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The state and violence: perspectives from ancient India

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The state and violence: perspectives from ancient India

Upinder Singh

- 1 The instant we recognise violence as an important and intimate part of human experience, the way we look at history, the questions we ask, the answers we seek, all change dramatically. In my recent book on the subject, I examined political violence in ancient India between c. 600 BCE and 600 CE, with special reference to the state's punitive role, war, and interactions with the forest. I pointed out that all traditions, including the religions of nonviolence, Jainism and Buddhism, accepted that a certain amount of violence was necessary for kings. I argued for a connection between the growth and systemisation of state violence and the increasingly sophisticated attempts to mask, invisibilise, justify and aestheticise this violence in various ways. At the same time, I pointed out that ancient Indian political discourse consistently distinguished legitimate force from illegitimate force and kept open a window for interrogating the state's violence. I also argued that what is distinctive about ancient India is not that Indians were especially nonviolent people but that ancient Indian political thought displays a unique, intense and prolonged engagement with the tension between violence and nonviolence. In this paper, I would like to take some of the arguments further.
- 2 It is difficult to draw a dividing line between the threat or use of coercive power or force that is necessary, and that which is illegitimate or disproportionate –that is, violence. Assessments will differ, depending on perspective. So the words “force” and “violence” are fluid categories, difficult to define in absolute terms.
- 3 Over the centuries, political theorists have justified the state's coercive, punitive and military powers, and have argued that it is these powers that stand between order and anarchy. In terms of their perspective, almost all the sources available for the history of political ideas and practice in ancient India are statist and centrist. The theories of the origins of kingship emphasise the king's responsibilities towards his people and describe taxes as his wages for the protection of his subjects, preservation of the social order, and prevention of crime and violence. The king's just punishment prevents a

descent into “the law of the fish” (*matsya-nyaya*), an anarchy where the mighty devour the weak. My paper has three parts: the justification of the use of force in ancient Indian theories of the origins of kingship; the assertion of the state’s right to punish, torture and kill; the anxieties of political theorists about the problematic nature of kingship and violence against the state.¹ In my conclusion I raise some general issues, including the relationship between political theory and practice and the possibility of a global comparative history of political violence.

I. Theories of the birth of kingship

- 4 Let us look first at the implications of three accounts of the origins of kingship –two from the *Mahabharata*, one from the Buddhist *Tipitaka*.
- 5 The *Shanti Parva* of the *Mahabharata* (the great Sanskrit epic composed between c. 400 BCE and 400 CE) offers two accounts of the origins of kingship. The first account takes us back to an age of perfection when kingship and punishment did not exist because they were not required.² However, men fell prey to error, confusion and greed and they approached the gods Brahma and Vishnu to intervene. Vishnu produced a mind-born son Virajas, who was followed by his son and grandson Kirtiman and Kardama. But these three chosen men did not want to rule; they were inclined towards renunciation. Ananga was next in line and he ruled well, protecting his subjects and meting out justice. He was followed by his son Atibala who learnt the art of governance but did not have control over his senses. The next ruler was Vena, who was dominated by passion and hate, and was unlawful in his behaviour towards his subjects. The sages decided to get rid of this evil king and stabbed him to death with blades of sacred *kusha* grass. They churned his right thigh, and out of it emerged an ugly man named Nishada (a forest tribal), who was told to go away because he was not fit to be king. Then they churned Vena’s right hand and therefrom emerged Prithu, a man with a refined mind and an acute understanding of the Vedas, the auxiliary texts, *dharma*, *artha*, the military arts and politics. Prithu was consecrated king by the gods and sages and he proved to be a good, exemplary king.
- 6 The second account of the origin of kingship in the *Shanti Parva* describes kingship as the result of both divine intervention and a social contract.³ Oppressed by anarchy, violence and insecurity, people came together and made agreements among themselves to get rid of the violent, aggressive men who stole, violated women and performed other such evil acts. However, this arrangement did not work. So they went to the god Brahma and begged him to appoint a king who could protect them and whom they would honour in return. Brahma chose Manu, but Manu refused. He was afraid of cruel acts, because kingship was a very difficult task, especially among men, who are perpetually prone to improper behaviour. The people urged Manu not to be afraid and reassured him that the sin incurred by his cruel deeds would go away. They also promised to give him 1/50th of their cattle and gold, and 1/10th of their grain; soldiers skilled in war would follow him everywhere; and one-fourth of the merit earned by the people would go to him. Manu accepted this pact and went around the earth, suppressing the wicked and making them perform their duties.
- 7 Let us now turn to a Buddhist account of the origins of kingship –the *Aggañña Sutta* of the *Digha Nikaya*, a Pali text which is part of the *Tipitaka*.⁴ This begins in a primordial age of perfection when beings were undifferentiated, luminous, made of mind, feeding

