

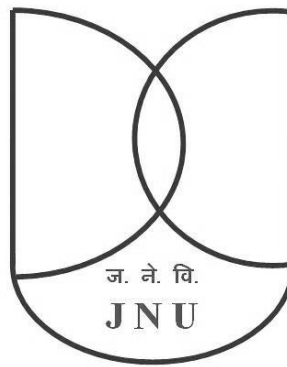
# **ARISTOTLE AND KAUTĪLYA ON JUSTICE: A COMPARATIVE STUDY**

**Dissertation submitted to Jawaharlal Nehru University**

**In partial fulfilment of the requirements for the award of the degree of**

**MASTER OF PHILOSOPHY**

**SUMEGHA GOYAL**



**CENTRE FOR PHILOSOPHY  
SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110087**

**2015**



जवाहरलाल नेहरु विश्वविद्यालय  
JAWAHARLAL NEHRU UNIVERSITY  
दर्शन शास्त्र केंद्र, Centre for Philosophy  
सामाजिक विज्ञान संस्थान, School of Social Sciences  
नई दिल्ली - ११००६७, New Delhi - 110067

Dated: 20<sup>th</sup> JULY, 2015

**CERTIFICATE**

This is to certify that the dissertation entitled "*Aristotle and Kauṭilya on Justice: A Comparative Study*" by Ms Sumegha Goyal, in the partial fulfilment for the award of the degree of Master of Philosophy of Jawaharlal Nehru University, is her original work. It has not been submitted, in part or in full, for any other degree or diploma of this or any other University, to the best of our knowledge.

We recommend that the dissertation be placed before the Examiners for evaluation.

CHAIRPERSON

DR. MANIDIPA SEN

  
SUPERVISOR

PROF. R.P SINGH

## DECLARATION

---

I, Sumegha Goyal, do hereby declare that the dissertation entitled "*Aristotle and Kautilya on Justice: A Comparative Study*" submitted by me for the award of the degree of **Master of Philosophy** of **Jawaharlal Nehru University** is my original work and has not been submitted by me or by anyone else, in part or in full for any other degree or diploma for this university to the best of my knowledge.



SUMEGHA GOYAL

## TABLE OF CONTENT

---

Acknowledgement .....	i
Preface.....	iii
Introduction.....	1-8
<b>Chapter 1: Justice as a Virtue: An Exposition and Examination .....</b>	<b>9-42</b>
I. Plato on Justice as Harmony .....	12
II. Aristotle on <i>Phronesis</i> and <i>Eudaimonia</i> .....	24
III. Aristotle on Distributive Justice.....	34
<b>Chapter 2: Kautilya on Justice as <i>Dandanīti</i>.....</b>	<b>43-69</b>
I. <i>Anavikshikī</i> and <i>Vārtā</i> .....	46
II. Honesty, Fairness and Impartiality .....	54
III. Happiness and <i>Sukha</i> .....	64
<b>Chapter 3: Aristotle and Kautilya on Justice: A Comparison and Contrast.....</b>	<b>70-97</b>
I. Distribution and Proportion .....	71
II. Teleology – Individual and Collective.....	79
III. Guardian and <i>Rājarishi</i> .....	86
<b>Conclusion .....</b>	<b>98-101</b>
<b>General Bibliography .....</b>	<b>102-104</b>

## **ACKNOWLEDGEMENT**

---

Though the following dissertation is an individual work, I could never have reached the heights or explored the depths without the help, support, guidance and effort of a lot of people. I owe my gratitude to all those people who have made this dissertation possible and because of whom my research experience has been one that I will cherish forever.

Firstly, I would like to thank my mentor, Prof. R.P.Singh, without whose valuable guidance, support and constructive criticism, this work would have not seen the light of the day. His cheerful enthusiasm and kindness were something I will always cherish. I also express my gratitude to non-teaching staffs of our center for their support and co-operation.

I shall always remain grateful to my parents for their love and support throughout my life also for forming my vision and teaching me good things that really matter in life. A special thanks to my father who gave me the strength to reach for stars and chase my dreams. I am thankful for his fruitful decisions which gave direction and meaning to my life, also my mom and brother Aditya for constantly boosting my morale in low times. I am also very much grateful to Mr. Moti Mehta ji (guruji) for their constant inspiration and encouragement.

My heartfelt regard goes to my in-laws. Words cannot express how grateful I am to my mother-in-law, father-in-law for loving and supporting me to pursue my studies even after marriage without any disturbance. Your support and love for me was what sustained me thus far.

I owe my deepest gratitude towards Varun, my better half, for his eternal support and understanding of my goals and aspirations. His infallible love and support have always been my strength. His patience and sacrifice will remain my inspiration throughout my life. Without his help, I would not have been able to complete much of what I have done and become who I am.

A special thanks to my friends and classmates, Pratiti, Kanika, Tejaswi, Preeya, and many more for their constant support and cooperation. Their timely help and friendship shall always be remembered. A special thanks to Alka maám, my undergraduate teacher for guiding and supporting me from time to time.

Finally I thank my God, for letting me through all the difficulties. I have experienced his guidance day by day. You are the one who let me finish my degree. I will keep on trusting you for my future. Thank you, Lord.

## PREFACE

---

The present work is a comparative study of Aristotle and Kauṭilya on the concept of justice. The notion of justice has been a developing concept and it is in that process that we come across various discrepancies arising out of theological, moral, legal, secular, human rights, political and economic aspects, etc. throughout the history. It is generally believed that justice is concerned with proper ordering of things and relationships among persons, distribution of resources and products, deterrence of crime and punishments within a society at a particular stage of its development. It was during 4<sup>th</sup> and 3<sup>rd</sup> century B.C. that there was an effort to conceptualize justice as a virtue by Plato and Aristotle in Greek on the one hand and justice as administration by Kauṭilya in India.

I express my sincere gratitude to the authors whose works have directly or indirectly helped me in composing and expressing my ideas in the dissertation. I have always acknowledged the original sources of Plato, Aristotle and Kauṭilya in the footnotes and have given further readings in the general bibliography. In citing the works of Plato and Aristotle on the one hand and that of Kauṭilya on the other, I have used the most accurate available English translations. I am thankful to the translators. There are certain occasions where I have used Sanskrit terminology along with their English renderings. There are various articles and online sources which have been of immense help in writing the dissertation. I am thankful to these authors too.

## INTRODUCTION

---

I, in the present study, will discuss comparatively the status of justice in Aristotle and Kauṭilya. The notion of justice has been a developing concept and it is in that process that we come across various discrepancies arising out of theological, secular, human rights, moral, legal, political and economic aspects, etc. all through the history. It is generally believed that justice is concerned with proper ordering of things and relationships among persons, distribution of resources and products, deterrence of crime and punishments within a society at a particular stage of its development. It was during 4<sup>th</sup> and 3<sup>rd</sup> century B.C. that there was an effort to conceptualize justice as a virtue by Plato and Aristotle in Greek on the one hand and justice as administration by Kauṭilya in India.

Plato (427-347 BCE) is the first to have introduced justice as a cardinal virtue. By virtue (*arête*), he means 'excellence and strength'. Plato proposes four cardinal virtues- wisdom, courage, temperance and justice. He advances the theory that the soul has three independent parts: reason, spirit, and appetite, each of the three parts of the soul has its own special role to play in a human being's life, and virtue consists in each of them playing its own role fully and in its harmony with others. Aristotle (384-322 BCE) has incorporated Plato's views and has distinguished two kinds of virtue: a) Intellectual virtues comprising of wisdom, prudence, judgment, understanding and, b) Moral virtues comprising of liberality, justice, courage, temperance, etc. The correct way to live is to follow something called the 'doctrine of the mean'. It is the *Phronesis* or practical wisdom, the *golden mean* between the excess and the deficiency of all kind of virtues as used by Aristotle that we can possibly vindicate an



action to be 'just' and thereby derive the notion of justice. There is teleology involved in all the virtues in general and justice in particular. The aim of justice is to attain *Eudaimonia*.

Distributive justice is a central notion in Aristotle. It deals with the distribution of wealth, resources and products among the members of a society. It employs geometric proportion: what each person receives is directly proportional to his merit, so a good person will receive more than a bad person. Wealth and honor be distributed according to virtue. The most virtuous people make the most significant contributions to the life of the state, so they have the right to the highest honors. Distributive justice reinforces Aristotle's aristocratic bias. Women, working men, and slaves do not have the freedom to fully exercise all the virtues, so they will necessarily receive a lesser share of the city's wealth.

Though Aristotle considers justice to be a virtue, it is not recorded in his table of virtues and vices; because it is a special case- just behavior *is* virtuous behavior, justice includes all the other virtues. Further, it is not the mean between two extremes—injustice itself is a single extreme. Justice involves restoring or ensuring balance fits very nicely with Aristotle's doctrine of the *Mean*. Justice is a *mean* state of people having their proper due while injustice involves people having either too much or too little.

Vishnugupta Chanakya Kautilya's *The Arthaśāstra: The Science of Wealth and Welfare* contains *trayi* or three parts; namely, *ānvīśhikī* and *vārttā* and *daṇḍanīti*. *Ānvīśhikī* – *Logic & Reasoning* comprises of the knowledge of *Sāṃkhya*, *Yoga* and *Lokāyata* besides the three Vedas-*Sama*, *Rik* and *Yajur* which constitute the triple

Vedas. These together with *Atharvaveda* and the *Itihasaveda* are (known as) the Vedas. As the triple Vedas definitely determine the respective duties the triple four-*varnas*, *āśramas* & *purushārthas*- followed by *Śikshā* (phonetics), *Kalpa* (ceremonial injunctions), *Vyākaraṇa* (grammar), *Nirukta* (glossarial explanation of obscure Vedic terms), *Chandas* (prosody), and Astronomy form the *Angas*. *Vārtā* comprises activities related to agriculture, cattle-breeding and trade. It is most useful in that it brings in grains, cattle, gold, forest produce (*kupya*), and free labour (*vishti*). It is by means of the treasury and the army obtained, solely through *Vārtā*, that the king can hold under his control both his and his enemy's party. Kauṭilya's Judicial System called *Dandanīti*, or "the science of law enforcement" is an important part of *The Arthaśāstra*. Kauṭilya codified, modified, and created new laws related to: credits, securities, pledges, debts etc., buying and selling of property, inheritance and division of ancestral property, labour contracts, partnership, defamation and attack, robbery and violent stealing, and sexual crimes. He dealt with law and justice; issues relating to both the civil law and the criminal law. Water works such as reservoirs, embankments and tanks can be privately owned and the owner shall be free to sell or mortgage them. Kauṭilya says that *artha* (sound economies/ earnings) is the most important; *dharma* and *karma* are dependent on it. Kauṭilya proposed distributive justice regarding the wealth of the state which one could acquire lawfully either by inheritance or by the king's efforts.

Kauṭilya proposed Honesty, Fairness and Impartiality besides Happiness as the basic characteristics for effective law enforcement. Under the title 'Administration of Justice', Kauṭilya emphasized that the effective law enforcement depended on the following three factors i.e. honesty, fairness and Impartiality. For Kauṭilya, law

enforcers must be law-abiding and honest, it includes ruler too. For fairness at judicial level, Kauṭilya emphasised on prompt trials and standard of proofs. Not only honesty and fairness was important for effective administration but, Kauṭilya laid great emphasis on impartiality on part of law enforcers. Throughout the *Arthaśāstra* one can notice that Kauṭilya continuously stressed on impartiality in dealing with people and thus laid strict punishments for those who violate them.

Kauṭilya preferred monetary fines to non-monetary punishment and making sure that fines were paid-off. The aim of justice is the happiness of the subjects and the king. Kauṭilya says, in the happiness of his subjects lies the king's happiness, in their welfare his welfare. For this purpose, he has proposed certain basic features by which the King or *Rājarishi* must abide. These are as follows: “A *Rājarishi* [a king, wise like a sage] is one who: has self-control, having conquered the [inimical temptations] of the senses, cultivates the intellect by association with elders, is ever active in promoting the security and welfare of the people, endears himself to his people by enriching them and doing good to them and avoids daydreaming, capriciousness, falsehood and extravagance.”<sup>1</sup>

A *Rājarishi* shall always respect those councilors and *purohitas* who warn him of the dangers of transgressing the limits of good conduct, reminding him sharply of the times prescribed for various duties and caution him even when he errs in private. A king can reign only with the help of others; one wheel alone does not move a chariot. Therefore, a king should appoint advisers as councillors and ministers and listen to their advice. The work of the government is diversified and is carried on

---

<sup>1</sup> Sihag, Balbir. S, “*Kautilya on Administration of Justice during the Fourth Century B.C.*,” p. 361.

simultaneously in many different places, the king cannot do it all himself; he, therefore, has to appoint ministers who will implement it at the right time and place.

The objective of the study is to bring out the similarities and dissimilarities between Aristotle and Kauṭilya on justice. Both of them have proposed distributive justice regarding wealth, resources and products among the members of a community with certain differences. They have employed proportion: what each person receives is directly proportional to his merit, so a good person will receive more than a bad person. Both Aristotle and Kauṭilya, in one way or another, have proposed Honesty, Fairness and Impartiality for the effective implementation of justice. Both of them have regarded justice as teleological with the aim of *Eudaimonia* or Happiness. Even Plato's attempt to recognise the place of a Guardian is similar to Kauṭilya's *Rājarishi*. The guardians are the rulers, selected from childhood to go through tough training and education. As they grow older they are tested to determine which possess guardian qualities. This thinning occurs many times at different stages and subsequently some men, still highly qualified, are kicked out of the guardian program. These men join the auxiliaries, a warrior class made to defend the city. The guardians rule, the auxiliaries defend. A guardian or a *Rājarishi* has temperamental inclination toward philosophical thinking. Plato, in *Apology* and *Phaedo*, regards the philosopher above all others who excels at investigating serious questions about human life and at judging what is true and best. Likewise for Kauṭilya, *Rājarishi* must be qualified enough on *Trayi*, *Vārtā* and *Dandanīti*.

As a matter of fact, there are discrepancies in the notion of justice itself when we discuss justice as Harmony, *Eudaimonia* and *dandanīti*, etc. These concepts have evolved to address particular aspects of justice concerning institutions, distribution of

resources, deterrence of crime and theories of punishment, and so on. A number of important questions surrounding justice have been fiercely debated over the course of human history: What is justice? What does it demand of individuals and societies? What is the proper distribution of wealth and resources in society: equal, meritocratic, according to status, or some other arrangement? There are number of possible answers to these questions from divergent perspectives on the philosophical, political and economic spectrum. In this context, I shall be going to raise and discuss the problematic issues which are as follows:

1. There are fundamental contestations concerning justice on the one hand and virtues like courage, temperance, compassion, liberality, charity, etc. on the other. Whereas justice is teleologically linked with goodness in Plato and *Eudaimonia* in Aristotle, other virtues have to satisfy the requirements of justice. Further for Plato justice consists in the harmony of the three parts of the soul i.e. reason, spirit and appetite; but for Aristotle, it is *Phronesis* or *Golden mean* through which teleologically justice is delivered and happiness is attained. Aristotle's distributive justice is a relationship between *Phronesis*, teleology and *Eudaimonia*.
2. Kauṭilya proposed Honesty, Fairness and Impartiality as the basic characteristics for effective law enforcement. Kauṭilya preferred monetary fines to non-monetary punishment and making sure that fines were paid-off. The aim of justice is the happiness of the subjects and the king.
3. It is concerned with the similarities and dissimilarities between Aristotle and Kauṭilya on justice. Both of them have proposed distributive justice; have employed proportion with Honesty, Fairness and Impartiality for the effective

implementation of justice. Both of them have regarded justice as teleological with the aim of *Eudaimonia* or Happiness. Even Plato's attempt to recognise the place of a Guardian is similar to Kauṭilya's *Rājarishi*, though there are differences in details.

I propose to adopt a method which is analytical, critical and comparative. It is analytical because I shall develop an understanding about various concepts in the realm of justice like Harmony, Goodness, *Eudaimonia*, Happiness, etc. It is critical and comparative because I'll be discussing the positions as distinct as Plato, Aristotle and Kauṭilya. It is comparative from across cultural, historical and linguistic horizons. The ideas of thinkers of very different traditions, especially culturally distinct traditions, are contested on the fullness of the notion of justice. The study will not simply be detecting similarities and distinctions and cataloguing the resemblances, rather the effort will be aimed at clarifying the doctrines of contestation, supplementing the arguments and thus helping the growth of philosophical heritage.

The dissertation has been divided into three chapters besides Introduction and Conclusion. Chapter-1 is titled as "*Justice as a Virtue: An Exposition and Examination*". It discusses fundamental contestation concerning justice on one hand and virtues like courage, temperance, compassion on the other hand. It has been divided into three parts: Part I: *Plato on Justice as Harmony*. It discusses Plato's conception of justice. Justice, for Plato, is teleologically linked with goodness and consist in the harmony of the three parts of soul i.e. reason, spirit and appetite. Aristotle, on the other hand, argues that it is the golden mean or *phronesis* through which teleologically justice is delivered and happiness is attained which is discussed

in Part-II of the chapter. Aristotle's distributive justice is a relationship between *Phronesis*, Teleology and *Eudaimonia*. This have been briefly discussed in Part III of the chapter i.e. *Aristotle on Distributive Justice*.

Chapter-2 is entitled as "*Kauṭilya on Justice as Daṇḍanīti*". *Daṇḍanīti* is the science of government or law of enforcement or administration. Kauṭilya strongly believed that role of *daṇḍa* is very important in the administration of justice. He firmly believes in the maxim: no *daṇḍanīti*, no state. Thus chapter focuses on Kauṭilya's conception of justice as *daṇḍanīti*. The chapter has been divided into three parts. Part I discussed about *Anavikshikī* and *Vārtā* i.e. study of triple Vedas and study of economics respectively which has been regarded as important by Kauṭilya for *Rājarishi*. Kauṭilya proposed Honesty, Fairness and Impartiality on part of law enforcers as the basic characteristics for effective law enforcement discussion of it comprises Part II of the chapter. The aim of justice in Kauṭilya's Arthaśāstra is the happiness and welfare, of his subjects and the king, which has been discussed in part III of the chapter.

Chapter-3 is titled as "*Aristotle and Kauṭilya on Justice: A Comparison and Contrast*". As the title suggests this chapter is an attempt to compare and contrast Aristotle and Kauṭilya on the notion of justice. The chapter is divided into three parts. In Part I, I will discuss that both, Aristotle and Kauṭilya, have proposed distributive justice, and have employed proportion for the effective implementation of justice. In Part II, I will discuss that both of them have regarded justice as teleological with the aim of *Eudaimonia* or Happiness. Even Plato's attempt to recognise the place of a Guardian is similar to Kauṭilya's *Rājarishi*, though there are differences in details which are discussed in Part III of the chapter.

## **CHAPTER-1**

### **JUSTICE AS A VIRTUE: AN EXPOSITION AND EXAMINATION**

I in this chapter will try to expound and examine the concept of justice as a virtue. As a matter of fact justice as a virtue has been developed in three different ways. In theology particularly in the old testament of the *Bible*, justice has been conceived as one of the acquired virtues like tolerance, courage, liberality etc. But for Plato justice is one of the cardinal virtues whereas for Aristotle it is a moral virtue. It may be mentioned that virtues are the means to achieve certain ends and virtues are contrasted with values which are ends in themselves. In order to organize my discussion, I propose to divide my discussion into three parts. In Part-I: It will be discussed that Plato's conception of justice is teleologically linked with goodness and consists in the harmony of the three parts of soul i.e. reason, spirit, and appetite. On the other hand, in Part -II, Aristotle argues that it is the golden mean or the *Phronesis* through which teleologically justice is delivered and happiness is attained. Aristotle's distributive justice is a relationship between *Phronesis*, Teleology, and *Eudaimonia*. This has been discussed in Part- III of the chapter i.e. Aristotle on Distributive Justice.

Before I come to the Part-I of the chapter, I would like to mention that among so many philosophers who explored the concept of justice as a virtue, there are few which have attained perfection in doing so. It is deeply rooted in the bible that there are some virtues that come with blessing grace of God and are called *infused virtues* and some are acquired through constant effort on our part to do what is right and thus called *acquired virtues*. Acquired virtues like Wisdom, Understanding, Counsel, Fortitude, Knowledge, Piety and Fear of the Lord helps in perfecting infused virtues. Infused virtues are of two types: theological virtues and moral virtues. Former includes



the virtues of Faith, Hope, love and Charity; they have God as their direct object. And latter includes the virtues like Prudence, Justice, Fortitude and Temperance. Among all these infused virtues, regarding justice it is said that justice as an infused virtue predisposes a person to respect the rights of others and to solidify to them their exact due. Justice is brought to its utmost excellence by the Gift of Devotion.

