



ISSN Print: 2664-9799
ISSN Online: 2664-9802
IJHER 2024; 6(2): 80-83
www.humanitiesjournal.net
Received: 05-07-2024
Accepted: 04-08-2024

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Reflections on Justice and Dharma (Righteousness) in ancient Indian texts

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DOI: <https://doi.org/10.33545/26649799.2024.v6.i2b.93>

Abstract

This article enunciates the concept of justice as propounded in Indian scriptures, based on a review of ancient texts like the Ramayana, Mahabharata, Upanishads, Manu smriti, the Upanishads, and the Ramayana, and Kautilya's Artha shastra. Justice in Indian philosophy is deeply interwoven with the principles of Dharma, or righteousness, which is essential for maintaining universal cosmic and social order. Though it bears some similarities with philosophy prevalent in the West, distinct and vital features place it on a different level. After defining Justice and Dharma and their inter-relationship, the article examines specific verses from some important Indian texts focusing on the tenets of protection of righteousness, moral duty, truth and delivery of justice. The article is significant because it demonstrates that these ancient principles continue to hold relevance in contemporary Indian society.

Keywords: Indology, Dharma, justice, Indian scriptures, Dharma shastras, Manu, Kautilya, Ramayan, Mahabharat, Bhagvad Gita, Upanishads

Introduction

Justice is a concept that civilizations and societies across the world strive for an ethical and equitable existence. In this context, it would be relevant to quote from Justinian's 'Corpus Juris Civilis': "Justice is the constant and perpetual will to render to everyone that to which he is entitled". So, it is accepted universally that the foundation of justice is to ensure rights to all individuals and also to make it accessible to them. This would mean the availability of appropriate authorities that can ensure the enforcement of rights.

In Indian philosophy, the concept and tenets of justice are deeply enshrined in the ancient scriptures and other texts. However, a unique feature of this philosophy is that Justice is closely aligned with Dharma, which can be defined as righteousness or moral conduct. Thus, the Indian philosophical tradition is on a different pedestal from other philosophies as it is not limited to legalistic definitions often found in other philosophies and it is not restricted to the only the administration of law as generally known globally, but also embodies the broader ethical and spiritual responsibilities of the rulers as well as the individuals.

This article aims to explore the wisdom of Indian scriptures, including the epics Mahabharata and Ramayana, the sacred Srimad Bhagavatam, the philosophically oriented Upanishads, besides Manu Smriti and Kautilya's Artha Shastra which deal with duties, rights, laws, conduct and virtues. These scriptures, with their profound insights, have played a significant role in shaping the concept of justice in Indian philosophy, which is closely linked to the fulfillment of one's duties (Dharma).

Definitions of Dharma and Justice

Dharma

Defining Dharma in the context of Indian philosophy is challenging due to its complexity and multifaceted nature. Scholars have interpreted the concept in various ways, depending on the context. Some of its key connotations include:

- **Righteousness and Moral Conduct:** These foundational aspects of Dharma guide individuals to live virtuous and harmonious lives.
- **Justice and Law:** Dharma also encompasses the laws and principles that govern equity and fairness.

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Justice

Often referred to as Nyaya in Sanskrit, Justice in Indian philosophy relates primarily to ensure fairness and equality among people in the society. The main aspects of Justice, as explained in the ancient texts includes:

Fairness and Equity: Ensuring that actions and decisions are fair and equitable, providing everyone with what they deserve.

- **Moral Righteousness:** Aligning actions with moral and ethical principles, upholding Dharma.
- **Legal Justice:** The application and interpretation of laws in a manner that is just and equitable.
- **Fairness and Equity:** Ensuring that actions and decisions are fair and equitable, providing everyone with what they deserve.
- **Moral Righteousness:** Aligning actions with moral and ethical principles, upholding Dharma.
- **Legal Justice:** The application and interpretation of laws in a manner that is just and equitable.