on rapture. At some point of time, a process of decline set in, primarily due to greed. Theft, accusation, lying and punishment appeared, and the last straw was when one violated the private property of another by stealing rice from his field. The beings assembled and lamented this situation; they approached the one among them who was the best-looking, charismatic and authoritative and asked him to protect property and punish those who deserved punishment; in return they would give him a portion of their rice.⁵ This ruler was given the designation “Mahasammata,” which means “the Great Elect” or “one who has been elected or appointed by the people.”

- 8 In all three accounts I have discussed, kingship originates in violence and disorder. It emerges as a critical institution, the only option, essential to bring violence and disorder to an end. All three emphasise the king’s duties towards his people, the maintenance of social order, protection of private property, and preventing and dealing with crime through the imposition of punishment. It is not just the origins of kingship, but the continued existence of this institution, that is considered essential to maintain order and prevent anarchy. But there are some interesting differences between the accounts. The Buddhist text talks about a straight social contract between the people and the king. In the first *Shanti Parva* account, the gods and sages play key roles and in the second account, it is the gods and the people. In contrast to the *Aggañña Sutta*, the beginnings of kingship in the *Mahabharata* are less smooth; the institution has a bad start and there are various problems before it receives a firm foundation. There is an acknowledgement of the possibility that kings may have serious flaws, that there is something inherently problematic or negative about the institution of kingship; that those who inherit it may turn their back on it and may not want to rule. In the first *Shanti Parva* account, kingship is born in the midst of regicide, renunciation and evil; in the second, it requires the king overcoming his own fears of the cruelty and sin that are inherent in the discharge of his duties.

II. The king’s right to torture, punish and kill

- 9 Theories of the origins of kingship describe punishment as a primary duty of the king but also assume that this punishment must be just. In the *Mahabharata*, Bhishma tells Yudhishtira that the royal rod of force was created by Brahma for the protection of the world so that people performed their duties; everything depends on it. Describing *danḍa* as a terrifying monster with many arms, legs, tusks and eyes, Bhishma states that it inspires fear in people and it is this fear that prevents them from killing one other.
- 10 The nature of transgressions in which the king is obliged to intervene are of two types: a more general transgression of the prevailing status quo; more specific crimes of a civil or criminal nature. The most direct and poignant example from ancient texts of a ruler killing a subject in the first kind of transgression comes from the *Uttarakanda* of the Sanskrit epic the *Ramayana* (c. 400 BCE-400 CE), where the otherwise compassionate Rama kills the *Shudra* Shambuka⁶. The epic gives a moral justification for Rama’s action: an innocent Brahmana child in Rama’s kingdom had died and the reason for this unfortunate event was traced to Shambuka who had violated the norms of the social order by performing austerities. Such a violation could not be tolerated, and Rama had no hesitation in killing Shambuka for the sake of the greater good.
- 11 The text that discusses the role of the state in intervening in specific types of civil and criminal offences and the state’s right to impose retribution, pain and torture on

subjects in the administration of justice is Kautilya's *Arthashastra* (composed between c. 50-300 CE), which contains the first detailed prescriptive law code in India. Here too, the idea of the four-fold *varṇa* order is extremely important –punishments vary, depending on the *varṇa* status of the individuals involved. The types of punishment mentioned by Kautilya include fines, confiscation of property, exile, corporeal punishment, mutilation, branding, torture, forced labour and death. Kautilya accepts torture as a means of acquiring information during interrogation as well as a part of punishment, and the types of torture include those that involve striking, whipping, caning, suspension from a rope and inserting needles under the nails.

