BOOK TWO

Chapter II

RAJADHARMA IN MANU AND YAJNAValkya
I. Rajadharm in Manu.

Of all the smritis, the Manusmriti or the Code of Manu is the most important and most comprehensive. In its existing form it contains 2,694 couplets arranged in twelve chapters. Writers differ in their opinion regarding the exact date and the period to which the Manusmriti belongs. F. Max Müller is of the view that the Manusmriti is a recast and a versification of an ancient dharmasūtra. Sir William Jones assigns the Code of Manu to 1250 B.C. while Shlegel thinks it as compiled in 1000 B.C. Some others consider it to be of the epic period. Since Manu is mentioned both in the Rāmāvya and the Mahābhārata it appears to be prior to the epics. The ethical concepts of Manu bear close resemblance to those of the Bhagavad-Gītā, but the latter’s treatment of the subject is certainly more comprehensive.

Traditionally Manu has been regarded as the prime legal authority. Etymologically Manu is from ’manas’ i.e. ’mind’ or ’thinking’ thereby signifying ’wisdom’. A Vedic verse says, ’vad vai kīcāna Manur avadat tad bhesājam’.¹ (Whatever Manu has said that is medicine). But this appearance of Manu in the Vadas does not identify him with the author of the Manusmriti.
The Manusmrti is mainly a treatise on law and conduct, i.e., dharma and its application to different stations and situations in life. The large number of topics covered by the Manusmrti form a compendium on dharma as consisting in duties and virtues. The laws of Manu are normative and describe the essentials of conduct which can lead to the proper performance of duties and the realisation of virtues. Dharma, as expounded in the Vedas and as comprehending all forms of human activity - of the different classes in society and of the different stages of life - underlies the whole thought of Manu.

Manusmrti as a whole does not present a consistent account of rajadharma or of even dharma in general. This is true also of other dharma-sstra texts. There are, for instance, some contradictory passages in the Manusmrti. Again in some of the portions the outlook of Manu is rather primitive when judged by modern standards. What Manu emphasises is that dharma is the underlying principle in all social and political organisations. This aspect is quite convincing inspite of the few passages which are contradictory and those which show an obvious partiality to the priestly class and also those which can be called discriminatory (e.g., passages relating to Sudras and women). Our intention here is not to study these passages as such but only to illustrate by reference to Manu and Yajñavalkya, our point of view
regarding dharma and rājadharmā.

The concept of dharma as developed in the Manusmṛti is both broad and comprehensive. The concept covers the following characteristics:

1. That dharma pervades all existence and that it is the very essence in the order of things;
2. That it encompasses all social, religious and spiritual matters and also matters relating to individual conduct, both personal and in relation to the social sphere;
3. That its content varies from class to class and from one stage of life to another;
4. That it lies in ācāra, i.e., accepted rules of conduct handed down from generation to generation;
5. That it varies with time and age (vuga); and
6. That it constitutes the spiritual purpose of life and the means for its realisation.

Artha and kāma, therefore, are subordinated to dharma although their pursuit is not forbidden. Dharma is the controlling factor and artha and kāma are to be subjected to it. The chief good lies only in harmonising dharma, artha and kāma. Mokṣa as the suumum bonum is not this—worldly; it is to be realised only in a world beyond. Hence Manu like the other dharmaśāstra writers
dealing with worldly ethical values, gives the prime place to dharma. Dharma is two-fold: pravṛtti-dharma, i.e., dharma of activity, and nivṛtti-dharma, i.e., dharma of retirement. Dharma, artha, kāma form the trīvarga or the threefold object of life, but dharma is to be considered paramount.

The uniqueness of the concept of dharma as developed by Manu lies in its equation with truth and non-violence. This is clear from the following verses:

'Let him say what is true, let him say what is pleasing, let him utter no disagreeable truth, and let him utter no agreeable falsehood; that is the eternal law (dharma). 5

'Giving no pain to any creature, let him slowly accumulate spiritual merit, for the sake (of acquiring) a companion to the next world, just as the white ant (gradually raises its) hill'. 6

Manu is further of the view that dharma should be taught without hurting people and only in a civilized manner: 'Created beings must be instructed in (what concerns) their welfare without giving them pain; and sweet and gentle speech must be used by (one) who desires (to abide by) the sacred law'. 7

'Let him not, even though in pain (speak words) cutting (others) to the quick; let him not injure others in thought or deed; let him not utter speeches which make
(others) afraid of him, since that will prevent him from gaining heaven. 3

Regarding the necessity of dharma in human life Manu says that there is hardly any activity of man which is not prompted by kama (desire) 9; but to act solely on the dictates of kama (desire) which is an outcome of tamas (inertia) is not adequate for the full expression of human personality. Adherence to dharma would result in the proper ordering of kama (desires), and it is to be learnt from such sistas (the trained) who are above hatred or attachment. 10 The sources of dharma, accordingly, are: the Vedas (Sruti), the recollected tradition (Smriti), the conduct and practices of those who are well-versed in the Vedas (sistas) and one's own conscience. 11

Dharma as derived from the sources explained above is the rule of law which is supreme and even above the ruler who is bound by it. Rajadharma in Manu is only an aspect of dharma and it consists of those duties of a king which are essential to establish and preserve dharma in society. The duties of a king, are not outside dharma. They are comprehended within it. Dharma encompasses all activities of man in various stages and stations of life. Thus, the various duties of the castes (varnas) arise out of dharma. The Ksatriya's duty is the protection of the people, charity, study of the Vedas and non-attachment to sensual pleasures. 12
a king is generally to be from the Ksatriya class\textsuperscript{13} his duties include all the duties of a Ksatriya and other duties arising out of his special position in society - as a ruler.

