ANCIENT AND MEDIEVAL POLITICAL THOUGHT

STUDY MATERIAL

FOURTH SEMESTER
CORE COURSE : PS4C13

For

M.A.POLITICAL SCIENCE
(2017 ADMISSION ONWARDS)

UNIVERSITY OF CALICUT
SCHOOL OF DISTANCE EDUCATION
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CONTENTS

<table>
<thead>
<tr>
<th>Module</th>
<th>Title</th>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>ANCIENT GREEK POLITICAL THOUGHT</td>
<td>5 – 15</td>
</tr>
<tr>
<td>II</td>
<td>ANCIENT ROMAN POLITICAL THOUGHT</td>
<td>16 – 17</td>
</tr>
<tr>
<td>III</td>
<td>ANCIENT INDIAN POLITICAL THOUGHT</td>
<td>18 – 19</td>
</tr>
<tr>
<td>IV</td>
<td>MEDIEVAL POLITICAL THOUGHT</td>
<td>20 – 23</td>
</tr>
<tr>
<td>V</td>
<td>RENAISSANCE AND ITS IMPACT</td>
<td>24 - 28</td>
</tr>
</tbody>
</table>
Socrates was born in the year 469 BC at Athens. He was a classical Greek philosopher, credited as one of the founders of western Philosophy. Socrates was considered as one of the wisest man of his age. He never tried to give any new Philosophy to his audience but only wanted to expose the hollowness of knowledge of those who claimed to know something or possess knowledge.

He saw the rise and fall of Athens with his own eyes. He was a keen student of Philosophy and Physical Sciences. He was interested in the performance of ordinary civic duties. In fact Socrates served Athens as a soldier also. At the age of sixty five he became a member of the Council and subsequently a member of Committee of Council. It was in the Committee that he refused to side with the illegal activities of others. He also refused to support illegal and unjust actions of Thirty Tyrants. He believed that there was always close relationship between Politics and Ethics. He refused to escape from the prison, where he was put on charges of impiety, on the plea that it was against the spirit of laws.

Socrates adopted dialectical method of study which was in question and answer form. It was by this method that he tested the knowledge of all those who claimed to possess that and exposed their hollowness. He wanted to make it clear as to what real knowledge was and how the ideas should be tested before accepting them.

**Virtue is Knowledge**

According to Socrates knowledge was of two kinds, opinion or belief and knowledge. Opinion was something which was not sound and thus subject to frequent modifications and changes. On the other hand, real knowledge was based on sound foundations and thus real possession of mind. It represented truth with the scientific sense. Corresponding to knowledge we had virtue or truth. Virtue based on real knowledge was permanent and could not yield to temptations. According to Maxey, "He cared for nothing but facts and sound reasoning based on facts. Men, he thought, must be guided exclusively by knowledge: true knowledge: which penetrates beneath the surface of things, disregards the motives and interests of passing periods and personalities, and arrives at truth that is universal and eternal".

According to Socrates all vices were the result of ignorance. A person would normally not do any evil task provided he know vice. But this idea of Socrates does not seem to be very correct because many a time wrong things are knowingly done either due to our personal motives or some other reasoning.

**Socrates on Law**

According to Socrates laws were necessary for proper guidance of the state and it was obligatory on all citizens to obey them. He believed that breach of law was a crime against
the state. It was only through the laws obeyed by the individuals under the command of the state that conventions and customs grew. He believed that the customs and conventions were essential for guiding mankind both in long and short terms. State laws were to him only less sacred than the command of God, and not to be disobeyed except for righteousness sake. Any violation of law was both immoral and illegal. Though the individuals can have a free conscience yet they should be bound by the laws of the state.

**Socrates on State**

He was of the firm opinion that politics was an art and that it should be taught and accepted in that spirit. The politicians must be fully aware of conduct of political affairs. In his opinion unless a prince was properly trained he could not be a successful ruler. To govern was the privilege of the few and only those few could have the privilege of sharing state secrets. Only those possessing the deepest wisdom and highest virtue should be entrusted with the administration of government. He stood for selfless devotion in politics. He believed in enlightened despotism. Socrates was bitterly opposed to democratic institutions as were in vogue in Athens of those days. According to Socrates all were not capable and competent to govern the masses. Only the wise and the intelligent had this right.

**PLATO**

Plato was a philosopher in classical Greece and the founder of the Academy in Athens, the first institution of higher learning in the western world. Plato was born in 427 BC in a noble family at Athens. Plato is considered as one of the wisest and true follower of the philosophy of Socrates. His “Republic” is his masterpiece and is still considered as a great treatise on all problems which face us today. Like his predecessors he also had political ambitions, but later he gave this up because of political disturbances prevalent in Athens. He lost faith in the democratic institutions and he sincerely tried to save the life of Socrates. This made the democratic leaders suspicious of Plato. He left his native land and spend much of his time in travelling over Greece, Egypt, and Italy. On return, he established an institution for systematic and scientific study of all problems and named it as Academy. He continued there till his death in 347 BC. His main works are The Republic, The Statesman, The Laws. Republic was written by Plato when he was about 40 and it is considered as his masterpiece. It is considered by some as a treatise on justice and by some others on political science and jurisprudence. The main problems discussed in Republic are,

1. as to which is right and wrong
2. how justice can be established in society
3. best educational system
4. qualities of an ideal citizen
5. rule of philosopher king etc

Republic can be considered as the crowning achievement of Plato's art and philosophy. Republic has touched almost every aspect of human philosophy.
Conception of Justice

Plato was disappointed with the political conditions in Athens prevailing in his own time. The democracy degenerated into the tyranny of The Thirty. In actual practice it was the rule of the ignorants. There was political mismanagement and the rulers were most selfish. Another painful feature of democracy of the age was lottery system which was applied for the appointment of public offices. Plato in his Republic tried to create an Ideal State in which Justice prevails. He utilised Deductive method to diagnose the diseases of Athenian democracy.

Plato had gone through the then existing theories of Justice and exposed their inadequacies before suggesting his own theory of Justice. According to Platonic conception justice was closely related to morality. Plato attached great importance to the conception of Justice and he gave it as alternative name to his treatise, Republic. He believed that proper justice could remove all ills of a state. He believed that justice resided both in the individual and in the society.

