

# On *Mātsyanyāya*: The State of Nature in Indian Thought

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*This paper calls attention to mātsyanyāya, or state of nature theories, in classical Indian thought, and their significance. The focus is on those discussions of mātsyanyāya found in the law books, political treatises and the Mahābhārata epic. The significance and relevance of mātsyanyāya theories are shown through a comparison with early modern state of nature theories and an elaboration on the possible place of rights and dharma in mātsyanyāya and the consequences of this for classical Indian political theory.*

It is inevitable that, whenever the state wishes to assert its authority over its inhabitants, there will be some who question the very basis of that authority. Such challenges are met with arguments confirming the state's necessity and legitimacy, for example those given in Hobbes' *Leviathan* and Locke's *Second Treatise*. As a result of conflicts of power between the king and other power bases, political theorists in classical India also saw a need to provide justification for the state's legitimacy. A prominent argument among them was an appeal to a state of nature, or *mātsyanyāya*, as providing the conditions to justify the authority and structure of the contemporary state.

This paper will provide a brief analysis of *mātsyanyāya*, or state of nature theories, in classical Indian thought and their significance. The focus will be on those discussions of *mātsyanyāya* found in the law books, political treatises and the *Mahābhārata*. A comparison with early Modern state of nature theories provides further insight into the purpose and function of these theories. Finally, an elaboration on the possible place of rights and *dharma* in *mātsyanyāya* shows that these theories have contemporary relevance.

## 1. The State of Nature

State of nature views are prominent in Indian political thought, wherein 'the fear of anarchy was almost pathological' (Spellman, 1964, p. 4). The basis of this fear

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most likely lies in the ancient Indians' cognizance of the limits of civilisation and thus of temporal power. The Vedas for example express general concern for the welfare of travellers, while later texts stress that at times the king himself is not safe even on roads in his own dominion (Scharfe, 1989, p. 173). Texts on politics throughout the ancient era in India therefore reflect an awareness of the precariousness of stability provided by the state.

As for the state of nature itself, it is not the original position of man but one mankind finds itself in as a result of its fallen nature. According to the legend related by Bhīṣma in the *Mahābhārata*, men were originally righteous and thus 'There was no government and no king; no rod of force, and no one to wield the rod' (12.59.10, van Buitenen and Fitzgerald, 2004). As their virtue gradually declined however, the world became such a dangerous place that even 'the Gods were terrified' (*Mahābhārata*, 12.59.20, van Buitenen & Fitzgerald, 2004). Thus did the king become necessary and in turn subdue chaos and injustice.

### 1.1. *The Doctrine of Mātsyanyāya*

This view is captured by the idea of *mātsyanyāya* or 'rule of the fish', the natural order wherein the bigger fish eats the smaller one. The state of this condition is expressed thus in the *Mahābhārata*: 'When there is no king in the human world, the weaker are oppressed by the stronger, and no one has any control over his own possessions' (12.49.60, van Buitenen & Fitzgerald, 2004). The idea of *mātsyanyāya* is 'the central theme of political philosophy' in classical India and it is prevalent in both the epic literature and the law codes (Spellman, 1964, p. 5).

Legal and political texts also express a fear of *mātsyanyāya* and how easy it can be to return to such a state. Manu (Olivelle, 2005) stresses the terrible state of things prior to the establishment of kingship, as well as the importance of efficient rule in preventing a return to it:

[F]or when people here were without a king and fleeing in all directions out of fear, to protect this whole world the Lord created the king . . . (7.32)

If the king fails to administer punishment on those who ought to be punished, the stronger would grill the weak like fish on a spit; crows would devour the sacrificial cakes; dogs would lap up the sacrificial offerings; no one would have any right of ownership; and everything would turn topsy-turvy. (7.20–21)

Kautiliya also expresses fear of *mātsyanyāya*, saying that the lack of enforcement on the part of the king 'gives rise to the law of the fishes' (Kangle, 1997, 1.4.13).

