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Concepts of Justice and Equality in the Indian Tradition

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M. P. REGE

KALE MEMORIAL LECTURE, 1984

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Orient Longman Limited
Bombay Calcutta Madras New Delhi Bangalore Hyderabad Patna

© Gokhale Institute of Politics and Economics, Pune 411 004

1985

ISBN 0 86131 502 9

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ORIENT LONGMAN LIMITED

Regd. Office :

5-9-41/1 Bashir Bagh, Hyderabad 500 029

Other Offices :

Kamani Marg, Ballard Estate, Bombay 400 038

17 Chittaranjan Avenue, Calcutta 700 072

160 Anna Salai, Madras 600 002

1/24 Asaf Ali Road, New Delhi 110 002

80/1 Mahatma Gandhi Road, Bangalore 560 001

5-9-41/1 Bashir Bagh, Hyderabad 500 029

S. P. Verma Road, Patna 800 001

Printed in India

by Nagin B. Shah at Sangam Press Pvt. Ltd., 17-B Kothrud, Pune 411 029 and
published by Nilakantha Rath at the Gokhale Institute of Politics and Economics,

Pune 411.004

CONCEPTS OF JUSTICE AND EQUALITY IN THE INDIAN TRADITION

I APPRECIATE, in a becoming spirit of humility, this opportunity to pay my tribute to the founder of this great academic institution. We must all remain grateful for the vision of a person who foresaw the need for such an institution and gave it its initial impulse to which the activities and programmes of the Gokhale Institute and the direction of its development have always remained faithful. In the dismal circumstances which prevail in the academic scene to-day this Institute is one of the foremost institutions from which many of us derive courage and hope. An institution the main purpose of which is research in social realities and problems has to strike a balance between fundamental and applied research. And this, by common agreement, Gokhale Institute has eminently succeeded in doing. While members of its faculty walk with the greatest contemporary figures in economics they have not lost their common touch. The fact that Government and social and political leaders of all kinds naturally turn to the Gokhale Institute for advice and guidance when faced with particularly intractable problems is a tribute to its record of performance and social concern, which is as unsolicited as it is genuine. But its imaginative and persistent efforts to uphold academic values in discouraging circumstances and the rising tide of populism which is engulfing academies is no less significant from the point of view of long-term social interest.

Turning to the theme of my talk I must explain at the outset that by Indian tradition I mean pre-Islamic Indian tradition. After the advent of Islam in India, the Indian tradition became composite, though the various components of it like Hindu, Muslim, Christian, etc. failed intellectually to interact with one another, for which all of them are equally to blame.

The ideas and theories I will discuss are, or should be, at least vaguely familiar to us whether or not we have studied them systematically, for most of us are brought up in the tradition which they propelled and moulded. At the same time they appear to us, who have been brought upon and have assimilated western social philosophy, as alien. They are not only remote from our concerns and social goals but belong to a climate of thought and belief which has vanished. However an attempt to understand our own past which has undoubtedly shaped us and which may be alive in us in unsuspected ways should be as respectable an exercise as

any, and may also prove to be useful. It may yield unexpected resources for dealing with the present and the future. For, apart from a small educated minority which has thought its way out of it, our tradition continues to be alive in the rest of our vast society, to determine people's perceptions of their situation, their attitudes and values and their aspirations. However it may be, I request you to look at this lecture as rather an exercise in history of ideas than an exercise in social philosophy, as an attempt to understand some important past ideas for their own sake rather for their possible relevance to current problems. It is also a very preliminary and sketchy exercise.

We inevitably look at the past from a perspective yielded by the present. I have no time, even if I had the competence, to go into the anatomy of the modern concept of justice and its complex relations with the concept of equality. But it is clear that the modern view is that issues of justice arise in the context of claims and counterclaims advanced by self-interested persons—persons who have an idea of their interest—in protection or furtherance of their respective interests. We can be unkind to animals but not unjust to them because animals have no idea of their interest. Secondly, the modern belief is that all men are in a fundamental sense equal so that unless social arrangements equally promote the interests of all they will be unjust. We may, for instance, hold that all men are equal in the sense that they are all endowed with identical natural rights and injustice essentially consists in depriving a person of free exercise of his natural rights unless this is done under a law which is impartially applied and in legislating which he had an equal voice with others. Or, we may take all men to be similar as subjects of desires the satisfaction of which yields them pleasure and justice would consist in so arranging things that the desires of all are equally satisfied. But goods and services are necessary for satisfying desires and they need to be produced co-operatively. Men have to be producers in addition to being consumers and it may appear to us to be just that those who contribute more to the production of goods and services should receive a proportionately greater share of the social produce. If this is adopted as a principle of justice then equality of opportunity, the opportunity to compete fairly with others for positions and offices to which greater rewards are attached has also to be adopted as a principle of justice. These principles will clearly result in endorsing and perpetuating inequalities which are regarded as fair. Or, one may hold that present inequalities in abilities resulting in unequal performance are themselves a product of past injustices and if suitable measures are taken by way of compensatory justice they will eventually vanish so that the abilities, performance and rewards of all will be equal. The ideal of justice will coincide with the ideal of equality. Thus, there are many diverse and often conflicting strands in the modern concept of

justice which determine our intuitions of what would be just or unjust in particular situations. It is against the background of this complex of ideas that we have to explore some elements in the concept of justice as formulated in the early Indian tradition.

One must particularly note that human equality is a peculiarly modern concept. It has been remarked that ancient societies were profoundly inegalitarian not only in their actual constitution but also in their philosophical outlook. Plato and Aristotle, for instance, firmly believed that men by nature were unequal and that the status, functions and privileges assigned to them in society ought to reflect the natural differences between them. Indeed this was, for them, the essential character of a well-ordered, and therefore, a just society. As against this, the dictum that all men are created equal expresses a basic modern belief. This, of course, does not mean that it enjoys universal acceptance. But the modern consensus is that the burden of proof is on those who advocate inequality rather than on the supporters of equality. Unequal treatment of persons in any respect will be taken as objectionable on the ground of being unfair or unjust unless there are reasons which justify it.

It is common in modern Indian languages to translate 'justice' as 'nyāya'. But what is nyāya i.e. in accordance with nyāya is not just in the specific sense which the word 'just' has come to acquire in modern English, but what is right or proper in the broad sense of these words. Consider the following well-known verse from Bhartṛhari:

Nindantu nītinipuṇā yadi vā stuvantu
 Lakṣmiḥ samāviśatu gacchatu vā yatheṣṭam /
 Adyaiva vā maraṇamastu yugāntare vā
 Nyāyyāt pathah pravicalanti padam no dhīrāḥ //

The nītinipuṇas are persons who are experts in designing policy the virtue of which lies in being expedient. And the poet says that the righteous (dhīrāḥ) are those who do not veer from the nyāyya path, whether they are censured or praised by these clever strategists. The commentator explains 'nyāyya (path) as 'nyāyāt anapetaḥ nyāyyam yuktah'. The 'nyāyya' path is that which is right or proper.

A nyāyya society then is a society which is rightly or properly constituted, i.e. constituted according to the dharma.

Now, it is a familiar fact that in the Vedic tradition a properly constituted society was believed to be one which was based on cātvarvṛṇya — a society composed of four varṇas with certain distinctive functions allotted to each. Thus, pursuit of knowledge and teaching (adhyāyana and adhyāpana), performing sacrifices and directing sacrifices being performed by others, (yajña and yājña), and making and receiving gifts in charity

(dāna and pratigraha) were the proper functions of a Brāhmaṇa; acquisition of knowledge, performance of sacrifices, making gifts in charity and fighting for protecting the people (prajānām rakṣaṇam), the functions of Kṣatriya; acquisition of knowledge, performance of sacrifices, making gifts in charity, agriculture, animal husbandry, and commerce the functions of the Vaiśya; and administering to the needs of these three varṇas (paricaryā) the functions of the Śūdra.'

It is worth noting, however, that this fourfold division of society is a later conception, which makes its first appearance in Puruṣa-sūkta. Earlier in the Ṛgveda all references are to a tripartite division of society (traivarnya), into Brāhmaṇas, Kṣatriyas and Vaiśyas. This concept corresponds exactly to the well-known Platonic model.² As we shall see, the Śūdra is an awkward category and the line between Vaiśya and Śūdra is difficult to draw.

The mythical account of the origin of cāturvarṇya which the Puruṣa-sūkta gives is fairly well-known. It conceives the cosmos as man and asserts that the mouth of this cosmic man is the Brāhmaṇa, his arms the Kṣatriya, his thighs the Vaiśya and his feet are the Śūdra.

Now, just as the Puruṣa-sūkta conceives Puruṣa — Man — as a symbol of the cosmos, it also conceives Puruṣa as a symbol of Yajña (sacrifice).³ The noun Yajña comes from the root Yaj which bears three meanings which are interconnected⁴: (i) to give in charity (dāna); (ii) to worship (pūja); and (iii) to come together to accomplish something good (sangati-karma). The cosmos can itself be conceived as a sacrifice (and an actual sacrifice can be taken as a symbol of it) because the cosmos is a whole formed by many diverse elements coming together and because the cosmos is good. So also is the Puruṣa composed by many elements coming together and is good.