How Dharma and Justice are intertwined in Indian philosophy

The interrelationship between Dharma and Justice in Indian philosophy can be understood as follows:

1. Both Dharma and Justice aim at maintaining social order and harmony. Dharma ensures that individuals perform their duties and responsibilities, while justice ensures that these duties are recognized and upheld in a fair and equitable manner.
2. In traditional Indian society, the legal system was deeply intertwined with Dharma. Kings and rulers were expected to uphold Dharma to ensure justice was served, as seen in the concept of Rajadharma (the duty of kings or rulers).
3. In essence, Dharma provides the ethical and moral framework within which justice operates, ensuring that the principles of fairness, equity, and righteousness are upheld in society.
4. The principles of justice are derived from the broader concept of Dharma. For justice to be served, it must be in alignment with Dharma, which dictates what is morally right and appropriate in a given context.
5. Dharma provides the guiding principles for what constitutes just behavior. It helps in determining the ethical and moral standards by which justice is measured.

Glimpses from the ancient Texts on Dharma and Justice Manu Smriti

The Manu Smriti, an ancient Indian scripture, is one of the most important texts on Justice and Dharma (law and conduct) in Hindu tradition. It outlines a detailed code of conduct and justice that was meant to govern various aspects of life, including social order, duties, and punishment. It particularly deals with the role of kings in administering justice, ethical and moral conduct, restitution and compensation and other aspects of justice.

Some of the relevant verses are presented below in the original Sanskrit followed by Romanised version and a general interpretation:

8.12

धर्मो विद्धस्त्वधर्मेण सभां यत्रोपतिष्ठते ।

शल्यं चास्य न कृन्तन्ति विद्धास्तत्र सभासदः ॥

In a system, where justice being injured by injustice,
Approaches the administrators for redressal,
But does not get relief, the administrators themselves,
Get self-wounded by that unjust dismissal

8.14

यत्र धर्मो ह्यधर्मेण सत्यं यत्रानृतेन च ।

हन्यते प्रेक्षमाणानां हतास्तत्र सभासदः ॥

Where justice is destroyed by injustice,
Or truth by untruth and it's left unattended,
By judges looking away and ignoring it,
They also will eventually get annihilated.

8.15

धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः ।

तस्माद्धर्मो न हन्तव्यो मा नो धर्मो हतोऽवधीत् ॥

Violation of justice destroys (the governance),
Preservation of justice preserves it,
Therefore, it is imperative not to destroy justice,
Lest the violated justice decimates it (8.15).

8.16

वृषो हि भगवान् धर्मस्तस्य यः कुरुते ह्यलम् ।

वृषलं तं विदुर्देवास्तस्माद् धर्मं न लोपयेत् ॥

Dharma is as revered as 'vṛṣa' (bull)
And he who acts against or violates it,
The gods regard him as 'vṛṣala,' (lowly person)
Hence one should not deviate from Dharma. ***

8.18

पादोऽधर्मस्य कर्तारं पादः साक्षिणं ऋच्छति ।

पादः सभासदः सर्वान् पादो राजानमृच्छति ॥ १८ ॥

One quarter of the Injustice falls on the man who commits it, one quarter on the witness, one quarter on the members of the Court and one quarter on the king. ***

8.19

राजा भवत्यनेनास्तु मुच्यन्ते च सभासदः ।

एनो गच्छति कर्तारं निन्दाऽर्हो यत्र निन्द्यते ॥

Essence

Where, however, the person deserving of censure is actually censured, there the king becomes sinless, the members of the court become freed, and the sin falls upon the perpetrator.

