Critical study of sandhi (Treaty) in the context of foreign policy with special reference to Arthaśāstra

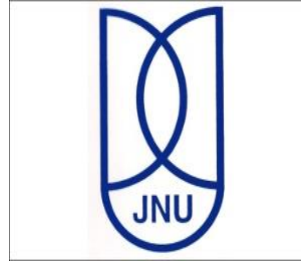This dissertation Submitted to the Jawaharlal Nehru University for the award of the degree of Master of Philosophy

Supervisor   Researcher

Prof.Santosh Kumar Shukla   **Manashi Ghosh**

School of Sanskrit and Indic Studies

Jawaharlal Nehru University

New Delhi -110067

RECOMMENDATION FORM FOR EVALUATION BY THE EXAMINER/S

CERTIFICATE

This is to certify that the dissertation/thesis titled Critical study of Sandhi (treaty) in the context of foreign policy with special reference to Arthasastra submitted by Ms. Manashi Ghosh in partial fulfillment of the requirements for award of degree of M.Phil/M.Tech/Ph.D of Jawaharlal Nehru University, New Delhi, has not been previously submitted in part or in full for any other degree of this university or any other university/institution.

We recommend this thesis/dissertation be placed before the examiners for evaluation for the award of the degree of M.Phil/M.Tech./Ph.D.

Signature of Supervisor

Date: 17/2/2021

Signature of Dean/Chairperson

Date:

Dean
School of Sanskrit And Indic Studies
Jawaharlal Nehru University
New Delhi-110067

Jawaharlal Nehru University

School of Sanskrit and Indic Studies

New Delhi -110067, India

CERTIFICATE

The research work entitled, "Critical study of sandhi (Treaty) in the context of foreign policy with special reference to Artha*śā*stra." submitted by Manashi Ghosh for the award of Maters of Philosophy. This work has been carried out in the School of Sanskrit and Indic Studies, Jawahaelal Nehru University, New Delhi – 110067, India. the investigation is originsl and has not been submitted in part or full any degree or diploma for any other University/Institution elsewhere.

Supervisor   Candidate

DEAN, SSIS

Jawaharlal Nehru University

School of Sanskrit and Indic Studies

New Delhi -110067, India

<u>DECLARATION</u>

I declare that this work entitled, "**Critical study of sandhi (Treaty) in the context of foreign policy with special reference to Arthasastra**" submitted by me for the award of Master of Philosophy is an original research work and has not been previously published or submitted for any other degree in this University or any other University/Institution.

Manashi Ghosh

ACKNOWLEDGEMENT

Content

Chapter 1: Kautilya and the Arthasastra

2. Chapter - Concept of the state

Chapter 1: *Kautilya* and the '*Arthaṣāstra*'

1.1 Introduction

Revered by his political thought on diplomacy, statecraft, and martial strategies, *Kautilya* is celebrated as a renowned figure in ancient India. The *Kautilya*, the professor of political science and economics at the University of Taxila, believed to be the authorof the book *Arthaṣāstra,* written in the Sanskrit language, the compendium on the economic and political treatise. The meaning of the word '*Arth*' is 'the material well-being,' and the word '*ṣāstra*'means science. *D. D. Kosambi*referred to *Arthaṣāstra* as "the Science of Material Gain" for a state.[1] Other popular meanings of *Arthaṣāstra*are"the Science of Politics"[2] and" Treatise on Polity."[3]Weber expressed that the comparison of*Kautilya's Arthaṣāstra* to Machiavelli's *The Prince*is innocuous. Both scholars advocated that a king is not required to be bound by moral sanction for his actions; rather, his approachin achieving his goals in favor of his subjects should be practical.*[4]*

Kautilya, a *Brahman* scholar, is one of the most famous Indian political philosophers.[5]He is also known with other names such as *Chanakya* or*Vishnugupt;* however, not all historians agree to this fact.*Kautilya* was well versed in the *Vedas* as well as statecraft and warfare. He was the most noticeable statesman who guided *Chandragupta Maurya* towards the path of acquiring and maintaining the largest kingdom in the Indian Subcontinent. The way of dealing with external and internal affairs of a state under the *Mauryan* Empireseems to follow *Kautilya's Arthaṣāstra.* It discusses various principles, policy, and theories of a state such as *Sadgunya* (six-fold policy),

---

[1]Kosambi, Damodar Dharmanand, *The Culture and Civilisation of Ancient India in Historical Outline.* New Delhi: Vikash Publications, 1970. p. 142

[2]Modelski, George. *Kautilya: Foreign policy and International system in the ancient Hindu World.* The American Political Science Review, vol. 58, no. 3, Sept 1964:549-560.

[3] Shahi, Deepshikha. *Arthashastra beyond Realpolitik the 'Eclectic' Face of Kautilya.* Economic and Political Weekly, vol. 49, no. 41, 11 Oct, 2014:68-74.

[4]Boesche, Roger. *The First Great Realist: Kautilya and His Arthashastra*. USA: Lexington Books, 2002, p. 7

[5] Subramanian, V. K. *Maxims of Chanakya.* New Delhi: Abhinav Publications, 1980. p. 1

Saptang theory (seven elements of a state), the concept of *Mandala,* duties of the king, and his subordinates, etc. We will explore more about the *Arthaṣāstra* in upcoming texts. Let us know more about the author of *Arthaṣāstra.*

1.2 Life of Kautilya in brief

Only traditional accounts are available regarding the life of *Kautilya.* No confirmatory pieces of evidence are available on Kautilya's birthplace or birth date. It is estimated that he has lived from 350-283 B.C. He may be considered a junior contemporary of Aristotle (384-322 B.C.). However, no shreds of evidence have been found about the influence of Aristotle's idea on *Kautilya.* According to a legend, *rishi* "*Chanak*" is considered as his father, a professor in the University of Taxila. However, no proper written piece of evidence about his mother has been found yet. As per another legend, he was born in *Chanaka* village in *GollaVishaya* (region) in South India, and Hemachandra referred him as *Dramila*, i.e., a native of South India.[6] Most of the scholars believed that *Kautilya* went to South India with *Chandragupta* and wrote *Arthaṣāstra*there. The unavailability of the manuscript of *Arthaṣāstra*in the Northern part of India may be attributed to the fact that *Kautilya* moved to the south in his last days to compile the book *Arthaṣāstra.* In Jain's account, his parents were two lay Jains (*Śrāvakas*)named *Chanin* and *Chaneshvari.Kautilya* graduated from the University of Taxila and became *āchārya* (professor) at the same place.[7] He was an erudite scholar in the field of political science, economics, governance, and accounting.[8]

Some scholars quote that the ruler of the *Nanda* Empire killed the father of *Kautilya* because he exposed corruption, and misgovernance prevailed in the empire.[9]Besides, the *Nanda* ruler *Dhan*, the emperor of the wealthy *Nanda*Empire of *Pataliputra*, humiliated *Kautilya*. Therefore, *Kautilya* left the *Patliputra* and fled to *Taxila* (now in Pakistan). *Kautilya* vowed not to tie up his tuft until he destroyed the corrupt and greedy Nanda dynasty. Thus, *Kautilya* adopted a remarkable boy named *Chandragupta,* who possessed leadership qualities. He educated him on policy guidance,

---

[6]*Sastri, Kallidaikurichi Aiyah Nilakanta, editor. Age of the Nandas and Mauryas. New Delhi: Motilal Banarsidass Publisher, 1988, p. 148*

[7]*Yelegaonkar, Shrikant. Chanakya's Views on Administration. Solapur: Laxmi Book Publication, ISBN 9781329082809*

[8]*Bhadu, Seema and A. V. Singh. Governance & Morals: In Perspective of Kautilya's Arthashastra. Presented in World Congress on Interrelationship among Arts, Culture, Humanities, Religion, Education, Ethics, Philosophy, Spirituality, Science and Society for Holistic Humane Development, New Delhi: Krishi Sanskriti Publications, issue no. 1, 1964:68-73*

[9] *Varma, Pawan Kumar. Chanakya's New Menifesto to resolve the crisis within India. Aleph Book Company, 2013. p.9*

warfare, and political strategies. *Kautilya's* diplomatic and strategic alliance with the rulers of *Kamboja*, *Kirita*, *Paurav*, and *Vahika* kingdoms, and wisdom led *Chandragupta Maurya* to win over the *Nanda* empire despite having relatively a small military.[10] He also ensured that the constituents of *Bharatvarsh* were able to repel foreign invaders such as *Alexander*. *Chandragupta Maurya* was the first emperor of ancient India, whose historicity can be established on the solid ground of ascertained chronology. The *Mauryan* frontiers extended from Bengal to the Persian border.[11] He became the first Indian king who unified India politically and geographically by conquesting north and south of *Vindhyas* under the canopy of one supreme sovereign.[12]*Kautilya* served as the chief advisor and the prime minister of the *Mauryan* Empire's state (321-296 B.C.).[13] He also acted as the chief councilor to the son of *Chandragupta* named *Bindusār.*

1.3 Sources of Arthaṣāstra

There is no fixed designation for the subject that dealt with matters of state and government in Ancient India. The scholarship with *Dharmasutra* or *Dharmashastra* referred to it as *Rajadharma,* while it was referredto as *Dandaniti*, *Rajashastra,* or *Arthaṣāstra* in *Mahābhārata*.[14]*Kautilya* also mentioned the term '*Dandaniti'* in his compilation of treatise *Arthaṣāstra.* The opening verses of *Panchatantra* call this subject *Nrpasastra*, but the term *Arthaṣāstra* is also introduced in the next verses for the same. Therefore, Kautilya did not coin the term "*Arthaṣāstra,*"but it has been known in ancient Indian knowledge tradition much before *Kautilya*.[15] The terms *Rajadharma* and *Rajaniti* mostly occur with each other in *Puranas*.[16] We may designate the terms such as *Arthaṣāstra* or *Dandaniti* for the study dealing with the science of polity.[17]

---

[10] *Varma, Pawan Kumar. Chanakya's New Menifesto to resolve the crisis within India. New Delhi: Aleph Book Company, 2013. p. 10*

[11]*Mookerji, R. K. Chandragupta Maurya and his time. New Delhi: Motilal Banarsidass Publishers, 1988, p. 2*

[12] *Ibid, p. 2*

[13]*Modelski, George. Kautilya: Foreign policy and international system in the ancient Hindu world. American Political Science Review, vol. 58, no. 3, Sept 1964: 549-560.*

[14] *Mahābhārata 58.3, Gita Press, Gorakhpur, 2010, P- 180*

[15]*Pancatantra ,Shymacharana Pandey, Motilal Banarsidas, Delhi, 2006, P- 4*

[16]*Agnipuran, Gita press, Gorakhpur, 2009. P- 239-242*

[17] *Vayupurana, Gita press, Gorakhpur, 2009, 57.82.*

The term '*Kshatravidya*,' mentioned first time in *Chandogyopanisad* [18] and taken as identical meaning for '*Dhanurveda*' by *Shankaracharya*, deals with state and government. As per *Aapastamba Dharmasutra*, the king's *Purohit* (advisor) must be versed in the knowledge of *Dharma* and *Artha*, i.e., he must know *Dharmashastra* and *Arthaṣāstra* well. [19] The *Arthaṣāstra* and *Dharmasastra* seem to co-occur and may be considered to be a single discipline of political science, but they are developed individualistically.

In ancient India, the texts of *Arthaṣāstra* acted as a guide of politics and economics for the king and his subordinated to deal with the matter of state and government such as civil law, public administration, social structure, foreign policy, and military strategies of warfare. [20] Arjun of *Mahābhārata* is considered to be well versed in *Arthaṣāstra*. The writers, influenced by *Kautilya*'s political thoughts, introduced other terms such as *Nitisara* or *Nitisastra* for political sciences.

1.4 Predecessors of *Kautilya*

Texts on the science of state administration were introduced before *Kautilya's* time, and he acknowledged that he perused most of them. Further, he mentioned the views of nearly ten of his predecessors in the course of his work. His main contribution was to bring out a summarised treatise from the earlier papers. He quoted their views and declared his position, whether he agrees with them or not. He often criticized and improved upon the writings of previous authorities. He cited five schools of thought and other individual predecessors. The five schools of thought are mentioned with the number of times (in brackets) that *Kautilya* had quoted them in his treatise as follow:

i) *Mānavāh (5 times[21]):* It refers to the school of *Manu* and his followers. *Mānava-Dharmaśāstra* contains their views and knowledge, as mentioned in the *Manusmṛiti*.

---

[18] *Chandogyopnisada, 7.1. Gita Press, Gorakpur, P-673*

[19] *Patrick Olivelle, 2.10.14. 'Dharmasutra'. Motilal Banarsidas, 2003, P-243*

[20] *Charla Drekmeiker, Kingship and community in early India, Stanford University press, Stanford, California, 1962-P-189.*

[21] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war) Vol. I. Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

In his writings about politics, *Kalidasa* referred to the opinions of *Manu* and other successors.[22]

ii) ***Bṛhaspatyāh (6 times[23]):*** The followers of *Bṛhaspati* are called *Bṛhaspatyah.Bṛhaspati*, a sage of the Vedic period, is known asa preceptor of gods. The *Santiparvan* of the *Mahābhārata* entails his views.[24]

iii) ***Auśanasāh (7 times[25]):*** It refers to the followers of *Usanas (Sukra). Kautilya* stated the word *'Sukra'* at the beginning of his treatise. His views and opinions are quoted in the *Santiparvan* of the *Mahābhārata*.[26]

iv) ***Parāśarāh (4 times[27])*****:** *Kautilya* refers to the disciples of *Parāśara* (the father of *Vyasa*) as *Parāśaras*.[28]

v) ***Āmbhiyah (once[29])***: The word *'Ambhas'* may refer to *Ganga* River, whose son happened to be *Bhisma*. In that case, the term may refer to *Bhisma*, or it may stand for an ancient preceptor called *Ambhas*, whose disciples were *Ambhiyas*.[30]

The other individual predecessors are mentioned below:

vi) ***Bharadvāja (7 times[31]):*** *Bharadvāja* stands for *Dronacarya*, the preceptor of *Kauravas* and *Pandavas*. His father was a renowned physician, economist, a learned scholar, and one of the authors of *Rigveda*. *Mahābhārata* also contains his views.[32]

---

[22]*Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction, p. 65*

[23] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war) Vol. I. Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

[24]*Unni, N. P., translator. The Arthasastra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction, p. 78*

[25] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war), Vol. I. Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

[26]*Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction, p. 99*

[27] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war), Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

[28]*Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction, p. 55*

[29] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war), Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

[30]*Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction, p. 99*

[31] *Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war), Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99*

[32]*Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013, Introduction Part*

vii) *Visalaksa (6 times[33])*: *Visvarupa* (alias *Suresvara*), a disciple of *Sankaracharya*, has referred to him as an authority. *Yajnavalkyasmriti* quotes *Visalaksa* in the very first chapter.[34]

viii) *Pisuna (6 times[35]):Kautilya* states that king *Mahasena* assigned *Pisuna* to impart knowledge of economics to *Palaka*.[36]

ix) *Kauṇapadanta (4 times[37])*: This refers to *Bhishma*. Madhavayajva, the author of Trikandasesa, has made this identification. Monier Williams agreed to the view.[38]

x) *Vatavyadhi (5 times[39])*: This preacher is recognized with *Uddhava* mentioned in the *Mahābhārata*.[40]

xi) *Bahudantiputra (once[41])*: It stands for *Indra*. Ancient commentators of Arthaṣāstra identified *Bahudantiputra* as *Indra*.[42]

xii) *Kātyāyana (once[43]):* He was a priest, Sanskrit grammarian, and mathematician of ancient India. He wrote *Vārttikakāra* (an expansion of *Pānini*grammar) and one of the *Śulbasūtras* dealing with geometry.

1.5 Commentaries on Arthaṣāstra:

---

[33] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

[34]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction, 2013, Introduction Part

[35] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

[36]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction Part

[37] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

[38]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction part

[39] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

[40]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction part

[41] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

[42]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction part

[43] Kane, Pandurang Vaman. *History of Dharmasastra (Ancient and mediaeval religious and civil war)*, Vol. I., Pune: Bhandarkar Oriental Research Institute, 1930, p. 99

There are several commentaries on this relevant text on the polity. There are seven standard commentaries—six of them adopted the Sanskrit language, and the remaining one took the Malayalam language.

1. *Pratipadachandrika*: Bhatta Swami made a commentary called *Pratipadachandrika* about *Arthaṣāstra*. In his 1st edition of *Arthaṣāstra*, Shamasastri applied this commentary. During 1925-26, K.P. Jayaswal and A. Banerji Sastri had published the existing portion of the commentary in the Journal of the Bihar Research Society, Patna.[44] The commentary was accessible for the last 29 chapters of Adhyaksapracara. A manuscript written in Telugu script is deposited in Madras Manuscript Library.[45]

2. *Nayacandrika:* The credit of the commentary *'Nayacandrika'* goes to the authorship of *'Vadikavicudamani'*Mahopadhya Sri Madhavayajamisra. The original manuscript of this commentary was acquired from the A. K. Menon library in Kerala. The Madras Manuscript Library prepared a copy of this commentary in 1917-18, published by Dr. Jolly and Udaya VirSastri in 1924 from Lahore. In this commentary, only mentioned six *Adhikaran* of *Arthaṣāstra* out of the fifteen *Adhikaran*.[46]

3. *Jayamangala*: Jayamangala commentary extended up to the end of the first Adikaran of *Arthaṣāstra*. This commentary has been available only for the first twenty-one Adhyayas of *Kautilya's Arthaṣastra*. During 1925-26, this commentary was printed in Madras (now Chennai). The edition is based on transcript No.R 5208 of the Madras Manuscripts Library. The transcription was derived from a palm leaf manuscript of the Paliyam Library in Kerala.[47]

4. *Canakyatika*: *Bhikshprabhapati* wrote this commentary, and Harihar Sastri published it during the year 1956-57. This commentary is available in Madras Manuscripts Library with

---

[44] Ed. K.P.Jayaswal & A.BanerjiSastri, JBORS, ix pt. I, March,1925,pp.1-24.
[45] D.3873 of govt. oriental manuscript library , Madras.
8[46] Dev kanta Sharma, kautilya ke prasasanik bichar , page no -7 ,
[47]Jolly, J. and R. Schmidt. *Arthasastra of Kautila: a newedition*. Lahore: Moti Lal Banarsi Das Publisher, 1924.

transcript No. 5203. It pertains to the second *Adhikarana* and the first Adhyaya of third Adhikarana of *Arthaṣāstra*. The commentary is accessible for 37 Adhyayas of the *Arthaṣāstra*.[48]

5. *Nitinirniti***:** *Nitinirniti* is the 1st commentary of *Arthaṣāstra* from North India. There is controversy over the authorship of Nitinirniti. A Jain scholar AchariyaYogghama has commented on the work. Some scholars assumed that Mukdhabilash is the author of *Nitinirniti*. *Nitinirniti* has been extended form the 1st*Adikaran* to the beginning of the 2nd*Adhilkaran*. The available portion has already been published from the Bombay edition.[49] D.D.Kosambi concludes that the original *Arthaṣāstra* must be at least 25 percent bigger than the previously available text. According to him, scribes must have omitted many portions since the text was out of trend for quite some time.[50]

6. *Bhasa –Kautilyam:* There is no evidence about the authorship of this commentary. *Bhasa-Kautilyam*, a well-known commentary on *Arthaṣāstra*, has been written in Malayalam language and published in four parts. The first three parts were published from Trivandrum, and the last one was published from Madras. It extends from the first *Adhikaran* to the seventh *Adhikaran*. One hundred seventeen chapters of *Arthaṣāstra*were mentioned in the *Bhasa-Kautilyam* out of 150 chapters.

7. *Sri-mula***:** Dr. T. Ganapati Sastri has given a complete commentary of *Arthaṣāstra* for the first time. In his introduction to the three parts of *Arthaṣāstra*, he has been justified his attempt to bring out a new edition and to write a new commentary. The limitation of

[48]Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and III*. Delhi: New Bharathiya Corporation, 2013, Introduction part
[49] Ibid, Introduction Part
[50]Kosambi, D. D. "The Text of the Arthaśāstra." *Journal of the American Oriental Society*, vol. 78, no. 3, 1958, pp. 169–173. *JSTOR*, www.jstor.org/stable/595286.

Shamasastri's edition is based on a single manuscript that is too well known. He copied three incomplete commentaries of the text. [51]

1.6 Editions and Translations of Arthaṣāstra

There are several books on *Kautilya's Arthaṣāstra*. R. Shamashatri was the one who discovered the manuscripts of *Arthaṣāstra* in 1905 and published it in 1909. Then, various editions and translated versions of *Arthaṣāstra* began to be published afterward, as mentioned below. [52]

1. In 1915, the first English translated version of *Arthaṣāstra* was published.

2. Based on the renowned *Sri-Mula* commentary, T. Ganapathi Sastri composed "*The Arthaṣāstra of Kautilya*" that was classified into three parts and published in 1924.

3. R.P. Kangle published the first edition of the book "*The KautilyaArthaṣāstra*" from Bombay University in 1985. He published the first part of his book in Sanskrit, and the other two parts are available in the English language.

4. Chandragupta Varshn presented a thorough explanation of the 585 sutras of *Chanakyasutra* in *ChanakyasutraPradip* that was published in 1983. Examples from *Manusmriti* are referred to during the interpretation of *Chanakyasutra*, and the expressions were compared with the present context.

5. PrananathVidyalankar published a Hindi translation of the *KautilyaArthaṣāstra* in 1923 from Lahore.

6. RamtegSastri also published a Hindi translation of *KautilyaArthaṣāstra* in 1968 from Kashi (now Varanasi).

---

[51]Siernbach, Ludwik, Bibliography of KautilyaArthasastra, Vishve
[52] Unni, N. P., translator. *The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill*. Delhi: New Bharathiya Corporation, 2013, Introduction part.

7. UdhyaVirSastri also published a Hindi translation of *KautilyaArthaṣāstra* from New Delhi with a detailed explanation of *Kautilya's* governance and economy.

8. The Hindi translation of the first to fifteen *Adhikaran* of *KautilyaArthaṣāstra* by VachspatiGarola was reprinted from Varanasi Chowkhamba Vidya Bhavan in 2009 with the title "*KautilyaArthaṣāstram*."

9. Prof. Indra M. A presented a short Hindi version of *Kautilya'sArthaṣāstra*.

10. L.N. Rangarajan published an English version of Kautilya'sArthaṣāstra in 1992 with the title "*Arthaṣāstra*."

1.7 *Kautilya's Arthaṣāstra*: a magnum opus

The *Arthaṣāstra*, written by the Indian philosopher *Kautilya* in the 4th century B.C., is a phenomenal work of political advice to the king. It contains a set of rules for the ambitious ruler if he wishes to gain more power and maintain his status quo and sovereignty of his state. As per the *Arthaṣāstra*, the king has three moral duties: enhancing prosperity, ensuring judicial fairness, and safeguarding national security.[53] The whole objective of the *Arthaṣāstra* focuses on power accrued by the sharp analysis of politics, public policy, and the administration. Heinrich Zimmer asserted, *"Arthaṣāstra is the first complete anthology of the timeless laws of politics, economy, diplomacy, and war."[54]* George Modelski once remarked, "*Kautilya'sArthaṣāstra is the finest, fullest and most cogently reasoned Sanskrit treatise on this branch of learning, but it is no more than the fullest statement of a tradition that had been current, in part orally, for several centuries prior to Kautilya's writing, and that has also produced a number of lesser works*."[55]

---

[53]Bhadu, Seema and A. V. Singh. *Governance & Morals: In Perspective of Kautilya'sArthashastra*. Presented in World Congress on Interrelationship among Arts, Culture, Humanities, Religion, Education, Ethics, Philosophy, Spirituality, Science and Society for Holistic Humane Development, New Delhi: Krishi Sanskriti Publications, issue no. 1, 1964:68-73

[54] Zimmer, Heinrich. *Philosophies of India*. Princeton: Princeton University Press, 1967, p. 36

[55]Modelski, George. "Kautilya: Foreign policy and international system in the ancient Hindu world." *American Political Science Review,* vol. 58, issue no. 3, Sept 1964: 549-560.

Its authorship has been a controversial matter among the Indologist.[56] However, there is no established proof that completely denied his authorship. The texts of the *Arthaṣāstra* considered to be lostand its references found in some other Hindu literature until R. Shamasastry found it under the piles of palm leaf manuscripts lying in the nook of Mysore Oriental Library in 1905 and published it in 1909. The modern world witnessed richness and relevance of the *Arthaṣāstra* after its English translated version was published in 1915. Since then, substantial literature around it developed, and various commentaries have appeared.

The ideas and thoughts on the state's economy expressed in *Kautilya's Arthaṣāstra* are well reflected in Adam Smith's Wealth of Nation. The rules of statecraft and the advice to the ruler as dictated in the *Arthaṣāstra* quite resembles or found close to the other popular digests suchasSun Tzu's *The Art of War* or NiccoloMacchiavelli's*The Prince.*There is a complete lack of historical sense and illustrations in the *Arthaṣāstra,*which would beinconceivable in the current work on International Relations. Therefore, it remained as a set of suitable instructions for the centuries after the death of *Kautilya.*

1.8 Structure of the Arthaṣāstra:

The structure of the *Arthaṣāstra* has been derived through commentaries as follow:

1.8.1   *Sutra and Bhasya***:** According to Sanskrit commentary *Vaidiksiddhantasamrakshini*, the *Arthaṣāstra* is classified into two parts.[57]The first part is called *Sutra* and is derived from *OumNamahSukraBrhaspatibhyam*to till known as *Uddesya of Grantha.*[58]*Bhasya,* the second part, is derived from *Vidyasamuddesa*[59] to till *Tantrayukti,*[60] called *NirdeyaGrantha*. The second part of the book and the succeeding chapters contains his discourse thereon. Also, this interpretation will accord with the including verse of the

---

[56] Macdonell, Arthur Anthony. *India's Past: A Survey of Her Literatures, Religions, Languages, and Antiquities*. Oxford: Clarendon Press, 1927, p. 168-171.

[57]Shamasastri, Rudrapatna. *Kautilya'sArthasastra*. Mysore: Padam Printers, 1988, p-25

[58]Kautilya Arthasasta, Manabendu Bandhapadhya , Vol – 1 , 1.1.1 ,

[59] Ibid 1.2.1

[60] Ibid 1.15.1

book.[61]And similar opinion expressed in the fragment of *Madhavayavana's* commentary, i.e., *Nayachandrika*.

1.8.2 *Tantra and Avapa*

Kautilya's Arthaṣāstra encloses fifteen books containing a total of 150 chapters. Tantra refers to the internal administration of the state that deals with the domestic affairs of the state. The first five books of the *Arthaṣāstra* deal with *the Tantra.* The Other eight books deal with *Avapa*, which is the system of administration that handles the foreign affairs of the state.[62]*Arthaṣāstra* has two-fold objectives; firstly, the maintenance of good governance, security, and economy within the territory of the state through *Tantra,* and secondly, acquisition of more territory and wealth from the other states through *Avapa.*

1.9 Content of the *Arthaṣāstra*

Kautilya's Arthaṣāstra is compiledinto15 *Adikaranas* (books) containing total 150 chapters in which 180 *Prakaranas* (sections devoted to particular topics) running into 5391 *slokas* (verses) are mentionedfocusing institutions of rulership, state,administration, law, suppression of criminals, trade, industry, commerce, spying,war, peace, foreign policy, social structures, diplomacy, ethics, politics, andstatecraft. The first five books of *Arthaṣāstra* deal with the administration of state and law, the next eight deal with foreign relations, while the last two are miscellaneous. Let us see a brief introduction to these books.

1st*Adhikaran* (Book I): "ConcerningDiscipline."

The Book I deal with the discipline and duties of the king or the prince. It describes the principles for the exercise of punishment and the qualification of the ministers of various cadres' and secret agents. It contains 21 chapters and 18 sections concerning the establishment of Varta and

---

[61] Kautilya Arthasastra, Manabendhu Bandhopadhya, 5thadhikaran p-674

[62]Gairola, Shri Vachaspati. *Arthaśāstra of Kauṭilya and the Cāṇakya Sūtra.* 3rd edition, Varanasi: ChowkhambaVidyabhawan, 1984, p. 776

Dandaniti, control of sense organs, counseling, royal duties, self-protection, etc. The book includes the rules for the appointment of minister and priests, the selection of detectives and ambassadors (raja dut), protection of *Kritya*, and *Akritya* in a state.[63]

2nd*Adhikaran* (Book II): "The Duties of Government Superintendents."

Book II deals with the bureaucratic set up of the administrative organization of the state, the duties and responsibilities of the various Heads of Department and hierarchy of officials, the layout of settlement as well as the planning of forts and fortified towns. It contains the next 36 chapters (from chapter 22 to chapter 57) and 38 sections. It includes the responsibility and duties of the head of the panchayat, the head of the magistrate, the head of the state, etc. The book discusses the construction of the fort, the arrangement of the district, state, duties of citizens, rules and regulation, and the promotion of trade and commerce in detail. [64]Construction of the royal palace and arrangement of self-defense etc. are described in the book.

3rd*Adhikaran* (Book III): "ConcerningLaw."

Book III deals with civil laws and administrations of justice, laws related to marriage, laws on division on inheritance, recovery of debts,rules and regulations of house and road constructions,rules of slaves and laborers, purchase-sales rules.[65] It contains chapters from chapter 58 to chapter 77 and 19 sections. The laws on ownership, gambling, defamation, betting, assault, and robbery are mentioned in different sections of the book.

4th*Adhikaran* (Book IV): The Removal of Thorns

4thAdhikaran encompasses 13 chapters summing upto 90 chapters from the beginning and 13 sections. It deals with criminal laws and the suppression of anti-social elements. There is a system of punishment for those who obstruct the rules of society. It includes three chapters on the

---

[63]Shamasastry, Rudrapatnam, translator. *Kautilya's Arthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, p. 1
[64] Ibid., p. 2
[65]Ibid, p. 2

protection of artisans, merchants, and governmental departments.[66] Other chapters are concerned with national calamities, measures against anti-social elements, detection of potential criminals, an inspection of death, fines, law regarding sexual intercourse with immature girls and violation of justice, etc.[67]

5th *Adhikaran* (Book V): "The Conduct of Courtiers."

This book contains 6 chapters and 7 sections that deal with awards of punishments, restoration of the treasury, maintenance and remuneration of government servants,the conduct of courtiers, actions against sedition and treason, measures to combat a financial crisis, and the scales of pay of state officials, etc.[68]It advises that the chief minister of the state should ensure the proper functioning of the state and maintain law and order if the ruler dies.[69]

6th *Adhikaran* (Book VI): "The Source of Sovereign States."

Book VIonly contains two chapters summing up to 98 chapters from the beginning of *Arthaṣāstra* and 2 sections. *Kautilya* begins the first chapter of this book by stating, "The king, the minister, the territory, the fort, the treasury, the army, and the allies are the elements of sovereignty."[70] The first chapter explains the qualities and features that constitute every seven elements and their correlations. The second chapter introduces the *Mandala* theory (circle of states) and its elements.[71]

Book I-VI deal with the domestic affairs of the state. The subsequent books and chapters would deal with external affairs more or less.

7th *Adhikaran* (Book VII): "The End of the Six-Fold Policy."

---

[66] Shamasastry, Rudrapatnam, translator. *Kautilya's Arthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, P- 226-234.
[67] Ibid., p. 234-265
[68] Ibid., p. 267-286
[69] Ibid., p. 284-285
[70]Ibid, p. 287
[71] Ibid., p. 289-292

There are 18 chapters and 29 sections in this book.The book explains the concept of *Sadhgunya* (six-fold policy), of which the *Mandala* (Circle of States) is the source, for a state to deal with foreign affairs of the state. The six forms of state's policy to deal with interstate relations are *Sandhi* (peace or treaty), *Vigraha* (aggression), *Yana* (attack), *Asana* (indifference or staying quite), *Samsraya* (seeking protection or shelter), and *Dvaidhibhava* (double policy).[72] Applying these measures, a king can save his state from deterioration and stagnation. And thus, his country can progress well. The subsequent chapters in this book explain the nature of the alliance, characters, and behaviors of inferior, superior, and equivalent kings, types of agreements, and the conditions under which the measures of the six-fold policy should be applied.

8th*Adhikaran* (Book VIII):"Concerning Vices and Calamities."

This book contains 5 chapters and 8 sections concerned with distress, vices, and calamities. *Kautilya* dedicated these five chapters to the systematic analysis of *Vyasana* (troubles and calamities), which might cause malfunctioning of each element of the state.[73]The king should take appropriate measures against *Vyasanas* such as fire, flood, drought, famine, and pestilence as these calamities create human loss and financial crisis. It also discusses the group of troubles of the army and an ally and measures to control them.[74] In the case of the army, these troubles may be in the form of unpaid, tired, provoked, disunited, diseased troops, etc. In the case of an ally, it may be in the form of his disloyalty, greediness, indifference, fearfulness.[75]

9th*Adhikaran* (Book IX):"The Work of an Invader."

This book has 7 chapters and 12 sections. This book providesknowledgeabout the power and flaws of a state, army recruitments, the right time, and location of the invasion.It gives an account of the

---

[72]Modelski, George. "Kautilya: Foreign policy and International system in the ancient Hindu World." *The American Political Science Review,* vol. 58, no. 3, Sept 1964:549-560.

[73] Ibid., pp. 549-560

[74]Shamasastry, Rudrapatnam, translator. *Kautilya'sArthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, pp. 361-365

[75]Shamasastry, Rudrapatnam, translator. *Kautilya'sArthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, pp. 361-364

strategies and precautions against possible risks during the preparations of war. The relative strength of war-powers, employment of different types of troops and weapons, revolts in the rear, commotions from the officers, and dangers from the traitors and enemy, remedies against domestic and foreign troubles, and application of alternative strategies are discussed in this book.[76]

10th*Adhikaran* (Book X):"Relating to War."

This book has 6 chapters and 13 sections. The first three chapters deal with varioustraits of military matters such as encampment, marching camp, covert missions, protection of the armyinadversities, motivating their own's army, and looking for the right location for fighting, and forms of battles.[77]The next two chapters describe the functions of four divisions of the army, such as infantry, cavalry, chariots, and elephants in the battlefields. The subsequent chapters also explain the difference between strong and weak troops, the distinct arrangement of troops regarding wings and flanks.[78] Overall, the structure and methodology of war have been well discussed in this book.

11th*Adhikaran* (Book XI):"The Conduct of Corporations."

This book contains 1 chapter and two sections. The association of the ruler with the heads of the economically advanced statesis beneficial for the ruler in forming corporationsto endure a stable and prosperous future.*Kautilya*, in the opening lines of this book, stated thatprocuring the cooperations' help is more advantageous for the king than procuring an army, an ally, or profits. A conqueror can secure the services of the corporations through conciliation and gifts. And he should punish the opposing chiefs in the corporations secretly. The book discusses the measures and policies adopted by the ruler to subjugate republics or other sovereign oligarch principalities.[79]

---

[76] Ibid., pp. 367-390

[77] Ibid., pp. 391-397

[78] Ibid., pp. 398-405

[79]Shamasastry, Rudrapatnam, translator. *Kautilya'sArthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, pp. 407-410

This book stressed on the role of women as spies in sowing the seeds of dissensions among unfavorable kings.[80]

12th*Adhikaran* (Book XII):"Concerning a Powerful Enemy."

This book has 5 chapters and 9 sections. The book equips the inferior king with the strategies and policies that he should adopt concerning the superior king. The book discusses the duties of *Dutas*(envoys and messenger), secret battles, the assassination of the enemy's commander-in-chief, inciting a circle of states, covert missionsof spies during war, destroying enemy's granaries and supply of stores, capturing the enemy through secret contrivances, etc.[81]

13th*Adhikaran* (Book XIII): "Strategic Means to Capture a Fortress."

The book contains 5 chapters and 6 sections. The book includes the employment of various methods to win over the enemy. These methods are the use of secret contrivances to entice the king, trick and betrayal, sowing seeds of dissensions among the enemy's state, employing spies in the siege, and restoration of peace in newly acquired states.[82] The book discusses the role and importance of *Dutas* (envoys or spies) extensively. The king takes his decisions to conquer a state based on the pieces of information provided by *Dutas*.

14th*Adhikaran* (Book XIV): "Secret Means."

Book XIV comprises4 chapters and 4 sections. The book primarily talks about the secret exertions and measures employed by a king to save the state from the enemy. The exertions include means to injure an enemy and delusory maneuver to give a false impression.[83] The book discusses the application of occult practices and the manufacturing of chemical weapons to harm the enemy and

---

[80] Ibid., pp. 409-410
[81] Ibid., pp. 411-422
[82] Ibid., pp. 423-439
[83]Shamasastry, Rudrapatnam, translator. *Kautilya'sArthasastra.* 3rd edition, Mysore: Weslevan Mission Press, 1929, pp. 441-449

traitors.[84] The last chapter deals with the scientific remedies against the poisonous compounds applied by an enemy to the conqueror's army.[85] Overall, this book displays the scientific temperament of *Kautilya*.

15th*Adhikaran* (Book XV): "The Plan of a Treatise."

There is a single chapter in the book XV. The chapter lays down the definition of the word '*Arthaṣāstra.'*This chapter includes 32 paragraphical divisions with specific significance.[86]The book describes the methodology, logical and rational practices involved in the plan of the treatise.[87]Moreover, the elucidations and illustrations of various stylisti care mentioned in this book to avoid wrong interpretations.

1.10 Conclusion

Kautilya's Arthaṣāstra has been one of the most ancient, valuable, and multidisciplinary Indian scholarships on interstate relations. However, the mainstream scholarships of International Relations do not acknowledge well the contribution of *Arthaṣāstra*to the process of theorizing International Relations. If they admitted, they reduced *Arthaṣāstra*to a prototype of Political Realism. Tagging *Arthaṣāstra*as a real scriptreveals it to be an unscrupulous and essentialist character confined to a particular place and time. Locating *Arthaṣāstra* on a broader intellectual surface, one can witness its comprehensive and diverse aspects that cover the essence of political realism and constructivism. Well-defined *Saptang* (elements of the state) theory and a broad range of policy choices in *Sadhgunya* (six-fold) theory at the disposal of a conquering king display the touch of Constructivism in *Arthaṣāstra* andreveal the eclectic mind of *Kautilya*, who surpassed the narrow landscape of the Realpolitik.

---

[84] Ibid., pp. 450-455
[85] Ibid., pp. 455-457
[86] Ibid., p. 459
[87] Ibid., pp. 460-463

Chapter - 2

2.1. Concept of the State

Have you ever imagined how the contemporary administrative setup, administering a fixed geographical territory with a specific volume of people, has originated and evolved through the ages? This setup forms a prominent part of what we call 'state.' The word 'state' has a European origin as it is derived from the Latin word 'status,' which means condition. Germans call it *staat*, the French call it *état* while it is *stato* for Italiansand *estado* for Spanish people. It pertains to the highest concept of jurisprudence.[88] In his famous political treatise, 'The Prince (1523),' Machiavelli had introduced the term and explained its nature. More of his views on the state and its nature have quite a resemblance to the Kaultiyan opinions on the state and statecraft. In ancient Indian Political tradition, a state is considered as a political entity to promote *Dharma*, contrary to the concept of *Matsyanyaya-* the rule of the big fish swallowing the small fish. The state was responsible for the advancement of the four-fold path of life, i.e., *Dharma, Artha, Kama*, and *Moksa*. In ancient Hindu literature, the state was pointed out using different words such as Desha, Rashtra, Janapada, and Rajya. As per Kautilyan philosophy, the state is composed of seven elements such as *Swami* (the King), *Amatyas* (Council of Ministers), *Durga* (the Fort), *Kosa* (Treasury), *Danda* (Army), and *Mitra* (Ally).

Nevertheless, there is no academic consensus in the modern era to provide the most appropriate definition of the state. The term 'state' has been very evolutionary. The views on the idea of the state differ among the political thinkers across the world due to their ideological conflicts.

The political thinkers and philosophers defined the term in the best possible way as per their times. Aristotle (384 – 322 B.C.) assumed the state as the community of men and women, leading a happy and honorable life with a good purpose, which aims at a higher degree of good as per the vision of the community.[89] However, he did not mention other fundamental constituents of a modern state, such as territory and sovereignty. Most probably, his idea of the state was confined to Rome only as he endorsed slavery. MacIver emphasized the importance of government, whose agency can protect the person and his possessions to provide him a happy and honorable life. He defined the state in his words as "the state is an association which acting through law as promulgated by a government, endowed to this end with coercive power, maintains within a community territorially

---

[88]Kantorowicz, Hermann, The Concept of the State, *Economica*, issue no. 35, 1932, pp. 1-21. doi:10.2307/2548973
[89] Aristotle, *Politics*. Translated by Benjamin Jowett, Kitchener: Batoche Books, 1999, p. 3

demarcated from universal, external conditions of social order."[90] A Roman statesman and philosopher Cicero (106-43 B.C.) claimed that a state is an assemblage of societies associated with a common sense of justice, sharing common good, and mutual coexistence and abided by the universal law of nature.[91] The thoughts of Plato much influenced his idea of the state. Woodrow Wilson, the former President of U.S.A. (1913-1921), said, "The state is a people organized for law within a definite territory."[92] An American author Theodore Woolsey (1801-1889) defined the state as a body serving justice within certain limits of its territory through its constituents by a permanent law.[93] Prof. Holland propounded a more elaborated definition of the state. He said, "A numerous assemblage of human beings, generally occupying a certain territory, amongst which the will of the majority, or of an ascertainable class of persons, is by the strength of such a majority, or class, made to prevail against any of their number who oppose it."[94] Phillimore and James Garner well explained the fundamental structures of modern states. Phillimore says "a state is a people permanently occupying a fixed territory, bound together by common laws, habits, and customs into one body politic, exercising through the medium of an organized government impendent sovereignty and control all persons and things within its boundaries, capable of making war and peace and of entering into all international relations with the communities of the globe."[95] Garner said, "The state as a concept of political science and constitutional law is a community of persons more or less numerous permanently occupying a definite portion of territory, independent or nearly so, of external control and possessing an organized government to which the great body of inhabitants render habitual obedience."[96] Max Weber (1864-1920), a German political economist and jurist, considered state as a polity that maintains a monopoly over the legitimate use of violence within a definite territory.[97] Max Weber's definition of state points out an empirical (de facto) sense, i.e., a state can impose laws that are not recognized by other states. Another

---

[90]Maclver, R. M. *The Modern State.* Oxford:Clarendon Press, 1926, p. 22

[91]Featherstonhaugh, George William, translator. *The Republic of Cicero.* New York: G. & C. Carvill, 1829, p. 57

[92]Gupta, Subrata. *Higher Secondary Political Science.* Kolkata: New Book Agency, 1962, p. 15

[93]Woolsey, Theodore Dwight. *Political Science: Or, The State Theoretically and Practically Considered, Volume 1.* New York: Charles Scribner's Sons, 1889, p. 140

[94]Gilchrist R. N. *Principles of Political Science.* New York: Longmans Green and Co., 1921, p. 19

[95]Ibid., p. 19

[96]Gilchrist R. N. *Principles of Political Science.* New York: Longmans Green and Co., 1921, p. 15

[97]Weber, Max. *Politics as a vocation.* From Max Weber: essays in sociology. Translated and edited byHans H Gerth and Charles W Mills.New York: Oxford University Press, 1946, pp. 77–128

widely accepted definition of state was given at Montevideo Convention of Rights and Duties of State on 26 December 1933, that points out a juridical (de jure) sense, i.e., the laws imposed by the state are recognized in the international arena so that it may enter into international agreements with other states. According to Article 1 of this Convention, a state as a person of international law should contain the following elements i) a permanent population, ii) a specified territory, iii) government, and iv) capacity to enter into relations with the other states. Nonetheless, Karl Marx and Engel said, "*The state is the political power, properly so-called, is merely the organized power of one class (bourgeoisie) for oppressing another (proletariat).*"[98]

After analyzing the statements mentioned above, one can readily conclude that the state has four fundamental constituents, namely population, territory, government, and sovereignty. These are the elements of the modern state. Let us discuss popular theories about the Origin of the State.

2.2. Origin of the State: Western Perspective

Since the genesis of humans on earth, they lived in villages. Most probably around 5000 BC, the villages aggregated into larger political units that further aggregated into the state.[99] No historical shreds of evidence have confirmed its origin yet. Political thinkers and philosophers have strived to trace out the Origin of the State. Modern theories of the state reject the theories formed on the basis of race or developed due to historical accidents. Some scholars believe that the Origin of the State is divine, and others believe that the formation of the state is based on the social contract, trust in a single force or family. R. L. Carneiro claims that the emergence of states is a recurring event that occurred independently in different parts of the world at different times.[100] He generalized the prominent theories in two categories: i) voluntaristic theories (based on the formation of larger political units through rational and voluntary unification of people) such as old social contract theory pertains to Rousseau, and ii) coercive theories (based on force and not on

[98]Sanderson, John. "Marx and Engels on the State." *The Western Political Quarterly*, vol. 16, no. 4, 1963, pp. 946–955. *JSTOR*, www.jstor.org/stable/445852. Accessed 29 Nov. 2020.

[99]Carneiro, Robert L. "A Theory of the Origin of the State." *Science*, vol. 169, no. 3947, 1970, pp. 733–738. *JSTOR*, www.jstor.org/stable/1729765. Accessed 29 Nov. 2020.