Thus, society as Puruṣa is a sacrifice. Now, an ordinary sacrifice is regarded not only a symbol of the cosmos but also as a means of sustaining it. The best expression of this complex of ideas is to be found in the Bhagavadgītā: The Creator, at the beginning created men (the three varṇas) along with sacrifice and said to them: "You prosper by means of this (sacrifice) and may it be the provider of good things to you. May you (also) cause the gods to prosper by means of it and may the gods cause you to prosper. May the gods and you by sustaining each other's prosperity attain the highest good. The gods nourished by means of sacrifices will grant you desirable things; and he who enjoys them without making an adequate return for them (i.e., without performing sacrifices himself) is a veritable thief. Those who feed themselves on the remains after gods have been given their share are free from all sin. But those

who cook only for themselves are full of sin and it is sin that they consume. Anyone who does not keep moving this cosmic wheel set in motion by the Creator, but is given to sensual pleasures, lives a sinful life; he lives in vain."⁵

There is thus a cosmic order which is a sacrifice. The social order which is a part of it and a microcosm is also a sacrifice. Men by performing sacrifices sustain the cosmic order which in turn sustains the social order. Further, maintaining the social order is itself to participate in a sacrifice; it is to perform a sacrificial act. Each of the three (and later, four) varṇas by discharging its appropriate functions sustains the social order and thus contributes to the sustenance of the cosmic order. In performing these functions a person is engaged in a sacrificial act and by so doing he discharges the debt with which he is born. He makes an adequate return for the gift of life he has received from the cosmos.

The concept of cāturvarṇya as presented in the Puruṣa-sūkta is integrative and not divisive. The intention of the 'Brāhmaṇoṣṣya mukhamāśīt', etc., is not to trace the four varṇas to their distinct origins — the various limbs of the cosmic Puruṣa which fall naturally into a hierarchical order, the mouth being the highest and the feet the lowest. Its point rather is to identify the four varṇas with different limbs of the same Puruṣa. The suggestion is that the four varṇas together constitute an organic whole just as the puruṣa is a whole composed of its limbs. Śūdras constitute the feet of the divine Puruṣa and so share in its divinity. This is not to deny that by identifying the Brāhmaṇa with mouth and the Śūdra with feet, etc., the verse does assert by implication a hierarchical relation between the four varṇas.

Later the myth presented in the Puruṣa-sūkta was used for marking off the four varṇas from each other, and lending sanction to an explicitly hierarchical conception of cāturvarṇya. Thus Manusmṛti states that the Creator, in order to secure prosperity of the people, created respectively, out of his mouth, arms, thighs and feet, Brāhmaṇa, Kṣatriya, Vaiśya and Śūdra. Brāhmaṇa is the rightful master of the whole creation as he has originated from the most excellent part of Brahmā, as he is the first to be created among the four varṇas and as he is the custodian of the Vedas (and so can control the sacred power sustaining the universe).⁶

The idea that the four varṇas are necessary for sustaining a self-sufficient society through their mutual relations comes out clearly in a myth narrated in the Bṛhadāraṇyakopaniṣad (4-11-14): In the beginning Brahman alone existed. But as existing alone Brahman had no strength. Therefore, Brahman produced Kṣatriya. It is for this reason that in the Rājāsūya sacrifice a Brāhmaṇa sits below a Kṣatriya and invests him

with kingly glory. Thus, Brahman is the origin of Kṣatriya and the latter leans on the former for support. Further, as even the twin Brahma-Kṣatriya was found not to possess sufficient strength Brahman created Viś. The word 'Viś' means those who come together to produce something. Finally as this triad was also seen to lack adequate strength Brahman produced Śūdra. The god Pūṣan is the Śūdra among gods. He provides nourishment to everyone.

The obvious moral to be drawn from this myth is that the form of society which comprises four varṇas has emerged from an earlier homogeneous state of society through a process of differentiation. Further, this differentiation is one of functions, and performance of their distinctive functions by all the four varṇas is necessary for sustaining social life. A society to be self-sufficient needs to be composed of four varṇas each of which renders its peculiar services to it. It is the function of the varṇa which identifies it. There is no other basis for distinguishing the varṇas than their functions as they have a common origin.

This account of the coming into existence of the four varṇas does seem to accord primacy to the Brāhmaṇa varṇa which is identified as the source of the other three varṇas. But the social evolution as described here looks like an instance of emergent evolution in which the end-product is higher than the initial state. The twin Brahma-Kṣatra is stronger than mere Brāhmaṇa and it is the Kṣetra, the evolute, which is the source of this additional strength. That is why, as the myth says, in the Rājasūya sacrifice a Brāhmaṇa sits at the feet of a Kṣatriya. Kṣatra though it is evolved from Brahman is raised above it in view of the function it performs which Brahman is incapable of. This reasoning can be extended to Viś and Śūdra though the myth does not explicitly do so. The common origin of all the varṇas may also be taken to imply recognition of their essentially equal status. The other varṇas are to be conceived as Brāhmaṇas themselves who are charged with functions other than those allotted to Brāhmaṇas, performance of which is necessary for maintaining social well-being.

One may even argue that one ought to distinguish between the Brāhmaṇa varṇa as the origin of all varṇas and the Brāhmaṇa varṇa as one constituent in the fourfold social structure. The Brāhmaṇa varṇa as the origin of all varṇas can be rightly accorded primacy over any particular varṇa to which the Brāhmaṇa varṇa as one constituent in cāturvarṇya can have no claim. If the Brāhmaṇa varṇa within the social system of cāturvarṇya is to be regarded as superior to the other varṇas it will have to be on some ground other than that it is the origin of all varṇas.

Be it as it may, in theory as well as in practice the superiority of the Brāhmaṇa varṇa over others was emphasised. The obvious reason for

this was the belief that Brāhmaṇas control and channelise the magical sacred energy of the cosmos for the benefit of the social microcosm by correctly performing Vedic rituals. Of the other three varṇas, Kṣatriyas discharge the function of protecting society against internal disorder and external aggression. Thus, the functions with which Brāhmaṇas and Kṣatriyas are charged are purely social, public functions. By contrast, Vaiśya-Śūdras are engaged as part of their varṇa-duties in production of socially useful goods and services which would bring them in a properly regulated society commensurate material rewards. Their role is that of private citizens who are free to pursue their personal interest and the interest of their families — artha and kāma — within the framework of dharma. Ideally, Brāhmaṇas and Kṣatriyas will have no personal interest but only public responsibilities. They, therefore, have to be publicly maintained. Particularly the Brāhmaṇas who have professionally to deal with the sacred cosmic energy are required to maintain a very high level of bodily, mental and moral purity. They have to follow a severely ascetic life-style. Not only are they forbidden from entering the service of a prince or any patron and from following any gainful occupation, they are not permitted to hold any property, not more than would be enough to see them through three days.⁸ (I do not want to suggest that Brāhmaṇas generally ever lived upto this ideal.)

If Brāhmaṇas are necessary for controlling and harnessing the magical cosmic power, Kṣatriyas are necessary for chastening and keeping in order the unruly elements in society. An organised society has to be politically organised, i.e., based on the responsible use of coercive power (danḍa). As Manu says, "God created in the past for the sake of the king, His son Danḍa charged with divine power (Brahma-Tejomaya), Danḍa is dharma itself and protector of all beings. It is from the fear of Danḍa that all beings come to be in a position to acquire and enjoy what they need and do not deviate from their respective dharma No man is naturally pure. It is from fear of Danḍa alone that the whole world becomes capable of happiness (Bhoga)".⁹ The Kṣatriya's role is to wield Danḍa in accordance with dharma. The Brāhmaṇas are those who know dharma and instruct others in it. Thus, it is Brahma-Kṣatra which constitute the class of rulers.

The rest are Vaiśyas and Śūdras. I said above that the line between the two is difficult to draw. Formally the role of Śūdras is to administer to the other three varṇas (paricaryā). But according to Smṛtis themselves all craftsmen and artisans like carpenters, blacksmiths, etc., are Śūdras.¹⁰ Vaiśyas may engage in agriculture but so can Śūdras. The real distinction between the two is that the Vaiśyas fall within while the Śūdras are beyond the pale of the Vedic society in the sense that unlike the former the latter have no right to Vedic rituals. But this right seems to have

been based on custom. If a community for any reason lapsed from observance of Vedic rituals it would join in course of a few generations the ranks of Śūdras. If Vaiśyas and Śūdras are bracketed together we go back to traivarna and the similarity between the Vedic concept of society and Plato's *Republic* becomes strikingly close.

