CHAPTER VIII

CONCLUSIONS
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In the foregoing chapters in this post-doctoral thesis I have tried to show that in ancient Indian society the state, society, law and social and legal institutions were interdependent and their assimilation and harmonious synthesis played a dominant role. 'Ātmavata Sarvabhūtesu' and 'Vasudhaiva Kutumbhakam' were the aims of each individual in the society. The essence of this has been very well mentioned in the Hitopadesa. It reads:

Tyajedekam Kulasāyārthe,
Grāmasyārthe Kula tyajet,
Grāman Janapadasyārthe,
Ātmārthe Prithvīm tyajet.

"One should sacrifice his own interest for the good of the family; for the good of the village the interests of the family should be sacrificed; the interests of the village should be sacrificed for the interests of the state and for one's own moksa or freedom from bondage one should sacrifice the whole world."

This shows that the ultimate goal of life of an individual in ancient India was Moksa. It was the final purusartha but its' fulfilment was based on other three
Purusaśārtas - the Artha, Dharma and Kāma - also known as 'Trivarga' in ancient Indian texts - are social institutions. For this purpose the society evolved a system of the Varnas: rāja Dharma and its evolution and growth became the basis of the fulfilment of these Purusaśārtas and this could lead the society to complete social harmony.

The earliest reference to this four fold division of the society into the Varnas can be traced to the age of Rigveda. In its Purusa sūkta of the tenth Mandala we find that the four varnas were born from the four limbs of the supreme being. The Brāhmanas were born from the mouth, the Ksatriyas from the arms, Vaisyas from the stomach and finally the Śūdras from the thighs.

This was not the real story of the birth of these four Varnas. Rather, it is symbolic origin of the Varnas that took shape after a gradual evolution of the society. This symbolic origin shown that the Brāhmanas were the priests, teachers and people who were devoted to learning. They, therefore, are said to have been born from the mouth. The Ksatriyas were the defenders of the country. They maintained law and order in the state and fought the external enemies and, as the hands do the job for the protection of the body, they are said to have born from the arms. The Vaisyas were engaged in farming, agriculture, breeding of domesticated animals, trade and commerce and were the people who stored and supplied all commodities to the society. This job is done by the stomach in the body and therefore, they are said to have been born from the stomach. The legs are the basis that support the constitution of the body and without
them the very existence of the body is not possible and they play a dominant role in the movement of the body and therefore, the remaining people are said to have been born from the thighs. Their job was manual labour.

While discussing these four Varnas during the early Vedic society we should note that they were mainly based on vocational basis and professional skill. They were not water-tight compartments and change of the Varna was possible in ancient society. The famous example of this change-over is the story of the sage Visvamitra. He was Ksatriya and was devoted to all the duties and vocations of a Brāhmana. But people called him 'Rajarsi' whereas he was keen to be known as 'Brahmarsi'. His contemporary sage Vasishtha also addressed him as 'Rajarsi Visvamitra'. Annoyed by this the Ksatriya sage wanted to kill Vasishtha and went to his hermitage where he took a position convenient to execute his plan. But when he stood there he heard the conversation of the sage with his wife. The latter wanted to know that who was the 'Brahmarsi' in real sense of the term. To this question the Brāhmana sage Vasishtha replied that in his opinion and estimation the only person who is really entitled to be known as 'Brahmarsi' was Visvamitra. This discourse changed the mind of the Ksatriya sage who became a devotee of Vasishtha.

But in course of time vocation was replaced by birth as the determining factor of one's Varna. This was unjust and was against the very spirit of the Rigveda, but the system continued with harmonious relationship through the ages.
Side by side, these grew and developed the Āśrama system. The life of an individual was estimated to be of one hundred years and it was equally distributed into four phases called the Āśramas. This was done to attain the four Pūrasārthas. In the Brahma-charyāśrama one was to get through education in the Gurukula. This was followed by the Griharthāśrama. This was the most important phase of life.