Apart from bible among the philosophers discourse on justice started with Plato and Aristotle in the Western Philosophy and with Kauṭilya in Eastern Philosophy. Plato is the one who believes that justice is something internal and relates to the soul. Justice is something which is inherent in individuals and the State. According to Plato, there are three faculties in an individual; reason, courage, and appetite. The proper relation of these faculties in an individual is what consists of justice.

Another philosopher is Aristotle who discussed justice as an important virtue for the development of an individual and of society as well. He separated all the virtues into moral and intellectual. Moral virtues are concerned with character and intellectual virtues are concerned with the mind. The theory of the golden mean helps in recognizing that the virtues are the mean between two extremes.

But compared to what those earlier philosophers have stated about justice, today the picture regarding justice has changed a lot. It has transformed to a bad state full of corruption, injustice and unfair mode of living. For Greek scholars, it was more a matter of individual concern because if the individual level maintains a proper control of justice, then automatically the societal level also will enjoy the good benefits. Justice as virtue enjoys high status in the taxonomy of virtues; in both Plato and Aristotle. They were concerned with questions like “How one should live?” “What are proper family and social values?”

Within the Eastern Philosophy, Kauṭilya is the one philosopher who believes that justice can be better known in terms of administration when someone has a fear of punishment at the same time. There are few people who are virtuous and just on their own and the rest needs to be checked through punishment. He actually favored the traditional way of bringing justice to the society in the sense where a king used to rule in accordance with *dharma*.

When it comes to the concepts dealt in relation to justice as a virtue, there are so many theories and principles associated with it. There are concepts like harmony, fairness, impartiality, honesty, *eudaimonia*, and *daṇḍanīti*. These concepts have evolved to address particular aspects of justice concerning institutions, distribution of resources, and deterrence of crime and theories of punishment and so on.

Plato and Aristotle took effort to conceptualize justice as a virtue. Plato in *The Republic* treats justice as an important virtue of individual and of the social order. He introduced justice as a cardinal virtue. In Plato's *The Republic* one can notice, in dialogs with Thrasymachus, that justice is considered as the only virtue which promotes wellbeing and happiness. He quotes "only the just man is happy; injustice involves unhappiness".<sup>1</sup> Justice is the only virtue which promotes goodness. Justice, though, seems to co-exist with other virtues but stays as a supreme virtue, comprising all other virtues. In explaining role of justice in the individual soul, Plato clearly states that a just man is the one in which all other virtues are in harmony. This notion makes justice foundation for all other virtues. No doubt, for Plato, wisdom, courage, temperance and justice makes whole of virtue, but justice as virtue still underlines the understanding of all other virtues.

---

<sup>1</sup> Plato, 1941: 39.

A similar view on justice was held by Aristotle. ‘Mean’ theory of Aristotle shows that justice is not part of virtue but whole of virtue as it comprises all other virtues. Aristotle writes: “justice is complete virtue...hence it is regarded as the sovereign virtue, and neither evening star nor morning star is such a wonder”<sup>2</sup>. It is expressed in a proverb as: “In justice is summed up the whole of virtue”.<sup>3</sup> Justice as virtue is the only virtue which looks into caring for others. Only a just man can do justice to others. The same view was held by Socrates where, in discussion with Polemarachus he says; just man will never harm his enemies. Thus, we can say that justice as virtue shelters the entire arena of the individual behavior. It is a sum of all virtue. It is that quality which resides in individual and orders his life and soul with respect to the rights and duties of each part.

### **Part-I: Plato on Justice as Harmony**

Plato begins his notable work *The Republic* with question “What is justice?” Being a student of Socrates, Plato makes Socrates speak in *The Republic* on all issues of justice, laws, and state. Socrates applied the dialectical method in his discussions. He carefully analyzed all the definitions of justice which were proffered. He refuted the definition of justice given by Polemarchus i.e. “Justice is helping friends and harming enemies”<sup>4</sup>. In series of discussion Socrates convinced Polemarchus that “just man is good, and business of harming people, whether friends or not, must belong to his opposite, the unjust”. Next, in long series of discussion he also refuted Thrasymachus definition of justice as “Justice as the interest of the stronger”.<sup>5</sup> The refutation was

---

<sup>2</sup> Aristotle, 1953: 173.

<sup>3</sup> Ibid., p. 173.

<sup>4</sup> Plato, 1941: 7.

<sup>5</sup> Ibid., p. 14.

carried out by means of analogies from arts- the art of medicine, the art of the shepherd, the art of navigation and so on. Thrasymachus asserted another point that unjust person is happier than just person. But Socrates proves that a just man is happier than the unjust because the soul of a just man performs the various functions of the human soul well. After refuting all the definitions on justice and after proving that a just life is to be favored more than the unjust life. Plato quotes Justice as “minding one’s own business”.<sup>6</sup> So, to Plato, “justice” consists in every man doing his own job and he also recognizes justice as “harmony”.<sup>7</sup>

Let us now examine these two principles of justice in detail in the following section.

### ***Justice is doing one’s own business***

Long before the definition of a just individual has been presented, another definition of justice has been given which doesn’t give the slightest clue of inner parts of the soul. In book IV, Plato first defines justice in state:

“You remember how, when we first began to establish our commonwealth and several times since, we have laid down, as a universal principle, that everyone ought to perform the one function in the community for which his nature best suited him. Well, I believe that that principle or some form of it, is justice.-surely we have often heard people say that justice means minding one’s own business and not meddling with other men’s concerns...- Well, that my friend, it may be that minding’s one’s own business, when it takes a certain form, is actually the same thing as justice.”<sup>8</sup>

---

<sup>6</sup> Plato, 1974: 204.

<sup>7</sup> Ibid., p. 218. Quoting Justice as “harmony” and “minding one’s own work” does not imply that justice has been defined rather they both refers to principles of justice. At many instances in *The Republic* the quotes has been referred as principles of justice rather than definitions of justice. It is difficult to understand what justice is, from these two phrases. It is only when Plato examines two main analogies of; parts of individual soul and parts of state, the clear meaning and better understanding of justice comes up.

<sup>8</sup> Plato, 1941: 127.

Justice is thus a kind of specialization which motivates a person to accomplish the obligations of one's business and at the same time tries not to intrude with the obligations of others business, and it resides in the mind of those citizens who does their duties in their designated place. It is that unique principle which laid basis of the State, it is in fact followed throughout, "the principle of one man one job, of 'minding one's own business', in the sense of doing the job for which one is naturally fitted and not interfering with other people".

Thus for Plato justice consists in non-interference and injustice will mean attack and infringement upon the rights and duties of other people.

### ***Justice is harmony***

The concept of harmony has been popular in ethical discussions of Greek philosophers<sup>9</sup>. Heraclitus was the first one to emphasis on the theory of harmony. According to him, human action should strive for the conservancy of a right harmony among the different components of the soul. The well-known quote of Heraclitus "War is the father of us all" implies the primary role of the harmonization of opposites in cosmogony."<sup>10</sup> For Plato, harmony is a just relation between the three groups of the state and the three parts of the individual soul. In Aristotle, we meet the concept as the virtuous "mean" preventing contrary human propensities from operating to excess. No explicit definition of harmony is found in writings of these philosophers. Only, its relation to various concepts has been mentioned. We learn that

---

<sup>9</sup> "It is believed in Greek mythology, the beautiful goddess Harmonia (*Ἀρμονία*) is the daughter of Ares -the god of war- and Aphrodite. Harmonia is the deity who connects and harmonizes the opposites. She is a new Aphrodite. Her husband was Cadmus, who founded the Greek city of Thebes."  
Chisholm, Hugh, ed. (1911). "Harmonia". *Encyclopedia Britannica*. (11th ed.). Cambridge University Press.

<sup>10</sup> Graham, Daniel W., "Heraclitus", *The Stanford Encyclopedia of Philosophy*.

the universal elements of fire and water ought to be related harmoniously; that desires, reason, and spirit, should harmonize their functions (Plato); and that human tendencies to excess should be brought into harmony by a compromising "mean" (Aristotle).

Justice is conceptualized as a harmonious association among the different parts of a state in Plato's *The Republic*. Plato envisions a just city as that which balances the governing class, the soldier class, and the employed class. Similarly, a just man for Plato is one who harmoniously balances the inconsistent desires within himself in order to be a happy and fair man. Hence, for Plato, justice is doing and having what belongs to ones.

The idea of justice as harmony comes up first, when Plato determines the virtues of state, with the special object of discovering justice among them. Next, when he investigates the nature of the soul and shows that the virtues of the state are merely expressions of the inward conditions of the soul. Finally, he states that a just soul and state is one in which all virtuous parts are in harmony. And these virtuous parts are: wisdom courage and temperance<sup>11</sup>

Let us now, examine the structure of soul or psyche.<sup>12</sup> The soul is divided into three parts, the appetitive, spirited, and the rational.<sup>13</sup>

The part called appetitive comprises all our myriad desires for several pleasures, luxuries, bodily gratifications, and physical comfort. It is the part of the

---

<sup>11</sup> Plato does not call them 'virtues', and the translations therefore uses the more neutral term qualities.

<sup>12</sup> Psyche refers to conscious, unconscious part of human mind. Term psyche in ancient times is rendered as soul.

<sup>13</sup> Plato, 1941: 129-138.

soul that can be hungry for immoral gratification and has no rational consciousness in its desires. This element of the soul is represented by a horse.

This leads us to define another part in the soul, The Rational part; this part keeps the appetitive part in the control and empowers the soul to discriminate between what is good and bad, right and wrong. The part called rational is that part in the soul that calculates and makes balanced decisions having the good of the whole soul as its interest. It is like a charioteer who guides the horses and chariot. Rational help us to understand and think before we act and also gives us ability to form decisions. It evaluates different options rationally and tries to test what is best and correct of all.

The third part is the spirited; it is that part of the soul that is brave, energetic and strong willed.<sup>14</sup> This part gets heated when it observes the presence of an injustice. This is the part of us that loves challenges and victory. It also loves honor and winning.<sup>15</sup>

The above discussion of different part of soul aimed to show that soul has different drives, and if the soul has to be kept on the just path then it must follow some kind of hierarchy. For Plato, the spirited part in association with rational part must control over the appetitive part. The discussion of different parts of the soul might provide an idea concerning the definitions of Justice which we discussed above, but we should now examine the structure of the state.

---

<sup>14</sup> Plato's use of the term "spirited" here is not the same as "spiritual." He means "spirited" in the same sense that we speak of a high-spirited horse, for example, one with lots of energy and power.

<sup>15</sup> Plato's analysis of three parts of soul doesn't intend to cover complete psychology. It is concerned with factors involved in moral behaviour. It is not scientific analysis of mind but general classification of impulses and motives. In Plato's myth of creation the three parts are lodged in the head, the chest and the belly and organs of generation. Rational alone is immortal and separable from the body.

The state is also divided into three classes:<sup>16</sup> first, Ruler who possesses wisdom; second, Auxiliaries who possess courage and third, a worker who possess self-discipline. When all three classes agree on ‘who ought to rule’ there is harmony between them. The class of workers performs a particular form of labor. For example, they provide basic necessities like food, clothes to the state. They are expected to be temperate, disciplined, self-controlled, obedient and dutiful to their ruler and auxiliaries. Plato writes:

“Then don’t we call him self-disciplined when all these three elements are in friendly and harmonious agreement, when reason and its subordinates are all agreed that reason should rule and there is no civil war among them? That exactly what we mean by self-controller or discipline in a city or in an individual.”<sup>17</sup>

The class of soldiers has spirit; they must be courageous and well educated to protect citizens. They must possess the loyal attitude towards the nation and must defend the state from external and internal enemies. They must not harm the people even though they are naturally stronger.

Next, is the class of rulers who possess wisdom, to this Plato writes: “And we call him wise in virtue of that small part of him which is in control and issues the orders’, knowing as it does what is best for each of the three elements and for the whole made up of them.”<sup>18</sup>

The keen interest of a ruler is in the welfare of his state and its citizens. It is advised that the ruler must not seek for fame, glory and name rather a good ruler is expected to perform his duty wisely by taking burdens of it. The rulers must work within its power and must do everything to preserve its state.

---

<sup>16</sup> Plato, 1974: 197-205.

<sup>17</sup> Ibid., p. 219.

<sup>18</sup> Ibid., p. 219.



This division of people in the state is done according to their natural abilities.<sup>19</sup> The soldiers lack wisdom and workers lack both courage and wisdom so they are naturally unsuitable for the task of ruling. Plato uses the analogy of gold, silver and bronze to explain this division i.e. the golden people are people with wisdom therefore they are suitable to rule, the silver people are people with courage therefore they are suitable to guard and the bronze are the ones with obedience therefore they are best naturally suitable to work. Thus, a man is just when there is harmony between all three parts.

A man is	By virtue of (3 Parts in soul)	3 classes in state
1. WISE	REASON	RULER
2. BRAVE	SPIRIT	AUXILIARY
3. SELF- DISCIPLINED	APPETITIVE	WORKER or COMMON-MAN
4. JUST	HARMONY that exist in all three parts: reason, spirit and appetitive.	A state is JUST when each of its classes is performing its duties harmoniously without interfering in another's job.

Thus by drawing a parallel between state (society) and individual, since the qualities of a community are those of the component individuals, Plato shows that justice is identical in the soul and in the state. This correspondence suggests that both the class of workers and appetitive part of the soul share the quality of self-discipline as they have to be temperate in their desire. Also, both the class of auxiliaries and spirited part of soul share the quality of courage for they have to be strong-willed in their desire. Lastly, the class of Guardian and the rational part share the quality of wisdom for they have to control other two parts of state and soul.

---

<sup>19</sup> Plato's division of class was not based on caste system where's man position is determined by birth. In Plato's Republic man's position was determined on his capacity and attainments. Plato insisted "that every man is to be assigned to the rank and function for which his character and the abilities fit him whatever his parentage may be" Plato, 1955: 134.

The question that backs the definition of justice as harmony is: would a soul be called just soul if any one of its parts takes over other parts and performs actions which it otherwise shouldn't have? The answer is No, for, in Plato's view, the just soul cannot be identified without order and harmony between its parts. For Plato the situation, in which all the three classes performs their respective duties and at the same time agree to each other and have understanding within; that situation is the finest for the individual and state. Thus, we can also say that human virtue depends upon how these three parts interact with one another.

Could a state in which the shoemaker or a builder rule, the auxiliary is a shoemaker and the guardian plays the part of a soldier be a just state? Or we can put it as if shoemaker or an auxiliary tried to exchange their job, wouldn't this do a great damage to a state? To this Plato states: "Interference by the three classes with each other's jobs, and interchange of jobs between them, therefore, does the greatest harm to our state, and we certainly justified in calling it the worst of evils."<sup>20</sup>

To understand Plato's idea of a just state we must consider that each individual is performing those activities which he or she is naturally fit to do but if people perform duties opposite to their nature that would surely lead to destruction of a state. For Plato, virtue lies in performing the part for which a person is naturally fit for. That is to say virtue is when a wise man rules, strong man guards and talented man work and when this happens it pays to the virtue of the whole state

The important question that certainly has to be asked is, as we have now understood what Plato means by justice, how this justice within different parts could

---

<sup>20</sup> Plato, 1974: 206.

exist. In other words, how harmony could exist in three parts of the soul? The method of control and education helps in answering this question. The reason having wisdom and foresight should control other two parts. But, to this the question that arises is why would spirited and appetitive obey to reason. Or to put it in a more useful way how can spirited and appetitive be persuaded to obey reason; as reason alone has power for foresight and wisdom. The answer to me, thus, seems in the method of education. It is only by physical and intellectual training that spirited and appetitive can be brought to obey the reason. Not only, spirited and appetitive but also reason should be trained and educated in rational arguments and higher studies, says Plato. He writes:

“And this concord between them is effected, as we said, by a combination of intellectual and physical training, which tunes up the reason by a training in rational argument and higher studies, and tones down and soothes the element of “spirit” by harmony and rhythm...When these two elements have been brought up, and trained and educated to their proper function, they must be put in charge of appetite, which forms the greater part of each man’s make-up and is naturally insatiable. They must prevent it taking its fill of the so-called physical pleasures, for otherwise it will get too large and strong to mind its own business and will try to subject and control the other elements, which it has no right to do, and so wreck the life of all of them.”<sup>21</sup>

Another problem that crops up is who is wise enough to govern the state? To this Plato answers in *The Republic* that for justice to exist in state philosophers should become kings or in other words when kings become philosopher’s justice prevails in society.<sup>22</sup> At this instant, Plato claims that a king can rule in a just manner if he has knowledge of the true form of justice i.e. true knowledge of the forms. “Forms

---

<sup>21</sup> Ibid., p. 206.

<sup>22</sup> Plato in *The Republic* discussed in length “who is a philosopher?” to which he explains: A philosopher is the man who loves wisdom (*sophia*). Philosopher passion is for wisdom of every kind without distinction.

resemble the laws of the nature sought by modern natural science: a law is an unseen intelligible principle, a unity underlying an unlimited multiplicity of similar phenomena, and supposed to be unalterable”<sup>23</sup>. The forms represent the ultimate truth.

In order to explain what ultimate truth is Plato uses the analogy of the divided line. A vertical line, divided into two unequal parts i.e. intelligible and visible, represents states of mind or condition of soul. Both the parts are sub-divided into two equal parts in same ratio whereas the high sub-part in each is longer. The lowest part in visible represent shadows, images and mere reflections of physical things and higher part of visible represents physical things itself. These sub-parts correspond to the knowledge of the illusion (*eikasia*) and belief (*pistis*). The second realm called intelligible this realm is also called the realm of thoughts. In this realm soul makes a hypothesis based on the things discovered in higher part of visible. This realm consists of mathematical entities.

In the higher part of the intelligible realm, the soul reaches to an understanding of the true forms. This stage has left far behind the stage of thoughts. The real form of justice is one of them. With huge difficulty and enormous education, the soul reaches this level of understanding. When the soul of a philosopher-king’s reaches at this level of understanding he is no more interested in rewards like glory and fame as he is engaged with the real forms. He then strives to help others to move on the path of justice and truth. A ruler thus becomes fit to rule the state as he has acquired this knowledge of forms. He becomes wise enough to; take care of his people and to act in the interest of the whole state as if it is in his own interest.

---

<sup>23</sup> Plato, 1974: 264.

While discussing the theory of justice according to Plato also brings forth the idea of happiness which is known as *eudaimonia*. Plato's ethical theory is *eudaimonist* as it upholds that *eudaimonia* rest on the virtue that is to say Virtue is essential for *eudaimonia*. In *The Republic*, there is a second argument where Socrates proves to Thrasymachus that just man is happier than unjust man. Using the function argument, he argues that a man needs justice to enable him to perform his own particular function and so to achieve happiness.

The discussion goes like this:

- Socrates : 'Can you see with anything but eyes?'
- Thrasymachus : 'No'
- Socrates : 'Again, can you hear with anything but ears?'
- Thrasymachus : 'Certainly not'.
- Socrates : 'So we can rightly call these the function of eye and ear.'
- Thrasymachus : 'Yes'
- Socrates : 'Shall we then call this its "function"?'
- Thrasymachus : 'Yes, let us.'
- Socrates : 'And has not everything which has a function its own particular excellence (virtue)? Let me take the same example again. The eyes have a function, have they not?'
- Thrasymachus : 'They have'.
- Socrates : 'Have they also their own particular excellence?'
- Thrasymachus : 'They have their excellence also.'
- Socrates : 'And is not the same true of everything else?'
- Thrasymachus : 'Yes, it is.'
- Socrates : 'Come, then; could the eyes properly perform their function if instead of their own peculiar excellence they had the corresponding defect?'
- Thrasymachus : 'How could they? For you mean, I suppose, blindness instead of sight?'

- Socrates : ‘So we can say that the ears, if deprived of their own peculiar excellence, perform their function badly.’
- Thrasymachus : ‘Certainly’.
- Socrates : ‘Then may we assume that the same argument applies in all other cases?’
- Thrasymachus : ‘I cases.’
- Socrates : ‘What about life? Is not that a function of mind?’
- Thrasymachus : ‘Very much so’.
- Socrates : ‘And the mind will surely have its peculiar excellence?’
- Thrasymachus : ‘It will’.
- Socrates : ‘It follows therefore that a good mind will perform the function of control and attention well, a bad mind badly.’
- Thrasymachus : ‘It follows.’
- Socrates : ‘And we agreed, did we not, that justice was the peculiar excellence of the mind and injustice its defect?’
- Thrasymachus : ‘We did.’
- Socrates : ‘So the just mind and the just man will have a good life, and the unjust a bad life?’
- Thrasymachus : ‘So it appears from your argument’.
- Socrates : ‘But the man who has a good life is prosperous and happy and his opposite the reverse?’
- Thrasymachus : ‘Of course’.
- Socrates : ‘So the just man is happy, and the unjust man miserable?’
- Thrasymachus : ‘So be it.’<sup>24</sup>

So, from above discussion we can say that, for Socrates justice leads to happiness because just man is happy than the unjust man.

