet have been lost, the sole remaining hope of rallying the defenders, of making the ravished State rise again from the embers of its destruction, is the King, the living symbol of union. The wisdom of the principles has been demonstrated in every modern war in which a country has been attacked, over-run and almost destroyed as a nation and State by an irresistible invader. We have seen every one of the steps taken in precisely the same order in the Franco-German War, in the First World War of our time and the latest World War. The preservation of the Mikado today, without throwing him to the wolves, is an act of statesmanship, defensible on the ground that to remove him will be to destroy the only symbol of unity, the only authority through which order can again be restored and preserved in ravaged Japan.

The principles are to be applied not only in a war of defence but in an invasion. To attack the citadel of the enemy is more important than to capture his war chest, and to make his field forces surrender than to detach his allies. For finishing the war the capture of the king and his staff is the culminating event. In normal times, all the elements work in co-operation, recognizing their interdependence; but even then, the relative values will be the same for stable government. The advice of Manu to place a prince of a conquered dynasty and country on the throne, as soon as the enemy is killed or has fled, is a recognition of the need to set up an executive head of the conquered State, with whom peace can be concluded, instead of allowing the country to remain in a condition of chaos, with an indefinite prolongation of hostilities and the deterioration of the struggle into a guerilla war. The resort to war as the last expedient to solve an insoluble dispute between nations is justified only by limiting its duration to the minimum. It is not only the combatant powers but allies and neutrals

that are unsettled by the prolongation of a war. The restraint to which under International Law neutrals willingly submit are due to their interest in making the struggle sharp, short and decisive. As in the case of a fire, the combatants should have a ring drawn round them, as a fire-fighting device, to prevent the extension of the area of strife. The rules of war, which are laid down elaborately by Manu (VII, 87-94, 164-167, 170-171, 181-199) are designed to this end, and to minimise the suffering caused by the war, and to prevent atrocities or horrors, whose memory will engender bitterness, the desire for revenge, and sow the seeds of another war. War crimes, like war revenge imposing impossible peace terms, are less likely to end a war than to provoke it again. Dynastic ambitions, the desire to annex the conquered territories, the exaction of war indemnities, the imposition of the power of State on State, and of one people on another, and, in the name of a superior culture, attempts to uproot the culture, laws and traditions of a conquered country and to impose on it those of the conqueror, are all evils in the view of Dharmaśāstra as well as Arthaśāstra. They condemn them not only as inexpedient and unwise, but as contrary to the higher instincts of man, and the lasting interests of all concerned.

Manu's rules on these subjects are still worthy of study, and worthy also of imposition in our days, when primitive passions roused in the World War have uprooted humanity, in the sense also of deadening national conscience and humane feelings. Under the ancient Indian rules of war, many of the methods adopted in recent world-wars would be outlawed. Night attacks are forbidden except for creating a diversion or to create panic and confusion in an enemy's encampment (VII, 196).¹ The slaughter of men asleep is forbidden (VII, 92). The use of *kaṇṇa-yuddha* (concealed methods of fighting), a term of wide extension, probably includes 'booby traps,' and such things as we now call land-mines. In the wider sense, it is war by secret and unregenerate methods. While Manu permits the laying waste of the enemy's country and destruction of his productive resources, he does not allow the molestation of non-combatants. The undisturbed condition of the peasant cultivator that Megasthenes noted with admiration, as a unique feature of India, must refer not to the conditions of actual warfare but of military marches and of army manoeuvres. The soldiers were not allowed to molest peaceful citizens or to destroy crops and standing trees during their marches. The tendency to take the law into their own hands, so common to those who have arms and entertain the belief of their belonging to a

1. रामो विनासलेपना (२, १२६)