Despite their divergence on matters such as the legitimacy of the king's power, toleration and other issues regarding proper polity, Indian political philosophers returned again and again to the well of *mātsyanyāya* to justify the need for a king. Even given the potential of one man so empowered to abuse his power and rule arbitrarily—potentialities also generally recognised by Indian theorists—the concentration of power in the hands of a king was seen as 'a regrettable, but very necessary institution' (Spellman, 1964, p. 6).

There is much in common that may be noted between the doctrine of *mātsyanyāya* and the various state of nature theories proposed by early Modern theorists in the West. Hobbes (2004) for example describes life without a state as being in ‘a time of Warre, where every man is Enemy to every man’ and ‘the life of man, solitary, poore, nasty, brutish, and short’ (13.62). Like the Indian theorists, Hobbes postulates that in a state of nature neither life nor property is secure (cf. Hampton, 1986, p. 60). This insecurity is due to the fact that ‘in such a condition, every man has a Right to every thing; even to one anothers body’ (Hobbes, 2004, 14.64). Furthermore, such insecurity cannot be alleviated by strength alone, for ‘the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others’ (Hobbes, 2004, 13.60). The condition of war results from men’s natural exercise of their right of self-preservation, wherein a man may do ‘any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto’ (Hobbes, 2004, 14.64). This is echoed by the *mātsyanyāya* theorist’s fear that men in such a state will be guided by self-preservation at any cost rather than *dharma*.

Locke is more sanguine than Hobbes when it comes to the conditions of the state of nature. According to him, the state of nature is one of perfect freedom and equality (Locke, 1988, 2.2.4), a condition of ‘Men living together according to reason, without a common Superior on Earth, with Authority to judge between them’ (Locke, 1988, 2.3.19). Although men in such a state may live without a sovereign over them, reason, that ‘Law of Nature’, still tells them ‘that all being equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions’ (Locke, 1988, 2.2.6). With the lack of a final arbiter in such a state, each individual is responsible for the punishment of those who violate the Law of Nature. In a case where an individual is a victim of the aggression of another and exercises his ‘Right to destroy that which threatens [him] with Destruction’ (Locke, 1988, 2.3.16), a state of war ensues. It may be possible for the victim to overpower the aggressor and subject him to his due punishment. When this is not possible, and given that there is no arbiter or final authority in the state of nature, it is often the case that ‘the State of War once begun, continues’ (Locke, 1988, 2.3.20). It is in response to this that men form a civil society and quit the state of nature.

The picture provided thus far by the *mātsyanyāya* theorists indicates that they are more inclined toward Hobbes’ view, wherein it is inherently a state of perpetual fear and conflict. There are however occasional hints that a peaceful *mātsyanyāya* situation is possible. The legend related in *Mahābharata* 12.295 for example discusses men who have ‘obtained their proper natures’ despite the lack of a sovereign. Of course it is recognised within this legend that an ideal state cannot be sustained without threat of punishment, so a king is duly instituted. There is still here some recognition that men can live peacefully—at least for a while—without a ruling power. Although there is a momentary vacuum of authority in this legend, the situation is not described in the text as being one of *mātsyanyāya*, and perhaps it is not. After all, when men have been cured of all human failings such as desire, wrath and covetousness, as the legend relates, it is reasonable to expect that they would not

easily move from a Lockean state of nature to a state of war. In that case, it would not be correct that they are in a situation where the strong devour the weak, which is what we are told the state of *mātsyanyāya* is like. Although this may be incompatible with the assertion that men without a king inevitably dwell in fear and conflict, it is important to recognise that Indian tradition generally holds that humanity proceeds through various eras (*yuga*) of decline, with the era where men uphold *dharma* without compulsion coming first (cf. *Mahābhārata*, 3.189, Ganguli, 1991). On this view, men in the first or *krta* age are motivated by *dharma* in a way similar to how men in Locke's state of nature are originally motivated by reason. Unfortunately for us, we do not now reside in the *krta* age and cannot be assumed to be motivated merely by *dharma*. Buddhist and Jaina traditions relate a similar story of decline. Thus, to the extent that there are similarities between Locke's state of nature and that of *mātsyanyāya*, Indian theorists would not have considered them to be similarities that could inform contemporary concerns. Whether that conclusion was arrived at via observation or tradition, the Indian consensus was that human nature at the time that they were considering it was such that a sovereign force was necessary to maintain order.