[100]Ibid., pp. 733-738

enlightened self-interest). However, we will talk about some prominent theories for the origin of the state as follow:

1. The Theory of Divine Origin
2. Social Contract Theory
3. Force Theory
4. Patriarchal Theory
5. Matriarchal Theory
6. Evolutionary Theory
7. Marxist Theory

2.2.1. The Theory of Divine Origin

The earliest theory concerning the Origin of the State is the Divine theory of State, also called the theocratic conception of State. According to this theory, the creation of the state is divine, and god intentionally created the state for the welfare of humans. God appointed the ruler to rule over the state, so he considered above the laws, and his laws and actions are considered to be just and divine. The ruler is accountable to none other than the god, as per some old testaments in the Bible. Almost all religions accepted this theory. No ruled can question the ruler for the wrong or immoral act of ruler. Thus, this theory endorses monarchy and absolutism. According to the Old Testaments of the Bible, God appoints, terminates, and even slays rulers. We obtained the following saying of St. Paul from the first Old Testaments of the Bible.

"*Let every soul be subject unto the higher powers; for there is no power but of God; the powers that be, are ordained by God. Whosoever resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselves damnation.*"**[101]

Even in account of epic Mahābhārata, it is mentioned that God appointed Manu as King as people requested God to protect them. In the medieval period, Pope held a status of semi-God. According to the declaration of Augsburg Confession (1530), God is the creator of authority, law, and order. James, in his work "The True Law of Free Monarchies," assumed

---

[101]Gilchrist, Robert Niven.*Principles of Political Science*.New York: Longmans, Green and Company, 1921, p. 86

that kings are justly called God as their methods of ruling somehow match the divine jobs. James has declared the following rights of the king in "The True Law of Free Monarchies.[102]

    i.   Monarchy is divinely oriented.

    ii.   The hereditary right is indispensable.

    iii.   Kings are accountable for God alone.

    iv.   Resistance to a lawful king is sin.

This theory, however, had its significance and importance in its own time. The religious institutions favor the approach and actively support it. The people respected the laws administered by the religion a lot. It reveals how religion and faith impacted the political scenario of the state deeply in ancient times since the head of the religious institution administered the politics of the state. The faith in the divine power maintained the harmony in the state and controlled the chaos and diluted anarchy to no small extent.

Criticism:

The theory faces a fair share of criticism for being unscientific and irrational one. It is utter nonsense that God does such a worldly thing of appointing a king. Rational people validate the fact that the state has evolved slowly through time, not created at once as a thought of God. R.N. Gilchrist argues that a state is an organized human institution. Endorsing arbitrary and ultimate power of a ruler has menacing consequences as it may create a despotic ruler. The citizens of a state who suffered in the reign of a cruel ruler found themselves helpless and dependable on the mercy of the ruler as they could not dethrone the ruler who was appointed by God. They were consolidated by the fact, constructed by the absolute oppressor to suppress the public protest, that God appoints a cruel ruler to punish the people for their sins. However, the proponents of this theory falsify the fact mentioned above through their argument that God is merciful, and he loves his followers. The theory fails in the modern democracies of the world as it is not God but the people who choose their President and Prime Minister. The approach of the divine concept is

---

[102]Asirvatham, Eddy.*Political Theory*. Lucknow: The Upper India Publishing House Limited, 1936, p. 40

regressive and is against the essence of democracy. The divine approach for understanding the Origin of the State does not convince atheists.[103] The scientific inquiries and materialistic views of the political mechanism are the responsible factors for the decline of this theory. Social Contract theory, based on the consent of individuals in the form of a contract, proved to be a deadlock to this theory of divine approach. Thus, the church was separated from state politics, and the theory of divine origin lost its significance further. To keep up with the modern era of political philosophy, the new testament of the Bible mentioned the following statement.

"Render unto Caesar the things that are Caesar's and unto God the things that are God's.

2.2.2. Social Contract Theory

Social Contract theory, an anti-thesis of the divine theory of the Origin of the State, is not only a product of ancient political philosophy but also the most influential theory pertinent to the Origin of the State. Before the conception of the state, the humankind lived in the state of nature (state of lawlessness and chaos), where no political authority regulated them. To end this chaos, anarchy, and greed of others, they agreed to form a contract to create a political authority called state. The contract comprised of two agreements:[104]

i)   "Pactum Unionis"- an agreement to live in peace and harmony and respect each other,

ii)   ii) "Pactum Subjectionis"- an agreement to surrender the whole or a part of their individual natural rights to an authority that would secure their fundamental rights, property, and liberty.

        However, we can trace the pre-existence of some type of contract in the ancient era. For example,

---

[103]Agarwal, R. C. *Political theory. New Delhi: S Chand and Company Limited,* 2018, p. 114

[104]Laskar, Manzoor. *"Summary of Social Contract Theory by Hobbes, Locke and Rousseau."SSRN(4 April, 2013):1-9, Available at SSRN: https://ssrn.com/abstract=2410525.*

i. In old Plato's dialogue, Crito, Socrates argued why he must respect the Law of Athens, and stay in prison, and await the execution rather than escaping from prison. He would not break his contract with the state.[105]

ii. In his treatise *Arthashastra*, Kautilya stated that Manu, the king, took taxes on the grains grown and the sovereign dues from his subjects. And in return, he will maintain peace, secure the rights and property of the citizen, and protect their lives.[106]

Thomas Hobbes (1588-1679), John Locke (1632-1704), and Jean Jacques Rousseau (1712-1778) were the leading proponents of this theory. However, their views on the state of nature differ to a certain extent.

Thomas Hobbes was the first modern English philosopher who enunciated a detailed and thorough social contract theory. In his famous work "Leviathan (1651)," Hobbes portrayed precisely the establishment of the state through a social contract. Prior to the state, he assumed, humans lived in the state of nature in which there was a perpetual environment of constant fear, selfishness, chaos, anarchy, persistent conflicts, insecurity, and injustice. He used words like solitary, poor, short, nasty, and brutish to portray life in the state of nature.[107] Fed up with such a dangerous environment, they agreed to establish a sovereign legal authority to regulate their social interactions by surrendering their whole rights and freedom to the authority unconditionally and irrevocably. People could not protest against authority or dethrone the ruler. This theory of Hobbes supported absolutism and the monarchial form of government.

Contrary to Hobbes, Locke assumed that life in the state of nature was peaceful, reasonable, of goodwill, and bounded by the Law of Nature and morality. Since people were not summoned to any legal authority or having any documented law, there was enough uncertainty to lead a peaceful or just life. So, people created civil society through a social contract. They surrendered their freedom and rights conditionally, under a political contract in which ruler was also a party to the

---

[105]Rutherford, Richard. *Classical Literature: A Concise History.* Oxford: Blackwell Publishing, 2005, p. 235

[106]Eddy, Asirvatham& K. K. Misra. *Political Theory*. New Delhi: S. Chand and Company Ltd., 1995, p. 20

[107]Appadoral, A. *The Substance of Politics,* London: Humphrey Milford Oxford University Press, 1944, p. 22

agreement, to a governmental authority that will safeguard their life, property, and liberty.[108] People reserved the right to rebel against a ruler who violated the constitution. They could dethrone a worthless ruler who failed to safeguard their rights and security.

Rousseau presented an updated version of the Social Contract Theory in his most influential treatise, *Du contrat social*, published in 1762. In his state of nature, people were free, honest, and happy. As the population grew, and civilization progressed, people witnessed the emergence of private ownership of land that destroyed the natural equality among humans. They agreed to establish a political authority of whose government is part of, that guarantee liberty, equality, and freedom, with pledges-

"*Each of us puts his own person and all his powers in common under the supreme direction of the General Will, and in our corporate capacity, we receive each member as an indivisible part of the whole.*"[109]

Rousseau stood firm on the consent of all people to the Social Contract incorporating General Will and the essence of democratic values. He claimed that the substrata of political rights stand on unlimited popular sovereignty. Popular sovereignty is inalienable, indivisible, and absolute above the law. He often accused of bringing the idea of *'totalitarian democracy*.'

Criticism:

Social Contract theory lacks historical records of the Origin of the State. It seems illogical that the rights are exercised before the creation of the state. Rights and laws are byproducts of the institutions of the state. We ponder over how can rights came into being before the establishment of civil society. The gradual progress of social development resulted in the formation of the state. The state could not come out of some sudden contract. Modern sociologists believe in the fact that the state is never a consciously created authority; instead, it is a result of gradual social

---

[108]Gaba, Jeffery. "John Locke and the Meaning of the Takings Clause". *Missouri Law Review*. vol. 72, no. 2, 2007: 526-579

[109] Halle, Louis J. *Men and Nations*. USA: Princeton University Press, 1965, p. 94.

progress. Social Contract theory certified that the state is an artificial contrivance, which is a seriously wrong interpretation, ratherthe state is an independent establishment of continuoussocial and natural growth. The Hobbesian absolute state does not follow the rule of law and may create a despotic ruler. Fedrick Pollock called it *"fatal of political impostures*."Edmund Burke, an Irish statesman and also a political thinker, rightly said-

"*...- but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco or some such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked upon with reverence…. It is a partnership in all science; a partnership in all art; a partnership between those who are living and those who are yet to be born."*[110]

2.2.3. Force theory of Origin of the State

The Force theory of Origin of The State is one of the oldest theories predicting the Origin of the State. The crux of this theory relies on the famous saying, "war begets the King." Exponents of this theory claim that the primary principle for the creation of the state lies in the aggressive nature of humans. The advocates of the Force theory assume power hunger and self-assertion are the basic instincts of human beings. The stronger suppresses weaker, and thus, the former establishes his authority over the latter. In primitive society, men lived in the tribe, where a stronger man used to be chosen as the chief after the subjugation of the rest people of that tribe. The chief used to maintain law and order within a definite territory through his authority and held responsible for protecting his people from foreign aggression. Growing population converted tribes into clans, and further clans developed into the small states. And the small states fought among themselves to acquire more territory and more power and evolved into bigger ones. Thus, the state originated and flourished through the force. For example, Sweden, Denmark, and Norway are a suitable example of the states that originated as per the Force Theory. An English philosopher

---

[110]Burke, Edmund. *The Works of the Right Honourable Edmund Burke.* London: Bell &Daldy, 1872., p. 368

Bernard Bosanquet (1848-1923) said, "*Thestate is necessarily force.*"[111] A Swiss jurist and politician Bluntschli once said, "*Force is an indispensable element of the organization of the state.*"[112] Edward Jenks, an English jurist, once stated, *"Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern type owe their existence to successful warfare."*[113]According to Jenks, the state is a product of war. Herbert Spencer's famous phrase "survival of the fittest" sets well in the Force Theory. General Von Bernhardt justified the concept that the force is the responsible factor for the origin of the state by saying,

"Might is the supreme right, and the dispute as to what is right is decided by the arbitrement of war. War gives a biologically just decision since its decision rest on the very nature of things."[114]

The above-said quote holds true for the general tenet of political authoritarianism. Hitler and Mussolini followed this doctrine well and pushed humankind towards the Second World War. However, the great empires are created due to force. The Mauryan Empire in ancient India is an example of this theory.

Criticism:

Force plays a significant role in the establishment and development the civil society and state. The force alone is not the only factor responsible for the origin of the state, but the religion, community, and evolution are other vital factors too. The Force theory runs contrary to T.H. Green's maxim- *"Will, not force, is the basis of the state."*[115]According to him, people believe that the state will maintain law and order and ascertain morality in society. Green also said, *"It is not coercive power as such, but coercive power exercised according to the law written for maintenance of existing rights from external or international invasions that make a state."*[116]How could one verify the theory force would

[111]Nevins P. L. *The Politics of Selfishness: How John Locke's Legacy Is Paralyzing America.*1st edition, California: Praeger Publishers Inc; 2010, p. 11

[112]Agarwal, R. C. *Political theory.* New Delhi: S Chand and Company Limited, 2018, p. 116

[113]Jenks, Edward. *A History of Politics,* London: J. M. Dent and Co., 1900, p. 71

[114] Ruse, Michael. *Philosophy after Darwin: Classic and Contemporary Readings.* Princeton & Oxford: Princeton University Press, 2009, p. 72

[115]Jayapalan, N. *A History of Political Thought*. New Delhi: Atlantic Publishers &Dist, 1997, p. 115

[116]Gilchrist, Robert Niven.*Principles of Political Science*.New York: Longmans, Green and Company, 1921, p. 85

guarantee individual liberty and equality, which itself encroaches freedom of life and thought? It may justify the rule of despotism. Mahatma Gandhi's principle of non-violence against the brutal force of the British Empire played a crucial role in the freedom struggle movements in India. Immanuel Kant once said, "*Even a population of devils would find it to their advantage to establish a coercive state by general consent.*"[117]That's why morality is a vital element that maintains the common welfare of the state. In the contemporary context, political consciousness and the good morals of the citizen form the firm base of the state, not the only force. Otherwise, the stronger countries would subsequently conquer the weaker countries, and peace will never be established in the world. I will conclude my criticism with the saying of R. N. Gilchrist:

"The state, government, and indeed all institutions are the result of man's consciousness, the creation of which have arisen from his appreciation of a moral end."[118]

2.2.4. Patriarchal Theory of the Origin of the State.

The most significant figure regarding the Patriarchal theory of the Origin of the State was Sir Henry Maine. In his works *Ancient Law* and *Early History of Institutions*, Sir Henry Maine defined the state as entity originated from the civil society formed from the conglomerations of the families held intact by the authority maintained by the male-heads of the families. Even Aristotle said, "*The state is the natural expansion of the family*."[119] The theory tells us the importance of cooperation and contribution of the family in the making of the state. The male-head of a patriarchal family had great power and influence over other members of the same family. Thus, the patriarchal family was the socially organized institution in the ancient epoch. Stephen Leacock stated, "*First, the household, then patriarchal family, then, the tribe or persons of kindred decent and family nation – so emerged the social series created on this basis.*"[120] Sir Henry Maine analyzed the emerging series in the formation of state or commonwealth, and said, "**The elementary group is the**

[117]Kapur, A.C. *Principles of Political Science*. New Delhi: S Chand and Company limited, 2010, pp. 67-69

[118] Gilchrist, Robert Niven.*Principles of Political Science*.New York: Longmans, Green and Company, 1921, p. 92.

[119]Aristotle, *Politics*. Translated by Benjamin Jowett, Kitchener: Batoche Books, 1999, p. 3

[120] Leacock, Stephen.*Elements of Political Science*. Boston and New York: Houghton Mifflin Company, 1912, p. 381.

Family connected by common subjection to the highest male ascendant. The aggregation of Families forms the Gens or House. The aggregation of Houses makes the Tribe. The aggregation of the Tribes constitutes the Commonwealth."[121]

According to Edward Jenks, the State stands on three bases, namely blood-relation, marriages, and paternal supremacy. In a patriarchal society, polygamy and monogamy were common, and the male was allowed to have one or more than one wife. From the Bible, we can account that the Jewish nation was originated from twelve tribes having male dominance. We can still trace the existence of such notions of patriarchy in the current social systems. In most villages of India, the women still vote as per the advice of the male head of the family.

Criticism:

The Patriarchal Theory about the Origin of the State fails on specific grounds. Frazer stated, "*Human society is built up by the complexity of causes.*" Political consciousness, religion, force, and family may also be a few responsible factors involved in the origin and development of the state. Several critics have the opinion that the matriarchal social unit was prevalent before the patriarchal one.[122] The existence of polyandry could confirm the presence of the matriarchal social systems.[123] This theory asserts the family as the primary unit of the state. After studying the social networks in Malaya Archipelago Feddyand Australia, Edward Jenks arrived at the point that the fundamental unit of the state is the tribe, not the family alone. In the words of W.W. Willoughby:

"It would not be true to say that the state has developed out of this small unit (family). The two institutions are different in essence. In the family, the location of authority is natural. In the state, it is also a choice. Subordination is the principal of the family, equality that of the State. Furthermore, the functions or aims of the state are essentially different from, and even contradictory to, those of the family."[124]

---

[121]Bagehot Walter.*Physics and Politics*.Germany: Jazzybee Verlag, 1971, p. 11.

[122]Appadoral, A. *The Substance of Politics,* London: Humphrey Milford Oxford University Press, 1944, p. 37

[123]Ibid., p. 37

[124] Willoughby, Westel Woodbury. *An examination of the nature of the State*. London: The Macmillan and Company, 1896, p. 20

2.2.5. Matriarchal Theory of the Origin of the State

Maclennan, Morgan, and Edward Jenks were the leading proponents of the Matriarchal Theory of the   Origin of the State. In their books "Primitive Society (1866)," "Studies in Ancient Society (1877)," and "A History of Politics" (1900), they rejected the theory of Patriarchy as the Origin of the State. The patriarchal family came into being only when the tradition of permanent marriages was in trend. In primitive society, there was some sort of sex anarchy, not permanent marriage, before the existence of the patriarchal family. So, one woman might possess more than one husband. The mother, rather than the father, used to be the head of the family. Thus, the kinship of the family traced through the female.

Maclennan and Morgan discovered the maternally controlled clan, where the children belonged to the clan of their mothers. The eldest daughter had full authority over the property that belonged to the mother after the death of the mother. Jenks studied the tribes of Australia. And after thorough analysis, he came to the point that the tribes of Australia were structured into totem groups based on some natural objects such as plants or animals. The man of one totem group marries all the women of another specified totem group belonging to the same generation.

Similarly, such social units like totem group exist in few natives of Malaya and Madagaskar. The significance of this theory can be traced through the existence of a female ruler in Malabar and a few Indian provinces. The existence of monogamy and polygamy came into being after the nomads settled in a fixed place, which further led to the emergence of the patriarchal family. The matriarchal families agglomerated into villages, and the conglomeration of the villages, further, gave shape to the city; the cities united to come under specific authority, and their union formed the state.[125]

Criticism of Matriarchal Theory

It is a fallacy to say the matriarchal social units came before the patriarchal one. According to Stephen Leacock, "*Here the matriarchal relationship, and there a patriarchal regime, is found to*

---

[125] Agarwal, R. C. *Political theory.*New Delhi: S Chand and Company limited, 2018, p. 120.

have been the rule either of which may perhaps be displaced by the other."[126]Both types of social systems run parallel in ancient societies. The theory ignores the other relevant factors responsible for the origin of the state and its development.[127] These factors may be religion, politics, force, and contracts. Just like the Patriarchal Theory, it fails to explain the true origin of the state. The existence of the state never solely depends on the union of families.

2.2.6. Evolutionary Theory of the Origin of the State

The earlier theories of the origin of the state were somehow curtailed or speculative. They lacked at various grounds of history, logic, and philosophy. So, they are subjected to scrutiny. Dr. J.W. Garner said, *"The state is neither the handwork of God; nor the result of superior physical force; nor the creation of resolution of the convention, nor a mere expansion of the family. The state is not a mere artificial creation but an institution or natural growth of historical evolution."*[128] Even Burgess, also of a similar view, once stated, "*State has a continuous development of human society out of a grossly imperfect beginning through a crude but improving forms of manifestation towards a perfect and universal organization of mankind."*[129]After analyzing the earlier theories, we came to the point that there are several other factors that contributed to the growth of the state, and these factors are natural social instinct, kinship, religion, force, political consciousness, property, and defense.

The growth of a state is the outcome of the *natural social instinct* of humans. The ancient philosopher Aristotle characterized man as a social and political animal. It is the natural instinct of the human to live in a regulated society following customs and rules for the sake of a better life. The further development of the societies together leads to the formation of the state. In the view of Maclever, *kinship* considered to be the strongest bond of unity in a primitive society that helped people to organize politically and form a society that further developed into the state.[130] The natural incidents created fear among the primitive humans, and they began to worship and fall in the trap of magicians or priests who began to dominate them. According to Gettell, the common worship

---

[126]Ibid., p. 120.
[127]Ibid., p. 120.
[128]Poddar, Mita. "A Study on the Origin and Definition of the State with Special Reference to the Constitution of India and the Judicial Interpretation of the Expression other Authorities."*International Journal of Technology Research and Management*, vol. 1, no. 10, Oct 2017:1-4.
[129]Appadorai, A. *The Substance of Politics.*Madras: Oxford University Press, 1975, p. 36.
[130]Maclver, R. M. *The Modern States.* London: Oxford University Press, 1926, p.33.

developed into the *religion* thatgelled well with kinship and brought unity, civility, culture, and discipline among the primitive humans.[131] In ancient epochs, the races and the clans were united by the similar or same religion. Based on the religion, Prophet Mohammed united the tribes of Arabia.[132] The constant warfare for the capture of resources and lands led humans to establish authority and to appoint a strong chief who would protect them in crisis. Nietzcshea, a German thinker, reported: "*The strong people are the rare great minds who alone are fit to direct, the destiny of the people.*" The stronger tribes declared war on the weaker ones and thus expanded their territory and the authority. The conquest of acquiring territory and marking territory their own created a sense of holding and acquiring maximum possible *property* and resources. That is what Hitler and Mussolini did. Thus, forcein the form of war and dominance played a crucial role in the establishment of the state. E*conomic activities* like agriculture, animal husbandry, etc. were also contributed a lot to the development of the state. People having more lands and animals regarded as wealthy and others were considered poor. Thus, class conflict arose due to the economic gap between people. However, Karl Marx was of the view that the capitalist class established the State to serve their self-interests by exploiting the labor class. This class conflict and inequality further led to the *political consciousness* of establishing a specific authority to regulate and protect the property rights of the people. Gettle precisely asserted, "*As wealth increased in the pastoral and agricultural stages, and the idea of property developed, some regulation concerning things, as well as persons, was needed*."[133] The state held responsible for settling disputes and conflict. Henry Morgan's theory of social evolution gels up well with the above-mentioned statement (48).[134] Prof. Gilchrist asserted, *"Underlying all other elements in state formation including kinship and religion is political consciousness, the supreme element.*"[135]

Thus, the state is a byproduct of slow and steady evolution through a very long range of time. The modern scholars and political scientists consider the evolutionary theory as a most realistic and reasonable theory of the Origin of the State.

---

[131]Gettell, Raymond Garfield.*Political Science*.Revised Edition, Calcutta: The World Press, 1933, pp. 63-64.
[132]Agarwal, R. C*. Political theory.*New Delhi: S Chand and Company limited*,* 2018, p. 14.
[133]Gettell, Raymond Garfield.*Introduction to Political Science*. Boston: Ginn and Company, 1910, p. 46
[134] Agarwal. R.C, Political theory, S Chand and Company limited, New Delhi, 2018. P- 147
[135]Gilchrist, Robert Niven.*Principles of Political Science*.New York: Longmans, Green and Company, 1921, p*.* 88.

2.2.7. Marxist Theory about the Origin of the State

Marxist theory about the Origin of the State is one of the modern theories of the origin of the state. The ideas of equality, liberty, and fraternity born out of the French Revolution of 1789 paved the way to Socialism. Socialism is a political and economic philosophy that aims at collective ownership of the means of production and the exchange of goods and services by the community. In contrast, capitalism stresses private ownership by individuals. Karl Marx (1818-1883) and Friedrich Engel (1820-1895) were the primary proponents of the Marxist theory. The Marxist idea of the origin of the state is an antithesis to that of the classical Greek view. Classical theories supported the views that humans lived in the 'state of nature' before the advent of the state, and the idea of the state is deeply rooted in the instinct of humans. Contrarily, Marxists consider it as an artificial maneuver born out of the force, not morality, and it serves the interests of the capitalist class. In his famous work '***Origin of the Family, Private Property, and the State**,'* Engel wrote, "*The state, therefore, has not existed from all eternity. There have been societies that did without it, that had no conception of the state and state power. At a certain stage of economic development, which was necessarily bound up with the cleavage of society into classes, the state became a necessity owing to this cleavage.*"[136]

The societies were continually splitting into classes with conflicting interests. The class conflict led to the cause of the state. As men learned the art of agriculture, he began to possess surplus wealth and property. The economic inequality arose due to the division of labor that further led to the class struggle. The dominant class possessing wealth and power began to control the means of productions, and the state was created to safeguard their rights and lives and to exploit other classes. The character of the state changes with the nature of dominant capitalists. There has been the existence of two classes in the world during different periods for sure. One is the class of exploiters, and the other one is that of exploited. In the ancient era, the classes were named as masters and slaves, and patricians and the plebians (particularly in Rome). In the modern scenario, the classes are called capitalists (bourgeoisie) and laborers (proletariat).

Contrary to the Hegelian dialectic, Marx believed in the historical materialism that emphasizes the human experiences are driven by his material conditions, not only by his mind's perception. In his

---

[136]Engels, Friedrich.Origin *of the Family, Private Property, and the State*. New York: Pathfinder Press, 1972,p. 162.

work '***Critique of Political Economy,***' Karl Marx emphasized how the material conditions of life influence the socio-political character of society. An excerpt from his work explains it clearly:

 "*Legal relations as well as forms of state are rooted in the material conditions of life. In the social production which men carry on? They enter into a definite relationship that is independent of their will. These relations of production correspond to a definite stage of development of their material power of production. The sum total of these relations of production constitutes the economic structure of society – the real foundation on which rise legal and political superstructures and to which correspond definite forms of social consciousness. The mode of production in material life determines the general character of the social, political, and spiritual process of life*."[137]

The state is an instrument that maintains the hegemony of the wealthy and powerful class over the class of poor and weak. An excerpt from the ***Origin of the Family, Private Property, and the State*** discords the force imposed from outside in the creation of the state:

"The state is, therefore, by no means a power forced on society from without; just as little is it "the reality of the ethical idea," "the image and the reality of reason," as Hegel maintains. Rather, it is a product of society at a certain stage of development; it is the admission that this society has become entangled in insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms which it is powerless to exorcise. But in order that these antagonisms, classes with conflicting economic interests, might not consume themselves and society in sterile struggle, a power seemingly standing above society became necessary for the purpose of moderating the conflict, and keeping it within the bounds of "order"; and this power, arisen out of society, but placing itself above it and increasingly alienating itself from it, is the state."[138]

Marx and Engels believed that the intense class struggle would lead to the dictatorship of the proletariats by controlling the state and converting the means of production into the State Production. And the proletariats would end the class antagonism and would bridge the economic disparity between the classes resulting in a classless society. And finally, it would result in the

---

[137] Agarwal, R.C.*Political Theory*. New Delhi: S Chand and Company limited, 2018, p. 531
[138] Engels,Friedrich.*Origin of the Family, Private Property, and the State*. New York: Pathfinder Press, 1972,pp. 158-159.

'*withering away of the state*.'[139]Antonio Gramsci, an Italian Marxist, defined the state as 'a creation of the power-holding political party' that represents the popular collective will of the state. Influenced by Machiavelli, He called the political party 'Modern Prince.' Lenin and Stalin also was the exponent of the Marxist philosophy of the state.

Criticism:

The liberal political scientist criticized the Marxist theory about the Origin of the State on various grounds for being too radical and impractical. Firstly, no historical record is available to prove the state is caused by the class-struggle. Hunt discarded the idea that the rule of proletariate will end the misery attributed to the bourgeoisie. Secondly, Marx predicted that capitalism would crumble during the course of time, but it does not seem possible any longer due to the stable economy and flourishing democracy.[140] The ability of capitalism to resurrect itself after its collapse in the 1920s and 1930s proved him wrong. Thirdly, Marx predicted that the revolution would bring about liquidation and the withering away of the state, but that may lead to anarchism. And, the same did not happen in the case of the Russian Revolution. Fourthly, the Marxist idea of preaching violence to bring about the revolution is irrational and catastrophic.[141] It is against Gandhi's approach of non-violence that diluted the oppressions by the British brute forces. In fifth place, Marx's historical materialism ignores the ethical and emotional parts of human life. By recognizing the state with the party, Marxism promotes totalitarianism, such as Nazism and Fascism.

```
                          Origin of the State

  The theory      Social contact        Patriarchal        Evolutionary
  of divine          theory               theory              theory
   origin
                        Force theory              Matrichal          Marxist Theory
                                                   theory
```

---
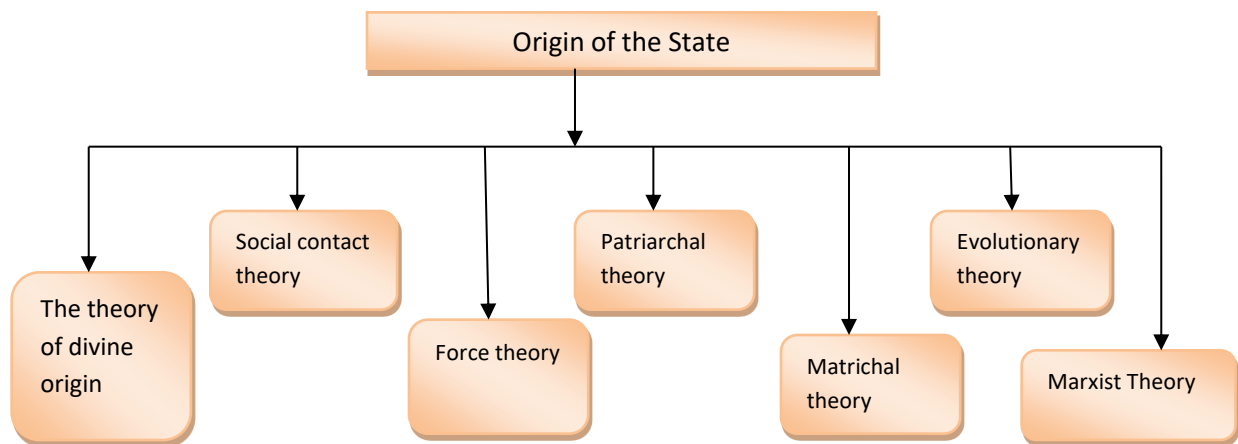
[139]Obo, Ugumanin Bassey, and Maurice Ayodele Coker. "The Marxist theory of the state: An introductory guide." *Mediterranean Journal of Social Sciences, vol.* 5, no.4, 2014, pp. 527-533

[140]Mah, Harold. "Marxism's Truth: Recent Interpretations of Marxist Theory." *The Journal of Modern History*, vol. 61, no. 1, 1989, pp. 110–127. JSTOR, www.jstor.org/stable/1880969. Accessed 2 Apr. 2020.

[141] Agarwal, R. C. *Political Theory*. New Delhi: S Chand and Company limited, 2018, p. 533

Fig. 1- Origin of the State

2.3. Evolution of the Modern Nation-State

The modern nation-state has evolved through gradual and steady processes and has incorporated various factors. There are several stages in its evolution. The ascending order of states at different progressive stages are as follow:

1. Tribal-State

2. The Oriental Empire

3. The Greek City-State

4. Roman Empire

5. Feudal State

6. The Modern Nation-State.
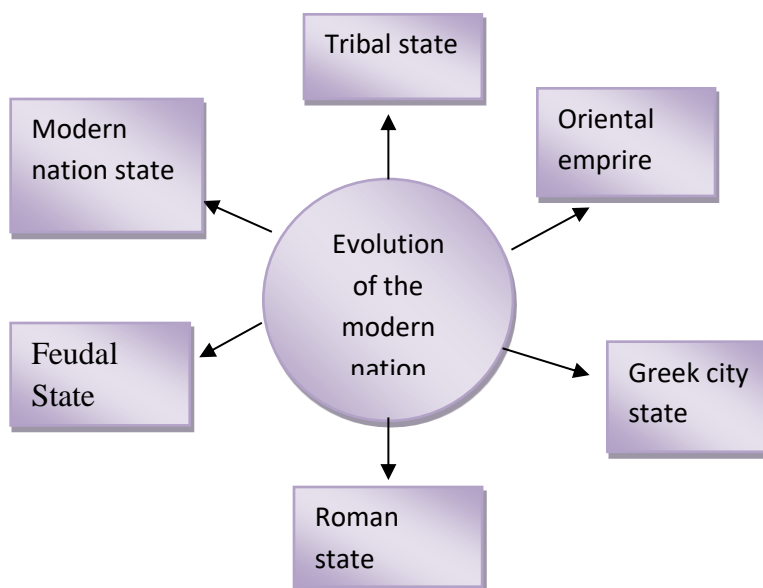
Fig. 2- Evolution of the modern nation state

2.3.1. Tribal-State

A tribe is a sort of traditionally closed social division composed of families and communities, usually having common lineage and characterized by shared interests, homogeneous culture, definite territory, standard dialect, same ideology.[142] The primary building block of a tribe was the family. A cluster of families and communities formed the tribe usually headed by the eldest and influential member of the tribe (commonly called the chief), who established the authority over the whole tribe. The different tribes had their unwritten laws based on their traditions, customs, and the command of the chief. The chief of the tribe reserved his authority to punish the outlaws and disloyal members. Force played a significant role in establishing dominance over the weaker tribe. The dominant tribe commonly established its jurisdiction over the conquered tribe. The

Powerful and efficient authority had a substantial contribution to the tribes in the accomplishment of the stature of the state. The nature of the power varied from tribe to tribe; some tribes adopted democracy, while others were despotic. The collective consciousness of the more prominent tribes led them to united and helped them to develop towns and cities. The unwritten laws were well documented. Taxes replaced the tradition of gifts. The tribes together got the stature of the state. We regard such a state as a Tribal-State.

2.3.2. The Oriental Empire

The Tribal-state further developed into small kingdoms headed by a king. The small kingdoms aggregated to form a large empire ruled by an emperor or monarch. The westerner referred the Eastern empires as the Oriental empires due to the Latin origin of the term 'orient,' which means east. The term 'orient' was used to refer to states lying east of the Mediterranean Sea and Southern Europe, such as the states lying in the middle-east,

---

[142]Berndt, Ronald M. "The Concept of 'The Tribe' in the Western Desert of Australia." *Oceania*, vol. 30, no. 2, 1959, pp. 81–107. *JSTOR*, www.jstor.org/stable/40329194, Pages: 81 & 82

Africa, and Asia. The humongous empire settled well in the region of having an abundance of natural resources and near rivers. In India, the oriental empires were flourished well near Ganga, Indus, Cauvery, and Vaigai. Similarly, the empires were also established well in the valley of Huang Hwan ho and Yang Tse-King in China. The Euphrates and Tigress rivers in Mesopotamia was the hotspot for an oriental empire. An Oriental empire of Egypt concerted along the lower reaches of the Nile. With the growth of population, the society diversified; the caste distinction in India and the social differences among the community were quite observable.[143] The strong monarch or despotic ruler usually ran the Oriental empires. The empires were quite unorganized, and the conquests for the territorial expansion were quite frequent over time.

2.3.3. The Greek city-state or *Polis*

Fall of the Mycenaean civilization marked the outset of the Greek Dark Ages (around 1100 BC – 9th Century). During the Greek Dark Ages, the Greeks dispersed into small villages. These small villages, later, began to develop. This development marked the beginning of the Archaic Period (about 8th century BC – 480 BC)- the period characterized by rapid urbanization and the outset of poleis (city-states). Most poleis started building the city walls for fortification, and the *agora* (marketplace) developed as the economic and commercial hub around the 7th century BC.[144] The 5th century BC onward displayed the highly developed city-states in Greece. Many poleis showed the shreds of evidence of town planning with the designated places for public assembly, religious practices, theatre, and gymnasium. Later, they formed government and politically organized themselves by setting some laws, raising the army, and collecting taxes. There were more than 1000 city-states in the ancient Greek world.[145] Sparta was the biggest polis with an area of around 8,500 square kilometers. Athens, Syracuse, and Rhodes were having a powerful navy that helped them to control their sphere of influence across the Aegean.

---

[143]Eddy, Asirvatham& K. K. Misra. *Political Theory*. New Delhi: S. Chand and Company Ltd., 1995, p. 93
[144]Cartwright, M. "Polis." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 6 June, 2013. Web. Retrieved from https://www.ancient.eu/Polis
[145]Cartwright, M. "Polis." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 6 June, 2013. Web. Retrieved from https://www.ancient.eu/Polis

Each city-state was differentiated from the others based on the social identity and unique culture of the city-state developed due to the creation of public places such as *agora,* and the celebration of specific festivals related to their patron deity. Each polis had their own god who, they believed, protected them from adversity. Impressed by the idea of Greek city-state, Burke defined it as a *"partnership in all science, a partnership in all art, a partnership in every virtue, and in all perfection."*[146] Men, from the upper strata of the society, possessed equal political rights. Few aristocratic families used to rule over the whole polis. The political systems varied from polis to polis. Some adopted democratic ideals in their constitution, such as Athens. And few poleis were ruled by despotic rulers. Sparta, being ruled by two kings, came under oligarchy form of government. The political powers ran into the hands of a few aristocratic families. Running independently, there was a lack of common sentiments between the poleis. Later, Macedonia won over them. Eventually, the city-states became less significant in terms of an independent state.

2.3.4. The Roman empire

Like Greeks, Romans lived in the monarchial form of government during 753-510 BC. The Roman poleis were quite large compared to the Greek city-states. The elected king, holding absolute power, had to consult his senate composed of 300 members. Patrician, the nobles, were the ruling class having special privileges. And the commoners having less property or landless were called Plebeians. The Roman Republic, in 510 BC, replaced the monarchy, which lasted around 27 BC due to perpetual wars. Following the battle of Actium in 31st BC, Octavian emerged as the first emperor of Rome and ruled it until 14 CE. The rule of the Five Good Emperors, from 96 CE to 180 CE, brought prosperity and stability in the Roman Empire. The Good Five Emperors were Nerva,Trajan, Hadrian, Antoninus Pius, and MarcusAurelius; they ruled in sequence, and the Roman Empire well expanded in size as well as in scope. Gettell appropriately said, "*Greece developed democracy without unity;*

---

[146]Appadoral, A. *The Substance of Politics,* London: Humphrey Milford Oxford University Press, 1944, p.95

Roman secured unity without Democracy."[147]Diocletian divided the vast Roman Empire into half in 285 CE – the Eastern and the Western.

The eastern Roman Empire was also referred to as the Byzantine Empire, whose capital city was Constantinople, i.e., modern Istanbul, and it survived until 1453 CE. With the spread in Christianity by Theodosius and the political instability, the Western Roman Empire, having Rome as symbolic capital, struggled and survived till 476 CE. Christianity was legitimized as the state religion. Pope Leo III declared Charlemagne as the emperor of the Western Roman Empire in 800 CE, who later initiated the crusades against non-Christians.[148] A German emperor Otto I followed the path of Charlemagne, and spread Christianity, and declared himself as emperor of the Holy Roman Empire of Germany. However, Voltaire, in his famous work, '*Essay on the Manners and Spirit of Nations (1756 CE),*' wrote, *"This agglomeration which was called and which still calls itself the Holy Roman Empire was neither holy, nor Roman, nor an Empire."* Later, the French took charge of the empire through the Confederation of the Rhine after Napoleon dismantled its political structure. The Barbarian also contributed a lot in the fall of the Roman Empire. Thus, history witnessed the fall of Rome.

2.3.5 The Feudal State:

The scholar around the world had not agreed precisely on any specific definition of the term 'feudal society' or 'feudalism.' These terms were used for the societies in medieval Europe from the 16th century onwards, and also for the Edo period of Japan(1603-1868 AD).[149] However, the Oxford English Dictionary defined the term 'feudalism' with its essential features as follow:

"The dominant social system in medieval Europe, in which the nobility held lands from the Crown in exchange for military service, and vassals were in turn tenants of the nobles,

---

[147]Asirvatham, Eddy.*Political Theory*. Lucknow: The Upper India Publishing House Limited, 1936, p. 65.

[148] Mark, Joshua J. "Western Roman Empire." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 27 Sept. 2019. Web.Retrieved from https://www.ancient.eu/Western_Roman_Empire

[149] Deal,WiliamE. *Handbook to Life in Medieval and Early Modern Japan,* New York: Facts on File, Inc. An imprint of Infobase Publishing, 2006,p. xiii

while the peasants (villeins or serfs) were obliged to live on their lord's land and give him homage, labor, and a share of the produce, notionally in exchange for military protection."

Shreds of evidence showed the presence of feudal societies in the early and middle ages of Europe, typically from 750 AD to about 1300 AD.[150] The feudal system was rooted in the Roman manorial system, where laborers or peasants (serfs) worked at the estates of landowners or their tenants. In return, the landowners held the responsibility to protect them from the invaders and also gave them the rights to work on their own fields. After the death of Charlemagne, Roman Empire collapsed entirely after the invasion of the barbarians in the 15th century. This invasion led to the establishment of small feudal states controlled by the aristocratic lords.

The aristocracy became the ruler of the land. These feudal states arised in Europe. In this society, King was the owner of the land. He distributed most portions of the land among the lords. In turn, they had to serve the king with military force. No support for Nationalism more importance was given to law and administration. The lord is the tenant in chief who settled the dispute of the farmer. Christianity was the popular religion. Later on, the church occupied the most popular position and had its own organization on the Roman Empire model. During this period, the Church was able to control the state and become powerful authority. However, in the 14th century lost all its respect and reputation. It was feudalism which gave the people of Europe comparative peace and protection and preserves the missionary of the state. Feudalism indicated the transmission from the Roman Empire world to the modern world. The arrival of the protestant reformation movement made an end to the supremacy of the church.[151]

2.3.6 The Modern Nation State

Benedict Anderson defined, in his famous work *Imagined Communities: Reflections on the Origin and Spread of Nationalism,* nationalism and nationality as '*cultural artefact'* and he proposed nation as "an imagined political community, being imagined as both inherently

---

[150] Herlihy, David (editor), *The History of Feudalism*, UK:Macmillan and Co. Ltd., 1971,p. xi.
[151] Asirvatham, Eddy.*Political Theory*. Lucknow: The Upper India Publishing House Limited, 1936,p. 66

limited and sovereign."[152] He used the adjective 'imagined' because the image of communion exist in the mind of the citizen, no matter what whether he knew or met his fellow citizens or not. He argued print-capitalism (press, newspapers, and books) led people to think about themselves and to related with each other in intensely new ways.[153] The 'imagined' nation is a modernist construct associated with the technology, not history. Gidden stressed, in order to define nation-state, on the internal and external legitimacy of a sovereign state and its monopoly on the violence.[154] A nation-state can be defined as a territorially sovereign state, where people are conneted through shared beliefs, common culture, and usually relatable history, that derives its political legitimaty to rule by conjoining political entity to cultural entity.

The origin of the early nation-state is still a debatable subject matter. Before the conception of the nation-state, there were city-states, feudal states, and empires prevailent in the medieval era. After the era of crusades, Christians of the West reocognised the wealth and prosperity of the East. The development of the trade routes between West and East began to develop. The developing towns and cities began to detach from the clutches of feudal lords so that they can prosper through the trade and commerce. The poors and labourers started to look life beyond repressions of feudalism. The down-troden classes of feudal states took advantage of the lucky break to turn out to be free merchants and tradesmen inside these new towns, that further led to the demise of feudalism. Uniting with growing merchant class, the emperors like Louis XI of France and Henry VII of England encouraged trade and commerce by building and maintaining roads, and improving infrastructure during 15th Century.

The periods of Renaissance (1300-1600 AD), and the Protestant Reformation (1517-1648 AD) saw the transition from the Middle Ages to the Modern civilization. The treaty of Westphalia, signed on 24th Oct, 1648, ended the Thirty Years' War (1618-1648 AD) of religious conflicts between the Protestant and the Roman Catholic leaders, and ascertain

---

[152] Anderson, Benedict.*Imagined Communities: Reflections on the Origin and Spread of Nationalism*. Revised Edition. London: Verso, 1991, pp. 4-6.

[153]Ibid., p. 36.

[154] Thomson, Janice E. *Mercenaries, Pirates, & Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe.* New Jersey: Princeton University Press, 1994, pp. 8-10.

the foundation of new structure of International Relations based on the sovereignty of state, generally called as system of sovereign states.[155] The outcomes of this peace treaty were peaceful co-existence of sovereign states, collective security, and the balance of power.[156] Some scholars assumes this treaty marks the origin of the nation-state.[157]

The First Industrial Revolution (1760-1840 AD) brought global economic growth and revolution in science and technology and education, but it created economic disparity among the people in Europe. In this era, the standards of living of various people enhanced while most population remain poor.[158] The Industrial Revolution in European advanced states act as a force to establish the colonies in continents of Africa, America, Australia and Asia. The American Revolution (1775-83 AD) and the French Revolution (1789-90 AD) shaped the idea of the modern nation-state – a sovereign state with written constitution assuring equality and freedom to its citizens. Napolean code, also called French Civil Code of 1804, added to the progress of the modern nation-state. On analyzing historical evidences, we may find that the nation-states, most probably, emerge due the power shift, that allows the nationalist to oust or retain the established government. In their published paper - The Rise of the Nation-State across the World, 1816 to 2001, Andreas Wimmer and Yuval Feinstein explained that the global proliferation of the nation-state is driven by the immediate and circumstantial political variables at regional levels.[159] Figure 1shows the global proliferation of the nation-states from 1816 to 2001.

---

[155]Vaughan, Michael. *"After Westphalia, whither the nation state, its people and its governmental institutions?" The International Studies Association Asia-Pacific Regional Conference, The University of Queensland / Brisbane, 29 September 2011*, The University of Queensland, 2011,pp. 1-22.

[156] Kissinger, Henry.*World Order: Reflections on the Character of Nations and the Course of History*, Kindle Edition, UK: Penguin, 2014, Chapter 1.