In what sense is this society a just society? It is just because it is based on dharma which makes for the prosperity of all. A more detailed answer will be: doing justice consists in rendering to someone what is due to him and doing injustice consists in withholding from others what is due to them from oneself. Injustice lies in not giving something which is *deya*.¹¹ The idea underlying caturvarṇya is that what is due from a person is performance of the functions connected with his varṇa. This is a debt he owes to society and ultimately to the universe. And he owes this debt in view of the gift of life he has received from the universe and society. And what is due to him is a mode of living in which he can fulfil himself, can pursue and attain artha and kāma. A person by performing his varṇa-duties contributes to the maintenance of ordered society and thus discharges his debt to society and all its members; he does them justice. He receives justice from them when he is enabled to pursue artha and kāma within the social framework to the maintenance of which he has made the contribution which was due from him.

What we have here is merely a general formula of justice. The specific details regarding what would count as just or unjust in particular contexts and particular situations remain to be worked out. I will say something about this later.

One may note that the three puruṣārthas, dharma, artha, and kāma are blended in different proportions in the case of the classes, Brāhmaṇas, Kṣatriyas and Vaiśya-Śūdras to constitute the ends of life respectively appropriate to them. The last as private citizens are free to pursue artha and kāma though within the framework of dharma, as laid down and administered by Brāhmaṇas and Kṣatriyas. As custodians of dharma Brāhmaṇas and Kṣatriyas have a special responsibility to exemplify it in their conduct. As the dharma of the Kṣatriya is to exercise power it brings with it its own mode of gratification—martial glory, riches and so on. There is much room in the life of a Kṣatriya for artha and kāma. But in the case of Brāhmaṇas artha and kāma have to be totally subordinated to dharma. A Brāhmaṇa has to be an exemplar par excellence of dharma.

Thus, the different varṇas represent different types of men. The idea seems to be that while biologically mankind is one homogenous species, socially and morally it consists of three or four sub-species, the varṇas. Each of these has its own mode of living and the fulfilment which goes with it. A pattern of life in which a Brāhmaṇa finds fulfilment will be

felt by a Śūdra unbearably oppressive and the latter's concept of happiness will be for a Brāhmaṇa unacceptable self-indulgence.

What, it may be asked, has this concept of justice to do with equality? Obviously not much. But two streams of thought confronted Vedic social philosophy with the idea of human equality. The first was Buddhist which criticised and rejected the concept of cāturvarṇya.

According to Vedic notion, as we saw, society based on cāturvarṇya was part of the cosmic order. It was a microcosm embedded in the cosmos and sustained by it. The commerce between the microcosm and the cosmos was regulated by the rituals which only Brāhmaṇas were qualified to perform. Buddha rejected the Vedic belief that the social order was a part of the cosmic order, both of which were sustained by performance of rituals. He thus rejected the cosmic role which was attributed to the Vedic rituals and in consequence to Brāhmaṇas. He replaced the concept of the magical-ritualistic cosmic order by the belief in a morally ordered cosmos — the doctrine of praṭītya-samutpāda. The social order not being a part of the cosmic order was contingent. This view led to the emancipation of the individual from the Vedic social order of cāturvarṇya.¹² According to the Vedic order the individual was born as a member of a varṇa and this membership defined the specific form of his human essence from which flowed his obligations as well as the mode of human fulfilment open to him. For Buddha, the social role of an individual was contingent though men and women had to discharge their respective roles for individual and social sustenance. The individual was for him prior to his membership of society, and the network of social relations into which he may enter. Further, all individuals share the same essence — they are all creatures who suffer, are subject to dukkhā. This fact determines the supreme end of life which is release from suffering, or, nīrvāna or mokṣa. Everything is to be subordinated to this end and made to subserve it. The way to attain this end is through cultivation of moral virtues like prajñā, karuṇā, muditā, upekṣā, and so on. Just as men share the same human essence they also share a universal morality, which provides a criterion for evaluating and correcting the morality prevailing in any particular society. If men are to be graded it could be done only on the basis of the moral elevation and purity they have attained. For Buddha a true Brāhmaṇa is one who has controlled and disciplined his desires, overcome his selfishness and sensuality, who devotes himself totally to the alleviation of the sufferings of all.¹³ Morality is universal not only in the sense that it is the same for all but also in the sense that it is to be practised with reference to all. Any individual who is perceived as suffering has a moral claim on us. It is not so much a claim advanced by him against us as one we have to recognise and respond to.

These ideas were absorbed in Vedic social philosophy and modified the concept of cāturvarṇya in a variety of ways. Mokṣa was added to the scheme of puruṣārthas so that the earlier triad of dharma, artha and kāma was expanded into the quartet dharma, artha, kāma and mokṣa. As mokṣa is a puruṣārtha which is to be pursued by everyone irrespective of his position in the varṇa society and through cultivation of inner moral virtues, there arose the notion of sādharma-dharma, the dharma which a man ought to follow as a man and not as a member of a particular varṇa.¹⁴ And as mokṣa is the supreme end of life sādharma-dharma came to be recognised as superior to, as wielding a greater authority than varṇa-dharma. The latter was required to adjust itself to the former. Further, the functional character of the varṇas came to be emphasised at the cost of the idea that the varṇa of a person marks his essential character. As Bhṛgu says in Mahābhārata (Śānti-parva, 181),¹⁴ there is no essential difference between varṇas. All men were Brāhmaṇas at the beginning but came to be distinguished into different varṇas owing to their different dispositions, and the ways of living they adopted. Those Brāhmaṇas who were attached to sensual pleasures, sharp, irascible and adventurous gave up Brāhmaṇahood and embraced Kṣatriyahood. And those who took to animal husbandry and agriculture became Vaiśyas. Further, as persons belong to different varṇas by virtue of their diverse dispositions and temperaments, and the mode of living suited to them, a person who by convention belongs to one varṇa may properly be deemed to belong to another. "A Brāhmaṇa is one who is truthful, given to charity, forbearing, has a virtuous disposition, self-control and horror of cruelty. If a person who is conventionally a śūdra displays these marks then he is properly a Brāhmaṇa and if someone who is regarded as a Brāhmaṇa does not possess them he is properly a śūdra." (Āraṇyaka Parva, 177).¹⁶

It is obvious that this notion of equality does not give rise to a concept of justice which demands to be and can be embodied in social arrangements. It locates individuals beyond society so that it is not a specific social relation between individuals which determines what is due from one to the other. It is because they are fellow human beings and not because they are fellow members of the same society that one has a claim on the other. It is not a claim, as I have observed above, which is advanced by one against the other which the latter recognises and then responds to or fails to respond to. It is merely a claim which is recognised but never advanced. Secondly, justice is always measured. To be just to a man is to render him just what is due to him. To render less is to be unjust and to render more is to go beyond justice, to be say gracious or charitable. And people may resent charity and demand justice. Mokṣa-dharma, on

the other hand requires that virtues be cultivated beyond any limit. Buddha called them *pāramitās*; there was no limit set to them. The nice calculation that justice demands goes against the spirit which inspires pursuit of *nirvāṇa* or *mokṣa*.

Let us turn now to the other strand in traditional Hindu social philosophy which regards society to be based on an implicit social contract or *samaya*. This view is, of course, opposed to the dominant view in the Vedic tradition that the social order of *cāturvarṇya* is a part of the natural order of things. Perhaps, the best statement of this idea is to be found in *Mahābhārata*, *Śānti-parva*, 259: "A thief in a condition of anarchy (*arājaka*) delights in robbing others of their wealth. But when others take away his belongings he wishes for a king. If a person himself wants to live how can he kill others? Whatever a person desires should happen to himself he should desire to happen also to others. That you should not deprive others of what belongs to them is eternal (*sanātana*) *dharma*. The mighty think that this *dharma* is established by the weak; they think so till fate desires their own weakness. There cannot be anyone who is absolutely powerful or absolutely happy. Even those fierce men who are engaged in sinful deeds first make an agreement among themselves involving each one of them, and taking shelter in it, proceed in their endeavours without (fear of) betrayal or discord. If they transgress this mutual agreement they will undoubtedly perish. (Therefore) imitate the gods who stand secure in a mutual agreement. Even in prosperous times it is fair and becoming to stand within *dharma*. The law of *dharma* has been made for the maintenance of social life (*Lokayātrārtham*)."¹⁷

The meaning of this passage should be clear. Every person would like to pursue his interest without any constraint. But he realises that everyone else would also like to do so. He also realises that he will not be able to overcome everyone or every combination of individuals which may be formed against him. In this situation everyone comes to see that there has to be a mutual agreement subscribed to by everyone that everyone will draw a boundary to the pursuit of his interest which he undertakes not to transgress. And it will be a part of this agreement that the transgressor will be brought to book if necessary by using coercive power on behalf of society. The basic principle underlying the agreement is that an individual ought not to do unto others what he would not like others to do unto him. In other words, everyone ought to pursue his interest consistently with equal freedom to others to pursue their particular interests. In the absence of such an agreement or contract which is honoured by all or at least most members of society, social existence will be impossible. The passage makes an explicit reference to the need for honour even among thieves.