privileged class, was discouraged. Every fighter, whatever his *varna*, was governed in his action and conduct by the ideals of the Kṣatriya, which include not only refusing to fly before an enemy and courting death in battle as the way to heaven, but protecting the civil population. We have a realistic picture by Bāṇa of an army on the march, and one of its features was the pelting of the troops with stones and clods of earth by infuriated peasants, when their crops were trampled on, and the assaulted soldiery not retaliating, but calling on spectators to bear witness of the assault, in order that the peasants may be duly punished by the civil magistracy.¹ Such discipline is possible only when the military power is ordinarily under civilian control in the last instance, and there is a strong Government to enforce discipline on its armed forces. A paupered soldiery is *adharmic*. While the king and the generals probably belonged to the martial caste, the minister in charge of war and peace, the *Mahāsāndhivijāhika*, was of the non-martial Brahmana *varna*. The subordination of the army to civilian control, and of the military to civil law and usage, are not therefore the discoveries of modern times. The deterioration in standards, which we notice in mediaeval times, and the pursuit of war by methods that were condemned by *Mānsmṛiti* as unregenerate and unhallowed, are the consequences of the struggles against barbarous invaders, who fought without any scruples, and against whom the rules of chivalrous war were positively futile. Still, the higher ideals did not die out. A recent study of the Pathan conquest of India reckons the causes of the Hindu collapse before the invaders as two: inferior military equipment and inferior war technique. The latter refers to the conduct of war according to the *smṛti* rules. There is a disadvantage in being chivalrous to an unchivalrous foe. It was seen in former invasions of India, like those of the Huns. But, in wars between Indians and Indians, both of whom followed the rules of the game, it had its advantages. It limited the area over which the struggle was spread, it reduced the evil results of defeat to the vanquished, and prevented the growth of rancour in the defeated party. The prizes that an Indian conqueror coveted were tribute and formal homage rather than additional territory. There was some degeneracy after the Gupta epoch, but it was not comparable to what followed foreign conquest by an enemy, alien in birth, tradition, culture and religion like the Arabs and Pathans. Constant war on a small scale was a feature of mediaeval India. It was due to the incitement contained in the *smṛti* dictum that death in battle was the ideal for the king or Kṣatriya

1. *Harṣacarita*, Trn. Cowell and Thomas, p. 201.

(IX, 323) rather than death by old age or disease.¹ War was compared to a sacrifice, and to a king it was equal to one. A war was regarded as between rulers or states and not as between peoples. It was a struggle for supremacy, not a conflict of peoples, in the search for markets, or fields for colonization or for raw materials, as today it is. There could be no implacable enmity between kingdoms. Such results of Dharma warfare flowed from the inspiration of *śrīti*s like *Mānu*'s.

Elaboration of Policy (Uṇya).

Manu utters a note of warning. The issue of a battle is always unpredictable. The victory may not be to the strong. To appeal to war for the settlement of a dispute must therefore be the *last* resort. Kings must study policy. It is fourfold: conciliation (*sāma*), concession or gifts (*dāna*), sowing dissension (*bheda*) and war (*danda*). Each preceding among these is superior to those that follow (VII, 159). Manu favors the first and the last above the others, as the intervening two are obviously not straightforward. (VII, 109).² The expedients (*śābdguṇya*) are six: *Sandhi* (agreement for co-operation), *vigraha* (hostility), *yāna* (marching or mobilization), *āsana* (readiness to attack) *dvaidhībhāva* (division of troops), and *āsāya* (subordinate alliance). The literal meaning of these terms does not convey that ascribed to them by commentators following the teachings of the *Arthaśāstra*, in which they are elaborated. Thus *dvaidhībhāva*, which Manu interprets as dividing up one's army, is taken by Kāmandaka as double-dealing, talking of peace when prepared to strike, as the Japanese did at Pearl Harbour. A third concept is that of the 'circles' or *maṅgalas*, in regard to which there seem to have been ancient cleavages of opinion—to judge from their discussion in Kāmandaka.³ A king is looked at (in regard to foreign policy) as a *vijigīṣu* (aspirant for victory), just as every living being is a potential *mumukṣu* (aspirant for ultimate freedom). Common frontiers are fertile sources of conflict. The neighbours on four sides of a kingdom are therefore its natural foes. *Their* neighbours, being potential enemies of theirs, may be regarded as united by common enmity to the same person or state by the first named kingdom. A kingdom whose boundaries march together with those of two others which are on terms of hostility, is forced into a position of

1. दत्ता धने तु विमिथ्यः सर्वं दण्डसमुत्थितम् ।
युधि राज्यं ससासक्यं कुर्वीत प्रायमं रणे ॥ (९, ३२३)
2. सामद्वयी प्रसंसन्ति तिस्रं राष्ट्राभिरुद्धैः ॥ (७, १०९)
3. *Nītisāra*, VIII, 16—51.

neutrality (*madhyama*). A neighbour in the rear (*pāṅśigrāha*) is ever a danger, if one has to advance against a foe in the other direction; he must either be secured as an ally, or be embroiled with *his* neighbour (*ābranda*). In this manner the total number of interests comes to twelve, which has to be multiplied by the six *prakṛtis* or elements of the kingdom (*i. e.* the *saptāṅga*), each of which might pull with or against each of the twelve. There are thus seventy-two factors in all. The subject is developed on the lines of works on polity, with the modification that Manu will *not* countenance in foreign relations immoral action. His diplomacy is to be straight, because he feels that duplicity can beget only duplicity. The predominant position given in the circle of ministers to the *Purohita* ('the first Brāhmaṇa'), the successor of the Vedic *Purodhā*, who like the *Peshwa* or *Paṇḍit Pradhān* of the Maratha empire, was the king's *alter ego* or vicegerent—is to give a high ethical turn to all decisions taken in consultation with the ministers.