---

<sup>24</sup> Plato, 1974: 98-101.

In this section so far we have been looking into how Socrates refuted the definitions of justice given by his contemporaries such as Polemarachus and Thrasymachus. Also, we have delved into how Plato advances the theory that the soul has three independent parts: reason, spirit, and appetite, each of the three parts of the soul has its own special role to play in a human being's life, and virtue consists in each of them playing its own role fully and in its harmony with others. In the next Part-II of the present chapter we will discuss about Aristotle's view on justice who has incorporated Plato's views and has distinguished two kinds of virtue: a) Intellectual virtues comprising of wisdom, understanding, judgment and prudence and, b) Moral virtues consisting of liberality, justice, courage, temperance, etc. and suggested that the correct way to live is to follow something called the 'doctrine of the mean'.

### **Part-II: Aristotle on *Phronesis* and *Eudaimonia***

In *Nichomachean Ethics*, Aristotle asks the question, what is happiness, what is the true thing to live for? And to answer it he asks, what is the function of a man? He defined virtue as correlative to function or simply as excellence of work or the excellence in the performance of the function.

There is an argument which states that everything, which has a function- everything that is to say, which does or produces anything- has a corresponding virtue. That quality of a thing which enables it to perform its function is called the virtue of a thing. For example, the function of the soul is to live well.<sup>25</sup> Its virtue then will be that quality which enables it to live well.

---

<sup>25</sup> Plato introduces function argument (*ergon*) i.e. each thing has a function, its characteristic action, and achieves its virtue or excellence if it performs its function well. Aristotle in *Nichomachean ethics* also talks about function argument. Plato and Aristotle seem to share common approach of function argument to discuss virtue and *eudaimonia* by determining what human being essentially is. Soul of a man is thing with function. For Greeks "the soul is principle of life". It may have various functions; to live is one of them.

So, if we are right in saying that justice is the virtue of man and, it is the just man and not the unjust man who lives well, and to live well is to be happy, then it becomes important for us to analyze the concept of happiness and to discover the way through which we can realize it.

*The Republic* and *Nichomachean Ethics* seem different at first glance because the *Republic* is concerned with justice, whereas the *Nichomachean Ethics* with *eudaimonia*. But for Plato, justice and *eudaimonia* are not separate issues. This is because Plato's discussion of justice is to find how one should live. Similarly, *Nichomachean Ethics* shows that the concept of *eudaimonia* itself is to answer the question of what is the ultimate human good or end.

Plato, in *The Republic*, answers to a challenge made by the Sophist Thrasymachus, that conventional morality, particularly justice, prevents the strong man from achieving *eudaimonia*. The basic argument presented by Thrasymachus is that justice doesn't help in the achieving *eudaimonia* because conventional morality needs that we regulate our desires and thus continue an unsatisfied life. It is distinctly discussed in Book II of *The Republic* when Glaucon, taking up Thrasymachus' challenge, recounts a myth of the magical ring of Gyges<sup>26</sup>.

“According to the myth, Gyges becomes king of Lydia when he stumbles upon a magical ring, which, when he twisted inside of his hand, makes him invisible to his companions, he was astonished and began fingering the ring again, and turned it outwards, whereupon he became visible again. When he realized the power of the ring he thought that he can satisfy any desire he wishes without fear of punishment. When he discovers the power of the ring, he kills the king, marries his wife, and takes over

---

<sup>26</sup> Plato, 1974: 102-114. In this section Plato, claims to prove that the just man is happier than the unjust.



the throne. The thrust of Glaucon's challenge is that no one would be just if he could escape the retribution he would normally encounter for fulfilling his desires at whim. But if *eudaimonia* is to be achieved through the satisfaction of desire, whereas being just or acting justly requires suppression of desire, then it is not in the interests of the strong man to act according the dictates of conventional morality. Throughout the rest of *The Republic*, Plato aims to refute this claim by showing that the justice as virtue is necessary for *eudaimonia*.”

In *The Republic* Plato gives a brief account of *eudaimonia*. It is only in Aristotle that we find a detailed analysis of the concept of *eudaimonia*. Not only this, but Aristotle discusses in detail how one could reach to *eudaimonia* through *Phronesis*.

Basically, Aristotle identifies a human function with the rational faculty of the soul, and further divided it into practical and theoretical. The practical part he called, *Phronesis* or practical wisdom and the theoretical part he called, *Sophia* or wisdom. Wisdom is a combination of intuition and scientific knowledge, involving a deep understanding of the natural world. Wisdom is the highest of all intellectual virtues because it involves a profound understanding of the eternal truths of the universe. Such understanding is brought about by philosophy. However, the *Ethics* is concerned with the applied and non-eternal matters of the human world, so contemplative reasoning gets comparatively brief discussion. Same is the case with technical skill or art because it does not fall within the space of the *Ethics*.

“Practical wisdom or *Phronesis* , says Aristotle, is a true and reasoned state of capacity to act with regard to the things that are good or bad for man”<sup>27</sup> “So while practical wisdom involves knowledge of what is good or bad, it is not merely

---

<sup>27</sup> Aristotle, 1972: 142.

theoretical knowledge, but a capacity to act on such knowledge as well.”<sup>28</sup> *Phronesis* is not a moral virtue rather an intellectual virtue, but it is very closely connected to the moral virtues. Aristotle in Book VI, before discussing *Phronesis*, discusses another two types of knowledge i.e. Episteme<sup>29</sup> (Scientific Knowledge) and Techne<sup>30</sup> (Skill and Crafts). Episteme concerns theoretical knowledge. It denotes ‘know-why’. It is associated to scientific knowledge. Its attributes are universal, invariable, and context-independent. Episteme was regarded as a partner to techne. Techne denotes ‘know how’. The Greek word translates to craftsmanship, craft, or art. It appeared as an art to ancient Greeks. It is oriented toward production, its characteristics are variable, context- dependent, pragmatic.

*Phronesis* emphasizes on practical knowledge and ethics. It means practical wisdom. It is deliberations about values with references to praxis. Its characteristics are Pragmatic, variable, context-dependent, oriented towards action. Some important features of *Phronesis* are<sup>31</sup>:

1. “Practical wisdom is not concerned with the universals alone; it must also take cognizance of particulars, because it is concerned with conducts, and conducts has its sphere in particular circumstances.”
2. “Practical wisdom is concerned with human goods, i.e. things about which deliberation is possible.”
3. “And the man who is good at deliberation generally is the one who can aim, by the help of his calculation, at the best of the goods attained by man.”

---

<sup>28</sup> Lacewing, Michael. Practical wisdom. <http://cw.routledge.com/textbooks/alevelphilosophy/data/A2/Moral/PracticalWisdom.pdf>

<sup>29</sup> Aristotle, 1953: 207.

<sup>30</sup> Ibid., p. 208.

<sup>31</sup> Ibid., p. 213.

Aristotle distinguished between wisdom (*Sophia*) and practical wisdom *phronesis* in the following manner. Wisdom comprises reasoning regarding universal truths while practical wisdom or *phronesis* comprises a proficiency of rational thinking. Aristotle was of the opinion that *phronesis* or practical wisdom is important in addition to *Sophia* or wisdom in order to become a virtuous man. Being virtuous, for Aristotle meant following the path between two extremes and avoiding the vices. He called this the “mean” of a virtue. For example, modesty is the mean between shyness and shamelessness, liberality is the mean between prodigality and illiberality/meanness etc.

To maintain this balance is not an easy task. This is because the path between the virtues is not always in the same place—it can lie closer to one end of the spectrum or the other, depending on changing circumstances. Thus the challenge is to seek a virtue a lying between two extremes, and this requires practical wisdom. For this reason, “Aristotle believed that practical wisdom was the virtue that made all the other virtues possible. Without the correct application of practical wisdom, the other virtues would be lived too much or too little and turn into vices.”<sup>32</sup>

Another reason as to why we need practical wisdom is to achieve *eudaimonia*. Aristotle believed that everything has an aim or purpose- there is telos involved in everything. “Achieving this purpose led to *arête* or excellence. The telos of man was *eudaimonia* which is happiness or flourishing—a life lived to its utmost. The path to *eudaimonia* is paved with decisions made with practical wisdom.”<sup>33</sup> The better decisions one takes in life, the better he progresses and also better he lives. In short, practical wisdom is the path to true happiness and satisfaction. Practical wisdom

---

<sup>32</sup> Brett & McKay, Kate. Practical wisdom: The Master Virtue. <http://refoundingfathersociety.com/practical-wisdom-the-master-virtue/>

<sup>33</sup> Ibid., Practical wisdom: The Master Virtue. <http://refoundingfathersociety.com/practical-wisdom-the-master-virtue/>

cannot be taught, but requires experience of life and virtue<sup>34</sup>. Only the person who is good knows what is good, according to Aristotle.

One comes up with certain essentials of *Phronesis* on reading of Book VI they are:

- Deliberative skill- According to Aristotle, practically wise man is one who can deliberate; deliberation is not about ends but about means. It is a course that helps in attaining the ends envisaged by practical wisdom or *Phronesis*. Deliberation is the heart of *phronesis*. It develops through experience.
- Actions- for Aristotle, to know what a wise thing is- not enough. Throughout *Nicomachean Ethics*, he states that “practical wisdom is bound up with action.” All reasoning and deliberation are a waste without being put into actions.
- Experience- Aristotle strongly held that *phronesis* could be gained only by experience. At many instances, he linked *phronesis* with skill like carpentry. He held that a person cannot become a master carpenter by reading books unless he practically works with tools and woods. The same case is with *phronesis*. One becomes practically wise when one makes more judgments and takes decisions. This is the only key i.e. experience can only make one practically wise.

There are certain objections raised against *Phronesis*: Aristotle maintains that *phronesis* requires virtue. We cannot understand what justice is without being just. The argument given by various philosophers is that to understand what is right everyone is sufficiently rational, and to know what is right or wrong through their conscience. Virtue theorist reply to such objection as: if someone has a completely depraved character, perhaps they really don't know what is just or unjust. But most people will have enough understanding of justice to make a moral decision.

---

<sup>34</sup> In Book II of *Nicomachean Ethics*, Aristotle in discussion of moral and intellectual virtues mentions that intellectual virtues owes both its birth and its growth to teaching for which reason it requires time and experience. *Phronesis* being intellectual virtue also requires both experience and time.

Furthermore, people can improve their knowledge of what is just by becoming more virtuous people. This involves reforming their character.

Another objection is: What about cases in which virtue seems to conflict? For example, can we show justice and mercy together, or do we have to choose? Here, the theory of practical wisdom is in the same position as deontology- you need practical wisdom to understand what each virtue actually requires you to do in this particular situation.

Regardless of these objections *phronesis* remains important virtue which directs us in the right way of an action. Also, it is said that a practically wise person has a true grasp of *eudaimonia*. Thus, *phronesis* occupies the central focus in the discussion of intellectual virtues by Aristotle. Let us now look at what *eudaimonia* consists of according to Aristotle. *Eudaimonia* is a key term in ancient Greek moral philosophy, is standardly translated as “happiness” or “flourishing” and occasionally as “well-being.” A ‘*Eudaimonist*’ is a man who holds that happiness is the summum bonum or supreme end of life<sup>35</sup>. At the end of the function argument in *Nicomachean Ethics* Aristotle offers an initial description of his view of the human good or *eudaimonia*. He writes:

“The human good turns out to be the activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete. But we must add ‘in a complete life’. For one swallow does not make a summer, nor does a day; and so too one day, or a short time, does not make a man blessed and happy”<sup>36</sup>

---

<sup>35</sup> It is worth noticing that when *eudaimonia* is translated as happiness it is not something as pleasure, an ethical man lives an enjoyable life, but he will not live a life of pleasure. Aristotle is a *eudaemonist*, but not a hedonist. For Aristotle a man who views happiness as succession of pleasure has a life of cattle.

<sup>36</sup> Aristotle, 1972: 14.

Aristotle immediately writes: “let this serve as an outline of the good; for we must presumably first sketch it roughly, and then later fill in details”<sup>37</sup>. Aristotle said so because; this distinction of *eudaimonia* as activity of soul and *eudaimonia* as a complete life involves Aristotle’s further distinction of moral virtues (virtues of characters) and intellectual virtues (virtues of thoughts). Virtues of the character include dispositions as temperance, courage, generosity, and justice. Virtues of thought include wisdom, and practical wisdom (*Phronesis*). Activities following from these virtues are the primary component of *eudaimonia*.

Virtue ethicist agrees that a virtuous life is essential for *eudaimonia*. They also claim that a life dedicated to bodily pleasure or the acquirement of wealth is not a life of *eudaimon*, but a fruitless or wasted life. Now who is a *eudaimon*?

“*Eudaimon* lives well and acts well, for it (i.e. *eudaimonia*) has been pretty well defined as a sort of well-living and well-acting. To call a man *eudaimon* is to say something about how he lives and what he does. The notion of *eudaimon* is closely tied, in a way in which the notion of happiness is not, to success: the *eudaimonia* is a man who makes a success of his life and actions, who realizes his aims and ambitions as a man, who fulfills himself”.<sup>38</sup>

Aristotle in *Nichomachean Ethics* presents two accounts of *eudaimonia* or happiness. First in Book I, he defines *eudaimonia* as an “activity of the soul<sup>39</sup> in accordance with virtue”. Here he identifies ‘happiness’ with summum bonum. Then in Book X he specifies that: activity in which ‘happiness’ principally consist is ‘contemplation’. A *eudaimonic* life is the life of virtue, complimented by other external goods and good fortune.

---

<sup>37</sup> Ibid., p. 14.

<sup>38</sup> Aristotle, 1953: 34.

<sup>39</sup> To have a soul or *psuchē* is, in Aristotle’s view, simply to be alive or animate: activities of the soul’ are things which living creature by their nature can, and inanimate things by their nature cannot, do. Sticks and stones are disqualified from ‘happiness’ by the same decree that bars them from thought perception and reproduction: they are not endowed with life.

Aristotle states that *eudaimonia* is the telos (final purpose) or it is end in itself. All virtues moral or intellectual are for the sake of happiness, one judge that by means of these virtues a person can live a *eudaimonic* (happy) life. The Aristotelian view of *eudaimonia* depends on virtue in accordance with reason, but virtue alone is not enough- the goods of a pleasant life including wealth, friends, power, honor, and good fortune are also important, and without them *eudaimonia* is close to impossible.<sup>40</sup> Happiness, as an activity that serves as an end in itself, is our chief goal in life. We should not confuse happiness with pleasure, though. Pleasure does not seem to be happiness if it is somehow involved in it: a person might be experiencing constant pleasure, but this doesn't mean that he or she is happy; also a constant pain in someone's life does not imply that he or she is unhappy. The highest form of happiness is contemplation. But what after all, is contemplation? "The Aristotelian contemplator is no monkish ascetic; he is not a seeker after wisdom but possessors of it. Contemplation is not an oriental meditation, but it involves a voluntary surrender of intellectual control, whereas Aristotle clearly thinks of contemplation as consciously directed activities"<sup>41</sup>.

"The Aristotelian contemplator is a man who has already acquired knowledge; and what he is contemplating is precisely this knowledge already present in his mind. Contemplation is something like a review or survey of existing knowledge: the contemplator is engaged in the orderly inspection of truths which he already possesses; his task consists in bringing them forward from recesses of his mind, and arranging them fittingly in the full light of consciousness"<sup>42</sup>.

---

<sup>40</sup> Epicureans saw *eudaimonia* to be life of pleasure without pain, employing virtue as a tool to achieve maximum pleasure. But Aristotle states clearly that life of pleasure is not same as *eudaimonic* life. Aristotle represents fairly refined species of utilitarianism: a view that the only ultimate good thing in the world is happiness of sentient being; Aristotle is thus a precursor of the great English Utilitarians J. Bentham and J.S.Mill. But their account of happiness seems to be ego

<sup>41</sup> Aristotle, 1953: 37-38.

<sup>42</sup> Ibid., pp.37-38.

Now the man who follows or obeys his reason will act in accordance with the moral virtues or excellence of character; this type of man will, according to Aristotle, be courageous, temperate, liberal, just and so on- in short, he will be precisely the sort of man we should ordinarily be prepared to hail as morally good. And only morally good man whose actions are in accordance with virtues will achieve *eudaimonia*.

Unlike a God, however, a human being needs friends and other external goods if he is to have a *eudaimon* life, he cannot survive on a diet of contemplation alone. Since the life of the gods consist in contemplation alone, their nature, which that life actualizes and expresses, must be self- sufficient for it. In order for *eudaimonia* to make a human life worthy of choice and lacking in nothing needs some other thing to this Aristotle writes:

“*Eudaimonia* evidently needs the external goods as well; for it is impossible, or not easy, to do noble acts without the proper equipment’s. In many actions we use friends and riches and political power as instruments; and there are some things the lack of which takes the luster from happiness- good birth, godly children beauty; for a man who is very ugly in appearance or ill born or solitary and childless is not very likely to be happy, and perhaps a man would be still less likely to be happy if he had thoroughly bad children or lost friends by death.”<sup>43</sup>

Moreover, a human life must last long enough to count as complete since “one swallow does not make a summer, nor a day. Neither does one day or a short time make someone blessed and *eudaimon*”.<sup>44</sup> Now, all that is being said is at individual level. What about at state level i.e. how can a state be happy. Does state have telos of *eudaimonia*? *Eudaimonia* is not a goal only for individuals but for the state too. A

---

<sup>43</sup> Aristotle, 1972: 17.

<sup>44</sup> Ibid., p. 14.



state achieves *eudaimonia* when it is just. Justice is important to achieve happiness within a state. Distributive justice, in particular, plays an important role in achieving *eudaimonia* at the state level. Now let us see what distributive justice is.

### **PART- III: Distributive Justice**

Distributive justice is a central notion in Aristotle's *Nichomachean Ethics*. It deals with the distribution of wealth, resources and products among the members of a community. It employs geometric proportion: what each person receives is directly proportional to his merit, so a worthy person will receive more than an unworthy person. Wealth and honor be distributed according to virtue. Aristotle was of the view that virtuous people make important contributions to the life of the city, so they have the right to the supreme respect. Distributive justice strengthens Aristotle's aristocratic bias because, in his opinion women, slaves and working men should get a lesser share of city's wealth as they do not have the freedom to fully exercise all the virtues.

Distributive justice is concerned with:

1. Equal treatment: Unjust means- one's moral rights have been violated. One has been made to suffer a burden that one had a right to avoid or one has been denied some benefit that one has a right to possess. So, distributive justice prevents one from injustice through equal treatment.
2. Fairness: It applies same rules everywhere; treat similar cases alike, except where there is some relevant difference. Emphasizes on impartiality and consistency in justice, it does not tell us which differences are relevant and which are not.
3. Equality: Justice is held to require that our treatment towards people reflects our fundamental moral equality. What a person has done makes a difference, but justice also requires that people should get what they deserve. Thus, justice is

meant to place the burden of proof on those who would endorse unequal treatment.

In modern political philosophy, it has been construed in broad terms and seen as a foundational for policy formation and analysis. John Rawls, for example, writes, “Justice is the first virtue of social institutions.” Thus, it is widely regarded as an important concept and influential force in philosophy and the social sciences. There are three important principle of social justice<sup>45</sup>:

- “First: the principle of need: need is claim that one is lacking in basic necessities and is being harmed or is in danger of being harmed or that one’s capacity to function is being impeded.”
- “Second: the principle of desert: desert is a claim that one has earned rewards based on performance that superior performance should attract superior recognition<sup>46</sup>.”
- “Third: the principle of equality: refers to the social ideal that society regards and treats its citizens as equals and that benefits such as certain rights should be distributed equally.”

These three principles play an important role in the context of social justice. Distributive justice is based on the desert of some sort, although they do not all mean the same sort of desert.

### ***Universal justice and Particular justice***

At the outset of *Nicomachean Ethics*, Book V, Aristotle starts out by discussing two types of justice: “general justice” which is concerned with respecting laws. The

---

<sup>45</sup> Lamont, Julian and Favor, Christi, "Distributive Justice", *The Stanford Encyclopedia of Philosophy*

<sup>46</sup> “The different desert-based principles of distribution differ primarily according to what they identify as the basis for deserving. While Aristotle proposed virtue, or moral character, to be the best desert-basis for economic distribution, contemporary desert theorists have proposed desert-bases that are more practically implemented in complex modern societies”.

identity of universal justice with lawfulness carries with it, for Aristotle, an identity of universal justice and virtue of character:

“And the law also prescribes certain conduct: the conduct of a brave man, for example, not to desert one’s post . . . those of the temperate man, for example, not to commit adultery or gratify lust; . . . and similarly with regard to rest of the virtues and wickedness, commanding these and forbidding those – rightly, if the law has been rightly enacted, not so well if it has been made at random. Justice in this sense is complete virtue”.<sup>47</sup>

Second is “specific” or “particular” justice which is concerned with what we may call “fairness” in some sense, the sense depending on the particular situation under consideration. In his subsequent text, Aristotle mainly investigates particular justice. Within this “specific” or “particular” type of justice, he makes a further distinction: distributive justice and rectificatory justice. The latter “supplies a corrective principle in private transactions.