Kautilya's Artha Shastra

Kautilya's Artha Shastra is a foundational text in ancient Indian political philosophy and statecraft, attributed to Chanakya (Kautilya) The text, written around the 4th century BCE, is a comprehensive treatise covering various aspects of governance, economics, military strategy, and diplomacy. He emphasized that it is an important duty of rulers to maintain order in the kingdom. He focussed on the importance to 'dharma' as he was of the considered opinion that 'the ultimate source of all law is dharma'. Due to his stress on Dharma, the judge in his treatise is called 'dharmashta' which means who adheres to dharma. Some of the relevant verses are presented below:

Book 3, Chapter 1, Verse 21

अत्र सत्ये स्थितो धर्मो व्यवहारस्तु साक्षिषु ।
चरित्रं सङ्ग्रहे पुंसां राज्ञामाज्ञा तु शासनम् ॥

Truth is the base of dharma and it prevails over the world; Vyavahara or evidence is provided by witnesses; Charitra or behaviour and history are found from traditions of people; command or the order of the kings provides the governance.

Book 3, Chapter 1, Verse 22

राज्ञः स्वधर्मः स्वर्गाय प्रजा धर्मेण रक्षितुः ।
अरक्षितुर्वा क्षेपतुर्वा मिथ्यादण्डमलोऽन्यथा ॥

The duty of a king (or judicial administrator),
Lies in imparting justice to his citizens,
And dutifully protecting him,
Which ensures for him a place in heaven.

Bhagvad Gita

In this highly revered text in Hindu philosophy, the concepts of Dharma (righteous duty) and justice are deeply intertwined and central to its teachings. The dialogue between Prince Arjuna and Lord Krishna on the battlefield of Kurukshetra explores the complexities of Dharma, especially in the context of justice and moral duty.

Some of the relevant verses in original focus on the significance of people following their Dharma, the importance of justice in maintaining social order, as well as the nature's laws of divine intervention re-establish Dharma when it declines.

Some relevant verses relating to Dharma and Justice:

8.35

श्रेयान्स्वधर्मो विगुणरु परधर्मात्स्वनुष्ठितात् द्य
स्वधर्मे निधनं श्रेयसु परधर्मो भयावहः ॥

It is better for a man to discharge his own duty though devoid of merit than for him to discharge another's duty perfectly. Following the duty of another may have dangerous consequences.

8.47

श्रेयान्स्वधर्मो विगुणः परधर्मात्स्वनुष्ठितात् ।
स्वभावनियतं कर्म कुर्वन्नाप्नोति किल्बिषम् ॥

Better is one's own Dharma, though devoid of merit, than the well-performed Dharma of another. Performing the duty prescribed by one's own nature, one incurs no sin.

Upanishads

The Upanishads, ancient Indian post Vedic scriptures, form the philosophical core of Hinduism. They explore the nature of reality, the self and the ultimate truth. Through profound dialogues and teachings, the Upanishads are a storehouse of the concepts of righteousness (Dharma), besides providing deep insights into the philosophical thoughts about self and creation. These sacred texts delve deep into the concept of Dharma as a fundamental principle of truth, social order and harmony as well as justice.

Some relevant excerpts**Brihadaranyaka Upanishad**

1.4. xiv ^[19, 54]

अथो अबलीयान् बलीयांसमाशंसते धर्मेण, यथा राज्ञैवम्य
यो वै स धर्मः सत्यं वै तत्, तस्मात् सत्यं वदन्तमाहुः, धर्मं

वदतीति, धर्मं वा वदन्तम् सत्यं वदतीति, एतद्भ्येवैतदुभयं
भवति ॥

So, even a weak man hopes to overtake a stronger man through righteousness, as with the king. That righteousness is the truth. Therefore, they say about a person speaking of truth, ' He speaks of righteousness,' or about a person speaking of righteousness, ' He speaks of truth,' for both these are but righteousness.

Taittiriya Upanishad

Shiksha valli, Eleventh Anuvak

सत्यम् वद धर्मञ्चरः

सत्यान्न प्रमादितव्यं, धर्मान्न प्रमादितव्यं ॥

Speak the truth, Perform Dharma

Never shun the truth, never deviate from the Dharma.

