

# Social Justice in Ancient India: In *Arthaśāstra*

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## INTRODUCTION

The discussion of dharma, the basic theme of the Vedas, has influenced the life, literature, and culture of India. In particular, the epics *Ramayana* and *Mahabharata* written in the Sanskrit language, essentially express the theme of *dharma* through the personalities of Rama and Krishna, respectively. Although it is very difficult to define exactly the term *dharma*, it comprises laws of life, nature, and cosmos. In individual and social life, dharma is the system of rules for deciding between right and wrong. These rules touch on all aspects of decision making, including ideas, intentions, thoughts, speech, action, reaction, situation, effects and much more. In its fundamental nature, dharma is referred to as “*sanatana dharma*.” This means that the dharma, or frame of reference, for values and laws has to be eternal (*sanatana* in Sanskrit) in its essence and universality. Based on (sanatana) dharma, at different times many codes of laws were formulated by philosophical authors, such as Narada, Yagnavalkya, and Manu (Rapson 1955, 1: 247–63).

The concept of social justice is very much part of sanatana dharma, because in ancient India the mode of government was monarchic, so that the dharma for the king included social justice as a major duty. It is in this monarchic context that social justice is addressed in many literary and philosophical works of ancient India on sanatana dharma. In this chapter, social justice in ancient India is discussed with particular reference to *Arthaśāstra* written by Kautilya, also known as Chanakya or Visnugupta. This has been a pivotal work in understanding ancient India’s systems of administration, law, and justice against the back-

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ground of sanatana dharma. The *Arthaśāstra* has also been highly regarded by several modern eminent scholars as a major source of reference belonging to ancient India. It is said that Kautilya used the *Arthaśāstra* as a manual in showing how to balance the two sides of life: the mundane (materialistic) and the transcendental (spiritual) (Rangapriya 1983, 2: 205–11).

The relevance of the Vedas to the human life is in terms of the fourfold objectives of life: *dharma*, *artha*, *kama*, and *moksha*. The objective of *dharma* is to become aware and to learn how to choose between right and wrong. Then comes *artha*, which has as its objective the acquisition of wealth and the proper use of it. *Kama* concerns natural and rightful desires' and *moksha* concerns the state of spiritual contentment and realization of the self. The above order of fourfold objectives is important, and *dharma* and *moksha* mark the boundaries within which *artha* and *kama* have to be fulfilled. The objective of acquisition of wealth in reference to the society ruled by monarchy is dealt with in the *Arthaśāstra* (Kangle 1992, 2: 1–5).

### ANCIENT INDIA: MAURYAN EMPIRE

The advent of the Mauryan empire is a unique event in the history of ancient India. With the coming of Chandragupta Maurya around 382 B.C., the Mauryan empire receives more definite chronology (Mahajan 1960). Men like Megasthenes and Daimachus lived at the Mauryan capital, Pataliputra. The *Indika* of Megasthenes describes the wealth and prosperity of the state. The description of government is also provided in some detail. It is also mentioned that Chandragupta Maurya is one of the greatest personalities of ancient India (Gokhale 1956: 4).

It is said that Chandragupta Maurya was brought to power by the scholar and philosopher Kautilya, who later became Chandragupta's minister. In the pre-Mauryan Nanda period, the scholar Kautilya went to then-King Dhanananda for recognition of scholarship, but Kautilya was insulted instead. Kautilya, stung by the insult, took a vow to dethrone Dhanananda and left the capital. On his way back home, he found young Chandragupta playing in the woods. Kautilya took Chandragupta along with him and trained him in the arts of war and government. Later, Chandragupta formed an army and, with the help of Kautilya, won the throne of Magadha by killing Dhanananda (Gokhale 1956: 34–35).