Rectificatory justice distinguishes two sub-cases, “corresponding to the two classes of private transactions, those which are voluntary and those which are involuntary”<sup>48</sup>. Examples of voluntary transactions which have to be treated under the heading of corrective justice are “selling, buying, lending at interest, pledging, lending without interest, depositing, letting for hire”<sup>49</sup>. The aim of rectificatory justice is to remedies unequal distribution of gain and loss between people. Justice is restored in a court case, where the judge ensures that the gains and losses of both parties are equated out, thus restoring the means. Its algebraic measure is the average between two extremes.

---

<sup>47</sup> Aristotle, 1972: 108.

<sup>48</sup> Aristotle, 1953: 179.

<sup>49</sup> Ibid., p. 178.

An example for a relevant situation in an “involuntary transaction” is theft or assault. In such a case one party has involuntarily “too little” – the former owner has his lawful possessions minus the object stolen. The other party, the thief, has too much, namely the object taken unlawfully. Rectificatory justice re-establishes an initial situation. In cases of this type of justice, the standard of reference is the initial distribution of material goods between individuals. In the example of theft just considered, the situation may be “corrected” by taking the stolen good from the thief and restoring it to the rightful owner, thereby re-establishing the “normal” lawful situation. . This wording suggests that rectificatory justice is meant to be understood normatively, that the legal system is expected to correct a situation in which a particular type of unfairness is diagnosed. Next, Aristotle talks about distributive justice.

Distributive Justice involves distributing different assets, credits and money. It mirrors our understanding of justice as the intermediate between two extremes of injustice. Everyone agrees that justice involves the distribution of things in proportion to merit. The man who acts unjustly gets too much, the victim too little, of what is good. Here the kind of equality is what mathematicians call “geometric” equality or equality of ratio:

A distribution involving two parties, Mr. A and B say, will be just if and only if the value of the share distributed to A is to A’s value as the value of the share distributed to B is to B’s value, where value is measured by whatever are the correct criteria is. Why does Aristotle think that this counts in some way as intermediate? We can answer this question by looking at just and unjust distributions in a simple case.

Suppose that A and B went to a market to purchase goods for their new business. A spent 20 dollars on purchase the goods and B spent 10 dollars. On the sale of these purchases, both A and B earned a profit of 60 dollars. Now, in this case, profit will be distributed to the amount invested by both in the business. Since A has spent twice the amount of B in the business, therefore A will receive twice as much as profits as B. Distributive justice entails that equal persons receive equal shares. Here the measure of equality of persons is the size of the investment each has made. If anyone violates this proportion, it would be an injustice. Suppose profits are wrongly distributed by 5 dollars, either A gets 5 dollars more profit and B gets less or A gets 5 dollars less and B gets more. Then the amount i.e. 40 dollars which A receives in the just distribution is mean between 45 dollars which he gets first and 35 dollars which he gets latter as unjust distribution. Thus, a just share is mean between a share that is too large by some amount and a share that is too small by that same amount.

Thus, Aristotle argues that a “geometrical” proportion or equality is applied when the concern is for a just distribution of goods between persons. According to Aristotle, in a just or fair distribution, if the persons are not equal, their (just) shares will not be equal, when equals have and are awarded unequal shares or unequal’s are awarded equal shares, this is the source of disputes and allegations. Thus, the geometrical proportion in distributive justice gives priority to the estimation of individuals rather than shares and supposes that individuals are unequal. It requires consideration of such questions as: Is this individual “equal to” or worthy of the share that he or she will receive? Such questions result in equal shares being distributed to equals, but unequal shares to unequal. Justice as fairness is getting what you deserve as opposed to the same as everyone else because persons deserve different things.

Nature plays an important role in Aristotle's understanding of distributive justice. In Aristotle's opinion, people are unequal by virtue of their nature. It is this natural inequality that initiated Aristotle to articulate the concept of geometrical distribution according to which equal person receives an equal share and unequal receives unequal shares. However, such inequalities benefit the advantaged.

The chapter discussed justice as virtue, where justice is discussed, as cardinal virtue leading to 'harmony' of soul and state, by Plato in *The Republic* and as 'moral virtue' by Aristotle in *Nicomachean Ethics*. Virtue Ethics is the dominant model of ethics from the ancient (Greco-Roman 600bce-300ce) to the medieval (Christian 400-1400ce) periods. With the modern period (1400-1800 ce) rules-based ethics (Kant, Mill, etc) comes to the fore. In the twentieth century (1900 ce) virtue ethics makes a comeback, now there are roughly three normative ethics: Deontological Ethics, Consequentialist Ethics, Virtue Ethics (Aristotle, etc.). A just society for Plato means one in which everyone works together to form a harmonious society for the greater good of all, based on everyone pursuing their natural roles - worker/producer, warrior/soldier, and ruler/guardian. Justice is "doing one's own work and not interfering with what isn't one's own i.e. harmoniously blending one's own natural role with the roles of others in the service of a greater society for all. Aristotle represents a more comprehensible view of ethics and justice but accepts many of the same assumptions about naturalness etc. Central to Aristotle's political theory is idea that justice is teleological. We have to know the purpose, end, *telos*, of a thing to know its role. What is it for? Aristotle replaces rules with the habit in the theory of justice; a just society is one that promotes and aids us in the development of the right moral virtues. Why not a free personal choice? Because we can never do this alone: we are "political animals".

Aristotle says that everything has a purpose or goal (*telos*) and that this is achieved through excellence. “All things seek their own good”. Humans, too, seek their fulfillment: human purpose is to do what humans do best, to reason. “To reason well in accordance with virtue” This is achieving *eudaimonia*, “complete fulfillment” or happiness. *Eudaimonia* is the end that has no other end; we desire it for itself. We must cultivate *phronesis*, the “practical wisdom” or “prudence” to know what to do, when, and why. It must be cultivated, and only grows by practice, habit, and action. It comes from experience, but also from reasoning about the virtues. Learning principles is not the same as having experience. However, this is *not* simply relativism: five *phronetic* people in the same situation would act the same way. Ethics is *one not many*. The person who is practically wise is the person who reasons rightly about their end (*eudaimonia*), and the best way to achieve it.

Thus, a just society is one that allows and encourages the development of virtue and practical wisdom and *Phronesis* is good deliberation about what will allow me to achieve the human end, *eudaimonia*.

To summarize, in the present chapter we discussed the status of justice in Plato and Aristotle. First of all we saw that justice has been conceptualized as a virtue by both Plato and Aristotle. For Plato, justice is a cardinal virtue which is inherited in individual and in the state. At the individual level, says Plato that justice is teleologically linked with goodness and consists in the harmony of three parts of the soul: reason, spirit and appetite. Plato discussion of justice is to find out what is the correct way to live. The answer to this question is discussed in second part of the chapter where Aristotle says that correct way to live is to follow something called the

doctrine of the mean. It is the practical wisdom or *Phronesis*, the *golden mean* between the excess and the deficiency of all kind of virtues that we can possibly vindicate an action to be ‘just’ and thereby we derive the notion of justice. In addition to the discussion of *Phronesis* the chapter also discusses the aim of justice i.e. to attain *Eudaimonia*. Thus, we discussed that once justice is delivered through *Phronesis*, *eudaimonia* is attained. Lastly, we discussed Aristotle’s distributive justice in detail which is a relationship between *Phronesis*, *eudaimonia* and teleology. Now, in the next chapter i.e. second chapter of the thesis, we will discuss the status of justice in Kauṭilya’s *Arthasāstra*.



## Bibliography

- Aristotle. *The Nichomachean Ethics*. Translated by S.D. Ross. London: Oxford University Press, 1972.
- Aristotle. *The Nicomachean Ethics*. Translated by J.A.K. Thomson. Penguin Books, 1953.
- Chisholm, Hugh. ed. (1911). "Harmonia." *Encyclopedia Britannica*. (11th ed.). Cambridge University Press. Accessed on 28/12/2014
- Graham, Daniel W, "Heraclitus." *The Stanford Encyclopedia of Philosophy*. Accessed on 28/12/2014
- Kangle, R.P. *The Kautiliya Arthasastra Part III: A Study*. Bombay University Press, 1965.
- Lamont, Julian and Favor, Christi. "Distributive Justice." *The Stanford Encyclopedia of Philosophy*. Accessed on 15/1/2015
- Nettleship. R.L. *Lectures on The Republic of Plato*. New York: St. Martin Press, 1955.
- Plato. *The Republic of Plato*. Translated by Fransis Macdonald Conford. Oxford University Press, 1941.
- Plato. *The Republic*. Translated by Desmond Lee. Penguin Books, 1974.
- Brett & McKay, Kate. "Practical wisdom: The Master Virtue." <http://refoundingfathersociety.com/practical-wisdom-the-master-virtue/>
- Lacewing, Michael. "Practical Wisdom." <http://cw.routledge.com/textbooks/alevelphilosophy/data/A2/Moral/PracticalWisdom.pdf>

## CHAPTER 2

### KAUṬILYA ON JUSTICE AS *DANḌANĪTI*

---

In this chapter, I would like to discuss the status of justice in Kauṭilya's *Arthaśāstra*. The political treatise of Kauṭilya could be found in *Arthaśāstra*, on the administration of justice, in detail. In order to organize my discussion, I propose to divide it into three parts. Part-I of the chapter involves the discussion of “*Ānvīṣhikī and Vārttā*”. This part highlights the importance of learning various sciences for the rulers with the emphasis that knowledge alone is not enough for the administration of justice in the state. King and his ministers must follow a certain code of conduct. These codes of conduct, namely honesty, fairness and impartiality, help ruler and his ministers in the administration of the state. In Part II of the chapter, I will discuss about certain codes of conduct like Honesty, Fairness and Impartiality which are required for infusing knowledge and qualities within king and his minister as to achieve individual and collective happiness within the state. In Part III of the chapter, there is a discussion on the goal of the individual and collective happiness, in terms of Happiness and *sukha*.

Before I come to Part-I, I would like to mention that “Kauṭilya was an Indian political leader and philosopher, chief advisor and Prime Minister of the Indian Emperor Chandragupta, the first ruler of the Mauryan Empire. Kauṭilya helped Chandragupta to turn the Mauryan Empire into one of the most powerful governments at that time. Following Kauṭilya's successful campaigns, Chandragupta was seen as a brave leader who defeated part of the Greek invaders and ended the corrupt Nanda government and thus gained wide public support. The political thoughts of Kauṭilya are summarized in a book he wrote known as the *Arthaśāstra*. ”<sup>1</sup>

---

<sup>1</sup> Cristian Violatti, “Kauṭilya,” *Ancient History Encyclopedia*, <http://www.ancient.eu/Kautilya/>.

The word *Arthaśāstra* means ‘science of wealth or science of politics’. S.S.Ali says, “It is not a theoretical treatise, it is based on a practical aspect of the administration, which is still relevant and has universal applicability in form of good governance.”<sup>2</sup> *Arthaśāstra* is not just a political treatise but ethical too. Ethics of *Arthaśāstra* is based on Vedic ideals. Kauṭilya gave strong emphasis on *dharma* and *daṇḍa*<sup>3</sup> in administration of state and justice.

For Kauṭilya, it was very important that law and order are maintained by following *dharma* and *daṇḍa*. The standard of justice, according to Kauṭilya, is coercive enforcement in accordance to *dharma*. By *dharma*, he means the sense of honor, duty, virtuous actions and responsibility. Kauṭilya lays emphasis on *varṇas* and *āśhrams*, according to him as long as king performs his duties (*rājadharmā*) and citizens perform their individual duties (*svadharmā*) social order will be maintained.<sup>4</sup> In *Arthaśāstra*, judges are called *dharmasthas*, because according to Kauṭilya judges are upholders of *dharma*, and their work is guided by *dharma*. By *daṇḍa*, he meant politics of the administration and by *Daṇḍanīti* he meant a rule of law or science of government. To eliminate anti-social elements from the society Kauṭilya suggested the use of *daṇḍa*. To highlight the importance of *Daṇḍanīti* Kauṭilya argues that

---

<sup>2</sup> Ali, “Kautilya and Concept of Good Governance,” p. 4.

<sup>3</sup> The concept of *dharma* is found in India’s ancient political and religious text. According to Hindu philosophy one who seeks for justice, harmony and happiness lives according to *dharma*. *Dharmashastra* is a treatise which gives rules and guidelines for a just, harmonious and happy life. *Dharmashastra* has many sutras called *dharmasutras* relating to laws and administration of justice, crimes, punishments, duties of king, as well as morality.

<sup>4</sup> Varna seems to have been the division of the society in the *Rig* Vedic times when there were four classes. These classes were Brahmin, Kshatriya, Vaishya and Sudra. An *āśrama* as described by ancient Indian text is four age-based life stages. The four āśramas are: *Brahmacharya* (student), *Grihastha* (householder), *Vanaprastha* (retired) and *Sannyasa* (renunciation). It is also a component of the ethical theories in Indian philosophy, where it is combined with four proper goals of human life (*Purusartha*), for fulfillment, pleasure and spiritual liberation.

growth of the economy depends upon the maintenance of law and order. Kauṭilya explains the absence of law and order with the help of an analogy which is known as; “law of fishes” i.e. when the big fish eats the little fish, then there is no justice. So what follows from this situation is that *daṇḍa* or politics of government is required to bring order and justice, at any cost.

There were six factors which played an important role in the administration of justice within the state. These were:

- Qualities of the king and his ministers
- Economy
- Life of the people
- Treasury
- Strength of Army
- Allies

Each and every factor played a significant role and thus any mistake at any level of administration of the state led to the punishment of the culprit. For the present purpose, I will discuss first factor i.e. ‘qualities of king and his minister’ in detail. All other factors will be discussed partially.

Kauṭilya discusses a large number of qualities of a ruler like- bravery, quickness of decision, strength of mind, must be approachable, piety, truthful, honest, fair, he must have ability to understand, to think, must be bold and impartial, must have sharp memory and so on. Regarding this list of qualities Kangle quotes Hillebrandt comment i.e. “not free from romantic idealism”.<sup>5</sup> Since it is difficult to find these qualities by birth, therefore, proper training in various branches of learning

---

<sup>5</sup> Kangle R.P, 1965: 129.

is important for a ruler. Study of *Ānvīṣhikī* (philosophy), *Trayī* (the Vedic lore), *Vārttā* (economics) and *Daṇḍanīti* (the political sciences) is insisted by Kauṭilya. As a result, the knowledge of these sciences helps in achieving ethical as well as political goals. With this, I wish to come to Part-I of the chapter.

### **Part- 1: *Ānvīṣhikī* and *Vārttā***

The aim of *Arthaśāstra* is to guide people to achieve three goals of life i.e. *dharma*, *artha* and *kāma*. And this can only be done by following four sciences:

1. *Ānvīṣhikī* (study of philosophic disciplines)
2. *Trayī* (the Vedic lore)
3. *Vārttā* (the economics sciences)
4. *Daṇḍanīti* (the political sciences)

There is a difference between what the ancient schools asserts and what Kauṭilya accepts among these four mentioned sciences. Therefore, there is the ancient political school of Manu (Manava) which did not regard *Ānvīṣhikī* as separate science and included it in Vedas as its special branch. “The school of Brihaspati says that there are only two sciences: *Vārttā* and *Daṇḍanīti*, in as much as the Triple Vedas, are merely an abridgment (*Samvarana*,) for a man experienced in affairs temporal (*Lokāyatravidah*).”<sup>6</sup> “The school of Usanas declares that there is only one science, and that the science of government; for, they say, it is in that science that all other sciences have their origin and end.”<sup>7</sup> But on the other hand, Kauṭilya accepts all four sciences as being important individually. This is because it is from these sciences that one learns about righteousness and wealth.

---

<sup>6</sup> Shamasastri R, 1967: 5.

<sup>7</sup> Ibid., p. 5.

Vedas teach us about righteous and unrighteous of actions; *Vārttā* gives knowledge of wealth and non-wealth; and lastly *Daṇḍanīti* teaches us about the expedient and the inexpedient, as well as potency and impotency. *Ānvīṣhikī* is study of philosophical disciplines: according to Kauṭilya “the study of *Ānvīṣhikī* is necessary as it sharpens the intellect, enabling the ruler to distinguish right from the wrong and to gain equanimity and an equable temper.”<sup>8</sup> Study of *Anvīṣhiki* is given utmost importance by Kauṭilya. And it must be studied, says Kauṭilya, under teachers of acknowledged authority (*śiṣṭa*). *Anvīṣhiki* involves the study of three philosophical systems: Sāṃkhya, Yoga and Lokāyata. These three were the earliest philosophical systems to have developed in ancient India. “It is stated that study of *Anvīṣhikī* keeps the mind steady in adversity and in prosperity and brings about proficiency in thoughts, speech and actions”<sup>9</sup>. It was Kauṭilya who identified an *Anvīṣhikī* with *Sāṃkhya*, *Yoga* and *Lokāyata*, but not every political treatise developed the same meaning of *Anvīṣhikī* by equating it with the study of these three philosophical systems.

For Manu, the author of *Manusmṛti*, these systems of thoughts were not of so much importance in general and *Lokāyata* in particular. Vedānta (another earliest philosophical system) was considered to be important by him and he identified Vedānta theory of *Ātmavidyā* with *Anvīṣhikī*. Similarly, *Mahābhārata* equates *Anvīṣhikī* with *Tarkavidyā*. “In later times *Anvīṣhikī* is understood as another name for the Nyāyaśāstra.”<sup>10</sup> “There is another text i.e. *Hetuanvīkṣamāṇā* which also prescribes different meaning to *Ānvīṣhikī* i.e. it stands for science and reasoning and not for philosophy.”<sup>11</sup> To this R.P. Kangle writes:

---

<sup>8</sup> Kangle R.P, 1965: 130.

<sup>9</sup> Ibid., p. 99.

<sup>10</sup> Ibid., p. 99.

<sup>11</sup> Ibid., p. 100.

“But in this explanation, *hetu* is only the means of investigation; the object of investigation is what is right and what is wrong. That belongs to the province of philosophy, not to that of *Tarkavidyā*, which is primarily concerned with determining the validity or otherwise of the *hetu* itself. And the description of *Ānvīṣhikī* as that which keeps the mind steady in adversity and in propensities is hardly applicable to *Tarkavidyā*.”<sup>12</sup>

Thus by the above analysis of meaning of *Ānvīṣhikī* what comes out is that; *Ānvīṣhikī* is not *Tarkavidyā* or science of reasoning, but it stands for philosophy. But according to some writer *Ānvīṣhikī* includes both philosophy and reasoning. It was before 6<sup>th</sup> century B.C that *Ānvīṣhikī* was equated with *Tarkavidyā*. Later after that it developed into philosophy or *darshana* and dealt with reasoning or *hetu*. Thus, it was also called *Hetushastra*. Mahabharata as mentioned above equated the knowledge of *Ānvīṣhikī* with *Tarakavidyā*. Scholars also argue that there was a close relationship between Nyāya School and *Ānvīṣhikī*. *Arthaśāstra* recognizes *Ānvīṣhikī* as both philosophy and science of logic and reasoning. But it involves the study of Sāṃkhya, Yoga and Lokāyata and not of any other philosophical school. Sāṃkhya, Yoga represents as ancient schools of philosophy and Lokāyata represents the system of logic and reasoning because masters of Lokāyata School were known for their mastery in logic and reasoning.

Kauṭilya gave importance to both the parts of *Ānvīṣhikī* i.e. philosophy and logical reasoning. Kauṭilya states that it is only through reasoning part of *Ānvīṣhikī* that we can investigate ‘right’ and ‘wrong’ in Vedas, wealth and privation in economics, good and bad policy in politics, as well as relative strength and weakness of all the three sciences. And regarding philosophy he writes “Philosophy, throws

---

<sup>12</sup> Ibid., p. 100.

light on all other branches of learning, giving them their significance, and it provides a rational basis for all actions and duties.”<sup>13</sup> Kauṭilya strongly emphasized on teaching of philosophy for the kings because knowledge of philosophy will make them better rulers. Not only learning philosophy was enough for the ruler, but ruler must be able to exercise control over his senses. The ruler must keep in check his passion as lust, anger, avarice, pride and so on. “It is also considered essential that he should avoid addiction to vices. Seven *vyasanas* or vices, three arising from a wrathful temper and four originating in lust. It is declared that a *vyasana* prevents him from realizing his own highest good.”<sup>14</sup> So, it is clear that Kauṭilya used the term *Ānvīṣhikī* for both philosophy and logical reasoning.

