CHAPTER 1

Introduction

What was the relationship between religion and politics in classical India? This is a complex question. We are dealing with a period of time and an area in which a variety of social conditions prevailed. Further, there are no words in the languages of the period that are equivalent to the concepts of "religion" or "politics," and so there are no precisely parallel domains to examine.

Scholarly evaluations of the subject have been shaped by a depiction of affairs that emerged in ancient India and has proven influential over time. In this model, the ruling power of the king, called *kṣatra* in Sanskrit, was governed by the sacred law of *dharma*. This relationship was embedded in two related and widely disseminated theological concepts: "the Sacred Laws of the Social Classes" (*varṇadharma*), and "the Sacred Laws for Kings" (*rājadharma*). According to varṇadharma, society had been created as an interlocking system of four hierarchical classes (*varṇas*): Brāhmaṇas (priests and teachers), Kṣatriyas (nobles and warriors), Vaiśyas (merchants and agriculturalists), and Śūdras (servants and menial laborers). Members of each class were subject to the dharma specific to their social class, and the king was subject to a further set of special laws called *rājadharma*. This was a euphemism for the comprehensive rules governing the king's personal religiosity as well as his official functions.

In analytical terms, we might say that the relationship between kṣatra and dharma embedded in these theological concepts amounted to the subordination of the king's sovereignty to a sacred moral law. Although there existed in the period no worldly legal authority with the power to put dharma in force over the king, its strictures were nevertheless thought to exert a deontological power over all humans. Dharma was an expression, in a legal idiom, of the proper order of things, and to violate it brought bad outcomes in this world and the next. A king acting against dharma could expect political ruin along with spiritual damnation. At its most potent, the theology of rājadharma imagined a king so wholly subordinate to the laws

of dharma that his sovereign power was limited to their enforcement. To the extent that dharma usurped the king's authority, it was dharma itself that was sovereign. And to the extent that Brāhmaṇas had a monopoly on the teaching of dharma, they (or at least certain Brāhmaṇas) wielded sovereign power over the pious and pliant king.

Varṇadharma – understood here to comprehend rājadharma – rests on theological precedents stretching back to the end of the Early Vedic period (*ca*. eleventh century BCE). The union of varṇa and dharma is first attested in the *Bṛhadāraṇyaka Upaniṣad* (*ca*. seventh to sixth centuries BCE), and the theology of varṇadharma begins to be formally codified about the third century BCE, in texts like the *Āpastamba Dharmasūtra*. It comes to maturity in the epochal *Mānava Dharmaśāstra* (*ca*. second century CE). This is about the time that varṇadharma – as part of *varṇāśramadharma*, "the Sacred Law of the Classes and Modes of Life"[1] – starts to propagate widely through Indic culture as an expression of Brāhmaṇical orthodoxy. Its predominance in so many of our sources over such a long period of time and stretching back, at least in its nascence, to the earliest texts of the Vedic tradition gives the appearance that varṇadharma accurately reflects a long-standing and distinctively Hindu attitude about the relationship between religion and power, one that exerted great influence on the practice of kingship.

This theology of varṇadharma has been historicized in the form of what Hermann Jacobi called the "Brāhmaṇic state" (*brahmanische Staat*), a set of ideological principles thought to have shaped ancient Indian statecraft.[2] It included the fostering of varṇa hierarchy, recognition of the supremacy of the Brāhmaṇa class, and the submission of the king to the sacred law of dharma. The Brāhmaṇic state has served, and often continues to serve, as the backdrop against which other historical developments are understood to have occurred, such as the rise of Buddhism, different foreign invasions, the reign of Aśoka Maurya, and much else.[3] It is the manifestation in a political key of the more fundamental conceit – still to be encountered

[1] The *āśrama*s are four "modes of life": student (*brahmacārin*), householder (*gṛhastha*), forest-dweller (*vānaprastha*), and wandering renouncer (*parivrājaka*). See Patrick Olivelle, *The Āśrama System: The History and Hermeneutics of a Religious Institution* (New York: Oxford University Press, 1993), p. 3: "The two cornerstones of *dharma* are the systems of *āśrama* and *varṇa* ('social class'). The totality of the Brāhmaṇical *dharma* is often referred to simply as '*varṇāśramadharma*,' an expression that modern scholars and native interpreters alike have seen as the closest approximation within the tradition of what we have come to call Hinduism . . ."