The king in order to preserve dharma is equipped with danda which in this context may be taken to mean punishment (i.e., the power to punish the guilty). Manu says: 'The whole world is kept in order by punishments, for a guiltless man is hard to find; through fear of punishment the whole world yields the enjoyments (which it owes).'\textsuperscript{14} The king is danda personified.\textsuperscript{15} Manu even equates danda with dharma\textsuperscript{16} but it is only in the sense that danda alone can effectively create and preserve conditions by which dharma can prevail or prosper. Danda is in no way above dharma because Manu says that 'if (punishment) is properly inflicted after (due) consideration, it makes all people happy; but inflicted without consideration, it destroys everything'.\textsuperscript{17}

Where Manu makes danda a necessary complement of dharma, he is also aware of the fact that danda must be exercised by one who is qualified to wield it and is also truthful, judicious and cautious.\textsuperscript{18} Manu even gives a warning to the king that danda (punishment) can recoil on the king himself if he neglects rajadharma and is not wise and impartial in its exercise. This warning is
A king who properly inflicts punishment prospers with respect to the three means (dharma, artha, kārm) of happiness; but he who is voluptuous, partial and deceitful will be destroyed even through the (unjust) punishment (which he inflicts). 19

Punishment (possesses) a very bright lustre, and is hard to be administered by men with unimproved minds; it strikes down the king who swerves from his duty, together with his relatives. 20

It may be deduced from the above that the authority of the king in Manu is limited both by dharma and by danda. Rajadharma of Manu, therefore, is an activity of the king to create conditions for dharma and the authority of the king (dandadhārin) is absolute in so far as it is king's responsibility to sustain and preserve dharma but it is limited to the extent that the king must be qualified to wield danda and that he must function within the limits of the moral law.

The Manuṣmṛti envisages an active and righteous king who is full of untiring energy to promote the prosperity of his people. Manu declares:

'Let him exert himself to the utmost in order to increase his property in a righteous manner, and let him zealously give food to all created beings'. 21
Manu further believes, as Kautilya does, that in action alone lies fortune and a king must never get disheartened on account of failures:

'(Though he be) ever so much tired (by repeated failures), let him begin his operations again and again; for fortune greatly favours the man who (strenuously) exerts in his undertakings.'

The idea that the king reflects his age is also expressed in the Manusmrti in unequivocal terms, and Manu declares that the king is synonymous with the age (rājā hi yugam ucyata) and says that only an active king can usher the kṛtā or the golden age to his people.

The king in Manu is visualised as an ideal ruler - as containing in himself all the elements of the various gods, Indra (rain), Vāyu (wind), Yama (death), Sūrya (sun), Agni (fire), Varuṇa (water), Soma (moon) and Kubera (wealth). Thus he has all the energies of these gods. It should not, however, be understood here that the king is god incarnate or that he is a divine agency. These are only the forms of energy as observed in the natural phenomena and personified in Vedic mythology, and the king is asked to emulate in himself the attributes symbolised by these gods (phenomena) in order to become truly useful to his people. Manu himself explains this idea later in Book IX, 303-312. The idea that the king is to exhibit 'the energetic action' (tejo-vṛttam) of gods...
is found not only in Manu but also occurs in other texts like *SukranItisāra* (I. 71-72), *Matsyanārāma* (226.1), *Amśītātmanā* (226.17-20) etc. It should not however, be supposed that such a glorification of the king leads to a theory of the divine right of kings or justifies monarchial absolutism. Almost all ancient Indian texts contain provisions that controvert such an inference. Manu, for example, states that the king who harasses his subjects loses his life, family and kingdom. Moreover the limitations as emerging from the very nature of dharma and of danda as we have explained above, reduce kingship to the human level and do not apportion to the king anything of divinity or divine right to rule. What has been commonly spoken of as the divine right of kingship in the West cannot be applied to the above conception of rights and duties of the king. J.N. Figgis thinks that the theory of divine right of kings in its fullest sense involves: "(i) Monarchy is a divinely organised institution; (ii) Hereditary right is indefeasible, i.e., the right acquired by birth and descending by the law of primogeniture cannot be forfeited through any acts of usurpation, or by any incapacity of the heirs or by any act of deposition; (iii) Kings are accountable to God alone, i.e., a limited monarchy is a contradiction in terms; (iv) Non-resistance and passive obedience are enjoined by God, i.e., in any circumstances resistance to the king is a sin and leads to damnation and that when the king issues a command
directly contrary to God's law, the latter is to be obeyed and also all penalties attached to the breach of the king's law are to be patiently borne". 26

Hereditary right to rule is found in most forms of monarchy including those in ancient India. Similarly monarchy was regarded as divinely established. But the ancient Indian texts also mention that the king was subordinate to dharma and that if he transgressed dharma he was to be deposed or even killed. 27 Thus the king was accountable to his people.