- 12 The *Arthashastra* also asserts the state's right to take life on the grounds of justice. It distinguishes between simple death and death by torture.⁷ The latter refers to especially painful deaths, which may also have involved public spectacle. The varieties of death by torture are the following: burning on a pyre, drowning in water, cooking in a big jar, impaling on a stake, setting fire to different parts of the body, and tearing apart by bullocks.
- 13 However, all texts emphasise that the king's punishment must be measured, in accordance with proper judicial principles, proportionate to the crime and utterly impartial. Bhisma tells Yudhishtira that like the spring sun, the king should be both gentle (*mṛidu*) and harsh (*tikshna*), especially in matters related to punishment and taxation.⁸ The *Mahabharata* connects the king's proper administration of justice with his afterlife –a just king goes to heaven; an unjust one goes to hell.

III. Resistance and rebellion against the state

- 14 The *Mahabharata* is a text that ultimately upholds the institution of kingship and the use of necessary force. At the same time, it warns that excessive cruelty and violence of the king and his neglect of his duties can lead to justified violence *against* him. We have already seen that regicide is built into one of the *Mahabharata* accounts of the early history of the institution of kingship –remember the evil king Vena who was stabbed to death with *kusha* grass by the sages. Further, the epic tells us that a cruel king, who does not protect his people, who robs them in the name of levying taxes, is evil incarnate and should be killed by his subjects. A king who, after promising to protect his subjects does not do so, should be killed by them, as though he were a mad dog.⁹ So if the king does not perform his duties and is cruel to his people, the *Mahabharata* sanctions regicide.
- 15 There are several references in ancient Indian texts to evil kings –most of them mythical or of uncertain historicity– who were justifiably killed.¹⁰ The reasons for their being killed include their moral failings such as greed, injustice, lust and evil deeds.¹¹ Should such stories be read as a warning to kings against transgressions, or were they endorsements of rebellion? Notwithstanding the references to the killing of kings, the overall political discourse of the *Mahabharata* upholds the king's position and punitive powers. However, there are several other indications that the upper class male composers of our texts recognised the possibility of critique, resistance or rebellion against the state. The fears and anxieties of the upper classes are writ large in the idea of Kali age, a world turned horribly upside down, where people violate their class duties and farmers do not pay taxes.