In this way, the study of *Ānvīṣhikī* is important and crucial because:

1. It brings about proficiency in thoughts, speech and actions.
2. It helps people to keep their mind steady in adversity and prosperity by studying the philosophies of Sāṃkhya, Yoga and Lokāyata.
3. It provides a rational basis for actions and duties.
4. It also brings us to a right conclusion through reasoning.
5. Thus, philosophy gave the ethical as well as a scientific dimension to the study of politics.

### ***Vārttā***

Wealth is essential for an economy to develop and prosper. It is only through good financial reserves that state can hold his administration work efficiently and effectively. Also, the welfare of the people is not possible without money. A state

---

<sup>13</sup> Ibid., p. 130.

<sup>14</sup> Ibid., p. 131.



can keep his people happy and contented only when it is wealthy. The state runs on the revenues which it collects from its people. People involve themselves in different vocations to earn a livelihood and to pay taxes to the government. Agriculture (*kr̥ṣi*), cattle-breeding (*pāśupālya*) and trade (*vaṇijyā*) were three prime vocations by which men earned a livelihood.

“It is said that because of *Vārttā* that state receives grains, cattle, money and various kinds of products. It also supplies *viṣṭi*, that is, laborers to the state (1.4.1)”<sup>15</sup> Arts and crafts, through which many gained livelihood, are not included in *Vārtta*. The reason behind this exclusion was the negligible impact of artisans and craftsmen on the state economy. With the help of this science, the king could acquire food grains, animal wealth, income from jungles and the labor. He could acquire treasury and use it to control his own the party as well as party of others.

Kauṭilya was aware of the fact that future of the treasury depends on the development and economic productivity of the nation’s industries. Thus, he outlined the measures for the development and management of mines and forests, agriculture and livestock, manufacturing, and commerce. He was very well aware of the importance of commerce and trade as a contributor to economic welfare and as a source of government revenue and proposes several measures for regulating commerce. Agriculture involved both state-owned and private farms. The king controlled mining operations and facilitated cattle-breeding and commerce.

Agriculture was the most important vocation amongst the three. Book Two, Chapter-24 of *Arthaśāstra* is on the Superintendent of Agriculture (for crown lands).

---

<sup>15</sup> Ibid., p. 166.

The Chapter informs and advises the Superintendent with regard to increasing the production on the lands owned by the crown. The chapter discusses important aspects of agriculture and appears as an instruction to the Superintendent of Agriculture. For instance, Kauṭilya writes:

"Possessed with knowledge of the science of agriculture, water management, and managing crops and trees, or assisted by those who are trained in such sciences, the superintendent of agriculture shall in time collect the seeds of all kinds of grains, flowers, fruits, vegetables, bulbous roots, roots, fruits of creepers, fiber-producing plants such as hibiscus and cotton."<sup>16</sup>

Agriculture contributed the maximum to the state revenue. And this revenue came either from *sītā* i.e., the produce of crown's lands or *bhāga* i.e., the one-sixth share of the produce of others' lands.

Cattle-breeding was another important vocation. "The state was the owner of large herds of cattle and other animals with the *go'dhyakṣa* 'the superintendent of cattle' in charge."<sup>17</sup> Cattle were owned privately too. *Go'dhyakṣa* were to maintain a complete record of each animal in every herd belonging to the state. "Except for state-owned herds, cattle as such may be supposed to provide little direct income to the state. In any case cattle-tending seems to contribute much less to the economy of the state than agriculture and trade."<sup>18</sup>

"Provision of routes for trade purposes is another important state activity. All trade is to be under control, with the *paṇyādhyakṣa* 'the superintendent of trade' in charge."<sup>19</sup> His duty was to increase trade by increasing production in different sectors of the economy and by giving proper incentives to the traders. According to Kauṭilya,

---

<sup>16</sup> Shamasastri R, 1967: 129.

<sup>17</sup> Kangle R.P, 1965: 175.

<sup>18</sup> Ibid., p. 176.

<sup>19</sup> Ibid., p. 176.

since trade provided maximum revenue to the state, some important factors must be taken care for the development of trade i.e. transport and communication facilities between different regions must be checked and improved. Traders must be protected from the horrors of the thieves. Trade administration should maintain and construct warehouse for goods and arrange rest houses for the benefit of traders. Kauṭilya states that if all the factors are kept in mind trade carried out by both private and state would yield substantial income to the state. Kauṭilya emphasized honesty and justice in trading. He recommended heavy fines for traders who would conspire and defraud buyers by uniting together in the act of black marketing. Mining and manufacturing industries were other important sources of income to the state, apart from these three sources which are rooted in *Vārttā*. “The importance of mines is stressed in the statement that the treasury depends on mines; that the army is sustained by the treasury and the earth is conquered by means of the treasury and the army.”<sup>20</sup>

Kauṭilya argues that for capital formation the economic development is necessary. *Vārttā* the economic activity, says Kauṭilya, must be under strict control so that state income may be safeguarded. Kauṭilya also argues that there must be some sort of control over Agriculture and trade is necessary to benefit state revenue.

Kauṭilya clearly recognized the link between development of economy and efficient working of administration. Agriculture and trade were important sectors through which state extracted its revenues. The success of these sectors helped in increasing the wealth of nation. The revenues collected from these sectors were further used to pay salaries to the officers and ministers working at different levels of administration. This further resulted in smooth functioning of the departments.

---

<sup>20</sup> Ibid., p.182.

According to Kauṭilya, if the treasury is not full and the state fails to make payment to its servants, it leads to discontent and may lead to failure of the administration process. So, to ensure efficiency salaries or wages must be paid timely and accordingly.

Now, the means to pursue *Ānvīṣhikī*, the triple Vēdas, and Vārta is *daṇḍa* (politics of government). Study of *Daṇḍa* i.e. politics of government is called *Daṇḍanīti*. “It is a means to make acquisitions, to keep them secure, to improve them, and to distribute among the deserved the profits of improvements. It is on this science of government that the course of the progress of the world depends.”<sup>21</sup> Kauṭilya held that if *daṇḍa* was used properly it will help in achieving *dharma*, *artha*, and *kamā*. If *daṇḍa* is not used properly and severe punishments are being imposed than it can even antagonize people who lived in the forest. Also, if it is not used at all or its application is mild it will lead to the logic of fishes and anarchy. So, when king imposes punishment as deserved he is being respected by his subjects. “For punishment when awarded with full consideration, makes the people devoted to righteousness and to works productive of wealth and enjoyment.”<sup>22</sup>

Kauṭilya suggests that every king must employ *Daṇḍanīti* because without it philosophy can't be pursued, social order, as mentioned in Vedas, can't be maintained and sources or *artha* can't be developed. And when *daṇḍa* is applied in full consideration it helps people to achieve three goals of life without any hindrance. There is a relationship between sciences and three goals of life or '*trivarga*' ideal. The three goals stood for '*dharma*' '*artha*' and '*kamā*'. Knowledge of Philosophy and three

---

<sup>21</sup> Shamasastri R, 1967: 8.

<sup>22</sup> Ibid., p. 8.

vēdas helped in achieving *dharma*', knowledge of '*Vārtta*' and '*daṇḍanīti*' helped in achieving '*artha*' and '*kamā*'. Though all goals were important, Kauṭilya gave maximum importance to '*artha*' because it through '*artha*' that '*dharma*' and '*kamā*' could be achieved.

The above analysis of the importance of science clearly shows that, for Kauṭilya, *Ānvīṣhikī*, *Vārttā* and *Daṇḍanīti* were important sciences for his political treatise: *Arthaśāstra*. Learning of various disciplines is not enough for a ruler he must exercise personal control over his senses and keep passions such as lust, greed, pride, etc. in check. But this doesn't mean that ruler is expected to lead an ascetic life. Point to say all that is; ruler should adjust his conduct in respect to three goals of *dharma*, *artha* and *kāma*. The ruler has a duty to protect his state and to maintain *varṇas* and *āśramas*, he should appoint minister and others for smooth working of administration. No matter how competent the ruler is; he alone cannot run the state. Therefore, the ruler needs minister which include *prāḍvivāka* and *amātya* as helpmates in his task. Now, the administration process is headed by ruler and his ministers and to ensure justice in the process the ideals of honesty, fairness and impartiality must flow from the top to bottom. That is to say, a just society is one where not only officer rank is honest, fair and impartial but ruler too.

### **Part-2: Honesty, Fairness and Impartiality**

Kauṭilya deals with the administration of justice in book three and four of *Arthaśāstra*. For Kauṭilya, the key to justice was to first develop the honest, fair and impartial administration in the state. Kauṭilya was of the opinion that when law enforcers or officers will be honest only then administration procedures will be fair and impartial.

Kauṭilya states that Justice can be administered effectively only when authorities within the state are honest, impartial and fair. No one should be allowed to have an interest against his duty be it, ruler himself or his officer.

It is of the greatest importance for Kauṭilya that the administration of justice should not only be free from blame, but free from all suspicion as well. The way to do complete justice, says Kauṭilya, is to listen the point of one side, without biasing the other. And this could only be possible if the administration is honest, fair and impartial.

### *Honesty*

It is well known that honesty is indescribable for all of the performers in the legal system be it a judge or an officer or a minister. It is so because naturally it is difficult to recognize and communicate the truth. Without certain basic honesty, any judicial system within the structure, the rule of law would breakdown because we could not rely on the good faith of the human beings who administer it.

Kauṭilya was aware of the fact that legal system is based on the system of justice. If justice needs to work administrators must be honest to their work. Kauṭilya also knew that justice cannot be maintained if there will be no rule of law. According to Kauṭilya, only a few people are honest by themselves rest all need to make work through force. Kauṭilya notes that justice cannot exist if guilty is not given punishment and goes free nor can there be justice if the innocents are punished for the crimes they never committed.

Kauṭilya was aware that some law enforcers might commit a crime of getting money from someone by the use of force or threats. He believed that only honesty on

the part of law enforcers including king can make laws effective in the society. Thus, judges must administer state justly and if any judge was found guilty punishment must be inflicted upon him too. To this Kauṭilya writes:

“A judge may err in various ways he may not put question to those whom they ought to be put or put them to wrong persons, or after putting questions to someone he may ignore the reply given, or he may give instructions to, remind or prompt the person being questioned by him. If he does so, he is to be fined the middle *sāhasa- daṇḍa*.”<sup>23</sup>

Thus in Kauṭilya’s view judges must be honest in their work including king. In Kauṭilya’s opinion, it is as important for judges to be honest as it is for witnesses to be honest. All officials within the justice system must be of the highest caliber in morals and ethical behavior. Kauṭilya states that judges who punishes or creates fake evidence against the innocent and behaves completely opposite to honest and honorable behavior, corrupt the whole system and process. Such judges are anti-social elements and must be eliminated from the legal process with due punishment. In *Arthaśāstra*, “the judges are called *dharmasthas*, a name which apparently refers to the *dharma* or law, by which they are to be guided in their work.”<sup>24</sup> To protect all kinds of government departments, Kauṭilya discussed a set of guidelines for fair and impartial judicial process. He writes:

“When a judge threatens, browbeats, sends out, or unjustly silences anyone of the disputant in his courts, he shall first all be punished with the first amercemnt. When judge does not inquire into necessary circumstances, inquire into unnecessary circumstances (*deśa*), makes unnecessary delay in discharge his duty, postpones work with spite causes parties to leave the court by tiring them with delay, evades or causes to evade statements the lead to the settlement of a case, helps witnesses, giving them clues, or resumes cases

---

<sup>23</sup> Kangle R.P, 1965: 221.

<sup>24</sup> Ibid., p. 215.

already settled or disposed of, he shall be punished with the highest amercement. If he repeats the offence, he shall both be punished with double the above fine and dismissed.”<sup>25</sup>

Everybody stands equal in front of law be it a judge or king himself. Nobody is superior to or above law according Kauṭilya. To this R.P. Kangle observes,

“Such treatment expected to be meted out to members of the judiciary strikes us today as being very strange. If judges are themselves to be fined, the dignity that is expected to be attached to their office is bound to disappear. The judges, in the scheme of this context, occupy a position subordinate to the executive and are far from being independent of it.”<sup>26</sup>

The code of conduct was not only applicable to judges and other law enforcers working at a different level but to king as well. King must be honest and law-abiding. A ruler should, without a doubt, takes care of his subjects as his own children. In setting up disputes, however, he should be firm and précised. For hearing the complaints and answers of disputes in judicial suits, the king should always appoint persons possessed of wisdom and knowledge of the affairs of the world, for the state really sets upon a proper administration of justice. Guidelines were also set for the dishonest clerks of judges, Kauṭilya writes:

“When a clerk judge does not take down what has been desposed by parties, but enters what has not been desposed, evades what has been badly said (duruktam), or renders either diverse or ambiguous in meaning such depositions as are satisfactorily given out, he shall be punished either with the first amercement or in proportion to his guilt.”<sup>27</sup>

---

<sup>25</sup> Shamasastya R, 1967: 254-255.

<sup>26</sup> Kangle R.P, 1965: 221.

<sup>27</sup> Shamasastya R, 1967: 225.



Kauṭilya was concerned regarding dishonesty of other officials; for example: “if commissioner imposes an unjust fine in gold, he shall be fined either doubled the amount of the fine”.<sup>28</sup> “If he imposes unjust corporeal punishment, he shall himself be either condemned to the same punishment or made pay twice the amount of ransom leviable for the kind of injustice.”<sup>29</sup> Kauṭilya suggested that “king should test the conduct of his government servants, and then shall, through those officers of approved character, examine the conduct of his people both in towns and villages.”<sup>30</sup>

Kauṭilya laid stress on efficiency and honesty of both ministers and officers. Kauṭilya was of the opinion that each and every individual shall be judged according to his capability to perform any work given to him. To consider the capability of a person is actually a symbol of modern thoughts presented by Kauṭilya. Amartya Sen and Martha Nussbaum are pioneers of ‘capability approach’ theory which they have significantly developed in recent times. Kauṭilya’s *Arthaśāstra* gave primacy to the secular law in India. We can say this because administration of state which was under ministers and officers included both competent and incompetent ministers and officers. Honest and competent officers within the administration were considered to be most desirable. So, Kauṭilya laid emphasis on competence and honesty for creating prosperity. But there was a dilemma with regard to honest and incompetent officers. Kauṭilya was of the opinion that a tolerable attitude has to be developed toward officers who are though dishonest but competent. But dishonest and incompetent type of officers must not be tolerated.

Thus, Kauṭilya stressed on establishment and maintenance of efficient and honest intelligence service. Unless the investigating departments and the courts

---

<sup>28</sup> Ibid., p. 255.

<sup>29</sup> Ibid., p. 225.

<sup>30</sup> Ibid., p. 256.

functioned with due autonomy, honesty, efficiency, improvement in governance would have no chance.

### ***Judicial Fairness***

The concept of fairness is often related to other “moral concepts, like justice, impartiality, and equality. It mainly focuses on the institutions that apply rules.”<sup>31</sup> For instance, a fair procedure is one that applies similarly to all cases. Discussion about Concept of fairness is concerned with either “procedural fairness”, in which means through which decisions are made or the way rules are applied are accessed, or “distributive fairness” which access the outcomes of that are brought about. “These two concerns of fairness frequently coincide (i.e., fair procedures give rise to fair outcomes and vice versa), but this does not apply to all the cases. The concept of fairness is more concerned with procedural fairness and regarding distributive fairness it is largely discussed with the concept of justice (distributive justice).”<sup>32</sup>

Kauṭilya’s *Arthaśāstra* discusses mostly on “procedural fairness”. Kauṭilya strongly emphasized on a fair trial, a fair contest, a fair agreement, a fair selection in administrative processes. All of these, however, generally center on the equal treatment of people. Kauṭilya identified some important procedural characteristics which were important for procedural fairness in court of law they were: whether the courts are unbiased or not, whether law enforcers treat people with respect or not and listen carefully to what they have to say. The most important factor in administration process was considered to be the honesty and fairness of the judges. Kauṭilya wrote: “A king who observes his duty of protecting his people justly and according to law

---

<sup>31</sup> Klosko, George. “Fairness” [http://www.fairness.com/articles/fairness\\_definition\\_klosko](http://www.fairness.com/articles/fairness_definition_klosko).

<sup>32</sup> Ibid., “Fairness” [http://www.fairness.com/articles/fairness\\_definition\\_klosko](http://www.fairness.com/articles/fairness_definition_klosko).

will go to heaven, whereas one who does not protect them or inflicts unjust punishment will not. It is the power of punishment alone, when exercised impartially in proportion to the guilt, and irrespective of whether the person punished is the King's son or an enemy, that protects this world and the next.”<sup>33</sup>

Kauṭilya elaborated by saying that: “The king who imposes deserved punishment is respected by his subjects. A well-considered punishment makes the people devoted to *dharma* (righteousness), *artha* (wealth) and *kāma* (enjoyment). Punishments, when awarded in greed, anger or ignorance excites the fury of even forest eremites and ascetics, not to speak of householders. But when no punishment is awarded through misplaced leniency and no law prevails, then there is only the law of fish.”<sup>34</sup>

The concept of Fairness does not only revolve around the fairness of procedures, but fair laws should also be established for the welfare of the people. For Kauṭilya law is not an expression of the free will of the people. Thus king - the authority to make laws, did not vest with citizens. Laws were derived from four sources – “*dharma* (sacred law), *vyavahara*(evidence), *charita* (history and custom), and *rajasasana* (edicts of the King).”<sup>35</sup> They are also known as four legs of laws. In case of “conflict between established tradition and ethical principles (sacred laws), or between evidence and sacred law, the case shall be decided on the basis of sacred laws.”<sup>36</sup> Where scriptural laws conflict with what is righteous and just, their justice shall be the valid criterion; the written text loses its relevance. *Rajasasana* maintained the relationship between the citizen, the association, and the state.

---

<sup>33</sup> Shamasastri R, 1967: 173.

<sup>34</sup> Ibid., p. 8.

<sup>35</sup> Ibid., p. 172.

<sup>36</sup> Ibid., p. 173.

*Arthaśāstra* outlines a system of civil, criminal, and trade law. For example the following were categorized: “a procedure for interrogation, torture, and trial, the rights of the accused, what constitutes permissible evidence, a procedure for examination in case of death in suspicious circumstances, what constitutes defamation and procedure for claiming damages, valid and invalid contracts.”<sup>37</sup> Thus concerning such, the *Arthaśāstra* states that —the maintenance of law and order by the use of politics of government is *daṇḍanīti*, and the “boundaries of what seemed to be valued by state ideology or *dharma* are indirectly revealed in the *Arthaśāstra* by the magnitude of punitive fines attributed to unlawful deviations from the status quo. Thus, *dharma* was the prime source of political legitimacy of the state.”<sup>38</sup>

There are two important aspects to judicial fairness in *Arthaśāstra*. First: minimization of legal errors, second, resolving disputes. Kauṭilya used the coercive method to minimize legal errors and prescribed rules to settle down disputes. For instance, in case of a transaction between two people, called *vyāvahārika*, if any party feels aggrieved, s/he can take the matter to a judge court.<sup>39</sup> According to Kauṭilya “some transactions becomes invalid, that is, illegal, by reason of circumstances attending their conclusion. A transaction to be valid must have entered into by persons who are competent to do so and are themselves present in person at the time.”<sup>40</sup> Punishments were inflicted if the suit was filed on the basis of invalid transaction or if it involved any secrecy or fraud.

---

<sup>37</sup> Ranade, Akshay. “*Arthashastra: An Insight in Kautilyan Views on Law and Justice*”. <http://www.youthkiawaaz.com/2011/12/arthashastra-an-insight-in-kautilyan-views-on-law-and-justice/>

<sup>38</sup> Islam, “*The Arthashastra Insights on Statecraft and Reflections of Ancient Indian Society*” <https://michiganjournalhistory.files.wordpress.com/2014/02/islam.pdf>

<sup>39</sup> *Vyāvahārika* include transaction such as marriage, incurring of debts, sale etc. it also includes affairs such as forcible seizure, trespass with criminal intent, scuffle and so on.

<sup>40</sup> Kangle R.P, 1965: 217.

Kauṭilya had farsighted vision he did not prescribe laws and rules on part of his subjects, but to ensure legal excellence and to reduce legal errors, rules were set at administration level too. For instance considering the above case of vyāvahārika, when judge received complaint in court, he should make clerk of the court to write down all the details: The time and place of the transaction, the amount of debt, and the name, caste, place of residence etc. of the complainant as well as of the defendant. Thus one can say that Kauṭilya's administration of justice was fair and impartial.

