The Evolution of Political and Legal Thought in Ancient India: A Historical Perspective

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ABSTRACT

This article delves into the evolution of political and legal thought in ancient India, with a focus on the influences of Brahmanism, the Laws of Manu, and the teachings of Buddha. The author takes a historical perspective, analyzing the developments and changes in ancient India's political and legal systems over the centuries. The article begins by discussing the influence of Brahmanism, the dominant religious and social order in ancient India. Brahmanism played a significant role in shaping political and legal thought through its emphasis on hierarchy, social roles, and duties. The author explores how Brahmanical beliefs influenced ancient India's governance, lawmaking, and societal structure. We examine the Laws of Manu, a key legal text in ancient India that codified social norms, ethics, and laws. The authors highlight the impact of the Laws of Manu on the political and legal landscape of ancient India, highlighting its influence on governance, justice, and social order in India today. We examine the teachings of Buddha and contributions to political and legal thought this belief community influenced society in ancient India particularly of how Buddha's emphasis on compassion, morality, and equality influenced political governance, law enforcement, and social justice in ancient Indian societies.

Overall, this article provides in-depth analysis of the evolution of political and legal thought in ancient India, shedding light on the diverse influences of Brahmanism, the Laws of Manu, and the teachings of Buddha. Highlighting the historical developments in political and legal systems, we provide valuable insights into the intellectual and philosophical foundations of ancient Indian society.

Keywords: Political thought; Orthodox schools; Caste system; Varna; Dharma; Ritual; Cultural norms; Nirvana; Social justice.

1. Introduction

Indian political thought begins to develop in the second half of the third millennium BC. Early political thought in ancient India did indeed emerge within the Vedic literature, which is considered the oldest religious texts. Alongside the Vedas, the Upanishads, which are religious and philosophical commentaries on the Vedas, also played a significant role in the development of political thought.
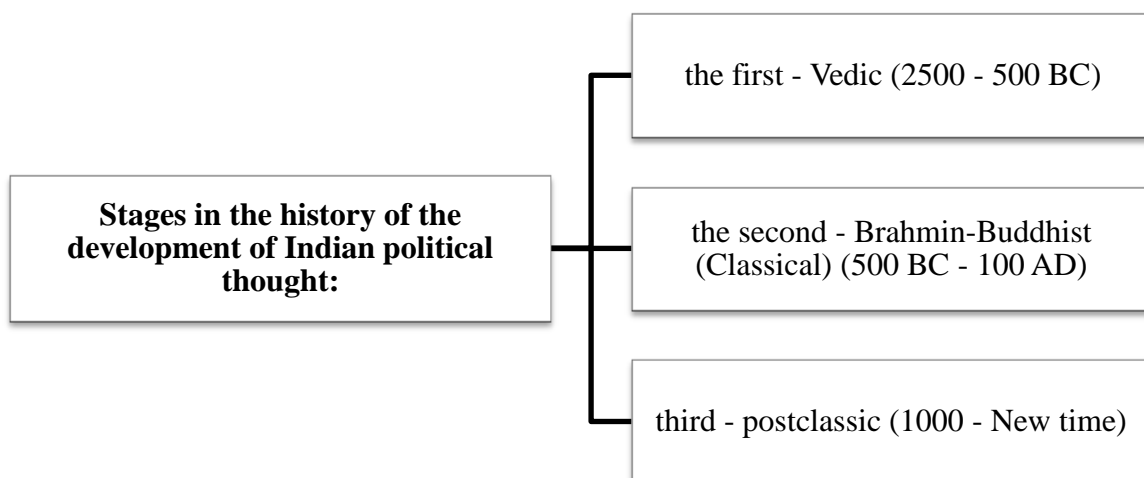
Figure 1. Stages in the history of the development of Indian political thought

In the historical stages of Indian culture, two distinct groups of philosophical and legal schools emerged: 1. The first group consisted of orthodox schools that recognized the authority of the Vedas and Upanishads. 2. The second

group comprised non-orthodox schools that did not consider the Vedas and Upanishads as the exclusive sources of knowledge of truth.

The first group includes six major philosophical and political schools: Samkhya, Yoga, Nyaya, Vaisheshika, Mimamsa, and Vedanta. The latter group encompasses lokayata (charvaka) and ajivika, as well as Buddhist and Jainist schools.

In the early stages of the development of statehood in ancient India, religion, ethics, and customs were the primary means of regulating social relations, with the varnas of priests - Brahmins - serving as the foremost authorities and custodians of these principles.

The development of the state, which established the legal and professional status of the military varna (kshatriyas), resulted in a decline in the status of the Brahmins. Despite the Brahmins being the intellectual elite of ancient Indian society and advocating for the strengthening of state power and the rule of law, the Kshatriyas sought to assert their position and gain control over state power [1].