The Council of Ministers.

Indian thought does not see a conflict between reposing the responsibility for final direction or decision on one person, and the obligation to consult experts. In all State matters the king's decision is not only final, but it is he alone that must decide and take the responsibility. But he is to be *duly* advised by a body of carefully chosen ministers with whom all important matters *must* be considered. In judicial work, either the king, or a Brāhmaṇa acting for him (VIII, 9) is the judge, who has to pronounce the decision of the court, but he is to be assisted by the *sabhasadas*, or *sabhyas*, who find a verdict on the evidence before the court (VIII, 10). In a sacrifice there is the sacrificer (*hotṛ*), who simply is guide, and does not guide, and four priests, of whom one is the director (*Brahman*). 'A car cannot run on a single wheel' is the expressive metaphor to signify distrust of 'one-man rule.' Manu *directs* (VII, 54) the appointment of seven or eight chief ministers, who are natural-born subjects of the country (to secure their fidelity), have ancestors who have served the State faithfully, are of noble lineage (a warning against appointing favorites or upstarts, who will have no weight in the country), and skilled in counsel and arms. Even a small matter is difficult of accomplishment by the unaided efforts of a single man; how can a State be ruled properly by a sole monarch? The Graeco-Roman device of checks and balances, of co-adjutors in every office, aimed with equal powers and duties, is *not* favored by Indian thought. This is the reason for some difference between the consultations, as envisaged by Manu and by Yājñavalkya, in regard to the manner of taking opinion: Manu will

have it done in secret, minister by minister (VII, 57); Yājñavalkya makes it collective (*tañ sārđham* I, 312). Though there is no collective responsibility (as in a modern cabinet) there must have grown among ancient Indian ministers a feeling of one-mindedness on important issues. A consultation is a *duty*, being imposed by Dharma. The frank advice of ministers must have been so weighty that a king, who went against it must have felt that he was doing so at his peril. This is a real check on absolute rule.

There is some haziness in *Manusmṛiti* about the names and duties of the individual ministers. The question was one much canvassed in Arthaśāstra writings, and Manu has merely indicated his preferences. The number of ministers for daily and nightly consultation must not be too large; nor should the consultations be so held as to take away the ministers from their own administrative duties. The Commanding General, the Purohita, the Chamberlain, Dharmādhikārī and the Minister for War and Peace and the *Dūta* (envoy) emerge as common figures in the enumerations in books and inscriptions. As in modern times, new ministers may have to be created for new purposes or emergencies, and some ministers may become unnecessary. Much stress is laid on secrecy, and the divulging of counsel is a grave offence. An ambassador was expected to use his eyes and ears, and spy out the secrets of the kingdom he was deputed to: i.e. to do spying, a function, which is not absent from modern embassies.

Administration.

The king is asked to pay great attention to his finances, and make a *daily* audit of his position. This was needed in view of his fixed sources of revenue and elastic expenditure. The enumeration of authorities for local and district administration by Manu seems to indicate only a general principle, and is obviously not a reflection of actual conditions at *all* times and places. The unit is the family (*kula*), next the village (*grāma*), and next higher the group of *grāmas*, the *bhukṭi*, ascending groups of ten, twenty, hundred and thousand villages each under a collector. The heads have all police, judicial and revenue collecting duties. City administration is on different lines. Caste affairs and affairs of *saṅghas* or corporations are to be settled by their own officers, in accordance with their own constitutions. The residuary responsibility *in all matters* is on the *lowest* unit. It is a kind of federal arrangement, reducing centralization to a minimum. Except where the King or the State is compelled to intervene in the exercise of duties of regulation, standardization, policing, defence or maintenance of Dharma of *varṇa* and *āśrama*, the

local authorities were free from central interference or control. This again was a check on absolutism.

Law and Justice.