[2] Hermann Jacobi, "Kultur-, Sprach- und Literarhistorisches aus dem Kauṭilīya," *Sitzungsberichte der Königlich Preussischen Akademie der Wissenschaften* 33–35 (1911), p. 958.

[3] The rise of Buddhism is often explained this way. One example can be found in Herman Kulke and Dietmar Rothermund, *History of India*, 3rd ed. (London: Routledge, 1998), pp. 51–52: "This new Gangetic civilization found its spiritual expression in a reform movement which was a reaction to the

today – that the "Indian mind" congenitally gave highest priority to the sacred, to the detriment of all mundane concerns. Its most influential formulation as a sociological principle belongs to Louis Dumont.[4] In Dumont's model, spiritual authority "encompassed" temporal authority. Kings could possess only "power," while Brāhmaṇas possessed "status." This hierarchical principle allegedly lies at the heart of Indian culture, operating continuously from the remote past to structure social conditions over time. The king's supposed lack of supreme authority, in whatever degree, has come to influence much that we read about politics and religion in ancient India.[5]

Many scholars have rejected the notion of a systematically disempowered king as a feature of Indic kingship, based primarily on the king's evident centrality to the social structure.[6] Nicholas Dirks has argued with respect to precolonial south India that "kings were not inferior to Brahmins, the political domain was not encompassed by a religious domain . . . caste structure, ritual form, and political process were all dependent on relations of power."[7] While Dumont's view is arguably a fair interpretation of the viewpoint of normative Brāhmaṇical texts, he has treated these sources rather too much as descriptive accounts.[8] They must be read as partisan tracts that intend to shape perceptions of political power and to influence it thereby.

For reasons discussed below, it is not possible to recreate and summarize historical conditions across India in the classical period, much less interpret the various influences and contexts that shaped the exercise of sovereign power. Orthodox Brāhmaṇism was enormously influential in a variety of ways, no doubt. But our best perspective on the subject is provided by the

Brahmin-Kshatriya alliance of the Late Vedic age. This reform movement is mainly identified with the teaching of Gautama Buddha . . ."

[4] Louis Dumont, *Homo Hierarchicus: The Caste System and Its Implications* (Complete rev. English ed. trans. by Mark Sainsbury, Louis Dumont, and Basia Gulati, Chicago: University of Chicago Press, 1980).

[5] See, for instance, the assessment of Jan Heesterman, *The Inner Conflict of Tradition: Essays in Indian Ritual, Kingship and Society* (Chicago: University of Chicago Press, 1985), p. 115: "it would seem that it is only in India that the king's lack of authority emerges with such clarity."

[6] See, in different respects, E. W. Hopkins, "The Social and Military Position of the Ruling Caste in Ancient India, as Represented by the Sanskrit Epic," *JAOS* 13 (1889), pp. 57–376; A. M. Hocart, *Caste: A Comparative Study* (New York: Russell & Russell, 1950); Wilhem Rau, *Staat und Gesellschaft im alten Indien: Nach dem Brāhmaṇa-Texten dargestellt* (Wiesbaden: Otto Harrassowitz, 1957).

[7] Nicholas Dirks, *The Hollow Crown: Ethnohistory of an Indian Kingdom*, 2nd ed. (Ann Arbor: University of Michigan Press, 1993), pp. 4–5.

[8] On this subject, see Richard Lariviere, "Power and Authority: On the Interpretation of Kingship from Sanskrit Sources," in Siegried Lienhard and Irma Piovano (eds.), *Lex et Litterae: Studies in Honor of Professor Oscar Botto* (Torino: Edizioni dell'Orso, 1997), pp. 313–327.

sole surviving treatise from the expert tradition on statecraft, the *Arthaśāstra of Kauṭilya*. The *Arthaśāstra* ("Treatise on Success") is a manual that gives comprehensive instructions on the techniques of governance. Of all contemporary sources, it provides us with by far the highest-resolution picture of the king's rule in ancient India. Its value as a witness to deliberations about state policy in the classical period is unparalleled. It is written from the perspective of a royal counselor and so almost certainly reflects the kinds of discussions carried out among political elites in the period. If any source holds the promise of providing a reasonably reliable sense of the general relationship between religion and political practice in the classical period, at least from the perspective of the state, it is the *Arthaśāstra*.