These contradictions were primarily resolved in the realm of political and legal thought. The political views of the Brahmins, who upheld ancient traditions, were articulated in dharmashastras - collections of religious and moral legal instructions and rules (dharmas), while the political perspectives of their adversaries were presented in arthashastras - treatises on politics and law (consider adding reference: Sharma, (2004)One of these treatises, which gained worldwide fame at the beginning of the 20th century, was compiled by Kautilya (Chanakya), the chief minister of Chandra Gupta I, the founder of the Mauryan Empire in the 4th-3rd centuries BC. It is worth noting that there is a perspective suggesting that the "Arthashastra" is the culmination of the contributions of several sages. Kautilya is believed to have synthesized and critically analyzed the existing knowledge rather than creating it from scratch.

Today, the title of the treatise is commonly translated as "Political Science", but in a literal sense, it conveys the meaning of "science of profit" or "instructions for achieving the second", "science of accumulation of values".

2. Methodology

The methodology would include the following steps:

1. Literature Review: Conduct a thorough review of scholarly literature on the topic of ancient Indian history, philosophy, and religion, focusing on the evolution of political and legal thought in the context of Brahmanism, the Laws of Manu, and the teachings of Buddha.

2. Source Analysis: Examine primary sources such as Vedic texts, the Manusmriti (Laws of Manu), Buddhist scriptures, and other relevant ancient Indian texts to understand the foundational principles and philosophical underpinnings of these belief systems in relation to governance, law, and society.

3. Comparative Analysis: Compare and contrast the political and legal ideologies presented in Brahmanism, the Laws of Manu, and Buddhism to identify common themes, divergences, and the impact of these perspectives on ancient Indian society.

4. Historical Context: Situate the political and legal thought of Brahmanism, the Laws of Manu, and Buddhism within the broader historical context of ancient India, considering socio-cultural, religious, and political factors that influenced the development of these ideologies [2].

By following this methodology, the article aims to provide a comprehensive historical perspective on the evolution of political and legal thought in ancient India, shedding light on the diverse intellectual traditions that influenced the social, political, and legal systems of the time.
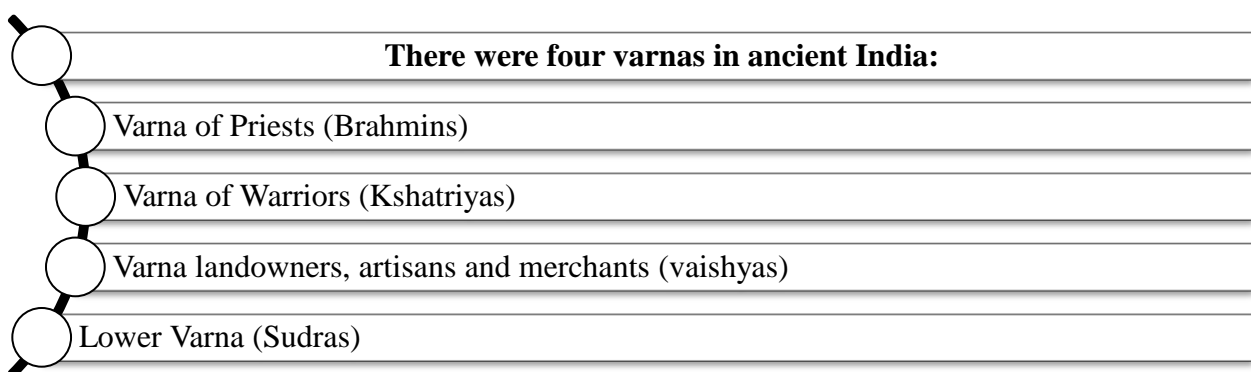
3. Discussion and Results

First and foremost, it is important to highlight that the political thought of this region was characterized not only by its mode of expression but also by a more profound exploration of issues that were traditional in the East compared to Egypt and Mesopotamia.

Main characteristics of ancient Indian political thought:

• Political thinking has a religious and spiritual character;

• Focusing on the problems of moral content;

• The main factor in the development of political thinking is religion;

• The influence of mythological ideas about the state and politics.

In ancient India, there were two major religions: Brahmanism and Buddhism. The ideological distinctions between these two religions led to the creation of various myths and codes of conduct that were deemed sacred within each respective belief system. The significant disparities between these two religions were primarily associated with the interpretations of the rules governing varnas - tribal groups - which played a pivotal role in shaping the caste system of Indian society.