[157]Raymond, Gregory A*. 'Westphalia'. In ENCYCLOPEDIA OF INTERNATIONAL RELATIONS AND GLOBAL POLITICS,* ed. M. Griffiths*.* London: Routledge, 2005, p. 857

[158]Mohajan, Haradhan. "The First Industrial Revolution: Creation of a New Global Human Era." *Journal of Social Sciences and Humanities*, Vol. 5, No. 4, 2019, pp. 377-387

[159]Wimmer, Andreas, and Yuval Feinstein. "The Rise of the Nation-State across the World, 1816 to 2001." *American Sociological Review* 75.5 (2010): 764-790.
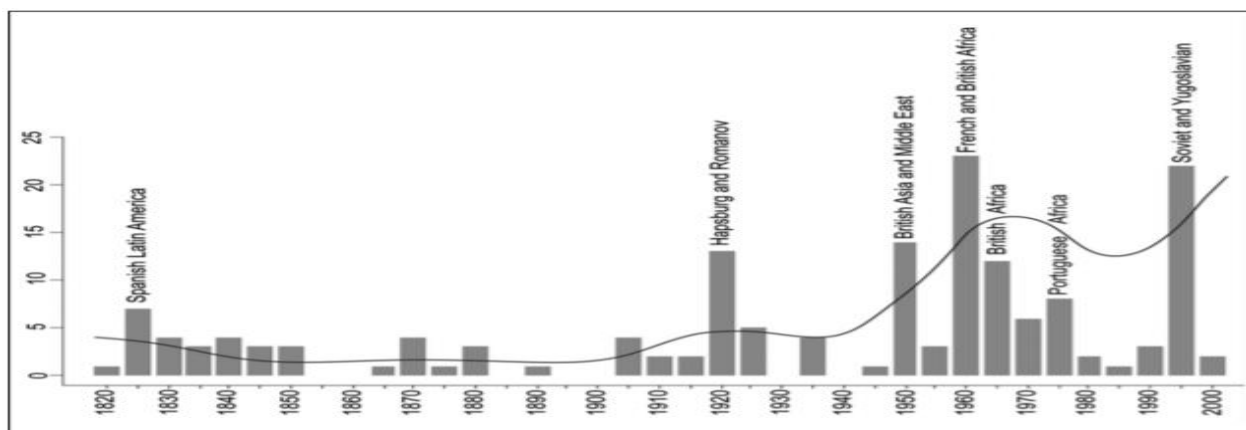
This figer Number of Nation-States Created per Five-Year Period, Smoothed Hazard Rate [The graph from the published paper of Andreas Wimmer and Yuval Feinstein with the title:The Rise of the Nation-State across the World, 1816 to 2001.

The rapid increase in the number of the nation-states was prominent during the period of Post-World War II. New nation-states began to emerge in the Third World. The United Nations, an international organization, currently contains 193 nation-states across the globe. However, the exploitation still exists in stable form of neo-colonialism today.[161]

2.4   Kautilya's conceptualization of the state: An Indian Perspective

Presently, we do not have any exact historical evidence about the origin of state. However, the western philosophers and political scientists tried well to theorize the origin of the state. Aristotle traced its origin from the growth of family. The Greeks derived the idea of the state from the social structure consisting of clan and tribe with small population and small territory. Romans were having the same idea, but with bigger geography and population, they called it *Republic*. James

---

[160]Wimmer, Andreas, and Yuval Feinstein. "The Rise of the Nation-State across the World, 1816 to 2001." *American Sociological Review* 75.5 (2010): 764-790

[161]Gauba, O. P. *An Introduction to Political Theory.* 5th Edition,New Delhi: Macmillan Publishers India, 2009, pp. 193-195.

had dealt with the theocratic conception of the state. Hobbes and Lockes defined it as artificial entity based on contract.

In Indian scenario, the earliest known works such as Satapata, Brahmana, Manusmriti, and Mahābhārata dealt with the theocratic conception of the state. In the epic '*Mahābhārata,*' the state was deemed as a godly organization, the rule of the king was justified divinely and as per the subjects' agreement to conclude the anarchy. As per the 'Puranic' literature, the people were categorized into the four '*Varna*' based on their occupation. Brahma created the king, vested with the authority to punish the evil ones, to rule over the people, and to provide justice to his subjects. As per Puranas, the state was caused to check the mutual struggle between the four *Varnas.* After the end of the Golden Age, anarchy became prevalent in the society, and people caught into the sense of fear and insecurity about their wealth and *dharma* as per the saying of *Narada*and *Brihaspati.* The conception of the state authority in the form of *Vyavahara*came into being to establish and maintain law and order in society.[162]

Kauṭilya's*Arthaśāstra* is a compendium of the political discourses on the statecraft, political economy, and the foreign affairs of the state. As per Kautilya's view on the origin of the state, the *state of nature* was the situation where total anarchy prevailed in the society. The *Matyanyaya* (law of the fish), i.e., the bigger fish swallowed the smaller ones, was the only law before the origin of the state. The people were having a perpetual fearful sense of insecurity and instability in this situation of anarchy, in which the phrase 'might is right' fitted well. The people collectively chose Manu as their King and allowed him to rule over them.[163] They allotted Manu one-tenth of their merchandise and the one-sixth of the grown grain. The King was held responsible for the safety and security of the people. *Kauṭilya*did believe in the divine theory of the origin of the state, but he also seems to be in favor of the social contract.[164] Religion played vital role in the development of the state in the ancient India as the religion and politics were well thought to be the complementary of each other during those times.[165] According to him, the state is a living entity. Kautilya was a shrewd statesman, less of a social expert, and a more of an administrative advisor.

---

[162]Altekar, Anant Sadashiv. *State and government in ancient India*. New Delhi: Motilal Banarsidass Publ., 2002, pp. 27-28

[163] Bhatia, Harbans Singh. *Origin & Development of Legal & Political System in India*, *Volume 1.* New Delhi: Deep & Deep Publications, 1976, p. 75

[164] Ibid., pp. 75-76

[165] Agarwal, R.C.*Political theory*. New Delhi: S Chand and Company limited, 2018, p. 147

His father exposed corruption in the administration of the Nanda Empire. He was sent to exile, and it was what infuriated Kautilya; he decided to replace the Nanda rule with a more robust and powerful empire. He trained Chandragupta to finish the job that he did successfully under his guidance.

After going through Vedic literatures, one could easily observe that an ancient Indian state aims at maintaining peace, ensuring security, and assuring justice to the people. These aims were also the vital objects of the Western philosophy of the state. According to ancient works on the politics, the fundamental objectives of the state are concerned with *dharma* (pertaining duties, rights, law and order, morality, and virtues), *artha*(implies means of life such as wealth, prosperity, and resources) and *kama*(aesthetic and emotional pleasure). According to the Kautilyan philosophy, the ultimate goal of a state is the welfare and happiness of its people through *dharma*, and the happiness of the emperor lies in the welfare of his subjects.[166] In ancient Indian literature, the state was known with various terms such as*Deśa, Rāṣṭra, Rājya* etc. *Kośala* and *Magadha* were well planned states of ancient India.

*Kauṭilya*mentioned that the state has seven limbs (since the state was considered as living being) of the state (also known as *Saptang Theory* of the state) in his most influential work *Arthaśāstra.*[167] The seven limbs (constituting elements) are Swami (the King), Amatyas (Council of Ministers), Janapada (covering both territory and population), Durga (the Fort), Kosha (the Treasury), Danda (the Army), and Mitra (the ally). Swamy is considered above all other elements. Swami and Amatyas were help responsible for preserving the sovereignty, and running the administration of the state through good governance. The seven limbs of the Kautiyan State incorporate the four fundamental constituents (i.e. government, territory, population, and sovereighnty) of the Modern State. Now, let us explore Kautilya's*Saptang* theory of the state. The details of the seven constituents (*prakrtis*) of the Kautilyan State are as follow:

2.4.1   Swāmī (the King)

---

[166]Sihag, Balbir Singh. "Kautilya on law, economics and ethics."*Humanomics*, vol. 25, no. 1, pp. 75 – 94.

[167] Sharma, Ram Sharan. Aspects *of Political Ideas and Institutions in Ancient India.* Delhi: Motilal banarsidass Publishers Private Limited, 2018, p. 31.

The first and foremost element of the state is *Swāmī*.[168] It denotes the head of the state. He heads above all other elements of the state. The term '*Swāmī*' appeared first in the *śaka* inscriptions. None of the ancient texts mentioned the term '*Rājā*,' which literally means the ruler or king, in exchange with the term '*Swāmī*' that literally means the head of the state.'[169] However, we will use the commonly accepted word 'King' for the term '*Swāmī*.'

As per Kautilya, the King held absolute power in the state. The King was considered responsible for the rise and fall of the other *prakrtis*of the state. The welfare and the prosperity of his subjects was the top priority of the King. A good ruler must bring peace, maintain law and order, ensure safety and security of the subjects's property and lives, and provide justice to all. For Kautilya, an efficient ruler is the one who has won over his *indrijaya* (senses), anger, lust, and greed the ruler presumed to be not possessing these qualities by birth, Kautilya recommended the ruler *vinaya*training as indispensable.[170] He advised the ruler to study *Anviksiki* (disciplines of philosophy pertaining to the study of samkhya, yoga, and lokuyata), *Trayi* (vedic knowledge), Dandaniti (science of government).

Kautilya mentioned the four ultimate qualities requisite for an ideal ruler. These four qualities are as follow:

i)   Ābhigāmikaguṇas (qualities of leadership or inviting nature): birth in nobel family, respecting elder's suggestions, good fortune, righteousness, truthful, honest, courageous, disciplined, ambitious, enthusiastic, punctual, resolute, not addicted to procrastination, etc.[171]

ii)   Prajnaguṇas (qualities of intellect): capability to grasp and ponder, desire to learn, hearing other patiently, retaining memory, perception, rejecting the bogus views and adhering the right views, etc.[172]

---

[168]Singh, G. P. *Political Thought in Ancient India: Emergence of the State, Evolution of Kingship, and Inter-state Relations Based on the Saptāṅga Theory of State*. New Delhi: D. K. Printworld, 1993, *pp.29-30.*

[169] Sharma, Ram Sharan. *Aspects of Political Ideas and Institutions in Ancient India.* Delhi: Motilal banarsidass Publishers Private Limited, 2018, p. 32

[170]Kangle, R. P. *The KautilyaArthashastra.* Bombay: P.C. Manaktala and Sons Private Limited, 1965, p. 130

[171] P-156, Manabendu

[172] P-157, MANABENDU

iii) Utsahaguṇa (qualities of energy): courageous, determined, quick in taking decisions, and well trained.[173]

iv) Qualities of personal attributes: highly intelligent, sharp memory, curious mind, enthusiastic, confident, strong and powerful, mastered in different arts, free from lust, anger and greed, flexible, capable of protecting his subjects, good at making treaty, excellence in warfare, maintain secrecy, etc.[174]

The duties of the king as the head of sovereign state are to appoint ministers, to protect people, to ensure justice, and to punish the criminals. According to Kautilya, possessing small territory and population, but well fitted limbs of the state, a wise king can conquer the world and will never be defeated. A successful ruler is the one who preserves *dharma* as per Kautilya. According to Kautilya, the king should be like a father to his subjects. To check his administrative measures, the king should take feedback from the public.

2.4.2 Amatyas (Council of the ministers)

After Swami, Amatyas hold the second position in the doctrine of *Saptang*. The typical meaning of the term '*amatyas*' is council of ministers. However, *amatyas* formed the regular cadre of admistrative services as per '*Arthashastra.*' We can trace the existence of such a council in ancient India through the Sanskrit literatures where the council was called with words such as *Sabhā*, *Samiti, Saṃgati, Vidatha, Pariṣad* etc.[175] The political thinkers in ancient India acknowledged ministers as advisors, councilors, guides, etc. to the King. Kautilya compared the state without ministers with the carriage with one wheel, the King alone can not handle the state affairs. He should have the council of competent ministers for advice.[176] It seems that the term *amatyas* may have been used for high rank officers, *mantrin* (councilors), or the executive heads of various departments. According to Kautilya, the appointments of the *matrin* depend on the capacity of the state. He advised the king to appoint 3 or 4 *mantrin* only.[177] More than the specified number of

---

[173]Kautilya.*The Arthashastra.* Edited & translated by L. N. Rangarajan. New Delhi: Penguin Books India, 1992, *p. 119*
[174] P-158 Manabendu
[175]Law, Narendra Nath. *Aspects of Ancient Indian Polity*, Oxford: The Clarendon Press, 1921, p. 24.
[176]Singh, G. P. *Political Thought in Ancient India: Emergence of the State, Evolution of Kingship, and Inter-state Relations Based on the Saptāṅga Theory of State*. New Delhi: D. K. Printworld, 1993, *pp. 63-64*
[177]23 tai hobe

councilors might affect the secrecy of the state. It will be hard for a single counselor to handle state affairs alone, while two may end up in conspiracy against the king. Kautilya suggested the king to station the spies in not only enemy states, but also in neutral and ally states to monitor the movements and capabilities of their people and administrations.

The candidates for appointments of *amatyas* had to go for various types of tests. According to Kautilya, the qualities one should possess for appointment of the prime minister are Nobel and native origin, sharp memory, strong willpower, efficient orator skills, excellence in debate, wise, excellence in economy, powerful, high tolerant level, enthusiastic, loyality to the king, dedication, charming and impressive, healthy, etc. Possessing the half or the one-fourth of these qualities, the candidate was considered suitable to be the minister of middle or lower grade.[178]Amatyas were digisnates at the following 18 *tīrthas*(administrative posts) based on the prescribed tests they have gone through:

    i.   *Mantrin,* or the councilor

    ii.   *Purohit,* orthe Chaplin

    iii.   *Senapati,* or the commander in chief

    iv.   *Yuvarāja,*

    v.   *Dauvārika*

    vi.   *Antarvaśika d*

    vii.   *Praśāstṛ*

    viii.   *Samāhartṛ*

    ix.   *Sannidhātṛ*

    x.   *Pradeṣṭṛ*

    xi.   *Nāyaka*

    xii.   *Paura*

    xiii.   *Vyavahārika*

    xiv.   *Karmāntika*

    xv.   *Mantripariṣad*

    xvi.   *Daṇḍapāla*

xvii. *Durgapāla*

xviii. *Antapāla*

Amatyas dealt with all the works of the state affairs and the foreign affairs. They were responsible for the king's safety and ease, ensuring the peace and justice, and maintaining internal and external security of the state. The collection of taxes and dues, administering the commerce and industries, settlement of lands and property, devising state policies as well as the foreign policies of the state, handling the taxes and fine for other development activities, and taking counter measure against calamities came in the working sphere of *amatyas*. The administrative officers had to report to the respective ministers about the activities across the state, and their progress too.[179] The ministry of the state was also responsible for educating the prince and to participate in the coronation of the prince.[180]

2.4.3 Janapada or the Territory

Janapada constitutes the third most vital element of the state. The term itself contains the expression of both land and population. According to Katilya, no state can exist without population and territory.[181] The fertile land, abundance of natural resources, forests for timber, grazing land, presence of mines, elephant forests, ample amount of cattles, free from swamps, saline land, uneven, desserts, rocky areas, as well as unruly peoples from wild places should the characteristic features of *janapada*. A *janapada* should contain villages having houses in the range of 100 to 500 in number. And each should be located at a distance of 1 or 2 krosa(2250 yds.) from other, so that they can help each other in hours of need. A well settled village is surrounded by trees, mountains, rivers, and forests, etc. Roads and waterways are very crucial features of a well settled villages and these features boosts the economy of the state.

---

[179]अमात्यमूलाः सर्वारम्भाः जनपदस्यकर्मसिद्धयः स्वतः परतश्चयोगक्षेमसाधनंव्यसनप्रतीकारः शून्यनिवेशोपचयोदण्डकरानुग्रहश्चेति। (8/1/5), *KautiliyamArthasastram, Manabendu Bandyopadhyay. Page no- 358*

[180]मन्त्रोमन्त्रफलावाप्तिः कर्मानुष्ठानमायव्ययकर्मदण्डप्रणयनम्अमित्राटवीप्रतिषेधोराज्यरक्षणंव्यसनप्रतीकारः कुमाररक्षणमभिषेकश्चकुमाराणामायत्तममाक्येषु।।(8/1/8), *KautiliyamArthasastram, Manabendu Bandyopadhyay. Page no*

[181] P-603 Manabendu

60

As per population is concerned, hard-working *sudras,* intelligent masters and servants, and loyal people of good character from the lower classes should inhabit the villages as they enhance the quality of *janapada,* as mentioned in*Arthaṣāstra* .[182]Kautilya also envisaged the presence of diverse ethinic groups in *janapada*because of the migration of people from the states conquered. He classified the administrative system of *janapada* into four units. The smallest unit was *Grama* (village). 10 villages constituted *Samgrahana* (block) together, and 200 villages formed *Kharvatika*, a block comprising 400 villages was known as *Dronamukha*, and that of 800 villages together was termed as*Sthaniya.*[183]

2.4.4 Durga or the fort

The fort constitutes the fourth important limb of the state. Being the fourth element of the state, *durga*hold quite significant place in maintaining the security of the state. Manu entitled it as *pura,* which was positioned at the third place in Manu's state. The term *durga* can be readily grasped in the sense of fortress or fortified capital. For the establishment and functioning of *durga,* Kautilya dedicated two different sections named *durgavidhana*(corresponds to the construction of a strong fort)[184], and *durganivesha*(corresponds to the proper planning and designing of the capital).[185]Kautilya advices the construction of the fort at the frontiers of *janapada.* The fort should be manned by the antapála (guards at boundary). Kautilya mentioned the types of the fortification against enemy:

➢ Water fortification (*audaka*) such as an island in the middle of a river,
➢ Mountaineous fortification (*párvata*) such as the state or janapada surrounded by mountains,
➢ Forest fortification (*vanadurga*) such as the stretch build in the dense forest.
➢ Desert fortification *(dhánvana)* such as region surrounded by dessert.

---

[182] P-159 (6/1/4) MANABENDU

[183]Kaur, Kiranjit. "Kautilya: Saptang Theory of State." *Indian Journal of Political Science*, vol. 71, no. 1, 2010, pp. 59-68. *JSTOR*, www.jstor.org/stable/42748368. Accessed 27Oct. 2020

[184]Shamasastry, R., *Kautilya'sArthashastra*, p. 375. Accessed on 27 Oct through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[185]Ibid., pp. 71-74.

The forts, built by the first two types of the fortifications, were quite useful to protect against the enemy invasion during war.[186] And the forts, as a result of the last two types of fortifications, were used too hide the king and others during emergency. To ensure the security of the state from foreign invasion, the state should be surrounded by the forts from all the corner as per *Arthaṣāstra*.The forts should have twelve gates exiting to land-ways and water-ways.[187]However, the water-ways were kept secret.

2.4.5   Kosa or Treasury

Kautilya precisely said, "*yatra raja tatrakosahkosadhiana his rajata*." That means, "where is king, there is kosha (treasury)." It is the fifth element of the state. And it is crucial for the pursuit of *Dharma* and *Kama*. *Danda* (the army) of the state can not run without *kosha* (treasury), and the army also protects the treasury. Kautilya stresses the importance of kosha over danda.The treasury helps in maintaining the proper functioning of government and *durga* (fort) also. According to Kautilya, the king should acquire the treasury by righteous and legitimate means only. Kautilya mentioned the appointment of *Sannidhata*as the chief custodian of the treasury, to look after *koshagriha* (treasury-house).

The treasury should contain mostly gold, silver, jewels, gems and coins, and its value should be as much as it can suistain the calamities for a long range of time.[188] The king was held responsible for augumenting the wealth of the state by promoting trade and commerce, revenue, collecting the dues and taxes, etc. The most part of the revenue comes from the agriculture. In Mauryan Empire, *Shulka* (custom duty) was imposed on import, export, and the native products also. Kautilya advised the king to collect taxes from the people without crushing or harming them by stating the example of bees and calf, where bees does not mutilate the flower after extracting honey out of it, and calf drinks the milk of mother-cow without damaging her udders. He emphasized on the

---

[186]Singh, G. P. *Political Thought in Ancient India: Emergence of the State, Evolution of Kingship, and Inter-state Relations Based on the Saptāṅga Theory of State*. New Delhi: D. K. Printworld, 1993, p. 97
[187]Shamasastry, R., Kautilya'sArthashastra, P-71. Accessed on 27 Oct, 2020 through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[188]Sinha Har Narain.*The Development of Indian Polity,* New Delhi: Asia Publishing House, 1962, p. 36

equitable and moderate taxes. He advised the king to possess a fleet, and maintain it by hiring traders and fishermen.[189]

If the treasure drains out due to heavy military quest, then the following measures should be adapted to fill the *kosha* as per *Arthaṣāstra :*[190]

❖ Agriculturists were liable to pay levy ranging from one-fourth to one-third of their stocks as per the production.

❖ Farmers were induced to grow more crops, and they were required to hand over a part of total produce to the state.

❖ Prostitutes, actors, singers, and other artists were required to pay half of their income.

❖ Dealers in gold, silver and other precious metals were liable to pay 50 panas, and that in vegetables, and other food stuffs had to pay 5 panas.

❖ If above measures do not serve the purpose well, then the people should be pushed to contribute to their maximum potential under specific undertakings.

❖ The wealty persons should be asked to pay more under such an adversity.

2.4.6 Danda or the army

The sixth limb of the state, after *kosha*, is the *danda*or the force mostly in form of army. This is the main organ of the state that deals with the survival and the security of the state. A powerful army is important for the defense against the foreign aggressions. The king needs the army most for carrying further conquest. The soldiers (Kṣatriyas) are the building blocks of the army, and recruited on the permanent basis. According to Kautilya, the soldiers should be expert in the art of war. He should be fearless fighter and loyal to the king.

After analysing Post-Vedic literature, the army comprises of the *kṣatriyas*coming down from the times of ancestors, hired soldiers, and it has four divisions (*caturarigabala*)[191] such as infantry (*patti*)comprising two fighting units called archers and spearmen, elephants (*hast*) for destroying

---

[189]Gandhi, M. G. *Political Theory and Thought.* New Delhi: Pragati Publications*, 2007, p. 304*

[190]Kaur, Kiranjit. "Kautilya: Saptang Theory of State." *Indian Journal of Political Science*, vol. 71, no. 1, 2010, pp. 59-68. *JSTOR*, www.jstor.org/stable/42748368. Accessed 30 Oct. 2020.

[191]Lamotte, Étienne.*History of Indian Buddhism: From the Origins to the Śaka Era.* Translated by Sara Webb-Boin. Louvain-la-Neuve, Belgium: Université catholique de Louvain, Institutorientaliste, 1988, p. 99

the tower and ramparts, cavalry (*ashva*) for reconnoitering grounds and making initial attacks, and chariots (*ratha*) for guarding one's troops.[192] Each division was headed by their respective *adhyaksha*s or Superintendents.[193]*Buddhists* and *Puranic* texts reveals that *kṣatriyas*were the excellent fighters during ancient epoch.Kautilya recommended the recruitments of the lower castes such as*vaishyas* and *sudras* in the army also.[194]Kautilya recommended that the army should be well equipped to fight against the enemy; he should be expert in warfare, patient, act according to the king's desire, and the state should hold responsibility to maintain the proper living of their sons and the wives.[195] The king uses his army as a force to control his subjects as well as his enemy.[196]Kautilya categorized the soldiers into six categories:[197]

- o *Maula* (hereditary based permanent recruitment for the defense of the capital)
- o *Shreni* (soldiers well organized and well trained in the art of war)
- o *Bhrta* (mercenaries)
- o *Dvisad-balam* (soldiers of defeated king)
- o *Suhrdbalam*(soldiers of allied forces)
- o *Atavibalam* (soldiers recruited from the tribes such as Nisadas, Mlecchas, and other wild regions)

The first three categories mentioned above are the trustworthy and faithful to the king. Kautilya made distinctions between several types of army, and advocated the trust over the first three categories mentioned above. He segregated the entire army into divisions and sub-divisions. Each division were having their own flags, trumpets, and drums. There was provision of the installments of medical doctors for the wounded soldiers of the war as mentioned in *Arthaṣāstra*

2.4.7 Mitra or Ally

Mitra (ally) is the last element of the state. The utmost necessity of an ally felt well in the times of war and crisis. A state without ally was most likely to face foreign invasions. A true ally asserts

---

[192] Sharma, Ram Sharan.*Aspects of Political Ideas and Institutions in Ancient India.* 4th Revised Edition, Delhi: Motilal Banarsidass Publishers Pvt. Ltd., 1996,p. 37

[193]Singh,Harjeet.*The Kautilya Arthaśāstra: A Military Perspective.* New Delhi:KW Publishers PvtLtd, 2013, p. 10

[194]Kautilya. *Arthashastra* Translated by R. Shamasastry. Bangalore: Government Press, 1915, pp. 415-420

[195]Kautilya. *Arthashastra*. Translated by R. Shamasastry. Bangalore: Government Press, 1915, pp. 319-321

[196]Kaur, Kiranjit. "Kautilya: Saptang Theory of State." *Indian Journal of Political Science*, vol. 71, no. 1, 2010, pp. 59–68. *JSTOR*, www.jstor.org/stable/42748368. Accessed 30 Oct. 2020.

[197]Kautilya. *Arthashastra*. Translated by R. Shamasastry. Bangalore: Government Press, 1915, pp. 438-441

more impotance than the wealth and property. In his *Mandala* concept of the state, Kautilya considered the immediate neighboring state as enemy state, and the neighbors' neighbor as an ally.[198]

According to Manu, the prosperity of the state does not lie only in the acquisition of *kosha*, but also lie in having a true ally. Usually the ally comes to the coronation of the prince, and on important occasions through the times of the father, grandfather, and ancestors. Kautilya mentioned about the three types of ally:[199]

   i)   Sahaja mitra: One who comes from near relatives.
   ii)   Prakṛtimitra: The king having territorial boundary adjacent to that of the enemy.
   iii)   Kṛtrimamitra: One who earned by the virtue of the *vijigishu.*

Kautilya conceptualized the element '*mitra*' based on ethics. The real ally always comes at the time of adversity. Kautilya mentioned few qualities of an ideal ally such as obedient, enthusiastic, powerful, common interests, good at mobilizing his forces, no trace of double crossing his friends in nature, and consistent.[200]

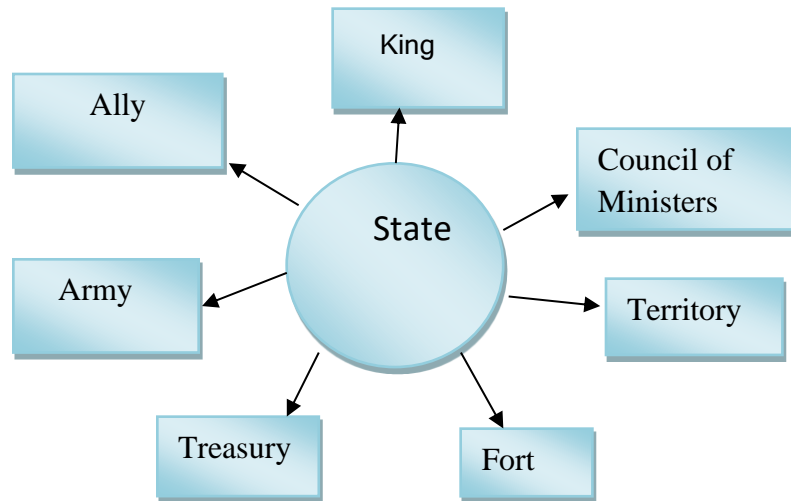Fig. 3- The Seven-fold theory of the state

[198] तथैवभूम्येकान्तरामित्रप्रकृति: ।(6.2.2), *Kautiliyam Arthaśāstram, Manabendu Bandyopadhyay, P-168*

[199] भूम्येकानतरंप्रकृतिमित्रंमातृपितृसम्बन्धंसहजंधनजीवितहेतोराश्रितंकृत्रिममिति।। *Kauṭlya Arthaśāstra, R. Shamasastry, P- 517*

[200]Kautilya.*The Arthashastra.* Edited & translated by L. N. Rangarajan. New Delhi: Penguin Books India, 1992, p. 121

2.5   Kautilya's Saptang theory in the modern perspective

Kaultiya's *Saptang* theory of the state bears fractional similitude to the modern definition of the state. The four fundamental elements of the modern states are considered to be population, territory, government, and sovereignty. The modern elements of the state such as territory and population can be well accommodated in the single element of the state called *janapada* as per *Saptang* theory of the state. However, Saptang theory of the state adds few more fundamental pillars to the modern concept of the state as the modern duly accepted definition of the state does not include few fundamental elements of the state such as *treasury, army,* and *ally.* However, the functionary system of the government of the modern state hold responsibility of maintaining treasury, employing army, and establishing the relationship with other states through its internal and foreign policies.

The monarchial set-up of the ancient state was transformed into democratic set-up, where the duly elected president serves the modern state most likely as *swamy* serve the ancient state. In case of Indian democracy, the President must be the citizen of the state, and the executive power of the state is vested in him/her. He appoints the Prime-Minister of the state. And Prime-Minister advices him on the appointment of other ministers of the state.[201] The President shall act in accordance to the advice rendered by the council of ministers.[202]

In modern states, *kosha* can be regarded as the national income, which comes from the total output income collected from all the new goods and services during the year. In case of India, the agriculture is the primary sector of the economy, and it holds primary importance for the income of the state similar to the Kautilyan State. The armed forces of the modern India are more robust, diverse, efficient, modern, and lethal as compared to the ancient Indian states.

Ally is considered to be the source of power to the king during the Kautilyan times. The ally, usually aided the *vijigishu* from the days of the father and the grandfather, used to not share separate interest.[203] In modern era, the alliances play significant role to maintain the international

---

[201] *The Constitution of India,* Art. 75(1), 1950.
[202] *The Constitution of India,* Art. 74, 1950.
[203] *पितृपैतामहंनित्यंवश्यमद्वैध्यंमहल्लघुसमुत्थमितिमित्रसम्पत्। 6/1/12*

relationships. During the Indo-Pak War of 1971, Russia acted as a true ally of India. Kautilya gave the term *mahat* ally to the powerful ally state possessing a very strong army and rich treasury such as Russia has been *mahat* ally of India.[204]

The sovereighnty as the constituent of the modern state is said to be in toto. The state authority of tax and dues collection, and taking decisions without any external pressure is possible only due to the sovereignty of the state.

Kautilyan conception of the organic state seems to differ from that proffered by Herbert Spencer in the nineteenth century. Herbert Spencer compared the industries of the state to elementary organ, commercial set-up to the circulatory organ, political associations to the motor organs, and the governing body to the cerebrum of the human. In contrast, Kautilya seems to stress more on the magnitude of the other elements of the states when the influences of the *amatyas* and *dandanayakas* magnified to a great extent.[205] The Kautilya views on the state is quite modern in nature.

---

[204] प्रमाणप्रतापगरिष्ठसैन्ययुक्तत्वलक्षणंमहत्वं।*srimula*

[205] Sinha, Har Narain. *Development of Indian Polity.* New Delhi: Asia Publishing House, 1964, p.46.

Chapter 3: Foreign policy of a State

3.1 Introduction

Aristotle regarded humans as social animals, and they thrive to maintain cordial relations with each other. Their relations began to organize over time, and they gave legitimacy to an organized authority to govern them. They began to develop relations with other foreign bodies to optimize their standards of living, knowledge, and otherworldly affairs. The traces of foreign affairs of the states are found in the ancient works of literature, Kautilya's *Arthaṣāstra* , Homer's poem, history of Han dynasty, and the Bible. The advent of Buddhism (of Indian origin) in China and other neighboring states, and the existence of the Silk Route connecting East and West present examples of foreign relations of the state.

The whole international affairs and politics of a state revolve around its foreign policy.Foreign policy is the subset of the national policy of a country. It comprises of national interests that are to be promoted in relation to other nation-states. Nearly all nation-states regulate the progression of their foreign policies within the boundaries of their fortes and the realities of the external settings. The establishment of apolitical relations also happens within the scope of foreign policy.

After the treaty of Westphalia, various nation-states came to existence. And at the end of World War II and the inception of the United Nations, the world has witnessed the speedy growth of the nation-states as a sovereign entity. The nation-state, being the part of the International arena, can not remain aloof from each other. Globalization and liberalization have led to the interdependence and global interconnectedness of these nation-states on each other.[206] Thus, the need to explore various possibilities and establishing mutual interactions among similar entities felt in this age of growing interdependence. Their interactions develop what is termed as the International process. These interactions are best echoed by the policies followed by the states towards other states. These policies are usually recognized as foreign policies, which include regulating and directing external

---

[206] Held, David, et al.*Global Transformations: Politics, Economics and Culture*. Cambridge: Polity Press, 1999, p. 50.

relations of the states in the international scenario. Even having no relationship to a specific country is also a foreign policy as per Feliks Gross.[207]

3.2 Defining Foreign Policy:

The foreign policy is the yield of the state in its attempt to pursue self-interests outside its territorial boundaries. Through its foreign policy, a state can enter into the global system. The territorially sovereign units existing outside of the legitimate boundaries of a concerned state are known to be foreign states. And the set of actions projected by an organization to realize self-established goals that incorporate the choosing actions to attain its goal is termed as policy. Thus, the foreign policy of a state is termed to be a set of rules and strategies to the choice being made about people, location, and things outside the boundaries of the state concerned.[208]

The scholar around the world has not come up with an internationally accepted definition of foreign policy. Charles Hermann called foreign policy as a "neglected concept." The experts on the international relations and political sciences defined the term' foreign policy' in several ways.

- ❖ Charles Hermann defined foreign policy as *"the discrete purposeful action that results from the political level decision of an individual or group of individuals."[209]*So, it can be considered as a visible productof political level decisions.

- ❖ Hugh Simon Gibson (1883-1954) defined foreign policy as*"a well-rounded comprehensive plan, based on knowledge and experience, for conducting the business of government with the rest of the world. It is aimed at promoting and protecting the interests of the nation*."[210]

- ❖ George Modelski (1926-2014) defined it as "*The system of activities evolved by communities for changing the behavior of other states and for adjusting their own activities to the international environment."[211]*

  In agreement with the Modelski's opinion, the desirable change in the behavior of the other state may signify the end of the foreign policy. And Prof. Mahendra Kumar does not seem to agree with this incomplete definition of foreign policy. As per his opinion,*"The aim of*

[207] Gross, F. *Foreign Policy Analysis*, New York: Philosophical Library 1945, p. 103.

[208] Ghosh, Peu.*International Relations*, New Delhi: PHI Learning Private Limited, 2015,p. 96.

[209]Hermann, Charles F. "Foreign policy behavior: That which is to be explained." *Why nations act: Theoretical perspectives for comparative foreign policy studies*, 1978, pp. 25-47.

[210] Khanna, V.N. *Foreign Policy of India*. New Delhi: Vikas Publishing House, 2007, p. 1.

[211]Modelski, George.*A Theory of Foreign Policy*. London: Pall Mall Press, 1962, pp. 6-7.

foreign policy should be to regulate, and not merely to change, the behavior of other states."[212]

❖ Frederick SamualNorthedge (1918-1985), the former professor of the London School of Economics, rightly said, "*foreign policy is an interaction between forces originating outside the country's borders and those working within them."*[213]According to him, the concerned state uses its political influence, and outcome of its foreign policy, to induce other states to act in its favor.

❖ In the words of Padelford and Lincoln, "*Foreign policy is the key element in the process by which a state translates its broadly conceived goals and interests into concrete courses of action to attain these objectives and pressure its interest*."[214]

❖ Cecil V. Crab, Jr. came up with an excellent definition of the foreign policy. He said, "*Reduced to its most fundamental ingredients, foreign policy consists of two elements: national objectives to be achieved and means for achieving them. The interactions between national goals and the resources for attaining them is the perennial subject of statecraft. In its ingredients, the foreign policy of all nations, great or small, is the same."*[215]Couloumbis and Wolfe expressed a similar view on the foreign policy as they wrote, "*Foreign policies are are syntheses of the ends (national interests) and means (power and capabilities) of nation-states."*[216]

C. C. Rodee has explained the processes involved in the making of foreign policy in his words as follow,

"*Foreign Policy involves the formulation and implementation of a group of principles which shape the behavior pattern of a state while negotiating with (contacting) other states to protect or further its vital interests."*[217]

❖ In the words of Charles Burton Marshall (1908-1999),"*foreign policy is the course of action undertaken by authority of state and intended to affect situations beyond the span of its jurisdiction."*[218]

[212] Kumar, Mahendra.*Theoretical Aspects of International Politics*, Agra: Shiva Lal Agrawala& Co.,2017, p. 311.
[213] Ibid., p. 1.
[214]Padelford, Norman Judson, George Arthur Lincoln, and Lee Donne Olvey. *The dynamics of international politics*. New York: Macmillan, 1967, p. 197.
[215]Crabb, Cecil Van Meter. *American foreign policy in the nuclear age*. New York: Harper & Row, 1972, p. 1.
[216]Couloumbis, Theodore A. and James Hastings Wolfe. *Introduction to International Relations: Power and Justice*. New Delhi: Prentice Hall, 1990, p. 125.
[217]Rodee, Carlton Clymer.*Introduction to Political Science.* New York: Mc Graw Hill, 1957, p. 571.
[218] Ghosh, Peu.*International Relations*.New Delhi: PHI Learning Private Limited, 2015, p. 96.

❖ Hartman defined foreign policy as *"a systematic statement of deliberately selected national interests."*[219]

❖ Joseph Frankel stated, *"Foreign policy consists of decisions and actions which involve to some appreciable extent relations between one state and others."*[220]

The foreign policy of a state is made to realize the futuristic vision to pursue desired results or sets of national interests and objectives. It is formulated based on the futuristic vision of the state, formulation of ideas and strategies to pursue that vision, and the resources at the state's disposal in conducting a relationship with other states.

3.3 Determinants of Foreign Policy:

A state develops its relation with other states keeping its economic, natural resources, trade and commerce, political, cultural, and military ties in focus. Holsti stated the aim of the foreign policy, as "*an image of a future state of affairs and future conditions that governments through individual policymakers aspire to bring by wielding influence abroad and by changing or sustaining the behavior to other states."*[221] Dealing with changing behavior of foreign states demands continuous vigilante and examination. Thus, foreign policymaking is a dynamic process, and it varies with the nature and behavior of other foreign countries. A state adopts diverse foreign policies with respect to the concerned states to meet specific self-interests. Foreign policy formulation depends on various internal and external determinants or factors that may determine or further mold the foreign policy. In accord with Hill's perception of foreign policy, *"foreign policy is the hinge of domestic and international politics.*"[222] Some scholars argue domestic politics as an independent arena and irrelevant concerning foreign policy, whereas others keep the opinion about them as being interdependent. However, we can categorize these determinants into three categories.

 (i)Internal/domesticdeterminants,

 (ii) External/Internationaldeterminants, and

(iii) Policymaking determinants.

---

[219] Khanna, V. N. *Foreign Policy of India*.New Delhi: Vikas Publishing House, 2005, p. 96.

[220]Frankel, Joseph.*The Making of Foreign Policy*: *An analysis of Decision-Making*.2nd Edition, London: Oxford University Press,1968, p. 1.

[221]Hoslti, K.J.*International Politics: A Framework for Analysis*. 4th edition, New Jersey: Prentice Hall, 1983, p. 124.

[222]Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.   Retrived   from:https://www.longdom.org/open-access/the-study-of-foreign-policy-in-international-relations-2332-0761-1000337.pdf

3.3.1. Internal determinants:

The internal setting of a state determines the nature and route of its foreign policy. The social fabrics, political setup, cultural and historical values, military and economic potentials, and geography of the states differ. Norman Kogan, a distinguished scholar of foreign policy, once stated, *"the influence of the domestic system on the process of foreign policy is so dominant that it becomes difficult to make a distinction between the domestic and foreign policies. All policies are essentially domestic in the sense that they seek to attain domestic goal."[223]*Laura Neak also stated, *"stuff of foreign policy derives from issues of domestic politics as well as foreign relations."[224]*Domestic factors such as organized pressure groups (oppositions, public, etc.), media, radio, and press play a significant role in shaping the foreign policy of a state. Social, political, economic, cultural, and other constraints are the deciding factors that affect the role of domestic determinants. Problems in the domestic environment of a state may affect the foreign policy of a state severely. The internal factors involved in foreign policy making are as follow:

a. History and culture
b. Geography and population
c. Public-Opinion and press
d. National Capacity
e. Economy
f. Social Structure
g. The Political

a. History and culture

History plays a crucial role in taking profitable actions and forming futuristic policies for the development of the state. The foreign affairs of a country are borne out of its history and cultural legacy. The traditional values and the belief surfaced overtime play a crucial role in handling the issues with foreign policymaking. The experiences of the past of a nation influence foreign policy. India's historical experiences concerned with Pakistan have been hostile and inimical, while that of Pakistan regarding its foreign affairs with China has been of peaceful and mutual co-existence. There have been bilateral ties of trade and commerce between India and China. The Foreign Policy of India concerning China and Pakistan differ significantly. The culture developed over time shapes our idea, way of thinking, and interpreting the matter around us. Our racial features, language, food, music, dress, and home are part of our culture. Vlahos stated, *"pattern of thought*

---

[223] Kogan, Norman.*The Politics of Italian Foreign Policy*, New York: The Free Press, 1968,p. 8.
[224]Bojang, Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.

and behavior are shaped by culture; they are not the product of mere nationalism."[225] States with divergent cultures and different past experiences face hardship in formulating foreign policy together, and in contrast, states having a cohesive culture and sharing similar history came up with a formulation of active foreign policy. For example, Gambia and Senegal have an effective foreign policy as they share a common culture.

The historical experiences have influenced the Foreign Policy of India. The former colonial heads have shaped foreign policies of several colonized states. French-speaking African countries such as Senegal, Ivory Coast, Benin, Mali, and Togo are the ally of France in world affairs.[226] However, India became a member of the Commonwealth after its independence.On September 7, 1946, Jawaharlal Nehru became head of the Interim Government. He said, *"We are particularly interested in the emancipation of colonial and dependent countries."*[227] India adopted the policy of non-alignment and became an influential member of the Non-Aligned Movement (NAM) in 1961. India's policy of non-alignment is an innateproduct of its history and ancient philosophy. Human nature and instinct decide his course of action, which is central to the tradition. The role of tradition is prominent in the making of foreign policy. Foreign policy is a sort of social action taken by the citizen of a country. Designed by Jawaharlal Nehru and followed by his successors, Indian Foreign Policy has been much influenced by the factors such as social disparity, and omission of Indian life under foreign rule.[228]

b. Geography and location

Geography of the state is one of the most crucial determinants for foreign policy.[229] Even the size of a nation-state matters most in the formation of its foreign policy. It is believed that states having small geographies such as Kyrgyzstan, Benin, Gambia, etc. have not much to say in international affairs. However, geographically small countries such as Israel, North Korea, England, etc., having an influential economy, politics, and power play a significant role in international affairs. Countries having larger sizes and populations such as the USA, Russia, and China assumeunique roles and responsibilities in international relations. However, countries such as Australia, Canada, and Brazil do not have an active and effective foreign policy to influence worldly affairs. So, we can say, size and geography are not absolute factors for foreign policymaking. The significance of the geography and location has been declining recently due to scientific and technological

---

[225]Vlahos, Michael. "Culture and Foreign Policy." *Foreign Policy*, no. 82, 1991, pp. 59–78. *JSTOR*,www.jstor.org/stable/1148641. (p. 59)

[226]Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.

[227]Appadorai, Angadipuram.*Domestic Roots of India's Foreign Policy: 1947-1972.*Delhi: Oxford University Press,1981, p. 11.

[228] Ibid., p. 11

[229]Spykman, Nicholas J. "Geography and Foreign Policy, I." *The American Political Science Review*, vol. 32, no. 1, 1938, pp. 28–50. *JSTOR*, www.jstor.org/stable/1949029.

advancement. Having an abundance of natural resources within the geography of a country positioned it higher in terms of its influence in the world.

India, lying in the center of the Indian Ocean, shares its boundaries significantly with China, Pakistan, Nepal, and Bangladesh, and having instantaneous neighbors such as Sri Lanka, Afghanistan, and Bhutan. It has a vast territory and a very long coastline. The strategic location of India much influences the foreign policy of India. In their review paper, Zainab Zimba and SherrifGhali Ibrahim mentioned,

> *"It matters where on the globe a country is located. It matters whether the country has natural frontiers: that is whether it is protected by oceans, high mountains, or desserts. It matters who one's neighbors are and whether a given country is territorially large, populous, affluent, and well-governed."[230]*

c. Public opinion and press

The public opinion outlines the well-shaped foreign policy. Robert H. Thrice wrote, *"the domestic sources of foreign policy are widely recognized and include interest groups, mass public opinion, and the printed and electronic media."[231]*In developed countries, these factors play a pretty important role in shaping foreign policy. In contrast, in developing or underdeveloped countries, they do not echo well on the matter of foreign policy. The former President of the USA Nixon gradually withdrew American troops from Vietnam under the public pressure as the citizens of the USA were hostile toward their government's policy on the Vietnam War. Different studies on public attitudes reveal that the majority of the population, even the highly literate ones, stays ignorant and indifferent in the matter of international affairs.[232] As per Tomz at el, selection and responsiveness are the two channels that may shape the outcome of foreign policy.[233] Firstly, the public selects the suitable candidate having a foreign policy in the interest of the public. Secondly, the leaders or politicians are liable to respond to the question of the public; otherwise, it could be politically costly. Thus, public opinion matters a lot in democracies where the public elects their leaders. Media influence the policies and decisions taken by the government. A phenomenon called 'CNN Effect' as explained by Joseph Nye in the following manner:

> *"The free flow of broadcast information in open societies has always had an impact on public opinion and the formation of foreign policy, but now the flows have increased, and*

[230]Gimba, Zainab, and Sheriff Ghali Ibrahim."A Review of External Factors That Determine Foreign Policy Formulation." Indo-*Iranian Journal of Scientific Research*, vol. 2, no. 1, 2018, pp. 119-130.

[231]Trice, Robert H. "Foreign Policy Interest Groups, Mass Public Opinion and the Arab-Israeli Dispute." Western Political Quarterly, vol. 31, no. 2, June 1978, pp. 238–252, doi:10.1177/106591297803100207.

[232] Gabriel, Almond.*The American People and Foreign Policy*, New York:Harcout Brace Javonvich, 1950, p. 155.