Indeed a king possessing the powers of gods is, to a certain extent, more powerful than all his people. However, it is not only the power of the king that is idealised but also his conduct. The king is seen as a student of the Vedas, ever interested in service, humble, expert in the art of government, free from sensual desires and from bad habits like gambling, drinking, dancing and over-sleeping, free from desire to commit violence, treachery, envy and slander. A vicious king sinks to hell and a wise king ascends to heaven. 28 Such is the picture of an ideal ruler portrayed by Manu.

In the Manusmrti, as in other ancient Indian texts, we find a detailed account of the duties of the four varnas and the four áśramas. While the duties of the former are separate to each, the four áśramas ( i.e., the
four stages of life, viz., of a student, a householder, a
forest-dweller and an ascetic) are common to at least all
the twice-born or the dvijas (i.e., the first three varnas),
though the duties under each of these āśramas would be
determined by the varna. It may be clarified here that
the four varnas relate to the social organisation and are
of the nature of social groups classified according to
the functions of each; the four āśramas, on the other hand,
relate to the life span of each individual within the varna
fold. Explaining the duties of each varna Manu says:
'He, the most resplendent one, in order to protect the
universe, assigned separate duties and occupations....' 29

'To Brāhmaṇas he assigned teaching and studying
(the Veda), sacrificing for their own benefit and for others,
giving and accepting (of alms);

'The Kṣatriya he commanded to protect the people,
to bestow gifts, to offer sacrifices, to study (the Veda),
and to abstain from attaching himself to sensual pleasures;
'The Vaiśya to tend cattle, to bestow gifts,
to offer sacrifices, to study (the Veda), to trade, to
lend money and to cultivate land;
'The Śūdra, to serve meekly even these (other) three castes.' 30

Although the dharmas (duties) differ according
to each varna and each āśrama, yet Manu regards certain
dharmas (duties) to be common to all the four varnas and
all the four āśramas. These consists in 'abstention from injuring (creatures), veracity, abstention from unlawfully appropriating (the goods of others), purity and control over the organs'. These may be called samānyadharma (common duties) as opposed to visēṣa-dharma (special duties). The distinction is simply between duties arising out of being human and special duties arising out of a person's being placed in a specific station, the station being determined by the potentialities and functions of the social group to which one belongs or by one's age. It may be remarked here that utmost civilized behaviour in respect of all human beings is sufficiently assured by Manu's emphasis on samānyadharma.

Before we proceed further, it may be remarked here that a detailed examination of duties regarding each varṇa and āśrama as ordained by Manu would be irrelevant for our purpose as we are mainly concerned with the principles of rājadharmā according to the Manu-sūrti. However, the significant points that deserve mention here are:

1. The scheme of duties in respect of varṇas and āśramas is not mechanical, as Manu allows the people (placed in different varṇas and āśramas) to follow their ācāra,
i.e., accepted customary modes of conduct as handed down from generation to generation. (ii) The emphasis on duties throughout the Manu-smrti and in other dharmaśāstra texts is due to the fact that the ancient Indian thought did not conceive of rights (adhiṭṭhas) without duties. Dharma in fact includes both. However, dharmaśāstras stress duties because without their performance there would be no rights at all. Rights in ancient Indian thought flow only from qualifications and not from any idea that 'since all men are equal, they are entitled to equal rights'. Consequently the modern idea of rights devoid of duties and qualifications is alien to Manu and to other dharmaśāstra writers.

An examination of the Manu-smṛti reveals that varṇaśrama-dharma is not subject to royal authority as the king cannot interfere or meddle with varṇaśrama-dharma. In ancient Indian thought the individual, both as a unit in himself and as related to social organisation, is governed by varṇaśrama-dharma as prescribed in the smṛtis. The main task of the king is to protect and preserve the varṇaśrama-dharma of which he is not the creator. Manu in one of the verse says: 'The king has been created (to be) the protector of castes (varṇas) and orders (asrama),
who, all according to their rank, discharge their several duties'.

It follows from the above that the king's chief duty is to provide protection to the subjects and to punish those who deviate from their varnadharm\textit{a} or \textit{\u0928\u093f\u0935\u0941\u092f}dharma. This principle certainly constitutes a powerful limitation to the authority of the king and of the government. In \textit{Manusmrti}, the king is only a protector of castes (var\textit{n}as) and orders (\textit{\u0928\u093f\u0935\u092f}\textit{\u0936\u093f\u093e\u092f}) and he can, in no way, prescribe norms of conduct which are different from those that are already laid down for the various \textit{varnas} and \textit{\u0928\u093f\u0935\u092f\u0932\u0941\u093e\u0930\u094b\u0932\u094d\u093e}. Nor can he effect a change in \textit{varn\u0936\u093f\u0935\u092f\u0932\u0941\u093e\u0930\u094b\u0932\u094d\u093e}. \textit{Varn\u0936\u093f\u0935\u092f\u0932\u0941\u093e\u0930\u094b\u0932\u094d\u093e}, therefore, sets a limit to \textit{raja\textit{\u0915\u0932\u093f\u094d\u0932\u0940\u0921\u093e}\textit{\u0902\u0935\u0947\u093e\u0932\u094d\u093e}} and this imposes a formidable limitation to the powers of the king.