There were four varnas in ancient India:

Varna of Priests (Brahmins)

Varna of Warriors (Kshatriyas)

Varna landowners, artisans and merchants (vaishyas)

Lower Varna (Sudras)

Figure 2. Ancient India's four varnas

Brahmanism was considered the predominant political ideology in ancient India, emerging in the middle of the 1st millennium BC as castes began to take shape among the Aryan tribes that migrated to India. Its origins trace back to the religious and mythological beliefs outlined in the Vedas, the ancient ritual texts of the Aryans. Drawing upon these religious and mythological concepts, the Brahmins formulated a new ideology known as Brahmanism, which aimed to assert the dominance of the tribal nobility in the evolving society.

In Brahmanism, the progression to higher varnas was envisioned as a posthumous reward for an individual's service to the gods, patience, and kindness in their "next life". State enforcement was viewed in Brahmanism as a mechanism to uphold caste divisions. The concept of punishment stood as a central tenet in the political theory of Brahmanism, to the extent that the discipline of governance itself was referred to as the doctrine of punishment. Even in the Laws of Manu, it was stated that "the entire world is kept in order through punishment".

The origins of the Brahmanism ideology can be traced back to a collection of ancient Indian scriptures from the 2nd millennium BC known as the Vedas (the Sanskrit term "Vedas" translates to "knowledge"). Within the Vedas, there is mention of the societal division into four varnas (classes) believed to have been created by the gods, with Purusha symbolizing the body and soul of the universe: "... his mouth became the Brahmin, his arms were made the Kshatriya, his thighs the Vaishya, and from his feet the Shudra was born".
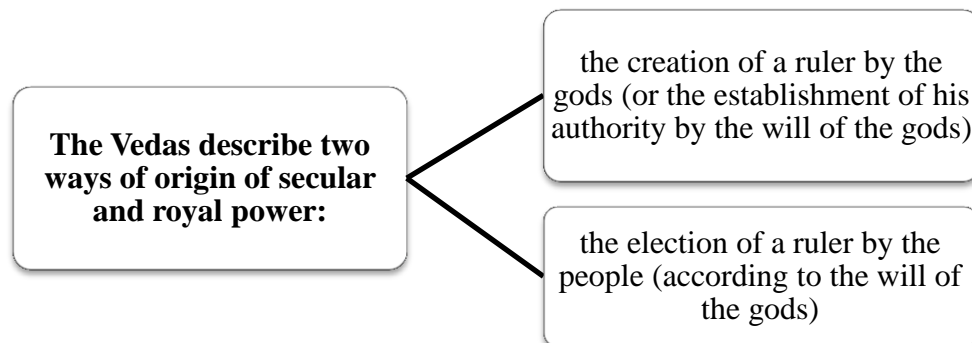
Figure 3. Secular and royal power in Vedas