### ***Impartiality***

According to the principle of Impartiality decisions should be based on unbiased criteria, rather than on the basis of bias, prejudice, preconceptions, prejudgments, or favoring the advantage to one person over another for unsuitable reasons. An impartial administration is one where "every person is treated equally before the judges and court of law" and further that "in the determination of any charge against any person, or of their rights and obligations in a suit of law, every person shall be entitled to a unbiased, fair, and just public hearing by a proficient, sovereign and impartial panel established by law"

The concept of judicial impartiality is also often considered to refer to an attitude of the court in relation to the issues and the parties in a particular case. Kauṭilya argued that that judges must not set any preconceptions about any matter which comes before them, and that they must not pass judgments in ways that promote the interests of one of the parties. Kauṭilya was also aware of the prejudices that could arise between judges and other officer rank members of administration, so he suggested clear separation of tasks, powers and responsibilities to create a secure and smooth functioning of the system.

Basically problem of corruption, says Kauṭilya, within the judiciary is one of the reason behind impartial administration. A corrupt judiciary in opinion of Kauṭilya destroys the legal and institutional mechanism and cripples the efficient and honest. Kauṭilya suggests that “secret agents are useful for detecting corruption among state servants.”<sup>41</sup> Kauṭilya writes:

“A remarkable feature of the *śāstra* is the uninhibited manner in which the organizations of a secret service is recommended and the use of secret agents for a variety of purposes. Two types of secret service are distinguished. One is *saṁsthā* ‘the establishment’, the members of which are generally stationed in a single headquarters. The others is *saṁcāra* ‘the rover’, the members of which move from place to place according as their services may be required.”<sup>42</sup>

Corruption within the judicial sector ranks can create a hateful effect on the rest of the public sector. Kauṭilya suggested a way to detect such impartial offences they are: “subjects who have suffered from impartiality of corrupt officer must be invited, to declare how they have suffered. Another way is to appoint informers to expose the fraud, and must be paid one- sixth of amount involved on success. Also, Secret agents must lookout for such offences by state servants.”<sup>43</sup> Once the offence is proved the guilty should be punished for misappropriation and for corrupt practices. “In the case of some offences, the punishment prescribed is death, sometimes death with torture.”<sup>44</sup>

Kauṭilya identified various causes of judicial corruption. Some of the possible causes include low remuneration, far reaching unrestricted powers and weak checking

---

<sup>41</sup> Ibid. p.207

<sup>42</sup> Ibid., p. 205.

<sup>43</sup> Ibid., p. 207.

<sup>44</sup> Ibid., p. 208.

of the performance of those powers. Kauṭilya suggested king to take timely appropriate measures to overcome these cause. As stated above that corruption within the judicial sector ranks can create a hateful effect on the rest of the public sector; so, according to Kauṭilya, indicators of corruption, must be perceived and worked before they are perceived by the public. Some indicators are: delay in the execution of court orders; delay in delivery of judgments; conflict of interest; prejudices for or against a party witness, high rates of decisions in favor of the administrative rank officers; preferential or hostile treatment by the decision-making body or administration; Therefore, corruption levels within the courts should be examined seriously by secret agents appointed for the work.

Proficient ethics and the principle of impartiality, within judges and other judicial actors, can be strengthened through a quality education, and the adoption of codes of ethics or a code of conduct. In Kauṭilya's time education was monopoly of the Brahmins and state could not interfere in their work. Though there were provisions for appointment of jobs based on capability and skill of a person. But right of equal education to all seems doubtful. Class of *śūdras* was not eligible for learning *śāstras* even in theory. So, these codes of conduct were important for rulers and his ministers for just administration of state. These codes of conducts are not just instrumental but emancipatory. They lead to individual as well as societal happiness which I will discuss in next part.

### **Part- 3: Happiness and *Sukha***

The word 'happiness' is an umbrella term for all that is good. It is used interchangeably with terms like 'wellbeing', flourishing or 'quality of life' and denotes

both individual as well as social welfare. On the other hand, the word *sukha* is a Sanskrit word which could be translated as happiness, joy, delight, pleasant, pleasure, welfare and well-being in English. The most common usage of the term *sukha* is well-being without any suffering or misery.

“*Sukhasya mulam dharmah*” the aphorism explains the Kauṭilya’s conception of happiness. It means: the basis of happiness is *dharma*. By happiness, Kauṭilya meant happiness of the people and by *dharma* he meant the dutifulness of king. According to Kauṭilya, as long as king and the administrator are conscious of their duties towards the people of their state, they will be happy and contented.

This is further expressed in aphorism as: “*praja sukhe sukham rajyaha prajnam cha hitehitam, natma prajam hitam, rajanah prajanam cha hitam priyam*” this means: in the happiness of his public rests the king’s happiness in their welfare his welfare. So, King must make effort to maximize happiness of his subjects. King should never think of his personal interest or welfare, but should try to find happiness in the happiness of his subjects.

It is important here to note that, according to Kauṭilya, happiness is obtained not by wealth but by following *dharma*. Wealth is not a direct source of happiness. This idea of happiness lying in righteousness or ethics is relevant to present time where everyone is running after wealth to attain happiness.

Now since *dharma* is the root of happiness then what is the true meaning of *dharma* and how it adds to happiness? The term *dharma* in Sanskrit is derived from root word ‘*dhr*’, which means to uphold, to sustain and to hold together. According to Ancient Indian text called *dharmashastra*, a person live his life according to his



preferences and likings (*svadharma*) but also harmonizes it with others at various stages of personal development (*āshrama*) from childhood to old age. Kauṭilya emphasized on *dharma* because it helps a person to achieve well-being in humdrum existence. Not only on *dharma* but Kauṭilya also emphasized of certain positive traits such as truthfulness, purity, wisdom, freedom from spite, forgiveness to attain personal as well as collective well-being.

Aristotle shared similar view on happiness. For Aristotle too happiness depends on the cultivation of virtue, though his conception of virtues is more individualistic than the essentially social virtues of Kauṭilya. Kauṭilya's discussion on happiness mostly surrounds happiness of people residing in the state. Kauṭilya did not say much on individual happiness. The complete analysis of individual happiness could be seen in Aristotle's *Nicomachean Ethics*. Aristotle considered it to be the central purpose of life and goal in itself. For Kauṭilya ultimate goal of life is to attain four *purushārtha* i.e. *artha*-(material well-being), *dharma* (virtue), *kāma* (desire for an action), *moksha*( liberation).

Another interesting contrast between Kauṭilya and Aristotle is that for the former pleasure is conceived holistically but for the latter it is individualistic. But Kauṭilya did not consider pleasure to be ultimate goal of life rather he discussed it in relation to the life-stages of *āśramas*<sup>45</sup> where enjoyment was the part of *grihasta* stage. The ultimate goal of individual life was to attain liberation which Kauṭilya

---

<sup>45</sup> An *āśrama* as described by ancient Indian text is four age-based life stages. The four *āśramas* are: Brahmacharya( student), Grihasta (householder), Vanaprastha (retired) and Sannyasa (renunciation).

It is also a component of the ethical theories in Indian philosophy, where it is combined with four proper goals of human life (*Purusartha*), for fulfillment, pleasure and spiritual liberation.

derived from learning Vedas. And regarding ultimate happiness of the state and his subjects he relied of effective administration of justice.

To promote prosperity of the people and stability of the state, Kauṭilya observed that it was essential that the state is running efficiently. And to run a state efficiently it requires wealth which has source in good administration or good governance. One who is able to control and conquer his desires is considered as competent to rule the state in a just and impartial manner. One can note the hierarchy in thoughts of Kauṭilya for attainment of happiness. Thus we can say that Kauṭilya's notion of happiness was systematic and clear compared to that of Aristotle.

I have discussed in this chapter the Kauṭilya's concept of justice as science of governance or *Daṇḍanīti*. For Kauṭilya standard of justice is coercive enforcement, in accordance to *dharma*. We then discussed six factors which plays important role in administration of justice. Out of those six factors first one i.e. 'Qualities of king and ministers' is discussed in detail. The chapter began by collecting certain qualities that are important for a just king and his minister. But it was said that 'it is not possible for a person to have so many qualities by birth'. So chapter highlights the importance of education which helps in imparting such qualities. Apart from education chapter also highlights the importance of certain codes and conduct which every ruler and his ministers must possess for justice to prevail in society. These codes of conduct were honesty, fairness and impartiality. Then the chapter discusses the aim behind just administration of the empire i.e. happiness or *sukha* of the people.

So far we have discussed the status of justice in Aristotle and Kauṭilya. Justice in Aristotle is delivered through practical wisdom and for Kauṭilya justice is delivered

within society through coercive enforcement. Both of them agreed that the goal of justice is to deliver happiness and welfare in the society. Both Aristotle and Kauṭilya also agree that a society experience justice only in distributive equity. Next chapter of the thesis will look into these similarities and differences in detail.

## Bibliography

- Ali, S.S. "Kautilya and Concept of Good Governance." *JSTOR* Vol. 67, No. 2. pp. 375-380. Accessed on 16-08-2014.
- Cristian Violatti. "Kautilya." *Ancient History Encyclopedia*. Last modified November 03, 2013. <http://www.ancient.eu/Kautilya/>. Accessed on 16-08-2014.
- Gosepath, Stefan. "Equality." *The Stanford Encyclopedia of Philosophy* (Spring 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/spr2011/entries/equality/>>.
- Islam, Sayem. "The Arthashastra Insights on Statecraft and Reflections of Ancient Indian Society." <https://michiganjournalhistory.files.wordpress.com/2014/02/islam.pdf>.
- Jollimore, Troy. "Impartiality." *The Stanford Encyclopedia of Philosophy* (Spring 2014 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2014/entries/impartiality/>.
- Kangle, R.P. *The Kautiliya Arthasastra Part III: A Study*. Bombay University Press, 1965.
- Kautilya. *Arthasastra*. Translated by Dr. R. Shamasastri Mysore press, 1967.
- Klosko, George. On Fairness [http://www.fairness.com/articles/fairness\\_definition\\_klosko](http://www.fairness.com/articles/fairness_definition_klosko)
- Procedural justice. In *Wikipedia, The Free Encyclopedia*. Retrieved 12:40, Jan 13, 2014, from [https://en.wikipedia.org/w/index.php?title=Procedural\\_justice&oldid=670331710](https://en.wikipedia.org/w/index.php?title=Procedural_justice&oldid=670331710)
- Ranade, Akshay. "Arthashastra: An Insight in Kautilyan Views on Law and Justice". <http://www.youthkiawaaz.com/2011/12/arthashastra-an-insight-in-kautilyan-views-on-law-and-justice/>

### CHAPTER 3

## ARISTOTLE AND KAUTILYA ON JUSTICE: A COMPARISON AND CONTRAST

---

I in this chapter would like to compare and contrast Aristotle and Kauṭilya on the status of justice. Aristotle and Kauṭilya are generally known as great philosophers of their times. Aristotle was a realist philosopher while Kauṭilya was a pragmatist. Kauṭilya has been known as a learned and experienced minister or a councilor to a king. Aristotle, on the other hand, was not a counselor or a minister to a king, but a prolific writer or a professional teacher with an intellectual precision of a philosopher.

There are many concepts and issues concerning justice which are similar in Aristotle and Kauṭilya. For instance, both favored equality in the distribution of goods and resources. Both aimed happiness and well-being of society and its people. Also, both emphasized the role of king in the administration of a state. In order to make these issues clear I wish to divide this chapter into three parts. In Part-I, I will discuss the status of distributive justice in Aristotle and Kauṭilya in the context of Distribution and Proportion. In Part-II, I will discuss similarities and differences between Aristotle and Kauṭilya on teleology with emphasis on the individual and the collective. Finally in Part III, I will discuss the role of a king or a guardian in the administration of justice within the state. Kauṭilya gives a detailed description on how a ruler ought to be. Kauṭilya not only discusses what an effective ruler does but he also prescribes a way to make a ruler successful and effective. Plato in *The Republic* does the same with few differences.

Before I come to Part-I of the chapter, I would like to mention that Aristotle being a student of Plato was more concerned in formulating ethical doctrines in general and justice in particular whether it really works or does not work, whereas

Kauṭilya being a pragmatist was more concerned towards the use of particular theory including that of justice. Aristotle's work was mainly based on observation of a Greek city- state, while Kauṭilya was able to scrap from centuries-old history and politics of *Nītiśāstra*, *Dharmaśāstra*, earlier works of *Arthaśāstra* and *Mahābhārata*. With respect to human nature both Aristotle and Kauṭilya shared similar views. Both were convinced that humans are carried away by their passions and appetitive and very few men are rational. Kauṭilya was of a view that very few people are virtuous on their own rest needs to be controlled and checked by punishment. Aristotle shared similar view; he says that a virtuous man is best of animals. And when a man breaks away from laws and justice he is most profane and vicious.

Contributions made by both Aristotle and Kauṭilya are momentous. Both wanted to ensure a good life, justice and happiness to its citizens because they were of the opinion that people are most important elements of a state. To this Kauṭilya declares "there can be no country without the habitation of men and no kingdom without a country."<sup>1</sup>

### **Part- I: Distribution and Proportion**

Philosophy has given the considerable amount to attention to concept of distributive justice. Distributive justice concerns with just distribution of things and services in a society. "A society in which incidental inequalities in outcome do not arise would be considered a society guided by the principles of distributive justice. The concept includes the available quantities of goods, the process by which goods are to be distributed, and the resulting allocation of the goods to the members of the society."<sup>2</sup>

---

<sup>1</sup> Kangle R.P, 1965: 53.

<sup>2</sup> [https://en.wikipedia.org/wiki/Distributive\\_justice](https://en.wikipedia.org/wiki/Distributive_justice)

In Kauṭilya and Aristotle's opinion benefits and burdens should not be distributed on the basis of birth and wealth a person acquires but on the basis of merit. Though many people work at the same place but one who brings best results must be awarded. When benefits and burdens are distributed in proportion to what one deserves then justice is being done. On the other hand, those who demand things on grounds of their wealth and birth have no basis of justice.

We have already discussed in the first chapter that distributive justice deal with allocation and distribution of products, resources and wealth amongst the members of a society. Both Aristotle and Kauṭilya proposed distributive justice and employed proportion i.e. whatever an individual gets is directly proportional to his worth or merit, so a worthy person will receive more than an unworthy person.

Kauṭilya was concerned with the just process in the administration of state so he employed proportion in the distribution of wages and salaries to the workers and officers. For, Kauṭilya there were two ways in which state's wealth could be distributed justly. They are:

- By inheritance
- By king's effort

The concept of distributive justice could be discovered in different sections of *Arthaśāstra*. 'Division of inheritance' is one such section. This section discusses the division of ancestral property among sons and all living heirs. Kauṭilya discusses certain criteria which help in just distribution of the property. It is interesting to note that *Arthaśāstra* gives equal rights of inheritance to both male and female heirs who have been married under laws of marriage which Kauṭilya deals in another section.

The criteria which Kauṭilya laid with regard of division of ancestral property formed the basis of all laws of inheritance which exist in India till now. Some criteria's were:

- Division shall take place after the demise of the ancestors and the parents.
- Self- acquired property of any sons is not divisible.
- A father should distribute his property equally between all his sons without any distinction.
- Division should be made of all those assets and liabilities which are in existence and of nothing that is not in existence.
- Unequal distribution, deceptive distribution, bad distribution, secret acquisition of property or concealment shall be redistributed.
- Property without plaintiff shall go to the king.

The aim behind these criteria was to ensure fair distribution of wealth, goods and resources which further aimed to reduce the conflicts among the members of the family. Distributive justice concern with each and every member of the society be it a male, female, child, a lunatic, a blind or leapers. It ensures just distribution of not only wealth but benefits and burdens too.

*Arthaśāstra* is a perfect example which discusses the distributive justice of each of these sections separately and clearly. As mentioned above females heirs had equal rights in inheritance to that of males. The female share was given differently, it was said that “daughters shall be paid adequate dowry on the occasion of their marriage.”<sup>3</sup> Daughters also use to get a share in their mother's inheritance for example

---

<sup>3</sup> Shamasastay R, 1967: 185.



bronze plate and jewelry of their mother. *Arthaśāstra* also talks about the inheritance of property by the daughters with certain criteria.

Regarding lunatics, blinds, lepers and idiots proper procedure was ensured to safeguard them. King was to take care of their food and clothing. Kauṭilya adds “if these persons have been married (before they became fallen) and if their line is likely to become extinct, their relatives may beget sons for them and give proportional shares of inheritance to those sons.”<sup>4</sup>

Another section where the concept of distributive justice could be discovered in *Arthaśāstra* is where king takes effort in the administration of his empire. Various kinds of work are involved at the administrative level. States wealth is distributed in various ways i.e. in the form of wages, salaries, grants, reconstruction program etc. King along with his ministers takes effort to ensure justice in the distribution of state wealth. Employment of proportion in the distribution of wealth could be seen in the section where Kauṭilya discusses the ‘subsistence of government servants’. As mentioned above that according to the law of proportion, whatever an individual gets is directly proportional to his worth or merit. Similarly Kauṭilya advised high income of 48,000 silver coins annually to the high-rank officers such as ministers, the commander of the army, the teacher, the sacrificial priest etc. on the other hand “the door-keeper, the superintendent of the harem, the commander, the collector general and the chamberlain was given salary of 24,000 silver coins annually.”<sup>5</sup>

Kauṭilya was of the opinion that wealth should be distributed according to the nature of work performed by the individual. At the same time, says Kauṭilya, that

---

<sup>4</sup> Ibid., p.186.

<sup>5</sup> Ibid., p.279.

amount should be distributed in such a way that the individuals stay serviceable, loyal, powerful supporter of the king's cause, and also an individual can shave following in their own communities. "The honorable playmate of king (*āryayukta*), the elephant driver, the sorcerer (*mānavaka*), and all kinds of attendants, teachers, and learned man shall have honorarium ranging from 500 to 1000 silver coins according to their merit."<sup>6</sup> "Servants leading spies should get 250 silver coins or in proportion to the work done by them."<sup>7</sup> R.P Kangle notes that "salaries appear to be on a fairly liberal scale. The purpose behind the provision of high salaries to the higher category of officers is stated to be the prevention of discontent among them against the regime and ensuring efficiency on their part."<sup>8</sup>

Kauṭilya also suggested that the king should increase the wages and subsistence of his servants in consideration of their learning and work. To ensure just distribution at the time of shortfall of a treasury, Kauṭilya suggested payment in the form of both cash and kind to state servants. For example "for a wage of 60 silver coins, one *ādhaka* of grains should be fixed as maintenance in conformity with cash."<sup>9</sup>

Aristotle's concept of distributive justice involves distributing honors, money, and others assets, it refers to our understanding of justice as the mean between two extremes of unfairness. Aristotle agrees to the kind of justice which involves the distribution of things in proportion to merit. The concept of distributive justice has already been discussed in the first chapter of the thesis in detail i.e. what is

---

<sup>6</sup> Ibid., p. 279.

<sup>7</sup> Ibid., p. 279.

<sup>8</sup> Kangle R.P, 1965: 208.

<sup>9</sup> Ibid., p. 209.

distributive justice, how it employs proportion etc. The present discussion will revolve around the analysis of different forms of government and finding out which implies distributive justice. In book eight of *Nicomachean ethics*, Aristotle discusses a different form of government. Monarchy, aristocracy, and timocracy are considered to be good forms of government by Aristotle because they all extend privileges according to merit.

Monarchy is an idealized form of government in which king rules the state with everyone's best interest in mind. Aristocracy is the rule of the best. It is considered as the best form of government by Aristotle because it values everyone interest. Moreover aristocratic form of government distributes benefits and burdens on the basis of merit, with an outcome that those who deserve to govern do in fact govern. Timocracy or polity is the rule of equals. The pattern of these governments could be seen in a household. For example: "the association of a father with his sons has the form of a monarchy because he is concerned for the welfare of his children."<sup>10</sup> "The association of husband and wife is clearly an aristocracy. The man rules by virtue of merit, and in the sphere that is his by right, but he hands over to his wife such matters as are suitable to her."<sup>11</sup> Also, "the association of brothers resembles timocracy because they are equals except in so far as they differ in age. Hence if the difference is great their friendship ceases to be brotherly."<sup>12</sup>

These forms of government may turn into perverted forms of government like tyranny, oligarchy and democracy. According to Aristotle, these perverted forms of government destroy the distributive justice within the society; as their whole aim is to

---

<sup>10</sup> Aristotle, 1953: 276.

<sup>11</sup> Ibid., p. 276.