To prevent violations of \textit{dharma} is a paramount duty of the king. \textit{Danda} is the means by which he punishes those who transgress \textit{dharma}. But the award of punishment must be just and hence there is need for laws determining administration of justice. The need for a civil and criminal code arises out of the fact that people placed in different \textit{varnas} and \textit{\u0928\u093f\u0935\u092f\u0932\u0941\u093e\u0930\u094b\u0932\u094d\u093e} might choose to deviate from their duties or their respective paths, and in such event they must be punished in accordance with certain rules to enforce justice in the social order. It is with this purpose that \textit{Manu} elaborates in detail a civil
and criminal code for the guidance of the king and the
people with a view to facilitate administration of
justice. This code as drawn up by Manu is both extensive
and detailed and covers a wide range of subjects under
the following 18 titles or heads: (1) Non-payment of
debts, (2) Deposit and Pledge, (3) Sale without owner­ship, (4) Concerns among partners, (5) Resumption of gifts,
between the owner (of cattle) and his servants, (10)
Disputes regarding boundaries, (11) Assault, (12) Defamation,
(13) Theft, (14) Robbery and violence, (15) Adultery,
(16) Duties of man and wife, (17) Partition (of inheritance)
and (18) Gambling and betting.

The above eighteen topics according to Manu
constitute the causes of disputes and law suits. In
an earlier passage Manu ordains the king desirous of
investigating law-suits to preserve a dignified demeanour
and enter the court of justice accompanied by (learned)
Brāhmaṇas and experienced councillors. All law-suits
may be tried either by the king himself or by a learned
Brāhmaṇa assisted by three assessors as appointed by the
king. Such a court must thoroughly investigate a case
before it is presented to the king for final judgement.
The verdict of the king in all cases must conform to dharma
or law in accordance with the principles of natural justice.
Manu says:

'Dharma being violated, destroys; (dharma) being preserved, preserves: therefore dharma must not be violated, lest violated (dharma) destroy us'.

In the previous passage to the above Manu commands the judges to remain extremely vigilant and attentive during the entire proceedings of a case in order to arrive at just conclusions, for, as he says:

'there justice is destroyed by injustice, or truth by falsehood, while the judges look on, there they shall also be destroyed'.'

Manu lays great stress that the decisions in law-suits must be just, and he makes the king share the guilt of every unjust or wrong verdict that is made. Manu says: 'One quarter of (the guilt of) an unjust decision falls on him who committed the crime; One quarter on the (false) witness, one quarter on all the judges, one quarter on the king'.

The king, therefore, must convict only those worthy of condemnation and when the decision is just, the guilt falls only on the perpetrator of crime. In all judicial proceedings the king should endeavour to discover the truth and for this the object of the dispute, and the motives involved, as also the witnesses, time and place must be fully taken into account.
types of punishment as prescribed by Manu vary according to the nature of crime, but mostly the purpose of punishment is retributive and deterrent, and some of the punishments recommended will appear inhuman according to modern standards.

After having dealt with the eighteen topics under vyavahārapadas (from VIII.1 to IX.251), Manu urges the king to eliminate kantakas, i.e., troublesome, evil persons from his kingdom and remarks:

'A king who thus duly fulfils his duties in accordance with dharma (justice), may seek to gain countries which he has not yet gained, and shall duly protect them when he has gained them'.

Later, in one of the passages in Chapter IX, Manu counts the king, his ministers, his capital, his realm, his treasury, his army and his allies as the seven constituent parts of his kingdom. Further he adds that among these seven constituent parts of a kingdom (which have been enumerated) in due order, each earlier (named) is more important and its destruction the greater calamity'. However all the seven constituents must function in harmony, and in this respect their importance consists in their inter-dependence. The king and all the servants in his administration are advised to work for the good of the people.
To sum up, the fundamental principles underlying Manu's rajadharma are:

1. Dharma is the supreme law and is above the king.
2. The king is only a protector of dharma.
3. Danda (judiciary or punishment) is the means by which transgressions of dharma can be dealt with.
4. The king cannot interfere with or change varṇāśrama-dharma. His chief duty lies in its preservation and protection.
5. All violations of dharma must be punished according to law as explained in the smṛtis.
6. Punishment must conform to truth and justice, otherwise an unjust punishment is untruth and constitutes a violation of dharma and rajadharma.
7. The seven limbs (āṅgas) of a state are the king, his ministers, his capital, his treasury, his army, and his allies, and also his kingdom. These, in view of the high status enjoyed by the learned Brāhmaṇas who invariably served as ministers also limit the authority of the king.
8. The king is not above danda; if he disobeys the moral law (dharma), he will perish.