- [233]Tomz, Michael et al. "Public Opinion and Decisions About Military Force in Democracies." *International Organization* vol. 74, no. 1, 2020, pp. 119-143. DOI: https://doi.org/10.1017/S0020818319000341

shortened news cycles have reduced the time for deliberation. By focusing on certain conflicts and human rights problems, broadcasts pressure politicians to respond to some foreign problems and not others. The so-called CNN effect makes it harder to keep some items off the top of the public agenda that might otherwise warrant a lower priority."[234]

Social media platforms (such as Facebook, Twitter, YouTube, etc.) play a profound role in the implementation of foreign policy by receiving feedback on public opinion. Trevor Rubenzer, professor at the University of South Carolina, argued that non-state actors and governments could share priorities of their foreign policy on social media and can receive feedback from the public and can educate and aware people as well as can engage in diplomacy influencing the outcome of their foreign policy.[235] Thus, we can conclude that media may help in setting a public agenda that further influence the decisions about foreign policy.

d. National capacity

National capacity refers to the potential of the state to sustain and prosper in this fast-growing world. The abundance of natural resources, the means of advanced technology and communication, and readiness of the military for national security come under the umbrella of the national capacity of the state, which is a vital domestic constraint in foreign policymaking and implementation. The economic progression and rational political institutions are also linked with the national capacity. National capacity is the pivot of foreign policy. Foreign policy is closely linked with the national capacity. Higher the national capacity of the state, more effective foreign policy of the state would be possible. The shrinkage in the national capacity would lead the state to sustain a poor status. For example, the influence of the Britain Empire declined to a large extent at the end of the Second World War due to a gradual decline in the national capacity of the empire that further caused a shift in British Foreign Policy.[236]

India is making efforts to attain the status equivalent to that of all the five permanent members of the Security Council. The states with low military capabilities usually seek the help of the UN and their allies with greater military power to pursue their policy goals and to protect them during an adverse phase. Middle East nations get leverage in international politics due to the abundance of natural resources, and their oil diplomacy prevailed across the world.[237] The small Middle East

[234]Nye, Joseph S. "Redefining NATO's mission in the Information Age." *Nato Review, vol.* 47, no.4, 1999, pp. 12-15.

[235]Rubenzer, Trevor. "Social Media and Foreign Policy." *Oxford Research Encyclopedia of Politics.* August 22, 2017. Oxford University Press. Date of access 24 Aug. 2020, <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-485>

[236] Ibid.

[237]Rizwan, Muhammad, et al. "From Rivalry to Nowhere: A story of Iran-Saudi ties." *IOSR Journal of Humanities and Social Science (IOSR-JHSS),*vol. 19, no. 9, 2014, pp. 91-101.

nations (such as Qatar, Kuwait, and Bahrain) readily assert their foreign policy confidently due to the abundance of oil and connecting water paths.

e. Economic development

The degree of economic development of a country plays a profound role in influencing its foreign policy. Industrially and technologically advanced economies maintain their superiority by formulating their foreign policies more in their own favor and assert them profoundly. The USA, possessing an advanced economy and high power, uses 'foreign aid' as a tool to promote its foreign policy goals. For example, Donald Trump, the President of the USA, formally acknowledged Jerusalem as the capital of Israel, but the UN condemned his recognition. Trump threatened to cut off aid to the countries that vote in favor of United Nations resolution rejecting his attention. Economically advanced countries usually import raw materials from relatively weaker economies, enhancing their market and economy.

Small states like the Gambia exercises limited foreign policy due to its weaker economy.[238] However, geographically smaller state such as Germany, even not being a permanent member of the United Nation Security Council, has a significant role in European politics as well as world politics because of a high degree of its economic development and technological advancement. States having weaker economies usually adjust their foreign policy following economically advanced states supporting them through development loans, exchange of technologies, access to higher education. After the disintegration of the USSR, the influence of Russia in world politics reduced to a large extent as its economy shrank.

f. Social structure

National morale boosts the power and strength of the state. Homogeneous social system bolters national unity is strengthened in a homogeneous social system as compared to that of a heterogeneous social system. Typically, there exists prominent social divisions, disparities, discrimination among the sections of society, that makes it hard for the government to arrive atparticular specific decision vital for the formulation and implementation of foreign policy without assistance of whole social groups. National unity and stable social structure of the state enhance the strength of the state, which further helps to effective conduct of an active foreign policy.

The social structure does influence the government in the availability of resources useful for foreign trade and relations. Thus, the characteristics of the social system are an influential

---

[238] Ahmed, Jesmine."The Theoretical Significance of Foreign Policy in International Relations- An Analyses."*Journalof Critical Reviews*, vol. 7, no. 2, 2020, pp. 787-792. ISSN- 2394-5125, DOI: http://dx.doi.org/10.31838/jcr.07.02.144. also available in http://www.jcreview.com/fulltext/197-1583132694.pdf

component in the effective conduct of foreign policy in democracies and progressive states. The public opinion and social interests are less likely to affect foreign policy in the authoritarian and undemocratic regime. However, they matter more in a democratic government. Russet and Starr stated,*"Shifts in national morale occurred in both France and the United States during their respective involvements in Indo-china. In each country, as the war progressed, support for military involvement decreased, and general governmental policy was more and more subjected to challenge."*[239] The social structure comprised of plural society where diverse people practice their religions constitutionally, for instance, the social structure in India, follows the policy of secularism with calculated impacts on both domestic and foreign policy.[240]

g. Political system

The internal political system of the state has profound impacts on its approach to foreign affairs.The democratic political system behaves contrary to an authoritarian political system. Authoritarian form of government does not care about public opinion or other pressure groups within the state, so formulation and implementation of foreign policy in such a state are much easier and faster as compared to that in democracies as decision-making power rests in the hand of an individual. However, their foreign policy may be conflictual, and sometimes the state may be isolated from international politics. Isolation of North Korea and Myanmar from world politics happened because of the conflictual foreign policy of these states. Contrarily, the democratic government faces difficulty in implementing foreign policy due to the diverse public opinions. A free or democratic government allows its citizen to express their views and feedback about domestic and foreign policy.

The public opinions are expressed through established institutions, such as free press, parliament, and political parties.[241] The political leaders of a democratic state are held responsible for responding to public questions and demands. The process of formulating and implementing a foreign policy in a democratic system is slower and stressful as compared to that in authoritarian and totalitarian systems.

According to Kitol, democratic systems across the world have different political structures that have impacts on foreign policy.[242] There are different political structures in a democratic system. For example, presidential democracy is based on the separation of powers; that is why there is mild and non-cordial relation between the executive body and the legislative body of the government. However, there is a cordial relationship between these two bodies of the government

[239]Russet, Bruce, and Harvey Starr.*World Politics: The Menu for Choice*. San Francisco: W. H. Freeman & Company, 1981,p. 38

[240]Ghosh, Peu.*International Relations*, New Delhi: PHI Learning Private Limited, 2015, p. 365

[241]Appadorai, Angadipuram.*Domestic Roots of India's Foreign Policy: 1947-1972*. Delhi: Oxford University Press, 1981, p. 13

[242]Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.

under parliamentary democracy as it is based on the cooperation between the executive body and legislature, and there is a cordial relationship between these two bodies under parliamentary democracy. Thus, these forms of democracy impact foreign policy to varying extents. Conduct of foreign policy under the bilateral form of democracy is more decisive. Under the multi-party structure of democracy, varied views and conflicting interests may lead to dodging or rescheduling of the decisions concerning foreign policy.

3.3.2. External determinants

Foreign policy is generally concerned with the interactions of one state with another. External determinants play a profound role in shaping a nation's future. Many scholars argue that external determinants play a more significant role in foreign affairs as compared to internal determinants. These external determinants are as follow:

a) International Environment and power dynamics
b) International Organizations
c) International law
d) World public opinion
e) Alliances
f) Foreign policies of other states

a. International environment and power dynamics

After the treaty of Westphalia in 1648, we saw the emergence of nation-states and shifts in international politics. The interactions between these states took place at an international level resulting in the formulation and implementation of foreign policies for these states.[243] An ideal foreign policy aims at maintaining cordial and cooperative relations between the states. Conducting foreign policy of a state becomes difficult due to the multiplicity of attitude and behavior of another concerned state. A strong state can persuade, deny aids, or threaten the weaker state to change its behavior. However, there exists uncertainty about the behavior and action of the weaker state in favor of the strong state. The everchanging world politics led tothe emergence of new events and new personalities that may generate more modern issues in foreign policy formulation. For instance, the impact of the Bolshevik Revolution of 1917, and Lenin idea of "no annexations - no indemnities" after the victory of the proletariat in other states, change in the foreign policy of Germany under Hitler regime, formulation of new foreign policy after Chinese Communist Revolution of 1949, the rise of De Gaulle to power in France led to the more shift of

---

[243]Kissinger, Henry A. "Domestic Structure and Foreign Policy." *Daedalus*, vol. 95, no. 2, 1966, pp. 503–529. *JSTOR*, www.jstor.org/stable/20026982.

foreign policy toward Arab side. The emanation of new states in Asia and Africa has changed the power structure in the international arena.

With the shift in the international power structure, the foreign policies of the state changes. Italy gained a lot using this strategy of switching sides at the peak of World War I.[244] However, switching sides during the Cold-War was not easy for the states as the sides were demarcated on ideological fault line during the 1980s. After the fall of the USSR, the US established its hegemony over the world. Bush's statement "either with us or against us" led to the arrival of many marginalized states to participate in the so-called Global War on Terror. There wasa substantial impact of US hegemony on the foreign policies of various states.

b. International law

The set of rules regulating the relations between the states is, generally, termed as Internation law. American Law Institute came up with the extension of the above definition as follow:

"*International law consists of rules and principles of general application dealing with conduct of states and of international organizations and with their relations inter se, as well as with some of their relationships with persons, whether natural or juridical*."[245]

International law may constrain the freedom of a state to maneuver its entire national interests as it contains certain norms whose violation would jeopardize the foreign policy of the state. It offers a legal framework for the interactions between states; thus, it regulated the foreign policies of the states. International treaties, agreements, trading blocs, and laws influence foreign policymaking. The exponents of realism argue that international law hasan insignificant effect on the foreign policy of a state. The heads of the states pursue their national interest with no regard for international law. For instance, the US invaded Iraq in 2003 under the leadership of then-President Mr. Bush.[246] Thus, a state interprets the law to meet its interests as international law lacks the force. However, liberal institutionalists argue that the state that does not follow international law may face much costlier consequences. A positivist argues that the state may face sanctions from the international organizations for making decisions and actions that the law forbids. Thus, the state should consider international law and norms while formulating its foreign policy.

---

[244] Baskin, Oran (Editor). *Turkish Foreign Policy, 1919-2006: Facts and Analyses with Documents*.United States: Utah University Press, 2011, pp. 85-86.

[245] American Law Institute, Restatement of the Law, Third, The Foreign Relations Law of the United States (1988), para. 101,222.

[246]Hinnebusch, Raymond."The US invasion of Iraq: Explanations and implications."*Critique: Critical Middle Eastern Studies,* vol. 16, no. 3, 2007, pp. 209-228.

c. International Organizations

International organizations play a huge role in world affairs and affect the foreign policymaking of the states. There are around 68,000 active as well as inactive international organizations around the world.[247] The setting of choices for foreign affairs takes place by considering several bilateral and multilateral pacts, agreements, and treaties. Existence of few active international organizations such as the United Nations (UN), International Monetary Fund (IMF), World Bank (WB), and World Trade Organization (WTO) makes it easier for the states of the world to deal with worldly affairs as they facilitate the interaction between the state actors at the global level. Thus, they influence the foreign policy of a state-linked to any of above mentioned international organization. Some regional organizations such as the European Union, ASEAN, SAARC, NAFTA, APEC, NATO, etc. have crucial postures on the foreign policy of the states.[248]

The realist approach in international politics does not favor the efficacy of international organizations in foreign affairs of a state; instead, they consider it as a marginal factor in international relations. Mearsheimer argues, "*International organizations are basically a reflection of the distribution of power in the world. They are based on the self-interested calculations of the great powers, and they have no independent effect on state behavior.*"[249] Nevertheless, institutionalists consider international organizations may change the behavior and preferences of the state. Constructivists perceive international organizations as an independent actor that can modify the behavior of the state. Thus, international organizations act as a determinant of the foreign policy of a state.

d. World Public Opinion

World public opinion holds a dynamic role in foreign policy formulation. The public has excess to national as well as international news due to the co-existence of traditional communication and the new advanced information technologies. The conception of world public opinion is gaining a specific momentum with the quick availability of diverse news and information.[250] The immense possibility of exchanging thoughts and views of the common public across the globe makes world public opinion more influential. World public opinion influences the foreign policies sporadically

[247]Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.

[248] Ghosh, Peu.*International Relations*, New Delhi: PHI Learning Private Limited, 2015, p. 103.

[249]Mearsheimer, John J. "The False Promise of International Institutions." *International Security*, vol. 19, no. 3, 1994, pp. 5–49. *JSTOR*, www.jstor.org/stable/2539078.

[250]Hernández, Omar. "World Public Opinion and International Diplomacy". *FLACSO-ISA Joint Conference on Global and Regional Powers in a Changing World* Buenos Aires, Argentina,July 23-25th, 2014.

like a flicker of light.[251] World public opinion gains more momentum if domestic public opinion is in its favor. With the support of the domestic public opinion, the world public opinion becomes one of the most crucial determinants of foreign policy. The expansion of education and the setting of more democratic governments around the globe have made the world public more aware and able to assert their voices and enhanced their standards of living. Pursuing self-interest in contrast to the opinion of the world public is very difficult and stressful, which led to bad foreign policy. The national interests supported by the world public are readily achievable and are obstacle-free. Thus, world public opinion influences foreign policymaking.

The state, with no or constraint freedom of speech and press, usually runs on propaganda, inhibits the evolution of actual public opinion. In this fast-growing world, the exchange of communication and information becomes very easy. It has enhanced the awareness and consciousness among the public, which further has facilitated the initiation of world public opinion on various issues of human rights violations, war, peace, environment, etc.[252] the public opinion of the US affected the foreign policy of the US. Receiving adverse reactions from the world public, then-President William Clinton reversed his policy on October 7, 1993, by announcing the extraction of the American troops from Somalia after the killing of 18 American soldiers in Somalia on October 3, 1993.[253]

e. Alliances:

Alliances are regarded as the cornerstone of the state's security policy. Making an ally is the kind of strategy that a state uses to serve its interests as well as to formulate and implement its foreign policy. Clifton Morgan and Glenn Palmer developed a general theory called the two-good theory of foreign policy assuming a state pursues two goals: i) change (the proactions to change the status quo to a desired one), and ii) maintenance (efforts to maintain the favored aspects of the status quo).[254] A state chooses the preferable portfolio of policies that are designed to meet these goals/goods to a maximum possible extent. The states are responsible for allotting the resources needed for alliances. Alliances enhance the capability of the state to pursue its goals. The states are constrained to pursue their goals in some areas due to alliances.

On the other hand, they enjoy the freedom to act in other areas related to their foreign policy goals. Alliances are the tools of foreign policies. The extensive and intensive alliances that emerged after

---

[251]Bandyopadhyaya,Jayantanuja.*The Making of India's Foreign Policy: Determinants, Institutions, Processes and Personalities*. New Delhi: Allied Publishers, 2003, p. 29.

[252]Bandyopadhyaya, Jayantanuja.*The Making of India's Foreign Policy: Determinants, Institutions, Processes and Personalities*. New Delhi: Allied Publishers, 2003, p. 103

[253]Apple, R. W. "Clinton Sending Reinforcements after Heavy Losses in Somalia." *New York Times*, 05 Oct. 1993. 30 Sept. 2020.

[254]Morgan, T. Clifton, and Glenn Palmer, "A two-good theory of foreign policy: An application to dispute initiation and reciprocation." *International Interactions,* vol. 22, no. 3, 1997, pp. 225-244.

1945 impacted the foreign policies of many states. Before the disintegration of the USSR, the USA and the USSR used alliances to make their positions more influential. The members of the Warsaw Pact and the members of NATO could not pursue an independent foreign policy.[255] The Warsaw pact came to an end on February 25, 1991, after the reunification of Germany. However, after the collapse of the Warsaw Pact, the USA maintained its alliances with the members of NATO and considered it as the foundation of its foreign policies in Europe.[256]

Alliances do generate their planned effects. According to Fearon, alliances seem to serve as a signaling mechanism efficiently.[257] And they also seem to deter conflict.[258] Alliances may consent to the state for pursuing other foreign policy goals more efficiently by channeling the resources in other directions. Alliances may constrain some behaviors of the state, and balance it by liberating the state in other behaviors.[259]

f.   Foreign policies of other states:

The foreign states constitute the external environment of a state. Their behaviors are closely linked to their foreign policies. Therefore, a state has to watch the behaviors and foreign policies of other states to formulate and implement its foreign policy serving its own interests without harming the interests of other states. The foreign policy of a state aims at serving its own interests according to its relation to an enemy state as well as a friendly state. Ultimately, the response of the state matters most. The foreign policy of a state should be designed and engineered in such a way that it can obtain the desired result.[260]

3.3.3.   Policymaking factor

The statesmen and other policymakers play an influential role in the formulation of foreign policy. The personality and the views of these elites shape the foreign policy of the state. They see the situation critically through the lenses of foreign relations and feasible bureaucracy. Their sources of knowledge are derived from the internal and external governmental agencies as well as from the other alternatives drafted by lower officials of the governmental departments.

---

[255] Ahmed, Jesmine."The Theoretical Significance of Foreign Policy in International Relations- An Analyses."*Journalof Critical Reviews*, vol. 7, no. 2, 2020, pp. 787-792. ISSN- 2394-5125, DOI: http://dx.doi.org/10.31838/jcr.07.02.144. also available in http://www.jcreview.com/fulltext/197-1583132694.pdf

[256]Gimba, Zainab, and Sheriff Ghali Ibrahim."A Review of External Factors That Determine Foreign Policy Formulation." Indo-*Iranian Journal of Scientific Research*, vol. 2, no. 1, 2018, pp. 119-130.

[257]Fearon, James D. "Signaling foreign policy interests: Tying hands versus sinking costs." *Journal of Conflict Resolution*, vol. 41, no. 1, 1997, pp. 68-90.

[258]Leeds, Brett Ashley. "Domestic Political Institutions, Credible Commitments, and International Cooperation." *American Journal of Political Science*, vol. 43, no. 4, 1999, pp. 979–1002. *JSTOR*, www.jstor.org/stable/2991814.

[259]Morgan, T. Clifton, and Glenn Palmer. "To protect and to serve: Alliances and foreign policy portfolios." *Journal of Conflict Resolution,* vol. 47, no.2, 2003,pp. 180-203.

[260] Ibid., p.103.

HenryKissinger has considered three crucial characteristics of leaders who shape foreign policy, such as ideological, revolutionary-charismatic, and bureaucratic-pragmatic.[261] According to Kissinger, the ideological characteristics can be traced in the Soviet leadership as it was influenced by the Marxist-Leninist thoughts that prevailed in the society. Revolutionary-charismatic leaders such as Castro of Cuba, Sukarno of Indonesia, and Nyerere of Tanzania were the leaders who fought for national independence and shaped the effective foreign policy of their nations. The leaders of modern and industrialized countries such as the USA, Germany, and England possess the bureaucratic-pragmatic characteristics to formulate their policy. These characteristics define the kind of approach in policymaking.

In the contemporary period, the policymaking factors are categorized into four groups:

a.   Head of the government and foreign ministers
b.   Legislature
c.   Foreign office and other services
d.   Ideologies

a. Head of the government and foreign ministers

The foreign policymaking of an authoritarian state relies on the mood of the ruling dictator. The public does influence the foreign policymaking in a democratic government, but not to a great extent. This situation has led the responsibility of policymaking in the hands of a few elites. The former American President Truman claimed that the President is the maker of the foreign policy.[262] In a parliamentary democracy, the Prime Minister of the state handles the foreign policy on the advice of ministers and experts. However, India's foreign policy during its first Prime Minister (PM) was formulated by the idea of then-Prime Minister J. L. Nehru. The British Foreign Policy was much influenced by the ideas and thoughts of Disraeli, Asquith, Churchill, and Atlee. Personality equations play a decisive role in the internal and external politics of a state. The influential personality like Monroe, Roosevelt, Truman, Kennedy, Nixon, Jimmy Carter shaped the foreign policy of the USA efficiently, which opened new horizons for foreign affairs of the USA. The foreign minister also contributes a lot in the foreign policymaking. For instance, Dr. Henry Kissinger used to formulate an effective and influential foreign policy for America in the era of Nixon and Ford.[263]

---

[261]Cleva, Gregory D. *Henry Kissinger and the American Approach to Foreign Policy*. London: Bucknell University Press, 1989, p. 110.

[262] Srivastava, L.S. and V. P. Joshi.*International Relations*, 9th edition, Meerut: GOEL Publishing House, 2005, p. 9.
[263]Bojang, Alieu S.“The Study of Foreign Policy in International Relations.”*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9.

b. Legislature

The foreign policy goals of a state are pursued under the legislature as it serves as the last authority for decision making. After the Second World War, foreign aid and assistance, in terms of finance and military, help the state to pursue and promote its national interests. The legislature is the legitimate body to sanction vast amounts in the form of aids and assistance. The US has formed a lot of allies by providing them economic aids and supports that enhanced the influence and power of the Senate to formulate the foreign policy of the US. The executive or the head of the government executes the foreign policy only when the legislature approves it. Thus the legislature is considered to be an essential determinant of foreign policy decisions.[264]

c. Foreign offices and other services

The state, like the US, has an advanced bureaucracy for foreign affairs, so it possesses boundless possibilities for foreign officers, intelligence agencies, and armed forces to deal with the foreign policies engineered by the policymakers of the state.[265] Theoretically, policies are formulated by the ministers of the state, and the officials hold responsible for the execution of the policies. But, on practical grounds, the matters happen another way round, and ministers follow the advice of these officials. Arthur Neville Chamberlain, the former Prime Minister of the United Kingdom, removed then-Under Secretary Lord Vansittart from his post when he opposed the policy of appeasement.[266] An excerpt from the work of Professor Joseph Frankel draws our attention toward the importance of the officials:

"Nevertheless, where policies are less firm and clashes less pronounced, the advice of the officials carries much weight, and, if it is ignored, the implementation of policies *contrary to their views may be slowed down or even actively obstructed."*[267]

Foreign policy does not weigh on the shoulders of foreign diplomats alone but heavily relies on the agents from intelligence services, administrations, and research institutions who keeps updating the concerned authorities with information about theinternal and external affairs of the

---

[264]Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9. Retrived from: https://www.longdom.org/open-access/the-study-of-foreign-policy-in-international-relations-2332-0761-1000337.pdf

[265]Holsti,K.J. *International Politics: A framework for analysis*.New Delhi: Prentice Mall of India Pvt. Ltd.,1978, pp. 39-400.

[266]Sofer, Sasson.*The Courtiers of Civilization: A Study of Diplomacy*.New York: SUNY Press, 2013, p. 60.

[267] Frankel,Joseph.*International Relations*, London: Oxford University Press, 1968, p. 31.

concerned state as well as about the development of modern weapons and technologies of the world.

d. Ideology

Ideology serves as a crucial determinant of the foreign policy of a state. It aims to embody the truth, reify world view, and materialize the future aspirations. Werner Levi conceived ideology "*as a set of normative values and relatively enduring beliefs, where values are considered to be the ethics and morals to be followed, and beliefs refer to the idea about what reality is*."[268] The ideological principles and values of a state are translated in the formulation of foreign policy. Alex Pravda defined it as *"a set of systematic theoretical principles projecting and justifying a socio-political order."*[269]Ideology acts as a base for the establishment of political and economic institutions of the state. Rich Fawn stated, *"It exists as a philosopher's conception, a practitioner's device, and an analyst's tool, and in each of these forms, it assumes innumerable guises*."[270]It is still contestable what precisely constitutes ideology. In the state identified by its influential ideology, the policymakers are continually trying to reconcile the essentials of ideology and concrete realities of global politics. The states with similar ideologies develop an affinity towards each other and form close and cordial relationships. For instance, The projection of the Islamic identity of Pakistan in its foreign policy has led Pakistan to establish close links with other Muslim nations.[271] While those states having contradictory ideologies tend to develop the feeling of animosity, that serves as the ground for ideological division between Soviet bloc (communist oriented ideology), and American bloc (non-communist or liberal and capitalistic oriented ideology) and that led to the formulation and implementation of two different foreign policy causing post-war tensions and the Cold-War.[272] However, Zbigniew Brzezinski wrote, "there is a tendency in the West to view ideology as something irritational and to counterpoise it against pragmatism and empiricism."[273]

Carlsnaes linked ideology with the foreign policy through the view that is expressed in his work of 1986. He mentioned, "*the foreign policy of a state is essentially an expression of its peculiar*

[268]Levi, Werner. "Ideology, Interests, and Foreign Policy." *International Studies Quarterly*, vol. 14, no. 1, 1970, pp. 1-31.

[269]Pravda, Alex. "Ideology and the Policy Process." *Ideology and Soviet Politics*. London: Palgrave Macmillan, 1988. 225-252.

[270]Fawn, Rick. "Ideology and national identity in post-communist foreign policies." *Journal of Communist Studies and Transition Politics*, vol. 19, no.3, 2003, pp. 1-41.

[271]Rizvi, Hasan-Askari. "Pakistan: Ideology and Foreign Policy." *Asian Affairs*, vol. 10, no. 1, 1983, pp. 48–59. *JSTOR*, www.jstor.org/stable/30171948.

[272] Khanna, V.N. *Foreign Policy of India*. New Delhi: Vikas Publishing House, 2007, p. 23.

[273]Brzezinski, Zbigniew K. "Ideology and power in Soviet politics." *Naval War College Review*, vol. 15, no. 1, 1962, pp. 40–41.

ideology—that such policies in some sense or other constitute an "ideological" extension of sovereign societies and their basic values into the international arena."[274]

In next page I have explain determints of foreign policy throwgh a chart.

Fig. 4 Determints of foreign policy

Internal Determination	History and culture
	Geography and population
	Public Opinion and Press
	National Capacity
	Economy
	Social Structure
	The Policy System

External Determination	International environment and power dynamic
	International Organizations
	International Law
	World public opinion

Alliance

Foreign policies of other states

Policy making determination	Head of the government and foreign minister
	Legislature
	Foreign office and other services

[274]Carlsnaes, Walter. *Ideology and foreign policy: e conceptualization*. Oxford: Blackwell Publishing, 1986.

3.4 Foreign policymaking process

Decision making in the foreign policymaking process has been a complex process that involves higher risk. The fundamental focal point of the foreign policymaking process has long been on the organizations of government that have been allocated the prime obligation regarding its detailing and execution.Due to the convolution of the evolutionaryframework for making foreign policy and the recurrence with which the foundations are adjusted formally or informally, the responsible institutions rely on the coordination of cross-agency for grasping the perpetual clumsy procedures of foreign policy formulation and inter-governmental agreements.Another significant part of the foreign policymaking process is that since it brings out an alternate political reaction, it is commonly acknowledged that political institutions work in a different way when they come to grips with issues of the distinct foreign policy. Since various institutions are alsoinvolved, some institutions are apprehensive exclusively or significantly aboutforeign policy.

There are nine preconditions for creative theorizing of the foreign policymaking process.[275] They are mentioned as follow:

  i.   To think historically, one has to avoid treating the task as that of formulating an appropriate definition of theory.
  ii.   One has to be clear when one aspires to empirical theory or value theory
  iii. One must be able to assume that human affairs are founded on the underlying order.
  iv.   One must be predisposed to ask about every event, every situation, or every observed phenomenon of what is it an instance.
  v.   One must be ready to appreciate and accept the need to sacrifice for broad observations.
  vi.   One must be ready tolerant of ambiguity concerned about probabilities and distrustful of absolutes.
  vii. One must be playful about the international phenomenon.
  viii. One must be genuinely puzzled by international phenomena.

---

[275]Bindra, S.S.*Dynamics of Pakistan's foreign policy*.New Delhi: Deep & Deep Publications, 2011, p. 20

ix.   One must read continuously to be proven wrong.

Any foreign policy of a state aims to boost its worth once it makes a spot in global politics. And it initiates the interactions with other actors who help it in accomplishing its interests and values. Policy formulation is an important feature of the policymaking process. The policymakers are assigned to identify the actors and the factors involved in the components of the foreign policy. They have to examine the number of parties involved and their mutual relationships and analyze the critics of the policy outcome. They can not disregard the crucial factors involved, such as, at first, the two primary parties, at second, a primary party, and a coalition of equivalents. Thirdly, a primary party and a coalition headed by a dominant party, and at fourth, two or more coalitions of equivalents. The fifth, every primary party, and last two or more coalitions with each headed by a dominant party. The policymaker must endeavor to figure out which arrangement describes the circumstance on the question, what should be his approach as far as the proper objective is concerned, and who will be the target of his policy.[276]

3.5. Foreign policymaking involves several stages:

i)   **Analyzing the domestic and foreign environment**: The foreign policy guides the state to secure a respectful position in the international forum. The analysis of everchanging global phenomena and events will help the policymaker to devise policies so that the state readily adapts itself to the international forum. The state needs to be aware of the international crisis and environmental problems. Domestic environment analysis will help policymakers to understand the mood of the public toward the foreign policy to be devised.

ii)   **Identifying, classifying, and defining the problems or opportunities:** After analyzing the domestic and foreign environment, the initial step a policymaker should make is to identify the problem or opportunity. The policymaker, with the assistance of associated, needs to distinguish the problem if there is an occurrence of crisis or opportunity. Earlier, the problem is recognized, sooner will it be solved or its consequences minimized.

Once the problem/opportunity is identified, the cost-benefit analysis will be helpful to classify the problem/opportunity. The classification of the issue will make the errand more precise and easier to grasp its roots and influences. In light of the classification of the problem/opportunity, the decision-making body needs to define the problem. Defining of the problem/opportunity incorporates the inquiry of the nature of the problem, the profundity of the issue, and associated casualties. The cause and effect of

[276]Bindra, S.S.*Dynamics of Pakistan's foreign policy*.New Delhi: Deep & Deep Publications, 2011, p. 20

the problem on the national interest should also be analyzed thoroughly. Failing in defining the problem may endanger the future ambitions of the state.

iii) **Goals and criteria setting:** The modern nation-state has numerous foreign policy goals. The pioneers need to set the objective and its standards to tackle the issues depending on its necessity and versatility. The state officials and policymakers should be aware of the impact of domestic and international environments on foreign policy goals and national interests. Accessible resources and constraints must be kept in mind while setting goals. The objectives and its methodologies need to supplement with one another for a good choice. The short-range goals to resolve the current issues ought not to be in opposition to the ultimate national objectives.The pioneer can set the objective and rules all alone or with due experts or counselors, as indicated by the structure of the decision-making body.The decision-making ought to be restricted to the limit or solid assets and ought not to be relied upon unreasonable affirms. In case of conflict, the state must prioritize its goals.

iv) **Policy options analysis:** It is the methodologydesigned to assess the ability of either existing or potential policies to realize the national goals and interests. Assessment of each policy option and its consequences will help the state to make the right decisions in terms of its interests. The policy options can be analyzed through the following steps.

- Build a baseline (generally 'no policy option' scenario) for the impact analysis of the policy options.
- Accumulate the broad range of alternative policy options.
- Screen policy options and identify the most suitable one.
- Double-check on the viability of the chosen policy, and
- Thoroughly analyze the retained policy and its impacts on foreign policy goals.

v) **Formal decision making:** The executive branch of the government is the main body for formal decision making. Common government actors involved in the official foreign policy decision makings usually are the Presidents, the Prime-Minister, or the cabinet.

vi) **Implementation of chosen policy option:** The foreign policy decision is a cognitive process based on perception, memory, and attention. It does not hold any significance unless implemented well. A good decision might fail by poor implementation, while a good implementation may support a weak decision. That is why the implementation

component and formal decision making hold the same significance.[277] The decision-makers allocate the decisions to the concerned authority and officials for its proper execution. A good implementer of the policy makes sure that the stakeholders of the policy are well informed and well aware of the decision.

vii)   **Follow-up evaluation of the implemented policy:** Periodical evaluation of the implemented policy is the last stage of the foreign policymaking. The feedback obtained can be used as input for the change or readjustment of the implemented foreign policy. The pragmatic approach, situations, and other constraints may differ from one region to another. Hence, a timely follow-up evaluation should be done to check the sustainability of foreign policy. The central decision-making units collect the feedback of the implemented policy and do further corrections or readjustment of the policy. The feedback can also help in formulating new future policies.

The vertical order of the stages involved in foreign policymaking is well explained above. However, the process of foreign policymaking varies in different governmental settings depending on the varied political settings. The policymaking process is quite participatory in democratic government, while it is less participatory in totalitarian rule. The accessibility of the resources also influences foreign policy. Though the structure of the foreign policymaking remains intact, the foreign policymaking process may vary.

3.6. Allison's Models of Foreign Policy Decision Making

The Everchanging and complexity of foreign policy decision making are quite complex to grasp readily. It involves several external and internal factors, as mentioned earlier. Predicting similar decisions out of the same decision-making body is not viable. Graham Tillete Allison Jr., the Professor at Harvard University, devised three models to understand the complexity of the decision making processes. These three models are:

3.6.1. Rational Actor Model: (also known as Classical Model):

A basic conceptual framework used by analysts to elucidate and envisage the behavior of the government entitled Rational Actor Model. It is also known as the *Rational Choice Model*. Rational Actors are the pioneers (executive body) who make decisions rationally and without any fear, favor, or prejudice. Allison, in his work ***Essence of Decision Explaining the Cuban Missile Crisis***, referred rationality to *"consistent, value-maximizing choice within specific*

---

[277]Smith, Pieter Johannes et al. *Management Principles: A Contemporary Edition for Africa*, 4th Edition, Capetown: Juta and Company, 2007, p. 152

constraints.''[278]Based on cognitive skills and knowledge, the rationality varies from person to person and organization to organization. The main assumption of this model is that the decision-maker should be a rational person who made a rational choice to gain higher payoffs in pursuing national goals by analyzing maximum possible alternatives and their consequences. The institutional and political complications are reduced by considering the national government as a unitary rational actor as per this model. Each action of the government taken to accomplish the national goals and pursue national interests is part of the strategic plan of the model. The behavior of the state to make choices consistent with the novel goals of the state is regarded as *instrumental rationality*.

> Graham T. Allison discusses various stages involved in the decision-making of the rational actor model.
> a. Identify and classify the issue
> b. Analyze the issue
> c. Prioritize the issue
> d. Find alternatives
> e. Evaluate each alternative
> f. Select the best possible option
> g. Execute the decision

This model aims to acquire maximum benefit with minimum cost based on cost-benefit analysis. This model includes various attributes such as logical and rational decision-making framework, transparency in decision-making body, debate and discussion orientation, circumventive shreds of evidence, non-state actors are ignored, no place for notions and emotions, cross-border business.

---
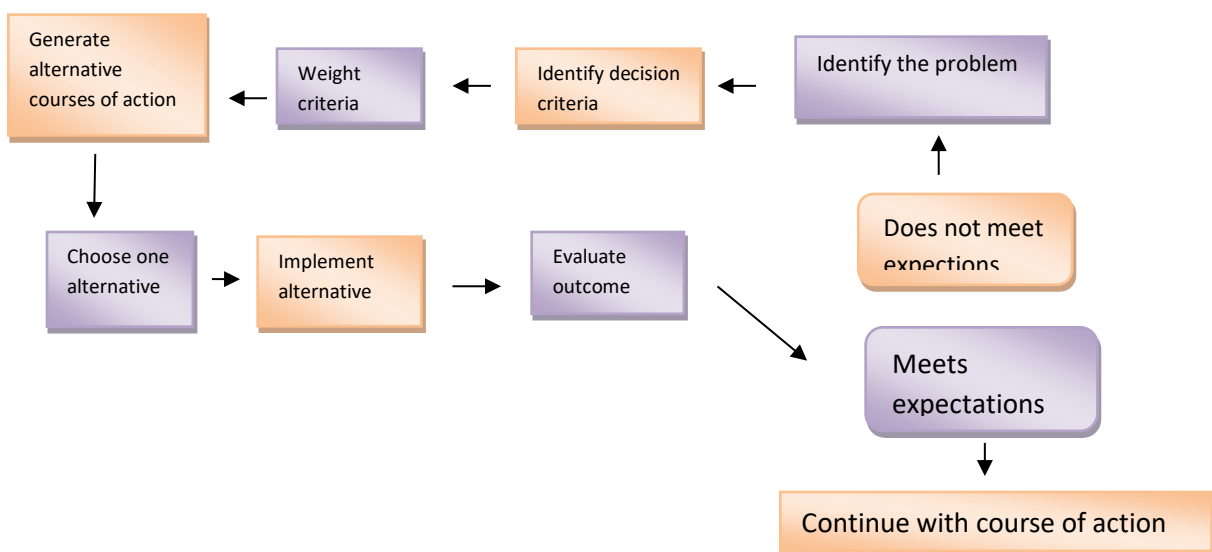
[278]Allison, Graham Tillete.*Essence of decision: explaining the Cuban Missile Crisis*. Boston: Little, Brown and Company, 1971, p. 30.

Fig.5 rational actor model of foreign policy

Drawbacks:

a. Foreign policy decision making involves both international and domestic factors.This model neglects domestic constraints involved in foreign policy decision making processes widely.

b. Based on rationality and laid principles, this model devises decisions that seem to be quite rigid and satisfactory instead of optimized. A slow pace of development is usually observed in this rational model.

c. This model ignores non-state actors. It also ignores the significance of the notions, beliefs, perceptions, ideologies, and other attributes of individuals that could impact their decisions.[279]

Although the Rational Actor Model serves many purposes, the emerging complex issues need to be handled with supplements of an efficient and multidimensional organization and bureaucratic political actors making essential decisions. Allison suggested two theoretical frameworks that will solve the puzzle of monoliths (black boxes casing various instruments of internal structure within the government): Model II (Organizational Process Model) and Model III (Governmental Politics Model)

3.6.2. Organizational Process Model:

In the words of Graham T. Allison, "*what Model I analysts characterize as 'acts' and 'choices' are thought of instead as outputs of large organizations functioning according to regular patterns of behavior. Faced with problems of Soviet Missiles in Cuba, a Model II analyst frames the puzzle:*

---

[279] Duncan, W. Raymond, et al.*World Politics in the 21st Century*. Boston: Houghton Mifflin, Cengage Learning, 2008,pp. 145-146.

from what organizational context and pressures did this decision emerge?"[280]According to this model, the policy decisions emerged out from organizational discourse that ceaselessly associated with figuring strategies within a standard operating procedure, rather than rationality alone. The decision making in the government engages various cross-branch organizations, linked well with each other, that function underlaid standard operating procedures (SOPs) for gathering useful pieces of information, searching the best possible options, and implementing them. Each organization allotted with different goals and missions.

According to Allison, the output of the present organizations comes from the behavior resulted from previous organizational features, SOPs, repertoires. This model accounts that foreign policy decisions are the outcome of bureaucratic plans, SOPs, and routine discourse. It accentuates the significance of the domestic factors involved in the foreign policymaking process, that model I ignored. Martin Holis and Steve Smith wrote, "*Organizational Process Model is a top-down approach where the agencies usually function as per the demand of the government or the top leadership and vice versa.*"[281] The decision-maker, under this model, divides the whole problem into various parts and assigns the parts among specialized concerned agencies in a top-down approach. The concerned agencies need to resolve the problem, going through laid standard operating procedures, within a fixed time frame. However, the decision-maker usually has to settle with the first alternative rather than exploring other optimized solutions due to a short time-bound frame. This model serves well in a crisis, and war-like situations as the decision-makers have to make quick decisions during such a crisis. So, decision outcomes are satisfying instead of being optimal. Qualified and experienced professionals and specialized agencies engage in decision making under this model. The functions of the Organizational Process Model are well depicted in the picture below:
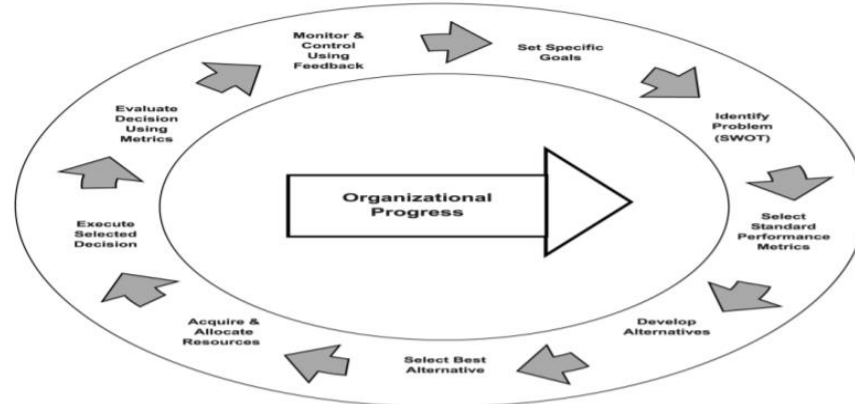
---

[280]Allison, Graham Tillete.*Essence of decision: explaining the Cuban Missile Crisis*. Boston: Little, Brown and Company, 1971, p. 6.

[281] Hollis, Martin, and Steve Smith.*Explaining and Understanding International Relations*.Oxford: Clarendon Press, 1991, pp. 8-9& 196-202

Figure 2.1 — Functions of the Organizational Process Model

Source: Shawnta S. Friday-Stroud, J. Scott Sutterfield, "A conceptual framework for integrating six-sigma and strategic management methodologies to quantify decision making", *The TQM Magazine*, 19/6(2007) 561 – 571

Drawback:

a. The perception and the interest of the professionals and agencies involved in the process of decision making shaped the outcome of the decision.

b. Since the process involved in this model is carried out through a standard operating procedure, the model becomes more rigid rather than an optimized one. It loses flexibility. The outcome of this model is quite satisfying, not optimized for maximum benefit. A maximum benefit outcome will be just a coincident if it happens.

c. Sometimes, the different ideologies and varied objectives of various organizations act as constraints in the decision-making process.[282]

3.6.3. Governmental (Bureaucratic) Politics Model (Also known as Governmental Bargaining Model):

The main focal point in this model is the politics of a government. Allison wrote, "*Events in foreign affairs are understood, according to this model, neither as choices nor as outputs. Rather, what happens is characterized as a resultant of various bargaining games among players in the*

---

[282] Schultz, David A. *Encyclopaedia of Public Administration and Public* Policy. New York: Infobase Publishing, 2009, p. 175.

national governments."[283] The decision in foreign policymaking is the outcome of the political bargaining of bureaucrats and government officials. The process of bargaining and negotiation will lead to a satisfying outcome rather than an optimized result in decision-making. However, bureaucracy and bureaucratic policies have long been perceived as negative acts in popular political discourse.[284] Since the bureaucrats and other officials in various organizations competes with each other to pursue their interests and the objectives of their respective organizations at the optimal level.

Professor Jerel A. Rosati proposed four propositions.[285] In his critique *Bureaucratic Politics and American Foreign Policy*,Robert J. Art mentioned three core propositions about bureaucratic politics:

a. ***"Organizational position determines policy stance."*[286]**The behavior of adecision-maker is most likely to be influenced by his organization as it is his/her primary mission to accomplish the interests and objectives of his organization. However, it reflects the ideological rigidity of the decision-maker to pursue selfish interests of his organization. In the words of Allison and Zelikow,
"For large classes of issues– i.e., budgets and procurement decisions – the stance of a particular player can be predicted with high reliability from the information about his seat."[287]

b. ***"In foreign policy, governmental decisions and actions do not represent the intent of any one figure, but are rather the unintended resultant of bargaining, pulling, and hauling among the principal participants."*[288]**The bureaucrats influence the process of policymaking through their selfish bargaining tendency, and they also scrutinize the implementation process to ensure that it fits fine with the objectives of their departments. However, it might cause harm to national interests. In most cases, they come to a consensus through continuous bargaining and compromise. This proposition,however, describes the functioning of the governmental machinery.

---

[283]Allison, Graham Tillete.*Essence of decision: explaining the Cuban Missile Crisis*. Boston: Little, Brown and Company, 1971, p. 6

[284]D'Anieri, Paul. *International Politics: Power and Purpose in Global Affairs.* Boston: Wadswarth, Cengage Learning, 2012, p. 156.

[285] Rosati, Jerel A. "Developing a Systematic Decision-Making Framework: Bureaucratic Politics in Perspective."*World Politics,*vol. 33, no. 3, 1981, pp. 234-252.

[286]Art, Robert J. "Bureaucratic Politics and American Foreign Policy: A Critique." Policy Sciences, vol. 4, no. 4, 1973, pp. 467–490. JSTOR, www.jstor.org/stable/4531545.Page-472.

[287]Allison, Graham Tillete.*Essence of decision: explaining the Cuban Missile Crisis*. Boston: Little, Brown and Company, 1971, p. 176.

[288]Art, Robert J. "Bureaucratic Politics and American Foreign Policy: A Critique." Policy Sciences, vol. 4, no. 4, 1973, pp. 467–490. JSTOR, www.jstor.org/stable/4531545 Page-474.

c. ***"Organizational routine, standard operating procedures, and vested interests can affect the Presidential implementation of policy much more than they can its formulation."[289]*** Above mentioned above, the first two propositions aim at the formulation of the foreign policy and the role of the state actors. The third proposition deals with the implementation of foreign policy. In the word of Allision,

"... making sure that the government does what is decided is more difficult than selecting the preferred solution.

Detail and nuance of actions by organizations are determined chiefly by organizational routines, not government leaders' directions.

A considerable gap separates what leaders choose and what organizations implement."[290]

Presidents in the USA, generally, come with some fixed ideas and predetermined directions of the foreign policy. Still, to implement them rapidly and efficiently, they have long been relying on the existing bureaucratic setup.There may occur some slippage between what presidents intent and what concerned organizations result in.

Drawbacks:

a. The participants are involved in pursuits of their self-interests or pursuing the objectives of the organization instead of pursuing national goals and interests. It is hard to end the conflicts between the participants belonging to different organizations.

b. Allison argues that the rationality of the policy would be hampered due to the continuous political bargains.

c. This model concentrates more on the immediate bureaucratic conflict rather than the core power structure. Thus it directs to the misspecification of the core politics of power structure.[291]

d. Bureaucratic Politics Model conceived the outcome as the product of the maneuvering of the participants involved. But the former USA President John F. Kennedy acted as the main decider in the case of the Cuban crisis.[292]

---

[289]Ibid., p. 476.