Chandragupta was the first historical emperor of India. A brilliant description of the life of Chandragupta is given by Megasthenes (Gokhale 1956: 35–36). The emperor spent most of his time supervising the administration of his vast territory. As supreme judge he heard cases in the imperial court during the whole day without interruption. The palace was open to all, and the king kept himself informed on all subjects of interest to his people. Elaborate precautions were taken to guard the emperor. The posting of female guards was a prominent

feature of the court life. He rarely slept during the daytime, and according to some accounts, the emperor never slept in the same bedroom two consecutive nights. The public appearances of the emperor were occasions of great pomp and splendor.

The administration of the capital city was entrusted to thirty dignitaries who served on six boards. Each board had a specific charge: Board I looked after industrial arts; Board II attended the needs of the foreigners; Board III recorded vital statistics; Board IV took charge of trade and commerce; Board V supervised the selling of manufactured articles (new and old, separately) by public notice; and Board VI collected titles on sale (and any fraud in payment of this tax was punishable by death). These were the separate functions by which the boards discharged their responsibilities. In their collective capacity they had charge of matters affecting general public interest, such as keeping public buildings in proper repair, regulating prices, taking care of markets, harbors, and temples. Generally, the people in this period of the Mauryan empire enjoyed a high reputation of honesty, and cases of thefts were exceedingly few. It is not surprising that homes were left unguarded and that litigation was seldom resorted to. In addition, an efficient police and penal system contributed to a comparative absence of theft (Gokhale 1956: 38).

The administration of the vast imperial state encountered complex problems of polity. These problems were courageously faced and wisely solved by Chandragupta with the help of his friend, guide, and philosopher Kautilya, who served as constant counselor. Kautilya is reputed to be the author of the *Arthashastra*, the celebrated work on polity. The Mauryan administration, under the able leadership of Chandragupta and Kautilya, maintained a delicate balance between a centralization of power and a decentralization of authority over the various levels of a state bureaucratic machine. The empire was divided into provinces of the royal family. The provinces were further divided into districts, and the smallest unit of administration was the immemorial Indian village in the charge of a village headman who collected revenue and maintained law and order on behalf of the king. In order to maintain close contact between the king and his officers, on the one hand, and the king and the people, on the other, extensive use of reporters, agents, and spies was made. These observers and information agents operated all over the empire, closely watching the officers and keeping the king well informed about the people.

This efficient and fair administration that brought justice and happiness to people is widely attributed to Kautilya who has laid out the science of polity in his manual *Arthashastra*. We will now take a close look at this work.

### **ARTHAŚĀSTRA: SCIENCE OF POLITY**

At the end of his monumental treatise *Arthashastra*, Kautilya reflects on the science of polity and on his reason for writing the treatise:

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Thus this science (of polity), expounded with devices of science, has been composed for the acquisition and protection of this world and the next (15.1.71).

This science brings into being and preserves spiritual good, material well being and pleasures and destroys spiritual evil, material loss and hatred (15.1.72).

This science has been composed by him [refers to Kautilya], who in resentment, quickly regenerated the science and the weapon and the earth that was under the control of Nanda Kings (15.1.73) (Kangle 1992, 2: 516).

Kautilya's work deals with such diverse subjects as accounts, coinage, commerce, forests, armies, and navies. Kautilya also discusses the rules of administration, selection of ministers, principles of taxation, economic development of the country, and the maintenance of discipline in the army.

Though Kautilya devotes a section of his work to republic states, he prefers monarchical government. He suggests that the state is established by the weak as a protection against the strong. The king should be vigilant about the well-being of his subjects. "In the happiness of the subjects lies the happiness of the king; in their welfare, his own welfare; his own pleasure is not good, but the pleasure of his subjects is his good" (Radhakrishnan and Moore 1973: 243).

A strikingly original feature of the state administration in Kautilya's work is its policy of promotion of public health. This involved a ban on unwholesome food and drink, a strict control over physicians in the interest of patients, as well as state provision for medical treatment of victims of diseases and epidemics. Another notable characteristic of the administration is illustrated by the measures for protecting the public against the dealings of artisans and tradespeople (Chopra 1973, 2: 113).