He believed that human beings have three essential ingredients namely, reason, spirit, and appetite. Since the state is the expansion of individual mind, corresponding parts in the state being, rulers, soldiers, and commoners. To him appetite was the lowest and reason the highest virtue. He created three classes of citizens on the basis of their respective virtue. Plato based his justice on the following main principles:

1. A functional specialisation should be established in the society
2. None should interfere in the affairs of others
3. Justice should harmonise wisdom, courage and temperance
4. Platonic justice does not think of individual rights but his duties
5. Justice means rendering of services to the community as a whole

So every citizen in the state should perform, according to his virtue, to his abilities and capabilities. Jowett says, Justice is Plato's name for that of individual life where every part of soul does its own business; that life of the state where each individual and each class performs its appropriate function.

Criticism

1. Plato's conception of Justice is something moral and not legal
2. His conception of Justice is impractical in the modern big state
3. His conception of Justice does not provide for clashing individual wills, which are quite common in every society.
4. Every individual possesses three qualities, but he provides for the development of only one quality.
5. Justice should be uniform and universal. It should not be class ridden.
6. It makes citizens a means and the state an end in itself.

Idea of Citizenship

Plato was not liberal in conferring citizenship rights. He wished that only a few should enjoy this right and excluded aliens, traders, children, old people and slaves.
Citizenship rights should not be conferred on all those living in the state and the state should be very conservative in conferring this right.

**System of Education**

In his ideal state Plato has laid great stress on education. According to Plato justice could be achieved by two means namely (a) by spiritual methods and (b) by temporal methods. The former is positive in nature while the latter is negative in character. In the former category he placed education while in the latter he has discussed the communism of wives and property. In his system he has laid more stress on the former rather than the latter.

Education for plato was one of the great things of life. Education was an attempt to touch the evil at its source. It reforms the wrong ways of living as well as one's outlook towards life. In his opinion if the state took care of education, all other things would take their own care. According to him justice was nothing else but virtue in action or in other words virtue was knowledge. He believed that all the three classes in the state must be properly trained and educated.

According to Plato education had individual as well as social aspects. In the former case it was to aim at bringing reality closer to soul. Socially was to promote social bondages and was to see that everybody performed socially useful duties and social values were developed.

**Features of Plato's system of Education**

1. State controlled education - He felt that the best agency to impart proper education was state itself. In the absence of such a control, education was bound to lead to selfish ends resulting in individual and not in social welfare.
2. Both for men and women - According to Plato both men and women should be given the same type of education. Since both men and women were equally citizens of a state and were to work for its welfare, it was essential that both should be properly and uniformly educated.
3. Strict censorship of literature - Plato realised that people were usually guided by the literature which they studied and as such they were bound to be misguided if they studied misleading or ill informed literature. According to him only good literature should be brought in the market. Permission of state was considered most necessary before any piece of literature was brought out in the market.
4. Compulsory education - According to Plato education was not an optional matter for the family. It was compulsory and obligatory on the parents to educate their children.
5. Both mental and moral development - He believed that a healthy mind resides only in a healthy body. It was therefore essential that education should develop both these qualities.
6. Producing philosophers - Education should be of a type which should produce philosophers, who were to become the cream of the nation and ready to govern the masses.

**Educational Curriculum**

Plato's curriculum of education can be divided into two parts namely Basic education
and Higher education. Basic or Elementary education can be further classified in to three types.

(I) first substage
(2) second substage
(3) third substage

First substage was from birth up to the age of six years. At this stage both boys and girls were to be given education in the language. Here they were introduced to stories and basic facts about religion and ethics.

At the second stage the child was to be taught both music and gymnastics. By music he meant all those subjects which were essential for the development of soul and gymnastics was for the development of body. This second substage was to go up to 18 years of age.

Third substage was for the young people of the age group of 18-20. Both men and women were to be given compulsory military training. Such a training was essential for national defence.

Higher education could be divided into two parts namely from 20 to 30 years and 30 to 35 years. A selection test for further studies was to be held at the age of 20. Those who had an aptitude for science and philosophy were admitted for higher education. At this stage recipients were taught subjects like mathematics, logic, astronomy etc.

A selection test for further studies was to be held at the age of 30. Those who qualified at this stage were given training for a period of 5 years. At this stage training was in terms of dialectic. It was during this period that Philosopher Kings were produced. The king was however to be educated throughout his life.

**Ideal state**

In his Republic Plato has tried to portray the picture of an ideal state. What Plato desired to do was to set an Ideal for all times to the states. His ideal state was not bound by any customs and conventions but was a romance of free intelligence. In an ideal state only a few reasonable should rule. If the wise and the virtuous ruled the state, there could be no doubt that an ideal state could be achieved.

Plato starts with human beings and divides soul into three elements namely Reason, Spirit and Appetite. Reason guides action and unity, Spirit inspire people for battle, ambition and competition. Appetite gives birth to love. Corresponding to these virtues there are three classes in the society.

**Salient features of Plato's ideal state**

1. Rule of philosopher king - According to Plato an ideal state must be governed by a philosopher king, who should be a passionless person and seeker of truth and wisdom. He possessed high qualities of head and heart and could not be corrupted by concentration of power in his hands. He was bound by no laws.

2. Equal treatment of men and women - According to Plato's ideal state, the philosopher king should make all efforts for building character of both men and
women.

3. Restriction of art and literature - According to Plato, no cheap, unpopular or immoral literature should come before the people. The people should have only literature which promoted high moral character.

4. State controlled education - According to Plato state should have full and final control over education. In society, education should promote social welfare, while individually it should bring soul closer to reality.

5. Functional specialisation - He wished that everybody should be completely devoted to the task assigned to him and try to attain perfection in that field. None should interfere in the function allotted to others. The king should rule and the soldiers should fight in the battlefield.

6. Specialised soldiers - Plato realised that defence of the state was most essential for all the states. He therefore, gave this responsibility to the soldiers.

7. Proper administration of Justice - According to Plato justice was an essential and integral part of a state and it keeps various organs and individuals in close harmony with each other. It was not a legal conception but something in which there was functional specialisation and non interference. Under it there will be perfect harmony among various classes of society.