According to this mythological-organic concept, the law of world order (rta) governs the social structure of society, determining the place, role, position (including legal status), rights, and obligations of the different varnas. Each varna follows a specific way of life and has distinct relationships with other varnas. The highest varna, the Brahmins, were regarded as the custodians of worship and sacred knowledge, the Kshatriyas held political and military power, while the Vaishyas engaged in less prestigious yet ceremonially pure occupations such as agriculture, trade, and crafts. The Shudras typically undertook occupations considered less honorable and often ritually impure. The Brahmins and Kshatriyas constituted a special category known as the "twice-born" or dvija [3].
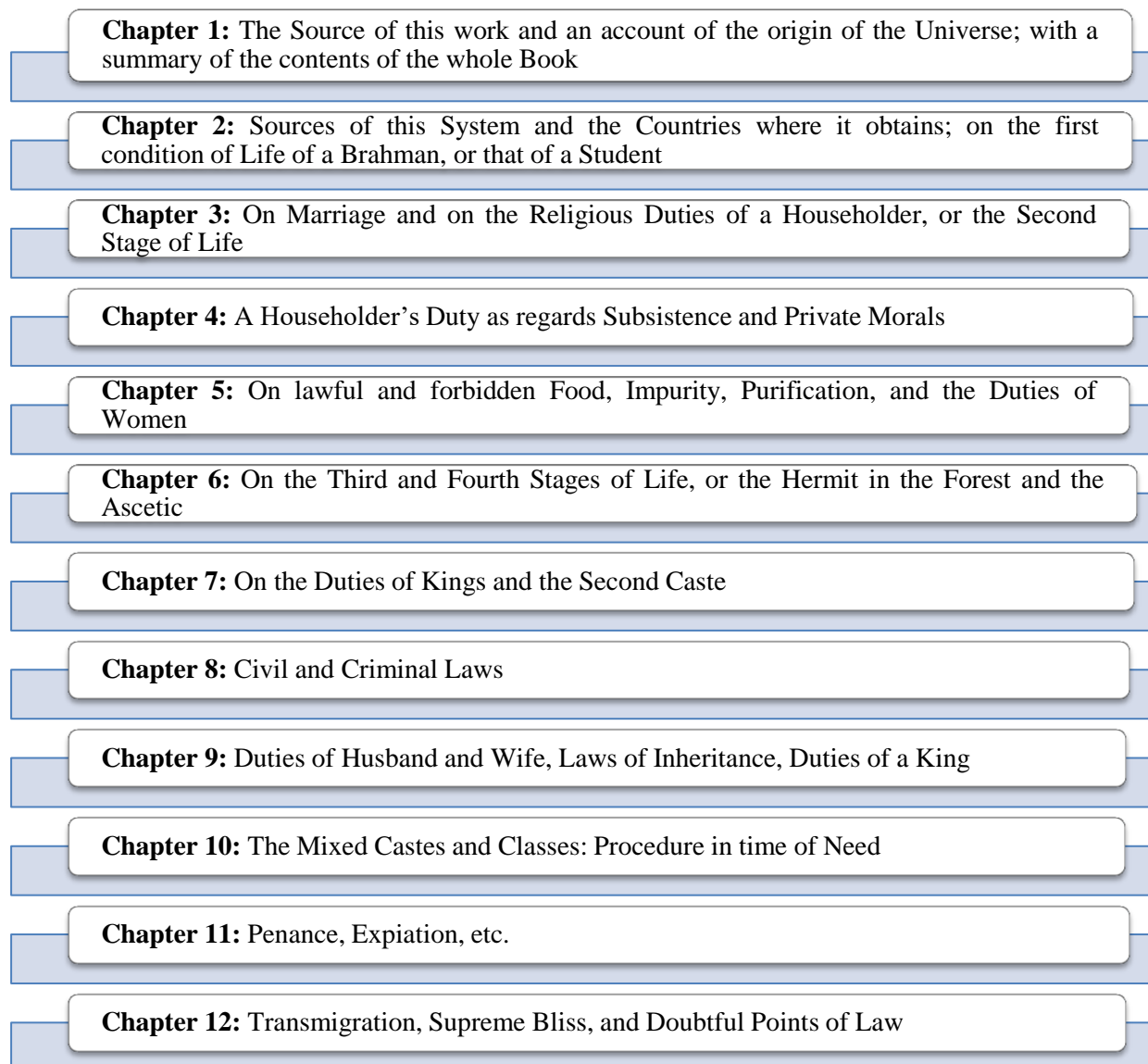
Brahmanism undergoes further development and elaboration in another ancient Indian philosophical tradition - the Upanishads, believed to have originated between the 9th and 6th centuries BC. According to the Vedas and Upanishads, all varnas and their constituents are expected to adhere to the divinely ordained dharma (dhamma) - a set of rules governing law, duty, custom, and behavior. The elevated status of the Brahmins in society and governance led to the predominance of Brahminical interpretations of dharma concerning individuals from different varnas.

The ideology of Brahmanism is infused with numerous dharmasutras and dharmashastras - legal compilations formulated by various Brahminical schools. Many ethical and legal treatises, including dharmasutras and dharmashastras, were developed to reinforce the varna system.

The Dharmasutras are among the oldest collections of Hindu scriptures that establish rules of conduct for individuals of different castes. They are composed in both verse and prose, consisting of concise, aphoristic rules designed primarily for memorization. Dharmashastras, on the other hand, are compilations of rules initially created by Brahmins for their students and later by esteemed scholars. The Dharmashastras present the ideal social order in a more structured and detailed manner, drawing from the traditions of the Dharmasutras. Indeed, the varna system is most clearly articulated in these texts.

The "Laws of Manu" is an assortment of ancient Indian laws, also referred to as Manu-smriti, Manu-samhita, Manava-dharmashastra, among other names. It comprises religious, moral, and legal guidelines associated with the legendary figure Manu, considered a progenitor of humanity. This text is one of the nineteen dharma shastras featured in the smriti literature [4].

Manu-smriti was written in Sanskrit, and the "modern" edition contains 2,685 verses (slokas), divided into 12 chapters:

Chapter 1: The Source of this work and an account of the origin of the Universe; with a summary of the contents of the whole Book

Chapter 2: Sources of this System and the Countries where it obtains; on the first condition of Life of a Brahman, or that of a Student

Chapter 3: On Marriage and on the Religious Duties of a Householder, or the Second Stage of Life

Chapter 4: A Householder's Duty as regards Subsistence and Private Morals

Chapter 5: On lawful and forbidden Food, Impurity, Purification, and the Duties of Women

Chapter 6: On the Third and Fourth Stages of Life, or the Hermit in the Forest and the Ascetic

Chapter 7: On the Duties of Kings and the Second Caste

Chapter 8: Civil and Criminal Laws

Chapter 9: Duties of Husband and Wife, Laws of Inheritance, Duties of a King

Chapter 10: The Mixed Castes and Classes: Procedure in time of Need

Chapter 11: Penance, Expiation, etc.