As regards the law-making power of the king, there appears to be hardly any such power with him under
the rājadharma tradition as propounded in dharmasastras and smṛtis. Dharma alone is the law that the king is to govern with. Like other ancient Indian texts, the Manuśmrți describes, for the benefit of the king, the sources from where dharma is to be known. The traditional law as derived from the Vedas and smṛtis or as declared by the learned brahmans is to serve as positive law for both administrative and judicial purposes. In his capacity as executive head the king could issue some decrees or orders which in no way can be regarded as positive law. Medhatithi, in his gloss on Manuśmrți, gives instances of such orders as the king could issue.

'Today all should observe a festival in the capital; all should attend a marriage ceremony at the house of the minister; animals should not be killed today by the butchers and birds should not be caught; debtors should not be harassed by the creditors on these days (to be specified); no one should associate with such and such man (an undesirable person); no one should allow a certain (undesirable) to enter the house.'

Thus it will be seen that when dharma is the ultimate law governing the king and the people, any lawmaking authority in the hands of the king would be superfluous and in fact opposed to the concept of dharma.
This is the reason why ra.iadharma tradition does not require any separation of powers (executive, legislative, and judicial) as is considered necessary by modern political theories. The king represents a unity for all types of functions - be these of executive or of judicial nature. He symbolises in him a rule according to dharma. Dharma is his guardian and he in turn guards dharma. Dharma is his law and dharma is his justice and since law and justice must conform to truth, truth is dharma. Evidently when such is the scheme of ra.iadharma ideas like the separation of judiciary or the responsibility of the executive to the legislature are of no avail or value in ensuring safeguards against possible tyranny.

II. RĀJADHARMA IN YĀJÑAVALKYASMRTI.

Next to the Manusmṛti, the Smṛti of Yājñavalkya is the most important source of ra.iadharma. It is a polemical work of 1010 verses and is divided into three books, namely, Acāra - the Ecclesiastical and Moral Code; Vyavahāra - the Civil Law; and Prāyascitā - the Penal Code. Yājñavalkya's ideas on ra.iadharma are mainly described in Chapter XIII of Book I. There are well known commentaries on this work like those of aparārka, Visvārūpa, Vijnānesvara (called the Kitākṣara), Hitamisra and Śūlapāṇi. The gloss of Bālambhāṭṭa is also
useful for understanding fully the ideas of Yājñavalkya.

Like all ancient Indian thinkers on social organisation, Yājñavalkya combines religion with politics. Following the dharmasāstra tradition, both Manu and Yājñavalkya regard dharma as the basis of social and political order. It should be emphasised here that this combination of religion with politics is not the same as that of which we speak in the present day. In Hindu thought dharma connotes the highest law that determines everything. According to Yājñavalkya, the Śruti, i.e., the Vedas, the Smṛti, i.e., the recollected tradition, the conduct of good men, what appears pleasant to one's own self, and the desire which springs from a good resolution form the roots of dharma.

Furthermore there are six kinds of dharma:

1. Varnadharma - the law or duties of the varnas or the professions.
2. Āśramadharma - the law or duties relating the āśramas or the orders.
3. Varpāśramadharma - the law of the orders of the various varnas.
4. Gunadharma - the law or duties of the persons placed in particular situations or positions. Under it falls the duties of the king who has been, according to the scriptures, duly anointed
for the task of affording protection to the subjects. Yajñavalkya equates gunadharma with rajadharma.

5. Nimittadharma - the law or duties of particular occasions.

6. Sadharanadharma - the general law or the duties common to all.

The above mentioned dharmas are subordinated to 'dharma' which is the pivot of all these. Dharma is supreme because all other dharmas are founded upon it, dharma being the foundation of all. Yajñavalkya maintains that, "The Purāṇas, the Nyāya, the Mimāṃsā, the Dharmaśāstra, together with āṅgas and the Vedas are the fourteen sources of sciences and of dharma". Guna-dharma being subordinate to dharma, the king is also subservient to dharma. Gunadharma, which enlists the duties of the king, is only a means by the strict observance of which the king can promote dharma. All injunctions of gunadharma are derived from dharma and are ultimately intended to protect and preserve the cause of dharma. The king, therefore, is only a guardian of dharma and not its creator. This principle is fundamental to the king, his domain and his government. The same fact is emphasised also in the Manusmṛti and the Mahābhārata.

In Yajñavalkya, as also in Manu, the king cannot
prescribe dharma. According to Yājñavalkya, four persons who know the Vedas and the dharmasāstras, constitute the 'parisad', i.e., the legal assembly. What this wise assembly says is dharma. The king, therefore, is expected to rule in accordance with the injunctions of gunadharma as interpreted by the dexterous and enlightened parisad. In all cases of doubt as to the meaning of dharma, the king is to seek and follow the expert advice of the parisad. Manu also declares:

"Even if thousands of brahmans, who have not fulfilled their duties, are unacquainted with the Vedas, and subsist only by the name of their caste, meet, they cannot (form) an assembly (for setting the sacred law)."