8. Division of classes - Plato's ideal state has three classes, rulers at the head to govern the state, soldiers to defend, and peasants and artisans to fight for the betterment of the economic conditions of the people living in it.

9. Qualified Absolutism - Plato did not wish to impose any limitation on the authority of the philosopher king. According to him it was virtue in action and could not be corrupted.

10. Communism of wives and property - As long as rulers and soldiers were not free from the bondage of family life and private property, they shall never be in a position to solely devote themselves to the state.

11. Totalitarian outlook - According to Plato the people can only develop in the state. The people should merge themselves in the state. His personality could find fullest expression only in the state.

12. Bringing up of children - According to Plato children were national possession and as such it was obligatory on the part of the state to bring them up according to their aptitude. State should provide them proper education, nourishment and development.

13. Temporary mating - It is the duty of the state to arrange for temporary mating of couples belonging to the upper two classes. It is obligatory for the state to decide about the number of the children which is required at a particular time and the breed from which it is required.
ARISTOTLE (384BC-322BC)

Aristotle was an ancient Greek philosopher and scientist born in the city of Stagira in the north of classical Greece. At seventeen years of age, he joined Plato's Academy in Athens and remained there until the age of thirty seven. His writings cover many subjects - including physics, biology, metaphysics, logic, ethics, aesthetics, poetry, psychology, economics, politics and government - and constitute the first comprehensive system of western philosophy. He decided to leave Athens after the death of his teacher in 347 BC. He availed this period in long travelling and studying different political institutions in different parts of the world. It was in 342 BC that he was called to Macedonia to become the tutor of young Alexander. It was in 335 BC Aristotle decided to set up a new school to preach his own ideas, thoughts and philosophies. An institution known as Lyceum sprang up with the patronage and backing of Alexander. Here he made an effort to systematise the whole body of human knowledge.

Aristotle was a realist as well as a practical man. He followed inductive method for his study. He employed comparative and historical methods in his writings. The Politics was his masterpiece, in which he tried to portray the concept of an independent state. His other works include, On Monarchy, Constitutions, On Colonies, On Philosophy, History of Animals etc. It was Aristotle who assigned an independent character to Politics.

Nature, Origin and End of State

According to Aristotle the authority of State is moral and the state is natural. It is the duty of citizens to most willingly and obediently accept the commands of the state. He should also not expect any rewards for such obedience. According to him state has developed from family. The people embraced state in order to satisfy their own needs, desires and requirements. Men and women created a family to satisfy their physical and biological needs. Since the family could not satisfy ever increasing needs of the people they had to come out of their limited circle and formed the village. The villages combined together to make state and made it a perfect association. The state made him perfect and social man. Since family is natural therefore the state is also natural. There can be no anti thesis between law and freedom. State is like a nest and not like a cage. Everyone can achieve self sufficiency only in the state.

Aristotle has also tried to establish natural character of State by saying that the state is developing and growing. It is rather a living organ which has a compound character. The individuals are organs of the state and the state has the sole object of promoting good life of the people. An organ cannot be separated from its organism and as such an individual cannot be separated from the state. The organs of an institution must work collectively for the welfare of the organism with out which they shall be useless and similarly organism must look after the welfare of its organs. Whole always gets priority over parts, so also state should get priority over the individuals.

Individual came first and after joining the family or the village he joined the state which came subsequently, but teleologically state came first. It is the state which humanised
the individuals and thus state came first and human being subsequently. An individual became man only after joining the state and before joining the state he must have lived as an individual but certainly not as a human being. Thus state is prior both to the individual as well as the society and the family. The state is the supreme association and aims at supreme good. He considered state as the association of associations. The foremost function of the state is to promote good life and create essential conditions for mental, moral, and physical development of the people. Man, when perfected is the best of Animals; but if he is isolated from law and justice, he is the worst of all.

**Citizenship**

Aristotle did not believe that mere residence or enjoyment of legal rights or birth should confer right of Citizenship on a person. He believed that it is the function which entitles a person to become citizen. It is the function of participation in judicial and deliberative powers. Thus a prerequisite condition for acquiring citizenship right was willingness to serve as a juror and to have active participation in popular assembly. He excluded foreigners, slaves, manual and menial workers and women as well. His argument for exclusion of these categories was that duties as juror or member of popular assembly demanded high standard of moral and intellectual excellence which the people falling under these categories did not possess. According to Aristotle foremost qualification for possessing citizenship rights was to rule and to be ruled. He felt that leisure was most essential for developing this capacity which could be made possible by holding private property and possessing slaves.

**Law and Justice**

Aristotle gave a very significant place and position to laws in his philosophy. Aristotle believed that law was a great restraining force for the whole community. The supremacy of law is accepted by Aristotle as a mark of a good state and not merely as an unfortunate necessity. According to him the wisest person cannot replace rule of law because whereas law is impersonal, even most passionless ruler cannot become impersonal. The state expresses its will through law and as such both must be identical. The law determines morality and spirituality of a community. There is no supreme power in the state over law. Sovereignty of the state should be vested in the laws alone. Good law was one which was not affected by desire and as such it was exclusively based on reason.

The rule of law as understood by him had three elements namely, governing the people in the public interest, carrying out the government not in an arbitrary manner and enforcement of regulations by willingness of the people. He felt that rule of law in which all the three elements were present was ideal and excellent.

Justice for Aristotle was of two types namely complete justice as well as particular justice. Former was identifiable with moral virtue, it was responsible for regulating all public and social relations. Complete justice laid in law abidingness and was possible only in an ideal society. Particular justice was concerned with the distribution of offices and observance of rules of proportionate equality. It also consisted in proper and desirable distribution of
wealth, honour and good things. Distributive justice lay in proportionate allocation of offices according to one's own worth. In it rights are measured in terms of duties performed by one in the society. Corrective justice is concerned with restoring back what one had lost due to social injustice. It prevents people from encroaching upon the rights of his fellowmen.

**On Education**

According to Aristotle an ideal state should have an elaborate and developed system of education which should be in keeping with the spirit of the constitution. The state itself is an educational institution and must have compulsory system of education. Education should develop good habits, virtues, reason, and make the citizens realise the importance of obedience to laws. There should be fuller development of the people including reason and appetite with a compulsory system of public education. His system of education was primarily intended for free citizens.