- 16 The *Arthashastra* is unsentimental and sanctions all the killing, mutilation, torture and capital punishment necessary for the administration of justice and for the protection, maintenance and enhancement of the king's power. It is also acutely aware of the potential sources of violence against the king. The text is obsessed with the danger of assassination, especially through poison, and advises elaborate arrangements for the king's personal protection. Queens and princes head the list of sources of violence against the king. Queens are singled out for special attention, and Kautilya lists several specific instances of kings who were killed by their consorts. Kautilya identifies many other potential sources of violence against the king –for instance, enemy kings; neighbouring kings; disaffected, angry subjects; forest tribes; robbers; *mlechchhas* (foreigners and tribals); and mutinous troops. He talks about the dangers posed by conspiracies, traitors and enemies. He discusses revolts in the interior and exterior, and describes the former as more dangerous. He discusses how internal and external enemies can be killed, many of the strategies involving secret agents in disguise. He also advocates secret killing –silent punishment in the case of those who cannot be killed openly– for instance, treasonous high-ranking officers. Silent punishment can also be used against hostile subjects.¹²
- 17 The *Arthashastra* prescribes violent punishments for violent crimes against the king. The punishment for one who reviles the king, reveals secret counsel, or who spreads evil news about the king is that his tongue should be rooted out.¹³ More serious crimes against the king invite more severe punishments. Death by setting fire to the hands and head is the punishment for one who covets the kingdom, who attacks the king's palace, who incites forest people or enemies or who causes rebellion in the fortified city, the countryside, or the army.¹⁴ In many instances, punishments can be commuted to a fine. But unless there is some crucial mitigating circumstance, no commutation is possible where the crime merits the death penalty, especially in cases of treason or loss to the state. Although *varṇa* is central to Kautilya's understanding of society and law, capital crimes against king or state, for instance treason, are often discussed *without* reference to the *varṇa* of the parties involved, except for the occasional concessions being made to Brahmanas, who stood at the apex of the *varṇa* hierarchy.
- 18 Kautilya's emphasis on subjecting officials to stringent and frequent tests of loyalty indicates an awareness that loyalty cannot be taken for granted. This can be connected with the king's constant fear of assassination; his need to use "silent punishment"; for constant surveillance to keep track of non-compliance, rebellion and treason; references to those who are enraged and frightened; the fear of deceit and betrayal; the worry about dangers posed by *mlechchhas* and forest people; and the importance attached to conciliation and outwitting. The references to the "anger of the people" (*prakṛiti-kopa*) are especially interesting. In ancient Indian texts, there are few references to kings being killed by their people and these occur mainly in the Buddhist Jatakas.¹⁵ But the *Arthashastra*'s references to the anger of the people, indicates that although there is no record of rampant mass rebellion of the people in ancient Indian history, the political theorists were able to visualise such an event.
- 19 In fact, Kautilya understood the importance of hidden transcripts –trying to find out what people were saying about the king behind his back.¹⁶ He recommends that spies in disguise should fan out to all parts of the kingdom, engage in provocative talk and ferret out people who were saying negative things about the king, so that the king could kill them, crushing disaffection before it became revolt.

- 20 Although the *Arthashastra* is usually seen as a text upholding the idea of totalitarian state, its discussion is premised on a recognition of the fragility of the king's power and the constant threats to his life and position from many quarters. It is a graphic acknowledgement that the ruler was constantly the potential target of the violence of others. Kautilya advocates the ruthless, carefully calculated and effective use of pre-emptive and post-facto violence by the state in order to prevent and counter violence against the state. Ethical issues are subordinated, in fact are irrelevant, in the face of pragmatic political calculation. So a text which describes the dizzying heights of power to which a ruler could aspire also presents him as an insecure, vulnerable figure who lives in constant danger of being undermined or killed. In this respect, the discussions of general issues in normative texts may actually give us better insights into political realities and processes than the enumeration of "factual details", which in any case reach us after they have been censored and sanitised of violence and resistance, and only after the panegyrist had converted the tumult and violence that must have marked many a king's reign into a smooth, aestheticised narrative that was in tune with the discourse of normative dharmic kingship, in a language which sought to normalise and justify the violence inherent in kingship.
- 21 When the cracks in the normative views become visible, a more fractured and contested picture of ancient Indian politics emerges, one where the onward march of the state and empire-building is accompanied by a recognition of their fragility.

IV. Theory and practice and a long-term comparative history of violence

- 22 I would like to end my paper by raising a few general questions related to the study of political violence. The first question is: what impact did the political ideas discussed in normative texts, including theories about the origins, nature and functions of kingship have on political practice? How effectively did these theories bolster political and social hierarchies? What was their political and social impact in a context where multiple theories existed, and where the issue of dharma itself was fraught with complexity and confusion?
- 23 Royal inscriptions allude to the textual theories of kingship. The idea of the king as protector of the people and of the social order consisting of the *varṇas* (the four hereditary social classes) and *ashramas* (the four stages of life)¹⁷ is frequently mentioned in rulers' epigraphic eulogies. There are also a few interesting references to the people intervening in matters related to succession. Rather than taking them literally, these sorts of references can be seen as echoes of the contractual theories of kingship that the texts elaborate.
- 24 There is no direct evidence that the latent sanction of regicide in the *Mahabharata* was ever invoked to sanction rebellion against the state. In fact, recorded instances of violent rebellion against the state involving players beyond the circle of political contenders or subordinate rulers are practically non-existent in ancient India. This could be because of the effective concealment of such incidents by our statist/centrist sources; the effectiveness of the state's coercive machinery, the effectiveness of the legitimising, hegemonic discourse; and/or the lack of a collective consciousness and

organisation that would enable the individual victims of state violence or oppression to make common cause and effectively raise the banner of revolt.