Chapter 12: Transmigration, Supreme Bliss, and Doubtful Points of Law

Figure 4. Structure and content of "Laws of Manu"

The Laws of Manu delineate four varnas: Brahmins, Kshatriyas, Vaishyas, and Shudras. According to the text, the Vaishyas were encouraged to pursue trade, animal husbandry, and agriculture, while the Shudras were to serve the "twice-born". Additionally, in "The Laws of Manu", there are seven cases (dasa) in which a person may become a slave: prisoner of war (dhvajarta), for keeping (bhaktadasa), born at home (grihaja), bought (krita), gift received (datrirna), inherited (paitrika), and as a form of punishment (dandadasa). A slave had no legal standing, and consequently, any transactions carried out by the slave were deemed invalid. Furthermore, the offspring of a slave were regarded as the property of the master.

The "Laws of Manu" stipulate that only Kshatriyas are permitted to bear weapons, with other "twice-borns" authorized to wield arms only on their behalf "in times of calamity". Wars are depicted as a significant means of enhancing state prosperity. The king is portrayed as a courageous and esteemed warrior who acquires possessions through force when necessary.

As per the "Laws of Manu", a substantial portion of the plundered assets, including land, weaponry, gold, and silver, were to be allocated to the king, with the remainder to be distributed among the soldiers. The military also fulfills duties related to maintaining public order, with military units stationed between "two, three, five, and hundreds of villages" [5].

According to the Laws of Manu, the primary responsibility of the king was to safeguard his subjects, for which he had the authority to levy taxes (bali), but he was urged to do so in a measured manner. Additionally, the king was tasked with overseeing the dispensation of justice with the assistance of knowledgeable Brahmins and was regarded as the protector of minors, the infirm, and widows. It was incumbent upon the king to show reverence to Brahmins well-versed in the Vedas and heed their counsel. The laws also reflect the king's role in appointing various officials and overseeing their duties.

In terms of the judicial system, the court comprised the king, Brahmins, and seasoned advisors or a Brahmin designated by the king, "surrounded by three judges". Only a Brahmin, and in exceptional circumstances a Kshatriya or Vaishya, was authorized to interpret the law within the court setting.

There were 18 grounds (pada) for trials in the legal system outlined by the "Laws of Manu": non-payment of debt, mortgage, fraudulent sale, involvement in trade or other associations, non-payment of wages, breach of contract, rescission of purchase and sale agreements, disputes between landowners and shepherds, land boundary disagreements, defamation and insults, theft, murder, violence, adultery, marital disputes, inheritance division, gambling, and betting.

According to the "Laws of Manu", considerable emphasis was placed on the testimony provided in court proceedings. Witnesses were required to be of equal social status to the party they were testifying against. Only in cases involving severe crimes like theft or violence was the credibility of witnesses not rigorously scrutinized. In the absence of suitable witnesses, testimony from a child, elderly person, student (in relation to their teacher), relative, slave, or woman could be accepted.

The "Laws of Manu" encompass regulations concerning ownership relationships, the utilization of possessions, and the duration for claiming ownership. Ownership transitions into property, with the stipulated period for

claiming ownership set at 10 years. It is important to note that the statute of limitations does not extend to pledges and deposits. The text delineates seven lawful methods of acquiring property: inheritance, gift, purchase, conquest, usury, performance of labor, and charitable donation. The first three methods were accessible to all varnas, the fourth was exclusive to Kshatriyas, the fifth and sixth were reserved for Vaishyas, and the seventh was regarded as a privilege for Brahmins. Transactions conducted through deceit, violence, by a person under the influence of alcohol, in a state of anger or grief, as well as by a slave, elderly individual, or child were deemed invalid.

For the higher varnas, wage labor was deemed unacceptable as it was considered a demeaning occupation, referred to as a "dog's way of life", and Brahmins were expected to avoid it. A hired worker who failed to fulfill their duties was subject to a fine. Even in cases of illness, if the work remained incomplete, the salary was not to be paid.

Marriage and family relations, known as "the dharma of wives and husbands", are primarily discussed in chapters 3 and 9 of the Laws of Manu. These chapters detail eight common forms of marriage, called vivaha, in India [6]. The first four types of marriage, endorsed by the Brahmins, are brahma (the father giving his daughter adorned with jewels to the groom), daivu (the daughter handed over to the groom during a priestly ritual), arshu (the daughter handed over to the groom after the father receives an ox and cow), and prajapati (the father handing over the daughter to the groom after saying "Do dharma together").