Almost all writers on ancient Indian social institutions have laid great emphasis on the importance of the grihasthāśrama. They said that it was as important as an air for the living beings. Manu said that one, who is without a wife, is not entitled to perform the sacrifice (Ayajno esah apanikah). It was the benevolence and duties of the grāhastha that other āśramas survived.

The third was vānaprasthāśrama and it was enjoyed after the end of the grihasthāśrama. It was a preparatory phase of life to enter into the fourth phase of life that was sanyāsa. The latter was a phase where one has to practice complete detachment from the world and live the life of a true Sanyāsi.

The basis of the Vāmāśrama Dharma was just and harmonious social order. Through it the Aryan society laid due emphasis of one’s rights, social functions, righteous conduct, duties, privileges, responsibilities and all kinds of social, religious and legal obligations as an individual and also as a member of the society.
The protection, preservation, growth and advancement of the Vamāsrāma Dharma was the foremost duty of the ancient Indian state and the king was known as an Upholder of the Vamāsrāma Dharma. He was to it that all the laws and legal institution were so evolved that they were in tune with the spirit of the Vamāsrāma Dharma. The attainment of the purasārthas solely depended on strict and sincere observance of the social rules of the order of Vama and Asrama. These were the objects of king’s perpetual attention and protection. Writing on the importance of these social institutions an eminent Indologist Mahāmahopādhyāya. Bharat Ratna P.V. Kane writes that the king was to see that the Dhamas of Vama and Asrama were observed by the people and if they did not observe them it was the duty of the king to bring them back to the duty by punishment. The Vishnu Smriti tells that the duty of the king is to keep the four Vamas and the four Āsramas in order of practising their respective duties. Similarly, in the Visnudharmottara we are told that there is not duty for the king equal to losing one’s life in the battle; those who meet death in protecting a cow, a Brāhmana, a king, a friend, their own wealth, and their wives, they enter heaven as also those who meet death in preventing in Termingling of the Vamas. The protector of the Vama and Asrama orders find mention in the Rāmāyana the Mahābhārata, Manu Smriti, Matsya Purāṇa. Kalidāsa’s Raghuvamsa and Abhijñānaśākuntala, for the fulfilment of these duties. The Vijayanagar kings assumed the title of the maintainer of Vama. They appointed Sāmāyāchāryas who saw to it that the people maintained their own religion (Svadharma) of the respective Vamas.
Another important aim of the state in ancient India was to codify such laws that could lead to the suppression of the wicked persons, evil-doers and cruel people and that could lead the society to noble path. This does not require any elaboration as everyone knows that evil doers might bring untold miseries and sufferings to the people and the state as a whole, whereas the growth of the noble people increases the prosperity, happiness and harmony of the people and the state in all spheres. The need for bringing the wickeds to books and punishing them and protecting and encouraging the noble people has been repeatedly emphasised in various works on social, political and legal institutions in ancient India. Sukra advises even the ostracisation or excommunication of such anti-social elements who obstructed the functions of an ideal state. This socio-political aspects of the aims and ideals of the state received unambiguous references in several works such as the Vedas, the Upanisadas, the Brahmanas, the epics, the Puranas, the niti literature and other literary works. Lord Krishna tells Arjun that he incarnates himself from age to age for the protection of the virtuous and for the destruction of the evil doers.

The state existed for the protection, preservation and advancement of the Dharma. The term Dharma, as has been used in ancient India, had a very wide sphere including religious and ritualistic laws and the rules of the social behaviour, mortality and prudent ways of human life. The Dharma in ancient Indian social set-up was not merely a code of conduct, merely coming out
from legislative enactments but it was a self-evolved code of conduct and various usages and long cherished noble traditions approved and practised by the society through the ages. Briefly speaking the Dharma was the code of righteousness. Even the king was not above Dharma and he observed Dharma as it was the 'Sovereign over the Sovereigns'. The Mahābhārata maintains that the very existence of the king is for the advancement of Dharma.