- 25 We should note that royal inscriptions deliberately try to conceal the violence that must have marked dynastic succession, in fact, this masking was one of their functions. While inter-dynastic violence in the form of war was advertised and celebrated in ancient Indian inscriptions, intra-dynastic violence was masked in the royal genealogies that usually presented a smooth story of succession, occasionally referring obliquely to more troubled circumstances.
- 26 The second general issue concerns the factors that define violence and the normalising processes that make some kinds of harming or killing *by* the state or *against* the state seem justified. These are deeply embedded in social and political structures, institutions and ideologies, as well as in moral and religious values. Debates on violence in ideologies or movements associated with nonviolence deserve especially close attention. My investigation of early Buddhist and Jaina texts indicates that the religions of non-violence recognised the necessity of the use of a certain amount of force in the political domain. But the existence, embeddedness and strength of these renunciatory traditions did provide an important philosophical and ethical resource that political practitioners had to acknowledge and could not completely ignore; they made violence and nonviolence issues that had to be addressed, even if there was a general consensus that absolute nonviolence was impossible in the political sphere.
- 27 The third issue arises due to our heightened sensitivity towards political violence in our own times: this lends a great urgency to investigations of violence, but it also presents us with a problem: should the past be examined on its own terms or should it be used as a resource to deal with our troubled and violent times? This is an old sort of question, but an exploration of violence in history undertaken in our violent world urges us to engage with it yet again.
- 28 Finally, without essentialising cultures and without falling into the traps of cultural bias or chauvinism, there is the interesting possibility of having a comparative history of the ideas and practice of violence and nonviolence, one which identifies qualitative differences in forms, structures, intensity, ideologies and attitudes related to political violence across cultures and across time.

NOTES

1. Of course, when it is justified, it is justified force, and not unjustified violence.
2. *Mahabharata*. 12.59.1-140 (Fitzgerald, pp. 305-312).
3. *Mahabharata*. 12.67.17-31.
4. See Steven Collins *Aggañña Sutta: The Discourse on What is Primary (An Annotated Translation from Pali)*, Delhi: Sahitya Akademi, 2001.
5. *Ibid.*, 46.
6. Ancient Brahmanical texts have the idea of a hierarchy of four hereditary social classes – *Brahmanas*, *Kshatriyas*, *Vaishyas* and *Shudras*. *Brahmanas* were associated with studying and

teaching the Veda and performing sacrifices; *Kshatriyas* with war and governance; *Vaishyas* with farming, rearing animals and trade; and *Shudras* with serving the upper three *varṇas*.

7. *Arthashastra* 4. 11.

8. See especially *Mahabharata*. 12.70; 12.121.

9. *Mahabharata*. 13.60.19-20.

10. There are other references to the killing of kings in ancient Indian texts. See Walter Ruben, "Fighting against despots in old Indian literature," *Annals of the Bhandarkar Oriental Research Institute*, vol. 48/48, Golden Jubilee Volume, 1917-1961 (1968): 111-118.

11. Ruben, "Fighting against despots in old Indian literature."

12. *Arthashastra* 7.15.27.

13. *Arthashastra* 4.11.21.

14. *Arthashastra* 4.11.11.

15. Cited by Ruben, "Fighting against despots in old Indian literature."

16. On public and hidden transcripts, see Scott's *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven and London, Yale University Press, 1990), especially pp. 2, 4, 183, 191.

17. The classical model of the four *ashramas*, which was supposed to be applicable to the upper three *varṇas*, comprised the stage of celibate studenthood (*brahmacharya*), the householder stage (*grihastha*), partial renunciation (*vanaprastha*) and complete renunciation (*sannyasa*). Like *varṇa*, the *ashrama* scheme should be understood as part of the normative Brahmanical view of society, not as a description of actual practice.

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