[290]Allison, Graham Tillete.*Essence of decision: explaining the Cuban Missile Crisis*. Boston: Little, Brown and Company, 1971,pp. 146, 93, &89

[291]Freedman, Lawrence. "Logic, Politics and Foreign Policy Processes: A Critique of the Bureaucratic Politics Model." *International Affairs (Royal Institute of International Affairs 1944)*, vol. 52, no. 3, 1976, pp. 434–449. *JSTOR*, www.jstor.org/stable/2616555. Page-437

[292]Ball, Desmond J. "The blind men and the elephant: a critique of bureaucratic politics theory." *Australian Journal of International Affairs*, vol. 28, no.1, 1974, pp. 151-178. Page-80.

3.7. Goals and Objectives of Foreign Policy:

The fundamental goals of most of the states are similar. The fundamental goals of a state's foreign policy are described below.

i) **National Security:** The main objective of a state's foreign policy is its national security. Alliances, pacts, and treaties are the strategies adopted by the state to prevent foreign aggression. However, territorial integrity is just a subset of national security. National security incorporates the protection of beliefs, values, cultural and political institutions. The contemporary policymakers consider the sovereignty and independent survival of the state as the indispensable objective of the state.[293]

ii) **Advancement of the state's economy:** The economy of a state has a significant role in foreign policymaking. Economic advancement is the fundamental necessity of a state. After independence, economic advancement was crucial for India to prosper as a democratic state. The rapid economic growth led India to establish as a nation with strong sovereignty and political freedom in the international arena. With the status of a democratic nation and fast-growing economy, India was able to stay out of the Cold War. It did not join any East or West Bloc. It followed the policy of Non-alignment. This policy of Non-alignment was possible due to rapid economic advancement.

iii) **Promotion of national prestige:** The other objective of the foreign policy is to promote national prestige and to create an impressive image across the world. Culture ceremonies, diplomatic conferences, and display of one's armed forces' capabilities, propaganda through mass media are the few ways to create the desired image. However, industrial growth and developments in science and technology become a measure of national prestige.[294]The industrially and economically advanced countries boost their prestige in the international arena through providing aids to weaker countries, expanding military capabilities, exploring outer space, most impressively by developing and possessing a large number of nuclear weapons.[295]

iv) **Territorial Expansion:** After the industrial revolution, many European states began to colonize the different regions of other continents such as Africa, Asia, etc. The policy of imperialism led them to establish a monopoly over the market and other resources. The other economically advanced European states, which had not to colonize any

[293] K.J. Holsti, International Politics: A framework for analysis, Prentice Mall of India Pvt. Ltd., New Delhi, 1978.pp-145.

[294]Holsti,K.J. *International Politics: A framework for analysis*.New Delhi: Prentice Mall of India Pvt. Ltd.,1978, p. 149.

[295]Ibid., p. 154.

region, were most likely to be not more influential than those colonizer states. However, the foreign policy of advanced modern-states such as the USA and Russia oriented toward expanding the area of influence and trade and commerce in other states.

v) **Cordial relationship:** Indian foreign policy has been oriented toward establishing warm and cordial relations with neighbors as well as other remote states. The policy of non-alignment during the Cold War witnesses the true behavior of India. India tries to maintain international peace, settle disputes. The foreign policy of India is about promoting universal brotherhood and mutual co-existence that is visible through the five principles of Panchsheel.

3.8. Art of Negotiations in Foreign Policy: Diplomacy

Every state has some sort of relationship with other states. The relationship may be formal or informal. The policy derived from the formal or official relationships between the states comes under the strata of Foreign Affairs, and it is regarded as Foreign Policy in international relations. Well-defined and declared policies of a state for other states are the indicators of foreign policy.A state has to go through several negotiations and persuasions. The negotiations between the representatives of different nations are done by the instrument of foreign policy, which is known as diplomacy. Diplomacy is an expression of foreign policy to implement foreign policy. George. F. Kennan looked at diplomacy as "*the business of communicating between governments.*" The two terms 'foreign policy' and 'diplomacy,' however, have been used interchangeably. Let us look at the term diplomacy through the lenses of various eminent experts and personalities.

a. Prof. J.R. Childs defined diplomacy as "*the process by which foreign policy is carried out.*"[296]

b. Costas M. Constantinou, Pauline Kerr, and Paul Sharp, in their book '**The Sage Handbook of Diplomacy**,' wrote, "*diplomacy has been approached as an instrument or medium of statecraft raising practical and normative questions about representation, inclusiveness, and purpose. And beyond statecraft pursuits, diplomacy has been theorized as a practice that produces, secures, and transforms international systems and world order.*"[297]

c. In the words of Prof. Earnest Satow, "*diplomacy is the application of intelligence and tact to conduct the official relations between the governments of independent states.*"[298]

---

[296]Jayapalan, N., *Foreign policy of India*. New Delhi: Atlantic Publishers &Dist, 2001, p. 16.

[297]Constantinou, Costas M., Pauline Kerr, and Paul Sharp (editors). *The SAGE handbook of diplomacy*. London: Sage Publication, 2016, p. 20.

[298] Rathod, P. B. *International Relations: Concepts and Theories*. New Delhi: Common Wealth Publisher, 2004, p. 38.

d. Prof.Morgenthau presented diplomacy as "an *undervalued instrument of foreign policy and one which, if used properly, confers the advantages of a force multiplier, and a morally significant at that one*."[299]

e. Adam Watson, in his work '**Diplomacy:the Dialogue between States**,' described diplomacy as, "*the process of dialogue and negotiation by which states in a system conduct their relations and pursue their purposes by means short of war, is worth preserving, especially as an aid to clear thinking*."[300]

f. According to Sir Harold Nicolson, "*Diplomacy is the management of international relations by negotiation; the method by which these relations are adjusted and managed by ambassadors and envoys; the business or art of the diplomatist.*"[301]

Nicolson's attitude toward Byzantium diplomacy was quite critical. The shocking indictment, he wrote for the Byzantine legacy, is as follow:

Diplomacy became stimulant rather than the antidote to the greed and folly of mankind. Instead of cooperation, you had disintegration; instead of unity, disruption, instead of reason, you had astuteness; in the place of moral principles, you had ingenuity. The Byzantine conception of diplomacy was directly transmitted to Venice, and, from those foetid lagoons, throughout the Italian peninsula. Diplomacy in the middle Ages had a predominantly Italian, and indeed Byzantine, flavor. It is to this heredity that it owes, in modern Europe, so much of its disrepute."[302]

Diplomacy is not a new practice or art of negotiations. Nicolson wrote, "*anthropoid apes inhabiting one group of caves realized that it might be profitable to reach some understanding with neighboring groups regarding the limits of their respective hunting territories.*"[303]Thus, the early origin of the art of negotiation can be traced among human ancestors in the animal kingdom. The great epics of the Indian Subcontinents such as *Mahābhārata* and *Ramayana* present a great deal of diplomacy. In dealing with the foreign affairs of the state, the diplomats are employed to do the job through negotiations, compromises, and persuasions. Let us look at the classification of diplomats in detail.

---

[299]Constantinou, Costas M., Pauline Kerr, and Paul Sharp (editors). *The SAGE handbook of diplomacy*. London: Sage Publication, 2016, p. 16.

[300] Watson, Adam. *Diplomacy: the dialogue between states*. 1st edition, UK: Routledge, 1984, p. xvi

[301] Nicolson, Harold. *Diplomacy.* 3rd edition,London: Oxford University Press, 1963, p.

[302] Nicolson, Harold. *The Evolution of Diplomatic Method*. Westport: Greenwood Press Publishers, 1953, p- 2
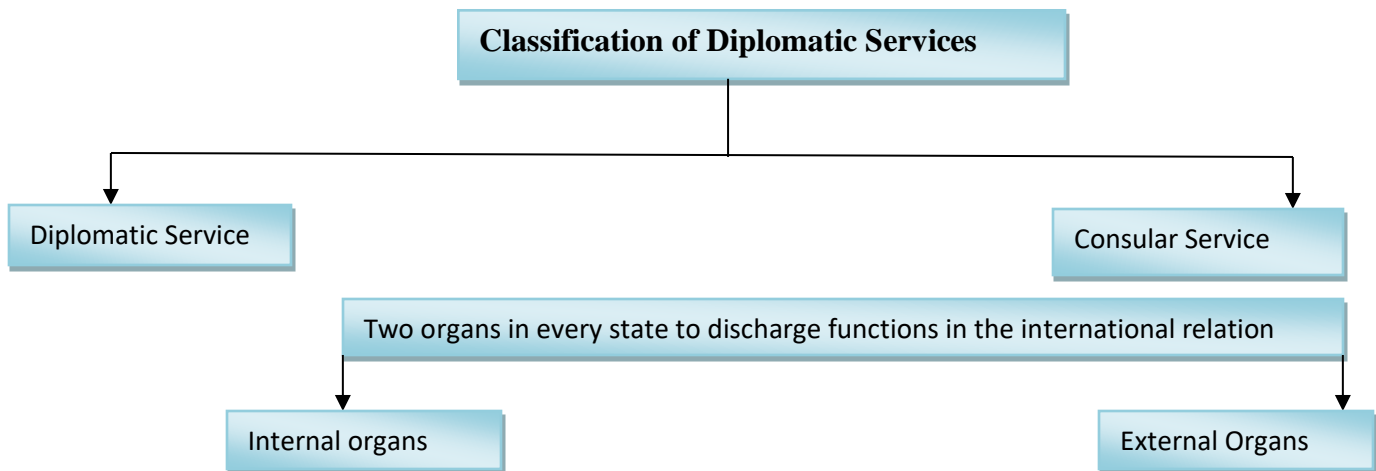
[303]Ibid, p.2.

Fig. 6

3.9. Foreign Policy in ancient India

Kautilya's Arthaṣāstra is an excellent compendium of a remarkable political treatise on the government and foreign affairs. *Kautilya's Arthaṣāstra* is a compilation of the views, thoughts, and teachings of various sages, philosophers, and the ancient political scientists.The stability and the safety of a state rest on the foundation of stable inter-state relations in the international forum. In the ancient Indian political systems, inter-state relations were conceived in the form of a *Mandala (circle of states)*. As per *Kautilya's* views, the status of the king determines his foreign policy.[304] He shares the concept of *Ṣādguṇya* (six-fold policy) with other ancient scholars, that comprises six strategies of foreign policy: *Sandhi* (agreement for peace), *Vigraha* (hostility), *Asana* (neutrality), *Yana* (attack), *Samsraya* (seeking shelter), and *Dvaidhibhava* (double policy). An inferior king should adopt the policy of *Sandhi.* The great ancient Indian scholars such as *Sukra* and *Kamadaka* had also highlighted the concept of *Mandala* theory, strategies, and characteristics of foreign policy, appointments of ambassadors and spies, policies related to peace and war. Furthermore, we will discuss the concept of *Mandala*, *Ṣādguṇya*, and diplomacy of ancient Indian tradition in detail.

3.9.1. Concept of *Mandala* (theory of circle of states)

The literal meaning of the Sanskrit word '*Mandala*'is the circle. Territorial integrity is the focal point of the *Mandala* theory. So, the geographical boundaries of the states are taken into account

---

[304]Modelski, George. "Kautilya: Foreign policy and international system in the ancient Hindu world." *American Political Science Review*, vol. 58, no.3, 1964, pp. 549-560.

of this theory. The *Mandala* theory of states is equivalent to the theory of Balance of Power in the modern world. Prof. Benoy Kumar Sarkar, a social scientist, wrote, "*the doctrine of maṇḍala, underlying as it does the Hindu idea of the 'Balance of Power,' pervades the entire speculation on the subject of international relations.*"[305]This theory describes the inter-state relations prevailed in the ancient Indian Subcontinent. It is regarded as the theory of world conquest. Kautilya assumed that war is the conclusion of the constant struggle for power. He advised the ruler who aspires for the territorial aggrandizement to wait for a fortunate moment. The *Mandala* consists of twelve kinds of state in the form of concentric circles. The fundamental assumptions of the concept of *Mandala* are:

      a) The immediate neighboring king is the natural enemy of the *Vijigīṣu*(aspiring king)

      b) The neighbor's neighbor is the friend of the*Vijigīṣu*(aspiring king)

There are no exact shreds of evidence when the doctrine of *Mandala* crystallized. However, we get the first picture of this kind of doctrine in *Manusmriti*.[306] We may find the mention of the doctrine of *Mandala* in *Mahābhārata, Manusmriti,* and *Agnipurāna,* but*Kautilya's Arthaṣāstra* provides us a thorough knowledge of its systematic and detailed analysis.[307] The conversation between *Dhṛtarāṣṭra and Yudhiṣṭhir in Mahābhārata* presents the commencement of doctrine of *Mandala* in its rudimentary form.[308] The doctrine of *Mandala* occupies an important place in ancient Indian political thoughts. The fully developed form of Mandala theory found in *Kautilya's Arthaṣāstra.* However, Modelski referred to it as a "*crudemodel ofa loose bicentric international political system in the modern era.*"[309]

On analyzing the Kautilya's concept of *Mandala*, we can find four circles of interests:[310]

Circle I composed of *Vijigīṣu* (the conquering king), his friend (*Mitra*), and the friend of his friend (*Mitramitra*).

Circle II composed of *Ari* (the enemy king), the friend of the enemy, and his friend's friend.

Circle III composed of *Madhyama* king (mediatory king), his friend, and the friend of his friend.

Circle IV composed of the *Udasina* (neutral king), his friend, and the friend of his friend.

[305]Sarkar, Benoy Kumar. "Hindu Theory of International Relations." *The American Political Science Review*, vol. 13, no. 3, 1919, pp. 400–414., www.jstor.org/stable/1945958.

[306]Manu, VII, 155,158, p-240-41

[307] Ray, B.N. *Tradition and Innovation in Indian Political Thought: Politics and Vision*. New Delhi: Ajanta Publication Publication, 1998, p. 87-88.

[308]Mahābhārata, Āśramavāsika, VI, 1-5.

[309]Modelski, George. "Kautilya: Foreign policy and international system in the ancient Hindu world." *American Political Science Review*, vol. 58, no.3, 1964, pp. 549-560.

[310] Manabendu Bandyopadhyay Kautilya's Arthasastra, Book VI, Chapter 1. Page- 345

There is a total of four circles, and each contains three kings. So, there are a total of twelve kings in all. Every state has seven elements: *Swami* (the king), *Amatyas* (council of ministers), *Janapada* (people and territory), *Durga* (fort), *Kosha* (treasury), *Danda* (Armed forces), and *Mitra* (allies). The total number of elements in all four circles would be (12*6=72) seventy-two; since *Mitra* of one king is also a king, it can be excluded fromthe total count. The twelve kings are arranged in the following manner:

1) *Vijigīṣu*: The aspiring conqueror at the center of the circle.[311]
2) *Ari*: the enemy as well as the immediate neighbor of *Vijigīṣu*.[312]
3) *Mitra*: the friend of *Vijigīṣu*.[313]
4) *Arimitra*: the friend *of Ari*.[314]
5) *Mitramitra*: the friend of the friend of the *Vijigīṣu*.[315]
6) *Arimitramitra*: the friend of the friend of the *Ari*.[316]
7) *Pārṣṇigrāha*: a rearward enemy of *Vijigīṣu*.[317]
8) *Ākranda*: a rearward friend of Vijigīṣu (situated in the rear of *Pārṣṇigrāha*).[318]
9) *Pārṣṇigrāhāsāra*: a friend of the enemy (an ally of *Pārṣṇigrāha* behind *Ākranda*).[319]
10) *Ākrandasāra*: the rearward friend of the friend in the rearward (the ally of *Ākranda)* lying behind *Pārṣṇigrāhāsāra*.[320]
11) *Madhyama*: the mediatory king (stronger than *Vijigīṣu*as well as *Ari*, and sharingboundaries with both).[321]
12) *Udāsīna:* the neutral king.[322]

---

[311]राजाआत्मद्रव्यप्रकृतिसम्पन्नोनयस्याधिष्ठानंविजिषु : (6.2.8) Kautilya Arthasastra, R. Shamasastry, p. 516.

[312]तस्यसमन्ततोमण्डलीभूताभूम्यन्तराअरिप्रकृति : (6.2.8), Kautilya Arthasastra, R. Shamasastry, p. 516.

[313]तथैवभूम्येकान्तरामित्रप्रकृति :। (6.2.2), Kautiliyam Arthasastram, Manabendu Bandyopadhyay, p. 168.

[314]तस्मान्मित्रमरिमित्रंमित्रमित्रम्मित्रमित्रमंचानन्तर्यणभूमीनांप्रसज्यतेपुरस्तात्।पश्चात्पार्ष्णिग्राहआक्रन्द: पार्ष्णिग्राहासारआक्रन्दसारइति।(6/2/3),KautilyaArthasastra, ManabendhuBandhapadhya.p. 165.

[315] Ibid., p. 165.

[316] Ibid., p. 165.

[317] Ibid., p. 165.

[318] Ibid., p. 165.
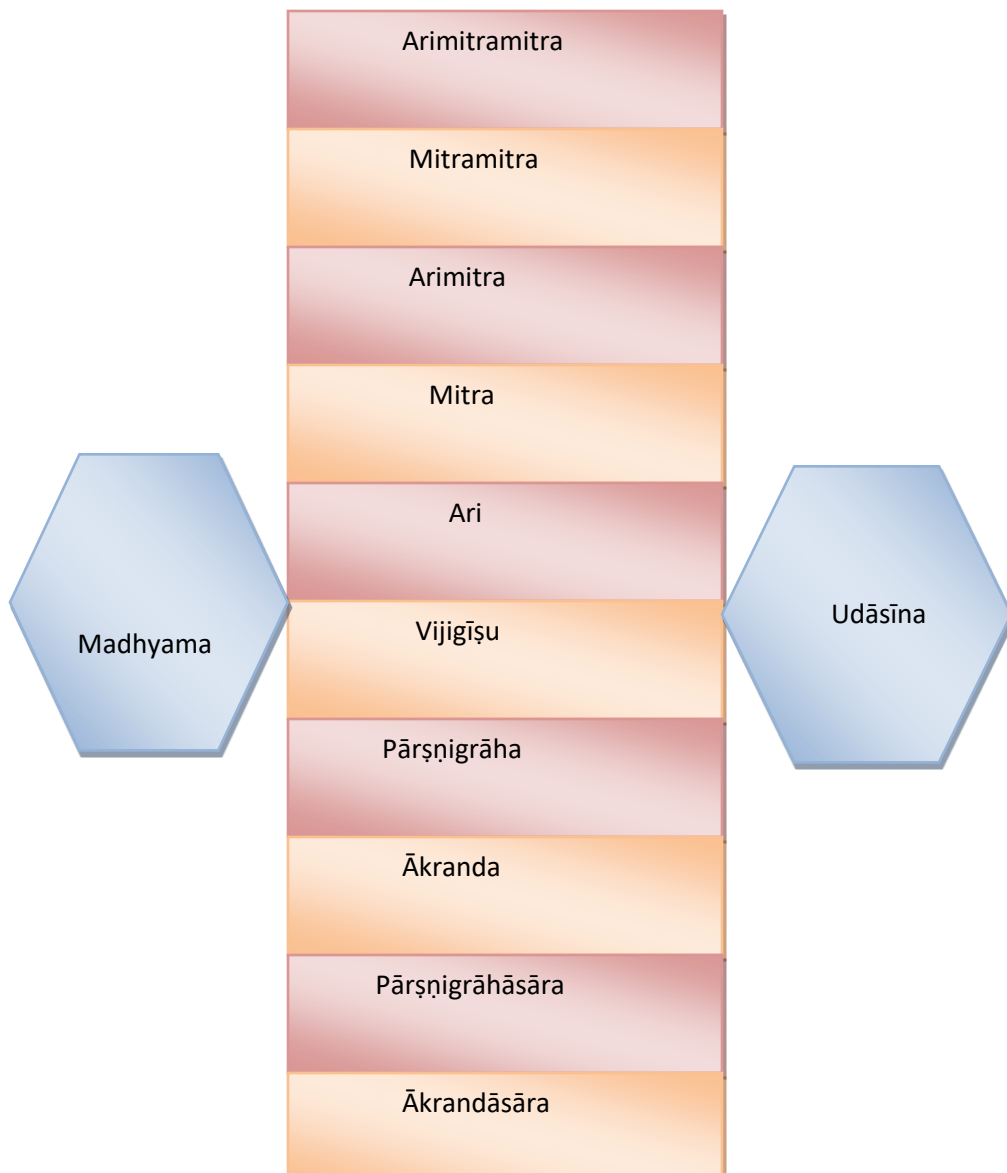
[319] Ibid., p. 165.

[320] Ibid., p. 16.

[321]अरिविजिगीष्वोर्भूम्यनन्तर: संहतासंहतयोरनुग्रहसमर्थ: , निग्रहेचासंहतयो: मध्यम:.(6.2.4), Kautilya Arthasastra ,ManabenduBandyopadhyay, p. 169.

[322]अरिविजिगीषुमध्यानांवहि: प्रकृतिभ्योवलवत्तर: संहतासंहतानाम्अरिविजिगीषुमध्यमानाम्अनुग्रहेसमर्थोनिग्रहेचासंहतानाम्उदासीन: । (6/2/4), KautilyaArthasastra , ManabenduBandyopadhyay, voll-II, p. 169.

Arimitramitra

Mitramitra

Arimitra

Mitra

Ari

Vijigīṣu

Pārṣṇigrāha

Ākranda

Pārṣṇigrāhāsāra

Ākrandāsāra

Madhyama

Udāsīna

Fig- 7 ceircal theory

Vijigīṣu lies at the center of the circle, and his immediate enemy, *Ari* lies on the circumference of the first circle around *Vijigīṣu*.*Mitra* lies on the circumference of the second concentric circle. The third concentric circle belongs to *Arimitra*. Similarly, *Mitramitra*, *Arimitramitra, Pārṣṇigrāha, Ākranda*, *Pārṣṇigrāhāsāra,* and *Ākrandasāra* falls on subsequent concentric circles up to 9th circle. A *Mitra* or friend is he who is hostile to the *Ari* (enemy) of the *Vijigīṣu*. They constitute *Arimitra*, *Mitramitra*, and *Arimitramitra* as well in front of the *Vijigīṣu*. The boundaries of the kingdom of *Madhyama* king is close to both *Vijigīṣu*and *Ari.* He has the capability of assisting both kings. A *Udāsīna* (neutral king) is a mighty king capable of helping *Vijigīṣu, Ari, and Madhyama* kings. He is situated beyond the territorial boundaries of any kings.

Sukra and *Kamandaka* also had put their views on the concept of Mandala theory in their respective *nitisāra*.

3.9.2. *Sukra*'s doctrine of *Mandala*:

Sukra discussed the doctrine of *Mandala* in chapter IV of *Sukranitisara.*According to *Sukra*, the nearest neighbors are the natural and powerful foes. *Vijigīṣu* located at the center of the circle, then*Ari* comes at the circumference of the first circle, and the circumference of the second circle belongs to the friend of *Vijigīṣu.* The circumference of the third circle includes neutral kings. And then comes the circle of potential enemies from all sides. This idea of *Mandala* doctrine finds its clue in the sloka of *Sukranitisāra* as follow:

SatrudasinaMitrani

Kramattesyusyuprakrtah I

arimitramudasino

nantarastatparahparah II[323]

3.9.3. Kamandaka's doctrine of Mandala

Kamandaka, a great follower of the Kautilyan School of diplomacy, compared the *Mandala* to "*the outer rim of the wheel connecting to the spokes radiating from the axle. If the axle is strong and sound, it would be capable of holding the spokes and the rim in place, in the course of the wheel's revolution. Any weakness in the hub of the wheel would be disastrous.*"[324]He explained the concept of *Mandala* throughhis slokas from his Nitisara are mentioned below:

1. *Mulaprakrtayastve*

tasvatastrahparikirtitah I

ahyevamantrakusala

catuskamMandalamayah II

2. *Vijigīṣuarirmitram*

Parsinagrahyothamadhyamah I

udasinahpulomendro

SatkaMandala much a tuh II

3. *Udasinomadhyamcha*

VijigisostuMandalam I

UsanaMandalamidam

[323] S.N. ch. IV-I-21-22.

[324]Yamunacharya, M. "The Hindu Theoryof International Relationsas ExpoundedinKāmandaka'sNitisāra." *The Indian Journal of Political Science*, vol. 3, no.2, 1941,pp. 127-133.

Praha dvadasarajakam II

4. Dvadasanamnarendranam

arimitreprthakprthak I

Satvimsat ka midam

Prahuste ca te ca Punarmayah II[325]

The main focus of the *Mandala* theory, as discussed by both *Sukra* and *Kamandaka*, is to keep a balance of power among a circle of states, some being friendly among themselves owing to their position and surroundings while others are forming an antagonistic group. This idea points out how the Kings applied diplomatic policies in safeguarding the interests of their kingdoms.

3.10. Ṣāḍguṇya (Six-fold policies of foreign affairs):

*Ṣāḍguṇya*provides diplomatic strategies for the king to become a prestigious and respectful person in the international community. The six-fold policy (*Ṣāḍguṇya*) is based on the nature of the *Mandala* doctrine. *Sukra* and *Kamandaka*focused well on the policy of *Ṣāḍguṇya* to be implemented by the king in protecting the interests of his populace and the kingdom. According to Kautilya,*sandhi* (treaty of peace), *Vigraha* (war), *yāna* (marching),*āsana* (staying neutral), *saṁśraya or Āśraya* (taking shelter or refuge), and *dvaidhibhāva*(duplicity) are the six-fold policy of statecraft.The soul of the six-fold foreign policy is that the *Vijigīṣu* must apply four principles of diplomacy such as *Sāma* (conciliation), *Dāna* (gift),*Bheda* (dissension), and *Dandā*(coercion), to control the movements of the *Udāsīna*king as well as that of*Madhyama* king. These are the diplomatic strategies for the *Vijigīṣu*to bring all kings in his favor.

Sukra mentioned about the six-fold policy in chapter IV of *Sukranitisāra.* Like Sukra, Kamandaka emphasized that the monarch is required to adopt an appropriate strategy to deal with foreign affairs of his kingdom. *Sukra* and *Kamandaka* also have advocated about the six-fold policy for dealing with foreign affairs. Let us discuss the views and thoughts of Sukra, Kautilya, and Kamandaka in detail.

3.10.1.   *Sandhi (Treaty of Peace)*

---

[325] K. N. ch. VIII-20-23.

Sukra points out that a king should adopt the policy of *sandhi*in a dilatory manner if his kingdom is attacked by any powerful king, and he is not potentially prepared for the response well in turn. Offering *dāna* to a powerful aggressorfor the agreement for peace is one of the expedients of diplomacy.There is no other measure, except offering the gift, for a weaker king to acquire peace. The gift may include wealth, property, or matrimonial alliance. Either gift should be given accordingly, or the daughter, wealth, and property may be given away. A king should establish a peaceful relation with his feudatories, so that, they can not dissent or try to overpower the king. Sukra's sloka is quite relevant in this connection:

SwasamatanscaSandhiyan

mantrenanyajayayavai 1

SandhihKargopyanaryena

SampraptotSadhayedhisah I 16

Kautilya, in connection to the aggression of the superior king, said, "*whoever is inferior to another shall make peace with him.*"[326] He discussed various types of *sandhi*such as*purushántarasandhi, suvarṇasandhi, uchchhinnasandhi, atisandhi, abhihitasandhih, anibhritasandhih, aníkasandhi, kapalasandhi, chalasandhi, sthavarasandhi, adṛashtapurusha, parikrava, upagrahah, ādishh, paribhūṣhanhan, avakrav, hinasandhi, ātmamisha,* etc.[327] The treaty mentioned above can be terminated at different times, depending upon the situations created between the involved parties. He also explained the various stages involved in the evolution of *sandhi,* such as*akritachīkrishā, kritaśleshaṇa, kritavidūṣhaṇa,* and*apaśīrṇakriya.*[328]*Kamandaka,*the follower of Kautiyan School of diplomacy,advised the king that he should follow the rules of *sandhi* precisely. *Kamandakanitisāra* contains a sum of sixteen types of *sandhi*which we will discuss in next chapter. Now, let us move on to the next policy of *Ṣādguṇya, i.e., Vigraha,* in detail.

3.10.2.   *Vigraha (War)*

Vigraha is another strategy of six-fold policies. Being an offensive strategy, it aims at destroying enemies with force. However, *Kautilya* preferred other diplomatic measures than to cause *Vigraha.* He has discussed the conduct of assailable power in chapter VIII of Book VII in *Arthaṣāstra* .[329]Kautilya advised the king to create hostile situations for the states having equal power or relatively lower power to gain territory.[330]

---

[326]Shamasastry, R., Kautilya's Arthashastra, p. 370. Accessed through
https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[327] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 202.
[328] Ibid., p.202.
[329]Shamasastry, R., Kautilya's Arthashastra, p. 390. Accessed through
https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[330]Kautilya Arthasastra, ManabenduBandyopadhyay, Vol. II, p. 178

Sukra has advised theking that he should not go into the war with a powerful enemy as the cloud never moves against the direction of wind's current. He said, "*Just as rivers never leave the downward course, similarly prosperity does not desert a man who bows down to the powerful at the proper time*."A king ought to start a war when somebody attacked or exploited him, provided he should be there at the right time and right place with a powerful and skilled army.[331]

*Vigraha*is usually of two kinds: *Dharma Yuddha* and *Kuta Yuddha*. Sukra, following *Manu* and *Bhishma*, has preferred *DharmaYuddha* over *KutaYuddha*.[332] However, he categorizes the war into five classes. a) Divine War, b) Asura War, c) Manava War, d) War with arms and ammunitions, and v) War with arms only.

Kamandaka said, "The possibility of *Vigraha* arises when the king continuously worsens the relationships with other royal kings." The king should be well informed about the strength of the enemy. If he still has the same power or higher, then only he should announce the war.*Kamandaka*n preferred *KutaYuddha*over *DharmaYuddha* as confirmed by the following sloka in his *nitisāra*:

Baristodesakalavyam
bhinnariprakrtirbali I
kuryatprakasayuddha sea
Kuta yuddahambiparyaye II[333]

Meaning: "With an alienation between the foe and his *Prakritis*and the advantages of the season and the soil in his favor, a king should fight a pitched battle; otherwise, he should fight in underhand ways."

Concluding with the above-mentioned sloka and its meaning, let us discuss the next important policy of *Ṣādguṇya* concisely.

3.10.3. *Yana (Marching or Expedition)*

Having due regards to the army, location, and time, *yana* is the preparedness to march. It is a direct expression of the policy of V*igraha*.The *Vijigīṣu,* according to*Kautilya,* should employ his enemy to carry out a simultaneous march with him and tell his enemy: "*Thou march in that direction and I shall march in this direction, and share in the spoils should be equal*."[334]A king ought to lead a march only when he made peace with the rear enemy.

Kamandaka, in his *Nitisāra*, suggested five different kinds of *Yana*through his *slokas*, as mentioned below:

---

[331] S.N Ch IV - 7.248
[332] S.N. Ch. IV-7, 319-323
[333] K.N. Ch. XVIII, 54
[334]

i. *Vigrihya*(a sovereign march to crush the host of the enemy)[335]
ii. *Sandhāya*(a march toward an enemy after making peace with another foe in rear)[336]
iii. *Sambhuya*(joint march by two kings against a single foe that can threaten the *prakriti* of both)[337]
iv. *Prasanga*(a march against a specified foe that, further, moves to other foes after receiving some contingency)[338]
v. *Upekshā*(expeditions one after another crushing enemy and then his allies to gain maximum profit)[339]

Sukra also mentioned the same five types of *Yāna* in his *Nitisāra* through following *slokas.*

Vigrhyasandhayatatha
Sambhuyathaprasamgatah I
Upekhyaya ca nipuneyer
Yanampanchavidhamsmrtam II[340]

So, it is more likely that *Sukra* and *Kamandaka* bear similar views about the policy of *Yāna.* Let us discuss the next policy of *Ṣādguṇya,* i.e.,*Āsana* in detail.

3.10.4.   *Āsana(Armed neutrality)*

Āsa, the root word of *Āsana*, literally means to halt or stop. In terms of statecraft, it means to stop or halt the ongoing operations against the enemy. *Kautilya* advocated that the policy of *Āsana*is the condition of armed neutrality. It is sort of a stance of keeping quiet. It is affiliated with both policies, i.e., *sandhi* and *Vigraha.* One has to wait in the hope that the enemy would get weaker by time through getting involved in calamities, difficulties, or wars. By means of propaganda and dissension, a king weakens the enemy secretly. It is a sort of proxy war of modern time. The *Madhyama* king and the *Udasina* king, being neutral kings, stay out of diplomatic zones.[341]Kautilya described ten kinds of *Āsana: Svāsthana, Upekshā, Pārādhina, Pralopāsana, Durgamārga, Nikatāsana, Rāmaniya, Raṣtrasvikaraṇa, Mārgarodha, and Durgaradhya.*[342]

Sukra advised that the king should wait for the right moments and the right locations with his army and overpower him when the right time comes. He should also destroy the people who help his enemy through the maneuver of *Āsana.* One should conquer the enemy through prolonged

---

[335]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 150. Accessed online through:
https://www.rarebooksocietyofindia.org/book_archive/196174216674_10151174907316675.pdf
[336] Ibid., p. 151.
[337] Ibid.,p. 152.
[338] Ibid., p. 153.
[339] Ibid., p. 153.
[340]S.N. Ch. IV, 7-253.
[341] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 202.
[342] Ibid., p. 202.

processes by which he can shorten the provisions of enemies, diminish the resources of the enemy's state, and oppress the subjects of his enemy.[343]

*Kamandaka*defined *Āsana*as quality of staying quite without harming one's own strength. He classified *Āsana*into five categories such as *Vigrihyāsana, Sandhayāsana, Sambhuyāsana, Prasangāsana, andUpekshasana.*[344]

   i.   ***Vigrihyāsana:*** When *Vijigīṣu*and *Ari* both halts their plans of strategies on each other, then the condition is known as *Vigrihyāsana*. [345]

   ii.   ***Sandhayāsana:*** When *Vijigīṣu*and *Ari* both are going through the loss in war, then they halt it through the conclusion of the ceasefire.[346] This type of condition is called *Sandhayāsana.* For instance*, Ravana*resorted to the policy of *Sandhayāsana,* offering *Brahmā*as a hostage while fightingwith*Nivatakavacha*.[347]

   iii. ***Sambhuyāsana:*** When a king, gathering all his forces together, prepared for the attack of either *Udasina* (the neutral king) or *Madhyama* (the middle king), who he considers being equivalent to him in regards to power and intensity, then such a policy is called *Sambhuyāsana.*[348]

   iv.   ***Prasangāsana:*** A monarch intended to go a certain place, but took a halt to encamp in an intermediate station. The halting at such a place is called *Prasangāsana.*[349]

   v.   ***Upekshāsana:*** Manifestation of unresponsiveness attitude or behavior towards a more powerful foe is called *Upekshāsana.*[350]*Rukmin,* the brother of *Rukmani,* stayed silent and unresponsive by adopting *Upekshāsana,* when *Krishna* abducted her sister, *Rukmini.*[351] Captured between two powerful rivals, a king should surrender to the more powerful king between them.[352] He should adopt the policy of *dvaidhibhāva* or double-dealing like a crow's eyeball (*kakaksivadalaksita*) that moves both ways undetected.[353]

[343] S.N. Ch.IV-7- 285-286.

[344] K.N. Ch.XI 13-23

[345]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 155.

[346] Ibid., p. 157.

[347] Ibid., p. 157.

[348] Ibid., p. 157.

[349] Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 71. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

[350] Ibid., p. 72.

[351] Ibid., p. 72.

[352]Shamasastry, R., Kautilya'sArthashastra, p. 372. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[353] Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 72. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

Thus, *Kamandaka* concludes the policy of *Āsana* with its classification. Let us move on to the next important policy of *Ṣādguṇya,* i.e., *Saṁśraya* in detail.

3.10.5. *Saṁśraya (seeking shelter, or refuge)*

It is another significantpolicy of *Ṣādguṇya*advisable to the inferior king. *Saṁśraya* is the policy of seeking shelter by an inferior king under the superior king, as per *Kautilya* and *Manu*. It is a sort of alliance with the king with superior power. Time and situation decide the nature of this policy. *Kautilya* advised to the inferior king that he should seek shelter under the righteous and superior king at whom he has full confidence and sincerity.[354]*Sukra* and *Kamandaka* referred it *Āsraya*.

According to Sukra, a king should take refuge under the superior king who is truthful, trustworthy, honest, and a man of a strong family link when he does not find ways to counter the attack of a powerful king. He wrote a sloka in this regard as following:

Uchhidyamano baling
nirupayapratikriyah I
Kulodbhabamsatyamartha
masrayetabalotkatam II [355]

Kamandaka shared a similar view on the policy of *Āsraya*with *Sukra.* According to him, a king is advised to take shelter under the royal king, who is a truthful, powerful, generous, and good character. In this context,*Kamandaka*wrote the same *slokas*:

Uchhidyamanobalina
nirupayapratikriyah I
Kulodhrtasatyamarya
masrayetabalotkatam II[356]

Now, let us discuss the last and most important policy of *Ṣādguṇya*dealing with the inter-state relations of ancient India, i.e., *Dvaidhibhāva*

3.10.6. Dvaidhibhāva or double-dealing

*Dvaidhibhāva*is one of the essential policies of ancient India comes under the umbrella of *Ṣādguṇya.*Making a treaty of peace with one king and waging war with another is the essence of this policy. It is the double policy of *Sandhi* with one king, and *Vigraha* with another king simultaneously. A *Vijigīṣu*makes an alliance with a neighboring king, and both can march together

---

[354]Shamasastry, R., Kautilya'sArthashastra, p. 376. Accessed through
https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[355] S.N IV, 7-288.
[356] K.N. Ch XI, Sloka 28

against the neighboring enemy. There is no obligation of morality, where self-interest preferred more while adopting such a policy. According to *Sukra*, a king should wait for the opportunity if he is not confident about what policy or strategy should he adopt; he should see around like the crow's eyeballs that look into both directions, and he should display to act in a particular direction but act in other direction in reality. The policy of double-dealing still prevails in the modern era. Even, Machiavelliadvised the prince to adopt such a policy for pursuing the self-interests of his state.

*Kamandaka*also favored the policy of double-dealing. He wrote the following *sloka* in regard to the policy of *Dvaidhibhāva*in chapter XI of his *Nitisāra*.

Balinordvisatormadhye
bachatmanamsamarpayan I
dvaidhibhavenabarteta
Kakakshibadalakshitah II[357]

Translation: "Hemmed in between two powerful enemies, a king surrounding himself (to both) only in words, should like the crow's eyeball, carry on double-dealing without being detected by either of them."[358]

Kamandaka, further, classified the policy of *Dvaidhibhāva* into two categories.

a. **Swatantra Dvaidhibhāva**: According to *Kamandaka*, it is the duplicity of a king, who resort to it under his independent and free will for his safety usually by seeking the alliance of a more powerful king, who is the enemy of both superior kings, who captured his kingdom, ascertained of his duplicity.[359]

b. **ParatantraDvaidhibhāva**: According to *Kamandaka*, it is the duplicity of a dependent king who gets benefits and remuneration from the two kings who are hostile to each other.[360] The two kings do not get any direct benefit from the *Paratantra* king.

Thus, Kautilya, Sukra, and Kamandaka justified the application of the six-fold policy to a large extent. The issues of political and martial are the factors that are involved in the selection of certain policy out of six-fold policy (*Ṣādguṇya*). Overall, we come to the point that the six-fold policy has no moral obligations; rather, it is governed by the self-interest of the king or the state. The six-fold policy can be successful through the application of four *Upāyas* (measures or mean) of *Sāma* (conciliation), *Dāna* (donation), *Danda* (coercion), and *Bheda* (dissension). These four principles of diplomacy of ancient India. Let us discuss the diplomacy, its measures or principles, and the agents involved in diplomacy.

---

[357] K. N. Ch. XI - Sloka No.24.
[358] Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, pp. 159-60.
[359] Ibid., pp. 160-61.
[360] Ibid., p. 161.

3.11. Diplomacy through the lenses of Ancient Indian politics

Diplomacy had long been the focal point of the ancient Indian foreign policy. Diplomacy plays a crucial role in theformulation and the implementation of the foreign policy of a state.The hostility that arises from war is not unknown in Ancient India. Diplomacy played a vital role in pursuing national interests and goals of the state as well as avoiding the war during the ancient era. The various states in ancient India kept diplomatic relations among each other to pursue their interests. *Mahābhārata*, *Ramayana*, *Manusmriti*, and Kautilya's*Arthashastra* confirm the presence of diplomatic ties between the states. Kautilya used the term '*Naya*' for diplomacy. '*NayajdnahPrithvimJayati,*'[361]*i.e.,* A king, who is well versed with the knowledge of diplomacy, rules the world. Even the threat of war also falls under the nutshell of diplomacy. Ancient Indian diplomacy helped the various kings to end the conflicts or to establish cordial relations among them. As per *Sukranitisara*, an enemy king may become a friend through the act of '*niti*.' A well-calculated foreign policy encompasses diplomacy that aims at avoiding the war. The principle of diplomacy in ancient India developed through time. The states cannot remain aloof even if they wish so. The religious ceremonies such as *Ashvamedha* and *Rajasuya* were performed to pull the states together.

Today's India diplomacy has its roots in the ancient Indian tradition of diplomacy. The doctrine of *ahimsa* (non-violence) originated from Buddhism and Jainism, which aims at maintaining peace and minimizing human suffering, still incorporated in Indian diplomacy. Buddhist monarchs contributed significantly to establish friendly relations between Indian states and other states of the world. Ashoka, the great Mauryan emperor of ancient India, maintained friendly and peaceful relations with other states after he felt the hostility and atrocities of the Kalinga War. In the Indian Parliament, Nehru once said, "*I want to be friendly with all countries and want to live in peace of my country and I am interested in the peace of the world*."[362] He further added, "*We will not go to war even if there is a war all over the World*."[363] However, it may not be possible to moralize such an idea. Let us discuss the principles of diplomacy in detail.

The nitisāras emphasized on the four principles of diplomacy called *Chatur-Upāyas,* namely*Sāma* (conciliation), *Dāna* (donation), *Danda* (coercion), and *Bheda* (dissension).[364] It may also be regarded as the four-fold policy. The ancient Indian philosophers and thinkers advised the king to employ *Chatur-Upāyas*judiciously to follow six-fold policy and other affairs of the state. For the interests of the kingdom, *Sukra* preferred the careful employment of these four measures along with the six-fold policy by the king. He emphasized the separate adoption of these measures to the friends, enemy, relatives, family, and the subjects depending on one's reason, time, and situations. MatsyaPurāna urges the same policy can not be sufficient to be followed for all persons at all

---

[361] Kautilya Arthasastra, Manabendhu Bondhopadhya, P- 126.
[362] Nehru's declaration on March 31, 1955 in Indian Parliament
[363] Ibid.
[364] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 9.

times. According to *Zimmer*, *Chatur-Upāyas* are not compatible with the ethical norms as he observes that the ways and devices projected in the Indian books of Politics are without the sense of right and wrong, or the consideration of mercy.[365] The way snakes, lions, and elephants are tamed, a king can bring friends and foes at his subjugation through this four-fold policy. Sukra, in his nitisāra, wrote in slokas in this regard as following:

Mitramsatrmyathayogyeih
Kuryatsvabasavartinam I
upayenayathavyalo
Gajah sinhopisadhyate II[366]

The policy of *Sāma* is of two types: real and feigned (unreal or contrived). A king is advised to make real policy with the righteous king and feigned one with a dishonest king.[367]
Let us discuss these four measures in detail.

3.11.1.   Sāma (conciliation)

The literal meaning of *Sāma* is melody. However, we use*Sāma*in our day to day life while communicating with people – "Hello! How are you?" "Let me help you.," or "See you soon," etc.It stands for harmony, peace, civility, friendship, negotiation, persuasion, and conciliation. It is the best policy that Sukra recommended to the king for the protection of his interests and the kingdom. This policy does not cause the loss of men and money. For instance, *Rama* has adopted the policy of *Sāma*by sending *Angada* in the court of *Ravana,* who had abductedhis wife, *Sita*, to persuade him*. Kautilya*'s *Arthaṣāstra* provides significant mention of the policy of *Sāma*. He said, "*A king should observe the policy of conciliation by promising the protection of villages, of those who live in forests, of flocks of cattle, and of the roads of traffic as well as the restoration of those who have been banished or who have run away or who have done some harm*."[368]

According to Sukra, "*When two kings enter the friendship, promise to do no harm to each other and to help each other in time of distress that policy is known as Sāma.*"[369] If the first three measures such as *Sāma*, *Dāna,* and *Bheda*do not work well for the king, then he should go for the policy of *Danda*. Here, *Sukra* says:

SameivaPrathamamstestham
danamitutadanantaram I
sarvathabhedenamSatror

---

[365] Zimmer, Heinrich Robert.*Philosophies of India*.Princeton: Princeton University Press, 1969, p. 120.
[366] S.N. Ch. IV - 1.24
[367] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 159.
[368]Shamasastry,   R.,   Kautilya'sArthashastra,   p.   432.   Accessed   through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[369]Sukra, chapter IV, 25,28

Dandanampranasamsaye II[370]

3.11.2.   *Dāna or (Gifts)*

Dāna means the donation, or gift. It is the second recommended act of diplomacy. In politics, it usually stands for 'bribery.' Heinrich Zimmer, in his book '**Philosophies of India**', wrote, "*It includes arrangements for the division of the spoils of war, as well as presents, decoration, etc., for the neighbor's generals, ministers, and secret agents*."[371] When a king says to another one, "*My everything belongs to you,* "and offers him a portion of his territory, or pays him tribute (in the form of Tax), or entertain him well by other means, then such a policy adopted by the king is called *Dāna*.[372]Pāni offered Śarma*Dāna* in the form of cattle to win over her.[373]However, she did not accept the offer. As per *Dharmaśāstra,* if the policy of *Sāma* failed to achieve goals of the king, then he should resort to the policy of *Dāna*.[374]Kautilya recommended this policy to the inferior king as well as to dissatisfied subjects.