Here we are confounded. On the question of sovereign power and its relationship to the sacred law of dharma, the *Arthaśāstra* – as it has come down to us – is ambivalent. For the most part, the treatise expresses or implies an understanding of sovereign power as being unconstrained by moral law or any other superseding authority. The bulk of the text is focused purely on achieving the king's goals, and the only constraints that it recognizes arise out of material, cultural, and strategic conditions. For this reason, scholars of politics since at least the time of Max Weber have recognized a stridently realist sensibility in the received text.[9] At the same time, a number of passages in the extant text vociferously champion the theology of varṇadharma, expressing or implying that kings ruled under obligations imposed by sacred law. This hybrid political perspective has strained interpreters of the text and led to widely divergent estimates of its fundamental commitments. As one example, Stuart Gray has recently argued that the *Arthaśāstra* demonstrates a coherent "brahmanical realism," in which the text's ethically unburdened advice ultimately serves its higher Brāhmaṇical values.[10] More often, the implications of the passages supporting varṇadharma are ignored, or the extant text is assumed to be insincere in its support of Brāhmaṇical theology.

In this study, I argue that the ambivalence in the extant *Arthaśāstra* is real and can be most easily observed by focusing on the issue of sovereign power and its limits. I further argue – and this is the main claim of my study – that this ambivalence can be explained as the result of changes made to the text in the course of its history. To be more specific, I will

[9] Max Weber, "Politics as Vocation," in David Owen and Tracy B. Strong (eds.), *The Vocation Lectures* (Indianapolis: Hackett, 2004), pp. 87–88.
[10] Stuart Gray, "Reexamining Kautilya and Machiavelli: Flexibility and the Problem of Legitimacy in Brahmanical and Secular Realism," *Political Theory* 42.6 (2014), pp. 638–641.

argue here that the *Arthaśāstra* began its life as a different text, which I will refer to as the *Daṇḍanīti*.[11] Some centuries after its composition, the *Daṇḍanīti* was redacted by an individual who called himself "Kauṭalya" or "Kauṭilya"[12] and who added a substantial amount of material to the text. The *Daṇḍanīti*, reflecting the perspective of the early statecraft tradition, provided guidelines for rule within a realist framework, in which sovereign power was not subject to dharma. Kauṭilya lived in an era in which political discourse was more suffused with Brāhmaṇical orthodoxy. He added a number of passages supporting varṇadharma. The result, from the perspective of political theory, was a text superficially committed to the king's adherence to dharma, but which ignored such constraints when instructing on the proper goals and techniques of statecraft.

In order to demonstrate that the passages adhering to varṇadharma and its political vision are interpolations, we must take a deep dive into the compositional history of the text itself. Here the tools of textual criticism enable me to develop a diachronic model of the *Arthaśāstra*'s development. This text-critical study lies at the heart of the present work. In it, I adduce interpretive principles based on formal features of the extant *Arthaśāstra* to estimate the content of the *Daṇḍanīti* as well as the extent of its redaction. This allows for a new reading of the *Arthaśāstra* that takes into account its internal development: the different ages of its composition and the historical periods to which they belong. Ultimately, this model can be used to support the conclusion that a text – and tradition – originally committed to the notion of constitutionally unlimited sovereign power was holistically transformed in order to bring it into line with orthodox Brāhmaṇical theology.

The redaction of the *Daṇḍanīti* did much more, however, than inflect the outlook of a single text. From a historiographical perspective, it obscured the existence of an independent tradition of Indic statecraft altogether, a tradition, it turns out, whose political philosophy was little influenced by varṇadharma. This tradition must be conceptualized independently from but in conversation with other Brāhmaṇical traditions, Buddhist and Jain philosophies of kingship, and the statecraft traditions of Persia and the Hellenized states of ancient northwest India. Its independence raises profound, perhaps fatal, doubts about the relevance of varṇadharma to understanding the relationship between religion and

[11] The name of the original text is unknown, but *Daṇḍanīti* is the best candidate. See Patrick Olivelle, *King, Governance, and Law in Ancient India: Kauṭilya's Arthaśāstra* (New York: Oxford University Press, 2013), pp. 8, 14. I discuss the name of the original text in chapter five.