In the adjudication of law, a system of laws was developed which in its subtlety, refinement and standards of equity, is equal to, and, sometimes superior to the best modern systems. The admirable features of our developed civil law (in its traditional arrangement under eighteen titles) even in *Manusmṛiti*, which deals with it less fully than later *smṛitis*—(for reasons already stated) are obvious even in a cursory examination. Comprehensive codes of civil and criminal laws are comparatively late in the history of Western jurisprudence. It still shows many anomalies and archaisms. Indian achievement in this respect is entitled to praise for its high excellence and for its being reached early. That judicial work, involving learning and subtlety, should have been so well done, and done without the courts having a body of trained lawyers to assist them, is proof of the wide-spread knowledge of legal principles and rules in ancient India, thanks to the obligation to study works like *Manusmṛiti*. It was the boast of Justinian that his *Institutes* would enable every one to render to every other his due by comprehending his rights as against those of others.¹ The Indian code, on the other hand, aimed at making every person of education learn his duties to himself and to others, as well as the duties to the present, the past and to the future of himself and his genus. The skill of a judge in tracing truth was likened to that of the hunter in tracking game. Responsibility for justice in courts was *personal* to the king, in the sense that on it depended not only his position in this life but in the future lives also. Justice was open and free. Immunities were attached, as already explained, on various grounds to special classes, but they were only from the common penalties, and not from the liability of *every* one to be called to account in a *public* trial. A careless or corrupt or proud judge could be pulled up openly in his own court, during and after trial, if the critic was prepared to take it before the arena of public opinion or before the highest responsible functionary *i.e.*, the king. There was no judicial privilege against merited criticism.²

In regard to criminal law, which is popularly supposed to be weak in ancient systems of jurisprudence, and which, as presented in

1. 'Justice is the constant and perpetual wish to give every one his due'. (*Institutes*, I, i, 1) ed. Saunders.

2. This was a safeguard against the abuse of 'contempt of court'.

works like *Manusmṛiti*, has been hastily branded as barbarous, savage in its punishments and discriminatory, a detailed study will vindicate its claim to humanity, subtlety and fundamental impartiality. I have only alluded to it, in the course of the lectures. A detailed study now will take me far out of my way. Even as regards civil law and judicial procedure, I have felt myself at liberty to omit a *systematic* consideration of them in this course. They have been dealt with by one eminent as a jurist and judge who was the first lecturer under this Foundation.¹ The social and political system of any people cannot be comprehended except on a background of its laws.

Conclusion.

The consideration of a number of preliminary issues regarding *Manusmṛiti* in the earlier part of this course may give the impression that its aim has been merely to vindicate it. The study of an ancient society or its authoritative exposition in ancient literature has only a limited utility, if its purpose is only to clear misapprehensions and to correct errors of appreciation. Social palaeontology may hold an appeal only to academic minds. But the system that Manu outlines is not a thing of the past; it still survives. Its features have been obscured and its rules distorted, and much which claims his authority in modern life may be found to depend more on assertion than on proof. The one service that the terrible shake-up that the world has suffered within the lifetime of our generation, is to be less positive of the merits of modernity and of institutions that have been loudly advertised, but which have signally failed to save the world from appalling disaster, and to be more ready to look for guidance outside one's own circle. The first World War set many people asking whether the Christian civilization that was on its trial was not worth re-thinking out. We are now receptive to suggestions to think out the fundamental assumptions of modern life, and the basic principles of our social and political life. Old labels and old war-cries do not now satisfy us. We desire to look behind or below them for principles that they obscure or smother.

In this mood for studies in revaluation, ancient schemes of life, which have shown historic influence and a power of survival in the face of great vicissitudes, may seem worthy of study. The Hindu scheme of life, of which *Manusmṛiti* may be accepted, as it has been for centuries, as an authoritative exposition, is among such studies. If it has no other value except as exposing the unstable foundations of many modern social and political beliefs—such as the equality of the sexes, the equal rights of men, and of equal weight to every one in

¹ Sir S. Varadachariar, *Hindu Judicial System*, 1946.

society; of the value of only a materialistic view of life and life's problems; of the superiority of environment to heredity; of the exclusively material basis of social betterment; of the belief that the proper standard for remuneration is material productive capacity etc.—it will have served a useful purpose. On the positive side, it may throw new light on old problems or suggest a readjustment of values or emphasis. The basic differences of outlook between the East and the West will emerge from such a study. India has a synoptic view of the economic, political, social and spiritual aims of life and of hedonistic, psychic and spiritual urges. Its views on the nature of sex and of sex-relations as natural and capable of regulation and sublimation for ultimate ends of existence, make the approach to the problem of sex relations, *in* law and *out* of it, must help. Its approach to the problem of riches and poverty is different from ours. Its valuation of ascetic and non-ascetic activity are different. Its attitude of quietism is a myth. Its standards of conduct are less liable to change, owing to their bases being in instincts and *ultimate* ends. It visualizes social elevation by slow processes and by fundamental changes of spiritual outlook. It places the sublimation of human nature as the only way of raising man. It has shown salvation as not exclusive but universal. It has based social harmony upon a balance of duties, and not on a conflict of rights.