A clear implication of this view of the origin and justification of society is that all members of society share an equal basic status and ought to be accorded equal freedom to pursue their self-interest. Men were equal before society was constituted as self-interested individuals freely pursuing their respective interests. And they remain equal after society is formed because they all accept similar restraints on each individual's pursuit of his interest. The language of rights, perhaps, is not appropriate here. But one may put the matter as that the freedom of everyone to promote his interest was to be recognised and respected under the initial social contract under conditions which would make it consistent with similar freedom for everyone else. It would clearly be unjust to put more stringent restrictions on some than on others because the basic principle underlying the contract was that no one could claim anything for himself which he was not prepared to concede to others. How is this view of the nature of society to be reconciled with *cāturvarṇya* which not only assigns different functions to different *varṇas* as flowing from their diverse natures but also binds them into a hierarchical order?

The society formed on the basis of contract was conceived as a politically organised society. A thief who discovers that others can rob him as he can rob others wishes for a king. Thus a class of *Kṣatriyas* was envisaged in organised society though not in the sense of *Kṣatriyas* as part of *cāturvarṇya* to wield coercive power on its behalf. How were they to be selected and appointed and on what terms? Particularly, what devices were to be used for ensuring that they would not overstep the limits of their legitimate functions and powers? How were these discipliners to be disciplined? According to a recognised tradition the community at all times retained the right to remove the king who consistently transgressed *dharma*.¹⁸ But this could only be a desperate remedy which was available in extraordinary circumstances as the last resort. A machinery would be needed in normal circumstances to secure the legitimate interests and freedoms of private citizens. What would be the nature of this machinery and the conditions of its effective functioning?

These questions do not appear to have been thought through. One reason for this may be that there was a very visible class of *Kṣatriyas* who was already entrenched in society and it is possible that the purpose of the concept of social contract was merely to remind them of the origin and ground of their authority and the limits to it. Also there was then a living experience of small autonomous communities managing their internal affairs within the framework of the State and the formal scheme of *cāturvarṇya*. The customs and rules which regulated their affairs were conceived as based on an initial agreement which bound their founding members and continued to bind their successors. The concept of such

an implicit agreement was intelligible on the analogy of explicit agreements into which members of a group entered and thereby committed themselves to a course of joint action.

Thus, Kautilya lays down that if a person who is a party to an agreement in a village community that they together will accomplish something and fails to carry out his allotted part of the work, he will be appropriately fined, the proper amount of fine being twice the amount which would be due to him for doing his part of the job.¹⁹ Further, the fine is to be collected by the village community and not the king. Similarly, if a show or a dinner party is arranged by a group as agreed, a member who fails to pay his contribution is to be fined twice the amount of the contribution due from him.²⁰ As an organised group must always have an effective leader, Kautilya prescribes the rule that all persons who have agreed to join the group must carry out the commands of the leader and anyone who fails to do so would be liable to a heavy penalty. How does the leader of the group come to be identified and installed? Says Kautilya for selection of the leader one should begin with the Brāhmaṇa members of the group and then if necessary down the ladder of the varṇas.²¹ This brings out that such autonomous communities and ad hoc groups functioned within a climate of belief in cāturvarṇya.

The king is charged with the duty of diligently protecting the customs and conventions of a community which are based on an internal agreement among its members provided they were not contrary to Vedic (Smārta) practices.²² Manu lays down that the king should expel from the country after confiscating all his possessions a person who has either stolen from the common property of a community or violated a common agreement.²³ It was thus the duty of the central political authority to uphold the authority of an autonomous community living within its jurisdiction. There seems to be a two-fold idea behind these prescriptions. There is here a recognition that it is due to a community that its traditional way of life be protected, and that this is one of the obligations of the sovereign power of the State. Secondly, it is due from an individual who belongs to a community that he abide by its collective decision.

Thus, a community living within the territory of a State can advance a claim to protection of its customary way of life on the basis of justice. It can also invoke the use of the sovereign power to discipline any recalcitrant member on the basis of justice. Its title to the power over its members is thought to be derived from the initial agreement which bound its founding members together with their descendants. This line of thinking should also lead to the logical conclusion that individual members of a community have the right to seek protection from the State (the king) when the terms of the initial agreement were violated by any decision of

the community which was to their disadvantage and also the right to rebel when the affairs of the community were so conducted as to negate the very purpose for which the initial agreement was made. These rights do not seem to have been recognised anywhere. It is protection of the autonomy of a community within the framework of *cāturvarṇya* that is seen as a requirement of justice but not the autonomy of the individual.

It is in the context of explicit commercial agreements that the individual emerges as a subject who can be justly or unjustly treated. For, in such contexts, what is due to an individual or from him is fairly clear. "When, merchants engage in a collective enterprise for gain their individual profit or loss will be proportionate to the capital they have invested or in accordance with the agreement they have made. If anyone from the group by acting on his own initiative or by violating instructions or through error causes a loss to occur he will make it good. On the other hand, if he saves the common property or a part of it, he will be entitled to a tenth of it."²⁴

Thus what is *deya* to an individual is what is proportionate to his contribution to the common pool or in accordance with the agreement he has voluntarily made. It is also recognised that it is right that he should be penalised for the loss for which he is individually responsible and rewarded for promoting the common cause beyond the terms of the contract.

In such contexts the enterprise of the individual as contributing to the common enterprise as well as its result can be clearly discovered and the principle of justice, that a person should be rewarded (or penalised), in accordance with the contribution he has made to (or the harm he has done to) the common interest can be applied with some clarity. Once the concept of a self-interested individual, an individual who has an idea of his interest which he tries to promote emerges, a concept of justice also crystalizes according to which justice consists in fairly rewarding individual contribution to the common good. One of the likely effects of these ideas is some mitigation in the rigidities of the *varṇa* system.

I will give two illustrations which support this possibility. A *Śūdra* is asserted to be a *dāsa* by nature (*nisargaḥ*). The word '*dāsa*' in this sense however does not have clearcut sense. It cannot be treated as equivalent to 'slave' or 'serf' or 'bondsmen' etc. *Manu* states that the *varṇa-dharma* of a *Śūdra* is *dāśya* as also *paricaryā*.²⁵ Now *paricaryā* is administering to the needs and comforts of the twice-born. But what can *dāśya* in this context amount to? The question arises particularly because *Manu-smṛti* and other *Smṛtis* enumerate seven or more specific kinds of *dāsa*. Now *Medhātithi* commenting on this verse clarifies that a *Śūdra* is not a *dāsa* in the ordinary sense of the word, the sense in which a *dāsa* is someone

who can be purchased or sold or similarly disposed of. He is a *dāsa* only in the sense that he voluntarily renders services to *dvijas* for earning merit (*puṇya*). But if he chooses not to do so he is not a *dāsa* at all. If a *Śūdra* who has means lives as a free man without joining the retinue of a *dvija* no blame can attach to him.²⁶ The implication is that while a man may voluntarily surrender his freedom and sell himself in specific circumstances to someone for what he thinks to be an adequate return no one can be treated as a *dāsa* by virtue of his *varṇa*. Being a *dāsa* is a matter of individual status and not the mark of a *varṇa*.

The other illustration : Manu declares that "A wife, son and *dāsa* (*śūdra*) cannot hold property. That which they acquire belongs to those to whom they themselves belong".²⁷ But *Medhātithi* argues that the statement cannot be taken in its plain meaning for how can ownership of something which a person earns be denied to him? To say that a person has earned something and yet that it is not his property would be as self-contradictory as saying that someone is my mother but I am not her son. So all that the verse can mean is that a *dāsa* ought not to dispose of his property without consulting *dvijas*.²⁸

The principle which *Medhātithi* is enunciating here is clear. If a person, a man (or a woman) produces something by his- (or her) own labour, he (or she) earns it and what one has earned one has the right to keep.²⁹ It is one's property. This is claimed to be an unchallengeable principle on the ground that it is a tautology. To deny it is self-contradictory.

The notion of *dharma* which is based on *samaya*, agreement or contract had thus a great potentiality for developing a concept of egalitarian justice which recognised the claims of the individual based on his performance, achievement and needs. To what extent this potentiality was realised can be determined only by patiently analysing the provisions of the *aṣṭādaśapāda-vyavahāra*—the eighteenfold legal system. But there can be no doubt that the hierarchical model of *cāturvarṇya* all along retained its dominance. One reason for this must be that people generally had not yet emancipated themselves from the need for rituals and belief in their efficacy in harnessing the magical energy which was at work in nature and human affairs. For this purpose a class of properly qualified *Brāhmaṇas* was needed and their status and privileges were not open to negotiation. Even when, as is well-known, in *Kaliyuga* the two intermediate *varṇas* were merged in the *Śūdra varṇa*, *Brāhmaṇas* could not be dispensed with. Thus the concerns and activities of the secular world remained enveloped in a mystical religious conception of social and individual life. But in addition to this, the firmly entrenched belief that the *varṇa* society was somehow in accordance with the natural order of things was also at work here. Men are not equal or similar by nature. They are

differently endowed, have different desires and aspirations and abilities and these differences are not merely differences in degree but differences in kind. There is *adhikāra-bheda* which separates them.