[12] There is a debate over the proper spelling of this name. See chapter two.

politics in ancient India – at least from the perspective of royal counselors in the early classical period. The nature of some of the material added during the redaction, however, points to dramatic changes in the ideological framework of the statecraft tradition in the early centuries of the Common Era. This gives us an important piece of evidence for tracing the onset of a new kind of political and cultural milieu emerging in India toward the end of the classical period, one in which orthodox Brāhmaṇical theology was exerting itself within statecraft in new ways or, at least, with a new focus and intensity. These larger issues lie at the horizon of this study, but the conclusions reached and questions raised here help to set the agenda for a more expansive reconsideration of the history of religion and politics in the classical period.

Sovereignty and Sacred Law in Indic Tradition

The thematic focus of this study is the sovereign power of kings, which I use to contrast the two political philosophies found in the extant *Arthaśāstra*. However complex and fragmented the political structure of historical states might have been, the sovereign monarch (*rājan*) remains the near-universal subject of ancient Indian political thought.[13] Any political formation aspiring to a degree of autonomy, including the "republics" of the ancient period, concentrated ruling power in a figurehead or figureheads who could be conceived as a *rājan*. Structurally, sovereign power in ancient India was organized through different varieties of kingship.

By "sovereign power" or "sovereignty," I mean "supreme legitimate authority within a territory."[14] But this need not be understood, in the tradition of Bodin and Hobbes, as absolute and unconditional.[15] For, "sovereignty may . . . be divided into absolute and non-absolute":

> This may at first seem an odd distinction. If sovereign authority is supreme, how can it be less than absolute? Absoluteness, though, does not refer to the quality or magnitude of sovereignty, for if sovereignty were less than supreme in any particular matter, it would not be sovereignty at all. But a sovereign need not be sovereign over all matters. Absoluteness refers to the scope of affairs over which a sovereign body governs within a particular territory.[16]

[13] Hartmut Scharfe, *The State in Indian Tradition* (Leiden: E. J. Brill, 1989), pp. 26–32.
[14] Daniel Philpott, "Sovereignty: An Introduction and Brief History," *Journal of International Affairs* 48.2 (1995), p. 357.
[15] Ibid., p. 358. [16] Ibid., pp. 357–358.

In Indic political thought, the king was associated with sovereign power. At the same time, there is no presumption in our sources that sovereignty extended absolutely and unconditionally over all aspects of human life. Perhaps the clearest example of this comes in the area of law, whose authority was not based on the king's sovereign power. Some (and only some) texts recognize the supremacy of royal edict over custom and law (for example, KAŚ 3.1.45), but edicts were conceived only as circumscribed interventions into law. This reflects a limitation on the scope of sovereign power itself as understood in Indic tradition. No political agent could claim or exercise a right to legislate wholesale.

There are a number of terms in Indic thought that refer to the unique political power of kings, such as *rājya* ("rule") and *aiśvarya* ("lordship"), but the closest of these to "sovereignty" is *kṣatra*, which names the abstract power of kings to rule and is, therefore, often translated as "ruling power," "political power," or "dominion." Whatever degree of autonomy our sources might recognize for various subgroups or political agents, kṣatra referred exclusively to the power of kings.[17] In the legal and political literature, the king's ruling power is most often discussed in terms of his *daṇḍa*, literally his "staff" or "stick," which refers to his unique right to punish. The administration (*nīti*) of punishment (*daṇḍa*) is *daṇḍanīti*, the term for the discipline of "Governance" itself in the *Arthaśāstra* (KAŚ 1.4.3). Punishment may not have been the only political resource available to kings,[18] but it was the power that epitomized them. Lesser authorities were understood to punish on his behalf or with his leave.[19]