It has shown the limitations of individualism and of what we now call socialism. It has made the State the means of the 'good life,' in more than the Aristotelian sense; for, it made not only every one function to the best of his powers and means, in *this* life, but prepared him for the *ultimate* goal of all activity. While it has not disdained economic motives and activity, it has placed them in due subordination to other and higher ends. It has had no such illusions as the modern world has of the saving virtues of mass production and machinery, of world marts and world controls. It has neither been andro-centric nor ego-centric. It has visualized the survival of man as dependent on the education of the best in him and in all other men upto the limits of capacity, and discipline and spirituality as the features of its educational machine. It has been wisely selective in regard to the persons to be educated, and the degree to which they may be educated, the special needs of special classes in education as well as the common needs of all, and of the communication of the knowledge, which means power, only to those who will use it not for selfish purposes but for the good of the world. The degradation of science by applying its results to the causing of harm or destruction on a colossal scale, is avoided in its scheme of training. It is only, the *āsura* (demoniac)

mind that misuses the power, which mastery of the secrets of Nature confers. Communal life is conceived as one in which equality means equal opportunity for disinterested service to every one by every one, up to the limits of his or her capacity, the subordination of the individual to the common good, of the supersession of proximate by ultimate ends. Social service is not based under it on the vague claims of a shadowy humanity, but upon the needs of every one's self-expression, self-realization and propulsion to the final goal. It has put a background of divine purpose to all activity.

Disillusionment in the saving virtues of Western Civilization dawned on thoughtful minds long before some of them realized its decadence, and urged whole-sale reconstruction to bring into existence the old ideal of the City of God. In such a frame of mind, it is not surprising, that even in the obscurity of translation and misinterpretation, the merits of the Hindu organization and its exposition in *Manusmṛiti* evoked appreciation. "Such a law book" said Nietzsche "as that of Manu sums up the experience, sagacity, and experimental morals of long centuries before it comes to a final decision. . . . It does not *devise* expedients; it only *reveals* them. At a certain point in the development of a nation, the book with the most penetrating insight, pronounces that the experience according to which people *are* to live—*i.e.*, according to which they *can* live—has at last been decided upon. The aim is to garner the largest and richest harvest possible from the times of experiment and unfortunate experience. Consequently, that which has to be obviated is the further persistence in experimenting, the continuation of the fluid condition of values, of the testing, selecting and criticising of values *ad infinitum*. A double wall is put against this state of things—God gave it, ancestors obeyed it. The rationale of such a procedure is to oust consciousness step by step from the sphere of life recognized as correct (as proved by an immense and carefully sifted experience) so as to obtain complete automatism of instinct—the pre-requisite for every kind of superiority, for every kind of perfection in the art of living. To draw up a law book such as that of Manu means to permit a nation to get the upper hand, to become perfect, to be ambitious of the highest art of living." Universal experience has a common denominator. It is this which is expressed in a work like *Manusmṛiti* whose surprising *modernity* in many matters will cause astonishment in those, who had over-looked it.

In the histories of great nations or peoples a mood of introspection and historical reevaluation comes upon the best minds, when they have witnessed appalling calamities ending in almost the collapse of society following internal decay or disintegration or external impact,

springing from violent collisions with alien or barbarous peoples. India has had many such experiences. Some of them are reflected in the Purānas. After chronicling the collapse of successive dynasties, they come to the barbarian invasions and the disintegration of society in which they visualize the workings of *Kaliyuga*. Their wails have a common feature. They lament in painful detail the lengths to which society proceeded in directions contrary to those indicated by Dharma, in the good days in which it was the soldering agent of social solidarity. The vision of the distant Redeemer, who will again lift the submerged world above social and moral chaos and restore moral order and spirituality under Dharma, that the world had lost by straying from the path, and inaugurate the approach to the Golden Age, is held up to sustain the faltering faith of men, to whom such an epoch had been only of the remote past.

To-day in a mood of disappointment with existing institutions and ideals, we feel an urge to shed the prejudices of race and culture, and to look for light wherever it may be found, to illuminate the world's path again to safety and security. In this mood, among the studies which may attract, that of our *Sanātana Dharma* as expounded in Dharmaśāstra, may have a place. The hope that the study of its skilful adaptation of means to ends, its logical deduction of rules of conduct and of social planning from psychological and socio-religious hypotheses, and its successful attempt to weave in a common pattern the strands of ethical, economic, social and spiritual aims of man, so as to produce a web of co-ordinated effort in interdependence than in isolation or rivalry, and its success in building up a tradition that has saved Indian society for centuries from disintegration, may still have use is the hope that has inspired and sustained this study and interpretation of Manu.