Ramayana

The epic Ramayana, enshrines the tenets of Dharma (righteousness). The protagonist Rama, an avatar of Lord Vishnu, lived his life as Maryada Purushottam (Ideal person with a supreme personality) and he always followed the rules of dharma. That is the reason Indians consider him heroic.

Here is a quote from the Ramayana that relate to dharma and righteousness:

8.14.3

आहु स्सत्यं हि परमं धर्मं धर्मविदो जनाः ।
सत्यमाश्रित्य हि मया त्वं च धर्मं प्रबोधितः ॥

Those conversant with Dharma (righteousness) say that truth is a great virtue. By following the truth, I have enlightened you about your Dharma (duty).

Bhagavat Purana

This highly revered scripture provides an insight into the essence of Dharma (righteousness) and its correlation with devotion (Bhakti) and the nature of the divine. By following the path of righteousness, as exemplified by the lives of devotees and sages, individuals can align with the divine will, ensuring the preservation of moral order in the universe.

Below is an important excerpt:**Canto 1, Chapter 7, Text 13**

धर्मं न्यायम सकरुणम निर्व्यलीकम समं महत ।

राजा धमसुतो राज्ञाः प्रत्यनंद द्वचो द्विजाः

“Dharma, Righteousness, compassion, honesty, equality are great tenets for a king to follow”.

Mahabharata

The epic focuses on Dharma, or duty, righteousness, and the moral order, guiding the characters' actions and decisions. The tenets of justice and Dharma are intricately interwoven as situations of complex moral dilemmas arise in the narrative. Mahabharata has a distinct feature as it emphasizes that Dharma does not have a set definition as it can vary depending on the diverse context, role, and purposes in this world that is inherently full of contradictions and ambiguities.. It also enunciates that

Justice is multifaceted and sometimes requires difficult choices that transcend conventional morality.

Some quotes are given below

Shanti Parva (Book of Peace), Chapter 67, Verse 34

राजा तु संश्रुत्य नृपः प्रजाभ्यः प्रजानां चौव योऽन्यथा कुर्वीत तं जनाः क्रुद्धाः समारोपयन्ति, वध्यतां क्षुद्रदासवत्।
A king who after having sworn to protect his subjects, fails to protect them, should be executed by his enraged people.

Shanti Parva 92.6

धर्म मेवानुवर्तस्व न घर्मोद् विधवते परम धर्मे स्थिता हि राजानो जयन्ति पृथिवीमिमाम् ॥ ६ ॥

O King, you must follow Dharma. There is nothing greater than Dharma. The ruler who adheres to Dharma will rule the world

Shanti Parva 90.20

तस्माद्धि राजशार्दूल धर्मः श्रेष्ठतरः स्मृतः।स् राजा यः प्रजारू शास्ति साधुकृत् पुरुषभ ॥ २० ॥

O valiant king, due to this reason, Dharma is considered as supreme. O noble one, the one who follows the righteousness, is the real king.

These verses of Mahabharata underscore the seriousness of a king's responsibility towards his subjects in ancient Indian thought, where failing to fulfill this duty (Dharma) is seen as a grievous betrayal, meriting severe punishment. It also emphasizes the supremacy of Dharma.

Conclusion

Justice in Indian philosophy extends beyond mere legal frameworks, deeply interwoven with the concept of Dharma, which embodies righteousness and moral conduct. Unlike the Western focus on legalistic interpretations, Indian tradition integrates justice with ethical and spiritual dimensions, emphasizing the broader responsibilities of both rulers and individuals. The ancient texts, including the Mahabharata, Ramayana, and Manu Smriti, highlight this fusion of Dharma and justice, illustrating that true justice is not only about enforcing laws but also upholding moral principles and fulfilling one's duties. Thus, Indian philosophy presents a holistic view where justice and Dharma jointly uphold societal harmony and ethical integrity.

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