The final state of nature picture considered for comparison is that of Rousseau. Rousseau's picture of the state of nature is distinct from that of Hobbes and Locke, as Rousseau considers Hobbes' account to fail in its endeavour to be pre-social. We must instead, Rousseau contends, consider man before he ever lived socially. Original man, according to Rousseau (1997a), is still sentient prior to socialisation and so will naturally 'never harm another man or even any sentient being' except out of self-preservation (Rousseau, 1997a). This is due to the 'internal impulsion of commiseration' (Rousseau, 1997a), which is inherent to pre-social and pre-rational sentience. This sentiment, also called pity, 'in the state of Nature, takes the place of Laws, morals, and virtue' (Rousseau, 1997a, 1.38), and no one in such a state is tempted to violate it. Like Hobbes, Rousseau's state of nature is subject to violence and the rule of the stronger over the weaker, but it differs in that it is not a state of war of all against all. This is because men in a state of nature were so sparsely distributed that they rarely met. Thus it was that 'Everywhere the state of war prevailed, yet the whole earth was at peace' (Rousseau, 1997b, 9.6). Man in the state of nature is self-sufficient and through his 'perfectibility' (Rousseau, 1997a, 1.17), or power of development, may be maintained in that state.<sup>1</sup>

The distinct feature of Rousseau's state of nature is his suggestion that man in a state of nature is naturally good. Men in such a state are not good because they lack ferocity or viciousness, but because they are only self-regarding and self-sufficient:

They are not wicked or vindictive for the same reason that they are not just or magnanimous: their sense of self is not dependent on how others perceive them and, unlike men in Hobbes' state of nature, they are therefore not bent on besting anyone, let alone everyone. (Gourevitch, 1997, p. xxi)

As growing social and technological complexity render individuals incapable of actualising their natural freedom in tandem with that of others, the goodness and equality of the state of nature are lost (Rousseau, 1997c, 1.6). This loss cannot be remedied by a return to the state of nature, which has now become impossible, but only by the institution of a civil order:

What is good and conformable to order is so by the nature of things and independently of human conventions. All justice comes from God, he alone is its source; but if we were capable of receiving it from so high, we would need neither government nor laws. No doubt there is a universal justice emanating from reason alone; but this justice, to be admitted among us, has to be reciprocal. Considering things in human terms, the laws of justice are vain among men for want of natural sanctions; they only bring good to the wicked and evil to the just when he observes them toward everyone while no one observes them toward him. Conventions and laws are therefore necessary to combine rights with duties and to bring justice back to its object. (Rousseau, 1997c, 2.6.2)

There are a few congruencies between Rousseau's account of the state of nature and the picture provided by Indian theorists regarding *mātsyanyāya*. Both Rousseau and the Indian theorists have a primarily deteriorationist view of the progress of pre-political society. That is, both posit an initial state of natural goodness, although they differ on the characteristics that make the initial state 'good'. For Rousseau, it is the natural inclination of man in that state towards self-sufficiency and self-regard, while it is man's natural tendency to follow the dictates of *dharma* for the Indian theorists.

This natural state antedates the *mātsyanyāya* period, and their goodness precludes the need for a king to govern them. Rousseau (1997b) associates the move from the state of nature to that of political society to begin with agriculture and the formation of cities (9.18). The authors of some of the early *Dharmaśāstra* texts also had a dubious attitude toward cities, sometimes going so far as to state the impossibility of anyone who dwelt in them obtaining *mokṣa* (Olivelle, 2003, 2.6.33). Their concern with cities was the role they played in compromising ritual purity, but it is important to recognise as well that the basis of the resulting ritual impurity was seen to be the mixing of individuals for commercial and political purposes (cf. Scharfe, 1989, p. 168). Much as reliance upon exchange with others results in entrenched inequalities for Rousseau, it results in a general compromise of *dharma* for the authors of the *Dharmasūtras*.