Sukra and *Kamandaka* have laid their focus on the policy *Dāna.*According to *Kamandaka*, a king should adopt the policy of *Dāna* by giving plenty of resources, wealth, troops, or a portion of land to the superior king in order to satisfy his people as well as his enemy. He can easily conquer and keep his kingdom safe. In this regard, he wrote slokas about C*hatur-upāyas:*

Meghandhakarabrstayagni
Parbatyaddhrtadarsanam I
durasthanancasanyanam
darsanamdhvajasalinam II
Chhinnapatitavinnanam
Samskrtanancadarsanam I
Itindrajalamdvisato
bhityarthamupakalpayet II[375]

Sukra also shares similar views regarding *Dāna* with *Kamandaka.*Similarly, a great Indian Political thinker named *Bharadvaja* suggested that a weak king should offer a lot of *Dāna*to the superior king in order to save his life and kingdom, but he should stop giving *Dāna*after he acquires enough strength to fight against the superior king. Thus, for the safety and security of his state and life, a king should adopt the policy of *Dāna*

3.11.3.   *Bheda or Dissension*

---

[370] Ibid Ch IV -1 .37

[371] Zimmer, Heinrich Robert.*Philosophies of India*.Princeton: Princeton University Press, 1969, pp. 121-122.

[372]Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 160.

[373] Rig Veda, X, 99.2-5

[374] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 161.

[375] K.N. Ch- XVII - 58-59

The third expedient or principle of diplomacy is *Bheda* or Dissension. Mentioning the activities involved in *Bheda,* Heinrich Zimmer writes, "*splitting, dividing, breach, rupture, disturbance, sowing dissension in an enemy's party, treachery, treason*."[376] It is the technique of divide and conquers. "*This technique*," D. B. Mathur wrote, "*was in perfect order to puncture a state from within, sucking and sapping its vitality.*"[377] In actual hostilities, it assumed serious proportions.[378] In chapter IV of his *Nitisāra, Sukra* wrote, "When a king weakens the army or allies of another king, takes shelter of a powerful king and lifts or raises a weak king, the policy is known as that of *Bheda.*"[379] *Kautilya* shared similar views about *Bheda* as that of Machiavelli's. A ruler should apply *Machiavelli's* idea of double standards of morality to weaken the foe from inside. Kautilya advised the king to adopt the policy of Bheda in breaking the recalcitrant republics in ancient India.[380]

The policy of Bheda should be adopted only when the policies of *Sāma* and *Dāna* failed. *Kautilya* considered *Bheda* as a crucial adjunct of diplomacy that can bring even a strong king to his knees, and thus, enormous supremacy can be restrained or suppressed. Lord Krishna resorted to the technique of *Bheda* in the camp of *Kauravas* after his techniques of *Sāma* and *Dāna* failed.

Sukra's policy of *Bheda* worked well for the kings in defeating the great armies of his enemies by sowing seeds of dissension among them, and by killing them with a handful of soldiers.[381] Similarly, *Kamandaka* advised the king to apply the principle of *Bheda* by recognizing loopholes of the foes, and by generating dissensions among the army of the foe. Thus, he can win over his enemies. The technique is still being in the application in modern times.

3.11.4.   Danda(the rod of Punishment)

The fourth and the last measure of diplomacy in ancient India was *Danda.* It is the opposite of the *Sāma* approach. "*Danda,"* Zimmer said, "*is the rod of punishment in the hand of the judge, or of a doorman chasing beggars, and street-boys*.*"It is chastisement, punishment, attack, assault, violence - and also, a cudgel, stick, staff, an enemy; control, subjection, and restraint."[382]* Heinrich Zimmer defined *Danda* as "as "*aggression of whatever kind whether outright and shameless or hypocritically justified as punishment for insult or for a threatening attitude*."[383] However, Kautilya warned against the use of such blatantly crooked measures that only have a tendency to recoil like a political boomerang. Mathur called it

[376] Zimmer, Heinrich Robert. *Philosophies of India*. Princeton: Princeton University Press, 1969, p.122.

[377] Mathur, D. B. "SOME REFLECTIONS ON ANCIENT INDIAN DIPLOMACY." The Indian Journal of Political Science, vol. 23, no. 1/4, 1962, pp. 398–405. JSTOR, www.jstor.org/stable/41853950.

[378] Roy, Gandhi Jee. *Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p.162.

[379] Sukra: IV, 30.

[380] Kautilya Arthasastra, Adhikaranas 11., S.P. Chapts. 82. 108

[381] Roy, Gandhi Jee. *Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 164.

[382] Ibid., p. 121.

[383] Ibid., p. 121.

"prescription in an emergency as a desperate resort."[384]Manu says that it is Dandathat governs the state. In Mahabhārata, the king is regarded as *Dandadhara*. According to *Manusmriti*, *Danda*should be the last weapon in the diplomatic arsenal.[385] Lord Brahma realized the need of *Danda* to maintain law and order in society.

*Sukra*remarks*, "When a king troubles his enemy through Dāsyus (robber), drains away his treasury and granary, watches his weak pointsto declare war, threatens him by his strong force and intelligent policy and fights bravely against him at the outbreak of war, the policy is known as that of Danda."[386]*He wrote following slokas in this connection:

DasyubhihPidanamsatroh
Karsanamdhanavanyatah II
tatchhidradarsanadugra
baleirnitvaprabhisanam II
Praptayuddhanibrttitva
trasanamdandaUchyate II[387]

According to Sukra, the policy of *Danda*should be applied to both friends and the enemy accordingly. A friend, who is not working in the interest of the king, is liable to face the consequences of *Danda*.

Kamandaka's policy of *Danda* resembles that of *Sukra.*[388]In all ages, the relevance of physical force has been realized and considered as the most effective and efficient instrument to bring about the desired results in a short period. It is a diplomatic war, not actual Punishment or hostility.

Apart from the above mentioned *Chatur-upāyas*, *Kamandaka*, further, suggested three more *Upāyas* such as *Māyā* (a diplomatic feat, wearing a mask of moral decency and righteousness),*Upekṣa* (the act of ignoring, unconcerned and neutral), and *Indrajāla* (an act of jugglery,spreading false information, magic tricks, and conjuring).

3.12. The traces of diplomacy and its methods in ancient India:

The wars during the Vedic period show us the glimpses of diplomatic strategies. The *Rigveda* introduces us that the intelligence system existed as an adjust on diplomacy, and *Atharvaveda* informs us about the presence of a fully developed system of espionage in the ancient era, where

---

[384]Mathur, D. B. "SOME REFLECTIONS ON ANCIENT INDIAN DIPLOMACY." The Indian Journal of Political Science, vol. 23, no. 1/4, 1962, pp. 398–405. JSTOR, www.jstor.org/stable/41853950.

[385] Ibid., p. 402.

[386]Sukra, IV, 31-32

[387]S. N. IV 1-34

[388]Kamandaka, XVII, 9-10

the monarch decides the diplomatic strategies during the ancient era.[389]*Manusmiriti*offered a full-fledged conception of diplomacy. As per Atharva Veda, a king should prioritize the application of deception, ploy, incantation, and spell other strategies moreover to win over his enemy.

 A king is advised to conceal his weaknesses and try to find weaknesses of his enemy. He should not let his enemy go. Killing a potentially harmful enemy is commendable. If a foe falls in control of the king, the king should destroy him by using any means, whether open or secret. A cconquer king should kill all his old foes as well as the allies of the foe. Then the king should rule over the kingdom, being watched and should first gain the confidence of his enemies even. To accumulate wealth, the king may act as a hypocrite. The king is not morally obligated to act as a righteous man. He can kill his enemies by the act of deception, or by poisoning him.

In the ancient era of India, *Dutas* carried out various negotiations between the Aryan King, the Demon King, Rama, and Ravana. The spies are recruited to gain information about the concerned states. This information is usually related to the administration, diplomacy, and intentions of the neighboring states and other concerned states. Time, place, and situation decide the application of diplomatic means as the fact stressed in the *Ramayana*. *Hanumana*, a chief councilor of king *Sugriva*, was bestowed with intelligence in art and science, power, and skill of higher order. He appeared in the court of *Ravana* as an envoy of *Sugriva*. In short, he was well qualified to be an ambassador.[390] There is mention of the deployment of envoys for arranging matrimonial alliances in the epic *Ramayana*.[391]

Krishna's constant efforts to settle the dispute between *Kauravas* and *Pandavas* set an example of the presence of high-ordered diplomacy in *Mahābhārata* (approximately 400 B.C.). Krishna, in his diplomatic assignments, appeared in the court of *Duryodhana* (Kaurava king) as an envoy of *Pandavas*. The force held more priority instead of truth, honesty, or morality.[392][393] In *Adiparvan*, there is a discourse of the four principles of diplomacy:*Sāma* (Conciliation), *Dāna* (Donation), *Bheda* (Dissension), and *Danda* (Coercion). A king should apply these four principles of diplomacy (mentioned above) to destroy the enemy.[394]*Narada*, a well proficient sage in the art of six-fold policy (*Sadgunavidhi*), treated *Pandavas* with the exceptional discourse on diplomacy.[395]

By the period of the Mauryan Empire, it was assumed that a king might triumph over the whole world through diplomacy. Kautilya's*Arthashastra* presents the six-fold policy composed of *Sandhi* (treaty), *Vigraha* (diplomatic struggle), *Yana* (preparing for the march by the army), *asana*

[389] Rig Veda, VII, 18,33

[390] Kautilya Arthasastra 50/6/2-2.

[391] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 47.

[392] Karna Parva, LXIX, 33-38 or ibid., 50

[393] Santi Parva, LXIX, 16.

[394] Adi Parvan, Chapter- 143

[395] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 49.

(neutrality), *Samsraya* (seeking shelter or support), *Dvaidhibhāva* (dual policy or duplicity).Now, let us discuss about diplomatic agents (carriers of diplomacy) in detail.

3.13. Diplomatic Agents or Diplomats and their classifications:

A sovereign state appoints diplomats to facilitate the stability and respectful position of a state in the international forum. The concept of sovereignty is not unknown to ancient Indian scholars. The idea of appointing *Dutas* (spies, envoys, and ambassadors) percolates into the maintenance of the sovereignty of the state. *Bhishma,* from the epic *Mahābhārata,* rightly said, "*A Kingdom has its roots in spies and secret agents*."[396] The diplomats hold a respectable position in the system dealing with the foreign affairs of a state. Krishna Murty once mentioned that "*the success of diplomacy of any country will greatly depend upon the choice of its diplomats - their abilities, their competence to discharge their functions*."[397] A diplomat considered to be the eyes and ears of state in the foreign states. They are expected to be proficient in the field of mathematics, physics, architecture, languages, music, and civil law.[398] Atharva Veda Samhita mentioned about two types of diplomatic agents: i) ambassadors (*duta*), ii) spies (*chara* or *guptachara*). There is mention of another class of envoys usually, a sheer international spy called *Prahita* in *Taittiriya Samhita*.[399]

In ancient India, envoys were employed to negotiate or to send messages from one state to another officially, and spies are recruited to gather correct information about the strength and the status of the other states secretly as per as ancient texts such as *Rigveda*, *Mahābhārata*, and *Ramayana*.[400] For instance, *Ravana* had sent *Shuka,* a secret agent, to gather information about the strength and position of the *Rama*'s military camp.[401] Ideal diplomatic agents possess qualities in the following categories:

i)   Personal qualities: charismatic and good-looking, welcoming, bravery, audacity, humility, sharp memory, rhetoric, etc.
ii)   Qualities related to negotiation: calm, intellect, presence of mind, endurance, prudence, precision, shrewdness, etc
iii)   Expertise in various languages, customs, traditions, and cultures of multiple states.
iv)   Mind-set toward the government: loyalty, obedience, and patriotism.

Kautilya, Kamandak, and Somadevasuri had done three-fold classification of diplomatic agents:

---

[396] S.P. I XXXIII
[397]Murty, G. V. G. Krishna. *Dynamics of Diplomacy*. New Delhi: National Publishing House, 1968,p. 31.
[398] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 97.
[399]Ibid., p. 92.
[400]Tulsigranthawali, op. cit., 5/51/7.8.
[401] Ibid.

i) **Nisrtārthaḥ**: A plenipotentiary who possesses ministerial qualifications and holds the responsibility of the management of affairs, authorized to work in the best possible way in the state's interests.[402] For instance, *Krishna* may be referred to as *Nisrtārthaḥ*appointed by*Pandavas*to make negotiations with*Kauravas*. The first category, i.e., category A of diplomats (ambassador) in a modern state are equivalent to*Nisrtārthaḥ*.[403]

ii) **Parimitārthaḥ or Mitārtha**: An envoy, possessing limited rights and duties, employed on one particular mission at a time is regarded as*Parimitārthaḥ*.[404]Kautilya and Kamandak recommended lesser qualifications (less by one-fourth) for*Parimitārthaḥ* as compared to *Nisrtārthaḥ*.[405]These envoys belong to category B of diplomats in modern states.[406]

iii) **Sasanharaḥ**: An envoy, a conveyor of royal writs or merely a royal messenger, possessing one-half qualifications as compared to *Nisrtārthaḥ*and assigned to a specific task is called *Sasanharaḥ*. They are well fit in category C.[407]

There was another service for diplomatic agents called consular service, that aims at establishing and maintaining trade and commercial interstate relations. The consular agents, also known as the superintendent of commerce, protect navigations, trade, and commerce. In his work *Arthaṣāstra* , Kautilya pointed out, *"As regards the sale of kings' merchandise in foreign countries: he shall gather information as to conveyance charges (yānabhāgaka), subsistence on the way (pathyadana), the value of foreign merchandise, occasions of pilgrimage(yātrākāla), and the history of commercial towns (panyapattanachāritra)."*[408]

The ambassador used to be the most vital part of a government of a state in ancient India. The job of an ambassador is to serve the nation in the best possible way and to inspect the strength of his state and other concerning states also. He needs to maintain good relationships with enemy officers also. He shall also examine the area and the size of the state and its forts regularly. In addition, he should be aware of the assailable and unusual locations that hold a significant position in the state. He should abstain from the liquor consumption and women's companionship for pleasure. Ambassadors investigate the nature of conspiracy rampant among the cohorts associated with his affairs. They used to gather information by monitoring the conversation of beggars, people at the temple and pilgrims, gangsters in the state.

---

[402] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 94.

[403] Thakur, Upendra. *Some Aspects of Ancient Indian History and Culture*. Delhi: Abhinav Publications, 1974, p. 185.

[404]Mookerji, Radhakumud. Chandragupta Maurya and His Times. Motilal Banarsidass Publisher, 1966, P-83

[405] Thakur, Upendra. *Some Aspects of Ancient Indian History and Culture*. Delhi: Abhinav Publications, 1974, p. 185.

[406] Ibid., p. 185.

[407] Ibid., p. 185.

[408]https://www.wisdomlib.org/hinduism/book/kautilya-arthashastra/d/doc366062.html

Sukra and *Kamandaka*focused more on the appointment of a spy(*Guptachara*) by the king to gather relevant information about the happenings and events of the neighboring states and to inform about it to the king.The appointment of the *Duta* (spy) is essential to the stability of the king. A well-informed king remains stable and makes right decisions.*Kamandaka* elaborated the duties of a *Duta*through the two*slokas* mentioned below:

i) *RipohSatrparichhedah*
Suhrdvandhubivedanam|
durgakosabalagyanam
Krtyapaksyopasamgrah||

(To search out the enemies of the enemy king, to estrange the allies and relatives of the enemy king from him, to gather detailed knowledge about the condition of his fort, treasury, and military force)

ii) *RashtravyapetaPalanam*
atmasatkaranamtatha |
yuddhapasarabhrgyanam
dutakarmetiKathyate ||[409]

(the duties of a *Duta* are to align the governors of the provinces of the enemy states toward his interests, and to know all about the routes of war.)

A more detailed list of the duties of an ambassador are as follow:[410]

- conducting missions carefully
- issuing ultimatum (*Pratala*)
- Maintaining agreements and treaties as well as breaking them
- detecting the conspiracy
- implanting dissensions
- raising secret forces
- gaining the favor of the envoy and officials of an enemy state
- collecting information about the resources, pieces of equipment, tactics, and the military strength of the enemy states and the other related state.[411]

The power of persuasion is the key characteristic of an ambassador. A king could take the right decision based on the information provided by the secret services of the state. Kautilya's envisaged a well-knit system of surveillance that would work best for both domestic and foreign affairs. The

---

[409]K.N., Ch. XII-22-23
[410]Kautilya Arthasastra, Manabendu Bondhopadhya, P- 325
[411]Ibid, P-330.

importance of diplomatic agents and their reports related to the domestic and foreign policy of states can be traced through the Vedic and epic literature. For instance, *Rāma* appointed *Angada* as an envoy in the court of *Rāvana* to negotiate. *Krishna* isconceived as one of the most influential diplomats in*Mahabhārata.* Similarly, *Indra* appointed *Sarmā*as a lady diplomat in the court of*Pāni*to attract him.

Thus, I have concluded the third chapter of my M.Phil. Dissertation by drawing an analysis of the Foreign policy of Modern time as well as that of Ancient Indian time with the perspective of western and eastern political traditions, respectively. We may readily find shreds of evidence that suggest that the means and modes of diplomacy and foreign policy prevailed during Ancient India are still applicable to the modern world. However, the ancient Indian diplomacy had well-laid principles, sound theories, well-defined policies, and well-defined classifications of the instruments of diplomacy.

In the next chapter, I will focus on the comparative analysis of *sandhi*of foreign affairs in the era of ancient India and that of the Modern world.

CHAPTER 4

Comparative analysis of treaties of Ancient India and Modern World

4.1   Introduction

Treaty plays a vital role in establishing relations among the states. It provides a solid foundation for international law that the States and concerned international actors should follow. The treaty of Kadesh (sometimes spelled as Qadesh also); signed in 1258 BCE between Egyptian pharaoh Ramesses II, the emperor of Egypt, and Hattusili III, the emperor of Hittite Empire, holds the distinction of the first peace treaty of the world.[412]The legality of treaties in ancient times can be established through the fact that the treaties usually have been sworn to the gods, and there was the clause of the curse to maintain the binding force of treaties.[413] The Gods were taken as the guarantors of the treaty and held responsible for punishing the one who breaches the agreement.[414] In the unilateral treaty conclusion of ancient times,it is disguised that the state that is not bound by oath could withdraw from its obligations, and the other state bound by oath could not do that.[415]

The conception of common legal order (international law) evolved slowly, and the legality of the treaty found solid ground. After Grotius, the common legal order came to maturation in the modern European period. Enlightenment lawyers proposed the principle of natural law for international relation called '*pactasuntservanda.*'[416]

International law derives its roots from customs and treaties. Treaties are considered as "*a relatively clear and reliable source of international law.*"[417]The professor emeritus of Florida International University Nicholas GreenwoodOnufexamines the treaty as *"a good deal easier to discuss than custom for there is only one major controversy about them as a source."*[418]Some

---

[412]Mark, Joshua J. "The Battle of Kadesh& the First Peace Treaty." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 18 Jan 2012. Web. 31 Jul 2020.

[413]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 2.

[414] Ibid., p. 2.

[415] Ibid., p. 2.

[416] Ibid., p. 2

[417]Hoof, Godefridus J.H. *Rethinking the sources of international law*. Boston: Brill Archive, 1983, p. 117.

[418]Onuf, Nicholas Greenwood. "Global law-making and legal thought." *Law Making in the Global Community*, United States: Carolina Academic Press,1982, p. 81.

scholar claims that the customary law existed before the treaty.[419] Prof. Richard B. Bilder once remarked that sometimes treaty law integrates or codifies the customary law existed before treaty law, and sometimes the treaty law may affect or leads to new customary law.[420] Logically, it seems that a treaty can be adopted only when there are certain laws and rules based on practice and tradition. However, the historical analysis seems to indicate that the treaty paved the way for customary law. There must have an international society to crystallize a minimum sense of cohesion between the participatory parties to create a general customary rule. However, in ancient times, there were usually closed societies and minimal links between the people; and they generally had unorganized agreements on alliances and truce. Treaty law appears to lie at the foundation of early international society.[421]The liberal approach to international law favors the treaty process as the liberal scholars consider it a more specific, logical, and rational method to deal with laws and relations among the states, while the conservative approach to international law is in favor of customary norms and rule.[422]

In this chapter, I would further focus on the concept of the treaty, its classification, its formation, and other aspects in detail. Generally, a treaty can be defined as an approved, written, and binding agreement between two or more independent governments, formally concluded by the official representatives of the respective states. It is a sort of an exchange of promises or a contract. Defining a treaty in specific ways confines its boundaries. The concept of the treaty is not well defined as it looks at first sight. Few international agreements enjoy the unquestionable status of treaties, while other agreements face questions. For instance, the Charter of the United Nations and the treaty establishing the European Union enjoy the indisputable status of the treaty, at least among the participating parties.[423]However, still in 1994, the International Court of Justice had to discuss whether the Minutes of an agreement could be treaty or not.[424] Even in October 1993, then

---

[419] Jennings, Robert Y., and Arthur Watts.*Oppenheim's International Law.*Vol. I, 9th Edition, London: Oxford University Press, 1992, pp. 25&31.

[420]Bilder, Richard B., et al. "Disentangling Treaty and Customary International Law." *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 81, 1987, pp. 157–164. *JSTOR*, www.jstor.org/stable/25658360.

[421]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 1.

[422]Bilder, Richard B., et al. "Disentangling Treaty and Customary International Law." *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 81, 1987, pp. 157–164. *JSTOR*, www.jstor.org/stable/25658360.

[423]Klabbers, Jan. *The concept of treaty in international law*. Vol. 22,Hague: Kluwer Law Internation, 1996, p. 2.

[424]v Bahrain, Qatar. "ICJ Rep 112, ICGJ 81 (ICJ 1994), 1st July 1994." International, 1994.

Foreign Affairs Minister of NetherlandsPieterKooijmans could not explainthe concept of the treaty to the Second Chamber of Dutch Parliament satisfactorily.[425]

Debates of the 1950s and 1960s were more focusedon the conception of "treaties in simplified form."[426] The critical legal scholars focused more on the issues of treaty interpretation, and their treatments were often limited to the interplay of legal doctrines of the treaty such as '*pactasuntservanda*' and '*rebus sic stantibus.*'[427]*The critical concept of the treaty oscillates between objective and subjective approaches as per Koskenniemi.*[428]The Legal advisors, policymakers, judges, and scholars have been engaged in establishing the legal norms of the treaty through various decades. The concerned authorities and the personalities of the world defined it in different ways. Let us look at the specific connotations and definitions of the treaty through the lenses of concerned international authorities and personalities.

- ❖ Article 2(1) (a)of Vienna Convention on the Law of Treaties, 1969 defines a treaty as "*an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.*"[429]According to the definition mentioned above, we can conclude the following characteristics of a treaty:
  i)   As an 'international agreement,' it does not confine into domestic boundaries.
  ii)   Since a treaty is concluded 'between states,' it involves more than one state. States are the potential participators in the conclusion of a treaty according to the definition of the treaty as per the Vienna Convention on the Law of Treaties. As per the Montevideo Convention, a state must possess a definite territory, a permanent population, government, and capacity to enter into relations with the foreign states.[430]

---

[425]Klabbers, Jan. "The New Dutch Law on the Approval of Treaties." The International and Comparative Law Quarterly, vol. 44, no. 3, 1995, pp. 629–643. JSTOR, www.jstor.org/stable/761206.

[426]Hamzeh, Fuad S. "Agreements in Simplified Form-Modern Perspective." *Brit. YB Int'l L.*, 1968, p. 179.

[427]Koskenniemi, Martti. *From apology to utopia: the structure of international legal argument*. Cambridge: Cambridge University Press, 2006, pp. 333-382.

[428]Koskenniemi, Martti. "Theory: implications for the practitioner." *Theory and international law, Brit Inst Int'l & Comp L*, 1991, pp. 1-46.

[429] Vienna Convention on the Law of Treaties, 1969, Article 2 (1) (a);
https://treaties.un.org/doc/Publication/UNTS/Volume%201155/volume-1155-I-18232-English.pdf

[430]Article 1, Montevideo Convention on the Rights and Duties of States, Dec. 26, 1933. https://www.ilsa.org/Jessup/Jessup15/Montevideo%20Convention.pdf

iii) Treaty must be in 'written form.' A verbal international agreement would not be considered as a treaty in modern times.

iv) The states signing a treaty must legally bind themselves to each other as per the 'international law.'

v) 'Legal instrument' is the expression of intent to form an agreement. One or more legal instruments can constitute a treaty.

If an agreement failed in any of the five characteristics, it would not qualify to be a treaty. Government directives, protocols, and Memoranda of Understanding that do not legally bind themselves to the terms of their Declaration are not considered to be treaties.[431]Breaching the obligations of a treaty are likely to be held liable under international law.[432]The same article of the Vienna Convention of 1986 on the law of Treaties elaborates on the participating parties, i.e., the treaty may be concluded[433]

✓ Between one or more than one states and one or more than one international organizations.

✓ Between different international organizations.

❖ In Hauenstein v. Lynham (100 U. S. 483), the former Justice Swayne said, "*A treaty cannot be the supreme law of the land, that is, of all the United States, if any act of a State legislature can stand in its way.It is the declared will of the people of the United States that every treaty made by the authority of the United States shall be superior to the Constitution and laws of any individual State, and their will alone is to decide. If a law of a State contrary to a treaty is not void, but voidable only, by a repeal or nullification by a State legislature, this certain consequence follows, - that the will of a small part of the United States may control or defeat the will of the whole.''[434]*

---

[431]https://ec.europa.eu/energy/sites/ener/files/documents/2010_01_18_iraq_mou_en.pdf

[432]Druzin, Bryan H. "Opening the Machinery of Private Order: Public International Law as a Form of Private Ordering." Saint Louis University Law Journal, vol. 58, no. 2, Winter 2014, p. 423-466. HeinOnline, https://heinonline.org/HOL/P?h=hein.journals/stlulj58&i=458.

[433]Martin, Francisco Forrest, et al. *International human rights and humanitarian law: treaties, cases, and analysis*. Cambridge: Cambridge University Press, 2006, p. 272.

[434]Anderson, Chandler P. "The Extent and Limitations of the Treaty-Making Power Under the Constitution." *The American Journal of International Law*, vol. 1, no. 3, 1907, pp. 636–670. *JSTOR*, www.jstor.org/stable/2186823.

❖ In 1829, John Marshall, the former Chief Justice of the US, said, "*A treaty is, in its nature, a contract between two nations, not a legislative act. It does not generally effect, of itself, the object to be accomplished; especially, so far as its operation is infra-territorial; but is carried out into execution by sovereign power of the respective parties to the instrument.*"[435]

❖ The constitution of the US declares the treaty as the law of the land and regarded as equivalent to the act of legislature in courts of justice.[436]

❖ In reference to the Head Money Cases (112 US 598), Justice Miller delivered his opinion about treaty as follow:

"*A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the governments which are parties of it. …But a treaty may also contain provisions which confer certain rights upon the citizens or subjects of one of the nations residing in the territorial limits of the other, which partake of the nature of municipal law, and which are capable of enforcement as between private parties in the courts of the country. … A treaty, then, is the law of the land as an act of Congress is, whenever its provisions prescribe a rule by which the rights of the private citizen or subject may be determined. And when such rights are of a nature to be enforced in a court of justice that court resorts to the treaty for a rule of decision for the case before it as it would to a statute.*"[437]

The legal scholars of the world have not arrived at an ultimate definition of the treaty. There are still a lot of debates going on the nature of binding forces and intent of the agreement.

---

[435] Senate, Congress, the United State, Hearing, Volume 5, U.S. Government Printing Office, 1952, p. 495. Accessed online through: https://books.google.co.in/books?id=ktnAEq8Nv24C; or https://www.govinfo.gov/content/pkg/GPO-CONAN-2002/pdf/GPO-CONAN-2002-8-3.pdf, pp- 493

[436] Foster v. Neilson, 27 U.S. (2 Pet.) 253, 314 (1829). See THE FEDERALIST No. 75 (J. Cooke ed. 1961), pp. 504-505.

[437]Anderson, Chandler P. "The Extent and Limitations of the Treaty-Making Power Under the Constitution." *The American Journal of International Law*, vol. 1, no. 3, 1907, pp. 636–670. *JSTOR*, www.jstor.org/stable/2186823.

4.2. Types of treaty

Based on the number of participating parties, treaties can be ***bilateral*** if the number of participating actors is two; in the case of more than two participating actors, it is ***multilateral***. For a considerable span of time, treaties were usually bilateral. The peace treaty of Westphalia in 1648 may be considered as a complex cluster of bilateral agreements, and each participant signed alternates with all other participants. We can also look at the Vienna Peace Regulations, 1815, as a cluster of bilateral treaties. Mathematically, if the number of the participants involved is n, then the number of bilateral treaties signed among them is n(n-1)/2. But the calculations become cumbersome if the more number of participants involve. So, new approaches were taken into consideration. The multilateral treaty is considered as a unique legal act binding multiple states. The Declaration of Paris on Maritime Warfare, 1856, holds the distinction of the first multilateral treaty that ended the Crimean War spanning 1853-1856.[438] Eight years later, the next significant multilateral treatytitled as 'the First Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field' held on Aug 8-22, 1864, that represented 16 states.[439] Presently, there are around 800 multilateral treaties of huge significance in the concerned field.[440] They are concerned with environmental and aviation issues, economic and financial law, international law, disputes related to outer space, customs regime, protection of endangered species and human rights, etc. [441]

4.3. Why are treaties significant?

Treaties provide manifold advantages to the states. Concerning customary law, treaties have many advantages:

i. Legal assurance

In most cases, the treaty ensures a high level of stability and legal assurance than other sources of international law. The key precept of the law of treaties is the stability and binding force of treaties. Article 26 of the Vienna Convention on the Law of Treaties, 1969, i.e., "*pactasuntservanda*,"

---

[438]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 3.
[439]Schindler, Dietrich, and Toman, J. (Eds.). *The laws of armed conflicts: a collection of conventions, resolutions, and other documents*. Brill, 1988., pp. 279.
[440]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 3.
[441]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 3.

provides the solid ground on the binding nature of treaties.[442] Conventionally, the infringement of the treaty is inundated with a high degree of aversion. The rules crafted with a high degree of social and political attention in a written form significantly affirm the enhancement of legal assurance. Unwritten rules are now not considered to be a solid agreement as they are left to the customary law. Only written rules and laws of International Organizations are abided by the actors involved. The international law is codified through writing and thus can be accessible by a large number of concerned people. The legal instruments offered by the treaty to conduct the foreign policy provide stability and legal certainty; thus, the treaty is an instrument of versatile foreign policy.[443]

ii.   Flexibility

The international community is very complex and highly decentralized. It needs a legal instrument for flexibility to adapt to the ever-changing world. The states with diverse cultures, varied needs, policies, and shared goals are grouped through bilateral or multilateral agreements or treaties. Customary law being rigid might be inadequate to deal with some states having different cultures and goals. In contrast, treaty law, being flexible, has special legal regimes and written provisions to establish good relationships with other states. Under a bilateral treaty, a state can devise a general rule that may not exist earlier or replace the previous rules and law with new laws and rules that may be beneficial to both states. Under the legal principle, the treaty would devise more special law to fulfill its foreign policy objectives that might be prioritized over general law (*lexspecialisderogatlegigigenerali; in toto jure, genus per speciemderogatur*).[444]A state can make a significant number of treaties with various states of the international arena. A bilateral treaty may depart from the general rule to some extent as per its intention. However, no more special law can replace the general essential injunction when the basic shared interests are at stake.[445]

iii.   Participation

---

[442]Ibid., p. 4.
[443] Ibid. p. 5.
[444]Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 5.
[445]Ibid. p. 5.

The developing states (also called the Third World States) consider treaties as the vital source of international law. They consider a treaty as a democratic agreement since the equality among the states is promoted in multilateral conventions. However, the influence of a state generally is the function of its political power and diplomatic quality. Even small states such as Israel can influence the negotiations and adoption of an agreement based on their diplomatic and political weight. In international multilateral conventions, each state has one vote having equal value, while the customary law does not provide such a degree of equality. The economically prosperous state with a strong military holds a greater share in formulating law and unwritten rules. However, the weaker states can protest against the rules that can shake their fundamental rights and general law and can take the matter to the common legal body. In short, the participation of large numbers of states, no matter how strong or weak their economy or military, sets the model of democracy and establishes the common legal order. The significant participation helps in formulating and adopting new laws and regulations. Article 2 of the UN Charter assures to the participating members that the organization built on the principle of equal sovereignty.[446] More the degree of participation, the more the chances of the law being taken seriously.[447]

iv.   Quickness

As per the actual needs and intentions of the states, treaties can be implemented rapidly. The processes and strategies in a treaty require rapid handling and well-timed legal regulation. In the treaty, the mutual necessity can lead to the prompt processing of the multilateral or bilateral procedures. The more complex and slower pace of the practice of a state in handling the treaty at the global level makes it difficult to achieve the rapid evolution of the treaty law. In specific situations, the customary law evolved quickly. For instance, the coastal states formed an Exclusively Economic Zone (EEZ) through the Montego Bay Convention on the Law of the Sea, 1982 (the third United Nations Convention on the Law of the Sea); and they adopted its legislation into the effect quickly and passed it into the international customary law.[448] The UN General Assembly applies the doctrine of "instant custom" to some resolutions as an alternative in some

---

[446] Art. 2, Chapter I, Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p. 3 Access online through: https://treaties.un.org/doc/publication/ctc/uncharter.pdf

[447] Kolb, Robert. *The law of treaties: An introduction*. UK: Edward Elgar Publishing, 2016, p. 6.

[448] Treves, Tullio. "United Nations Convention on the Law of the sea." *United Nations Audiovisual Library of International Law (http://untreaty. un. org/cod/avl/pdf/ha/uncls/uncls_e. pdf)* (2008). pp. 1-6.

cases, which may take a lot of time going to general rules of customary law.[449] The primary drawback of customary law is that there exist legal uncertainty linked with the process of instant customdoctrine.[450] The ILC project on the responsibility of a state shows that the treaty formulation may take decades.[451] Overall, the treaties are intensive acts that can be adopted through short procedures and rational and organic ways rather than the inorganic processes of states' practices.

4.4. Formation of a treaty:

We will now discuss how a treaty is formed and discuss some of the challenges that can arise in this process. States may come to the conclusion of treaties through different stages. The process of treaty-making may vary from state to state. Treaty-making forms the very fundamental pillars of the international legal order; thus, it influences international relations. Channeling the expression of the state to be legally bound to the agreements and defining the obligation to theagreements are important processes in treaty-making. Each state has its own procedures to make a treaty that varies significantly depending on the political, legal, and social situations of the state. However, most of the states across the globe have some common fundamental steps in the treaty-making process. The VCLT codified the international law on treaties that presents the standards and strategies for making, implementing, amending, and interpreting treaties. Analyzing the several articles of the VCLT, 1989, we can develop the following steps in the processes of treaty-making:

4.4.1. Process of Negotiations

The initial process of treaty-making involves the capacity of the state to enter the treaty-making, assigning diplomatic agents or states' representatives for negotiation, and drafting. Let us discuss this in detail.

---

[449]Iqbal, Khurshid. The right to development in international law: the case of Pakistan. UK: Routledge, 2009, p. 120.
[450]Kammerhofer, Jörg. "Uncertainty in the formal sources of international law: customary international law and some of its problems." *European Journal of International Law*, vol. 15, no.3, June 2004, pp. 523-553. https://doi.org/10.1093/ejil/15.3.523
[451]Rosenne, Shabtai. 'The Perplexities of Modern International Law General Course on Public International Law (Volume 291)'. Collected Courses of the Hague Academy of International Law. Brill Reference Online. Web. 1 Dec. 2020, p. 382ff.

A. **Capacity:** According to the Vienna Convention on the Law of Treaty of 1986, all the states and international organizations have the capacity to conclude treaties for the fulfillment of their purposes and to exercise their functions.[452] Even pre-existing customary international law states the same. Other subjects of International Law also have the capacity to conclude treaties according to the VCLT, 1986. The pertinent system of national law imposesits own rule on most international treaties as per the consent of participating states. There is also a little, but significant difference between treaties concluded between governments and treaties concluded between states. For international law, the treaties concluded between States remain valid irrespective of the change of governments.

B. **Accreditation of Representatives of the State:** For any agreement, it requires negotiators to deal with it. In terms of international agreements, a state authorizes negotiators who act as the representatives of the state to conduct negotiations. The first step in the treaty-making process is the Accreditation of Representatives of the State. They act as negotiators on the state's behalf. Article 7(1)(a) of the VCLT, 1989 provides a framework for establishing the capacity of personnel representing States to ensure that the respective representatives of the state are dealing with duly authorized counterparts of other states. It also mentioned that the person with appropriate 'full power,' who conduct negotiations on behalf of a state to adopt, authenticate or express consent of the state to be bound by treaty, is considered as representing state.[453] Article 2(1)(c) of the VCLT, 1989 defines full powers as "*a document emanating from the competent authority of a State or from the competent organ of an international organization designating a person or persons to represent the State or the organization for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State or of the organization to be bound by a treaty, or for accomplishing any other act with respect to a treaty.*"[454] Article 7(1) (b) mentioned, "*It appears from practice or from other circumstances that it was the intention of the States*

---

[452] Article 6, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 2-4. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[453] Art. 7: Full Powers, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 6. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[454] Ibid., p. 4, Article 2(1)(c).

and international organizations concerned to consider that person as representing the State for such purposes without having to produce full powers."[455] Without having to produce full powers, Heads of State, Heads of Government, and Ministers for Foreign Affairs are considered as representating their state.[456] Generally, the Head of the State appoints the representatives of the state who are involved in the treaty-making process. Sometimes, Heads of diplomatic missions represent their states *exofficio,* only for adoption of the text of the treaty.[457] The participants in the International Conference are agreed to a defined procedure for the adoption of the text of a treaty.[458] Before the negotiations, the authority of the representatives should be defined precisely. It is justified that the Head of the State could refuse to ratify a treaty concluded by his representative only when his representative acted outside the limits of his authority.[459] Such a matter occurs particularly when there are issues related to the language and phraseology of the text used in the treaty. Article 7 of the VCLT, 1989 defines representatives of States for negotiating treaties. Thus, it facilitates the conclusion of treaties by ensuring legal certainty to the international treaty negotiations.[460]

C. **Negotiation and Drafting:** Once the accredited State representatives were selected for the specific treaty, they put forth their arguments and hold significant discussions to negotiate the terms of the treaty. These negotiations vary in size and scope. For instance, a bilateral treaty may be concluded within a few meetings between the States' representatives, but a multilateral treaty may require large assemblies, lengthy discussions, and formalized debates. More than fifty states participated in the conclusion of the treaty establishing the

---

[455]Ibid., p. 6, Article 7(1)(b).
[456]Art. 7: Full Powers, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 6. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf
[457]Sinclair, I. M. *The Vienna Convention on the Law of Treaties*. Manchester: Manchester University Press, 1973, p. 30.
[458] Article 9, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 7. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf
[459]Sinclair, I. M. *The Vienna Convention on the Law of Treaties*. Manchester: Manchester University Press, 1973, p. 28
[460]Villiger, Mark E.*Commentary on the 1969 Vienna Convention on The Law of Treaties*.Leiden: MartinusNijhoff Publishers, 2009, pp. 132-134.

United Nations Charter that took more or less a year of negotiations.[461] In general, most countries vest provisional powers for the conduct of negotiations in the executive body of the state at the national level. Drafting occurs along with the verbal negotiating discussions. It takes several rounds of draft formation and changes in the language of the treaty. The States' representatives can consult their governments during negotiations for any important instruction. The participating parties arrive at the tentative terms on the text of a treaty after complete discussion. The flexibility in the treaty-making process allows participators to decide the structure of the treaty-making process as per their convenience by keeping fundamentals of VCLT in their minds. They acquire fresh instructions, and then they finalize a proposed text of the treaty with or without reservations.[462]

4.4.2. Adoption and Authentication

The provisions of the draft prepared by the representatives of respective states are further scrutinized by several committees to check the legality and drafting procedures and other related procedures concerned with the text of the treaty. The very next step after the approval of the draft is the adoption of the treaty text at which all the participators agreed to. Moving to the treaty adoption, in which parties agree on the official treaty text. The VCLT, 1986 formulated certain rules and provisions regarding the adoption and authentication of the treaty text. Still, it allows the state some flexibility in the procedures of adoption and authentication to ensure the smooth functioning of the conduct of negotiations.The first paragraph of article 9 of VCLT, 1986 states, "*The adoption of the text of a treaty takes place by the consent of all the States and international organizations or, as the case may be, all the organizations participating in its drawing up*."[463] This rule is well suitedfor bilateral treaties or the treaties involving a very limited number of participating parties. The next paragraph of the Article 9 suits well for the treaty-making at large international conferences involving several states. For such conferences, it clearly states, "*The adoption of the text of a treaty at an international conference takes place in accordance with the procedure agreed upon by the participants in that conference. If, however, no agreement is*

---

[461]United Nations. "History of the United Nations." Accessed online: https://www.un.org/en/aboutun/history
[462]Starke, Joseph Gabriel, and Ivan Anthony Shearer. *Starke's international law*. UK: Butterworth-Heinemann, 1994, p. 407
[463] Article 9, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 7. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

reached on any such procedure, the adoption of the text shall take place by the vote of two-thirds of the participants present and voting unless by the same majority they shall decide to apply a different rule."[464] The States' practices may vary from one conference to another.[465]The state can seek consensus for decision making as far as possible.[466]

The negotiations may be conducted in several languages. To be sure of the final conclusion of the negotiations, the text of the treaty should be clear, definite and authentic. Authentication of the treaty-text is a distinct element in establishing the final text of the treaty. Article 10 of VCLT, 1986, deals with the authentication of the treaty text. Initialling, signature, signature *ad referendum* and adoption of the final text are standard methods of authentication.[467] Initialling is most used to authenticate the bilateral treaties by putting their initials at the bottom of every page of the treaty text. Participating parties confirm the authentication from their sides.[468] Article 10 of VCLT, 1986, allows participating parties to adopt their own procedures to authenticate the treaty text.[469]Adoption and authentication may occur simultaneously, usually in bilateral treaties. A treaty may be adopted in one language but authenticated in several languages.[470] The next step after authentication of the treaty text is expressing consent to be bound by the treaty.

4.4.3. Expressing Consent

"*The consent of the states to be bound by a treaty constitutes the mechanism through which a treaty comes into being as a juridical act*." [471] According to Alfredo Maresca, the '*autonomy of the will of negotiating states*' is the fundamental principle of the provisions related to the expression of consent to be bound by the treaty.[472] Article 11-17 of VCLT, 1986 mentioned that

---

[464] Ibid., p. 7

[465]Sinclair, Ian McTaggart, and Ian Robertson Sinclair. *The Vienna Convention on the law of treaties.* Manchester: Manchester University Press, 1984, pp. 34-39.

[466]Aust, Anthony. *Modern treaty law and practice*. Cambridge: Cambridge University Press, 2000, pp. 66-70

[467]Hollis, Duncan B. *The Oxford guide to treaties*. Oxford: Oxford University Press, 2012, p. 188. Accessed online: https://www.google.co.in/books/edition/The_Oxford_Guide_to_Treaties/PX7YJsjQBAYC?hl=en&gbpv=1

[468] Ibid., p. 188.

[469] Article 10, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 7. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[470]Hollis, Duncan B. *The Oxford guide to treaties*. Oxford: Oxford University Press, 2012, p. 695. Accessed online: https://www.google.co.in/books/edition/The_Oxford_Guide_to_Treaties/PX7YJsjQBAYC?hl=en&gbpv=1

[471]Bolintineanu, Alexandru. "Expression of Consent to Be Bound by a Treaty in the Light of the 1969 Vienna Convention." The American Journal of International Law, vol. 68, no. 4, 1974, pp. 672–686. JSTOR, www.jstor.org/stable/2199829.

[472]Ibid., p. 673.

there are various ways to express consent for states to be bound to a treaty such as signature, ratification, acceptance, approval, accession, etc. The rules specified in Article 12-to 15 of VCLT, 1986 have a subsidiary character as specified Article 11 of VCLT, 1986 states the means of expression to consent for a treaty as follow:

"*The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.*"[473]

In the next paragraph, it mentioned the same provision for the consent of an international organization to be bound to a treaty. It also states how these methods are applicable under different situations in subsequent articles followed. Different organs of the state may be involved in relation to the rules and regulations of the treaty-making process under the law of its constitution. The subsequent articles followed upto Article15 contains rules that are subsidiary in character.[474]Let us discuss it further:

A. Consent by signature:

A signature is an indispensable act that authenticates the treaty text. The legal implication of a signature may vary from situation to situation. Article 12(1) of VCLT, 1986 states the circumstances under which states or international organizations can express their consent to be bound by a treaty:

"*The consent of a State or of an international organization to be bound by a treaty is expressed by the signature of the representative of that state or of that organization when:*

(a) The treaty provides that signature shall have that effect;

(b) It is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that signature should have that effect; or

---

[473] Article 11, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 8. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[474]Bolintineanu, Alexandru. "Expression of Consent to Be Bound by a Treaty in the Light of the 1969 Vienna Convention." The American Journal of International Law, vol. 68, no. 4, 1974, pp. 672–686. JSTOR, www.jstor.org/stable/2199829.