<sup>12</sup> Ibid., p. 276.

benefit a strong and wealthy class of the society. Tyranny, for example, is a perversion of a monarchy. “Both are forms of one- man rule, but they are different because tyrant regards his own interest, but kings regard that of his subjects.”<sup>13</sup> The relation of master and slave in household resembles a tyranny. Next, oligarchy is the perversion of an aristocracy. In oligarchy “ministers become corrupt and distribute the resources of the state without regard to merit, and keep all or most of the benefits for themselves, and confine public appointments to the same persons, because they pay more regards to wealth.”<sup>14</sup> Here what is right or just is determined by those who have property. Oligarchy can be seen in a household when husband asserts control over his wife not based on merit but on his superiority. Lastly, one can see the perversion of timocracy into democracy. Democracy is considered to be a perverted form of government because here all who satisfy property qualification are equals. Democracy is not based on merit but on numerical equality; whatever the majority decides is right and since there are poorer than any other, their opinion is the majority opinion. Democracy can be seen in a household where the head of a family is weak and all members are equal and free to do anything.

The table representation of these forms of government is like:

Rule	Good forms of government	Bad forms of government
One	Monarchy (It is like father rule over family)	Tyranny ( It is rule based on power)
Few	Aristocracy (It is rule based on merit)	Oligarchy (It is rule based on wealth)
Many	Timocracy (It is rule based on honor)	Democracy (It is rule based on property or wealth)

<sup>13</sup> Ibid., p. 275.

<sup>14</sup> Ibid., p. 275.

Amongst the good form of government, aristocracy is the best form of government because it prescribes distributive justice i.e. goods and services in this form of government are distributed on the basis of merit. Amongst bad forms of government most evil is tyranny because tyrant pursues only his own good rather than his subjects. And least bad is the democracy. Perverted states like Tyranny, oligarchy and democracy rest on a principle that equal in one thing should have an equal share in all, and an unequal in one thing should have unequal share in all. Democracy is least likely to result in the division, but oligarchy is likely to experience division because they disagree amongst themselves. Friendship in these different forms of government exists to the level where justice exists. A king is a friend to his subjects because he wishes to make them good. “In aristocracy the friendship is by virtue of a relationship of superiority based on merit and in timocracy there is friendship based on equality. There is little friendship in the deviant forms of government of the three corrupt forms of government.”<sup>15</sup> Friendship is most likely to arise in mob rule.

We have already discussed in the first chapter that distributive justice reinforces Aristotle’s aristocratic bias. Women, working men, and slaves do not have the freedom to fully exercise all the virtues, so they will necessarily receive a lesser share of the city’s wealth. Kauṭilya shared a similar view. Aristotle concept of distributive justice is meant to ensure that the greatest privilege go to those male aristocrats who exhibit the greatest virtue rather than to those who have the greatest wealth, the greatest military strength or the most friend. *Śrotriya* (learned Brahmin of *Vedas*) were considered to be most virtuous and were given special privileges like land free from taxes and fines. “It is also laid down that the property of a *śrotriya*,

---

<sup>15</sup> Aristotle, 1953: 277.

even when he dies without an heir, cannot escheat to the state like property of others.”<sup>16</sup> Just as Aristotle male aristocrats, Brahmins in *Arthaśāstra* enjoys a high status, privileges and concessions. Another similarity between both Aristotle and Kauṭilya is that both favor corrective justice along with distributive justice. The section on inheritance in *Arthaśāstra* notes in the end that “any kind of unequal distribution, deceptive distribution, bad distribution etc. shall be re-distributed.”<sup>17</sup> Similarly, a section on corrective justice in book five of *Nicomachean Ethics* notes that all that is unequally distributed between two parties must be re-distributed in accordance with arithmetical proportion. In arithmetical proportion, the equal is a mean between the greater and the less.

Women rights in the ownership of wealth and power also seem to be same in *Arthaśāstra* and in writings of Aristotle. In *Arthaśāstra* inherited property which was without any male heir was first given to other male members of the family and if nobody was there then went to daughters. Women were treated secondary to males by Aristotle too. As mentioned above, women and slaves, according to Aristotle, do not have the freedom to fully exercise all the virtues, so they will necessarily receive a lesser share of the city’s wealth. So, we can say that Aristotle and Kauṭilya shared similarities on the concept of distributive justice.

## **Part- II: Teleology: Individual and Collective.**

The Greek word *telos* mean goals, end, or purpose, and teleology is the study of goals, ends and purposes. Aristotle’s emphasis on teleology has effects throughout his ethical and political philosophy. To understand why things are the way they are; we

---

<sup>16</sup> Kangle R.P, 1965: 114.

<sup>17</sup> Shamastry R, 1967: 185.

must first understand what purpose they were planned to serve, says Aristotle. In Aristotle's opinion, there is a reason for everything and therefore discussion of teleology is necessary.

In ethics Aristotle aims to find the ultimate purpose of human life, and in *Politics*, Aristotle says, purpose of the city-state is to arrange matters in such a way as to maximize the opportunities for its citizens to pursue; this again demonstrates his emphasis on teleology. Aristotle first recognizes that happiness is the ultimate good since all other goods are intermediate while happiness is final. We pursue other goods to achieve happiness, but happiness is valuable in itself.

*Arthaśāstra* of Kauṭilya presents views similar to those of Aristotle. Kauṭilya was concerned with the welfare of the state. According to Kauṭilya ultimate goal of a ruler, should be to maximize the welfare of his state. In *Arthaśāstra* discussion of *telos* were directed toward collective welfare more rather than individual welfare. On the other hand, Aristotle's ethics was concerned with the discussion of individual happiness or welfare more than collective happiness and welfare.

As we have already discussed in the first chapter that *eudaimonia* (which is often translated as happiness) is considered to be an ultimate or final goal that encompasses the totality of one's life according to Aristotle. Happiness is the ultimate good since all other goods are intermediate while happiness is final. All other goods are pursued to achieve happiness, but happiness is valuable in itself. Now the problem that arises is how *eudaimonia* could be achieved. Pleasure is undeniably the motivation behind many actions, but it puts humans on the level of animals. Honor is another possibility, but it places too much emphasis on the praise of others. Aristotle concludes that *eudaimonia* could only be achieved when an activity of the soul is in

accordance with virtue. A *eudaimonic* life is not a life of pleasure which can be gained or lost after some time. It is more like an ultimate value of your life as lived up to this moment; *eudaimonia* is a self-sufficient, final and ultimate end.

At an individual level, we can say that *eudaimonia* leads to the realization of valued human potential. *Eudaimon* is more concerned with the process of living well- whereas a person who seeks for pleasure will only be concerned with specific outcome namely the attainment of pleasure and absence of pain. Thus, one can say that a person who seeks happiness and one who seeks pleasure are on different routes.

Aristotle was convinced that a genuinely happy life required the fulfillment of a broad range of conditions, including physical as well as mental well- being. It must be clear that *eudaimonia* look towards mental well-being but it is not a psychological state like pleasure but a way of living that focuses on what is intrinsically worthwhile to a human being. On the other hand, according to Aristotle, a person who seeks for pleasure confines himself to external things like wealth, material possessions, fame etc.

Aristotle also claimed that happiness is necessarily rooted in human autonomy. A *eudaimon* will never be unreflective of his activities and will try to give meaning and value to his way of living. For Aristotle, *eudaimon* is a mindful person i.e. he is aware of happenings around him and thus make meaningful choices or we can say that he is in better position to make meaningful choices than a hedonistic person.

What Aristotle said was not merely an argument or speculation. It has conceptual weight which is still relevant in today's time. A recent study of Brown and Ryan (2004) shows that people who are more mindful are less materialistic, embrace more intrinsic values than extrinsic and experience less discrepancy between what they have and what they want.



At individual level *eudaimonia* leads to personal, mental and physical wellbeing. It has positive social implications too such as being more socially responsible. A *eudaimon* is more socially responsible because they are personally physically and mentally more stable than people who wander after material goods. A *eudaimon* will show more care, concern, and responsibility in their actions because his actions are in accordance with virtues.

Collective happiness i.e. happiness of state or public resides in virtue of justice. Here Aristotle gives primacy to distributive justice. Aristotle thought that the practice of virtues would equate to happiness, in the sense of being all you could be. So, when a practice of different virtues leads to individual happiness similarly justice when prevails in society leads to collective happiness. It was Aristotle's belief that by achieving justice, collective happiness would result. So for him laws of distributive justice and rectificatory justice were important so to achieve happiness within the state. We cannot separate virtue and happiness hence you may be rich but not happy at all.

The *Arthaśāstra* discusses more about welfare of citizens rather than individual happiness. Kautilya's concept of economics and happiness is centered on the concept of welfare; of both individual and of society. The idea of welfare of a state is repeated with great strength by Kauṭilya. R.P Kangle quotes "when law of fishes oppressed people, and son of Vivasvat known as Manu was made king one-sixth part of grain and one-tenth part of goods and money was fixed as his share. The share to the king was fixed to ensure well-being of the people."<sup>18</sup> People agreed to pay taxes and to be ruled by king to enjoy well-being and security. As mentioned above

---

<sup>18</sup> Kangle R.P, 1965: 116. Law of fishes is known as mātsyanyāya, according to this law bigger fish swallow smaller fish.

in *Arthaśāstra* the duty of king was to ensure the welfare or well-being of people. Well-being is referred as *yogakṣema* in *Arthaśāstra*.

The word implies more than mere protection of person and property. “*Yoga* refers to the successful accomplishment of an object while *kṣema* refers to peaceful, undisturbed enjoyment of that object.”<sup>19</sup> The word *yogakṣema* involves the idea of welfare, well-being and also the idea of prosperity and happiness. Thus, Kauṭilya asserts in the text that "In the happiness of his subjects, rests the ruler's own happiness, in their welfare lies his welfare, whatever pleases him he shall not consider as good but whatever pleases his subjects he shall consider as good."<sup>20</sup> R.P.Kangle says this is not a mere pious sentiment as W. Ruben thinks it is “natural corollary that follows from the thesis that if the subjects are not happy and contended they might become disaffected towards the ruler, and that might be the end of his rule.”<sup>21</sup>

To ensure the well-being of the people the state is expected to engage in various kinds of activities like: security of nation, settlement on virgin land, education of people, wealth of nation, building of dams, tanks and other irrigational works, facilities like trade and communication, increase in economic activity, the protection of livelihood, providing pastures for cattle, the protection of vulnerable segments of society, and the prevention of the harassment of citizens all these leads to welfare of individual and public. These undertakings cannot be denied, are meant to further the well-being of the subjects.

For, the protection of livelihood and the protection of vulnerable segments of society Kauṭilya advised king to provide regular subsistence to the orphans, the aged,

---

<sup>19</sup> Ibid., p. 118.

<sup>20</sup> Ibid., p. 118.

<sup>21</sup> Ibid., p. 118.

the helpless and the afflicted. Helpless women must be provided subsistence by the state when they are pregnant.

For increase in wealth of nation the king was advised to construct dams, rivers, and roads, to maintain forests, and provide help and superintendence to places of pilgrimage. He is also to supervise the reservoirs constructed by cooperative enterprises of the people and to ensure that those who do not work get no gain from them. The king must protect agriculturists from molestation and other kinds of oppression, forced labor, and oppressive taxes. During famines, the king is asked to help the people by providing seed and provisions.

Kauṭilya was convinced that a brutal and unholy king who ignores the welfare of his subjects would fall a victim to passion or become vulnerable to enemies. A state with such a king is a weak state and people under such kinship are not happy. Kauṭilya proceeds to define the ideal ruler as one "who is ever active in promoting the welfare of the people, and who endears himself by enriching them and doing well to them". Kauṭilya states that king should avoid making any profits that may be harmful to his subjects. Further, says Kauṭilya that king should take care of his subjects like a father, especially at the time of natural calamities.

For increase in economic activity, Kauṭilya advised king to provide proper infrastructure for trade, commerce and industry through construction of roads and providing an impetus for navigation. Kauṭilya was the first political thinker who seriously thought of all-Indian state or even empire.

Kauṭilya was aware that corruption can never lead to welfare of society so strict actions must be taken to reduce corruption and crimes within the state. He was

not only concerned with corruption of officials (like village officials who force people, heads of departments who are corrupt, judges who ask bribes) but also general people in public life. In *Arthaśāstra* punishments for corrupt officials and traders are enumerated. The king is enjoined to punish thirty types of criminals after ascertaining their activities with the help of the spies.

Security was another important element for the welfare of the society. The welfare of the subjects resides in the security of both person and property. And such security is disturbed by anti- social elements like thieves and robbers, corrupt officials, deceitful merchants etc. And thus a good administration is necessary in order to ensure individual security and social stability. Kauṭilya emphasized on importance of spies for efficient working of administration.

There is difference in concept of welfare with which Kauṭilya is concerned with and concept of happiness with which Aristotle is concerned. Welfare is concerned primarily with the overall well-being of individuals in a society and it's mostly the responsibility of the government or an institution as rightly understood and discussed by Kauṭilya, while happiness is attained by an individual from the satisfaction he/she derives from an accomplishment of a goal etc.

Kauṭilya's vision of welfare and happiness was undoubtedly rooted in the classical ideas of virtue like Aristotle and he admired courage, truth, fortitude and all. But he did not have much interest in pure philosophical speculation like Aristotle rather Kauṭilya was more concerned with practical moral virtues.

For both Kauṭilya and Aristotle concept of justice was important for individual and collective happiness or welfare. But both differ in the application of justice with

in society and individual. In Kauṭilya's opinion justice is- ensuring welfare of people and welfare is when there is no corruption in society, when members of society are given environment and resources to survive and each member is given its due according to his or her capability. For Aristotle, justice resides in virtue. A just man according to Aristotle is a virtuous man and the man who has all potentials to reach the goal of *eudaimonia*.

Since we have highlighted the importance of happiness or welfare for individual and society, thus, now it is important to discuss the role of a Guardian and *Rājarishi* who brings up happiness and welfare in the society.

### **Part- III: Guardian and *Rājarishi***

As already discussed, Aristotle talks about six kinds of constitution, three just and three unjust. Aristocracy was regarded as the best type of constitution because it is the just type of constitution which benefits everyone in the state. Both Plato and Aristotle were in favor of an aristocrat ruler or we can say that they were in favor of the concept of ruling elite, which Plato finds in philosopher king. Plato was of the opinion that state should be ruled by a supreme guardian. Plato divides his just society into three classes: the producers, the auxiliaries and the guardians. The guardians are responsible for ruling the city. They are chosen from among the ranks of the auxiliaries, and are also known as philosopher-kings.

Guardians, according to Plato, were competent enough to determine the laws in the state and with proper education were competent enough to decide on legislative policies. Since guardians desired knowledge and nothing from materialistic world therefore they were incorruptible. In book two of *The Republic*, Plato discusses the

qualities of the guardian class. Plato compares guardians with watchdogs and shows that they need to have physical strength, courage and philosophic temperament. Plato clearly says that guardian class must be spirited i.e. nature good for fighting or in other words they must have a fighting element in them. To this Plato explains:

“This is not merely the instinct of aggression, but rather that which prompts to resistance; is described as something ‘unconquerable,’ which makes a man in all things fearless and not to be beaten. But the guardians must also possess in a high degree an element complementary to this; for if we imagine men entirely consisting of ‘spirit’ such men would simply tear one another in pieces; a society composed of them could not exist.”<sup>22</sup>

The complimentary element which Plato is talking in above lines is an element of attraction. This is what he calls philosophic element. Philosophy in man, according to Plato, helps him to discriminate between known and unknown. But it is not a philosophy which helps him to discriminate rather love for knowledge. To this Plato gives example of a dog, “the dog distinguishes the sight of friend and foe simply by knowing one and not knowing the other. And the creature that distinguishes between the familiar and the unfamiliar on the grounds of knowledge or ignorance must surely be gifted with a real love of knowledge.”<sup>23</sup> So a good guardian must have philosophical disposition and a love of learning. So we can say that, a good guardian must have following characteristics: high spirits, strength and philosophical disposition.

Regarding the education of guardians Plato was of the opinion that both elementary and higher education is necessary. Elementary education includes training of people’s mind and body through music and gymnastics. Gymnastic training was intended to fit the young citizen for military and other duties which require a strong and healthy physique. There was restriction by the state on the type of music and

---

<sup>22</sup> Plato, 1955: 76.

<sup>23</sup> Plato, 1974: 128.

poetry which youth listen and read. Because according to Plato reading Homer and Hesiod could misguide the thoughts of youth. Thus, there was rigid censorship by the state in process of education. Elementary education goes up to the age of eighteen. Second, a higher education, which includes training to people up to age of thirty-five, includes training in science, philosophy, astronomy geometry etc. the whole purpose of this stage of education is to train both character and moral and aesthetic judgement. Thus from first stage onwards education is method of helping the soul to see the good but in all kinds of different ways.

It is important to mention here that Plato subdivided the guardian class into Guardian proper or Rulers, and Auxiliaries. Those who stood the entire test well to the end will be Guardian proper. The younger members of the services will be Auxiliaries to the Guardian proper and will carry out principles they lay down. After discussing the selection procedure of guardians Plato moves further to describe how life of guardian should be. Plato denied private property to the guardians they must live a life of austere simplicity. Plato denied private property to guardians because he thought that property was the chief temptation that led men to sacrifice the welfare of the public to personal interest. Plato writes:

“They alone, therefore, of all the citizens are forbidden to touch or handle silver or gold; they must not come under the same roof as them, nor wear them as ornaments, nor drink from vessels made of them. Upon this their safety and that of the state depends. If they acquire private property in land, houses, or money, they will become farmers and men of business instead of guardians, and harsh tyrants instead of partners in their dealings with their fellow citizens, with whom they will live on terms of mutual hatred and suspicion...”<sup>24</sup>

---

<sup>24</sup> Plato, 1974: 184-185.

Plato not only denied private property but also denied family life to the guardians. And the important objection was raised on this kind of life of guardians i.e. how come guardians will be happy if they will be denied private and family life. Plato at this point reply in a utilitarian way he argues:

“...our aim in founding the commonwealth was not to make any one class especially happy, but to secure the greatest possible happiness for the community as a whole. For the moment, we are constructing, as we believe, the state which will be happy as a whole, not trying to secure the well-being of a select few.”<sup>25</sup>

So to Plato the kind of happiness what has been asked in objection for guardians will make them anything rather than guardians.

Now regarding duties of guardians which Plato expects them to discharge while governing the state is first to check that in the third class which alone possess property, doesn't possess too much of wealth or too little. According to Plato too much of wealth makes them lazy and too little destroys their efficiency. So it is guardian's duty to keep both riches and poverty out of state. Second duty of guardians is to maintain level of population within state. Guardian must not allow state to grow too large or too small as it will be difficult to unite a large state and will be difficult to meet its own needs adequately if size of the state is too small. Third duty was to check that benefits and burdens in different social classes are distributed on the basis of merit and not on basis of birth. Fourth and most important duty of guardian was to maintain education for all in the community. Plato was of opinion that if education will be maintained, which is most difficult amongst all for guardians to do, then all other duties will be easily fulfilled. To this Plato writes: “if they have once been

---

<sup>25</sup> Plato, 1941: 110.



educated in the principle of devotion to the community, they will easily recognize the consequences of that principle.”<sup>26</sup>

So, we can say that guardian must provide the most harmonious exchange of services and satisfaction of needs, a man performing his function and state securing his freedom. Thus, when every member perform his duties assigned to him in the state without interfering in others job then all members of society are just-members and society with such members is just-society.

Aristotle raised few objections on Plato’s view on how guardian should be? Aristotle was of opinion that it was unnecessary for a ruler to be a philosopher rather a king should listen to and take the advice of true philosophers. In doing so, he would enhance his sovereignty with good performances and not merely with fine words. Though Aristotle was not in favor of a philosopher king but he stressed that good ruler must be a wise and practical man.

Aristotle objects that Plato deprives his Guardians even of happiness, maintaining that happiness of the common people should be the object of the legislation. In Aristotle’s opinion, Guardians must not sacrifice their happiness for power and control because Guardians who lead such a strict life will also think it necessary to impose the same strict lifestyle on the society they govern.

Also, Aristotle disagrees with Plato on the issue of depriving guardians with family life. Aristotle states that the family is more natural than the state. The natural basis for the family affords a special status in the consideration of human association. Family is important for survival and maintenance of life for an individual, so it is not

---

<sup>26</sup> Plato, 1955: 140.

good to disassociate guardian from his family to serve the state. The attachment to one's family is a natural impulse; the problem comes with its excess. So, according to Aristotle there is no harm if guardians own property and stay with family what is necessary is to check that it doesn't decenter them from the task of ruling city and such acquisition doesn't make them greedy and partial.

Plato and Aristotle view on guardian share certain similarity with *rājarishi* of Kauṭilya. Though there are marked differences too. *Rājarishi* is a combination of “raja” and “rishi”. A person is called *rājarishi* when he is visionary like seer (*rishi*) to ensure the happiness of people and a person is called king (raja) when he perform his duties in a secular manner. According to Kauṭilya, a *rājarishi* is one who gives up worldly pleasure to pursue philosophy. It is not necessary that *rājarishi* is a ruler; he can be an advisor, friend and guide to a king. *Rājarishi* played an important role in administration work.