**On Government**

Aristotle was perhaps the first scientific thinker who tried to distinguish on scientific lines between the state and government. He felt that government was merely means for achieving ends of the state. He believed that the government was subject to frequent changes whereas the state changed only with the change of constitution which was rare. The state comprised of all the citizens whereas the government included only a few high ups in political life.

According to Aristotle, a government could be constituted on the basis of birth, wealth, and number. The best example of one based on birth could be hereditary monarchy whose goodness depended on chance. A monarch might be good but might be succeeded by an unworthy successor and thus might undo the work already done by his predecessor. The government based on wealth could be efficient and quick but might not be of political worth of more intellect. A government based on number had the advantage of having collective intellect but the masses might not have enough understanding to solve technical problems.

Constitution discuss the plans on which the government should be run. Thus he identifies the state with constitution. A state changes with the change in constitution. It represents social, economic, political and ethical life of the people. The constitution has not only legal sanctity but represents the whole of national life. According to Aristotle, aim and end of the state is to promote happiness and to create conditions essential for the promotion of good life of the people. The constitution, thus can be normal which comes upto the expectations of the people, whereas perverted constitution can be one which falls short of ideals. He classified states on quantitative as well as qualitative basis. According to him the first type was one which was based on the number of people who run the government, whether the number is one, few or many; whereas according to the second classification, it was to be seen whether those in power or authority use their power for their selfish ends or for common welfare. When the power is used for the welfare of the community as a whole, it is called normal but when that is used for selfish ends, form of government becomes perverted. Monarchy, Aristocracy, and Polity were normal forms of government and their
corresponding perverted forms were Tyranny, Oligarchy and Democracy.

According to Aristotle the best constitution should have scope for moderation and stability, which to him was attainable in Polity in which the middle classes dominated the other classes.

**Revolution**

Aristotle was generally a realist and not an idealist. He followed inductive method for the study of his philosophy. His ideas about the causes and remedies are based on the study of 158 constitutions and his practical knowledge of the working of many states. According to him revolution has two fold meaning, firstly when there has occurred any change in the constitution, a change from monarchy to oligarchy and so on. Secondly, a revolution is supposed to have occurred when there is change in the ruling authority though there might not be any change in the constitution as such. According to him revolution can be of varying degrees. It might be due to change in the institutions of State or control of authority. Every change in law is a step towards revolution.

**Causes of Revolution**

1. Injustice and ill will - One of the major causes of revolution was injustice and ill will by those in power in the state for their people. When there is discontentment among a substantial section of the society against injustice or denial of justice, there can be the possibility of revolution.

2. Unequal distribution of offices - Unequal, irrational and partial distribution of offices in which a particular class of people is favoured with honours at the cost of others is another cause of revolution.

3. Misuse of Authority - Political corruption can lead to revolution. Revenge from those who have been vested with power and have tried to misuse their authority.

4. Careless officers and unwanted expenditure - Careless admission of corrupt and disloyal officers in the army or civil offices by legal or illegal methods, can lead to revolution.

5. Unscrupulous election methods - Unhealthy and unwanted election intrigues through which the people are returned to power can be another cause of revolution.

6. Desire for extending rights and privileges - Revolution can be due to an attempt on the part of citizens to demand equality but that is not fulfilled. The masses can demand social, political and economic equality and demand such other privileges as are already enjoyed by the selected few.

7. Jealousy, Arrogance and Fear - There can be certain general causes of revolution in every state which are human passion, jealousy, arrogance, fear etc.

8. Desire by few to have Absolute power - Insolence and desire to have absolute power by a few can be one other reason because such a step is bound to have its reaction by those who are deprived of power.

9. Conquest - Conquest by a nation of another nation is also bound to result in fluctuations. The vanquished may also find a suitable opportunity to pay back the
conqueror in his own coin.

10. Neglecting minor affairs - Sometimes when minor affairs are neglected these can assume improportionately high magnitude with the passage of time.

11. Undue prominence for few - When some people in the state are given undue prominence and importance that is bound to have its repercussions.

12. Irreconcilable Dissimilarities - In this category can be included rivalry among the people of different races living in a state.

13. No restrictions on immigration - When there is no restriction on immigration from outside can lead to revolution. Immigrants bring the nation a different system of Justice and a varying code of law. A comparative study can create dissatisfaction.

14. Irrational use of force - Unwanted and irrational use of force which the people might tolerate for quite sometime but which they are ultimately bound to repulse.

15. Fraud by those in power - When fraud is played upon the people by those who are in power for meeting their selfish ends, and are exposed, leads to overthrow of authority.

16. Dynastic Quarrels - Some dissatisfied persons can easily get the support of either one faction or the other.

17. Attempts at concealing misdeeds - Misdeeds when come before the public are bound to create dissatisfaction and resentment among the people, who can even think of staging revolution to remove the guilty from power.

**Principles for the prevention of Revolution**

1. By gaining confidence of the people
2. Proper selection of officials
3. Checks and exercise of authority
4. Outsiders should be avoided
5. No sudden promotion
6. Proper education of the people in the spirit of the constitution
7. Lawless habits should be checked
8. No drastic changes in the state
9. No neglect of minor events
10. Short term provision for offices
11. Proper care for all sections
12. Keep the spirit of patriotism alive
13. Careful reaction to changes
14. No deceiving of the people
MODULE 2
ANCIENT ROMAN POLITICAL THOUGHT

CICERO (106 - 43 BC)

Cicero was one of the outstanding Roman political philosophers. His credit lies in the fact that he brought the conception of Jus-Naturale from heaven to the earth. He interpreted Greek Political philosophy in a new and original way with Stoic background. He was strict follower of constitutional form of government. He was born in 106 BC, and during his time chaotic conditions were prevailing in Rome and the system of checks and balances were practically unworkable. Hostility between the Patricians and the plebeians, was quite ripe. Imperial system was rapidly growing. Military dictators like Marius, Sulla, Pompey, and Julius Caesar were coming to the front. In his De-Republica and De-Legisibus he has favoured the old mixed constitutional system and restoration of old system of checks and balances. He was a conservative by nature and his sole object of writing was to promote old Greek institutions and the Republican system.