(c) The intention of the state or organization to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation."[475]

Initialling of the treaty text can be considered as a signature to consent to be bound by a treaty if the participating states or international organizations are agreed to consider it so. Similarly, the signature *ad referendum* of a treaty constitutes a full signature for its consent to be bound by a treaty if the state or the international organization confirms it. For the treaty involving fewer participants, the consent to be bound to the treaty by signature is quite common. In countries where parliamentary approval is needed constitutionally, it may avoid the need to do so. It is much simpler than ratification as it endorses speedy and efficient procedures. By signing an ad referendum, the states that expressed their consent to be bound to the treaty may postpone the implementation of the obligations of the treaty.

A) Consent by an exchange of instruments forming treaty:

In modern practices of the states, the consent to be bound is expressed through an exchange of instruments. Article 13 of VCLT, 1986 states,

"*The consent of States or of international organizations to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when:*

(a) the instruments provide that their exchange shall have that effect; or

(b) it is otherwise established that those States and those organizations or, as the case may be, those organizations were agreed that the exchange of instruments should have that effect."[476]

---

[475] Article 12, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 8. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf
[476] Article 13, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 9, Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

The exchange of instruments such as diplomatic notes, notifications, and letters usually expresses the consent of states or international organizations in modern times. For instance, "*Agreement between the Government of Japan and the Government of Bermuda for the Exchange of Information for the Purpose of the Prevention of Fiscal Evasion and the Allocation of Rights of Taxation with Respect to Income of Individuals*"[477] signed in London on 1 February 2010, and entered into force on 1 August 2010, took place by the consents of both states through an exchange of diplomatic notes.[478] Article XI of "*Agreement for cooperation between the European Atomic Energy Community and the Government of the Republic of India in the field of fusion energy research,*"[479] signed on 6 November 2009, mentioned that the consent of either party to enter into force should be done by the exchange of notification. For its termination, either party may terminate upon six months' advance notification in writing.[480]

B) Consent by ratification and an act of formal confirmation:

The representatives of the state refertothe text of the treaty back to their government for further approval by legislation if needed as per the constitutional law of the state.In modern practice, ratification indicates the "*formal declaration by a state expresses its consent to be bound to a treaty.*" Article 2(1)(b) of VCLT, 1986 defines ratification as "*The international act so named whereby a State establishes on the international plane its consent to be*

---

[477] The official document of the mentioned agreement can be accessed online through the official website of Ministry of Foreign Affairs of Japan. Link:https://www.mofa.go.jp/policy/treaty/submit/session174/agree-4.html

[478] Hollis, Duncan B. *The Oxford guide to treaties*. Oxford: Oxford University Press, 2012, p. 678. Accessed online: https://www.google.co.in/books/edition/The_Oxford_Guide_to_Treaties/PX7YJsjQBAYC?hl=en&gbpv=1

[479] "Legislation."*Official Journal of the European Union*, vol 53, no. L 242, 2010, pp. 26-29., doi: 10.3000/17252555.L_2010.242.eng. Accessed 22 Aug 2020. Online access link: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:242:FULL:EN:PDF

[480] "Legislation."*Official Journal of the European Union*, vol 53, no. L 242, 2010, pp. 26-29.The official document regarding this agreement can be accessed through the official website of Indian Embassy in Brussels. Accessed 22 Aug 2020 link: https://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=14361

bound by a treaty."[481]Before modern times, the ratification was done to confirm that the representatives of a sovereign state acted within the limits of their authority. However, most states usually delay or withhold the process of ratification because of many reasons such as lack of the state's interest, complex administrative system concerning to treaty-making process, issues related to parliamentary time, and legislature of that state. The obligations of a treaty of a state may influence its municipal law. The state delays the ratification process so that it can examine and pass compulsory legislation in parliament. The VCLT, 1986 sets some rules for consent to be bound by ratification. The first paragraph of Article 14 of the VCLT, 1986 states,

"*The consent of a State to be bound by a treaty is expressed by ratification when:*

(a) The treaty provides for such consent to be expressed by means of ratification;

(b) It is otherwise established that the negotiating States and negotiating organizations were agreed that ratification should be required;

(c) The representative of the state has signed the treaty subject to ratification; or

(d) The intention of the state to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation."[482]

The states express their consent employing an instrument ofratification that usually requires to be signed by Heads of the States, orthe Heads of Governments, or the Minister of Foreign Affairs, or by the representatives provided with the full powers granted by anyone of the above-mentioned authorities to do so.

---

[481] Article 2(1)(b), Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 3. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[482] Article 14, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 9. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

If an act equivalent to ratification done by an international organization, then it is referred to as 'an act of formal confirmation.'So, VCLT, 1986 applied similar regulations for 'an act of formal confirmation' in contrast to that of ratification as mentioned in the very next paragraph of article 14 of VCLT, 1986 as follow:

"The consent of an international organization to be bound by a treaty is expressed by an act of formal confirmation when:

(a) the treaty provides for such consent to be expressed by means of an act of formal confirmation;

(b) it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that an act of formal confirmation should be required;

(c) the representative of the organization has signed the treaty subject to an act of formal confirmation; or

(d) the intention of the organization to sign the treaty subject to an act of formal confirmation appears from the full powers of its representative or was expressed during the negotiation.''[483]

C) Consent by acceptance or approval

The consent of a state to be bound by a treaty is also expressed by acceptance or approval based on the attitude of the state. A state can also express their consent by acceptance or approval as per the third paragraph of article 14 of VCLT, 1986:

"*The consent of a State or of an international organization to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification or, as the case may be, to an act of formal confirmation.*"[484]

---

[483] Article 14, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, pp. 9. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[484] Ibid., pp. 9

In general practice, certain states practice 'acceptance or approval' instead of 'ratification' as an instrument of consent when the heads of those states are not required to ratify treaties as per their own constitutional law. The consent by acceptance or approval to be bound by a treaty has the same legal effect as that of ratification. Developed in modern times, it provides an opportunity to the governments of participating states to review the treaty text after the signature. It also helps states to avoid lengthy procedures of ratification. That is why the International Law Commission Commentary suggests that the "acceptance (or approval) is more a difference in terminology than in method at the international level."[485]

D) Consent by Accession

A state which has not been a part of negotiations done by parties to a treaty can bind to the terms of the treaty by expressing its consent to be bound to the treaty by accession. As per current practice, the non-signatory state may consent to be bound to a treaty by accession anytime. Article 15 of VCLT, 1986 mentions regulations of expression of a state's consent to be bound by a treaty by accession as follow:

The consent of a State or of an international organization to be bound by a treaty is expressed by accession when:

(a) the treaty provides that such consent may be expressed by that state or that organization by means of accession;

(b) it is otherwise established that the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations were agreed that such consent may be expressed by that state or that organization by means of accession; or

[485] Committee of Legal Advisors on Public International Law (CAHDI) & Directorate General of Legal Affairs, Expression of Consent by States to be bound bt a treaty: Analytical Report and Country Reports, Council of Europ, 2000, pp. 18. Accessed on 28th Aug, 2020: https://rm.coe.int/168004ad95

(c) all the parties have subsequently agreed that such consent may be expressed by that state or that organization by means of accession.

If a clause of accession is missing in a treaty, no question of acceding to it arises.Article 16 of VCLT states that the deposit or exchange of instruments of ratification, approval, or accession between one or more states and one or more international organizations establish their consent to be bound by a treaty.[486]

4.4.4. Reservations and Declarations

Article 2 (1) (d) of VCLT, 1986 defines 'reservation' as "*a unilateral statement, however phrased or named, made by a State or by an international organization when signing, ratifying, formally confirming, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State or to that organization*." And Articles 19 to 23 of the VCLT, 1986 provide complex rules regarding reservation and its formulation. A state or an international organization may formulate a reservation while signing, ratifying, or accepting a treaty only when the reservation follows the essence of the treaty, is compatible with the aims and purpose of the treaty, and falls within the provision of the treaty that allows the parties to do so.[487] Reservation requires the consent of all the parties to the treaty to accept it if the consent of each party is essential as per the provision of the treaty. Otherwise, it requires no subsequent acceptance by the parties to the treaty.[488] The third paragraph of Article 20 also states, "*When a treaty is a constituent instrument of an international organization and unless it otherwise*

---

[486]Article 16, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 10. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[487] Article 19, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 11. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[488] Article 20, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 12. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

provides, a reservation requires the acceptance of the competent organ of that organization.''[489]

In case of special cases not mentioned above, the following provisions are valid if the treaty allows as per the fourth paragraph of Article 20:

"(a) acceptance of a reservation by a contracting State or by a contracting organization constitutes the reserving State or international organization a party to the treaty in relation to the accepting state or organization if or when the treaty is in force for the reserving state or organization and for the accepting state or organization;

(b) an objection by a contracting State or by a contracting organization to a reservation does not preclude the entry into force of the treaty as between the objecting state or international organization and the reserving state or organization unless a contrary intention is definitely expressed by the objecting state or organization;

(c) an act expressing the consent of a State or of an international organization to be bound by the treaty and containing a reservation is effective as soon as at least one contracting state or one contracting organization has accepted the reservation.''[490]

A reservation would be accepted as allowed by the treaty if no objection is raised till the end twelve months after its notification or on the date the reservation seeking state expresses its consent to be bound by the treaty. A reservation may be withdrawn at any time without the consent of the reservation accepting parties if the provisions of the treaty allowed to do so.[491]

Similarly, an objection to a reservation may also be withdrawn at any time if the treaty allowed so.[492] Objections to a reservation do not give rise to any new legal obligation but entirely restrict the endeavors of other states to alter the legal effect

---

[489]Ibid., p. 12.

[490] Ibid., p. 12

[491] Article 22, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 13. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[492]Ibid., p. 13.

of a treaty unilaterally. The Minister of Foreign Affairs may object to the reservation in an informal way. According to Article 23 of VCLT, 1986, the objection to a reservation or withdrawal of reservation must be in writing.[493]

Declarations are statements of a virtuously explanatory character.According to article 84 of VCLT, 1986, "*An instrument of accession of an international organization shall contain a declaration that it has the capacity to conclude treaties.*"[494] Declarations are not always legally binding. A state clarifies its will, intention, opinion, or interpretations of provisions related to the treaty through declarations; rather, it intends to create a binding obligation. For instance, the 'Rio Declaration on Environment and Development' of 1992 was not a legally binding agreement but an expression of aspiration of states. A declaration with the intention of being legally binding can be termed as a treaty in the proper sense, such as the 'Joint Declaration between the United Kingdom and China' on the Question of Hong Kong of 1984. A series of unilateral declarations can form agreements that are legally binding. The unilateral Declaration on the 'Suez Canal and the arrangements for its operation,' issued by Egypt in 1957, is an example of a binding agreement.

Till now, we have discussed the treaty-making processes and the provisions linked to it. Now, we will discuss its entry into force and its implementation.

4.5. Treaty's entry into force:

The date and the manner of a treaty's entry into force are decided by the negotiating states or negotiating organizations. A treaty's entry into force happens as soon as either all the negotiating states and organizations or all the negotiating organizations in certain cases only

---

[493] Article 23, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 13. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[494] Article 84, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 36. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

express their consent to be bound by the treaty.[495] The consent of a single party does not matter much in the case of multilateral treaties involving various states or international organizations. The fourth paragraph of article 24 of the VCLT, 1986 states, "*The provisions of a treaty regulating the authentication of its text, the establishment of consent to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.*"[496]

A substantial amount of time usually passes between adopting a text of a multilateral treaty and its entry into force as such a treaty may require a certain number of minimum ratifications. The participating parties try to ensure the legal effect of a treaty through provisional application only when the minimum number of required ratifications has not reached. For provisional application, article 25 of VCLT states, "*A treaty or a part of a treaty is applied provisionally pending its entry into force if:*
(a) the treaty itself so provides; or
(b) the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations have in some other manner so agreed."[497]
In case of termination of the provisional application, the next paragraph of this article mentions, "*Unless the treaty otherwise provides or the negotiating States and negotiating organizations or, as the case may be, the negotiating organizations have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State or an international organization shall be terminated if that State or that organization notifies the States and organizations with regard to which the treaty is being applied provisionally of its intention not to become a party to the treaty.*"[498]

---

[495] Article 24, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 14. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf
[496] Ibid., p. 14
[497] Article 25,Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 14. Accessed online: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf
[498]Ibid., p. 14.

Once the treaty entered into force, the states and international organizations can consider it as a law. But, a party to the treaty must explain to its people that the law and provisions of the treaty are compatible with its national and constitutional law. This task of explanation is possible through the treaty implementation.

4.6. Treaty implementation:

International law imposes certain obligations to observe a treaty generally in the manner that states or international organizations choose to implement. Article 26 of VCLT, 1986 incorporates the principle of '*pactasuntservanda*' to be a binding principle for a treaty. They may choose to agree with self-executing agreements whose obligations are directly incorporated into domestic law. Or they might agree with a non-self-executing agreement in which the legislature of the state's government must pass domestic implementing legislation that might be a precondition for the treaty's application into domestic law. For instance, the constitution of Iraq states that the State of Iraq can only enter into a non-self-executing treaties.

For a treaty to become domestic law, a two-third majority of *Majlis an-Nuwwab*(Council of Representatives of Iraq) must approve it first.[499] International treaties on human rights and duties may restrict or limit the choice of state regarding its implementation measures, as states have to create enforceable rights for their citizens under their own authority.[500]International legal order can be established through such type of treaty. As per the Community order, provisions related to such a treaty should be prioritized over the national law of participating state.[501]

4.7. Amendment and termination of a treaty:

Suppose the present government is not satisfied by the treaty to which the previous government expressed its consent to be bound by, so does the present government need to bound by that treaty signed by the old government on behalf of the state? Or suppose a state is dissatisfied by a treaty

---

[499]Clause 4, Article 61, Iraq's Constitution of 2005, Accessed online through: https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en
[500] Article 2, Part II, International Covenant on Civil and Political Rights, entered into force on 26 March, 1976. Accessed online 2 Sep, 2020: https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx
[501] Case 6/64, Costa v. ENEL [1964] ECR 585

after the implementation of the treaty it signed, does the state need to remain bound to that treaty? However, the answer to such challenges is not understood clearly.

Two main theories are proposed for the succession of a state to a treaty signed by predecessor governments: 'Universal succession' theory and 'Clean State' theory.[502] Under the theory of Universal Succession, the successor state becomes a party to all the treaty of the predecessor state automatically, and it sustains all of those obligations. And under the clean state theory, the new government of state needs not to incur the obligations of the treaties signed by the old government, and the new government may decide to amend the obligations of the treaty implemented by the previous government(s) or withdraw from the treaty obligations.

Part IV (containing articles 40 and 41) of the VCLT, 1986, is dedicated to the amendment of the treaties,especially multilateral treaties. Article 40 & 41 provide provisions under which a member of a treaty can amends the treaty unless the treaty allows such amendments, and all the members of a treaty are notified before the amendment of the treaty obligations.[503]

Regarding the termination and the suspension of a treaty, the article 42 of VCLT, 1986 states, *"The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty."*[504]Under Article 54 of the VCLT, 1986, a partyto the treaty can withdraw from the treaty or terminate the treaty anytime if the termination of the treaty or withdrawal from the treaty complies with provisions of the treaty and all the parties to the treaty expressed their consent to do so.[505]

---

[502] Craven, Matthew C.R. "The Problem of State Successino and the Identity of States under International Law," *European Journal of International Law*,vol. 9, no. 1, 1998, pp. 142–162.Retrieved from www.ejil.org/pdfs/9/1/1471.pdf

[503] Article 40-41, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 19. Accessed online on 2 Sept, 2020: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[504] Article 42, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 19. Accessed online on 2 Sept, 2020: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

[505] Article 54, Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, 1986, p. 24. Accessed online on 2 Sept, 2020: https://legal.un.org/ilc/texts/instruments/english/conventions/1_2_1986.pdf

A flow diagram of a typical treaty-making process:

Drafting

The content of a treaty is negotiated and agreed by government reoresentatives

Adoption

The text of the draft treaty is adopted by the UN general assembly

Entry into Force

After a certain number of states have completed this process the treaty becomes law in those states.

Acceptance by States

Each government decides whether the treaty will be law in that state by either

Signature

States Parties

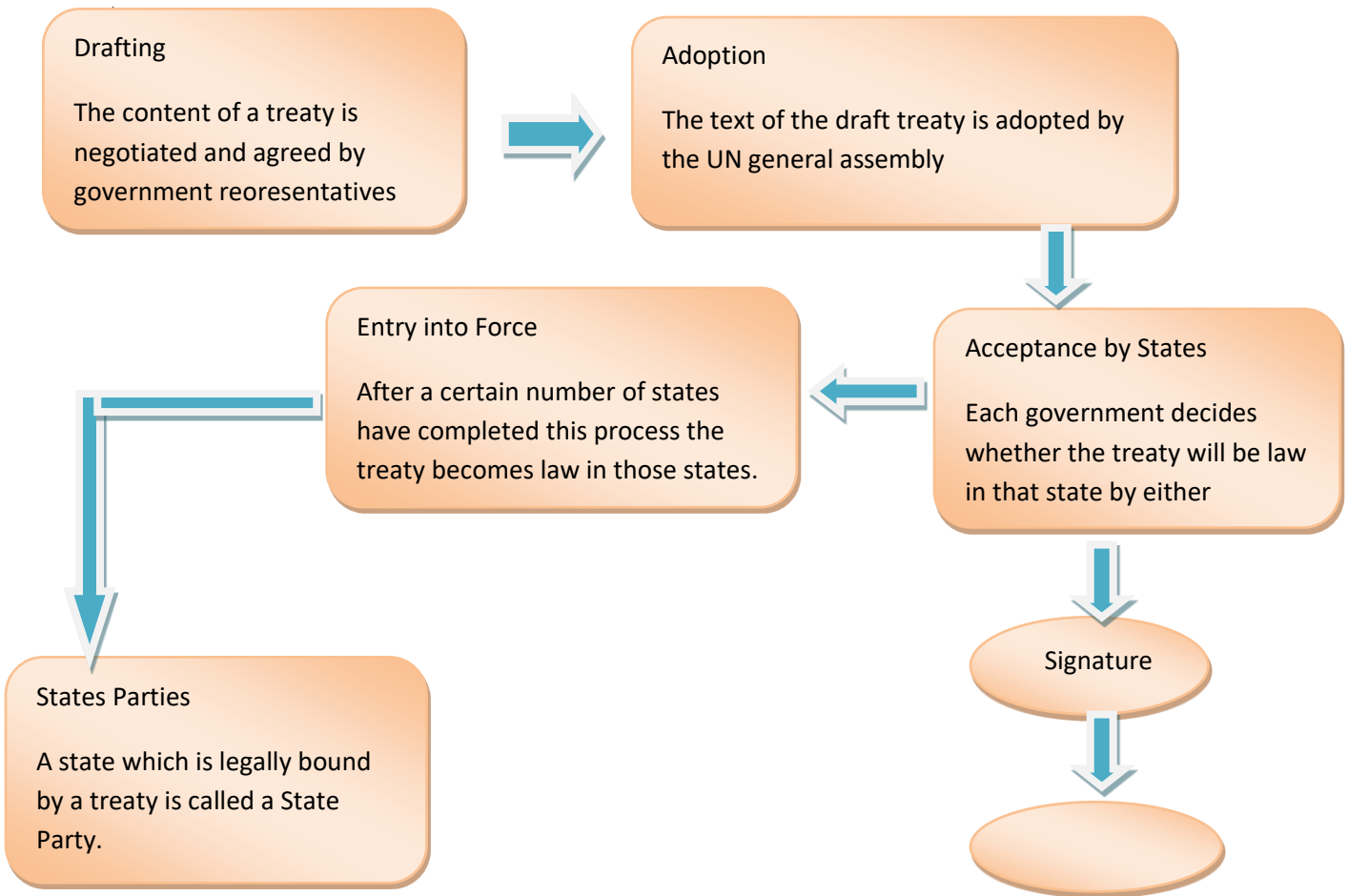A state which is legally bound by a treaty is called a State Party.

Fig. 8

4.8. Treaties in Ancient India:

According to *Arthaśāstra*,the treaty (*Sandhi*) is one of the most important foreign policy of a state under the umbrella of six-fold policy (making peace or treaty, waging war, being indifference, preparing for war, taking the protection of another king, double policy of establishing peace with

one and waging war with another) that deals with foreign affairs of the state. Kautilya cited *Vátavyádhi*, who advocated that there exist only two primary forms of the policy, i.e., peace and war. And the six forms of policy are the outcome of these two forms of policy. Kautilya advised an inferior king to make a peace treaty with a superior king, and his advice to the superior king to wage war.[506]Similar recommendations can be observed in Sukra's*Nitisara*. Sukra recommends that a king should adopt the policy of *Sandhi* in a dilatory manner if any powerful king attacks his kingdom, and he is not potentially prepared to respond well in turn.

Offering *Dāna*to a powerful aggressorfor the agreement for peace is one of the expedients of diplomacy.There is no other measure, except offering a gift, for a weaker king to acquire peace. The gift may include wealth, property, or matrimonial alliance. Either gift should be given accordingly, or the daughter, the wealth, and property may be given away. A king should establish the peaceful relation with his feudatories so that they can not dissent or try to overpower the king.

Kautilya discussed various types of *Sandhi*such as *Kapalasandhi, Purushántarasandhi, Suvarṇasandhi, Uchchhinnasandhi, Atisandhi, Abhihitasandhih, Anibhritasandhih, Aníkasandhi, Adṛashtapurusha, Upagrahah, Paribhūṣhanhan, Ātmamisha,Chalasandhi, Parikrava. Sthavarasandhi,Ādishta, Avakarya, Hinasandhi,* etc.[507]The treaty mentioned above can be terminated at different times, depending upon the situations created between the involved parties.Based on the presence of specified treaty terms in the agreement,there are two types of the treaty mentioned in the*Arthaśāstra* such as treaty with no definite terms (*aparipanita*), the treaty with the promise of performing a certain work (*aparipanita*).[508]

Kamandaka,the follower of Kautiyan School of diplomacy,advised to the king that he should follow the rules of *sandhi* precisely. However, *Kamandakanitisāra* contains sum of sixteen types of *sandhi*: *Kapālasandhi, Upahārasandhi, Sanatānasandhi, Sangatasandhi, Upanyāsasandhi, Pratikārasandhi, Samyogasandhi, Purusantarasandhi, Adrstapurushasandhi, Adistasandhi,*

---

[506]Shamasastry, R. *Kautilya'sArthashastra*, p. 370. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[507] Roy, Gandhi Jee.*Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 202.

[508]Shamasastry, R., Kautilya'sArthashastra, p. 390. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

Atmāmiśasandhi, Upagrahasandhi, Parikrayasandhi, Ucchinnasandhi, Skandhopaneyasandhi, Paribhusanasandhi.

4.9. **Classification of treaties in Ancient India:**

Kautilya's *Arthaśāstra* classified the types of treaties under different sections clearly. A well-elaborated classification and categorization of *Sandhis* are as follow:

4.9.1. ***Sanghavrithis:*** *Sandhis* based on alliance and having shared objectives are called *Sanghavrithis.* They are classified into five categories: *Mitrasandhi, Bhoomisandhi, Anavasitasandhi, Karmasandhi, Hiranyasandhi.*
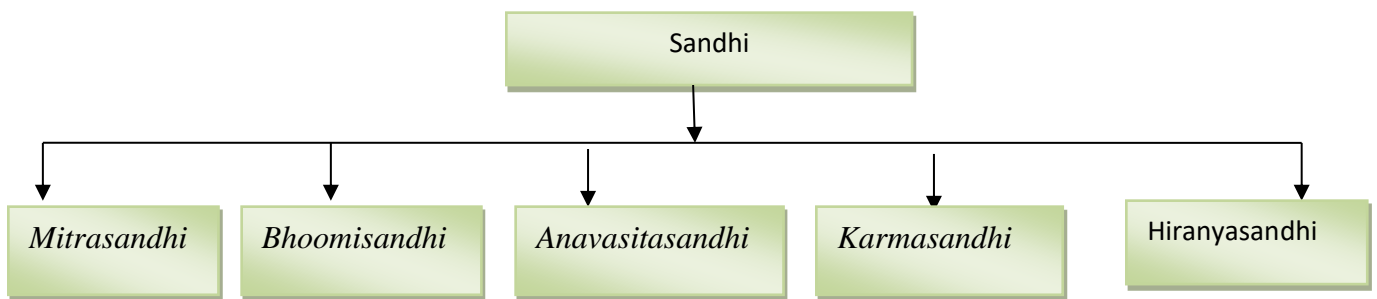
Fig- 9

A. ***Mitrasandhi:*** It is an alliance of friendship. It is an agreement with an ally on some specified terms and conditions. This treaty is also identified as *Samasaṁdhi*.[509] Its relevance in modern time can be traced through the Indo-Soviet Treaty of Peace, Friendship and Cooperation in August 1971. This treaty had provided India strong support against an American attack during the Indo-Pakistan War of 1971 since America had been an ally of Pakistan.[510]

---

[509] समसम्धौतुय: सम्पन्नंमित्रं (7/9/3) KautiliyamArthasastram, ManabenduBandyopadhyay, P- 255
[510] Ministry of external affairs, government of India

B. ***Bhoomisandhi:*** It is an agreement to acquire rich and fertile land together. In this treaty, the signatories agree ontheequal acquisition of land.[511] It is a type of *Samasandhi*.[512] For example, India and Bangladesh signed the pact to operationalize the historic India Bangladesh Land Boundary Agreement of 1974 on 6 June 2015. The agreement provides the exchange of pockets of Indian and Bangladesh territory and the clarification of the India-Bangladesh border, which remained unresolved since the partition in 1947.[513] The other perfect example of *Bhoomisandhi*is the treaty between Djibouti and other countries such as France, the USA, China, and Japan for the establishment of military bases of these countries on the land of Djibouti.

C. ***Anavasitasandhi*:** It is an agreement under which the participators agree to colonize an unsettled, untenantable, orwasteland.[514] It is also a sort of *Samasandhi*as the profit of both parties is equal. For example, the dispute over the Sabah islands between holders Malaysia and the Philippines. The Philippine President signed a Congressional Bill on 18 September 1968.[515]Britain's foreign policy tosupport the USA for interveningand controlling other states may be regarded as*Anavasitasandhi*. The diplomatic supports of India and the USA to Israel for establishing Golan Heights as a territory of Israel is another example of *Anavasitasandhi*.

D. ***Karmasandhi*:** *Karma* means action.*Karmasandhi*is the agreement between the two kings to build a fort or take action to start work related tothe development of

---

[511]Bandyopadhyay, Manabendu, editor and translator. *KauṭiliyamArthaśāstram.* Kolkata:SanskritPustakBhandar, p. 265.

[512] Ibid., p. 265.

[513] Land Boundary Agreement, 2015 between India and Bangladesh – a Post-Implementation Analysis from India's Perspective Debarshi Bhattacharya, Journal of Research in Humanities and Social Science Volume 5 ~,Issue 3 (2017) pp: 26-33

[514]Bandyopadhyay, Manabendu, editor and translator. *KauṭiliyamArthaśāstram.* Kolkata:SanskritPustakBhandar, p. 273.

[515] International Law and the Sabah Dispute By GEOFFREY MARSTON

infrastructure or technology for the respective states, and whoever accomplishes the task efficiently outwits the other.[516]In the modern context, the countries do compete in the area of economy, technology, or politics. But there are also such agreements where they share their works together with common objectives. For example, the 'Programme of Cooperation between the Vietnam People's Air Force & Air Defence and Indian Air Force' can be regarded as *Karmasandhi*as both countries have shared enterprises related to technology, skills, and strategies for their aerial defense system. Similarly, an agreement was signed between Govt. of India and Russia for supplying of S-400 Air Defense Missile Systems to India on 15 October 2016.[517]The "*Progamme of Scientific and Technological Cooperation for implementing the Agreement on Scientific and Technological Cooperation between India and Brazil (2020-2013),"*signed on25 January 2020,[518] presents an example of *Karmasandhi*on the exchange of science and technology.To eliminate the LTTE, India signed a *Karmasandhi* with Srilanka in 1988. An international military alliance known as North Atlantic Treaty Organization (NATO), signed on 4 April 1949,[519] is also a *Karmasandhi.*

E. *Hiranyasandhi:* The two states enter *Hiranyasandhi* for the purpose of accumulating gold for their treasuries. Inthe present context, it may be regarded as the agreement for exploration of gold or other natural resources such as oil, platinum, or diamond through mining. The agreement between India's Oil and Natural Gas Corporation Limited(ONGC) Videsh and Vietnam's Petrovietnam

---

[516]Bandyopadhyay, Manabendu, editor and translator. *KauṭiliyamArthaśāstram.* Kolkata:SanskritPustakBhandar, pp. 283-285.

[517]List of agreements/MOUs exchanged during India-Russia Annual Summit (October 15, 2016), https://mea.gov.in/bilateral-documents.htm?dtl/27481/List_of_agreementsMOUs_exchanged_during_IndiaRussia_Annual_Summit_October_15_2016, Retrived on 09 Oct 2020.

[518]"List of MoUs/Agreements Exchanged during State Visit of President of Brazil to India." *Press Information Bureau*, Press Information Bureau:Delhi, 25 Jan. 2020, 02:18 PM, Accessed from: pib.gov.in/PressReleseDetail.aspx?PRID=1600513.Retrieved on 10 Oct 2020.

[519]Cook, L. "NATO: The World's largest military alliance explained." *The Associated Press, US. Posted on May* 26 (2017): 2017.

Exploration Production Corporation Limited(PVEP), signed 28 October 2004, for oil exploration in offshore Vietnam[520] is an example of *Hiranyasandhi.*

4.9.2. **Hinasandhis**: *Sandhis* related to maintaining peace and abolishing hostility are known as *Hinasandhis.* They are classified into three categories:*Koshopanata, Dandopanata, Deshopanata.[521]*

A. **Koshopanatasandhi:** *Sandhis* pertaining to *Kosha* (treasury or Finance) come under the umbrella of *Koshopanatasandhi.* They are categorized into five categories: *Kapālasandhi, Parikrayasandhi, Upagrahasandhi, Suvarnasandhi,* and *Skandhopaneya sandhi.[522]*

B. **Dandopanatasandhi:** Sandhi related to the armed forces and the weapons come under *Dandapanatasandhi.*According to the *Arthaśāstra,*surrendering army troops with the hostage refers to *Dandapanatasandhi.*[523]This treaty refers to the surrendering of the army to a superior king, and the superior king holds no compulsion to provide his army or weapons to the inferior king at hours of need. There are three types of *Dandopanatasandhi*: *Atmāmiśasandhi, Adrstapurushasandhi, Purusantarasandhi.[524]* We will discuss them later in this chapter.

C. **Deshopanatasandhi:** *Sandhis*pertaining to the acquisition of land or territory come under the umbrella of *Deshopanatasandhi.[525]*Usually, the inferior king was obligated to surrender their land or its produce to the superior king. The four main categories of

---

[520]Oil and Natural Gas Corporation Limited. "ONGC and ONGC Videsh Sign Agreements with PVEP Vietnam." *ONGC*, Press Release, 29 Oct. 2014, 04:29:00 AM, www.ongcindia.com/wps/wcm/connect/en/media/press-release/ongc-and-ongc-videsh-sign-agreements-with-pvep-vietnam.

[521]Bandyopadhyay, Manabendu, editor and translator. *KauṭiliyamArthaśāstram.* Kolkata:SanskritPustakBhandar, pp. 201-202.

[522]Bandyopadhyay, Manabendu, editor and translator. *KauṭiliyamArthaśāstram.* Kolkata:SanskritPustakBhandar, pp. 198-200.

[523]Ibid., pp. 197-198.

[524]Ibid., pp. 196-198.

[525]Ibid.,p. 200.

Deshopanata sandhi are Paribhusana sandhi, Adista sandhi, Uchchhinna sandhi, and Avakrayasandhi.[526]

Let us discuss the views of Kautilya, Sukra, and Kamandaka about some of the important treaties of ancient India. The list of various types of treaties categorized under the *Hinasandhis* comprising of *Koshopanata*, *Dandopanata,* and *Deshopanata* are mentioned within the first twelve treaties. The subsequent treaties followed after the Hinasandhis are a miscellaneous list of treaties pertaining to the state affairs said in the *Arthaśāstra, KamandakiyaNitisāra,* and *Sukraniti.*

4.9.2.1. Sandhis pertaining to the treasury or capital (Koshopanata)

i. Kapālasandhi:

According to *Arthaśāstra,* the treaty concluded by paying a huge amount of money is called *Kapālasandhi.* However, *KamandakiyaNitisāra* defines *Kapālasandhi as* the peace treaty concluded between two parties having equal power and resources to maintain the status quo.[527] The participating parties are not bound by any formal agreement under *Kapalasandhi,* so it can be breached at any time.[528] S.W. Jones called it '*simple cessation of hostilities.*'

ii. Parikrayasandhi:

As per the *Arthaśāstra*, the agreement under which the rest of the elements of the sovereignty (*Prakrtis*) are unharmed after paying wealth to the conquered king is called *Parikrayasandhi.* A similar view was presented by Kamandaka. According to him, the peace agreement under which a conquered king has to surrender a portion of the wealth, forest and mineral resource, metals other than silver and gold, or the whole of the accumulated wealth of his kingdom as a

---

[526]Ibid.,pp. 200-201

[527]Coetzee, Daniel,and Lee W. Eysturlid (editors). *Philosophers of War: The Evolution of History's Greatest Military Thinkers*, Vol I, California:ABC-CLIO Publishers, 2013,p. 68.

[528]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 106.

ransom to the conquering king for the preservation of other *Prakrtis*is termed as*Parikrayasandhi.*[529]

iii.   *Upagrahasandhi***:**

According to Kautilya, *Upagrahasandhi* is concluded by offering as much as the treasure that can be carried on the shoulder of a man, sometimes referred to as a subsidy also.[530]However, as per*KamandakiyaNitisāra,*the peace treaty under which the vanquished king has to offer all his resources, except himself, is called*Upagrahasandhi.*[531]The vanquished king can recover and retaliate after some time.

iv.   *Suvarnasandhi or Sangatasandhi (golden peace):*

The peace treaty formed on the basis of friendship between participating parties is called *Sangitasandhi as per Kamandakanitisāra.*[532]This type of treaty lasts very long. It is usually not broken even under any adversities. It is like gold among metals. It is also called *Kanchanasandhi*(golden peace).[533]Kautilya called *Suvarnasandhi*to such a peace based on amicable terms.[534]

v.   *Skandhopaneyasandhi*: As per *KamandakiyaNitisāra*, the peace treaty under the agreement of which, the indemnity usually in the form of money or produce of the land) is being paid in installments by the vanquished king is called *Skandhopaneyasandhi.*[535]

4.9.2.2.   *Sandhis pertaining to the military and weapons (Dandopanata)*

---

[529]Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 63. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

[530]Shamasastry, R., Kautilya'sArthashastra, p. 379. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[531]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 63.

[532]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 107.

[533]Ibid., p. 107.

[534]Shamasastry, R., Kautilya'sArthashastra, p. 379. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[535]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 63.

vi.   *Purusantarasandhi:*

Kautilya defined *Purusantarasandhi*as"the peace treaty with hostages other than the king himself." According to Kamandakiya*Nitisāra*, the conclusion peace through the consideration of the following fact, *"The best of your troops should join those of mine to aggrandize my interests,"* stated by the of conqueror king is known as*Purusantarasandhi.*[536]

vii.   *Adrstapurushasandhi*:

As per Kautilya's*Arthaśāstra*, the agreement under which a king or his subordinate has to march someplace is called *Adrstapurushasandhi*. It is the "peace with no specified person to serve."[537] And according to *KamandakiyaNitisāra,*the conclusion of peace through the consideration of the following order, *"You shall have to accomplish this act for me, without getting any help whatever from me"* as dictated by conquering enemy is known as *Adrstapurushasandhi*.[538] The conquered king has to perform the acts, for the benefit of the conquering king, dictated by the conquering king under this treaty.

viii.   *Atmāmiśasandhi*:

As per the *Arthaśāstra,Atmāmiśasandhi*is the treaty under which a defeated king and a fixed number of his troops have to summon themselves to the conquering king whenever the conquering king calls them. And according to *KamandakiyaNitisāra,* the treaty under which a conquered king has to summon himself as well as his army to the conquering king is known as*Atmāmiśasandhi*.[539] It is a sort of vassalage.

4.9.2.3.   *Sandhis pertaining to the land or territory (Deshopanata)*

---

[536]Ibid., p. 106.

[537]Shamasastry, R., Kautilya'sArthashastra, p. 379. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[538]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 109.

[539]Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 63. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

ix. *Paribhusanasandhi:*

According to the *Arthaśāstra,* the treaty concluded by the promise of paying more than the land harvest,or may be in the form of ornaments, is called *Paribhusanasandhi.* According to *KamandakiyaNitisāra,Paribhusanasandhi* is the peace treaty under which the vanquished king has to surrender total yields of the land of the whole territory.[540]

x. *Adistasandhi:*

According to both Kautilya and Kamandaka, the treaty of peace by the cession of a portion of the territory is called *Adistasandhi.* [541] The advantage of the inferior king can be accomplished if the ceded portion is full of thieves, miscreant, criminal, and disloyal subjects.[542]

xi. *Uchchhinnasandhi:*

As per Kautilya's*Arthaśāstra*, the peace acquired after the 'cessation of the whole territory' except the capital is termed as *Uchchhinnasandhi*(peace cut off from profit). The vanquished king can trouble the enemy by providing impoverished and exploited land.According to*KamandakiyaNitisāra, Uchchhinnasandhi* is a destructive peace under which the vanquished king has to surrender the most productive, full of resources, and richly fertile land of his territory to the conquering king.[543]

xii. *Avakraya:* According to the *Arthaśāstra*, the treaty under which a kingdom of an inferior king is spared after paying the produce of the land to the superior king is called *Avakraya*(rent).[544]

---

[540]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 63.

[541]Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 63. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

[542]Shamasastry, R., Kautilya'sArthashastra, p. 380. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[543]Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 63. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

[544]Shamasastry, R., Kautilya'sArthashastra, p. 380. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

4..9.3. Sandhis pertaining to miscellaneous affairs

xiii. Abhihitasandhi:

As mentioned in the *Arthaśāstra,* it is a sort of verbal agreement pertaining to the colonization of wasteland by the conqueror and the colonizer.[545]

xiv. Anibhritasandhi:

As per the *Arthaśāstra,* the unconcealed peace treaty is called *Anibhritasandhi.* It may be a forced agreement done by an inferior king to sell his land to the superior king.[546]

xv. Upahārasandhi:

*Upahāra*typically means gift or indemnity as the price for peace. According to both*Sukra*and*Kamandaka, upahārasandhi* is concluded when one vanquished king offers a gift to a superior king, usually in the form of a treasury or army.[547]

xvi. Sanatānasandhi: According to Kamandaka*Santāna*,literally,means child.*Sanatānasandhi*is usually concluded when the vanquished king gives his female child to the conquering king through matrimony.[548]

xvii. Upanyāsasandhi:

According to Kamandaka, a peace treaty that brings previous controversial matters or resolutions to a successful termination is called *Upanyāsasandhi*.[549]

xviii. Pratikārasandhi: According to Kamandaka, *Pratikārasandhi* concluded by taking into account the following consideration: *"I did him good, he will also do so to me."*[550] So,

---

[545]Shamasastry, R., Kautilya'sArthashastra, p. 415. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[546]Ibid., p. 415.

[547]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 106.

[548]Ibid., p. 107.

[549]Ibid., p. 108.

[550]Ibid., p. 108.

this peace treaty is based on returning the favor done in the past. For instance, the treaty between *Rama* and *Sugriva* is an example of *pratikārasandhi.*[551]

xix.   *Samyogasandhi:*

As per *KamandakiyaNitisāra*, the peace treaty that is concluded under the union of two kings (maybe enemies of each other) gaining the confidence of each other and accomplishing identical objectives together is called *Samyogasandhi.*[552]

---

[551]Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 108.

[552]Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 63. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf
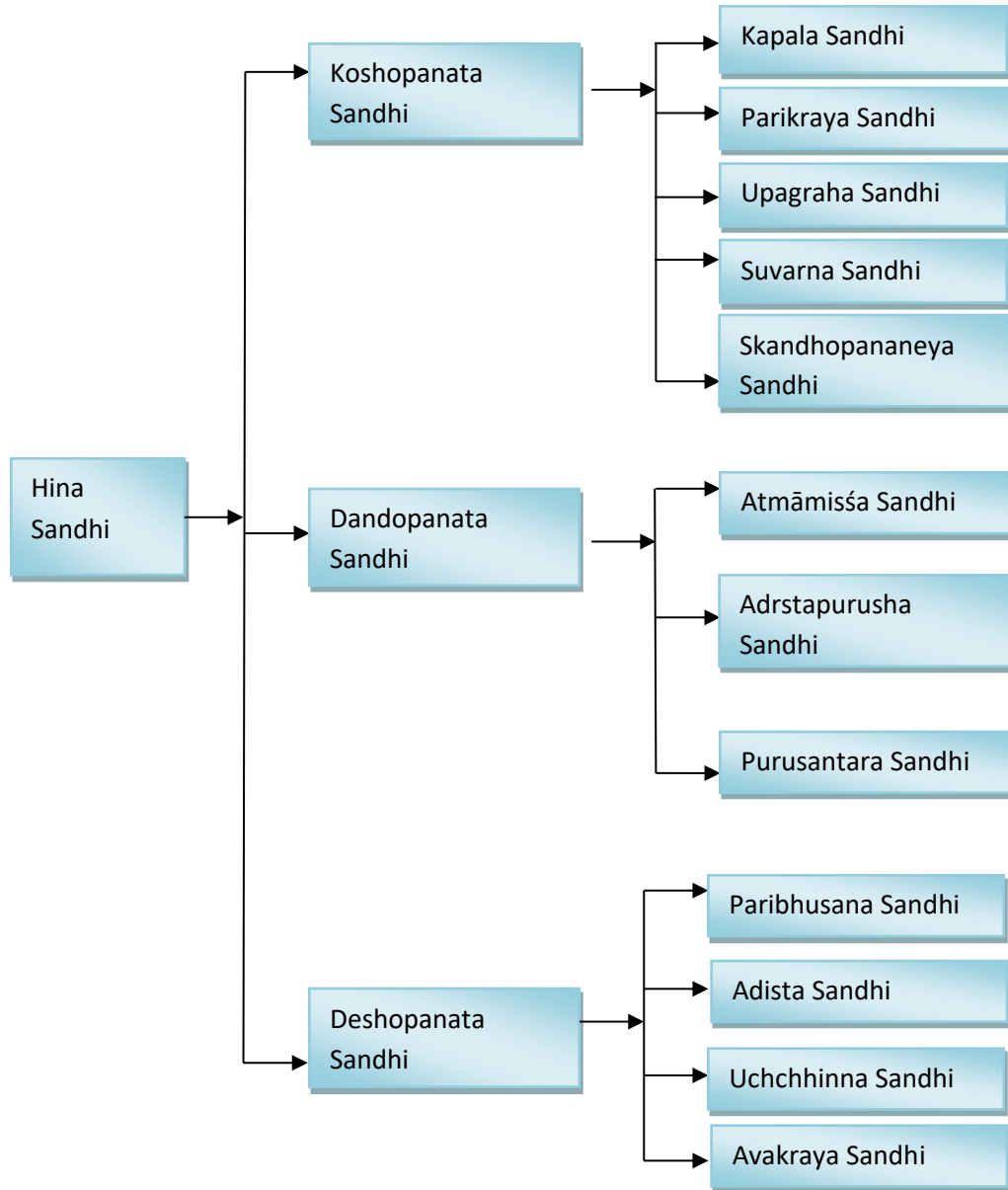
Fig- 10

4.10. *Advice to the King:*

Kautilya's *Arthaśāstra* and Kamadaka's *Nitisara*contain different sets of advice to the king for pursuingthe interests and goals of his state. The king is advised to consult the works of Kautilya

and Kamandaka in the matter of forming a peace treaty and alliances to pursue his objectives and terms of the treaty.

4.10.1. *Kautilya*'s advice to the king regarding a treaty:

Regarding the peace treaty, *Kautilya* has mentioned various circumstances and terms under which a king should go with the policy of the treaty.A few of the important pieces of advice to the king mentioned in Kautilya's*Arthaśāstra* are as follow.

- ✓ "*If any two kings hostile to each other and deteriorating, expect to acquire equal amount of wealth in equal time, they shall make peace with each other.*"[553]
- ✓ "*When the advantages derivable from peace and war are of equal character, one should prefer peace.*"[554]
- ✓ "*One shall make an alliance with a king who is stronger than one's neighbouring enemy; in the absence of such a king, one should ingratiate oneself with one's neighbouring enemy, either by supplying money or army or by ceding a part of one's territory and by keeping oneself aloof.*"[555]
- ✓ "*Of two powerful kings who are on amicable terms with each other, a king shall make alliance with one of them who likes him and whom he likes; this is the best way of making alliance.*"[556]
- ✓ "*When one of the two kings at war with each other and equally involved in trouble finds his own troubles to be greater than his enemy's, and thinks that by getting rid of his (enemy's) trouble his enemy can successful wage war with him, then he should, though possessing greater resources, sue for peace.*"[557]

---

[553]Shamasastry, R., Kautilya'sArthashastra, p. 371. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[554]Shamasastry, R., Kautilya'sArthashastra, p. 374. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf
[555]Ibid., p. 375.
[556]Ibid., p. 376.
[557]Ibid., p. 378.