The cause of this state of affairs for the Indian theorist is the converse of that suggested by Rousseau. For the latter, a political order becomes necessary to sustain the common ends of men, and thus needs to suppress the desires they would be free to act upon in a state of nature (Rousseau, 1997c, 2.7.3). For the former, the political order becomes necessary because the metaphysical and moral nature of men has degraded. As in Rousseau, the desires they would be free to act upon in *mātsyanyāya* must be suppressed. This however is not merely because they are antithetical to an organised project to realise the needs of all, but because men's desires in such a state inevitably become depraved. This still parallels Rousseau's account to some extent, for he also takes the dominance of some men over others in the pre-political but

post-state of nature period to necessitate a political order. The primary difference between the two accounts is where each locates the source of the failure in the state of nature. For Rousseau, it is simply a conflict which has arisen because some men have developed or discovered a means by which they can exploit others to their own benefit. While the *mātsyanyāya* theorists are also concerned about this, they consider the problem to be rooted in the fallen nature of man, who no longer strives to actualise or act in accord with *dharma*.

While *mātsyanyāya* most clearly resembles the state of nature for Hobbes, a comparison with Rousseau is still fruitful because it allows for recognition of how the Indian theorists believe humanity to have arrived at such a state. Both Rousseau and the *mātsyanyāya* theorists see it as resulting from a degradation of a prior state. While Rousseau however sees the problem as a systematic failure to recognise certain rights of individuals, the Indian theorists see the problem as following from the decline of a particular moral order. In either case, the prior state is no longer a live possibility for people to live in. From the Indian perspective, this means that all theorising about the political order must take into account human beings as they now are. It is contended by many however that we still possess fragments or inklings of pre-*mātsyanyāya* society in *śruti* literature, i.e. the Vedic corpus, and that this ought to inform the structure of the political order in the contemporary era. The truth of this contention lies at the heart of later—even contemporary—debates about the place of the *Vedas* in the legal system.

## 2. Rights in *Mātsyanyāya*

The turn to focus on rights on the part of the Modern philosophers may lead one to conclude that this is where the similarity between their concepts of the state of nature and that of *mātsyanyāya* end. Indian political thinkers after all do not focus on rights, but rather on obligations: the obligations of the king towards his subjects, and the obligations of his subjects towards him. Rather than thinking of people's place *vis-à-vis* the state as determined by rights, the matter that concerned them 'was one of responsibility and obligation' (Spellman, 1964, p. 7). Even if were it to be conceded that 'all rights carry with them correlated obligations' (Martin, 1998, para. 2), to use this semantic equivalency to establish the existence of rights in Indian political theory would neglect the significant 'political consequences in considering a thing to be an obligation rather than a right' (Spellman, 1964, p. 7). Spellman's point here is to stress that Indian theories of justice tend to be of the right order variety rather than theories which focus on the rights of individuals. While this position is clearly correct, it is also in tension with certain pictures of a state of nature or *mātsyanyāya* situation.

While Spellman may be right in his observations when it comes to an evaluation of the relationship between the Indian state and its subjects, there could still be some matter of rights at issue in a state of *mātsyanyāya*. In a situation where there is no state, a semantic equivalence between correlated rights and obligations would

be enough clarify whether there was such a thing as natural rights in Indian political thought (cf. Wolterstorff, 2008, p. 34). Unfortunately for our purposes, the discussions of a state of nature in Indian texts tend only to discuss how terrible the situation is because the strong dominate the weak, rather than what rights or obligations people may have when they are in such a condition. As such, our understanding of men's rights in the state of *mātsyanyāya* is best informed by an analysis of the concept *artha*, the preservation of which is a significant purpose of the state. One definition of *artha* provided by Monier-Williams describes the term as meaning 'substance, wealth, property, opulence, money' (in *Sanskrit, Tamil and Pahlavi Dictionaries*, 2008). Dumont (1980) defines '*artha*' in the context of Indian political theory as meaning 'interested' or 'rational' action (p. 303). An elaboration of the concept better suited to our present purpose may be 'the acquisition of wealth and power' (Menski, 2003, note, p. 45). Biardeau (2002) in turn understands Indian literature on kingship to show that 'concern for one's *artha* is for every man an occasion for using force and violence' (p. 53).