Concept of State

According to Cicero state is a commonwealthealth which has came in to being because of natural affinity of men for each state. It is the result of social instinct of the people which has brought that into being. They obey laws which are based on justice. State is the result of evolution in which several persons worked under different circumstances and that it could not be the product of genius of one man. State is not a hierarchy but belongs to the people and exists for their welfare. State is partnership in law, which for him meant the Lawof Nature, which was eternal. A state is nothing else than a partnership in law. According to Cicero :

1. The state is not prior to an individual. The individual existed prior to state.
2. Society and state are different entities and the society came prior to the state.
3. Authority of the state lies in collective power of the people.
4. There must be some sovereign authority in the state which must derive its ultimate authority from the people but the mandate of that sovereign authority should be final and binding on all.

He has classified governments more or less on Platonic pattern namely, monarchy, Aristocracy, and Democracy. Each form could degenerate itself in to corrupt one and their corresponding forms were Tyranny, Oligarchy and Extreme Democracy. He had no love or regard for democracy.

Law of Nature

Cicero was cosmopolitan in his exposition as his conception of law of nature was concerned. According to him, it was this law which could be applied to whole universe and was eternal and unchangeable. All laws must conform to it. Morality of a law is to be measured to the extent to which it conforms with the law of nature. It is binding on all nations and human beings and can be identified with right reason. Basically the law should believe in
the equality of all because they all possess reason which is of course contrary to the Greek philosophy. He believed that all become fellow citizens of the world state as they have common partnership in universal law. He also thought of a universal society and a universal commonwealth.

**Code of Justinian**

The code of Justinian is one part of the Corpus Juris Civilis, the codification of Roman law ordered early in the 6th century AD by Justinian I, who was an Eastern Roman emperor in Constantinople. Shortly after Justinian became emperor in 527, he decided the empire's legal system needed repair. There existed three codices of imperial laws and other individual laws, many of which conflicted or were out of date. In February 528 Justinian created a ten man commission to review the earlier compilations as well as individual laws, eliminate everything unnecessary or obsolete, make changes as it saw fit, and create a single compilation of imperial laws in force.

The commission finished its work in 14 months, and the compilation was promulgated in April 529 by the Constitutio Summa. However, this compilation did not eliminate all the conflicts that had arisen over the years in Roman Jurisprudence. Justinian attempted to harmonise these conflicting opinions by issuing his Fifty Decisions and by passing new laws. Justinian ordered a new compilation to supercede the first, and this codex was published in 534. This second edition of the code was published on November 16, 534 and took effect on December 30. The codex consists of 12 books: book 1 concerns ecclesiastical law, sources of law, and the duties of higher offices; books 2-8 cover private laws; book 9 deals with crimes; and books 10-12 contain administrative laws.
 MODULE 3  
ANCIENT INDIAN POLITICAL THOUGHT  

KAUTILYA

Kautilya was the minister in the Kingdom of Chandragupta Maurya during 317 - 293 BC. He has been considered as one of the shrewdest ministers of the times and has explained his views on State, war, social structures, diplomacy, ethics, politics and statecraft very clearly in his book called Arthasastra. The Mauryan Empire was larger than the later British India which expanded from the Indian ocean to Himalayas and upto Iran in the west. After Alexander left India, Magadha was the most powerful Kingdom in India and Kautilya was minister who advised the king.

Kautilya's work is primarily a book of political realism, where state is paramount and king shall carry out duties as as advised in his book to preserve the state. Kautilya's work is so deep rooted in realism that he goes to describe the glory and brutal means a king must adopt to be in power. Kautilya's book came to be Chandra Gupta's guide. Each of its 15 sections deals with a phase of government, which Kautilya terms as the science of punishment. He openly advises the development of an elaborate system reaching in to all levels of society and encourages political and secret assassination.

For him state was above everything else and in some cases there was no harm in using underhand means in politics. For him politics was a scientific subject and it required wisdom to be a good politician. State activities should concentrate on dharma. He favoured the idea of powerful monarchy and as such believed that the king should pose to be powerful and strong. The activities of neighbouring states should be carefully watched because at any time they become dangerous. State should always be ready to wage war. The king must follow a policy of expansion. He wanted to create a strong empire at the cost of then existing weak state. For Kautilya sphere of state activity was quite comprehensive. It should perform both civil and military functions.

Kautilya believed in seven elements of state viz, swamin (lord or sovereign), amatya (minister), janapada (territory as well as population), durga (fort), kosha (treasury), bala (army), and mitra (ally). The swamin could be one person or a number of persons. Swamin of Kautilya was not a feudal chieftain but a veritable sovereign owing allegiance to none. The second element of state is Amatya. Amatya must be a native of the country and possess steadfast devotion towards the Swamin. The third element of state was janapada, Kautilya implied by it territory as well as population. Fourth element of state is durga or fort. He
considered fort as a vital part of the empire. Kosha or the treasury was the fifth element of state. He attached great importance to the growth of treasury. The sixth element of state was bala or army. Kautilya defines six types of armies - hereditary forces, hired troops, soldiers for fighting corporation, troops belonging to an ally, troops belonging to an enemy, and soldiers of wild tribes. The last component of state is mitra or ally. He envisaged two types of allies, sahaja and kritrima. Sahaja mitra consists of persons whose friendship was derived from the time of father and grand father and were situated close to the territory of the immediately neighbouring enemy. The kritrima ally on the other hand was an acquired ally whose friendship was resorted for the protection of the wealth and life. He held that the ally of the first category was superior to the ally of the second category.