*Arthasāstra* is a manual of guidelines and laws for enforcement for kings and administrators. The treatise is remarkable for its elaborate and detailed consideration of the diverse aspects of statecraft. It contains fifteen *adhikaranas* (or "books"). The first five deal with the internal administration (or *tantra*) of the state, the next eight deal with foreign relations (or *avapa*) with neighboring states, while the last two are miscellaneous in subject matter. The topics dealt with in the fifteen books are:

1. Training for administrators
2. Activities of heads of departments
3. Judges
4. Suppression of criminals
5. Secret conduct
6. Circle of kings
7. Six measures of foreign policy
8. Calamities of state
9. Activity of a king about to attack
10. War

- 11. Policy toward obligarchies
- 12. The weaker king
- 13. Means of taking a fort
- 14. Secret practices
- 15. Method of scientific analysis (regarding politics)

Regarding social justice, there are several statements to guide the king or administrators. Some of the statements from book 3 are as follows:

A matter of dispute has four feet: law, transaction, custom and the royal edict. (Among them) the later one supersedes the earlier one (3.1.39).

Of them, law is based on truth, a transaction, however on witnesses, customs on the commonly held view of men, while the command of kings is the royal edict (3.1.40) (Kangle 1992, 2: 195).

In the following statement, Kautilya says of social justice: "For it is punishment alone that guards this world and the other, when it is evenly met by the King to his son and his enemy, according to the offense" (3.1.42). The following statements indicate the specificity and detailed nature of some of the laws: "A (widow) remarrying shall forfeit what was given by her (late) husband" (3.2.26). "She shall use it if desirous of a pious life" (3.2.27).

Kautilya emphasizes environmental justice so that every one in society can share and enjoy nature. "They shall be fined who hurt animals and cut the shoots of trees in city parks that bear fruits or yield shade" (3.19.26-28) (Kangle: 1992, 2: 249).

Kautilya recognizes that judges have a social obligation to promote justice in society:

The judges themselves shall look into the affairs of gods, brahmins, ascetics, women, minors, old persons, sick persons, who are helpless. When these do not approach [the court], and they [judges] shall not discuss the suits under the pretext of place, time or [adverse] possession (3.20.22) (Kangle 1992, 2: 253).

It is clearly seen from the above statement that social justice was a justice for all members of the society. The concluding statement of book 3 reinforces this. "In this way judges should look into affairs, without resorting to deceit, being impartial to all beings worthy, of trust and beloved of the people" (3.20.24) (Kangle 1992, 2: 253).

In the activity of trading by merchants, Kautilya emphasizes honesty and justice. He also recommends a heavy fine for artisans and artists who conspire together to bring about a deterioration in the quality of work. He also recommends a heavy fine for traders, who by conspiring together, hold back wares or sell them at a high price.

Kautilya also addresses remedial measures to be taken during natural calamities such as famine, fire, and flooding. Kautilya says:

During a famine, the King should make a store of seeds and food stuffs and show favor (to the subjects), or (institute) the building of forts or water works with the grant of food, or share his provisions with subjects or entrust the country (to another King) (4.3.17).

He (King) should seek shelter with allies or cause reduction or shifting of population (4.3.18).

He should migrate with the people to another region where crops have grown, or settle along the sea, lakes or tanks (4.3.19).

He should make sowings of grains, vegetables, roots and fruits along the water works or hunt deer, beasts, birds, wild animals and fish (4.3.20) (Kangle 1992, 2: 263–64).

These statements reveal a highly pragmatic approach grounded in meeting the needs of the people.

In order to maintain social justice, Kautilya arranged a system of informants to learn of the misdeeds of village officers and heads of departments. In the following statements Kautilya says clearly:

The administrator should station in the country secret agents appearing as holy ascetics, wandering monks, cart drivers, wandering minstrels, jugglers, tramps, fortune-tellers, soothsayers, astrologers, physicians, lunatics, dumb persons, deaf persons, idiots, blind persons, traders, artisans, artists, actors, brothel keepers, vintners, dealers of groceries such as bread, meat, etc. (4.4.3).