Daṇḍa offered a framework to justify royal violence by representing it as a constructive social power, at least when used properly. Embedded therein is a recognition that the sovereign possesses authority, which involves, following Wolff, "the right to command and correlatively the right to be obeyed."[20] In this context, Philpott connects the concept of right to a given source of legitimacy, based on which the authority of the sovereign is able to be recognized by the ruled. Of sovereignty, Philpott says:

[17] Scharfe, *The State in Indian Tradition*, p. 36, points out that in the *Ṛgveda* the term *kṣatrá* "is often qualified by the words 'our' or 'for us' – it belongs in a sense to the people, just as the ruler himself."

[18] A famous formulation lists four strategies (*upāya*s) available to kings: punishment (*daṇḍa*), conciliation (*sāman*), dissension (*bheda*), and gifting (*dāna*). See, for example, KAŚ 1.13.25, 1.14.12, 2.10.47.

[19] See Mark McClish, "Punishment: *daṇḍa*," in Patrick Olivelle and Donald R. Davis, Jr. (eds.), *Hindu Law: A New History of Dharmaśāstra* (New York: Oxford University Press, 2018), pp. 273–282.

[20] Robert Paul Wolff, *In Defense of Anarchism* (New York: Harper and Row, 1976), p. 4.

> It is legitimate when it is rooted in law, tradition, consent or divine command, and when those living under it generally endorse this notion . . . even in the case of the absolute law-giving monarch of Jean Bodin or Thomas Hobbes, sovereignty is conferred by some notion of right which provides a basis for assent other than coercion.[21]

Constitutional law was not a part of the ancient Indian legal tradition, at least inasmuch as there was in practice no legal mechanism by which sovereign power was created, directed, or limited. Such a framework was provided, instead, by inherited understandings of kingship as a traditional relationship between ruler and ruled. This provided a broad consensus on the rights and responsibilities of the king, which, in turn, set the conditions for royal legitimacy. Legitimacy was a strategic concern insofar as kings who demonstrated improper conduct might generate disaffection among their subjects and thereby weaken their position relative to foreign rivals.[22] It was never theorized in the abstract as a source of authority or power, however, which was understood to be rooted in the king's daṇḍa (whatever might be deemed the ultimate source or nature of daṇḍa itself).

While the statecraft tradition may not have originally invoked any kind of constitutional framework, theologians (Buddhist and Jain, as well as Brāhmaṇa) posited principles or powers superseding the king's worldly authority.[23] The most influential of these was the idea that dharma stood as a moral law over kings. This conception undergirds tracts on rājadharma ("The Sacred Laws for Kings") that are found in texts called *Dharmaśāstra*s and elsewhere, such as in the *Rājadharmaparvan* of the *Mahābhārata*. Rājadharma comprises rules meant to serve as a constitutional framework for the exercise of sovereign power. Collectively, these rules are presented as a superior legal authority delineating the rights and duties of the king. They were destined to remain moral law, however, with no legal means of enforcement. Nevertheless, as we have already seen, ancient Indian politics is often understood to have been shaped by an excess of piety among the people, which rendered spiritual authority of greater consequence than political authority. The result, purportedly, was the elevation of dharma (and Brāhmaṇas) as sovereign over kings.

It is not too difficult to trace this view of the relationship between sovereignty and sacred law in the extant *Arthaśāstra*, because it is the subject of explicit claims in a number of passages. It is rather more

[21] Philpott, "Sovereignty," p. 355. [22] KAŚ 7.5.19–37. See chapter seven.
[23] The most comprehensive, if now dated, review of political theory in ancient India is still U. N. Ghoshal, *A History of Indian Political Ideas* (Oxford: Oxford University Press, 1959).

challenging to identify the political philosophy of those parts of the text not engaged with such abstractions. Normative discussions of kingship, even those that are not overtly ideological, nevertheless rely upon and invoke more or less coherent sets of metaphysical claims about the nature of sovereign power: its origin, proper goals, and proper use.[24] Such claims can be called metaphysical in the sense that they are the necessary precondition for any coherent discussion, but themselves "cannot *in principle* be investigated or tested by physical science."[25] We can think of these metaphysical claims as comprising the foundational elements of the ideology or underlying political philosophy of the text. By analyzing the handful of theoretical claims found in the *Daṇḍanīti* in the context of its unstated, but inferable, assumptions about the proper use and limits of sovereign power, it is possible to present a synthetic account of the basic political philosophy of the text. This, in turn, can be compared with cognate claims intrinsic to the political philosophy of varṇadharma.