According to Kauṭilya, a *rājarishi* is a person who has self-control over him and captured the temptation of the senses and cannot be swayed by desires and emotions. He makes sure that his people are well protected, and they lead a happy and peaceful life. He himself follows the path of *Dharma* i.e. righteous conduct and makes sure that the principle of “*Dharma*” is observed by all. He constantly works on his own improvement by learning in all branches of knowledge which are requisite for good administration. He represents the principle of sacredness and secularism which is most importantly required to lead a state.

Kauṭilya says that in the ‘happiness of his subjects lies the king's happiness, in their welfare his welfare.’ For this purpose, he has proposed certain basic features by

which the King or *Rājarishi* must abide. These are as follows:

“A *Rājarishi* [a king, wise like a sage] is one who: has self-control, having conquered the [inimical temptations] of the senses, cultivates the intellect by association with elders, is ever active in promoting the security and welfare of the people, endears himself to his people by enriching them and doing good to them and avoids daydreaming, capriciousness, falsehood and extravagance.”<sup>27</sup>

A *Rājarishi* shall always respect those councilors and *purohitas* who warn him of the dangers of transgressing the limits of good conduct, reminding him sharply of the times prescribed for various duties and caution him even when he errs in private. A king can reign only with the help of others; one wheel alone does not move a chariot. Therefore, a king should appoint advisers as councillors and ministers and listen to their advice. The work of the government is diversified and is carried on simultaneously in many different places, the king cannot do it all himself; he, therefore, has to appoint ministers who will implement it at the right time and place.

According to Kautilya, a *Rajarshi* is one who<sup>28</sup>:

- Has exercised self-control over his senses, and keep such passions as lust, anger, avarice, pride and so on in check.
- Cultivates the intellect by association with elders;
- Avoids addiction to vices.
- Must look forward to security and welfare of the people.
- Ensures the observance (by the people) of their *dharma* by authority.
- Improves his own discipline by learning in all branches of knowledge; and must adjust his conduct in respect of the three goals.

---

<sup>27</sup> Sihag, Balbir. S, “*Kautilya on Administration of Justice During The Fourth Century B.C.*,” p. 361.

<sup>28</sup> Kangle R.P, 1965: 130-131.

- Keeps his eyes open through spies.
- Must look forward to happiness of his subjects first.

Regarding the life of a *rājarishi* Kauṭilya is of the opinion that a *rājarishi* must lead a saintly life. A saintly life doesn't mean a life of a monk who leaves worldly life, but a life free from inimical temptations of the senses. A *rājarishi* must keep the company of aged to gain wisdom. He can fulfill his desire without violating righteousness and economy. In Kauṭilya's opinion a king can marry and can have family life. What actually Kauṭilya denied was excess of anything, when anything is enjoyed to excess, hurts not only the others but also oneself.

According to Kauṭilya, *rājarishi* must study philosophy as it “throws light on all branches of learning, giving them their significance and it provides a rational basis for all actions and duties.”<sup>29</sup> It may be pointed out that for Plato philosopher could be ruler but for Kauṭilya philosophy is a part of training process of a ruler. Kauṭilya never appealed for a philosopher king like that of Plato.

Regarding duties of the *rājarishi* *Arthasāstra* notes three important terms i.e. *rakṣaṇa*, *pālana* and *yogakṣema*. *Rakṣaṇa* can be translated as “to protect”, *Pālana* is to take care and term *yogakṣema* “implies the idea of welfare, well-being, including the idea of prosperity, happiness and so on.”<sup>30</sup> So it is duty of a *rājarishi* to protect his subjects “from anti- social elements like deceitful artisans and traders, thieves, dacoits and murderers, as well as their protection from natural calamities such as fire, flood etc.”<sup>31</sup> *Rājarishi* must also protect property of a person. To protect person and

---

<sup>29</sup> Kangle R.P, 1965: 130.

<sup>30</sup> Ibid., p 118.

<sup>31</sup> Ibid., p 117.

his property is not enough according to Kauṭilya, a *rājarishi* must also take care of his subjects by giving them proper assistance and security. When *rājarishi* will look into protection and security of his subjects; welfare of his state will follow automatically. His subjects will be happy and contented. Kauṭilya in his concept of *rajārishi* indicated welfarism. That is why *Arthasāstra* asserts: “In the happiness of the subjects lies the happiness of the king, and in what is beneficial to the subjects his own benefits etc.”<sup>32</sup> Apart from all these duties there is another duty which is expected from the ruler i.e. the ruler must see that his subjects carries out the duties of the *varṇas* and *āśramas*. The preservation of Vedic social order is an important duty laid on ruler.

Now, Plato’s Idea of “Philosopher King”, expects ruler to be wisdom lover the king is expected to look into all aspects before taking any action. On the other hand Kauṭilya Idea of *Rājarishi* is also for Virtuous or Wise king. Both are of opinion that ruler should rise above his ill-disposed temptation , must be watchful , open to new ideas ,always promoting security and welfare of people, learning through various sources, avoiding overindulgence into anything. Kauṭilya though stated the importance of philosophical discipline to the ruler but never prescribed to the idea of “philosopher king” as Plato. Aristotle like Kauṭilya never thought that ruler must be a philosopher. Both Aristotle and Kauṭilya were of opinion that a philosopher can be a guide, teacher or a friend to a ruler but not necessarily a ruler himself.

Also, Plato's "Philosopher king" or Kautilya's "*Rājarishi*" needs a special level of education that is to be given to run the state successfully. This specific education

---

<sup>32</sup> Ibid., p. 118.

gives knowledge that will allow only best leaders to govern the state. The idea of "philosopher king" or "*Rājarshi*" basically represents leaders who are just, fair and consider well-being of people as their primary responsibility.

The point of distinction between both Plato and Kauṭilya is that Plato's guardian possesses no family of his own, but they strive for the state. Their only aim is to protect their subjects from all kinds of ills by offering them the greatest happiness. *Rājarishi* on other hand possess a family of his own but still guards his subjects with all kinds of welfare measures. Kauṭilya share similarity with Aristotle here, Aristotle criticized Plato for denying family life to guardians. Aristotle realized the importance of family in one's life and the role that family plays in welfare of individual. So like Kauṭilya, Aristotle allowed the family to the ruler. Both Kauṭilya and Aristotle were of opinion what is important is to maintain a balance between the personal relations and duties of king. The personal life of king should not affect his duties as a ruler.

Another point of distinction is that the kind of ruler which Plato wants for the state i.e. one who is a philosopher too, is an active ruler, but *rājarishi* is both active and reactive, but still ethical ruler. *Arthaśāstra* portrays *rājarishi* as a fighter and a warrior- who not only fights for the cause of his subject but also follows an ethical code, stays people centric and runs the effective administration. *Rājarishi* has knowledge and wisdom, but Plato's king is only knowledgably active.

So, we can saw that there were similarities and dissimilarities between Aristotle and Kauṭilya on justice. Both of them have proposed distributive justice; have employed proportion with Honesty, Fairness and Impartiality for the effective

implementation of justice. Both of them have regarded justice as teleological with the aim of *Eudaimonia* or welfare of the society. Even Plato's attempt to recognise the place of a Guardian is similar to Kautilya's *Rājarishi*, though there are differences in details.

To summarize, the chapter compared and contrasted different concepts and issues in writings of Aristotle and Kauṭilya. The first part of the chapter compared Aristotle's and Kauṭilya's concept of distributive justice. Both were of opinion the benefits and burdens should not be distributed on the basis of birth and wealth of a person, but on the basis of merit. Kauṭilya's distributive justice was discussed in light of administrative process where king's active participation was found in the just distribution of goods and resources to his subjects. On the other hand, Aristotle distributive justice was discussed in light of the best form of government. Out of six different types of government discussed, Aristotle crowned aristocracy to be the best form of government which distributes goods and services on the basis of merit. In next part of the chapter, we compared and contrasted aim of justice according to Aristotle and Kauṭilya. We saw that for both Aristotle and Kauṭilya well-being of society was the aim of justice. But Aristotle discussed it through a concept of happiness and Kauṭilya through a concept of welfare. In Last part of the chapter, we highlighted the role of king in bringing up distributive justice, happiness and welfare within society. Here we discussed Plato and Aristotle's view on the guardian and compared it with Kauṭilya's *rājarishi*.

## BIBLIOGRAPHY

- Aristotle. *The Nicomachean Ethics*. Translated by J.A.K. Thomson. Penguin Books, 1953.
- Kangle, R.P. *The Kautiliya Arthasastra Part III: A Study*. Bombay University Press, 1965.
- Kautilya. *Arthasastra*. Translated by Dr. R. Shamasastri. Mysore press, 1967.
- Nettleship. R.L. *Lectures on The Republic of Plato*. New York: St. Martin Press, 1955.
- Plato. *The Republic of Plato*. Translated by Fransis Macdonald Conford. Oxford University Press, 1941.
- Plato. *The Republic*. Translated by Desmond Lee. Penguin Books, 1974.
- R. Raibley, Jason. "Happiness is not Well-Being." *Springer* DOI 10.1007/s10902-011-9309-z. Accessed on 16/03/2015.
- Sihag, Balbir. S. "Kautilya on Administration of Justice During The Fourth Century B.C." *Journal of History of Economic Thought* Vol. 29, No. 3. pp. 359-377. Accessed on 4/8/2014.



## CONCLUSION

---

In the present study, I have tried to analyze, discuss and compare the status of justice in the philosophy of Aristotle and Kauṭilya. Justice is indeed a philosophically contested concept. It includes rule of law, a question of morality, different virtues and much more. It is studied in a different domain like social, moral, political and legal. Indian and Greek philosophical traditions have viewed it differently. The former delineates justice as rule of law or science of government. The latter explicates justice more in ethical terms which describe justice as a virtue. Despite the differences, both the traditions believe that the justice is something which is both collectively and individually important, and no society or an individual can prosper without its prevalence. Justice can be understood from various points of views, such as social, political, legal, ethical, psychological, philosophical and so on.

The concept of justice opens up a vast range of vexed questions before us. And, in order to find answers for the same, I have explored the concept of justice in Aristotle's and Kauṭilya's philosophy; historically and philosophically. Throughout the work, I have mainly focused on the concept of justice and its status within the framework of ethics and law. It is clear that both the thinkers borrowed their concept of justice from their predecessors' thoughts. Aristotle has drawn it from Plato's philosophy. Likewise, Kauṭilya was also greatly influenced by ancient Indian texts like *Dharmaśāstra*, *Nītiśāstra*, *Mahābhārata* and earlier *Arthaśāstra*. However, both the thinkers developed in their own ways.

Philosophically both thinkers accept that justice lies in actions. For Aristotle, it is actions of a man which are just or unjust. For Kauṭilya, too justice lies in actions

and in thoughts. For him, just thoughts lead to just actions. Thus, both the thinkers agree similarly in a few aspects and also differ considerably. In the course of the above philosophical analysis of Aristotle and Kauṭilya, I have tried to bring out the similarities and differences on the concept of justice.

I have explained and elaborated Aristotle's status of justice within the framework of ethics. I started doing it by first discussing Plato's concept of justice which is both ethical and metaphysical. Plato describes the status of justice metaphysically in his concept of the harmony of soul and in his theory of forms. And ethically he describes justice as a virtue. Plato's conception of justice was idealistic. His discussion on justice in state and individual is profound, but their applicability in real world scenario seems to be difficult or rather impossible. Type of king, philosopher king, which Plato wants for the state and duties, ascribed to him demand too much from human nature. On the other hand, Aristotle's philosophy is realistic in comparison to Plato. Aristotle's discussion on particular justice and its further division into distributive and rectificatory justice deals with a real situation of life and tries to solve its problem.

Both Plato and Aristotle considered *eudaimonia* to be the goal of life. Both agreed that justice is important to achieve *eudaimonia* within society. But we found a detailed analysis of this concept i.e. *eudaimonia* in Aristotle. Aristotle also discussed in detail how practical wisdom or *Phronesis* helps us to achieve *eudaimonia*. We discussed that in Aristotle's opinion everything has an aim or purpose- there is telos involved in everything. Achieving this purpose led to *arete* or excellence. The telos of man were *eudaimonia* which is happiness or flourishing—a life lived to its utmost. The path to *eudaimonia* is paved with decisions made with practical wisdom.

In Kauṭilya's philosophy justice could be understood within the framework of ethics and law. Ethics of Arthaśāstra is based on Vedic ideals. Kauṭilya strongly emphasized on *dharma* in the administration of justice. Kauṭilya equates justice with *dharma*. By *dharma* as we discussed he meant sense of honor, duty, virtuous actions, and responsibility. For him, following *dharma* is justice and not following it is an injustice. Legally, he described justice as the science of government or rule of law. Kauṭilya discusses in detail administration of justice in society. In Arthaśāstra, he has discussed rules and regulations for each section of society and for each member of the administration. This makes his concept of justice clear and systematic.

Kauṭilya discussed six factors which played an important role in the administration of justice within a state. These were: Qualities of the king and his ministers, Economy, Life of the people, treasury, Strength of Army, Allies. Each and every factor played a significant role but in the thesis we took up first factor i.e. 'qualities of king and his minister' in detail. All other factors were discussed partially. To inculcate various qualities within king, the thesis then highlighted the importance of education for the ruler. Learning of *Ānvīṣhikī* (philosophy), *Trayī* (the Vedic lore), *Vārttā* (economics) and *Daṇḍanīti* (the political sciences) as insisted by Kauṭilya was discussed in detail. But in a course of the discussion it was said that knowledge alone is not enough for the administration of justice in the state. King and his ministers must follow a certain code of conduct. These codes of conduct, namely honesty, fairness and impartiality, help ruler and his ministers in the administration of a state, justly. So then the thesis discussed these codes of conduct in detail. The aim behind preparing ruler with these qualities was not just to administer state justly but to bring upon individual and collective welfare and happiness. So, we discussed the Kauṭilya's conception of happiness.

We then developed comparison and contrast between Aristotle and Kauṭilya regarding concept of justice, we observed that both the thinkers contemplate the same issue that how justice could be attained within society or how a just society can be formed. According to Aristotle it is the practical wisdom or *Phronesis*, the *golden mean* between the excess and the deficiency of all kind of virtues that we can possibly vindicate an action to be ‘just’ and thereby derive the notion of justice. Aristotle started to discuss justice from the individual level by the discussion of virtues and then gradually defined it at the societal level through distributive justice. Similarly, Kauṭilya, in Indian political philosophy, says that justice could be achieved only through *daṇḍanīti* i.e. through the science of government. Here we saw that Kauṭilya rather than focusing on individual level focused primarily on societal level and thus laid down rules and regulations in administration of justice.

On the basis of above discussion, we can conclude that there are in-depth differences in Kauṭilya’s and Aristotle’s notion of justice. Kauṭilya strongly presents systematic and well-organised work on justice, and Arthaśāstra contains descriptive insights about the factors of administration. Kauṭilya’s philosophy binds various concepts of honesty, fairness, impartiality, welfare and happiness. Kauṭilya remarkably elaborated the importance of the notion of justice and its relation to society. Be it a just ruler, just administration or just rules and regulation. Kauṭilya’s concepts and ideas regarding administration are relevant in today’s era. They are useful to illustrate several modern administrative ideas. He codified and modified rules and regulation by keeping in mind actual scenario unlike Aristotle who talked of ideal state. Kauṭilya’s work is the grounding factor for the holistic way to govern a society.

## GENERAL BIBLIOGRAPHY

---

- Bostock, David. *Aristotle's Ethics*. New York: Oxford University Press, 2000.
- Gallop, D. *Plato: Phaedo*. Oxford, 1975.
- Kangle, R.P. *The Kautiliya Arthashastra part I: A Study*. Bombay University Press, 1965.
- Kangle, R.P. *The Kautiliya Arthashastra part II: A Study*. Bombay University Press, 1965.
- Kraut. *The Blackwell Guide to Aristotle's Nicomachean Ethics*. Edited by Richard. Oxford: Blackwell, 2006.
- Warne, Christopher. *Aristotle's Nicomachean Ethics: Reader's Guide*. London: Continuum, 2007.
- Athanassoulis, Nafsika, "Virtue Ethics." *Internet Encyclopedia of Philosophy*. Accessed on 12/08/2014
- Behzadi, Dr. Hamid. "State and Ruler in Plato and Machiaveli." *JSTOR* Vol. 30, No. 3 /4. Pp. 15-22. Accessed on 5/08/2014
- Chandrasekarna, Pravin. "Kautilya: Politics, Ethics, and Statecraft." *JSTOR* pp. 1-22. Accessed on 23/07/2014
- Coumoundouros, Antonis. "Plato: The Republic." *Internet Encyclopedia of Philisophy*. Accessed on 12/08/2014.
- Foster, M.B. "On Plato's Conception of Justice." *JSTOR* Vol. 1, pp. 206-217. Accessed on 23/07/2014

- Huang, Xianzhong. “Justice as a virtue: An analysis of Aristotle’s virtue of justice.” *JSTOR*. Vol.2, No.2, pp. 265-279. Accessed on 09/08/2014.
- Laing, B.M. “The Problem of Justice in Plato’s Republic.” *JSTOR* Vol. 8. pp. 412-421. Accessed on 16/07/2014
- Leyden, W.von. “Aristotle on Equality and Justice.” *JSTOR*. Vol.62, No.239, pp. 113-115. Accessed on 14/09/2014.
- Mackenzie, P.T. “On Praising the Appearance of Justice in Plato’s *Republic*.” *JSTOR* Vol.15. No. 4. pp. 617-624. Accessed on 24/07/2014.
- Mishra, S.C. “A Historiographical Critique of the *Arthashastra* of Kautilya.” *JSTOR* Vol. 70, No. 1 /4. pp. 145-162. Accessed on 16/07/2014.
- Prasad, D.M. “Politics and Ethics in Kautilya’s *Arthashastra*.” *JSTOR* Vol. 39, No. 2. pp. 240-249. Accessed on 16/8/2014
- Ramachandra Dikshitar, V.R. “*Arthashastra* Re- Examined or the Culture and Date of the *Arthasāstra*.” *JSTOR* Vol. 13, No. 3 /4. pp. 326-330. Accessed on 16/07/2014.
- Sachs, joe, “Aristotle: Ethics.” *Internet Encyclopedia of Philisophy*. Accessed on 20/08/2014.
- Sharma, Dr. S.K. “Indian Idea of Good Governance: Revisiting Kautilya’s *Arthashastra*.” *Indian Journal of Political Science*. Accessed on 19/07/2014.
- Sihag, Balbir. S, “Kautilya on Administration of Justice During The Fourth Century B.C.” *Journal of History of Economic Thought* Vol. 29, No. 3. pp. 359-377. Accessed on 04/08/2014

- Singh, R.R. “Kautilya’s Conception of State.” *JSTOR* Vol. 65, No. 1. pp. 41-54. Accessed on 16/07/2014.
- Slote, Michael. "Justice as a Virtue.", *The Stanford Encyclopedia of Philosophy*. Accessed on 20/8/2014
- Stawell, F. Melian. “The Modern Conception of Justice.” *JSTOR* Vol. 19, No. 1, pp. 44-60. Accessed on 23/07/2014
- Yu, Jiyuan. “Aristotle on ‘Eudaimonia’: after Plato’s “Republic.” *JSTOR*. Vol.18, No.2. pp. 115-138. Accessed on 09/08/2014.

#### WEBLIOGRAPHY

[www.newworldencyclopedia.org/entry/Virtue\\_ethics](http://www.newworldencyclopedia.org/entry/Virtue_ethics)

[http://www.newworldencyclopedia.org/entry/Normative\\_ethics](http://www.newworldencyclopedia.org/entry/Normative_ethics)

[http://shodhganga.inflibnet.ac.in/bitstream/10603/4285/9/10\\_chapter%203.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/4285/9/10_chapter%203.pdf)

<http://www.sparknotes.com/philosophy/ethics/>

<http://www.britannica.com/EBchecked/topic/194966/eudaimonia>

[http://students.claremontmckenna.edu/class2007/ALee/Gov80/Nico\\_Sparks.pdf](http://students.claremontmckenna.edu/class2007/ALee/Gov80/Nico_Sparks.pdf)

<http://www.preservearticles.com/2011092714099/what-is-welfare-state-according-to-kautilya.html>

<http://cw.routledge.com/textbooks/philosophy/downloads/a2/unit3/moral-philosophy/PracticalWisdom.pdf>

[http://www.archive.org/stream/BooksCulture/BlackwellCompanionToSocrates\\_djvu.txt](http://www.archive.org/stream/BooksCulture/BlackwellCompanionToSocrates_djvu.txt)