The preservation, protection and advancement of Dharma was such an ideal before the state in ancient India which contributed the most to the ideal goal of the state. If all the people follow the Dharma or the righteous code of conduct in life the burden of the state is considerably reduced and its conserved power might be used for other constructive programmes for the general welfare of people. Thus it was the first and foremost duty of the state that people abide by their Dharma which might be Vamārasadharma, Jātidharma, Srenidharma, Janapadadharma, and Kuladharma. Kautilya says that the king should not allow people to serve from their righteous conduct or to fail in their Dharma; for whoever holds fast by his Dharma deserves the rules laid down for the Aryan and those of the four Vamas and Asramas, would be happy in this world and the next. If the people deviated from the Dharma it was the duty of the state to enforce it by using its coercive power to follow the Dharma. Aśoka, who was a great Champion of Dharma, styles himself as Dhamarāja. In his edicts he declared that he wanted to make his people happy in this world and the next. He got engraved his edicts prescribing the code of conduct for the people and appointed Dhamamahāmātrajas
to see that the people observed the righteous conduct and moral code in their lives.

Both the state and the society in ancient India played a major role in shaping and determining the social values, moral code of conduct and enactment of laws and legal institutions. They functioned for the proper maintenance of law and order and for the material and moral progress of the people. The state felt that a sense of political and social security was primarily essential for the welfare of the people and advancement of social justice and harmony. The agency which was could provide adequate social and legal protection to the people was the state and the king was its principal executive authority. The Alteraiya Brāhmaṇa records that god elected their king because they felt that they were worsted by their enemies in the battles for want of a king. Therefore, they consecrated their king. The Rāmāyana says that "in a territory without a ruler, clouds pour down heavy storms with lightening and thunder; the seas are not grown; sons do not remain in the control of their parents; nor a wife is in control of her husband; wealth is lost; there are no assemblies; people do not visit pleasure parks and gardens; nor they build temples and rest houses; the self restrained twice-born (dvijas) offer no sacrifices, nor they do those pious vows that assist them in rituals; the Brāhmaṇas do not receive their sacrificial share; neither actors nor dancers find pleasure; the holy festivals and pilgrimages, promoting the prosperity of the land, are not celebrated; those telling the traditional stories do not satisfy the people with favourite tales; maidens, adorned with ornaments do not frequent the gardens in the
evening, the devotees of pleasure do not ride to the forests in the company of their pretty consorts on swift chariots; the wealthy people are not safe; the people do not sleep with doors open; the magnificent elephants do not move on the highways adorned with tinkling bells; the twanging of archer's bow is not heard even for a rescue; the arrows do not come out of the quiver; the merchants do not travel far with their goods in safety; the restraining ascetics, contemplating their identity with the all pervading spirit, receive no hospitality at the fall of the night; wealth is not unassailable; armies do not match the enemy; no man is seen driving a decorated chariot with swift steeds; wreaths, sweet-meats and arms are not offered by the worshipers at sacrifices; princesses do not appear like blossoming spring with the use of sandal and perfumeries. A kingdom without a sovereign is like a river without water, a forest without vegetation or a cow without a cowherd; no man loves his own people in a rulerless land, but each devours the other daily like fishes. Atheists assume predominance over others breaking down their own limits in the absence of a sleep to chastise them. In brief the state without a ruler leads to total chaos and lawlessness. Similarly the Mahabharata warns that in anarchy sinful derives pleasure by plundering the wealth of others.

Thus it becomes clear that the state, which firmly held the sceptre (Danda) or the chastising rod, symbolic of the power of punishment, was a social and legal necessity for maintaining the law and order in the society and maintain social
and legal institutions. It is an established fact that the existence of the state and sovereignty of the ruler were the most essential factors to the basic problems of the protection confronting the maintenance of material welfare and moral progress of the people in the society. The society and its multidimensional welfare was the indispensable corner-stone of the magnificent edifice known as the state, "the mightiest creation of human mind and the noblest expression of human purposes."