

THE POLITICAL
INSTITUTIONS AND THEORIES
OF THE HINDUS

A STUDY IN COMPARATIVE POLITICS

BY

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VERLAG VON MARKERT & PETTERS • LEIPZIG

Preface.

Edward Freeman's *Comparative Politics* (1874) was confined to Europe. The object of the present treatise is to extend the area of investigation to Asia. The data used are Hindu, the political institutions and theories of Islam as well as those of China and Japan being set apart for separate treatment.

The methodology is indicated in pp. 5—9, 163—166. Readers will notice that the thread of argument in the author's previous writings, *Hindu Art: Its Humanism and Modernism* (1920), *Hindu Achievements in Exact Science* (1918), *Folk-Element in Hindu Culture* (1917), *Love in Hindu Literature* (1916), *Chinese Religion through Hindu Eyes* (1916) and *Positive Background of Hindu Sociology* (Vol. I, 1914, Vol. II, Pt. I, 1921) is here continued and developed only to fit in with a new order of social phenomena.

The study of institutions is based chiefly, or rather exclusively, on inscriptions, coins and contemporary reports (Authorities A). The Sanskrit and Prākṛit treatises on politics and law as well as the semi-historical epics and birth stories (Authorities B and C) have sedulously been eschewed. This "literary" material has, if at all, been used by way of illustration, especially where strictly historical evidence was not forthcoming.

The evidential value of these latter sources of information in a portrayal of *Realpolitik*, excepting perhaps that of certain sections of the *Arthaśāstra*, is as a rule very questionable. This circumstance is not adequately realized by writers on Hindu law (public or private) but will have to be grappled with from now on as a problem in indology.

The size of the book has been considerably reduced by this almost total exclusion of "literary" data. Brevity has been secured also by the avoidance of lengthy extracts and plurality of almost identical references from epigraphic tomes.

A readable account of public law, although unavoidably often shallow, meagre and halting, has been the end in view. Some of the chapters have, however, been purposely kept thin as the subject has been dealt with at some length by previous writers. And in any event the discussion is everywhere as concise and allusive as possible and is by no means exhaustive in reference.

It has been sought, however tentatively, to fill a gap in the history of mankind's constitutional and economic development. But owing to the dearth of data that might throw light on continuity the chronological treatment has not always been felt to be significant.

The "secondary" sources of information (Authorities D) have been

acknowledged in the notes even where the originals have been consulted. A few borrowed references, e. g. those to some of the *Archaeological Survey Reports* could not be verified as the volumes were not available.

The treatise will serve to cry halt not only to such statements as that "the simple device by which an orderly vote is taken and the minority acquiesce in the rule of the majority as if it had been their own is found for the first time as an every day method of discussion in Greek political life" made by the neo-Hegelian Bosanquet in his *Philosophical Theory of the State* (1899, pp. 4—5) but also to such as that "the earliest form of the state known to us is the city state of ancient Greece" in Hobhouse the anti-Hegelian's *Social Evolution and Political Theory* (1911, p. 141). Indeed, on fundamental points the volume delivers a front attack on the traditional Western prejudices regarding Asia such as are concentrated in Hegel, Cousin, Max Müller, Maine, Janet, Smith, Willoughby, and Huntington.

On the other hand, the standpoint of the present undertaking is to be sharply distinguished from the trend of recent Indian researches on the Hindu constitution. Besides, on several issues, e. g. those bearing on national unification, democracy, taxation, and so forth, the facts exhibited will no doubt give a rude shock to the postulates of the political nationalists of Young India.

Many of the interpretations are necessarily calculated to challenge the conventional notions and therefore provoke a controversy. If they serve to open the questions an object of the book will have been realized.

Hindu political theory, the second theme of the treatise, does not seem to have been dealt with in its philosophical bearings by any writer in the Indian languages nor in English, French and German. The short sections of the book in which this subject is treated might easily be expanded into independent monographs. It has been aimed here mainly to suggest new lines of inquiry. Notwithstanding much work done in "private law" owing to administrative necessity it may be mentioned *en passant* that the legal *philosophy* of the Hindus is still a virgin field.

Altogether, in viewpoint and method of approach as well as in the ground covered and in conclusions this is perhaps the first comprehensive attempt at appraising, interpreting and laicizing the discoveries of *indianisme* for students of political science, and thereby introducing to the scientific world the people of ancient India as peers of the Greeks and the Romans and their mediaeval successors down to the *ancien régime*, both in constitution-making and in speculation on the state. In this endeavour the author's ally in logic is the critical technique of Abbott, Bluntschli, Brissaud, A. T. and R. W. Carlyle, Dunning, Figgis, Gomme,

Joseph-Barthélemy, Lowie, and Schömann. These investigators — political and anthropological — are all the more acceptable because the studies undertaken by most of them have hardly any reference to the Orient and are to that extent untainted by any bias so far as Oriental culture is concerned.