The parisad thus, is no body of ignorant persons but one that comprises of the well-educated and enlightened. Both Manu and Yājñavalkya lay great stress on the knowledge of the Vedas and that of the dharmasāstras as the fundamental qualification for the members of the parisad. Only the sūstras, therefore, could be the members of the parisad. The parisad, which was an important advisory body to the king, could alone give counsel and proper interpretation of dharma under different situations and circumstances. Thus king's autocracy was limited or averted on account of the existence of this organisation. Dharma is no matter of volition or caprice of the king; it
is that which is described in the *dharmaśāstras* and interpreted in the wise counsels of the *parisad*.

Although Yājñavalkya and his commentators do not clearly say that the king should be from the Kṣatriya class, the main duties of a king are identical with those of a Kṣatriya as mentioned by Yājñavalkya. On the whole all the texts are somewhat vague regarding who should be the king. But in the *dharmaśāstras* the word *rājan* is sometimes used as a synonym for Kṣatriya. There are other texts which interpret the term *rājan* as anyone protecting his subjects irrespective of whether he belongs to the Kṣatriya class or not.

The chief duty of the Kṣatriya is the protection of the subjects, for the sake of both *dharma* and material progress. The office of the king is, generally, hereditary. Describing the qualities that a king must possess, Yājñavalkya maintains:

"The ruler of men should be of great enthusiasm, vast aims (i.e., liberal and intelligent), remembering (with appreciation) the (good) deeds, serving the elders, disciplined, endowed with equanimity, of good family, truthful in speech, pure, non-procrastinating, of strong memory, non-lowly and also non-harsh. He should be righteous and without bad habits, intelligent, brave and a keeper of secrets, and the guardian of his weak points."
The foremost quality of the king, as stressed by Yājñavalkya, is vināya or discipline. As remarked by Yājñavalkya, "a king should run no (unnecessary) risk. He should not, of a sudden, speak unpleasantly, nor what is hurtful or untrue; and he should not be a thief or usurer." 57

Thus the king, fully disciplined and endowed with the quality of sattva or equanimity, devoid of dejection in adversity and elation in prosperity, of noble descent, truthful in speech and pure in thought and action, of sharp memory, righteous and possessed of all the dharmas of the varnas and the āśramas and free from evil habits, is the ideal ruler of Yājñavalkya. Manu also mentions eighteen evil habits which a king should always despise and remain free from: "Hunting, gambling, sleeping by day, censoriousness (excess with) women, drunkenness, an inordinate love for dancing, singing and music, useless travel are the tenfold set (of vices) springing from love of pleasure. Tale-bearing, violence, treachery, envy, slandering, (unjust) seizure of property, reviling, and assault are the eightfold set (of vices) produced by wrath." 58
The king in order to be possessed of the above qualities must be properly educated in *ānvikaśīki*, i.e., logic and philosophy, *dandaṇiti*, i.e., the theory and the science of punishment as well as the protection of subjects, *vārtā*, i.e., the rules of agriculture and trade, falling under political economy, *travām*, i.e., the threefold science of *ṛk*, *yājus* and *sāma*. Manu too says: "From those versed in the three *Vedas* let him learn the threefold (sacred science), the primeval science of government, the science of dialectics, and the knowledge of the (supreme) Soul; from the people (the theory of) the (various) trades and professions".

After having mentioned the internal qualities of the person who has been inaugurated as a king, Yājñāvalkya proceeds to mention the "external attributes" that are essential for good government. The most important organ in the body politic is the ministry or the council of advisers. Yājñāvalkya mentions the qualities that a king must consider when appointing his ministers:

"He should appoint his ministers who are intelligent, hereditary servants, steady and pure. In consultation with them, he should administer the kingdom .... "

Yājñāvalkya places before the king a high ideal
of dharma and artha. Regarding the methods of acquiring wealth and disbursing it, Yājñavalkya maintains: "He should seek to acquire by fair means what he has not already got; having acquired it, let him increase it with proper means. Having increased it, let him deposit it in (deserving) recipients". 62

All ancient Indian treatises on government forbid acquisition of ill-gotten wealth. The criteria, therefore, are moral. Wealth acquired by dishonesty, plunder, deceit and exploitation would not be allowed. The ruler has legal methods of acquiring revenue - taxation being the most important of them. And this wealth is to be used mainly for the welfare and the protection of the people. All this definitely points out to the ideal of a welfare state.

The foremost duty of the king is to make his subjects immune from fear in their lives. A virtuous king takes sixth part of the virtuous deeds of his subjects because the protection of his subjects is greater than all gifts that a king can bestow upon his subjects.63 In case a king neglects the task of affording protection, half the sins of the subjects are borne by the king.64 The king, therefore, bears a partnership in both the virtues and the vices of his subjects. In short the idea propounded by Yājñavalkya is essentially that of a
Yājñavalkya elsewhere observes that a king who unjustly accumulates wealth is bound to perish. He issues a severe warning to the king to remove the sufferings and woes of his subjects, for: "The fire arising from the heat of the suffering of the subjects does not cease without fully burning the family, the fortune and the life of the king". There could be no greater restraint on royal absolutism and irresponsibility or negligence than the warning which Yājñavalkya proclaims in the above passage. We may mention here that the theory of the king being a partner in the 'karma' of his subjects is in conformity with the ideas expressed by Manu and the Mahābhārata in this regard.