Other types, considered less favorable, include asura (bride buying), gandharva (voluntary union between bride and groom without parental involvement), swayamvara (self-choice), rakshasu (abduction of the bride), and the most condemned, paishachu (violence against the girl under the influence of alcohol, drugs, or insanity). The practice of marrying minors was not prohibited. While polygamy was not encouraged, a husband could take a second wife if the first wife was deemed drunkard, hateful, or extravagant. Marriages across different varnas were discouraged but permissible if the husband belonged to a higher varna than the wife.

According to the laws of Manu, a woman should be under the protection of a man throughout her life, transitioning from the care of her father in childhood to her husband in youth, and finally to her son in old age. The primary focus was on managing childbirth and the upbringing of children, particularly sons.

Manu's laws dictated that the legal father of a child is considered to be the mother's husband, irrespective of the child's biological father. While it was technically permissible to sell wives and children, such actions were deemed sinful. Even if a wife was sold, she remained bound to her husband according to these laws. If a wife was unable to bear children, Manu's laws allowed the husband to take a new wife after 8 years. If she gave birth to stillborn children, the husband could remarry after 10 years, and if she only gave birth to girls, he could remarry after 11 years. In cases where the wife displayed rudeness, the husband had the option to take a new wife immediately.

According to the laws of Manu, widows were generally not permitted to remarry. However, if a husband died childless, the wife could conceive a child with his brother or another relative as requested by her own relatives.

The major sins, or mahapataka, according to Manu's laws included killing a Brahmin, drunkenness, theft, adultery with a guru's wife, and engaging in sexual relations with such a sinner. Those found guilty of these crimes would be stripped of all their possessions and exiled.

In cases where someone killed in defense of sacrificial gifts, women, or Brahmins, they were exempt from punishment according to Manu's laws. The identity of the individual, whether a guru, child, elderly person, or highly educated Brahmin, did not matter in such instances. Additionally, the act of "killing a murderer" was not considered a sin.

When determining punishment, the varna of the individual being punished was taken into consideration. For instance, if a person of a lower varna insulted someone of equal status or a representative of a higher varna through speech or action, a fine would be imposed. However, if a Shudra committed the same offense against someone from the "twice-born" varna, they would face physical punishment, which could include amputation of the tongue, lips, or hands, as well as castration.

Adultery was viewed as a grave offense in ancient times. According to the laws of Manu, individuals who pursued married women were to be expelled by the king and subjected to severe punishment. Acts constituting adultery included aiding, flirting, touching jewelry and clothing, and sharing a bed. Non-Brahmins convicted of adultery faced the death penalty.

Violating a woman's honor against her will warranted physical punishment, with the severity depending on the status of the perpetrator relative to the victim. If the perpetrator was of higher status, cutting off fingers was allowed; if of equal status, a significant fine was imposed. An unfaithful wife would be pursued by dogs, while her paramour would be burned on a hot iron bed.

The king was instructed to utilize several forms of punishment, including imprisonment, chaining, and various types of corporal punishment. Brahmins were exempt from the death penalty and instead faced punishments designed to bring public shame upon them.

Siddhartha, who lived in the 6th century BC, vehemently critiqued the tenets of Brahmanism, the Vedas, and Upanishads, eventually adopting the title "Buddha", meaning the Enlightened. He rejected the notion of God as the ultimate authority, asserting that individual agency is paramount, and emphasized that one's actions shape their destiny. Buddha advocated for individuals to establish their own ethical and political frameworks.

The concept of minimizing punitive measures, a characteristic of Buddhism, is evident in the Dhammapada. It stresses the importance of not punishing individuals without confirming their guilt and emphasizes the glorification of dhamma, or the law. Buddhism gradually began to influence various social and political spheres, including governmental activities. While the core tenet of Buddhism focused on personal development and spiritual enlightenment leading to nirvana, many aspects of the religion were also intertwined with earthly life.