Studying Religion and Politics in Ancient India

The general time frame with which this study is concerned begins with the second wave of urbanization in South Asia (*ca.* sixth century BCE) and concludes with the end of the reign of King Harṣa (*ca.* 647 CE) over a thousand years later. For the sake of convenience, I will refer to this as the "classical period."[26] This period saw the rise of enduring cultural forms that shaped Indic society for centuries to come. These included not only traditions of grammar, law, politics, literature, and drama, but also Buddhism, Jainism, and Classical Hinduism. These shared forms circulated in the period through transregional idioms shaped by the languages and cultures of north India. Great empires rose and fell, the center of political power shifted back and forth, waves of foreign armies invaded, and a cosmopolitan subcontinental society flourished.

Agricultural surpluses, aided by the development of iron technology, allowed for a wave of urbanization starting in the sixth century BCE, the first since the decline of the Indus Valley cities more than a millennium

[24] Ian Adams, "The Inevitability of Political Metaphysics," *Journal of Political Ideologies* 4.3 (1999), p. 269.
[25] Ibid.
[26] Both the issue of periodization and the concept of the "classical" continue to be contested in Indian historiography. See Romila Thapar, *Early India: From the Origins to AD 1300* (Berkeley: University of California Press, 2004), esp. pp. 29–32, 280–282. Thapar's book is the primary source of the historical thumbnail presented in the next five paragraphs.

earlier. Most of these new urban polities did not develop in the footprint of the old Indus civilization – the northwest of the subcontinent – but instead upon the middle and lower Gangetic plain in the northeast. Urban polities also emerged in northwest, central, and west India as well as the northern Deccan in the south. Collectively, they constituted a patchwork of small kingdoms called *janapada*s, which grew and coalesced into what the tradition remembers as a political landscape comprising sixteen *mahājanapada*s ("great *janapadas*").

Toward the end of the sixth century, the far northwest of the subcontinent was integrated into the Achaemenid Empire under Cyrus. Shortly thereafter, the mahājanapada of Magadha began to exert itself in the northeast under kings like Bimbisāra and Ajātaśatru. Achaemenid rule persisted in the northwest until Alexander the Great, who conquered through the domain of the emperor Darius and brought his armies into the subcontinent around 327 BCE. Although he did not conquer deeply into India, Alexander brought with him Greek culture and left in his wake a number of Hellenized principalities in the northwest. On the heels of his departure, the ancient period's most powerful indigenous empire arose in the northeast from Magadha under Candragupta Maurya (r. *ca.* 321–297 BCE). Candragupta pushed back the Hellenistic kings and established a massive empire, covering the entire north and much of central India.

Legend holds that the *Arthaśāstra* was composed at this time by a man named Cāṇakya, the vengeful and cunning Brāhmaṇa who orchestrated Candragupta's rise to power.[27] Cāṇakya, so the story goes, was insulted by the last king of the previous dynasty to rule Magadha, the Nandas. Enraged, Cāṇakya vowed to exterminate the entire Nanda lineage. He succeeded in this, installed Candragupta, and penned the *Arthaśāstra*, presumably in his retirement. Although Cāṇakya was probably a historical figure, his connection to the *Arthaśāstra* was, as we shall see, a much later innovation.

The Maurya Empire reached its zenith under Candragupta's grandson, Aśoka (r. *ca.* 268–231 BCE), the charismatic Buddhist emperor whose many edicts promote rule through righteousness rather than violence. His inscriptions represent the most important historical records of the period. Within about 50 years of Aśoka's death, the Maurya Empire was overthrown. The political landscape returned to conflict between small, regional states, and invaders from the northwest once again claimed domains across the north: first Indo-Greek kings (*ca.* second century

[27] On the legend of Cāṇakya, see chapter two.