To some extent, individuals' concern for their own *artha* in a state of nature approximates the causes of a state of war for Hobbes. He identifies such causes to be competition, diffidence and glory:

The first, maketh men invade for Gain; the second, for Safety; and the third, for Reputation. The first use Violence, to make themselves Masters of others mens persons, wives, children, and cattell; the second, to defend them; the third, for trifles, as a word, a smile, a different opinion, and any other sign of undervalue, either direct in their Persons, or by reflexion in the Kindred, their Friends, their Nation, their Profession, or their Name. (Hobbes, 2004, 13.62)

While this process is not made explicit in the stated concerns about *mātsyanyāya*, it is easy to see how men's natural desire for wealth, power and the preservation of their own lives could, absent a secure and stable means of enforcement, lead to continual conflict. The earliest references to *mātsyanyāya* tend to focus on threat men pose to one another merely through physical prowess. There is more than mere physical prowess to Hobbes' notion of power however, which he states to be a man's means 'to obtain some future apparent Good' (Hobbes, 2004, 10.41). Some of these means include an individuals reputation, friends, and luck. A similar recognition of a confederacy of the weak against the strong is however also recognised on the Indian side, such as this later warning to the king in the *Mahābhārata*:

When upstanding citizens of his country, such as brahmins, regularly go begging, such men slay the king because their begging is his fault. (12.92.20, van Buitenen and Fitzgerald, 2004)

While they may disagree about who is most likely to dominate in a state of nature and why, what the Indian theorists still have in common with Hobbes is the assumption that brute force or physical domination is not sufficient to establish the legitimacy of a ruler, and that people are reasonable to fear a state where power is distributed according to such means.

There is no explicit elaboration of natural rights to be found in the writing on *mātsyanyāya*, but it is safe to infer at least two natural rights in such a condition. If the institute of kingship was established to preserve both the lives and property of the weak, there must be something wrong with the loss of either of these even under *mātsyanyāya*. If an act which is wrong both from the standpoint of the state and when there is no state, it is appropriate to say that a person has a natural right not to have such an act done to or against him. Indian theorists can thus be said to recognise at least a natural right to life and of property.

A distinction between the natural rights found in Hobbes' state of nature and those found in *mātsyanyāya* should already be apparent, for Hobbes considers the 'Right of Nature' to reduce merely to our right to defend ourselves '*By all means we can*' (Hobbes, 2004, 14.61). He thinks however that there can be no legitimate claim of injustice in a state of nature:

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law; where no Law, no Injustice. Force, and Fraud, are in warre the two Cardinall vertues. (Hobbes, 2004, 13.63)

Although Indian theorists may agree with Hobbes that conflict in a state of nature is an inevitable result of individuals exercising their right to preserve their own lives, they do not agree that there is no right or wrong, or justice and injustice, in such a state. This is due to the fact that, despite the prevalence of the individual demands of *artha*, the universal demands of *dharma* are higher still. Manu's complaint about *mātsyanyāya* is not only that the strong overpower the weak and that property is non-existent, but also that that which is sacred will be treated profanely and the order of the world itself will be in jeopardy. Universal *dharma* therefore precedes human law.

In this regard, *dharma* resembles the Law of Nature described in the *Second Treatise* by Locke (1988), 'which obliges every one' even in a state of nature (2.2.6). The Law of Nature is equivalent to reason, which 'teaches all Mankind . . . that being all equal and independent, no one ought to harm another in his Life, Health, Liberty or Possessions' (Locke, 1988). Although the Indian theorists may recognise some sort of brute, physical equality among people in a state of nature, they do not recognise that all are rightly equal and independent. They of course divide people by natural kind (*jāti*) according to their ancestry, a phenomenon known to us as the caste system. In theory however, this division and subordination is not so extreme that it 'may Authorize us to destroy one another, as if we were made for one another's uses' (Locke, 1988, 2.2.6). It is not permitted to kill members of the lowest caste even though the punishment for doing so is less than that for killing a member of a higher caste. Although *dharma* may in turn limit the liberty and property rights of a śūdra, these restrictions are unenforceable in *mātsyanyāya*. Hence the need for the state.