Buddha taught that even gods subject to the laws of justice, and are answerable for their actions, "if they have been evil they are reborn in the states they deserve, if not then they remain in their present state as gods." In such approach we learn that devas, devaputtas and devatas, manifest as gods are yet like humans are seeking divine truths based on Buddhist doctrine. Even the gods seem to have existential fear and doubts about their spiritual enlightenment on the way to nirvana. These gods were described as being, "beautiful, endowed with long life and well settled in their celestial palaces…" yet experience the same fears and doubt as humans that life is,
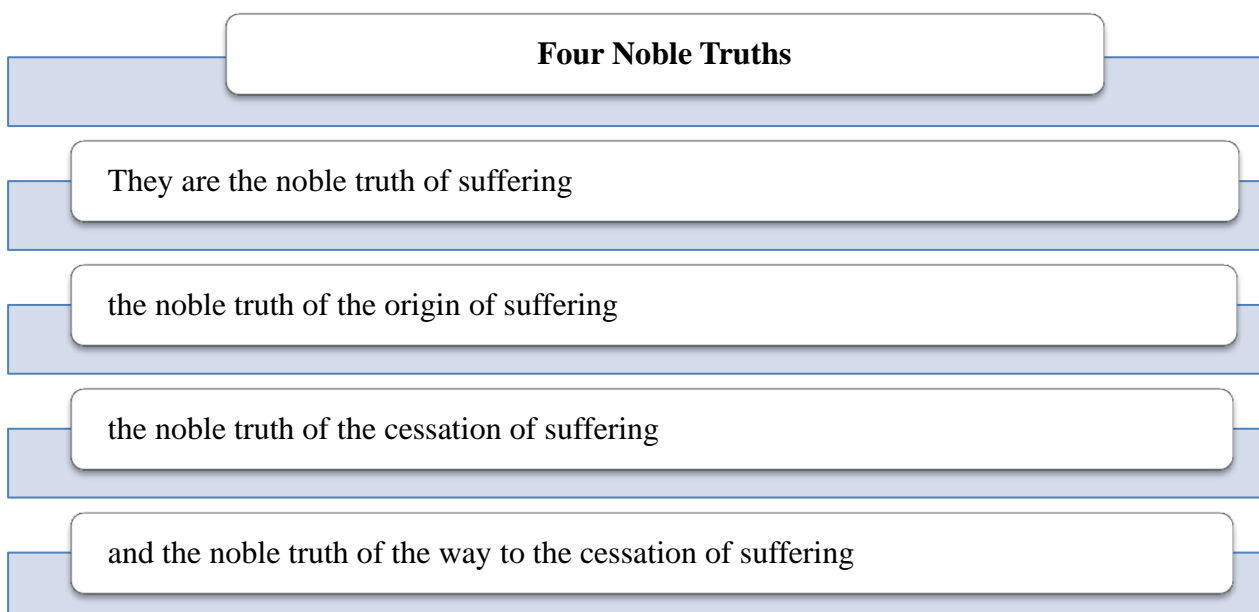
"impermanent" are "frightened and uneasy" lest they fall short of divine (personal) development. This must have had a significant impact on governance with policy makers if even the gods had fear and doubt, what then lies in store for mere humans? (Consider including Wagle (1995).
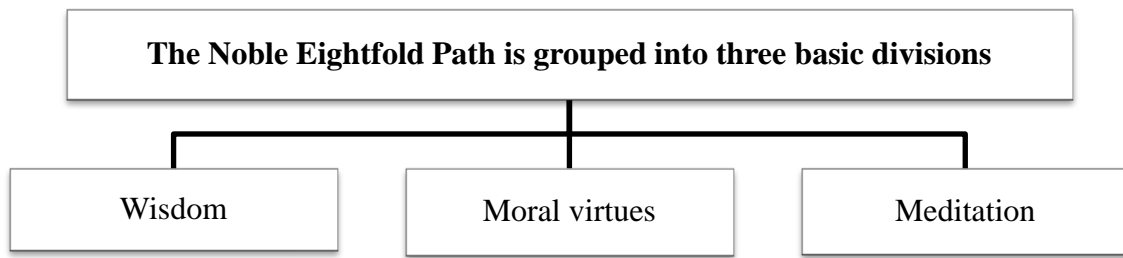
Ashoka, who reigned from 268 to 232 BC, played a crucial role in promoting Buddhism by declaring it as the state religion. As a result, Buddhism spread to several countries in Southeast Asia, influencing societal and cultural norms in the region. Ancient Indian culture is steeped in international trade and economic development. This was possible through its world view based on Ashoka's leadership in promoting global expansion and retaining Buddhism as a state religion and political economic development phenomenon as it spread through the Eastern Hemisphere, " leaving their cultural traces… "in Central Asia, South-East Asia, and the Asian-Pacific Rim. According to Mir, adoption of Indian religion and culture was voluntary and even, "spiritual ideals rather than through conquest or danger to an individual's or society's existence." (Consider adding Mir (2023).