It was expected of a king to be energetic and ready to serve people. He suggested that the government should have various departments, each headed by a minister. For Kautilya sphere of state activity was quite comprehensive. It should perform both civil and military functions. It should also encourage cultural activities. State should control all mines and metals. State has to control and regulate commerce and industry. State was required to see that ordinary consumer was not put on any disadvantageous position. Superintendent in charge was required to check under weighing or under measuring. The state was required to control the sale of liquor and wine.
ST. AUGUSTINE

St. Augustine was born in 354 AD, and believed that Christianity could save the world from destruction and that course of human history was pre-determined and laid in the will of God. According to him there ceaseless struggle going on between the darkness and light. He lived in a transitory period which was parting of ancient and starting of medieval age. Christianity had emerged as a unifying force and paganism had been destroyed. With the adoption of Christianity as state religion by a Roman emperor, hostility between the church and the state had practically ceased. St. Augustine's most important works are De Civitate Dei and City of God. He mixed together the conception of city state of Plato and Cicero and presented them in Christian theology. The church was embodiment of city of God because it promoted virtue and goodness. The church and the state were inter-dependent but ultimate power vested in the hands of church hierarchy.

On State

According to St. Augustine state was the result of gregarious nature of man, ultimately created by God. According to him it was of divine origin and inferior only to the City of God. He has not agreed with the Greek that it was based on justice because justice could not prevail in non Christian states. Justice was attribute of church and not of the state. State was necessary for the existence of church because it sanctioned for it men, money and material. If the laws of the state are not in violation of morality these must be obeyed . The state had a divine sanction and therefore must be ordinarily obeyed, but if the decrees of the state violate laws of religion or morality they must not be obeyed. In Christian states, behind every action of the state there was perfect justice, divine plan and purpose. Man should obey such a state because that way they are serving the purpose of God. A Christian obeys a secular authority because behind state laws ultimate higher will of God is hidden. He has tried to maintain two separate authorities temporal as well as spiritual but has given prior place to spiritual laws over temporal laws.

On Property

He supported the institution of private property and felt that its holding was legitimate. It was a conventional and not natural institution but this convention should be preserved. He however felt that one should not have more property than what was required by him for his legitimate and reasonable needs. All property is the gift of God and it was his will
that the earth which he had created should be common possession of all men and satisfy the needs of all.

On Slavery

in his Philosophy slavery was regarded as a divine retribution for the sin. A man would not have been slave had he not committed sins and the slaves would have equally enjoyed full freedom had they acted in accordance with the standards of religion and morality. He therefore suggested that in order to get purification all slaves should remain near their masters, who were pure. Like Plato he also supported the institution of slavery but did not feel that it was essential to enable the citizens to perform their duties properly. He also did not contribute to the idea that the slaves should be retained for the pleasure of others or that it was a natural institution. St. AUGUSTINE believed that slavery was both a remedy and a divine punishment for sin.

St. Thomas Aquinas (1227 - 1274)

St. Thomas Aquinas was born in Sicily, and was influenced by Dominican order at the young age of nineteen. He lived at a time when the organisation of church had fairly developed and Roman church had become a gigantic spiritual organisation. Feudalism which had supported the organisation of the church, had considerably declined and nationalism was striking at its roots. Aristotle was again being seriously studied and striking at the very foundations of papal supremacy. The need of the hour for the church was to have an exponent who could expound church philosophy in the most systematic way. He struggled to establish the supremacy of church over the state.

St. Thomas Aquinas was not only influenced by Aristotle but also freely borrowed from the writings of Stoics, Cicero and from other Roman lawers. In subordinating state to church he followed St.Augustine. He was also influenced by scholasticism which aimed at synthesising all branches of knowledge and attempted to reconcile faith and reason. His important works are Summa Theologica, De-Regmine Principum, Summa Contra Gentiles.

On the State

Church fathers usually believed that the state was the result of fall and sin of men and that government came into being to punish the people for their sins; but Aquinas didn't agree with this general belief. He believed that man was a social animal by nature and that state was natural to man. The people came in the state for their fullest development and also for attaining perfection. According to him, state is natural because none can be self-sufficient and aid and advice of others is always necessary for meeting our social requirements. The state
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should aim at making the citizens virtuous and moral. He had a preference for nation state and believed that monarchy was the best suited form of government. A ruler is required to contribute to the good and welfare of the masses. He should make adequate arrangements for giving justice to the people. He believed that the sovereignty of the state is derived from the people from political viewpoint and from God from theological viewpoint. A secular state should always work under the guidance of church. The church, had authority to ex-communicate a ruler. Pope should be obeyed both in secular and religious affairs. A good government was only one which performed good functions. It should pave way for pleasure, happiness and a virtuous life.

Classification of Law

One of the most important and lasting contribution of St. Thomas Aquinas to the political philosophy is his idea about law and justice. To him law was rule and standard of human action and its end was to promote happiness and common good. According to him law was closely connected with justice. According to him, the will of the sovereign has the force of law. Aquinas has given four fold classification of laws namely, Eternal law, Natural law, Divine law and Human law.

1. Eternal Law - It is a type of law which governs both animate and inanimate kingdoms. It governs the whole universe and functions in different ways both in the rational and irrational worlds. It is identical with reason and is truth in itself. It is the eternal plan of Divine wisdom by which the whole creation is ordered.

2. Natural Law - It is a type of law which is written in the heart of the people. It is the reflection of divine reason in human being. It helps in distinguishing between good and evil and also in seeking good and avoiding evil. It develops the idea that man is bound to live in society. It seeks the welfare of community as a whole.

3. Divine Law - It is a type of law which is the outcome of commands of God through revelation. It is not the result of natural reason but gift of God. It is law which varies from community to community and changes from time to time. An example would be the special code of laws which God gave to the Jews as the chosen people or the special rules of Christian smorals.

4. Human Law - It is a type of law which is the outcome of human customs and conventions and has its origin in human wisdom. These are promulgated by the princes. These laws are not supposed to be against human reasons and should aim at common rather than individual welfare. It is derived from natural law and is subordinate to that law.

According to Aquinas justice is the basis of law or that it is expressed only through
law. He believed with Aristotle that it was something eternal and gave everyone its due. There is close bearing of laws on justice and both are interlinked and interconnected.

**DANTE**

Dante lived at a time when Italy was torn into pieces and factional quarrels were at their highest. Dante was, however, a true patriot and wrote to raise the glory of Italy. He was born in Florence in 1265 and had considerable experience of politics of his times. He was not a papalist but pro-monarchist. According to him, papacy was responsible for anarchy, disorder, and confusion which prevailed at that time. His most important work is entitled, De-Monarchia which came out in 1311 AD. In his work he has tried to uphold the dignity of the kings and supported imperialism. He had a practical attitude towards every problem.