### 3. The Priority of Caste and *Dharma*

Similar to the divergence between Hobbes and Locke, that between the former and Indian theorists on the state of nature is primarily attributable to the respective understanding of human nature on the part of each, particularly the role of theology in shaping such understanding. *Leviathan* begins with the provision of a materialistic account of the human constitution and human nature. This serves as the foundation for Hobbes' later account on the origins of society and the state, the latter being the human being writ large or 'but an Artificiall Man; though of greater strength and stature than the Naturall' (Hobbes, 2004, Introduction, para. 1). There is little room for any theological speculation in such an account, which assumes that 'to understand religion and politics, we need not understand anything about God; we need only understand man as we find him, a body alone in the world' (Lilla, 2007, p. 76). It is furthermore made apparent in chapter 12 of *Leviathan* that religious concerns should not trump the interests of the state. Thus it is clear that, for Hobbes, there is no law either human or divine which may compel men in a state of nature, and that there can also be no such law which may compel the sovereign.

The situation is markedly different for theorists in classical India. Like Hobbes, they recognise that the state of nature is a fearful condition that people are reasonable to seek to avoid. In such a condition however it will also be reasonable for those who wish to benefit at the expense of others to do so, even if it violates the requirements of *dharma*. A commonly feared violation is that of the mixing of castes. Such a sentiment is apparent in the *Bhagavad Gītā* (Edgerton, 2001) when Arjuna explains why he is reluctant to wage war against his cousins. The annihilation of all men in the royal family is only the beginning of what he fears will result from partaking in the battle. Once the law is destroyed, 'The women of the family are corrupted' (Edgerton, 2001, 1.41), and from this the 'Mixture of caste ensues' (Edgerton, 2001, 1.41). The corruption of caste means that no one will be fit to perform the rites necessary for the propitiation of his ancestors and that for all men 'Dwelling in hell certainly Ensues' (Edgerton, 2001, 1.44). For the brahminical orthodoxy, the afterlife of one's ancestors is forever dependent upon the proper performance of the rituals. This obligation is prior to the state and is in no way vitiated by the state's failure to function. Thus may be seen another reason for classical Indian theorists' fear of *mātsyanyāya*.

The fear expressed by Arjuna may simply be hyperbole, for the legal texts do not elevate caste mixing above all other things to be feared in a state of nature. Manu's worry that dogs and crows would eat the sacrificial cakes and offerings has already been noted, although he seems to consider this travesty equivalent to the general loss of life and property in *mātsyanyāya*. Nārada (see Lariviere, 2003) similarly fears that 'the śūdra would be more distinguished' than all the other castes in such a condition (18.15). He expresses this fear however at the same time as his fear that the other castes would neglect their respective duties. Nārada also seems to consider the perpetual dominance of the weak by the strong in such a condition to be worse than the empowerment of the śūdra. Although this may indicate that there are worse

things than caste mixing to be found in the state of *mātsyanyāya*, the legal texts do not provide an adequate account of why caste mixing is to be feared. For the authors of the legal texts, belief in the necessity of the performance of Vedic rituals for the sake of the afterlife of one's ancestors is no longer prevalent. Even by the end of the *Bhagavad Gītā*, it is understood that liberation (*mokṣa*) is achieved through individual devotion (*bhakti*) rather than through the fulfilment of one's ritual obligations and such continued fulfilment by one's descendants. There must therefore be some reason other than the propitiation of one's ancestors that necessitates the observance of the caste system (*varṇāśrama-dharma*), even prior to the state.

Although such reasoning is not made explicit by the authors of legal texts and political treatises, it is clear that concerns about ritual purity still permeate their fear of caste mixing. The relationship between caste status and purity is apparent in the sacrifice of the cosmic man (*puruṣa*) in the *Puruṣasūkta* from one of the later verses of the *Rg Veda* (Shastri, 2004), which delineates the origins of the four *varṇas*:

When they divided Puruṣa how many portions did they make?