In Vedic thought no justification was offered for *cāturvarṇya*. It was taken for granted that *cāturvarṇya* was part of the cosmic order. When probably owing to Buddhist attacks it became necessary to provide a rationale for *cāturvarṇya* it was the Sāṅkhya philosophy which was pressed into service. According to Sāṅkhya, human nature, like everything else that exists (besides, of course, the *puruṣas*) is composed of three kinds of *guṇas*—*sattva*, *rajas* and *tamas*. *Sattva* makes for knowledge and enlightenment, *rajas* for energy and vigour, and *tamas* for inertia and dullness. These *guṇas* are blended in different proportions to form the nature of individual human beings. Those in whom *sattva guṇas* dominate are *sāttvika*, the enlightened *Brāhmaṇas*; those in whom *rajas guṇas* are preponderant are the energetic *Kṣatriyas* and those who are mainly composed of *tamas guṇas* are the dull *Vaiśya-Śūdras*. It is on the basis of one's intrinsic nature, *prakṛti*, that one is assigned to a particular *varṇa*. It will be unnatural and therefore futile for an individual who by nature is a *Śūdra* to try to live as *Brāhmaṇa* or *Kṣatriya*. His very nature will defeat such an attempt.

Given the presupposition that men by nature belong to different *varṇas*, the contract which lies at the basis of society acquires a different import. The principle of the contract is that no one must do unto others what he would not like others to do unto himself. As no one would like to be prevented from pursuing his self-interest in the best way he can think of, everyone must concede a similar freedom to everyone else, consistently with the equal freedom of everyone. It will follow that all offices and positions should be equally accessible to all. Now, as a matter of fact, men do possess different abilities and dispositions. But this empirical fact can have no bearing on the logical consequence of the contract, viz., that all men should be equally free to pursue their interests. It is for each individual to discover through a process of trial and error the bent of his disposition and the level of his abilities so as to make the most of them. Thus, the principle of equality of opportunity seems to follow directly from the concept of a contract as the foundation of society.

But the concept of social contract is open to another interpretation. What the contract rules out, it may be urged, is unlimited freedom to each to pursue his interest. Individual freedom must be circumscribed if social existence is to be possible and everyone agrees to his freedom being circumscribed in the right manner and measure by being a party to the contract. Now it may be asserted that the principle in accordance

with which each person's freedom ought to be circumscribed is the principle of dharma. And this principle is already available in varṇa-dharma. A man is not born as a bare individual. He is born with a nature which assigns him to a particular varṇa. His varṇa is a part of his individual identity. In view of this, each individual ought to restrict his freedom to pursue his interest within the confines of his varṇa-dharma. And this is what all parties to the contract commit themselves to. This would ensure ordered society which is a precondition of social existence. And this arrangement, it may be claimed, is fair to every one because the varṇa-dharma is a part of the order of nature.)

On this interpretation which may be taken as the received one, social contract does not replace revealed dharma as the source of social order. The concept of social contract is merely used to provide an additional reason for observing varṇa-dharma. The principal reason for conforming to the varṇa-dharma lies in the supernatural consequences which follow from it—the puṇya which results from it. The supplementary reason provided by the theory of social contract is a worldly, secular reason. It is only by each of us observing his varṇa-dharma that the social order can be maintained. The alternative is anarchy which is greatly to the disadvantage of everyone. As against this, each one by following his varṇa-dharma will gain all that he can possibly gain. It is futile for a person to aspire to a higher station than that to which he naturally belongs for he is just not suited to it.

Thus the concept of social contract was subordinated to the revealed scheme of cāturvarṇya to which some kind of empirical support was sought to be given. But there obviously is a logical tension between these two ideas. They cannot mix well. If cāturvarṇya is part of the order of nature it will follow that there always has been as there always will be society embodying it, whether in a flourishing or degenerate state. One can only accept the fact of such a society and the belief in its validity will be grounded in the faith that the cosmic order makes for individual and collective good. This, of course, does not totally rule out the attempt to see for oneself how the social order as part of the cosmic order is good. But basically speaking its justification will be by faith. The concept of social contract on the other hand implies that society is contingent, and that the individual is prior to it. Individuals come together to establish society as a device for safeguarding their particular interests so that any social arrangement is subject to criticism and modification or even abrogation if it proves to be inimical to the original purpose of the contract. In subordinating the concept of social contract to the revealed scheme of cāturvarṇya the Indian tradition opted for Nature as against Convention in its attempt to understand the nature of society and to

regulate it. Another way to put the matter would be : the allure of security which lies in conformity to tradition triumphed over the spirit of adventure which is necessary for the creation of a free society.

NOTES

1. अद्यापनमध्ययनं यजनं याजनं तथा ।
दानं प्रतिग्रहं चैव ब्राह्मणानामकल्पयत् ॥
प्रजानां रक्षणं दानमिज्याध्ययनमेव च ।
विषयेष्वप्रसक्तिश्च क्षत्रियस्य समासतः ॥
पशूनां रक्षणं दानमिज्याध्ययनमेव च ।
वणिक्पथं कुसीदं च वैशस्य कृषिमेव च ॥
एकमेव तु शूद्रस्य प्रभुः कर्म समादिशत् ।
एतेषामेव वर्णानां शूश्रूषामनसूयया ॥

मनुस्मृतिः, १, ८८-९१

2. For Plato there is analogy if not identify between the structure of the human soul and that of society. The soul is constituted of three distinct principles : the rational, the spirited and the appetitive. Each principle, when properly cultivated and disciplined, acquires the condition of excellence or virtue which is peculiar to it. The virtue of the rational principle is wisdom; of the spirited principle, courage and of the appetitive part, temperance. It is the proper function of the rational principle to control and direct the appetitive principle and of the spirited principle to support and assist the former in discharging its function. The proper function of the appetitive part is to obey the rule of the other two principles. The soul in which each principle performs its proper function is a well-ordered soul which is in a state of internal harmony. This state of harmony is the virtue of justice.

Corresponding to the three parts of the soul there are three classes in society : guardians, auxiliaries and the artisans who correspond respectively to the rational, the spirited and the appetitive parts. It is the function of the guardians who have attained wisdom to rule over the artisans, of the auxiliaries who are distinguished for courage to assist the guardians and of the artisan class to obey the rule of the guardians by doing which they display temperance. A just society is a properly regulated society in which each class performs its proper role so that harmony prevails in it.

One may also note the analogy between the rational part and the sattva principle, the spirited part and the rajasa principle and the appetitive part and the tamasa principle. The philosophical justification of cāturvārṇya was based on the Sāṅkhya view that all things including the human personality was constituted of these three principles.

3. यत्पुरुषेण हविषा देवा यज्ञमतन्वत ।
देवा यज्ञं तन्वानाः अवघ्नन्पुरुषं पशुम् ॥

पुरुसूक्तम्, ६, ७

4. 'यजू' देवपूजासङ्गतिकरणदानेषु ।
5. सहयज्ञाः प्रजाः सृष्ट्वा पुरोवाच प्रजापतिः ।
 अनेन प्रसविष्यध्वमेष वोऽस्त्विष्टकामघृक् ॥
 देवान्भावयतानेन ते देवा भावयन्तु वः ।
 परस्परं भावयन्तः श्रेयः परमवाप्स्यथ ॥
 इष्टान्भोगान्द्देवा दास्यन्ते यज्ञभाविताः ।
 तैर्दत्तानप्रदायैभ्यो यो भुङ्क्ते स्तेन एव सः ॥
 यज्ञशिष्टाशिनः सन्तो मुच्यन्ते सर्वकिल्बिषैः ।
 भुङ्क्ते ते त्वर्ष पापा ये पचन्त्यात्मकारणात् ॥
 अन्नाद्भवन्ति भूतानि पर्जन्यादन्नसम्भवः ।
 यज्ञाद्भवति पर्जन्यो यज्ञः कर्मसमुद्भवः ॥
 कर्म ब्रह्मोद्भवं विद्धि ब्रह्माक्षरसमुद्भवम् ।
 तस्मात्सर्वगतं ब्रह्म नित्यं यज्ञे प्रतिष्ठितम् ॥
 एवं प्रवर्तितं चक्रं नानुवर्तयतीह यः ।

अघायुरिन्द्रियाराधो भोषं पार्थं स जीवति ॥

Saṅkara's comment : तैर्दत्तान्भोगानप्रदायादत्त्वा ऽऽ नृष्यम

कृत्वेत्यर्थः एभ्यो देवेभ्यो यो भुङ्क्ते...तस्कर एव स...