- ✓ *"When a powerless king finds himself attacked by a powerful king, leading a Circle of States, he should submissively sue for peace on the condition of offering treasure, army, himself or his territory."[558]*
- ✓ *"These three kinds of peace (Uchchhinnasandhi, Avakraya, and Paribhúshana) are to be concluded by an inferior king in submission to the power of a superior king owing to the peculiar condition of his own works, circumstances and time."[559]*

4.10.2. *Kamandaka's* advice to the king regarding a treaty:

Kamandala well appreciated the sanctity of *Sandhi* and alliance. He suggested the king to not conclude a sandhi with some sort of parties mentioned below:

a. A young prince,

b. A king in the process of senile decay,

c. A king suffering from chronic disease,

d. A king abandoned by his family and relatives,

e. A spineless sovereign,

f. A sovereign surrounded by a circle of coward followers,

g. A greedy king,

h. A kingdom with greedy and covetous officials,

i. An unfortunate king,

j. A king who believes in chances to a great extent,

k. A king whose state is facing some famine,

l. A king having whose armed forces are in mutiny,

m. A king who is in an unfamiliar land,

n. A king who has a lot of enemy,

o. A king who does not value opportunities,

p. A king who is devoid of truth and justice,

q. A king whose prakritis are in a state of revolt;

---

[558]Ibid., p. 378.
[559]Ibid., p. 380.

r. A king who is a great debauch,

s. A king with unstable character or resolution,

t. A king who desecrate gods and the Brahmanas.[560]

4.11. Treaty-making process in Ancient India

Kautilya defined the treaty as an agreement that binds kings in mutual faith.[561]In ancient India, *Sandhis* were either *Samasandhi* (made on equal terms) or *Hinasandhi* (made on unequal terms). The treaties in ancient India were observed either through *SatyaSapatha* (words of committed pledges) or through the means of *Pratibhu* (guarantees) and *Pratigraha* (hostages). Usually, the word of honor was held adequate, but inthe cases where one of the parties is in little doubt due to other influencers can go through the mean of *Pratibhu*tofulfill the treaty obligations. And in case of a little confidence in each other, the powerful party holds the hostages from the other party. The approval of the treaties was done through the words *"wehave joined in peace/agreement."*[562]Maintaining the terms or obligations of the treaty was often found to be a difficult task. Any deviation from the terms of the treaty depended on the ingenuity of the statesman or *Dutas*. In ancient India, the soul of the treaty-making process was the negotiations carried out by *Dutas* (envoys), who worked in the interest of the state and the king. Diplomatic agents were accredited to convey the terms and conditions of the treaty, and negotiations were carried out to accomplish the treaty. There are different kinds of diplomatic agents mentioned in the previous chapter. They are responsible for maintaining trade and commercial interstate affairs. Kautilya mentioned the qualities of an ideal diplomat:

- ✓ *Personal qualities:* charismatic and good-looking, welcoming, bravery, audacity, humility, sharp memory, rhetoric, etc.
- ✓ *Qualities related to negotiation:* calm, intellect, presence of mind, endurance,prudence, precision, shrewdness, etc
- ✓ *Mind-set toward the government:* loyalty, obedience, and patriotism.

---

[560]K.N. Ch. IX - 13-16.

[561]Shamasastry, R., Kautilya'sArthashastra, p. 435. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

[562]Shamasastry, R., Kautilya's Arthashastra, p. 435. Accessed through https://csboa.com/eBooks/Arthashastra_of_Chanakya_-_English.pdf

✓ Expertise in various languages, customs, traditions, and cultures of multiplestates.

One of the most important duties of an ambassador is to maintain agreements and treaties as well as breaking them. He should have the power of persuasion. For instance, *Rāma*appointedAngada as an ambassador in the court of *Rāvana* to negotiate.In ancient India, treaties were usually verbal agreements. Kautilya's diplomacy and his strategies of warfare can be traced through the policy adopted by Chandragupta and his heirs. A peace treaty between the Mauryan Empire led by Chandragupta and the Greek Empire of Asia led by Seleucus presents an example of the signing of a treaty in ancient India.

The first international treaty during the Mauryan Empire was signed in the guidance of Kautilya. The peace treaty between the Greek Empire of Asia (led by Seleucus I Nicator) and the Mauryan Empire (led by Chandragupta Maurya) presents an example of an ancient Indian treaty. After the death of Alexander, the Great, in 323 BCE, Seleucus took charge of the Asian Campaign to establish his own empire and marched toward the Hindu Kush in Punjab to acquire its lost territory. Till then, Chandragupta Maurya conquered the Nanda Dynasty of Magadh and coronated as a King in 321 BCE. The conflict arose between SeleucusNicator and Chandragupta Maurya in around 305 BCE. Around 304 BCE, they finally come to an agreement under which Seleucus ceded Kandahar, Makran, and Kabul (Modern-day Pakistan and some part of Afganistan) to Chandragupta Maurya in exchange for 500 elephants and a matrimonial alliance by marrying his daughter to Chandragupta.[563] However, I do not found any written text of this treaty or any other treaties of the Mauryan Empire till now, so that I can compare the other stages involved in the treaty-making process such as drafting, adoption, and authentication of treaty-text, ratifications, amendments, other expressions of consents to be bound by a treaty. However, the evolutionary stages in the treaty-making process are mentioned in the *Arthaśāstra.* Due to the unavailability of the treaty draft of ancient India during the time of Kautilya, a significant comparison can not seem to be performed. However, we can still draw a limited contrast between the treaty-making processes of Ancient India and that of the Modern world with available sources.

---

[563]Singh, Upinder. *Political Violence in Ancient India.* Camridge,Massachusetts:Harvard University Press, 2017, p. 265

Kautilya also traced out the four stages involved in the evolution of treaty in the *Arthaśāstra,* such as *Akritachīkrishā, Kritaśleshaṇa, Kritavidūshaṇa,* and *Apaśīrṇakriya.*[564]

i. *Akritachīkrishā:* A treaty with no specific end is called *Akritachīkrishā.* In this stage, the art of appeasement and different means of diplomacy are defined. The rights of a superior king, an inferior king, and an equal king in terms of power are defined clearly in *Akritachīkrishā.*[565]

ii. *Kritaśleshaṇa:* The treaty with defined binding terms is called *Kritaśleshaṇa.* In this second stage, the treaty remains intact and unbreakable. The provisions of the treaty are observed through the mutual allies.[566]

iii. *Kritavidūshaṇa:* Violation of the treaty terms is called *Kritavidūshaṇa.* The terms of the peace treaty usually broken when a participating party employs traitors and spies in the territory of the other participating party to harm him.[567]

iv. *Apaśīrṇakriya:* The restoration of a broken peace treaty is called *Apaśīrṇakriya.* On a guarantee to watch the terms and provisions of the broken treaty carefully, reconciliation can be done. The restoration of the original treaty relies upon the particular conditions of the case. The party that has broken the treaty terms can not be made with true reconciliation on his expression to rejoin the treaty until he offers agreeable clarifications of his past activities that violated the treaty terms.[568]

Kautilya's *Arthaśāstra* does not mention a well-defined treaty-making process, as mentioned in the VCLT of 1986. But the conditions and the situations under which a king should be bind by a treaty were mentioned well in the *Arthaśāstra.* Section 4.7.1 has mentioned various treaties regarding territory, army, wealth, capital, and the situations under which one should be bound by a treaty. The *Arthaśāstra* also mentions when the breach or terminate the treaty. It also mentions the nature of treaty alliances, characteristics of participating parties with whom one should form, or terminate agreements and treaties. Unlike the Vienna Convention on the Law of Treaty of 1986,

[564] Roy, Gandhi Jee. *Diplomacy in Ancient India*. New Delhi: Janaki Prakashan, 1981, p. 202.
[565] Dikshitar, V.R.Ramachandra. *War in ancient India*. Madras: Macmillan & Co. Ltd., 1944, p. 315.
[566] Ibid., p. 316.
[567] Ibid., p. 316.
[568] Dikshitar, V.R.Ramachandra. *War in ancient India*. Madras: Macmillan & Co. Ltd., 1944, p. 316.

*Arthaśāstra*does not contain well-defined processes and rules of drafting, ratification, approval, expression of consent through various instruments, amendments, etc.

4.12. The relevance of Kautilya's concept of the treaty in modern times

Written more than 23,000 years ago, the *Arthaśāstra*is still found to be relevant in modern times. Kautilya's concept of State and *Mandala* still holdsa significant position in the modern political scenario. Kautilya's postulates of *Mandala* theory, i.e., the neighbors are most likely to be enemies of the state and the immediate neighbors of the neighbors are likely to be allies, still hold good ground in modern reality. For instance, China and Pakistan are the neighbors of India as well as its enemies also, and their respective neighbors Russia and Afganistan, are allies or friends of India. One of the measures of the six-fold policy (*Sadgunya*) is the treaty (*Sandhi*). The *Arthaśāstra*suggested various conditions under which a king should adopt the policy of treaty and its termination also. The list of *Sandhi,* described by Kautilya, seems to be the submissive agreements done by a weaker or vanquished king and draws our attention toward identifying different types of unequal political relations. However, sometimes the policy of *Sandhi* applied between the king possessing equal powers also. It was Kautilya, the author of *Arthaśāstra*and chief advisor of the first Mauryan king Chandragupta Maurya. Under his guidance, the Mauryan Empire established and flourished well. The teaching of *Arthaśāstra*surely contributed a lot to the effective statecraft and territorial expansion of the Mauryan Empire. The empire, established in India just after the Mauryan Empire, had not been untouched by the ideas and strategies described in the *Arthaśāstra.* The *Arthaśāstra*emphasized on the balance of power. After its Independence, India maintained the Balance of Power by not joining the Cold Wars between the two largest power of the world, i.e., the USA and the USSR. For the development and progress of the developing states, India formed the Non-Aligned Movement (NAM) in 1961. And India shifts toward either of them to maintain the Balance of Power as it is the largest and significant democracy in the world.

The treaties in Modern World resemble the ancient agreements of peace (*Sandhi*), neutrality (*Asana*) and bandwagoning (*Samsraya*). Analyzing modern treaties, we may trace out different types of *Sandhis,* as mentioned in the*Arthaśāstra,* in a single modern treaty.Let us look at the modern treaties through the lenses of Kautilya's*Arthaśāstra.*

4.13. Case study of modern Indian treaties through the lens of Arthaşāstra

4.13.1. Case I: Treaty agreements between India and Russia:

Treaty of Peace, Friendship, and Cooperation between the Government of India and the Government of the Union of Soviet Socialist Republics, signed on 9 August 1971, aimed at ensuring mutual strategic cooperation, universal peace, and consolidation of the principles and purposes of the UN. This treaty can be regarded as *Suvarnasandhi*as per the *Arthaśāstra,* while Kamadakacalls such a treaty*Sangitasandhi.* However, the treaty lasted 20 years. India has uncomfortable relations with Pakistan since its independence.The consolidation of political, economic, and diplomatic ties of Pakistan with two powerful countries China and the USA, might cause a threat to the security and sovereignty of India.

Pakistan's General election in 1971 favored the Awami League of East Pakistan. However, the ruling party (of West Pakistan) did not recognize the election result and further suppressed the rising political discontent and 'cultural nationalism' in East Pakistan brutally through 'Operation Searchlight' in March 1971.[569]It also led to the migration of the peoples of East Pakistan into India. India helped East Pakistan for its liberation through military, economic, and political cooperation on humanitarian grounds. The ruling government of Pakistan created hostility in India through preemptive aerial strikeson India air stations, which led India to enter in the war directlyon 3 December 1971. Close ties of Pakistan with China and the USA gained Pakistan military, economic and political support from these powerful countries. The Indo-Soviet Treaty of Peace, Friendship, and Cooperation helped India to restrain China and the USA to provide military assistance to Pakistan.During the Indo-Pak War of 1971, the USA, an ally of Pakistan, deployed Task Force 74 (led by the aircraft carrier USS Enterprise) into the Bay of Bengal, and the UK also deployed a carrier battle group in the Bay of Bengal to support Pakistan against India. Because of the Indo-Soviet treaty of 1971, Russia deployed two groups of cruisers and destroyers into the India Ocean to trail the battle groups of the USA and the UK. The employment of *Adrstapurushasandhi* can be traced as a part of this treaty as Russia marched to an unknown place

---

[569]Bose, Sarmila. "Anatomy of Violence: Analysis of Civil War in East Pakistan in 1971." *Economic and Political Weekly*, vol. 40, no. 41, 2005, pp. 4463–4471. JSTOR, www.jstor.org/stable/4417267.

in the interest of India, but the only difference is that there are no inferior or superior signatories in this treaty. And India won the war on 16 December 1971,which resulted in the victory of India and the creation of Bangladesh as a new country.[570] Thus, this treaty was a golden treaty for India. India and Russia shared various joint venture programs in area of defense equipment and technology. The economic, cultural, andpolitical relations between the both countries were strengthened in later years. That is why this treaty presents an ideal example of Kautilya's*Suvarnasandhi.*

Through the lenses of *KamandakiyaNitisāra,* the treaty can be regarded as *Pratikārasandhi.* India sought the favor of Russia when attacked by Pakistan, who got military and political supports from America and China. Russia helped India to win the war. Prior to the treaty, in April 1969, India supported Russia in the border disputes between Russia and China. And India also favored Russia by not condemning the Russian invasion of Czechoslovakia. Before the Indo-Pak War of 1971, the Indo-Soviet agreement can be seen as an example of *Samshraya.[571]*

4.13.2. Case II: Treaty agreements between India and Pakistan:

In Oct 1947, Maharaja Hari Singh signed the Instrument of Accession of his State to India after the attack of Pakistan supported tribal Islamic armed militants on his state. Such a step taken by Maharaja Hari Singh is an example of *Samsraya*. In May 1948, Pakistani soldiers also participated in the war after the Instrument of Accession.[572] This agreement can be regarded as *Mitrasandhi.* The Indian armed forces and Pakistani armed forces were involved in the war. In fear of the tilting of war in India's favor, Pakistan accepted the ceasefire mandated by the UN Commission.[573]After this war, there was another war that happened between India and Pakistan in 1965. A peace treaty called the Tashkent Declaration was signed on 10 January 1966 to resolve the war of 1965.Considering Jammu and Kashmir as an unsettled land, the treaty contains a trace of *Anavasitasandhi,*where India and Pakistan both fought to acquire the territory of Jammu and

---

[570]Ibid., pp. 4463-4471.

[571]V., Radhika R. "Kautilyan Foreign Policy &It's Relevance in the Neoteric Indian Foreign Relations." *IndraStra Global - Geopolitics | Business | Technology*, IndraStra Global, 4 Feb. 2020. Web. Retrived from www.indrastra.com/2015/05/Kautilyan-Foreign-Policy-by-Radhika-RV.html

[572]Fortna, Virginia Page. *Peace time: Cease-fire agreements and the durability of peace*. New Jersey:Princeton University Press, 2004, p. 58.

[573]Ibid., pp. 59-61.

Kashmir. And India acquired a superior position in *Anavasitasandhi*asit acquired around the two-third area of the territory and the rest occupied by Pakistan. In the Indo-Pak War of 1971, Pakistan signed the 'Instrument of Surrender' on 16 December 1971,andapproximately 79,676Pakistani soldiers and more than 10,000 civilian supporters of the Pakistani forces surrendered and held as 'prisoners of war.'[574]This Instrument of Surrender is an example of *Atmāmiśasandhi*of*Dandopanatasandhis*. India ceded more than 13000 km^2 of the territory of Pakistan,which it has gained during the Indo-Pak War of 1971, to Pakistan under the SimlaAgreement as a gesture of goodwill.[575] Since the peace agreement made on cessation of land, the Simla Agreement can be regarded as *Adistasandhi,* a category of*Desopanatasandhis.* Another *Dandopanatasandhi*with the title 'Non-nuclear aggression agreement'between India and Pakistan was signed on 31 December 1988 to reduce nuclear arms and not to interfere with each's nuclear facilities and installations.[576] A similar *Dandopanatasandhi* called the 'Lahore Declaration' signed on 21 February 1999 on the development of Atomic arsenals and the continuation of the previous treaty 'Non-nuclear aggression' of 1988.[577] Since the partition, Indus Waters Treaty, signed on 19 September 1960, has been the most successful treaty between India and Pakistan. Under this treaty, both countries would have access to the waters of the Indus River System under certain obligations.[578]

4.13.3. Case III: Treaty agreements between India and China:

There are a total of one hundred forty-ninewrittentreaties signed between India and China until 2019, mostly regarding peace, culture, technology, and trade.[579] The first treaty between the two countries after their independence, signed on 14 October 1954, was a trade treaty.[580] The next

---

[574] Orton, Anna. *India's Borderland Disputes: China, Pakistan, Bangladesh, and Nepal.*New Delhi:Epitome Books, 2010, p. 117.

[575] Orton, Anna. *India's Borderland Disputes: China, Pakistan, Bangladesh, and Nepal.*New Delhi:Epitome Books, 2010, p. 117.

[576]Panda, Ankit. "India, Pakistan Exchange Lists of Nuclear Sites Pursuant to Their Non-Attack Agreement." *The Diplomat*, 6 Jan. 2020, https://thediplomat.com/2020/01/india-pakistan-exchange-lists-of-nuclear-sites-pursuant-to-their-non-attack-agreement/

[577]"Lahore Declaration | UN Peacemaker." *United Nations*, peacemaker.un.org/indiapakistan-lahoredeclaration99.

[578]Bauer, Patricia. "Indus Waters Treaty." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., 12 Sept. 2020, www.britannica.com/event/Indus-Waters-Treaty

[579]Ministry of External Affairs, Governmet of India. *Treaty/Agreement.* Accessed online on 13 Oct 2020: https://mea.gov.in/TreatyList.htm?1

[580] Ministry of External Affairs, Governmet of India. *Trade Agreement between India and China*. File No. CH54B1317. Accessed online on 13 Oct 2020: https://mea.gov.in/Portal/LegalTreatiesDoc/CH54B1317.pdf

treaty between them was signed on 1 April 1955 regarding handing communication services in the Tibet Region of China.[581]These two treaties come under the umbrella of *Karmasandhi*as both treaties were made to perform certain works.A*Hiranyasandhi*titled*"MoU between India and China on Cooperation in the field of Geology and Mineral Resources"*[582] was signed on 18 January 1993 in New Delhi.

Similarly, another agreement between the two countries, signed on 15 May 2015 titled "*MoU between India and China on Cooperation in the Fields of Mining and Mineral Sector,"*[583]is alsoan example of *Hiranyasandhi.* There occurred the Indo-China war in 1962 regarding border disputes. However, China declared the ceasefire on 19 November 1962, which commenced at midnight on 21 November 1962. Twenty-two years after the war, the next *Karmasandhi* between India and China signed on 15 August 1984.[584] Few important *Karmasandhis*related to the border disputessigned between India and China are as follow:

- ✓ *"Agreement on the Maintenance of Peace and Tranquility along the Line of Actual Control in the Sino-Indian Border,"* signed on 7 September 1993 in Beijing, established a framework for the border security between these two countries.[585]
- ✓ *"Agreement between the Government of the Republic of India and the Government of the People's Republic of China on Confidence-Building Measures in the Military Field along the Line of Actual Control in the Sino-Indian Border,"* signed on 29 November 1996, allows the participators to observe and scrutinizethe movement of military troops of each other when invited.[586]

---

[581] Ministry of External Affairs, Governmet of India. *Protocol between India and Chinaregarding the Handing over of the Postal, Telegraph, and Public Telephone Services in the Tibet Region of China.* File No. CH55B1322. Accessed online on 13 Oct 2020: https://mea.gov.in/Portal/LegalTreatiesDoc/CH55B1322.pdf

[582]Ministry of External Affairs, Governmet of India. *MoU between India and China on Cooperation in the field of Geology and Mineral Resources.*File No. CH93B2242. Accessed online on 13 Oct 2020: https://mea.gov.in/Portal/LegalTreatiesDoc/CH93B2242.pdf

[583]Ministry of External Affairs, Governmet of India. *MoU between India and China on Cooperation in the Fields of Mining and Mineral Sector.* File No. CH15B2091Accessed online on 13 Oct 2020: https://mea.gov.in/Portal/LegalTreatiesDoc/CH15B2091.pdf

[584] Ministry of External Affairs, Governmet of India. *Agreement between India and China on Trade.* File No. CH84B2225. Accessed online on 13 Oct 2020:https://mea.gov.in/Portal/LegalTreatiesDoc/CH84B2225.pdf

[585]Zhang, Laney. "Past Bilateral Border Agreements between China and India and the June 15th Clash." Past Bilateral Border Agreements between China and India and the June 15th Clash | In CustodiaLegis: Law Librarians of Congress, 17 July 2020, blogs.loc.gov/law/2020/07/past-bilateral-border-agreements-between-china-and-india-and-the-june-15th-clash

[586] Ibid., Foot note no. 171

- ✓ *"Agreement between the Government of the People's Republic of China and the Government of the Republic of India on the Political Parameters and Guiding Principles for the Settlement of the China-India Boundary Question,"* signed on 11 April 2005 in New Delhi, aims at resolving border issues with peaceful and friendly talks.[587]
- ✓ *"Border Defense Cooperation Agreement between India and China,"* signed on 23 October 2013 in Beijing, contains several mechanisms to improve communications and reduce misunderstandings about the disputed border.[588]

Despite skirmishes on the borders of both countries, the exchange of culture, trade, and commerce is still continuing because of the different *Karmasandhi* signed between both India and China.

4.14.   Conclusion:

In this chapter, I have explained the concept of treaties and treaty-making processes in modern times and ancient India. I also have demonstrated the different kinds of treaties prevailed in ancient India and their significance in the modern world through various examples. The relevance of Kautilya's *Sandhis* are well explained in the chapter. Unlike the ancient Indian treaty-making processes, the treaty-making processes of the modern times are more sophisticated and loaded with several rules and provisions explaining every possible way from the treaty formation and adoption to its implementation, amendments, and termination as laid down in the VCLT of 1986. In ancient India, the treaties based on the result of the war fought between the kings or bases on the status quo of the kings were known as *Hinasandhi*. In modern times, treaties are based on the nature of alliances rather than on whether the king is superior or inferior. In the modern world, the treaties are more of *Sanghavrithis* rather than *Hinasandhis. Sanghavrithis* are based on alliance formation and are more prominent in modern times. On analyzing the concept of *Sandhis* of the *Arthaśāstra* and its classification, we can find that the modern treaties resemble ancient treaties and differ only in their making processes to an extent. Overall, we can conclude that the

---

[587]Ibid., Foot note no. 171
[588]Ibid., Foot note no. 171

*Arthaśāstra*is still relevant. More in-depth research needs to be done on the treaty-making processes in ancient India and their sources.

Bibliography

1. Kautilya Arthasastra, (ed.) R. Shamshastry, Mysore Printing and Publishing house, Mysore, 1960

2. Kautilya Arthasastra, (ed.) R. Shamshastry, Chaukhamnha Sanskrit Sansthan, Delhi, 2005

3. The Kautilya Arthasastra (in three volumes), R. P. Kangle, M.L.B.D., Delhi, 2008.

4. Kautilya Arthasastra, ed. (Hindi), Ramateja Sastri Pandeya Banaras, 1959

5. Kautilya's Political Ideas and Institutions, Radhakrshan Chaudhary, Chaukhmbha sanskrit series office, Varanasi (India), 1971.

6. Kautiliya's Arthasastra, (Tr. Bengali), Manabendu Bandyopadhyay, Sanskrit pustak bhander, Kolkata, 2001.

7. Kosambi, Damodar Dharmanand, The Culture and Civilisation of Ancient India in Historical Outline. New Delhi: Vikash Publications, 1970.

8. Sastri, Kallidaikurichi Aiyah Nilakanta, editor. Age of the Nandas and Mauryas. New Delhi: Motilal Banarsidass Publisher, 1988.

9. Varma, Pawan Kumar, Chanakya's New Menifesto to resolve the crisis within India, New Delhi, Aleph Book Company, 2013.

10. Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war) Vol. I. Pune: Bhandarkar Oriental Research Institute, 1930.

11. Unni, N. P., translator. The Arthaṣāstra of Kautalya, with the commentary Sri Mula of Mahamahopadhyaya and T. Ganapati Sastri. Vols I, II and Ill. Delhi: New Bharathiya Corporation, 2013.

12. Kane, Pandurang Vaman. History of Dharmasastra (Ancient and mediaeval religious and civil war) Vol. I. Pune: Bhandarkar Oriental Research Institute, 1930.

13. Jolly, J. and R. Schmidt. Arthasastra of Kautilya: a newedition. Lahore: Moti Lal Banarsi Das Publisher, 1924.

14. Zimmer, Heinrich. Philosophies of India. Princeton: Princeton University Press, 1967.

15. Macdonell, Arthur Anthony. India's Past: A Survey of Her Literatures, Religions, Languages, and Antiquities. Oxford: Clarendon Press, 1927.

16. Gairola, Shri Vachaspati. Arthaśāstra of Kauṭilya and the CāṇakyaSūtra. 3rd edition, Varanasi: ChowkhambaVidyabhawan, 1984.

17. Aristotle, Politics. Translated by Benjamin Jowett, Kitchener: Batoche Books, 1999.

18. Maclver, R. M. The Modern State. Oxford:Clarendon Press, 1926.

19. Featherstonhaugh, George William, translator. The Republic of Cicero. New York: G. & C. Carvill, 1829.

20. Gupta, Subrata. Higher Secondary Political Science. Kolkata: New Book Agency, 1962.

21. Woolsey, Theodore Dwight. Political Science: Or, The State Theoretically and Practically Considered, Volume 1. New York: Charles Scribner's Sons, 1889.

22. Gilchrist R. N. Principles of Political Science. New York: Longmans Green and Co., 1921.

23. Weber, Max. Politics as a vocation. From Max Weber: essays in sociology. Translated and edited byHans H Gerth and Charles W Mills.New York: Oxford University Press, 1946.

24. Burke, Edmund. The Works of the Right Honourable Edmund Burke. London: Bell &Daldy, 1872.

25. Nevins P. L. The Politics of Selfishness: How John Locke's Legacy Is Paralyzing America.1st edition, California: Praeger Publishers Inc; 2010.

26. Agarwal, R. C. Political theory. New Delhi: S Chand and Company Limited, 2018.

27. Jenks, Edward. A History of Politics, London: J. M. Dent and Co., 1900.

28. Ruse, Michael. Philosophy after Darwin: Classic and Contemporary Readings. Princeton & Oxford: Princeton University Press, 2009.

29. Jayapalan, N. A History of Political Thought. New Delhi: Atlantic Publishers &Dist, 1997.

30. Kapur, A.C. Principles of Political Science. New Delhi: S Chand and Company limited, 2010.

31. Leacock, Stephen.Elements of Political Science. Boston and New York: Houghton Mifflin Company, 1912.

32. Bagehot Walter.Physics and Politics.Germany: Jazzybee Verlag, 1971.

33. Willoughby, Westel Woodbury. An examination of the nature of the State. London: The Macmillan and Company, 1896.

34. Appadorai, A. The Substance of Politics.Madras: Oxford University Press, 1975.

35. Maclver, R. M. The Modern States. London: Oxford University Press, 1926.

36. Gettell, Raymond Garfield.Political Science.Revised Edition, Calcutta: The World Press, 1933.

37. Gettell, Raymond Garfield.Introduction to Political Science. Boston: Ginn and Company, 1910.

38. Engels, Friedrich.Origin of the Family, Private Property, and the State. New York: Pathfinder Press, 1972.

39. Eddy, Asirvatham& K. K. Misra. Political Theory. New Delhi: S. Chand and Company Ltd., 1995.

40. Herlihy, David (editor), The History of Feudalism, UK:Macmillan and Co. Ltd., 1971.

41. Asirvatham, Eddy.Political Theory. Lucknow: The Upper India Publishing House Limited, 1936.

42. Anderson, Benedict.Imagined Communities: Reflections on the Origin and Spread of Nationalism. Revised Edition. London: Verso, 1991.

43. Thomson, Janice E. Mercenaries, Pirates, & Sovereigns: State-Building and Extraterritorial Violence in Early Modern Europe. New Jersey: Princeton University Press, 1994.

44. Sharma, Ram Sharan. Aspects of Political Ideas and Institutions in Ancient India. Delhi: Motilal banarsidass Publishers Private Limited, 2018.

45. Law, Narendra Nath. Aspects of Ancient Indian Polity, Oxford: The Clarendon Press, 1921.

46. Singh, G. P. Political Thought in Ancient India: Emergence of the State, Evolution of Kingship, and Inter-state Relations Based on the Saptāṅga Theory of State. New Delhi: D. K. Printworld, 1993.

47. Sinha Har Narain.The Development of Indian Polity, New Delhi: Asia Publishing House, 1962.

48. Gandhi, M. G. Political Theory and Thought. New Delhi: Pragati Publications, 2007.

49. Lamotte, Étienne.History of Indian Buddhism: From the Origins to the Śaka Era. Translated by Sara Webb-Boin. Louvain-la-Neuve, Belgium: Université catholique de Louvain, Institutorientaliste, 1988.

50. Singh,Harjeet.The Kautilya Arthaśāstra: A Military Perspective. New Delhi:KW Publishers PvtLtd, 2013.

51. Held, David, et al.Global Transformations: Politics, Economics and Culture. Cambridge: Polity Press, 1999.

52. Gross, F. Foreign Policy Analysis, New York: Philosophical Library 1945.

53. Ghosh, Peu.International Relations, New Delhi: PHI Learning Private Limited, 2015.

54. Khanna, V.N. Foreign Policy of India. New Delhi: Vikas Publishing House, 2007.

55. Kumar, Mahendra.Theoretical Aspects of International Politics, Agra: Shiva Lal Agrawala& Co.,2017.

56. Padelford, Norman Judson, George Arthur Lincoln, and Lee Donne Olvey. The dynamics of international politics. New York: Macmillan, 1967.

57. Crabb, Cecil Van Meter. American foreign policy in the nuclear age. New York: Harper & Row, 1972.

58. Couloumbis, Theodore A. and James Hastings Wolfe. Introduction to International Relations: Power and Justice. New Delhi: Prentice Hall, 1990.

59. Rodee, Carlton Clymer.Introduction to Political Science. New York: Mc Graw Hill, 1957.

60. Khanna, V. N. Foreign Policy of India.New Delhi: Vikas Publishing House, 2005.

61. Frankel, Joseph.The Making of Foreign Policy: An analysis of Decision-Making.2nd Edition, London: Oxford University Press,1968.

62. Hoslti, K.J.International Politics: A Framework for Analysis. 4th edition, New Jersey: Prentice Hall, 1983.

63. Kogan, Norman.The Politics of Italian Foreign Policy, New York: The Free Press, 1968.

64. Appadorai, Angadipuram.Domestic Roots of India's Foreign Policy: 1947-1972.Delhi: Oxford University Press, 1981.

65. Gabriel, Almond.The American People and Foreign Policy, New York:Harcout Brace Javonvich, 1950.

66. Russet, Bruce, and Harvey Starr.World Politics: The Menu for Choice. San Francisco: W. H. Freeman & Company, 1981.

67. Baskin, Oran (Editor). Turkish Foreign Policy, 1919-2006: Facts and Analyses with Documents.United States: Utah University Press, 2011.

68. Bandyopadhyaya,Jayantanuja.The Making of India's Foreign Policy: Determinants, Institutions, Processes and Personalities. New Delhi: Allied Publishers, 2003.

69. Hernández, Omar. "World Public Opinion and International Diplomacy". FLACSO-ISA Joint Conference on Global and Regional Powers in a Changing World Buenos Aires, Argentina,July 23-25th, 2014.

70. Apple, R. W. "Clinton Sending Reinforcements after Heavy Losses in Somalia." New York Times, 05 Oct. 1993. 30 Sept. 2020.

71. Cleva, Gregory D. Henry Kissinger and the American Approach to Foreign Policy. London: Bucknell University Press, 1989.

72. Sofer, Sasson.The Courtiers of Civilization: A Study of Diplomacy.New York: SUNY Press, 2013.

73. Frankel,Joseph.International Relations, London: Oxford University Press, 1968.

74. Pravda, Alex. "Ideology and the Policy Process." Ideology and Soviet Politics. London: Palgrave Macmillan, 1988.

75. Khanna, V.N. Foreign Policy of India. New Delhi: Vikas Publishing House, 2007.

76. Carlsnaes, Walter. Ideology and foreign policy: problems of comparative conceptualization. Oxford: Blackwell Publishing, 1986.

77. Bindra, S.S.Dynamics of Pakistan's foreign policy.New Delhi: Deep & Deep Publications, 2011.

78. Smith, Pieter Johannes et al. Management Principles: A Contemporary Edition for Africa, 4th Edition, Capetown: Juta and Company, 2007.

79. Allison, Graham Tillete.Essence of decision: explaining the Cuban Missile Crisis. Boston: Little, Brown and Company, 1971.

80. Duncan, W. Raymond, et al.World Politics in the 21st Century. Boston: Houghton Mifflin, Cengage Learning, 2008.

81. Hollis, Martin, and Steve Smith.Explaining and Understanding International Relations.Oxford: Clarendon Press, 1991.

82. Schultz, David A. Encyclopaedia of Public Administration and Public Policy. New York: Infobase Publishing, 2009.

83. D'Anieri, Paul. International Politics: Power and Purpose in Global Affairs. Boston: Wadswarth, Cengage Learning, 2012.

84. Rathod, P. B. International Relations: Concepts and Theories. New Delhi: Common Wealth Publisher, 2004.

85. Watson, Adam. Diplomacy: the dialogue between states. 1stedition, UK: Routledge, 1984.

86. Nicolson, Harold. Diplomacy. 3rdedition,London: Oxford University Press, 1963.

87. Ray, B.N. Tradition and Innovation in Indian Political Thought: Politics and Vision. New Delhi: Ajanta Publication Publication, 1998.

88. Roy, Gandhi Jee.Diplomacy in Ancient India. New Delhi: Janaki Prakashan, 1981.

89. Dutt, Manmatha Nath.KamandakiyaNitisāra or The Element of Polity. Calcutta: H. C. Dass, Elysium Press, 1896.

90. Zimmer, Heinrich Robert.Philosophies of India.Princeton: Princeton University Press, 1969.

91. Murty, G. V. G. Krishna. Dynamics of Diplomacy. New Delhi: National Publishing House, 1968.

92. Thakur, Upendra. Some Aspects of Ancient Indian History and Culture. Delhi: Abhinav Publications, 1974.

93. Mookerji, Radhakumud. Chandragupta Maurya and His Times. Motilal Banarsidass Publisher, 1966.

Artical

1. Modelski, George. *Kautilya: Foreign policy and International system in the ancient Hindu World.* The American Political Science Review, vol. 58, no. 3, Sept 1964:549-560.

2. Shahi, Deepshikha. *Arthashastra beyond Realpolitik the 'Eclectic' Face of Kautilya.* Economic and Political Weekly, vol. 49, no. 41, 11 Oct, 2014:68

3. Yelegaonkar, Shrikant. *Chanakya's Views on Administration*. Solapur: Laxmi Book Publication, ISBN 9781329082809

4. Bhadu, Seema and A. V. Singh. *Governance & Morals: In Perspective of Kautilya's Arthashastra*. Presented in World Congress on Interrelationship among Arts, Culture, Humanities, Religion, Education, Ethics, Philosophy, Spirituality, Science and Society for Holistic Humane Development, New Delhi: Krishi Sanskriti Publications, issue no. 1, 1964:68-73

5. Bhadu, Seema and A. V. Singh. *Governance & Morals: In Perspective of Kautilya'sArthashastra*. Presented in World Congress on Interrelationship among Arts,

Culture, Humanities, Religion, Education, Ethics, Philosophy, Spirituality, Science and Society for Holistic Humane Development, New Delhi: Krishi Sanskriti Publications, issue no. 1, 1964:68-73

6. Kantorowicz, Hermann."The Concept of the State." *Economica*, issue no. 35, 1932, pp. 1-21. doi:10.2307/2548973

7. Kantorowicz, Hermann, The Concept of the State, *Economica*, issue no. 35, 1932, pp. 1-21. doi:10.2307/2548973

8. Sanderson, John. "Marx and Engels on the State." *The Western Political Quarterly*, vol. 16, no. 4, 1963, pp. 946–955. *JSTOR*, www.jstor.org/stable/445852. Accessed 29 Nov. 2020.

9. Carneiro, Robert L. "A Theory of the Origin of the State." *Science*, vol. 169, no. 3947, 1970, pp. 733–738. *JSTOR*, www.jstor.org/stable/1729765. Accessed 29 Nov. 2020.

10. Gaba, Jeffery. "John Locke and the Meaning of the Takings Clause". *Missouri Law Review*. vol. 72, no. 2, 2007

11. Poddar, Mita. "A Study on the Origin and Definition of the State with Special Reference to the Constitution of India and the Judicial Interpretation of the Expression other Authorities."*International Journal of Technology Research and Management*, vol. 1, no. 10, Oct 2017.

12. Obo, Ugumanin Bassey, and Maurice Ayodele Coker. "The Marxist theory of the state: An introductory guide." *Mediterranean Journal of Social Sciences, vol.* 5, no.4, 2014.

13. Mah, Harold. "Marxism's Truth: Recent Interpretations of Marxist Theory." *The Journal of Modern History*, vol. 61, no. 1, 1989, pp. 110–127. JSTOR, www.jstor.org/stable/1880969. Accessed 2 Apr. 2020.

14. Berndt, Ronald M. "The Concept of 'The Tribe' in the Western Desert of Australia." *Oceania*, vol. 30, no. 2, 1959, pp. 81–107. *JSTOR*, www.jstor.org/stable/40329194,

15. Cartwright, M. "Polis." *Ancient History Encyclopedia*. Ancient History Encyclopedia*,* 6 June, 2013. Web. Retrieved from https://www.ancient.eu/Polis.

16. Mark, Joshua J. "Western Roman Empire." *Ancient History Encyclopedia*. Ancient History Encyclopedia, 27 Sept. 2019. Web.Retrieved from https://www.ancient.eu/Western_Roman_Empire

17. Deal, Wiliam E. *Handbook to Life in Medieval and Early Modern Japan,* New York: Facts on File, Inc. An imprint of Infobase Publishing, 2006.

18. Kaur, Kiranjit. "Kautilya: Saptang Theory of State." *Indian Journal of Political Science*, vol. 71, no. 1, 2010, pp. 59-68. *JSTOR*, www.jstor.org/stable/42748368. Accessed 30 Oct. 2020

19. Hermann, Charles F. "Foreign policy behavior: That which is to be explained." *Why nations act: Theoretical perspectives for comparative foreign policy studies*, 1978.

20. Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018, pp. 1-9. Retrieved from:https://www.longdom.org/open-access/the-study-of-foreign-policy-in-international-relations-2332-0761-1000337.pdf

21. Bojang, Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018.

22. Vlahos, Michael. "Culture and Foreign Policy." *Foreign Policy*, no. 82, 1991, pp. 59–78. *JSTOR*,www.jstor.org/stable/1148641.

23. Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018.

24. Spykman, Nicholas J. "Geography and Foreign Policy, I." *The American Political Science Review*, vol. 32, no. 1, 1938, pp. 28–50. *JSTOR*, www.jstor.org/stable/1949029.

25. Gimba, Zainab, and Sheriff Ghali Ibrahim."A Review of External Factors That Determine Foreign Policy Formulation." Indo-*Iranian Journal of Scientific Research*, vol. 2, no. 1, 2018, pp. 119-130.

26. Trice, Robert H. "Foreign Policy Interest Groups, Mass Public Opinion and the Arab-Israeli Dispute." Western Political Quarterly, vol. 31, no. 2, June 1978, pp. 238–252, doi:10.1177/106591297803100207.

27. Tomz, Michael et al. "Public Opinion and Decisions About Military Force in Democracies." *International Organization* vol. 74, no. 1, 2020, pp. 119-143. DOI: https://doi.org/10.1017/S0020818319000341

28. Nye, Joseph S. "Redefining NATO's mission in the Information Age." *Nato Review, vol.* 47, no.4, 1999.

29. Rubenzer, Trevor. "Social Media and Foreign Policy." *Oxford Research Encyclopedia of Politics.* August 22, 2017. Oxford University Press. Date of access 24 Aug. 2020,

<https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-485>

30. Rizwan, Muhammad, et al. "From Rivalry to Nowhere: A story of Iran-Saudi ties." *IOSR Journal of Humanities and Social Science (IOSR-JHSS)*,vol. 19, no. 9, 2014.

31. Ahmed, Jesmine."The Theoretical Significance of Foreign Policy in International Relations- An Analyses."*Journalof Critical Reviews*, vol. 7, no. 2, 2020, pp. 787-792. ISSN- 2394-5125, DOI: http://dx.doi.org/10.31838/jcr.07.02.144. also available in http://www.jcreview.com/fulltext/197-1583132694.pdf

32. Bojang, Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018.

33. Kissinger, Henry A. "Domestic Structure and Foreign Policy." *Daedalus*, vol. 95, no. 2, 1966, pp. 503–529. *JSTOR*, www.jstor.org/stable/20026982.

34. American Law Institute, Restatement of the Law, Third, The Foreign Relations Law of the United States (1988), para. 101,222.

35. Hinnebusch, Raymond."The US invasion of Iraq: Explanations and implications."*Critique: Critical Middle Eastern Studies,* vol. 16 2007.

36. Bojang,Alieu S."The Study of Foreign Policy in International Relations."*J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018.

37. Mearsheimer, John J. "The False Promise of International Institutions." *International Security*, vol. 19, no. 3, 1994, pp. 5–49. *JSTOR*, www.jstor.org/stable/2539078.

38. Morgan, T. Cli.

39. fton, and Glenn Palmer, "A two-good theory of foreign policy: An application to dispute initiation and reciprocation." *International Interactions,* vol. 22, no. 3, 1997, pp. 225-244.

40. Ahmed, Jesmine."The Theoretical Significance of Foreign Policy in International Relations- An Analyses."*Journalof Critical Reviews*, vol. 7, no. 2, 2020, pp. 787-792. ISSN- 2394-5125, DOI: http://dx.doi.org/10.31838/jcr.07.02.144. also available in http://www.jcreview.com/fulltext/197-1583132694.pdf

41. Gimba, Zainab, and Sheriff Ghali Ibrahim."A Review of External Factors That Determine Foreign Policy Formulation." Indo-*Iranian Journal of Scientific Research*, vol. 2, no. 1, 2018, pp. 119-130.

42. Fearon, James D. "Signaling foreign policy interests: Tying hands versus sinking costs." *Journal of Conflict Resolution*, vol. 41, no. 1, 1997, pp. 68-90.

43. Leeds, Brett Ashley. "Domestic Political Institutions, Credible Commitments, and International Cooperation." *American Journal of Political Science*, vol. 43, no. 4, 1999, pp. 979–1002. *JSTOR*, www.jstor.org/stable/2991814.

44. Morgan, T. Clifton, and Glenn Palmer. "To protect and to serve: Alliances and foreign policy portfolios." *Journal of Conflict Resolution,* vol. 47, no.2, 2003.

45. Bojang, Alieu S. "The Study of Foreign Policy in International Relations." *J Pol Sci Pub Aff* 6, vol. 6, no. 4, 2018.

46. Levi, Werner. "Ideology, Interests, and Foreign Policy." *International Studies Quarterly*, vol. 14, no. 1, 1970.

47. Fawn, Rick. "Ideology and national identity in post-communist foreign policies." *Journal of Communist Studies and Transition Politics*, vol. 19, no.3, 2003.

48. Rizvi, Hasan-Askari. "Pakistan: Ideology and Foreign Policy." *Asian Affairs*, vol. 10, no. 1, 1983, pp. 48–59. *JSTOR*, www.jstor.org/stable/30171948.

49. Brzezinski, Zbigniew K. "Ideology and power in Soviet politics." *Naval War College Review*, vol. 15, no. 1, 1962.

50. Rosati, Jerel A. "Developing a Systematic Decision-Making Framework: Bureaucratic Politics in Perspective." *World Politics,* vol. 33, no. 3, 1981, pp. 234-252.

51. Art, Robert J. "Bureaucratic Politics and American Foreign Policy: A Critique." Policy Sciences, vol. 4, no. 4, 1973, pp. 467–490. JSTOR, www.jstor.org/stable/4531545.

52. Art, Robert J. "Bureaucratic Politics and American Foreign Policy: A Critique." Policy Sciences, vol. 4, no. 4, 1973, pp. 467–490. JSTOR, www.jstor.org/stable/4531545

53. Freedman, Lawrence. "Logic, Politics and Foreign Policy Processes: A Critique of the Bureaucratic Politics Model." *International Affairs (Royal Institute of International Affairs 1944)*, vol. 52, no. 3, 1976, pp. 434–449. *JSTOR*, www.jstor.org/stable/2616555

54. Ball, Desmond J. "The blind men and the elephant: a critique of bureaucratic politics theory." *Australian Journal of International Affairs*, vol. 28, no.1, 1974.

55. Sarkar, Benoy Kumar. "Hindu Theory of International Relations." *The American Political Science Review*, vol. 13, no. 3, 1919, pp. 400–414., www.jstor.org/stable/1945958

56. Yamunacharya, M. "The Hindu Theoryof International Relationsas ExpoundedinKāmandaka'sNitisāra." *The Indian Journal of Political Science*, vol. 3, no.2, 1941.

57. Dutt, Manmatha Nath.*KamandakiyaNitisāra or The Element of Polity*. Calcutta: H. C. Dass, Elysium Press, 1896, p. 150. Accessed online through: https://www.rarebooksocietyofindia.org/book_archive/196174216674_101511749073166 75.pdf

58. Gautam, Pradeep Kumar.*The Nitisara by Kamandaka: Continuity and Changes from Kautilya'sArthashastra*.New Delhi: Institute for Defence Studies and Analyses, 2019, p. 71. Accessed online through: https://idsa.in/system/files/monograph/monograph63.pdf

59. Mathur, D. B. "SOME REFLECTIONS ON ANCIENT INDIAN DIPLOMACY." The Indian Journal of Political Science, vol. 23, no. 1/4, 1962, pp. 398–405. JSTOR, www.jstor.org/stable/41853950

60.