They (secret agents) should find out the integrity or otherwise of village officers and heads of departments (4.4.4).

And whomsoever among these he (administrator) suspects of deriving a secret income he should cause to be spied upon by a secret agent (4.4.5) (Kangle 1992, 2: 265).

With such a large and empowered bureaucracy, there was a danger of conflict between the people and the administration. The network of secret agents and informants was meant to guard against possible unrest due to conflicts.

Only some of the statements that are relevant to social justice in state administration have been mentioned here. The *Arthaśāstra*, however deals in an elaborate way with all the intricate details of administration.

The philosophy and practice of social justice with peoples' welfare as a primary goal is also emphasized in other works of ancient India. To cite an example, the book *Tirukkural (The Voice of Nobility)* written by the celebrated author Tiruvallavar around 300 B.C. in the Tamil language provides a section on the results of an unjust government as follows (Drew and Lazarus 1991: 112–13):

1. More cruel than the man who lives the life of [a] murderer is the king who gives himself to oppress and act unjustly (towards his subjects).
2. The request, (for money) of him (king) who holds the sceptre, is like the word of him who stands with a weapon (at your chest) and says "give."

3. The country of the king will daily fall to ruin, who does not daily examine into and punish (crimes).
4. The king, without reflecting (on its evil consequences), perverts justice, will lose at once both his wealth and his subjects.
5. Will not the tears, shed by a people who cannot endure the oppression which they suffer (from their king), become a file to waste away his wealth?
6. Righteous government gives permanence to the fame of kings; without that their fame will have no endurance.
7. As is the world without rain, so live a people whose king is without kindness.
8. Property gives more sorrow than poverty, to those who live under the sceptre of a king without justice.
9. If the king acts contrary to justice, rain will become unseasonable, and the heavens will withhold their showers.
10. If the guardian (of the country) neglects to guard it, the produce of the cows will fall, and the men of six duties will forget their sacred book.

**CONCLUDING REMARKS**

It is recorded in historical texts that the Mauryan empire ruled by Chandragupta and his minister Kautilya produced one of the more successful societies in ancient India and in the ancient world at large. Although Kautilya's *Arthashastra* goes into minute details as a manual, the theme of the manual (or handbook) is clearly toward social justice in the sense of the importance given to people and their welfare (De Bary 1958).

It is noted that the happiness of the people is described as the happiness of the king. The king's welfare lies in that of the people. The king receives the revenue from the people as his fee for the service of protection. This ideal monarchy is achieved through an education of the king that emphasizes self-control as a prerequisite for successful government.

The king is required to get help from state officials and ministers and to seek their advice. The king's behavior toward his people, particularly the afflicted, is like a father toward his son. Punishment is an important aspect because in the absence of punishment the strong person devours the weak; but with the king's protection and social justice, the weak person prevails over the strong. Public interest is of prime importance and is the basis on which all rules are formulated. Punishment when directed with compassion unites the people through virtue, wealth, and satisfaction.

It is emphasized that the king must have a balanced view of various aspects of society in order to ensure social justice. The king should therefore attend personally to gods or to ones learned in the Vedas, to sacred places, minors, the aged, the afflicted, the helpless, and women. Salaries had to be according to learning and service. The welfare of the people claimed the first place in all considerations of policy, and the dominating aim of government was the main-

tenance of law and order, the punishment of the wicked, and the protection of the good.

Thus Kautilya through his *Arthaśāstra* has provided an integrated basis and working guidelines and a procedure for a society to prosper in both material as well as spiritual aspects. According to Kautilya, material and spiritual well-being are provided by the fourfold knowledge, namely, philosophy, the Vedas, economics, and the science of politics. Kautilya also advises that philosophy can be thought of as the lamp of all sciences, the means for all actions, and the support of all laws and duties.

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