Buddhism is a religious system grounded in ancient Indian religious and philosophical teachings, encompassing its own distinct set of beliefs and practices. Rather than establishing new religious laws or rituals, Buddha provided straightforward guidelines for individuals seeking liberation from the cycle of birth and death. His teachings underscore the importance of cultivating genuine virtue in one's thoughts, actions, and behavior. Buddha rejected the notion of inherent sinlessness found in the Vedas, condemned the inhumane practice of animal sacrifice, and challenged the caste system and the authority of its priests. He also expressed doubt regarding the existence of a supreme creative power, emphasizing the significance of personal development and ethical conduct.

At the core of Buddha's teachings are the fundamental principles that "life is suffering" and "there is a path to salvation". Buddhism teaches that individuals are accountable for their own birth, demise, or deliverance. These fundamental concepts are encapsulated in the Four Noble Truths, which were elucidated in the Buddha's inaugural sermon.


Four Noble Truths

They are the noble truth of suffering

the noble truth of the origin of suffering

the noble truth of the cessation of suffering

and the noble truth of the way to the cessation of suffering

Figure 5. Four Noble Truths of Buddhism

The Noble Eightfold Path is grouped into three basic divisions

Wisdom	Moral virtues	Meditation

Figure 6. The Noble Eightfold Path of Buddhism

A person who has progressed through the aforementioned three stages of practice will ultimately attain the state of supreme happiness, known as nirvana. The term "nirvana" is defined in the dictionary as "extinction, blowing out", symbolizing the cessation of all desires for worldly existence.

In the 1st century AD, a council of Buddhist scholars gathered in Ceylon to consolidate the sutras into the religious canon known as the Tipitaka. The Tipitaka is a compilation of Buddhist scriptures assembled shortly after the passing of Shakyamuni Buddha during the First Buddhist Council. There exist numerous versions of the Tripitaka across the Buddhist world, each containing diverse texts. The Theravada tradition's Tripitaka is the most widely recognized. The term "Tipitaka" translates to "three baskets" in English.

The Tipitaka books are divided into three parts:

Vinaya Pitaka	Sutra Pitaka	Abhidxarma Pitaka
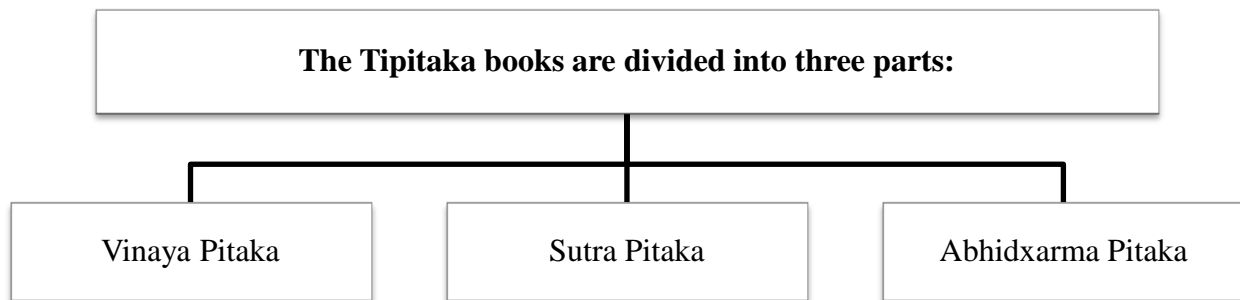
Figure 7. Books of Tipitaka

4. Conclusion

For centuries, studying the evolution of political and legal thought in ancient India has revealed a complex tapestry of influences that shaped the governance, law, and societal structure of the time. Such inquiry today continues to offer meaningful insights that may be seen in modern Indian culture. The interplay between Brahmanism, the Laws of Manu, and the teachings of Buddha showcases the diverse philosophical, religious, and ethical frameworks that contributed to the development of political and legal systems with its cultural roots in ancient India.

Brahmanism, with its emphasis on hierarchy, social roles, and duties, provided a foundational structure for governance and lawmaking in ancient India. The influence of Brahmanical beliefs reverberated throughout society, impacting political structures and legal frameworks providing a fertile basis for additional legal frameworks to build upon [7]-[9].

Building on early Brahmanism, the Laws of Manu, as a significant legal text, codified social norms, ethics, and laws that governed ancient Indian societies. The Laws of Manu played a vital role in organizing social structures, outlining duties and responsibilities, and setting standards for justice and governance.

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Moreover, the teachings of Buddha offered a different perspective on politics and law, emphasizing compassion, morality, and equality. Buddha's teachings challenged existing norms and practices, advocating for ethical governance, compassionate leadership, and social justice.

By examining the multifaceted influences of Brahmanism, the Laws of Manu, and the teachings of Buddha, we gain a deeper understanding of the rich intellectual and philosophical heritage of ancient India. The evolution of political and legal thought in ancient India reflects a dynamic interplay of diverse ideologies and traditions that continue to shape our understanding of governance, law, and ethics today.

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