**Universal Monarchy**

Dante favoured the idea of universal monarchy, which according to him alone could promote welfare. He believed that unlimited monarchy was essential for promoting unity and harmony. For just rule universal and enlightened monarch was most essential. A monarch should be independent of spiritual authority. He rejected the theory of two swords and felt that Emperor was outside the scope and authority of the church. He however cautioned Emperors from becoming despots. He should act only as the guardian of peace and promoter of national unity. His monarchy was a super state in which all others united as senior autonomous members. A monarch was required to settle disputes among various principalities and also to act as international tribunal in modern sense of the term.

Dante had great respect for the institution of monarchy. A good monarch was one who thought himself as the servants of the people and not their ruler and that too with in the limits of law. In his opinion one man rule was also essential for efficiency and unity. King derived his authority from God and not from the church. Man by birth wanted to have secular as well as spiritual authorities. The persons who wielded those authorities derived that direct from God and not through each other. Therefore neither Pope derived its authority from King nor King from the Pope. Both have quite independent jurisdictions and should work with mutual respect for each other.

He was of the view that whole mankind was one and as such there should be universal monarch who should be able to promulgate supreme law binding on all nations. Dante believed in the superiority of Roman character. It was the will of the God that the Romans should be the revealers of Justice to mankind.
MODULE 5
RENAISSANCE AND ITS IMPACT

MACHIAVELLY

With Machiavelly middle ages come to a close and political philosophy entered a new phase. He had practical approach and outlook to every problem which faced Italy of his times. He was born in Florence in 1469. During his time Italy was divided into small fragments. There was no national figure to command the confidence of the whole nation. Credit goes to Machiavelli, who laid the foundation of the modern political philosophy. For the first time he stressed on the need and necessity of absolutism of monarch and pleaded the idea of the separation of religion from politics. His political philosophy was based on secularism. The Prince is the masterpiece of Machiavelli, it deals with the rules for the guidance of a ruling prince. It is a handbook for a politician rather than on political philosophy.

Church vs. State controversy

Before Machiavelli, medieval political philosophers believed that the religion was the basis of the state. It goes to the credit of Machiavelli that he completely divorced religion from politics and separated them completely from each other. He tried to subordinate religion to the state but at the same time agreed that morality had its own place in society which must be preserved and exploited. He also differentiated between public and private morality and assigned the former a preferential place over the latter.

In so far as state is concerned Machiavelli was clear that the state was highest form of human association. The state came into being because the human beings were selfish, weak and fickle minded. The state came into being to check selfish interest of the human beings. Since the people have endless desires, the state is to check them and to satisfy them to the extent possible. He also said that the state was not natural to human beings and thus not in keeping with his social instincts. On the other hand it is an artificial creation. He said that the church had no big role to play in state affairs and expected that a good ruler in a state should take full advantage of such religious feelings of the people.

Modern Secular Nation State

The basic philosophy of the Prince as enunciated by Machiavelli is that the state is the highest association and the subjects must completely merge themselves in the state. A successful state can only be one which is founded by a single man and the laws which he creates, reflect national character of the state. He believed that the scale for measuring the success or failure of a state was the material prosperity which it had achieved or was enjoying. A successful Prince might not be very much moral but he must adopt all those means by which he could remain in power. He must combine in himself the law and
bruteness and should use both as the time required. He must know how to play fox and lion. He must keep himself on guard from his neighbouring states as these were his likely enemies. He also must command the confidence of the people not by giving powers to his subjects, but by spreading network of his intelligence and deception when necessary. Machiavelli believed that the Prince was above all laws. His personal glory was the glory of state and his personal honours and dishonours were deeply associated with those of his state. As a political realist he felt that in a state there should be close relationship between economic development and political stability. Machiavelli very strongly believed in the dictum that the state should either expand or expire. He said state came into being to satisfy material interests of the people. He said that the church had no big role to play in the state affairs and expected that a good ruler in a state should take full advantage of such religious feelings of the people. He very strongly believed that in order to become strong it was essential that the state must have a strong and powerful army.

Credit goes to Machiavelli, for boldly and clearly divorced religion from politics. He believed that the religion should have no place in state activities and that the Prince should not act according to the wishes of the pope. As a modern thinker he made a valuable contribution by saying that the state was an end in itself. He was symbol of nationalism and pleaded that there was nothing above or beside it and that it was an end in itself.

**Political Realism**

Machiavelli, though commonly known as a modern political philosopher, was only the product of his times. It was during his times that the changes were coming in the state. The renaissance was bringing about social, political, and intellectual changes. The hold of religion was already losing its grip and church was giving way to state authority. Development of international trade had already brought trading class close to the monarchs. Feudalism was coming to an end. In such circumstances Machiavelli was bound to write what he wrote. He did not go against the times in which he was living but on the other hand he moulded his philosophy in the spirit of his times. His whole philosophy was based on human nature. His philosophies and ideas in particular reflect on what was happening in Italy of his age. Machiavelli’s The Prince has discussed in great details the methods, ways and means by which a Prince could remain in power. Credit goes to Machiavelli, for boldly and clearly divorcing religion from politics. He for the first time distinguished between public and private morality. He was the first political thinker of his times who abandoned the idea of natural law and in its place gave the idea that the law was positive rule created by the sovereign in the state. He did not contribute to the idea of Divine law. According to him man has no super-natural ends. As a modern thinker he made a valuable contribution by saying that the state was an end in itself. He was the first political thinker who said that a ruler should try to psychologically deal with his subjects. Credit goes to Machiavelli for attempting to give logical conception of sovereignty by defining it as independent and supreme authority.
both internally as well as externally. He can also be termed as the first political thinker who believed in power politics.

**JEAN BODIN**

Jean Bodin was born at Anger (France) in 1530. His philosophy is available to us in his works namely six books concerning state, The Republic, The Domonomanie. As regards origin of the state he tried to adjust Aristotelian and social contract philosophies. He believed that the state was not individualistic but product of social instinct of the people which brought him out of family life and gave birth to statehood. The state was association of all associations including the family. The state was superior to all associations because the sovereignty was vested in it. The state owed much to force not only in growth but in existence and development.