What do they call his mouth, his arms? What do they call his thighs and feet?

The Brahman was his mouth, of both his arms was the Rājanya made.

His thighs became the Vaiśya, from his feet the Śūdra was produced. (10.90.11–12)

What can be seen here is a hierarchy of purity with the brahmins at the top and śūdras at the bottom, as well as an association of each of the *varṇas* with bodily organs of respective purity, assigned in this metaphor according to their relationship to the Vedic ritual. Even if the rituals are no longer necessary to promote a good afterlife for one's ancestors, they are still useful for obtaining such an afterlife for oneself.

In the representations of Indian society given in classical texts, two portrayals of contemporary life predominate. The first is that of the renouncer, which ranges from a yogi possessing great powers to the wandering mendicant who eats only from a begging bowl. The second is that of a strictly enforced, endogamous social hierarchy with the brahmins in the superior position. In either case, attention to purity as it concerns the performance of ritual is emphasised:

The first picture is summed up by the word *mokṣa*—release from the seemingly endless round of death and rebirth. Release, in this picture, is realized by purifying oneself of the pollution created by one's previous births. The second picture is of the caste system guided by law books and is also very concerned with keeping pure. Purity, then, is a fundamental dimension of all Hindu experience: that of the yogi, the renouncer, and that of the worldly householder. (Coward, 1989, p. 9)

Whether one is a renouncer seeking liberation from rebirth or a householder undertaking rituals for various purposes, one will be concerned about purity and the maintenance of the family's caste identity is an integral part of such purity. As such, everyone of middling caste status and higher—especially brahmins, whose livelihoods

are dependent upon their perceived purity—has a vested interest in maintaining the division of society according to castes. There is generally understood to be no underlying explanation for this state of affairs, at least from the standpoint of the legal texts. It is simply the way the cosmos is structured and it would be *adharma* to act contrary to the natural order.

Given that the injunction to perform the Vedic rituals precedes the establishment of the state, the division of society into castes according to their purity in relation to the ritual must precede the state as well. Thus the maintenance of the caste system is one of the reasons why men might come together to form a state, even if its failure is not the worst thing that could happen in a state of nature. What is recognised in this however is not the importance of maintaining the caste system simpliciter, but that doing so is in accord with *dharma*. In theory, the laws of *dharma* are universal and eternal, and therefore prior to those of the state. Whatever is dictated by *dharma* cannot be rescinded by the king, and the king is always obliged to enforce it (cf. Sharma, 2004, pp. 62–64). Therefore, despite the role any *mātsyanyāya* account might play in justifying the investment of power in the king, the king can not in turn appeal to such an account to justify disregarding the demands of *dharma*.

#### 4. Conclusion

It should be apparent at this point that *mātsyanyāya* theories from the classical Indian tradition are serious explanations of the origins of kingship and the state. On the one hand, they may serve as the basis for a contract theory of the state, with those seeking to escape the *mātsyanyāya* situation come together in order to create a stable and secure means of enforcement. On the other hand, the concerns which motivated the *mātsyanyāya* theorists also played a part in the state of nature theories developed by philosophers in the Modern era. The emphasis on the role of caste distinctions in the establishment of a proper, post-*mātsyanyāya* society is of course problematic for those of us on the egalitarian plateau, but we see as well that this emphasis on pre-social norms brings with it a particular, universal conception of *dharma*. Given that this *dharma* restricts even the power of the king, it may be that *mātsyanyāya* accounts of the origins of the state are intended not only to explain how we may properly come to have a state, but also as the basis for a larger theory of justice, qua *dharma*.

#### Note

- [1] It should be noted at this point that Rousseau actually has two accounts of the state of nature: a naturalised account in the *Second Discourse* and a normative one in *Of the Social Contract*. The current focus is on the naturalised account. Merely an overview of the normative account, for comparison's sake, will suit our present purposes.

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