6. लोकानां तु विवृद्धयर्थं मुखबाहूरुपादतः ।
 ब्राह्मणं क्षत्रियं वैश्यं शूद्रं च निरवर्तयत् ॥
 उत्तमाङ्गोद्भवाञ्ज्यैष्ठ्याद्ब्राह्मणश्चैव धारणात् ।
 सर्वस्यैवास्य सर्गस्य धर्मतो ब्राह्मणः प्रभुः ॥

मनुस्मृतिः १-३१, १३

7. ब्रह्म वा इदमघ आसीदेकमेव तदेकं सन्न व्यभवत् । तच्छ्रेयोरूपमत्यसृजत क्षत्रं यान्येतानि
 देवत्रा क्षत्राणीन्द्रो वरुणः सोमो रुद्रः पर्जन्यो यमो मृत्युरीशान इति । तस्मात्क्षत्रात्परं
 नास्ति तस्माद्ब्राह्मणः क्षत्रियमघस्तादुपास्ते राजसूये क्षत्र एव तद्यशोदधति सैषा क्षत्रस्य
 योनिर्यद्ब्रह्म । तस्माद्यद्यपि राजा परमतां गच्छति ब्रह्मैवान्तत उपनिश्रयति स्वां योनिं य उ
 एनं हिनस्ति स्वां स योनिमुच्छति स पापीयाम्भवति यथा श्रेयां स हिं
 सित्वा ।

स नैव व्यभवत्स विश्वमसृजत यान्येतानि देवजातानि गणश आख्यायन्ते वसवो रुद्रा
 आदित्या विश्वे देवा भरत इति ।

स नैव व्यभवत्स शीद्रं वर्णमसृजत पूषणमियं वै । पूषेयं हीदं सर्वं पुष्यति यद्विदं
 किंच ।

स नैव व्यभवत्तच्छ्रेयोरूपमत्यसृजत धर्मं तदेतत्क्षत्रस्य क्षत्रं यद्धर्मस्तस्माद्धर्मात्परं
 नास्त्यथो अबलीयान्बलीयां समाशं सते धर्मेण यथा राजैवं यो वै स धर्मः सत्यं वै
 तत्तस्मात्सत्यं वदन्तमाहुधर्मं वदतीति धर्मं वा वदन्तं सत्यं वदतीत्येतद्धयेवैतदुभयं भवति ।

बृहदारण्यकोपनिषत् १-४-११-१४

8. ऋतामृताभ्यां जीवेत् मृतेन प्रमृतेन वा ।
 सत्यानृताभ्यामपि वा न स्ववृत्त्या कदाचन ॥
 ऋतमुञ्छशिलं ज्ञेयममृतं स्यादयाचितम् ।
 मृतं तु याचितं भ्रंशं प्रमृतं कर्षणं स्मृतम् ॥
 सत्यानृतं तु वाणिज्यं तेन चैवापि जीव्यते ।
 सेवा स्ववृत्तिराख्याता तस्मात्तां परिवर्जयेत् ॥
 कुसूलधान्यको वा स्यात्कुम्भीधान्यक एव वा ।
 त्र्यहृंहिको वापि भवेदश्वस्तनिक एव वा ॥
 चतुर्णामपि चैतेषां द्विजानां गृहमेधिनाम् ।
 ज्यायान्यरः परो ज्ञेयो धर्मतो लोकजित्तमः ॥

मनुस्मृतिः ४, ४-८

9. अराजके हि लोकेऽस्मिन्सर्वतो विद्वते भयात् ।
 रक्षार्थमस्य सर्वस्य राजानमसृजत्प्रभुः ॥
 तस्यार्थे सर्वभूतानां गोप्तारं धर्ममात्मजम् ।
 ब्रह्मतेजोमयं दण्डमसृजत्पूर्वमीश्वरः ॥
 तस्य सर्वाणि भूतानि स्वावराणि चराणि च ।
 भयाद्भोगाय कल्पन्ते स्वधर्मान्न चलन्ति च ॥
 सर्वो दण्डजितो लोको दुर्लभो हि शुचिर्नरः ।
 दण्डस्य हि भयात्सर्वं जगद्भोगाय कल्पते ॥

मनुस्मृतिः ७-३, १४, १५, २२

10. वैश्योऽजीवन्स्रधर्मेषु शूद्रवृत्त्यापि वर्तयेत् ।
 अनाचरन्नकार्याणि निवर्तते च शक्तिमान् ॥
 अशक्तुवंस्तु शुश्रूषां शूद्रः कर्तुं द्विजन्मनाम् ।
 पुत्रदारान्त्ययं प्राप्तो जीवेत्कारुण्यकर्मभिः ॥
 यैः कर्मभिः प्रचरितैः शुश्रूष्यन्ते द्विजातयः ।
 तानि कारुण्यकर्मणि शिल्पानि विविधानि च ॥

This shows that all crafts were assigned to Śūdras and the concept of paricaryā was so defined as to include practice of the crafts from which the twice-born naturally benefited.

11. हिंसां वा कुर्वते कश्चित् देयं वा न प्रयच्छति ।
 द्वे हि स्थाने विवादस्य तयोर्वहतरा गतिः ॥

बृहस्पति, स्मृतिचंद्रिका १

What is देयं can be brought under the concept of ऋष "जायमानः त्रिभिः ऋणवा जायते । ब्रह्मचर्येण ऋषिभिः, यज्ञेन देवेभ्यः, प्रजया पितृभ्यः ।

कृष्णयजुर्वेद, तैत्तिरीय संहिता, ६-३-१०-५

12. The main points of Buddha's criticism of the institution of cāturvarṇya can be summed up as follows :

The distinctions between different varṇas like Brāhmaṇa, Kṣatriya, etc., are not natural distinctions of the kind which mark off different

species of birds or fish from each other. Mankind constitutes one homogeneous species. All men are endowed with the same recognisable bodily form and structure. Miscegenation between animals belonging to different species like horse and ass produces young ones which belong to neither species but to a different one altogether. Miscegenation between persons belonging to different varṇas results in the birth of babies which belong to the same species as the parents. This shows that varṇa distinctions do not correspond to natural distinctions.

Brāhmaṇas assert that they originate from the mouth of the god Brahmā while other varṇas originate from various other lower limbs of his. But this claim to superiority has to be disallowed by the fact that Brāhmaṇa women give birth to their children exactly in the way women belonging to other varṇas do.

The four varṇas therefore cannot be regarded as marking four sub-species within the human species and it is not on the basis of their distinctive specific characteristics that individual men and women can be classified into four varṇas. Further, there can be no certainty that the ancestry of a person who claims to be a pure Brāhmaṇa is not in fact of a mixed character, that some of his ancestors were not in fact drawn from other varṇas. If the classification of human beings into four varṇas had a natural basis then one would expect any human society to exemplify it. This is by no means the case. The yavana society contains only two classes, free men and slaves and a free man in it is occasionally reduced to the status of a slave and vice versa. The only effective basis for classifying persons into different social categories is provided by the different social functions which different persons perform and not their varṇa as determined by their ancestry and birth. A man who makes a living by keeping cows can be unmistakably classified as a cowherd (vaiśya) and a man who follows the profession of arms a soldier (kṣatriya). What they may have been born as makes no difference to what they as a matter of fact are by virtue of the functions they perform. It is not by his birth but by his social functions and mode of living that anyone becomes a Brāhmaṇa or a Kṣatriya and so on. A man can be correctly called a Brāhmaṇa if he has severed all bonds (which tie him to worldly life) and risen above all attachment. The only merit which is genuine is the moral merit.

13. यस्स कायेन वाचाय मनसा नत्थि दुक्कतं ।

संबुतं तीहि ठानेहि तमहं ब्रूमि ब्राह्मणं ॥९॥

(He who has given up wrong-doing with his body, tongue and mind, he who is controlled in all these three — him I call Brāhmaṇa.)

न जटाहि न गोत्तेन न जच्चा होति ब्राह्मणो ।

यम्हि स च धम्मो च सो सुची सो च ब्राह्मणो ॥११॥

(It is not by virtue of matted hair, clan — *gotra* — or birth that one is a Brāhmaṇa. He is a Brāhmaṇa in whom dwell truth and dharma.)

धम्मपद ब्राह्मणवग्गो

14. अहिंसा सत्यमस्तेयं शौचमिन्द्रियनिग्रहः ।

एतं सामासिकं धर्मं चातुर्वर्ण्येऽब्रवीन्मनुः ॥

मनुस्मृतिः १०

Also consider :

चतुर्भिरपि चैवैतैर्नित्यमाश्रमिभिर्द्विजैः ।
दशलक्षणको धर्मः सेवितव्यः प्रयत्नतः ॥
धृतिः क्षमा दमोऽस्तेयं शौचमिन्द्रियनिग्रहः ।
धीर्विद्या सत्यमक्रोधो दशकं धर्मलक्षणम् ॥

Though the 'tenfold' dharma is prescribed to Brāhmaṇas, as mokṣa-dharma it is sādharma-dharma.