**On Law Of Nature**

According to Bodin law of nature essentially distinguished between the right and wrong. Law of nature controlled affaires of the nation and as such even a sovereign need not venture to violatr the law of nature. The law of nature alone differentiates state from other societies and raises the state to a superior status. He differed from Machiavelli when he said that state should upkeep the morality of the subjects through a code based on laws of nature.

**Doctrine of Sovereignty**

Bodin's real contribution to political philosophy is his conception of sovereignty. For the first time Bodin tried to give systematic and tangible idea of what sovereignty was and under what limitations it should work. Sovereignty originally vested in the people who had an authority to exercise that but it had become customary for the people to delegate their authority to a single person, called sovereign. This sovereign is thus the highest authority in the state which governs both the individuals and other societies which exist in a state. It is the symbol of the legality of the state and as such above all other laws except those which it imposes upon itself of its own. He defined sovereignty as the supreme power over citizens and subjects unrestrained by the law. Sole object of giving such a definition was unity of purpose and integration of state authority.

According to Bodin sovereignty has certain characteristics. In the first place it is perpetual and not meant for any specific period. Sovereignty cannot be delegated and thus is inalienable. The sovereign is the source of law and as such sovereignty is unrestrained by law. By virtue of his legal authority the sovereign is competent to impose and collect taxes. The sovereign is the head of the state and as such the head of all corporate associations. Corporate bodies exist only at the will of the state. The sovereign is not bound by his advisers but advise rendered by them is simple request and that it was purely at the discretion of the sovereign either to accept that or not.

Bodin however did not plead that the sovereign authority was unlimited and unrestricted. The sovereign must obey the laws of God and nature. The sovereign must respect the institution of private property and must not confiscate that without valid reasons. The sovereign is bound by certain laws called the constitution of the state.
On Revolution

Bodin was very clear that the society was always undergoing constant changes. A revolution could take place either slowly or violently but in all circumstances it was bound to change not only laws and religion but also location of the sovereignty. There is no revolution in technical sense, if the sovereignty remain unchanged. If the sovereignty has changed its location there is real revolution no matter the laws remain intact or not. The revolution can come by human, natural or divine reasons. The human reasons which can be inducive for promoting revolution are unlimited freedom of expression, non-censorship of news and unjudicious right to wear arms. He believed that physical environments have great influence on the retardation or acceleration of revolutions. The social problems, more particularly of confiscation of property and religious intoleration are the general cause of revolution. He believed in the equality of wealth and its distribution to the extent possible. According to Bodin religion inculcate a spirit of obedience, and respect for laws and as such it should be treated with respect. There should be no religious intoleration and the sovereign should not use force for conversion of religion.

HUGO GROTIUS

Hugo Grotius was born in 1583 in an Aristocratic family in Holland. He was born at a time when Europe was passing through economic, political and social crisis. In his life time started Thirty years war which he had to see throughout his life. Politically the situation has been assessed as fertile field for disorder. The Reformation had given momentum to religious wars. It was in these circumstances that Grotius felt the necessity of devising comprehensive means for regulating the conduct of nations and the ir behaviour and code of conduct for each other. The ideas about internationalism which he expounded , are mostly original both in nature and character.

His philosophy is available to us in his works entitled " De-Regeet Regis-Institutions, The Law of Prize, The Law of War and Peace.

Classification of Laws

According to Grotius law is the result of proper reasoning and reasonable will. It is a regulating force and required not only in a civilised society but also in an uncivilised and brute society. The robbers even need laws for regulating their work and distributing the spoils. Since Law deals with human beings who are rational, it must also be rational. He believed that Law of Nature was not divine in origin but product of human reasoning. He defined it as the dictate of right reasoning. Law of Nature could not be changed even by God himself and as such it is as good as Divine Law but at the same time both are quite independent of each other. The Laws of Nature is eternal and does not change with the changing circumstances.

He believed that Law of Nature had universal applicability because inherently man has rational nature. If there is any violation of it, it is not because the law is imperfect but because the ruler is despotic. He believed that the Law of Nature is of two types; one of the
code which was prevailing prior to the formation of political society and the other which was after the formation of political state. Grotius did not wish to give his conception of Natural Law any divine colouring because he wants to separate religion from law.

Like Jus-Naturale (Law of Nature), Grotius also gave his conception of Jus-Gentium (Law of Nations) (International Law) to the world. Here also, he believed that the basis of his Gentium was instinct of mankind. If people were not social there would have been no state and hence no Jus-Gentium. According to him Jus-Gentium was the code of conduct that governed the relation of states with each other. The Gentium was not divine but the nations had found it by experience most useful and valuable. He was of the view that as civil law was for the welfare of the aggregate of the persons who formed a state, Jus-Gentium was for the aggregate welfare of the nations. He also suggested that if the war was inevitable neutrality of other nations should be respected and goodness and morality should be cared to the extent possible. In war international obligations should not be flouted and if any attempt in this regard was made. Law of Nations was what has been accepted as the best by all the states. It is thought that Hugo Grotius was not the first to formulate the international society doctrine, but he was one of the first to define expressly the idea of one society of states, governed not by force or warfare but by actual laws and mutual agreement to enforce those laws.

**STATE AND SOVEREIGNTY**

He believed with Aristotle that man is by nature and necessity a social animal. He has a desire to live in society. His social instinct brought him in society and that the state simply represented this small section of the society. The state is the product of social instinct and mutual consent of mankind and its proper understanding. The utility is the basis on which the state stands.

Grotius neither specifically defined sovereignty nor did he wish to discuss the relation of subjects with the sovereign. But his attention was focused on the subject while dealing with the idea of Jus-Gentium. He did not agree with the then prevailing view that sovereignty had any divine origin. He believed that the sovereignty originally vested in the people who could delegate it to any authority either conditionally or unconditionally. He agreed with Hobbes that once the sovereignty had delegated, people could not take that back. Rebellion against a sovereign was unjustified. A sovereign was supreme and had full command over the subjects in his territory. In international relations all sovereign were equal in position and status. A prerequisite for enjoying this equality was that a state must have a civilisation and also a fixed territory and stability. The state must have the capacity to honour its international commitments.

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