The invariable fallacies of such Eur-American savants — philosophical historians and historical philosophers — as deal with the facts and phenomena of the East have been discussed by the author in an essay on the "Futurism of Young Asia" in the *International Journal of Ethics* (Chicago, July, 1918). These must have to be guarded against by every student who is interested in cultural inquiries for comparative sociology.

A publication such as this could not have been undertaken previous to 1905, and nobody is more conscious than is the writer that on the strength of archaeological finds that are enriching the world's knowledge about Hindu culture from day to day many of the statements in this present study will have to be cancelled, modified or rearranged in the interest of a more "intensive" sociological interpretation.

Attention has throughout been invited to the need for more data (both epochally and regionally). But, and this perhaps is more important for political science, the logical analysis of Hindu institutions and concepts with proper orientation to Western politics and political theories should call forth serious efforts on the part of indologists in public law.

II.

The book owes its origin to the lectures which were delivered (November 1916—February 1918) at the State Universities of California and Iowa and at Clark and Columbia Universities in the United States. A paper on "Democratic Ideals and Republican Institutions in India" embodying the substance of a part of these lectures appeared in the *American Political Science Review* (November 1918) and has subsequently been incorporated as "Hindu Achievements in Democracy" in Vol. II of the author's *Positive Background of Hindu Sociology* (1921).

Part of the material contained in the present book has been written in French by the author himself for a course of six lectures on *Le Droit Public des Hindous* at the University of Paris (February—March 1921) and for two addresses, one before the Société Asiatique (April 1921) on *L'Indianisme et les sciences sociales* and the other before the Académie des sciences morales et politiques (Institut de France) on "*La Démocratie hindoue*" (July 1921). The same data have also been laid under contribution while lecturing in German at the University of Berlin (Feb. 1922) on *Politische Strömungen in der indischen Kultur*.

Thanks are due to the editors of the *Political Science Quarterly* (New York, December 1918 and March 1921), the *American Political Science Review* (August 1919), the *Modern Review* (Calcutta, March and October 1920), the *International Journal of Ethics* (April 1920), the *Vedic Magazine* (Lahore, July 1920), the *Collegian* (Calcutta, September 1920) the *Hindustan Review* (Allahabad, October 1920), the *Journal of the Indian Economic Society* (Bombay, 1921) and the *Annals of the American Academy of Political and Social Science* (Philadelphia, September 1921), — journals in which about half of the present publication appeared as articles. In each instance the material has been revised and brought up to date in regard to bibliography.

Thanks are likewise due to Professor Maffeo Pantaleoni of Rome for his interest in having the essay on guilds translated into Italian for his *Giornale degli economisti e rivista statistica* (April 1920), to M. Paul Masson-Oursel, agrégé de l'Université de Paris, for his having published in French a résumé of the chapter on constitution in the *Revue de Synthèse Historique* (August—December 1920), as well as to the committee of the University of Calcutta on Sir Asutosh Mookerjee Silver Jubilee Volumes for their desire to have a contribution from the author, which incidentally is being availed of in the present work.

I have pleasure in acknowledging my personal obligations to the authorities of the libraries at Harvard and Columbia Universities, New York Public Library, Bibliothèque Nationale (Paris), and Preussische Staatsbibliothek (Berlin) for the courtesies received at their hands, and also to Fräulein Ida Stieler of Innsbruck, author of *Edelweiss and Alprose*, who has verified the references and done much of the library work. And for the scientific interest shown in these investigations I am grateful to Professors John Dewey, Edwin R. A. Seligman and William R. Shepherd of Columbia University, President G. Stanley Hall of Clark University, Professor A. A. Goldenweiser of the New York School for Social Research, Editor J. Mc Keen Cattell of the *Scientific Monthly* (New York), Rector Paul Appell of the Académie de Paris, Dean F. Larnaudé of the Faculté de Droit, Professors Charles Gide and Charles Lyon-Caen, M. Gabriel Ferrand, Islamiologist, Senator Raphael-Georges Lévy, president of the Société d'Economie Politique de Paris, Editor Rudolf Pechel of the *Deutsche Rundschau* (Berlin), Professors Walther Vogel, Alois Brandl, Eduard Meyer, Hermann Schumacher and Heinrich Lüders of the University of Berlin, and Staatssekretär Carl Becker.

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