भृगुरुवाच ।

15. ब्राह्मणानां सितो वर्णः क्षत्रियानां तु लोहितः ।
वैश्यानां पीतको वर्णः शूद्राणामसितस्तथा ॥

भारद्वाज उवाच ।

चातुर्वर्णस्य वर्णेन यदि वर्णो विभज्यते ।
सर्वेषां खलु वर्णानां दृश्यते वर्णसंकरः ॥
कामः क्रोधो भयं लोभः शोकश्चिन्ता क्षुधा श्रमः ।
सर्वेषां न प्रभवति कस्माद्वर्णो विभज्यते ॥
स्वेदमूत्रपुरीषाणि श्लेष्मा पित्तं सुशोणितम् ।
तनुः क्षरति सर्वेषां कस्माद्वर्णो विभज्यते ॥
जंगमानामसंख्येयाः स्थावराणां च जातयः ।
तेषां विविधवर्णानां कुतो वर्णविनिश्चयः ॥

भृगुरुवाच ।

न विशेषोऽस्ति वर्णानां सर्वं ब्राह्ममिदं जगत् ।
ब्रह्मणा पूर्वसृष्टं हि कर्मभिवर्णतां गतम् ॥
कामभोगप्रियास्तीक्ष्णाः क्रोधनाः प्रियसाहसाः ।
त्यक्तस्वधर्मा रक्ताडास्ते द्विजाः क्षत्रतां गताः ।
गोषु वृत्ति समाधाय पीताः कृष्युपजीविनः ।
स्वधर्मं नानुतिष्ठन्ति ते द्विजाः वैश्यतां गताः ॥
हिसानुतप्रिया लुब्धाः सर्वे कर्मोपजीविनः ।
कृष्णाः शौचपरिभ्रष्टास्ते द्विजाः शूद्रतां गताः ॥
इत्येते कर्मभिव्यस्ता द्विजा वर्णान्तरं गताः ।
धर्मो यज्ञक्रिया चेषाम् नित्यं न प्रतिषिध्यते ॥
ब्रह्म चैतत्पुरा सृष्टं ये न जानन्त्यतद्विदः ।
तेषां बहुविधास्त्वन्यास्तत्र हि जातयः ॥

महाभारतम्, शान्तिपर्व - १८१

- 16.

सर्प उवाच ।

ब्राह्मणः को भवेद्राजन्वेद्यं किंच युधिष्ठिर ।
ब्रवीह्यतिमतिं त्वां हि वाक्यैरनुमिमीमहे ॥

युधिष्ठिर उवाच ।

सत्यं दानं क्षमा शीलमानुशंस्यं दमो वृणा ।
दृश्यते यत्र नागेन्द्र स ब्राह्मण इति स्मृतः ॥
शूद्रे चैतद्भवेत्क्षयं द्विजे तत्र न विद्यते ।
न वै शूद्रो भवेच्छूद्रो ब्राह्मणो न च ब्राह्मणः ।
यत्रैतल्लक्ष्यते सर्पं वृत्तं स ब्राह्मणः स्मृतः ।
यत्रैतन्न भवेत्सर्पं तं शूद्रमिति निर्दिशेत् ॥

सर्प उवाच ।

यदि ते वृत्ततो राजन्ब्राह्मणः प्रसमीक्षितः ।
व्यर्था जातिस्तदायुष्मन्कृतिर्यावन्न दृश्यते ॥
जातिरत्र महासर्पं मनुष्यत्वे महामते ।
संकरात्सर्ववर्णानां दुष्परीक्ष्येति मे मतिः ॥
सर्वे सर्वास्वपत्यानि जनयन्ति यदा नराः ।
वाङ्मैथुनमथो जन्म मरणं च समं नृणाम् ॥
इदमार्थं प्रमाणं च ये यजामह इत्यपि ।
तस्माच्छीलं प्रधानेष्टं विदुर्ये तत्त्वदर्शिनः ॥

महाभारते आरण्यकपर्व - १७७

१५, १६, २०, २१, २५, २६, २८

भीष्म उवाच ।

17. सदाचारः स्मृतिर्वेदास्त्रिविधं धर्मलक्षणम् ।
चतुर्थमर्थमित्याहुः कवयो धर्मलक्षणम् ॥
अपि ह्युक्तानि कर्माणि व्यवस्यन्त्युत्तरावरे ।
लोकयान्त्रार्थमेवेह धर्मस्य नियमः कृतः ।
उभयत्र सुखोदकं इह चैव परत्र च ॥
अलब्ध्वा निपुणं धर्मं पापः पापे प्रसञ्जति ।
न च पापकृतः पापान्मुच्यन्ते केचिदापदि ॥
अपापवादी भवति यदा भवति धर्मवित् ।
धर्मस्य निष्ठा स्वाचारस्तमेवाश्रित्य भोत्स्यसे ॥
यदाधर्मसमाविष्टो धनं गृह्णाति तस्करः ।
रमन्ते निर्हृरन्स्तेनः परवित्तमराजके ॥
तदास्य तद्भरन्त्यन्ये तदा राजानमिच्छति ।
तदा तेषां स्पृह्यते ये वै तुष्टाः स्वकैर्धनैः ॥
अभीतः क्षुचिरभ्येति राजद्वारमशङ्कितः ।
न हि दुश्चरितं किञ्चदन्तरात्मनि पश्यति ॥
सत्यस्य वचनं साधु न सत्याद्विद्यते परम् ।
सत्येन विघृतं सर्वं सर्वं सत्ये प्रतिष्ठितम् ॥
अपि पापकृतो रीक्षाः सत्यं कृत्वा पृथक्पृथक् ।
अद्रोहमविसंवादं प्रवर्तन्ते तदाश्रयाः ॥

ते चेन्मिथोऽ धृतिं कुर्युर्विनश्येयुरसंशयम् ॥
 न हतं व्यं परघ्नमिति धर्मः सनातनः ।
 मन्यन्ते बलवन्तस्तं दुर्बलैः संप्रवर्तितम् ।
 यदा नियतिदीर्बल्यमथैषामेव रोचते ॥
 न ह्यत्यन्तं बलयुता भवन्ति सुखिनोऽपि वा ।
 तस्मादनाजंवे बुद्धिनं कार्या ते कथंचन ॥
 असाधुभ्योऽस्य न भयं न चोरेभ्यो न राजतः ।
 न किञ्चित्कस्यचित्कुर्वन्निभंयः शुचिरावसेत् ॥
 सर्वतः शङ्कते स्तेनो भृगो ग्राममिवेयिवान् ।
 बहुघाचरितं पापमन्यत्रैवानुपश्यति ॥
 मुदितः शुचिरभ्येति सर्वतो निभंयः सदा ।
 न हि दुश्चरितं किञ्चिदात्मनोऽ न्येषु पश्यति ॥
 दातव्यमित्यथं धर्मं उक्त्वा भूतहिते रतैः ।
 तं मन्यन्ते घनयुताः कृपणैः संप्रवर्तितम् ॥
 यदा नियतिकापण्यमथैषामेव रोचते ।
 न ह्यत्यन्तं घनवन्तो भवन्ति सुखिनोऽपि वा ॥
 यदन्यैर्विहितं नेच्छेदात्मनः कर्म पूरुषः ।
 न तत्परेषु कुर्वीत जानन्नप्रियमात्मनः ॥
 योज्यस्य स्याद्रुपपतिः स कं किं वक्तुमर्हति ।
 यदन्यस्तस्य तत्कुर्यान्न मृष्येदिति मे मतिः ॥
 जीवितुं यः स्वयं चेच्छेत्कथं सोऽन्यं प्रघातयेत् ।
 यद्यदात्मन इच्छेत तत्परस्यापि चिन्तयेत् ॥
 अतिरिक्तैः संविभजेद्भोगैरन्यान्किञ्चनान् ।
 एतस्मात्कारणाद्वात्रा कुसीदं संप्रवर्तितम् ॥
 यस्मिस्तु देवाः समये संतिष्ठेरस्तथा भवेत् ।
 अथ चेल्लाभसमये स्थितिधर्मोऽपि शोभना ॥
 सर्वं प्रियाभ्युगतं धर्ममाह्वर्मनीषिणः ।
 पश्यंतं लक्षणोद्देशं धर्माधर्मं युधिष्ठिर ॥
 लोकसंग्रहसंयुक्तं विधात्रा विहिता पुरा ।
 सूक्ष्मधर्मार्यनियतं सतां चरितमुत्तमम् ॥
 धर्मलक्षणमाख्यातमेतत्ते कुरुसत्तम ।
 तस्मादनाजंवे बुद्धिनं कार्या ते कथंचन ॥

महाभारते शान्तिपर्व, २५१

18. Cf the story of King Vena in Mahābhārata, Śāntiparva who was de-throned and killed by ṛṣis for consistently violating dharma.
19. समयस्यानपाकर्मं । कर्षकस्य ग्राममभ्युपेत्याकुर्वतो ग्राम एवात्ययं हरेत् । कर्माकरणे कर्म-वेतनाद् द्विगुणं... दद्यात् । (समयस्यानपाकमेति सूत्रम् । बहुभिः संभूय कल्पमाना व्यवस्था समयः तस्य अनपाकर्मं अत्यागः तदिहोच्यत इति सूत्रार्थः ।...कर्षकस्य इति । कृषिवरस्य