Yājñavalkya's theory of danda is more or less a repetition of the ideas of Manu. The seven limbs of the rājya or kingdom as mentioned by Yājñavalkya include the king, the minister, the people, the fortress, the treasury, the rod of punishment (danda) and the allies. Danda is essentially a potent power with the king, but it is to be used only to promote justice (dharma) and punish the evildoers. Yājñavalkya declares that in order to wield danda equitably the king must not be greedy or of immature mind:

"It is possible only for him (to wield danda) who is
true to his promise, pure, well-assisted and wise". 69

Further, Yājñavalkya states that danda is like a double-edged sword; when employed properly it brings prosperity, otherwise wrath. 70 The king should not be unrighteous in granting punishments and should personally investigate judicial proceedings. 71

Yājñavalkya is against giving a one-sided emphasis on destiny alone as governing the lives of men. The belief in a fate should not deter man from making a conscious effort towards fulfilling his role:

"The fulfilment of an action rests between destiny and human effort. Of these two the destiny is the manifestation of the human effort of the past incarnation". 72 He further adds: "as verily by one wheel alone there is no motion of the chariot, so without human effort, the destiny does not get fulfilment". 73

It is clear from the above passages that Yājñavalkya considered actions performed in the right spirit to be the chief cause of prosperity and happiness. As in the other dharmaśastras, Yājñavalkya’s political ideas are essentially ethical in character. He is not interested in simply propounding the art of government or the mechanics of power. A government which does not put the moral law in the forefront is not a proper government. Therefore, rājadharma in Yājñavalkya has, out and out, a moral basis and an ethical purpose.
It will be seen from the above accounts of Manu and Yājñavalkya that rājadr̥ma as envisaged by them is in line with the rājadr̥ma tradition as propounded in the dharmaśāstras. Since ethics of kingship epitomizes all the ideals of state-craft in ancient India, rājadr̥ma is just a part of the ethical codes of Manu and Yajñavalkya. The arthasāstra of Kauṭilya, which is being dealt with in the next chapter, is almost entirely an account of state-craft and marks a significant departure from the dharmaśāstra tradition. But even in the arthasāstra the ethical basis is maintained although the accent here is as much on artha as on dharma. Again Kauṭilya elaborates in great detail the procedures and techniques of administration, unlike Manu and Yājñavalkya. Manu’s code shows a bias in favour of the priestly class much more than Yājñavalkya and Kauṭilya do. These however are minor differences in the face of the fact that the ethical norm according to all works on ancient Indian thought (including the arthaśāstra) connotes the ultimate goal to which all modes of conduct must conform.

We may conclude this chapter with a few observations regarding methodological approach to the study of ancient political and social theory. In modern times the conceptual scheme of ancient thinkers is criticised for two
reasons:

1. The ideals set forth are purely emotive in character and hence do not provide rules for action.

2. The ethical or social concepts themselves are ambiguous and logically indefinable.

The modern approach is overwhelmingly in favour of a 'scientific' attitude in the study of social problems; any attempt to connect 'behavioural' problems with metaphysics is repugnant to the social scientists. This approach may properly be termed as 'positivistic' in so far as the social scientist approaches his problems empirically and attempts to arrive at exact formulations of social relationships. He has no use for the traditional ethical theory. Further he sets out to examine logically the meaning of ethical terms with a view to proving that they are not capable of being analysed, at least in the ordinary language, and as such cannot also provide any firm basis for the study of human behaviour; much less are they incentives to action.

Our answer to this point of view is not to object to the scientific approach in the study of social problems but only to defend our method of studying the texts, for we are not interested in the question how far dharma in
actual life did provide rules for conduct but what the ancient text say about it. It is conceded here that dharma is incapable of accurate and intelligible definition but texts on ancient Indian political and social theory are full of references to it. The proper scientific approach to the study of ancient Indian texts does include also the understanding as far as possible, of the ethical ideals on which their entire scheme of life was sought to be based. We have tried our best, therefore, to analyse or grasp what the ancient Indian thinkers meant when they wrote about dharma, rājadharma, artha etc. Dharma as a transcendental ideal is indeed metaphysical and hence unintelligible in empirical terms, but the attitude of the dharmaśāstras and the arthaśāstras are generally in favour of giving an empirical basis to this ideal, unlike the Buddhist ethics, for instance, which makes it wholly transcendental. At the age in which these texts were written, methodology and science had not developed in the present sense. Hence like many other cultures in the world the social theory of ancient Indian writers is rooted in ethical or metaphysical assumptions. Any reference, therefore, to the contemporary methods of study of social problems would be irrelevant here. The present work is directed towards (i) defining, subject to limitations of language, what dharma is according to the ancient Indian texts we have chosen for study. (ii) Showing that rājadharma follows from the general principle of
dharma and (iii) that dharma as a principle is explicable in empirical terms. The study of <i>arthaśāstra</i> of Kauṭilya in the next chapter is undertaken with a view to consider a slight but significant departure from the <i>dharmaśāstra</i> attitude.
NOTES

Chapter II
1. *Taittiriya Samhita* - II, 2.10.2 and *Kathaka-XI* . 5.

2. e.g., *Manusmrti* - VIII.20. and XII.114.

3. 'Let him avoid (the acquisition of wealth and (the gratification of his) desires, if they are opposed to dharma'. - *Manusmrti* - IV.176.


5. Ibid., IV.138.

6. Ibid., IV.238.

7. Ibid., II. 159.

8. Ibid., II. 161.

9. Ibid., II. 2.

10. Ibid., II. 1.


12. *Prajananam rakṣapam dānem iivyādhyayam eva ca, viṣayā Yapıṣayā kṣatriyasya samāsatah.*


14. *Manusmrti* - VII. 22. The last sentence 'saryam jagad bhogeṣāya kalpate' is explained by Kullüka as '.... bhoge samartho bhavati' ( ..... is able to enjoy pleasures').
15. 'Rāja purusho · dandah'. Manusmrti - VII.17.


17. Manusmrti - VII. 19.

18. Ibid., VII. 25,26.

19. Ibid., VII. 27.

20. Ibid., VII. 22.

21. Ibid., IX. 333.

22. Ibid., IX. 300.

23. Ibid., IX. 301,302.

24. Ibid., VII. 4-7.

25. Ibid., VII. 111 - 112.


29. Ibid., I. 37.


32. Manusmrti - II. 6, 12, and 13.

33. Ibid., VII. 35. and also VIII. 41-42.

34. Ibid., VIII. 4-8.

35. Ibid., VIII. 1.

36. Ibid., VIII. 9-10.

37. dharma eva hato harti dharmo rakshitah, tasmadharmo na hantavyo ma na dharme hato 'vachit. - Manusmrti - VIII. 15.


39. Ibid., VIII. 13.

40. Ibid., VIII. 19.

41. Ibid., VIII. 45 and 126.

42. Ibid., IX. 251.

43. Ibid., IX. 294.

44. Ibid., IX. 295.

45. Ibid., IX. 296-297.

47. This is how S. C. Vidyarnava has translated the term 'Pravasictita'. (*Yajñavalkyasmṛti* translated by S. C. Vidyarnava, p-iii).

48. \[ \text{Śruti-smṛti-sadācārah svasya ca privamātrimah, samyak-sāntakalaih hino dharma-mūlamidham smṛtam.} \]

\[ \text{Yajñavalkyasmṛti - I.7.} \]

*Compare Manusmṛti:*

\[ \text{Vedāḥ smṛtih sadācārah svasya ca privamātrimah, etasāturyvidham prāhūḥ arksāddharmaśva laksanam.} \]

(\text{The Veda, the sacred tradition, the customs of the virtuous men, the one's own pleasure, these they declare to be visibly the fourfold means of defining dharma}) \text{- Manusmṛti - II.12.}

49. \[ \text{Prāapa-nṛvā-nāmā-dharmaśāstrāṅga-misritāḥ, Vedāḥ etamāni viyācārām dharmaśva ca caturdāsa.} \]

\[ \text{Yajñavalkyasmṛti - I.3.} \]

50. \[ \text{Yajñavalkyasmṛti - I.9.} \text{Compare: 'Even that which one Brāhmaṇa versed in the Veda declares to be law, must be considered (to have) supreme legal (force, but not that which is proclaimed by myriads of ignorant men'. \text{- Manusmṛti - XII. 113.} \]

51. \text{Manusmṛti - XII. 114.}

52. \text{Yajñavalkyasmṛti - I.119.}


54. \text{Āśāāṇṭiprabhāśa of Mitramiśra - p- 2. Medatīthi on Manu VIII. 1.}

55. Refer Balambhatta's Commentary on Yajñavalkyasmṛti in Introduction to Chapter XIII.
56. पाल्वल्क्यास्मृति - I. 309-311.
57. Ibid., I.132.
58. मनुभाष्य - VII. 47-43.
59. पाल्वल्क्यास्मृति - I. 310.
60. मनुभाष्य - VII. 43.
61. पाल्वल्क्यास्मृति - I. 312.
62. Ibid., I. 315.
63. Ibid., I. 333.
64. Ibid., I. 335.
65. Ibid., I. 338.
66. Ibid., I. 339.
67. Ibid., I. 351.
68. Ibid., I. 352.
69. Ibid., I. 353.
70. Ibid., I. 354.
71. Ibid., I. 353.
72. 'Daive purusakāre ca karma-siddhir vyavasthitā, tatra daivam abhivyaktam paurasam paurva-daihikam'. - पाल्वल्क्यास्मृति - I.347.
73. यथाहेकेना अक्रेना रथस्या ना गतिर भवेत, एवं परुषाकेना विना दायम्यान ना सिध्यति।
- वायावल्क्यास्म्रति - I. 349.

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