ग्राममभ्युपेत्याकुर्वतः ग्रामजनसमुदायकार्यमङ्गीकृत्याननुतिष्ठतः, ग्राम एव अत्ययं दण्डं हरेत् न तु राजा । दण्डविधिमाह । कर्माकरण इति । कर्मणः समुदायकार्यस्य अकरणे, कर्मवेतनाद् आत्मलभ्याद् वेतनभागाद् द्विगुणं दण्डं दद्यात् ।)

कौटिलीयमर्थशास्त्रम् ३/१०

20. ...भक्षपेयादाने च प्रह्वणेषु द्विगुणमंशं दद्यात् ।

कौटिलीयमर्थशास्त्रम्, ३/१०

21. सर्वंहितमेकस्य ब्रूवतः कुर्युराज्ञाम् । ब्राह्मणतश्चैषां जैष्ठ्यं नियम्येत ।

(...सर्वजनानुकूल ब्रूवतः एकस्य आज्ञां एकस्यापि नियोगवचनं कुर्युः अनुतिष्ठेयुः अर्थात् अन्ये सामयिकाः । एषां सामयिकानां, ब्राह्मणतो ब्राह्मणात् प्रभृति जैष्ठ्यं नियम्येत अलङ्घ्यवचनत्वलक्षणं ज्येष्ठत्वं व्यवस्थाप्येत ।)

कौटिलीयमर्थशास्त्रम्, ३/१०

22. निजधर्माविरोधेन यस्तु सामयिको भवेत् ।

सोऽपि यत्नेन संरक्ष्यो धर्मा राजकृतश्च यः ॥

याज्ञवल्क्यस्मृतिः, २/१८६

श्रेणिर्नैगमपाषण्डिगणानामप्ययं विधिः ।

भेदं चैषां नृपो रक्षेत्पूर्ववृत्तिं च पालयेत् ॥

(एकजातिनिविष्टानां समानवृत्युपजीविनां समूहः श्रेणिर्यथा रजकश्रेणिरिति । ...तथा श्रेण्यादीनां परस्परभेदं मतिभेदं नृपो रक्षोन्निवास्येत् । प्राक्तनीं च तेषां वृत्तिं पालयेत् ।)

याज्ञवल्क्यस्मृतिः, २/१९२

23. यो ग्रामदेशसंघानां कृत्वा सत्येन संविदम् ।

विसंवदेन्नरो लोभात्तं राष्ट्राद्विप्रवासयेत् ॥

मनुस्मृतिः ८।२१९

24. समवायेन वणिजां लाभार्थं कर्म कुर्वताम् ।

लाभालाभौ यथाद्रव्यं यथा वा संविदा कृती ॥

प्रतिषिद्धमनादिष्टं प्रमादाद्यच्च नाशितम् ।

स तद्दद्याद्विप्लवा रक्षिता दशमांशभाक् ॥

याज्ञवल्क्यस्मृतिः २।२५९-२६०

25. वाणिज्यं कारयेद्दृश्यं कुसीदं कृषिमेव च ।

पशूनां रक्षणं चैव दास्यं शूद्रं द्विजन्मनाम् ॥

मनुस्मृतिः ८।४१०

26. ननु च धर्मोपनतोऽपि शूद्रो दास इष्यते । तत्र कथं सप्त दासयोनयः । नैष दोषः । न तस्योत्पत्तिकं दासत्वमिच्छाधीनत्वाद्धर्माशिनो, न हि तस्य दानाधानक्रिया युज्यन्ते क्रीतगृहजादिदासवत् । ... न तस्य नित्यं दास्यं किं तर्हि फलविशेषाशिनः ततश्चानिच्छतो न दास्यम् । अतो यदि शूद्रो विद्यमानधनः स्वातंत्र्येण जीवेद् ब्राह्मणाद्यनपाश्रितो न जातु दुष्येत ।

मेधातिथि मनुस्मृतिः ८।४१५

27. भार्या पुत्रश्च दासश्च त्रय एवाघनाः स्मृताः ।
यत्ते समधिगच्छन्ति यस्यैते तस्य तद्धनम् ॥

मनुस्मृतिः ८।४१६

28. अर्जनं च सत्त्वं नापादयतीति विप्रतिविद्धं तस्माद्विरुद्धमिदं, यत्ते समधिगच्छन्ति न तत्र
तेषां स्वामित्वम् । यथा कश्चिद्ब्रूयादस्या अहं पुत्रः सा न मम जननीति तादृगेतत्...
असत्यां भर्तुरनुज्ञायां न स्त्रीभिः स्वातन्त्र्येण यत्रक्वचिद्धनं विनियोक्तव्यम् । एवं पुत्रदासयो-
रपि द्रष्टव्यम् ।

मेघातिथि

29. खातखातस्य केदारमाहुः शल्यवतो मृगम् ।

नारदसंहिता १२/२०

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	<i>Lecturer</i>	<i>Subject</i>	<i>Year</i>
24.	B. N. GANGULI	Economic Integration : Regional, National and International	1961
25.	A. APPADORAI	Dilemma in Modern Foreign Policy	1962
26. †	H. M. PATEL	The Defence of India	1963
27. †	M. L. DANTWALA	The Impact of Economic Development on the Agricultural Sector	1964
28. *	PITAMBAR PANT	Decades of Transition — Opportunities and Tasks	1965
29. †	D. R. GADGIL	District Development Planning	1966
30.	S. L. KIRLOSKAR	Universities and the training of Industrial Business Management	1967
31.	E. M. S. NAMBOODRIPAD	The Republican Constitution in the Struggle for Socialism	1968
32.	J. J. ANJARIA	Strategy of Economic Development	1969
33.	RAJANI KOTHARI	Political Economy of Development	1971
34. *	V. V. JOHN	Education as Investment	1972
35.	K. N. RAJ	The Politics and Economics of "Intermediate Regimes"	1973
36.	H. K. PARANJPE	India's Strategy for Industrial Growth : An Appraisal	1974
37.	ASHOK MITRA	Diseconomies and Growth	1975
38.	S. V. KOGEKAR	Revision of the Constitution	1976
39.	M. N. SRINIVAS	Science, Technology and Rural Development in India	1977
40.	J. P. NAIK	Educational Reform in India : A Historical Review	1978
41.	TARLOK SINGH	The Planning Process and Public Policy : A Reassessment	1979
42.	ALOO J. DASTUR	Problems of Indian Minorities	1980
43.	V. M. DANDEKAR	Measurement of Poverty	1981
44.	I. S. GULATI	IMF Conditionality and Low Income Countries	1982
45.	I. G. PATEL	Inflation — Should it be Cured or Endured ?	1983
46.	M. P. REGE	Concepts of Justice and Equality in the Indian Tradition	1984

* Not Published

† Out of Print

No lecture was delivered in 1970

R. B. R. R. KALE MEMORIAL LECTURES

<i>Lecturer</i>	<i>Subject</i>	<i>Year</i>
1. * V. G. KALE	Modern Tendencies in Economic Thought and Policy	1937
2. † G. S. GHUKYE	The Social Process	1938
3. B. R. AMBEDKAR	Federation versus Freedom	1939
4. * K. T. SHAH	The Constituent Assembly	1940
5. † A. V. THAKKAR	The Problem of the Aborigines in India	1941
6. † V. L. MEHTA	A Plea for Planning in Cooperation	1942
7. S. G. VAZE	The Formation of Federations	1943
8. * JOHN MATHAI	Economic Policy	1944
9. * S. R. DESHPANDE	A Statistical Approach to Vital Economic Problems	1945
10. * J. V. JOSHI	India's Sterling Balances	1946
11. † C. D. DESHMUKH	Central Banking in India : A Retrospect	1948
12. † D. G. KARVE	Public Administration in Democracy	1949
13. R. L. DEY	Policy of Protection in India	1950
14. M. VENKAT-RANGAIYA	Competitive and Cooperative Trends in Federalism	1951
15. A. D. GOEWALA	The Role of the Administrator : Past, Present and Future	1952
16. * LAXMANSHASTRI JOSHI	Indian Nationalism	1953
17. † W. R. NATU	Public Administration and Economic Development	1954
18. * P. C. MAHALANOBIS	Some Thoughts on Planning in India	1955
19. † S. K. MURANJAN	Reflections on Economic Growth and Progress	1956
20. † B. K. MADAN	Financing the Second Five-Year Plan	1957
21. * V. K. R. V. RAO	Some Reflections on the Rate of Saving in Developing Economy	1958
22. K. P. CHATTOPADHYAY	Some Approaches to Study of Social Change	1959
23. B. VENKATAPPIAH	The Role of Reserve Bank of India in the Development of Credit Institutions	1960

* Not Published

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No lecture was delivered in 1947.

(Continued on cover page III)